



**CITY OF NEWPORT
PLANNING COMMISSION MEETING
NEWPORT CITY HALL
JANUARY 10, 2013 – 7:00 P.M.**

Chairperson:	Susan Lindoo	City Administrator:	Brian Anderson
Vice-Chair:	Dan Lund	Executive Analyst:	Renee Helm
Commissioner:	Janice Anderson	Council Liaison:	Tom Ingemann
Commissioner:	Katy McElwee-Stevens		
Commissioner:	Matt Prestegaard		

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. NOMINATION and APPOINTMENT OF CHAIRPERSON AND VICE-CHAIRPERSON FOR 2013**
- 4. APPROVAL OF PLANNING COMMISSION MINUTES**
 - A. Planning Commission Minutes of December 13, 2012
- 5. APPOINTMENTS WITH COMMISSION**
 - A. **Resolution No. 2013-1** – Recommending Comprehensive Plan Amendment Distribution and Approval
- 6. COMMISSION & STAFF REPORTS**
- 7. NEW BUSINESS**
- 8. ANNOUNCEMENTS**
 - A. Upcoming Meetings and Events:

1. City Council Meeting	January 17, 2013	5:30 p.m.
2. City Council Meeting	February 7, 2013	5:30 p.m.
3. Planning Commission Meeting	February 14, 2013	7:00 p.m.
- 9. ADJOURNMENT**



**City of Newport
Planning Commission Minutes
December 13, 2012**

1. CALL TO ORDER

Chairperson Lindoo called the meeting to order at 7:00 P.M.

2. ROLL CALL -

Commissioners present – Susan Lindoo, Janice Anderson, Katy McElwee-Stevens, Matt Prestegaard

Commissioners absent – Dan Lund

Also present – Brian Anderson, City Administrator; Tom Ingemann, Council Liaison; Sherri Buss, TKDA Planner

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of November 8, 2012

Chairperson Lindoo – I found one small item. On page 3 on the top, there are three bullet points and I was wondering if something was missing. It says “Designate the area Ford and Cemetery Roads and east of Hastings Avenue as MX-2.” Is it supposed to be north of Ford Road?

Janice Road – It would be north of Ford, south of Cemetery Road and East of Hastings Avenue.

Motion by Anderson, seconded by Prestegaard, to approve the November 8, 2012 minutes as amended. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

4. APPOINTMENTS WITH COMMISSION

A. Public Hearing – To consider an application from AccessAbility, 8362 Tamarack Village #119, Woodbury, MN for Approval of a Variance for Property Located at 627 6th Avenue, Newport

The Public Hearing opened at 7:05 p.m.

Sherri Buss, TKDA Planner, presented on this item as outlined in the December 13, 2012 Planning Commission Packet.

The Applicant, Accessibility Options, Inc. is requesting a variance on behalf of Philip Frank, the property owner. The variance would allow for construction of a wheel chair ramp to serve a grandchild who lives at the home at 627 6th Avenue North. The property is approximately .16 acres in size, and is located in the R-1 Low Density Single-Family Residential District. The first condition stating that they need a building permit is no longer needed as the ramp is low enough to the ground and does not need a building permit per the Code.

Janice Anderson – Have the fees been paid for already?

Ms. Buss – Yes. We don't start the review until they've paid the fee.

Admin. Anderson – At the last Council meeting the Council did approve adding a fee to the 2013 fee schedule to double the variance fee if something is built without obtaining a variance.

Matt Prestegaard – I presume the tree is healthy and that we wouldn't want them to remove it?

Ms. Buss – It appears so and it would be rather expensive to request them to remove it.

Chairperson Lindoo – I approve the variance but I would like to say something to the applicant about jeopardizing their client’s best interest, which they did by building it without obtaining the variance.

Ms. Buss – The fee will be assessed to AccessAbility instead of the property owner since they are the ones who applied and built it without obtaining a variance first.

The Public Hearing closed at 7:15 p.m.

Chairperson Lindoo – Can we add a condition recommending that any penalty fees be charged to the Applicant instead of the property owner?

Ms. Buss – Yes.

Motion by Prestegaard, seconded by Anderson, to approve Resolution No. P.C. 2012-12 recommending the City Council approve the Variance as amended. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

B. Discussion Regarding Ordinance Updates

Sherri Buss, TKDA Planner, presented on this item as outlined in the December 13, 2012 Planning Commission Packet. The Planning Commission discussed two ordinance amendments for Section 1310.11, Variances, and Section 1350, Non-Residential Districts.

The amendment for the variance ordinance is to include a new State criteria that has changed the criteria for variance approval from “hardship” standards to “practical difficulties.” A public hearing for the variance amendment will be included with the public hearing for the non-residential districts.

Katy McElwee-Stevens – I have one question on Subdivision 4 where it says “Failure of the property owners to receive the notice shall not invalidate the proceedings.” Does that mean that we could still hold a public hearing if the notices were lost in the mail?

Ms. Buss – Yes.

Katy McElwee-Stevens – Then why do we need to send notices?

Ms. Buss – If it’s a controversial issue you’ll have several people come to the meeting and say that they didn’t receive the notice even if they did in hopes of postponing it. That sentence prevents that from happening.

Motion by Anderson, seconded by McElwee-Stevens to recommend to City Council that a public hearing be held at the January 10, 2013 meeting to amend Section 1310.11. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

The second amendment is in regards to Section 1350, Non-Residential Districts. This is a continued discussion from the November 8, 2012 Planning Commission meeting. The first item that the Planning Commission discussed was the draft zoning map. The draft includes the following changes:

- Revised MX-1 to include the area between Glen and Ford Roads and Hastings and 8th Avenues
- Created a MX-4 District to include the remaining area of the old MX-1 District
- Designated the area north of Ford Road, south of Cemetery Road and east of Hastings Avenue as MX-2

Martin Vietoris, owner of 2154 Hastings Avenue, is requesting that four parcels along Ford Road between Hastings Avenue and Valley Road be included in the new MX-1 District so that he can build a duplex. Mr. Vietoris requested a rezoning request earlier in 2012 for these parcels from B-2 to R-1 so that he could build single-family homes. The Council approved his original request in July 2012. The draft map includes an updated MX-1 District to include these parcels.

The second item that the Planning Commission discussed was the language amendments to Section 1350, Non-Residential Districts. The amendments include the following:

- Revise the district numbers and locations in the Code to be consistent with the zoning map
- Add the following Civic and Semi-Public Uses to the Use Table:
 - Day Care Centers
 - Essential Services/Public Utilities
 - Funeral Home
 - Hospitals
 - Medical Clinics
 - Military Reserve, National Guard Centers
 - Parking Garage (as a principal use)
 - Parking Lot, Surface (as a principal use)
 - Penal/Correctional Facilities
 - Place of worship and associated facilities, except schools
 - Post Office
 - Public Facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, and other municipally owned or operated facilities
 - Schools-trade, college, vocational, and associated facilities
 - Social, Fraternal clubs and lodges, union halls
- Revise Section 1350.02(B) to read “To provide an adequate supply of suitable land for businesses and professional services to meet the needs of the community and provide employment opportunities and significant tax base”
- Revise the section regarding parking standards to require planted boulevards in the MX-1 and MX-4 districts for the fronts of parking lots

The Planning Commission discussed these revisions and requested that the following amendments be made for the Public Hearing:

- Define a T.O.D. District as discussed in Section 1350.15(G)(4)
- Fill in the blank for Section 1350.15(G)(4)(e)
- Revise the use table so that parking garages, parking lots, or surfaces as a principal use are not allowed in the MX-2 District
- Redraw the North Pedestrian Bridge to be the same as the South Pedestrian Bridge

Motion by Anderson, seconded by McElwee-Stevens to recommend to City Council that a public hearing be held at the January 10, 2013 meeting to amend Section 1350. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

5. COMMISSION AND STAFF REPORTS

Chairperson Lindoo – Did you meet with MnDot about turning back some property?

Admin. Anderson – Yes, MnDot will turn it back to the County and then we’ll take a look at getting it. It’ll be mid-2013 before that happens.

Ms. Buss – The County flipped the transit station so that the backside is no longer facing Maxwell Avenue. I think we should thank Dan for hanging in there and talking with your County Commissioner about it. The HRA submitted a grant application to acquire those four parcels between Lions Park and Maxwell Avenue. They utilized the Parks Master Plan to submit the application. The decision will be made in the Spring.

6. NEW BUSINESS

No new business

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

- | | | |
|--|------------------------|-----------|
| 1. Christmas Holiday – City Offices
will be closed | December 24 – 25, 2012 | |
| 2. New Year’s Holiday – City Offices
will be closed | January 1, 2013 | |
| 3. City Council Meeting | January 3, 2013 | 5:30 p.m. |
| 4. Planning Commission Meeting | January 10, 2013 | 7:00 p.m. |

8. ADJOURNMENT

Motion by Anderson, seconded by Prestegaard, to adjourn the Planning Commission Meeting at 8:15 P.M. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Signed: _____
Susan Lindoo, Chairperson

Respectfully submitted,

Renee Helm
Executive Analyst



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

Memorandum

To:	Newport Planning Commission	Reference:	January 10, 2013 Meeting
Copies To:	Brian Anderson, City Administrator		
	Renee Helm, Executive Assistant		
From:	Sherri Buss, RLA, AICP, Planner	Project No.:	14816.000
Date:	January 2, 2013	Routing:	

The items for discussion at this meeting include the following:

- Draft materials for Comprehensive Plan Amendment submittal

The City will need to apply to the Metropolitan Council for a Comprehensive Plan amendment for our proposed changes to the zoning map. We need the Planning Commission to approve the draft amendment submittal so that we can send it out to the neighboring communities and start the amendment process.

The draft materials that we need to send to the Metro Council are attached for your review and comments. We need to get this process going as soon as possible—we had originally included this task as part of the Livable Communities grant that ended on December 31, 2012.

Berry and I have updated the map based on our discussions in November and December, including the shape of the northern pedestrian bridge. We also completed the updates to the proposed section of the ordinance based on that discussion. I have attached those items as well, so you can review for the public hearing. City staff forgot to notice the public hearing for January, so we have rescheduled that for the February Planning Commission meeting.

See you on January 10!

**PLANNING COMMISSION
RESOLUTION NO. P.C. 2013-1**

**A RESOLUTION RECOMMENDING COMPREHENSIVE PLAN AMENDMENT
DISTRIBUTION AND APPROVAL**

WHEREAS, the City of Newport adopted its 2030 Comprehensive Plan Update on January 21, 2010, and

WHEREAS, the Comprehensive Plan includes goals to support transit-oriented development and a variety of mixed-use districts within the City; and

WHEREAS, the Planning Commission has completed proposed updates to the Zoning Ordinance and Zoning Map to create several new districts and the standards to govern future development in those districts that will implement the goals of the Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED, That the Newport Planning Commission recommends that the Newport City Council approve the revised zoning map and updated zoning ordinance Section 1350 for distribution to neighboring communities and other agencies as required by the Metropolitan Council, and that the Council should approve the Comprehensive Plan Amendment for review by the Metropolitan Council.

Adopted this 10th day of January, 2013 by the Newport Planning Commission.

VOTE:	Lindoo	_____
	Lund	_____
	Anderson	_____
	McElwee-Stevens	_____
	Prestegaard	_____

Signed: _____
Chairperson

ATTEST: _____
Brian Anderson, City Administrator

Comprehensive Plan Amendment Submittal Form

Please complete the following information. When completing this form electronically, fields in grey need your input. Use the Tab key to quickly navigate to each field. Question 37 on the last page of this form is for MUSA Expansions or Changes only and does not contain grey fields, but is directly editable. The form for Question 37 is also available in Excel format. <http://www.metrocouncil.org/planning/assistance/resources.htm>

This form is available in electronic format on the Metropolitan Council's website: <http://www.metrocouncil.org/planning/assistance/resources.htm>.

AMENDMENT NAME City of Newport Mixed Use Districts

COMMUNITY PROFILE AND AMENDMENT OVERVIEW

1. Please provide the following information:

Local governmental unit: City of Newport
Contact name: Sherri Buss, RLA, AICP
Contact title: Senior Planner
Address: TKDA, 444 Cedar Street, Suite 1500
City, State, Zip: St. Paul, MN 55101
Telephone number: (651)292-4582
FAX number: (651)292-0083
Email address: sherri.buss@tkda.com
Date of preparation: January 14, 2012

2. Identify the type of amendment and describe. Check all that apply:

- 2a. Land use change: creation of Mixed Use Districts to support transit-oriented development around the Red Rock Transit Station, support transition from highway-oriented uses to a diverse mix of housing, commercial and office uses and replace obsolete business classification
- 2b. MUSA expansion or change: _____
- 2c. Text Change: Update text related to Mixed Use Districts and Future Land Use map change
- 2d. Other: _____

3. Provide a description of the amendment:

Location: both sides of Highway 61
Brief description: Change previous Commercial/Residential designation to four Mixed Use designations
Affected area, in acres: 243 acres
Number of housing units in CPA area, if any: _____

SECTION 1: PROCESS OVERVIEW

<http://www.metrocouncil.org/planning/LPH/LPHSect1.pdf>

4. Indicate the official local status of the plan amendment. Check all that apply.

NOTE: *The local governing body must take action on the proposed amendment before submittal to the Metropolitan Council.*

Action	Date of Action
<input checked="" type="checkbox"/> Acted upon by the planning commission.	January 10, 2013
<input type="checkbox"/> Approved by governing body, contingent upon Metropolitan Council review	

5. List the adjacent local governments, school districts, and other jurisdictions that were contacted and the date the copies were sent. Notifying adjacent governmental units and affected school districts is one of the criteria the Council will use to determine whether an application is deemed complete for review.

City of Woodbury, City of Cottage Grove, City of St. Paul Park, City of Inver Grove Heights, City of South St. Paul, City of St. Paul, City of Maplewood, South Washington County School District 833, South Washington County Watershed District, and Washington County

Date sent:

6. Identify outstanding issues or conditions made in the Metropolitan Council's review of the municipality's 2030 Comprehensive Plan Update or subsequent comprehensive plan amendments:

- The Council's review(s) did not identify any issues or conditions.
- The Council's review(s) identified the following issues/conditions:

Issue/Condition	Steps taken or future planned actions, including date

7. Will/has and environmental review (Environmental Assessment Worksheet, Environmental Impact Statement, or Alternative Urban Areawide Review) be/been completed for this site?

- No, none required.
- Yes. Indicate the type of review and approximate date of completion. If completed, include a summary of the findings below:

SECTION 2: FORECASTS

<http://www.metrocouncil.org/planning/LPH/LPHSect2.pdf>

8. Does the plan amendment change the population, household, or employment forecasts that appear in the Metropolitan Council's published forecast tables? Published forecast tables can be found online on the Council's website: <http://www.metrocouncil.org/metroarea/stats.htm>. Please note that the Council's practice is to round forecasts to the nearest hundred.

- No, no change in community-level forecasts. This plan amendment enables development that is already assumed in current, approved forecasts.
- Yes. Identify the net changes to community-level forecasts in the table below:

Net Changes to Community-level Forecasts (additions or reductions due to the amendment)			
	2010	2020	2030
Population			
Households			
Employment			

For all amendments that propose land use or forecast changes, you must complete the following:

- Item #10 Land Use
- Item #11 Housing
- Item #12 Critical Area / MNRRA
- Item #13 Trip Generation
- Item #22 Wastewater Flow
- Item #32 Water Supply

SECTION 3: LAND USE

<http://www.metrocouncil.org/planning/LPH/LPHSect3.pdf>

9. Does the plan amendment propose any impacts to wetlands located on the site?

- No wetlands on the site.
- No, no impacts to wetlands located on the site.
- Yes. Describe the type of wetland(s), potential impacts, and mitigation plans below:

10. Describe land use changes in acres applicable to this amendment site in the table below. Use the community's land use categories as contained in the local comprehensive plan.

- Not applicable. No land use changes proposed.

Land Use Designation (fill in the community's specific land use categories)	All Land Uses in CPA Area Acres		Residential Land Uses Only # of Units & Density Range	
	Pre-CPA	Post-CPA	Pre-CPA	Post-CPA
Commercial/Residential	243	0	432 units (6-8 dua)	0
Mixed Use Downtown (MX 1)	0	38		6 - 18 dua
Mixed Use Commercial (MX 2)	0	53		6 - 10 dua
Mixed Use Transit-Oriented Design (MX 3)	0	54		30 - 50 dua
Mixed Use General (MX 4)	0	98		6 - 18 dua
Totals	243	243		432 units

CPA = Comprehensive Plan Amendment

11. Housing: If the proposed amendment changes the amount of land city-wide staged for development for the 2011-2020 timeframe for medium density, high density, or mixed use residential development, complete the following table to identify the amount of land available pre- and post-amendment.

Fill in all land use categories that allow multi-family residential development	Acres city-wide for each land use category Pre-CPA			Acres city-wide for each land use category Post-CPA	
	Total Acres	Developed Acres	Developable Acres*	Amendment Acres**	Developable Acres
	A	B	A - B = C	D	C + D = E

* Developable means land planned for urban residential development, infill, or redevelopment for the 2011-2020 timeframe.
 ** Amendment acres from the municipality's response to Question #10 above.

12. Mississippi River Critical Area / MNRRA: Does the proposed amendment include any land within the designated Mississippi National River and Recreation Area (MNRRA) and Critical Area boundaries?

- No. Not a community with CA / MNRRA boundaries or project site is not within CA / MNRRA boundaries.
- Yes. Describe below how Critical Area guidelines and MNRRA Comprehensive Management Plan policies are being addressed with this amendment.

SECTION 4: TRANSPORTATION <http://www.metrocouncil.org/planning/LPH/LPHSect4.pdf>

13. Trip Generation: Complete the table below using the most recent edition of the Institute of Transportation Engineers Trip Generation Manual to show whether this plan amendment increases or decreases trip generation compared to the planned land use and transportation element of the community's comprehensive plan.

	Trip Generation for the Site Based on Planned Land Use Pre-Amendment	Trip Generation for the Site Based on Planned Land Use Post-Amendment
Estimated average daily traffic		
Estimated peak hour traffic		

14. Will these changes require improvements to the existing local and regional road network or to interchanges beyond what is in the community's current transportation plan?

- No, existing local and regional road networks can accommodate increase.
- Yes, improvements are needed. Describe improvements and who will pay for them below:

Access

15. If this site has direct access to a Principal or "A" Minor Arterial, is the location and spacing consistent with applicable County guidelines or MnDOT's Access Management Guidelines? (<http://www.oim.dot/state.mn.us/access/index.html>)

- Not applicable. No direct access to a Principal or "A" Minor Arterial.
- No. Explain:
- Yes. Describe below:

City ordinances regulate access management consistently with the Guidelines. Washington County and Mn/DOT have reviewed the proposed roadway system in the Red Rock District, which includes Maxwell Avenue (CR 38), and have approved the access and spacing among roadways.

16. Will the amendment increase or decrease by 10% or more the 2030 forecasted households, population, or employment forecasts allocated to the development's Traffic Analysis Zone (TAZ)?

- Yes. No. If Yes, explain below:

Transit and Other Modes of Transportation

17. Is the amendment likely to have any impact, positive or negative, on transit service?

- No, not currently served by transit or will not affect transit.
- Yes. List existing routes, describe changes, and identify proposed/necessary transit facility improvements (e.g. shelters, park & rides, etc) below:

The amendment supports transit oriented development opportunities for the Red Rock corridor. The MX-3 District will support transit-oriented development around the Red Rock Transit facility.

18. Does the amendment include Traffic Demand Management (TDM) strategies or land use and urban design measures, if applicable?

- Yes. No.

If No, explain why not. If Yes, describe below (e.g. car and van pooling, flexible work hours, mixed land uses that discourage vehicle trips and promote walking, biking, ridesharing, and transit):

The amendment promotes mixed use development.

19. Does the amendment include any pedestrian or bicycle access or facilities?

- Yes. No. If No, explain why not. If yes, describe access/facilities below:

Facilities will be required as development occurs.

