



**CITY OF NEWPORT
PLANNING COMMISSION MEETING
NEWPORT CITY HALL
APRIL 14, 2016 – 6:00 P.M.**

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

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF PLANNING COMMISSION MINUTES

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

4. COMMISSION & STAFF REPORTS

5. A. Building and Lot Coverage Standards – Residential

1. Memo from Sherri Buss

B. Industrial Buffer Area – Northern Tier

1. Memo from Sherri Buss

6. NEW BUSINESS

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

1. City Council Meeting	April 21, 2016	5:30 p.m.
2. Park Board Meeting	April 28, 2016	6:00 p.m.
3. City Council Meeting	May 5, 2016	5:30 p.m.

8. ADJOURNMENT



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

1. CALL TO ORDER

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

2. ROLL CALL

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

Commissioners absent –

Also present – Deb 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 February 11, 2016 Meeting

B. Planning Commission Minutes of the February 24, 2016 Workshop Meeting

Commissioner Prestegaard – One thing, I think he was referred to as Tweeter instead of Tweeten in the minutes. I also saw some bolding on page 7 which I figured you didn't intend to mark as very important. That's all I saw.

Motion by Tweeten, seconded by Haley to approve the February 11, 2016 Meeting Minutes and the February 24, 2016 Workshop Meeting Minutes as amended. With 5 ayes, 0 Nays, motion carries.

4. APPOINTMENTS WITH COMMISSION

- A. **Public Hearing** – To consider an application from Steven Bern for Approval of a Variance for Property Located at 1280 Kolff Court
1. Memo from Sherri Buss

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

2. Resolution No. P.C. 2016-6

Chairman Mahmood – I just have one question. Don't we already have a law that says you can't park on the streets?

Ms. Buss – Yeah but not on the right of way. His driveway would be in the street right of way so that means he'll have to bring his car in in the winter time. It's kind of a plowing issue and also to avoid any conflict if someone parks on that driveway and feels like the plowing damaged their car. The engineer has recommended not allowing parking on the right of way between November 1 and April 30.

Commissioner Haley - He's got plenty of room.

Ms. Buss – Yeah.

Steven Bern, 1280 Kolff Court – I think that provision is more relevant when somebody is expanding to the road and is gonna have a really short driveway. My driveway's the exact same either way.

Ms. Buss – Yeah you'll be fine. I think the engineer just kinda looked at it and said oh! Because of the 11 feet but it should be easy to comply with.

Public Hearing opened at 6:08 p.m.

Commissioner Taylor – I just have a more generic question. I think this is a reasonable sized garage but how in a situation like this.....is there a sense of reasonableness with the proportion of the garage? Because of the size I think this is in the right spot.

Ms. Buss – We don't have, per building, a maximum. We don't say to people that we think you're building too big of a garage but we have to use our objective standards in the ordinance. If someone has too much lot coverage, that would be a reason. If a building is too high based on the standard but otherwise we typically haven't in this city and most cities start trying to make judgments about if you're building too big of a garage.

Public Hearing was closed at 6:09 p.m.

Ms. Buss – The other standard in the code is that the garage cannot be bigger than the principle structure so that makes it somewhat in proportion.

Chairman Mahmood – I have a question about something in here that said 20% but I thought we raised it up to 30% lot coverage.

Ms. Buss – Yeah we did but since this was written I forgot to update it in there.

Asst. to the Admin. Eisenbeisz – This is in the RE district so it is 20%.

Ms. Buss – Oh yeah it is in the RE district.

Commissioner Haley – The built garage size, has that been changed in the RE? Because I thought we had changed it after Kim's barn.

Ms. Buss – Yeah it was changed after that was granted.

Commissioner Tweeten – I was wondering about a condition as we're getting really close to the road now and as the pictures indicate there's storage going on on the outside of the garage there. Would it be a reasonable condition to say no further storage on the north side?

Ms. Buss – In the right of way?

Commissioner Tweeten – Yeah, I don't know if it's all right of way. It's between the road and the new edge of the garage.

Ms. Buss – I can see that we'd be concerned about stuff in the right of way. It's up to you guys.....

Commissioner Tweeten – Well we do have setback requirements.

Commissioner Haley – We have outdoor storage ordinances too.

Ms. Buss – More for commercial properties.

Commissioner Tweeten – Part of the reason for the setback is for visual space and this is crowding in on some of that visibility.

Ms. Buss – So Should I add a condition to prohibit storage on the north side of the garage?

Commissioner Tweeten – I'm good with that.

Ms. Buss – He's saying that because it's only 11 feet from the property line and we're giving him a break there, not to allow storage within that area where the reduced setback is.

Commissioner Haley – Doesn't this show a 31 foot buffer from the road?

Ms. Buss – It's probably right of way.

Steven Bern, 1280 Kolff Court – There's a lot of space there. It's a good setback and actually. I'm not worried about further restrictions but it's not going to be an issue either way.

Ms. Buss – It looks like it's 20 feet, there's a 20 foot sort of right of way space and then he's 11 feet or so back from that.

Steven Bern, 1280 Kolff Court – So I'm still 31 feet to the south edge of the road. The road is far away, it meanders within the right of way and it so happens that there's a lot of space there.

Chairman Mahmood – Okay if you don't mind having more restrictions I don't.

Steven Bern, 1280 Kolff Court – I do. I'd prefer not to have them. It's the same request as before so my request would be less restrictions or better. I don't plan to put anything there but I don't know. I'd prefer to have it without restrictions.

Commissioner Haley – The ordinance does cover outside storage. I don't think he could put much there, it slopes.

Steven Bern, 1280 Kolff Court – I don't have any plans to put anything there.

Commissioner Tweeten – I'm not talking about the back, I think there's a fire pit there right now. It's not really reflected in the picture.

Ms. Buss – Do you guys want to add that as a condition?

Chairman Mahmood – I'd rather not.

Commissioner Prestegaard – Yeah if anything I'd say in the right of way but not all the way to the garage.

Ms. Buss – Which I think is prohibited already, people cannot put stuff in the right of way.

Commissioner Tweeten – I'm trying to anticipate and objection to the garage getting much closer to the road.

Commissioner Haley – So it isn't actually getting any closer.

Chairman Mahmood – If there was going to be objections they should have been here tonight.

Steven Bern, 1280 Kolff Court – The only person that came out was a neighbor that spoke in favor of some of the work I've done on the house. I think there's good support in the area.

Motion by Haley, seconded by Prestegaard, to approve the variance requested for the property located at 1280 Kolff Court. With 5 ayes, 0 Nays, motion carries.

B. To consider a request from Kim Brown for an Interim Use Permit for property located at 1675 Kolff Street

1. Memo from Sherri Buss and Jon Herdegen

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

2. Resolution No. P.C. 2016-4

Commissioner Taylor – I just want to start out by thanking Sherri I know I've tested her patience over the last few weeks. I do want to talk about my concerns with you about the use and how we're thinking about the use and what the use is. I've shared it with the commission. There's an existing CUP on this property. I can be very overly nit picky here but when I look at that I think we're making a lot of assumptions about what is in the ordinances and what is in the CUP. Right now the CUP talks about agriculture use in the broadest sense and commercial is not allowed. So that's the language there is no reference to horses or anything more, that's what we're going off of right now. At the time it was passed, agriculture did not include livestock.

Ms. Buss – It does and we've been through that.

Commissioner Taylor – “The definition of agriculture shall mean growing and marketing fruits, vegetables, grains, trees, shrubs for commercial and private purposes but not including the growing or raising of agriculture except...”

Ms. Buss – Except as otherwise provided in this code which is the animal part of the code that allows for having farm animals.

Commissioner Taylor – The question I have here is where would it cross the threshold of commercial use? Of the activities that are going on there and that relates to the intensification that we have before us today because it specifically states that commercial use is not authorized. I'm not clear on what would constitute that threshold.

Ms. Buss – She hasn't asked to have a commercial use on the property. She's asked to have a number of horses. We don't at this point have a request from her to do boarding, to do a commercial use on the site. We could take action on that if we had that request but the request is to have a number of farm animals and the code allows for farm animals at a particular density.

Commissioner Haley – And home occupation.

Ms. Buss – She hasn't asked for this to be defined as that. That would be an option. What is before you is not someone asking for a commercial use.

Commissioner Taylor – Maybe I should have asked this before, what activities are occurring on this site?

Ms. Buss – If there's a concern that there is a commercial use occurring here and it has not been permitted, the way to deal with that is to file a complaint with the City that there's a use occurring here that's not allowed. The City then investigates that use but what is in front of you is not a request to do a commercial use.

Commissioner Prestegaard – While he's writing or thinking.... is there a summary anyone wants to give on the workshop?

Ms. Buss – At the workshop people talked about some additional conditions and additional information that we got from our experts, an equine expert from the U as well as the person from Washington County. After listening

to that information and talking a little bit about what she's actually asking for, the conclusion of the majority of the commission was to allow up to 8 adult horses and up to 8 foals as long as they'd only be there up to 6 months. As a less intense thing than allowing 16 adult horses which is how it was originally being discussed. So 8 adults, foals for a limited period of time, to take the manure management recommendations of the Washington County Staff for her needing to get a dumpster. For her having to take the manure out of the pasture everyday and the barn at least everyday. For her to actually own the dumpster and have a company contracted to have it emptied. To have it be covered, there was a set of regulations about that that were then included. To do inspections and to make this a 6 month permit with required inspections and if she can show that there are no impacts to neighbors and that she's complying with everything, the permit can be up to 3 years as an Interim Use Permit. That's one of the features of an Interim Use Permit that would not be possible with a Conditional Use Permit. We can make that a 6 month trial period and then have someone from the City inspecting once a month to see that she's complying with the conditions that there aren't impacts to neighbors and then at the end of 6 months the City makes a determination of whether the use will be allowed to continue. Also, she has to maintain a good groundcover in the pasture, that was one of the expert's discussions, is that if it is too heavily used by the horses there won't be enough cover in the pasture and there'll be the chance of runoff. So she has to maintain groundcover in the pasture and then the 6 month trial period I think were most of your recommendations. People asked me then to go back and put those into the conditions. So that's what you have in front of you, what we're recommending is an interim use permit with that 6 month trial period with inspections. I think you have identified someone from Public Works to do that?

Admin. Hill – Yes.

Ms. Buss – She'll have to pay for all of the inspections, she has to get a dumpster and maintain it. She has to remove the manure with a level of frequency and maintain the cover in the pasture. Most of the horses are not outside they're show horses which is a different setup than farm horses. So it should be easier to maintain the groundcover in the pasture than it would be if all the horses and foals were outside all the time. So those are the conditions at this point and it's based on recommendations from people who are horse experts and who have horses themselves not me.

Chairman Mahmood – You got the letter from the attorney as well? Were you able to read that?

Commissioner Prestegaard – Yes.

Chairman Mahmood – Marvin, did you gather your thoughts? Do you have any more things you'd like to talk about?

Commissioner Taylor – I just wish there was clarification on what commercial is. That would help if there are questions about compliance, I feel like it's very vague.

Ms. Buss – Typically what it would mean is she's making her livelihood from a business where she was making money from the activities that are going on. In our ordinance, people are allowed to have something called a home occupation and that's a kind of commercial use but it's a very limited one where people can have a limited number of employees. The place still has to look like a single family residence for the most part, they can't have a lot of extra traffic that's impacting neighbors those kinds of things but we do allow people to have a home occupation so there's a limited kind of commercial use that can be allowed if it is in residential areas. Typically a commercial use would be you're making money from it. You're not just doing it for fun and they're not just your pets they're animals from which you are actually making a livelihood. The problem is Marvin that she is not asking for that use. We'd have to go through a process of tabling this and asking her to ask for that use and she's not going to because her previous conditional use permit that allowed the barn doesn't allow for a commercial use on the property. So where we'd be at with that if you feel like there is a commercial use going on on this parcel, that it's not in compliance with the variance is that you or someone else needs to file a complaint with the city that she's not complying with the ordinance and then the city investigates that.

Commissioner Haley – So on Bailey Road right down the road from me, there's a couple of businesses that their only purpose one was for a kennel and there wasn't anybody living there. There was another landscaper that purposefully bought the land for landscaping didn't live there. In that case Woodbury asked them to stop use of the property and that was solely a commercial use.

