



**CITY OF NEWPORT
PLANNING COMMISSION MEETING
NEWPORT CITY HALL
JUNE 11, 2015 – 6:00 P.M.**

Chairperson:	Anthony Mahmood	City Administrator:	Deb Hill
Vice-Chair:	Kevin Haley	Executive Analyst:	Renee Eisenbeisz
Commissioner:	Matt Prestegaard	Planner:	Sherri Buss
Commissioner:	Marvin Taylor	Council Liaison:	Tom Ingemann
Commissioner:	David Tweeten		

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of May 14, 2015

4. APPOINTMENTS WITH COMMISSION

A. **Public Hearing** – To consider a Request from Mark Gergen for a 24-Month Extension for a Variance for Property Located at 1825 4th Avenue

1. Memo from Sherri Buss
2. Resolution No. 2015-4

B. Discussion Regarding Proposed Amendments to the Zoning Code, Section 1330

1. Memo from Sherri Buss
2. Resolution No. P.C. 2015-3

5. COMMISSION & STAFF REPORTS

6. NEW BUSINESS

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

- | | | |
|---|---------------|-----------|
| 1. City Council Meeting | June 18, 2015 | 5:30 p.m. |
| 2. City Offices Closed due to 4th of July | July 3, 2015 | |
| 3. Planning Commission Meeting | July 9, 2015 | 6:00 p.m. |
| 4. 62nd Annual Booya | July 12, 2015 | |

8. ADJOURNMENT



**City of Newport
Planning Commission Minutes
May 14, 2015**

1. CALL TO ORDER

Chairperson Mahmood called the meeting to order at 6:00 P.M.

2. ROLL CALL -

Commissioners present – Anthony Mahmood, Kevin Haley, Matt Prestegaard ,Marvin Taylor, David Tweeten

Commissioners absent –

Also present –Deb Schulz, Accountant; Sherri Buss, TKDA Planner;

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of April 9, 2015

Chairperson Mahmood - I just have one change, it says that I called the meeting to order but I didn't since I wasn't here, it should state Kevin.

Motion by Prestegaard, seconded by Haley, to approve the April 9, 2015 minutes as amended. With 5 Ayes, 0 Nays, the motion carried.

4. APPOINTMENTS WITH COMMISSION

A. Public Hearing - To consider amendments to the Zoning Code, Section 1330

The Public Hearing opened at 6:01 p.m.

The Public Hearing closed at 6:01 p.m.

Sherri Buss, TKDA Planner, presented on this item as outlined in the May 14, 2015 Planning Commission packet. The first item the Planning Commission discussed was Section 1330.05, Subd. 3.

Vice-Chairperson Haley - Can the section on building materials be taken out?

Ms. Buss - I think so, I think we just list it as a material that's allowed in all districts.

Marvin Taylor - Isn't the objective to prevent commercial buildings from having vinyl siding?

Ms. Buss - It depends on whether you want to do that or not. We want it allowed in R-1 at least.

Marvin Taylor - I was reading it as this line doesn't apply to R-1, those standards are elsewhere.

Ms. Buss - So the question is in the MX districts.

Chairperson Mahmood - I'm in MX-4 and I have vinyl siding.

Ms. Buss - Even on multi-family stuff now, there's quality wood and vinyl siding and I think we would allow that.

Marvin Taylor - Isn't it saying that it's allowed in those districts?

Ms. Buss - Yes, but now we have MX districts.

Matt Prestegaard - Can we attach it to the type of structure instead of district?

Vice-Chair Haley - This is under the header, "Permitted Materials," so that should be a permitted material with possible exclusions in a business district.

Ms. Buss - Are those the districts we want to leave it out of? We need to get rid of only allowing it in R-2 and R-3.

Vice-Chair Haley - We need to permit it but exclude it in say the B Districts only.

Marvin Taylor - The language in blue is adding Subd. 3 where before it wasn't there. This section previously, excluded RA-1. We need to change the language in Subd. 2 it seems.

Ms. Buss - This particular section, at the top says that the standards don't apply in the R-1 and R-2 Districts. I think the issue is what about the MX districts and do we want to allow wood and vinyl. I think we do because it's common in multi-family structures.

Matt Prestegaard - Is the question I asked about structure type versus district type reasonable?

Ms. Buss - We could say it's allowed on residential uses but not commercial or industrial.

Marvin Taylor - The only thing with that is if we get a large unit development, do we want to allow wood or vinyl on those?

Vice-Chair Haley - Plenty of those have mixed materials.

Ms. Buss - Yes, one of the developers that came in proposed to use hardy board.

Vice-Chair Haley - Remember the one that we visited, there was some horrible vinyl siding on that and it was a large building.

Ms. Buss - So we don't want to use vinyl on large multi-family units?

Marvin Taylor - I don't know what the cut-off is.

Vice-Chair Haley - I would be inclined to not allow it on large commercial properties.

Ms. Buss - Or larger multi-family units. I'll write that up based on our discussion, smaller residential units up to quads can use vinyl, wood is allowed on all residential, and wood and vinyl are not allowed on business and commercial buildings.

Marvin Taylor - Unless if we want to allow a certain percentage of wood on buildings.

Ms. Buss - We can take a look to see what our neighbors allow and come back. It just seemed out of date to me.

The next item the Planning Commission discussed was parking standards in Section 1330.

Vice-Chair Haley - The wording doesn't flow well with me. It's that discretionary...

Chairperson Mahmood - Are you talking about giving the Engineer the discretion? I'm on the same page as you.

Ms. Buss - You can take that part out, he typically comments on any development proposal. The only argument that comes in is we have the occasional person that comes in with a durable, dustless surface that's not asphalt and we turn to the Engineer for his discretion.

Vice-Chair Haley - I would like it defined, it seems to allow him discretion anywhere.

Deb Schulz - There was a person who came in that wanted to put in pavers, not asphalt.

Chairperson Mahmood - My concern is where it says if a driveway is in disrepair and the Engineer has the authority to decide that.

Ms. Buss - Should we take that out then?

David Tweeten - I don't think it's unreasonable to give examples and say "or similar."

Ms. Buss - We could say "or a similar, durable, dustless surface that meets the City's standards."

David Tweeten - Yes, something will need to be a judgment call and someone will need to make it.

Ms. Buss - Typically, the City Engineer makes a recommendation. A lot of these things don't go to the City Council. Staff usually takes it to the Engineer.

David Tweeten - What if there's a dispute.

Ms. Buss - Then it would go to the City Council.

David Tweeten - That process needs to be spelled out somewhere right?

Ms. Buss - Yes, probably in the ordinance.

David Tweeten - What is a refusal to pave?

Ms. Buss - We don't go back to people and require them to meet the ordinance now. This would come in with a new building permit or selling a house or with a new business. It's typically when there's a permit.

Deb Schulz - There are standards that Bruce forwarded to me.

Ms. Buss - If instead of saying "as approved by the Engineer" we say "a surface that meets the City's Engineering Standards."

Vice-Chair Haley - An interesting thing is pavers.

Chairperson Mahmood - We just need to make sure those are in the standards. My main concern was if a driveway was in disrepair and the Engineer has the discretion to require them to replace it. What if he just doesn't like the guy?

Vice-Chair Haley - What about C, Standards Maintenance where it says "The City at its discretion can require the entire or greater portion of the driveway to be paved if erosion problems are experienced on public or private land."

Ms. Buss - We could add "The City based on its Engineering Standards." I think he has standards on the drainage part.

Vice-Chair Haley - This is taking it above a building permit and sale.

Deb Schulz - This is because of one home where gravel was going onto the street.

Vice-Chair Haley - I understand that but it says all parking lots shall be kept in good condition with no potholes. If, in the City's judgment, it's deteriorated. It's saying at any time then.

Ms. Buss - This is different, this one is if a person has let their driveway deteriorate to the point where lots of gravel is washing off, the City could require them to bring it up to a standard.

Vice-Chair Haley - I understand but this is opening it up to where our staff can go around to any business and require them to replace it.

Ms. Buss - This is new so if you're uncomfortable with it we can remove it.

Marvin Taylor - I drove around to check this out and a lot of issues with stormwater on the west side is commercial properties, large-scale parking lots that are deteriorated or have gravel, grass, dirt or mud and are draining onto public streets.

Ms. Buss - We could say this applies to commercial and industrial properties only.

Marvin Taylor - I was looking at to see where the erosion was happening.

Vice-Chair Haley - I stopped in here the other day and drove by a commercial property that's not paved and the mud and whatever is coming out of there is huge. I'm not opposed, it's a tough decision.

Chairperson Mahmood - I'm always opposed to the City telling people what they can and cannot do but you have to do it. I think if you reworded it to say "The Engineer's Standards" that would be fine.

Ms. Buss - We could recommend that the Engineer right standards that would be approved by the Council.

David Tweeten - And then time of enforcement.

Matt Prestegaard - It said point of sale.

Vice-Chair Haley - There is a level where it does impact the City. We do have to have some level of standards.

Chairperson Mahmood - Is there a code written already for deteriorated driveways?

Ms. Buss - No.

Chairperson Mahmood - It does say "point of sale."

Ms. Buss - Yes, we wouldn't be going out to try and find properties like this.

Matt Prestegaard - If we define both the standards and timeframe and still feel that we want to be conscious about holding up a sale, we can set the standards low.

Ms. Buss - So you would like the Engineer to set a written, reasonable standard to be approved by the Council.

Deb Schulz - If it's a foreclosed home or sold in the winter, it's set in the purchase agreement.

Marvin Taylor - Some of these properties may be for sale for a long time. I think it's problematic to allow such situations indefinitely.

Ms. Buss - So do you want to take out "point of sale" but still require the Engineer to come up with standards.

Marvin Taylor - Keep it at that for residential but if they're above a certain threshold for commercial and industrial require it prior to the sale.

David Tweeten - That goes along with what I was thinking, if it's at the point of sale, we're creating a disincentive to sell.

Vice-Chair Haley - It's a good chance that we're thinking of a similar property. I think at some point, we need to start pushing it.

Ms. Buss - What if we said at point of sale or if it's violating the watershed district standards?

Matt Prestegaard - Can the City enforce it or want to enforce it? I feel we've had similar conversations where they didn't want to take on enforcement.

Marvin Taylor - Stormwater is the issue.

Ms. Buss - I think our Engineer needs to set up standards for when we would enforce it. The watershed typically only gets involved with new development. Redevelopment is up to the City.

Chairperson Mahmood - Can we write something up with standards for businesses instead of worrying about the residents as much.

Ms. Buss - We could say that the Engineer could come up with standards for both.

Vice-Chair Haley - I also saw that we're only allowing 2 cars in a front yard for residential properties.

Marvin Taylor - There's two different languages, you're allowed three vehicles but only two spots.

Vice-Chair Haley - I don't have a problem limiting surface area but I don't think we should have a limit on vehicles.

Ms. Buss - Part of this is setting a standard for how much of the front yard should be paved, we could say 25% of the front yard area. I think it was trying to limit the amount of paved area in the front yard. The front yard is the area from the required setback to the property line.

Vice-Chair Haley - I think we need to stop people from parking on grass.

Ms. Buss - All parking surfaces in the front yard or those that drain to a public street need to be paved.