Aviation

20. Does the amendment affect any airport functions?

- Not applicable. Site is not within airport compatibility area or search area.
- No. The site is within airport compatibility area or search area, but no impacts. Explain below:
The site is within the South St. Paul Airport joint zoning board, but there will be no impacts due to the proposed change in zoning districts
- Yes. The CPA site is within an airport compatibility area or search area, and experiences off-airport impacts related to the following:
 - Aircraft Noise. Describe whether the community has adopted land use compatibility guidelines, including preventive and corrective noise abatement and/or mitigation measures being applied.
 - Airport Safety Zoning. Indicate whether the community participates on a joint airport/community zoning board, has an approved airport zoning ordinance, and how those requirements relate to the proposal.
 - Airport Infrastructure. Describe how the proposal affects or is affected by the provision of services or facilities to the airport (e.g. roads, utilities, police/fire, etc.).

SECTION 5: WATER RESOURCES

<http://www.metrocouncil.org/planning/LPH/LPHSect5.pdf>

Wastewater

21. What type of wastewater treatment will be used to serve the proposed amendment?

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

22. Wastewater Flow: Complete the following table to show whether the amendment increases or decreases wastewater flow compared to the currently planned land use and sewer flow projections.

Year	Total Community Flow Pre-Amendment (mgd)	Total Community Flow Post-Amendment (mgd)
2010	139	139
2020	180	180
2030	208	208

mgd = million gallons per day

23. Does the local wastewater system have adequate capacity or staged capacity to accommodate the proposed amendment?

Yes. No. Explain response below:

NA - no local system.

24. Does the regional wastewater system have adequate capacity or staged capacity to accommodate the proposed amendment?

Yes. No. Explain response below:

The Plan Amendment does not yild a change from the adopted comprehensive plan.

25. Has the community and/or Metropolitan Council identified an inflow and infiltration (I/I) problem?

Yes. No. If Yes, describe steps taken to address the I/I issue and plans for action below:

The City's efforts to address I/I include identification and correction of cross-connections and overflows between the sanitary and storm sewer systems; the City has required that all homes located below the regulatory flood elevation be equipped with check valves to allow shut off when river levels increase infiltration; and there is an ongoing program to replace all manhole covers with seal "pickless" lids. The City requires the PVC pipes be used in all new construction to reduce seepage into sewer pipes. The city has an ordinance that prohibits the use of sump pumps to discharge water into the sanitary sewer system.

26. Identify regional interceptor(s) that will be impacted by these changes and indicate if flows will be diverted from one interceptor service area to another below.

None

27. Does the amendment include any wastewater flow to an adjacent community? For new inter-community agreements, the receiving community must also amend the sewer element of its plan.

Yes. Enclose a copy of the inter-community agreement with the amendment submittal.

No.

Surface Water

28. Will stormwater runoff generated from the amendment be treated on-site?

No. Check one of the following and describe:

Runoff will not receive treatment. Describe below:

Runoff will be treated off-site. Identify off-site treatment facility below:

Yes. Describe type and level of on-site pollutant removal treatment/mitigation plans below:

Local stormwater and erosion control ordinances require on-site pretreatment/ treatment. All stormwater generated by new development or redevelopment will meet the City's requirements and the rules and standards adopted by the South Washington Watershed District.

29. Does the community an updated local surface water management plan?

Yes. Year adopted: 2010 No. Explain below:

30. Does the community have an adopted erosion control or stormwater management ordinance?

Yes. Year adopted: 2011 No. Explain below:

Water Supply

31. Does the community have an updated water supply plan?

Yes. Year adopted: 2010 No.

32. Will the amendment increase or decrease projected water use from the community's current water supply plan?

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

SECTION 6: PARKS

<http://www.metrocouncil.org/planning/LPH/LPHSect6.pdf>

33. Does the amendment include, or is it adjacent to or within 1/2 mile of an existing or planned regional park, reserve, or trail as identified in the Metropolitan Council's 2030 Regional Parks Policy Plan?

Yes. No.

If Yes, indicate the name of the regional park, reserve, or trail and describe potential impacts and mitigations plans below:

The Washington County Mississippi River Regional Trail runs along the Highway 61 corridor. Any trail improvements will be considered as development is proposed.

34. Does the community have a Parks & Open Space Plan including regional park elements?

Yes. Year adopted: 2010 No.

SECTION 7: IMPLEMENTATION

<http://www.metrocouncil.org/planning/LPH/LPHSect7.pdf>

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

Yes. No. If Yes, describe proposed changes and timeline for making those changes below:

The change will be implemented with Zoning Map and Zoning Ordinance amendments.

36. Does the community have natural resources protection ordinances, including those addressing wetlands, tree preservation, or steep slopes?

Yes. No. If Yes, identify applicable ordinances below:

Zoning, Floodplain Management, Shoreland Management (includes wetlands and steep slopes), Bluffland Overlay (includes bluffs and steep slopes), Critical Area Overlay and Subdivision Chapters of the City Code.

DON'T FORGET!

A complete comprehensive plan amendment submittal must include the following:

- Completed CPA Submittal Form
- Staff report regarding CPA
- Other relevant information related to the CPA

And the following color maps:

- General location of CPA
- Current planned land use
- Proposed planned land use change
- Current sewer staging
- Proposed sewer staging changes
- Existing land cover (MLCCS if available)

PROPOSED REVISIONS TO
COMP PLAN TEXT IN RED

**Table 4 - 2:
2030 Future Land Use**

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<i>Land Use Type</i>	<i>Acres</i>	<i>Percent</i>
Single Family Detached/ River Residential	720432	29.217.5%
Conservation Residential	523895	21.236.3%
Multi-Family	17	0.70.7%
Commercial/Residential <u>Mixed Use-</u>		
<u>Downtown (MX-1)</u>	<u>38224</u>	<u>9.11.5%</u>
<u>Mixed Use-Commercial (MX-2)</u>	<u>53</u>	<u>2.2</u>
<u>Transit Oriented Mixed Use (MX-3)</u>	<u>54</u>	<u>2.2</u>
<u>General Mixed Use (MX-4)</u>	<u>98</u>	<u>4.0</u>
Commercial /Business		
Park/ Office /Warehouse	4751	1.92.1%
Light Industrial	8072	3.32.9%
General Industrial	154112	6.14.5%
<u>Industrial-Storage</u>	<u>44</u>	<u>1.8</u>
<u>Institutional</u>	<u>63</u>	<u>-2.6%</u>
<u>Parks and Open Space</u>	<u>188147</u>	<u>7.66.0%</u>
Transportation	296	12.012.0%
Water	156	6.36.3%
	2,465	100.0.0%

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**Table 4 - 3:
Planned Residential Densities**

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<i>Residential Land Use</i>	<i>Gross Acres</i>	<i>Net Acres</i> (lands vacant for development or planned for redevelopment, less wetlands and bluff area)	<i>Minimum-Maximum Density</i>	<i>2030 New Housing Units</i>
SF Single Family Detached/ River Residential	720432	<ul style="list-style-type: none"> 50 vacant, platted lots in Old Town area available for development. No additional acres undeveloped/ planned for redevelopment. 	3 - 5 dua	50 units
Conservation Residential	523895	<ul style="list-style-type: none"> 211 Net Acres It is not expected that 100% of the area will develop in the 2030 planning horizon. 100 Net Acres anticipated for 2030. 	2 - 3 dua	200 units
Multi-Family	17	<ul style="list-style-type: none"> Zero acres undeveloped/ planned for redevelopment. 	6-14 dua	Zero units
Commercial/ Residential <u>Mixed Use Districts</u>	234243	<ul style="list-style-type: none"> 181 Net Acres It is not expected that 100% of the area will develop in the 2030 planning horizon. 144 Net Acres anticipated for 2030. 50/50 mix; 72 Residential Net Acres for 	6 - 8-50 dua	432 units

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	2030.		
		TOTAL	682 units

**Table 4 - 4:
Staging Plan**

Area	2010	2020	2030
SF Detached (existing platted lots)	20 units	30 units	--
Conservation Residential	25 units	75 units	100 units
Commercial/Residential <u>Mixed Use</u>	117 units	165 units	180 units
New units	162	270	280
Total Households	1,580	1,850	2,130
Total Population	3800	4,400	4,890
Employment	3,900	5,200	6,500

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1. Residential Land Use Designations - Single Family Detached/~~River Residential~~, ~~Conservation Residential~~, ~~Commercial/Residential~~Mixed Use, and Multi-Family

Residential development in the community will focus on maintaining and enhancing the existing housing areas and diversifying the housing supply. The future land use plan provides opportunities for additional housing that will help the community meet the population and household projections identified by the Metropolitan Council for the 2030 plan.

The following additional housing opportunities are recommended through 2030:

- *Infill Housing*: Some vacant platted single family lots remain scattered throughout the "old town" neighborhood. The City will revise its zoning ordinance to allow development on these lots. The Ordinance will also include design and performance standards to assure that the character and design of the new units is compatible with existing housing.
- Redevelopment in ~~Commercial/Residential~~Mixed Use Zones: The districts to the east and west of Highway 61 provide opportunities to integrate higher-density housing with commercial, office, restaurant and entertainment uses, as a part of redevelopment in these areas. Housing types are likely to include condominiums and townhomes.
- *New Housing Development in the Conservation Residential Zones identified in the wooded bluff areas*: The bluff lands area has some remaining vacant parcels of land that would be highly conducive to residential development. Delivery of urban services in these areas is difficult, but feasible.

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The City ~~will~~ revised its zoning ordinance to establish a two-acre minimum lot size in the entire bluffs area. (The ~~current~~ previous ordinance ~~requires~~ required a minimum lot size of 10 acres.) The two-acre lot size is similar to the size of many existing lots in the bluffs area. The City will maintain or strengthen the performance standards in the zoning and subdivision code to protect the natural resources that give the area its character, including tree preservation standards, storm water management and erosion control standards, and bluff protection.

The City ~~will~~ also developed an Open Space ordinance that encourages “clustering” of homes and protection of bluff and wooded areas through permanent conservation easements. The “Open Space” approach is critical to protect the bluffs, steep slopes, and native woodlands in the Bluffs areas. Clustering will maintain the overall 1 unit per 2 acres density in the bluffs area, but would allow clustering at higher densities with protection of 50 percent of the development as open space. The open space may be dedicated to the public or remain private, but the City will require public easements for future trails identified for this area.

The land use districts on the Future Land Use map are characterized as follows:

Single Family Zones in Newport include a variety of large and small lot detached single family housing units. Future housing development within this land use classification will typically consist of scattered site infill development, redevelopment and new development.

Density within this district will be limited to 4 units per gross acre but also will encompass existing low density (large lot) estate residential development. After taking out land area for public street right of way, a density of 4 units per gross acre equates to an average lot size of approximately 9,000 square feet. However, individual lot sizes will vary for lots that have environmental significance or limitations (river or bluff areas) versus lots that are in more dense areas (near downtown).

The City intends to continue to allow a variety of lot sizes and housing styles within the single family land use area to adjust to the physical surroundings of each neighborhood. Existing platted lots of record may be allowed to develop infill housing units. The City estimates that there may be up to 50 existing platted lots of record that could be developed in the Old Town area. In these instances, architectural guidelines will be established to ensure adequate open space, street lighting and streetscaping, and a visual appearance that is complementary to the surrounding neighborhood.

Conservation Residential Zones will allow for “open space” development that protects 50 percent or more of the land within a development in a permanent conservation easement, clustering single family homes on the remainder of the land. These zones are designated to protect the natural resources within the bluff

land areas. The minimum density of this zone is 2 dwelling units per acre. Metropolitan Council policy for sewered residential development density is an overall average minimum density of 3 units per acre for new development. The lower density allowed in the Conservation Residential Zones is offset by the higher minimum density in the ~~Commercial/Residential~~Mixed Use Zones. Overall, the combined Conservation Residential and ~~Commercial/Residential~~Mixed Use zones in year 2030 will have a minimum average density of 3.7 dwelling units per acre. (662 units/177 net acres).

It is anticipated that approximately half of the Conservation Residential area will develop by the year 2030, though the exact location of development within the zone will depend on market conditions.

~~Commercial/Residential~~Mixed Use Zones will allow for development of new housing units along with commercial, office, restaurant and entertainment uses. The City expects that new housing in these areas is likely to include condominiums ~~and~~, townhomes, ~~but may include other housing types as well,~~ and market-rate apartments. Some of the mixed-use zones may accommodate single-family homes and detached townhomes on small lots.

Existing and new housing units in these areas will be convenient to local commercial land uses, have good access to major roadways and future transit, and be served by public utilities. Housing development may be part of vertically-integrated developments, with housing over commercial or office use.

The MX-3 District is focused on transit-oriented development, including uses and densities that will support the proposed Red Rock Corridor transit station. The MX-1 District supports a mix of residential and commercial uses that serve a local market in the City's "downtown" district. The MX-2 and MX-4 districts support a wider range of commercial and residential uses in districts that will allow the evolution from historic "highway-oriented" uses to those that fit future markets and demographics.

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Redevelopment will be driven by land-holders and may occur at various locations within the ~~Commercial/Residential~~Mixed Use area, depending on market forces. It is likely that the full area will not be redeveloped by the year 2030. This area can accommodate the City's share of the region's affordable housing, as designated by the Metropolitan Council (68 units by 2020).

A 50/50 mix of commercial and residential land uses is anticipated. Existing housing will not be lost through redevelopment, as the existing land uses are non-residential within the ~~Commercial/Residential~~Mixed Use area.

Multifamily Housing Zones will continue to allow for a variety of housing types including apartments, condominiums, and townhomes. The density of this zone

is 6 to 14 dwelling units per acre. This area is developed and redevelopment within the 2030 planning period is not expected.

Residential Land Use Policy: In regards to residential land use, it is the policy of the City of Newport to:

- a. Protect the character and integrity of existing residential neighborhoods.
- b. Encourage reinvestment in the community's existing residential neighborhoods while protecting the historical integrity of architecturally significant structures.
- c. Allow flexibility within zoning regulations for the provision of alternative housing types and styles including townhomes, condominiums, [market-rate rentals](#) and senior housing, with or without supportive services where appropriate.
- d. Encourage infill housing developments on existing vacant, platted single family lots of record throughout the community consistent with the City's design requirements.
- e. Guide future rezoning according to the land use map ensuring minimal conflicts between residential and non-residential land uses.
- f. Ensure new housing development has minimal negative impacts on the community's natural resource base especially the Mississippi River and bluff areas.
- g. Encourage development in the wooded bluffs area designated as Conservancy Residential to utilize open space design development.
- h. Ensure residential developments are well served by local street and sidewalk/trail systems to provide safe pedestrian and vehicular movements.
- i. Require site plan reviews for all multi-family housing developments to ensure multi-family housing developments are designed with sensitivity given to the surrounding land uses in order to minimize conflicts associated with refuse storage, excessive traffic and recreation.

2. Commercial/Industrial Land Use Designations - ~~Commercial/Industrial, Business Park/Office/Warehouse, and Commercial-Residential/Mixed Use,~~

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2. ~~General Industrial, and Light Industrial~~

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General industrial land use will remain focused on the northwest quadrant of I-494 and Highway 61 and around the Marathon Oil Refinery in southwest Newport. These areas include heavy industry and utilities.

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Light industrial land use is designated along the river where the current Newport Cold Storage facility and other miscellaneous storage and light manufacturing

industries are located and on the periphery of the Marathon Oil Refinery site. These areas are intended to allow land uses such as light manufacturing and assembly and warehousing. Both General and Light Industrial land uses will take advantage of access to a major rail line.

Industrial-Storage land use is designated in areas bordering City limits and in areas adequately buffered with open land to permit storage of petroleum products and other similar storage uses.

Commercial/Business Park/Office/Warehouse and Commercial/Residential land use designations will provide locations for office, warehouse and related uses in a business park setting. Some accessory commercial services may also be a part of this land use type to serve the large employment base. create zones of mixed residential, commercial and other compatible uses within the corridors east and west of Highway 61. These areas will allow for a variety of office, commercial, retail and service establishments that tailor primarily to the Newport community but also (because of its location at a major new interchange) to the immediate region.

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The Commercial/Business Park area will focus on a variety of commercial, office, warehouse and light manufacturing uses. The Commercial/Residential areas will include residential uses with a variety of commercial uses. The areas may also include public uses such as a community center, City offices and a transit hub.

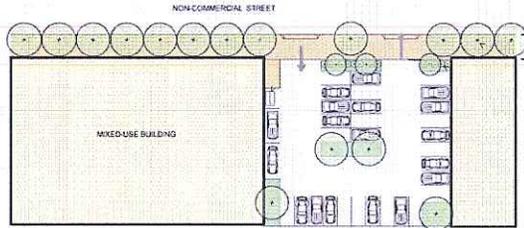
Mixed Use land use designations will foster a development pattern that encourages a mix of supportive residential and commercial uses, and supports a multi-modal transportation system that services all users. These districts will integrate places to live, shop, work and play. The mixed-use districts are intended to help shape Newport's downtown and small town identity.

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The Hastings Avenue mixed-use area (*Mixed Use Downtown, MX-1 District*) is intended to foster a dense, focused downtown business district that is not dominated by large, sprawling uses or by automobile or highway oriented uses. Instead, development within the area should consist of smaller buildings, where possible, placed close to the street with the parking at the sides or in the rear to create a relationship with the street. Parking should also be allowed on the street where possible and developments should be controlled by a set of architectural

guidelines established through a community process.



Public spaces are also likely to be an important part of areas with residential and commercial land uses. These spaces function as a gathering place and therefore, should be well lit and be inviting to the pedestrian. Public art, unique street lighting, benches that serve functions other than just resting on, bicycle racks and other streetscape amenities are important in establishing downtown character. Uses should be both horizontally and vertically integrated, with residential and office uses over commercial uses.

The All of the Hastings Avenue Mixed Use Downtown area Districts should be designed to be pedestrian-friendly. Integrating residential, retail and office and commercial developments in these areas will provide services and activities for residents within walking distance of residential areas. Sidewalk and streetscape design should be inviting and comfortable to pedestrians, bicyclists and those who arrive in autos.



7th Avenue is a key component to the “downtown theme”. Currently this roadway plays an important link from southern Newport and St. Paul Park to gain access to TH-61 at Glen Road. Future plans for 7th Avenue are to reduce the level of heavy truck access while maintaining the road as a key transit route for Metro Transit buses, which may connect with a future commuter rail facility will utilize the Red Rock Transit station in the MX-3 District.

While Highway 61 and the railroad tracks definitely create an obstacle to establish a unified community, opportunities should be pursued to link both sides of the highway. These opportunities might include using the same streetscape scheme, promoting or requiring similar architectural components to buildings, requiring similar signage, and utilizing the new pedestrian overpasses that cross Highway 61, linking the east and west portions of the City.

Commercial/Industrial Land Use Policy: The City’s policies for commercial and industrial land uses include the following:

- a. Implement the recommendations of *Revisioning Newport* for the Commercial/Residential Mixed Use areas proposed in the Red Rock Gateway and Hastings Avenue areas.
- b. Minimize land use conflicts between non-compatible uses through site plan review, landscape buffers, and approval of all commercial/industrial developments or redevelopment.
- c. Carefully review expansion of commercial/industrial development to ensure adjacent residential areas are protected.
- d. Enforce architectural standards and site amenities (including landscaping and streetscaping requirements) within new development and redevelopment areas.
- e. Ensure industrial areas have attractive buildings and grounds including no visible outside storage.
- f. Encourage disruptive home occupational uses to move out of residential neighborhoods and relocate in more compatible environs.
- g. Require commercial/industrial developments to adhere to the Minnesota Pollution Control Agency's "urban best management practices" during design and construction stages.
- h. Encourage medium density, multi-story buildings where appropriate (for example in the Commercial/Residential Mixed Use areas to establish a place of appropriate character and to maximize land use efficiency.
- i. Require a pedestrian path or trail system plan as a component of Commercial/Residential developments, which connect buildings to parking, surrounding neighborhoods, parks, City services and transit stops.
- j. Facilitate and encourage clean up of polluted lands to make land usable for commercial/industrial uses.
- k. Encourage and support growth of high quality commercial and industrial development to provide property tax relief to residential homesteads.
- l. Facilitate redevelopment of underutilized or deteriorated commercial/industrial lands where feasible.
- m. Maintain storm ponding areas as attractive greenspaces and buffers of non-desirable uses rather than single purpose ponds.
- n. Substantially increase taxable development within the Highway 61 corridor.

