



**CITY OF NEWPORT
PLANNING COMMISSION MEETING
NEWPORT CITY HALL
FEBRUARY 14, 2013 – 7:00 P.M.**

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

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of January 10, 2013

4. APPOINTMENTS WITH COMMISSION

A. **Public Hearing** – To consider amendments to the Zoning Code, including the following: Chapter 1300, Section 1310 Administration and Enforcement, Section 1330 General District Regulations, and Section 1350 Nonresidential Districts, and Amending the Comprehensive Plan and Zoning Map

1. Memo from Sherri Buss
2. Resolution No. P.C. 2013-2
3. Notice of Public Hearing

5. COMMISSION & STAFF REPORTS

6. NEW BUSINESS

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

- | | | |
|--------------------------------|-------------------|-----------|
| 1. City Council Meeting | February 21, 2013 | 5:30 p.m. |
| 2. City Council Meeting | March 7, 2013 | 5:30 p.m. |
| 3. Planning Commission Meeting | March 14, 2013 | 7:00 p.m. |

8. ADJOURNMENT



**City of Newport
Planning Commission Minutes
January 10, 2013**

1. CALL TO ORDER

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

2. ROLL CALL -

Commissioners present – Susan Lindoo, Dan Lund, Janice Anderson, Matt Prestegaard

Commissioners absent –Katy McElwee-Stevens,

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

3. NOMINATION AND APPOINTMENT OF CHAIRPERSON AND VICE-CHAIRPERSON FOR 2013

Executive Analyst Helm – 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, Dan Lund is the Chairperson for 2013.

Motion by Anderson, seconded by Lund, to appoint Matt Prestegaard as the Vice-Chair for 2013. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

4. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of December 13, 2012

Janice Anderson – I have one thing on the first page, I'm not sure who Janice Road is.

Motion by Prestegaard, seconded by Lindoo, to approve the December 13, 2012 minutes as amended. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

4. APPOINTMENTS WITH COMMISSION

A. Resolution No. 2013-1 – Recommending Comprehensive Plan Amendment Distribution and Approval

Sherri Buss, TKDA Planner, presented on this item as outlined in the January 10, 2013 Planning Commission Packet.

Susan Lindoo – Under #24 on the application, there should be an “e” in yield.

Vice-Chair Prestegaard – Can you talk about the next steps?

Ms. Buss – This would go out to your neighboring communities and they would have 30 days to comment on it. We could make changes if anybody was not happy with it but I don't think that'll happen. It'll go back to the Council for approval and it goes through all of the committees at the Met Council before they approve it. In the meantime, we will have a public hearing in February on the new map and proposed zoning ordinance. The ordinance and new map should be in place in early March.

Vice-Chair Prestegaard – The resolution states distribution and approval. It seems like tonight is just about distribution and we should approve it in 30 days. Is that true?

Ms. Buss – Yes, if you want it to come back here before it goes to the Council, then it's just review tonight. However, if you are comfortable with the amendments tonight and don't feel the need to discuss it any further than it would be review and approval.

Vice-Chair Prestegaard – I didn't think about the timing, we wouldn't get this back until after the February meeting correct?

Ms. Buss – Yes, and it's up to you on whether or not you would like to see it again.

Chair Lund – When is the public hearing then?

Ms. Buss – February 14

Chair Lund – So we send it now and we would have it in time for the public hearing?

Ms. Buss – Yes, at a minimum, you need to approve it for distribution. If you would like it to come back here that is fine.

Chair Lund – My only concern would be with the order of the steps and doing the final approval now.

Ms. Buss – That would be fine, we can change the resolution to just distribution.

Vice-Chair Prestegaard – Sherri, do you see any risks in delaying it?

Ms. Buss – No.

Motion by Prestegaard, seconded by Anderson, to approve Resolution No. P.C. 2013-1 recommending the City Council approve the distribution of the Comprehensive Plan Amendment. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

5. COMMISSION AND STAFF REPORTS

Executive Analyst Helm – As some of you may know, Katy was recently appointed to the School Board. They meet on the same night as the Planning Commission so Katy has submitted a resignation letter effective January 4, 2013. The City Council will be discussing filling the vacancy at their January 17, 2013 meeting.

6. NEW BUSINESS

No new business

7. 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. |

8. ADJOURNMENT

Motion by Anderson, seconded by Lindoo, to adjourn the Planning Commission Meeting at 7:23 P.M. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Signed: _____

Dan Lund, 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:	February 14 Planning Commission Meeting
Copies To:	Deb Hill, City Administrator		
	Renee Helm, Executive Assistant		
		Project No.:	14816.000
From:	Sherri Buss, RLA, AICP, Planner	Routing:	
Date:	February 4, 2013		

The February Planning Commission meeting will focus on a public hearing on updates to several sections of the zoning ordinance that the Planning Commission has worked on during the past year:

- Section 1310.11 – Variance
- Section 1330 – General District Regulations and Zoning Map
- Section 1350 – Non-Residential District Regulations

We will listen to public comments, and then the Planning Commission will discuss the drafts and any potential changes.

If no further changes or discussion are needed, the Commission may recommend that the City Council adopt the revised sections.

Use Question and Performance Standards related to Outdoor Storage in MX-3

Staff are requesting that the Planning Commission consider a question from a realtor regarding a potential use of the property at 222 – 21st Street. The realtor has a client that is asking if the property could be used for a landscape business (a sort of mini-Gertens). The use would require outdoor storage of vehicles. The new ordinance use-table indicates that Outdoor sales are permitted in the MX-3 District with a Conditional Use Permit. However, the performance standards (Section 1350.16) say that no exterior storage is allowed except for daily display of merchandise during store hours in the MX-3 District.

However, the Performance Standards for business uses (Section 1330.05) allowed outdoor storage with screening. (This section of the code is attached.) Do we want to allow some outdoor storage, and add some of the items in 1330.05 into the new version, or do we want to eliminate new outdoor storage in the MX-District? Do you believe that this use would fit in the MX-3 District?

- 4) The materials are approved by the building official.