Ms. Buss – Right. Typically when it's something that's a very limited use like somebody operating an accounting business out of their home or someone's doing some woodworking those kinds of things qualify as home occupations because the primary use of the property is still a residential use and it's just the people that live there that are engaged in an occupation but it isn't the primary use of the property. The City permits that and we allow it and we don't have any sort of permit for it but if somebody starts going beyond that if people start noticing a lot of traffic, if it starts having impacts on neighbors, if pretty soon the home is gone and the only use on the parcel is that use then it's clearly a commercial use that's not allowed in residential districts.

Chairman Mahmood – Does that help you?

Commissioner Tweeten – I think it's fair to be concerned about incremental requests which seems to be what you're concerned about. Requesting the barn and then requesting more animals and then requesting commercial use. Now all this reliance is built upon reliance. So it's fair to question that at this time.

Ms. Buss – Horse boarding is a commercial use that is allowed in the residential estates business. If she came forward and asked to have a horse boarding business we could grant a conditional use permit for that use but she hasn't asked for that use

Chairman Prestegaard – The incremental requests is one of my concerns. Less so around commercial use or not but just...I think it was 6 horses and then went to 8 and now we're trying to go to 16 in a handful of months. The second concern is around impacts to the neighbors and how we're going to measure that. Again that would be a long drawn out conversation and I'm not asking you to answer it now but I think we're in a state where we have a neighbor saying that there's already an impact at the current number of horses and so what are we expecting 6 months from now? That they will vanish? Maybe as a result of these conditions but my preference would be that we see the complaints or impacts be eradicated at the current level of horses before increasing it further.

Ms. Buss – That was part of the recommendation from Wendy and from the equine person that part of the issue was that the manure needed to be in the dumpster that was covered. SO that was part of their recommendation I mean maybe it'll work maybe it won't but I don't think that'll be part of....the inspector's job will be to look at that and potentially to talk to neighbors and ask how it's going. Is it getting worse? Is it getting better? Also to look at how the vegetation is in that pasture and to look for evidence of runoff . All those things would be things to look at.

Chairman Mahmood – Which she purchased and has.

Ms. Buss – Which she has purchased now but part of their comment is that the reason for flies is potentially related to not having the manure covered or not having it removed often enough. It's a really tough one I have to tell you that I'm really on the fence with this one myself. I find it difficult especially because of working elsewhere in Washington County but the thing that makes this difficult is that your Council changed this ordinance and allowed for one acre per animal and allowed for an Interim Use Permit to have more. We need to deal with her application based on the ordinance that's in place.

Chairman Mahmood – I just have a couple of things to say. 2013 I believe it was, you came and asked for the barn and we said okay and did that. You had 6 horses and it went up to 8 horses now you have 10 horses even though it's only 8 horses and now we're asking for 16 horses. It is kind of concerning for me. I believe that a person should be able to do what they want on their property to an extent. You own it it's yours, who the heck am I to tell you what you can do on it to a certain point. What you've shown as you've gone on is that you kind of push the envelope a little bit with everything. Here you get the barn then you get the 6 horses now it's 8, now I've got 10, and we need to do this so you're in compliance. It's a little concerning for me. I believe you have the best

intentions in mind. I think you can do what's put forth in front of you and if you can't, guess what? You can't do it. So why not at least give you the opportunity to that's where I'm sitting. I want to give you the opportunity to prove that you can do what you're saying you can do and if you can and everybody's happy then that's great. If you can't do it then they're not happy and you don't get it and you have to sell some of your horses. So that's why in the beginning I said I don't want you to do this if you can't do it because I don't want to see you lose all this money on this deal. So I'm hoping you can, so that's where I'm sitting right now. I just wanted to put that out there to let everyone know where I was sitting since everyone's putting it out there.

Commissioner Taylor – Can I just make a technical point or two? One thing is that reading about dumpsters and manure storage, one of the main points talking about keeping it covered for not only insects, bugs, and odor but for leaching of....so that's going to be a harder thing to monitor perhaps. A lot of them recommend having a buffer area, I know it's going to be hard in that area. The other thing is related to dumpsters. I have more of a comment which is that our ordinance on dumpsters requires them to be screened. Is that typically the case?

Chairman Mahmood – I believe that's just commercial.

Ms. Buss – Probably commercial.

Asst. to the Administrator – It's section 1330.05 I believe. It can't be in the front yard of residential properties.

Commissioner Haley – It's a more visual thing from the streets.

Ms. Buss – It's hard to screen the whole thing because people have to get at it to empty it but they aren't allowed in front yards.

Asst. to the Administrator – Our ordinance regarding dumpsters is more for commercial and we just say that recycling and trash containers on residential properties just can't be in the front yard unless it's 24 hours prior to pick up.

Ms. Buss – It's fair for you totally if you are uncomfortable with the ordinance that's in place to say to the Council, "we'd like to take a look at this ordinance having been through this now. In the future we'd like to take a look at it". The part that's hard with this is that we have to deal with what's already in place.

Peder Wallace, 1651 11th Ave. – I guess if you're looking to pass this we just have a couple items. In 6 months we're going to have to come in front again, can we still continue with monthly inspections?

Ms. Buss – They could decide to do that yes. What it says now is at least once a year so the City can always decide to do more.

Motion by Haley, seconded by Tweeten, to approve an Interim Use Permit for the property located at 1675 Kolff Street. With 3 ayes, 2 Nays, motion carries.

5. COMMISSION & STAFF REPORTS – Nothing reported

6. NEW BUSINESS – Nothing reported

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

- | | | |
|--------------------------------|----------------|-----------|
| 1. City Council Meeting | March 17, 2016 | 5:30 p.m. |
| 2. City Council Meeting | April 7, 2016 | 5:30 p.m. |
| 3. Planning Commission Meeting | April 14, 2016 | 6:00 p.m. |

8. ADJOURNMENT

Chairperson Mahmood called to adjourn the meeting at 6:39 p.m.

1350.14 Dimensional Requirements for lots and structures in non-residential districts

A. Non-residential district requirements

Requirements	MX-1	MX-2	MX-3	MX-4	B-1 and B-2	I-1	I-2	I-S
Minimum lot area in square feet	2,400	4,000	None	2,400	15,000	30,000	30,000	30,000
Minimum lot depth in feet	80	100	None	80	150	200	200	200
Minimum lot width in feet	30	40	30	30	100	100	100	100
Maximum lot coverage by all buildings (%) - Uses other than Single-Family Residential	80%	50%	None	80%	30%	40%	50%	50%
Maximum lot coverage by all impervious surfaces (%) - Single-Family Residential uses	35%	35%	35%	35%	N/A	N/A	N/A	N/A
<i>Structure setback standards***</i>								
Minimum front yard setback	0	10**	0	0	20	20	20	50
Minimum front yard if across collector or minor street from any residential district	10	10**	10	10	50	50	50	100
Minimum side yard	0	5	5	5	10	20	20	50
Minimum side yard if adjacent to any residential district	10	10	10	10	50	50	50	100
Minimum rear yard	20	20	20	20	20	20	20	50
Minimum rear yard if adjacent to any residential district	20	20	20	20	50	50	50	100
<i>Parking and driving aisle setback in feet</i>								
Minimum front yard	20	Not allowed	Not allowed	20	20	20	20	20
Minimum front yard if across collector or minor street from any R district	50	Not allowed	Not allowed	50	50	50	50	50
Minimum side yard	5	5	5	5	5	5	5	5
Minimum side yard for multifamily,	20	20	20	30	30	30	30	30



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Memorandum

To:	Newport Planning Commission	Reference:	Building and Lot Coverage Standards for Non-Residential Districts
Copies To:	Deb Hill, City Administrator Andy Brunick, Administrative Intern Jon Herdegen, City Engineer	Project No.:	16021.000
From:	Sherri Buss, RLA AICP, City Planner	Routing:	
Date:	March 28, 2016		

Background

The City recently updated the Residential Districts Chapter of the Zoning Ordinance to include standards for maximum lot coverage in those districts:

- 20% in the RE and R1A Districts
- 25% in Shoreland Districts
- 35% in the R1, R2, and R3 Districts

Based on some recent development requests in the Business and Industrial Districts, staff suggest that it is time to review and update the requirements for coverage in the Nonresidential Districts. The current coverage requirements in the nonresidential districts are for “building coverage” rather than “lot coverage.”

The “building coverage” standard is an old one, and dates back to an era when there were minimal stormwater requirements and no park dedication standards in the ordinance. The building coverage standard was an effort to preserve green space on sites with business and industrial uses. Few cities still have building coverage standards in their zoning ordinances. The Planner reviewed zoning ordinances of adjacent communities and St. Paul, and discussed the standards used staff from those communities. Two current approaches to managing coverage on parcels are common:

- A lot coverage standard, that includes all impervious surfaces in the maximum lot coverage permitted.
- No standard for lot or building coverage for business, commercial, or industrial districts in the zoning ordinance, and instead, a reliance on stormwater management standards to determine coverage on each site.

Examples

Examples from adjacent communities included the following:

Woodbury

- Maximum lot coverage in Business and Industrial Districts – 70%
- Maximum lot coverage in the City's Gateway District – 70% with a potential increase to 75% if the site plan included a public park and transit station with parking facilities

Rosemount

- Maximum lot coverage in Downtown District – 90%
- Maximum lot coverage in Commercial and Institutional Districts – 75%
- Maximum lot coverage in Industrial Districts – 70%

Inver Grove Heights

- Maximum lot coverage in Mixed Use Districts – 75%
- Maximum lot coverage in Business Districts – 75-100%
- Maximum lot coverage in Shopping Center District – 85%
- Maximum building coverage in Industrial District—30%

South St. Paul

- Maximum lot coverage in General Business Districts – 85%
- Maximum lot coverage in other districts determined by stormwater management requirements

Maplewood

- Maximum lot coverage in Neighborhood Commercial Districts – 85%
- Maximum lot coverage in other nonresidential districts – must meet stormwater management requirements. City Planning staff noted that the City's stormwater management standards are generally more strict than the Watershed District standards.

Cottage Grove

- Requires that a proportion of the total development site in non-residential districts have a minimum percentage of open space (defined as "areas that are not covered by a building or other impervious surface, and must be planted with trees, shrubs, flowers, native plant species or similar plantings and covered with sod, landscape rock or mulch." The proportion of open space required in the nonresidential districts includes:
 - 30% minimum open space in Agriculture, Neighborhood Business and B-1 Districts
 - 25% minimum open space in other Business Districts
 - 15-20% minimum open space in Industrial Districts
 - Up to 8% of the "open space" can be landscaped areas in parking lots in nonresidential districts

Discussion with City Engineer

The Planner discussed the lot coverage issue with the City Engineer and asked for his recommendations regarding 1) whether there should be a maximum lot coverage requirement in



the zoning ordinance or a reliance on stormwater standards, and 2) the maximum coverage he would recommend.

Jon Herdegen's responded as follows:

- He suggested that it would be a good idea to have a maximum lot coverage standard in the zoning ordinance for nonresidential districts to provide a starting point for applicants and to stream-line reviews. He likes the idea of having a general standard as a requirement and starting point for all applicants.
- He recommended a maximum 70% lot coverage for the non-residential districts.