Vice-Chair Haley - If we do this, is it enforceable?

Ms. Buss - Yes.

Chairperson Mahmood - I did see something in E where it says that setbacks are five feet and to go to 811.07(E) for standards. That section says three feet.

Ms. Buss - Only the apron can be three feet. So the changes we've made are take out the references to the City Engineer and replace it with City Engineering Standards and we're recommending that there be some standards created for residential and businesses. We're taking out the two-space requirement. Anything else?

Vice-Chair Haley - I have a question, where it says "required parking shall be within four hundred feet of the entrance."

Ms. Buss - That's from your current code. For certain businesses, we have requirements and that means it needs to be on the parcel of your business. You can't count parking spots at another business as yours.

David Tweeten - How is that limited to commercial properties? Same with Access.

Ms. Buss - We can clarify that. Letters K and L are for commercial uses.

David Tweeten - Should we do that for the dimensions as well?

Ms. Buss - We don't have dimensions for residential uses.

David Tweeten - That's not clear.

Ms. Buss - We can say clarify it.

Vice-Chair Haley - Also, D in Subd. 2 where it's talking about driveway space that seems ambiguous.

Ms. Buss - That's in the existing code. Are we at a point where this needs to be looked at again?

David Tweeten - I think so.

Vice-Chair Haley - How would you like us to proceed?

Ms. Buss - It's a good time to look at those sections now if you want to. We haven't reviewed those yet.

Matt Prestegaard - Is there any urgency?

Ms. Buss - One more month won't hold it up.

Chairperson Mahmood - Can we get a copy of the standards?

Deb Schulz - I can send you what Bruce sent me.

Marvin Taylor - I have a couple questions. That 25% requirement, is that distinct from the driveway?

Ms. Buss - I'll take a look at the definitions.

Vice-Chair Haley - What would be an average front yard and what is 25% of that?

Ms. Buss - Let's draw up a couple drawings for next time.

Marvin Taylor - Are people required to get permits for driveways?

Deb Schulz - We just started requiring that.

Motion by Prestegaard, seconded by Haley, to table Resolution No. 2015-3. With 5 Ayes, 0 Nays, the motion carried.

5. COMMISSION AND STAFF REPORTS

6. NEW BUSINESS

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

- | | | |
|--|---------------|-----------|
| 1. City Council Meeting | May 21, 2015 | 5:30 p.m. |
| 2. City Offices Closed due to Memorial Day | May 25, 2015 | |
| 3. City Council Meeting | June 4, 2015 | 5:30 p.m. |
| 4. Planning Commission Meeting | June 11, 2015 | 6:00 p.m. |

8. ADJOURNMENT

Motion by Prestegaard, seconded by Tweeten, to adjourn the Planning Commission Meeting at 6:48 p.m. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____
Anthony Mahmood, Chairperson

Respectfully submitted,

Renee Eisenbeisz
Executive Analyst



444 Cedar Street, Suite 1500
Saint Paul, MN 55101
651.292.4400
tkda.com

Memorandum

To:	Newport Planning Commission	Reference:	Gergen Variance Extension
Copies To:	Deb Hill, City Administrator		
	Renee Eisenbeisz, Executive Analyst		
From:	Sherri Buss, RLA AICP, City Planner	Project No.:	15742.002
Date:	June 1, 2015	Routing:	

Background

In May 2014, the City approved a variance request from Mark Gergen. He was granted a variance from the lot size requirements and lot coverage requirements in the ordinance to permit the creation of 4 parcels and 4 homes in an area south of 20th Street and west of 4th Avenue (see attachment).

Mr. Gergen has submitted a request to the City to extend the variance for two additional years.

Ordinance Requirements for Variance Extensions

Applicants must begin construction or implementation of the project for which a variance was granted within one year of the approval date, or the variance is no longer valid. If the applicant wants an extension of the variance, the Zoning Ordinance requires that he/she send a petition to extend the time of the variance in writing to the Zoning Administrator (City Administrator). The letter needs to state the facts about why the extension is needed, show a good faith attempt to use the variance, and state the additional time that is needed to complete construction. The request for a variance extension is processed through the Planning Commission and Council.

The city may use a variety of factors to determine whether the applicant made a good faith attempt to use the variance, including factors related to the project design, size, expense, and type of the proposed construction.

The ordinance permits the City to grant up to a two-year extension of the variance, but the approval period cannot be extended further after a two-year extension.

Applicant's Request

The applicant's letter requesting an extension of the variance is attached. His rationale includes the following:

- The recording of the administrative lot line adjustment that was part of the variance approval took four months. (Washington County records lot line adjustments.)
- The applicant could not obtain an approved building permit until after the lot line adjustment was recorded by the County.
- The applicant selected a new builder for the homes that will be built on the lots for which the variance was approved.
- The four homes will be built in two phases, based on market conditions.

Recommendation for Planning Commission Action

The applicant has made a good faith attempt to use the variance by filing the required lot line adjustment at the County and applying for building permits. He has also hired a new builder for the four homes. He has requested a two-year variance extension, the maximum time permitted. It is not likely that the City will change the ordinance standards that affect the proposed project during the next two years in a way that would require changes to the project, so there is no reason from a zoning perspective to deny the request.

The Planner recommends that the Planning Commission recommended that the Council approve the variance extension for the development of the 4 parcels south of 20th Street and West of 4th Avenue. The variance approval would be extended to May 15, 2017.



April 23, 2015

City of Newport
596 7th Avenue
Newport, MN 55055

Re: Variance Extension Request 1825 4th Avenue

To whom it may concern:

On May 15, 2014 a variance was approved under Resolution 2014-23 that reduced the front yard setback to 20 feet and allowed for a 30% lot coverage on a property located at 1825 4th Avenue. At this time as owner of the lot, I am requesting an extension of the variance for a period of two years for the following reasons.

I own this lot along with three other lots on 4th Avenue and at the time of the variance approval, an administrative lot split was also completed to reconfigure the four lots making three of the four lots conforming when previously all four lots were non-conforming. Due to the recording of the administrative lot split taking approximately four months after the variance approval, we were unable to receive a building permit since the lot split had to be recorded first. During this time the builder situation changed and we now have a new builder who is going to build homes on the four lots. Currently building permits have been applied for on the two lots north of 1825 4th Avenue and after those homes sell the builder is going to apply for a building permit on this 1825 4th Avenue.

Since the plan is still to build the homes that were originally designed for the lots, I am asking for an extension of two years for the variance to allow for the home to be built when we have the other two homes sold.

Thanks for your consideration.

Sincerely,

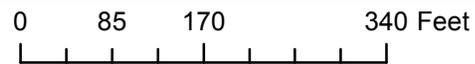
A handwritten signature in black ink, appearing to read 'Mark Gergen', written in a cursive style.

Mark Gergen



Parcel ID: 2602822440143

Parcel Address:
1825 4TH AVE, CITY OF NEWPORT



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

**PLANNING COMMISSION
RESOLUTION NO. P.C. 2014-5**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE AN EXTENSION OF THE
VARIANCE GRANTED TO MARK GERGEN, 3600 AMERICAN BLVD, SUITE 130,
BLOOMINGTON, MN 55431 FOR PROPERTY LOCATED AT 1825 4TH AVENUE**

WHEREAS, the City Council approved a Variance for Mark Gergen on May 15, 2014 to permit the applicant to create and develop a parcel that is 7,915 square feet in size, with a lot coverage up to 30%, and a front setback of 20 feet by Resolution No. 2014-23; and

WHEREAS, the property is located at 1825 4th Avenue and is more fully legally described as follows:

PID# 26.028.22.44.0143 - That part of Lot 3, Block 8, Red Rock Villas, Washington County, Minnesota described as follows: Beginning at the northeast corner of said Lot 3; thence S89°54'42"W, along the north line of said Lot 3, a distance of 70.00 feet; thence S18°54'11"E, a distance of 63.19 feet to a point on the south line of said Lot 3 distant 49.76 feet westerly of the southeast corner of said Lot 3; thence Northeasterly, along a non-tangential curve, concave to the southeast, having a radius of 52.77 feet, a central angle of 87°59'48", a chord bearing of N42°31'24"E, a chord distance of 73.31 feet, an arc distance of 81.05 feet to a point on the east line of said Lot 3 distant 5.86 feet southerly of the northeast corner of said Lot 3; thence N00°13'33"W, along said east line, a distance of 5.86 feet to the point of the beginning.

WHEREAS, The described property is zoned Low Density Single Family Residential (R-1); and

WHEREAS, Mark Gergen, 3600 American Blvd, Suite 130, Bloomington, MN 55431, has submitted a request for a 24-month extension of the Variance; and

WHEREAS, Following publication, posted, and mailed notice thereof, the Newport Planning Commission held a Public Hearing on June 11, 2015; and

WHEREAS, the Planning Commission's findings related to the request for approval of an extension of the Variance include the following:

1. The petition for extension was filed during the time period required.
2. The applicant is working to use the variance, including completing the recording of the administrative lot line adjustment that was required for the variance approval, applying for the required building permits, and hiring a new builder for the homes. The several months needed to record the lot line adjustment were created by Washington County, and were beyond the applicant's control. The applicant could not obtain an approved building permit until the lot line adjustment was accepted by Washington County.
3. The extension is needed to permit construction of the new homes in phases, based on market conditions; and

NOW, THEREFORE, BE IT FURTHER RESOLVED That the Newport Planning Commission **Hereby Recommends Newport City Council Approval** for a 24-month extension to the Variance to Permit the Applicant to Create and Develop a Parcel that is 7,915 Square Feet in Size, with a Lot Coverage up to 30%, and a Front Setback of 20 Feet with the following conditions:

1. The Applicant shall obtain building permits for development of the proposed homes and structures on each parcel. All structures on Parcels A, B and D shall meet the dimensional standards, lot coverage standard, and other requirements of the Zoning Ordinance.
2. The Applicant shall obtain approval of a lot line adjustment for the four parcels, and shall file the approval with at Washington County within 180 days of the approval and prior to development of the parcels.
3. The Applicant shall obtain an approved Design Permit from the City.
4. The property owner shall obtain any necessary permits from the South Washington Watershed District prior to the start of construction activities.

5. Any necessary work performed on existing City streets or utilities shall be completed in accordance with the City of Newport standards, including conformance with Minnesota Department of Transportation (MnDOT) and City Engineers' Association of Minnesota (CEAM) Standards, latest additions.
6. The property owner shall contact the City's Public Works Department for the location of existing utility stub(s) for each proposed lot. Connection to City utilities shall be prohibited without written agreement with the City.
7. The property owners shall provide the City of Newport the appropriate construction application fees, which shall be based on the contracted construction amount.
8. The property owner shall contact Gopher State One Call prior to initiating any construction activities.
9. Erosion and sedimentation Best Management Practices (BMP's) shall be in place prior to commencing any construction activities.
10. The applicant shall pay all fees and escrow associated with this application.

Adopted this 11th day of June, 2015 by the Newport Planning Commission.