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

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

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

- A. Temporary, daily parking of vehicles, for a period of no more than forty-eight (48) consecutive hours, for employees or patrons of a business, need not be screened in side and rear yards adjacent to other business or industrial uses, but shall be completely screened from residential uses. In front yards, all such vehicles need to be screened to a height of three (3) feet. Any vehicle parked for more than forty-eight (48) consecutive hours shall be completely screened from the eye-level view of adjacent residential property and public streets, and from the public front and office sides of business and industrial uses.
- B. Any outside storage or display of vehicles for sale, rent, or lease shall be by Conditional Use Permit only as governed by this Chapter, and shall include only operable new vehicles or operable used vehicles in good working order and of good appearance.
- C. Open storage of any kind shall be prohibited in any required front, side or rear yard setback.
- D. Overnight storage of perishable goods shall be allowed only within a completely enclosed permanent structure.

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

PLANNING COMMISSION
RESOLUTION NO. P.C. 2013-2

A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE A ZONING AMENDMENT TO SECTION 1310 ADMINISTRATION AND ENFORCEMENT, SECTION 1330 GENERAL DISTRICT REGULATIONS, AND SECTION 1350 NONRESIDENTIAL DISTRICTS AND AMENDING THE ZONING MAP.

WHEREAS, The City of Newport received a Livable Communities Grant for the implementation of the Red Rock Gateway Area; and

WHEREAS, part of the grant proposal includes developing zoning and land use language in the Zoning Code and amending the Zoning Map to include the Red Rock Gateway Area and the surrounding areas; and

WHEREAS, The Planning Commission held a public hearing on these Zoning Amendments and the amended Zoning Map at its regularly scheduled meeting of Thursday, February 14, 2013; and

NOW, THEREFORE, BE IT RESOLVED, That the Newport Planning Commission recommends Newport City Council approval of a Zoning Amendment to amend the present language found in *Chapter 1310 Administration and Enforcement, Section 1330 General District Regulations, and Section 1350 Nonresidential Districts*. They will read as follows:

Section 1310 – Administration and Enforcement

1310.11 Variances.

Subd. 1 Purpose. Pursuant to Minnesota Statutes Section 462.351, Subd. 6 as amended from time to time, the purpose of this section is to permit deviations from the requirements of this ordinance in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this ordinance.

The City Council shall only approve a variance when the terms of the variance are consistent with the Comprehensive Plan, when it is in harmony with the general purpose and intent of the Code of Ordinances then in force, and when the strict enforcement of the ordinance would result in practical difficulties with carrying out the strict letter of the ordinance. “Practical difficulties” as used in connection with the variance means:

- A. The property owner proposes to use the property in a reasonable manner not permitted by the Code of Ordinances.
- B. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
- C. The variance, if granted, will not alter the essential character of the locality.
- D. Economic conditions alone shall not constitute practical difficulties.
- E. That the proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- F. That the requested variance is the minimum action required to eliminate the practical difficulty.
- G. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

Subd. 2 Prohibited Uses.

Subd. 3 Applications.

- F. A statement of the applicant, referring to specific facts, describing the following:
 - 1. A written description of the request for the variance, including an explanation of compliance with the “practical difficulties” criteria set forth in this Section;

2. That the granting of such application will not, under the circumstances of the particular case, materially adversely affect the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood;

Subd. 4 Referral to Board of Appeals and Adjustments. Before any variance may be granted, the application shall be referred to the board of appeals and adjustments for study, and for its recommendation to the City Council for granting of such variance and the conditions thereof, if any, or for the denial of such variance based upon the standards set out in Subd. 1.

The Planning Commission may hold one (1) or more hearings on the application in the manner provided in section 1310.06 Public Hearings. If a public hearing is not held, a notice describing the property and the request must be mailed to the adjacent property owners at least ten (10) days before the Planning Commission meeting. Failure of the property owners to receive the notice shall not invalidate the proceedings.

Subd. 5 Issuance.

Subd. 6 Denial.

Subd. 7 Filing of Permit.

Section 1330 – General District Regulations

1330.01 District Classification.

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

1330.01.2 Nonresidential Districts

- **B-1 Business Park/Office/Warehouse**
- **I-1 Light Industrial District**
- **I-2 General Industrial District**
- **I-S Industrial Storage District**

1330.01.3 Mixed Use Districts

- **MX-1 Downtown Mixed Use District**
- **MX-2 Commercial Mixed Use District**
- **MX-3 Transit-Oriented Mixed Use District**
- **MX-4 General Mixed Use District**

1330.02 Zoning Map

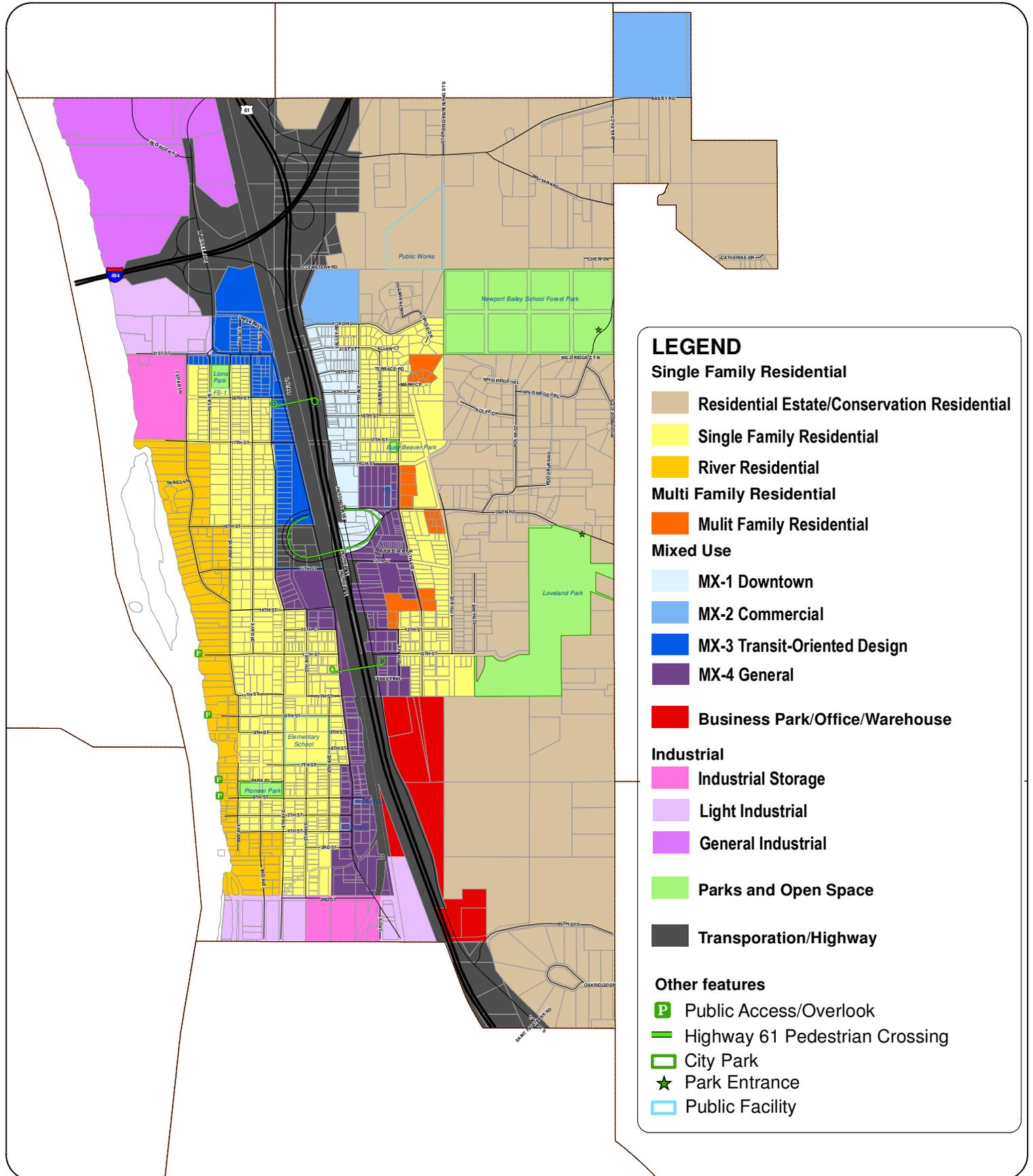
The location and boundaries of the districts established by this Chapter shall be hereby set forth in a map known as the "City of Newport Zoning Map" hereinafter referred to as the Zoning Map. The map and all notations, references, and data shown thereon are hereby incorporated by reference into this Chapter. It shall be the responsibility of the Zoning Administrator to maintain the Zoning Map, and amendments shall be recorded on the map within thirty (30) days after official publication of the amendments. The official zoning map shall be kept on file in the City hall.

