



**CITY HALL**

207 Lafayette Street  
P.O. Box 378  
Winona, MN 55987-0378  
FAX: 507/457-8212

May 9, 2013

Planning Commissioners  
Winona, Minnesota 55987

Dear Commissioner:

The next meeting of the Planning Commission will be held on **Monday, May 13, 2013, at 4:30 p.m. in the Wenonah Room** of the Winona City Hall.

1. Call to Order
2. Minutes – April 22, 2013
3. Public Hearing – Final Plat – Matejka First Subdivision
4. Discussion - B-2.5 Amendments
5. Other Business
6. Adjournment

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Moeller".

Mark Moeller  
City Planner

## PLANNING COMMISSION MINUTES

**DATE:** April 22, 2013

**TIME:** 4:30 p.m.

**PRESENT:** Chairperson Porter, Commissioners Boettcher, Gromek, English, Ballard, Hahn, Davis, Buelow, and Olson

**ABSENT:** None

**STAFF PRESENT:** City Planner, Mark Moeller; Assistant City Planner, Carlos Espinosa

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The meeting was called to order at 4:30 p.m. by Acting Chairperson Gromek.

### Approval of Minutes – April 8, 2013

The minutes for April 8, 2013 were approved without changes upon motion by Commissioner Boettcher and second by Commissioner Davis.

### Proposed Local Historic Site Designation – Abner Hodgins House (275 Harriet Street)

Mark Moeller, City Planner, presented the agenda item and explained that 275 Harriet Street has been nominated as a local historic site. Per City Code, Planning Commission review of the nomination is required prior to further action taken by the Heritage Preservation Commission. Mr. Moeller stated that the City received a grant to complete the historic nomination form for the property, and the form has been reviewed and approved by the State Historic Preservation Office. Mr. Moeller also stated that the nomination is supported by the current property owners.

Following a brief discussion, Commissioner Boettcher motioned to forward the nomination to the Heritage Preservation Commission and City Council. The motion was seconded by Commissioner Buelow. Upon vote, the motion was approved unanimously.

### Introduction – Proposed Amendments to B-2.5 District

Mr. Moeller introduced the agenda item and stated that the City Council had recently enacted a moratorium on development in the City's B-2.5 zoning district. The moratorium was enacted to examine potential development scenarios for the zoning district. Mr. Moeller explained that the zoning district was created in 2009 in accordance with recommendations of the Comprehensive Plan. However, the condominium project that served as the impetus for creating the district at that time has not been completed, and the property at 2 Washington Street has been transferred to a bank which is considering remarketing options. Given this occurrence, staff had concerns that the current B-2.5 regulations and controls may not adequately address

## PLANNING COMMISSION MEETING MINUTES

APRIL 22, 2013

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potential density, parking and other negative impacts evolving from district use. Mr. Moeller stated that during the moratorium, the Planning Commission's role is to examine appropriate changes for the zoning district. In this case, the primary issues for the Commission to examine are parking and density regulations in the B-2.5 zoning district.

Commissioner Boettcher asked if the unfinished condominium project is 10 units or 16 units. Mr. Moeller responded that the project is 16 units.

Chairperson Porter stated that creation of the B-2.5 zoning district in 2009 included discussion of the condominium project, but creation of the zone was not necessarily based on the project. When the Planning Commission considers application of new zoning, it considers all of the potential uses in a zoning district – not just one specific use. Mr. Porter also stated that he remembered a discussion about parking in the B-2.5 zoning district.

Commissioner Davis asked if the developer of the condominium project, Dave McNally, intended to construct an additional building adjacent to 2 Washington Street. Mr. Moeller stated it was part of the developer's long term plans. Ms. Davis stated that additional parking for the existing building at 2 Washington Street could be provided at the adjacent lumber yard property.

Commissioner Olson stated that adequate parking should be required in the B-2.5 district, but he isn't as concerned about density. Mr. Olson also stated that it may be beneficial to revisit what the Planning Commission discussed in 2009 during the original adoption of the B-2.5 zoning district.

### **Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at 5:00 p.m.

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Carlos Espinosa  
Assistant City Planner

# PLANNING COMMISSION

**AGENDA ITEM: 3. Public Hearing – Final Plat – Matejka First Subdivision**

**PREPARED BY: Carlos Espinosa**

**DATE: May 13, 2013**

## BASE DATA

<b>Petitioner:</b>	Jeff Matejka
<b>Location:</b>	Lot Ten (10), Block One (1) Highlands Subdivision
<b>Existing Zoning:</b>	R-S (permitting single-family residential, churches, schools)
<b>Area:</b>	81,501 square feet (approx 1.87 acres)
<b>Lot Area Requirements:</b>	12,000 square feet
<b>Lot Frontage Requirements:</b>	90'
<b>Yard Setback Requirement:</b>	Front – 35', Side -10', Rear – 50'
<b>Proposed Number of Lots:</b>	Two
<b>Proposed Lot Areas:</b>	Lot 1 – approximately 36,915 square feet Lot 2 – approximately 44,586 square feet
<b>Proposed Lot Frontage:</b>	Lot 1 – 48.64 feet Lot 2 – 35.07 feet

## DISCUSSION

This proposed subdivision lies within the Highlands Subdivision platted in 2003. One of the developers of the subdivision intended to build a house on the lot in question. However, instead of building, the lot was sold. The lot has thus remained undeveloped since platting. The petitioner proposes to split the existing lot into two lots for the purpose of building two single-family homes.

The proposed lots do not meet zoning code requirements for frontage (90'), but the petitioner has secured a variance from the Board of Adjustment (see attached minutes) for the frontages as proposed (48.64 feet and 35.07 feet). Despite this exception, construction on the proposed lots must still meet other yard setback requirements (front, side, and rear), and land disturbance may not occur in Natural State Areas (NSA) as shown on the plat.

**OTHER AGENCIES**

The City Engineer is comfortable with this proposal.

**RECOMMENDATION**

Given the previous, the proposed plat has been found to be consistent with the intent and purposes of zoning and subdivision ordinances.

Approval of the plat as submitted is recommended.

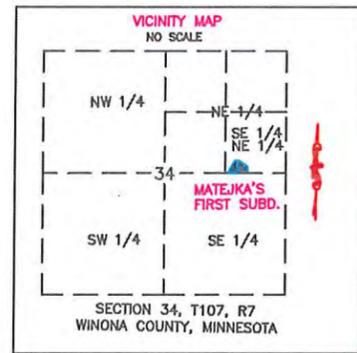
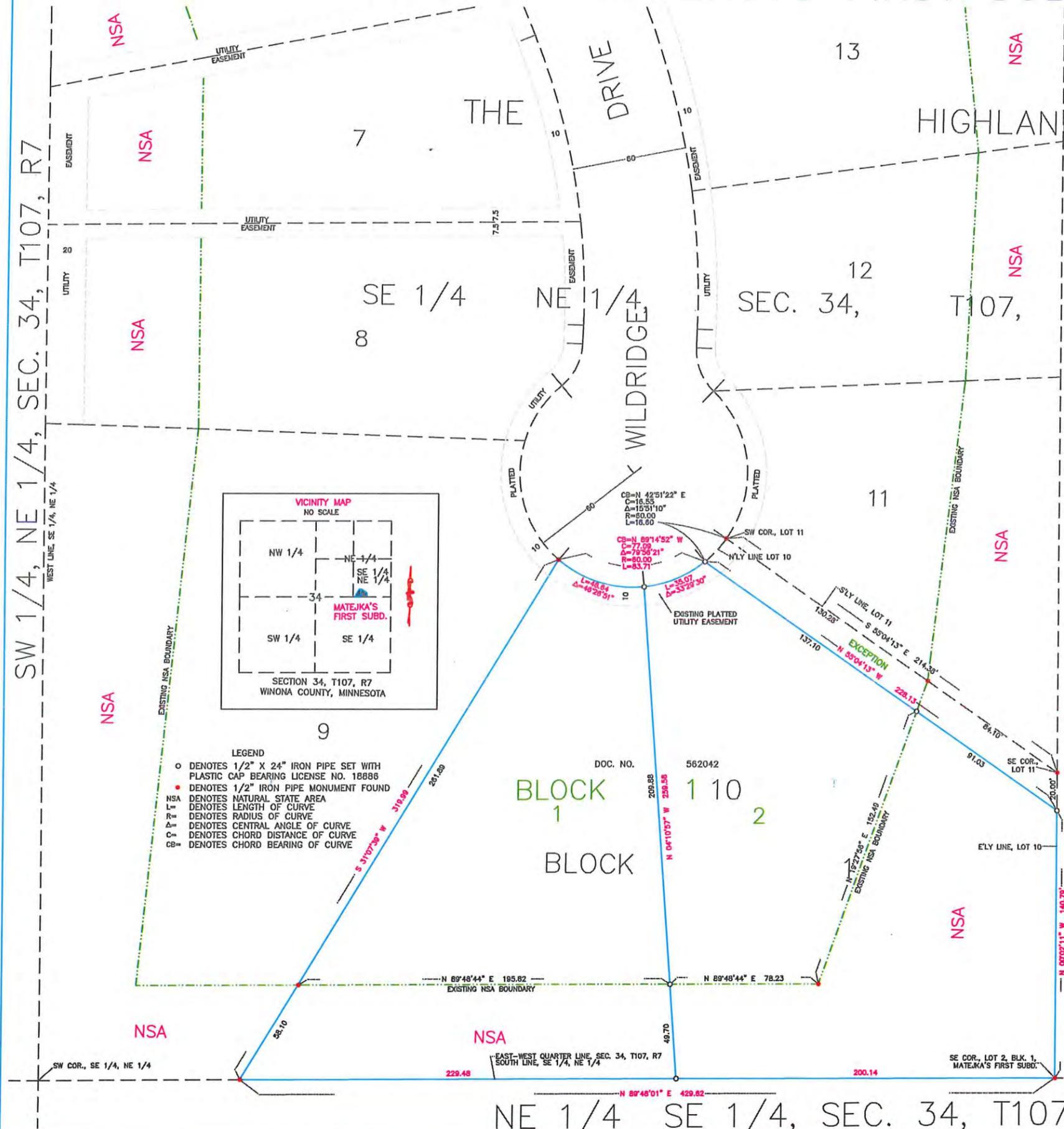
Attachments:

- Reference Map
- Final Plat Copy
- Board of Adjustment Minutes

# Matejka First Subdivision



# MATEJKA'S FIRST SUBDIVISION



- LEGEND**
- DENOTES 1/2" X 24" IRON PIPE SET WITH PLASTIC CAP BEARING LICENSE NO. 18886
  - DENOTES 1/2" IRON PIPE MONUMENT FOUND
  - NSA DENOTES NATURAL STATE AREA
  - L= DENOTES LENGTH OF CURVE
  - R= DENOTES RADIUS OF CURVE
  - Δ= DENOTES CENTRAL ANGLE OF CURVE
  - CB= DENOTES CHORD DISTANCE OF CURVE
  - CB= DENOTES CHORD BEARING OF CURVE

**DEDICATION**

KNOW ALL PERSONS BY THESE PRESENTS: That Jeff Matejka and Heather Matejka, husband and wife, owners of the following described property:

Lot Ten (10), Block One (1), The Highlands, excepting therefrom the following described parcel:

Commencing at the Southeast corner of said Lot 11, Block 1; thence Southerly along the Easterly line of said Lot 10, a distance of 20 feet; thence North 55°04'13" West to the Northerly line of said Lot 10; thence Northeasterly along the Northerly line of said Lot 10 to the Southwest corner of said Lot 11; thence Southeasterly along the Southerly line of said Lot 11 to the point of beginning.

