



**CITY OF NEWPORT  
PLANNING COMMISSION MEETING  
NEWPORT CITY HALL  
FEBRUARY 9, 2012 – 7:00 P.M.**

Chairperson:	Susan Lindoo	City Administrator:	Brian Anderson
Vice-Chair:	Daniel 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. APPROVAL OF PLANNING COMMISSION MINUTES**

A. Planning Commission Minutes of January 12, 2012

### **4. APPOINTMENTS WITH COMMISSION**

A. Discuss the Red Rock Gateway Implementation Study – Draft Map and Zoning Ordinance

### **5. COMMISSION & STAFF REPORTS**

### **6. NEW BUSINESS**

### **7. ANNOUNCEMENTS**

A. Upcoming Meetings and Events:

- |  |                   |           |
|--|-------------------|-----------|
| 1. Presidents' Day – City Offices are closed | February 20, 2012 |           |
| 2. City Council Meeting                      | March 1, 2012     | 5:30 p.m. |
| 3. Planning Commission Meeting               | March 8, 2012     | 7:00 p.m. |

### **8. ADJOURNMENT**



**City of Newport  
Planning Commission Minutes  
January 12, 2012**

**1. CALL TO ORDER**

Administrator Anderson called the meeting to order at 7:00 P.M.

**2. ROLL CALL -**

Commissioners present – Katy McElwee-Stevens, Janice Anderson, Dan Lund, Matt Prestegaard

Commissioners absent –Susan Lindoo

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

Commissioners Lund and Prestegaard were appointed to the Planning Commission on January 9, 2012. Each Commissioner provided a brief introduction.

**3. NOMINATION AND APPOINTMENT OF CHAIRPERSON AND VICE-CHAIRPERSON FOR 2012**

**Admin. Anderson** – At the first meeting of the year, the Planning Commission has to approve a Chair and Vice-Chair. The Vice-Chair that served the previous year automatically becomes the Chair, therefore, Susan Lindoo is the Chairperson for 2012. Are there any Commission members who would like to serve as Vice-Chair for 2012?

**Dan Lund** – I am willing.

**Matt Prestegaard** – I would support Dan.

**Motion by Prestegaard, seconded by Anderson, to appoint Dan Lund as the Vice-Chair for 2012. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

**4. APPROVAL OF PLANNING COMMISSION MINUTES**

**A. Planning Commission Minutes of December 8, 2011**

**Janice Anderson** – On the first page, in the middle, “Conditional Use Permit” should be capitalized both times. On the third page, under B, the last line, I believe it should read “tanks” instead of “stank.” On page four, where Mr. Ellerd says “This isn’t bulk storage,” I believe the word “done” should be “down.” On page five, the second paragraph, it should be “necessarily” instead of “necessary.” Also on page five, where Susan Lindoo says “The problem is that this area because,” I believe “because” should be “became.” On page nine, when Daniel Flood is giving his resignation, I believe “Commission” should be capitalized throughout the paragraph.

**Motion by Anderson, seconded by McElwee-Stevens, to adopt the December 8, 2011 minutes as amended. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

**4. APPOINTMENTS WITH COMMISSION**

**A. Public Hearing** – To consider an amendment to Chapter 10, Water and Sewer Systems of the *City of Newport Code of Ordinances*

Sherri Buss, TKDA Planner, presented on this item as outlined in the January 12, 2012 Planning Commission Packet. Ms. Buss recommends that the ordinance be placed in Chapter 10, Water and Sewer Systems, instead of

Chapter 1371, Storm Water Management, because the ordinance does not relate to zoning. The City is required to adopt this ordinance through the Minnesota Pollution Control Agency (MPCA).

**Matt Prestegaard** – What are the consequences of not approving the ordinance?

**Ms. Buss** – The City would not receive their storm water permit from the MPCA, which means your system would not be in compliance. This is a good thing to regulate. Several cities have found people hooking up all sorts of things into the storm sewer system and this allows us to regulate and penalize individuals if we find them doing that.

**Janice Anderson** – I have a couple items. On the first page, under 11.03(2), the words “house keeping” should be one word. Further into the document, MPCA is used but not defined so I think that should be defined in the definitions and should be number nine. In number 13 of the definitions, I don’t understand the use of the word “ordinances.” Does that mean ammunitions?

