



**CITY OF NEWPORT
PLANNING COMMISSION MEETING
NEWPORT CITY HALL
DECEMBER 8, 2016 – 5:30 P.M.**

Chairperson:	Anthony Mahmood	City Administrator:	Deb Hill
Vice-Chair:	Kevin Haley	Asst. to the City Admin:	Renee Eisenbeisz
Commissioner:	Marvin Taylor	Planner:	Sherri Buss
Commissioner:	David Tweeten	Council Liaison:	Tom Ingemann
Commissioner:	Saengmany Ratsabout		

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of the November 10, 2016 Meeting

4. APPOINTMENTS WITH COMMISSION

A. **Public Hearing** – To consider amendments to Section 1340, Section 1360 and Rezone

1. Memo from Sherri Buss
2. Resolution No. P.C. 2016-13

B. Comp Plan Amendment

5. COMMISSION & STAFF REPORTS

6. NEW BUSINESS

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

- | | | |
|--------------------------------------|-------------------|-----------|
| 1. Holiday Train - Cottage Grove | December 9, 2016 | 5:45 p.m. |
| 2. City Council Meeting | December 15, 2016 | 5:30 p.m. |
| 3. City Offices Closed for Christmas | December 26, 2016 | |

8. ADJOURNMENT



**City of Newport
Planning Commission Minutes
November 10, 2016**

1. CALL TO ORDER

Chairperson Mahmood called the meeting to order at 5:30 P.M.

2. ROLL CALL

Commissioners Present – Anthony Mahmood, Kevin Haley, Marvin Taylor, David Tweeten (arrived at 5:31 p.m.), Saengmany Ratsabout

Commissioners absent –

Also present – Deb Hill, City Administrator, Renee Eisenbeisz, Asst. to the City Administrator, Sherri Buss, TKDA Planner,

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of the October 13, 2016 Meeting

Motion by Haley, seconded by Ratsabout to approve the October 13, 2016 Meeting Minutes. With 4 Ayes, 0 Nays, 1 Absent, motion carries.

4. APPOINTMENTS WITH COMMISSION

A. Public Hearing - To consider amendments to Section 1350 and Rezone

Sherri Buss, TKDA Planner, presented on this item as outlined in the November 10, 2016 Planning Commission packet.

David Tweeten - Is office appropriate in the I-S district?

Ms. Buss - We could add offices to the I-S district but they still want to have a warehouse which is not permitted in the I-S district.

Marvin Taylor - I-1 seems more appropriate for the building.

The public hearing opened at 5:35 p.m.

Jason Akey, Assistant Refinery Manager - This building allows us to take a lot of materials that are currently stored outside inside and move everyone that's in trailer offices to this building.

Marvin Taylor - Is that building in both Newport and St. Paul Park?

Ms. Buss - Yes.

The public hearing closed at 5:36 p.m.

Motion by Mahmood, seconded by Ratsabout, to approve Resolution No. P.C. 2016-12 as presented. With 5 Ayes, 0 Nays, the motion carried.

B. Discussion Regarding Catherine Drive

Sherri Buss, TKDA Planner, presented on this item as outlined in the November 10, 2016 Planning Commission packet and in the attached memo. Matt Pavek and Peter Knaeble were present to discuss their proposal. They are proposing 50 foot lots, which accounts to about 180 sewer units.

The Planning Commission is recommending the following for this area:

- Rezone the western area to the R-1 District. The R-1 District permits single-family residential uses with a minimum lot size of 9,100 square feet (approximately 4 units per acre). A Planned Unit Development (PUD) approach could be utilized to vary the dimensional standards and densities within a development. The PUD ordinance could be updated to permit multi-family use that implements goals of the Comprehensive Plan within this area.
- Rezone the eastern portion of the area (including the Reiling parcel, City-owned parcel, and 2 adjacent parcels) to a new district—R-U Residential Urban. This district would allow development of both single-family and multi-family uses at densities between 4 and 20 units per acre. (15-20 units per acre is generally considered “high density” in suburban communities in the Twin Cities).

The Planning Commission will have a public hearing on December 8, 2016 for the new zoning district and ordinance and move forward with a Comp Plan amendment.

5. COMMISSION AND STAFF REPORTS

6. NEW BUSINESS

7. ANNOUNCEMENTS

8. ADJOURNMENT

Motion by Mahmood, seconded by Haley, to adjourn the Planning Commission Meeting at 6:45 p.m. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____
Anthony Mahmood, Chairperson

Respectfully submitted,

Renee Eisenbeisz
Assistant to the City Administrator



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

Memorandum

To:	Newport Planning Commission	Reference:	Planning and Zoning for Potential Development near Catherine Drive--Update
Copies To:	Deb Hill, City Administrator Renee Eisenbeisz, Executive Analyst	Project No.:	16021.000
From:	Sherri Buss, RLA AICP, City Planner	Routing:	
Date:	November 1, 2016		

We learned today that the City can extend the moratorium for the Catherine Drive area for up to 120 days only. This means that it would end by April 17. We will need to move quickly to complete the proposed zoning changes and Comprehensive Plan Amendment for the area before the moratorium expires.

To that end, I am providing some ideas and maps for discussion on Thursday that take us further than the previous memo. The maps and draft amendments are designed to flesh out the Commission's discussion, and start creating the maps and documents that will be needed for the Comp Plan amendments and ordinance amendments.

It would be ideal if we could come to a consensus about the development in the area proposed for new sewer service at this meeting so that we can work on the Comp Plan amendment for approval at the December PC meeting, and hold a public hearing on the zoning for the area in January.

The attached information includes the following:

- Land use maps that include:
 - Option 1: an amended map that includes the entire area proposed for sewer service in an "urban residential" land use area. (We can use another name if you prefer—the name is meant to indicate that a variety of residential densities are permitted in the area and that sewer service is required for new development.)
 - Option 2: an amended map that includes only the Reiling and City parcels in the land use map amendment.
- Zoning map amendments that include:
 - Option 1: an amended map that includes the entire area proposed for sewer service in a new R-U (Urban Residential) Zoning District.
 - Option 2: an amended map that includes only the Reiling and City parcels in the new R-U District.

- The new R-U district could include single-family, two-family, multifamily, PUD, and other uses that are typically allowed in Residential Districts
- An amended Section 1340 of the Zoning Ordinance that includes dimensional standards for a new R-U District. The district would allow densities between 4 and 20 units per acre.
- The dimensional standards are based on those that are used in cities like Saint Paul. They are generally denser than those used in Woodbury and some other suburban communities. The higher densities are based on the Council's discussion that higher densities should be permitted in this area.
- The higher densities would also help Newport to be consistent with Metropolitan Council policies. The Metro Council's current policies require that "urban" cities like Newport achieve an average density of 10 units per acre across the city in new development and redevelopment areas.

Many variations are possible—the maps and ordinance ideas are a starting point for discussion about potential districts, boundaries, and ordinance standards. The large or small areas shown could be "PUD" districts as well.

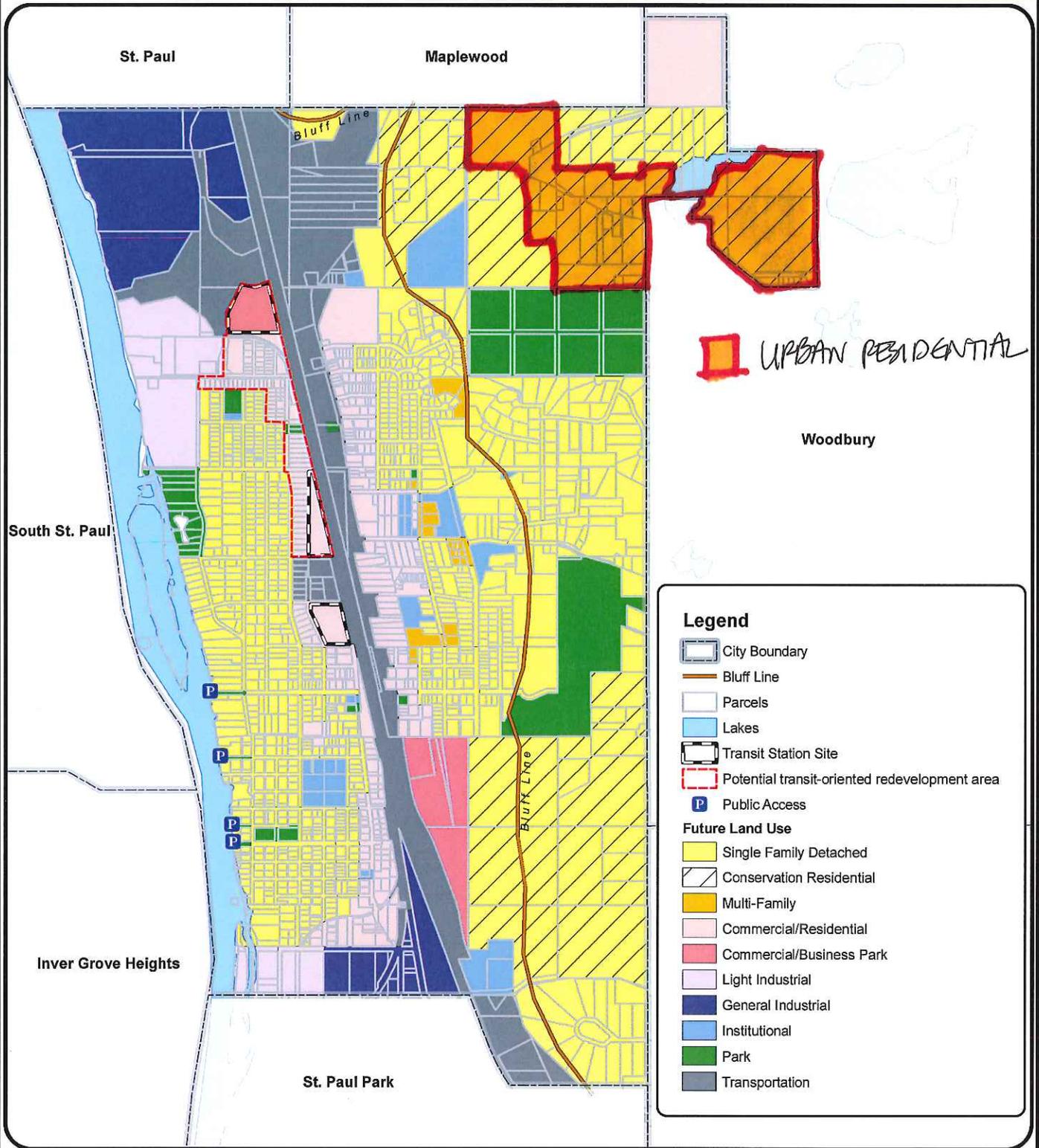
See you on Thursday.



OPTION 1



City of Newport 2030 Future Land Use Comprehensive Plan



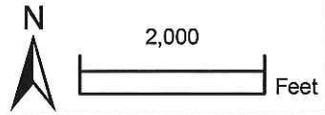
URBAN RESIDENTIAL

Legend

- City Boundary
- Bluff Line
- Parcels
- Lakes
- Transit Station Site
- Potential transit-oriented redevelopment area
- Public Access
- Future Land Use**
- Single Family Detached
- Conservation Residential
- Multi-Family
- Commercial/Residential
- Commercial/Business Park
- Light Industrial
- General Industrial
- Institutional
- Park
- Transportation

TKDA
ENGINEERS • ARCHITECTS • PLANNERS

Data sources include the MN Department of Natural Resources, City of Newport, Metropolitan Council and TKDA.

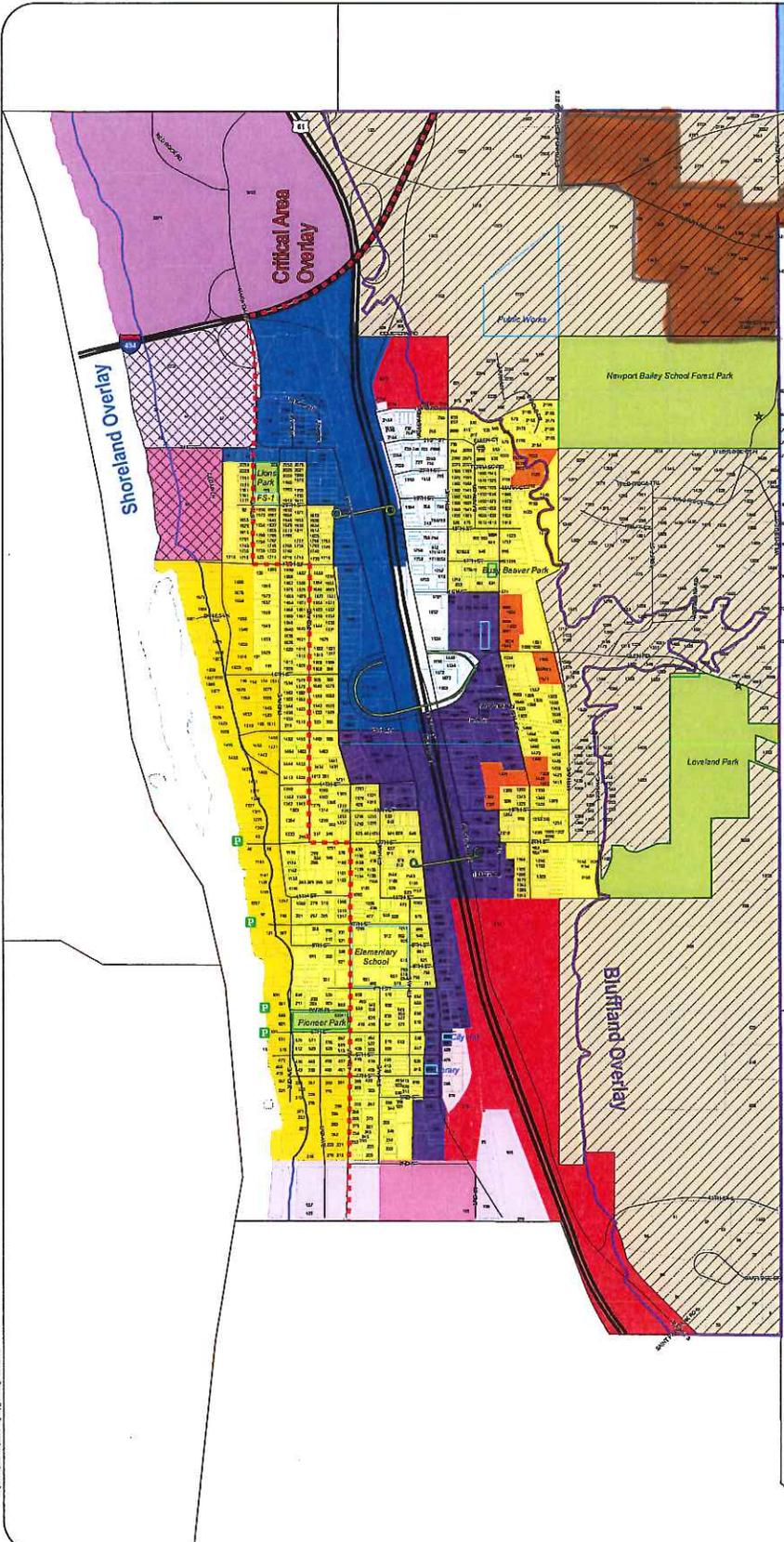


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OPTION 1



City of Newport Zoning Map



R-U
URBAN RESIDENTIAL

LEGEND

Zoning Districts

- RE Residential Estate
- R-1 Low Density Single Family Residential
- R-1A River Residential
- R-3 High Density Residential
- MX-1 Downtown
- MX-2 Commercial
- MX-3 Transit-Oriented Design
- MX-4 General
- B-1 Business Park/Office/Warehouse
- B-2 General Business
- I-S Industrial Storage
- I-1 Light Industrial
- I-2 General Industrial
- Open Space

Overlay Districts

- Bluffland Area**
- Shoreland Area**
- Conservation Residential
- River Development
- Mississippi River Critical Area

Floodplain Overlay District: see current FEMA floodplain map.

** Estimated boundary. Exact boundary to be determined by survey at time of development request.

Other public features

- P Public Access/Overlook
- Highway 61 Pedestrian Crossing
- City Park
- ★ Park Entrance
- Public Facility

Data sources: City of Newport, Washington County, Metropolitan Council
Zoning Map Adopted June 20, 2013
Map printed July 21, 2015

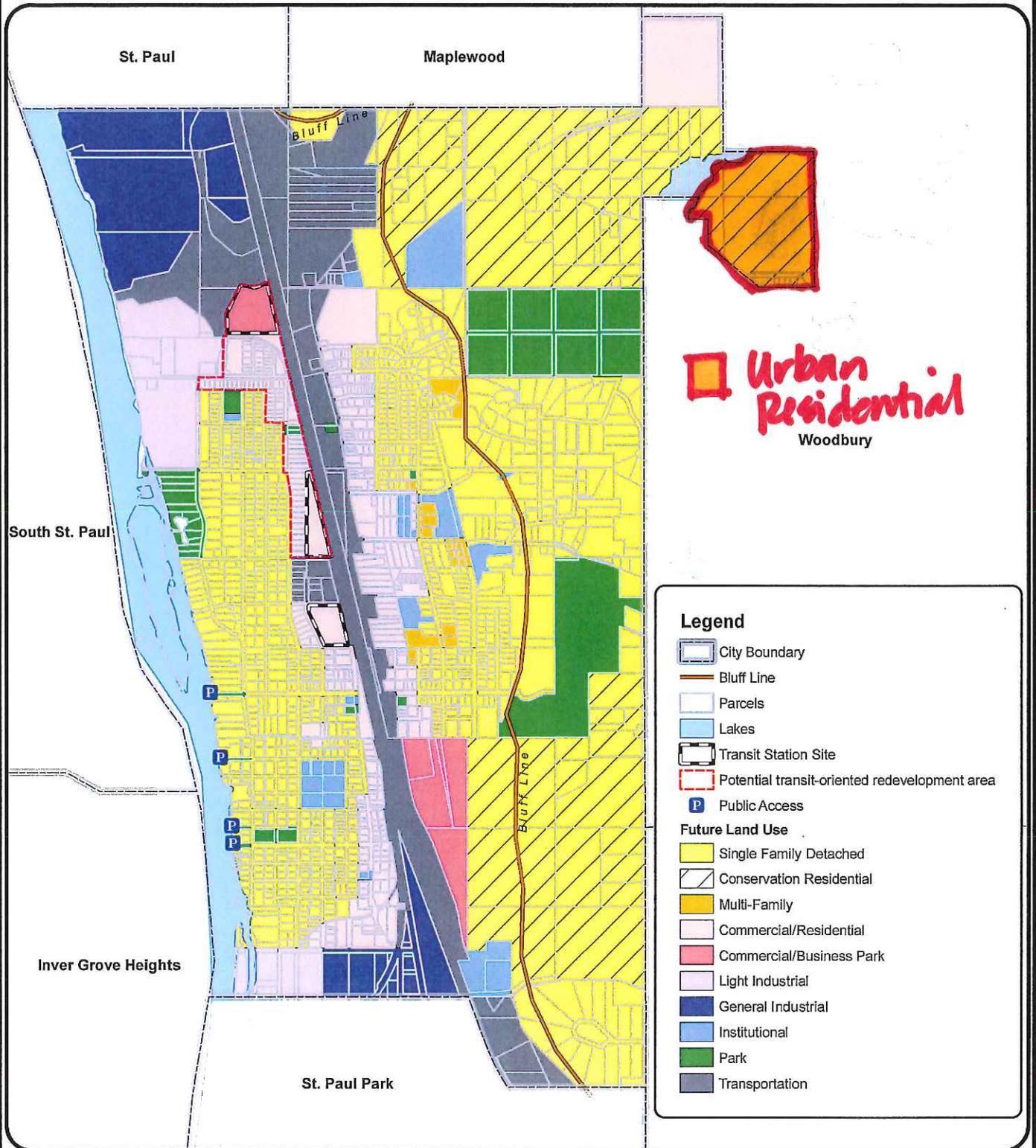


2,000
1 inch = 500 feet

OPTION 2



City of Newport 2030 Future Land Use Comprehensive Plan

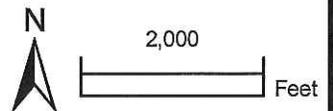


Legend

- City Boundary
- Bluff Line
- Parcels
- Lakes
- Transit Station Site
- Potential transit-oriented redevelopment area
- Public Access
- Future Land Use**
- Single Family Detached
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- Institutional
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- Transportation

TKDA
ENGINEERS - ARCHITECTS - PLANNERS

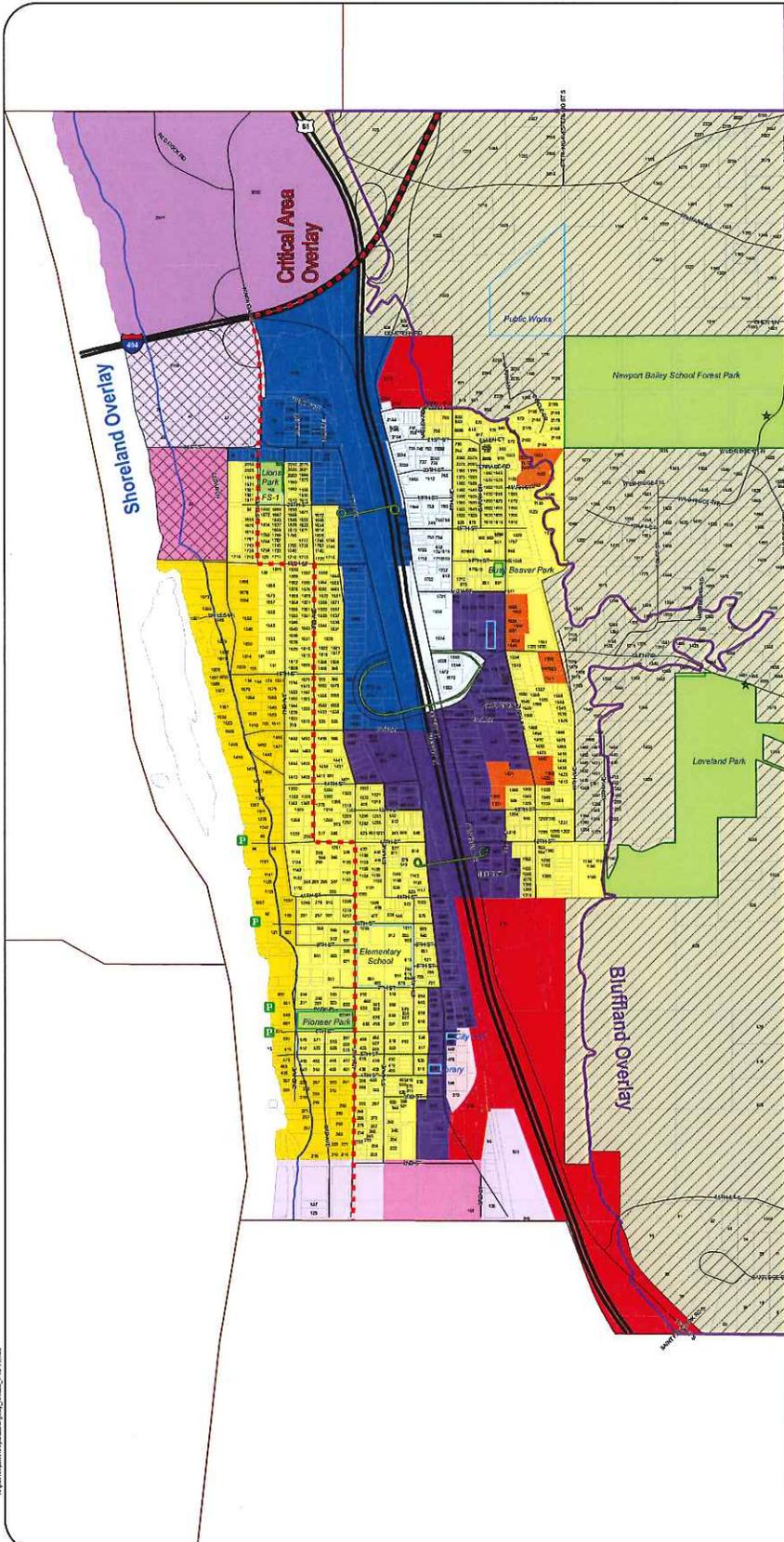
Data sources include the MN Department of Natural Resources,
City of Newport, Metropolitan Council and TKDA.