Being located upon and forming a part of the Southeast Quarter of the Northeast Quarter (SE1/4 of NE1/4) of Section Thirty-four (34), Township One Hundred Seven (107) North, of Range Seven (7), West of the Fifth Principal Meridian, Winona County, Minnesota.

Have caused the same to be surveyed and platted as MATEJKA'S FIRST SUBDIVISION.

In witness whereof said Jeff Matejka and Heather Matejka, husband and wife, have hereunto set their hands this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Jeff Matejka

\_\_\_\_\_  
Heather Matejka

STATE OF MINNESOTA  
COUNTY OF WINONA

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_, by Jeff Matejka and Heather Matejka.

Notary signature: \_\_\_\_\_

Print notary's name \_\_\_\_\_  
Notary Public, Winona County, Minnesota  
My Commission expires \_\_\_\_\_

**SURVEYOR**

I, Tony A. Blumentritt do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been correctly set; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3 of the date of this certificate are shown and labeled on this plat; and that all public ways are shown and labeled on this plat.

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Tony A. Blumentritt, Licensed Land Surveyor  
Minnesota License Number 18886

STATE OF MINNESOTA  
COUNTY OF WINONA

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_, by Tony A. Blumentritt.

Notary signature: \_\_\_\_\_

Print notary's name \_\_\_\_\_  
Notary Public, Winona County, Minnesota  
My Commission expires \_\_\_\_\_

**CITY OF WINONA PLANNING COMMISSION**

Be it known that at a meeting held on this \_\_\_ day of \_\_\_\_\_, 20\_\_, the Planning Commission of the City of Winona, Minnesota, did hereby approve this plat of MATEJKA'S FIRST SUBDIVISION.

Planning Commission, City of Winona, Minnesota

By \_\_\_\_\_, Chair

By \_\_\_\_\_, Secretary.

**CITY COUNCIL, CITY OF WINONA, MINNESOTA**

This Plat of MATEJKA'S FIRST SUBDIVISION was approved and accepted by the City Council of the City of Winona, Minnesota at a regular meeting thereof held this \_\_\_ day of \_\_\_\_\_, 20\_\_, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

City Council, City of Winona, Minnesota

By: \_\_\_\_\_  
City Clerk

**WINONA COUNTY SURVEYOR**

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Patrick D. Veraguth, Winona County Surveyor  
Minnesota License No. 26396

**WINONA COUNTY AUDITOR-TREASURER**

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20\_\_ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Winona County Auditor-Treasurer

**COUNTY RECORDER, COUNTY OF WINONA, STATE OF MINNESOTA**

I hereby certify that this plat of MATEJKA'S FIRST SUBDIVISION was filed in the office of the County Recorder for public record on this \_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_ o'clock \_\_\_ M., and was duly filed as Document No. \_\_\_\_\_.

\_\_\_\_\_, County Recorder

By \_\_\_\_\_, Deputy

**NOTES:**

The basis of bearings for this survey is the Winona County Coordinate System, NAD 1983 (1996 adjustment). Based on this system, the southeast corner of Lot 2, Block 1, MATEJKA'S FIRST SUBDIVISION, has a coordinate of North 165540.18 feet and East 493067.31 feet.

MATEJKA'S FIRST SUBDIVISION contains 81501 square feet, more or less.

Natural State Areas are shown hereon as designated on the plat of THE HIGHLANDS.

Land designated as Natural State Areas (NSA) shall be set aside and maintained as permanent, undisturbed open space. Once designated, no person shall conduct any activity that would disturb topographic, soil, or vegetative conditions of the NSA from those conditions which existed at the time of plat approval. The term "disturb" includes but is not limited to, grading, filling, excavating, construction of buildings, fences, driveways, sidewalks, patios, retaining walls, and public/private utilities on, or the cutting, mowing, or removal of dead or living vegetation from the area, unless otherwise approved by the City of Winona.

Scale in feet  
0 30 60 90  
Scale 1 inch=30 feet

PREPARED BY:  
BLUMENTRITT LAND SURVEYING, P.C.  
4240 WEST FIFTH ST.  
WINONA, MN 55987  
(507) 454-4134

**BOARD OF ADJUSTMENT  
Regular Meeting**

**DATE:** April 3, 2013

**TIME:** 5:00 p.m.

**PLACE:** Council Chambers, City Hall

**PRESENT:** Sanchez, Einsman, Krofchalk, Neff, Kouba, Priem and O'Laughlin

**ABSENT:** None

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Chairman Sanchez called the meeting to order at 5:00 p.m.

The minutes of the March 20, 2013 meeting were approved as submitted.

**Petition No. 13-8-V, Jeff Matejka**

Chairman Sanchez opened the public hearing and read the petition.

- a) Jeff Matejka - The specific ordinance modification is Section 43.55 E, which requires lots in an R-S (Residential Suburban) Zoning District to have a minimum frontage of 90 feet. Applicant is proposing to subdivide an existing lot into two new lots measuring 48.64 feet and 35.07 feet along the front lot line, and 70.18 feet and 66.29 feet along the front building setback line. Property is described as R-S Zoning, Sect-34, Twp-107, Range-007, HIGHLANDS, Lot-010, Blk-001, EX: 20' STRIP ON NE SIDE or at 90 Wildridge Drive.

Jeff Matejka, 78 Wildridge Drive, represented the petition. Mr. Matejka told the board that he and his wife owned the lot and had planned on building a house on it when 78 Wildridge, which is a couple of lots away, came up for sale and they bought it. He told the board that it is a very big lot and they would like to split it in half and build two spec houses on it. Mr. Matejka was asked how long they owned the lot and he said approximately one year.

Jon Krofchalk said that even if they split the lot, they still have to meet the side and front yard setbacks and have to stay out of the NSA area. Jon Krofchalk asked Mr. Matejka if he had talked to his neighbors about splitting the lot and he replied, his neighbors did not appear to have a problem with it and Mr. Roemer, next door, would probably be building the spec houses.

It was mentioned that the existing lot does not appear to meet the 90 foot frontage requirement. The secretary explained to the board that the plat was approved by the Planning Commission with the 83 foot frontage, which was actually a variance granted

## BOARD OF ADJUSTMENT MINUTES

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by the Planning Commission. He said this is normal when platting subdivisions that have cul-de-sacs, because the lots on the cul-de-sacs normally get a bit wider as they go back. The Planning Commission will look at the frontage at the building setback and if it meets the requirement, at that point they will approve it. The secretary explained that the NSA area could not be built on or disturbed, but could be used as part of the required yard setbacks.

Marsha Neff said she had looked at the lots and noticed that one lot would have quite a big drop off on one side and wondered if this would be a problem building houses. Mr. Matejka responded this would not be a problem and that the house would be designed for the lot.

There being no other comments from the audience, the Chairman closed the public hearing.

Jon Krofchalk explained that he was one of the partners in the development of the subdivision. Originally this lot was going to be one of his partner's lots and that's why it was actually so big. The remainder of the lots in the subdivision are all considerably smaller with this one being more than twice as big as the normal lot. He said his partner ended up selling the lot rather than building on it, and if it wouldn't have been for the fact that he wanted this lot, it would have been quite a bit smaller during the platting process.

The board went through the variance finding questions and determined that if the variance were granted, it would be in harmony with the purpose and intent of the ordinance and it was consistent with the comprehensive plan. They determined that the proposal would put the property to use in a reasonable manner but the circumstances were not unique to the property. If the variance were granted, it would not alter the essential character of the locality, but determined that economics was probably one of the major considerations for the variance request.

Mario Einsman made a motion to approve the petition with a second by Dave Kouba. The vote of the board was six in favor of approval with an abstention by Jon Krofchalk. The variance was granted.

The petitioner was informed that there was a 10-day appeal period during which time no action could be taken on the petition.

There being no other business, the meeting was adjourned at 5:20 p.m.

  
Steve Carson  
Secretary

# PLANNING COMMISSION

AGENDA ITEM: 4. Discussion – B-2.5 Amendments

PREPARED BY: Mark Moeller

DATE: May 13, 2013

## Introduction

During its meeting of April 22<sup>nd</sup>, the Commission was advised of Council's April 15<sup>th</sup> enactment of an ordinance (Attachment A), placing a four month moratorium on new development activity within the B-2.5 Zoning District. Adopted in April 2009, the purpose and intent of this district was to begin implementing various 2007 Comprehensive Plan goals/recommendations (Attachment B) pertaining to the transition of certain downtown riverfront lands from outmoded industrial to a mixed (residential, retail, service uses) businesses. Again, the stimulus for this new district had evolved from a proposal by McNally Builders to develop an approximate 10,500 square foot parcel of land, at the base of Washington Street, for a 16 unit/5 story condominium project. Given initial M-2 (General Manufacturing) zoning of the site, Mr. McNally had petitioned for rezoning (B-2) of the site to facilitate his development. Although Mr. McNally's proposal did lend support to Comprehensive Plan recommendations (encouraging the infusion of a "mix" of residential use to the riverfront) concern was expressed of using a "spot zoning" approach to achieve that end.