**Ms. Buss** – Yes, they mean ordnance, like weaponry.

**Janice Anderson** – Yea, I think the “i” is not in that word so that needs a correct spelling. On page three, under 11.09, I had trouble reading it. I think the last sentence on page three should be part of the above paragraph. On page four there are two number ones and I think the second one is supposed to be part of the prior sentence. Under 11.10, NOI is not defined in the definitions either.

**Ms. Buss** – We could probably just put notice of intent instead of NOI.

**Janice Anderson** – On page five, number three on the top, I believe that “ATTN” needs to be spelled out. In 11.11, number two, insert a comma after “examination.” Page six, first paragraph, third to the last line, it says “shall be deemed compliance,” I believe it should be compliant. Then on the next line where it says “storm water pollution prevention plan,” I believe the first letters of each word should be capitalized. On page seven, subdivision number four; I need an explanation in regards to what storm drain stenciling is.

**Ms. Buss** – There is a process that people do where they take stencils that say “Drains to Mississippi River” or “Drains to Lake” for educational purposes. A lot of Boy Scout groups do this to inform residents.

**Janice Anderson** – So it’s signage?

**Ms. Buss** – Yes

**Janice Anderson** – Could we put “signage” in there instead of stenciling?

**Ms. Buss** – We could put “stenciling or signage.”

**Janice Anderson** – Finally, under 11.19, there should be a comma after “state” on the second page.

**Vice-Chairperson Lund opened the Public Hearing at 7:19 P.M.**

**Admin. Anderson** – There’s a notice of public hearing in your packets. The notice went out in the South Washington County Bulletin/Woodbury Bulletin on December 21, 2011.

**Vice-Chairperson Lund closed the Public Hearing at 7:20 P.M.**

**Motion by McElwee-Stevens, seconded by Anderson to approve Resolution No. P.C. 2012-1 as amended, recommending the Newport City Council approve a zoning amendment to Chapter 10, Water and Sewer Systems of the City of Newport Code of Ordinances. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

**B. Discuss the Red Rock Gateway Implementation Study – Draft Map and Zoning Ordinance**

Before presenting on this item, Ms. Buss provided a brief background on this project for the new Commission members. Ms. Buss then went on to present on this item as outlined in the January 12, 2012 Planning Commission Packet.

The first item that the Planning Commission discussed was the draft zoning map for the Red Rock area. At the November 10, 2011 Planning Commission meeting, it was recommended that the MX-3 District be expanded so that the southern border is 15<sup>th</sup> Street and the west border between 15<sup>th</sup> Street and 17<sup>th</sup> Street be 4<sup>th</sup> Avenue. The Commission discussed the pros and cons of expanding the MX-3 District to these borders and decided that it would be beneficial to expand the District.

The second item that the Planning Commission discussed was the draft section of the zoning ordinance for the MX-3 District. The draft ordinance that the Commission will be discussing is 1350.11 Specific Intent of the MX-3 Transit-Oriented Mixed Use District. Ms. Buss recommended that the City establish a book for the design standards of the District because a majority of the items in Section 1350.11 are design standards. It is recommended that Sections 1350.13(G) be included in the Design Book. If the Design Book was incorporated into the Code, it would be mandatory. The Planning Commission will need to determine what to include in the Design Book and whether or not it should be incorporated into the Code. The Design Book would show examples of design standards and would not require an ordinance amendment every time design standards change.

The Planning Commission reviewed the draft ordinance and changes that were made to it from the November 10, 2011 Planning Commission meeting.

In regards to the Allowed Uses table, the Planning Commission discussed how specific the table should be and what would happen if a business wanted to build something that is not on the table. In a case where a use is not on the table, the Zoning Administrator would find a use on this table that it is most like and would say whether or not it is allowed in the District. Additionally, if an existing business in the MX-3 District is not listed in the table, then that business becomes non-conforming. Non-conforming businesses or uses are grandfathered in but will have restrictions in regards to expanding in the future.