VOTE: Mahmood	_____
Haley	_____
Prestegaard	_____
Taylor	_____
Tweeten	_____

Signed: _____
 Anthony Mahmood, Chairperson

ATTEST: _____
 Deb Hill, City Administrator



444 Cedar Street, Suite 1500
 Saint Paul, MN 55101
 651.292.4400
 tkda.com

Memorandum

To:	Newport Planning Commission	Reference:	Planning Commission Meeting June 11, 2015
Copies To:	Deb Hill, City Administrator		
	Renee Eisenbeisz, Executive Analyst		
From:	Sherri Buss, RLA AICP, City Planner	Project No.:	15743.000
Date:	June 1, 2015	Routing:	

The Planning Commission meeting on June 11 will include consideration of a request for a variance extension from David Gergen, and continuing discussion of the performance standards for parking and driveways in the Zoning Ordinance. The staff report and attachments for the Gergen request are attached, as well as the revised parking section of the ordinance with changes based on the discussion at the May Planning Commission meeting.

PARKING AND DRIVEWAYS STANDARDS FOR THE ZONING ORDINANCE

The proposed amended ordinance places all of the parking and driveway standards (except landscaping) in Section 1330.06, and addresses some inconsistencies in the current zoning ordinance.

Questions for discussion:

1330.05, Subd. 3 Building Materials, Item A 6): This is not a parking related item, but it seems outdated. The Planning Commission suggested that the section be revised to clarify that wood, metal and vinyl siding may be used as building materials for residential construction, but are not permitted materials for commercial or industrial buildings.

1330.05, Subd. 7 Paving and Curbing – moved to Section 1330.06 Subd 1A so that all parking standards are located in the same Section.

1330.06 – The major changes to this section include the following:

- Items A - 1-3 consolidate the surfacing requirements for parking that currently exist in several locations in the ordinance into this section. Item 3 includes a new item recommended by the Engineer.
- The Planner revised several items in this section to state that parking surfaces need to “meet the City’s Public Works Design Standards,” rather than be approved by the Engineer, based on the Commission’s recommendations at the last meeting. The City

Engineer confirmed that standards exist or are being developed that will be included in the Public Works Design Manual.

- Item B was revised to reference the City's stormwater management requirements, rather than "approval by the Zoning Administrator."
- Items B and C were revised to clarify that this standard applies to commercial and industrial uses.
- Item C is a new item recommended by the City Engineer and Public Works Director. The standards reference the City's Stormwater Management standards, rather than requiring approval by the Engineer. The item says that the City can require that a commercial or industrial use repave a driveway or parking lot at the point when the property is sold if the pavement has deteriorated so that it does not comply with the City's stormwater management standards. The scope of the item was narrowed based on the discussion at the May Planning Commission meeting.
- Items D-K are existing items that have been re-organized in this section.
- Item E, the maximum number of spaces permitted in the front yard of residential uses was removed, in favor of the maximum impervious area excluding the existing driveway, based on the discussion at the May meeting. The Planning Commission asked for examples that show 25% impervious for parking in some typical front yards. The examples are attached, and discussed below.
- Additional information has been added to item L to clarify this item. The item previously stated only that parking must be located no more than 400 feet from the principal use that it serves. After review some other local ordinances, the intent of this item became clearer—it is intended for an unusual circumstance when parking for a use is permitted off the parcel where the use is located. The intent is to require that businesses who are permitted to have off-site parking locate the parking within reasonable walking distance of the use.

Subd. 2 B. and Subd. 3—Parking Requirements for Non-Residential Uses—Options to Minimize new impervious surface

In reviewing the ordinances of some neighboring communities, the Planner noted that several cities have recently modified their ordinances to include some items that promote a reduction in paved surfaces by including a parking space maximum as well as minimums, and by providing some options for shared parking. Those items are included for Planning Commission discussion, since they fit with Newport's stormwater management goals to reduce runoff and pollutants. The items are the following:

- In Subd 2 B., item 11 identifies a maximum number of parking spaces that may exceed the minimum required; or that structured or multi-level parking must be used for parking that exceeds the minimum, with a goal to minimize potential impervious surface.
- Item 12 allows some on-street parking to be used to meet parking requirements.
- Subd 3, new items include 2 and 3, which permit establishment of a "commercial parking district" and special agreements to reduce off-street parking requirements. The other items in this section on Shared Parking are in the existing zoning ordinance.



Examples—1330.06, Subd.1, Item E—Size of parking areas in front yards in Residential Districts

At the May meeting, Commissioners requested some examples that would show the typical parking areas that would be permitted under the amended Item E of the ordinance, as discussed at the last meeting. The current ordinance permits up to 25% of the front yard area to be surfaced for a driveway or vehicle storage.

The proposed ordinance, as discussed by the Commission at the last meeting, would permit up to 25% of the front yard to be used for parking, not including the driveway. This would allow for additional impervious surface over the current ordinance.

The Planner has attached 3 examples showing how much of the front yard could be devoted to parking based on the change in the ordinance:

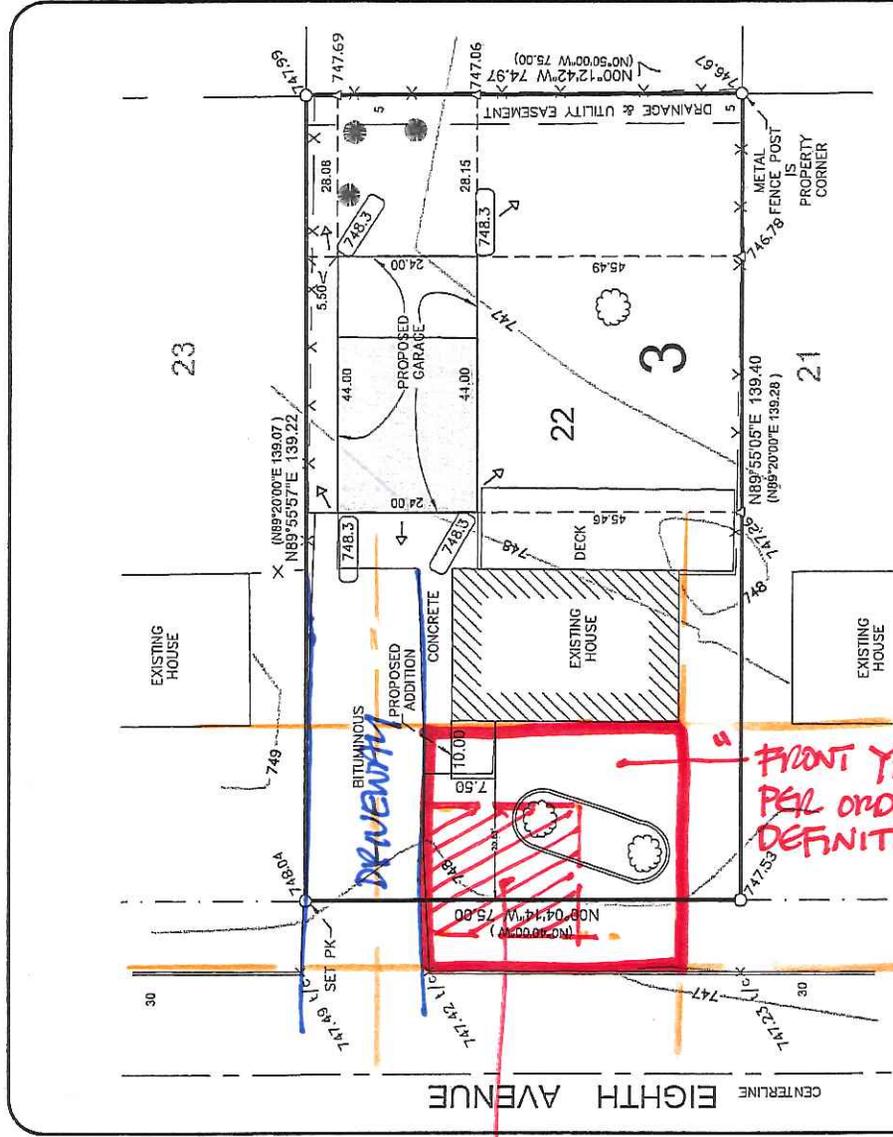
- The ordinance definition of “front yard” is “a yard extending across the front of a lot between the side yard lines and lying between the front street line of the lot or right-of-way and the required front yard setback line, which front yard shall be provided on both street frontages of corner lots and double frontage lots.
- In each of the two R-1 examples, the current driveway would use up all or nearly all of the impervious surface area permitted in the front yard based on the current ordinance requirement.
- The additional paved area that would be permitted if the ordinance is changed to not include the driveway is shown in red hatching on the examples.
- Lots in the R-1 District would still need to meet the overall 35% lot coverage maximum.
- The additional impervious area that would be permitted in the RE District is a large area due to the size of most lots. The Commission could consider adding a requirement that limits the number of spaces in the front yard as well as the % impervious cover, for example, item E could state: “Size. In Residential Districts, parking areas in front yards (not including the driveway) shall not exceed twenty-five percent (25%) of the front yard area, or a maximum of two spaces, whichever is less. The lot coverage in non-residential districts, including off-street parking areas, shall meet the requirements in Section 1350.14 of this Ordinance.”

We will discuss the revised ordinance sections on driveways and parking on June 11. When the Commission reaches a consensus on these sections, it may recommend the amendments to the City Council.



R-1 DISTRICT EXAMPLE

POTENTIAL PAVED AREA - 25% FRONT YARD
20x23'



CERTIFICATE OF SURVEY FOR:

GARY BANASZEWSKI

JOHNSON & SCOFIELD INC.
SURVEYING AND ENGINEERING
507 VERMILLION STREET, HASTINGS, MN 55033
(651)438-0000

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Mitchell A. Scofield
Mitchell A. Scofield
Minnesota License No. 48654
Date: September 13, 2013

BK. NA	PG. NA	W.O.#	DRAWING NUMBER
		13-441	S-5251

CERTIFICATE OF SURVEY

FOR

MARK GERGEN

20TH STREET

133.30 (PLAT)