- o. Prohibit commercial/industrial development from negatively imposing upon bluff areas.
- p. The City will use its wellhead protection plan to identify commercial or industrial land uses that may require a groundwater monitoring plan or groundwater protection plan as part of a permit application—for example, land uses that propose to store, use or transport hazardous materials, and properties formerly used as a waste disposal site or waste transfer facilities.

3. **Public Places (Cemetery, Green Space, Park and Ponds)**

Institutional land use includes cemeteries, schools and City facilities. Newport has two historical cemeteries located on the north and south ends of the community near TH 61. These areas are intended to be permanently preserved as public cemetery space.

Park land includes Parks and Open Spaces, and is intended to provide areas of passive open space and developed recreational space that serve the recreational needs of Newport residents and businesses. The City's parks include active recreation facilities, such as ball fields, shelters, and ice rinks, several public access sites to the Mississippi river, and also include areas for passive recreation such as hiking, bird watching and simply enjoying the outdoors.

The concept plans for the Red Rock Transit Station and surrounding redevelopment area emphasize providing public green space and trails within the district, and connecting the area to the Mississippi River and the City-wide trail system. The City is working with planners from the Mississippi National River and Recreation Area (MNRRA) to improve connections between the redevelopment area and existing neighborhoods and the Mississippi River.

~~The Future Land Use plan identifies a new open space area along the Mississippi River, at the north end of the Old Town area. This area has experienced flooding problems, and the existing flood protection is deteriorating. The City will discuss potential purchase of this area and development of a park with Federal and State agencies.~~

Public Places Policy: It is the policy of the City of Newport to:

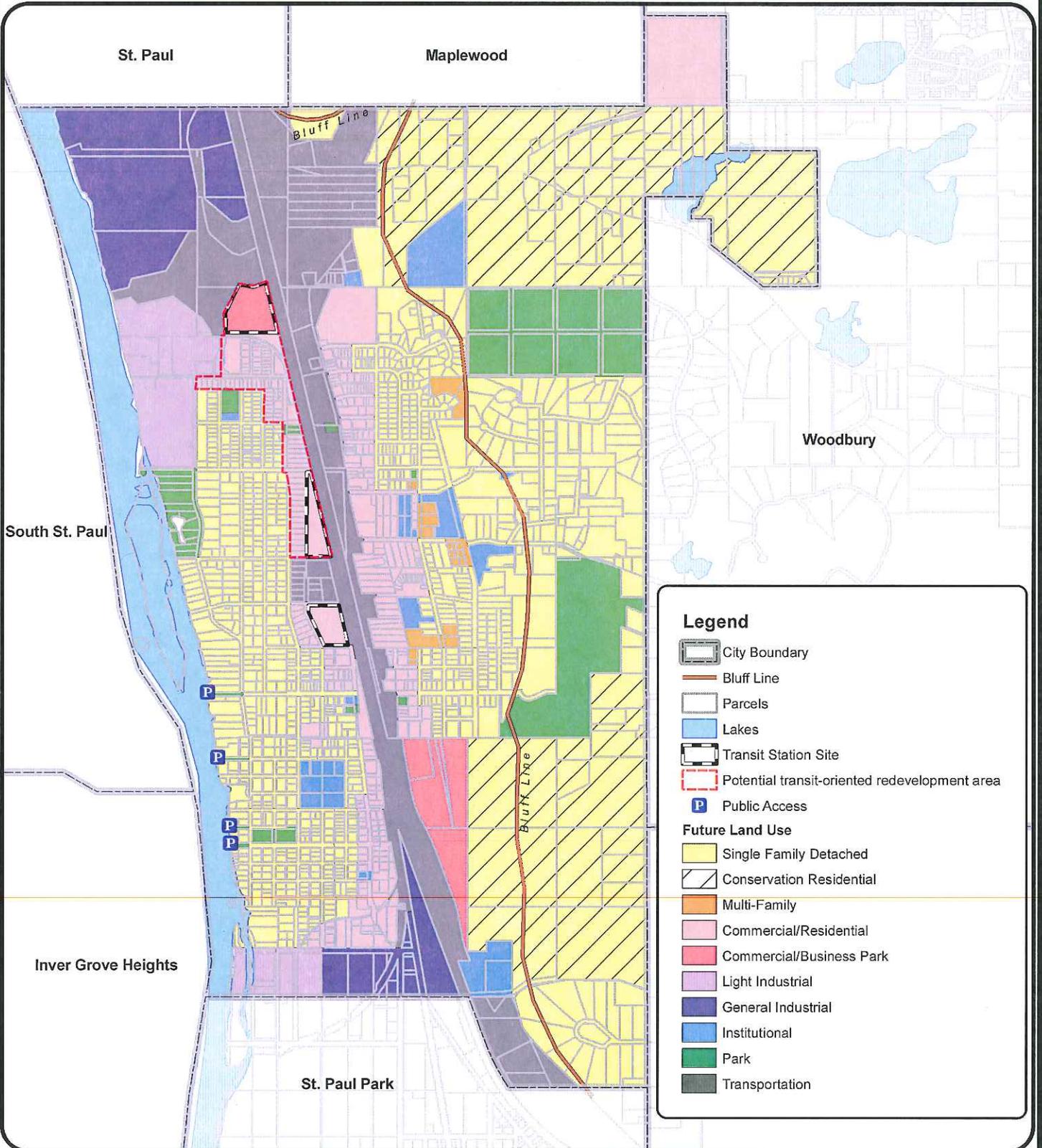
- a. Protect Newport's two cemeteries from encroachment by potential adjacent land use and development by ensuring that appropriate buffers and setbacks are implemented through the site planning process.
- b. Permanently preserve the cemeteries as historical landmarks.
- c. Ensure adequate parks, open spaces and trails are available to meet growing demands for recreational services.

- d. Ensure proper ongoing management and maintenance of public and private cemeteries, parks and open spaces.
- e. Strongly restrict development within green space areas from disturbing quality stands of vegetation, including mature trees and canopy.
- f. Require easement dedication through the site planning process for a trail or pedestrian path to go along the bluff.
- g. Ensure site developments include plans for connecting to the City wide trail plan.
- h. Encourage cluster housing and other land conservation techniques for small developments that occur on bluff areas to maintain contiguous green corridors and habitat areas.
- i. Establish a new open space area in the flood-prone area along the Mississippi River [and connections between the river and the City's parks, trails and neighborhoods.](#)

CURRENT MAP IN COMP PLAN



City of Newport 2030 Future Land Use Comprehensive Plan



Legend

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

TKDA
ENGINEERS - ARCHITECTS - PLANNERS

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



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

Memorandum

Reference: City of Newport Comprehensive Plan Amendment

To: Dwight Picha, Community Development Director, City of Woodbury
Howard Blin, Community Development Director, City of Cottage Grove
Kevin Walsh, City Administrator, City of St. Paul Park
Tom Link, Community Development Director, City of Inver Grove Heights
Peter Hellegers, City Planner, City of South St. Paul
Larry Soderholm, Planning Administrator, City of St. Paul
Tom Ekstrand, Senior Planner, City of Maplewood
Tom Nelson, Superintendent, South Washington County School District 833
Matt Moore, Administrator, South Washington County Watershed District
Ann Pung-Terwedo, Washington County

Copies To: Brian Anderson, City Administrator **Project No.:** 15027.000

From: Sherri Buss, RLA AICP, City Planner **Routing:** _____

Date: _____

The City of Newport requests your review of and comment on the attached amendment to the City's Comprehensive Plan. The City developed four new mixed use districts to replace the previous Commercial/Residential designation. In addition, an area located near the 494-Highway 61 interchange was changed to Mixed Use Transit Oriented Design, from Commercial/Business Park.

The Metropolitan Council requires that adjacent local governments and affected jurisdictions be given 60 days to review a comprehensive plan amendment. Please provide any comments via email or postal mail.

sherri.buss@tkda.com

Sherri Buss
TKDA
444 Cedar Street, Suite 1500
St. Paul MN 55101

If you have no comments, please send me a note stating that there are no comments.

Thank you for your attention to this request.

Howard Blin, Community Development Director
City of Cottage Grove
7516 80th Street South
Cottage Grove, Minnesota 55016

Tom Link, Community Development Director
City of Inver Grove Heights
8150 Barbara Avenue
Inver Grove Heights, Minnesota 55077

Tom Ekstrand, Senior Planner
City of Maplewood
1830 County Road B East
Maplewood, Minnesota 55109

Larry Soderholm, Planning Administrator
City of St. Paul
25 West Fourth Street
1400 City Hall Annex
Saint Paul, Minnesota 55102

Kevin Walsh, City Administrator
City of St. Paul Park
600 Portland Avenue
St. Paul Park, Minnesota 55071

Peter Hellegers, City Planner
City of South St. Paul
125 3rd Avenue North
South St. Paul, Minnesota 55075

Dwight Picha, Community Development Director
City of Woodbury
8301 Valley Creek Road
Woodbury, Minnesota 55125

Tom Nelson, Superintendent
South Washington County School District 833
7362 East Point Douglas Road South
Cottage Grove, Minnesota 55016

Matt Moore, Administrator
South Washington County Watershed District
2302 Tower Drive
Woodbury, Minnesota 55125

Ann Pung-Terwedo
Washington County
11660 Myeron Road North
Stillwater, Minnesota 55082

Paul Labovitz, Superintendent
Mississippi National River and Recreation Area
111 Kellogg Blvd East, Suite 105
St. Paul, Minnesota 55101-1256

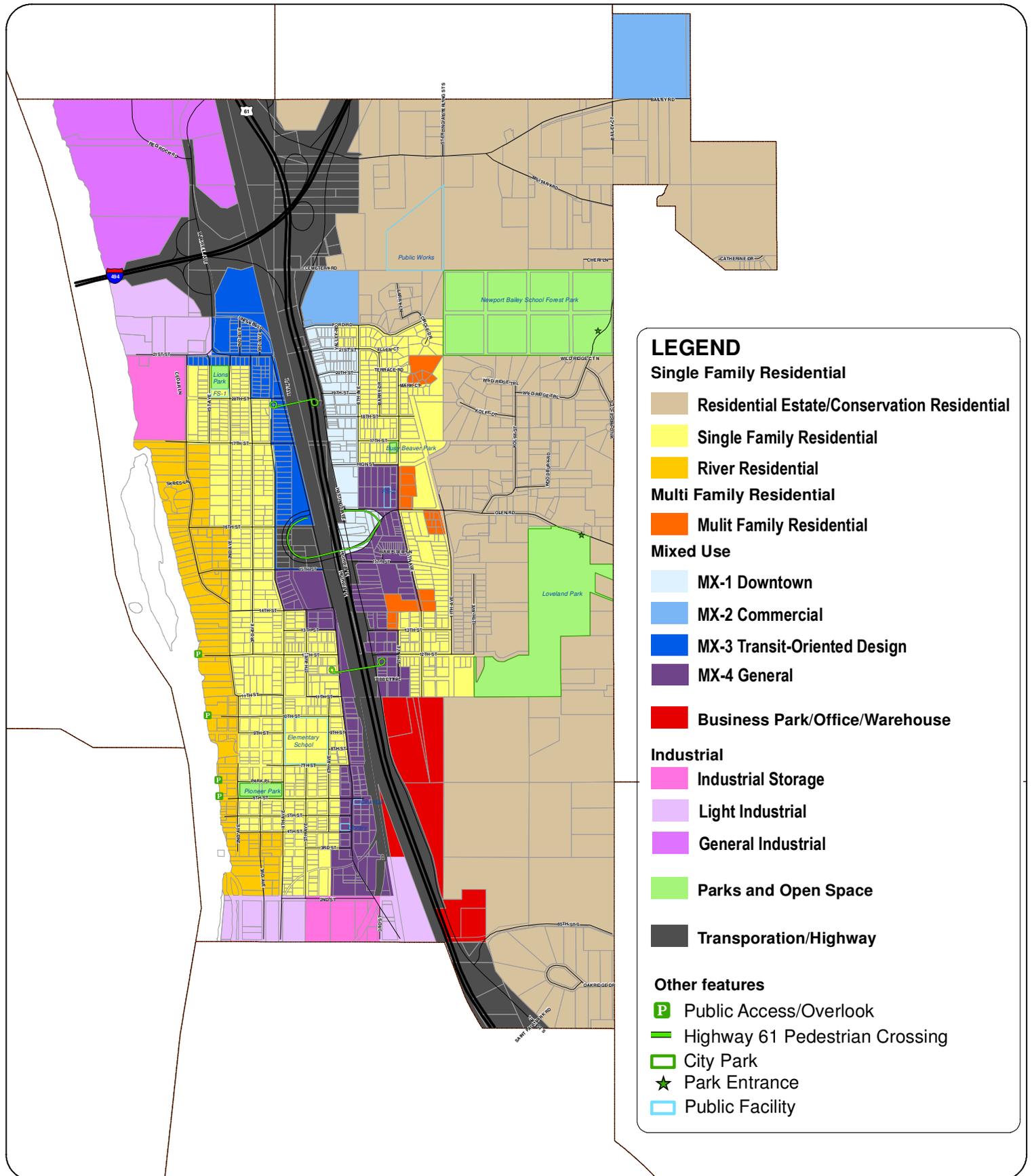
Rebecca Wooden
Minnesota Department of Natural Resources, Division of Waters
500 Lafayette Road, Box 32
St. Paul, Minnesota 55155

Judy Sventek (LSWMP Only)
Metropolitan Council
390 Robert Street North
St. Paul, Minnesota 55101-1805

Lisa Barajas
Metropolitan Council
Sector Representative
390 Robert Street North
St. Paul, Minnesota 55101



City of Newport 2030 Future Land Use



Data sources: City of Newport, Washington County, Metropolitan Council
 Map printed November 13, 2012



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Section 1350 - Non-residential Districts

1350.01 Scope.

Except as otherwise provided, this division applies to all nonresidential and mixed-use districts in the City.

1350.02 Purpose of Business Districts.

Business districts shall be established to accomplish the general purpose of this Chapter and the comprehensive plan and for the following specific purposes:

- A. To group compatible business uses which will tend to draw trade that is naturally interchangeable and so promotes the business prosperity and public convenience;
- B. To provide an adequate supply of suitable land for businesses and professional services to meet the needs of the community and provide employment opportunities and significant tax base;
- C. To promote a high quality of business and commercial development and design that produces a positive visual image and minimizes the effects of traffic congestion noise, odor, glare and similar problems.

1350.03 Specific intent of the B-1 Business Park/Office/Warehouse District.

The Business Park/Office/Warehouse District is intended to provide locations for office, warehouse and related uses in a business park setting. Some accessory commercial services may also be a part of this land use type to serve the large employment base.

1350.04 Purpose of the Industrial Districts.

The industrial districts shall be established to accomplish the general purpose of this Chapter and the comprehensive plan and the following specific purposes:

- A. To provide employment opportunities;
- B. To group industrial uses in locations accessible to rail and highways, so that the movement of raw materials, finished products and employees can be carried on efficiently;
- C. To separate traffic, noise, and other obtrusive characteristics of intense industrial activity from the more sensitive commercial, residential, and open space areas of the City.

1350.05 Specific intent of the I-1 Light Industrial District.

The specific intent of the I-1 Light Industrial District shall be to provide areas for the development of research laboratories, small-scale processing, fabricating, storage, manufacturing, and assembly of products. Such uses are non-polluting, not excessively noisy or dirty, limited traffic producers, and do not produce hazardous waste as by-products.

1350.06 Specific intent of the I-2 General Industrial District.

The specific intent of the I-2 General Industrial District shall be to provide areas adjacent to major thoroughfares and in areas where public utilities are available for the express use of industrial developments. Designation of industrial districts will help attract industry, thereby stabilizing the tax base and increasing employment in the City.

1350.07 Specific intent of the I-S Industrial Storage District.

The specific intent of the I-S Industrial Storage District shall be to provide areas bordering City limits and in areas adequately buffered with open land to permit storage of petroleum products and other similar storage uses.

1350.08 Purpose of the Mixed-Use Districts.

The mixed-use districts shall be established to accomplish the general purposes outlined in the comprehensive plan and to foster a development pattern that encourages a mix of supportive residential and commercial uses, and supports a multi-modal transportation system that services all users. These districts will integrate places to live, shop, work and play. The mixed-use districts are intended to help shape Newport's downtown and small town identity.

1350.09 Specific intent of the MX-1 Downtown District.

The specific intent of the MX-1 Downtown Mixed Use District shall be to provide sites for small scale retail, commercial, office and service uses, and to support a mix of residential uses. District requirements and standards will create neighborhoods that are aesthetically pleasing, dense, safe and walkable. This district is primarily intended to integrate residential uses with pedestrian-oriented commercial uses such as specialty retail stores, professional and financial services, offices, sit down restaurants, coffee shops, floral shops, etc. This district shall serve as the center for financial, commercial, professional and entertainment activities. Inclusion of high density housing above commercial uses in this district will support commercial and entertainment uses and public transit services.

1350.10 Specific intent of the MX-2 Commercial District.

The specific intent of the MX-2 Commercial Mixed Use District shall be to provide areas that integrate diverse commercial and residential uses. Minimum lot sizes are larger than those in the Downtown District. Development is intended to be compatible with the scale of surrounding areas. Parking areas are restricted in this zone in order to limit the impact on the neighborhood and on areas that are visual gateways to the City.

1350.11 Specific intent of the MX-3 Transit-Oriented Mixed Use District

The specific intent of the MX-3 Transit-Oriented Mixed Use District is to encourage a mixture of residential, commercial, office, and civic uses in proximity to the commuter rail station at densities and intensities that support and increase transit use. The district is also intended to:

- A. Encourage a safe and pleasant pedestrian environment near the rail station, and limit conflicts between pedestrians and vehicles.
- B. Maximize access to transit.
- C. Encourage use of transit infrastructure.
- D. Provide parking in an efficient and unobtrusive manner
- E. Reduce parking requirements by encouraging shared parking and alternative modes of transportation.
- F. Encourage a sense of activity and liveliness along the street level of building facades.

1350.12 Specific intent of the MX-4 General Mixed Use District

The specific intent of the MX-General Mixed Use District is to provide for a mix of residential and commercial uses that provide for a long-term transition from the auto-oriented uses that exist in the district based on past frontage on Highway 61, to uses that are compatible with adjacent mixed-use districts and development of the Downtown character of Hastings Avenue. The City anticipates that commercial uses will cluster on and near Hastings Avenue and the Glen Road interchange, and that over the long-term, residential uses may become more dense in this zone.

1350.13 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	I-1	I-2	IS
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	None	30	100	100	100	100
Maximum lot coverage by all buildings (%)	80%	50%	None	80%	30%	40%	50%	50%
<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	10	10**	10	10	50	50	50	100

Requirements	MX-1	MX-2	MX-3	MX-4	B-1	I-1	I-2	IS
street from any residential district								
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	Not allowed	Not allowed	Not allowed	50	50	50	50	50
Minimum side yard	5	5	5	5	5	5	5	5
Minimum side yard if adjacent to any R district	5	5	5	30	30	30	30	30
Minimum rear yard	5	5	5	5	5	5	5	5
Minimum rear yard if adjacent to any R district	10	10	10	50	50	50	50	50
Maximum building height in feet*	40 3-sty	28 2-sty	See table B.,below	40	40	40	40	40
Maximum height of storage tank in IS district								55
Public utilities required, including sewer	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

*Maximum height may be increased upon issuance of a Conditional Use Permit. The setback requirements for increases in height adjacent to single-family residential uses included in this chapter apply.

** See section 1300.09 Exceptions to Front Yard Setbacks

***Structure setbacks for the MX-1 and MX-2 are as noted by the dimensional provisions unless otherwise specifically approved in a development plan as outlined in a Planned Unit Development.