In regards to the specificity of the table, the Commission discussed creating broader categories instead of being specific. Ms. Buss discussed two options for making the table more generic. One way is to create a section that lists conditions for certain uses such as size, hours, etc. The second option is to have a table that's more generic at the beginning and then add more specific uses as proposals come in. Ms. Buss will review the table and will bring back a recommendation for the next meeting.

The Planning Commission discussed Section 1350.13, Bulk and Dimensional Standards. Ms. Buss presented the following recommendations for height and setbacks and provisions:

<b>Height and Setbacks</b>	<b>Residential Townhouse</b>	<b>Residential Condo, Apt., Cooperative</b>	<b>Mixed-Use Building</b>	<b>Commercial, Civic, not in mixed-use building</b>
Height	3 stories or 35 feet, whichever is less	2 stories minimum, 4 stories maximum* (45)	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	MX-3	B-1 and B-2	I-1	I-2	IS
<i>Lot size, Lot dimension, and coverage provisions</i>							
Maximum residential density, units/acre	25	11	50	N/A	N/A	N/A	N/A
Minimum residential density, units/acre	None	None	30				
Minimum net FAR (Floor Area Ratio)			1.5 FAR				

Ms. Buss handed out a sheet, which will be included in the official minutes, that outlines the Metropolitan Council’s guidelines and recommendations for Transit-Oriented Development Settings and Floor Area Ratio (FAR). In order to achieve the FAR, developers will need to provide underground or structured parking for apartment and townhomes. Additionally, developers may allow less parking spaces per unit. It was determined that a 1.5 FAR is not realistic for the near future since the transit station will only be hosting buses immediately. The Commission is recommending that the minimum net FAR be 0.5 for the near future and that it be reexamined when the rail is closer to being developed. In regards to the Height and Setbacks, the Commission is recommending the following:

Height and Setbacks	Residential Townhouse	Residential Condo, Cooperative	Apt., Mixed-Use Building	Commercial, Civic, not in mixed-use building
Height	3 stories or 36 feet maximum, whichever is less	2 stories (24’) minimum, 4 stories (48) maximum*	2 stories (24’) minimum, 4 stories (48) maximum*	No minimum, 4 stories (48’) 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

**C. Discuss the 2012 Strategic Plan Goals and Objectives**

Admin. Anderson presented on this item as outlined in the January 12, 2012 Planning Commission packet. The following updates were made to the Planning and Community and Economic Development goals and objectives:

- Remove the following since they have been completed:
  - Linn Development proposal
  - Bancor 58-acre RE Development proposal
- Add the following:
  - Review the Transit Site Planning proposal
  - Assist in various grant application opportunities
  - Assist on site-specific development efforts

**6. COMMISSION AND STAFF REPORTS**

No reports

**7. NEW BUSINESS**

No new business

**8. ANNOUNCEMENTS**

**A. Upcoming Meetings and Events:**

- |                                     |                  |           |
|-------------------------------------|------------------|-----------|
| 1. City Council Meeting - Cancelled | January 19, 2012 | 5:30 p.m. |
| 2. City Council Meeting             | February 2, 2012 | 5:30 p.m. |
| 3. Planning Commission Meeting      | February 9, 2012 | 7:00 p.m. |

**9. ADJOURNMENT**

**Motion by Anderson, seconded by McElwee-Stevens, to adjourn the Planning Commission Meeting at 9:13P.M. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

Signed: \_\_\_\_\_  
Susan Lindoo, Chairperson

Respectfully submitted,

Renee Helm  
Executive Analyst

## MEMORANDUM

<b>To:</b>	Newport Planning Commission Brian Anderson, City Administrator	<b>Reference:</b>	Red Rock Gateway Implementation Study—Planning Commission Continuing Discussion--Draft Zoning Ordinance
<b>Copies To:</b>	Stacie Kvilvang, Ehlers Barb Dacy, WCHRA Melissa Taphorn, WCHRA	<b>Proj. No.:</b>	14861.000
<b>From:</b>	Sherri Buss, TKDA	<b>Routing:</b>	
<b>Date:</b>	February 9, 2012		

At the Planning Commission meeting on February 9, we will continue our discussion of the draft zoning ordinance for the Red Rock Gateway area.