OPTION 2



City of Newport Zoning Map



LEGEND

Zoning Districts

- RE Residential Estate
- R-1 Low Density Single Family Residential
- R-1A River Residential
- R-3 High Density Residential
- MX-1 Downtown
- MX-2 Commercial
- MX-3 Transit-Oriented Design
- MX-4 General
- B-1 Business Park/Office/Warehouse
- B-2 General Business
- I-S Industrial Storage
- I-1 Light Industrial
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- Open Space

Overlay Districts

- Bluffland Area**
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Floodplain Overlay District: see current FEMA floodplain map.

** Estimated boundary. Exact boundary to be determined by survey at time of development request.

Other public features

- Public Access/Overlook
- Highway 61 Pedestrian Crossing
- City Park
- Park Entrance
- Public Facility

R-U
URBAN RESIDENTIAL

Data sources: City of Newport, Washington County, Metropolitan Council
Zoning Map Adopted June 20, 2013
Map printed July 21, 2015



2,000
1 inch = 500 feet

Section 1340 - Residential Districts**1340.01 Purpose**

The residential districts are established to accomplish the general purposes of this Chapter and for the following specific purposes:

- A. To preserve existing living qualities of residential neighborhoods;
- B. To ensure future high quality amenities including, but not limited to, the provision of adequate light, air, privacy, freedom from noise and convenience of access to property;
- C. To increase convenience and comfort by providing usable open space and recreation space on the same lot as the housing units they serve;
- D. To prevent additions or alterations of structures which would damage the character or desirability of existing residential areas;
- E. To protect residential areas, to the extent possible and appropriate in each area, against unduly heavy motor vehicle traffic;
- F. To encourage a variety of dwelling types and a wide range of population densities with emphasis on home ownership; and
- G. To implement the goals and policies of the Comprehensive Plan.

1340.02 Intent.

The specific intent of each residential district is as follows:

Subd. 1 RE - Residential Estate District. This district shall be intended:

- A. For residential areas without public utilities;
- B. To preserve lands in their natural state or in agricultural uses pending the proper timing for the economical provision of utilities, streets, parks, and other public facilities so that orderly development will occur; and
- C. To preserve and extend areas for single-family dwellings at very low densities within spacious environments
- D. Any lot or parcel of land located in a Residential Estates Zone (RE) served by municipal sewer shall be treated as a Single Family Residential (R-1) parcel and shall be required to meet all requirements of R-1 zoning. (see Ordinance No. 98-2).

Subd. 2 R-1A - River Residential District. This district shall be intended to preserve, create, and enhance areas for low-density single-family development along and near the Mississippi River where public utilities are available.

Subd. 3 R-1 - Low Density Single Family Residential District. This district shall be intended to preserve, create and enhance areas for low-density single-family dwelling development as an extension of existing residential areas and to allow low-density development in areas indicated as such in the comprehensive plan where public utilities are available;

Subd. 4 R-2 - Medium Density Residential District. This district shall be intended to allow development of townhouses, row houses, and other types of low-density multifamily units in areas consistent with the comprehensive plan and serviced by public utilities;

Subd. 5 R-3 - High Density Residential District. This district shall be intended to create, preserve and enhance areas for multi-family use at higher densities for both permanent and more transient families. It is typically appropriate only in areas served by public utilities, with good accessibility to thoroughfares, public services, commercial areas, and where such development fits the comprehensive plan and planning policies.

Subd. 6 R-U – Urban Residential District. This district shall be intended to allow development neighborhoods and sites with a mix of housing types and densities including single-family and multifamily residential uses in areas served by public utilities.

1340.03 Residential Lot Area, Depth, Width, Coverage, Setbacks and Heights.

The following minimum requirements shall be required in all residential districts:

	RE	R-1A	R-1	R-2	R-3	R-U
Minimum Lot Area per Unit (Square Feet)						
Dwellings, single-family	2 Acres	15,000	9,100	9,100	9,100	<u>5,000</u>
Dwellings, two family	--	--	--	7,800	7,800	<u>3,000</u>
Dwellings, more than two family	--	--	--	5,750	3,000	<u>2,000</u>
Other uses	2 Acres	1 Acre	1 Acre	1 Acre	1 Acre	<u>1 Acre</u>
Minimum Lot Depth in Feet	200	150	130	130	130	<u>120</u>
Minimum Lot Width in Feet (Number in parenthesis is the lot width for a corner lot)						
Dwellings, single-family	160 / (200)	100 / (120)	70 / (90)	70 / (90)	70 / (90)	<u>40</u>
Dwellings, two family	--	--	--	120 / (140)	120 / (140)	<u>25</u>
Dwellings, more than two family	--	--	--	120 / (140)	120 / (140)	<u>n/a</u>
Other uses	160	100	70	120	120	<u>n/a</u>
Minimum Front Yard in Feet***	40	30	30	30	30	<u>30</u>
Minimum Side Yard in Feet (Number in parenthesis is the setback for a corner lot, street side)						
Dwellings, single-family or two family	20 / (40)	10 / (30)**	10 / (30)**	10 / (30)	10 / (30)	<u>9</u>
Dwellings, more than two family	--	--	--	20 / (40)	20 / (40)	<u>25</u>
Garages or Accessory Structures***	20 / (40)	5 / (30)	5 / (30)	10 / (30)	10 / (30)	<u>9</u>
Other uses	20	30	30	20	20	<u>20</u>
Minimum Rear Yard in Feet						
Dwellings, single-family or two family	50	30	30	30	30	<u>25</u>
Dwellings, more than two family	--	--	--	30	30	<u>25</u>
Garages or Accessory Structures***	20	5	5	30	30	<u>25</u>
Other uses	50	40	40	40	40	<u>25</u>
Maximum Lot Coverage, All Structures <u>Impervious Surfaces Single Family Dwelling Units</u>	20%	20%	25 <u>35</u> % (25% in Shoreland District****)	30 <u>35</u> %	30 <u>35</u> %	<u>35</u> %
<u>Maximum Lot Coverage,</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>50</u> %	<u>50</u> %	

<u>Impervious Surfaces Dwellings, more than 2 family</u>						
Maximum Building Height in Feet ***	35 feet or 3 stories, whichever is greater, in all districts, but in no case higher than 1,000 feet U.S.G.S. sea level elevation; 25 feet in Shoreland Management Overlay District					<u>35 feet or 3 stories</u>
Public Sewer Required	No	Yes	Yes	Yes	Yes	<u>Yes</u>

* Regardless of the setback standards noted in this table, the distance between a proposed foundation wall and an existing foundation wall on an adjacent lot may not be less than fifteen (15) feet

** Side setbacks for substandard lot widths in R-1A: 10% of lot width (25% for Corner Lot, Street Side). Side setbacks for substandard lot widths in R-1: 15% of lot width (33% for Corner Lot, Street Side)

***See additional standards in Subsection 1340.04.

1340.04 Single Family Residential Garage, Accessory Structure and Driveway Standards.

The following standards shall apply to all garages and accessory structures for single family homes and duplexes in all zoning districts, and shall be in addition to the standards in Subsections 1340.03, 1370.03 (Shoreland Management District) and 1370.05 (Floodplain Management Districts). The intent of these standards shall be to reduce the impact of multiple vehicles and of large accessory structures on the residential character of the City.

Subd. 1 Construction. No accessory building or structure shall be constructed on a lot prior to construction of the primary structure. Building permits are required for all accessory structures.

Subd. 2 Number. A residential lot, other than a river riparian lot, may have no more than two (2) accessory structures. A river riparian lot may have a guest cottage and a water-oriented accessory structure as regulated in Section 1370 of this Chapter, the Shoreland Management Section.

Subd. 3 Height. No garage, whether attached or detached, nor any accessory structure shall be taller than the principal structure on the lot as measured by the building height definition from Section 1300.01 Subd. 16 Building Height.

Subd. 4 Location. A detached accessory building shall not be located in any required front yard.

Subd. 5 Square Footage. Except in the RE district, the total footprint of all garage space, whether attached or detached, and of all accessory structure space for single-family residential uses shall be no larger than the footprint of the principal structure, and shall total a maximum of 2,000 square feet; except that a residential lot shall be allowed at least five hundred (500) square feet of garage space regardless of the house size, as long as the required setbacks and other standards are met.

In the **RE District**, the number and size of accessory structures permitted on residential lots is as follows:

Size of Parcel in RE DISTRICT	Number of Accessory Structures	Total Area of Accessory Structures (footprint)
Less than 2 acres	2	Total footprint of all accessory structures may be no larger than the footprint of the principal structure, up to a maximum of 2,000 square feet. Minimum 500 square feet of accessory structures is permitted on all parcels regardless of house size if

		required setbacks are met.
2.0-4.99Acres	2	2500 square feet
5.0 Acres or greater	2	Up to 2,500 total square feet is permitted. 2,500 total square feet to 3,500 maximum total square feet of accessory structures may be permitted with a Conditional Use Permit.

Subd 6 Structure Area in the RE District between 2,500 and 3,500 square feet. In order for the footprint of all accessory structures in the RE district to exceed 2,500 square feet, the following conditions must be satisfied through obtaining a conditional use permit pursuant to Section 1310.10 of this Chapter:

- A. The parcel shall not be re-platted, split or subdivided such that it results in a lot size of less than 3 acres without first removing or altering the structure so that it conforms to the standards in this chapter.
- B. The site must demonstrate that the accessory structures do not encroach upon existing septic systems and that an alternative septic system area is protected.
- C. Plantings consisting of a combination of trees and shrubs shall be installed within the set back area providing a buffer between the accessory structure (s) and future development on adjacent property.
- D. Any accessory structure or garage other than a garage attached to the principal structure on the site shall not be placed closer to the public right-of-way that constitutes the front yard of the parcel than the primary structure unless the structure is completely screened from public view by natural vegetation including trees and shrubbery.
- E. All the other subdivisions of this section apply to the RE district.

Subd. 7 Compatibility. All accessory structures of any size shall be constructed of durable, finished materials and shall be compatible in color to the principal structure. All accessory structures over one hundred fifty (150) square feet in area shall be compatible with the principal structure in terms of design, roof style, roof pitch, color, and exterior finish materials.

If an accessory building is attached to the main building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this Chapter applicable to the main building. An accessory building, unless attached to and made a part of the main building, shall not be closer than five (5) feet to the main building, except as otherwise provided in this Chapter

Subd. 8 Additional Setback, Square Feet. A garage, whether attached or detached, or an accessory structure shall provide an additional one (1) foot of setback beyond the minimum front, side, or rear yard setbacks required in Subsection 1340.03, for every twenty (20) square feet of area over nine hundred (900) square feet of area in garages or accessory structures on the lot, except:

- A. An addition to an existing accessory structure which cannot meet the additional setbacks described above may extend an existing building edge at the existing setback line, but no closer to the lot line than the existing setback, and in no case closer than the minimum setbacks set forth in Subsection 1340.03.

- B. Such an extended building edge may be no more than thirty-six (36) feet in length along any single property line. Any portion of an extended building edge longer than thirty-six (36) feet in length must meet the additional setbacks described above in this Subdivision.
- C. In the RE district, a garage, whether attached or detached, or an accessory structure shall provide an additional one (1) foot of setback beyond the minimum front, side and rear yard setbacks required in Subsection 1340.03, for every forty (40) square feet of area or portion thereof over two thousand (2,000) square feet of area in garages or accessory structures on the lot.

Subd. 9 Additional Setbacks, Height. A detached garage or an accessory structure shall provide an additional two (2) foot of setback beyond the minimum required front, side, or rear yard setbacks for every one (1) foot of height of its eave line over eight (8) feet.

Subd. 10 Door Openings. In the RE district, on lots at least three acres in size, there shall be no limit on the height of door openings for garages or other accessory structures. In all other cases, all door openings shall be eight (8) feet in height or less, except that one door opening in one accessory structure per lot may be a maximum of twelve (12) feet in height. In all districts, any door opening over eight (8) feet in height shall be turned perpendicular to the front lot line so as not to face any public street, or, if facing a public street, it shall be set back an additional ten (10) feet beyond the minimum front yard setback required in Subsection 1340.03 for every one (1) foot of height of the door opening over eight (8) feet.

Subd. 11 Subdivision. No land shall be subdivided so as to have an accessory structure without a primary structure, or to have a larger building or structure than permitted by this ordinance. When a property is developed or redeveloped and an existing accessory structure made nonconforming, the structure must be brought into conformance as part of the development approval or removed from the property.

Subd. 12 Use of Accessory Structures. No accessory building shall at any time be used as a habitable building. No accessory structure in a residential district shall at any time be used for a commercial or industrial use. Use of accessory structures for home occupations is governed by Section 1340.07, Subdivision 2.

Subd. 13 Intermodal container or shipping containers. All intermodal containers in residential districts shall be considered to be accessory structures, and shall meet all code requirements for accessory structures in residential districts, including those in Sections 1340.03, 1340.04, 1370.03 and 1370.05.

Subd. 9 Driveways¹⁴ Driveways. One driveway access to a public roadway is permitted for each lot.

1340.041 Covered Storage Building Standards.

The intent of this section is to regulate the installation and maintenance of covered storage buildings, also known as tent garages or temporary carports. More specifically the intent of this section is to minimize the potential for these structures to become unsightly as seen from public right-of-ways or adjacent residential properties. The following standards and conditions apply to covered storage buildings:

Subd. 1 Permitted As Accessory Structures. "Covered Storage Buildings" are a permitted use as an accessory structure only in residential districts and shall not be permitted in General Business, Light

Industrial, General Industrial, and Industrial Storage Districts or for any commercial use or purpose within the Mixed-Use Districts. Covered Storage Buildings shall comply with the standards outlined in Section 1340.04. In addition, the following criteria shall be applied to covered storage buildings permitted as an accessory structure:

- A. Placement on Lot: The structure shall not be located in any front yard.
- B. Screening: The structure shall be screened from public right-of-way and adjacent property with shrubbery, trees or fencing.
- C. Maintenance: Lawn areas around the structure shall be kept clear of tall weeds and grass. The condition of the structure shall comply with the standards found in Ordinance 2002-11, Chapter 8. Section 811 Building and Property Maintenance.
- D. Number per Residential Lot: Only one (1) structure shall be permitted per residential lot.

Subd. 2 Allowed with Conditions:

- A. Placement on Lot: Structures shall not be placed in any front yard or adjacent to the driveway if located in the front yard. All other building setbacks must be met as established by the underlying zoning district.
- B. Maintenance: Lawn areas around the structure shall be kept clear of tall weeds and grass.
- C. Lot Coverage and Structure Height: Except as provided herein, all standards relating to structure height, lot coverage, and number of accessory structures on the lot as outlined in Section 1340.04 shall be met.

Subd. 3 Building Permit Required. Installation of covered storage buildings over 336 square feet or 10 feet in height require a building permit from building inspections.

1340.05 Credits and Allowances for Multiple Dwellings.

The following lot area credits and allowances shall be applied for multiple dwellings in R-2, ~~and R-3,~~ and R-U districts but in no event shall the minimum lot area with allowances be less than five thousand (5,000) square feet per dwelling unit in the R-2 district nor less than two thousand two hundred (2,200) square feet in the R-3 district based on the following schedule:

- A. For each parking space provided within or beneath a principal structure, subtract three hundred (300) square feet;
- B. If the site upon which the multiple dwelling is being constructed is adjacent to a site zoned for a commercial use, subtract three hundred (300) square feet;
- C. If the adjacent site is zoned R-1 or R-1A, add three hundred (300) square feet per unit for that portion of the multiple dwelling site within one hundred fifty (150) feet of the R-1 or R-1A district;
- D. If the total lot coverage is less than twenty (20) percent, subtract one hundred fifty (150) square feet per unit;

- E. For each unit containing bedrooms in excess of two (2), add three hundred (300) square feet.

1340.06 Special Regulations for the R-2, ~~and R-3~~ and R-U Residential Districts.

Subd. 1 Minimum Floor Area for Multiple Family Dwellings. The minimum floor area of an efficiency dwelling unit shall be not less than four hundred (400) net square feet, that of a one-bedroom dwelling unit shall be not less than seven hundred (700) net square feet, and that of a two-bedroom dwelling unit shall be not less than nine hundred (900) net square feet. Units containing three (3) or more bedrooms shall have an additional one hundred fifty (150) net square feet of floor area for each bedroom in excess of two (2) bedrooms.

For purposes of measurement, the net floor area of a dwelling unit shall mean that area within a building used as a single dwelling unit, and shall be measured from the inside walls to the center of partitions bounding the dwelling unit being measured, but shall not include public stairways, public entries, public foyers, public balconies, or unenclosed public porches, separate utility rooms, furnace areas or rooms, storage areas not within the apartment, or garages.

Subd. 2 Design and Construction Requirements.

- A. Design Review. If a Conditional Use Permit is required, the plans for a multiple dwelling must be approved by the City Council upon a recommendation by the Planning Commission after review of the plans set forth in paragraph (B) below. The Planning Commission and Council may designate conditions or guarantees in connection with the Conditional Use Permit, which will substantially secure the provisions of the district. In granting the permit, the Planning Commission and council shall consider the requirements of paragraph (B) below and may consider other factors affecting the public health, safety and welfare.
- B. Building Design and Construction. A building permit and Conditional Use Permit, if required, for a multiple dwelling building shall not be issued unless the applicant's building plans, including the site plan, are certified by an architect registered in the state stating that the design of the building and site has been prepared under his direct supervision. Any building of type I or II construction, as provided in the state building code, shall have its electrical, mechanical and structural systems designed by registered engineers. Provisions of this paragraph shall not prohibit the preparation of the site plan by a professional site planner. Such plans shall include the following:
1. Complete details of the proposed site development including location of buildings, driveways, parking spaces, lot dimensions, lot area and yard dimensions;
 2. Complete landscaping plans including species and size of trees and shrubs proposed;
 3. Complete plans for proposed sidewalks to service parking, recreation and service areas within the proposed development;
 4. Complete plans for storm water drainage systems sufficient to drain and dispose of all surface water accumulations within the area;
 5. Complete structural, electrical and mechanical plans for the buildings;

6. Complete plans and specifications for exterior wall finishes proposed for all principal and accessory buildings.
- C. Type of Construction. Any building more than two and one-half (2 1/2) stories in height shall be of type I or type II construction as provided in the state building code.
- D. Efficiency Dwelling Units. No more than twenty (20) percent of the dwelling units in any one (1) building shall be efficiency dwelling units.
- E. Closets and Bulk Storage. The following minimum amounts of closet and bulk storage shall be provided for each dwelling unit:
 1. One-bedroom unit: ten (10) lineal feet of closet space and eighty (80) cubic feet of bulk storage. Only closet space having a minimum clear finish to finish depth of two (2) feet, zero (0) inches, shall be considered in determining the lineal feet of closet provided;
 2. Two-bedroom unit: twenty-four (24) lineal feet of closet space and one hundred (100) cubic feet of bulk storage. Only closet space having a minimum clear finish to finish depth of two (2) feet, zero (0) inches, shall be considered in determining the lineal feet of closet provided;
 3. Three (3) or more bedrooms: for each bedroom in excess of two (2) in any one (1) dwelling unit, an additional ten (10) lineal feet of closet space and fifty (50) cubic feet of bulk storage volume shall be required.
- F. Sound. Party and corridor partitions and floor systems shall be of a type rated by a laboratory regularly engaged in sound testing as capable of accomplishing an average sound transmission loss (using a nine-frequency test) of not less than fifty (50) decibels. Door systems between corridors and dwelling units shall be of solid core construction and include gaskets and closure plates. Room relationships, hallway designs, door and window placements and plumbing and ventilating installations shall be such that they assist in the control of sound transmission from unit to unit.
- G. Projecting air conditioning and heating units. Air conditioning or heating units projecting through exterior walls or windows shall be so located and designed that they neither unnecessarily generate nor transmit sound nor disrupt the architectural amenities of the building. Units projecting more than four (4) inches beyond the exterior finish of a building wall shall be permitted only with the written consent of the building inspector, which shall be given when building structural systems prevent compliance.
- H. Trash incinerators and garbage. Except with townhouse and multiple residence sites of four (4) or less units, no exterior trash or garbage disposal or storage shall be permitted. In the case of townhouse and multiple residences with four (4) or less units, there shall be no exterior incineration, and any storage shall be completely enclosed by walls 6' in height.
- I. Elevators. Any multiple residence building of three (3) stories or more shall be equipped with at least one (1) public elevator.
- J. Accessory Buildings. Exteriors of accessory buildings shall have the same exterior finish as the principal structure.

