

TOFTE DESIGN REVIEW DISTRICT ORDINANCE

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I. INTENT

The Tofte commercial center and adjacent areas are areas where significant business development has occurred in the past decade and where additional business development is expected to occur in the future. It is recognized that this area of the North Shore is known for its natural beauty and setting which attract a significant number of visitors to Tofte and the surrounding area.

Since tourism is an important economic base in this area, both for those who live or earn a living here, and for those who view the area as a precious physical possession, the County Board finds that new development or redevelopment can have a substantial impact on the character of an area. Some harmful effects of one land use upon another can be prevented through zoning and subdivision controls. Other aspects of development are more subtle and not specifically addressed in zoning and subdivision controls. Among these are the general form of the land before and after development, the spatial relationship of structures and open space to land uses within the vicinity, and the appearance of buildings and open space as they contribute to the area as it is being developed and redeveloped. In order to meet the need of the public interest in the evaluation of the design of new development and redevelopment, the County Board has created a design review commission and design criteria for the Tofte area.

Therefore, in order to preserve the natural beauty of the area and its setting, to protect the welfare of the community, to maintain the property values created in the community, to protect and enhance land and property, for the promotion of health, safety and general welfare in the community, and to attain the objectives set out in this section; exterior design of all new commercial development and all modification to existing commercial development shall be subject to design review as specified in this ordinance.

It is the intent of these guidelines to leave as much design freedom as possible to the individual designer while at the same time maintaining the remarkable natural beauty of the area by creating structures which are designed to complement both their individual sites and surroundings.

The objectives of design review shall be as follows:

- A. To recognize the interdependence of the public welfare and aesthetics, and to provide a method by which this interdependence may continue to benefit its citizens and visitors;
- B. To allow for the development of public and private property which is in harmony with the desired character of the district as defined by these guidelines;
- C. To prevent the unnecessary destruction or blighting of the

natural landscape;

- D. To ensure that the architectural design, location, configuration, materials, colors, and overall treatment of built up and open spaces have been designed so that they relate harmoniously to the natural land forms and native vegetation, the district's overall appearance, and with surrounding development for the areas in which the structures are proposed to be located;
- E. To protect neighboring property owners and users by making sure that reasonable provision has been made for such matters as pedestrian and vehicular traffic, surface water drainage, sound and sight buffers, the preservation of light and air, and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

II. TOFTE DESIGN REVIEW COMMISSION

1. Membership

- A. The Tofte Design Review Commission (hereafter called the "Commission") shall consist of five (5) members who shall be appointed by the County Board of Commissioners.
- B. Membership of the Commission shall consist of five persons; the three elected Tofte Township Supervisors, one architect, landscape architect, interior designer, land planner, or similar design professional, and, one resident or property owner from within the design review district.
- C. A non-voting, ex-officio member shall be the County Board of Commissioners member representing this area.

2. Appointments

At the first required meeting of the County Board in each calendar year, the County Board shall appoint members to the Commission to fill expired terms. The appointments shall be made upon approval of the County Board by majority vote of the entire Board.

3. Terms of Office

- A. Except as provided below, each member of the Commission shall be appointed to serve for a period

of three calendar years.

- B. The three Tofte Township Supervisors appointed to the Commission shall be appointed for the term of their elected office.
- C. Initial appointment terms shall be two years for the design professional and three years for the resident/property owner.
- D. Each calendar year shall be presumed to run from the date of the first required meeting of the County Board in a given calendar year to said meeting date in the next calendar year.

4. Vacancies

- A. Appointments shall be made by the County Board to fill any vacancy for the unexpired duration of the term of the design professional or resident/property owner member. Such appointments shall be made at the earliest possible convenience of the County Board.
- B. Appointments to fill the vacancy created by a Tofte Township Supervisor member shall be made at the earliest possible election of a new Supervisor.
- C. Vacancies in membership shall be declared by the County Board under any of the following conditions:
 - 1. Death of a member
 - 2. Resignation of a member
 - 3. Removal of a member for cause as provided in

this Ordinance

5. Removal for Cause

The following shall be deemed sufficient cause for the County Board of Commissioners to remove any of the members of the Commission with the exception of the elected Tofte Township Supervisors. The County Board shall remove any member upon the occurrence of any of the following conditions as reported to the Board by either the Chairperson of the Commission or the Planning Director.

- A. Failure of the member to attend one-third of the regularly scheduled Commission meetings in any 12 month period.