Recent Applications and Existing Sites in Non-Residential Districts

The Planner reviewed some recent applications for uses in the Business and Industrial Districts to determine typical levels of impervious area. The numbers are estimated, since applicants did not need to provide specific analysis of lot coverage in their applications:

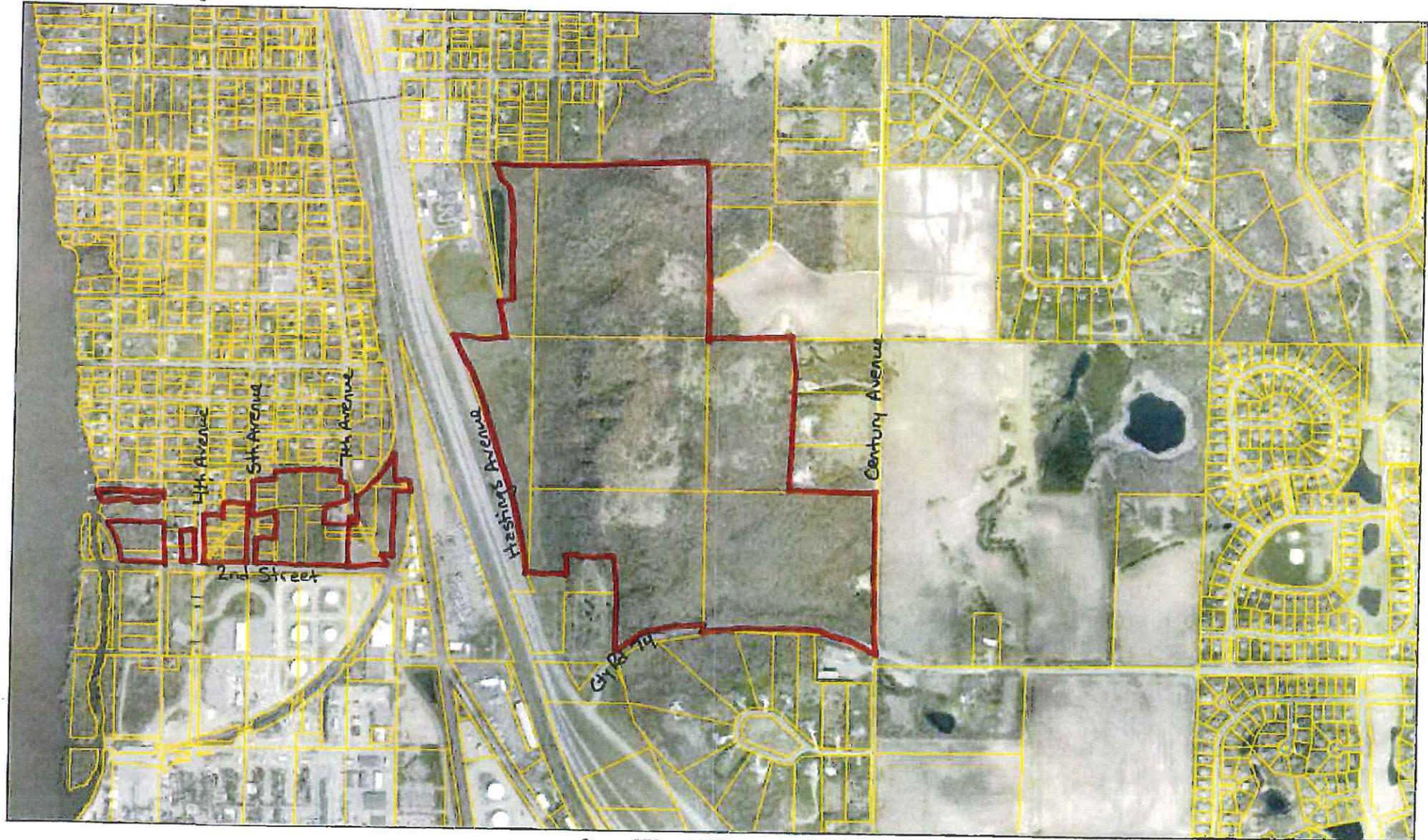
- Proposed office/warehouse development at the SE corner of Highway 61 and I-494 on Hastings Avenue (Newport Business Center) – approximately **70%** impervious cover on the proposed site plan.
- Scannell CUP (old Raceway to Fun site) – approximately **70%** impervious cover on the proposed site plan.
- Newport Cold Storage – approximately **54%** impervious coverage (exceeds the **Shoreland Overlay District 25% maximum standard**—it is a nonconformity because it existed prior to the adoption of the current ordinance).
- A review of aerial photos of the areas along Hastings Avenue and 7th Avenue indicates that many existing commercial properties exceed 70% lot coverage, though they may meet the current building coverage standard. Some properties are nearly 100% covered by parking lots and buildings.

If a new lot coverage standard were adopted for non-residential districts and an existing use exceeded the standard, the current use could continue, but if the site were redeveloped, the redeveloped site would need to meet the ordinance standard. It is likely that the City would require the redeveloped site to meet the current stormwater management standards even if the lot coverage standard is not changed, and that would require a reduced level of impervious cover on the parcel.

Commission Discussion

The Commission should review the information provided, and discuss the approach the City should take to lot coverage requirements in the Zoning Ordinance. If there is consensus on the recommendation, staff will draft an amendment to the ordinance for a public hearing at the May meeting.



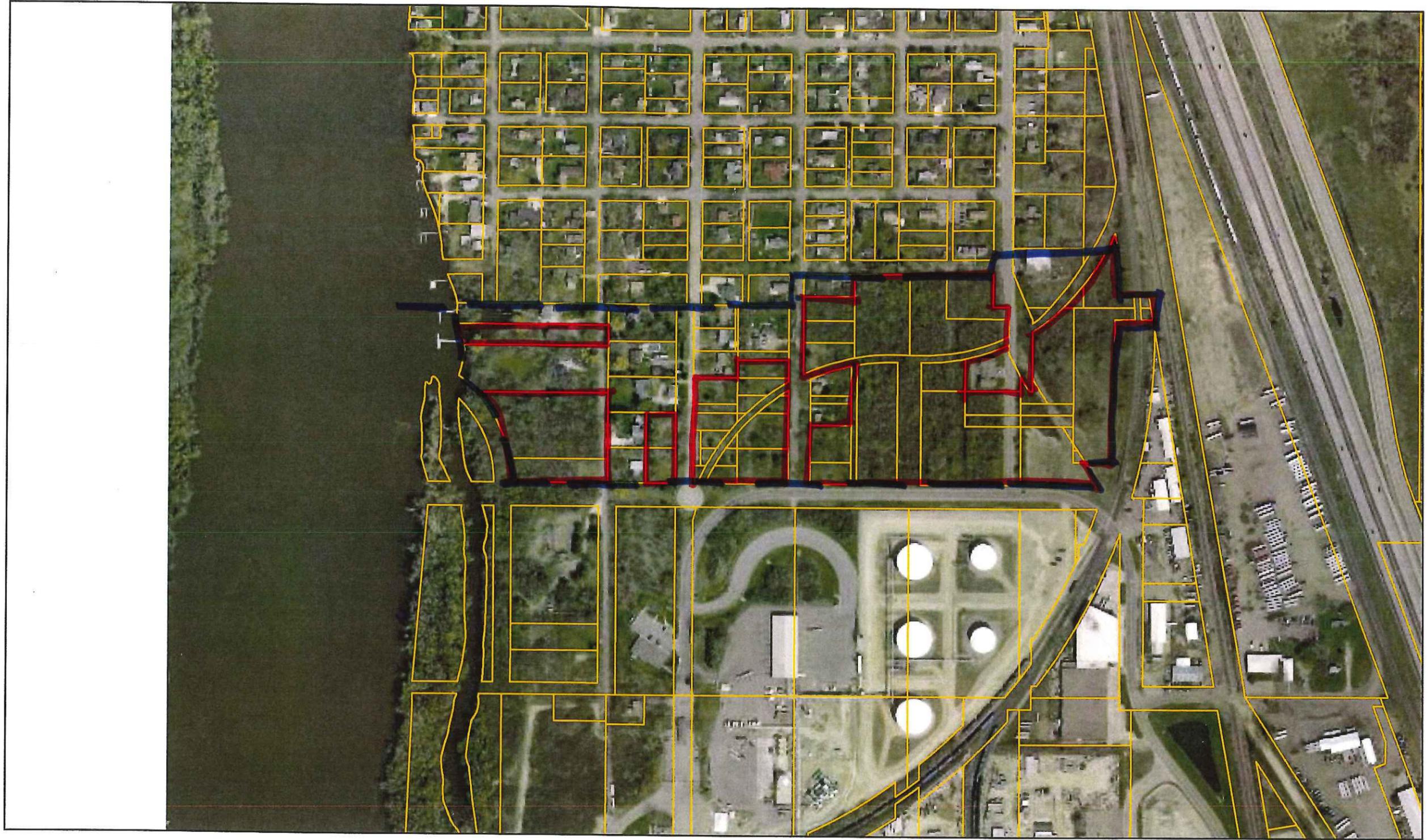


□ NORTHERN TIER PARCELS

Created on 8/27/2015

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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0 300 600 1,200 Feet

— — POTENTIAL DISTRICT

MAP FOR REFERENCE ONLY
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Memorandum

To:	Newport Planning Commission	Reference:	Industrial Buffer Areas
Copies To:	Deb Hill, City Administrator		
	Andy Brunick, Administrative Intern		
		Project No.:	16021.000
From:	Sherri Buss, RLA AICP, City Planner	Routing:	
Date:	April 5, 2016		

Background

Northern Tier Energy has been buying parcels in Newport in the R-1 District west of Highway 61 and clearing the parcels, with the intent that these areas will be “buffer” areas for their refinery. They also own a large area east of Highway 61 that they describe as a buffer. This is a concern to the City because the taxable value of the cleared parcels has been reduced to the value of “vacant” residential parcels, and therefore the tax revenues to the City have been reduced in a significant area within Newport.

The City has discussed this issue with Northern Tier. Northern Tier has indicated that they understand the City’s concerns, and have indicated that they would be amenable to an “industrial” classification for the parcels they own, and that they may consider selling some of the parcels east of Highway 61 for other uses.

The City Administrator has asked that the Planning Commission look at the potential for identifying an “industrial buffers” zoning district, so that the parcels could be classified as an industrial use, and hopefully, assessed at a higher value than vacant residential parcels.

A sketch map that shows the parcels that Northern Tier owns outlined in red is attached.

Options and Issues for Extending an Existing Industrial District or Creating a New “Industrial Buffers” Zoning District

The City could take a couple of approaches to classifying the parcels Northern Tier has acquired as an Industrial use:

Expand an existing Industrial District. This option could be utilized in the area north of the refinery—either the I-1 or I-S District or both could be extended to the north. Issues could include:

- The issues that are currently allowed or permitted in these Districts would be allowed or permitted in the new areas designated as I-1 or I-S. This would include Adult Uses (permitted in I-S with a CUP), Auto Storage, Auto Painting and Body Work (permitted in I-1 with a CUP), Craft Breweries, Warehousing (allowed in I-1). Some of these uses may be problematic for adjacent residential uses.
- Existing residential uses with the I-1 and I-S would become Nonconforming Uses.

Create a new Zoning District. The City could create a new Industrial Buffer District or Industrial Transitional District (or another name) with a unique set of uses and standards. Some approaches used in other communities include:

- The City of Seattle has an Industrial Buffer District (summary attached). The intent of the district is to “provide an appropriate transition between industrial areas and adjacent residential zones, or commercial zones having a residential orientation and/or a pedestrian character.” Some of the standards for this zone that the city adopted to address compatibility with adjacent residential uses include:
 - Use types permitted: limited residential uses (see attached list) light and general manufacturing, commercial uses, transportation services, entertainment uses (other than adult), institutions (within existing buildings), recycling uses.
 - Height limits for buildings across from residential uses
 - Wider setbacks for uses across from residential uses
 - Screening and landscaping requirements
 - No parking and loading access across from residential-zoned lots
 - Limits on odor, noise, light and glare
- The City of Saint Paul has a zoning district called Transitional Industrial. The zoning ordinance says the purpose of the district is to “provide sites for commercial, office, and light industrial uses that are compatible with nearby residential and traditional neighborhood (similar to mixed use districts in Newport) districts, parks and parkways.”

I have attached extensive sections of the Saint Paul and Seattle zoning ordinances include the uses and performance standards for these 2 districts. Read as much as interests you—we will discuss some of this on April 14, but will likely need to discuss details at a future meeting.

Location of the Expanded or New Zoning District

The Planning Commission should review the attached aerial map that shows the location of the parcels that Northern Tier has purchased. We can use this to discuss the potential boundaries of an expanded or new industrial district. The boundaries need to be continuous (no isolated parcels), and adjacent to the existing industrial districts in order to avoid “spot zoning.” The Planner attached a second map with a hypothetical new district outlined in blue, for discussion purposes.



CITY OF ST. PAUL —
TRANSITION INDUSTRIAL DISTRICT

ARTICLE V. - 66.500. INDUSTRIAL DISTRICTS

Division 1. - 66.510. Intent

Sec. 66.511. - Intent, IT transitional industrial district.

The IT transitional industrial district is intended to provide sites for commercial, office and light industrial uses that are compatible with nearby residential and traditional neighborhood districts, parks, and parkways.

(C.F. No. 06-112, § 1, 2-22-06; Ord 13-22, § 6, 8-21-13)

Sec. 66.512. - Intent, I1 light industrial district.

The I1 light industrial district is intended to accommodate wholesale, warehouse, and industrial operations whose external physical effects are restricted to the area of the district and in no manner affect surrounding districts in a detrimental way. The I1 district is intended to permit, along with other specified uses, the manufacturing, compounding, processing, packaging, assembly, or treatment of finished or semifinished products from previously prepared material.

Sec. 66.513. - Intent, I2 general industrial district.

