

## Mount Lebanon Historic District Use Definitions & Justification

The following identifies and describes 12 uses proposed for the Mount Lebanon Historic District (MLHD) that have similar uses currently in effect in other districts, but which the Working Group proposes be uniquely defined for the MLHD. Commenters have questioned why the Working Group has proposed unique definitions rather than use those in the zoning law, supplemented with special restrictions and modifications to achieve the intended outcomes. There are two fundamental reasons:

First, the Working Group set out to create a new chapter of the zoning law that is self-contained to the greatest extent practical. An important objective of the Working Group is to maximize the ease with which the MLHD zoning rules are understood and applied, by property owners and residents, by the Planning Board and by the code enforcement staff. A self-contained set of code provisions acknowledges that a property owner or lessee or prospective property owner or lessee planning a project for the MLHD likely will be focused on the MLHD and not looking for locations throughout the Town to site his or her project. Those proposing a new use to be located in the MLHDs should not be required to examine multiple parts of the law to understand what uses are permitted, especially where a use definition could only be understood by identifying and examining restrictive regulations found outside of the definitions themselves.

Second, the element of the proposed MLHD zoning rules that most distinguishes the MLHD from the other zoning districts is the schedule of uses. For the benefit of the public, Town officials and MLHD residents in reviewing and assessing the proposed MLHD rules, how the allowed uses are defined will be a paramount consideration.

For these two reasons, the uses merit unambiguous, precisely worded definitions.

The following lists those uses for which the WG concluded that the existing definitions are inadequate, the proposed new definitions and the reasons for employing them. New definitions are in black; existing counterparts are in red.

### 1. Artisanal Manufacturing

**Skilled manufacturing of articles, crafts or merchandise from previously prepared or natural materials (such as, but not limited to, cardboard, cement, cloth, cork, fiber, glass, leather, paper, plastics, wood, metals, stones and other such prepared materials) and printing; may include processing, fabrication, and assembly utilizing light equipment or light machinery and/or tools only (such as, but not limited to, band and circular saws, grinders, sanders, pressing drills for woodworking, meat grinders, slicers, small bag sealers for food product processing) , treatment, packaging, incidental storage, sales, and shipping of such products.**

### Existing code definition:

**MANUFACTURING** — Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as oils, plastics, resins, or liquors

**Reason for difference:** The definition of “manufacturing” is not tailored to the kind of small-scale processing and manufacturing that could be accommodated in the historic setting of the SHD. While potentially applicable, “Home Occupation” and “Home-based Business” require owner or occupant residency which is more restrictive than desirable for the MLHD, and ‘Small Business Operation’ contemplates a retail operation as the primary use.

## 2. Association Quarters

**Facilities used by an association organized for a common purpose to pursue common goals, interests, or activities and usually characterized by membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.**

### Existing code definition:

**SOCIAL, RECREATIONAL OR FRATERNAL CLUB** - A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.

**Reason for difference:** The proposed definition is intended to broaden the reach beyond membership clubs, to include associations of any lawful kind. Also the definition was revised to focus on land use rather than persons.

## 3. Organized Camping

**Any lot, or combination of adjoining lots if under the control of one owner or lessee, on which are located ten or fewer tents or tent platforms, tent houses, cabins, camp cottages, yurts, glampsites or other structures used for temporary or seasonal overnight occupancy for the purpose of outdoor or indoor organized activities. Excluded from this definition is the use of the yard of an existing occupied residence for occasional and irregular overnight camping by i) family members or guests of the resident or ii) groups (such as scouts), being hosted by the resident.**

### Existing code definition:

**CAMPGROUND** Any lot, or adjoining lots if under the control of one person or business, including buildings and other structures on such lot, on which are located five or more campsites, tents, tent houses, trailers, cabins, camp cottages, vehicles, including recreational vehicles, or other structures intended for temporary or seasonal overnight occupancy. Excluded from this definition is the use of the yard of an existing occupied residence for occasional and

irregular overnight camping by i) family members or guests of the resident or ii) groups (such as scouts), being hosted by the resident.

**SEASONAL CAMP** Parcel of land used for the temporary use of travel trailers, tents, campers, cabins, etc.

**Reason for difference:** The existing definitions permit vehicles and trailers designed for camping that are not in keeping with the historic setting and do not limit the number of campsites. The proposed definition acknowledges that on the other hand new types of camp structures are now more common and should be included. We also believe use of “etc.” in a definition is inadvisable.

#### **4. School**

**Facility used primarily as an educational institution, providing teaching and classes for its enrollees, with or without sleeping and eating facilities for the employees and enrollees.**

Existing code definition:

**PUBLIC SCHOOL** Private profit or nonprofit facility designed and used primarily as an educational institution, providing teaching and classes for its enrollees, with or without sleeping and eating facilities for the employees and enrollees.

**Reason for difference:** There does not appear to be a reason for limiting the School use definition to private institutions.

#### **5. Professional Office**

**A building used by its owner(s) or lessee(s) for maintaining an office for the provision of professional services or carrying out the administrative duties of a business or organization.**

Existing code definition:

**OFFICE, PROFESSIONAL** AN office devoted to a professional service occupation, in which knowledge in some department of science or learning is applied to the affairs of others, either advising or guiding them, or otherwise serving their interest or welfare through the practice of a profession founded on such knowledge.