B. Additional MX-3 District standards. The following requirements apply to all buildings or uses in an MX-3 District, unless otherwise specified:

<i>Height and Setbacks</i>	Residential Townhouse	Residential Apt., Condo, Cooperative	Mixed-Use Building	Commercial, Civic, not in mixed-use building
Height	3 stories or 35 feet, whichever is less	2 stories minimum, 4 stories maximum*	2 stories minimum, 4 stories maximum*	No minimum, 4 stories maximum
Setbacks	Front: Maximum of 15 feet Side: 10 feet Rear: 15 feet	Front: Maximum of 15 feet Side: 10 feet Rear: 15 feet	Front: Maximum of 15 feet Side: 10 feet Rear: none required	Front: Maximum of 8 feet Side: 10 feet Rear: None required

*Maximum height may be increased upon issuance of a Conditional Use Permit. Single-story buildings shall have a foot print of no more than 15,000 square feet.

C. Densities in the MX-3 District

1. The maximum residential density in the MX-3 District shall be 50 units per acre.
2. The minimum residential density in the MX-3 District shall be 30 units per acre.
3. The minimum net FAR (Floor Area Ratio) for residential and non-residential uses shall be .5 FAR.

1350.14 Uses in the Non-Residential Districts

A. Mixed Use Districts Uses

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

Use	MX-1	MX-2	MX-3	MX-4
Residential Uses				
Single-family detached, one dwelling per lot	P	P	N	P
Single-family detached, more than one dwelling per lot	PUD	PUD	N	PUD
Two-family residences	P	P	N	P
Townhouse, rowhouse	P	P	P	P
Multi-Family, condos, apartments and cooperatives	P	P	P	P
Congregate housing for senior populations	P	P	P	P
Mixed-Use (dwelling unit above ground floor)	P	P	P	P
Live-work building	C	C	C	C
Civic and Semi-Public Uses				
Day care centers	C	C	C	C

Use	MX-1	MX-2	MX-3	MX-4
Day care centers in a mixed-use building	P	P	P	P
Essential services/public utilities	P	P	P	P
Funeral Home	C	C	C	C
Hospitals	C	C	C	C
Medical Clinics	P	P	P	P
Military reserve, national guard centers	C	N	N	N
Park and public recreation facilities	P	P	P	P
Parking Garage (as a principal use)	C	N	N	N
Parking Lot, Surface (as a principal use)	C	N	N	N
Penal/correctional facilities	C	N	N	N
Place of worship and associated facilities, except schools	P	C	C	C
Post Office	P	P	P	P
Public Facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, and other municipally owned or operated facilities	C	C	C	C
Schools-trade, college, vocational, and associated facilities	C	C	C	C
Schools for business, trade, dancing, music	C	C	C	C
Social, Fraternal clubs and lodges, union halls	P	P	P	P
Transit stations and related parking facilities	C	C	C	C
Commercial Uses				
Accessory uses	P	P	P	P
Administrative support services	P	P	P	P
Adult Uses	N	N	N	N
Animal boarding, grooming, veterinary clinics, retail sales	C	C	C	C
Artist studios	P	P	P	P
Auto body repair and major auto repair	C	N	N	N
Auto sales, rental	C	N	N	N
Automotive services, car specialty services (not including body repair or major repair)	C	C	C	C
Bakeries, delicatessens, coffee shops	P	P	P	P
Bakeries, wholesale	P	C	C	C
Bed and Breakfast	P	P	N	P
Biotechnology	P	P	P	P
Building materials and services	C	N	N	N
Catalog and mail order	P	P	P	P
Convenience stores	P	P	P	P
Data centers	C	C	C	C
Drive-through	C	C	C	C
Entertainment/amusement halls, bowling alley, indoor skating rink	P	P	C	C
Fabrication of apparel, leather products and other products from prepared products	P	C	P	C
Fabrication of office and computer equipment	P	P	P	P
Financial services	P	P	P	P

Use	MX-1	MX-2	MX-3	MX-4
Fitness and recreation centers, in a mixed-use building	C	C	C	C
Gas, diesel or other motor fuel retail sales	C	C	N	C
Internet publishing and broadcasting	P	P	P	P
Laboratory, medical or dental	C	C	C	C
Medical appliance assembly	P	P	P	P
Motion picture and sound recording industries	C	C	C	C
Offices – general, medical, professional, free-standing or mixed-use building	P	P	P	P
Outdoor sales accessory to a permitted use	C	N	C	N
Printing, publishing, bookbinding, blueprinting	C	C	C	C
Processing and packaging of drugs, pharmaceuticals, perfumes and cosmetics	C	C	P	C
Retail and service establishments, free-standing or mixed-use building	P	P	P	P
Rental of vehicles (with limited outside storage)	C	C	C	C
Research, development and testing laboratory	C	C	C	C
Restaurants, including open air or sidewalk cafes, freestanding or in mixed-use buildings	P	P	P	P
Restaurants with drive-through service	C	C	C	C
Service businesses, such as beauty shops, barbershops, dry-cleaning, drop-off/pickup (no on-site processing) in mixed-use buildings	P	P	P	P
Small scale manufacturing and artisans	P	P	C	P
Theaters (with structured parking)	P	P	P	P
Theatres	C	C	C	C
Towing services (no outside storage of vehicles)	P	C	P	C
Warehousing as a primary use	N	N	N	N

B. Business and Industrial District Uses

P=Permitted Use; C=Permitted with a Conditional Use Permit; N=Not Permitted

Use	B-1	I-1	I-2	I-S
Civic and Public Uses				
Airports	N	C	C	N
Cemetery and/or crematorium	C	N	N	N
Day care centers	C	C	C	C
Day care centers in a mixed-use building	P	C	C	C
Essential services/public utilities	P	P	P	P
Funeral Home	p	N	N	N
Hospitals	C	N	N	N
Medical Clinics	P	N	N	N
Military reserve, national guard centers	C	N	N	N
Park and public recreation facilities	P	P	P	P
Parking Garage (as a principal use)	P	N	N	N
Parking Lot, Surface (as a principal use)	P	P	P	P
Penal/correctional facilities	N	C	C	N

Use	B-1	I-1	I-2	I-S
Place of worship and associated facilities, except schools	P	N	N	N
Post Office	P	N	N	N
Public Facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, and other municipally owned or operated facilities	C	C	C	C
Sanitary landfill	N	C	C	N
Schools-trade, college, vocational, and associated facilities	p	C	N	N
Schools for business, trade, dancing, music	C	C	N	N
Social, Fraternal clubs and lodges, union halls	P	N	N	N
Transit stations and related parking facilities	C	N	N	N
Commercial Uses				
Adult uses (bookstore, theater, nightclub, nude or partially nude dancing)	N	N	C	C
Auto painting and body work	N	C	N	N
Auto storage	N	C	P	C
Commercial greenhouse operations	C	P	N	N
Convenience stores	P	N	N	N
Gas, diesel or other motor fuel retail sales	P	N	N	N
Hotels, motels	P	N	N	N
Restaurant, traditional or liquor served; bar and grill	P	N	N	N
Salvage yards (auto or scrap iron)	N	N	P	N
Storage, mini-storage, cold-storage	N	N	N	P
Veterinary clinic, animal hospital	C	P	N	N
Wholesale sales	P	N	N	N
Warehouse and Industrial Uses				
Manufacturing	C	P	P	N
Retail sale, installation and remanufacturing of vehicle parts and accessories	N	P	N	N
Storage and distribution of bulk petroleum products, oil and gasoline	N	N	N	C
Warehousing	C	P	P	N

1350.15 Administrative Procedure for Development in the Non-residential Districts

- A. All petitions for rezoning to establish or expand a nonresidential district shall also concurrently follow subdivision platting procedures and a complete preliminary plat with all supporting data required which shall be filed with the Zoning Administrator.
- B. If a zoning change for a nonresidential district is approved, the first phase of construction shall begin or show reasonable progress within two (2) years after approval of the general development plan and zoning change by ordinance or the district may be zoned back to its original zoning district classification or other appropriate zoning district classification.

- C. Upon finding by the Planning Commission and City Council that the proposed zoning district and preliminary plat shall constitute a district of sustained desirability, is consistent with long range comprehensive plans for the City, and meets the requirements of the district, the City Council may establish such district on the property included in the preliminary plat. The preliminary plat as approved together with such covenants, deed restrictions, controls, or special conditional use permits as may be attached to it, shall be filed and recorded by the owners or developer in the office of the county register of deeds and shall become a part of the ordinance establishing the zoning charge. Any substantial change to the plat shall require resubmission to and approval by the Planning Commission and City Council.

- D. The final platting of such land shall be subject to such requirements for approval, recording, and the installation of improvements as required by other City ordinances.

- E. Prior to obtaining a building permit or constructing any building improvements on an individual lot or site within any nonresidential district, three (3) copies of the site plan of proposed improvements shall be submitted to the Zoning Administrator, and reviewed by the Planning Commission and City Council. Such site plan shall include the following:
 - 1. A survey or plat of the property
 - 2. Evidence of ownership or interest in the property
 - 3. The fee specified in the City's fee schedule
 - 4. Information regarding project phasing and timing.
 - 5. Complete development plans, signed by a registered architect, civil engineer, landscape architect, or other appropriate design professional, as required by the State Building Code.
 - 6. Phasing plan
 - 7. Architectural plans showing the following:
 - a. Colored elevations of all sides of the building
 - b. Type, color and samples of exterior building materials
 - c. Typical floor plans
 - d. Dimensions of all structures
 - e. The location of exterior trash storage areas and of exterior electrical, heating, ventilation and air conditioning equipment
 - f. Utility plans including water, sanitary sewer, and storm sewer
 - g. A plan showing landscaping, lighting and signs that meets code requirements
 - h. Illustrations that show adjacent building elevations to show the scale of adjacent buildings and landscaping
 - i. Such other information as may be required by the City to process the application

- F. All public rights-of-way within Business and Industrial Districts shall be considered collector streets or arterials as defined in the City thoroughfare plan.

- G. Additional Administrative Procedures for Development in the MX-3 District
 - 1. *Preliminary Review.* It is strongly recommended that anyone planning to develop or redevelop property in an MX-3 District meet with the City Administrator (1) during the conceptual design process in order that the staff may offer input into meeting the ordinance requirements and design standards and (2) during the design development stage to ensure that the plans meet the minimum MX-3 District Standards.

2. *Station Area Plan Procedure.* No new development or redevelopment may occur, and no building permit will be issued, without approval of a Station Area Plan conforming to the requirements of this section. Approval of individual site plans must conform to the Station Area Plan. Upon the submission of the Station Area Plan, the Planning Commission will conduct a public hearing and make a recommendation to the City Council, which shall approve, modify or deny the Station Area Plan. The Station Area Plan shall include the following:
 - a. A drawing showing existing conditions such as property boundaries, generalized contours, site features such as wetlands and wooded areas, and surrounding land uses and development.
 - b. A conceptual development plan showing public and private open space, and general site data such as building locations, density, setbacks, ponding areas, parking areas and generalized screening, buffering and landscape concepts.
 - c. Generalized traffic information including proposed new streets and alley connections, and improvements to existing roads.
 - d. An elements plan that includes, but is not limited to, lighting, public art, planters, fountains, litter receptacles, benches or seating areas.
3. The findings necessary for approval of the Station Area Plan include, but are not limited to, the following
 - a. The Station Area Plan is consistent with the intent of the MX-3 District.
 - b. The Station Area Plan reflects development that:
 - i. Is not detrimental to the public health, safety, or general welfare
 - ii. Is not hazardous, detrimental or disturbing to surrounding land uses, or that creates pollution, vibration, general unsightliness, electrical interference, or other nuisances
 - iii. Does not create traffic congestion, unsafe access, or parking needs that will cause inconvenience to adjoining properties
 - iv. Is served adequately by essential public services such as streets, police, fire protection, utilities and parks
 - v. Does not create excessive additional requirements at public cost for public facilities and services, and is not detrimental to the economic welfare of the City
 - vi. Causes minimal adverse environmental effects
 - vii. Each phase or stage of the Station Area Plan can exist as an independent unit.
4. *Site Plan Approval Required.* A site plan approval is required for all new construction in the Mixed Use Districts. Application for a site plan review shall be made to the City on forms provided by the City, and shall be accompanied by the following:
 - a. A survey or plat of the property
 - b. Evidence of ownership or interest in the property
 - c. The fee specified in the City's fee schedule
 - d. Information regarding project phasing and timing.
 - e. Complete development plans as specified under Section 1200.11 of the Code, signed by a registered architect, civil engineer, landscape architect, or other appropriate design professional, as required by the State Building Code.
 - f. Architectural plans showing the following: Colored elevations of all sides of the building; type, color and samples of exterior building materials; typical floor plans; dimensions of all structures; the location of exterior trash storage areas and

of exterior electrical, heating, ventilation and air conditioning equipment; utility plans including water, sanitary sewer, and storm sewer; a plan showing landscaping, lighting and signs that meets code requirements; illustrations that show adjacent building elevations to show the scale of adjacent buildings and landscaping; other information as may be required by the City to process the application.

- H. *Public hearing.* Upon receipt of a completed application for rezoning, subdivision or site plan approval, a date shall be set for a public hearing before the Planning Commission. The hearing will be held no less than 10 days after mailed notice is sent to the owners of property located wholly or partially within 350 feet of the site. The Planning Commission shall submit its recommendation to the City Council. Following appropriate review, the Council shall make a decision regarding the application.
- I. *Administrative Approval.* To offer some degree of flexibility, the City Administrator has the authority to administratively alter any of the development and urban design standards by five percent (5%) in an MX-3 District. If administrative approval is required for parking or an item normally approved by the Planning Commission and City Council, the City Administrator shall only grant approval after consultation with other city staff (public works, building inspections, fire chief, etc.)

On matters that do not involve quantitative measurements, the City Administrator may also make minor alterations if he/she determines that such changes would be an acceptable design approach to development and would be in keeping with the general intent of the MX-3 District. Any such approval shall meet the following criteria:

- a. Incorporates existing buildings, trees, topographic features, or other existing elements consistent with the intent of the MX-3 District; and
- b. Provides urban open space, seating, fountains, accent landscaping or other similar urban pedestrian amenities consistent with the intent of the MX-3 District.

1350.16 Performance Standards for Non-residential Districts

- A. MX District Parking standards.
 - 1. Parking requirements shall be governed by Section 1330.06 except for the following: Surface Parking Lots in the MX-2 and MX-3 Districts shall be located at the side or rear of buildings and not in the front yard area. Surface parking lot or driveway access may not make up more than 25% of lot frontage. The required front setback for surface parking lots in the MX-1 and MX-4 district shall include a planted boulevard that meets the landscaping requirements of the ordinance.
 - 2. In the MX-1 District, parking requirements shall be 1 space for every 350 square feet of office or retail gross floor area. On-street parking spaces that are adjacent to the parcel that the parking is being calculated for may be included in the calculation. The maximum number of off-street parking spaces permitted shall not exceed 1 space per 250 square feet of office or retail uses, except in the case of restaurants which shall be allowed one space per 200 square feet if shared parking facilities are not available.
 - 3. Parking standards for the MX-3 District are included in Section 1350.17.

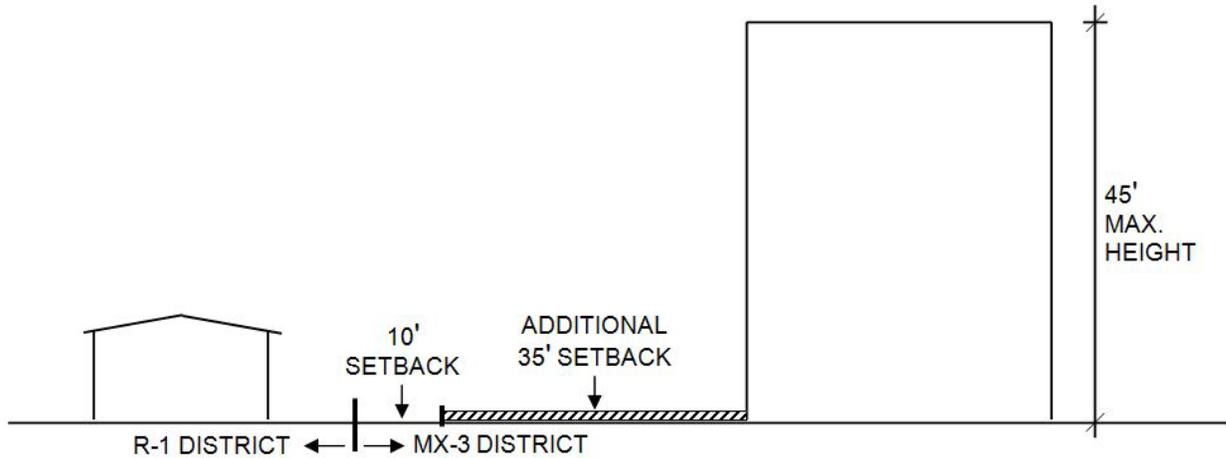
4. Additional reductions in parking requirements in the MX-1 and MX-2 Districts shall be permitted with demonstrations of proof of parking or a parking management strategy acceptable to the Zoning Administrator.
- B. Building Standards. Every primary and accessory building in a Commercial, Industrial or Mixed Use District shall be uniform in design and materials on all sides of a structure facing a public street, having extensive visual exposure from a public street or is adjacent to a residential zoning district, unless modified herein.
1. Exterior surfaces of all buildings shall be faced with or a combination of brick, stone (or better), decorating architecturally textured concrete products, wood veneer, glass, stone, decorative pre-cast panels, equivalent products or better.
 2. Primary and accessory buildings: facades or roofs in any Commercial District shall not be constructed of non-textured cinder concrete block, sheet aluminum, steel, corrugated aluminum or steel, or similar products.
 3. Primary or accessory building facades in any Industrial District not fronting on a public street, not having extensive visual exposure from a public street or is not adjacent to a Residential Zone may be constructed of non-textured cinder block, sheet aluminum, steel, corrugated block, corrugated aluminum or steel or similar products.
 4. Within an Industrial District a multi-tenant, mini-storage or trucking terminal with extensive use of garage doors on many sides of a building or groups of buildings may be constructed of metal untextured cinder block, sheet aluminum, steel, corrugated aluminum or steel or similar products, provided that facades constructed of such materials are not facing a public street, have visual exposure from a public street or are adjacent to a residential district.
 5. Metal-like materials, in a zone other than Industrial, are only acceptable as trim, fascia, mansards, portions of the main facade, or the like. No structural metal roofs, except architectural uses of copper incorporating visible metal exteriors, are permitted.
 6. Accessory tanks, exterior equipment, stacks, pipes, towers and the like are exempt from these requirements.
- C. Exterior Storage: No materials, product or equipment shall be stored outside of an enclosed building except for daily display (during store hours) of merchandise.
- D. All refuse and recycling containers must be stored inside of the principle structure or a fully enclosed accessory structure.
- E. All roof equipment must be screened from public view unless designed as an integral part of the building and is compatible with the site lines of the building, as determined by the Zoning Administrator.
- F. All developments (except for improvements to a single-family detached housing unit or construction of a new single-family detached housing unit) conducted within the MX-1 or

MX-2 district must be completed through the Planned Development District process as outlined in Section 1360 of the Zoning Code.

1350.17 Additional Performance Standards for the MX-3 District

A. Height and Setback Standards

1. General setback standards for the MX-3 District are indicated on the table in Section 1350.13.
2. Additional setback and building height standards for the MX-3 District include the following:
 - a. If new construction incorporates an existing structure located within a minimum setback, the City Administrator may allow the setback for the building addition to be reduced to the established setback.
 - b. All above-ground utility structures associated with electric, natural gas, telecommunications, cable television distribution lines, pipes, conduits or other public utilities shall be located behind the minimum setback unless otherwise approved as part of the site plan approval. This applies to air vents, utility boxes and back-flow preventers.
 - c. Driveways may cross the front setback, but shall be as near as perpendicular to the street for pedestrian safety and to minimize the intrusion into any landscaped area.
 - d. Balconies may project up to two feet (2') over the right-of-way, subject to an approved sidewalk encroachment agreement. Balconies shall have a minimum clearance of ten feet (10') from grade.
 - e. When a lot abuts an existing single-family residence or a property that may be used for single-family residential purposes, a minimum side yard of fifteen feet (15') and a rear yard of 25' shall be required.
 - f. The permitted maximum height of structures adjacent to single-family residential uses shall be determined by the distance of the structure to the boundary line of the nearest single-family residential district. Any required side or rear yard setback shall be increased by one foot for each additional foot of height.