The I2 general industrial district is intended primarily for manufacturing, assembling and fabrication activities, including large scale or specialized industrial operations whose external effects will be felt in surrounding districts. The I2 district is intended to permit the manufacturing, processing and compounding of semifinished products from raw material and prepared material. The processing of raw material in bulk form to be used in an industrial operation is a permitted use in the I2 district.

Sec. 66.514. - Intent, I3 heavy industrial district.

The I3 heavy industrial district is intended to provide sites for uses which are or can be objectionable or hazardous unless surrounded by other types of industrial districts.

(Ord 13-22, § 6, 8-21-13)

Division 2. - 66.520. Principal Uses in Industrial Districts

Sec. 66.521. - Principal uses.

Table 66.521, principal uses in industrial districts, lists all permitted and conditional uses in the IT—I3 industrial districts, and notes applicable development standards and conditions.

Table 66.521. Principal Uses in Industrial Districts

Use	IT	I1	I2	I3	Definition (d) Standards (s)
Residential Uses					
<i>Mixed Commercial-Residential Uses</i>					
Home occupation	P	P	P		(d), (s)
Mixed residential and commercial use	P	P	P/C		(s)
<i>Congregate Living</i>					
Community residential facility, licensed human service	P	P	P		(d), (s)
Community residential facility, licensed correctional		C	C		(d), (s)
Community residential facility, health department licensed		C	C		(d), (s)
Correctional facility		C	P		
Emergency housing facility		C	C		(d), (s)
Overnight shelter		C	C		(d), (s)
Shelter for battered persons	P	P	P		(d), (s)
Transitional housing facility	P	P	P		(d), (s)
Sober house	P/C	P/C	P/C		(d), (s)
Roominghouse, boardinghouse			C		(d), (s)
Hospice	P	P	P		(d), (s)
Civic and Institutional Uses					

<i>Educational Facilities</i>					
Group day care	P	P	C		(d), (s)
School, grades K—12	P	P	C		(s)
College, university, seminary, etc.	P	P	C		(d), (s)
Trade school, arts school, dance school, etc.	P	P	C		
<i>Social, Cultural, and Recreational Facilities</i>					
Club, fraternal organization, lodge hall	P	P	C		(d)
Museum	P	P	C		
Public library	P	P	C		
Public and private park, playground	P	P	P		
Recreation, noncommercial	P	P	P		(d)
<i>Religious Institutions</i>					
Church, chapel, synagogue, place of worship	P	P	C		
<i>Public Services and Utilities</i>					
Antenna, cellular telephone	P	P	P	P	(d), (s)
Antenna, public utility microwave	C	C	P	P	(d), (s)
Antenna, radio and television transmitting	C	C	P	P	(d), (s)
Antenna, satellite dish	C	C	P	P	(d), (s)
Electric transformer or gas regulator substation	P	P	P	P	
Municipal building or use	P	P	P		
Municipal incinerator			P	P	
Power plant			P	P	
Public utility heating or cooling plant		P	P	P	
Public works yard or maintenance facility		P	P	P	
Sewage treatment plant			P	P	
Utility or public service building or yard	P	P	P	P	(d)
Water supply plant	P	P	P	P	
Yard waste site, commercial and municipal		C	C	P	(d), (s)
<i>Commercial Uses</i>					
<i>Offices</i>					
Administrative office	P	P	P		
Artist, photographer studio, etc.	P	P	P		(d)
Insurance office, real estate office, sales office	P	P	P		
Professional office	P	P	P		(d)

<i>Medical Facilities</i>				
Clinic, medical or dental	P	P	P	(d)
Hospital	P	P	P	(d)
Medical laboratory	P	P	P	
Veterinary clinic	P	P	P	(d), (s)
<i>Retail Sales and Services</i>				
General retail	P	P	P	(d)
Alternative financial establishment		C	P	(d), (s)
Bank, credit union	P	P	P	
Business sales and services	P	P	P	(d)
Drive-through sales and services, primary and accessory	P	P	P	(s)
Dry cleaning, commercial laundry	P	P	P	
Farmers market	P/C	P/C	P/C	(d), (s)
Food and related goods sales	P	P	P	(d)
Food shelf	P	P	P	(d)
Garden center, outdoor	P	P	P	(d), (s)
Greenhouse	P	P	P	(d), (s)
Gun shop, shooting gallery		C	P	P (d), (s)
Laundromat, self-service	P	P	P	
Liquor store	P	P	P	
Massage center	P	P	P	(d)
Mortuary, funeral home		P	C	
Outdoor uses, commercial		C	P	(s)
Outdoor uses, commercial sales of consumer fireworks		C	C	(d), (s)
Package delivery service	P	P	P	(d)
Pawn shop		C	P	(d), (s)
Post office	P	P	P	
Service business	P	P	P	(d)
Service business with showroom or workshop	P	P	P	(d)
Small appliance repair	P	P	P	
Small engine repair, automotive bench work	P	P	P	
Tattoo shop	P	P	P	
Tobacco products shop	P	P	P	(d), (s)
<i>Food and Beverages</i>				

Bar	P	P	P		(d)
Brew on premises store	P	P	P		(d), (s)
Catering	P	P	P		
Coffee kiosk	P	P	P		(d), (s)
Coffee shop, tea house	P	P	P		(d)
Restaurant	P	P	P		(d)
Restaurant, carry-out-deli	P	P	P		(d)
Restaurant, fast food	P/C	P	P		(d), (s)
Restaurant, outdoor	P	P	P		(s)
<i>Commercial Recreation, Entertainment and Lodging</i>					
Bingo hall, auction hall	P	P	C		
Health/sports club	P	P	P		(d)
Hotel, inn, motel	P	P	P		
Indoor recreation	P	P	P		(d), (s)
Outdoor sports/entertainment		C	P	P	
Reception hall/rental hall	P	P	C		
Steam room/bathhouse facility	P	P	P		(d)
Theater, assembly hall, concert hall	P	P	C		
<i>Adult Entertainment</i>					
Adult use		C	C		(d), (s)
<i>Automobile Services</i>					
Auto body shop	C	P	P	P	(d), (s)
Auto convenience market	C	P	P		(d), (s)
Auto service station	C	P	P		(d), (s)
Auto specialty store	C	P	P		(d), (s)
Auto repair station	C	P	P		(d), (s)
Auto sales, indoor	P	P	P		
Auto sales and rental, outdoor	C	P	P		(d), (s)
Car wash		P	P		(s)
<i>Parking facilities</i>					
Parking facility, commercial	C	P	P	C	(d), (s)
<i>Transportation</i>					
Airport		C	C	C	(d)
Bus garage, station, lot, or turnaround		P	P	C	

Heliport		C	C	C	(d), (s)
Helistop	C	C	C	C	(d), (s)
Intermodal freight yard			C	C	(d), (s)
Motor freight terminal			C	C	(d), (s)
Railroad right-of-way, transfer and storage tracks	P	P	P	P	
Railroad station or terminal freight facility	P	P	P	C	
Railroad yard or shop	C	C	P	P	
Taxi dispatching, maintenance and storage		P	P	P	
<i>Limited Production, Processing and Storage</i>					
Agriculture	P	P	P		(d), (s)
Brewery, craft	P	P	P		(d)
Distillery, craft	P	P	P		(d)
Finishing shop	P	P	P		(d), (s)
Limited production and processing	P	P	P		(d), (s)
Mail order house	P	P	P		
Plastic products	P	P	P		(d)
Printing and publishing	P	P	P		
Recycling collection center		P	P		(d), (s)
Recycling drop-off station	P	P	P		(d), (s)
Storage facility, rental	P	P	P	P	
Toiletries and cosmetic manufacturing	P	P	P		
Warehousing and storage	P	P	P		
Wholesale establishment	P	P	P		(d)
Winery, craft	P	P	P		(d)
<i>Industrial Uses</i>					
Light manufacturing	P	P	P	P	(d)
General industrial			P	P	(d)
General outdoor processing			C	C	(d), (s)
Brewery, micro and regional	P	P	P		(d)
Brewery, national			P		(d)
Cement, asphalt cement, and asphalt manufacturing			C	C	(s)
Concrete, asphalt and rock crushing facility, outdoor				C	(d), (s)
Crematorium		P	P	P	
Greenhouse, industrial	P	P	P		(d)

Hazardous waste processing facility			C	C	(d), (s)
Hazardous waste recycling transfer facility			C	C	(d), (s)
Infectious waste incinerator				C	(s)
Infectious waste processing facility			C	C	(d), (s)
Lumber yard	P	P	P		
Mining			C	C	(d)
Motor vehicle salvage operation			C	C	(d), (s)
Petroleum and gasoline tank farm				P	
Recycling processing center, indoor		P	P	P	(d), (s)
Recycling processing center, outdoor			C	C	(d), (s)
Research, development and testing laboratory	P	P	P		
Solid waste compost facility			C	C	(d), (s)
Solid waste transfer station			P	P	(d)
Tire retreading		P	P	P	
Accessory Uses					
Accessory use	P	P	P	P	(d), (s)

P - Permitted use C - Conditional use requiring a conditional use permit

Notes to table 66.521, principal uses in industrial districts:

- (d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.
- (s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

(C.F. No. 05-441, § 2, 8-24-05; Ord. No. 06-112, § 2, 2-22-06; C.F. No. 07-633, § 3, 8-15-07; C.F. No. 08-640, § 6, 7-9-08; C.F. No. 09-341, § 6, 4-22-09; Ord. No. 10-33, § 2, 10-27-10; Ord. No. 11-26, § 2, 3-23-11; Ord. No. 11-27, § 1, 4-20-11; Ord. No. 12-26, § 1, 5-23-12; Ord 13-22, § 6, 8-21-13; Ord 13-51, § 7, 11-13-13; Ord 13-57, § 3, 12-4-13; Ord 15-5, § 3, 2-5-15)

Division 3. - 66.530. Industrial District Density and Dimensional Standards
 Sec. 66.531. - Density and dimensional standards table.

Table 66.531, industrial district dimensional standards, sets forth density and dimensional standards that are specific to industrial districts. These standards are in addition to the provisions of chapter 63, regulations of general applicability.

Table 66.531. Industrial District Dimensional Standards

Zoning District	Height Maximum	Yard Setbacks Minimum (feet)		
	Feet	Front	Side	Rear
IT Transitional Industrial	50 (a),(b), (g)	0(c),(d),(f)	(e),(f)	(e),(f)
I1 Light Industrial	50 (b)	0(c),(d),(f)	(e),(f)	(e),(f)
I2 General Industrial	75 (b)	0(c),(d),(f)	(e),(f)	(e),(f)
I3 Heavy Industrial	75 (b)	0(c),(d),(f)	(e),(f)	(e),(f)

Notes to table 66.531, industrial district dimensional standards:

- (a) Buildings exceeding this height limit, to a maximum height of seventy-five (75) feet, may be permitted with a conditional use permit.
- (b) The height of the structure may exceed the maximum building height allowed in the district provided the structure is set back from all exterior

property lines of the parcel a distance equal to the height which said structure exceeds the maximum building height allowed in the district.

- (c) On those lots or parcels, or portions of lots or parcels, where the frontage adjoins or is directly across a street from a required front yard in any use district other than an industrial or VP vehicular parking district, the front setback requirements of said abutting districts shall apply.
 - (d) On those lots or parcels, or portions of lots or parcels, which adjoin a right-of-way line of a parkway, the required setbacks from the parkway right-of-way line shall be equal to that required for residential uses in effect along the parkway right-of-way or twenty-five (25) feet, whichever is greater. The following parkways and portions of parkways are excluded from this setback requirement: Ford Parkway (from Kenneth Street to Finn Street and north side between Finn Street and Mississippi River Boulevard), Gannon Road, and Lexington Parkway (from Pierce Butler Route to the nearest Burlington Northern Railroad tracks).
 - (e) No side or rear yards are required except as specified in the building code, and except that side and rear yard setbacks of at least six (6) feet shall be required where an industrial district adjoins a side yard in an adjacent residential district.
 - (f) Loading and unloading shall not be permitted in any required front, side or rear yards.
 - (g) For the ITM West Side Flats area generally bounded by Robert Street, Plato Boulevard, Highway 52 and the Mississippi River, the maximum permitted building heights shall be as shown on Figure 5.4 of the *West Side Flats Master Plan and Development Guidelines* adopted by the city council on June 10, 2015; for the parcel(s) on the northeast corner of Robert Street and Plato Boulevard, a maximum height of seventy-five (75) feet may be permitted without a conditional use permit, and a maximum height of ninety (90) feet may be permitted with a conditional use permit. A shadow study and/or view analysis shall accompany the conditional use permit application to help determine the impact of the additional height.
- (C.F. No. 06-112, §§ 3, 4, 2-22-06; Ord 13-22, § 6, 8-21-13; Ord 15-20, §§ 3, 4, 6-10-15)

Division 4. - 66.540. Required Conditions

Sec. 66.541. - Required conditions in the IT—I3 industrial districts.