**Reason for difference:** The definition was broadened to reflect the fact that any impacts related to office uses will be similar regardless of whether the office is used for professional services or other office uses.

#### **6. Market Place**

**Any lot, or combination of adjoining lots if under the control of one owner or lessee, on which a market, whether occasionally or regularly, is held, whether in an open area or in**

**one or more temporary or permanent structures where spaces are rented or otherwise made available to vendors to locate booths, stands or tables who offer goods or services for sale to the public, and which may include live or recorded entertainment and prepared food/beverage service for on-site consumption.**

Existing code definitions:

**FARM MARKET** A permanent year-round structure for the purpose of the retail sale of farm produce and agricultural products, whether produced on premises or elsewhere.

**FLEA MARKET OR FARMERS' MARKET** An occasional or periodically held market in an open area or structure where spaces (e.g., booths, tables, stands, etc.) are rented or otherwise made available to groups or individual vendors who offer goods or services for sale to the public, and which may include live or recorded entertainment and prepared food/beverage service for on-site consumption. This does not include individual garage or tag sales.

**Reason for difference:** Use definitions are best expressed as a function of how property located in the MLHD is proposed to be used. The sponsor must have legal control of the property; hence the insertion of "Any lot, or combination of adjoining lots if under the control of one owner or lessee." Also, rather than having multiple definitions the WG proposes a single definition.

## **7. Mixed Use**

**A use of property, consisting of two or more uses, whether by the owner or its lessees, each use of which is permitted in the zoning district in which the property is located (including, as may be applicable, any overlay district). In the event a mixed use property is located within more than one zoning district, each use thereof must be physically located within a zoning district in which such use would otherwise be permissible and within which mixed use is permissible.**

Existing code definition:

**MULTI-BUSINESS COMPLEX, SHOPPING CENTER, MALL** A structure or series of connected structures that contains three or more businesses.

**MIXED USE** A use of property consisting of two or more constituent uses, each of which are permitted in the zoning district in which the property is located (including, as may be applicable, any overlay district). In the event a mixed use property is located within more than one zoning district, any constituent use thereof must be physically located within a zoning district in which such constituent use would otherwise be permissible and within which mixed use is permissible.

**Reason for difference:** To provide greater flexibility and clearer guidance and to eliminate the requirement that multiple structures need to be connected.

## **8. Event Venue**

**Any lot or combination of adjoining lots, if under the control of one owner or lessee, and any structure(s) and improvement(s) used to hold events, such as performances, assemblies, exhibits, weddings, parties, meetings, family reunions, corporate events, retreats, and similar gatherings.**

Existing code definition:

COMMERCIAL EVENT VENUE Any land(s), building(s), structure(s), improvement(s), or equipment used to hold events, such as weddings, parties, meetings, family reunions, corporate events, and similar gatherings, where any fee(s) or remuneration(s) are payable or paid therefor to the owner or operator thereof.

**Reason for difference:** To eliminate the restriction to events for which fees are paid to the owner. (Note that where applicable the licensing requirements of Chapter 101 will apply.)

## 9. Bus Stop

**An area of a lot with frontage on a paved road with or without a dedicated structure, which the owner or owner's lessee or licensee uses and with space off the traveled roadway adequate for the safe boarding and exiting of buses.**

Existing Code includes BUS STATION - A lot, structure, or building used for the boarding and exiting of buses, the selling of transport tickets, the incidental sale or dispensing of food and drink, and the incidental storage of buses.

**Reason for difference:** Bus Station as defined is not in keeping with the District's character. However, the uses to be permitted in the District will benefit from access to public transportation.

## 10. Bed & Breakfast

An Owner or lessee-occupied premises which include a building used for renting accommodations not exceeding six bedrooms to transient fee-paying guests and providing one meal to guests only.

**Reason for new definition:** This use is not a permitted use in the existing code. The code does allow Short Term Rental; want Owner occupied/manager, size, short term, breakfast.

## 11. Inn

One or more existing structures on a lot, or adjoining lots under the control of one owner or lessee, in which no more than thirty rooms or suites of rooms in any single existing structure are made available for paying, overnight guests, whether offering meals or not, and which may include a restaurant that is open to the public; provided that an Inn may include one auxiliary structure on the same lot or adjoining lots of new construction in which no more than ten additional rooms or suites of rooms are made available for paying overnight guests.

### Existing code definition

HOTEL: A building containing more than five rooms for sleeping purposes which are used or rented by fee-paying guests and where only a general kitchen and dining room are provided within the building or in an accessory building.

**Reason for difference:** The Hotel definition leaves unclear what a facility with fewer than 5 bedrooms is. Is it an allowed use or not? If not a hotel what is it? Also, just exactly what is a "general kitchen and dining room"? Want a cap on rooms in the MLHD.

### 12. Cultural Facility, Non Profit

One or more buildings in which a not-for-profit corporation owns, leases or operates an establishment for the purpose of display, performance, public education or enjoyment of heritage, history, arts, or sciences.