I have updated the draft based on our previous discussions:

- The January discussion included thoughts regarding trying to simplify the “uses” table. I have thought about this carefully, and made some changes in this regard. I have also updated the table to be consistent with the City’s current “use” table (Section 1330.04 of the code). The uses for the Red Rock area will need to be integrated with the current use table.
- We need some degree of specificity in the use table for two reasons 1) this table needs to communicate the proposed allowed uses clearly to potential developers, and 2) when a use is cited as a permitted use, or permitted via a CUP, it is very difficult to deny an application for the use. So we need enough specificity in the table so that we are clear about what we intend as a permitted or conditional use, and can deny uses that are not appropriate.
- I also updated the dimensional table based on our discussion in January.

We will continue the discussion on February 9.

I have provided a Word document since you indicated you prefer that format.

**Section 1350 - Non-residential Districts**

NOTE: Formatting will be completed after the Planning Commission review is complete and the document text is finalized.

**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 eComprehensive pPlan 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 businesses and professional services to meet the needs of the residents;
- C. To promote a high quality of total 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 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. 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 eComprehensive pPlan 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 IS Industrial Storage District.**

The specific intent of the IS 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 serves as a place 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 District shall be to provide sites for small scale retail and service commercial uses to support a mix of residential and office type uses in an aesthetically pleasing and dense but safe and walkable development pattern. This district generally includes the area around Glen Road and 16<sup>th</sup> Street on both sides of TH 61. In order to build and strengthen a pedestrian oriented environment, this district is primarily intended for more pedestrian oriented uses such as specialty retail stores, professional services, sit down restaurants, coffee shops, floral shops, etc... These uses should complement 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 helps support commercial and entertainment uses and supports public transit services.

**1350.10 Specific intent of the MX-2 Mainstreet District.**

The specific intent of the MX-2 Mainstreet District shall be to provide a pedestrian friendly land use pattern that enables existing residential uses to coexist on a busy City street with small scale

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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. 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: ~~The district is also intended to:~~

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

Allowed Uses:

<u>USE</u>	<u>PERMITTED</u>	<u>CONDITIONAL USE</u>	<u>NOT PERMITTED</u>
<b>Residential Uses</b>			
Multifamily Residential—townhomes, condos, cooperatives	P (eight units or less per bulding)	C (more than 8 units per building)	
Mixed-Use (dwelling units above ground floor)	P		
Planned Unit Development		PUD	
Live-work building		C	
Congregate housing for senior populations	P		
Residential care facility (7-16 persons)		C	
<b>Public and Semi-Public Uses</b>			
Churches, synagogues and associated facilities, except schools		C—10,000 square feet or less	N—more than 10,000 square feet
Day care centers in a mixed-use building	P		
Government Offices		C	
Public parks and recreation facilities	P		
Parking garage (as a principle use), park-and-ride lot		C	
Public Utilities		C	
Schools – trade, vocational, dancing, music, arts and fitness	P—10,000 square feet or less	C—more than 10,000 square feet	
Transit stations, related parking; park-and-ride facilities		C	
<b>Commercial Uses</b>			
Auto services (not including body repair or major repair)		C—maximum of 4 bays	
Club or lodge, private	P—10,000 square		