- B. Open Storage Prohibited. Outside storage shall be prohibited in the MX-3 District.
- C. Open Space Requirement. Developers will be expected to work with the city to provide a minimum of ten percent (10%) of residential project sites and five (5%) of commercial and mixed use project sites as open space. The open space may be designed as a square, plaza, terrace, or green, with a variety of landscaped and paved surfaces and seating areas. This requirement may be waived in cases where the City’s master plan specifies the location and design of open space.
 - 1. All required open space shall be accessible to users of the building and shall be improved with seating, plantings and amenities. Open space for commercial and mixed-use sites shall be visible from the street or pedestrian areas.
 - 2. Floor area ratio credits are allowed for all new developments when the pedestrian space is available for use by the public, including widened sidewalk areas.
- D. Parking Requirements. For purposes of this section, a new use within the MX-3 District shall be required to meet the minimum/maximum parking spaces as shown in the following chart. All square footage is measured as ‘gross footage.’

	PARKING MINIMUM	PARKING MAXIMUM
Residential	1.5 parking spaces per dwelling unit, plus 10% for guest parking	2.5 spaces per dwelling unit, plus 10% for guest parking
Commercial, Retail, Service	1 space per 400 SF	1 space per 200 SF
Office	1 space per 400 SF	1 space per 300 SF
Restaurant	1 space per 200 SF	1 space per 75 SF
Hotel	.75 per room, plus 10% guest and staff parking	1.5 spaces per room, plus 10% guest and staff parking
Clinic	1 space per 300 SF	1 space per 100 SF
Community Center	1 space per 400 SF	1 space per 200 SF
Theater	1 space per 6 seats plus 5% for staff	1 space per 3 seats plus 10% for staff

1. The required/permitted number of parking spaces of any building within the MX-3 District, including mixed-use buildings, shall be the sum total of the requirements for each use in the building.
2. Parking maximums may be exceeded under the following circumstances, if one or more of the following is provided:
 - a. If structured or underground parking is provided on site, parking may be exceeded by 25%.
 - b. If a shared parking agreement is executed, parking may be exceeded by 20%.
 - c. If all parking spaces are located behind the building and are not visible from the public right-of-way, parking may be exceeded by 10%.
 - d. If driveways and access points are shared by at least two adjacent properties, parking may be exceeded by 10%.
 - e. If a provision is made for combining or interconnecting adjacent parking lots and pedestrian access points, parking may be exceeded by 10%.
 - f. In no case shall the cumulative increase in parking exceed 25%.
 - g. A 25% parking reduction in the minimum number of parking spaces required is allowed if the principle use is located within 800 feet of a parking facility with public spaces available to the general public or within 800 feet of a public transit park and ride facility with an approved joint use agreement.
3. No surface parking or maneuvering space shall be permitted within a required setback or between the primary structure and the front yard, except that driveways providing access to the parking area may be installed across these areas. It is the intent that these driveways be as nearly perpendicular to the street right-of-way as possible for pedestrian safety and to minimize intrusion into the landscaped areas.
4. Parking requirements may be met on-site or off-site at a distance of up to 800 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease, subject to the review and approval of the City.
5. Parking that is located to the rear of the primary structure may extend the entire width of the lot, with the exception of any required screening or landscaped areas. Parking that is located to the side of the primary structure shall not cover more than thirty-five percent (35%) of the total lot width.
6. Shared parking shall be permitted and encouraged.
7. Bicycle parking shall be provided as a component of all parking facilities at a ratio of one bicycle space per 20 automobile spaces, or a minimum of two bicycle parking spaces, whichever is greater. Bicycle parking must be provided within view of each business front entrance. Adjoining businesses may share common bicycle parking areas..
8. All parking areas for more than ten (10) motorized vehicles (except for parking areas for townhouse dwellings on a single lot) shall provide screening. If a wall is provided, then the area devoted to the wall shall be wide enough to allow for its maintenance. The screening may be eliminated if abutting parking lots are combined or interconnected with vehicular and pedestrian access.
9. Structured parking shall meet the following additional requirements:

- a. At least fifty percent (50%) of the linear street level frontage of the facility shall be devoted to retail, office, civic, institutional or residential uses. If seventy-five percent (75%) or more of the linear street frontage is devoted to such uses, then the total square footage of these uses shall be credited one hundred percent (100%) toward the required FAR minimums.
- b. If retail, office, civic, institutional or residential uses are constructed on the rear or side of the facility or above the ground floor on the street frontage of the facility, then the total square footage of these areas shall be credited one hundred percent (100%) toward the required FAR minimums.
- c. Underground parking structures are permitted. Subsurface parking located in the minimum setback shall be permitted with an eight foot (8') clearance from the top of the subsurface structure to the sidewalk, subject to an approved encroachment agreement. No ventilation shall be permitted in the setback.
- d. A minimum nine foot (9') clearance shall be maintained on the first level and any additional level that provides disabled parking spaces. A minimum seven-foot (7') clearance shall be maintained throughout the remainder of the parking deck to ensure the safe movement of vans and emergency vehicles.

E. Loading Standards

- 1. Non-residential buildings and structures, excluding parking structures, subject to the provisions of this Section, shall provide a minimum number of off-street service/delivery loading spaces. The loading spaces shall be designed and constructed so that all parking maneuvers can take place entirely within the property lines of the premises and shall not interfere with the normal movement of vehicles and pedestrians on the public rights-of-way. The loading spaces shall be a minimum of ten feet (10') by twenty-five feet (25') and shall be provided in accordance with the following:

Non-residential uses with gross floor area:	
Less than 50,000 square feet	None required
50,000-150,000 feet	One (1) space
Each additional 100,000 square feet	One (1) space

Existing buildings are exempt from these standards.

- 2. No loading spaces shall be permitted within any required or established setback, or between the primary structure and the required setback, except that driveways providing access to the loading area may be installed across these areas.

F. Additional MX-3 District Design Standards

- 1. Connectivity and Circulation. Transit-oriented development uses shall be integrated with the surrounding area, easily accessible, and have a good internal circulation system for a variety of travel modes.
 - a. A pedestrian sidewalk system shall meet the following standards:
 - i. Internal sidewalk connections are required between buildings and from buildings to all on-site facilities (parking areas, bicycle facilities, open space, etc.). All internal sidewalks shall be finished with a hard surface as required by the City's Public Works Department.

- ii. External sidewalk connections are required to provide direct connections from all buildings on site to the existing and/or required sidewalk system and to adjacent multi-use trails, parks and greenways. Sidewalks shall be constructed with a hard surface and of a width as required by the City's Public Works Department.
- 2. Street Design
 - a. Street walls
 - i. No blank walls are permitted to face public streets, walkways or public open spaces.
 - ii. All non-residential buildings fronting directly on a street shall be designed so that the first floor street façade of the building(s) along all streets include clear glass window and doors to create pedestrian interest. These openings shall be arranged so that the uses are visible from and to the street on at least fifty percent (50%) of the length of the first floor street level frontage.
 - iii. For all other uses, buildings shall be designed so that the first floor street façade along all streets includes the use of clear glass windows and doors arranged so that the uses are visible from and/or accessible to the street on at least twenty-five percent (25%) of the length of the first floor street frontage.
 - iv. Expanses of blank walls shall not exceed twenty (20) continuous feet in length. A blank wall is a façade that does not contain clear glass windows or doors or sufficient ornamentation, decoration or articulation.
 - v. No reflective surfaces shall be permitted on street level exterior facades.
 - b. Corner building placement
 - i. At intersections, buildings shall have front and side facades aligned at or near the front property line.
 - c. Top of buildings
 - i. All rooftop mechanical equipment on buildings shall be screened from above or below (based on the type of mechanical equipment utilized) by integrating it into the building and roof design to the maximum extent feasible. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood material shall not be utilized for this purpose. Solar and wind energy equipment is exempt from this provision if screening would interfere with system operations.
 - d. Building entrances and orientation.
 - i. Entrances shall be clearly visible and identifiable from the street and delineated with elements such as roof overhangs, recessed entries, landscaping or similar design features.
 - ii. At least one or more operable pedestrian entrances per building shall be provided, unless in a case where all the three circumstances below exist, only two (2) entrances shall be required:
 - A. When a lot abuts a public street right-of-way, at least one entrance shall be provided along all building façade(s) fronting all public rights-of-way.
 - B. When a lot abuts an existing or proposed public open space system, multi-use trail, or greenway, entrance(s) shall be provided on the building façade closest to the public open space, multi-use trail, or greenway.
 - C. When abutting a sidewalk in the rail station area, an entrance(s) shall be provided on the building façade closest to the station area sidewalk.
 - e. Canopies

- i. Canopies, awnings, cornices and similar architectural accents are permitted on exterior building walls. Such features shall be constructed of rigid or flexible material design to complement the streetscape of the area. Any such feature may extend from the building no more than four feet (4'). In no instance shall such feature extend over or interfere with the growth or maintenance of any required tree plantings. Minimum overhead clearance shall be eight feet (8'). Ground supports for these features are not permitted in the minimum setback, sidewalk or public right-of-way.
- f. Exterior Materials
 - i. The primary exterior opaque materials on each elevation of a building, except for the service side, must be brick, stone, decorative masonry or similar materials or a combination thereof.
 - ii. The following materials are not allowed as exterior materials: painted or unpainted concrete block, aluminum, vinyl or fiberglass siding or roofing materials, precast concrete materials, unless specifically approved by the City Council for a new commercial building, painting of previously unpainted brick, and wooden exteriors.
 - iii. The following materials are not allowed as exterior materials: painted or unpainted concrete block, aluminum, vinyl or fiberglass siding or roofing materials, precast concrete materials, unless specifically approved by the City Council for a new commercial building, painting of previously unpainted brick, wooden exteriors.
 - iv. Sustainability Standards. The City encourages the use of sustainable building materials and construction techniques through programs such as US Green Building Council's LEED (leadership in Energy and Environmental Design) program, Minnesota Sustainable Building Guidelines, and similar programs.
 - v. Alternative Designs or Materials. To encourage creativity, imagination, innovation and variety in architectural design, the Planning Commission may recommend modifications of the requirements of this Section and the City Council may approve such modifications upon determining that the proposed architectural design or exterior facades (s) materials meet all of the following conditions:
 - A. The proposed design or material is consistent with the purposes of this section.
 - B. The proposed design or material would enhance the architectural appearance of the building and would be equal or superior to designs or materials permitted by this section.
 - C. The proposed design or material would be in harmony with the character of adjacent buildings and the surrounding district.
- g. Screening Standards
 - i. All service entrances, utility structures associated with a building, and loading docks and/or spaces shall be screened from the abutting property and from public view from a public street.
 - ii. Any fences or walls used for screening or other purposes shall be constructed in a durable fashion of brick, stone and other masonry materials specifically designed as fencing materials. The finished side of the fence shall face the abutting property. Chain link, wood, vinyl or barbed wire fences are not permitted.
 - iii. The composition of the screening material and the placement on the lot shall be left up to the discretion of the property owners as long as the intent of this

Section is met. A wall cannot be substituted for a planting strip along any public street unless supplemented by landscaping.

- iv. Landscaping used for screening shall be evergreen and at least four feet (4') tall with a minimum spread of two feet (2') when planted and no further apart than five feet (5'). Shrubs shall be adequately maintained as that an average height of five to six feet can be expected as normal growth within four years of planting. The average expected height may be reduced to four feet (4') for screening along public streets.
 - v. The maximum height for walls and fences shall be six feet (6') or whatever is sufficient to visually screen the use but not less than four feet (4').
 - vi. Dumpsters, recycling containers, compactors, and solid waste handling areas are not permitted in any setback or yard and shall be screened from adjacent property and from public view with a six-foot high solid and finished masonry wall with closeable gates. In no instance shall a chain link fence, wood, vinyl or barbed wire fence be permitted.
- h. Buffer Standards
- i. All uses, other than single-family detached dwelling units, shall provide landscaping along all property lines abutting residentially used property located adjacent to the MX-3 District. This requirement also applies in situations where an alley with a right-of-way width of twenty-five feet (25') or less separates uses in the MX-3 District from a non-MX-3 District residential property. Landscaping shall be provided along all property lines abutting the alley when adjacent to residential uses. Multi-family developments in an MX-3 District are exempt from this landscaping requirement when they abut other multi-family uses.
 - ii. In no instance shall a chain link, wood, vinyl or barbed wire fence be permitted.
- i. Exterior Lighting Standards
- i. Exterior lighting shall be used to provide illumination for the security and safety of entry drives, parking, service and loading areas, pathways, courtyards and plazas, without intruding on adjacent properties and shall comply with the following standards:
 - A. Poles and fixtures shall be architecturally compatible with structures and lighting on-site and on adjacent properties.
 - B. Security lighting shall be adequate for visibility, but not overly bright.
 - C. Metal halide lighting shall be used with a concealed light source of the "cut-off" variety to prevent glare and "light trespass" onto adjacent buildings and sites.
 - D. Poles within landscaped areas and plazas shall have a maximum height of twenty feet (20'), measured from grade, and shall be coordinated with city standards.
 - E. Poles in parking lots shall have a maximum height of 24 feet (24') measured from finished grade.
 - F. Lighting fixtures mounted directly on structures shall be permitted when utilized to enhance specific architectural elements or to help establish scale or provide visual interest.
 - G. "Wall paks" shall be permitted only in loading and service areas and shall be down-lit and shielded from view.
 - H. Shielded illumination or fixtures shall be permitted to light building mounted signage, building facades, or pedestrian arcades if they are integrated into a building's architectural design.

- I. Lighting should highlight entrances, art, terraces, and special landscape features.
- J. Separate pedestrian scale lighting or other low-level fixtures, such as bollards, shall be incorporated for all pedestrian ways through parking lots and drop-off areas at entrances to buildings.
- K. All primary walkways, steps or ramps along pedestrian routes shall be illuminated.
- ii. Light Intensity
 - A. A photometric lighting plan is required for all proposed commercial developments to ensure that adequate and appropriate light levels are provided for each site condition.
 - B. Lighting shall not exceed 0.1 foot candle at residential property lines or 0.5 foot candle on non-residential property lines measured on a vertical plane.
 - C. The following minimum levels of illumination must be maintained for each of the specific locations:

Building entrances	5.0 foot candles
Sidewalks	2.0 foot candles
Bikeways	1.0 foot candles
Courts/plazas/terraces	1.5 foot candles
Ramps	5.0 foot candles
Stairways	5.0 foot candles
Underpasses	5.0 foot candles
Waiting areas	1.0 foot candles
Parking lots	1.0 foot candles

- j. Signs, banners, flags and pennants
 - i. Where signs, banners, flags and pennants for identification or decoration are provided, they shall conform to the following:
 - A. Wall signs shall have a maximum of 150 total square feet or five percent (5%) of the building wall area occupied by the user, whichever is less. Wall signs may be increased by twenty (20) square feet per sign in lieu of a ground mounted or monument sign.
 - B. Signs are permitted to project up to two feet (2') into the minimum setback as measured from the building. Under no circumstances shall a sign project more than four feet (4') from the back of the curb. A minimum overhead clearance of eight feet (8') from the sidewalk shall be maintained.
 - C. Marquee signs are permitted.
 - D. Ground mounted or monument signs are permitted as follows:
 - 1. Signs shall not exceed ten feet (10') in height and forty (40) square feet in area.
 - 2. Signs shall be located behind the right-of way and out of any sight distance triangle.
 - 3. Signs shall be setback five feet (5') from any property line.
 - 4. No freestanding pole signs shall be permitted.
 - 5. No off-premise signs shall be permitted.
 - E. Signs shall also conform to Section 1380.02 and 1380.03 of this code.

k. Landscaping Standards

- i. The plan for landscaping must include ground cover, bushes, trees, foundation plantings, sculpture, fountains, decorative walks or other similar site design features or materials. Landscaping must conform to the requirements of the City Code, Section 1330.05, Subd. 14:
- ii. Landscaping shall support the purpose and intent of the District, and be consistent with the Station Area Plan or adopted master plans for the District.

G. Design Manual

1. All design guidelines included in the City's Red Rock Transit District Design Guidelines shall apply. The Design guidelines have been adopted as part of the City's Comprehensive Plan.

Section 1350 - Non-~~rr~~esidential Districts

1350.01 Scope.

Except as otherwise provided, this division applies to all nonresidential and mixed-use districts in the City.

1350.02 Purpose of Business Districts.

Business districts shall be established to accomplish the general purpose of this Chapter and the comprehensive plan and for the following specific purposes:

- A. To group compatible business uses which will tend to draw trade that is naturally interchangeable and so promotes the business prosperity and public convenience:
- B. To provide an adequate supply of suitable land for businesses and professional services to meet the needs of the ~~residents~~community and provide employment opportunities and significant tax base;
- C. To promote a high quality of ~~total-business and~~ commercial development and design that produces a positive visual image and minimizes the effects of traffic congestion noise, odor, glare and similar problems.

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**1350.03 Specific intent of the B-1 Business Park/Office/Warehouse District.
~~General Business District.~~**

~~The specific intent of the B-1 General Business District shall be to provide the opportunity for diverse businesses to take advantage of the visibility and access to the Highway 61 corridor. The district is intended to serve the business needs of the region and may include automobile and highway oriented businesses. The district requires a full range of public utilities and services, as well as excellent access to at least a collector level roadway and nearby access to Highway 61.~~

1350.031 Specific intent of the B-2 Business Park/Office/Warehouse District.

The Business Park/Office/Warehouse District is intended to ~~create high quality places to work in the community. This land use should focus on bringing in quality jobs and a high tax base~~provide locations for office, warehouse and related uses in a business park setting. Some accessory commercial services may also be a part of this land use type to serve the large employment base. ~~The Business Park/Office/Warehouse District is also intended to accommodate development, which does not rely on high visibility from a major roadway to survive~~

1350.04 Purpose of the Industrial Districts.

The industrial districts shall be established to accomplish the general purpose of this Chapter and the comprehensive plan and the following specific purposes:

- A. To provide employment opportunities;
- B. To group industrial uses in locations accessible to rail and highways, so that the movement of raw materials, finished products and employees can be carried on efficiently;

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- C. To separate traffic, noise, and other obtrusive characteristics of intense industrial activity from the more sensitive commercial, residential, and open space areas of the City.

1350.05 Specific intent of the I-1 Light Industrial District.

The specific intent of the I-1 Light Industrial District shall be to provide areas for the development of research laboratories, small-scale processing, fabricating, storage, manufacturing, and assembly of products. Such uses are non-polluting, not excessively noisy or dirty, limited traffic producers, and do not produce hazardous waste as by-products.

1350.06 Specific intent of the I-2 General Industrial District.

The specific intent of the I-2 General Industrial District shall be to provide areas adjacent to major thoroughfares and in areas where public utilities are available for the express use of industrial developments. Designation of industrial districts will help attract industry, thereby stabilizing the tax base and increasing employment in the City.

1350.07 Specific intent of the I-S Industrial Storage District.

The specific intent of the I-S Industrial Storage District shall be to provide areas bordering City limits and in areas adequately buffered with open land to permit storage of petroleum products and other similar storage uses.

1350.08 Purpose of the Mixed-Use Districts.

The mixed-use districts shall be established to accomplish the general purposes outlined in the comprehensive plan and ~~more specifically~~ to foster a ~~transit oriented~~ development pattern that ~~encourages a mix of supportive residential and commercial uses, and supports a multi-modal transportation system that services all users. These districts will integrate~~ serves as a place to live, shop, work and play. The ~~M~~ixed-use districts are intended to help shape Newport's downtown and small town identity.