(a) *Outdoor storage.* Outdoor storage is permitted subject to the following conditions:

- (1) Outdoor storage shall be at least three hundred (300) feet from a residential or traditional neighborhood district boundary, and in the IT transitional industrial district shall also be at least three hundred (300) feet from a park, parkway, or major thoroughfare, except that in reviewing a site plan for outdoor storage in industrial districts, the zoning administrator may permit outdoor storage to be within three hundred (300) feet of a residential or traditional neighborhood district, or of a park, parkway, or major thoroughfare, provided that: a) a visual screen, a minimum of six (6) feet in height, is placed between the outdoor storage and such district, park, parkway or major thoroughfare; b) the zoning administrator has considered the location and design of the outdoor storage area and visual screen in relation to any plans or guidelines approved by the city council and in relation to the design character and building materials of adjacent areas; and c) the zoning administrator has notified by mail the property owners within three hundred fifty (350) feet of the outdoor storage area at least ten (10) days before the administrator is to approve the site plan and has considered the property owners' comments.
- (2) Outdoor storage shall be fenced or walled. Outdoor storage which abuts a thoroughfare, a business district or a PD district shall be behind a six-foot-high obscuring fence. However, an obscuring fence shall not be required if the outdoor storage is screened by a building or topography. On sites where the topography renders an obscuring fence ineffectual as a screen, landscape screening shall be required.
- (b) Outdoor uses. In the IT, I1, and I3 industrial districts, all business, servicing, processing or manufacturing shall be conducted within completely enclosed buildings, except for off-street parking, off-street loading, and outdoor uses specifically allowed as permitted or conditional uses.
- (c) Activities involving storage, utilization or manufacture of materials or products which contain their own oxidizing agent and which decompose by detonation are not permitted in the IT—I1 industrial districts; provided that storage of small arms ammunition for retail sale shall be permitted; and further provided that research, medical and hospital laboratories, when operating under the direct supervision of scientifically trained personnel, may use the above material for research, medical and development purposes. Such activities are allowed in the I2 general industrial district when specifically authorized under the codes and ordinances of the city.
- (d) Meat packing plants, large metal shredders, the refining of petroleum or gasoline, and stock yards are prohibited.

(C.F. No. 06-112, § 5, 2-22-06; Ord 13-22, § 6, 8-21-13)

Sec. 66.542. - Required conditions in the IT transitional industrial district

- (a) *Design standards.* Development shall be consistent with the following design standards unless the applicant can demonstrate that there are circumstances unique to the property that make compliance impractical or unreasonable:
 - (1) *Buildings anchor the corner.* At intersections in pedestrian-oriented areas characterized by such things as buildings located up to the public sidewalk, pedestrian-scale street lighting, a mix of uses, and availability of transit service, buildings shall "hold the corner," that is, have street facades within fifteen (15) feet of the lot line along both streets, or the site plan shall include pedestrian-oriented elements such as substantial landscaping, public art, monument signage, and vertical structural elements that "hold the corner."
 - (2) *Building facade articulation.* Building facades facing a public street shall include modulation and articulation, proportionate to the height and length of the façade, and human-scale elements, such as but not limited to doors and windows, awnings and canopies, vertical or horizontal variations in color, texture, and material, and/or ornamentation, offset or recessed structural bays, projecting elements such as colonnades or bay windows, or other roof or wall features. Building designs should seek opportunities to express the nature of the industrial activity within, in keeping with the other requirements of this section and respecting the necessary business functionality.
 - (3) *Materials and detailing.* Buildings shall be constructed of high-quality materials, including, but not limited to, brick, stone, textured cast stone, tinted masonry units, concrete, glass and architectural metal. The following materials are generally not acceptable:
 - Unadorned plain or painted concrete block or panels;
 - Corrugated metal;
 - Reflective glass; and
 - Vinyl, fiberglass, asphalt or fiberboard siding.
 Building designs should seek opportunities to express the nature of the industrial activity within, in keeping with the other requirements of this section and respecting the necessary business functionality.

- (4) *Door and window openings.* For office portions of principal buildings, above grade window and door openings shall comprise at least fifteen (15) percent of the total area of exterior walls facing a public street. Such windows shall be clear or translucent to improve visibility, add visual interest, and provide daylighting of interior spaces.
 - (5) *Parking location and design.* Surface parking shall be located to the side or to the rear of principal buildings to the greatest extent possible, or on a separate lot in compliance with [section 63.304](#). In reviewing a site plan, the zoning administrator may permit up to two (2) rows of parking spaces between the principal building and a street.
 - (6) *Landscaping and street trees.* Landscaping shall be provided along the public streets and sidewalks to define the street edge, buffer pedestrians from vehicles, and provide shade. Any fence along a public street and sidewalk shall be decorative. Street trees in the street right-of-way, as prescribed by the city forester and [section 69.600](#) of the subdivision regulations, shall be provided along all streets. Street trees shall be located in a planting strip at least five (5) feet wide between the curb and sidewalk, or in structural soil or its equivalent.
 - (7) *Sidewalks.* When redevelopment occurs, public streets shall be designed with a public sidewalk along the frontage of the property being developed.
- (b) *Park setbacks.* In any yard which adjoins a publicly owned park, buildings may be constructed at the lot line subject to setbacks being provided in accordance with the table below:

Building Height	Setback from Lot Line
Up to 35 feet	0
35—50 feet	15 feet
More than 50 feet	30 feet

(C.F. No. 06-112, § 6, 2-22-06; Ord. No. 11-27, § 1, 4-20-11; Ord 13-22, § 6, 8-21-13)

Sec. 66.543. - I1 light industrial district design standards.

In the I1 light industrial district, development is subject to design standards (4), (6), and (7) in [section 66.542\(a\)](#), and portions of buildings on land within one hundred fifty (150) feet of a parcel of land in a residential or traditional neighborhood district shall be subject to design standards (2) and (3).

(Ord 13-22, § 6, 8-21-13)

Sec. 66.544. - IT transitional industrial district master plan.

For an IT transitional industrial district contiguous to a T1M—T4M district, a master plan may be adopted under the provisions of [section 66.344\(b\)](#) and may be amended under the provisions of [section 66.344\(c\)](#). An IT transitional industrial area for which a master plan has been adopted by the city council shall be designated as an ITM district.

(Ord 15-5, § 3, 2-5-15)

23.34.094 - Industrial Buffer (IB) zone, function and locational criteria.

- A. ~~Function.~~ An area that provides an appropriate transition between industrial areas and adjacent residential zones, or commercial zones having a residential orientation and/or pedestrian character.
- B. Locational Criteria. Industrial Buffer zone designation is most appropriate in areas generally characterized by the following:
1. Areas containing industrial uses or a mix of industrial activity and a wide range of commercial uses which are located on the edge of a larger industrial area designated Industrial General 1 (IG1), Industrial General 2 (IG2), or Industrial Commercial (IC).
 2. Areas where a transition is needed to protect a less-intensive zone from potential negative impacts of industrial activity when the area directly abuts a residential, Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2 (NC2), Neighborhood Commercial 3 (NC3), Commercial 1 (C1), or Commercial 2 (C2) zone with a substantial amount of residential development and/or pedestrian character.
- C. Zone Boundaries. The boundaries and overall depth of the Industrial Buffer (IB) zone shall vary according to the specific conditions of each area, so that an adequate separation between industrial activity and less-intensive zones can be provided to reduce through traffic, noise, visual conflicts, and other impacts of industrial development. However, where there are no special features or other conditions to provide sufficient buffer depth, a distance ranging from three hundred (300) to five hundred (500) feet shall be maintained as a buffer. Within an industrial area, the following conditions help establish the transition desired between industrial areas and less-intensive zones and should be considered in establishing boundaries separating the Industrial Buffer zone from the rest of the industrial area:
1. Topographic Conditions. Significant changes in topography within an industrial area may provide a good boundary for the Industrial Buffer zone by reducing the noise and visual impacts of the larger industrial area on an abutting, less-intensive zone.
 2. Development Patterns. Changes in the type of activity and/or the scale of existing development occurring along the edge of an industrial area may create conditions that are more compatible with the abutting, less-intensive zone.
 3. Grid and Platting Patterns. Changes in block sizes, shifts in the street grid, a major arterial, undeveloped streets, platted lot lines, and other factors related to the platting pattern often create separate areas which, when located along the edge of an industrial area, can reinforce the transition desired in the Industrial Buffer zone.
 4. Special Features. Certain natural or built features such as railway lines, open spaces, transmission line rights-of-way, and waterways may, because of their width, siting, or landscaping, separate the edge of an industrial zone from a larger industrial area, helping to establish the edge of the Industrial Buffer zone.

(Ord. 122311, § 17, 2006; Ord. 118414 § 4, 1996; Ord. 117430 § 25, 1994; Ord. 113658 § 2(part), 1987.)

SEATTLE -
INDUSTRIAL BUFFER
DISTRICT

	USES	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
A. AGRICULTURAL USES						
	A.1. Animal Husbandry	X	X	X	X	X
	A.2. Aquaculture	P	P	P	P	P
	A.3. Community Garden	P(14)	P(14)	P(14)	P(14)	P(14)
	A.4. Horticulture	X	X	X	X	X
	A.5. Urban Farm	P(14)	P(14)	P(14)	P(14)	P(14)
B. CEMETERIES						
		X	X	X	X	X
C. COMMERCIAL USES						
	C.1. Animal Shelters and Kennels	X(1)	P	P	P	P
	C.2. Eating and drinking establishments	P	P	P	P	P
	C.3. Entertainment Uses					
	C.3.a. Cabarets, adult	P(13)	P(13)	X	X	X
	C.3.b. Motion picture theaters, adult	X	X	X	X	X
	C.3.c. Panorams, adult	X	X	X	X	X
	C.3.d. Sports and recreation, indoor	P	P	P	X	P
	C.3.e. Sports and recreation, outdoor	P	P	P	X	P
	C.3.f. Theaters and spectator sports facilities					
	C.3.f.i. Lecture and meeting halls	P	P	P	P	P
	C.3.f.ii. Motion picture theaters	P	P	P	X	X
	C.3.f.iii. Performing arts theaters	P	P	P	X	X
	C.3.f.iv. Spectator sports facilities	P	P	P	X(2)	X(2)
	C.4. Food processing and craft work	P	P	P	P	P
	C.5. Laboratories, Research and development	P	P	P	P	P
	C.6. Lodging uses	CU	CU	CU	X	X
	C.7. Medical services (3)	P	P	P	P	P
	C.8. Offices	P	P	P	P	P
	C.9. Sales and services, automotive	P	P	P	P	P
	C.10. Sales and services, general	P	P	P	P	P
	C.11. Sales and services, heavy	P	P	P	P	P
	C.12. Sales and services, marine	P	P	P	P	P
	D. HIGH-IMPACT USES	X	X or CU(4)	X or CU(5)	X or CU(5)	X or CU(5)
	E. INSTITUTIONS					

E.1. Adult care centers	X	X	X	X	X
E.2. Child care centers	P	P	P	P	P
E.3. Colleges	EB	EB	EB(17)	X(6)	X(6)
E.4. Community centers and Family support centers	EB	EB	EB	P	P
E.5. Community clubs	EB	EB	EB	X	P
E.6. Hospitals	EB	EB	CU(7)	P	P
E.7. Institutes for advanced study	P	P	P	X	X
E.8. Libraries	X	X	X	X	X
E.9. Major institutions subject to the provisions of <u>Chapter 23.69</u>	EB	EB	EB	EB	EB
E.10. Museums	EB	EB(9)	EB	X(8)	X(8)
E.11. Private Clubs	EB	EB	EB	X	X
E.12. Religious facilities	P(16)	P(16)	P(16)	P(16)	P(16)
E.13. Schools, elementary or secondary	EB	EB	EB	X	X
E.14. Vocational or fine arts schools	P	P	P	P	P
F. LIVE-WORK UNITS	X	X	X	X	X
G. MANUFACTURING USES					
G.1. Manufacturing, light	P	P	P	P	P
G.2. Manufacturing, general	P	P	P	P	P
G.3. Manufacturing, heavy	CU	X or CU(10)	P or CU(11)	P	P
H. PARKS AND OPEN SPACE	P	P	P	P	P
I. PUBLIC FACILITIES					
I.1. Jails	X	X	X	X	X
I.2. Work-release centers	X	X	X	X	X
I.3. Other public facilities	CCU	CCU	CCU	CCU	CCU
J. RESIDENTIAL USES					
J.1. Residential uses not listed below	X	X	X	X	X
J.2. Artist's studio/dwellings	EB/CU	EB/CU	EB/CU	EB/CU	EB/CU
J.3. Caretaker's quarters	P	P	P	P	P
J.4. Residential use, except artist's studio/dwellings and caretaker's quarters, in a landmark structure or landmark district	CU	CU	CU	CU	CU
K. STORAGE USES					
K.1. Mini-warehouses	P	P	P	X	P
K.2. Storage, outdoor	P	P	P	P	P