Subd. 3 Recreations and Open Space. Multiple family residential projects shall contain an adequate amount of land for park, recreation or local open space use, exclusive of sump and drainage areas which shall not be less than twenty (20) percent of the gross area of the property and shall consist principally of land within the building setback lines.

1340.07 Special Regulations for All Residential Districts.

Subd. 1 Dwelling and Manufactured Single Family Dwellings. All dwellings and manufactured single-family dwellings constructed or established after the adoption of this Code shall meet the following criteria:

- A. The dwelling and manufactured single-family dwelling shall be placed on and secured to a permanent foundation of concrete, masonry, or treated wood;
- B. The dwelling and manufactured single-family dwelling shall have a minimum length and width of twenty (20) feet at all points, providing that such measurements shall not include overhangs and other projections beyond the principal exterior walls;
- C. The dwelling and manufactured single-family dwelling shall include an attached or detached private garage on the lot;
- D. The dwelling shall comply with the state building code and the manufactured single family dwelling shall comply with applicable Minnesota Statutes.

Subd. 2 Home Occupations. All home occupations shall meet the following requirements:

- A. The number of employees shall be limited to one (1) person in addition to family members residing within the home;
- B. The area within the dwelling used by the home occupation shall not exceed twenty (20) percent of the dwelling's livable floor area;
- C. On-site sales shall be prohibited, except those clearly incidental to services provided in the dwelling;
- D. Any interior or exterior alterations of a dwelling for a home occupation shall be prohibited, except those customarily found in a dwelling;
- E. Vehicles associated with a home occupation shall be limited to one automobile, pick-up truck or van on the premises, which shall be parked in a garage if the name of the home occupation or advertising appears on the vehicle. Any vehicles associated with a rural home occupation must be parked in a specified storage area or accessory structure;
- F. Unusual parking and traffic patterns shall not be created, which are not normally found in the neighborhood, and in no case shall customer vehicles be parked on public or private roads;
- G. Only one (1) sign shall be permitted. Such sign shall be a non-illuminated nameplate of not more than three (3) square feet in area, and shall be attached to the entrance of the dwelling and, in the case of a rural home occupation; it may be attached to the dwelling or the accessory structure.

Subd. 3 Residential Building Design Review Standards. All residential units proposed for construction on existing vacant lots or lots that become vacant by reason of demolition or destruction of existing structures within the R-1 District west of State Trunk Highway 61 shall require a Design Permit, and shall be reviewed according to the following process and standards:

A. Site Plan Review and Review Process

1. **Initial Meeting.** The Applicant shall first meet with the Zoning Administrator. The Zoning Administrator will explain the goals and intent of the Design Permit, Site Plan and Design Review process, along with the guidelines, application requirements and schedule.
2. **Design Permit, Site Plan and Building Elevations.** The Applicant shall apply for a Design Permit for the proposed residential building. The application shall include submission of a Site Plan to the City and approval of a Design Permit before building permits are issued for new residential buildings on a vacant lot. The site plan shall be drawn to scale and show the following: site location, all proposed buildings, driveways, sidewalks, and other impervious surfaces, the number of dwelling units the building is intended to accommodate, and building elevations drawn to scale.
3. **Application Submission and Filing Fee.** The Applicant must submit the Site Plan and building elevations to the City along with a permit application and filing fee set by the City Council.
4. **Site Plan Review.** The Zoning Administrator shall review and may approve the site plans and Design Permit. The Zoning Administrator shall notify the Planning Commission of all approved plans. The Zoning Administrator may request that the Planning Commission review the site plan and building elevations and provide comments or recommend conditions for approval. The Planning Commission may hold a public hearing on the application. Notice of the public hearing must be published in the City legal newspaper at least 10 days before the hearing and notice mailed to property owners within 350 feet of the site. At the hearing, the Planning Commission will either recommend approval, approval with conditions, or disapproval of the proposed Site Plan.
5. **HPC Review:** The Zoning Administrator may refer the site plan and elevations to the Newport Heritage Preservation Commission for review if the site is adjacent to or would impact an identified historic structure or site. HPC comments shall be presented at the public hearing.
6. **Approval.** If the application is approved, the Zoning Administrator will issue a Design Permit to the applicant and a copy to the Building Inspector.
7. **Appeal.** The applicant or any interested person aggrieved with the Zoning Administrator's decision may, within 10 days, revise and resubmit the application to the Zoning Administrator or appeal the decision to the City Council.
8. **Building Permit:** After the application is approved, the plans may be completed and submitted to the Building Inspector for Building Permit review. The final plans will also be reviewed for Design Permit compliance by the Zoning Administrator. The Building Inspector or Zoning Administrator will monitor compliance with the Design Permit and any conditions of approval.

B. Building Design Standards

1. Relationship to Adjacent Buildings. All new buildings proposed on existing vacant lots or lots that become vacant through demolition shall relate to the design of adjacent traditional buildings in scale, size, proportions and character. This can be achieved by maintaining similar setbacks, façade divisions and proportions, porch elements, roof form and lines, rhythms and proportions of openings, building materials, details and colors. Historic architectural styles need not be replicated.
2. A primary entrance shall face an improved abutting street or be located off of a front porch, foyer, courtyard or similar architectural feature, and set back at least eight (8) feet from the side lot line.
3. For principal structures, above grade window and door openings shall comprise at least fifteen (15) percent of the total area of exterior walls facing a public street or sidewalk. In addition, above grade window and door openings shall comprise at least ten (10) percent of the total area of all exterior walls. Windows in garage doors shall count as openings; the area of garage doors themselves shall not count as openings. Windows shall be clear or translucent.
4. Residential structures shall be set back far enough from the street to provide a private yard area between the boulevard and the front door. Landscaping, steps, porches, grade changes, and low ornamental fences or walls may be used to provide increased privacy and livability.
5. Building materials and architectural treatments used on sides of buildings facing an abutting public street and on accessory structures should be similar to those used on principal facades.
6. The design and siting of the building should seek to preserve existing trees on the site and immediately adjacent lots. The landscape design should consider permeable materials for paths and driveways to protect existing mature trees in sensitive areas.



444 Cedar Street, Suite 1500
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 tkda.com

Memorandum

To:	Newport Planning Commission	Reference:	Zoning for Potential Urban Service Area – Public Hearing
Copies To:	Deb Hill, City Administrator		
	Renee Eisenbeisz, Assistant to the City Administrator		
From:	Sherri Buss, RLA AICP, City Planner	Project No.:	16021.000
Date:	November 29, 2016	Routing:	

The Planning Commission will hold a public hearing on the proposed zoning changes to Section 1340 (Residential Districts), zoning map, and Section 1360 (Planned Unit Developments) at its December 8 meeting. The changes are proposed to accommodate the extension of sewer and water services to the Potential Urban Services Area (PUSA), and future urban development.

Since the November meeting, the City’s Engineer and Public Works Director confirmed that water service is being considered at this time only for the 67-acre area portion of the PUSA near the Reiling and City-owned parcels (attached Potential Urban Service Area [PUSA] map). City staff are working on options and costs to provide municipal water service to the portion of the PUSA to the west of Ria Lake that is proposed to receive sewer service in the future, but the potential costs and schedule for this service are not known yet. Therefore, staff suggest that the City proceed with the rezoning and Comprehensive Plan amendment for the 67-acre area of the PUSA between Ria and La Lakes only at this time, since there is a need to have the new zoning and Comprehensive Plan amendment in place when the development moratorium in the area expires on April 17.

Section 1340 – Residential Districts

The zoning ordinance amendment proposes the following changes to Section 1340:

- Adds a requirement to Section 1340.02, Subd. 1 (D) that parcels within the RE District must be served by both municipal sewer and water facilities in order to be subdivided and treated as R-1 parcels. This is necessary because the proposed extension of sewer services to the PUSA will provide sewer service, but not water service, to some parcels within the PUSA. Both services would be needed to develop parcels at urban densities.
- Adds a description of the proposed R-4 District. Staff are suggesting using the R-4 designation rather than R-U designation discussed at the last meeting to be consistent with the Newport ordinance naming patterns for residential districts.
- Adds dimensional standards to the table in 1340.03. The proposed standards are based on reviewing standards for similar urban residential uses in the Woodbury, Cottage Grove, and Saint Paul zoning ordinances.

- Adds a “use” table in 1340.04, and proposes uses for the R-4 District.
- Adds performance standards for the R-4 District in 1350.05. The standards require that all developments in the R-4 District utilize the PUD process, and that the minimum PUD in the R-4 District shall be 50 acres in size. The standards also require that residential densities in the R-4 district be between 4-20 units per acre.

The rationale for the proposed performance standards are as follows:

- The minimum PUD size is proposed due to the costs to extend municipal services to this area. The City would be making a significant investment to support development of both the Reiling and City-owned parcels (52.98) acres and receive the expected property taxes from urban development of both parcels.
- The Metropolitan Council requires that urban areas be developed at a minimum of 3 units per acre to justify the cost of regional services. City Council members have asked that the area be zoned to permit higher densities in this area. This will also help the City to meet the Council’s 2040 Comprehensive Plan policies that new development and redevelopment in Newport average at least 10 units per acre. (This is discussed further in the staff memo for the Comprehensive Plan Amendment.)
- Adds an option in 1340.08 to grant a density bonus rather than reduce the unit sizes if the development includes parking in a structure.

Section 1360 – Planned Unit Developments

The attached amendment updates the city’s old PUD ordinance. It is based on current ordinances adopted by other cities, and gives the city much more flexibility than the current ordinance. It includes:

- Updated and modernized “purpose” section 1360.01
- Allows for more flexibility in uses permitted in the PUD if specifically approved in the PUD development plan
- Allows for more flexibility in densities if consistent with the Comp Plan and city policies
- Updates the “procedures” sections 1360.04 and .05 so they are clearer than the current ordinance
- Adds a “Findings” section 1360.06 from other ordinances that gives some guidance on criteria for approving a PUD.
- Minor updates to sections 1360.07-.09. These sections are similar to those used in other current ordinances.

Zoning Map

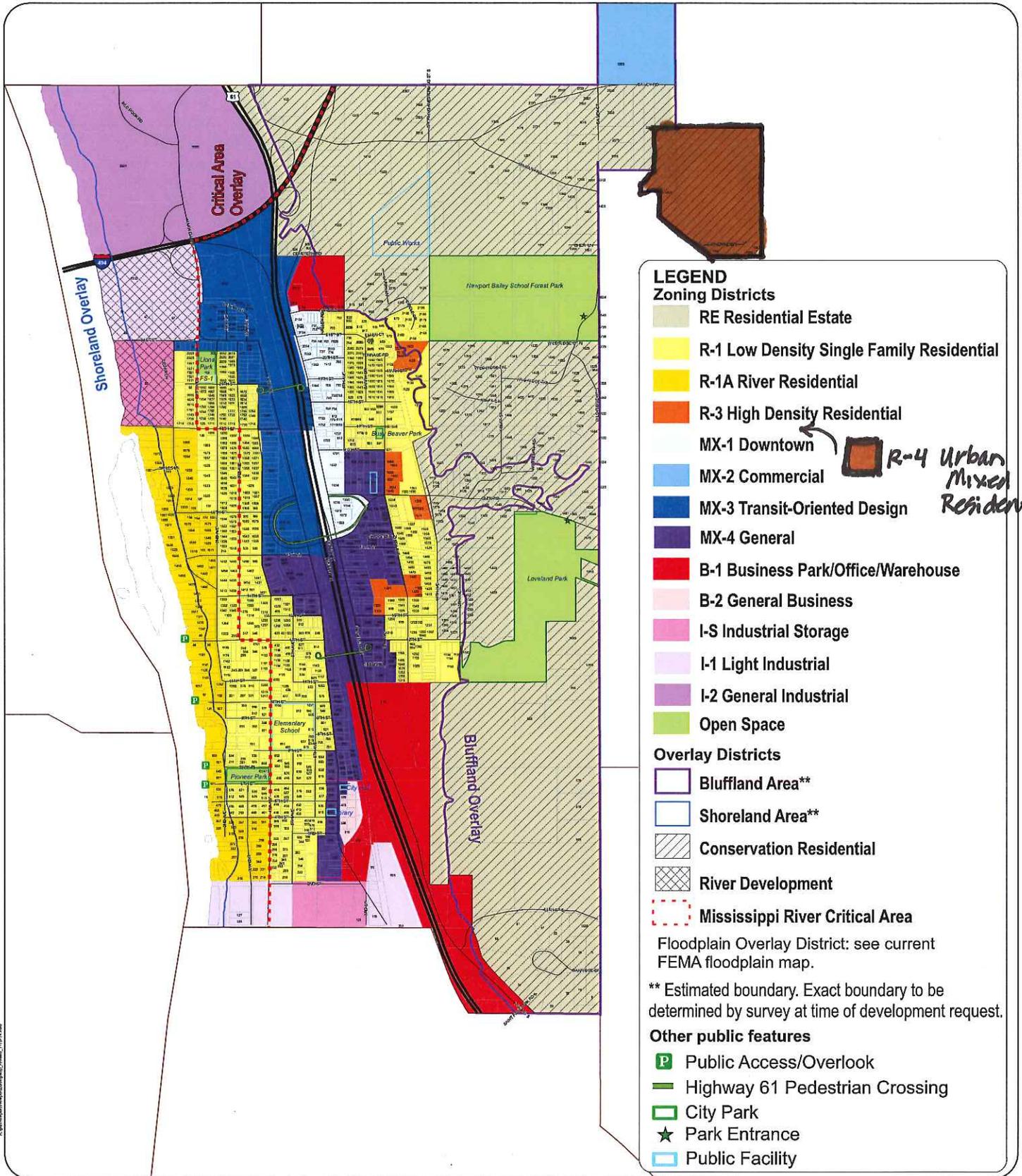
The Zoning Map shows the location of the proposed R-4 District. When the District is approved, we will update the electronic version of the map.

Please review the proposed amendments for discussion at the meeting on December 8. If possible, the Commission should finalize the ordinance amendments for recommendation to the City Council at their meeting on December 15.





City of Newport Zoning Map



LEGEND

Zoning Districts

- RE Residential Estate
- R-1 Low Density Single Family Residential
- R-1A River Residential
- R-3 High Density Residential
- MX-1 Downtown
- MX-2 Commercial
- MX-3 Transit-Oriented Design
- MX-4 General
- B-1 Business Park/Office/Warehouse
- B-2 General Business
- I-S Industrial Storage
- I-1 Light Industrial
- I-2 General Industrial
- Open Space

R-4 Urban Mixed Residential

Overlay Districts

- Bluffland Area**
- Shoreland Area**
- Conservation Residential
- River Development
- Mississippi River Critical Area

Floodplain Overlay District: see current FEMA floodplain map.

** Estimated boundary. Exact boundary to be determined by survey at time of development request.

Other public features

- Public Access/Overlook
- Highway 61 Pedestrian Crossing
- City Park
- Park Entrance
- Public Facility

Data sources: City of Newport, Washington County, Metropolitan Council
 Zoning Map Adopted June 20, 2013
 Map printed July 21, 2015



2,000
 Feet
 1 inch = 500 feet

**PLANNING COMMISSION
RESOLUTION NO. P.C. 2016-13**

A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE A ZONING AMENDMENT TO SECTION 1330 GENERAL DISTRICT REGULATIONS, SECTION 1340 RESIDENTIAL DISTRICTS, SECTION 1360 PLANNED UNIT DEVELOPMENTS, AND AMENDING THE ZONING MAP

WHEREAS, the City has about 65 acres of developable land between Military Road and Bailey Road; and

WHEREAS, the Planning Commission discussed creating a new residential district and updating the Planned Unit Development ordinance for this area to allow for a mix of housing types and densities; and

WHEREAS, The Planning Commission feels it is advantageous to add a new residential district, update the Planned Unit Development ordinance, and amend the zoning map to reflect the new district; and

WHEREAS, The Planning Commission held a public hearing at its meeting of Thursday, December 8, 2016; 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, Section 1340 Residential Districts, and Section 1360 Planning Unit Developments* and amend the zoning map. It will read as follows:

Section 1330 General District Regulations

1330.01 District Classification.

In order to implement the Comprehensive Plan and achieve an orderly development pattern that protects the health, safety, and general welfare of the City of Newport, its residents, and business community, and minimizes development impacts on the environment, the city is hereby divided into the following zoning districts:

1330.01.1 Residential Districts

- **RE Residential Estate**
- **R-1A River Residential District**
- **R-1 Low Density Single Family Residential District**
- **R-2 Medium Density Residential District**
- **R-3 High Density Residential District**
- **R-4 Urban Mixed Residential District**

Section 1340 Nonresidential Districts

1340.01 Purpose

1340.02 Intent

The specific intent of each residential district is as follows:

Subd. 1 RE - Residential Estate District. This district shall be intended:

- A. For residential areas without public utilities;
- B. To preserve lands in their natural state or in agricultural uses pending the proper timing for the economical provision of utilities, streets, parks, and other public facilities so that orderly development will occur; and
- C. To preserve and extend areas for single-family dwellings at very low densities within spacious environments
- D. Any lot or parcel of land located in a Residential Estates Zone (RE) served by municipal sewer and water facilities shall be treated as a Single Family Residential (R-1) parcel and shall be required to meet all requirements of R-1 zoning. (see Ordinance No. 98-2).

Subd. 2 R-1A - River Residential District.

Subd. 3 R-1 - Low Density Single Family Residential District.

Subd. 4 R-2 - Medium Density Residential District.

Subd. 5 R-3 - High Density Residential District.

Subd. 6 R-4 – Urban Mixed Residential District. This district shall be intended to allow development of neighborhoods and sites in areas served by municipal sewer and water services with a mix of housing types and densities including single-family and multifamily residential uses.