1350.09 Specific intent of the MX-1 Downtown District.

The specific intent of the MX-1 Downtown Mixed Use District shall be to provide sites for small scale retail, commercial, office and service ~~commercial~~ uses, and to support a mix of residential ~~and office type~~ uses. ~~District requirements and standards will create neighborhoods that are in an aesthetically pleasing, and dense, but safe and walkable development pattern. This district generally includes the area around Glen Road and 16th Street on both sides of TH 61. In order to build and strengthen a pedestrian oriented environment, this district is primarily intended to integrate residential uses with for more pedestrian-oriented commercial uses such as specialty retail stores, professional and financial services, offices, sit down restaurants, coffee shops, floral shops, etc. These uses should compliment each other to promote the idea of one stop shopping in a district as opposed to one stop shopping in a 'big box' store.~~ This district shall serve as the center for financial, commercial, professional and entertainment activities. Inclusion of high density housing above commercial uses in this district ~~will help~~ will help support commercial and entertainment uses and ~~support~~ public transit services.

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1350.10 Specific intent of the MX-2 ~~Mainstreet-Commercial~~ District.

The specific intent of the MX-2 ~~Mainstreet-Commercial Mixed Use~~ District shall be to provide ~~areas that integrate diverse commercial and residential uses, pedestrian-friendly Minimum lot sizes are larger than those in the Downtown District, land use pattern that enables existing residential uses to coexist on a busy City street with small-scale specialty retail uses and small offices that may locate in structures with a residential appearance.~~ Development is intended to be compatible with the scale of surrounding ~~residential~~ areas. Parking areas are restricted in this zone in order to limit the impact on the neighborhood ~~and on areas that are visual gateways to the City.~~ ~~Government services are encouraged as a part of this district.~~

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1350.11 Specific intent of the MX-3 Transit-Oriented Mixed Use District

The specific intent of the MX-3 Transit-Oriented Mixed Use District is to encourage a mixture of residential, commercial, office, and civic uses in proximity to the commuter rail station at densities and intensities that support and increase transit use. The district is also intended to:

- A. Encourage a safe and pleasant pedestrian environment near the rail station, and limit conflicts between pedestrians and vehicles.
- B. Maximize access to transit.
- C. Encourage use of transit infrastructure.
- D. Provide parking in an efficient and unobstrusive manner
- E. Reduce parking requirements by encouraging shared parking and alternative modes of transportation.
- F. Encourage a sense of activity and liveliness along the street level of building facades.

1350.12 Specific intent of the MX-4 General Mixed Use District

The specific intent of the MX-General Mixed Use District is to provide for a mix of residential and commercial uses that provide for a long-term transition from the auto-oriented uses that exist in the district based on past frontage on Highway 61, to uses that are compatible with adjacent mixed-use districts and development of the Downtown character of Hastings Avenue. The City anticipates that commercial uses will cluster on and near Hastings Avenue and the Glen Road interchange, and that over the long-term, residential uses may become more dense in this zone.

1350.13 Dimensional Requirements for lots and structures in non-residential districts

A. General Non-residential district standards requirements

<u>Requirements</u>	<u>MX-1</u>	<u>MX-2</u>	<u>MX-3</u>	<u>MX-4</u>	<u>B-1</u>	<u>I-1</u>	<u>I-2</u>	<u>IS</u>
<u>Minimum lot area in square feet</u>	<u>2,400</u>	<u>4,000</u>	<u>None</u>	<u>2,400</u>	<u>15,000</u>	<u>30,000</u>	<u>30,000</u>	<u>30,000</u>
<u>Minimum lot depth in feet</u>	<u>80</u>	<u>100</u>	<u>None</u>	<u>80</u>	<u>150</u>	<u>200</u>	<u>200</u>	<u>200</u>
<u>Minimum lot width in feet</u>	<u>30</u>	<u>40</u>	<u>None</u>	<u>30</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Maximum lot coverage by all buildings (%)</u>	<u>80%</u>	<u>50%</u>	<u>None</u>	<u>80%</u>	<u>30%</u>	<u>40%</u>	<u>50%</u>	<u>50%</u>
<u>Structure setback standards***</u>								
<u>Minimum front</u>	<u>0</u>	<u>10**</u>	<u>0</u>	<u>0</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>50</u>

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<u>Requirements</u>	<u>MX-1</u>	<u>MX-2</u>	<u>MX-3</u>	<u>MX-4</u>	<u>B-1</u>	<u>I-1</u>	<u>I-2</u>	<u>IS</u>
<u>yard setback</u>								
<u>Minimum front yard if across collector or minor street from any residential district</u>	<u>10</u>	<u>10**</u>	<u>10</u>	<u>10</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>100</u>
<u>Minimum side yard</u>	<u>0</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>10</u>	<u>20</u>	<u>20</u>	<u>50</u>
<u>Minimum side yard if adjacent to any residential district</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>100</u>
<u>Minimum rear yard</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>50</u>
<u>Minimum rear yard if adjacent to any residential district</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>100</u>
<i>Parking and driving aisle setback in feet</i>								
<u>Minimum front yard</u>	<u>20</u>	<u>Not allowed</u>	<u>Not allowed</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>Minimum front yard if across collector or minor street from any R district</u>	<u>Not allowed</u>	<u>Not allowed</u>	<u>Not allowed</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>
<u>Minimum side yard</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
<u>Minimum side yard if adjacent to any R district</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>Minimum rear yard</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
<u>Minimum rear yard if adjacent to any R district</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>
<u>Maximum building height in feet*</u>	<u>40</u> <u>3-sty</u>	<u>28</u> <u>2-sty</u>	<u>See table B.,below</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>
<u>Maximum height of storage tank in IS district</u>								<u>55</u>
<u>Public utilities required, including sewer</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>

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*Maximum height may be increased upon issuance of a Conditional Use Permit. The setback requirements for increases in height adjacent to single-family residential uses included in this chapter apply.

** See section 1300.09 Exceptions to Front Yard Setbacks

***Structure setbacks for the MX-1 and MX-2 are as noted by the dimensional provisions unless otherwise specifically approved in a development plan as outlined in a Planned Unit Development.

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B. Additional MX-3 District standards. The following requirements apply to all buildings or uses in an MX-3 District, unless otherwise specified:

<u>Height and Setbacks</u>	<u>Residential Townhouse</u>	<u>Residential Apt., Condo, Cooperative</u>	<u>Mixed-Use Building</u>	<u>Commercial, Civic, not in mixed-use building</u>
<u>Height</u>	<u>3 stories or 35 feet, whichever is less</u>	<u>2 stories minimum, 4 stories maximum*</u>	<u>2 stories minimum, 4 stories maximum*</u>	<u>No minimum, 4 stories maximum</u>
<u>Setbacks</u>	<u>Front: Maximum of 15 feet Side: 10 feet Rear: 15 feet</u>	<u>Front: Maximum of 15 feet Side: 10 feet Rear: 15 feet</u>	<u>Front: Maximum of 15 feet Side: 10 feet Rear: none required</u>	<u>Front: Maximum of 8 feet Side: 10 feet Rear: None required</u>

*Maximum height may be increased upon issuance of a Conditional Use Permit. Single-story buildings shall have a foot print of no more than 15,000 square feet.

C. Densities in the MX-3 District

1. The maximum residential density in the MX-3 District shall be 50 units per acre.
2. The minimum residential density in the MX-3 District shall be 30 units per acre.
3. The minimum net FAR (Floor Area Ratio) for residential and non-residential uses shall be .5 FAR.

F. 1350.14 Uses in the Non-Residential Districts

A. Mixed Use Districts Uses

P=Permitted Use; C=Permitted with a Conditional Use Permit; N=Not Permitted; PUD=Permitted with a Planned Unit Development
Allowed Uses:

<u>Use</u>	<u>PermittedMX-1</u>	<u>Conditional UseMX-2</u>	<u>Not PermittedMX-3</u>	<u>MX-4</u>
Residential Uses				

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Use	PermittedMX-1	Conditional UseMX-2	Not PermittedMX-3	MX-4
<u>Single-family detached, one dwelling per lot</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>P</u>
<u>Townhouse, rowhouse</u> <u>Single-family detached, more than one dwelling per lot</u>	<u>PUD</u> <u>P</u>	<u>PUD</u>	<u>N</u>	<u>PUD</u>
<u>Two-family residences</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>P</u>
<u>Townhouse, rowhouse</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Multi-Family, condos, apartments and cooperatives</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Congregate housing for senior populations</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Mixed-Use (dwelling unit above ground floor)</u>	<u>PP</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Live-work building</u>	<u>C</u>	<u>CC</u>	<u>C</u>	<u>C</u>
<u>Congregate housing for senior populations</u>	<u>PP</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Apartments, condominiums, co-ops</u>	<u>PP</u>	<u>P</u>	<u>P</u>	<u>P</u>
Civic and Semi-Public Uses				
<u>Day care centers</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Day care centers in a mixed-use building</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Essential services/public utilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Funeral Home</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Hospitals</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Medical Clinics</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Military reserve, national guard centers</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Park and public recreation facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Parking Garage (as a principal use)</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Parking Lot, Surface (as a principal use)</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Penal/correctional facilities</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Place of worship and associated facilities, except schools</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Post Office</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Public Facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, and other municipally owned or operated facilities</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Schools-trade, college, vocational, and associated facilities</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Schools for business, trade, dancing, music</u>	<u>C</u>	<u>CC</u>	<u>C</u>	<u>C</u>
<u>Social, Fraternal clubs and lodges, union halls</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Day care centers in a mixed-use building</u>	<u>PP</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Park and public recreation facilities</u>	<u>PP</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Transit stations and related parking facilities</u>	<u>CP</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Essential services</u>	<u>PP</u>	<u>P</u>	<u>P</u>	<u>P</u>
Commercial Uses				
<u>Retail and service establishments, free standing or mixed use building</u>	<u>PP</u>	<u>P</u>	<u>P</u>	<u>P</u>

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Use	PermittedMX-1	Conditional UseMX-2	Not PermittedMX-3	MX-4
Accessory usesFinancial services	PPP	PP	PP	PP
Administrative support servicesDrive-through	PC	PCC	PC	PC
Adult Uses	N	N	N	N
Animal boarding, grooming, veterinary clinics, retail salesOffices—general, medical, professional, free-standing or mixed-use building	CPP	CP	CP	CP
Artist studios	P	P	P	P
Auto body repair and major auto repairAnimal boarding, grooming, veterinary clinics, retail sales	CC	NC	NC	NC
Auto sales, rental	C	N	N	N
Automotive services, car specialty services (not including body repair or major repair)Service businesses, such as beauty shops, barbershops, dry-cleaning, drop off/pickup (no on-site processing) in mixed-use buildings	CPP	CP	CP	CP
Bakeries, delicatessens, coffee shopsBuilding materials and services	PN	PN	PN	PC
Bakeries, wholesale	P	C	C	C
Bed and BreakfastData centers	PC	PCC	NC	PC
BiotechnologyHotels	PCP	PP	PP	PC
Building materials and servicesConference center	CCP	NP	NP	NC
Catalog and mail orderTheaters (with structured parking)	PPP	PP	PP	PP
Conference centerStructured parking facilities	CPP	PP	PP	CP
Convenience stores	P	P	P	P
Data centersRestaurants, including open air or sidewalk cafes, freestanding or in mixed-use buildings	CPP	CP	CP	CP
Drive-throughBakeries, delicatessens, coffee shops	CPP	CP	CP	CP
Entertainment/amusement halls, bowling alley, indoor skating rink	P	P	C	C
Fabrication of apparel, leather products and other products from prepared productsAutomotive services, car specialty services (not including body repair or major repair)	PC	CCC	PC	CC
Fabrication of office and computer equipmentOutdoor sales in conjunction with a permitted use	PN	PNC	PC	PC
Financial servicesRental of vehicles (with limited outside storage)	PC	PCC	PC	PC
Fitness and recreation centers, in a mixed-use buildingTowing services (no outside storage of vehicles)	CCP	CE	CP	CP
Hotels, motelsEmergency services, ambulance services	CPP	PP	PP	CP
Gas, diesel or other motor fuel retail sales	C	C	N	C
Internet publishing and broadcastingResearch, development and testing laboratory	PC	PCC	PC	PC

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Use	PermittedMX-1	Conditional UseMX-2	Not PermittedMX-3	MX-4
Laboratory, medical or dental	<u>CC</u>	<u>CC</u>	<u>CC</u>	<u>CC</u>
Medical appliance assembly	<u>PPP</u>	<u>PP</u>	<u>PP</u>	<u>PP</u>
Motion picture and sound recording industries	<u>CCP</u>	<u>CC</u>	<u>CP</u>	<u>CP</u>
Offices – general, medical, professional, free-standing or mixed-use building	<u>PP</u>	<u>PPC</u>	<u>PC</u>	<u>PP</u>
Outdoor sales accessory to a permitted use	<u>CCP</u>	<u>NC</u>	<u>CP</u>	<u>NC</u>
Printing, publishing, bookbinding, blueprinting	<u>CC</u>	<u>CC</u>	<u>CC</u>	<u>CC</u>
Processing and packaging of drugs, pharmaceuticals, perfumes and cosmetics	<u>CPP</u>	<u>CP</u>	<u>PP</u>	<u>CP</u>
Retail and service establishments, free-standing or mixed-use building	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Rental of vehicles (with limited outside storage)	<u>CC</u>	<u>CC</u>	<u>CC</u>	<u>CC</u>
Research, development and testing laboratory	<u>CPP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>
Restaurants, including open air or sidewalk cafes, freestanding or in mixed-use buildings	<u>PC</u>	<u>PCC</u>	<u>PC</u>	<u>PC</u>
Restaurants with drive-through service	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Service businesses, such as beauty shops, barbershops, dry-cleaning, drop-off/pickup (no on-site processing) in mixed-use buildings	<u>PPP</u>	<u>PP</u>	<u>PP</u>	<u>PP</u>
Small scale manufacturing and artisans	<u>PPP</u>	<u>PP</u>	<u>CP</u>	<u>PP</u>
Theaters (with structured parking)	<u>PPP</u>	<u>PP</u>	<u>PP</u>	<u>PP</u>
Theatres	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Towing services (no outside storage of vehicles)	<u>PPP</u>	<u>CP</u>	<u>PP</u>	<u>CP</u>
Auto body repair and major auto repair	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>
Retail and service establishments, free-standing or mixed-use building	<u>PN</u>	<u>PN</u>	<u>PN</u>	<u>PN</u>
Accessory uses	<u>PN</u>	<u>PN</u>	<u>PN</u>	<u>PN</u>
Warehousing as a primary use	<u>NN</u>	<u>NN</u>	<u>NN</u>	<u>NN</u>

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B. Business and Industrial District Uses

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

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Use	B-1	I-1	I-2	I-S
Civic and Public Uses				
Airports	N	C	C	N
Cemetery and/or crematorium	C	N	N	N
Day care centers	C	C	C	C
Day care centers in a mixed-use building	P	C	C	C
Essential services/public utilities	P	P	P	P
Funeral Home	P	N	N	N
Hospitals	C	N	N	N
Medical Clinics	P	N	N	N
Military reserve, national guard centers	C	N	N	N
Park and public recreation facilities	P	P	P	P
Parking Garage (as a principal use)	P	N	N	N
Parking Lot, Surface (as a principal use)	P	P	P	P
Penal/correctional facilities	N	C	C	N
Place of worship and associated facilities, except schools	P	N	N	N
Post Office	P	N	N	N
Public Facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, and other municipally owned or operated facilities	C	C	C	C
Sanitary landfill	N	C	C	N
Schools-trade, college, vocational, and associated facilities	P	C	N	N
Schools for business, trade, dancing, music	C	C	N	N
Social, Fraternal clubs and lodges, union halls	P	N	N	N
Transit stations and related parking facilities	C	N	N	N
Churches, synagogues, temples and associated facilities except schools	P	N	N	N
Funeral Home	P	N	N	N
Hospitals	P	N	N	N
Medical clinics	P	N	N	N
Military reserve, national guard centers	C	N	N	N
Parking garage as a primary use	N	N	N	N
Penal/correctional facilities	N	C	C	N
Public utility	P	P	P	P
Schools-trade, college, vocational, and associated facilities	P	C	N	N
Sanitary landfill	N	C	C	N
Commercial Uses				
Hotels, motels	P	N	N	N
Adult uses (bookstore, theater, nightclub, nude or	N	N	C	C

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Use	B-1	I-1	I-2	I-S
partially nude dancing)				
Auto painting and body work Auto storage	NN	CC	NP	NC
Auto storage Auto painting and body work	NN	CC	PN	CN
Commercial greenhouse operations Restaurant, traditional or liquor served; bar and grill	CP	PN	NN	NN
Convenience stores Convenience stores	PP	NN	NN	NN
Gas, diesel or other motor fuel retail sales Wholesale sales	PP	NN	NN	NN
Hotels, motels	P	N	N	N
Restaurant, traditional or liquor served; bar and grill Gas, diesel or other motor fuel retail sales	PP	NN	NN	NN
Salvage yards (auto or scrap iron) Storage, mini-storage, cold storage	NN	NN	PN	NP
Storage, mini-storage, cold-storage Salvage yards (auto or scrap iron)	NN	NN	NP	PN
Veterinary clinic, animal hospital Commercial greenhouse operations	CC	PP	NN	NN
Wholesale sales Veterinary clinic, animal hospital	PC	NP	NN	NN
Warehouse and Industrial Uses				
Manufacturing	C	P	P	N
Retail sale, installation and remanufacturing of vehicle parts and accessories Warehousing	NC	PP	PN	NN
Storage and distribution of bulk petroleum products, oil and gasoline	N	N	N	C
Retail sale, installation and remanufacturing of vehicle parts and accessories		P		
Warehousing	C	P	P	N

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1350.125 Administrative Procedure for Development in the Non-residential Districts

- A. All petitions for rezoning to establish or expand a nonresidential district shall also concurrently follow subdivision platting procedures and a complete preliminary plat with all supporting data required which shall be filed with the Zoning Administrator.
- B. If a zoning change for a nonresidential district is approved, the first phase of construction shall begin or show reasonable progress within two (2) years after approval of the general development plan and zoning change by ordinance or the district may be zoned back to its original zoning district classification or other appropriate zoning district classification.
- C. Upon finding by the Planning Commission and City Council that the proposed zoning district and preliminary plat shall constitute a district of sustained desirability, is consistent with long range comprehensive plans for the City, and meets the requirements of the district, the City Council may establish such district on the property included in the

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preliminary plat. The preliminary plat as approved together with such covenants, deed restrictions, controls, or special conditional use permits as may be attached to it, shall be filed and recorded by the owners or developer in the office of the county register of deeds and shall become a part of the ordinance establishing the zoning charge. Any substantial change to the plat shall require resubmission to and approval by the Planning Commission and City Council.

D. The final platting of such land shall be subject to such requirements for approval, recording, and the installation of improvements as required by other City ordinances.

E. Prior to obtaining a building permit or constructing any building improvements on an individual lot or site within any nonresidential district, three (3) copies of the site plan of proposed improvements shall be submitted to the Zoning Administrator, and reviewed by the Planning Commission and City Council. Such site plan shall include the following:

1. A survey or plat of the property
2. Evidence of ownership or interest in the property
3. The fee specified in the City's fee schedule
4. Information regarding project phasing and timing.
5. Complete development plans, signed by a registered architect, civil engineer, landscape architect, or other appropriate design professional, as required by the State Building Code.
6. Phasing plan
7. Architectural plans showing the following:
 - a. Colored elevations of all sides of the building
 - b. Type, color and samples of exterior building materials
 - c. Typical floor plans
 - d. Dimensions of all structures
 - e. The location of exterior trash storage areas and of exterior electrical, heating, ventilation and air conditioning equipment
 - f. Utility plans including water, sanitary sewer, and storm sewer
 - g. A plan showing landscaping, lighting and signs that meets code requirements
 - h. Illustrations that show adjacent building elevations to show the scale of adjacent buildings and landscaping
 - i. Such other information as may be required by the City to process the application

F. All public rights-of-way within Business and Industrial Districts shall be considered collector streets or arterials as defined in the City thoroughfare plan.