1330.04 Uses

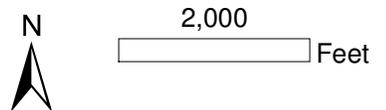
It is the policy of the City of Newport that the enforcement, amendment and administration of this Ordinance be accomplished with due consideration of the recommendation contained in *Chapter 1300, Section 1340.02* and *Sections 1350.01-1350.12, Intent of the Newport City Code of Ordinances* and the *City of Newport Comprehensive Plan* as developed and amended from time to time by the Planning Commission and City Council of the City of Newport.



City of Newport 2030 Future Land Use



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



Section 1330.04 Uses

Land Use Classification											NP	Not Permitted		
											P	Permitted		
											PUD	Planned Unit Developments		
											C	Conditional Use Permit (CUP) required		
											A	Permitted Accessory Use		
											CC	Certificate of Compliance		
Land Use	Zoning District												Additional Use Regulations (See footnotes)	
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-2-Business Park/ Office Wareh	I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use	MX-3 – Transit-Oriented Mixed Use		MX-4 – General Mixed Use
Residential														
Single Family Detached, one dwelling per lot	P	P	P	P	P	Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.			Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.					
Single Family Detached, more than one dwelling unit per lot	PU D	PU D	PU D	PU D	PU D									
Two Family residences				P	P								Includes townhomes	
Multi-family (eight units or fewer per building)				C	P								Includes townhomes	
Multi-family (eight or more units per building)				C	P								Includes townhomes	

Land Use Classification											NP	Not Permitted	
											P	Permitted	
											PUD	Planned Unit Developments	
											C	Conditional Use Permit (CUP) required	
											A	Permitted Accessory Use	
											CC	Certificate of Compliance	
Land Use	Zoning District											Additional Use Regulations (See footnotes)	
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-2-Business Park/Office Wareh	I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use
Homes for handicapped or infirm including group homes or halfway houses but not containing more than 6 unrelated persons	C	C	C	C	C	Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.							
Planned residential developments	PU D	PU D	PU D	PU D	PU D								
Manufactured Single-Family Dwelling	P	P	P	P	P								
Mobile Homes	C												
Public and Semi-Public Services													

Land Use Classification		Zoning District											Additional Use Regulations (See footnotes)			
		RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-2-Business Park/Office Wareh	I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use	MX-4 – General Mixed Use	
	Airport	C														
	Cemetery															
	Churches, synagogues, temples and associated facilities except schools	C	P	P	P	P										In Residential Districts and Mixed Use Districts building footprints shall not exceed 10,000 sq. ft.
	Crematorium															
	Funeral Home															
	Hospitals															
	Medical Clinics					C										In the MX district, facilities must not exceed a 10,000 square foot footprint

NP Not Permitted
P Permitted
PUD Planned Unit Developments
C Conditional Use Permit (CUP) required
A Permitted Accessory Use
CC Certificate of Compliance

Land Use Classification												NP	Not Permitted	
												P	Permitted	
												PUD	Planned Unit Developments	
												C	Conditional Use Permit (CUP) required	
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Military Reserve, National Guard Centers						Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.								
Nursery School/Day care services	C	C	C	P	P									
Parking Garage (as principal use)														
Parking Lots--Surface (as principal use)														
Penal/correctional facilities														
Post Office														

Land Use Classification												NP	Not Permitted
												P	Permitted
												PUD	Planned Unit Developments
												C	Conditional Use Permit (CUP) required
												A	Permitted Accessory Use
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Land Use	Zoning District											Additional Use Regulations (See footnotes)	
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Pubic Facilities including government offices, emergency facilities, public works facilities, Schools, libraries, museums, art galleries, and other municipally owned or operated facilities.	C	C	C	C	C	Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.			Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.				Public Facilities located in Residential Districts must not exceed 10,000 square foot footprint except if located in the RE District.
Public utility	C	C	C	C	C								
Schools--Trade, College, Vocational and associated facilities													In the MX district, school facilities must not exceed a 10,000 square foot footprint.