132.98 S89°54'42"W

CONCRETE CURB & GUTTER

POTENTIAL PAVED
AREA - 25% FRONT YARD =
560 sq ft



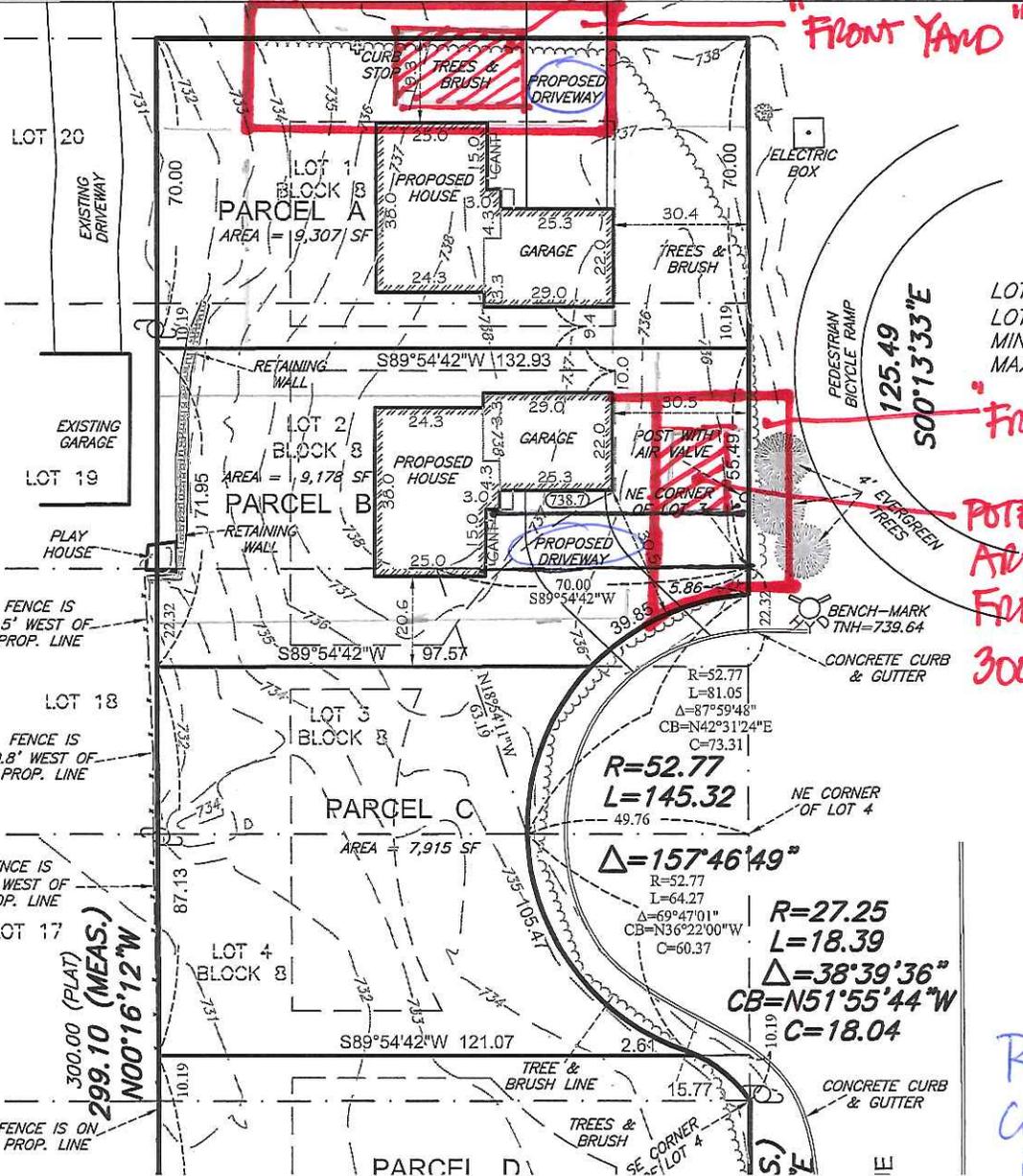
1" = 40'

PARCEL A AREAS:
LOT AREA = 9307 SF
HOUSE = 1588 SF
DRIVEWAY = 695 SF
STOOP = 13 SF
TOTAL IMPERVIOUS = 2296 SF
= 24.7%

PARCEL B AREAS:
LOT AREA = 9178 SF
HOUSE = 1588 SF
DRIVEWAY = 691 SF
STOOP = 13 SF
TOTAL IMPERVIOUS = 2292 SF
= 25.0%

PARCEL C AREAS:
LOT AREA = 7915 SF
HOUSE = SF
DRIVEWAY = SF
STOOP = SF
TOTAL IMPERVIOUS = SF
= 25.0%

PARCEL D AREAS:
LOT AREA = 9246 SF
HOUSE = SF



"FRONT YARD"

"FRONT YARD"

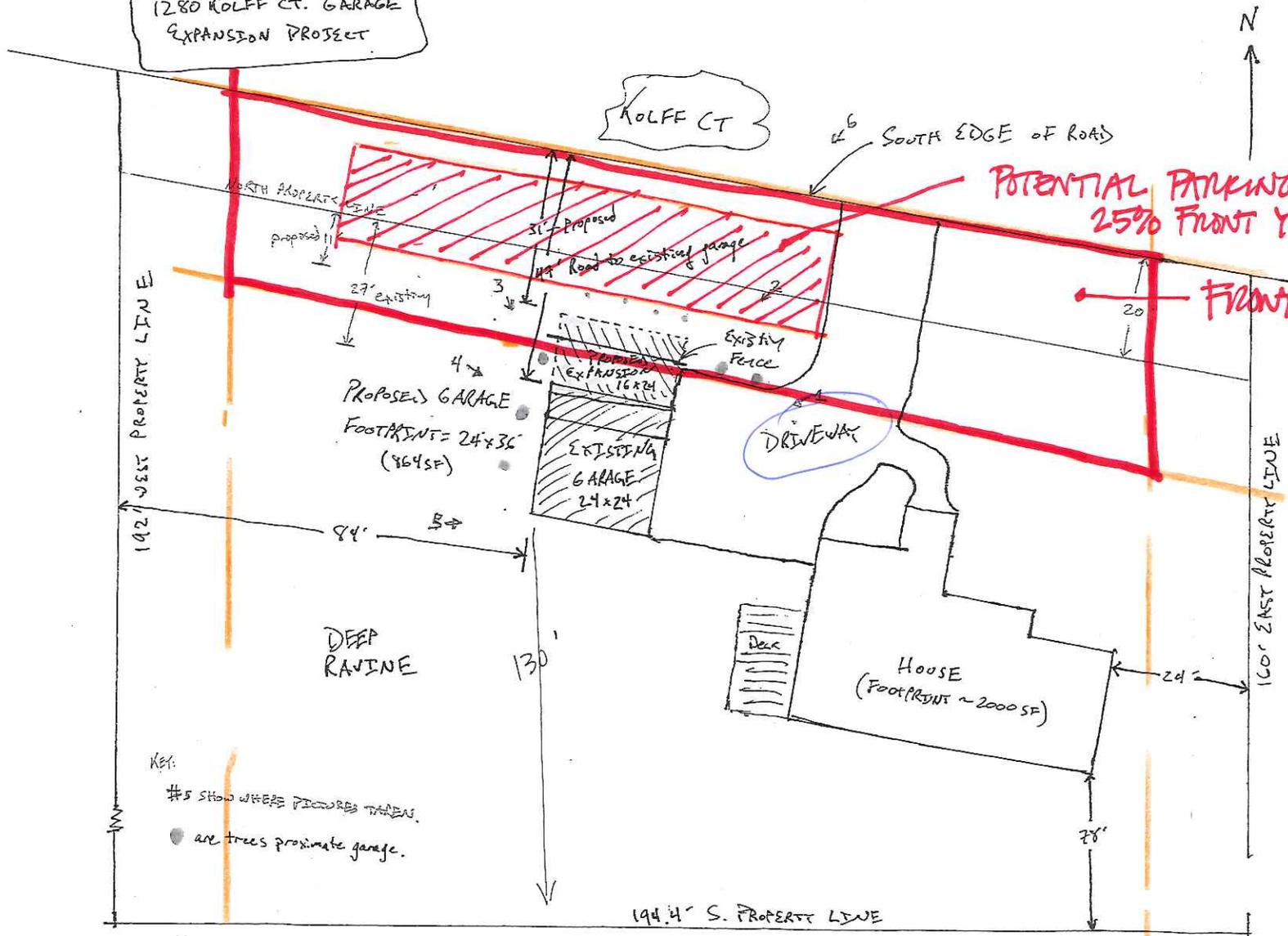
POTENTIAL PAVED
AREA - 25%
FRONT YARD =
300 sq ft approx.

3RD AVENUE

300.00 (PLAT)
299.10 (MEAS.)
N00°16'12"W

R-1 District -
CORNER LOT
EXAMPLE

1280 KOLFF CT. GARAGE EXPANSION PROJECT



Impervious
 $179 \times 43560 = 34,412$
 $\frac{4000}{5\%} = 79 \text{ acres}$
 $45 = 6 \times 34,412$
 13%
 $4960 = 34,412$
 14.4

OWNER: STEVEN BEAN (651) 271 6082
 1280 KOLFF CT
 NEWPORT, MN 55055

Prepared 7/8/2014

.79 acres

RE DISTRICT EXAMPLE

FRONT $40 \times 180 = 7200 \text{ sq ft}$
 $\times .25 = 1800$

1330.05 Performance Standards

Subd. 1 Intent. It shall be the intent of this section to promote high standards of design and construction in the City. These standards are set forth in order to enhance the visual appearance of the built environment within the City, to preserve the taxable value, to implement the goals and policies of the Comprehensive Plan and to promote the public health, safety, and welfare of the general public.

Subd. 2 General Scope—**Performance Standards for Non-Residential Districts.** Except in the RE, R-1, and R-1A districts, any construction or alteration of buildings, structures, property or exterior equipment in the City which requires a building permit under the provisions of this Chapter shall be reviewed by the Zoning Administrator and shall comply with the standards set in Subds. ~~33-15 and 17 through~~ 19 inclusive. **Subd. 165 includes performance standards for Fences in all districts.**

If the Zoning Administrator determines that the plans comply with the intent and standards contained herein, a building permit may be issued. All decisions of the Zoning Administrator may be appealed to the City Council as provided for in this Chapter.

Subd. 3 Building Materials. Exterior building materials of all structures shall be one of, or a combination of, the following materials:

A. Permitted materials:

- 1) Face brick, stone, or glass;
- 2) Decorative concrete block with a color and texture theme that is directly related to the building material, if not more than 50% of the building elevation faces any public roadway. Plain, flat unpainted concrete block is not allowed, nor is any type of painted concrete block;
- 3) Architecturally treated concrete or cast-in-place or precast concrete panels;
- 4) Stucco or other cement like coating applied in a manner so as to create a harmonious design with other exterior materials;
- 5) Metal panels with interlocking, concealed, or tongue-and-groove seams, and concealed fasteners, if the exterior surface finish is warranted by the manufacturer for twenty years against blistering, peeling, cracking, flaking, checking, or chipping, if not more than 50% of the building elevation faces any public roadway;

6) Wood, wood siding, metal siding, or vinyl siding, ~~but only may be utilized as building materials~~ in the R-2, ~~and~~ R-3, and MX districts ~~for residential construction, and only on buildings with eight (8) or fewer units. These materials shall not be used for commercial or industrial buildings, except as approved by the City.~~

B. Conditional materials. Other exterior building materials may be approved by Conditional Use Permit, if it is determined that:

- 1) The materials are similar to or better than the permitted materials listed above;
- 2) The materials are high quality, long-lasting, attractive, reasonably maintenance-free, and;
- 3) The materials are integrated harmoniously into the building design and with neighboring uses.
- 4) The materials are approved by the building official.

Subd. 4 Additions, Alterations, and Accessory Structures. All subsequent additions, exterior alterations, and accessory structures, built after the construction of the original building or buildings shall be of the same materials as those used in the original building and shall be designed to conform to the original architectural concept and general appearance. These provisions shall not prevent the upgrading of the quality of materials used in a remodeling or expansion project. Such alterations shall also maintain the appearance of the building exterior due to fading, cracking, peeling, rotting, or other degradations or inconsistencies, particularly where signage, equipment, fixtures, or other features may have been removed, revealing an inconsistent color or condition of materials.