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	<u>feet or less</u>		
<u>Conference center</u>	<u>P—10,000 square feet or less</u>	<u>C—more than 10,000 square feet</u>	
<u>Convenience retail, including gas, diesel and motor fuel retail sales</u>		<u>C</u>	
<u>Financial services</u>	<u>P</u>		
<u>Fitness and recreation centers, in a mixed-use building</u>		<u>C</u>	
<u>Grocery and produce sales</u>	<u>P—10,000 square feet or less</u>	<u>C—more than 10,000 square feet</u>	
<u>Hotel</u>		<u>C</u>	
<u>Learning studio (martial arts, visual/performing arts, fitness)</u>	<u>P</u>		
<u>Medical, dental, and veterinary clinics and laboratories, 10,000 square feet or less</u>		<u>C</u>	
<u>Offices— general, medical, professional, free-standing or mixed-use building</u>	<u>P—10,000 square feet or less</u>	<u>C—more than 10,000 square feet</u>	
<u>Printing, publishing, bookbinding, blueprinting</u>		<u>C</u>	
<u>Research, development and testing facilities</u>		<u>C</u>	
<u>Restaurants, including sidewalk cafes, freestanding or mixed-use buildings; bakeries, delicatessens, coffee shops, catering services</u>	<u>P (no liquor served)</u>	<u>C—liquor served</u>	
<u>Retail businesses, free-standing or mixed-use building</u>	<u>P—10,000 square feet or less</u>	<u>C—more than 10,000 square feet</u>	
<u>Service businesses--such as beauty shops, barbershops, dry-cleaning(drop-off/pickup only, no on-site processing)</u>		<u>C—10,000 square feet or less</u>	<u>N—more than 10,000 square feet</u>
<u>Small scale manufacturing, assembly, and artisans</u>	<u>P</u> <u>5,000 square feet or less</u>	<u>C</u> <u>≥5,000 square feet or less</u>	
<u>Structured parking facilities</u>	<u>P</u>		
<b><u>Accessory Uses</u></b>			
<u>Drive up facilities</u>		<u>C</u>	
<u>Gazebo, arbor, play equipment in public or private open space area</u>	<u>P</u>		
<u>Renewable energy system</u>	<u>P</u>		
<u>Parking lot</u>	<u>P</u>		
<u>Swimming pool</u>	<u>P</u>		
<b><u>Uses that are not permitted in MX-3</u></b>			
<u>Auto body painting, repair and body work, towing services</u>			<u>N</u>
<u>Manufacturing</u>			<u>N</u>
<u>Mobile Homes</u>			<u>N</u>
<u>Outdoor sales in conjunction with a permitted use</u>			<u>N</u>
<u>Parking lots as a principle use</u>			<u>N</u>
<u>Storage, mini-storage, cold storage</u>			<u>N</u>
<u>Warehousing and Industrial uses</u>			<u>N</u>

**1350.12 ——— Administrative Procedure for Development**

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A. *Preliminary Review.* ~~It is strongly recommended that a~~ Anyone planning to develop or redevelop property in an MX-3 District shall 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.

B. *Station Area Plan Procedure.* No new development or redevelopment on the Station Area Site ("Old Knox Site") 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.

- The findings necessary for approval of the Station Area Plan include, but are not limited to, the following:
  - The Station Area Plan is consistent with the intent of the MX-3 District.
  - The Station Area Plan reflects development that:
    - Is not detrimental to the public health, safety, or general welfare
    - Is not hazardous, detrimental or disturbing to surrounding land uses, or that creates pollution, vibration, general unsightliness, electrical interference, or other nuisances
    - Does not create traffic congestion, unsafe access, or parking needs that will cause inconvenience to adjoining properties
    - Is served adequately by essential public services such as streets, police, fire protection, utilities, and parks
    - 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
    - Causes minimal adverse environmental effects
    - Each phase or stage of the Station Area Plan can exist as an independent unit.

C. *Site Plan Approval Required.* A site plan approval is required for all new construction in ~~a TOD~~ the MX-3 District. 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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- A survey or plat of the property
- Evidence of ownership or interest in the property
- The fee specified in the City's fee schedule
- Information regarding project phasing and timing-
- Complete development plans as specified under Section 1360.08 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-
- 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
  - Such other information as may be required by the City to process the application

D. *Public hearing.* Upon receipt of a completed application, 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. *Administrative Approval.* To offer some degree of flexibility, the City Administrator has the authority to administratively ~~alter~~-increase 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:

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

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**1350.123 — Bulk and dimensional standards.**

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

<i>Height and Setbacks</i>	<b>Residential Townhouse</b>	<b>Residential Apt., Condo, Cooperative</b>	<b>Mixed-Use Building</b>	<b>Commercial, Civic, not in mixed-use building</b>
Height	3 stories or 36 feet <u>maximum</u> , whichever is less	2 stories-(24') minimum; 4 stories (48') maximum*	2 stories (24') minimum, 4 stories (48') maximum*	No minimum, 4 stories (48') 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	<u>MX-3</u>	B-1 & B-2	I-1	I-2	IS
Maximum residential density, units/acre	25	11	<u>50</u>	N/A	N/A	N/A	N/A
Minimum residential density, units/acre	None	None	<u>30*</u>				
<del>Maximum non-residential density</del> Minimum net FAR (Floor Area Ratio)	<u>7.5 FAR</u>		<u>0.5*</u> <u>FAR</u> <u>*Metro Council recommended standards</u>				