With the previous, Council (late 2008) directed the Commission to create a new mixed use zoning district. Following subsequent study/recommendation, Council ultimately adopted (Attachment C) what is now referred to as the B-2.5 (Mixed Use Business District). For Commission reference, the purpose/ intent of this district is summarized on the cover sheet to Attachment A and was generally developed around the following Comprehensive Plan strategy:

***Updated Zoning for Mixed Use.*** *The framework plan encourages mixed use, including commercial, housing, office and entertainment uses, throughout the downtown riverfront area, fostering pedestrian flow and activity. Mixed use can be promoted through updated zoning that offers incentives for preferred types of uses, as well as through public investments such as the redesign of Levee Park. Zoning standards can also encourage a strong arts presence in the downtown area, and facilitate redevelopment of industrial sites (where industrial facilities could be relocated). Updated zoning standards should also address issues such as building height and massing, to ensure that taller buildings are carefully sited to avoid "walling off" the riverfront.*

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On May 18, 2009, this district was applied to the area generally bound by Second Street to the river, and Washington to Winona Streets (including the McNally redevelopment site). (Attachment D)

In September 2010, a site plan for the 16 unit condominium plan (including 20 parking spaces in the first level footprint of the buildings) was approved, and construction began in early 2011. Although the “base” structure has been substantially completed since that time, the developer recently experienced financial difficulty, and property ownership for both the condominium site (.25 acres) and adjoining (now vacated) lumberyard (1.59 acres) has transferred to a bank which is now attempting to remarket the site. With questions of potential reuse, staff became increasingly concerned that the lack of density and parking standards (originally thought to promote creativity) could lead to a totally redesigned “vision” for the area, with resulting density and parking impacts to the immediate neighborhood. For these reasons, Council was requested to consider the moratorium with the purpose of clarifying certain provisions of the B-2.5 District.

#### **Proposed Amendments – B-2.5 District**

During the Commission’s last meeting, it was noted that the focus of study, during the moratorium period, will pertain to density and parking provisions of the B-2.5. Given staff analysis of these items since then, proposed district amendments have been drafted, and are reflected on Attachment E. Discussion of the amended ordinance follows:

Sections (a-f). Addressing categories of permitted and conditional uses, required conditions, prohibited uses, and height restrictions. No amendments are proposed.

Section (g). Lot area frontage, yard, and other performance criteria.

(1) Lot Area

Current Language – None. (No lot area requirement for any permitted or conditionally permitted use.)

Proposed Language – As amended, although there would continue to be no lot area standard for permitted or conditionally approved B-2.5 “commercial” use, new standards would be imposed for “residential” use. This standard would require 1500 square feet (minimum) of lot area for each dwelling unit. This standard could be reduced to 1200 square feet per unit if required off-street parking for the unit is located within a lower floor of the residential buildings “footprint or envelope”.

As referenced on Attachment B, Comprehensive Plan recommendations relative to Central Business District housing include the following:

*To the east, the **Riverfront District** is an area with great potential for mixed-use development that combines lower-*

*level parking and retail with upper-story housing. Building heights that enable views over the levee and across Levee Park to the river would be highly desirable locations for new condominium or higher-end rental units.*

***Updated Zoning for Mixed Use.*** *The framework plan encourages mixed use, including commercial, housing, office and entertainment uses, throughout the downtown riverfront area, fostering pedestrian flow and activity. Mixed use can be promoted through updated zoning that offers incentives for preferred types of uses, as well as through public investments such as the redesign of Levee Park. Zoning standards can also encourage a strong arts presence in the downtown area, and facilitate redevelopment of industrial sites (where industrial facilities could be relocated). Updated zoning standards should also address issues such as building height and massing, to ensure that taller buildings are carefully sited to avoid “walling off” the riverfront.*

***Downtown Housing.*** *Create additional living space in the downtown area that will enhance the vitality of the business community. In this case, Winona can draw upon housing prototypes from the Twin Cities and other riverfront communities such as La Crosse. Loft-type multifamily buildings of 4 to 6 stories in height, sometimes with retail /office uses at ground floor level, have proved popular both as condominiums and rental units. While the condo market may have peaked in larger cities, its potential in Winona remains untapped. Potential market segments include university faculty, staff and graduate students, empty-nesters, retirees and young professionals. Live-work combinations such as artists’ studios should also be explored. The Framework Plan above, and Figures 3, 5 and 6 identify several suitable locations for conversions or new construction, both overlooking the river and in the “Arts District” area south of the downtown core. Of course, detailed market studies would likely be part of any large-scale development proposal.*

As has historically been the case, since the City’s settlement, the Central Business District (CBD) is representative of an area that includes density in terms of lot to lot structural development, tall structures, and a diversified mix of use. As related to the CBD, the previous references appear to lend support to the idea that this area should continue offering a strong mix of uses that ultimately feed off of, and are supported by each other. Although, a “dense”, well balanced housing component is recommended, the plan does not specifically speak to density controls. Again, as presently drafted, the B-2.5 District includes no density (lot area) standard for any use. As proposed,

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although no standard would continue to apply to nonresidential use, a standard of 1500 square feet of lot area per dwelling would be imposed on residential use. In using the present McNally structure as a "model", should any unit incorporate required parking within the structures footprint a density "bonus" of 300 square feet (the approximate size of a parking space plus associated access aisle) would be permitted, thereby reducing the lot area per unit standard to 1200 square feet.

Where does the 1500 square feet come from? Within the general framework of the R-3 zoning district, "multi family" use is subject to a lot area standard of either 2500 square feet for dwellings containing, two or more, bedrooms, and 1500 square feet, for one bedroom and efficiency dwelling units. In an effort to "blend" these standards with the present "no standard" requirement of the B-2.5 District, it is therefore proposed that the lower standard of 1500 square feet be applied to any form of dwelling within the 2.5 District. To give the Commission some form of benchmarks, the Valley View Tower and Winhaven Court senior complexes were developed at lot area standards of 369 and 410 square feet, respectively. In both cases, projects were subject to 1500 and 2500 square foot standards of the R-3 District. However, each, given their "senior housing" focus, were granted variances allowing for significant increases. The McNally structure is built on a 10,500 square foot lot resulting in an average lot size of 656 square feet per dwelling unit. Under proposed standards, this project, since it incorporates parking at the first floor footprint of the building, would have been subject to the 1200 square foot standard. As a result, a lot size of 19,200 square feet would have been required for the 16 unit complex. In part, this extra land area could have been used to facilitate a small area for overflow parking and green space (both desirable for the type of tenant proposed here).

Remaining categories of section (g) (1) addressing Frontage, Front Yard Depth, Side Yard Width, and Rear Yard Depth. No amendments are proposed.

Section (g) (2) Off-street Parking. At present, a single B-2.5 District, generally covering the area between Second to the river, and Johnson to Winona Streets, has been applied to the CBD. In part, the block bound by Johnson to Washington and Second to Front Streets, is located with the CBD Parking Overlay District. Established in 1960, this district extends between Washington and Market, and Fifth to Front Streets, and is designed to exempt any use of this highly "urbanized" area from any off-street parking standard.

Outside of this single block, all other properties within the B-2.5 District are "presently" subject to a theoretical standard (most properties were established prior to the 1960 zoning ordinance and are nonconforming) of the City Off-Street Parking Ordinance. Proposed language would treat all district uses the same by continuing to exempt nonresidential use from standards, but imposing a two space per unit standard for any residential use. Two is the current standard for most dwellings within the City. As with density, this standard would be eligible for a reduction to 1.25 spaces per unit, if unit spaces are incorporated into the design of the structures footprint, or for lots containing no more than three dwelling units.

Again, the Comp Plan speaks to this issue as follows:

***Downtown residents:** Need dedicated off-street parking, although at lower ratios than typical single-family housing.*

Although proposed language would permit "lower" parking ratios if certain conditions were met, if those conditions are not met, the default standard would be two spaces. Although the previous Comp Plan reference would suggest a lesser "starting" standard, the Commission is encouraged to further discuss the concept.

Section (g) (3) Minimum Dwelling Unit Size. Although not presently dictated within any other zoning classification, this provision would require that the average unit size of all dwelling units located on a property exceeding three units be no less than 1000 square feet. Shared or common areas would be excluded from this calculation. Although relating to density, the purpose of this standard would be to encourage a more diverse unit size mix, thereby further encouraging a diversity of tenants (reference previous "Downtown Housing" element of Comp Plan). Again, although staff feels that the standard reflects a reasonable starting point, the Commission is requested to discuss the issue.

Section 43.39 – Central Business District Parking Overlay District. As was previously noted, although a portion of the present B-2.5 District is located within this overlay district, staff is suggesting an amendment to the overlay district that would not permit parking exemptions for residential use (only) within the B-2.5. Additionally, parking standards for such uses would be as directed in the district. Should the Commission determine that residential parking standards should not be imposed within the B-2.5 District, the proposed amendment would not be necessary. In that case, consideration might be given to expanding the overlay district to all B-2.5 lands in order to create an equal playing field for all.

#### **B-2.5 Four Month/Moratorium Schedule**

- April 15, 2013 – Ordinance enacted
- \*June 24, 2013 – Planning Commission Hearing
- \*July 15, 2013 – Council Hearing
- \*August 5, 2013 – Council Adoption

\* "Drop dead" action dates prior to end of moratorium.

Attachments

**ORDINANCE 3930**

**AN EMERGENCY INTERIM ORDINANCE PURSUANT TO MINNESOTA STATUTES,  
SECTION 462.355, SUBD. 4, ESTABLISHING A STUDY PERIOD AND  
MORATORIUM FOR A PERIOD UP TO FOUR MONTHS ON  
DEVELOPMENTS IN THE MIXED-USE BUSINESS (B-2.5) ZONING DISTRICT**

Preamble: That on April 15, 2013, the City Council considered and passed a motion to authorize a study of the impacts and effects of existing, new or expanded mixed-use development in the B-2.5 zoning district within the central business core of the City of Winona for the purpose of determining the adequacy and effectiveness of existing ordinances and regulations, or if additional or changed City ordinances or regulations, or amendments to the City's comprehensive plan, are necessary or appropriate. That City Charter, Section 3.05 requires two readings of ordinances and publication before an ordinance becomes effective, except for emergency ordinances. That Council has determined that any additional proposals for the above identified uses within the B-2.5 zoning district brought forward during the period prior to final adoption and publication of this interim ordinance will be detrimental to the referenced study and may therefore negatively impact the City's ability to consider and modify regulations for such uses for the preservation of the public health, safety and welfare and the City's planning process. That Council has determined that a public hearing is not required before the Council adopts an interim ordinance pursuant to Minn. Stat. § 462.355, subd. 4. To forestall additional proposals for uses identified herein from being brought forward prior to the City adopting the above-referenced moratorium and thereby undermining or negatively impacting the City's study, regulatory and planning processes, immediate consideration and action by the City Council is necessary pursuant to Winona City Charter, Section 3.06, Emergency Ordinances, to preserve and protect the public peace, health, morals, safety and welfare.