K.3. Warehouses	P	P	P	P	P
L. TRANSPORTATION FACILITIES					
L.1. Cargo terminals	P	P	P	P	P
L.2. Parking and moorage					
L.2.a. Boat moorage	P	P	P	P	P
L.2.b. Dry boat storage	P	P	P	P	P
L.2.c. Parking, principal use, except as listed below	P	P or X(15)	P	X(2)	X(2)
L.2.c.i. Park and Pool Lots	P(12)	P(12)	P(12)	CU	CU
L.2.c.ii. Park and Ride Lots	CU	CU	CU	CU	CU
L.2.d. Towing services	P	P	P	P	P
L.3. Passenger terminals	P	P	P	P	P
L.4. Rail Transit Facilities	P	P	P	P	P
L.5. Transportation facilities, air					
L.5.a. Airports (land-based)	X	CCU	CCU	CCU	CCU
L.5.b. Airports (water-based)	X	CCU	CCU	CCU	CCU
L.5.c. Heliports	X	CCU	CCU	CCU	CCU
L.5.d. Helistops	CCU	CCU	CCU	CCU	CCU
L.6. Vehicle storage and maintenance					
L.6.a. Bus bases	CU	CU	CU	CU	CU
L.6.b. Railroad switchyards	P	P	P	P	P
L.6.c. Railroad switchyards with a mechanized hump	X	X	CU	CU	CU
L.6.d. Transportation services, personal	P	P	P	P	P
M. UTILITY USES					
M.1. Communication Utilities, major	CU	CU	CU	CU	CU
M.2. Communication Utilities, minor	P	P	P	P	P
M.3. Power Plants	X	CCU	P	P	P
M.4. Recycling	P	P	P	P	P
M.5. Sewage Treatment Plants	X	CCU	CCU	CCU	CCU
M.6. Solid waste management					
M.6.a. Salvage yards	X	X	P	P	P
M.6.b. Solid waste transfer stations	CU(17)	CU	CU	CU	CU
M.6.c. Solid waste incineration facilities	X	CCU	CCU	CCU	CCU
M.6.d. Solid waste landfills	X	X	X	X	X

M.7. Utility Services Uses	P	P	P	P	P
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KEY

CU = Administrative conditional use

CCU = Council conditional use

EB = Permitted only in a building existing on October 5, 1987.

EB/CU = Administrative conditional use permitted only in a building existing on October 5, 1987.

P = Permitted

X = Prohibited

Notes to Table A for [23.50.012](#)

- (1) Animal shelters and kennels maintained and operated for the impounding, holding and/or disposal of lost, stray, unwanted, dead or injured animals are permitted.
- (2) Parking required for a spectator sports facility or exhibition hall is allowed and shall be permitted to be used for general parking purposes or shared with another such facility to meet its required parking. A spectator sports facility or exhibition hall within the Stadium Transition Area Overlay District may reserve parking. Such reserved non-required parking shall be permitted to be used for general parking purposes and is exempt from the one space per 650 square feet ratio under the following circumstances:
 - (a) The parking is owned and operated by the owner of the spectator sports facility or exhibition hall, and
 - (b) The parking is reserved for events in the spectator sports facility or exhibition hall, and
 - (c) The reserved parking is outside of the Stadium Transition Area Overlay District, and south of South Royal Brougham Way, west of 6th Avenue South and north of South Atlantic Street. Parking that is covenanted to meet required parking will not be considered reserved parking.
- (3) Medical service uses over 10,000 square feet, within 2,500 feet of a medical Major Institution Overlay District boundary, require administrative conditional use approval, unless included in an adopted major institution master plan. See [Section 23.50.014](#).
- (4) The high-impact uses listed in subsection 23.50.014.B.10 may be permitted as conditional uses.
- (5) High-impact uses may be permitted as conditional uses as provided in subsection 23.50.014.B.5.
- (6) A college or university offering a primarily vocational curriculum within the zone is permitted.
- (7) Hospitals may be permitted as a conditional use where accessory to a research and development laboratory or an institute for advanced study pursuant to subsection 23.50.014.B.14.
- (8) Museums are prohibited except in buildings or structures that are designated City of Seattle landmarks.
- (9) On IC zoned parcels within the Ballard Hub Urban Village and abutting Market Street, museums are allowed in new buildings or structures.
- (10) The heavy manufacturing uses listed in subsection 23.50.014.B.9 may be permitted as a conditional use. All other heavy manufacturing uses are prohibited.
- (11) Heavy manufacturing uses may be permitted as a conditional use within the Queen Anne Interbay area as provided in subsection 23.50.014.C.
- (12) Park and pool lots are not permitted within 3,000 feet of the Downtown Urban Center.
- (13) Subject to subsection 23.50.012.E.
- (14) Except within designated manufacturing and industrial centers, where they are permitted only on rooftops and/or as indoor agricultural operations. Except for indoor agricultural operations established prior to the effective date of this ordinance, indoor agricultural operations are not permitted in the IG1 zone. Indoor agricultural operations within designated manufacturing and industrial centers (excluding associated office or food processing areas) shall not exceed:
 - a. 5,000 square feet in IG1 zones for indoor agricultural operations established prior to the effective date of this ordinance;
 - b. 10,000 square feet in IB and IC zones; and
 - c. 20,000 square feet in IG2 zones.
- (15) Prohibited in an IC 85-160 zone for development that exceeds the base FAR limit.
- (16) Transitional encampments accessory to religious facilities or to principal uses located on property owned or controlled by a religious organization are regulated by [Section 23.42.054](#).
- (17) Subject to subsection 23.50.014.B.7.e.

Editor's note— This note goes to M.6.b., column IB.

- (17) Research and education facilities that are a part of a college or university, and that are water-dependent or water-related, as defined by Section 23.60.944, are permitted in new and existing buildings in the Ballard/Interbay Northend Manufacturing & Industrial Center.

Editor's note— This note goes to E.3., column IG1 and IG2 (general).

Editor's note— Note (16) above was added by Ord. 123729 as note (15). In order to avoid duplication of numbers, the note has been renumbered as (16) at the discretion of the editor.

(Ord. [124326](#), § 2, 2013; Ord. [123986](#), § 1, 2012; Ord. [123872](#), § 4, 2012; Ord. [123729](#), § 6, 2011; Ord. [123649](#), § 31, 2011; Ord. [123589](#), § 54, 2011; Ord. [123378](#), § 21, 2010; Ord. [123282](#), § 4, 2010; Ord. [123046](#), §§ 41, 65, 2009; Ord. [122935](#), § 12, 2009; Ord. [122925](#), § 1, 2009; Ord. [122411](#), §§ 6, 7, 2007; Ord. [122311](#), § 61, 2006; Ord. [121476](#), § 11, 2004; Ord. 1211968 18, 2003; Ord. [120155](#), § 1, 2000; Ord. [120117](#), § 38, 2000; Ord. [119972](#), § 5, 2000; Ord. [119370](#), §

12, 1999; Ord. 119238 § 7, 1998; Ord. 118794 § 38, 1997; Ord. 118672 § 22, 1997; Ord. 117430 § 76, 1994; Ord. 117263 § 48, 1994; Ord. 117202 § 9, 1994; Ord. 116907 § 7, 1993; Ord. 116596 § 3, 1993; Ord. 116295 § 21, 1992; Ord. 115043 § 11, 1990; Ord. 115002 § 10, 1990; Ord. 114875 § 12, 1989; Ord. 114623 § 14, 1989; Ord. 113658 § 4(part), 1987.)

23.50.024 - Industrial Buffer—Structure height

- A. Except as regulated in [Chapter 23.64](#), Airport Height Overlay District, there is no maximum height limit in the Industrial Buffer (IB) zone other than for those specific uses listed in subsection 23.50.024.B and for those circumstances outlined in subsections 23.50.024.C, 23.50.024.D, 23.50.024.E and 23.50.024.F.
- B. Except for the provisions of [Section 23.50.020](#), and except for structures on lots subject to the provisions of subsections C, D, E and F below, the maximum height for any portion of a structure that contains commercial uses other than spectator sports facilities and food processing and craft work uses, whether principal or accessory, shall be thirty (30) feet, forty-five (45) feet, sixty-five (65) feet or eighty-five (85) feet, as designated on the Official Land Use Map, Chapter [23.32](#).
- C. The following height limits shall apply to all uses, in addition to the maximum permitted heights for uses listed in subsection B, on lots directly across a street right-of-way eighty (80) feet or less in width from lots in a Single-family, Lowrise 1, Lowrise 2, or Lowrise 3 zone:
1. All structures shall be set back five (5) feet from the street lot line opposite lots zoned Single-family, Lowrise 1, Lowrise 2, or Lowrise 3. A maximum height of twenty-six (26) feet shall be permitted at the setback line.
 2. Beginning at the five (5) foot setback line and continuing for thirty-five (35) feet, permitted height shall increase at a forty-five (45) degree angle from the twenty-six (26) foot height allowed at the setback line. (See Exhibit [23.50.024 A](#).)
 3. The height permitted beyond forty (40) feet from the street lot line shall be the same as the maximum height designated on the Official Land Use Map.
 4. Exceptions for rooftop features, [Section 23.50.020 A](#), shall not apply in the area within forty (40) feet of the street lot line.
- D. The following height limits shall apply to all lots directly across an alley from lots in a Single-family, Lowrise 1, Lowrise 2, or Lowrise 3 zone:
1. A maximum height of twenty-six (26) feet shall be permitted on alley lot lines.
 2. For the area within forty (40) feet of the lot line, permitted height shall increase at a forty-five (45) degree angle from the twenty-six (26) foot height allowed at the alley lot line. (See Exhibit [23.50.024 B](#).)
 3. The height permitted beyond forty (40) feet from the alley lot line shall be the same as the maximum height designated on the Official Land Use Map.
 4. Exceptions for rooftop features, [Section 23.50.020 A](#), shall not apply for the area within forty (40) feet of the alley lot line.
- E. The following height limits shall apply to all lots abutting a lot in a Single-family, Lowrise 1, Lowrise 2, or Lowrise 3 zone:
1. A maximum height of eighteen (18) feet shall be permitted on abutting lot lines.
 2. For the area within forty (40) feet of the lot line, permitted height shall increase at a forty-five (45) degree angle from the eighteen (18) foot height allowed at the abutting lot line. (See Exhibit [23.50.024 C](#).)
 3. The height permitted beyond forty (40) feet from the abutting lot line shall be the same as the maximum height designated on the Official Land Use Map.
 4. Exceptions for rooftop features, [Section 23.50.020 A](#), shall not apply in the area within forty (40) feet of the abutting lot line.
- F. The following height limit shall apply to lots which abut a lot in a Midrise, Highrise, or Commercial zone:
1. A maximum height of forty (40) feet shall apply for a depth of twenty (20) feet along the abutting lot lines. (See Exhibit [23.50.024 D](#).)
 2. The height permitted beyond twenty (20) feet from the abutting lot lines shall be the same as the maximum height designated on the Official Land Use Map.
 3. Exceptions for rooftop features, [Section 23.50.020 A](#), shall not apply in the area within twenty (20) feet of the abutting lot line.

(Ord. [123649](#), § 32, 2011; Ord. [122311](#), § 65, 2006; Ord. [121278](#) § 4, 2003; Ord. [113658](#) § 4(part), 1987.)