- B. Failure of the member to attend three consecutive regular Commission meetings, or to attend four consecutive regular and special Commission meetings.
- C. Attendance at several regular or special Commission meetings for such a short length of time as to render the member's service of little value to the County. The County Board of Commissioners shall make judgment on such matters after receiving a report of the Chairperson or the Planning Director as provided in this section above.
- D. Violation by the member of any land use control ordinance adopted by the County pursuant to Minnesota Statutes 394.21 to 394.37 and all acts amendatory thereof.
- E. Change in residency or ownership status of the resident or property owner inconsistent with the requirements for appointment.
- F. Inability to carry out the effective duties of the Commission due to a conflict of interest.

6. Organization and Procedures

- A. Officers:
The Commission shall elect a chairperson and vice-chairperson at its first meeting of each calendar year from its members and shall elect a secretary from its members or County planning and zoning staff
- B. Rules of Procedure:
The Commission shall adopt rules for the transaction of business which shall be consistent with statutes of the state and ordinances of Cook County.
- C. Meetings:
 - 1. The meetings of the Commission shall be held at the call of the chairperson and at such other times as the Commission in its rules of procedure may specify.
 - 2. All meetings of the Commission shall be open to the public, with notices placed in the Cook County News Herald and at the Tofte Post Office and Town Hall at least one week prior to the meeting.

D. Voting

1. Each regular member, including the Chairperson, shall be entitled to vote on all questions, unless a particular issue involves a conflict of interest. A decision to abstain from voting shall also extend to discussion. Testimony, however, may be offered.
2. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote. The member who is being challenged shall not vote nor his presence be counted to determine the majority of those attending.
3. Any member who believes he or she may have a conflict of interest, or who has a relative who has an interest, in any decision to be made by the Commission shall disclose such interest and either disqualify him or herself or seek a ruling pursuant to paragraph D (2) of this section.
4. Any person may, in person or in writing, challenge whether any member may have a conflict of interest. Upon any such challenge the Commission shall decide the question pursuant to paragraph D (2) of this section.
5. A simple majority of members present is required to render a decision.

7. Records

- A. The Commission shall keep written public records of all its proceedings and its decisions shall be stated in writing, including the specific reasons for refusing a permit or for any condition of approval.

III. JURISDICTION

1. Design Approval

Within the Design Review District no person shall begin removal of vegetation, site preparation, building construction or demolition, dumping of material upon a site, (sign erection), exterior alteration or enlargement of existing structure, paving, fencing, or other improvements, with the exception of that required for single family homes and accessory structures, prior to review and approval by the Commission.

2. District Boundary

The location and boundary of the Tofte Design Review District shall be established by this Ordinance. The District Map shall be made a part of this Ordinance and shall be kept on file in the Cook County Planning and Zoning Office.

3. Existing Structures

Structures existing at the time of adoption of this Ordinance shall be allowed to remain without any need to alter the structures to comply with this Ordinance.

Any exterior work done on existing buildings would not be required to come into closer compliance with these guidelines than the original building, but neither could they deviate any further from the guidelines. In other words, any additions, re-roofings, re-sidings, etc., could use materials and shapes matching that already on the building. If a structure was substantially demolished and rebuilt, the new building would have to comply with these guidelines.

IV. APPLICATION REQUIREMENTS

1. Pre-application Conference

A. Prior to the formal filing of an application for design review, applicants are encouraged to meet with Cook County Office of Planning and Zoning staff to obtain information and guidance. The purpose of the pre-application conference is to permit the applicant and staff to review informally the proposal before substantial commitment of time and money are made.

B. Topics of discussion shall include; characteristics of the site; the nature of the proposed development; and, applicable regulations, review procedures and submission requirements.

2. Conceptual Design Review

A. The property owner or authorized agent of any project requiring design approval subject to this Ordinance may submit plans for conceptual review by the Commission to the Office of Planning and Zoning. The purpose of the conceptual review shall be to give the applicant a basic understanding with respect to the design concept and the compatibility of a proposal with the design guidelines of this

Ordinance. This procedure is recommended for large projects.

B. Application Information

The following information shall be submitted for a conceptual review a minimum of twenty days prior to a scheduled Commission meeting.

- a. Application form
- b. A conceptual site and landscape plan at a minimum scale of one inch equals twenty feet.
- c. Sufficient information to show that the proposal complies with the development standards of the zone district in which the project is to be located (i.e. lot size, site coverage calculations, number of parking spaces, etc.).
- d. Conceptual elevations and exterior materials, and a description of the character of the proposed structure or structures.

C. Staff /Commission Procedure

Upon receipt of an application for conceptual design review the Office of Planning and Zoning shall review the submitted materials for general compliance with the Zoning Ordinance. If the proposal is in basic compliance with the Zoning Ordinance, the project shall be forwarded to the Commission for conceptual review. If the application is not in general compliance with the Zoning Ordinance, the application shall be returned to the applicant with a written explanation of the Office of Planning and Zoning's findings.