Land Use Classification												NP	Not Permitted		
												P	Permitted		
												PUD	Planned Unit Developments		
												C	Conditional Use Permit (CUP) required		
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Land Use	Zoning District											Additional Use Regulations (See footnotes)			
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Social, fraternal clubs and lodges, union halls						Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.					
Sanitary Landfill															
Towers and antennas															See Ordinance 97-4
Transit Station															
Park-and-ride Lot															
Commercial															
Bed and Breakfast	C	C	C	C	C	Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.					
Hotels															
Motels															

Land Use Classification												NP	Not Permitted										
												P	Permitted										
												PUD	Planned Unit Developments										
												C	Conditional Use Permit (CUP) required										
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Land Use	Zoning District											Additional Use Regulations (See footnotes)											
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Adult Uses (bookstore, theater, nightclub, nude or partially nude dancing)						Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.																	
Animal boarding																							
Animal grooming																							
Animal hospitals																							
Animal retail sales																							
Antique Shops																							
Artist studios																							
Auto sales, rental and services																							
Auto services only																							No more than 4 bays in the MX districts

Land Use Classification												NP	Not Permitted		
												P	Permitted		
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Auto storage															
Auto washing															
Bakeries (Retail sales)															
Bakeries (Wholesale)															
Restaurant--Liquor Served--Bar Grill														Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.	
Restaurant--Fast food															
Restaurant--Traditional (no liquor, sit down restaurant)															
Building materials and services															
Catering services															

Land Use Classification												NP	Not Permitted	
												P	Permitted	
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Professional Offices														
Convenience Stores														
Bicycle Sales Dry Cleaner Laundromat Drug Store/Pharmacy Floral/Flower shop Hobby Shop														In the MX district, drive up windows require a conditional use permit (CUP)
Wholesale sales														
Produce sales: vegetables, fruit, flowers, etc...														
Drive up Banks														

Land Use Classification												NP	Not Permitted											
												P	Permitted											
												PUD	Planned Unit Developments											
												C	Conditional Use Permit (CUP) required											
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Entertainment/amenement halls Bowling Alley Skating Rink, Indoor						Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.									If alcohol is part of the use a (CUP) is required.									
Movie Theater																							300 or less capacity	
Movie Theater																								300 or greater capacity
Coliseums, stadiums																								
Country Club and Golf Course	C	C	C	C	C																			
Private athletic fields or courts	C	C	C	C	C																			
Golf Driving Range																								
Horseback Riding, Stables	C																							

Land Use Classification												NP	Not Permitted		
												P	Permitted		
												PUD	Planned Unit Developments		
												C	Conditional Use Permit (CUP) required		
												A	Permitted Accessory Use		
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Auto and motorcycle racing tracks						Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.					
Drive-in movie theater															
Mobile Home Sales															
Manufactured Home Sales															
Automobile Parts/accessories retail sales and installation															
Automobile painting and body work															

Land Use Classification												NP	Not Permitted										
												P	Permitted										
												PUD	Planned Unit Developments										
												C	Conditional Use Permit (CUP) required										
												A	Permitted Accessory Use										
												CC	Certificate of Compliance										
Land Use	Zoning District											Additional Use Regulations (See footnotes)											
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-2-Business Park/Office Wareh	I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use	MX-4 – General Mixed Use									
Gas, diesel or other motor fuel retail sales						Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.																	
Storage Mini-storage/cold storage																							
Salvage yard (auto or scrap iron)																							
Animal Kennel for more than 6 animals	C																						
Agricultural operations, row cropping, tree farming (excluding livestock)	P																						No on-premises sales

Land Use Classification											NP	Not Permitted		
											P	Permitted		
											PUD	Planned Unit Developments		
											C	Conditional Use Permit (CUP) required		
											A	Permitted Accessory Use		
											CC	Certificate of Compliance		
Land Use	Zoning District											Additional Use Regulations (See footnotes)		
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-2-Business Park/Office Wareh	I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use	MX-4 – General Mixed Use
Commercial Greenhouse operations	C					Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.			Outside storage or sales requires a CUP. No on-premise sales permitted in RE district.	
Veterinarian Clinic, animal hospital														
Industrial														
Manufacturing						Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.				
Warehousing														
Storage and Distribution of Bulk Petroleum Products, Oil and Gasoline														

Land Use Classification												NP	Not Permitted
												P	Permitted
												PUD	Planned Unit Developments
												C	Conditional Use Permit (CUP) required
												A	Permitted Accessory Use
												CC	Certificate of Compliance
Land Use	Zoning District											Additional Use Regulations (See footnotes)	
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-2-Business Park/Office Wareh	I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use
Storage and distribution of bulk liquid fertilizer, chemicals or similar materials						Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.			Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.				
Retail Sale, Installation and remanufacturing of vehicle parts and accessories.													

1330.06 Off-Street Parking

Subd. 1 General.

Subd. 2 Number of Off-street Parking Spaces. The number of off-street parking spaces required for uses in the Residential, Non-Residential, and MX-1 and MX-2 Districts shall be as follows. Section 1350.17(D) prescribes the number of off street parking spaces required for uses in the MX-3 District.

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	I-S
Minimum lot area in square feet	2,400	4,000	None	2,400	15,000	30,000	30,000	30,000
Minimum lot depth in feet	80	100	None	80	150	200	200	200
Minimum lot width in feet	30	40	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	10	10**	10	10	50	50	50	100

Requirements	MX-1	MX-2	MX-3	MX-4	B-1	I-1	I-2	I-S
yard if across collector or minor 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:

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.

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
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,	C	C	C	C

Use	MX-1	MX-2	MX-3	MX-4
schools, libraries, museums, and other municipally owned or operated facilities				
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
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

Use	MX-1	MX-2	MX-3	MX-4
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
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

Use	B-1	I-1	I-2	I-S
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:

- 1) Incorporates existing buildings, trees, topographic features, or other existing elements consistent with the intent of the MX-3 District; and
- 2) 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