Exhibit 23.50.024A

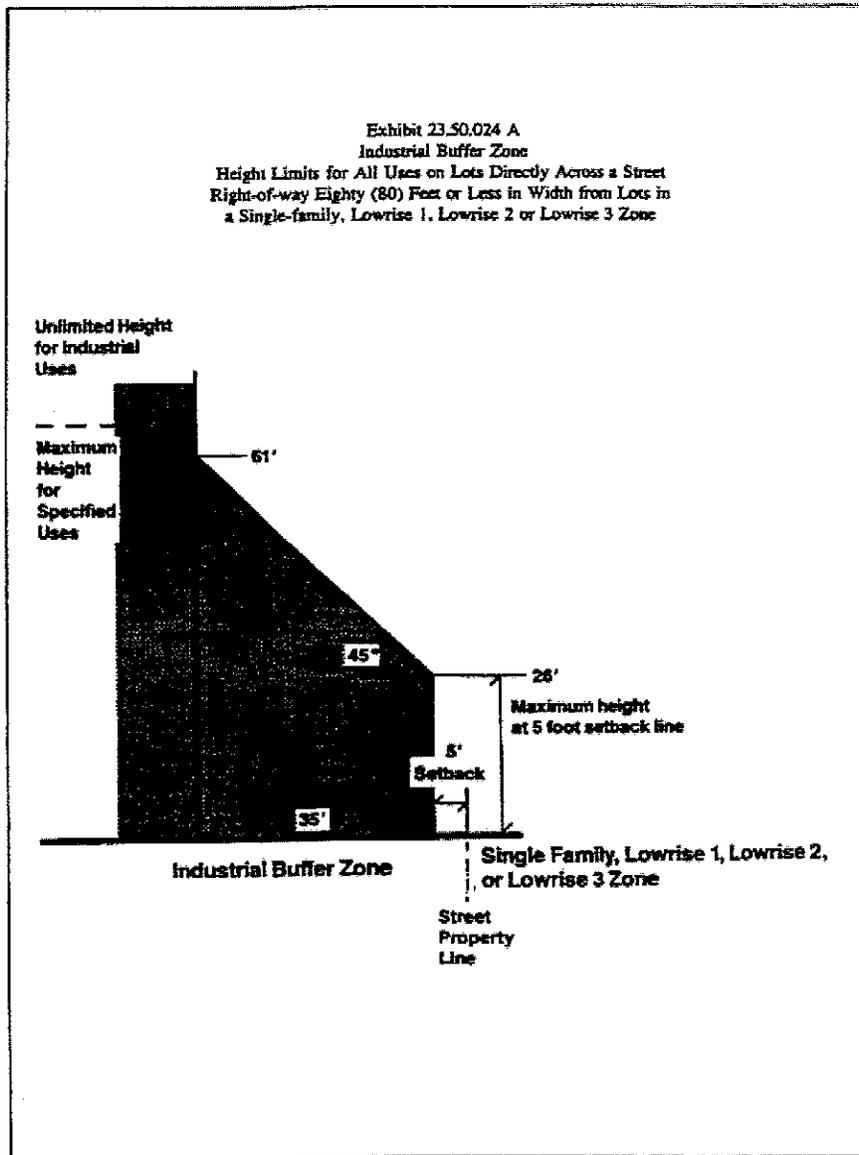


Exhibit 23.50.024B

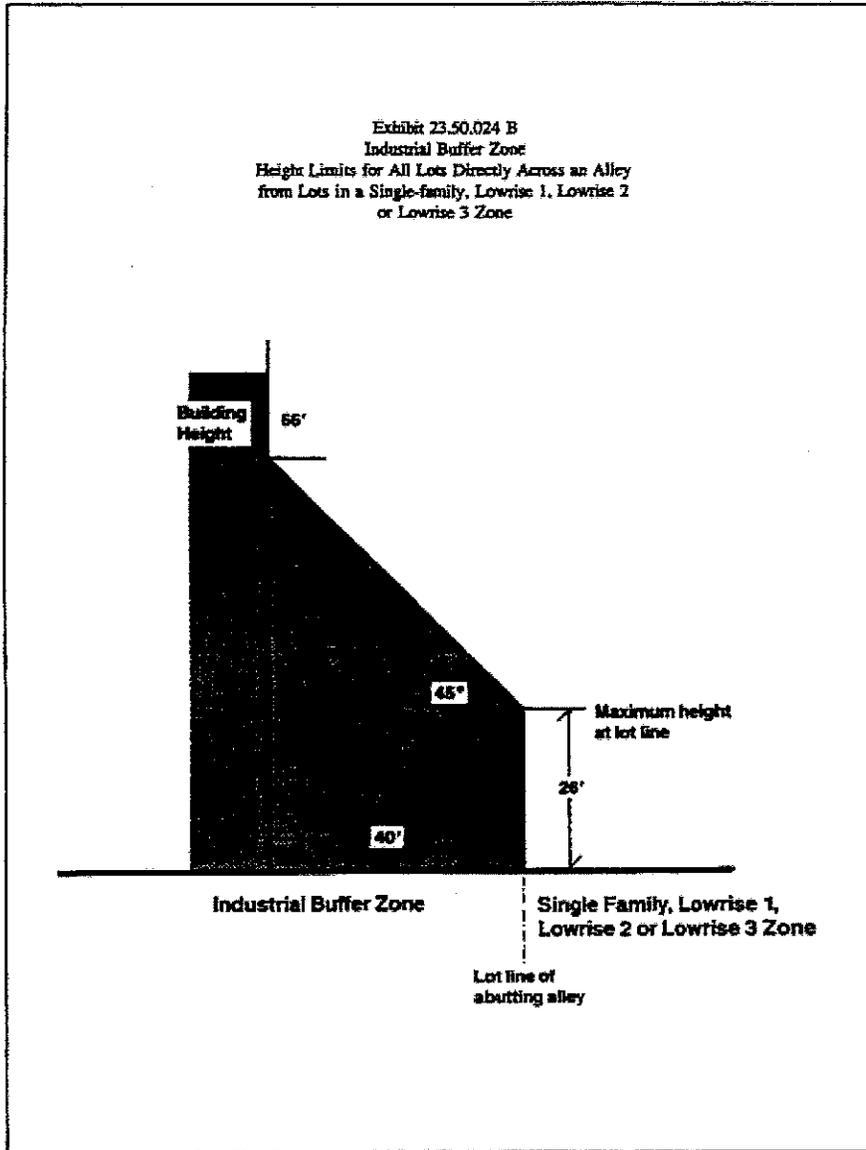


Exhibit 23.50.024C

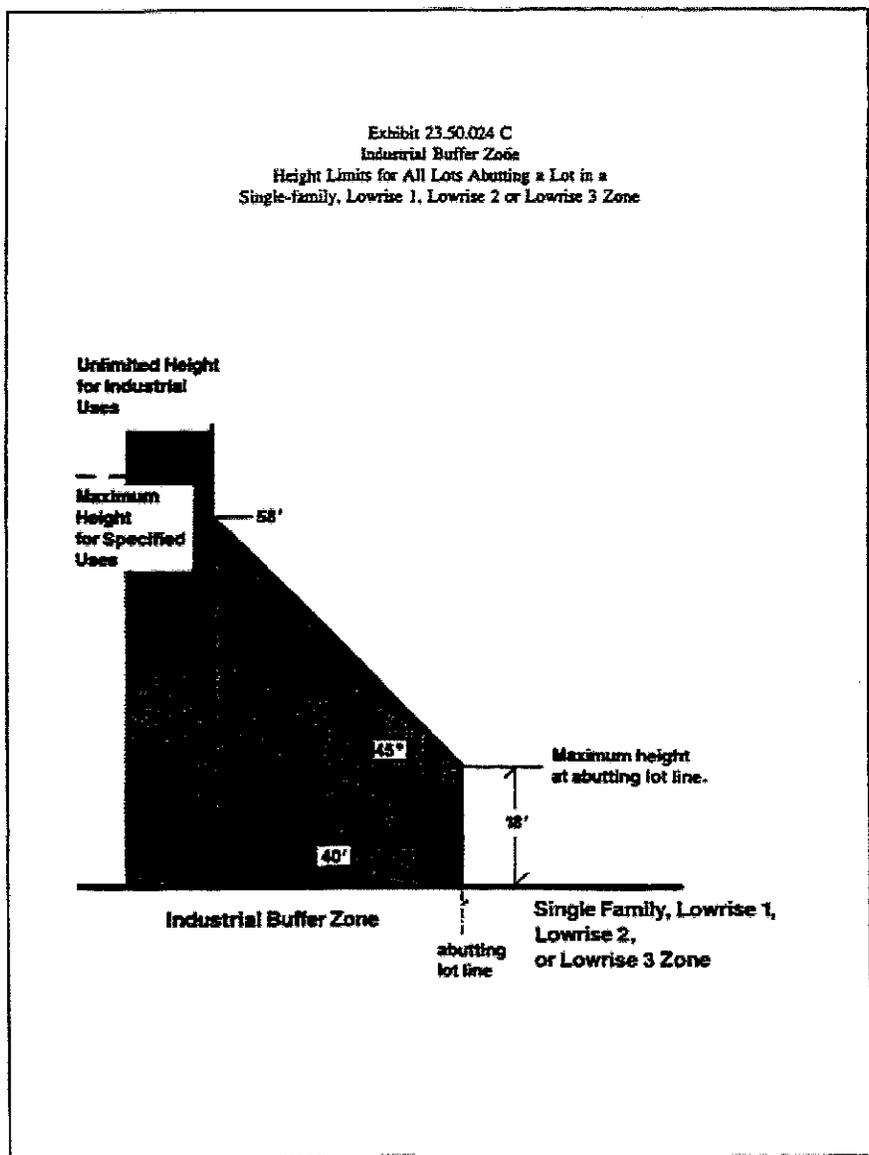
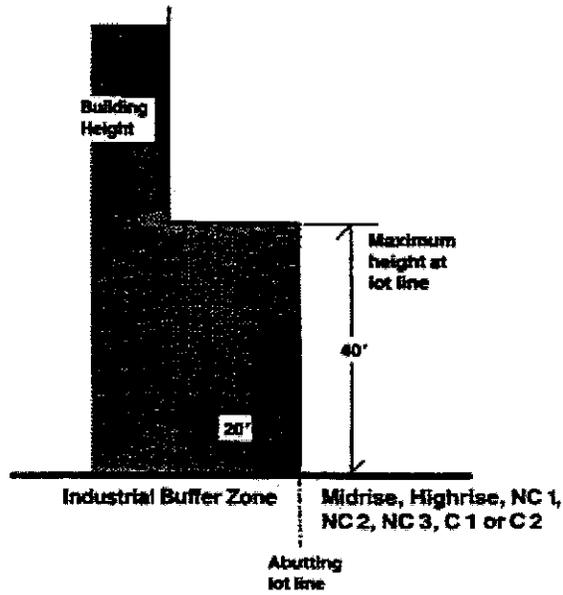


Exhibit 23.50.024D

Exhibit 23.50.024 D
Industrial Buffer Zone
Height Limits for Lots Which Abut a Lot in a
Midrise, Highrise or Commercial Zone



23.50.030 - Industrial Buffer—Setback requirements.

- A. Setbacks shall be required in the Industrial Buffer (IB) zone according to the provisions of subsections B, C and D of this section. All required setbacks shall be landscaped according to the provisions of [Section 23.50.036](#).
- B. A five (5) foot setback shall be required from all street lot lines which are across a street right-of-way eighty (80) feet or less in width from a lot in a Single-family, Lowrise 1, Lowrise 2 or Lowrise 3 zone.
- C. When across a street right-of-way eighty (80) feet or less in width from a lot in a Midrise, Highrise or Residential Commercial zone, or across an alley from a lot in any residential zone, the following uses shall be required to provide a five (5) foot setback from the street or alley lot line:
 1. Surface parking areas for more than five (5) vehicles;
 2. Parking structures unless enclosed by a solid wall;
 3. Outdoor loading berths;
 4. Outdoor recycling collection stations; and
 5. Outdoor storage, except when the elevation of the outdoor storage area is at least fifteen (15) feet above the residential property.
- D. The following uses or structures shall be set back five (5) feet from any lot line abutting a residentially zoned lot:
 1. Surface parking areas for more than five (5) vehicles;
 2. Parking structures unless enclosed by a solid wall; and
 3. Drive-in businesses.
- E. The following outdoor activities shall be set back fifteen (15) feet from all lot lines abutting a residentially zoned lot:
 1. Outdoor recycling collection stations;
 2. Outdoor loading berths; and
 3. Outdoor storage.
- F. Any outdoor manufacturing, repairing, refuse compacting or recycling activity shall be set back fifty (50) feet from any lot in a residential zone.
- G. No entrance, window, or other opening shall be closer than five (5) feet to any abutting residentially zoned lot, except when:
 1. Windows are of translucent glass; or
 2. Windows are perpendicular to the lot line; or
 3. View-obscuring screening is provided between the window and abutting residentially zoned lot.
- H. A setback may be required in order to meet the provisions of [Section 23.53.015](#), Improvement requirements for existing streets in residential and commercial zones, and [Section 23.53.030](#), Alley improvements in all zones.