1340.03 Residential Lot Area, Depth, Width, Coverage, Setbacks and Heights.

The following minimum requirements shall be required in all residential districts:

	RE	R-1A	R-1	R-2	R-3	R-4
Minimum Lot Area per Unit (Square Feet)						
Dwellings, single-family	2 Acres	15,000	9,100	9,100	9,100	4,800
Dwellings, two family	--	--	--	7,800	7,800	3,000
Dwellings, more than two family	--	--	--	5,750	3,000	2,000
Other uses	2 Acres	1 Acre	1 Acre	1 Acre	1 Acre	1 Acre
Minimum Lot Depth in Feet	200	150	130	130	130	120
Minimum Lot Width in Feet (Number in parenthesis is the lot width for a corner lot)						
Dwellings, single-family	160 / (200)	100 / (120)	70 / (90)	70 / (90)	70 / (90)	40/(60)
Dwellings, two family	--	--	--	120 / (140)	120 / (140)	60/(80)
Dwellings, more than two family	--	--	--	120 / (140)	120 / (140)	n/a
Other uses	160	100	70	120	120	n/a
Minimum Front Yard in Feet***	40	30	30	30	30	30
Minimum Side Yard in Feet (Number in parenthesis is the setback for a corner lot, street side)						
Dwellings, single-family or two family	20 / (40)	10 / (30)**	10 / (30)**	10 / (30)	10 / (30)	SF 5 ft/2-family or corner 10 ft
Dwellings, more than two family	--	--	--	20 / (40)	20 / (40)	20 (40)
Dwellings and garages, more than two-family if adjacent to RE, R-1A or R-1 District	N/A	N/A	N/A	50	50	50
Garages or Accessory Structures***, single and 2-family	20 / (40)	5 / (30)	5 / (30)	10 / (30)	10 / (30)	5/(10)
Other uses	20	30	30	20	20	20
Minimum Rear Yard in Feet						
Dwellings, single-family or two family	50	30	30	30	30	25
Dwellings, more than two family	--	--	--	30	30	30
Garages or Accessory Structures***	20	5	5	30	30	5 SF/30MF
Other uses	50	40	40	40	40	25
Maximum Lot Coverage, Impervious Surfaces	20%	20%	35% (25% in Shoreland)	35%	35%	50%

Single Family Dwelling Units			District****)			
Maximum Lot Coverage, Impervious Surfaces Dwellings, more than 2 family	N/A	N/A	N/A	50%	50%	35%
Maximum Building Height in Feet ***	35 feet or 3 stories, whichever is greater, in all districts, but in no case higher than 1,000 feet U.S.G.S. sea level elevation; 25 feet in Shoreland Management Overlay District					35 feet or 3 stories
Public Sewer Required	No	Yes	Yes	Yes	Yes	Yes

* Regardless of the setback standards noted in this table, the distance between a proposed foundation wall and an existing foundation wall on an adjacent lot may not be less than fifteen (15) feet

** Side setbacks for substandard lot widths in R-1A: 10% of lot width (25% for Corner Lot, Street Side). Side setbacks for substandard lot widths in R-1: 15% of lot width (33% for Corner Lot, Street Side)

***See additional standards in Subsection 1340.04.

1340.04 Uses in the Residential Districts

P=Permitted Use; C=Permitted with a Conditional Use Permit; N=Not Permitted; PUD=Permitted with a Planned Unit Development; sf=square feet

Use	RE	R-1A	R-1	R-2	R-3	R-4
Residential Uses						
Single Family Detached, one dwelling per lot	P	P	P	P	P	PUD*
Single Family Detached, more than one dwelling unit per lot	PUD	PUD	PUD	PUD	PUD	PUD*
Two Family residences				P	P	PUD*
Multi-family (eight units or fewer per building)				C	P	PUD*
Multi-family (eight or more units per building)				C	P	PUD*
Homes for handicapped or infirm including group homes or halfway houses but not containing more than 6 unrelated persons	P	P	P	P	P	P
Planned residential developments	PUD	PUD	PUD	PUD	PUD	PUD*
Manufactured Single-Family Dwelling	P	P	P	P	P	PUD*
Mobile Homes	C					N
Live-work building	C	C	C	C	C	PUD*
Mixed-Use (dwelling unit above ground floor commercial or other use)	N	N	N	P	P	PUD*
Public and Semi-Public Services						
Airport	C					N
Churches, synagogues, temples and associated facilities except schools	C	P	P	P	P	P
Medical Clinics					C	
Day Care Facilities in Single Family Homes with 14 or fewer children being attended to	P	P	P	P	P	P
Nursery School/Day Care Facilities in Single Family Homes with more than 14 children being attended to	C	C	C	P	P	C

Use	RE	R-1A	R-1	R-2	R-3	R-4
Nursery School/Day Care Facilities in Multi-Family Homes				C	C	C
Public Facilities including government offices, emergency facilities, public works facilities, Schools, libraries, museums, art galleries, and other municipally owned or operated facilities.	C	C	C	C	C	C
Public utility	C	C	C	C	C	C
Commercial						
Bed and Breakfast	C	C	C	C	C	C
Country Club and Golf Course	C	C	C	C	C	C
Private athletic fields or courts	C	C	C	C	C	C
Horseback Riding, Stables	C					
Animal Kennel for more than 6 animals	C					
Agricultural operations, row cropping, tree farming (excluding livestock)	P					
Commercial Greenhouse operations	C					
Accessory Uses						
Gazebo, arbor, play equipment in public or private open space area	P	P	P	P	P	P
Accessory structures in accordance with 1340.06	P	P	P	P	P	P
Accessory renewable energy system	P	P	P	P	P	P
Home occupation in accordance with 1340.10, Subd. 2	P	P	P	P	P	P
Parking lot, as an accessory use	P	P	P	P	P	P
Swimming Pool	P	P	P	P	P	P

1340.05 Additional Requirements for Residential Development in the R-4 District*

Subd. 1. All residential development in the R-4 District shall utilize the Planned Unit Developments (PUD) process in accordance with Section 1360, and Planned Unit Developments (PUD's) in the R-4 District shall be a minimum 50 acres in size.

Subd. 2. Residential development densities in the R-4 District shall be a minimum of 4 units per acre and a maximum of 20 units per acre.

1340.06 Single Family Residential Garage, Accessory Structure and Driveway Standards.

1340.07 Covered Storage Building Standards.

1340.08 Credits and Allowances for Multiple Dwellings.

The following lot area credits and allowances shall be applied for multiple dwellings in R-2, R-3 and R-4 districts but in no event shall the minimum lot area with allowances be less than five thousand (5,000) square feet per dwelling unit in the R-2 district nor less than two thousand two hundred (2,200) square feet in the R-3 district based on the following schedule:

- A. For each parking space provided within or beneath a principal structure, subtract three hundred (300) square feet; or if 1/3 or more of the required parking spaces is in a covered or underground parking structure the City may grant a density bonus of 10 percent
- B. If the site upon which the multiple dwelling is being constructed is adjacent to a site zoned for a commercial use, subtract three hundred (300) square feet;
- C. If the adjacent site is zoned R-1 or R-1A, add three hundred (300) square feet per unit for that portion of the multiple dwelling site within one hundred fifty (150) feet of the R-1 or R-1A district;

- D. If the total lot coverage is less than twenty (20) percent, subtract one hundred fifty (150) square feet per unit;
- E. For each unit containing bedrooms in excess of two (2), add three hundred (300) square feet.

1340.09 Special Regulations for the R-2, R-3 and R-4 Residential Districts.

1340.10 Special Regulations for All Residential Districts.

Section 1360 - Planned Unit Developments (PUD)

1360.01 Purpose and Intent. This section applies to planned unit development conditional use permits. A planned unit development (PUD) is a tract of land developed as a unit under single or unified ownership or control, and which generally includes two or more principal buildings or uses, but may consist of one building containing a combination of principal and supportive uses. The Planned Unit Development (PUD) process is an approach to development that provides a comprehensive procedure intended to allow greater flexibility in the zoning process than would be possible under conventional district standards. A PUD may allow modifications to zoning and subdivision requirements such as lot size and dimensions, rights-of-way and street widths, housing types and building setbacks, as well as allow zero-lot line development. The goals of the PUD may include the following:

- A. To meet the goals and policies of the comprehensive plan while preserving the health, safety, and welfare of city residents;
- B. To encourage creative and efficient development of land and its improvements that is not possible under strict application of zoning and subdivision requirements;
- C. To allow for the potential mixture of compatible uses in an integrated and well-planned area.
- D. To facilitate the economical and efficient provision of streets and public utilities, prevent development that would burden the existing tax base or occur in areas without adequate public improvements, and preserve natural features and desirable site characteristics.
- E. To permit developments that are compatible with established and proposed surrounding land uses and provide benefits to the city and general public to justify any necessary exceptions to the zoning and subdivision ordinances.

1360.02 Allowed Uses.

Subd. 1 General. Uses within the PUD may include only those uses associated with the general land use category shown for the property on the official Comprehensive Land Use Plan and within the underlying zoning district or districts, unless the City approves other uses and they are specifically listed in the PUD conditional use permit or conditions of approval. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted uses with the approval of the development plan. Any change in the uses presented in the development plan shall be considered an amendment to the PUD and shall follow the procedures specified in Subsections 1360.07 and 1360.09 as applicable.

Subd. 2 Density. In any PUD the maximum number of dwelling units allowed shall not exceed the base density identified in the land use districts in the comprehensive plan, except that density bonuses consistent with the comprehensive plan and any adopted city policies may be granted if the proposed project meets certain objectives of the city as identified in the comprehensive plan. These objectives include, but are not limited to meeting life-cycle or other identified housing needs, sustainability, or natural resource protection.

Density transfers within the PUD may be allowed provided the project area is at least 40 acres in size; however, this area requirement may be reduced when the project provides for the dedication of needed public infrastructure.

If the property involved in the PUD includes land in more than one zoning district, the number of dwelling units or the square footage of commercial, industrial or institutional uses in the PUD shall be proportional to the amount that would be allowed separately on the parcels located in each of the underlying zoning districts.

1360.03 Required Standards. The City shall consider the proposed PUD from the point of view of all standards and purposes of the Comprehensive Land Use Plan to achieve:

- A. Coordination between the proposed development and surrounding uses;
- B. The conservation of woodlands, wetlands, blufflands, and the Mississippi River corridor;
- C. The potential for more efficient use of land, energy, infrastructure, and natural resources, protection of water resources and conservation of natural resources.
- D. The protection of health, safety, and welfare of the community and residents of the PUD;
- E. Benefit to the City and the public interest.

To these ends, the City Council shall consider the location and compatibility of buildings, parking areas and other features with respect to the topography of the area and existing natural features; the efficiency, adequacy and safety of the proposed layout of internal streets and driveways; the adequacy and location of green areas; the adequacy, location and screening of parking areas; and such other matters as the Council may find to have a material bearing upon the stated standards and objectives of the Comprehensive Land Use Plan.

1360.04 Coordination with Subdivision Regulations and Preliminary Plat. If the PUD requires the subdivision of land and platting, subdivision review under the subdivision regulations shall be carried out simultaneously with the review of the PUD conditional use permit. The applicant shall submit the application materials and plans required under this Section in a form that shall satisfy the requirements of the Chapter 12 - Subdivisions of this Code for the preliminary and final plat. For purpose of administrative simplification, the public hearings required for the PUD conditional use permit, preliminary plat, and any potential rezoning of property may be combined into one hearing or may be held concurrently.

1360.05 Procedures for Processing a Planned Unit Development Application. There may be four stages in the PUD process: Pre-application Meeting, Concept Plan, Preliminary Plan, and Final Plan, as described below. The application shall not be considered complete until the Final Plan has been filed.

Subd. 1 Pre-application Meeting. Prior to filing an application for a PUD, the applicant shall meet with the Zoning Administrator to discuss the proposed project relative to community development objectives for the area and to learn the procedural steps and submittals required. This includes the procedural steps for a conditional use permit and a preliminary plat. The applicant may submit a simple sketch plan at this stage for informal review and discussion. The applicant is urged to seek the advice and assistance of city staff during the meeting.

Subd. 2 Concept Plan.

- A. Purpose. The applicant shall present a concept plan to the Zoning Administrator, and at the discretion of the Zoning Administrator, to the Planning Commission. The concept plan may be presented at the Pre-application Meeting. The Concept Plan provides an opportunity for the applicant to submit a plan to the City showing the basic intent and the general nature of the entire development without incurring substantial cost. The process is also intended to allow the city to identify potential issues and concerns at an early stage of development. Any opinions or comments provided on the concept plan shall be considered advisory only and cannot be construed as approval or denial of the proposed plat.
- B. Concept Plan Application. The Concept Plan submittal shall include an application with a written summary of the proposal on an official application form. The applicant's signature shall be provided on the application form. Additionally, if the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. The application shall be accompanied by a fee as set forth by the City's adopted fee schedule and the following:
 - 1. General location map showing the site in relation to the surrounding area and important elements, including major roadways, public facilities, and proposed land uses with approximate types and intensities of development.
 - 2. Written narrative addressing proposed uses, housing types, density, public or private amenities, parks and open space, and the experience and financial capacity of the proposed developers. The

- narrative should address how the city's values, as identified in the comprehensive plan, are incorporated into the design of the overall development.
3. General location of streets, sidewalks, trails or other rights-of-way and significant easements.
 4. General location and extent of wetlands, natural areas, and public and common open space.
 5. General staging and time schedule of the development.
 6. Other special criteria for the development.
- C. The Zoning Administrator may refer the concept plan to the appropriate staff and consultants for review and preparation of informal comments on the concept plan. If review by the Planning Commission has been requested by the applicant or by the Zoning Administrator, the Zoning Administrator shall provide public notice of the meeting at which the Planning Commission will review the concept plan. The Zoning Administrator may also refer the concept plan to other City advisory commissions or the City Council at his or her discretion.
- D. The Planning Commission shall review the concept plan with the subdivider and provide comments on the concept plan. The Planning Commission shall have the prerogative and authority to refer the concept plan to the City Council for discussion, review, and informal comment. The Planning Commission and/or City Council will take no formal or informal action at this stage of review and discussion that occurs at this stage cannot be construed as approval or denial of the proposed plat.

Subd. 3 PUD Conditional Use Permit

- A. Application Procedure. An applicant shall make an application for a PUD conditional use permit following the procedural steps as set forth in Section 1310.10, Conditional Use Permits. In addition to the requirements in 1310.10, Subd. 3, the following exhibits and written narratives shall be submitted to the Zoning Administrator by the proposed developer as a part of the application for a PUD conditional use permit:
1. Preliminary plat information required by the Subdivision Ordinance, Section 1200.11.
 2. General Information.
 - a. The landowner's name and address and his or her interest in the subject property.
 - b. The applicant's name and address if different from the landowner.
 - c. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including attorney, land planner, engineer and surveyor.
 - d. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidence as the City Attorney may require to show the status of title or control of the subject property.
 3. Present Status:
 - a. The address and legal description of the property.
 - b. The existing zoning classification and present use of the subject property and all lands within five hundred (500) feet of the property.
 - c. A map depicting the existing development of the property and all land within five hundred (500) feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within one hundred feet (100') of the property.
 - d. Existing Site Conditions: Maps or plans showing the existing site conditions at a scale of one inch equals one hundred feet (1" = 100').
 - 1) Contours; minimum two (2) foot intervals.
 - 2) Location, type and extent of tree cover.
 - 3) Slope analysis.
 - 4) Location and extent of water bodies, wetlands and streams and flood plains within three hundred (300) feet of the property.

- 5) Significant rock outcroppings.
- 6) Existing drainage patterns.
- 7) Vistas and significant views.
- 8) Soil conditions as they affect development.

All of the graphics should be the same scale as the final plan to allow easy cross reference. The use of overlays shall be recommended for clear reference.

4. Proposed Development

- a. A written statement general describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the City's Comprehensive Plan and how the proposed PUD shall be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the City. The statement shall include an explanation of the character of the planned development and the manner in which it has been planned to take advantage of the PUD regulations, including a list of all proposed deviations from the standard zoning regulations and an explanation as to why these deviations provide a public benefit.
 - b. Schematic drawing of the proposed development concept including but not limited to the general location of major circulation elements (roadways, trails, sidewalks), public and common open space, residential and other land uses.
 - c. A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
 - 1) Area devoted to residential uses.
 - 2) Area devoted to residential use by building type.
 - 3) Area devoted to common open space.
 - 4) Area devoted to public open space.
 - 5) Approximate area devoted to streets.
 - 6) Approximate area devoted to, and number of, off-street parking and loading spaces and related access.
 - 7) Approximate area, and floor area, devoted to commercial, industrial, office or other use.
 - d. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of the stages or units shall be submitted stating the approximate beginning and completion date for each stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each stage and overall chronology of development to be followed from stage to stage.
 - e. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.
 - f. Any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.
 - g. Schematic utilities plans indicating placement of water, sanitary and storm sewers.
 - h. The Zoning Administrator, at his or her discretion, may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal.
 - i. The Zoning Administrator, at his or her discretion, may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.
5. Final Plan Stage. Final Plan submissions should depict and outline the proposed implementation of the Preliminary Plan stage for the PUD. Information from the Preliminary Plan stage may be included for background and to provide a basis for the submitted plan. The Final Plan submissions shall include at least the following:

- a. An accurate legal description of the entire area within the PUD for which final development plan approval is sought.
 - b. A tabulation indicating the number of residential dwelling units and expected population.
 - c. A tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity (e.g. drug store, dry cleaning, supermarket).
 - d. Preliminary architectural "typical" plans indicating use, floor, plan, elevations and exterior wall finishes of proposed buildings.
 - e. A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights of way, utility lines and facilities, lots, block, public and common open space, general landscaping plan, structure, including mobile homes, and uses.
 - f. Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The Plan should clearly reflect the site treatment and its conformance with the approved concept plan.
 - g. Soil erosion control plan acceptable to watershed districts, Department of Natural Resources, Soil Conservation Service, or any other agency with review authority clearly illustrating erosion control measures to be used during construction and as permanent measures.
 - h. A final plat and information required by the City Subdivision Regulations in this Code.
- B. Schedule.
1. After the Concept Plan review, the applicant shall file the PUD conditional use permit application and preliminary plat, together with all supporting data.
 2. The Planning Commission shall hold a public hearing on the PUD conditional use permit and preliminary plat.
 3. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council. Notice of the hearing shall consist of a legal property description, description of request, and be published in the official newspaper at least ten (10) days prior to the hearing and written notification of the hearing shall be mailed at least ten (10) days prior thereto to owners of land within five hundred (500) feet of the boundary of the property in question.
 4. The City may request additional information from the applicant concerning operational factors, such as traffic, drainage, utilities, etc., or retain expert testimony at the expense of the applicant concerning operational factors.
 5. The Council may hold a public hearing after the receipt of the report and recommendations from the Planning Commission. Upon receipt of the Commission's recommendation, or within 60 days after receipt of the completed application, the City Council may proceed without the report. The Council may approve the PUD Preliminary Plan and attach such conditions as it shall deem reasonable.
 6. Following PUD Preliminary Plan approval, if given, the applicant shall submit the Final Plan application and final plat. The application shall proceed and be acted upon in accordance with zoning district changes. If appropriate because of the limited scale of the proposal and at the discretion of the Zoning Administrator, the Preliminary Plan and Final Plan stages may proceed simultaneously. The City shall complete a Development Agreement with the applicant that includes the approved conditions, schedule, and other information deemed appropriate by the City.

1360.06 Findings

- A. In addition to the criteria and standards set forth in Section 1310.10 of this Code for the granting of conditional use permits and item 1360.03 of this Section, the following additional findings shall be made before the approval of the PUD conditional use permit:
 1. The proposed PUD is designed to form a desirable and unified environmental within its own boundaries.
 2. The PUD is consistent with the planned and efficient provision of public improvements and would not burden the existing tax base or create development in areas without adequate infrastructure or public facilities.

3. The PUD can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site. The proposed uses will not be detrimental to potential surrounding uses.
4. The tract under consideration is under single ownership or control.
5. The PUD plan provides for the creation, preservation, or restoration of natural resources such as valuable habitat, lakes, streams, shorelands, floodplains, woodlands, steep slopes, and similar areas.
6. Each phase of the development, as it is proposed to be completed, is of sufficient size, composition, and arrangement that its construction, marketing, and operation are feasible as a complete unit, and that provision and construction of dwelling units and common open space are balanced and coordinated.
7. Any common elements proposed as part of the PUD are appropriate for the scale, location, shape, size, density, and topography of the development and must be suitably improved for the intended use(s) except that significant natural features may be preserved or restored.
8. The project area is at least ten (10) acres in size unless the applicant can show that a PUD of less acreage meets the standards and purposes of the comprehensive plan, that the proposal better adapts itself to the site and with the surrounding land uses than could be developed using strict standards within the underlying zoning district.

1360.07 Revisions and Changes.

Subd. 1 Minor Changes. Minor changes in the location, placement and dimensions of structures or of outdoor use areas, or in the size and configuration of dwelling units, may be authorized by the Zoning Administrator, if requested by the applicant, because of engineering or other circumstances not foreseen at the time the final plan was approved and filed with the Zoning Administrator.

Subd. 2 Significant Changes. If there are changes proposed to the PUD after it has been approved and filed which, in the opinion of the Zoning Administrator are significant, such changes shall only be allowed after approval by the City Council following a public hearing and recommendation from the Planning Commission. This includes changes in the uses themselves, significant changes in the location, size, or height of structures, any significant rearrangement of lots, blocks and building tracts, changes in the provision of common open spaces, and all other changes to the approved final development plan deemed significant by the Zoning Administrator. Any changes shall be recorded as amendments to the recorded copy of the final development plan.

Subd. 3 Other Restrictions. All of the provisions of this Chapter applicable to the original zoning district or districts within which the Planned Unit Development is established shall apply to the PUD except as otherwise provided for in approval of the final plan.

Subd. 4 Rezoning. If substantial development has not occurred within a reasonable period of time after approval of the PUD, the City Council may instruct the Planning Commission to initiate rezoning to the original zoning district. It shall not be necessary for the City Council to find that the rezoning was in error.

1360.08 Phasing and Guarantee of Performance.

Subd. 1 Development Schedule. The Planning Commission shall compare the actual development accomplished in the various PUD zones with the approved development schedule.

Subd. 2 Extension of Time. Upon recommendation of the Planning Commission and for good cause shown by the property owner, the Council may extend the limits of the development schedule.

Subd. 3 Role of Construction. The construction and provision of all of the common open space and public and recreational facilities which are shown on the final development plan shall proceed at the same rate as the construction of dwelling units, if any. The Zoning Administrator shall review all of the building permits issued for the PUD and examine the construction which has taken place on the site. If he or she finds that the rate of construction of dwelling units is greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, he or she shall forward this information to the Council for action.

Subd. 4 Financial Guarantee. Subsequent to execution of the Development Agreement but prior to the release of a signed final plat mylar for recording, the applicant shall provide the City with a financial

guarantee in the form of a letter of credit or performance bond to guarantee performance by the developer. The City shall stipulate the amount of this guarantee and the specific elements of the development program that it is intended to guarantee in the development agreement.

1360.09 Control of the Planned Unit Development after Completion.

Subd. 1 Controlling Plan. After the certificate of occupancy has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the PUD shall be governed by the final development plan.

Subd. 2 Changes. After the certificate of occupancy has been issued, no changes shall be made in the approved final development plan except upon application as provided below:

- A. Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Zoning Administrator if they shall be consistent with the purposes and intent of the final plan. No change authorized by this Section may increase the cubic volume of any building or structure by more than ten percent (10%).
- B. Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under this Section.
- C. Changes in the use of the common open space may be authorized by an amendment to the final development plan under this Section.
- D. Any other changes in the final development plan shall be authorized by an amendment of the final development plan as provided for in Section 1310.12 conditional use permits—extension of time.

Adopted this 8th day of December, 2016 by the Newport Planning Commission.