G. Additional Administrative Procedures for Development in the MX-3 District

~~Administrative Procedure for Development~~

A.1. Preliminary Review. It is strongly recommended that anyone planning to develop or redevelop property in an MX-3 District meet with the City Administrator (1) during the conceptual design process in order that the staff may offer input into meeting the ordinance requirements and design standards and (2) during the design development stage to ensure that the plans meet the minimum MX-3 District Standards.

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B-2. *Station Area Plan Procedure.* No new development or redevelopment may occur, and no building permit will be issued, without approval of a Station Area Plan conforming to the requirements of this section. Approval of individual site plans must conform to the Station Area Plan. Upon the submission of the Station Area Plan, the Planning Commission will conduct a public hearing and make a recommendation to the City Council, which shall approve, modify or deny the Station Area Plan. The Station Area Plan shall include the following:

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- a. A drawing showing existing conditions such as property boundaries, generalized contours, site features such as wetlands and wooded areas, and surrounding land uses and development.
- b. A conceptual development plan showing public and private open space, and general site data such as building locations, density, setbacks, ponding areas, parking areas and generalized screening, buffering and landscape concepts.
- c. Generalized traffic information including proposed new streets and alley connections, and improvements to existing roads.
- d. An elements plan that includes, but is not limited to, lighting, public art, planters, fountains, litter receptacles, benches or seating areas.

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***3.** The findings necessary for approval of the Station Area Plan include, but are not limited to, the following

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- e**a. The Station Area Plan is consistent with the intent of the MX-3 District.
- e**b. The Station Area Plan reflects development that:
 - *i.** Is not detrimental to the public health, safety, or general welfare
 - *ii.** Is not hazardous, detrimental or disturbing to surrounding land uses, or that creates pollution, vibration, general unsightliness, electrical interference, or other nuisances
 - *iii.** Does not create traffic congestion, unsafe access, or parking needs that will cause inconvenience to adjoining properties
 - *iv.** Is served adequately by essential public services such as streets, police, fire protection, utilities and parks
 - *v.** Does not create excessive additional requirements at public cost for public facilities and services, and is not detrimental to the economic welfare of the City
 - *vi.** Causes minimal adverse environmental effects
 - *vii.** Each phase or stage of the Station Area Plan can exist as an independent unit.

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E-4. *Site Plan Approval Required.* A site plan approval is required for all new construction in the Mixed Use a-TOD-Districts. Application for a site plan review shall be made to the City on forms provided by the City, and shall be accompanied by the following:

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- 1. **a.** A survey or plat of the property
- 2. **b.** Evidence of ownership or interest in the property
- 3. **c.** The fee specified in the City's fee schedule
- 4. **d.** Information regarding project phasing and timing.
- 5. **e.** Complete development plans as specified under Section 1200.11 of the Zoning Code, signed by a registered architect, civil engineer, landscape architect, or other appropriate design professional, as required by the State Building Code.

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- ~~6.f.~~ Architectural plans showing the following: Colored elevations of all sides of the building; type, color and samples of exterior building materials; typical floor plans; dimensions of all structures; t
- ~~a.~~ Colored elevations of all sides of the building
- ~~b.~~ Type, color and samples of exterior building materials
- ~~c.~~ Typical floor plans
- ~~d.~~ Dimensions of all structures
- ~~e.~~ The location of exterior trash storage areas and of exterior electrical, heating, ventilation and air conditioning equipment;
- ~~f.~~ U utility plans including water, sanitary sewer, and storm sewer;
- ~~g.~~ A a plan showing landscaping, lighting and signs that meets code requirements;
- ~~h.~~ Illustrations that show adjacent building elevations to show the scale of adjacent buildings and landscaping;
- ~~i.~~ Such other information as may be required by the City to process the application.

H. Public hearing. Upon receipt of a completed application for rezoning, subdivision or site plan approval, a date shall be set for a public hearing before the Planning Commission. The hearing will be held no less than 10 days after mailed notice is sent to the owners of property located wholly or partially within 350 feet of the site. The Planning Commission shall submit its recommendation to the City Council. Following appropriate review, the Council shall make a decision regarding the application.

E.I. Administrative Approval. To offer some degree of flexibility, the City Administrator has the authority to administratively alter any of the development and urban design standards by five percent (5%) in an MX-3 District. If administrative approval is required for parking or an item normally approved by the Planning Commission and City Council, the City Administrator shall only grant approval after consultation with other city staff (public works, building inspections, fire chief, etc.)

On matters that do not involve quantitative measurements, the City Administrator may also make minor alterations if he/she determines that such changes would be an acceptable design approach to development and would be in keeping with the general intent of the MX-3 District. Any such approval shall meet the following criteria:

- a. Incorporates existing buildings, trees, topographic features, or other existing elements consistent with the intent of the MX-3 District; and
- b. Provides urban open space, seating, fountains, accent landscaping or other similar urban pedestrian amenities consistent with the intent of the MX-3 District.

1350.16 Performance Standards for Non-residential Districts

A. MX District Parking standards.

- 1. Parking requirements shall be governed by Section 1330.06 except for the following:
 - Surface Parking Lots in the MX-2 and MX-3 Districts shall be located at the side or rear of buildings and not in the front yard area. Surface parking lot or driveway access may not make up more than 25% of lot frontage. The required front setback for surface parking lots in the MX-1 and MX-4 district shall include a planted boulevard that meets the landscaping requirements of the ordinance.

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2. In the MX-1 District, parking requirements shall be 1 space for every 350 square feet of office or retail gross floor area. On-street parking spaces that are adjacent to the parcel that the parking is being calculated for may be included in the calculation. The maximum number of off-street parking spaces permitted shall not exceed 1 space per 250 square feet of office or retail uses, except in the case of restaurants which shall be allowed one space per 200 square feet if shared parking facilities are not available.

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3. Parking standards for the MX-3 District are included in Section 1350.17.

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4. Additional reductions in parking requirements in the MX-1 and MX-2 Districts shall be permitted with demonstrations of proof of parking or a parking management strategy acceptable to the Zoning Administrator.

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B. Building Standards. Every primary and accessory building in a Commercial, Industrial or Mixed Use District shall be uniform in design and materials on all sides of a structure facing a public street, having extensive visual exposure from a public street or is adjacent to a residential zoning district, unless modified herein.

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1. Exterior surfaces of all buildings shall be faced with or a combination of brick, stone (or better), decorating architecturally textured concrete products, wood veneer, glass, stone, decorative pre-cast panels, equivalent products or better.

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2. Primary and accessory buildings: facades or roofs in any Commercial District shall not be constructed of non-textured cinder concrete block, sheet aluminum, steel, corrugated aluminum or steel, or similar products.

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3. Primary or accessory building facades in any Industrial District not fronting on a public street, not having extensive visual exposure from a public street or is not adjacent to a Residential Zone may be constructed of non-textured cinder block, sheet aluminum, steel, corrugated block, corrugated aluminum or steel or similar products.

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4. Within an Industrial District a multi-tenant, mini-storage or trucking terminal with extensive use of garage doors on many sides of a building or groups of buildings may be constructed of metal untextured cinder block, sheet aluminum, steel, corrugated aluminum or steel or similar products, provided that facades constructed of such materials are not facing a public street, have visual exposure from a public street or are adjacent to a residential district.

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5. Metal-like materials, in a zone other than Industrial, are only acceptable as trim, fascia, mansards, portions of the main facade, or the like. No structural metal roofs, except architectural uses of copper incorporating visible metal exteriors, are permitted.

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6. Accessory tanks, exterior equipment, stacks, pipes, towers and the like are exempt from these requirements.

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C. Exterior Storage: No materials, product or equipment shall be stored outside of an enclosed building except for daily display (during store hours) of merchandise.

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D. All refuse and recycling containers must be stored inside of the principle structure or a fully enclosed accessory structure.

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E. All roof equipment must be screened from public view unless designed as an integral part of the building and is compatible with the site lines of the building, as determined by the Zoning Administrator.

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F. All developments (except for improvements to a single-family detached housing unit or construction of a new single-family detached housing unit) conducted within the MX-1 or MX-2 district must be completed through the Planned Development District process as outlined in Section 1360 of the Zoning Code.

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1350.17. Additional Performance Standards for the MX-3 District

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1350.12 Bulk and dimensional standards.

The following requirements apply to all buildings or uses in an MX-3 District, unless otherwise specified:

Height and Setbacks	Residential Townhouse	Residential Apt., Condo, Cooperative	Mixed-Use Building	Commercial, Civic, not in mixed-use building
Height	3 stories or 35 feet, whichever is less	2 stories minimum, 4 stories maximum*	2 stories minimum, 4 stories maximum*	No minimum, 4 stories maximum
Setbacks	Front: Maximum of 15 feet Side: 10 feet Rear: 15 feet	Front: Maximum of 15 feet Side: 10 feet Rear: 15 feet	Front: Maximum of 15 feet Side: 10 feet Rear: none required	Front: Maximum of 8 feet Side: 10 feet Rear: None required

*Maximum height may be increased upon issuance of a Conditional Use Permit. Single-story buildings shall have a foot print of no more than 15,000 square feet.

Provision	Districts							
	MX-1	MX-2	B-1 & B-2	I-1	I-2	IS	MX-3	
<i>Lot size, Lot dimension and coverage provisions</i>								
Maximum residential density, units/acre	25	11	N/A	N/A	N/A	N/A	50	
Minimum residential density, units/acre	None	None					11	
Maximum non-residential density	7.5 FAR						7.5 FAR	

A. Height and Setback Standards

A.

1. General setback standards for the MX-3 District are indicated on the table in Section 1350.13.
2. Additional setback and building height standards for the MX-3 District include the following:

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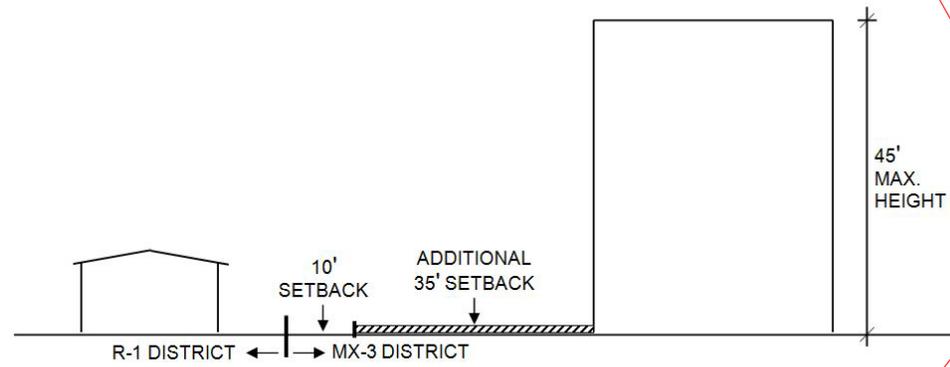
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- 2. a. If new construction incorporates an existing structure located within a minimum setback, the City Administrator may allow the setback for the building addition to be reduced to the established setback.
- 3. b. All above-ground utility structures associated with electric, natural gas, telecommunications, cable television distribution lines, pipes, conduits or other public utilities shall be located behind the minimum setback unless otherwise approved as part of the site plan approval. This applies to air vents, utility boxes and back-flow preventers.
- 4. c. Driveways may cross the front setback, but shall be as near as perpendicular to the street for pedestrian safety and to minimize the intrusion into any landscaped area.
- 5. d. Balconies may project up to two feet (2') over the right-of-way, subject to an approved sidewalk encroachment agreement. Balconies shall have a minimum clearance of ten feet (10') from grade.
- 6. e. When a lot abuts an existing single-family residence or a property that may be used for single-family residential purposes, a minimum side yard of fifteen feet (15') and a rear yard of 25' shall be required.
- f. The permitted maximum height of structures adjacent to single-family residential uses shall be determined by the distance of the structure to the boundary line of the nearest single-family residential district. Any required side or rear yard setback shall be increased by one foot for each additional foot of height.

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- B. Open Storage Prohibited. ~~Except as otherwise specified in this section,~~ Outside storage shall be prohibited in the MX-3 District.
- C. Open Space Requirement. Developers will be expected to work with the city to provide a minimum of ~~five~~ ten percent (~~5~~ 10%) of residential project sites and five 5(f) of commercial and mixed use ~~the~~ project sites, as open space. The open space may be designed as a square, plaza, terrace, or green, with a variety of landscaped and paved

Draft ~~November~~ December 2012 ~~Adopted June 6, 2002~~
 Draft revision November 1, 2011

surfaces and seating areas. This requirement may be waived in cases where the City's master plan specifies the location and design of open space.

1. All required open space shall be accessible to users of the building and shall be improved with seating, plantings and amenities. Open space for commercial and mixed-use sites shall be visible from the street or pedestrian areas.

2. Floor area ratio credits are allowed for all new developments when the pedestrian space is available for use by the public, including widened sidewalk areas.

D. Parking Requirements. For purposes of this section, a new use within a ~~TOD~~ the MX-3 District shall be required to meet the minimum/maximum parking spaces as shown in the following chart. All square footage is measured as 'gross footage.'

	<u>PARKING SPACES MINIMUM</u>	<u>PARKING MAXIMUM</u>
<u>Residential</u>	<u>Maximum of 1.65 parking spaces per dwelling unit, plus 10% for guest parking.</u>	<u>2.5 spaces per dwelling unit, plus 10% for guest parking.</u>
<u>Restaurants Commercial, Retail, Service</u>	<u>Minimum of one parking space per 75 square feet of restaurant seating space, but no more than one space per 130 square feet of restaurant seating space 1 space per 400 SF.</u>	<u>1 space per 200 SF</u>
<u>Retail, Office and Service Office</u>	<u>Maximum of 1 space per 250 square feet 1 space per 400 SF.</u>	<u>1 space per 300 SF</u>
<u>Other permitted uses Restaurant</u>	<u>Maximum of 1 space per 500 square feet 1 space per 200 SF.</u>	<u>1 space per 75 SF</u>
<u>Hotel</u>	<u>.75 per room, plus 10% guest and staff parking</u>	<u>1.5 spaces per room, plus 10% guest and staff parking</u>
<u>Clinic</u>	<u>1 space per 300 SF</u>	<u>1 space per 100 SF</u>
<u>Community Center</u>	<u>1 space per 400 SF</u>	<u>1 space per 200 SF</u>
<u>Theater</u>	<u>1 space per 6 seats plus 5% for staff</u>	<u>1 space per 3 seats plus 10% for staff</u>

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1. The required/permitted number of parking spaces of any building within the MX-3 District, including mixed-use buildings, shall be the sum total of the requirements for each use in the building.

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2. Parking maximums may be exceeded under the following circumstances, if one or more of the following is provided:

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- a. If structured or underground parking is provided on site, parking may be exceeded by 25%.
- b. If a shared parking agreement is executed, parking may be exceeded by 20%.
- c. If all parking spaces are located behind the building and are not visible from the public right-of-way, parking may be exceeded by 10%.

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- d. If driveways and access points are shared by at least two adjacent properties, parking may be exceeded by 10%.
- e. If a provision is made for combining or interconnecting adjacent parking lots and pedestrian access points, parking may be exceeded by 10%.
- f. In no case shall the cumulative increase in parking exceed 25%.
- g. A 25% parking reduction in the minimum number of parking spaces required is allowed if the principle use is located within 800 feet of a parking facility with public spaces available to the general public or within 800 feet of a public transit park and ride facility with an approved joint use agreement.

3. No surface parking or maneuvering space shall be permitted within a required setback or between the primary structure and the front yard, except that driveways providing access to the parking area may be installed across these areas. It is the intent that these driveways be as nearly perpendicular to the street right-of-way as possible for pedestrian safety and to minimize intrusion into the landscaped areas.

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~~3. The off-street parking standards shall conform to the general requirements for off-street parking located in Section 1330.06 of this Code, except as otherwise provided for in this section.~~

~~4. No surface parking or maneuvering space shall be permitted within a required setback or between the primary structure and the front yard, except that driveways providing access to the parking area may be installed across these areas. It is the intent that these driveways be as nearly perpendicular to the street right-of-way as possible for pedestrian safety and to minimize intrusion into the landscaped areas.~~

~~5. On-street parking spaces located along the portions of a public street(s) abutting the use where parking is currently permitted may be counted toward the minimum number of parking spaces as required by this section. Those on-street parking spaces must be located on the same side of the street as the use, have a dimension of at least twenty feet in length, and be located in areas approved by the City's Public Works Department. On-street parking directly across the street from the use may be counted if that parking abuts property that is undevelopable because of physical constraints.~~

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~~In the event that the City, County or State remove any on-street parking that was allowed to count toward the minimum requirement, the existing use shall not be required to make up the difference and shall not be made nonconforming with respect to parking.~~

~~On-street parking shall not be counted in calculating maximum parking spaces.~~

4. Parking requirements may be met on-site or off-site at a distance of up to 800 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease, subject to the review and approval of the City.

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5. Parking that is located to the rear of the primary structure may extend the entire width of the lot, with the exception of any required screening or landscaped areas. Parking

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that is located to the side of the primary structure shall not cover more than thirty-five percent (35%) of the total lot width.

6. Shared parking shall be permitted and encouraged.

7. Bicycle parking ~~facilities are encouraged~~ shall be provided as a component of all parking facilities at a ratio of one bicycle space per 20 automobile spaces, or a minimum of two bicycle parking spaces, whichever is greater. Bicycle parking must be provided within view of each business front entrance. Adjoining businesses may share common bicycle parking areas.

8. All parking areas for more than ten (10) motorized vehicles (except for parking areas for townhouse dwellings on a single lot) shall provide screening. If a wall is provided, then the area devoted to the wall shall be wide enough to allow for its maintenance. The screening may be eliminated if abutting parking lots are combined or interconnected with vehicular and pedestrian access.

9. Structured parking shall meet the following additional requirements:

- ea. At least fifty percent (50%) of the linear street level frontage of the facility shall be devoted to retail, office, civic, institutional or residential uses. If seventy-five percent (75%) or more of the linear street frontage is devoted to such uses, then the total square footage of these uses shall be credited one hundred percent (100%) toward the required FAR minimums.
- eb. If retail, office, civic, institutional or residential uses are constructed on the rear or side of the facility or above the ground floor on the street frontage of the facility, then the total square footage of these areas shall be credited one hundred percent (100%) toward the required FAR minimums.
- ec. Underground parking structures are permitted. Subsurface parking located in the minimum setback shall be permitted with an eight foot (8') clearance from the top of the subsurface structure to the sidewalk, subject to an approved encroachment agreement. No ventilation shall be permitted in the setback.
- ed. A minimum nine foot (9') clearance shall be maintained on the first level and any additional level that provides disabled parking spaces. A minimum seven-foot (7') clearance shall be maintained throughout the remainder of the parking deck to ensure the safe movement of vans and emergency vehicles.

E. Loading Standards-

1. Non-residential buildings and structures, excluding parking structures, subject to the provisions of this Section, shall provide a minimum number of off-street service/delivery loading spaces. The loading spaces shall be designed and constructed so that all parking maneuvers can take place entirely within the property lines of the premises and shall not interfere with the normal movement of vehicles and pedestrians on the public rights-of-way. The loading spaces shall be a minimum of ten feet (10') by twenty-five feet (25') and shall be provided in accordance with the following:

Non-residential uses with gross floor area:	
Less than 50,000 square feet	None required

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50,000-150,000 feet One (1) space
Each additional 100,000 square feet One (1) space

Existing buildings are exempt from these standards.

2. No loading spaces shall be permitted within any required or established setback, or between the primary structure and the required setback, except that driveways providing access to the loading area may be installed across these areas.

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F. Additional MX-3 District Design Standards-

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- 3-1 Connectivity and Circulation. Transit-oriented development uses shall be integrated with the surrounding area, easily accessible, and have a good internal circulation system for a variety of travel modes.

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- a. A pedestrian sidewalk system shall meet the following standards:

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- i. Internal sidewalk connections are required between buildings and from buildings to all on-site facilities (parking areas, bicycle facilities, open space, etc.). All internal sidewalks shall be finished with a hard surface as required by the City's Public Works Department.
- ii. External sidewalk connections are required to provide direct connections from all buildings on site to the existing and/or required sidewalk system and to adjacent multi-use trails, parks and greenways. Sidewalks shall be constructed with a hard surface and of a width as required by the City's Public Works Department.