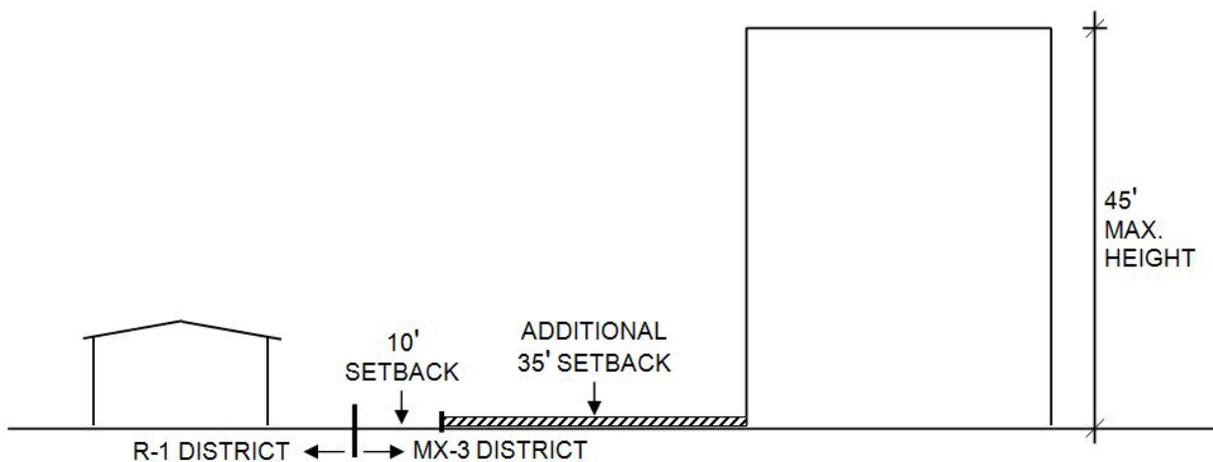
- A. MX District Parking standards.
 - 1) Parking requirements shall be governed by Section 1330.06 except for the following:
 - Surface Parking Lots in the MX-2 and MX-3 Districts shall be located at the side or rear of buildings and not in the front yard area. Surface parking lot or driveway access 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(f) 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.

Adopted this 14th day of February 2013 by the Newport Planning Commission.

VOTE: Lund _____
Prestegaard _____
Anderson _____
Lindoo _____

Signed: _____
Dan Lund, Chairperson

ATTEST: _____
Deb Hill, City Administrator

**CITY OF NEWPORT
PLANNING COMMISSION**

**NOTICE OF PUBLIC HEARING
TO CONSIDER AMENDMENTS TO THE COMPREHENSIVE PLAN AND
ZONING CODE, INCLUDING THE FOLLOWING: CHAPTER 1300, SECTION
1310.11 VARIANCES, SECTION 1330 GENERAL DISTRICT REGULATIONS
AND SECTION 1350 NONRESIDENTIAL DISTRICTS**

Notice is hereby given that the Newport Planning Commission will hold a Public Hearing on Thursday, February 14, 2013, at 7:00 P.M. or as soon thereafter, in the City Hall Council Chambers at Newport City Hall, 596 7th Ave., Newport, MN, to consider amendments to the Comprehensive Plan and Zoning Code, including Chapter 1300, Section 1310.11 Variances, Section 1330 General District Regulations, and Section 1350 Nonresidential Districts.

Information and copies of the proposed Amendments can be reviewed at Newport City Hall. The purpose of this hearing is to provide citizens the opportunity to comment on the Amendments either at, or in writing prior to, the Public Hearing.

Dated this 14th day of January, 2013.

Brian Anderson
City Administrator

**(Publish in the Washington County Bulletin)
January 30, 2013**

1310.11 Variances.

Subd. 1 Generally Purpose. ~~The City Council may grant variances from the strict application of the provisions of this Chapter and impose conditions and safeguards in the variance so granted, but no variance shall be granted unless the City Council finds that:~~ Pursuant to Minnesota Statutes Section 462.351, Subd. 6 as amended from time to time, the purpose of this section is to permit deviations from the requirements of this ordinance in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this ordinance.

The City Council shall only approve a variance when the terms of the variance are consistent with the Comprehensive Plan, when it is in harmony with the general purpose and intent of the Code of Ordinances then in force, and when the strict enforcement of the ordinance would result in practical difficulties with carrying out the strict letter of the ordinance. "Practical difficulties" as used in connection with the variance means;

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A. The property owner proposes to use the property in a reasonable manner not permitted by the Code of Ordinances.

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B. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.

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C. The variance, if granted, will not alter the essential character of the locality.

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D. Economic conditions alone shall not constitute practical difficulties.

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E. That the proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

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F. That the requested variance is the minimum action required to eliminate the practical difficulty.

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A. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Because of the exceptional or extraordinary physical surroundings, shape or topographical conditions of the specific parcel of land involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, and no reasonable use of the land is possible if the strict letter of the chapter were to be carried out;

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B. The conditions upon which an application for a variance is based are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other property within the same zoning classification;

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C. The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of a parcel of land;

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D. The alleged difficulty or hardship is caused by this Chapter and has not been created by any persons presently having an interest in the parcel of land;

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~~E. The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the neighborhood in which the parcel of land is located or alter the essential character of the neighborhood;~~

~~F.G. The proposed variance is in keeping with the spirit and intent of this Chapter;~~

~~G. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.~~

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Subd. 2 Prohibited Uses. No variance shall be granted to allow any use that is not permitted under this Chapter for property in the zone where the applicant's land is located.

Subd. 3 Applications. Applications for variances shall be made by the owner or owners of the property and shall be filed with the Zoning Administrator. All applications shall be accompanied by an administrative fee as prescribed in Subsection 1310.01 and shall include the following information:

- A. A description of the proposed use and how it varies from the applicable provisions of this Chapter;
- B. A legal description of the property, including plot and parcel number;
- C. A map or plat showing the property in question and all property within five hundred (500) feet of the boundaries of the property in question;
- D. A site plan showing the location and extent of the proposed building, parking, loading, access drives, landscaping and any other improvements;
- E. The names and addresses of the owners of record of all property within five hundred (500) feet of the boundaries of the property in question;
- F. A statement of the applicant, referring to specific facts, describing the —following:
 1. ~~The exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, or uses in the same zone classification~~A written description of the request for the variance, including an explanation of compliance with the "practical difficulties" criteria set forth in this Section;
 2. ~~The hardship to the applicant if the variance is not granted;~~
 - 3-2. That the granting of such application will not, under the circumstances of the particular case, materially adversely affect the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood;
- G. Any other information required by the Zoning Administrator, Planning Commission or Council.

Subd. 4 Referral to Board of Appeals and Adjustments. Before any variance may be granted, the application ~~therefor~~ shall be referred to the board of appeals and adjustments for study, and for its recommendation to the City Council for granting of such variance and the conditions thereof, if any, or for the denial of such variance based upon the standards set out in Subd. 1.

The Planning Commission may hold one (1) or more hearings on the application in the manner provided in section 1310.06 Public Hearings. If a public hearing is not held, a notice describing the property and the request must be mailed to the adjacent property owners at least ten (10) days before the Planning Commission meeting. Failure of the property owners to receive the notice shall not invalidate the proceedings.