Subd. 5 Other Structures—Garages and Walls. Garages, screen walls, and other areas of exposed permanent materials shall be of a similar type, quality and appearance as the principal structure. These provisions shall not prevent the upgrading of the quality of materials used in a remodeling or expansion project. Exposed areas of retaining walls shall be of high quality durable materials compatible with the overall design of the site plan and structures.

Subd. 6 Outside Storage. All outside storage of equipment, materials, or vehicles shall be completely screened from the eye-level view of adjacent residential property and public streets, and from the public front and office sides of business and industrial uses, subject to the following conditions and exceptions:

- A. Temporary, daily parking of vehicles, for a period of no more than forty-eight (48) consecutive hours, for employees or patrons of a business, need not be screened in side and rear yards adjacent to other business or industrial uses, but shall be completely screened from residential uses. In front yards, all such vehicles need to be screened to a height of three (3) feet. Any vehicle parked for more than forty-eight (48) consecutive hours shall be completely screened from the eye-level view of adjacent residential property and public streets, and from the public front and office sides of business and industrial uses.

- B. Any outside storage or display of vehicles for sale, rent, or lease shall be by Conditional Use Permit only as governed by this Chapter, and shall include only operable new vehicles or operable used vehicles in good working order and of good appearance.
- C. Open storage of any kind shall be prohibited in any required front, side or rear yard setback.
- D. Overnight storage of perishable goods shall be allowed only within a completely enclosed permanent structure.

~~**Subd. 7 Paving and Curbing.** All parking areas and drives shall be constructed of concrete, blacktop, or similar durable hard surface free of dust. The periphery of all parking areas and drives shall be constructed with poured in place concrete curbing unless otherwise approved by the City.~~

Subd. 8-7 Utility Equipment. All utility equipment, such as heating and ventilating equipment, meters and other devices shall be completely screened from eye-level view of adjacent properties and streets. Equipment shall be screened with a screen wall, berm, or landscaping if located on the ground. If on the roof, the equipment shall be screened with a parapet or screen wall of materials compatible with the principal structure. Vertical or horizontal wood slats, fencing or similar materials are not acceptable screening material.

Subd. 9-8 Utilities Location. When practical and feasible, all utilities shall be placed underground. All groundwork shall be completed prior to street surfacing. All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles.

Subd. 10-9 Loading and Service Areas. All loading and service areas shall be completely screened from eye-level view of adjacent residential uses, adjacent public streets, and the public front and office sides of business and industrial uses, except at driveway access points. Exterior loading docks or other provisions for handling materials brought to or removed from the site shall be on those sides of buildings, which do not face any roadway or proposed roadway.

Subd. 11-10 Trash Handling. Dumpsters, trash, trash handling equipment, and recycling equipment shall be stored within a principal structure or within an accessory structure of the same materials as the principal structure which is enclosed by walls 6' in height and with doors that close.

Subd. 12-11 Screening. The screening required by this section for any purpose may be accomplished by:

- A. Existing vegetation, topography, or other site feature;
- B. Placement of the building on the lot or of a building on an adjacent lot;
- C. Berming or landscaping which is at least eighty (80) percent opaque at maturity. Planting screens shall consist of healthy, fully hardy plant materials, at least six (6)

feet in height. Such plantings shall be maintained in a neat and healthy condition. Plant materials that have died shall be promptly replaced;

D. Screen walls, provided they are maintained in good repair at all times.

Subd. ~~13-12~~ Outdoor Electronic Speakers. Outdoor electronic speakers, and other sound-making devices, such as automobile service order devices, drive-in car speakers, outdoor sound systems, and similar instruments shall be screened, baffled, or located in such a manner that they do not transmit nuisance noise to adjacent or nearby residential uses.

Subd. ~~14-13~~ Lighting. Lighting fixtures shall be of a downcast, cutoff type, concealing the light source from view and preventing glare from spilling into residential areas. Lighting levels shall be measured in foot-candles five feet off the ground or floor level. The following light levels shall be met:

- | | |
|--|-------------------------|
| A. Lot line of adjacent residential property | 0.5 foot candle maximum |
| B. Open parking areas | 1.0 foot candle minimum |
| C. Covered parking facilities/night (minimum): | |
| 1) General parking & pedestrian areas | 5 foot candles |
| 2) Ramps & corners | 5 foot candles |
| 3) Entrances & exits | 5 foot candles |
| 4) Stairwells | 20 foot candles |
| D. Covered parking facilities/day (minimum): | |
| 1) General parking & pedestrian area | 5 foot candles |
| 2) Ramps & corners | 10 foot candles |
| 3) Entrances & exits | 50 foot candles |
| 4) Stairwells | 20 foot candles |

Subd. ~~15-14~~ Landscaping. All areas of land not covered by structures or pavement shall be landscaped with sod, mulch, or rock materials, and landscaped according to the provisions of this section:

- A. At least one (1) overstory tree shall be provided in the front yard for each fifty (50) feet of lot frontage.
- B. There shall be a minimum of one (1) tree for every one thousand (1,000) square feet of non-impervious surface area on the lot.
- C. All landscape materials shall be appropriate to the physical characteristics of the site in terms of hardiness, salt-tolerance, and sun or shade tolerance. Trees provided shall be at least twenty-five (25) percent overstory deciduous and at least twenty-five (25) percent coniferous. All deciduous trees provided shall be long-lived hardwood species.
- D. All areas not otherwise improved in accordance with approved site plans shall be sodded. Exceptions shall be as follows:

- 4) Seeding of future expansion areas as shown on approved plans.
 - 5) Undisturbed areas containing existing viable natural vegetation that can be maintained free of foreign and noxious plant material.
 - 6) Areas designated as open space or future expansion areas properly planted and maintained with native prairie grass.
 - 7) Use of mulch material such as rock or wood chips in support of shrubs and foundation plantings.
- E. Slopes and Berms. Final slope grades steeper than the ratio of 3:1 shall not be permitted without special landscaping treatments such as terracing, retaining walls, or ground cover.
- F. Berming used to provide screening of parking lots shall be 3 feet in height and shall have a maximum slope ratio of 3:1.

G. Parking Lot Landscaping Requirements.

- 1) Parking lots for more than eight (8) cars shall landscape 10 percent of the parking lot surface area. The landscaped area may be in the form of landscape islands, special brick paving or other landscaping as approved by the Zoning Administrator. Landscape islands shall be a minimum width of 16 feet and with a minimum surface area of 250 square feet. The landscaped area shall adhere to the size and material requirements of this Chapter.
 - 2) On a corner lot, and at entrances, nothing shall be placed or allowed to grow in such a manner as to impede vision between a height of 2 ½ and 10 feet above the centerline grades of the intersecting streets within a triangular area 30 feet from the intersecting street right-of-way lines.
- H. Plant Size Requirements. Plant size requirements for landscaping areas shall be as follows:
- 1) Deciduous trees shall be at least 2 ½ inches in diameter.
 - 2) Ornamental trees shall be a minimum of 1 ½ inches in diameter
 - 3) Evergreen trees shall have a minimum height of 6 feet.
 - 4) Potted shrubs shall be in a 5 gallon pot or larger.
 - 5) Evergreen shrubs used for screening purposes shall be at least 3 feet in height at planting. Evergreen shrubs will have a minimum spread of 24 inches.
- I. Landscape plans and screening plantings shall be completed within one year from the date a building permit is issued.

Subd. 16-15 Fences.

A. Fences in Business (B) and Industrial (I) Zoning Districts:

- 1) A fence may be placed along a property line provided no physical damage of any kind results to the abutting property.
- 2) The side of the fence considered the face (the finished side as opposed to the structural supports) shall face the abutting property.
- 3) A fence shall be of one color or pattern, may not contain or support pictures, signage or lettering, and must be maintained in good condition and appearance.
- 4) A fence shall only be constructed of the following materials:
 - a. Treated wood, cedar, or redwood
 - b. Simulated wood
 - c. Decorative brick or stone
 - d. Wrought iron or aluminum designed to simulate wrought iron
 - e. Coated or non-coated chain link
 - f. Split rail
 - g. Barbed wire. Barbed wire may be used for top fencing only around Business and Industrial uses where the base fence is at least six (6) feet in height. The barbed wire portion of the fence may not exceed three (3) strands, and shall have arms projecting into the applicant's property on which the barbed wire shall be fastened. The minimum height to the bottom strand of the barbed wire shall not be less than six (6) feet from finished grade.
- 5) A fence may be no more than twelve (12) feet in height.
- 6) A fence shall not visually screen or interfere with streets, sidewalks, or vehicular traffic. No fence shall be closer than one (1) foot from a public walkway.
- 7) In the I-S district, a fence at least six (6) feet in height shall be required around all storage tanks.
- 8) No fence shall be constructed on public rights-of-way.

B. Fences in the Residential (R) and Mixed Use (MX) Zoning Districts:

- 1) A fence may be placed along a property line provided no physical damage of any kind results to the abutting property.
- 2) That side of the fence considered being the face (the finished side as opposed to the structural supports) shall face the abutting property.

- 3) A fence in the front yard shall be of one color or pattern, and may not contain or support pictures, signage or lettering visible to a public street or to adjacent properties.
- 4) A fence may be no more than four (4) feet in height in the front yard.
- 5) A fence may be no more than six (6) feet in height in a side or rear yard, unless the side or rear lot line is common with the front yard of an abutting lot, in which case the portion of the side or rear lot line equal to the required front yard of the abutting lot may have a fence no more than four (4) feet in height.
- 6) Except in the RE district, electric fences may not be used.
- 7) A fence shall not visually screen or interfere with streets, sidewalks, or vehicular traffic. No fence may be closer than one (1) foot from a public walkway.
- 8) All fences shall be maintained in good condition and appearance.
- 9) A fence shall only be constructed of the following materials:
 - a. Treated wood, cedar, or redwood
 - b. Simulated wood
 - c. Decorative brick or stone
 - d. Wrought iron or aluminum designed to simulate wrought iron
 - e. Coated or non-coated chain link
 - f. Split rail
 - g. Other materials or fence types as approved by the Zoning Administrator.
- 10) Barbed wire fence material may be used for security purposes on the side and rear of non-residential buildings in the MX Districts with the approval of an Administrative Permit by the Zoning Administrator. The barbed wire portion of the fence shall not be placed in the front yard. Barbed wire may be used for top fencing only where the base fence is at least six (6) feet in height. The barbed wire portion of the fence may not exceed three (3) strands, and shall have arms projecting into the applicant's property on which the barbed wire must be fastened. The minimum height to the bottom strand of the barbed wire shall not be less than six (6) feet from finished grade.
- 11) Except in the RE District, welded wire shall not be used for fences on property boundaries.
- 12) Welded wire may be used in the RE District for fences on property boundaries of rear yards.

- 13) Welded wire may only be used for small enclosures in all districts to protect vegetation such as trees, gardens, plants, and bushes.
- 14) Except in the RE District, snow fences may not be used for fences.
- 15) Snow fences may be erected in the RE District for controlling snow between November 1 and April 15. All snow fences must be removed by April 16.
- 16) No fence shall be constructed on public rights-of-way.