The City of Winona does ordain:

**Section 1. Purpose and Intent.** The purpose and intent of this

Ordinance is to prohibit new or expanded mixed-use development in the B-2.5 (Mixed-Use Business) zoning district, Winona City Code § 43.60.1, in the central business core of the City of Winona (City). The City Council has determined that it needs an opportunity to fully research, study and consider the impacts and potential impacts of the various uses permitted in the B-2.5 zoning district.

**Section 2. Preliminary Findings.** The City Council hereby makes the following preliminary findings to serve as the basis for the necessary study to be made during the moratorium period provided in this Ordinance. These preliminary findings serve as the reasons why it is in the public interest for the City to conduct a study and so declare a moratorium by virtue of this Ordinance:

- 1) The current regulations and official controls of the City may not adequately address the impacts and effects of current, new or expanded mixed-use development in the B-2.5 district within the City's central business core.
- 2) The City needs to research, analyze and study the impacts of such uses in relationship to the comprehensive plan or to determine the adequacy and effectiveness of current regulations in protecting the public health, safety and welfare of the community.
- 3) The public interest and public health, safety and welfare requires that the City study, analyze and evaluate the impacts and effects of existing, new or expanded mixed-use development in the B-2.5 district within the central business core of the City for the purpose of determining the adequacy and effectiveness of existing ordinances and regulations, or if additional or changed City ordinances or regulations, or amendments to the City's comprehensive plan, are necessary or appropriate.
- 4) This moratorium will ensure that any ordinance changes or comprehensive plan amendments will be carefully considered and evaluated and that all the issues, including, but not limited to, density, parking, and land use can be fully examined, while protecting the City's planning process and the public health safety and welfare during the moratorium period.

**Section 3. Moratorium Declaration.** For the duration stated herein and until the City has studied and adopted any ordinances or amendments to its comprehensive plan deemed necessary or appropriate related to the aforementioned purpose, intent and findings of this Ordinance, the City shall not accept, issue or process any applications or permits for mixed-use development in the City's B-2.5 zoning district within the City's central business core.

**Section 4. Study.** During the period of this moratorium, City staff will conduct a study; such study to help determine the regulatory controls which may need to be adopted or revised to protect the public's health, safety and welfare related to the aforementioned purpose, intent and findings. In addition, the City staff shall study the comprehensive plan to determine whether an amendment to the comprehensive plan is necessary or appropriate.

**Section 5. Duration.** Unless otherwise provided in this section, this Ordinance shall expire, without further City Council action, four months from the effective date of this Ordinance following its passage by the City Council pursuant to Minn. Stat. § 462.355, subd. 4; or it may be repealed earlier if the Council determines that no further study is necessary and any revisions of the City Code or Comprehensive Plan have been adopted by the City Council and are effective. The duration of this Ordinance may be extended by adoption of a subsequent Ordinance for a total time not to exceed the statutory limits in Minn. Stat. 462.355, subdivision 4.

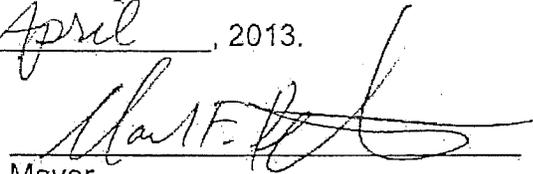
**Section 6. Exception.** This ordinance shall not apply to that certain existing development project subject to and located on real property legally described in that certain Development Agreement dated June 16, 2011; provided however, that such development project must proceed as originally approved by the City for a five story building with four (4) condominium units on each of the top four floors and parking on the ground floor of the building.

**Section 7. Separability.** Every section, provision, or part of this Ordinance is declared separable from every other section, provision or part; and if any

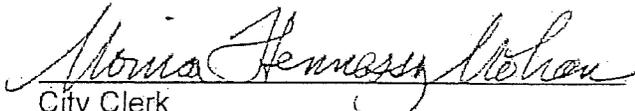
section, provision, or part thereof or action taken hereunder shall be held invalid, it shall not affect any other section, provision, or part.

**Section 8. Effective Date.** That this ordinance shall take effect immediately upon its adoption and shall be subsequently published.

Dated this 15<sup>th</sup> day of April, 2013.

  
\_\_\_\_\_  
Mayor

Attested By:

  
\_\_\_\_\_  
City Clerk

### 3. Framework Plan

The remainder of the plan is organized by topic, and generally parallels the Four-Point Approach™ to commercial district revitalization developed by the National Trust Main Street Center. The four points are:

- Design – improving the physical appearance of both public and private properties, including preservation of historic buildings
- Promotion – marketing and managing downtown's assets and attractions in the same unified way that shopping malls and centers are promoted.
- Organization – creating a sustainable organizational structure that can carry out Main Street improvements
- Economic Restructuring – strengthens the community's existing economic assets while diversifying its economic base, including redevelopment and other land use transitions.

In the broadest sense, the downtown plan identifies changes in the use of land – both private property and public spaces. The design of buildings, streets, parks and parking is equally important in strengthening the downtown economy. Therefore, the topics of Land Use/Economics and Design are discussed before the more implementation-oriented topics of Promotion and Organization. Of course, many topics overlap – the topic of parking, for example, includes design, land use and economics, promotion and organization.

The primary sections of the framework plan are organized as follows:

- Land Use and Economic Strategies
  - Redevelopment
  - Mixed Use
  - Business Mix
- Design Strategies
  - Riverfront Access
  - Levee Park Redesign
  - Streetscape Improvements
  - Wayfinding Signage
  - Parking Improvements
  - Historic Preservation and Adaptive Reuse
- Promotional Strategies
  - Coordinated Hours and Promotions

## City of Winona

- o River-Oriented Recreational Opportunities
- o Integrate Public Art into Downtown
- Organizational Strategies and Implementation Efforts
  - o Support New and Existing Businesses
  - o Downtown Historic District
  - o Permanent Downtown Organization
  - o Funding Strategies

Design Guidelines and a discussion of Special Service Districts are included as Appendices 1 and 2.

### 3.1 Land Use and Economic Strategies

**Land Use Change and Redevelopment.** As shown in Figure 2, Framework Plan, most of the existing land uses within the downtown are expected to remain in their current configurations for the immediate future. However, the downtown is already in the process of evolving toward a broader mix of uses, most notably toward addition of residential uses that can take advantage of riverfront amenities and help support the commercial core. The plan identifies locations where residential uses can be introduced. It also identifies opportunities to add new complementary uses, and to intensify existing ones. The dashed lines on the plan indicate potential for reuse or, in other cases, expansion. Opportunities include:

- A new Conference/Performing Art's center site in a riverfront location north of Second Street.
- County Campus area between Second and Fourth streets and Johnson and Winona streets – consolidation of offices and services, with structured employee and visitor parking.
- Redevelopment of the Plaza Square one-story office building (a 1970s infill structure) with more contemporary retail, office and/or residential uses.
- Expansion of the HBC headquarters with improved landscaping, parking, and screening or relocation of the 'antennae farm' to a less visible location.
- Focus of eating and drinking establishments along a "Restaurant Row" on Center Street, leading to Levee Park.
- Potential mixed commercial and office use, with integrated parking, on the "Hardees" block between Third and Fourth streets and Main and Johnson streets.



## City of Winona

### Opportunity Sites and Areas

Figure 3 provides a more detailed view of many of the opportunities for redevelopment on the west side of downtown.

The **Conference/ Performing Arts Center** is shown as a grouping of buildings totaling about 150,000 square feet in area, designed to bridge the railroad tracks and provide direct riverfront access and a link to the Waterfront Trail. Parking for this facility and for the County Campus and downtown employees can be developed close to the Interstate Bridge overpass, an area that would otherwise be difficult to utilize. Figure 4 shows a cross-section through the conference center site, indicating how grade changes and walkways bridge the tracks and provide riverfront access.

The **County Buildings and Promenade** represents one concept as to how the County Campus might evolve (the area is still being studied and considered by the County). It provides a green promenade linking the existing courthouse and future conference center, on an axis with the WSU campus and the riverfront.

To the east, the **Riverfront District** is an area with great potential for mixed-use development that combines lower-level parking and retail with upper-story housing. Building heights that enable views over the levee and across Levee Park to the river would be highly desirable locations for new condominium or higher-end rental units.



Figure 3: Development Opportunities, West Side

Figure 4: Cross-Section, Proposed Conference/Performing Arts Center

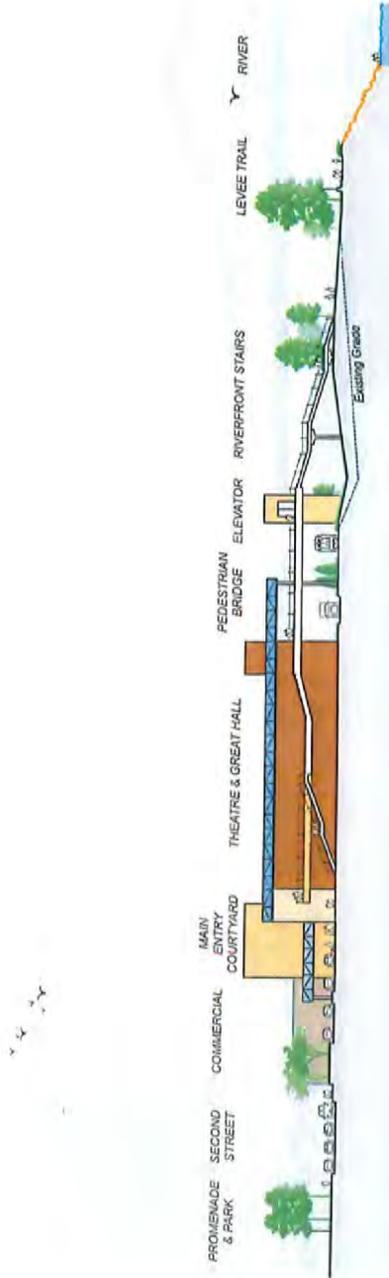


Figure 5: Development Opportunities, Arts District



The existing municipal parking lot in this area could be converted to this type of mixed-use development; parking would be replaced in the new structures and the conference center ramp. This area is also ideal for a public market, possibly with a permanent shelter or other structure.