Subd. 5 Issuance. Upon receipt of the report of the board of appeals and adjustments as provided in Subd. 4, or at any time within 60 days of receipt of the completed application, the City Council shall consider the application and may hold whatever public hearings it deems necessary in the manner provided in In considering applications for variance under this Chapter, the City Council shall consider the advice and recommendations of the board of appeals and adjustments and the standards set out in Subd. 1 and may grant or deny the variance and may impose conditions and safeguards therein.

Subd. 6 Denial. An application for a variance may be denied by motion of the City Council and such motion shall constitute a finding and determination by the City Council that the conditions required for approval do not exist.

Subd. 7 Filing of Permit. A certified copy of all variances granted shall be filed with the Washington County Recorder. The filing shall include a copy of the resolution authorizing the variance and the legal description and parcel I.D. of the applicable property or properties.

Section 1330--General District Regulations**1330.01 District Classification.**

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

1330.01.1 Residential Districts

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

1330.01.2 Nonresidential Districts

- ~~B-1 General Business District~~
- B-2₁ Business Park/Office/Warehouse
- I-1 Light Industrial District
- I-2 General Industrial District
- I-S Industrial Storage District

1330.01.3 Mixed Use Districts

- MX-1 Downtown Mixed Use District
- MX-2 Commercial Mixed Use District
- ~~MX-3 Transit-Oriented Mixed Use District~~
- MX-4 General Mixed Use District

1330.01.4 Planned Unit Developments (PUD)**1330.01.5 Special Overlay Districts**

- Shoreland Management District
- Critical Area Overlay District
- Flood Plain Management District
 - Floodway
 - Floodfringe
- Bluffland Area Overlay District
- Historic Neighborhood Conservation Overlay District
- Conservation Residential Overlay District
- River Redevelopment Overlay District

1330.02 Zoning Map

The location and boundaries of the districts established by this Chapter shall be hereby set forth in a map known as the "City of Newport Zoning Map" hereinafter referred to as the Zoning Map. The map and all notations, references, and data shown thereon are hereby incorporated by reference into this Chapter. It shall be the responsibility of the Zoning Administrator to maintain the Zoning Map, and amendments shall be recorded on the map within thirty (30) days after official publication of the amendments. The official zoning map shall be kept on file in the City hall.

1330.03 Boundary Lines

Wherever any uncertainty exists as to the boundary of any use district as shown on the zoning map incorporated herein, the following rules shall apply:

- A. Where district boundary lines are indicated as following streets, alleys, railroads, or similar rights-of-way, they shall be construed as following the centerlines thereof;
- B. Where district boundary lines are indicated as approximately following lot lines or section lines, such lines shall be construed to be such boundaries;
- C. Where a lot of record at the effective date of this Code that is held in one (1) ownership is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district; provided that this section shall not apply if it increases the area of the less restricted portion of the lot by more than twenty (20) percent;

1330.04 Uses

It is the policy of the City of Newport that the enforcement, amendment and administration of this Ordinance be accomplished with due consideration of the recommendation contained in *Chapter 1300, Section 1340.02* and *Sections 1350.01-1350.1012*, *Intent of the Newport City Code of Ordinances* and the *City of Newport Comprehensive Plan* as developed and amended from time to time by the Planning Commission and City Council of the City of Newport.

Within the City's zoning districts, no land or buildings may be used or occupied in any manner except for the uses set forth in the following land use classification chart and described in the following subsections. If a use is not identified in the following land use classification chart, the Zoning Administrator shall issue a statement of clarification, finding that the use is or is not substantially similar in character and impact to a use regulated in the land use classification chart. If the use is not substantially similar to any other use regulated in the land use classification chart, the Zoning Administrator shall refer the matter to the City Council for determination. The Zoning Administrator and City Council shall take into consideration if the use meets the City's goals and plans, what zoning district may be most appropriate for the use as well as what conditions and standards should be imposed relating to development of the use. In addition, the Zoning Administrator and City Council shall take into consideration whether the use will conform to the performance standards (*Section 1330.05*) and overlay districts (*Section 1370*) described in this Chapter.

An appeal may be taken to the board of appeals and adjustments as described in *Section 1310.03 Appeal from Administrative Decisions* by any person aggrieved by any order, requirement, decision or determination made by the Zoning Administrator or any other administrative office of the City in enforcement of this Section.

Section 1330.04 Uses

Land Use Classification											NP	Not Permitted	
											P	Permitted	
											PUD	Planned Unit Developments	
											C	Conditional Use Permit (CUP) required	
											A	Permitted Accessory Use	
											CC	Certificate of Compliance	
Land Use	Zoning District											Additional Use Regulations (See footnotes)	
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	<u>B-2—Business Park/Office Wareh</u>	<u>I-1—Light Industrial</u>	<u>I-2—General Industrial</u>	<u>I-S—Industrial Storage</u>	<u>MX-1—Downtown Mixed Use</u>	<u>MX-2—Commercial Mixed Use</u>		<u>MX-3—Transit-Oriented Mixed</u>
Residential													
Single Family Detached, one dwelling per lot	P	P	P	P	P	Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.			Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.				
Single Family Detached, more than one dwelling unit per lot	PU D	PU D	PU D	PU D	PU D								
Two Family residences				P	P								Includes townhomes
Multi-family (eight units or fewer per building)				C	P								Includes townhomes
Multi-family (eight or more units per building)				C	P								Includes townhomes

Land Use Classification						NP Not Permitted P Permitted PUD Planned Unit Developments C Conditional Use Permit (CUP) required A Permitted Accessory Use CC Certificate of Compliance								
Land Use	Zoning District										Additional Use Regulations (See footnotes)			
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	<u>B-2—Business Park/Office Wareh</u>	<u>I-1—Light Industrial</u>	<u>I-2—General Industrial</u>	<u>I-S—Industrial Storage</u>	<u>MX-1—Downtown Mixed Use</u>		<u>MX-2—Commercial Mixed Use</u>	<u>MX-3—Transit-Oriented Mixed</u>	<u>MX-4—General Mixed Use</u>
Homes for handicapped or infirm including group homes or halfway houses but not containing more than 6 unrelated persons	C	C	C	C	C	Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.				
Planned residential developments	PU D	PU D	PU D	PU D	PU D									
Manufactured Single-Family Dwelling	P	P	P	P	P									
Mobile Homes	C													
Public and Semi-Public Services														