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A. Height and Setback Standards

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- 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.
- 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.
- 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.
- 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.
- 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 twenty-five feet (25') shall be required.
- 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. OR
  - Within a distance equal to the minimum lot width of an adjacent residential district, the maximum height shall not exceed the height allowed in the adjacent residential district. Such height restriction may be waived if the adjacent residentially-zoned property is public park or open space.
  - Within a distance equal to two times the minimum lot width of an adjacent residential district, the maximum height shall not exceed two times the height allowed in the adjacent residential district. Such height restriction may be waived if the adjacent residentially-zoned property is public park or open space.

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B. Building Arrangement, Residential: Buildings may be organized in several ways, including the examples in this section:

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- Arranged along the street without a common open space (townhouses; rowhouses). Open space is provided on individual lots or on privately defined spaces to the rear of attached buildings.
- Arranged around a common courtyard that faces the street, with parking areas taking access off a shared drive to the side and rear of the buildings. The area of the courtyard is counted towards the overall density, toward lot coverage calculations, and as part of the lot area per unit.

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- Arranged along the street with a common open space area to the rear or side of the buildings, as is common in townhouse and multi-family developments. The open space area for resident use is counted towards the overall density, toward lot coverage calculations, and as part of the lot area per unit.

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~~B.C.~~ Open Storage Prohibited. Except as otherwise specified in this section, outside storage shall be prohibited in the MX-3 District.

~~C.D.~~ Open Space Requirement. Developers will be expected to work with the City to provide a minimum of five percent (5%) of the project site 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.

~~D.E.~~ Parking Requirements. For purposes of this section, 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.’

	<b>PARKING SPACES</b>
Residential	Maximum of 1.6 parking spaces per dwelling unit
Restaurants	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
Retail, Office, and Service	Maximum of 1 space per 250 square feet
Other permitted uses	Maximum of 1 space per 500 square feet

- 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.
- Parking maximums may be exceeded under the following circumstances, if one or more of the following is provided:
  - If structured or underground parking is provided on site, parking may be exceeded by 25%.
  - If a shared parking agreement is executed, parking may be exceeded by 20%.

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- 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%.
- If driveways and access points are shared by at least two adjacent properties, parking may be exceeded by 10%.
- If a provision is made for combining or interconnecting adjacent parking lots and pedestrian access points, parking may be exceeded by 10%.
- In no case shall the cumulative increase in parking exceed 25%.
- 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.
- 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.
- 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.
- 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.

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.

- 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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- 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.
- Shared parking shall be permitted and encouraged.
- Bicycle parking facilities are encouraged.
- 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.
- Structured parking shall meet the following additional requirements:
  - 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.
  - 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.
  - 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.
  - 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.F. Loading Standards.

- 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:

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Non-residential uses with gross floor area:

Less than 50,000 square feet	None required
50,000-150,000 <u>square</u> feet	_____ One (1) space
Each additional 100,000 square feet	One (1) space

Existing buildings are exempt from these standards.

- 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.G. Design Standards.

- 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 pedestrian sidewalk system shall meet the following standards:
    - 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.
    - 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.
    - The on-site pedestrian circulation system shall be lighted to a level where employees, residents, and customers can safely use the system at night.
  - Urban Open Spaces
    - 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:

<u>Lot Size</u>	<u>Open Space Requirement</u>
0-20,000 sq. ft.	1 sq. foot/200 sq- <u>uare</u> feet (gross)
20,001 to 40,000 sq. ft.	1 sq. foot/150 sq- <u>uare</u> feet (gross)
40,000+ sq. ft.	1 sq. foot/100 sq- <u>uare</u> 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.
- Street Design
    - Street walls
      - No blank walls are permitted to face public streets, walkways, or public open space.
      - 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 and at least forty percent (40%) of the area of the first floor street level frontage. At least fifty percent (50%) of the windows shall have the lower sill within three feet of the grade.
      - 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.
      - The first floor of all buildings, including structured parking facilities, shall be designed to encourage and complement pedestrian scale interest and activity.
      - Expanses of blank walls shall not exceed twenty (20) continuous feet in length. A blank wall is a façade that