Figure 5 provides a close-up of development opportunities in a potential "Arts District" south of Fourth Street. The area already includes the ornate and well-preserved Masonic Lodge (Theatre du Mississippi and ground floor Senior Friendship Center). The recently vacated Chrysler Building and surrounding block offer opportunities for office or studio and residential uses. The vacant former Middle and High School auditorium offers many opportunities for performing arts, studios, offices and housing. Adjacent blocks along Fourth Street would also be well-suited to townhouse development.

Figure 6 shows additional development opportunities on the east side of downtown. Fewer properties in this area are likely to become available for redevelopment, with the exception of the Michael's Lighting/USFS Sign Shop properties, which would be well-suited for riverfront housing. However, there are many opportunities for commercial infill and small-scale redevelopment.



current downtown business mix is oriented towards community needs, there is a need for additional visitor-oriented retail and services. Examples of desirable complementary businesses include:

- Specialty retail oriented towards particular clusters of activities, such as crafts, gifts, home supplies, antiques, furnishings and décor, that can draw customers from a larger area;
- Art galleries and artists’ studios, providing opportunities for visitors to interact with artists and craftspeople;
- River-oriented recreational equipment and visitor services, such as canoeing, kayaking, biking and fishing equipment and tours.
- Restaurants – there is a strong desire for more upscale “fine dining” restaurants, but these have proved difficult to attract and retain. However, as downtown residents increase in number, the potential for such businesses will also increase.

**Downtown Housing.** Create additional living space in the downtown area that will enhance the vitality of the business community. In this case, Winona can draw upon housing prototypes from the Twin Cities and other riverfront communities such as La Crosse. Loft-type multifamily buildings of 4 to 6 stories in height, sometimes with retail /office uses at ground floor level, have proved popular both as condominiums and rental units. While the condo market may have peaked in larger cities, its potential in Winona remains untapped. Potential market segments include university faculty, staff and graduate students, empty-nesters, retirees and young professionals. Live-work combinations such as artists’ studios should also be explored. The Framework Plan above, and Figures 3, 5 and 6 identify several suitable locations for conversions or new construction, both overlooking the river and in the “Arts District” area south of the downtown core. Of course, detailed market studies would likely be part of any large-scale development proposal.

**3.2 Design Strategies**

**Downtown-Riverfront Connections.** Develop improved public access to and use of the riverfront while preserving the mixed use heritage of the “working” river. This policy includes recommendations for street connections and relates closely to the following policy on the redesign of Levee Park.

*Figure 7: Gateway Concepts & Character Examples*



## City of Winona

- Relocate the rail storage area to the east and utilize the reclaimed area to link downtown to Levee Park & the riverfront. Install perimeter fencing and landscaping along one active track with safety signals and signage. Program this space for active use with features such as market & entertainment pavilions. Repave area with material such as red brick to contribute to the character of the district. Incorporate prominent gateway & focal point features that are visible from multiple points in order to link the function of the riverfront to downtown. (See Figure 4 and Figure 7 for an illustration of this approach)
- Main Street should be redesigned as the “gateway” to Levee Park. This action depends on relocating the railroad switching yard along Levee Park, which may not occur for some time. Interim actions include:
  - Create a comfortable and safe access to Levee Park over the railroad tracks at Main Street. Access to the river by way of Main Street should be as wide as Main Street itself.
  - Until the railroad switching yard is relocated, create comfortable and safe access to Levee Park over the railroad tracks at all feasible access points.
  - Develop signage and landscaping for all alternative street accesses to the River (as well as Main Street) that clearly designates, invites, and draws one to Levee Park from the Downtown area.

**Levee Park Redesign.** Levee Park should be redesigned according to the following general criteria. (However, it is understood that the actual redesign will be a separate process with additional public input, and that the final design will reflect this process.)

- Levee Park is intended to remain as permanent open space, including only those structures that contribute to its attractiveness and usability as a park. It should not be considered as a location for buildings or other non-recreational purposes.
- Reference and draw upon the original Levee Park design plan, while recognizing and accommodating the levee structure and other contemporary needs;
- Minimize the visual impact of fencing and landscaping which block views and access to the riverfront;
- Increase the docking facilities on the riverfront and include a means of easy identification (directions and attractions) and access routes from the docking area to the downtown area;



Figures 8 and 9: Landscape and Path Concepts, Levee Park

- Balance vehicular and pedestrian access. In general, maintain vehicular access to overlook areas, but consider limiting vehicular access along the length of the riverfront to transit and emergency vehicles.
- Maximize and enhance views of the river from throughout the park, through terracing or other changes in elevation.
- Create covered and uncovered picnic and seating areas throughout the park. Improve lighting in order to make the area functional, inviting, and safe for both day and evening entertainment venues and gatherings.

The Downtown Revitalization Committee, the Historic Downtown Business Group and other downtown interests and organizations should be involved in the redesign process.

**The Wilkie site.** The status of the Julius C. Wilkie Steamboat Center has been a topic of much debate during the development of this plan. The structure is a life size replica of a former paddlewheel tugboat, the James P. Pearson, acquired by the Winona County Historical Society in 1956, which burned down in 1981. The steamboat replica showed artifacts of the river history, Victorian furniture and steamboat models, and was open for tours and events. However, it closed in 2006 due to safety issues and operating challenges. As of July 2007, the question of whether the structure should be removed, restored at its current location, relocated to another site, or replaced by a new structure has yet to be resolved.

Whether the existing structure is removed or remains at its current location, the Wilkie's site, including the concrete drainage structure on the city side, should be considered as part of the overall park redesign. The site could be reconfigured to include sculptures and other public art features, water features, staircases, and pavilions or seating areas with generous landscaping, arbors or shade trees.

Figures 8 and 9 illustrate some potential treatments of the park's landscape and path system, as viewed from the downtown side and from the river side. Colored and textured pavement materials add depth and interest to the park.

**Design Guidelines.** Implement design guidelines for the greater downtown area. The primary purpose of design guidelines is to foster high-quality development and redevelopment that is compatible with downtown's historic buildings and streetscapes. Design guidelines can also complement public investment in streetscape or parking improvements, while reducing uncertainty in the development review process. Guidelines typically apply to new construction, major exterior additions, or site improvements such as new parking. They can be linked to updated zoning standards



## City of Winona

(see above) or incorporated into a site plan review process. Design guidelines are included as an Appendix to this report.

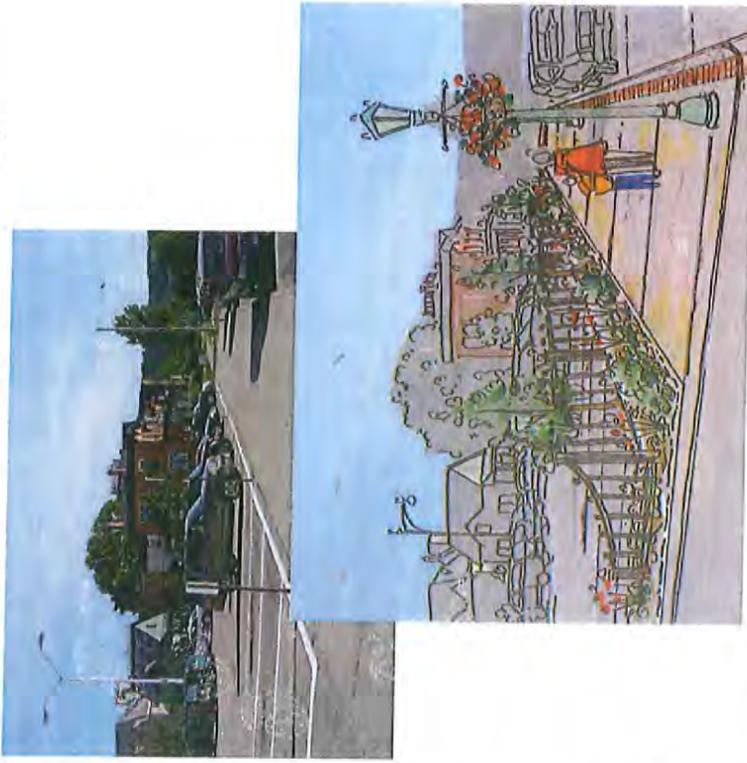
**Streetscape Improvements.** Continue to implement streetscape improvements throughout the downtown, with priority given to those blocks that provide connections to the riverfront and support the greatest concentration of pedestrian-oriented uses. Streetscape improvements will require more detailed design, but should include:

- Wayfinding signage with a consistent historic appearance that leads pedestrians and motorists to downtown landmarks (discussed in more detail below).
- Street trees and other landscaped green space that will attract future downtown residents and provide gathering spaces.
- Decorative lighting and a coordinated palette of street furniture – benches, trash receptacles, bike racks, etc. – with consistent design, materials and colors.
- Decorative brick paving in the “boulevard” area of downtown sidewalks and within crosswalks. Preservation of existing brick streets.
- Treatment of alleys as pedestrian ways, with decorative paving and gateway elements.
- Screening of surface parking with decorative fencing or walls and landscape material. Both public and privately-owned parking lots should be screened. Figure 10 illustrates this approach as applied to an existing surface parking lot and the adjacent street.

Streetscape improvements should be consistent, and should be linked to the character and function of each street. That is, treatments of a wide arterial street such as Broadway will differ from treatment of the shorter north-south streets that lead to the riverfront. Figure 11 illustrates a proposed hierarchy of streetscape improvements and other landscape and design treatment, in combination with the major development opportunity sites. Streets are defined as:

- **Primary streets**, receiving the highest level of pedestrian improvements: Third Street and Washington Street, which is shown continuing as a pedestrian route through the Courthouse complex and extending to the WSU campus.

Figure 10: Parking Lot Landscaping and Streetscape Concept



Examples of streetscaping and alley treatment, Milwaukee.

- **Secondary streets**, receiving a somewhat simpler treatment: the north-south streets from Johnson to Walnut, as well as Liberty Street and the segment of Third Street east of the primary retail core. The north-south streets should be signed to indicate river access.