Subd. ~~17-16~~ Noxious Matter. The emission of noxious matter shall be controlled so that no such emission crosses the lot line of the property from which it originates. Noxious matter shall mean any solid, liquid or gaseous material, including but not limited to gases, vapors, odor, dusts, fumes, mists, or combinations thereof, the emission of which is detrimental to or endangers the public health, safety, comfort or general welfare, or causes damage to property. The operator of the facility shall comply with a regular inspection schedule as approved by the City and shall submit reports of such inspections to the City.

Subd. ~~18-17~~ Restricted Operations. Uses which because of the nature of their operation are accompanied by an excess of noise, vibration, dust, dirt, smoke, odor, noxious gases, glare or wastes shall not be permitted. Noise, odors, smoke and particulate matter shall not exceed Minnesota Pollution Control Agency standards. Glare, whether direct or reflected, such as from spotlights or high temperature processes, as differentiated from general illumination, shall not be visible beyond the lot line of the property from which it originates.

Subd. ~~19-18~~ Explosives. Any use requiring the storage, use or manufacturing of explosives, or other products which could decompose by detonation, shall not be located less than four hundred (400) feet from any residential use or residentially zoned area. This provision shall not apply to the storage or use of liquefied petroleum or natural gas for normal residential or business purposes, nor to the storage and distribution for retail sale of gasoline and other motor fuels if properly stored and handled according to applicable safety regulations.

Subd. ~~20-19~~ Exceptions for Legal Non-Conforming Structures. The standards in this section do not apply to legal non-conforming single family residential structures and properties in Business and Industrial districts, provided they are continuously used for residential purposes only, and provided any additions or alterations to these structures meet the standards of the R-1 district and other applicable zoning and building code standards. For legal non-conforming non-residential structures in the Business and Industrial districts or for existing non-residential development on properties that are rezoned to a Business or Industrial zoning district, the following exceptions shall apply:

- A. New construction projects for repairs, remodeling, or additions to a structure do not need to meet the standards in this section if the construction increases the size of the building by less than ten (10) percent, or if it increases the assessor's market value by less than twenty (20) percent.
- B. Construction projects involving a building expansion between ten (10) and fifty (50) percent of the size of the building or an increase in assessor's market value between twenty (20) and fifty (50) percent of its value need not meet all the standards of this section, but shall be required to meet a reasonable proportion of the requirements of this section as determined by the Planning Commission, upon the advice of the

Zoning Administrator. If two or more smaller projects, over a period of five years or less, together exceed the percentage thresholds in this paragraph, the property shall then meet a reasonable proportion of the requirements as determined by the Zoning Administrator.

- C. Construction projects involving a building expansion over fifty (50) percent of the size of the building or an increase in assessor's market value over fifty (50) percent of its value shall be required to meet all the standards of this section. If two or more smaller projects, over a period of five years or less, together exceed the percentage threshold in this paragraph, the property shall then meet all the standards of this section.
- D. For the purposes of determining compliance with the standards in this section, site work not involving the structures on site shall be considered separately from work on the structures.
 - 1) For legal non-conforming uses, new construction projects for repairs, remodeling, or additions to the parking lot, outdoor spaces, landscaping, or other exterior features do not need to meet the standards in this section if the construction increases the size of these areas by less than ten (10) percent.
 - 2) Construction projects involving an expansion of exterior space between ten (10) and fifty (50) percent of the size of the parking lot or other outdoor space need not meet all the standards of this section, but shall be required to meet a reasonable proportion of the requirements as determined by the Planning Commission, upon the advice of the Zoning Administrator.
 - 3) For the purposes of this section, adding one inch or more of new material to an existing parking lot surface shall be considered an increase of one hundred (100) percent of the area involved.

Subd. ~~21-20~~ Subdivisions ~~210-243~~ -- Performance Standards in RE, R-1, and R-1A districts. All construction or alteration of buildings, structures, or property in the RE, R-1, and R-1A districts shall comply with the standards set in Subds. ~~21-20~~ through 23 inclusive, as interpreted by the Zoning Administrator. Building Materials and Fences in Residential Districts shall comply with the standards included in Subd 3 and.165 of this Section, respectively. All decisions of the Zoning Administrator may be appealed to the City Council as provided for elsewhere in this Code.

Subd. ~~22-21~~ Exterior Storage and Screening in RE, R-1, and R-1A districts.

- A. All waste, refuse, garbage and containers shall be kept in a building or in a fully screened area, except as allowed before a scheduled collection.
- B. All non-operating vehicles or equipment shall be kept within a fully enclosed building.
- C. No exterior storage shall be allowed in the front yard, except parking of operable vehicles, subject to the following conditions and exceptions:

1) All vehicles parked in the front yard shall be on concrete, blacktop, or similar durable hard surface free of dust.

2) No more than three (3) vehicles may be parked in the front yard at any one time, only one of which may be over six thousand (6,000) pounds gross vehicle weight or over twenty (20) feet in length.

2)3) Additional operable vehicles above the limit of three (3) may be parked in the front yard on a temporary basis, for no more than forty-eight (48) consecutive hours.

D. All exterior storage in the street side yard of a corner lot shall be fully screened from the street and adjacent properties.

Subd. ~~23-22~~ Lighting in the RE, R-1, and R-1A districts. Lighting used to illuminate any exterior area or structure shall be arranged so as to direct the light away from any adjoining property or from the public street.

Subd. ~~24-23~~ Landscaping in the RE, R-1 and R-1A Districts. All areas of land not covered by structures or pavement shall be landscaped with sod, mulch, or rock materials, and landscaped according to the provisions of this section:

A. At least one (1) over-story tree shall be provided in the front yard for each fifty (50) feet of lot frontage.

B. There shall be a minimum of one (1) tree for every one thousand (1,000) square feet of non-impervious surface area on the lot.

C. All landscape materials shall be appropriate to the physical characteristics of the site in terms of hardiness, salt-tolerance, and sun or shade tolerance.

D. All areas of land not covered by structures, pavement, or landscaping may be covered by natural characteristics, when appropriate.

E. All areas not otherwise improved in accordance with approved site plans shall be sodded. Exceptions shall be as follows:

1) Seeding of future expansion areas as shown on approved plans.

2) Undisturbed areas containing existing viable natural vegetation that can be maintained free of foreign and noxious plant material.

3) Areas designated as open space or future expansion areas properly planted and maintained with native prairie grass.

4) Use of mulch material such as rock or wood chips in support of shrubs and foundation plantings.

F. Slopes and Berms. Final slope grades steeper than the ratio of 3:1 shall not be permitted without special landscaping treatments such as terracing, retaining walls, or ground cover.

G. Plant Size Requirements. Plant size requirements for landscaping areas shall be as follows:

- 1) Deciduous trees shall be at least 2 ½ inches in diameter.
- 2) Ornamental trees shall be a minimum of 1 ½ inches in diameter.
- 3) Evergreen trees shall have a minimum height of 6 feet.
- 4) Potted shrubs shall be in a 5 gallon pot or larger.
- 5) Evergreen shrubs used for screening purposes shall be at least 3 feet in height at planting. Evergreen shrubs will have a minimum spread of 24 inches.
- 6) Except when a property's topsoil depth is less than 24 inches, the plant size requirement may be reduced by 50% or to 1 ¼ inches and doubling the number of trees.

H. Landscape plans and screening plantings shall be completed within one year from the date a building permit is issued.

Subd. 25-24 Utilities Location in Residential (R) Districts. When practical and feasible, all utilities shall be placed underground. All groundwork shall be completed prior to street surfacing. All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles.

1330.06 Off-Street Parking Areas and Driveways

Subd. 1 General.

A. Standards-Surfacing. All Off-street parking, areas and driveways, shall be constructed with an improved surface to meet the following requirements:

- 1) In all Non-Residential Districts (MX, B and I Districts) all driveways, parking, loading, and service areas shall be ~~improved-constructed~~ with a concrete, asphalt or a similar a durable and dustless surface that meets the City's Public Works Design Standards. The periphery of all parking areas and drives in Non-Residential Districts (except parking areas for Single-Family and Two-Family Residential uses in those districts) shall be constructed with poured-in-place concrete curbing, unless otherwise approved by the City.
- 2) In Residential (R) Districts, the first 40 feet of the driveway or the driveway area between the street and garage, whichever is less, shall be paved with concrete, asphalt or an acceptable surface that meets the City's Public Works Design Standards, except for properties whose main access is on a non-paved roadway.
- 3) For residential uses, ~~T~~the maximum driveway width shall be 24 feet at the curb line and property line. For commercial, office, or industrial uses, the maximum driveway width shall be 32 feet at the curb line and property line.

4) In Residential districts, any parking or driveway surface located in the side or rear yard and all parking surfaces draining to a public paved street shall be constructed of one of the following: concrete, asphalt, class V gravel (minimum 6 inches compacted), landscape rock (minimum 6 inches compacted), landscape paver blocks, or brick that meets the City's Public Works Design Standards. All parking surfaces draining to a public paved street shall be paved, unless otherwise approved by the City. If the property owners can demonstrate the runoff from the rock surface is solely directed onto their own property or surface runoff meets the City's stormwater management requirements.

B. Standards-Drainage. ~~and~~ Parking, loading and service areas of commercial and industrial uses shall be graded and drained so as to dispose of all surface water accumulation within the ~~parking area~~ parcel to meet the City and other applicable stormwater management requirements. ~~Acceptable surfaces may include crushed rock and similar treatment for parking accessory to single family and duplex residential structures, all other uses shall utilize asphalt, concrete or substitute as approved by the Zoning Administrator.~~ All surfacing shall be completed prior to occupancy of the structure, unless specific approval otherwise has been granted by the City.

~~C. Standards-Maintenance. The City can require the entire or greater portion of driveways that serve commercial and industrial uses to be paved to comply with the City's Stormwater Management standards at the point of property sale. If the pavement surface of a driveway or parking lot has deteriorated beyond maintenance or repair and does not comply with the Stormwater Management standards, the owner shall be required to remove and replace the driveway or off-street parking area pavement at the point of property sale in accordance with this Chapter and the City's Stormwater Management standards. Parking areas for three (3) vehicles or fewer shall be exempt from the requirements of this paragraph.~~

C.

D. Setbacks. All parking areas shall be set back a minimum of five (5) feet from property lines. All driveways shall be setback a minimum of five (5) feet from side and rear property lines. Parking areas and driveways shall meet the standards in Chapter 8, Section 811.07 (E) of the City Code.

E. Size. In Residential Districts, parking areas in front yards (not including the driveway) shall not exceed twenty-five percent (25%) of the front yard area. The lot coverage in non-residential districts, including off-street parking areas, shall meet the requirements in Section 1350.14 of this Ordinance.

F. Easements. The parking or driveway surface may not encroach on any drainage and utility easement, except the front yard drainage and utility easement abutting the street.

~~D-G. Standard Parking Space~~ Dimensions. Each off-street parking ~~space~~ shall be a minimum of nine (9) feet wide by eighteen (18) feet deep. Access drives and aisles shall be a minimum of twenty-four (24) feet wide for two-way traffic, and eighteen (18) feet wide for one-way traffic. Parking space dimensions for angled parking shall be approved by the Zoning Administrator, based on acceptable planning standards.