(Ord. [115326](#) § 23, 1990; Ord. [113658](#) § 4(part), 1987.)

23.50.036 - Industrial Buffer—Screening and landscaping

A. Screening and Landscaping Requirements for All Uses.

1. Street Trees.
 - a. All uses which are directly across a street eighty feet (80') or less in width from a lot in a residential or commercial zone shall provide street trees.
 - b. If it is not feasible to plant street trees in the planting strip, then they shall be provided in the required five-foot (5') deep landscaped area along the street property line.
2. Rooftop Screening.
 - a. Heating, ventilating, air conditioning or other wall or rooftop mechanical equipment shall be located and directed away from adjacent residential property.
 - b. Screening shall be provided and shall be of a design and material which is compatible with the structure and shall be as high as the equipment to be screened and shall completely surround the equipment.

B. Screening and Landscaping Requirements for Uses Abutting or Across an Alley From a Lot in a Residential Zone.

1. Surface parking areas, off-street loading areas, parking structures, drive-in businesses, gas stations, outdoor sales or storage and outdoor activities, shall provide screening and landscaping as provided in subsection D of this section, screening and landscaping requirements for specific uses.
2. Uses which abut or are across an alley from a lot in a residential zone shall provide view-obscuring screening along the abutting or alley lot line, except as modified by subsection B3 below.
3. When the structure facade is located five feet (5') or less from the lot line, landscaping may be provided in the area between the facade and the lot line as an alternative to view-obscuring screening. This landscaping shall be either:
 - a. Trellises and vining plants attached to the facade up to a minimum height of ten feet (10'); or
 - b. A landscaped area meeting the provisions of subsection C of [Section 23.50.034](#).

C. Screening and Landscaping Requirements for Uses Directly Across a Street Eighty Feet (80') or Less in Width From Lots in a Residential Zone.

1. A view-obscuring fence or solid wall screen greater than six feet (6') in height and less than three feet (3') from the lot line shall be screened by trellises and vining plants attached to the wall up to a minimum height of ten feet (10').
2. Some specific uses are required to provide additional screening, landscaping and setbacks as regulated in subsection D of this section.

D. Screening, Landscaping and Setback Requirements for Specific Uses.

1. Surface parking areas for more than five (5) vehicles.
 - a. When a surface parking area abuts a lot in an NC1, NC2, NC3 or C1 zone, view-obscuring screening along the abutting lot lines shall be provided.
 - b. When a surface parking area is across an alley from a lot in a residential zone, view-obscuring screening shall be required. A five-foot (5') deep landscaped area shall be required inside the screening. The Director may reduce or waive the screening and landscaping requirement for all or a part of the lot abutting the alley, or may waive only the landscaping requirement, when required parking can only be provided at the rear lot line and the alley is necessary to provide aisle space. In making the determination to waive or reduce the landscaping and screening requirements, the Director shall consider the following criteria:
 - (1) Whether the lot width and depth permits a workable plan for the building and parking which would preserve the screening and landscaping;
 - (2) Whether the character of use across the alley, such as multifamily parking structures or single-family garages, make the screening and landscaping less necessary; and
 - (3) Whether a topographic break between the alley and the residential zone makes screening less necessary.
 - c. When a surface parking area or off-street loading area is directly across a street right-of-way eighty feet (80') or less in width from a lot in a residential zone, a five-foot (5') deep landscaped setback area from the street lot line shall be provided. Three-foot (3') high screening and a five-foot (5') landscaped area, with the landscaping on the street side of the screening, shall be provided along the edge of the setback.
 - d. When a surface parking area is directly across a street right-of-way wider than eighty feet (80') in width from a lot in a residential zone, street trees shall be provided.
 - e. When a surface parking area abuts a lot in a residential zone, view-obscuring screening and a five-foot (5') deep landscaped setback area on the inside of the screening shall be provided.
 - f. When a surface parking area is directly across a street right-of-way eighty feet (80') or less in width from a lot in a commercial zone, street trees shall be provided.
2. Parking Structures.
 - a. When a parking structure is directly across a street right-of-way eighty feet (80') or less in width from a lot in a residential zone, a five-foot (5') deep landscaped setback area from the street lot line, including street trees, shall be provided. The street facade of each floor of parking shall have an opaque screen at least three and one-half feet (3½') high.
 - b. When a parking structure abuts a lot in a residential zone, a five-foot (5') deep landscaped setback area from the abutting lot line shall be provided, unless the parking structure is completely enclosed except for driveway areas. In addition to the landscaped setback, view-obscuring screening shall be provided along abutting property line(s). When the parking structure is enclosed by a solid wall, any setback area provided within five feet (5') of the abutting lot line(s) shall be landscaped. The abutting facade of each floor of parking not enclosed by a solid wall shall have an opaque screen at least three and one-half feet (3½') high.
 - c. When a parking structure is across an alley from a lot in a residential zone, a five-foot (5') deep landscaped setback area from the alley lot line shall be provided, unless the parking structure is completely enclosed except for driveway areas. Three-foot (3') high screening along the facade facing the alley with the landscaping on the alley side of the screening shall be provided. When the parking structure is enclosed by a solid wall, any setback area provided within five feet (5') of the alley lot line shall be landscaped. The abutting or alley facade of each floor of parking shall have an opaque screen at least three and one-half feet (3½') high.

- d. When a parking structure is directly across a street right-of-way more than eighty feet (80') in width from a lot in a residential zone, street trees shall be provided.
 - e. When a parking structure is directly across a street right-of-way eighty feet (80') or less in width from a lot in a commercial zone, street trees shall be provided.
3. Outdoor Sales and Outdoor Display of Rental Equipment.
- a. When an outdoor sales area or outdoor display of rental equipment is across an alley from a lot in a residential zone, or abutting a lot in a residential or commercial zone, view-obscuring screening shall be provided along the abutting or alley lot lines.
 - b. When an outdoor sales area or outdoor display of rental equipment is directly across the street from a lot in a residential zone, street trees and three-foot (3') high screening along the street front shall be provided.
4. Drive-In Businesses Including Gas Stations.
- a. Drive-in businesses abutting or across an alley from a lot in a residential zone shall provide view-obscuring screening along the abutting alley lot lines. When the drive-in portion of the business or its access area abuts a lot in a residential zone a five-foot (5') landscaped area shall be required on the inside of the screening.
 - b. Drive-in businesses in which the drive-in portion of the business is directly across a street right-of-way eighty feet (80') or less in width from a lot in a residential zone shall provide three-foot (3') high screening for the drive-in portion and street trees.
 - c. When a drive-in business is directly across a street right-of-way wider than eighty feet (80') in width from a lot in a residential zone, street trees shall be provided.
 - d. Drive-in businesses directly across a street right-of-way eighty feet (80') or less in width from a lot in a commercial zone shall provide street trees.
5. Outdoor Storage, and Outdoor Loading Berths.
- a. Outdoor storage and outdoor loading berths directly across a street right-of-way eighty feet (80') or less in width from a lot in an NC1, NC2, NC3 or C1 zone shall provide view-obscuring screening along the street lot lines and shall also provide street trees.
 - b. When the outdoor storage or outdoor loading berth is directly across a street right-of-way eighty feet (80') or less in width from a lot in a residential zone, view-obscuring screening shall be provided. A five-foot (5') deep landscaped area including street trees shall be provided between the lot line and the view-obscuring screening.
 - c. When outdoor storage or an outdoor loading berth is directly across a street right-of-way wider than eighty feet (80') in width from a lot in a residential zone, view-obscuring screening and street trees shall be provided.
 - d. When outdoor storage or an outdoor loading berth is across an alley from a lot in a residential zone, view-obscuring screening shall be provided. A five-foot (5') deep landscaped area shall be provided between the lot and the view-obscuring screening, except when the industrial lot is at least fifteen feet (15') above the elevation of the residential lot or when the screen is a solid wall.
 - e. When the outdoor storage or outdoor loading berth abuts a lot in a residential zone, view-obscuring screening and a fifteen-foot (15') deep landscaped area inside the screening shall be provided along the abutting lot line.
6. Outdoor Manufacturing, Repairing, Refuse Compacting or Recycling Activities.
- a. An outdoor manufacturing, repairing, refuse compacting or recycling activity must be set back fifty feet (50') from a lot in a residential zone.
 - b. An outdoor manufacturing, repairing, refuse compacting or recycling activity abutting a lot in a residential zone or directly across a street eighty feet (80') or less in width or an alley across from a lot in a residential zone shall provide view-obscuring screening.
 - c. An outdoor manufacturing, repairing, refuse compacting or recycling activity directly across a street greater than eighty feet (80') in width from a lot in a residential or commercial zone shall provide street trees and view-obscuring screening on the street lot line.
 - d. An outdoor manufacturing, repairing, refuse compacting or recycling activity abutting or across an alley from a lot in a commercial zone shall provide view-obscuring screening along the abutting or alley lot lines.
7. Fences or free-standing walls associated with utility services uses may obstruct or allow views to the interior of a site. Where site dimensions and site conditions allow, applicants are encouraged to provide both a landscaped setback between the fence or wall and the right-of-way, and a fence or wall that provides visual interest facing the street lot line, through changes in the height, design or construction of the fence or wall, including the use of materials, architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features. Any fence or free-standing wall for a utility services use must provide either:
- a) A 5-foot-deep landscaped area between the wall or fence and the street lot line; or
 - b) Architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features to provide visual interest facing the street lot line, as approved by the Director.

(Ord. [123547](#), § 8, 2011; Ord. [113658](#) § 4(part), 1987.)

23.50.046 - Industrial Buffer and Industrial Commercial—Light and glare standards.

- A. Exterior lighting shall be shielded and directed away from lots in adjacent residential zones.
- B. Interior lighting in parking structures shall be shielded, to minimize nighttime glare affecting lots in adjacent residential zones.
- C. When nonconforming exterior lighting in an Industrial Buffer (IB) or Industrial Commercial (IC) zone is replaced, new lighting shall conform to the requirements of this section.
- D. Glare diagrams which clearly identify potential adverse glare impacts on residential zones and on arterials shall be required when:
 - 1. Any structure is proposed to have facades of reflective coated glass or other highly reflective material, and/or a new structure or expansion of an existing structure greater than sixty-five (65) feet in height is proposed to have more than thirty (30) percent of the facades comprised of clear or tinted glass; and
 - 2. The facade(s) surfaced or comprised of such materials either:
 - a. Are oriented towards and are less than two hundred (200) feet from any residential zone, and/or
 - b. Are oriented towards and are less than four hundred (400) feet from a major arterial with more than fifteen thousand (15,000) vehicle trips per day, according to Seattle Department of Transportation data.
- E. When glare diagrams are required, the Director may require modification of the plans to mitigate adverse impacts, using methods including but not

limited to the following:

1. Minimizing the percentage of exterior facade that is composed of glass;
2. Using exterior glass of low reflectance;
3. Tilting glass areas to prevent glare which could affect arterials, pedestrians or surrounding structures;
4. Alternating glass and nonglass materials on the exterior facade; and
5. Changing the orientation of the structure.

(Ord. [121477](#) § 27, 2004; Ord. [118409](#) § 194, 1996; Ord. [113658](#) § 4(part), 1987.)

23.50.048 - Industrial Buffer—Access to parking and loading areas.

- A. Location of Parking and Loading Areas. There shall be no restrictions on the location of parking and loading areas on lots in the Industrial Buffer (IB) zone, except as specified in [Section 23.50.030](#), Industrial Buffer-Setback requirements.
- B. Access to off-street parking and loading areas. Access to off-street parking or loading areas shall be prohibited from street or alley frontages opposite residentially zoned lots. This prohibition shall not apply under the following conditions:
 1. There is no access to the lot from another street or alley within an industrial zone.
 2. The Director has determined that the lot width and depth prevents a workable plan for the building, parking and loading if access is not allowed from a street or alley across from a residentially zoned lot.

(Ord. [113658](#) § 4(part), 1987.)