The graphic also shows existing truck routes (Second Street and the Highway 43 alignment of Main, Fourth and Winona streets); these should be designated for special treatment.

In addition to the design of streetscape improvements, creation of sign standards and façade improvement guidelines for downtown businesses, both within and outside of local historic districts, will complement and strengthen the public streetscape investment. (See Design Guidelines in Appendix.)

**Wayfinding Signage.** “Wayfinding” is a term used to describe how people use spatial and environmental information to find their way through the built environment. It includes not only signage but spatial cues from the arrangement of buildings, defined pathways, views, and other environmental cues. In terms of signage, wayfinding signs can be described as a ‘family’ or ‘palette’ of signs that lead visitors to and through districts or particular attractions. In Winona’s case, some signs already point to downtown and other attractions, but are not designed to enhance the city’s image. Once within the downtown or along the riverfront trail, signs should also be used to identify particular civic, cultural or recreational attractions and facilities, including parking lots, parks, buildings and river access points. The system also extends to the design of banners used within the streetscape. Figure 11 indicates potential locations of wayfinding signs.

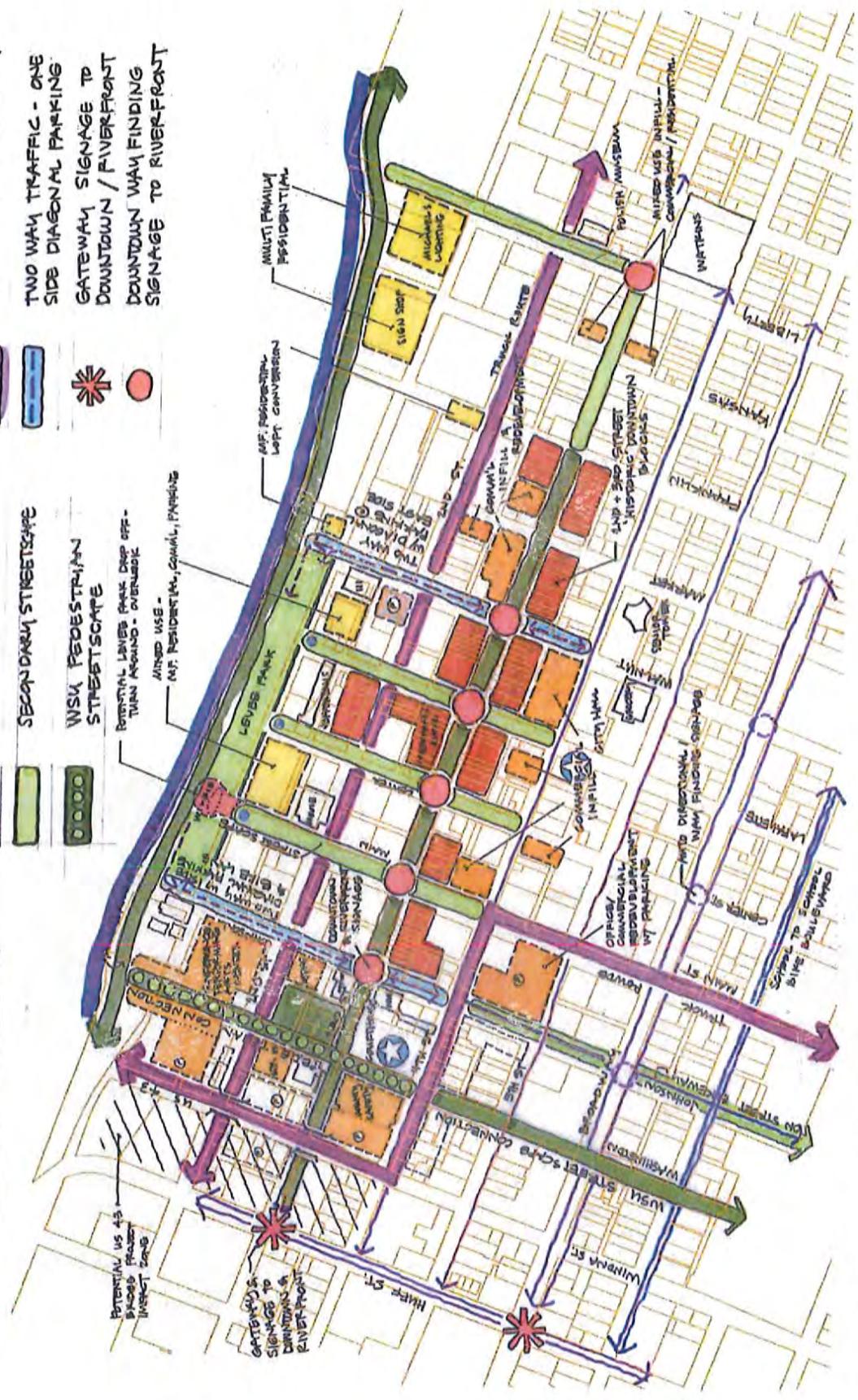


*Typical 'family' of wayfinding signs and banners.*

*Pedestrian-scale signs in Milwaukee identify points of interest and districts.*

# LEGEND

-  PRIMARY STREETSCAPE
  -  SECONDARY STREETSCAPE
  -  WSH PEDESTRIAN STREETSCAPE
  -  TRUCK ROUTE - PRIMARY
  -  TWO WAY TRAFFIC - ONE SIDE DIAGONAL PARKING
  -  GATEWAY SIGNAGE TO DOWNTOWN / RIVERFRONT
  -  DOWNTOWN WAY FINDING SIGNAGE TO RIVERFRONT
- POTENTIAL LEVES FRESH DEEP OFF-TURN AROUND - OVERPASS  
 MIXED USE - OFF. RESIDENTIAL, COMM. PARKING



**Parking Management and Improvements.** As with many downtowns, Winona suffers from somewhat exaggerated perceptions of inadequate parking supply because of peak hour shortages of visible parking.

The 1997 Parking Study identified a core parking district and an area within it that experienced the highest demand for parking, as shown in Figure 12. The study's recommendations were used to create longer-term parking in city lots further away from the high-demand area.

Current parking restrictions are shown in Figure 13, including both on-street and off-street restrictions. Problems with the current system include a lack of resources committed to enforcement, employee use of on-street spaces that should be reserved for customers, and a lack of dedicated parking for residents.



Figure 12: 1997 Parking Study Inventory

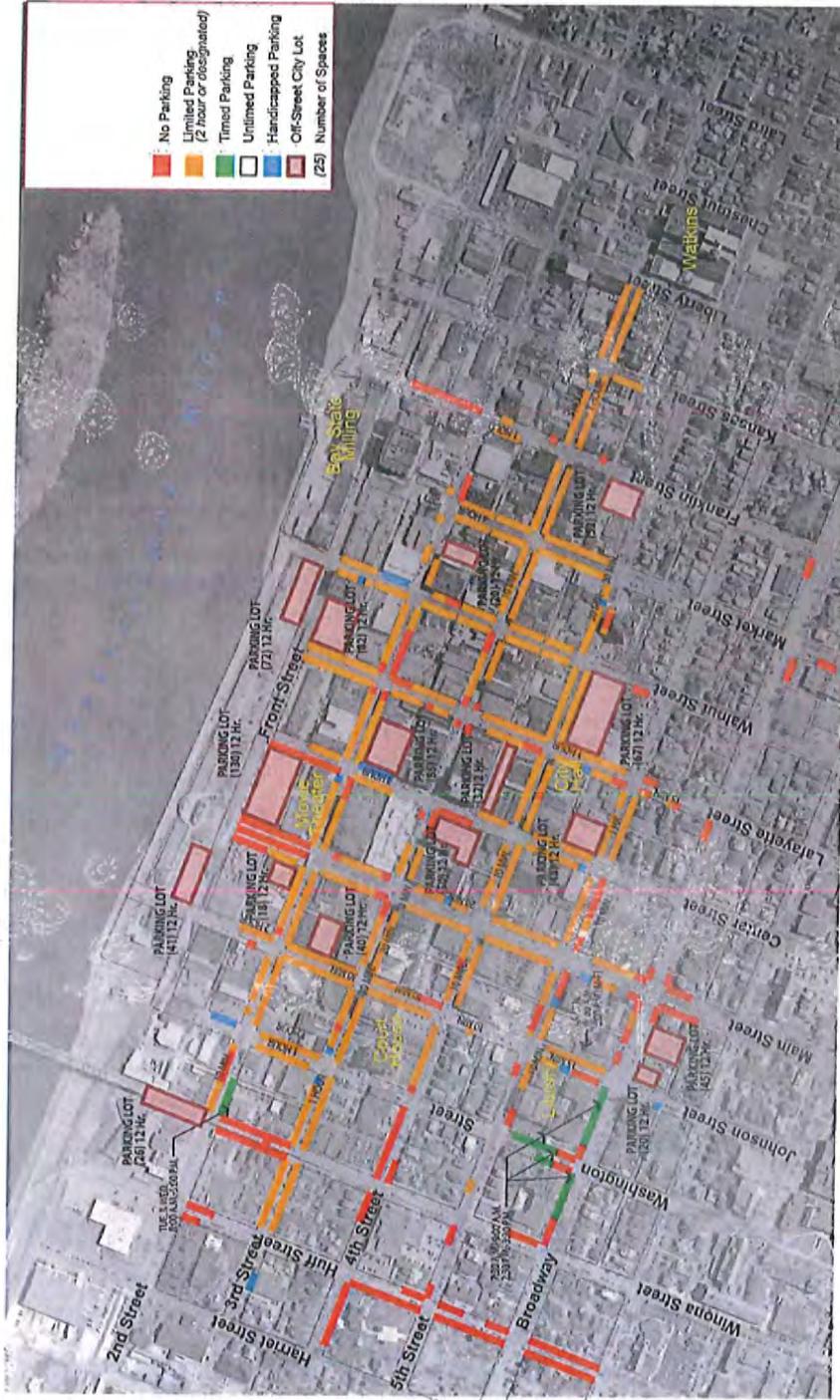


Figure 13: Current Parking Restrictions

As new uses such as housing are introduced into downtown, parking demands may increase. To better manage the parking supply, it is important to distinguish between different populations and their needs:

1. Visitors and customers: should receive highest priority for visible and convenient on- or off-street parking;

## Downtown Revitalization Plan

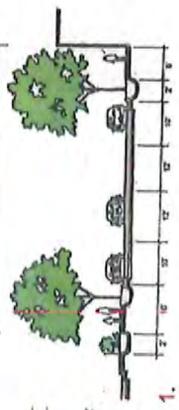
2. **Employees:** should be guided to long-term, off-street parking, with incentives for its use and disincentives for on-street parking;
3. **Downtown residents:** need dedicated off-street parking, although at lower ratios than typical single-family housing.