Land Use Classification							NP Not Permitted P Permitted PUD Planned Unit Developments C Conditional Use Permit (CUP) required A Permitted Accessory Use CC Certificate of Compliance							
Land Use	Zoning District											Additional Use Regulations (See footnotes)		
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	<u>B-2—Business Park/Office Wareh</u>	<u>I-1—Light Industrial</u>	<u>I-2—General Industrial</u>	<u>I-S—Industrial Storage</u>	<u>MX-1—Downtown Mixed Use</u>	<u>MX-2—Commercial Mixed Use</u>		<u>MX-3—Transit-Oriented Mixed</u>	<u>MX-4—General Mixed Use</u>
Airport	C													
Cemetery														
Churches, synagogues, temples and associated facilities except schools	C	P	P	P	P									In Residential Districts and Mixed Use Districts building footprints shall not exceed 10,000 sq. ft.
Crematorium														
Funeral Home														
Hospitals														
Medical Clinics					C									In the MX district, facilities must not exceed a 10,000 square foot footprint

Land Use Classification						NP Not Permitted P Permitted PUD Planned Unit Developments C Conditional Use Permit (CUP) required A Permitted Accessory Use CC Certificate of Compliance							
Land Use	Zoning District										Additional Use Regulations (See footnotes)		
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	<u>B-2—Business Park/Office Wareh</u>	<u>I-1—Light Industrial</u>	<u>I-2—General Industrial</u>	<u>I-S—Industrial Storage</u>	<u>MX-1—Downtown Mixed Use</u>		<u>MX-2—Commercial Mixed Use</u>	<u>MX-3—Transit-Oriented Mixed</u>
Military Reserve, National Guard Centers						Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.							
Nursery School/Day care services	C	C	C	P	P								
Parking Garage (as principal use)													
Parking Lots--Surface (as principal use)													
Penal/correctional facilities													
Post Office													

Land Use Classification						NP Not Permitted P Permitted PUD Planned Unit Developments C Conditional Use Permit (CUP) required A Permitted Accessory Use CC Certificate of Compliance														
Land Use	Zoning District											Additional Use Regulations (See footnotes)								
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	<u>B-2—Business Park/Office Wareh</u>	<u>I-1—Light Industrial</u>	<u>I-2—General Industrial</u>	<u>I-S—Industrial Storage</u>	<u>MX-1—Downtown Mixed Use</u>	<u>MX-2—Commercial Mixed Use</u>		<u>MX-3—Transit-Oriented Mixed</u>	<u>MX-4—General Mixed Use</u>						
Pubic Facilities including government offices, emergency facilities, public works facilities, Schools, libraries, museums, art galleries, and other municipally owned or operated facilities.	C	C	C	C	C	Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.			Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.				Public Facilities located in Residential Districts must not exceed 10,000 square foot footprint except if located in the RE District.							
Public utility	C	C	C	C	C															
Schools--Trade, College, Vocational and associated facilities																				

Land Use Classification							NP Not Permitted P Permitted PUD Planned Unit Developments C Conditional Use Permit (CUP) required A Permitted Accessory Use CC Certificate of Compliance					
Land Use	Zoning District										Additional Use Regulations (See footnotes)	
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	<u>B-2—Business Park/Office Wareh</u>	<u>I-1—Light Industrial</u>	<u>I-2—General Industrial</u>	<u>I-S—Industrial Storage</u>	<u>MX-1—Downtown Mixed Use</u>		<u>MX-2—Commercial Mixed Use</u>
Social, fraternal clubs and lodges, union halls						Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.	Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.					
Sanitary Landfill												
Towers and antennas												
Transit Station												
Park-and-ride Lot												
Commercial												
Bed and Breakfast	C	C	C	C	C	Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.	Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.					
Hotels												
Motels												

Land Use Classification											NP	Not Permitted			
											P	Permitted			
											PUD	Planned Unit Developments			
											C	Conditional Use Permit (CUP) required			
											A	Permitted Accessory Use			
											CC	Certificate of Compliance			
Land Use	Zoning District											Additional Use Regulations (See footnotes)			
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	<u>B-2—Business Park/Office Wareh</u>	<u>I-1—Light Industrial</u>	<u>I-2—General Industrial</u>	<u>I-S—Industrial Storage</u>	<u>MX-1—Downtown Mixed Use</u>	<u>MX-2—Commercial Mixed Use</u>		<u>MX-3—Transit-Oriented Mixed</u>	<u>MX-4—General Mixed Use</u>	
Adult Uses (bookstore, theater, nightclub, nude or partially nude dancing)						<p><u>Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.</u></p>	<p><u>Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.</u></p>								
Animal boarding															
Animal grooming															
Animal hospitals															
Animal retail sales															
Antique Shops															
Artist studios															
Auto sales, rental and services															
Auto services only															No more than 4 bays in the MX districts

Land Use Classification											NP	Not Permitted		
											P	Permitted		
											PUD	Planned Unit Developments		
											C	Conditional Use Permit (CUP) required		
											A	Permitted Accessory Use		
											CC	Certificate of Compliance		
Land Use	Zoning District											Additional Use Regulations (See footnotes)		
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Auto storage						<p>Please see Section 1350.14 (B) for allowed uses in the <u>Business and Industrial Districts.</u></p>				<p>Please see Section 1350.14 (A) for allowed uses in the <u>Mixed Use Districts.</u></p>				
Auto washing														
Bakeries (Retail sales)														
Bakeries (Wholesale)														
Restaurant--Liquor Served--Bar Grill														
Restaurant--Fast food														
Restaurant--Traditional (no liquor, sit down restaurant)														
Building materials and services														
Catering services														

Land Use Classification											NP Not Permitted P Permitted PUD Planned Unit Developments C Conditional Use Permit (CUP) required A Permitted Accessory Use CC Certificate of Compliance		
Land Use	Zoning District										Additional Use Regulations (See footnotes)		
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Professional Offices						Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.			
Convenience Stores													
Bicycle Sales Dry Cleaner Laundromat Drug Store/Pharmacy Floral/Flower shop Hobby Shop													
Wholesale sales													
Produce sales: vegetables, fruit, flowers, etc...													
Drive up Banks													