VOTE: Mahmood	_____
Haley	_____
Taylor	_____
Tweeten	_____
Ratsabout	_____

Signed: _____
Anthony Mahmood, Chairperson

ATTEST: _____
Deb Hill, City Administrator

Section 1340 - Residential Districts

1340.01 Purpose

The residential districts are established to accomplish the general purposes of this Chapter and for the following specific purposes:

- A. To preserve existing living qualities of residential neighborhoods;
- B. To ensure future high quality amenities including, but not limited to, the provision of adequate light, air, privacy, freedom from noise and convenience of access to property;
- C. To increase convenience and comfort by providing usable open space and recreation space on the same lot as the housing units they serve;
- D. To prevent additions or alterations of structures which would damage the character or desirability of existing residential areas;
- E. To protect residential areas, to the extent possible and appropriate in each area, against unduly heavy motor vehicle traffic;
- F. To encourage a variety of dwelling types and a wide range of population densities with emphasis on home ownership; and
- G. To implement the goals and policies of the Comprehensive Plan.

1340.02 Intent.

The specific intent of each residential district is as follows:

Subd. 1 RE - Residential Estate District. This district shall be intended:

- A. For residential areas without public utilities;
- B. To preserve lands in their natural state or in agricultural uses pending the proper timing for the economical provision of utilities, streets, parks, and other public facilities so that orderly development will occur; and
- C. To preserve and extend areas for single-family dwellings at very low densities within spacious environments
- D. Any lot or parcel of land located in a Residential Estates Zone (RE) served by municipal sewer [and water facilities](#) shall be treated as a Single Family Residential (R-1) parcel and shall be required to meet all requirements of R-1 zoning. (see Ordinance No. 98-2).

Subd. 2 R-1A - River Residential District. This district shall be intended to preserve, create, and enhance areas for low-density single-family development along and near the Mississippi River where public utilities are available.

Subd. 3 R-1 - Low Density Single Family Residential District. This district shall be intended to preserve, create and enhance areas for low-density single-family dwelling development as an extension of existing residential areas and to allow low-density development in areas indicated as such in the comprehensive plan where public utilities are available;

Subd. 4 R-2 - Medium Density Residential District. This district shall be intended to allow development of townhouses, row houses, and other types of low-density multifamily units in areas consistent with the comprehensive plan and serviced by public utilities;

Subd. 5 R-3 - High Density Residential District. This district shall be intended to create, preserve and enhance areas for multi-family use at higher densities for both permanent and more transient families. It is typically appropriate only in areas served by public utilities, with good accessibility to thoroughfares, public services, commercial areas, and where such development fits the comprehensive plan and planning policies.

Subd. 6 R-4 – Urban Mixed Residential District. This district shall be intended to allow development of neighborhoods and sites in areas served by municipal sewer and water services with a mix of housing types and densities including single-family and multifamily residential uses.

1340.03 Residential Lot Area, Depth, Width, Coverage, Setbacks and Heights.

The following minimum requirements shall be required in all residential districts:

	RE	R-1A	R-1	R-2	R-3	<u>R-4</u>
Minimum Lot Area per Unit (Square Feet)						
Dwellings, single-family	2 Acres	15,000	9,100	9,100	9,100	<u>4,800</u>
Dwellings, two family	--	--	--	7,800	7,800	<u>3,000</u>
Dwellings, more than two family	--	--	--	5,750	3,000	<u>2,000</u>
Other uses	2 Acres	1 Acre	1 Acre	1 Acre	1 Acre	<u>1 Acre</u>
Minimum Lot Depth in Feet	200	150	130	130	130	<u>120</u>
Minimum Lot Width in Feet (Number in parenthesis is the lot width for a corner lot)						
Dwellings, single-family	160 / (200)	100 / (120)	70 / (90)	70 / (90)	70 / (90)	<u>40/(60)</u>
Dwellings, two family	--	--	--	120 / (140)	120 / (140)	<u>60/(80)</u>
Dwellings, more than two family	--	--	--	120 / (140)	120 / (140)	<u>n/a</u>
Other uses	160	100	70	120	120	<u>n/a</u>
Minimum Front Yard in Feet***	40	30	30	30	30	<u>30</u>
Minimum Side Yard in Feet (Number in parenthesis is the setback for a corner lot, street side)						
Dwellings, single-family or two family	20 / (40)	10 / (30)**	10 / (30)**	10 / (30)	10 / (30)	<u>SF 5 ft/2-family or corner 10 ft</u>
Dwellings, more than two family	--	--	--	20 / (40)	20 / (40)	<u>20 (40)</u>
<u>Dwellings and garages, more than two-family if adjacent to RE, R-1A or R-1 District</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>50</u>	<u>50</u>	<u>50</u>
Garages or Accessory Structures***, <u>single and 2-family</u>	20 / (40)	5 / (30)	5 / (30)	10 / (30)	10 / (30)	<u>5/(10)</u>
Other uses	20	30	30	20	20	<u>20</u>
Minimum Rear Yard in Feet						
Dwellings, single-family or two family	50	30	30	30	30	<u>25</u>
Dwellings, more than two family	--	--	--	30	30	<u>30</u>
Garages or Accessory Structures***	20	5	5	30	30	<u>5 SF/30MF</u>
Other uses	50	40	40	40	40	<u>25</u>

Maximum Lot Coverage, All Structures Impervious Surfaces Single Family Dwelling Units	20%	20%	35% (25% in Shoreland District****)	35%	35%	3550%
Maximum Lot Coverage, Impervious Surfaces Dwellings, more than 2 family	N/A	N/A	N/A	50%	50%	35%
Maximum Building Height in Feet ***	35 feet or 3 stories, whichever is greater, in all districts, but in no case higher than 1,000 feet U.S.G.S. sea level elevation; 25 feet in Shoreland Management Overlay District					35 feet or 3 stories
Public Sewer Required	No	Yes	Yes	Yes	Yes	Yes

* Regardless of the setback standards noted in this table, the distance between a proposed foundation wall and an existing foundation wall on an adjacent lot may not be less than fifteen (15) feet

** Side setbacks for substandard lot widths in R-1A: 10% of lot width (25% for Corner Lot, Street Side). Side setbacks for substandard lot widths in R-1: 15% of lot width (33% for Corner Lot, Street Side)

***See additional standards in Subsection 1340.04.

1340.04 Uses in the Residential Districts

P=Permitted Use; C=Permitted with a Conditional Use Permit; N=Not Permitted; PUD=Permitted with a Planned Unit Development; sf=square feet

Use	RE	R-1A	R-1	R-2	R-3	R-4
Residential Uses						
Single Family Detached, one dwelling per lot	P	P	P	P	P	PUD*
Single Family Detached, more than one dwelling unit per lot	PUD	PUD	PUD	PUD	PUD	PUD*
Two Family residences				P	P	PUD*
Multi-family (eight units or fewer per building)				C	P	PUD*
Multi-family (eight or more units per building)				C	P	PUD*
Homes for handicapped or infirm including group homes or halfway houses but not containing more than 6 unrelated persons	P	P	P	P	P	P
Planned residential developments	PUD	PUD	PUD	PUD	PUD	PUD*
Manufactured Single-Family Dwelling	P	P	P	P	P	PUD*
Mobile Homes	C					N
Live-work building	C	PUD*				
Mixed-Use (dwelling unit above ground floor commercial or other use)	N	N	N	P	P	PUD*
Public and Semi-Public Services						
Airport	C					N
Churches, synagogues, temples and associated facilities except schools	C	P	P	P	P	P
Medical Clinics					C	

Use	RE	R-1A	R-1	R-2	R-3	R-4
Day Care Facilities in Single Family Homes with 14 or fewer children being attended to	P	P	P	P	P	<u>P</u>
Nursery School/Day Care Facilities in Single Family Homes with more than 14 children being attended to	C	C	C	P	P	<u>C</u>
Nursery School/Day Care Facilities in Multi-Family Homes				C	C	<u>C</u>
Public Facilities including government offices, emergency facilities, public works facilities, Schools, libraries, museums, art galleries, and other municipally owned or operated facilities.	C	C	C	C	C	<u>C</u>
Public utility	C	C	C	C	C	<u>C</u>
Commercial						
Bed and Breakfast	C	C	C	C	C	<u>C</u>
Country Club and Golf Course	C	C	C	C	C	<u>C</u>
Private athletic fields or courts	C	C	C	C	C	<u>C</u>
Horseback Riding, Stables	C					
Animal Kennel for more than 6 animals	C					
Agricultural operations, row cropping, tree farming (excluding livestock)	P					
Commercial Greenhouse operations	C					
Accessory Uses						
Gazebo, arbor, play equipment in public or private open space area	P	P	P	P	P	<u>P</u>
Accessory structures in accordance with 1340.06	P	P	P	P	P	<u>P</u>
Accessory renewable energy system	P	P	P	P	P	<u>P</u>
Home occupation in accordance with 1340.10, Subd. 2	P	P	P	P	P	<u>P</u>
Parking lot, as an accessory use	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Swimming Pool	P	P	P	P	P	<u>P</u>

1340.05 Additional Requirements for Residential Development in the R-4 District*

Subd. 1. All residential development in the R-4 District shall utilize the Planned Unit Developments (PUD) process in accordance with Section 1360, and Planned Unit Developments (PUD’s) in the R-4 District shall be a minimum 50 acres in size.

Subd. 2. Residential development densities in the R-4 District shall be a minimum of 4 units per acre and a maximum of 20 units per acre.

1340.06 Single Family Residential Garage, Accessory Structure and Driveway Standards.

The following standards shall apply to all garages and accessory structures for single family homes and duplexes in all zoning districts, and shall be in addition to the standards in Subsections 1340.03, 1370.03 (Shoreland Management District) and 1370.05 (Floodplain Management Districts). The intent of these

standards shall be to reduce the impact of multiple vehicles and of large accessory structures on the residential character of the City.

Subd. 1 Construction. No accessory building or structure shall be constructed on a lot prior to construction of the primary structure. Building permits are required for all accessory structures.

Subd. 2 Number. A residential lot, other than a river riparian lot, may have no more than two (2) accessory structures. A river riparian lot may have a guest cottage and a water-oriented accessory structure as regulated in Section 1370 of this Chapter, the Shoreland Management Section.

Subd. 3 Height. No garage, whether attached or detached, nor any accessory structure shall be taller than the principal structure on the lot as measured by the building height definition from Section 1300.01 Subd. 16 Building Height.

Subd. 4 Location. A detached accessory building shall not be located in any required front yard.

Subd. 5 Square Footage. Except in the RE district, the total footprint of all garage space, whether attached or detached, and of all accessory structure space for single-family residential uses shall be no larger than the footprint of the principal structure, and shall total a maximum of 2,000 square feet; except that a residential lot shall be allowed at least five hundred (500) square feet of garage space regardless of the house size, as long as the required setbacks and other standards are met.

In the **RE District**, the number and size of accessory structures permitted on residential lots is as follows:

Size of Parcel in RE DISTRICT	Number of Accessory Structures	Total Area of Accessory Structures (footprint)
Less than 2 acres	2	Total footprint of all accessory structures may be no larger than the footprint of the principal structure, up to a maximum of 2,000 square feet. Minimum 500 square feet of accessory structures is permitted on all parcels regardless of house size if required setbacks are met.
2.0-4.99Acres	2	2500 square feet
5.0 Acres or greater	2	Up to 2,500 total square feet is permitted. 2,500 total square feet to 3,500 maximum total square feet of accessory structures may be permitted with a Conditional Use Permit.

Subd 6 Structure Area in the RE District between 2,500 and 3,500 square feet. In order for the footprint of all accessory structures in the RE district to exceed 2,500 square feet, the following conditions must be satisfied through obtaining a conditional use permit pursuant to Section 1310.10 of this Chapter:

- A. The parcel shall not be re-platted, split or subdivided such that it results in a lot size of less than 3 acres without first removing or altering the structure so that it conforms to the standards in this chapter.
- B. The site must demonstrate that the accessory structures do not encroach upon existing septic systems and that an alternative septic system area is protected.

- C. Plantings consisting of a combination of trees and shrubs shall be installed within the set back area providing a buffer between the accessory structure (s) and future development on adjacent property.
- D. Any accessory structure or garage other than a garage attached to the principal structure on the site shall not be placed closer to the public right-of-way that constitutes the front yard of the parcel than the primary structure unless the structure is completely screened from public view by natural vegetation including trees and shrubbery.
- E. All the other subdivisions of this section apply to the RE district.

Subd. 7 Compatibility. All accessory structures of any size shall be constructed of durable, finished materials and shall be compatible in color to the principal structure. All accessory structures over one hundred fifty (150) square feet in area shall be compatible with the principal structure in terms of design, roof style, roof pitch, color, and exterior finish materials.

If an accessory building is attached to the main building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this Chapter applicable to the main building. An accessory building, unless attached to and made a part of the main building, shall not be closer than five (5) feet to the main building, except as otherwise provided in this Chapter

Subd. 8 Additional Setback, Square Feet. A garage, whether attached or detached, or an accessory structure shall provide an additional one (1) foot of setback beyond the minimum front, side, or rear yard setbacks required in Subsection 1340.03, for every twenty (20) square feet of area over nine hundred (900) square feet of area in garages or accessory structures on the lot, except:

- A. An addition to an existing accessory structure which cannot meet the additional setbacks described above may extend an existing building edge at the existing setback line, but no closer to the lot line than the existing setback, and in no case closer than the minimum setbacks set forth in Subsection 1340.03.
- B. Such an extended building edge may be no more than thirty-six (36) feet in length along any single property line. Any portion of an extended building edge longer than thirty-six (36) feet in length must meet the additional setbacks described above in this Subdivision.
- C. In the RE district, a garage, whether attached or detached, or an accessory structure shall provide an additional one (1) foot of setback beyond the minimum front, side and rear yard setbacks required in Subsection 1340.03, for every forty (40) square feet of area or portion thereof over two thousand (2,000) square feet of area in garages or accessory structures on the lot.

Subd. 9 Additional Setbacks, Height. A detached garage or an accessory structure shall provide an additional two (2) foot of setback beyond the minimum required front, side, or rear yard setbacks for every one (1) foot of height of its eave line over eight (8) feet.

Subd. 10 Door Openings. In the RE district, on lots at least three acres in size, there shall be no limit on the height of door openings for garages or other accessory structures. In all other cases, all door openings shall be eight (8) feet in height or less, except that one door opening in one accessory structure per lot may be a maximum of twelve (12) feet in height. In all districts, any door opening over eight (8) feet in height shall be turned perpendicular to the front lot line so as not to face any

public street, or, if facing a public street, it shall be set back an additional ten (10) feet beyond the minimum front yard setback required in Subsection 1340.03 for every one (1) foot of height of the door opening over eight (8) feet.

Subd. 11 Subdivision. No land shall be subdivided so as to have an accessory structure without a primary structure, or to have a larger building or structure than permitted by this ordinance. When a property is developed or redeveloped and an existing accessory structure made nonconforming, the structure must be brought into conformance as part of the development approval or removed from the property.

Subd. 12 Use of Accessory Structures. No accessory building shall at any time be used as a habitable building. No accessory structure in a residential district shall at any time be used for a commercial or industrial use. Use of accessory structures for home occupations is governed by Section 1340.07, Subdivision 2.

Subd. 13 Intermodal container or shipping containers. All intermodal containers in residential districts shall be considered to be accessory structures, and shall meet all code requirements for accessory structures in residential districts, including those in Sections 1340.03, 1340.04, 1370.03 and 1370.05.

Subd. 9 Driveways~~14 Driveways~~. One driveway access to a public roadway is permitted for each lot.

1340.067 Covered Storage Building Standards.

The intent of this section is to regulate the installation and maintenance of covered storage buildings, also known as tent garages or temporary carports. More specifically the intent of this section is to minimize the potential for these structures to become unsightly as seen from public right-of-ways or adjacent residential properties. The following standards and conditions apply to covered storage buildings:

Subd. 1 Permitted As Accessory Structures. “Covered Storage Buildings” are a permitted use as an accessory structure only in residential districts and shall not be permitted in General Business, Light Industrial, General Industrial, and Industrial Storage Districts or for any commercial use or purpose within the Mixed-Use Districts. Covered Storage Buildings shall comply with the standards outlined in Section 1340.04. In addition, the following criteria shall be applied to covered storage buildings permitted as an accessory structure:

- A. Placement on Lot: The structure shall not be located in any front yard.
- B. Screening: The structure shall be screened from public right-of-way and adjacent property with shrubbery, trees or fencing.
- C. Maintenance: Lawn areas around the structure shall be kept clear of tall weeds and grass. The condition of the structure shall comply with the standards found in Ordinance 2002-11, Chapter 8. Section 811 Building and Property Maintenance.

D. Number per Residential Lot: Only one (1) structure shall be permitted per residential lot.

Subd. 2 Allowed with Conditions:

- A. Placement on Lot: Structures shall not be placed in any front yard or adjacent to the driveway if located in the front yard. All other building setbacks must be met as established by the underlying zoning district.
- B. Maintenance: Lawn areas around the structure shall be kept clear of tall weeds and grass.
- C. Lot Coverage and Structure Height: Except as provided herein, all standards relating to structure height, lot coverage, and number of accessory structures on the lot as outlined in Section 1340.04 shall be met.

Subd. 3 Building Permit Required. Installation of covered storage buildings over 336 square feet or 10 feet in height require a building permit from building inspections.

1340.078 Credits and Allowances for Multiple Dwellings.

The following lot area credits and allowances shall be applied for multiple dwellings in R-2, ~~and R-3~~ and R-4 districts but in no event shall the minimum lot area with allowances be less than five thousand (5,000) square feet per dwelling unit in the R-2 district nor less than two thousand two hundred (2,200) square feet in the R-3 district based on the following schedule:

- A. For each parking space provided within or beneath a principal structure, subtract three hundred (300) square feet; or if 1/3 or more of the required parking spaces is in a covered or underground parking structure the City may grant a density bonus of 10 percent
- B. If the site upon which the multiple dwelling is being constructed is adjacent to a site zoned for a commercial use, subtract three hundred (300) square feet;
- C. If the adjacent site is zoned R-1 or R-1A, add three hundred (300) square feet per unit for that portion of the multiple dwelling site within one hundred fifty (150) feet of the R-1 or R-1A district;
- D. If the total lot coverage is less than twenty (20) percent, subtract one hundred fifty (150) square feet per unit;
- E. For each unit containing bedrooms in excess of two (2), add three hundred (300) square feet.

1340.089 Special Regulations for the R-2, ~~and R-3~~ and R-4 Residential Districts.

Subd. 1 Minimum Floor Area for Multiple Family Dwellings. The minimum floor area of an efficiency dwelling unit shall be not less than four hundred (400) net square feet, that of a one-bedroom dwelling unit shall be not less than seven hundred (700) net square feet, and that of a two-bedroom dwelling unit shall be not less than nine hundred (900) net square feet. Units containing three (3) or more bedrooms shall have an additional one hundred fifty (150) net square feet of floor area for each bedroom in excess of two (2) bedrooms.

For purposes of measurement, the net floor area of a dwelling unit shall mean that area within a building used as a single dwelling unit, and shall be measured from the inside walls to the center of partitions bounding the dwelling unit being measured, but shall not include public stairways, public entries, public foyers, public balconies, or unenclosed public porches, separate utility rooms, furnace areas or rooms, storage areas not within the apartment, or garages.

Subd. 2 Design and Construction Requirements.

- A. **Design Review.** If a Conditional Use Permit is required, the plans for a multiple dwelling must be approved by the City Council upon a recommendation by the Planning Commission after review of the plans set forth in paragraph (B) below. The Planning Commission and Council may designate conditions or guarantees in connection with the Conditional Use Permit, which will substantially secure the provisions of the district. In granting the permit, the Planning Commission and council shall consider the requirements of paragraph (B) below and may consider other factors affecting the public health, safety and welfare.
- B. **Building Design and Construction.** A building permit and Conditional Use Permit, if required, for a multiple dwelling building shall not be issued unless the applicant's building plans, including the site plan, are certified by an architect registered in the state stating that the design of the building and site has been prepared under his direct supervision. Any building of type I or II construction, as provided in the state building code, shall have its electrical, mechanical and structural systems designed by registered engineers. Provisions of this paragraph shall not prohibit the preparation of the site plan by a professional site planner. Such plans shall include the following:
1. Complete details of the proposed site development including location of buildings, driveways, parking spaces, lot dimensions, lot area and yard dimensions;
 2. Complete landscaping plans including species and size of trees and shrubs proposed;
 3. Complete plans for proposed sidewalks to service parking, recreation and service areas within the proposed development;
 4. Complete plans for storm water drainage systems sufficient to drain and dispose of all surface water accumulations within the area;
 5. Complete structural, electrical and mechanical plans for the buildings;
 6. Complete plans and specifications for exterior wall finishes proposed for all principal and accessory buildings.
- C. **Type of Construction.** Any building more than two and one-half (2 1/2) stories in height shall be of type I or type II construction as provided in the state building code.
- D. **Efficiency Dwelling Units.** No more than twenty (20) percent of the dwelling units in any one (1) building shall be efficiency dwelling units.
- E. **Closets and Bulk Storage.** The following minimum amounts of closet and bulk storage shall be provided for each dwelling unit:
1. One-bedroom unit: ten (10) lineal feet of closet space and eighty (80) cubic feet of bulk storage. Only closet space having a minimum clear finish to finish depth of two (2) feet, zero (0) inches, shall be considered in determining the lineal feet of closet provided;
 2. Two-bedroom unit: twenty-four (24) lineal feet of closet space and one hundred (100) cubic feet of bulk storage. Only closet space having a minimum clear finish to finish

depth of two (2) feet, zero (0) inches, shall be considered in determining the lineal feet of closet provided;

3. Three (3) or more bedrooms: for each bedroom in excess of two (2) in any one (1) dwelling unit, an additional ten (10) lineal feet of closet space and fifty (50) cubic feet of bulk storage volume shall be required.
- F. Sound. Party and corridor partitions and floor systems shall be of a type rated by a laboratory regularly engaged in sound testing as capable of accomplishing an average sound transmission loss (using a nine-frequency test) of not less than fifty (50) decibels. Door systems between corridors and dwelling units shall be of solid core construction and include gaskets and closure plates. Room relationships, hallway designs, door and window placements and plumbing and ventilating installations shall be such that they assist in the control of sound transmission from unit to unit.
- G. Projecting air conditioning and heating units. Air conditioning or heating units projecting through exterior walls or windows shall be so located and designed that they neither unnecessarily generate nor transmit sound nor disrupt the architectural amenities of the building. Units projecting more four (4) inches beyond the exterior finish of a building wall shall be permitted only with the written consent of the building inspector, which shall be given when building structural systems prevent compliance.
- H. Trash incinerators and garbage. Except with townhouse and multiple residence sites of four (4) or less units, no exterior trash or garbage disposal or storage shall be permitted. In the case of townhouse and multiple residences with four (4) or less units, there shall be no exterior incineration, and any storage shall be completely enclosed by walls 6' in height.
- I. Elevators. Any multiple residence building of three (3) stories or more shall be equipped with at least one (1) public elevator.
- J. Accessory Buildings. Exteriors of accessory buildings shall have the same exterior finish as the principal structure.