Figure 14 indicates locations where the parking supply could be increased through conversion of parallel to diagonal parking on one side of several two-way streets. The north-south streets north of Third Street lend themselves to the introduction of diagonal parking in several locations, as shown in the accompanying details (Figure 15). Main Street is shown with diagonal parking on both sides, while Walnut Street is shown with diagonal parking along one side.



14: Expanded On-Street Parking Opportunities

Figure 15: On-Street Parking Details  
1. Third Street (existing parallel parking)



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There are also a number of locations in downtown where structured parking could be provided, as shown in Figure 16, including the proposed Conference/ Performing Arts Center site at Second and Washington streets, parts of the municipal surface lot at the foot of Main and Center streets, and the block between Third, Fourth, Main and Center streets. In each case, structured parking should ideally be combined vertically or horizontally with complementary retail, office or residential uses.

Another option currently being explored is the use of a trolley or shuttle service to serve downtown employees who could be encouraged to park outside the downtown core.

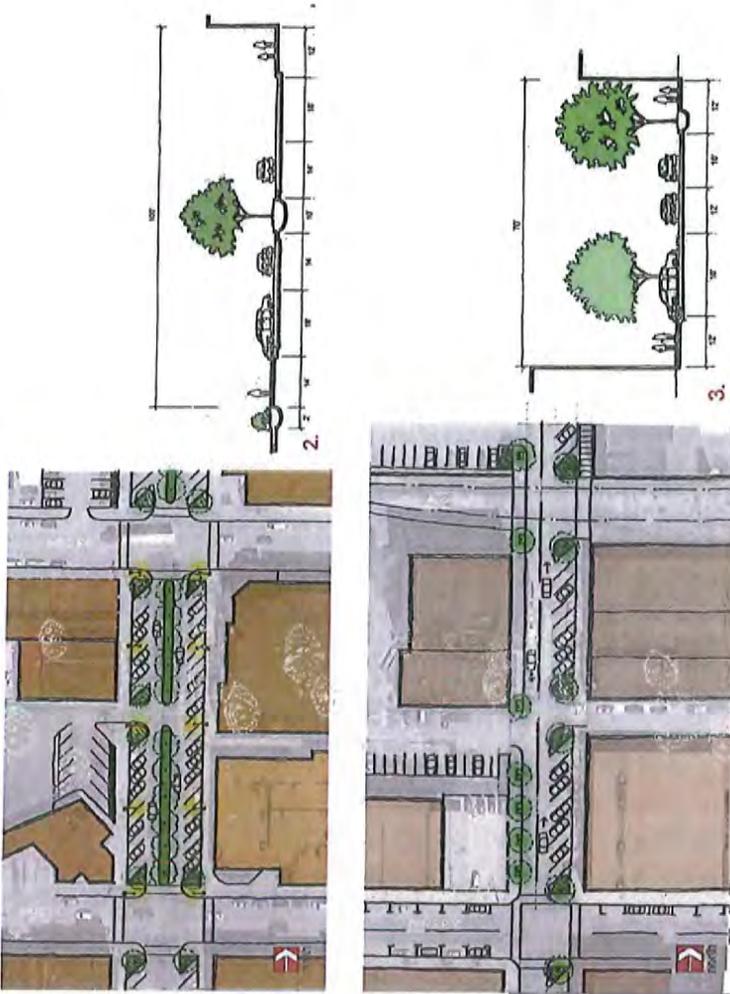


Figure 15: On-Street Parking Details

2. Main Street with diagonal parking both sides

3. Walnut Street between Second and Front with diagonal parking one side



Figure 16: Expanded Off-Street Parking Opportunities



A downtown/riverfront trolley service could also link satellite parking areas to downtown businesses and recreational, cultural and entertainment venues, including the Minnesota Marine Art Museum, the Winona County Historical Society museum, the Watkins and Polish museums, Levee and Aghaming parks, and other sites as they become accessible.

Another component of parking management should be improved enforcement of parking time limits, since this would create a disincentive for employees or business owners to use close-in on-street parking spaces.

Parking management should also include requiring off-street parking for residential units downtown (no off-street parking is currently required for any downtown uses). Such reserved parking spaces could be provided on other locations within the same block or within a short distance, to allow some flexibility in site planning.

The City may also wish to consider long-term options for gaining parking revenues, including charging fees for off-street and on-street parking. New metering systems are easier to use and install (i.e., one machine can serve a block). Parking revenues could be an important source of funding for downtown improvements, and should be dedicated to that purpose.

**Historic Preservation and Adaptive Reuse.** Beginning in the 1980s, the City has used Small Cities Development funds and created a revolving loan fund to support the rehabilitation of historic downtown buildings. These included buildings such as the Choate and Woolworth buildings, shown at left. A total of 38 commercial buildings have been rehabbed to date, and 69 mainly upper-story rental units have been created.



*Before and after restoration: the Choate Building (top and center) and Woolworth Building (above and right).*

The City should continue to provide financial incentives and resources for historic building rehabilitation and adaptive reuse. Additions to the program could include design assistance for buildings eligible for rehab funds, as a way to encourage property owners to meet the guidelines for both the historic districts and the greater downtown (see Appendix). Other preservation actions should include establishment of a local historic district and updating zoning regulations to provide incentives for building restoration (see below under Organization and Implementation).

## **B-2.5- Present Version**

43.60.1 MIXED-USE BUSINESS DISTRICT. (a) Permitted Uses. Any use permitted and as regulated in the B-2 district shall be permitted in the B-2.5 district, except as hereinafter modified in the following:

- (1) Residential uses. Residential uses as permitted in the R-3 district provided that all first story residential uses located within the central business district core shall meet the requirements of Section 43.60 (b)(2).
- (b) Conditional Uses. Any conditional use as regulated in the B-2 district shall be permitted only if specifically authorized by the board in accordance with the provisions of Section 43.60 and Section 22.21 of this code.
- (c) Accessory Uses. Accessory uses and structures as permitted and as regulated in the B-2 district and such other accessory uses and structures not otherwise prohibited, customarily accessory and incidental to any of the forgoing permitted B-2.5 uses, shall be permitted in the B-2.5 district.
- (d) Required Conditions. The required conditions for the B-2.5 district shall be the same as those specified in Section 43.59 (d), except paragraph (4).
- (e) Prohibited Uses.
  - (1) Generally. Any use which is first permitted in the B-3, M-1, and M-2 districts; provided however, than any such uses legally existing at the time of adoption of this chapter or any amendment thereto, shall not be classified as a nonconforming use subject to the provisions of Section 43.32.
- (f) Height Restrictions. No principal structure shall exceed 6 stories or 75 feet in height except when any lot line coincides with a residential district line, then not more than 4 stories or 45 feet in height. The foregoing shall not apply if Section 43.21 applies.
- (g) Lot Area, Frontage and Yard Requirements.
  - (1) Lot area – none.  
Frontage – none.  
Front yard depth – none, except when either side lot line coincides with a residential district line, then not less than 25 feet.  
Side yard width - none, except when either side lot line coincides with a residential district line, then not less than required for one family dwellings in the adjoining residential district.  
Rear yard depth - none, except when either side lot line coincides with a residential district line, then not less than required for one family dwellings in the adjoining residential district.

## **B-2**

43.60 CENTRAL BUSINESS DISTRICT. (a) Permitted Uses. Any use permitted and as regulated in the B-1 district shall be permitted in the B-2 district, except as hereinafter modified, and the following:

- (1) Retail and services. Art and antique shops, artists' supplies stores, interior decorating shops, furniture and appliance stores, self-service laundries, dry cleaning shops, department stores, variety and dime stores, dry goods and apparel stores, mail-order houses and the like.
- (2) Banks. Including drive-in banks, savings and loan associations.
- (3) Eating and drinking places. Bars, restaurants and cocktail lounges.
- (4) Entertainment. Night clubs, theatres, billiard parlors, pool halls, bowling alleys and similar enterprises, but not within 100 feet of any R district, subject to all applicable regulations and such permits as may be required by law.
- (5) Trade or business schools. Provided machinery which is used for instruction purposes is not objectionable due to noise, fumes, smoke, odor or vibration.
- (6) Commercial art studios. Including photographic studios, dancing studios, radio and telecasting studios and the like.
- (7) Hotels. Including motels and motor hotels, subject to the provisions of Section 43.40.
- (8) Newspapers. Printing and publishing.
- (9) Additional Uses. Any other retail business or service establishment or use, which is determined by the board to be of the same general character as the above permitted uses, but not including any use which is first permitted or which is not permitted in the B-3 district. (08-17-59)
- (10) Commercial recreation. Any type of commercial recreation, including baseball fields, swimming pools, skating rinks, golf driving ranges, and similar open air facilities; provided, that such establishments shall be distant at least 200 feet from any R district except city parks.

(11) Residential uses. Residential uses pursuant to Section 43.59(a)(6) provided that all first story residential uses located within the central business district core shall meet the requirements of Sections 43.60(b)(2) and 43.60(f)(2).

(b) Conditional Uses. The following uses shall be permitted only if specifically authorized by the board in accordance with the provisions of this chapter and Section 22.21 of this Code:

- (1) Commercial greenhouses. Commercial greenhouses with retail sales outlets, provided that no wholesaler or bulk storage warehouse is associated with the greenhouse on the zoning lot. The use shall meet the following conditions:
  - a. The sum total of the ground area covered by all structures on the lot on which the structure(s) are located shall not exceed 60 percent.
  - b. Off-street parking spaces shall be developed in accordance with section 43.37. The ratio of parking shall be one space for each 750 square feet of gross floor area and must be sufficient to meet the parking needs generated by the occupancy and use of such building.
  - c. The following minimum bulk requirements shall be observed, except as provided in Section 43.53(f) and (g): Lot areas and frontage, no requirements; front yard depth, 25 feet; side yard width, none, except when the side yard is adjoining a residential district, then not less than a distance equal to the total height of the structure; rear yard, 10 feet, except when the rear yard is adjoining residential district, then not less than required in the adjoining residential district; sign provisions, as required in Section 43.43.