E.H. Compact Car Parking Dimensions. Parking spaces for compact cars may be included within a parking lot plan approved by the Zoning Administrator provided the spaces comprise no more than forty (40) percent of the spaces for the entire use or project, and provided they shall be clearly identified on the site and their location shall be designed carefully into the overall site plan. The spaces shall be a minimum of eight (8) feet wide by sixteen (16) deep.

F.I. Handicapped Parking. Parking for handicapped persons shall be provided in accordance with State and Federal regulations.

J. Access. All off-street parking spaces for commercial and industrial uses shall have access from a private driveway and shall not access directly onto a public street.

K. Location. All parking spaces shall be on the same lot as the principal use for which they are intended, unless the City approves off-site parking for a principal use.

L. Off-Site Parking Location. When required accessory off-street parking facilities are provided elsewhere than on the lot on which the principal use served is located, written authority of the property owner for using the property for off-street parking shall be filed with the City, confirming that the required number of off-street parking spaces will be maintained on the property during the existence of such principal use. No such parking facility shall, at its closest point, be located more than four hundred feet (400') from the principal use or building served.

Subd. 2 Number of Off-street Parking Spaces. The minimum, number of off-street parking spaces required for uses in the Residential, Non-Residential, and most MX-1 and MX-2 Mixed Use Districts shall be as follows are identified below. Section 1350.19(D) prescribes the number of off-street parking spaces required for uses in the MX-3 District.

A. Parking Requirements for Residential Uses.

- 1) Single and Two-family Dwellings: Two (2) spaces per unit, at least one of which shall be enclosed.
- 2) Multifamily Residential Dwellings with up to Eight (8) Units-dwelling units per building per structure: Two (2) spaces per unit, at least one each of which shall be enclosed, plus one half (0.5) space per unit of visitor parking, apart from individual garages or reserved resident spaces, within one hundred (100) feet of the entrance to each private unit entrance or to the building entrance if there is a common entrance. Visitor spaces may be further away if they have enclosed access to the building.
- ~~3) Multifamily~~ Residential Dwelling with more than Eight (8) Units: One and one-half (1-1/2) spaces per unit for each efficiency or one bedroom unit, at least one each of which shall be enclosed, and two (2) spaces per unit for each unit with two or more bedrooms, at least one each of which shall be enclosed. In addition, there shall be one-half (1/2) space per unit of visitor parking, apart from individual garages or reserved resident spaces, within two hundred (200) feet of the entrance to each private unit entrance or to the building entrance if there is a

common entrance. Visitor spaces may be further away if they have enclosed access to the building.

~~4)~~
~~8)~~

~~4)5)~~ _____ Driveway Space: Driveway space immediately in front of a garage door, blocking normal access to the garage, may not be counted as part of the required parking space for any residential use.

A. Parking Requirements for Non-Residential Uses.

~~5)1)~~ _____ Retail Sales and Service Uses: One (1) space for each two hundred fifty (250) square feet of gross floor area.

~~6)2)~~ _____ Hotel or Motel: One (1) space per unit, plus one (1) space per employee on the largest shift.

~~7)~~ Medical or Dental Clinic: Six (6) spaces per doctor or dentist.

~~8)~~
~~3)~~

4) Vehicle or Equipment Service and Repair: Two (2) spaces plus three (3) spaces for each service stall

5) Restaurants, Taverns, Clubs, and Similar Uses: One (1) space for each two and one half (2.5) seats, based on maximum design capacity.

6) Offices, Other than Medical or Dental: One (1) space for each two hundred fifty (250) square feet of gross floor area.

7) Churches, Theaters, Auditoriums, Funeral Homes, and Other Places of Assembly.: One (1) space for each three (3) seats or for each five (5) feet of pew or bleacher length, based on the maximum design capacity.

8) Warehouse, Storage, Handling of Bulk Goods, Industrial Storage: One (1) space for each two (2) employees on the largest shift, or one (1) space for each two thousand (2,000) square feet of gross floor area, whichever shall be greater.

9) Manufacturing, Light Industrial, Processing, and Fabrication: One (1) space per five hundred (500) square feet of gross floor area.

10) Uses Not Specifically Mentioned: As shall be determined by the Zoning Administrator.

11) The maximum amount of surface parking spaces shall not exceed the specified minimum by more than ten percent, or two spaces, whichever is greater. If additional parking is desired, it must be placed underground, within an enclosed building, or in a tuck-under garage.

12) On-street parking located in front of a commercial or mixed-use building may count toward the required number of parking spaces.

~~10)13)~~ For retail, medical, service and office uses, if a transit shelter is provided on site or in front of the building, then the minimum required number of parking spaces may be reduced by five percent but not to exceed five parking spaces total.

Subd. 3 Residential Districts.

~~A. No more than twenty five (25) percent of the required yard area shall be surfaced or utilized for driveway space or vehicle storage.~~

~~B. All parking spaces shall be on the same lot as the principal use for which they are intended.~~

Subd. 3 Shared Parking in Non-residential Districts. The standards for shared parking spaces for uses in all-non-residential districts are as follows:

A. Required parking facilities serving two or more uses may be located on the same lot or in the same structure, provided that the total number of parking spaces furnished shall not be less than the sum of the separate requirements for each use.

B. A shared parking plan for two or more uses involving fewer than the total number of parking spaces required ~~in paragraph (1) above~~ for each use may be approved by Conditional Use Permit, if at least the following conditions shall be met:

1) No more than fifty (50) percent of the required parking spaces for a given use may be shared with another use.

~~1)2)~~ For retail, medical, service and office uses, required parking may be reduced by the establishment of a commercial parking district for the purpose of sharing parking with varying peak parking hours or availability of off-street public parking. The establishment of a commercial parking district to allow a reduction in parking required shall be subject to review and approval by the City during the development's initial site plan review or subsequent site plan changes.

5) The City Council may authorize other reduced off-street parking requests through a special agreement. The reduction must be based on proven parking data for a specific development. The applicant shall show that there is no substantial conflict between the principal operating hours of the uses, which will share parking spaces.

6) A properly drawn legal instrument covering access easements, cross parking arrangements, maintenance, or other pertinent issues, executed by the parties involved, and approved by the City Attorney, shall be filed with the City Clerk-Administrator.

7) Proof of available parking can be made available should a more intensive use be proposed for the site at a later time.

**PLANNING COMMISSION
RESOLUTION NO. P.C. 2015-3**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE A ZONING AMENDMENT TO
SECTION 1330 GENERAL DISTRICT REGULATIONS**

WHEREAS, The City has been working to clean up language in its Zoning Code; and

WHEREAS, The Planning Commission feels it is advantageous to clean up and clarify language regarding parking standards; and

WHEREAS, The Planning Commission held a public hearing on this Zoning Amendment at its meeting of Thursday, May 14, 2015; and

NOW, THEREFORE, BE IT RESOLVED, That the Newport Planning Commission recommends Newport City Council approval of a Zoning Amendment to amend the present language found in *Section 1330 General District Regulations*. It will read as follows:

Section 1330 General District Regulations

1330.05 Performance Standards

Subd. 1 Intent.

Subd. 2 General Scope—Performance Standards for Non-Residential Districts. Except in the RE, R-1, and R-1A districts, any construction or alteration of buildings, structures, property or exterior equipment in the City which requires a building permit under the provisions of this Chapter shall be reviewed by the Zoning Administrator and shall comply with the standards set in Subds. 3-15 and 17-19 inclusive. Subd. 15 includes performance standards for Fences in all districts.

If the Zoning Administrator determines that the plans comply with the intent and standards contained herein, a building permit may be issued. All decisions of the Zoning Administrator may be appealed to the City Council as provided for in this Chapter.

Subd. 3 Building Materials. Exterior building materials of all structures shall be one of, or a combination of, the following materials:

A. Permitted materials:

- 6) Wood, wood siding, metal siding, or vinyl siding, may be utilized as building materials in the R-2, R-3, and MX districts for residential construction. These materials shall not be used for commercial or industrial buildings, except as approved by the City.

Subd. 4 Additions, Alterations, and Accessory Structures.

Subd. 5 Other Structures—Garages and Walls. Garages, screen walls, and other areas of exposed permanent materials shall be of a similar type, quality and appearance as the principal structure. These provisions shall not prevent the upgrading of the quality of materials used in a remodeling or expansion project. Exposed areas of retaining walls shall be of high quality durable materials compatible with the overall design of the site plan and structures.

Subd. 6 Outside Storage.

Subd. 7 Utility Equipment.

Subd. 8 Utilities Location.

Subd. 9 Loading and Service Areas.

Subd. 10 Trash Handling.

Subd. 11 Screening.

Subd. 12 Outdoor Electronic Speakers.

Subd. 13 Lighting.

Subd. 14 Landscaping. All areas of land not covered by structures or pavement shall be landscaped with sod, mulch, or rock materials, and landscaped according to the provisions of this section:

- A. At least one (1) overstory tree shall be provided in the front yard for each fifty (50) feet of lot frontage.
- B. There shall be a minimum of one (1) tree for every one thousand (1,000) square feet of non-impervious surface area on the lot.
- C. All landscape materials shall be appropriate to the physical characteristics of the site in terms of hardiness, salt-tolerance, and sun or shade tolerance. Trees provided shall be at least twenty-five (25) percent overstory deciduous and at least twenty-five (25) percent coniferous. All deciduous trees provided shall be long-lived hardwood species.
- D. All areas not otherwise improved in accordance with approved site plans shall be sodded. Exceptions shall be as follows:
 - 1) Seeding of future expansion areas as shown on approved plans.
 - 2) Undisturbed areas containing existing viable natural vegetation that can be maintained free of foreign and noxious plant material.
 - 3) Areas designated as open space or future expansion areas properly planted and maintained with native prairie grass.
 - 4) Use of mulch material such as rock or wood chips in support of shrubs and foundation plantings.
- E. Slopes and Berms. Final slope grades steeper than the ratio of 3:1 shall not be permitted without special landscaping treatments such as terracing, retaining walls, or ground cover.
- F. Berming used to provide screening of parking lots shall be 3 feet in height and shall have a maximum slope ratio of 3:1.
- G. Parking Lot Landscaping Requirements.
 - 1) Parking lots for more than eight (8) cars shall landscape 10 percent of the parking lot surface area. The landscaped area may be in the form of landscape islands, special brick paving or other landscaping as approved by the Zoning Administrator. Landscape islands shall be a minimum width of 16 feet and with a minimum surface area of 250 square feet. The landscaped area shall adhere to the size and material requirements of this Chapter.
 - 2) On a corner lot, and at entrances, nothing shall be placed or allowed to grow in such a manner as to impede vision between a height of 2 ½ and 10 feet above the centerline grades of the intersecting streets within a triangular area 30 feet from the intersecting street right-of-way lines.
- H. Plant Size Requirements. Plant size requirements for landscaping areas shall be as follows:

- 1) Deciduous trees shall be at least 2 ½ inches in diameter.
 - 2) Ornamental trees shall be a minimum of 1 ½ inches in diameter
 - 3) Evergreen trees shall have a minimum height of 6 feet.
 - 4) Potted shrubs shall be in a 5 gallon pot or larger.
 - 5) Evergreen shrubs used for screening purposes shall be at least 3 feet in height at planting. Evergreen shrubs will have a minimum spread of 24 inches.
- I. Landscape plans and screening plantings shall be completed within one year from the date a building permit is issued.