Subd. 3 Recreations and Open Space. Multiple family residential projects shall contain an adequate amount of land for park, recreation or local open space use, exclusive of sump and drainage areas which shall not be less than twenty (20) percent of the gross area of the property and shall consist principally of land within the building setback lines.

| **1340.0910** **Special Regulations for All Residential Districts.**

Subd. 1 Dwelling and Manufactured Single Family Dwellings. All dwellings and manufactured single-family dwellings constructed or established after the adoption of this Code shall meet the following criteria:

- A. The dwelling and manufactured single-family dwelling shall be placed on and secured to a permanent foundation of concrete, masonry, or treated wood;
- B. The dwelling and manufactured single-family dwelling shall have a minimum length and width of twenty (20) feet at all points, providing that such measurements shall not include overhangs and other projections beyond the principal exterior walls;

- C. The dwelling and manufactured single-family dwelling shall include an attached or detached private garage on the lot;
- D. The dwelling shall comply with the state building code and the manufactured single family dwelling shall comply with applicable Minnesota Statutes.

Subd. 2 Home Occupations. All home occupations shall meet the following requirements:

- A. The number of employees shall be limited to one (1) person in addition to family members residing within the home;
- B. The area within the dwelling used by the home occupation shall not exceed twenty (20) percent of the dwelling's livable floor area;
- C. On-site sales shall be prohibited, except those clearly incidental to services provided in the dwelling;
- D. Any interior or exterior alterations of a dwelling for a home occupation shall be prohibited, except those customarily found in a dwelling;
- E. Vehicles associated with a home occupation shall be limited to one automobile, pick-up truck or van on the premises, which shall be parked in a garage if the name of the home occupation or advertising appears on the vehicle. Any vehicles associated with a rural home occupation must be parked in a specified storage area or accessory structure;
- F. Unusual parking and traffic patterns shall not be created, which are not normally found in the neighborhood, and in no case shall customer vehicles be parked on public or private roads;
- G. Only one (1) sign shall be permitted. Such sign shall be a non-illuminated nameplate of not more than three (3) square feet in area, and shall be attached to the entrance of the dwelling and, in the case of a rural home occupation; it may be attached to the dwelling or the accessory structure.

Subd. 3 Residential Building Design Review Standards. All residential units proposed for construction on existing vacant lots or lots that become vacant by reason of demolition or destruction of existing structures within the R-1 District west of State Trunk Highway 61 shall require a Design Permit, and shall be reviewed according to the following process and standards:

- A. Site Plan Review and Review Process
 - 1. Initial Meeting. The Applicant shall first meet with the Zoning Administrator. The Zoning Administrator will explain the goals and intent of the Design Permit, Site Plan and Design Review process, along with the guidelines, application requirements and schedule.
 - 2. Design Permit, Site Plan and Building Elevations. The Applicant shall apply for a Design Permit for the proposed residential building. The application shall include submission of a Site Plan to the City and approval of a Design Permit before building permits are issued for new residential buildings on a vacant lot. The site plan shall be drawn to scale and show the following: site location, all proposed buildings, driveways,

sidewalks, and other impervious surfaces, the number of dwelling units the building is intended to accommodate, and building elevations drawn to scale.

3. Application Submission and Filing Fee. The Applicant must submit the Site Plan and building elevations to the City along with a permit application and filing fee set by the City Council.
 4. Site Plan Review. The Zoning Administrator shall review and may approve the site plans and Design Permit. The Zoning Administrator shall notify the Planning Commission of all approved plans. The Zoning Administrator may request that the Planning Commission review the site plan and building elevations and provide comments or recommend conditions for approval. The Planning Commission may hold a public hearing on the application. Notice of the public hearing must be published in the City legal newspaper at least 10 days before the hearing and notice mailed to property owners within 350 feet of the site. At the hearing, the Planning Commission will either recommend approval, approval with conditions, or disapproval of the proposed Site Plan.
 5. HPC Review: The Zoning Administrator may refer the site plan and elevations to the Newport Heritage Preservation Commission for review if the site is adjacent to or would impact an identified historic structure or site. HPC comments shall be presented at the public hearing.
 6. Approval. If the application is approved, the Zoning Administrator will issue a Design Permit to the applicant and a copy to the Building Inspector.
 7. Appeal. The applicant or any interested person aggrieved with the Zoning Administrator's decision may, within 10 days, revise and resubmit the application to the Zoning Administrator or appeal the decision to the City Council.
 8. Building Permit: After the application is approved, the plans may be completed and submitted to the Building Inspector for Building Permit review. The final plans will also be reviewed for Design Permit compliance by the Zoning Administrator. The Building Inspector or Zoning Administrator will monitor compliance with the Design Permit and any conditions of approval.
- B. Building Design Standards
1. Relationship to Adjacent Buildings. All new buildings proposed on existing vacant lots or lots that become vacant through demolition shall relate to the design of adjacent traditional buildings in scale, size, proportions and character. This can be achieved by maintaining similar setbacks, façade divisions and proportions, porch elements, roof form and lines, rhythms and proportions of openings, building materials, details and colors. Historic architectural styles need not be replicated.
 2. A primary entrance shall face an improved abutting street or be located off of a front porch, foyer, courtyard or similar architectural feature, and set back at least eight (8) feet from the side lot line.
 3. For principal structures, above grade window and door openings shall comprise at least fifteen (15) percent of the total area of exterior walls facing a public street or sidewalk. In addition, above grade window and door openings shall comprise at least ten (10)

percent of the total area of all exterior walls. Windows in garage doors shall count as openings; the area of garage doors themselves shall not count as openings. Windows shall be clear or translucent.

4. Residential structures shall be set back far enough from the street to provide a private yard area between the boulevard and the front door. Landscaping, steps, porches, grade changes, and low ornamental fences or walls may be used to provide increased privacy and livability.
5. Building materials and architectural treatments used on sides of buildings facing an abutting public street and on accessory structures should be similar to those used on principal facades.
6. The design and siting of the building should seek to preserve existing trees on the site and immediately adjacent lots. The landscape design should consider permeable materials for paths and driveways to protect existing mature trees in sensitive areas.

Section 1360 - Planned Unit Developments (PUD)

1360.01 Purpose and Intent. This section applies to planned unit development conditional use permits. A planned unit development (PUD) is a tract of land developed as a unit under single or unified ownership or control, and which generally includes two or more principal buildings or uses, but may consist of one building containing a combination of principal and supportive uses. The Planned Unit Development (PUD) process is an approach to development that may provides a comprehensive procedure intended to allow greater flexibility in the development of neighborhoods or non-residential areas zoning process than would be possible under a conventional standard conventional district standards. A PUD may allow modifications to zoning and subdivision requirements such as lot size and dimensions, rights-of-way and street widths, housing types and building setbacks, as well as allow zero-lot line development. The decision to approve a PUD is a public policy decision for the City Council to make in its legislative capacity. The goals of the PUD may include the following:

A. To meet the goals and policies of the comprehensive plan while preserving the health, safety, and welfare of city residents;

~~A. Variety: Within a comprehensive site design concept a mixture of land uses, housing types and densities~~To encourage creative and efficient development of land and its improvements that is not possible under strict application of zoning and subdivision requirements;

B.

~~C. Sensitivity: By departing from the strict application of required setbacks, yard areas, lot sizes, densities, minimum house sizes, minimum requirements, and other performance standards associated with traditional zoning, the PUD can maximize the development potential of the land while remaining sensitive to its unique and valuable natural characteristics;~~To allow for the potential mixture of compatible uses in an integrated and well-planned area.

~~D. Efficiency: The consolidation of areas for recreation, reductions in street lengths, support for transit-oriented development and efficient use of infrastructure and utilities;~~To facilitate the economical and efficient provision of streets and public utilities, prevent development that would burden he existing tax base or occur in areas without adequate public improvements, and preserve natural features and desirable site characteristics.

~~E.D.~~

~~F. Density Transfer: The project density may be clustered, basing density on number of units per acre instead of specific lot dimensions;~~

~~G. District Integration: The combination of uses which shall be allowed in separate zoning districts such as:~~

~~1. Mixed residential allows both densities and unit types to be varied within the project;~~

~~2. Mixed commercial, industrial, residential, or institutional land uses, with the integration of compatible land uses within the project;~~

~~H.E. Mutual Benefit: There shall be a finding that the proposed project will offer a benefit not only to the proposer or potential buyers or patrons of the project by offering any of the flexible approaches described above, but also to the City and to the public interest. To permit developments that are compatible with established and proposed surrounding land uses and provide benefits to the city and general public to justify any necessary exceptions to the zoning and subdivision ordinances.~~

1360.02 Allowed Uses.

Subd. 1 General. Uses within the PUD may include only those uses associated with the general land use category shown for the property on the official Comprehensive Land Use Plan and within the underlying zoning district or districts, unless the City approves other uses and they are specifically listed in the PUD conditional use permit or conditions of approval. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted uses with the approval of the development plan. Any change in the uses presented in the development plan shall be considered an amendment to the PUD and shall follow the procedures specified in Subsections 1360.057 and 1360.079 as applicable.

Subd. 2 Density. ~~The density of development within a PUD shall be the same as would be allowed in the underlying zoning district under typical development standards, except in the Residential Estate (RE) District. Flexibility may be granted from the density requirements of the underlying zoning district if the PUD meets the requirements of Section 1200.10 (G) Platting Procedures, and if the flexibility in density implements goals and policies in the Comprehensive Plan.~~ In any PUD the maximum number of dwelling units allowed shall not exceed the base density identified in the land use districts in the comprehensive plan, except that density bonuses consistent with the comprehensive plan and any adopted city policies may be granted if the proposed project meets certain objectives of the city as identified in the comprehensive plan. These objectives include, but are not limited to —meeting life-cycle or other identified housing needs, sustainability, or natural resource protection.

Density transfers within the PUD may be allowed provided the project area is at least 40 acres in size; however, this area requirement may be reduced when the project provides for the dedication of needed public infrastructure.

If the property involved in the PUD includes land in more than one zoning district, the number of dwelling units or the square footage of commercial, industrial or institutional uses in the PUD shall be proportional to the amount that would be allowed separately on the parcels located in each of the underlying zoning districts.

1360.03 Required Standards. The City shall consider the proposed PUD from the point of view of all standards and purposes of the Comprehensive Land Use Plan to achieve:

- A. Coordination between the proposed development and surrounding uses;
- B. The conservation of woodlands, wetlands, blufflands, and the Mississippi River corridor;
- C. The potential for more efficient use of land, energy, infrastructure, and natural resources, protection of water resources and conservation of natural resources.
- D. The protection of health, safety, and welfare of the community and residents of the PUD;
- E. Benefit to the City and the public interest.

To these ends, the City Council shall consider the location and compatibility of buildings, parking areas and other features with respect to the topography of the area and existing natural features; the efficiency, adequacy and safety of the proposed layout of internal streets and driveways; the adequacy and location of green areas; the adequacy, location and screening of parking areas; and such other matters as the Council may find to have a material bearing upon the stated standards and objectives of the Comprehensive Land Use Plan.

1360.04 Coordination with Subdivision Regulations and Preliminary Plat. If the PUD requires the subdivision of land and platting, subdivision review under the subdivision regulations shall be carried out simultaneously with the review of the PUD conditional use permit. The applicant shall submit the application materials and plans required under this Section ~~shall be submitted~~ in a form that shall satisfy the requirements of the Chapter 12 - Subdivisions Section of this Code for the preliminary and final plat.

~~1360.05 Revisions and Changes.~~

~~**Subd. 1 Minor Changes.** Minor changes in the location, placement and dimensions of structures or of outdoor use areas, or in the size and configuration of dwelling units, may be authorized by the Zoning Administrator, if requested by the applicant, because of engineering or other circumstances not foreseen at the time the final plan was approved and filed with the Zoning Administrator.~~

~~**Subd. 2 Significant Changes.** If there are changes proposed to the PUD after it has been approved and filed which, in the opinion of the Zoning Administrator are significant, such changes shall only be allowed after approval by the City Council following a public hearing and recommendation from the Planning Commission. This includes changes in the uses themselves, significant changes in the location, size, or height of structures, any significant rearrangement of lots, blocks and building tracts, changes in the provision of common open spaces, and all other changes to the approved final development plan deemed significant by the Zoning Administrator. Any changes shall be recorded as amendments to the recorded copy of the final development plan.~~

~~**Subd. 3 Other Restrictions.** All of the provisions of this Chapter applicable to the original zoning district or districts within which the Planned Unit Development is established shall apply to the PUD except as otherwise provided for in approval of the final plan.~~

~~**Subd. 4 Rezoning.** If substantial development has not occurred within a reasonable period of time after approval of the PUD, the City Council may instruct the Planning Commission to initiate rezoning to the original zoning district. It shall not be necessary for the City Council to find that the rezoning was in error.~~

~~1360.06 Phasing and Guarantee of Performance.~~

~~**Subd. 1 Development Schedule.** The Planning Commission shall compare the actual development accomplished in the various PUD zones with the approved development schedule.~~

~~**Subd. 2 Extension of Time.** Upon recommendation of the Planning Commission and for good cause shown by the property owner, the Council may extend the limits of the development schedule.~~

~~**Subd. 3 Role of Construction.** The construction and provision of all of the common open space and public and recreational facilities which are shown on the final development plan shall proceed at the same rate as the construction of dwelling units, if any. The Zoning Administrator shall review all of the building permits issued for the PUD and examine the construction which has taken place on the site. If he or she finds that the rate of construction of dwelling units is greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, he or she shall forward this information to the Council for action.~~

~~**Subd. 4 Bond.** A performance bond or letter of credit shall be required to guarantee performance by the developer. The amount of this bond or letter of credit, and the specific elements of the development program that it is intended to guarantee, shall be stipulated in the development agreement.~~

1360.07 Control of the Planned Unit Development after Completion.

Subd. 1 Controlling Plan. ~~After the certificate of occupancy has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the PUD shall be governed by the final development plan.~~

Subd. 2 Changes. ~~After the certificate of occupancy has been issued, no changes shall be made in the approved final development plan except upon application as provided below:~~

- ~~A. Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Zoning Administrator if they shall be consistent with the purposes and intent of the final plan. No change authorized by this Section may increase the cubic volume of any building or structure by more than ten percent (10%).~~
- ~~B. Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under this Section.~~
- ~~C. Changes in the use of the common open space may be authorized by an amendment to the final development plan under this Section.~~
- ~~D. Any other changes in the final development plan shall be authorized by an amendment of the final development plan as provided for in this Section.~~

~~**1360.08** For purpose of administrative simplification, the public hearings required for the PUD conditional use permit, preliminary plat, and any potential rezoning of property may be combined into one hearing or may be held concurrently.~~

1360.05 Procedures for Processing a Planned Unit Development Application. There ~~shall~~ may be four stages ~~to~~ in the PUD process: ~~Pre-A~~ application ~~Conference~~ Meeting, Concept Plan, Preliminary Plan, and Final Plan, as described below. The application shall not be considered complete until the Final Plan has been filed.

Subd. 1 ~~Pre-A~~ application ~~Conference~~ Meeting. Prior to filing an application for a PUD, the applicant shall ~~arrange for and attend a conference with the Zoning Administrator. The primary purpose of the conference shall be to provide the potential applicant with an opportunity to gather information and determine the general suitability of the proposal for the area for which it is proposed and its conformity to the provisions of this Section, before incurring substantial expense in the preparation of plans, surveys and other data.~~ meet with the Zoning Administrator to discuss the proposed project relative to community development objectives for the area and to learn the procedural steps and submittals required. This includes the procedural steps for a conditional use permit and a preliminary plat. The applicant may submit a simple sketch plan at this stage for informal review and discussion. The applicant is urged to seek the advice and assistance of city staff during the meeting.

Subd. 2 Concept Plan.

- A. Purpose. The applicant shall present a concept plan to the Zoning Administrator, and at the discretion of the Zoning Administrator, to the Planning Commission. The concept plan may be presented at the ~~Pre-A~~ application ~~Conference~~ Meeting. The Concept Plan provides an opportunity for the applicant to submit a plan to the City showing the basic intent and the general nature of the

entire development without incurring substantial cost. The process is also intended to allow the city to identify potential issues and concerns at an early stage of development. Any opinions or comments provided on the concept plan shall be considered advisory only and cannot be construed as approval or denial of the proposed plat.

B. Concept Plan Application. The Concept Plan submittal shall include an application with a written summary of the proposal on an official application form. The applicant’s signature shall be provided on the application form. Additionally, if the applicant is not the fee owner of the property, the fee owner’s signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. The application shall be accompanied by a fee as set forth by the City’s adopted fee schedule and the following:

1. General location map showing the site in relation to the surrounding area and important elements, including major roadways, public facilities, and proposed ~~of all~~ land uses with approximate types and intensities of development.
2. Written narrative addressing proposed uses, housing types, density, public or private amenities, parks and open space, and the experience and financial capacity of the proposed developers. The narrative should address how the city’s values, as identified in the comprehensive plan, are incorporated into the design of the overall development. ~~Overall maximum PUD density.~~
3. General location of streets, sidewalks, trails or other rights-of-way and significant easements.
4. General location and extent of wetlands, natural areas, and public and common open space.
5. General staging and time schedule of the development.
6. Other special criteria for the development.

C. The Zoning Administrator may refer the concept plan to the appropriate staff and consultants for review and preparation of informal comments on the concept plan. If review by the Planning Commission has been requested by the applicant or by the Zoning Administrator, the Zoning Administrator shall provide public notice of the meeting at which the Planning Commission will review the concept plan. The Zoning Administrator may also refer the concept plan to other City advisory commissions or the City Council at his or her discretion.

D. The Planning Commission shall review the concept plan with the subdivider and provide comments on the concept plan. The Planning ~~e~~Commission shall have the prerogative and authority to refer the concept plan to the City Council for discussion, review, and informal comment. The Planning Commission and/or City Council will take no formal or informal action at this stage of review and discussion that occurs at this stage cannot be construed as approval or denial of the proposed plat.

Subd. 3 PUD Conditional Use Permit Preliminary Plan.

A. PurposeApplication Procedure. The Preliminary PUD Plan stage provides an opportunity for the applicant to submit a more detailed plan to the City and gain official approval of the plan for the uses and scale of the development without incurring all the costs associated with the Final Plan.

The plan shall include the following: An applicant shall make an application for a PUD conditional use permit following the procedural steps as set forth in Section 1310.10, Conditional Use Permits. In addition to the requirements in 1310.10, Subd. 3, the following exhibits and written narratives shall be submitted to the Zoning Administrator by the proposed developer as a part of the application for a PUD conditional use permit:

1. Preliminary plat information required by the Subdivision Ordinance, Section 1200.11.

2. General Information.

a. The landowner's name and address and his or her interest in the subject property.

b. The applicant's name and address if different from the landowner.

c. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including attorney, land planner, engineer and surveyor.

d. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidence as the City Attorney may require to show the status of title or control of the subject property.

3. Present Status:

a. The address and legal description of the property.

b. The existing zoning classification and present use of the subject property and all lands within five hundred (500) feet of the property.

c. A map depicting the existing development of the property and all land within five hundred (500) feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within one hundred feet (100') of the property.

d. Existing Site Conditions: Maps or plans showing the existing site conditions at a scale of one inch equals one hundred feet (1" = 100').

1) Contours; minimum two (2) foot intervals.

2) Location, type and extent of tree cover.

3) Slope analysis.

4) Location and extent of water bodies, wetlands and streams and flood plains within three hundred (300) feet of the property.

5) Significant rock outcroppings.

- 6) Existing drainage patterns.
- 7) Vistas and significant views.
- 8) Soil conditions as they affect development.

All of the graphics should be the same scale as the final plan to allow easy cross reference. The use of overlays shall be recommended for clear reference.