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~~iii. The on-site pedestrian circulation system shall be lighted to a level where employees, residents, and customers can safely use the system at night.~~

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~~4. Urban Open Spaces~~

- ~~a. Urban open space for public congregation and recreational opportunities shall be required for all new buildings with a gross floor area greater than 50,000 square feet. Such buildings must provide useable open space behind the required setback and on private property proportionate to the building square footage according to the following schedule:~~

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Lot Size	Open Space Requirement
0-20,000 sq. ft.	1 sq. foot/200 sq. feet (gross)
20,001 to 40,000 sq. ft.	1 sq. foot/150 sq. feet (gross)
40,000+ sq. ft.	1 sq. foot/100 sq. feet (gross)

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- ~~Open space may be located on roofs of buildings or enclosed on the ground floor. A maximum of thirty percent (30%) of the required open space may be provided on an enclosed ground floor level.~~
- ~~All required open space shall be accessible to the users of the building and shall be improved with seating, plantings, and amenities, and be visible from the street or pedestrian areas.~~
- ~~Floor area ratio credits are allowed for all new developments when the pedestrian space is available for use by the public, including widened sidewalk areas.~~

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5-2 Street Design

a. Street walls

~~i. No blank walls are permitted to face public streets, walkways or public open spaces.~~

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~~ii. All non-residential buildings fronting directly on a street shall be designed so that the first floor street façade of the building(s) along all streets include clear glass window and doors to create pedestrian interest. These openings shall be arranged so that the uses are visible from and to the street on at least fifty percent (50%) of the length of the first floor street level frontage.~~

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~~iii. For all other uses, buildings shall be designed so that the first floor street façade along all streets includes the use of clear glass windows and doors arranged so that the uses are visible from and/or accessible to the street on at least twenty-five percent (25%) of the length of the first floor street frontage.~~

~~When this approach is not feasible, a combination of design elements shall be used on the building façade or included into the site design to animate and enliven the streetscape. These design elements may include but are not limited to the following: ornamentation, molding, string courses, changes in material or color, architectural lighting, works of art, fountains and pools, street furniture, stoops, landscaping and garden areas and display areas.~~

~~iii. The first floor of all buildings, including structured parking facilities, shall be designed to encourage and compliment pedestrian scale interest and activity.~~

~~iv. Expanses of blank walls shall not exceed twenty (20) continuous feet in length. A blank wall is a façade that does not contain clear glass windows or doors or sufficient ornamentation, decoration or articulation.~~

~~v. No reflective surfaces shall be permitted on street level exterior facades.~~

~~b. Ventilation grates on the building or emergency exit doors located on the first floor street façade(s) shall be decorative and part of the overall building design. Corner building placement~~

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~~vi. i. At intersections, buildings shall have front and side facades aligned at or near the front property line.~~

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~~b. Base of multi-story buildings~~

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~~i. The first three (3) floors above street grade shall be distinguished from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment. Such elements as cornices, corbelling, molding, string courses, ornamentation, changes in material or color, recessing, architectural lighting and other sculpturing of the base as are appropriate shall be provide to add special interest to the base.~~

~~ii. In the design of the building façade, attention shall be paid to the appearance both during the day and at night. Material and color changes alone to not meet the requirements of this section. Design elements that are used to meet the requirements of this section shall be visually continuous around the building. In the event that a building façade is not visible from a public right-of-way, this requirement may be waived.~~

~~iii. Special attention shall be given to the design of windows in the base. Band windows are prohibited. Recessed windows that are distinguished from the shaft of the building through the use of arches, pediments, mullions and other treatments are permitted.~~

c. Top of buildings

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- i. All rooftop mechanical equipment on buildings ~~over thirty five feet (35') in height~~ shall be screened from above or below (based on the type of mechanical equipment utilized) by integrating it into the building and roof design to the maximum extent feasible. ~~Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood material shall not be utilized for this purpose. Solar and wind energy equipment is exempt from this provision if screening would interfere with system operations.~~
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- d. Building entrances and orientation.
 - i. ~~Entrances shall be clearly visible and identifiable from the street and delineated with elements such as roof overhangs, recessed entries, landscaping or similar design features.~~
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 - ~~ii. At least one or more operable pedestrian entrances per building shall be provided, unless in a case where all the three circumstances below exist, only two (2) entrances shall be required:

 - ~~i. A. When a lot abuts a public street right-of-way, at least one entrance shall be provided along all building façade(s) fronting all public rights-of-way.~~
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 - ~~ii. B. When a lot abuts an existing or proposed public open space system, multi-use trail, or greenway, entrance(s) shall be provided on the building façade closest to the public open space, multi-use trail, or greenway.~~
 - ~~iii. C. When abutting a sidewalk in the rail station area, an entrance(s) shall be provided on the building façade closest to the station area sidewalk.~~~~
- e. ~~Structured parking facilities~~
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 - ~~i. Structured parking facilities shall be designed to encourage and complement pedestrian scale interest and activity. Such facilities shall be designed so that motorized vehicles parking on inside levels of the facility are screened from the street, the commuter rail station, and/or from residentially zoned or used property. Decorative elements such as grillwork or louvers may be utilized to accomplish this requirement.~~
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 - ~~ii. Openings at the street level are limited to vehicular entrances, pedestrian access to the structure and ventilation openings. All such openings shall be decorative and be an integral part of the overall building design.~~
- f. ~~Canopies~~
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 - i. Canopies, awnings, cornices and similar architectural accents are permitted on exterior building walls. Such features shall be constructed of rigid or flexible material design to complement the streetscape of the area. Any such feature may extend from the building no more than four feet (4'). In no instance shall such feature extend over or interfere with the growth or maintenance of any required tree plantings. Minimum overhead clearance shall be eight feet (8'). Ground supports for these features are not permitted in the minimum setback, sidewalk or public right-of-way.

6. Architectural Standards

a. Building Scale and Orientation

- ~~i. A mixed use development must provide a range of building types~~

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 Draft revision November 1, 2011

ii. Development shall provide sensitive transitions between the new development and existing residential uses, adjacent uses and scales.

b. Facades

i. Visual Breaks. The exterior of new buildings shall be designed with visual breaks through the use of decorative tile work, masonry (but not flat concrete block), belt courses of a different texture and color, projecting cornices, medallions, opaque or translucent glass, artwork, vertical articulation, lighting fixtures, or architectural elements not listed herein as approved by the City Council.

ii. Width. A building more than 45 feet in width shall be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of the following: division or breaks in materials, window bays, special treatment of entrances, subtle variations in rooflines and parapet detailing, building setbacks, awnings, repetitive elements

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e.f. Exterior Materials and Detailing

i. New buildings and structures, additions and renovations must be constructed of durable materials.

ii. In multi-story buildings, the ground floor shall be distinguished from the floors above by the use of a combination of the following: an intermediate cornice line, a difference in building materials or detailing, an offset in the façade, an awning, loggia or arcade, special window lintels, brick/stone corbels

iii.i. The primary exterior opaque materials on each elevation of a building, except for the service side, must be brick, stone, decorative masonry or similar materials or a combination thereof.

iii.ii. No more than twenty five percent (25%) of the building exterior opaque materials on each elevation, except for the service side of the building, shall be comprised of the following accent materials: cast stone, wood shingles (cedar shingles with 6-inch maximum exposure), lap siding, cedar or redwood (6-inch width, no diagonal siding) tongue and groove paneling, cedar or redwood (6-inch width, no diagonal siding) copper (untreated) stucco and EIFS, cement board, glass (does not include windows), dark anodized aluminum, materials that are similar in character to those listed above. The following materials are not allowed as exterior materials: painted or unpainted concrete block, aluminum, vinyl or fiberglass siding or roofing materials, precast concrete materials, unless specifically approved by the City Council for a new commercial building, painting of previously unpainted brick, and wooden exteriors.

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iii.iii. The following materials are not allowed as exterior materials: painted or unpainted concrete block, aluminum, vinyl or fiberglass siding or roofing materials, precast concrete materials, unless specifically approved by the City Council for a new commercial building, painting of previously unpainted brick, wooden exteriors.

iii.iv. LEED Sustainability Standards. The City encourages the use of sustainable building materials and construction techniques through programs such as US Green Building Council's LEED (leadership in Energy and Environmental Design) program, Minnesota Sustainable Building Guidelines, and similar programs.

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~~vii-v.~~ vii-v. Alternative Designs or Materials. To encourage creativity, imagination, innovation and variety in architectural design, the Planning Commission may recommend modifications of the requirements of this Section and the City Council may approve such modifications upon determining that the proposed architectural design or exterior facades (s) materials meet all of the following conditions:

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- A. The proposed design or material is consistent with the purposes of this section.
- B. The proposed design or material would enhance the architectural appearance of the building and would be equal or superior to designs or materials permitted by this section.
- C. The proposed design or material would be in harmony with the character of adjacent buildings and the surrounding district.

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~~e.g.~~ e.g. Screening Standards

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- i. All service entrances, utility structures associated with a building, and loading docks and/or spaces shall be screened from the abutting property and from public view from a public street.
- ii. Any fences or walls used for screening or other purposes shall be constructed in a durable fashion of brick, stone and other masonry materials specifically designed as fencing materials. The finished side of the fence shall face the abutting property. Chain link, wood, vinyl or barbed wire fences are not permitted.
- iii. The composition of the screening material and the placement on the lot shall be left up to the discretion of the property owners as long as the intent of this Section is met. A wall cannot be substituted for a planting strip along any public street unless supplemented by landscaping.
- iv. Landscaping used for screening shall be evergreen and at least four feet (4') tall with a minimum spread of two feet (2') when planted and no further apart than five feet (5'). Shrubs shall be adequately maintained as that an average height of five to six feet can be expected as normal growth within four years of planting. The average expected height may be reduced to four feet (4') for screening along public streets.
- v. The maximum height for walls and fences shall be six feet (6') or whatever is sufficient to visually screen the use but not less than four feet (4').
- vi. Dumpsters, recycling containers, compactors, and solid waste handling areas are not permitted in any setback or yard and shall be screened from adjacent property and from public view with a six-foot high solid and finished masonry wall with closeable gates. In no instance shall a chain link fence, wood, vinyl or barbed wire fence be permitted.

~~e.h.~~ e.h. Buffer Standards

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- i. All uses, other than single-family detached dwelling units, shall provide landscaping along all property lines abutting residentially used property located adjacent to the MX-3 District. This requirement also applies in situations where an alley with a right-of-way width of twenty-five feet (25') or less separates uses in the MX-3 District from a non-MX-3 District residential property. Landscaping shall be provided along all property lines abutting the alley when adjacent to residential uses. Multi-family developments in an MX-3 District are exempt from this landscaping requirement when they abut other multi-family uses.

ii. In no instance shall a chain link, wood, vinyl or barbed wire fence be permitted.

~~f.i.~~ Exterior Lighting Standards

- i. Exterior lighting shall be used to provide illumination for the security and safety of entry drives, parking, service and loading areas, pathways, courtyards and plazas, without intruding on adjacent properties and shall comply with the following standards:
 - A. Poles and fixtures shall be architecturally compatible with structures and lighting on-site and on adjacent properties.
 - B. Security lighting shall be adequate for visibility, but not overly bright.
 - C. Metal halide lighting shall be used with a concealed light source of the "cut-off" variety to prevent glare and "light trespass" onto adjacent buildings and sites.
 - D. Poles within landscaped areas and plazas shall have a maximum height of twenty feet (20'), measured from grade, and shall be coordinated with city standards.
 - E. Poles in parking lots shall have a maximum height of 24 feet (24') measured from finished grade.
 - F. Lighting fixtures mounted directly on structures shall be permitted when utilized to enhance specific architectural elements or to help establish scale or provide visual interest.
 - G. "Wall paks" shall be permitted only in loading and service areas and shall be down-lit and shielded from view.
 - H. Shielded illumination or fixtures shall be permitted to light building mounted signage, building facades, or pedestrian arcades if they are integrated into a building's architectural design.
 - I. Lighting should highlight entrances, art, terraces, and special landscape features.
 - J. Separate pedestrian scale lighting or other low-level fixtures, such as bollards, shall be incorporated for all pedestrian ways through parking lots and drop-off areas at entrances to buildings.
 - K. All primary walkways, steps or ramps along pedestrian routes shall be illuminated.

ii. Light Intensity

- A. A photometric lighting plan is required for all proposed commercial developments to ensure that adequate and appropriate light levels are provided for each site condition.
- B. Lighting shall not exceed 0.1 foot candle at residential property lines or 0.5 foot candle on non-residential property lines measured on a vertical plane.
- C. The following minimum levels of illumination must be maintained for each of the specific locations:

Building entrances	5.0 foot candles
Sidewalks	2.0 foot candles
Bikeways	1.0 foot candles
Courts/plazas/terraces	1.5 foot candles
Ramps	5.0 foot candles
Stairways	5.0 foot candles
Underpasses	5.0 foot candles

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Waiting areas 1.0 foot candles
Parking lots 1.0 foot candles

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~~g.i.~~ Signs, banners, flags and pennants

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~~Signage shall be designed to be integral with the architectural character of the building to which it belongs. Specifically, the scale, proportion and color shall be appropriate to the building in which the sign is attached. Elements to be considered include architectural appearance, sign size, type of illumination, sign motion, sign setback, surface colors, and message. The architectural appearance of the sign shall not be so dissimilar to the existing signage on surrounding buildings as to cause impairment in property value or constitute a blighting influence.~~

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~~i.~~ Where signs, banners, flags and pennants for identification or decoration are provided, they shall conform to the following:

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- A. Wall signs shall have a maximum of 150 total square feet or five percent (5%) of the building wall area occupied by the user, whichever is less. Wall signs may be increased by twenty (20) square feet per sign in lieu of a ground mounted or monument sign.
- B. Signs are permitted to project up to two feet (2') into the minimum setback as measured from the building. Under no circumstances shall a sign project more than four feet (4') from the back of the curb. A minimum overhead clearance of eight feet (8') from the sidewalk shall be maintained.
- C. Marquee signs are permitted.
- D. Ground mounted or monument signs are permitted as follows:
 - 1. Signs shall not exceed ten feet (10') in height and forty (40) square feet in area.
 - 2. Signs shall be located behind the right-of way and out of any sight distance triangle.
 - 3. Signs shall be setback five feet (5') from any property line.
 - 4. No freestanding pole signs shall be permitted.
 - 5. No off-premise signs shall be permitted.
- E. Signs shall also conform to Section 1380.02 and 1380.03 of this code.

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~~F.k.~~ Landscaping Standards

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~~i.~~ The plan for landscaping must include ground cover, bushes, trees, foundation plantings, sculpture, fountains, decorative walks or other similar site design features or materials. Landscaping must conform to the requirements of the City Code, ~~and the following~~ Section 1330.05, Subd. 14:

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~~A minimum of one over story tree per 35 lineal feet of street frontage.~~

~~ii. A minimum of one deciduous or evergreen shrub per one linear foot of foundation.~~

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~~Landscaping shall support the purpose and intent of the District.~~

and be consistent with the Station Area Plan or adopted master plans for the District.

EG. Design Manual

- 1. All design guidelines included in the City's Red Rock Transit District Design Guidelines shall apply. The Design guidelines have been adopted as part of the City's Comprehensive Plan.

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~~G. 1350.12 Parking standards:~~

~~Parking requirements shall be governed by Section 1330.06 except as otherwise stated below:~~

- ~~G. Surface Parking Lots in the MX-1 or MX-2 District shall be located at the side or rear of buildings and not in the front yard area. Surface parking lot or driveway access may not make up more than 25% of lot frontage.~~

~~1350.13 Performance Standards for Mixed Use Districts~~

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~~1350.14 Additional Performance Standards for Mixed Use Districts.~~

~~Additional performance standards for Mixed Use Districts:~~

- ~~A. Exterior Storage: No materials, product or equipment shall be stored outside of an enclosed building except for daily display (during store hours) of merchandise.~~
- ~~B. All refuse and recycling containers must be stored inside of the principle structure or a fully enclosed accessory structure.~~

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~~C. All roof equipment must be screened from public view unless designed as an integral part of the building and is compatible with the site lines of the building, as determined by the Zoning Administrator.~~

~~D. All developments (except for improvements to a single family detached housing unit or construction of a new single family detached housing unit) conducted within the MX-1 or MX-2 district must be completed through the Planned Development District process as outlined in Section 1360 of the Zoning Code.~~

~~**1350.131 Commercial, Industrial, and Mixed Use Districts:** "The Code of Ordinances of the City of Newport, County of Washington, State of Minnesota," shall be amended by amending Chapter 13 Zoning Ordinance of the City Code, for purposes of adding the following:~~

~~**Subd. 1** Every primary and accessory building in a Commercial, Industrial or Mixed Use District shall be uniform in design and materials on all sides of a structure facing a public street, having extensive visual exposure from a public street or is adjacent to a residential zoning district, unless modified herein.~~

- ~~1.) Exterior surfaces of all buildings shall be faced with or a combination of brick, stone (or better), decorating architecturally textured concrete products, wood veneer, glass, stone, decorative pre-cast panels, equivalent products or better.~~
- ~~2.) Primary and accessory buildings: facades or roofs in any Commercial District shall not be constructed of non-textured cinder concrete block, sheet aluminum, steel, corrugated aluminum or steel, or similar products.~~
- ~~3.) Primary or accessory building facades in any Industrial District not fronting on a public street, not having extensive visual exposure from a public street or is not adjacent to a Residential Zone may be constructed of non-textured cinder block, sheet aluminum, steel, corrugated block, corrugated aluminum or steel or similar products.~~
- ~~4.) Within an Industrial District a multi tenant, mini storage or trucking terminal with extensive use of garage doors on many sides of a building or groups of buildings may be constructed of metal untextured cinder block, sheet aluminum, steel, corrugated aluminum or steel or similar products, provided that facades constructed of such materials are not facing a public street, have visual exposure from a public street or are adjacent to a residential district.~~
- ~~5.) Metal like materials, in a zone other than Industrial, are only acceptable as trim, fascia, mansards, portions of the main facade, or the like. No structural metal roofs, except architectural uses of copper incorporating visible metal exteriors, are permitted.~~
- ~~6.) Accessory tanks, exterior equipment, stacks, pipes, towers and the like are exempt from these requirements.~~

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Draft revision November 1, 2011~~

~~Subd. 2 Effective Date:~~ Now Be it Resolved that this Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

~~1350.14 Administrative Procedure for Development.~~

- ~~A. All petitions for rezoning to establish or expand a nonresidential district shall also concurrently follow subdivision platting procedures and a complete preliminary plat with all supporting data required which shall be filed with the Zoning Administrator.~~
- ~~B. All public rights of way within nonresidential districts shall be considered collector streets or arterials as defined in the City thoroughfare plan.~~
- ~~C. Upon finding by the Planning Commission and City Council that the proposed zoning district and preliminary plat shall constitute a district of sustained desirability, shall be consistent with long range comprehensive plans for the City and meet the requirements of the district, the City Council may establish such district on the property included in the preliminary plat. The preliminary plat as approved together with such covenants, deed restrictions, controls, or special conditional use permits as may be attached to it, shall be filed and recorded by the owners or developer in the office of the county register of deeds and shall become a part of the ordinance establishing the zoning charge. Any substantial change to the plat shall require resubmission to and approval by the Planning Commission and City Council.~~
- ~~D. The final platting of such land shall be subject to such requirements for approval, recording, and the installation of improvements as required by other City ordinances.~~
- ~~E. Prior to obtaining a building permit or constructing any building improvements on an individual lot or site within any nonresidential district, three (3) copies of the site plan of proposed improvements shall be submitted to the Zoning Administrator, and reviewed by the Planning Commission and City Council. Such site plan shall show the location and extent of proposed building, parking, loading, access drives, landscaping, sewage and water systems and any other improvements.~~
- ~~F. If a zoning change for a nonresidential district is approved, the first phase of construction shall begin or show reasonable progress within two (2) years after approval of the general development plan and zoning change by ordinance or the district may be zoned back to its original zoning district classification or other appropriate zoning district classification.~~