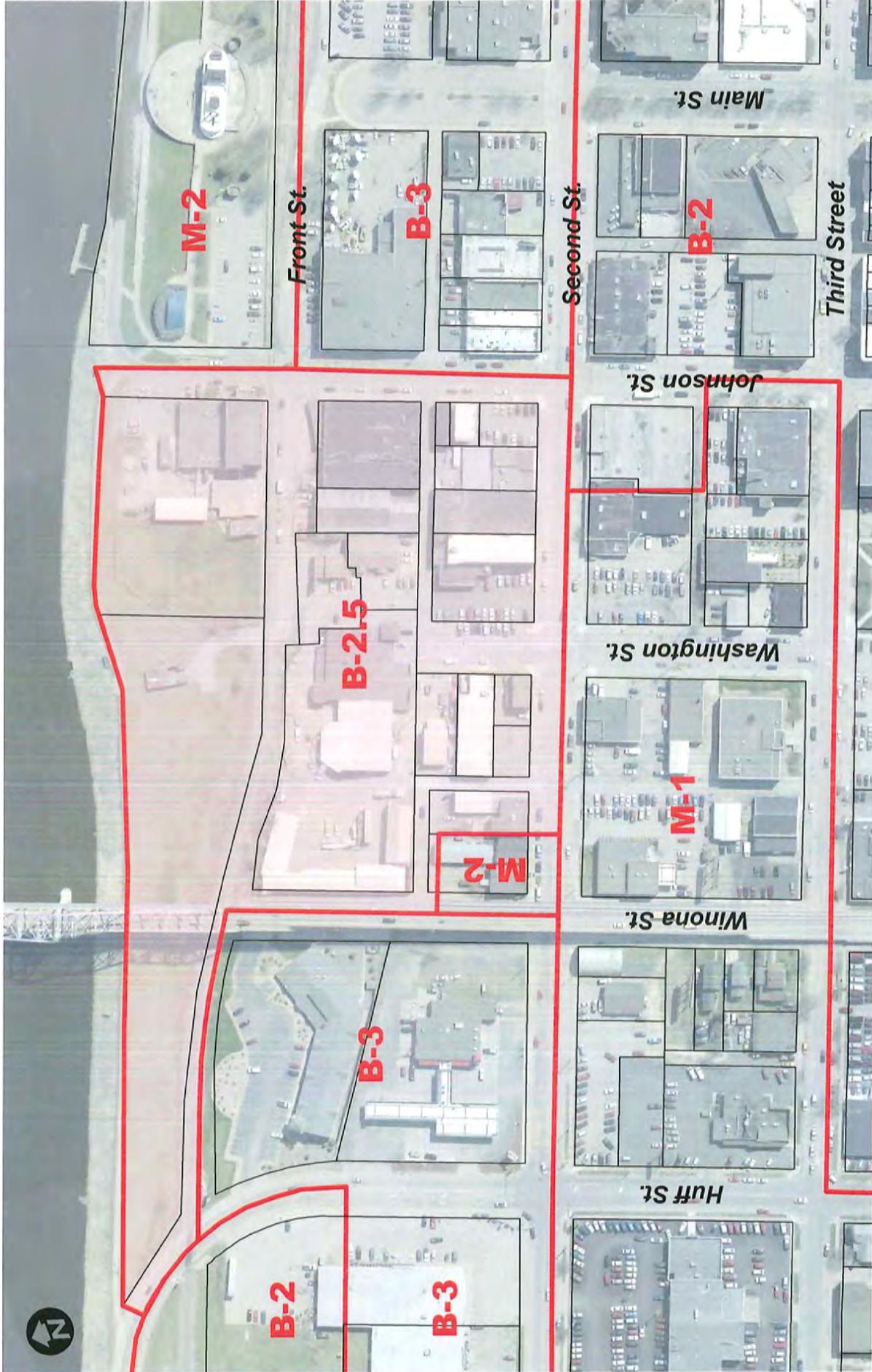
The following special conditions shall apply:

1. All processing or services shall be conducted primarily within a completely enclosed building.
  2. The storage of materials essential for the day to day operation of the use shall be permitted, but shall be enclosed or screened in such a way as not be objectionable to any adjacent property.
  3. The use shall not be objectionable as outlined in Section 43.59(c)(3).
- (2) Residential. First story residential use within the central business district core; provided that the use meets the following conditions:
- a. Exclusive of required entrances, the residential use may occupy no portion of the front one-half of first story floor area. If any part of a rear building line is located within 100 feet of a public parking lot, no residential use may occupy the rear one-half of first story floor area. In the case of a corner lot having two building frontages, no rear first story residential use shall be permitted which has, other than required entrances, openings which are visible from a public street.
  - b. The Board may apply additional requirements of the applicant which it feels are necessary to protect future residents from the day to day activity of adjacent non-residential use.

- (c) Accessory Uses. Accessory uses and structures as permitted and regulated in the B-1 district and such other accessory uses and structures, not otherwise prohibited, customarily accessory and incidental to any of the foregoing permitted B-2 uses shall be permitted in the B-2 district.
- (d) Required Conditions. The required conditions for the B-2 district shall be the same as those specified for the B-1 district in Section 43.59(c), except paragraph (4), and except those activities permitted under paragraph (11) in Section 43.60(a).
- (e) Height Restrictions. No principal structure shall exceed 6 stories or 75 feet in height except when any lot line coincides with a residential district line, then not more than 4 stories or 45 feet in height. The foregoing shall not apply if Section 43.21 applies.
- (f) Lot Area, Frontage and Yard Requirements.
  - (1) Commercial uses.
    - Lot area - none.
    - Frontage - none.
    - Front yard depth - none, except when either side lot line coincides with a residential district line, then not less than 25 feet.
    - Side yard width - same as B-1.
    - Rear yard depth - none, except when the rear lot line coincides with a residential district line, then not less than required for one family dwellings in the adjoining residential district.
  - (2) Residential uses. Same as in the R-3 district unless located within the central business district core, then none.

Ord. No. 2474 12/18/78  
 Ord. No. 2434 01/16/78  
 Ord. No. 2474 12/18/78  
 Ord. No. 2522 01/07/80  
 Ord. No. 3014 04/16/90  
 Ord. No. 3014 04/16/90  
 Ord. No. 3115 01/21/92  
 Ord. No. 3115 01/21/92

# B-2.5 Zoning District



May 2013

Parcel Boundary  
Zoning District Boundary

## Attachment D

This map was compiled from a variety of sources. This information is provided with the understanding that conclusions drawn from such information are solely the responsibility of the user. The GIS data is not a legal representation of any of the features depicted, and any assumptions of the legal status of this map is hereby disclaimed. April 2009

43.60.1 MIXED-USE BUSINESS DISTRICT. (a) Permitted Uses. Any use permitted and as regulated in the B-2 district shall be permitted in the B-2.5 district, except as hereinafter modified in the following:

- (1) Residential uses. Residential uses as permitted in the R-3 district provided that all first story residential uses located within the central business district core shall meet the requirements of Section 43.60 (b)(2).
- (b) Conditional Uses. Any conditional use as regulated in the B-2 district shall be permitted only if specifically authorized by the board in accordance with the provisions of Section 43.60 and Section 22.21 of this code.
- (c) Accessory Uses. Accessory uses and structures as permitted and as regulated in the B-2 district and such other accessory uses and structures not otherwise prohibited, customarily accessory and incidental to any of the forgoing permitted B-2.5 uses, shall be permitted in the B-2.5 district.
- (d) Required Conditions. The required conditions for the B-2.5 district shall be the same as those specified in Section 43.59 (d), except paragraph (4).
- (e) Prohibited Uses.
  - (1) Generally. Any use which is first permitted in the B-3, M-1, and M-2 districts; provided however, than any such uses legally existing at the time of adoption of this chapter or any amendment thereto, shall not be classified as a nonconforming use subject to the provisions of Section 43.32.
- (f) Height Restrictions. No principal structure shall exceed 6 stories or 75 feet in height except when any lot line coincides with a residential district line, then not more than 4 stories or 45 feet in height. The foregoing shall not apply if Section 43.21 applies.
- (g) Lot Area, Frontage, and Yard Requirements, and Other Requirements.
  - 1) Lot area – none.
    - Nonresidential Use – none.
    - Residential Use - 1500 Square feet per dwelling unit. For purposes of this section, the term "dwelling unit" shall include any form of dwelling or rooming unit as defined pursuant to Section 43.01, and which is not subject to those lodging tax requirements of Chapter 64. This standard may be reduced to 1200 square feet for any dwelling unit that incorporates required off-street parking within a lower level footprint of the building in which it is located.

Frontage – none.



Front yard depth – none, except when either side lot line coincides with a residential district line, then not less than 25 feet.

Side yard width - none, except when either side lot line coincides with a residential district line, then not less than required for one family dwellings in the adjoining residential district.

Rear yard depth - none, except when either side lot line coincides with a residential district line, then not less than required for one family dwellings in the adjoining residential district.

(2) Off-Street Parking

- Nonresidential Use – None.
- Residential Use – Notwithstanding those parking exclusions of code section 43.39, residential uses of any B-2.5, (Mixed Use Business District) shall observe the following standards:

Two spaces per dwelling unit. For purposes of this section, the term "dwelling unit" shall include any form of dwelling or rooming unit as defined pursuant to Section 43.01 and which is not subject to those lodging tax requirements of Chapter 64. This standard may be reduced to 1.25 spaces per unit if:

- The unit is located on a lot or property that includes no more than three dwelling units.
- Required off-street parking for the unit, is incorporated within a lower level footprint of the building in which it is located.

(3) Minimum dwelling unit size – For any lot or property exceeding three dwelling units, the average size of all units, exclusive of common or shared floor space, shall be no less than 1,000 square feet.

43.39 CENTRAL BUSINESS DISTRICT. Unless otherwise modified pursuant to Section 43.60.1, the parking and loading space requirements of Sections 43.34(a), 43.35(a) and 43.36 shall not apply to the central business district, as herein defined; provided, that parking and loading facilities, if voluntarily established, shall comply with all standards and specifications of Sections 43.34(b), 43.34(d) and 43.37.

For purposes of this article, the central business district of the city shall be defined as follows: from Front Street, north, to the center line of Fifth Street, south; from the center line of Washington Street, west, to the center line of Market Street, east. (08-17-59)