4. Proposed Development

- a. A written statement general describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the City's Comprehensive Plan and how the proposed PUD shall be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the City. The statement shall include an explanation of the character of the planned development and the manner in which it has been planned to take advantage of the PUD regulations, including a list of all proposed deviations from the standard zoning regulations and an explanation as to why these deviations provide a public benefit.
- b. Schematic drawing of the proposed development concept including but not limited to the general location of major circulation elements (roadways, trails, sidewalks), public and common open space, residential and other land uses.
- c. A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
 - 1) Area devoted to residential uses.
 - 2) Area devoted to residential use by building type.
 - 3) Area devoted to common open space.
 - 4) Area devoted to public open space.
 - 5) Approximate area devoted to streets.
 - 6) Approximate area devoted to, and number of, off-street parking and loading spaces and related access.
 - 7) Approximate area, and floor area, devoted to commercial, industrial, office or other use.
- d. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of the stages or units shall be submitted stating the approximate beginning and completion date for each stage or unit and the proportion of the total PUD public or common open space and dwelling units to

- be provided or constructed during each stage and overall chronology of development to be followed from stage to stage.
- e. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.
 - f. Any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.
 - g. Schematic utilities plans indicating placement of water, sanitary and storm sewers.
 - h. The Zoning Administrator, at his or her discretion, may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal.
 - i. The Zoning Administrator, at his or her discretion, may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.
5. Final Plan Stage. Final Plan submissions should depict and outline the proposed implementation of the Preliminary Plan stage for the PUD. Information from the Preliminary Plan stage may be included for background and to provide a basis for the submitted plan. The Final Plan submissions shall include at least the following:
- a. An accurate legal description of the entire area within the PUD for which final development plan approval is sought.
 - b. A tabulation indicating the number of residential dwelling units and expected population.
 - c. A tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity (e.g. drug store, dry cleaning, supermarket).
 - d. Preliminary architectural "typical" plans indicating use, floor, plan, elevations and exterior wall finishes of proposed buildings.
 - e. A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights of way, utility lines and facilities, lots, block, public and common open space, general landscaping plan, structure, including mobile homes, and uses.
 - f. Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The Plan should clearly reflect the site treatment and its conformance with the approved concept plan.
 - g. Soil erosion control plan acceptable to watershed districts, Department of Natural Resources, Soil Conservation Service, or any other agency with review authority clearly illustrating erosion control measures to be used during construction and as permanent measures.

h. A final plat and information required by the City Subdivision Regulations in this Code.

~~Specific location of all land uses with type and intensities of development.~~

~~Overall maximum PUD density.~~

~~Specific location of streets, sidewalks, trails or other rights of way and significant easements.~~

~~Specific location and extent of public and common open space.~~

~~Location of proposed landscaping, utilities, and other features.~~

~~Staging and time schedule of the development.~~

~~Other special criteria for the development.~~

B. Schedule.

1. After the ~~Sketch-Concept~~ Plan review, the applicant shall file the PUD ~~Preliminary Plan application~~conditional use permit application and preliminary plat, together with all supporting data.
2. The Planning Commission shall hold a public hearing on the PUD ~~Preliminary Plan~~conditional use permit and preliminary plat.
3. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council. Notice of the hearing shall consist of a legal property description, description of request, and be published in the official newspaper at least ten (10) days prior to the hearing and written notification of the hearing shall be mailed at least ten (10) days prior thereto to owners of land within five hundred (500) feet of the boundary of the property in question.
4. The City may request additional information from the applicant concerning operational factors, such as traffic, drainage, utilities, etc., or retain expert testimony at the expense of the applicant concerning operational factors.
- ~~5.~~5. The Council may hold a public hearing after the receipt of the report and recommendations from the Planning Commission. Upon receipt of the Commission's recommendation, or within 60 days after receipt of the completed application, the City Council may proceed without the report. The Council may approve the PUD Preliminary Plan and attach such conditions as it shall deem reasonable. ~~Approval shall require a four-fifths (4/5) vote of the entire Council.~~

~~Subd. 4.6. Final Plan.~~ Following PUD Preliminary Plan approval, if given, the applicant shall submit the Final Plan application and final plat. The application shall proceed and be acted upon in accordance with zoning district changes. If appropriate because of the limited scale of the proposal and at the discretion of the Zoning Administrator, the Preliminary Plan and

Final Plan stages may proceed simultaneously. The City shall complete a Development Agreement with the applicant that includes the approved conditions, schedule, and other information deemed appropriate by the City.

~~**Subd. 5 Applications.** Three (3) full size copies and one (1) page size (8 1/2" x 11") copy of the following exhibits, analysis and plans shall be submitted to the City:~~

~~A. Preliminary Plan Stage.~~

~~1. Preliminary plat and information required by the Subdivision Ordinance.~~

~~2. General Information.~~

~~a. The landowner's name and address and his or her interest in the subject property.~~

~~b. The applicant's name and address if different from the landowner.~~

~~c. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including attorney, land planner, engineer and surveyor.~~

~~d. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up to date certified abstract of title or registered property report, and such other evidence as the City Attorney may require to show the status of title or control of the subject property.~~

~~3. Present Status:~~

~~a. The address and legal description of the property.~~

~~b. The existing zoning classification and present use of the subject property and all lands within five hundred (500) feet of the property.~~

~~c. A map depicting the existing development of the property and all land within five hundred (500) feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within one hundred feet (100') of the property.~~

~~d. A written statement general describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the City's Comprehensive Plan and how the proposed PUD shall be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the City.~~

~~e. Site Conditions: Maps or plans showing the existing site conditions at a scale of one inch equals one hundred feet (1" = 100').~~

~~1) Contours; minimum two (2) foot intervals.~~

- ~~2) Location, type and extent of tree cover.~~
- ~~3) Slope analysis.~~
- ~~4) Location and extent of water bodies, wetlands and streams and flood plains within three hundred (300) feet of the property.~~
- ~~5) Significant rock outcroppings.~~
- ~~6) Existing drainage patterns.~~
- ~~7) Vistas and significant views.~~
- ~~8) Soil conditions as they affect development.~~

~~All of the graphics should be the same scale as the final plan to allow easy cross reference. The use of overlays shall be recommended for clear reference.~~

- ~~f. Schematic drawing of the proposed development concept including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.~~
- ~~g. A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
 - ~~1) Area devoted to residential uses.~~
 - ~~2) Area devoted to residential use by building type.~~
 - ~~3) Area devoted to common open space.~~
 - ~~4) Area devoted to public open space.~~
 - ~~5) Approximate area devoted to streets.~~
 - ~~6) Approximate area devoted to, and number of, off-street parking and loading spaces and related access.~~
 - ~~7) Approximate area, and floor area, devoted to commercial, industrial, office or other use.~~~~
- ~~h. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of the stages or units shall be submitted stating the approximate beginning and completion date for each stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each stage and overall chronology of development to be followed from stage to stage.~~
- ~~i. When the proposed PUD includes provisions for public or common open space or service~~

~~facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.~~

~~j.—Any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.~~

~~k.—Schematic utilities plans indicating placement of water, sanitary and storm sewers.~~

~~l.—The Zoning Administrator, at his or her discretion, may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal.~~

~~m.—The Zoning Administrator, at his or her discretion, may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.~~

~~B.—Final Plan Stage. Final Plan submissions should depict and outline the proposed implementation of the Preliminary Plan stage for the PUD. Information from the Preliminary Plan stage may be included for background and to provide a basis for the submitted plan. The Final Plan submissions shall include at least the following:~~

~~1.—An accurate legal description of the entire area within the PUD for which final development plan approval is sought.~~

~~2.—A tabulation indicating the number of residential dwelling units and expected population.~~

~~3.—A tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity (e.g. drug store, dry cleaning, supermarket).~~

~~4.—Preliminary architectural "typical" plans indicating use, floor, plan, elevations and exterior wall finishes of proposed buildings.~~

~~5.—A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights of way, utility lines and facilities, lots, block, public and common open space, general landscaping plan, structure, including mobile homes, and uses.~~

~~6.—Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The Plan should clearly reflect the site treatment and its conformance with the approved concept plan.~~

~~7.—A soil erosion control plan acceptable to watershed districts, Department of Natural Resources, Soil Conservation Service, or any other agency with review authority clearly illustrating erosion control measures to be used during construction and as permanent measures.~~

~~8.—A final plat and information required by the City Subdivision Regulations in this Code.~~

~~9.—Plans and submission materials shall contain at least the following information:~~

~~a) Proposed name of the development (which shall not duplicate nor be similar in~~

~~pronunciation to the name of any plat theretofore recorded in the county where the subject property is situated).~~

- ~~b) Property boundary lines and dimensions of the property and any significant topographical or physical features of the property.~~
- ~~c) The location, size use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings and existing buildings which shall remain, if any.~~
- ~~d) Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements.~~
- ~~e) Location, designation and total area of all common open space.~~
- ~~f) Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.~~
- ~~g) The location, use and size of structures and other land uses on adjacent properties.~~
- ~~h) Detailed sketches and provisions of proposed landscaping.~~
- ~~i) General grading and drainage plans for the developed PUD.~~
- ~~j) Any other information that may have been required by the Planning Commission or Council in conjunction with the approval of the general concept plan.~~

1360.06 Findings

A. In addition to the criteria and standards set forth in Section 1310.10 of this Code for the granting of conditional use permits and item 1360.03 of this Section, the following additional findings shall be made before the approval of the PUD conditional use permit:

- 1. The proposed PUD is designed to form a desirable and unified environmental within its own boundaries.
- 2. The PUD is consistent with the planned and efficient provision of public improvements and would not burden the existing tax base or create development in areas without adequate infrastructure or public facilities.
- 3. The PUD can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site. The proposed uses will not be detrimental to potential surrounding uses.
- 4. The tract under consideration is under single ownership or control.
- 5. The PUD plan provides for the creation, preservation, or restoration of natural resources such as valuable habitat, lakes, streams, shorelands, floodplains, woodlands, steep slopes, and similar areas.

6. Each phase of the development, as it is proposed to be completed, is of sufficient size, composition, and arrangement that its construction, marketing, and operation are feasible as a complete unit, and that provision and construction of dwelling units and common open space are balanced and coordinated.
7. Any common elements proposed as part of the PUD are appropriate for the scale, location, shape, size, density, and topography of the development and must be suitably improved for the intended use(s) except that significant natural features may be preserved or restored.
8. The project area is at least ten (10) acres in size unless the applicant can show that a PUD of less acreage meets the standards and purposes of the comprehensive plan, that the proposal better adapts itself to the site and with the surrounding land uses than could be developed using strict standards within the underlying zoning district.

1360.07 Revisions and Changes.

Subd. 1 Minor Changes. Minor changes in the location, placement and dimensions of structures or of outdoor use areas, or in the size and configuration of dwelling units, may be authorized by the Zoning Administrator, if requested by the applicant, because of engineering or other circumstances not foreseen at the time the final plan was approved and filed with the Zoning Administrator.

Subd. 2 Significant Changes. If there are changes proposed to the PUD after it has been approved and filed which, in the opinion of the Zoning Administrator are significant, such changes shall only be allowed after approval by the City Council following a public hearing and recommendation from the Planning Commission. This includes changes in the uses themselves, significant changes in the location, size, or height of structures, any significant rearrangement of lots, blocks and building tracts, changes in the provision of common open spaces, and all other changes to the approved final development plan deemed significant by the Zoning Administrator. Any changes shall be recorded as amendments to the recorded copy of the final development plan.

Subd. 3 Other Restrictions. All of the provisions of this Chapter applicable to the original zoning district or districts within which the Planned Unit Development is established shall apply to the PUD except as otherwise provided for in approval of the final plan.

Subd. 4 Rezoning. If substantial development has not occurred within a reasonable period of time after approval of the PUD, the City Council may instruct the Planning Commission to initiate rezoning to the original zoning district. It shall not be necessary for the City Council to find that the rezoning was in error.

1360.08 Phasing and Guarantee of Performance.

Subd. 1 Development Schedule. The Planning Commission shall compare the actual development accomplished in the various PUD zones with the approved development schedule.

Subd. 2 Extension of Time. Upon recommendation of the Planning Commission and for good cause shown by the property owner, the Council may extend the limits of the development schedule.

Subd. 3 Role of Construction. The construction and provision of all of the common open space and public and recreational facilities which are shown on the final development plan shall proceed at the same rate as the construction of dwelling units, if any. The Zoning Administrator shall review all of the building permits issued for the PUD and examine the construction which has taken place on the site. If he or she

finds that the rate of construction of dwelling units is greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, he or she shall forward this information to the Council for action.

Subd. 4 Financial Guarantee. Subsequent to execution of the Development Agreement but prior to the release of a signed final plat mylar for recording, the applicant shall provide the City with a financial guarantee in the form of a letter of credit or performance bond to guarantee performance by the developer. The City shall stipulate the amount of this guarantee and the specific elements of the development program that it is intended to guarantee in the development agreement.

1360.09 Control of the Planned Unit Development after Completion.

Subd. 1 Controlling Plan. After the certificate of occupancy has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the PUD shall be governed by the final development plan.

Subd. 2 Changes. After the certificate of occupancy has been issued, no changes shall be made in the approved final development plan except upon application as provided below:

- A. Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Zoning Administrator if they shall be consistent with the purposes and intent of the final plan. No change authorized by this Section may increase the cubic volume of any building or structure by more than ten percent (10%).

- B. Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under this Section.

- C. Changes in the use of the common open space may be authorized by an amendment to the final development plan under this Section.

- D. Any other changes in the final development plan shall be authorized by an amendment of the final development plan as provided for in Section 1310.12 conditional use permits—extension of time.



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

Memorandum

To:	Newport Planning Commission	Reference:	Comp Plan Amendment— Potential Urban Services Area
Copies To:	Deb Hill, City Administrator		
	Renee Eisenbeisz, Assistant to the City Administrator		
		Project No.:	16021.000
From:	Sherri Buss, RLA AICP, City Planner	Routing:	
Date:	November 29, 2016		

The Planning Commission will hold a public hearing on the proposed zoning changes to Section 1340 (Residential Districts), zoning map, and Section 1360 (Planned Unit Developments) at its December 8 meeting. The changes are proposed to guide future urban development of the City’s Potential Urban Services Area (PUSA) after municipal sewer and water services are available.

The proposed zoning changes require that the City complete an amendment to its 2030 Comprehensive Plan. The Planning Commission will discuss the Comprehensive Plan Amendment, and make a recommendation to the City Council about the amendment. The City needs to attach a copy of the Council resolution authorizing the submittal of the amendment for review to the amendment.

This staff report discusses the proposed Comprehensive Plan Amendment, and its relationship to regional policies. The report will be attached to the Comprehensive Plan Amendment Form that is submitted to the Metro Council.

Summary of Comprehensive Plan Amendment

Newport is requesting an amendment to its 2030 Comprehensive Plan to change the land use designation and zoning classification for 67 acres within the Proposed Urban Service Area. The change is requested as a result of the City’s plans to extend municipal sewer and water services to the area, which will permit future development at urban densities. The area is shown on the attached map of the Proposed Urban Service Area (PUSA).

A copy of the draft Comprehensive Plan Amendment Form and submittals are attached.

The proposed amendment includes:

- Amend the 2030 Future Land Use map from the 2030 Comprehensive Plan to classify the 67-acre area as an area designated for Mixed Residential land use. The area is currently classified for Single-Family Detached/Conservation Residential use. The

change in land use designation would permit the development of single-family, 2-family, townhomes, and multifamily homes within the PUSA.

- Amend the Zoning Map to designate the 67-acre area as R-4 Urban Mixed Residential and amend the Zoning Ordinance to adopt a new R-4 Urban Mixed Residential District and the dimensional standards and performance standards that will apply within the district. The Zoning Map amendment and Zoning Ordinance amendment are included in the Commission's packet for the public hearing on the amendments on December 8.

The PUSA is currently within the Residential Estates (RE) zoning district. The district standards specify a minimum 2-acre lot size where municipal sewer services are not available, and R-1 densities on parcels where municipal services are provided. The R-4 District would permit a mix of single-family and multi-family housing types, at a minimum density of 4 units per acre and maximum density of 20 units per acre.

The zoning amendment for the area assumes the extension of municipal sewer and water services to the 67-acre area. Newport's 2030 Comprehensive Plan included the 67-acre PUSA in the planned expansions of Newport's Sewer Service Area, Wastewater Flow Projections, and Water Supply Area for 2030.

Relationship of the Comp Plan Amendment to 2040 Regional Plans and Policies

This section summarizes the consistency between the proposed Comprehensive Plan Amendment and regional policies that govern Newport and its 2040 Comprehensive Plan. Metro Council policies require that all Comprehensive Plan Amendments submitted between January 1, 2016 and June 30, 2018 must meet the policies of the Council's *Thrive MSP 2040* and its system and policy plans. Each of the headings is a regional policy area addressed in *Thrive MSP 2040* and the regional system plans.

Community Designation

Thrive MSP 2040 classifies Newport as an Urban community. Urban communities are expected to plan for forecasted population and household growth in areas of new development and redevelopment at average densities of at least 10 units per acre. The requirement seeks to make the greatest use of available regional infrastructure systems such as sewer services and transportation systems.

The proposed R-4 Zoning classification for the area permits development at a minimum of 4 units per acre and a maximum of 20 units per acre. The area includes significant areas of open water, wetlands, and slopes. Given these physical restrictions and the need to accommodate roadways, stormwater management and park dedication requirements, a maximum of about 35 acres of the site are developable. The City's contacts with developers to date suggest that based on the site characteristics, context, and potential municipal water service available, the site can best accommodate single-family homes and townhomes. Staff estimate that the densities on the developed portions of the site may average 5 units per acre:

$$5 \text{ units per acre} \times 35 \text{ acres} = 175 \text{ units estimated in the PUSA area}$$

This density is below the regional policies for Urban communities in the 2040 Comprehensive Plans. However, Newport includes a larger redevelopment area around the Newport Transit



Station that is zoned for high-density housing development (MX-3 Zoning District). The City's zoning ordinance requires that housing densities in this area occur at a minimum of 30 units per acre, and a maximum of 50 units per acre. The Master Plan for redevelopment of the Red Rock Transit Station area identifies a Phase I redevelopment area to be completed by 2030 that includes approximately 11 acres of new residential development with 350 units of new housing. The City expects that at least 5 additional acres of redevelopment will occur in the MX-3 district by 2040.

30 units per acre x 16 total development acres = 480 units in the MX-3 District.

Based on these estimates, the City expects a total of at least 665 new housing units on 51 acres of new development or redevelopment through 2040, or an average of 13 units per acre overall within the City. This density is consistent with the *Thrive MSP 2040* policies for Urban communities.

Forecasts

The City's System Statement for the 2040 Comprehensive Plan includes the following forecasts for population and housing growth:

Forecast Year	Population	Households	Employment
2010	3,435	1,354	1,605
2020	3,600	1,530	1,990
2030	4,050	1,840	2,070
2040	4,450	2,100	2,100

The forecast includes population growth of 1015 persons and household growth of 746 households between 2010 and 2040. The estimated maximum number of new households in the Comp Plan Amendment area is 175, and at an average of 2.5 persons per household, the estimated population growth would be 437 persons. The estimated increase in households and population is within the regional forecast for Newport.

Transportation System

The traffic that may result from development of the 67-acre area included in the Comprehensive Plan amendment will not measurably impact the two principal arterials within Newport: I-494 and TH 61. The City has discussed the proposed development of the area with Washington County, and the County has indicated that urban development of the area will require new turn lanes where future development will access County Road 20 (Military Road). Any future development will be required to meet the County's requirements.

Wastewater Systems

The proposed Comprehensive Plan Amendment will not affect regional wastewater treatment. The City Engineer reviewed the city's 2030 Comprehensive Plan, and noted that the 67-acre area and sewer projections were included in the area for potential Sanitary Sewer System Expansion Area in Newport's 2030 Comprehensive Plan.



Water Supply

The City's existing high pressure water zone will be extended to supply the proposed area with water service if feasible and cost effective. The alternative options for providing water service will be to enter into a joint powers agreement with the City of Woodbury to provide water service. The development of the PUSA area using these options for Water Supply were included in the Water Supply plan and projections for the Newport 2030 Comprehensive Plan.

Stormwater

The City Engineer stated that the stormwater that results from development of the 67-acre area will be managed in accordance with the adopted South Washington Watershed District management plan and rules for rate and volume control for new residential developments.

Regional Parks

The Mississippi River Regional Trail Search Corridor is the only regional parks resource located near the 67-acre area. The search corridor is located approximately 1 mile from the area, and will not be affected by the comprehensive plan amendment.

Mississippi River Critical Area (MRCCA)

The PUSA is not located within the MRCCA.

Next Steps

If the Planning Commission recommends the submittal of the Comprehensive Plan Amendment for review and the Council approves the submittal, the next step in the process will be submittal of the amendment to a list of affected jurisdictions identified by the Metro Council. They have up to 2 months to review and comment on the amendment. The City will respond to the comments and if needed make changes to the amendment before it is submitted to the Metro Council. The list of affected jurisdictions is included on the Comprehensive Plan Amendment form.



COMPREHENSIVE PLAN AMENDMENT FORM

LOCAL PLANNING HANDBOOK

1. Name of the Comprehensive Plan Amendment (CPA):

Newport Potential Urban Services Area Rezoning

2. Please provide the following information:

Contact Name and Title	Sherri Buss, City Planner
Address	TKDA, 444 Cedar Street, Suite 1500
City, State, Zip	Saint Paul, MN 55101
Telephone Number	651-292-4582
Email Address	sherri.buss@tkda.com

3. Identify the type of amendment (land use change, MUSA expansion, text change, forecast adjustment, etc.) and describe the amendment including location, description, affected area in acres, number of residential units in CPA area (if any), etc. Provide any additional information relevant to the amendment.

Type of Amendment

Land use change

Detailed Description

The City of Newport is proposing an amendment to its 2030 Comprehensive Plan to change the land use and zoning classifications of a 67-acre area in the northeast area of the City called the Potential Urban Services Area (PUSA). The area is currently designated as Single-Family Detached/Conservation Residential land use and is in the City's Residential Estates (RE) Zoning District, which permits single-family land uses and a minimum lot size of 2 acres.