The Commission shall review the application and supporting material that has been submitted for a conceptual review in order to determine whether or not the project generally complies with the design guidelines. No vote of the Commission will be required unless requested by the applicant. The property owner or authorized agent shall be present at the Commission hearing.

3. Final Design Review

- A. The property owner or authorized agent of any project requiring design approval subject to this Ordinance shall submit for final design approval all of the following material to the Office of Planning and Zoning, unless the Planning Director

determines that some of the following material may be excluded:

- a. Application form and required fee.
- b. A site plan at a minimum scale of one inch equals twenty feet which includes the location of all buildings, signs, driveways, parking areas, easements, loading areas, utilities, etc.
- c. A landscape plan at a minimum scale of one inch equals twenty feet which shows the location of existing trees or groups of trees having trunks with diameters of four inches or more at breast height. All trees, shrubs and other native plants proposed to be removed shall be indicated. The landscape plan shall show trees to be retained as well as variety and size of trees, shrubs and other plant material to be planted.
- d. A drainage plan shall be prepared which shows all existing and proposed watercourses. The drainage plan shall also indicate the location and type of structures necessary to handle the quantities of runoff generated as a result of the project.
- e. Architectural plans drawn at a scale of one-eighth inch equals one foot or larger. The plans shall include all elevations of proposed structures as they will appear upon completion, existing and finished grades. One or more perspective sketches, scale model, photographic overlays, or other similar techniques shall be submitted, as necessary, to illustrate the overall appearance of the building and site development features in relation to adjacent properties in the neighborhood. All exterior surface materials and colors shall be specified, and samples of each, with proposed finish shall be submitted.
- f. Sign plans shall be prepared which include scale drawings, plans, renderings, photographs or other information showing in detail design, material, colors, and specifying the method of illumination.
- g. Erosion control, runoff and landscape preservation plans shall be submitted in conformance with requirements of the Cook County Zoning Ordinance.

B. Staff/Commission Procedure

- a. Upon receipt of an application for final design review the Office of Planning and Zoning shall check all materials submitted for compliance with applicable provisions of the zoning ordinance, subdivision regulations, Public Health Code, and the design review ordinance. The Planning Director may require any additional items from the applicant as may be necessary for complete and proper design review. If the application is found to be complete and in compliance with the zoning ordinance, subdivision regulations, Public Health Code and the design review ordinance the project shall be placed on the agenda of the next Commission meeting. If the application is found to be incomplete or not in compliance with requirements of the zoning ordinance, subdivision regulations, or the design review ordinance the application shall be returned to the applicant with an explanation of the Planning Directors findings.
- b. The Commission shall review the application and supporting materials, and if the design of the project is found to comply with the objectives and design guidelines of the Ordinance, the Commission shall approve the design of the project. If additional items are needed to determine whether the project will comply with the objectives and design guidelines of this Ordinance, the Commission may give preliminary approval or table the project until the next regularly scheduled meeting. If the project is tabled or if preliminary approval is given, the Commission shall specify the conditions and additional and/or modified materials which must be submitted, including any changes in the design of the project.
- c. If the project is found to conflict with the design guidelines, the Commission shall disapprove the design of the project. Any disapproval shall be in writing and shall specifically describe the design guidelines with which the design of the project does not comply and the manner of non-compliance.
- d. The Commission shall have thirty days to consider and approve or deny an application.

The time for action may be extended at the request of the applicant.

- e. The applicant or authorized representative shall be present at the Commission meeting.
- f. The Planning Director may approve any of the following applications:
 - aa. Any application to an existing building that does not significantly change the existing planes of the building and is generally consistent with the architectural design, materials, and colors of the building, including, but not limited to windows, skylights, siding, and other similar modifications.
 - bb. An application for an existing building that is consistent with the architectural design, materials and colors of the building.
 - cc. An application to remove or modify existing vegetation or landscaping upon a site.

In the above specified cases, the Planning Director may review and approve the application, approve the application with modifications, or may refer the application to the Commission for decision. All other applications shall be referred to the Commission.

V. DESIGN GUIDELINES

GENERAL

1. INTENT

The purpose of these guidelines is to encourage future development in a direction that complements Tofte's village character and finds inspiration from the most positive aspects of its fishing and logging heritage. The guidelines should serve to help new buildings contribute to the feeling of Tofte being a unique village, rather than just another commercial "strip" along the highway. In so doing, they will enhance the value of other properties in the area.