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- Building entrances and orientation. At least one or more operable pedestrian entrances per building shall be provided, unless in a case where all ~~the three~~<sup>four</sup> circumstances below exist, only two (2) entrances shall be required:
    - 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.
    - 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.
    - 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.
    - 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.
  - Structured parking facilities
    - 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.
    - 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.
  - Canopies
    - Canopies, awnings, cornices, and similar architectural accents are permitted on exterior building walls. Such features shall be constructed of rigid or flexible material designed 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.
- Architectural Standards
    - Building Scale and Orientation

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- A mixed-use development must provide a range of building types
    - Development shall provide sensitive transitions between the new development and existing residential uses, adjacent uses, and scales.
    - Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street-facing façades. All façades shall contain window openings.
  - Facades
    - 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 ~~of~~ translucent glass, artwork, vertical articulation, lighting fixtures, or architectural elements not listed herein as approved by the City Council.
    - Width. A building more than forty-five feet (45') feet in width shall be divided into increments of no more than forty-five feet (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, or repetitive elements.
  - Exterior Materials and Detailing
    - New buildings and structures, additions and renovations must be constructed of durable materials.
    - 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, or brick/stone corbels.
    - 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.
    - 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-~~

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~~inch width, no diagonal siding~~) copper (untreated), stucco, and EFIS ([exterior insulation finishing system](#)), 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, wooden exteriors.
- LEED Standards. The City encourages the use of sustainable building materials and construction techniques through programs such as US Green Building Council's LEED (~~H~~eadership in Energy and Environmental Design), [Minnesota Sustainable Building Guidelines, and similar programs](#).
- 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 [façade](#) materials meet all of the following conditions:
  - The proposed design or material is consistent with the purposes of this section.
  - 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.
  - The proposed design or material would be in harmony with the character of adjacent buildings and the surrounding district.
- Screening Standards
  - 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.
  - 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.
  - The composition of the screening material and the placement on the lot shall be left to the discretion of the

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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.

- 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 (5') to six feet (6') 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.
- 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').
- 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 (6') 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.

- Buffer Standards

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

- Exterior Lighting Standards

- 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:
  - Poles and fixtures shall be architecturally compatible with structures and lighting on-site and on adjacent properties.
  - Security lighting shall be adequate for visibility, but not overly bright.

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- 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.
- 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.
- Poles in parking lots shall have a maximum height of ~~24~~twenty-four feet (24’) measured from finished grade.
- 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.
- “Wall paks” shall be permitted only in loading and service areas and shall be down-lit and shielded from view.
- Shielded illumination or fixtures shall be permitted to light building mounted signage, building façades, or pedestrian arcades if they are integrated into a building’s architectural design.
- Lighting should highlight entrances, art, terraces, and special landscape features.
- 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.
- All primary walkways, steps, or ramps along pedestrian routes shall be illuminated.

o Light Intensity

- 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.
- 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.
- 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

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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

o Signs, banners, flags, and pennants

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.

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

- Wall signs shall have a maximum of one-hundred fifty (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.
- 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.
- Marquee signs are permitted.
- Ground mounted or monument signs are permitted as follows:
  - o Signs shall not exceed ten feet (10') in height and forty (40) square feet in area.
  - o Signs shall be located behind the right-of way and out of any sight distance triangle.
  - o Signs shall be setback five feet (5') from any property line.
  - o No freestanding pole signs shall be permitted.
  - o No off-premise signs shall be permitted.

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- Signs shall also conform to Section 1380.02 and 1380.03 of this code.
- Landscaping Standards

○ 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.](#)

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• **1350.12 Parking standards.**

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

G.H. 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.

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**1350.13 Performance Standards for Mixed-Use Districts**

**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.
- 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.

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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.
- 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.

**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.

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| Draft revision ~~November~~ December 19, 2011

- 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.