The City is proposing to extend municipal sewer and water services to the 67-acre area, and to change the land use classification to Mixed Residential and the Zoning District to R-4 Urban Mixed Residential. The new zoning classification would permit single-family and multi-family residential uses, and densities between 4 and 20 units per acre. The proposed sewer and water service expansions, project sewer flows and water service usage were included in the city's 2030 Comprehensive Plan.

There are 8 existing residential units in the area proposed for the amendment. All of the residential units are located on parcels between .25 acres and 10 acres in size. The city is concerned that the 6 residential units on .25-acre parcels may have on-site septic systems that are nearing the end of their life spans, and the extension of municipal services could serve those parcels in addition providing services to the undeveloped parcels. The area proposed for the amendment is located on County Road 20 (Military Road).

4. The local governing body must take action on the proposed amendment before submittal to the Metropolitan Council. Provide the dates of official action.

- Date acted upon by the planning commission: December 8, 2016
- Date approved by governing body: December 15, 2016

5. Affected Jurisdiction Review: list the adjacent local governments, school districts and other jurisdictions that were contacted and the date the copies were sent.

Jurisdictions

Cities of Cottage Grove, Inver Grove Heights, Maplewood, South St. Paul, St. Paul, St. Paul Park, Woodbury; Dakota, Ramsey and Washington Counties; National Park Service, MNRRA; Washington County Parks; School District 833-South Washington County; MnDOT; MnDNR; Lower Mississippi River WMO, Ramsey-Washington Metro Watershed District; South Washington Watershed District

Date Sent

December 19, 2016

Comments

Comments from Affected Jurisdictions to be added here

6. **Forecasts:** Does the plan amendment change the adopted Metropolitan Council population, household, or employment forecasts?

- No, no change in community-level forecasts.
- Yes. Identify the net changes to community-level forecasts:

7. **Land Use:** Describe land use changes (in acres) applicable to this amendment site.

- Not applicable. No land use changes proposed.

Land Use Designation	All Land Uses in CPA Area	
	Pre-CPA Acres	Post CPA Acres
Single-Family Detached Residential/Conservation Residential, minimum lot size 2 acres	67.25	0
Mixed Residential/4-20 units per acres	0	67.25

If you have more land use changes than space permits in this table, please attach a separate page to your amendment document.

8. **Wastewater:** What type of wastewater treatment will be used to serve the proposed amendment?

- Individual Sewage Treatment System (ISTS)
- Privately Owned / Community Treatment System
- Local / Municipal Owned Wastewater Treatment Plant
- Regional Wastewater Treatment

9. **Water Supply:** Will the amendment increase or decrease projected water use from the community's current water supply plan?

- No increase or decrease in projected water use from the water supply plan.
- Yes. Provide the water supply plan amendment as an attachment to describe necessary facilities improvements or changes.

10. **Parks:** Does the amendment include, or is adjacent to or within 1/2 mile of an existing or planned regional park, reserve, or trails as identified in the Metropolitan Council's 2040 Regional Parks Policy Plan?

- No.
- Yes. If yes, indicate the name of the regional park, reserve, or trail and describe potential impacts and mitigation plans below:

11. Implementation: Will the amendment require changes in zoning or subdivision ordinances, the capital improvement program (CIP), or other official controls?

No.

Yes. If Yes, describe proposed changes and timeline for making those changes below:

Changes

The City will amend its Zoning Ordinance to include a new R-4 Urban Mixed Residential classification, which will include the area proposed for the CPA. The amendment will include the dimensional standards and performance standards for the R-4 District.

Timeline

The Planning Commission will hold a public hearing on the new district at its meeting on December 8. City Council approval to submit the CPA for review is expected on December 15. The review will be submitted to affected jurisdictions on December 19.

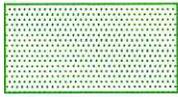
The City's moratorium on future development in the PUSA will expire on April 17, 2017, and the City is seeking approval of the CPA and zoning amendments prior to expiration of the moratorium.

CONTENT REQUIREMENTS FOR AN AMENDMENT

Your comprehensive plan amendment must include the following information to be considered complete:

1. Color maps (8.5 x 11 or 11 x 17) showing the following:
 - General location of proposed changes
 - Current planned land use and proposed planned land use
 - Current and proposed sewer staging changes
2. Staff report to planning commission or local governing body.
3. Other relevant information related to the amendment including:
 - Whether or not the proposed amendment has impacts on regional systems including transportation, wastewater, and regional parks.
 - Whether the proposed amendment includes any land within the Mississippi Critical Area boundary.
 - How stormwater generated from the site will be managed.
 - Whether there are changes to the projected water use due to the amendment.
4. Comments from adjacent jurisdictions review.
5. Copy of adopted local resolution, authorizing the amendment to be submitted for review.

May 2016



EXISTING SANITARY SEWER SERVICE AREA



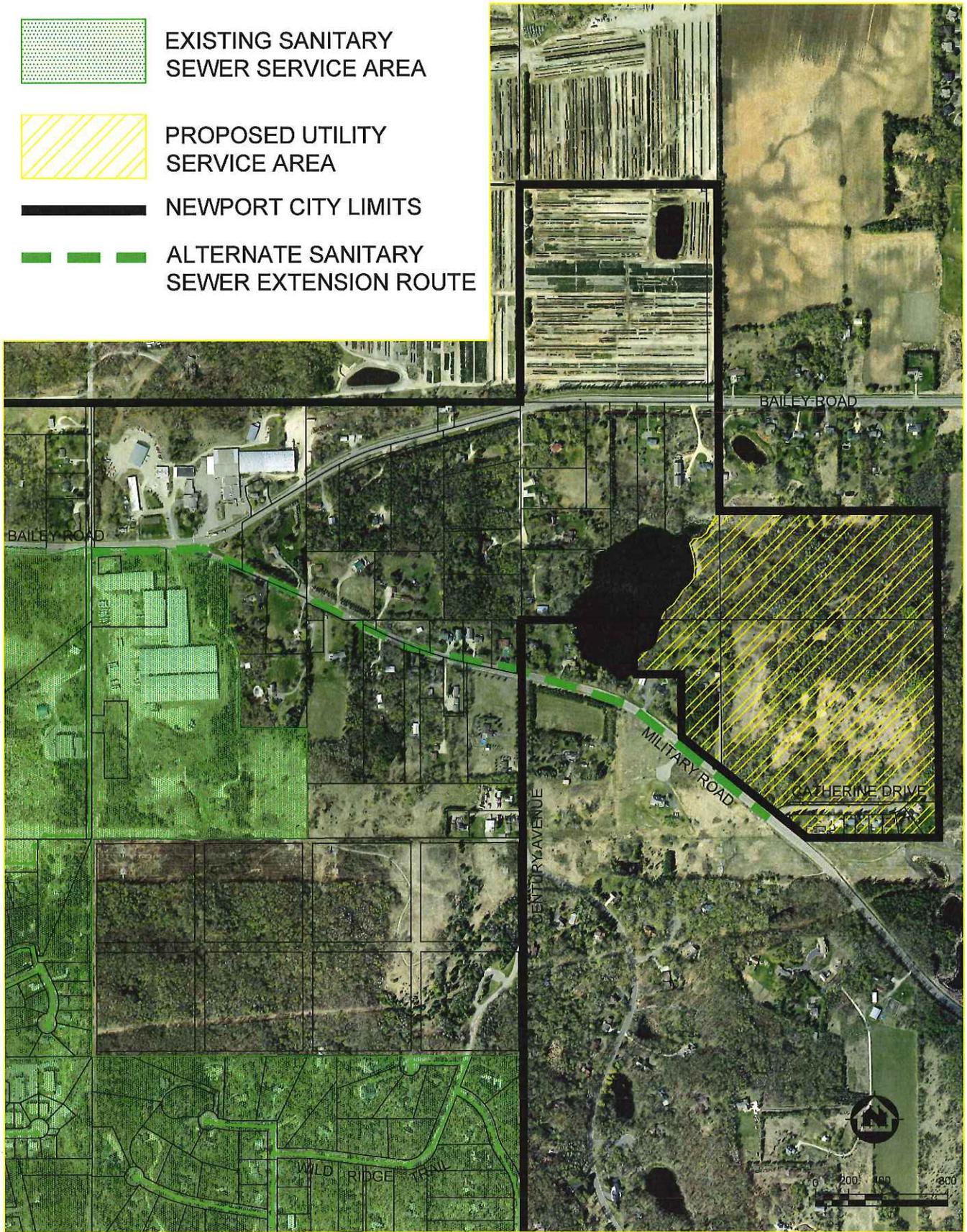
PROPOSED UTILITY SERVICE AREA



NEWPORT CITY LIMITS



ALTERNATE SANITARY SEWER EXTENSION ROUTE



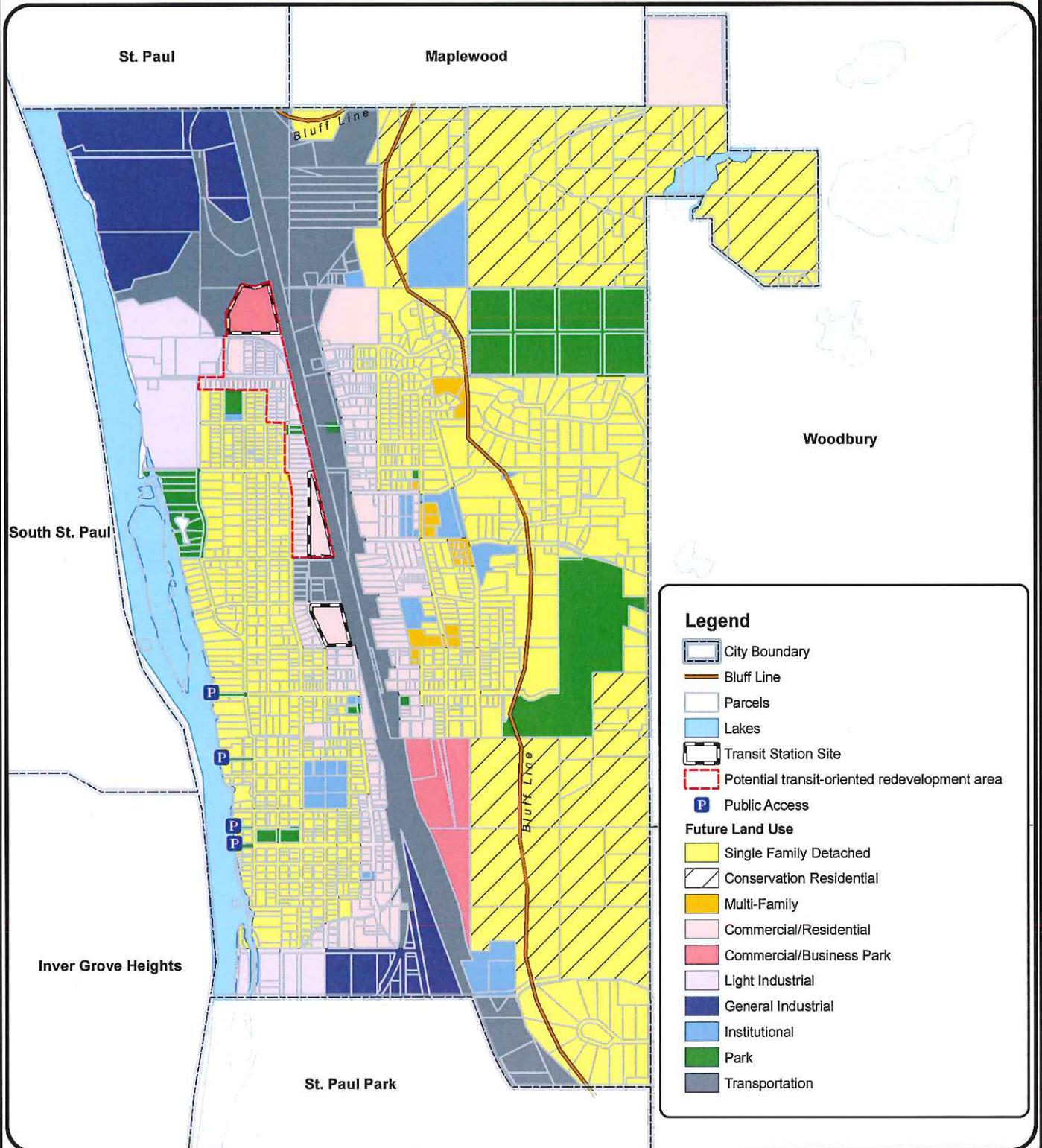
UTILITY EXTENSION
 CITY OF NEWPORT
 WASHINGTON COUNTY, MN

SITE PLAN

FIGURE
 1.0



City of Newport 2030 Future Land Use Comprehensive Plan



Legend

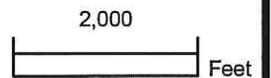
- City Boundary
- Bluff Line
- Parcels
- Lakes
- Transit Station Site
- Potential transit-oriented redevelopment area
- Public Access

Future Land Use

- Single Family Detached
- Conservation Residential
- Multi-Family
- Commercial/Residential
- Commercial/Business Park
- Light Industrial
- General Industrial
- Institutional
- Park
- Transportation

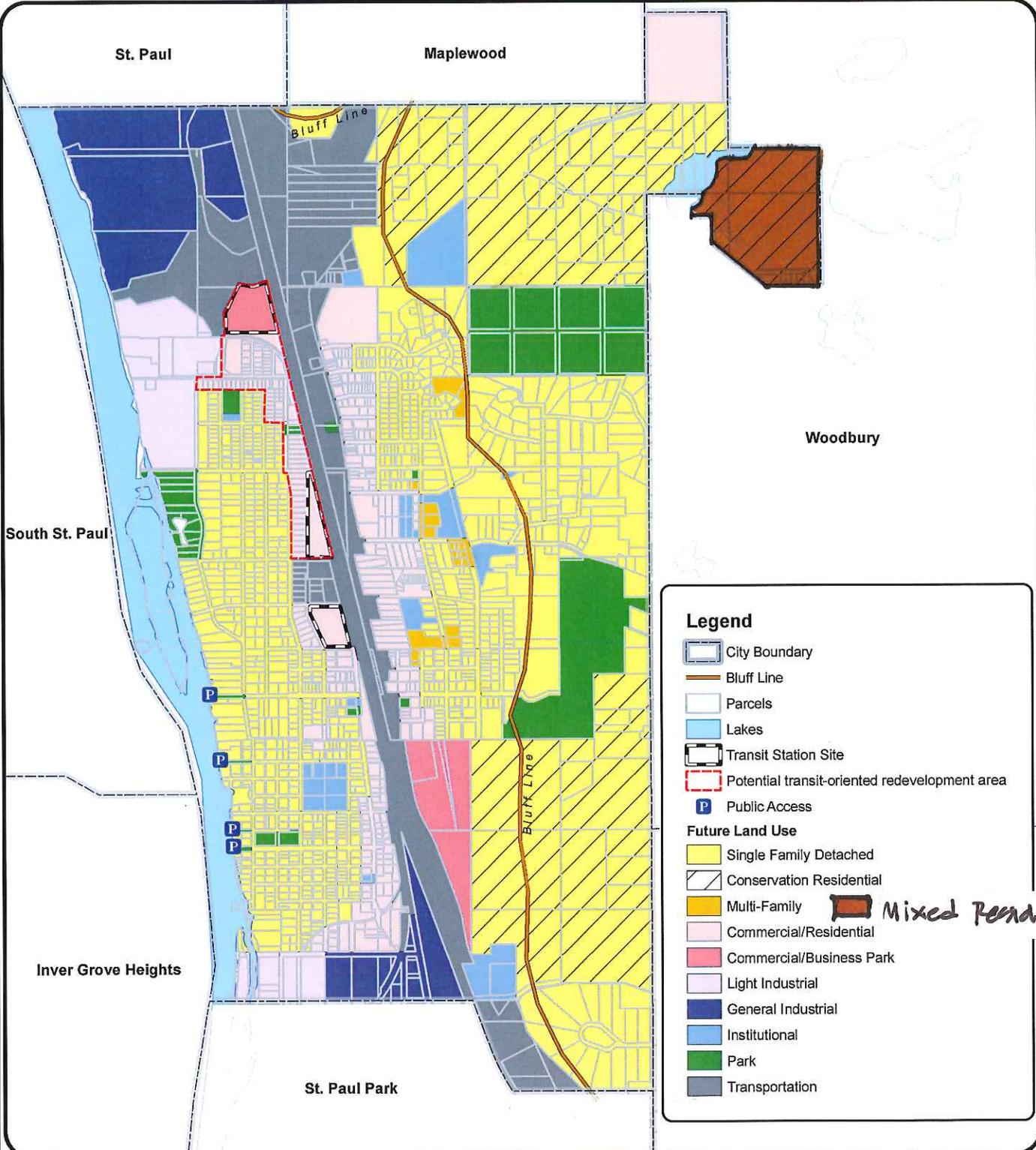
TKDA
ENGINEERS • ARCHITECTS • PLANNERS

Data sources include the MN Department of Natural Resources, City of Newport, Metropolitan Council and TKDA.





City of Newport 2030 Future Land Use Comprehensive Plan



Legend

- City Boundary
- Bluff Line
- Parcels
- Lakes
- Transit Station Site
- Potential transit-oriented redevelopment area
- Public Access

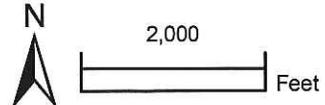
Future Land Use

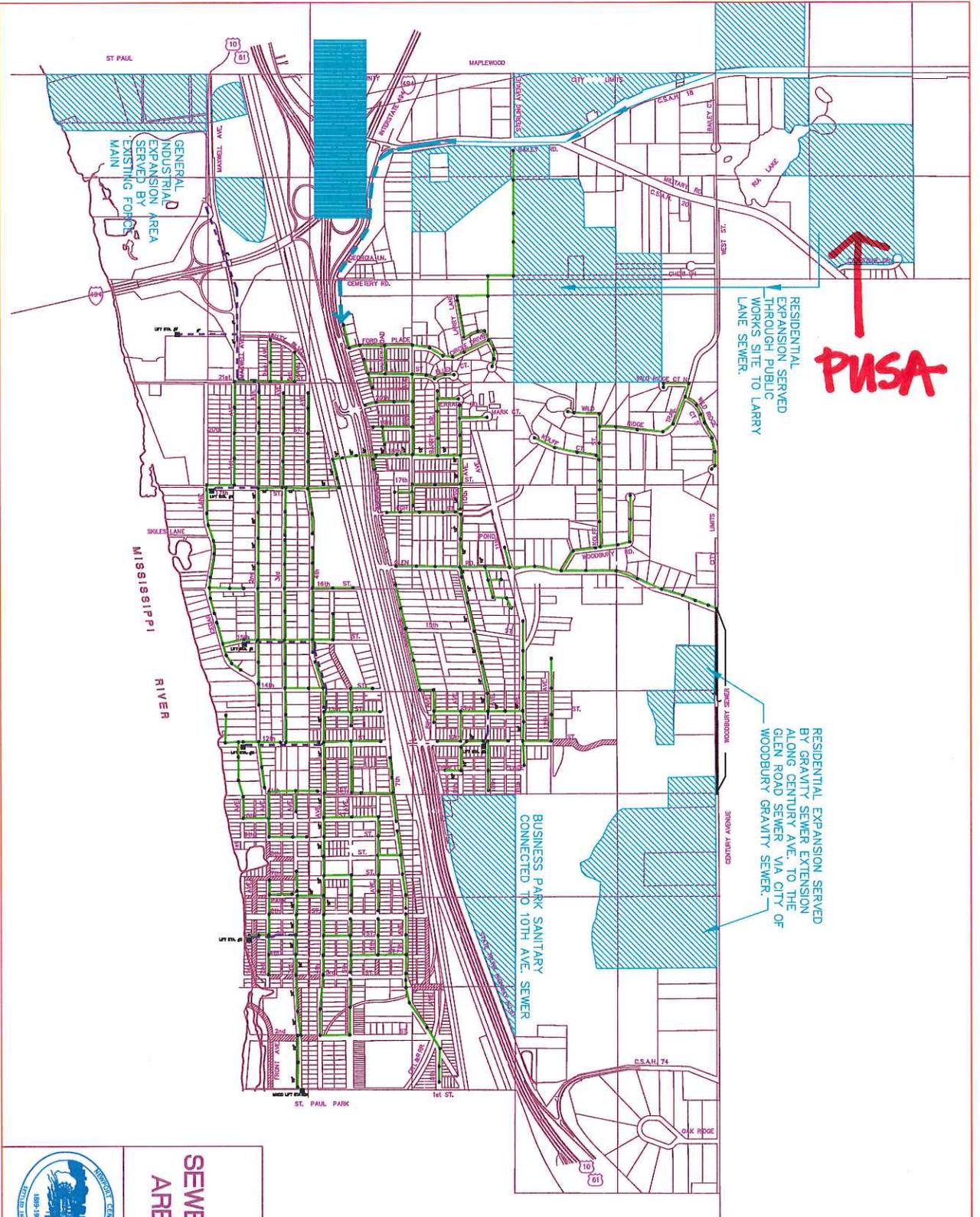
- Single Family Detached
- Conservation Residential
- Multi-Family
- Commercial/Residential
- Commercial/Business Park
- Light Industrial
- General Industrial
- Institutional
- Park
- Transportation
- Mixed Residential*

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Data sources include the MN Department of Natural Resources, City of Newport, Metropolitan Council and TKDA.





City of
NEWPORT

**FUTURE
SEWER SERVICE EXPANSION
AREAS 2008 COMP PLAN**

**FIGURE
XX**

LEGEND
 ALL SEWER IS 8" UNLESS OTHERWISE NOTED
 ○ SANITARY SEWER MANHOLE
 ○ STORM SEWER MANHOLE
 ○ FORCE MAIN
 ○ LIFT STATION
 ■ PROPOSED AREA