Subd. 15 Fences.

Subd. 16 Noxious Matter.

Subd. 17 Restricted Operations.

Subd. 18 Explosives.

Subd. 19 Exceptions for Legal Non-Conforming Structures.

Subd. 20 Subdivisions 20-23 -- Performance Standards in RE, R-1, and R-1A districts. All construction or alteration of buildings, structures, or property in the RE, R-1, and R-1A districts shall comply with the standards set in Subds. 20 through 23 inclusive, as interpreted by the Zoning Administrator. Building Materials and Fences in Residential Districts shall comply with the standards included in Subd 3 and.15 of this Section, respectively. All decisions of the Zoning Administrator may be appealed to the City Council as provided for elsewhere in this Code.

Subd. 21 Exterior Storage and Screening in RE, R-1, and R-1A districts.

Subd. 22 Lighting in the RE, R-1, and R-1A districts.

Subd. 23 Landscaping in the RE, R-1 and R-1A Districts.

Subd. 24 Utilities Location in Residential (R) Districts.

1330.06 Off-Street Parking Areas and Driveways

Subd. 1 General.

- A. Standards-Surfacing. All off-street parking areas and driveways, shall be constructed with an improved surface to meet the following requirements:
- 1) In all Non-Residential Districts (MX, B and I Districts) all driveways, parking, loading, and service areas shall be constructed with a concrete, asphalt or a similar durable and dustless surface that meets the City's Public Works Design Standards. The periphery of all parking areas and drives in Non-Residential Districts (except parking areas for Single-Family and Two-Family Residential uses in those districts) shall be constructed with poured-in-place concrete curbing, unless otherwise approved by the City.
 - 2) In Residential (R) Districts, the first 40 feet of the driveway or the driveway area between the street and garage, whichever is less, shall be paved with concrete, asphalt or an acceptable surface that meets the City's Public Works Design Standards, except for properties whose main access is on a non-paved roadway.

- 3) For residential uses, the maximum driveway width shall be 24 feet at the curb line and property line. For commercial, office, or industrial uses, the maximum driveway width shall be 32 feet at the curb line and property line.
 - 4) In Residential districts, any parking or driveway surface located in the side or rear yard and all parking surfaces draining to a public paved street shall be constructed of one of the following: concrete, asphalt, class V gravel (minimum 6 inches compacted), landscape rock (minimum 6 inches compacted), landscape paver blocks, or brick that meets the City's Public Works Design Standards. All parking surfaces draining to a public paved street shall be paved, unless otherwise approved by the City. If the property owners can demonstrate the runoff from the rock surface is solely directed onto their own property or surface runoff meets the City's stormwater management requirements.
- B. Standards-Drainage. Parking, loading and service areas of commercial and industrial uses shall be graded and drained so as to dispose of all surface water accumulation within the parcel to meet the City and other applicable stormwater management requirements. All surfacing shall be completed prior to occupancy of the structure, unless specific approval otherwise has been granted by the City.
 - C. Standards-Maintenance. The City can require the entire or greater portion of driveways that serve commercial and industrial uses to be paved to comply with the City's Stormwater Management standards at the point of property sale. If the pavement surface of a driveway or parking lot has deteriorated beyond maintenance or repair and does not comply with the Stormwater Management standards, the owner shall be required to remove and replace the driveway or off-street parking area pavement at the point of property sale in accordance with this Chapter and the City's Stormwater Management standards .
 - D. Setbacks. All parking areas shall be set back a minimum of five (5) feet from property lines. All driveways shall be setback a minimum of five (5) feet from side and rear property lines. Parking areas and driveways shall meet the standards in Chapter 8, Section 811.07 (E) of the City Code.
 - E. Size. In Residential Districts, parking areas in front yards (not including the driveway) shall not exceed twenty-five percent (25%) of the front yard area. The lot coverage in non-residential districts, including off-street parking areas, shall meet the requirements in Section 1350.14 of this Ordinance.
 - F. Easements. The parking or driveway surface may not encroach on any drainage and utility easement, except the front yard drainage and utility easement abutting the street.
 - G. Standard Parking Space Dimensions. Each off-street parking space shall be a minimum of nine (9) feet wide by eighteen (18) feet deep. Access drives and aisles shall be a minimum of twenty-four (24) feet wide for two-way traffic, and eighteen (18) feet wide for one-way traffic. Parking space dimensions for angled parking shall be approved by the Zoning Administrator, based on acceptable planning standards.
 - H. Compact Car Parking Dimensions. Parking spaces for compact cars may be included within a parking lot plan approved by the Zoning Administrator provided the spaces comprise no more than forty (40) percent of the spaces for the entire use or project, and provided they shall be clearly identified on the site and their location shall be designed carefully into the overall site plan. The spaces shall be a minimum of eight (8) feet wide by sixteen (16) deep.
 - I. Handicapped Parking. Parking for handicapped persons shall be provided in accordance with State and Federal regulations.

- J. Access. All off-street parking spaces for commercial and industrial uses shall have access from a private driveway and shall not access directly onto a public street.
- K. Location. All parking spaces shall be on the same lot as the principal use for which they are intended, unless the City approves off-site parking for a principal use.
- L. Off-Site Parking Location. When required accessory off-street parking facilities are provided elsewhere than on the lot on which the principal use served is located, written authority of the property owner for using the property for off-street parking shall be filed with the City, confirming that the required number of off-street parking spaces will be maintained on the property during the existence of such principal use. No such parking facility shall, at its closest point, be located more than four hundred feet (400') from the principal use or building served.

Subd. 2 Number of Off-street Parking Spaces. The minimum, number of off-street parking spaces required for uses in the Residential, Non-Residential, and most Mixed Use Districts are identified below. Section 1350.19(D) prescribes the number of off-street parking spaces required for uses in the MX-3 District.

A. Parking Requirements for Residential Uses.

- 1) Single and Two-family Dwellings: Two (2) spaces per unit, at least one of which shall be enclosed.
- 2) Multifamily Residential Dwellings with up to eight (8) dwelling units per building: Two (2) spaces per unit, at least one each of which shall be enclosed, plus one half (0.5) space per unit of visitor parking, apart from individual garages or reserved resident spaces, within one hundred (100) feet of the entrance to each private unit entrance or to the building entrance if there is a common entrance. Visitor spaces may be further away if they have enclosed access to the building.
- 5) Multifamily Residential Dwelling with more than eight (8) Units: One and one-half (1-½) spaces per unit for each efficiency or one bedroom unit, at least one each of which shall be enclosed, and two (2) spaces per unit for each unit with two or more bedrooms, at least one each of which shall be enclosed. In addition, there shall be one-half (½) space per unit of visitor parking, apart from individual garages or reserved resident spaces, within two hundred (200) feet of the entrance to each private unit entrance or to the building entrance if there is a common entrance. Visitor spaces may be further away if they have enclosed access to the building.
- 5) Driveway Space: Driveway space immediately in front of a garage door, blocking normal access to the garage, may not be counted as part of the required parking space for any residential use.

B. Parking Requirements for Non-Residential Uses.

- 1) Retail Sales and Service Uses: One (1) space for each two hundred fifty (250) square feet of gross floor area.
- 2) Hotel or Motel: One (1) space per unit, plus one (1) space per employee on the largest shift.
- 3) Medical or Dental Clinic: Six (6) spaces per doctor or dentist.
- 4) Vehicle or Equipment Service and Repair: Two (2) spaces plus three (3) spaces for each service stall

- 5) Restaurants, Taverns, Clubs, and Similar Uses: One (1) space for each two and one half (2.5) seats, based on maximum design capacity.
- 6) Offices, Other than Medical or Dental: One (1) space for each two hundred fifty (250) square feet of gross floor area.
- 7) Churches, Theaters, Auditoriums, Funeral Homes, and Other Places of Assembly.: One (1) space for each three (3) seats or for each five (5) feet of pew or bleacher length, based on the maximum design capacity.
- 8) Warehouse, Storage, Handling of Bulk Goods, Industrial Storage: One (1) space for each two (2) employees on the largest shift, or one (1) space for each two thousand (2,000) square feet of gross floor area, whichever shall be greater.
- 9) Manufacturing, Light Industrial, Processing, and Fabrication: One (1) space per five hundred (500) square feet of gross floor area.
- 10) Uses Not Specifically Mentioned: As shall be determined by the Zoning Administrator.
- 11) The maximum amount of surface parking spaces shall not exceed the specified minimum by more than ten percent, or two spaces, whichever is greater. If additional parking is desired, it must be placed underground, within an enclosed building, or in a tuck-under garage.
- 12) On-street parking located in front of a commercial or mixed-use building may count toward the required number of parking spaces.
- 13) For retail, medical, service and office uses, if a transit shelter is provided on site or in front of the building, then the minimum required number of parking spaces may be reduced by five percent but not to exceed five parking spaces total.

Subd. 3 Shared Parking in Non-residential Districts. The standards for shared parking spaces for uses in all-non-residential districts are as follows:

- A. Required parking facilities serving two or more uses may be located on the same lot or in the same structure, provided that the total number of parking spaces furnished shall not be less than the sum of the separate requirements for each use.
- B. A shared parking plan for two or more uses involving fewer than the total number of parking spaces required for each use may be approved by Conditional Use Permit, if at least the following conditions shall be met:
 - 1) No more than fifty (50) percent of the required parking spaces for a given use may be shared with another use.
 - 2) For retail, medical, service and office uses, required parking may be reduced by the establishment of a commercial parking district for the purpose of sharing parking with varying peak parking hours or availability of off-street public parking. The establishment of a commercial parking district to allow a reduction in parking required shall be subject to review and approval by the City during the development's initial site plan review or subsequent site plan changes.
 - 3) The City Council may authorize other reduced off-street parking requests through a special agreement. The reduction must be based on proven parking data for a specific development. The

applicant shall show that there is no substantial conflict between the principal operating hours of the uses, which will share parking spaces.

- 4) A properly drawn legal instrument covering access easements, cross parking arrangements, maintenance, or other pertinent issues, executed by the parties involved, and approved by the City Attorney, shall be filed with the City Clerk-Administrator.
- 5) Proof of available parking can be made available should a more intensive use be proposed for the site at a later time.

Section 1390 Alternative Energy Systems

1390.03 Ground source heat pump systems.

- (a) *Zoning districts.*
- (b) *Standards.*
 - (1) *System requirements.*
 - (2) *Setbacks.*
 - (3) *Easements.*
 - (4) *Noise.*
 - (5) *Screening.* Ground source heat pumps are considered mechanical equipment and subject to the requirements of Sections 1330.05 Subd. 7 and Subd. 11.

Adopted this 11th day of June, 2015 by the Newport Planning Commission.

VOTE: Mahmood _____
Haley _____
Prestegaard _____
Taylor _____
Tweeten _____

Signed: _____
Anthony Mahmood, Chairperson

ATTEST: _____
Deb Hill, City Administrator