These guidelines are not intended to specifically

encourage or discourage development. Rather, they are created as a result of a growing realization that development of remaining available land parcels in the area appears inevitable in the near future. Their intent is to guide that development in a direction that adds to the quality of the community from an aesthetic point of view.

DIVERSITY

These guidelines are not intended to create a "theme" community. This term implies planning a community around a style that is artificial and not already inherent to a locale. Rather, the guidelines attempt to identify building styles, shapes, materials, etc. that fit in Tofte because they are part of her heritage.

Neither are these guidelines intended to require that all buildings look alike. Their intent is to allow a large amount of creativity and individual expression in the design of new buildings. In fact, diversity of building shapes, sizes and materials, within certain limitations, is a characteristic of villages, and is to be encouraged. Builders of additional buildings would be encouraged to choose variations on traditional design themes, so that over time a greater feeling of diversity is achieved.

2. SITE GUIDELINES

A. INTENT

New structures should be sited relative to the shore if they are on the shore, and to the streets above the shore if they are not on the shore. New commercial buildings should be located in the lower part of town, near highway 61, where they will be neighbors of both other commercial buildings and residences. They should appear residential in scale. Upper tiers of buildings should be mainly residential in purpose.

The highway department should be encouraged to modify its design standards on the portion of the highway passing through the area affected by these guidelines, to lessen further damage from the road to the village feel of Tofte.

B. OPEN SPACES

Open spaces between buildings should reinforce the loose fit and diversity which is typical of coastal villages. Natural areas should remain as much as

possible between buildings in order to maintain a rural village character.

C. BUILDINGS SITES/TOPOGRAPHY

Natural terrain should remain as much as possible. Site development should be respectful of natural systems.

D. INFORMAL MAIN STREET IMAGE

Site development along Highway 61 should reinforce the image of Tofte's Main Street by having buildings which face the street, by emphasizing pedestrian connections, by maintaining a consistent building edge, and by limiting automobile-scaled frontage such as a continuous edge of parking.

3. BUILDINGS GUIDELINES

A. Intent

The intent of the design review guidelines are not to require that all new buildings look alike. Rather, an appearance of diversity is considered important to enhance the feelings of being in a village. These guidelines are not intended to make all buildings appear to be old. They are intended to encourage the construction of new buildings that serve modern day needs, but that incorporate enough detail from traditional designs so that they fit into the architectural, environmental and historic context of the area.

The purpose of building, shape, form and detail guidelines are to provide specifics that attempt to define the "North Shore Village" appearance.

B. Building Shape

The general shape of buildings shall be with vertical walls and pitched roofs. They should avoid sprawling, horizontal shapes, and in general appear more vertical. Longer buildings shall have their horizontal facades broken up with changes in elevation, trim detail, and roof shape, so as to appear as a series of more vertical structures attached together, rather than one long structure. Vertical walls shall reach up to at least one story above ground. Untraditional, geometric shapes will not be allowed such as domes, cones, or spheres.

C. Roof Shape

Gabled and hip roofs shall be the predominant roof forms with a pitch of at least four feet in twelve. Flat roofs may be used in conjunction with gabled roofs as long as the gabled shape is the dominant form. The use of dormers and multiple gabled shapes meeting in valleys is encouraged, especially on larger buildings, to break up the expanse of roof.

D. Wall Materials

It is recommended that walls shall be sided in wooden lap siding, either vertical or horizontal, up to 8 inches in width, or made of real logs. Simulated wooden siding, such as aluminum, steel, plastic, or Texture III paneling, may be substituted as deemed appropriate by the "Commission". Masonry should not be used as the predominant wall material. Masonry, including native stone, may be used for chimneys, and building accents. Simulated native stone may be substituted as deemed appropriate by the "Commission". Plywood siding shall not be permitted.

E. Roof Materials

Roof materials shall be wood shingles, wood shakes, asphalt shingles intended to appear like wood shingles or standing seam metal roofing.

F. Building Color

The colors of new buildings shall be compatible with their sites and existing buildings. The use of colors reminiscent of early Tofte structures (1890-1930) is encouraged. Color samples will be on file in the Planning and Zoning Office. Primary, bright or high intensity colors are discouraged and permitted only as accents.

G. Windows and Doors

Windows and Doors shall be painted or natural wood, or metal painted or clad to conform with color guidelines discussed above.

H. Accessory structures

Accessory structures shall use the same or similar

building materials and colors as principal structures.

I. Exterior Lighting

Exterior lighting shall be designed and located to minimize the impact upon surrounding properties. Lighting should be soft and subdued, and not excessive, to accomplish necessary purposes.

4. Landscape Guidelines

A. Intent

The natural environment and natural features of the area are the single most striking element of the North Shore. Landscape guidelines are intended to reinforce the importance of natural features within Tofte, while allowing new development to be compatible with the natural surroundings. A consistent landscape approach will help create pedestrian interest, frame and focus views, provide screening for roads and parking areas, and protect existing vegetation.

The goal of any landscape plan should be to preserve and enhance the natural landscape character of the area in which it is located. The landscape scale and overall design shall be developed so that new vegetation is integral with the natural landscape and the inherent form, color, and texture of the local plant communities. One of the major objectives of landscaping is to help reduce the scale of new structures and to assist in the screening of structures.

- B. The planting of large size plant material is encouraged. Special care should be taken to select plantings that are indigenous to the North Shore area for use in designing the landscape plan. Existing large trees on building sites should be preserved as much as is possible.

C. Landscape Preservation Standards

All requirements of the Cook County Zoning Ordinance relating to landscape preservation must be met.

D. Parking Areas

Large expansive parking areas shall be avoided by

screening with vegetation, by breaking them up with islands of vegetation, or by locating all or part of parking areas to the rear of buildings, out of public view.

E. Fences and Walls

Design of fences, walls and other structural landscape features shall be of material compatible with the site and the materials of the structures on the site. Retaining walls and cribbing shall utilize natural materials such as wood timbers, logs or rocks. No chain link fences shall be allowed except as temporary construction fences or as required for recreational facilities.

F. Accessory Use Screening

Service areas, outdoor storage, and trash/recycling storage shall be screened from adjacent properties, structures, streets, and other public areas by fencing, berms or landscaping.

5. Signage

A. Intent

Although signs will physically occupy little space, their visual impact on the image of Tofte will be significant. Individual creativity will not be restricted, however, signs should generally conform to the same guidelines as buildings, such as compatibility with the natural environment, consistent use of common details and acknowledgement of Tofte's historical heritage.

B. Guidelines

Sign Quality: Signs should be made of natural materials, to soften the visual impact. No sign or light shall move, flash, or make noise. Signs shall be lit from their exteriors, with white light only. No sign shall be painted directly on building walls. Permanent signs should not be affixed to or painted upon rocks, trees, utility poles or other such structures.

VI. ADMINISTRATION

1. Administrative Policy

A. A decision that may be made by the Planning

Director shall be made within ten days of the receipt of a complete application and the supporting materials. If a decision is not made within ten days of receipt of the completed application and materials, the application shall be deemed approved. The Planning Director shall submit to the Design Review Commission a summary of all decisions made by him at the next meeting of the Commission.

- B. A decision by the Planning Director may be appealed to the Commission by the applicant an owner of property within the Design Review District, or the Commission at any time before the decision becomes final.
- C. The decision of the Planning Director shall become final if no written appeal is made to the Commission within 7 days of the Commission receipt of the summary of the decision from the Planning Director.
- D. The Commission shall consider the appeal the same as it considers all other applications before it.

2. Appeal to County Board

- A. Any person aggrieved by a decision of the Commission shall have the right to appeal such decision to the County Board, provided such appeal is submitted in writing to the Planning Director within 15 days of the final action by the Commission. The County Board may either affirm, modify or set aside the action of the Commission and direct the Planning Director to issue a land use permit in accordance with the decision of the County Board.
- B. An aggrieved person shall be an individual present at the hearing of the Commission, a property owner within the Design Review District, or the applicant.
- C. The County Board shall hear the appeal within 30 days of its being submitted to the Planning Director.

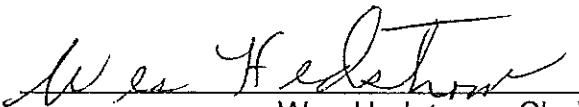
3. Fees

The County Board shall by resolution establish a fee schedule for review of plans submitted to the Commission and appeal of any decision of the Commission.

Tofte Design Review District Ordinance--#39 shall take effect and be in full force on the 9th day of November, 1992;

This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed and approved this 24th day of September, 1992.


Wes Hedstrom, Chair
Cook County Board of Commissioners

Attest:


Carol Gresczyk
Cook County Auditor-Treasurer

STATE OF MINNESOTA }
County of Cook } ss.
Auditor's Office }

I, Carol Gresczyk Auditor of the County of Cook, do hereby certify that
I have compared the foregoing with the original Ordinance # 39 filed in said
office on the 29th day of September, 19 92, and that the same is a
true copy thereof, and of the whole of said original.

Witness my hand and seal of office at Grand Marais, MN, this 30th day
of September, 19 92.

Carol Gresczyk
County Auditor

By _____
Deputy Auditor