Land Use Classification						NP Not Permitted P Permitted PUD Planned Unit Developments C Conditional Use Permit (CUP) required A Permitted Accessory Use CC Certificate of Compliance									
Land Use	Zoning District										Additional Use Regulations (See footnotes)				
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	<u>B-2—Business Park/Office Wareh</u>	<u>I-1—Light Industrial</u>	<u>I-2—General Industrial</u>	<u>I-S—Industrial Storage</u>	<u>MX-1—Downtown Mixed Use</u>		<u>MX-2—Commercial Mixed Use</u>	<u>MX-3—Transit-Oriented Mixed</u>	<u>MX-4—General Mixed Use</u>	
Entertainment/amenement halls Bowling Alley Skating Rink, Indoor						Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.	Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.							If alcohol is part of the use a (CUP) is required.	
Movie Theater															300 or less capacity
Movie Theater															300 or greater capacity
Coliseums, stadiums															
Country Club and Golf Course	C	C	C	C	C										
Private athletic fields or courts	C	C	C	C	C										
Golf Driving Range															
Horseback Riding, Stables	C														

Land Use Classification											NP	Not Permitted		
											P	Permitted		
											PUD	Planned Unit Developments		
											C	Conditional Use Permit (CUP) required		
											A	Permitted Accessory Use		
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Land Use	Zoning District											Additional Use Regulations (See footnotes)		
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Auto and motorcycle racing tracks														
Drive-in movie theater														
Mobile Home Sales														
Manufactured Home Sales														
Automobile Parts/accessories retail sales and installation														
Automobile painting and body work														

Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.

Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.

Land Use Classification											NP	Not Permitted									
											P	Permitted									
											PUD	Planned Unit Developments									
											C	Conditional Use Permit (CUP) required									
											A	Permitted Accessory Use									
											CC	Certificate of Compliance									
Land Use	Zoning District										Additional Use Regulations (See footnotes)										
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	<u>B-2-Business Park/Office Wareh</u>	<u>I-1—Light Industrial</u>	<u>I-2—General Industrial</u>	<u>I-S—Industrial Storage</u>	<u>MX-1—Downtown Mixed Use</u>		<u>MX-2—Commercial Mixed Use</u>	<u>MX-3—Transit-Oriented Mixed</u>	<u>MX-4—General Mixed Use</u>							
Gas, diesel or other motor fuel retail sales						<p><u>Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.</u></p>															
Storage Mini-storage/cold storage																					
Salvage yard (auto or scrap iron)																					
Animal Kennel for more than 6 animals	C																				
Agricultural operations, row cropping, tree farming (excluding livestock)	P																				No on-premises sales

Land Use Classification											NP	Not Permitted								
											P	Permitted								
											PUD	Planned Unit Developments								
											C	Conditional Use Permit (CUP) required								
											A	Permitted Accessory Use								
											CC	Certificate of Compliance								
Land Use	Zoning District											Additional Use Regulations (See footnotes)								
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	<u>B-2—Business Park/Office Wareh</u>	<u>I-1—Light Industrial</u>	<u>I-2—General Industrial</u>	<u>I-S—Industrial Storage</u>	<u>MX-1—Downtown Mixed Use</u>	<u>MX-2—Commercial Mixed Use</u>		<u>MX-3—Transit-Oriented Mixed</u>	<u>MX-4—General Mixed Use</u>						
Commercial Greenhouse operations	C					Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.			Outside storage or sales requires a CUP. No on-premise sales permitted in RE district.							
Veterinarian Clinic, animal hospital																				
Industrial																				
Manufacturing						Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.										
Warehousing																				
Storage and Distribution of Bulk Petroleum Products, Oil and Gasoline																				

Land Use Classification											NP	Not Permitted	
											P	Permitted	
											PUD	Planned Unit Developments	
											C	Conditional Use Permit (CUP) required	
											A	Permitted Accessory Use	
											CC	Certificate of Compliance	
Land Use	Zoning District											Additional Use Regulations (See footnotes)	
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	<u>B-2-Business Park/Office Wareh</u>	<u>I-1—Light Industrial</u>	<u>I-2—General Industrial</u>	<u>I-S—Industrial Storage</u>	<u>MX-1—Downtown Mixed Use</u>	<u>MX-2—Commercial Mixed Use</u>		<u>MX-3—Transit-Oriented Mixed</u>
Storage and distribution of bulk liquid fertilizer, chemicals or similar materials						Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.			Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.				
Retail Sale, Installation and remanufacturing of vehicle parts and accessories.													

1330.05 Performance Standards

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

Subd. 2 General Scope. Except in the RE, R-1, and R-1A districts, any construction or alteration of buildings, structures, property or exterior equipment in the City which requires a building permit under the provisions of this Chapter shall be reviewed by the Zoning Administrator and shall comply with the standards set in Subds. 3 through 19 inclusive. If the Zoning Administrator determines that the plans comply with the intent and standards contained herein, a building permit may be issued. All decisions of the Zoning Administrator may be appealed to the City Council as provided for in this Chapter.

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

A. Permitted materials:

- 1) Face brick, stone, or glass;
- 2) Decorative concrete block with a color and texture theme that is directly related to the building material, if not more than 50% of the building elevation faces any public roadway. Plain, flat unpainted concrete block is not allowed, nor is any type of painted concrete block;
- 3) Architecturally treated concrete or cast-in-place or precast concrete panels;
- 4) Stucco or other cement like coating applied in a manner so as to create a harmonious design with other exterior materials;
- 5) Metal panels with interlocking, concealed, or tongue-and-groove seams, and concealed fasteners, if the exterior surface finish is warranted by the manufacturer for twenty years against blistering, peeling, cracking, flaking, checking, or chipping, if not more than 50% of the building elevation faces any public roadway;
- 6) Wood, wood siding, metal siding, or vinyl siding, but only in the R-2 and R-3 districts, and only on buildings with eight (8) or fewer units.

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

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

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

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

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

- A. Temporary, daily parking of vehicles, for a period of no more than forty-eight (48) consecutive hours, for employees or patrons of a business, need not be screened in side and rear yards adjacent to other business or industrial uses, but shall be completely screened from residential uses. In front yards, all such vehicles need to be screened to a height of three (3) feet. Any vehicle parked for more than forty-eight (48) consecutive hours shall be completely screened from the eye-level view of adjacent residential property and public streets, and from the public front and office sides of business and industrial uses.
- B. Any outside storage or display of vehicles for sale, rent, or lease shall be by Conditional Use Permit only as governed by this Chapter, and shall include only operable new vehicles or operable used vehicles in good working order and of good appearance.
- C. Open storage of any kind shall be prohibited in any required front, side or rear yard setback.
- D. Overnight storage of perishable goods shall be allowed only within a completely enclosed permanent structure.

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

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

Subd. 9 Loading and Service Areas. All loading and service areas shall be completely screened from eye-level view of adjacent residential uses, adjacent public streets, and the public front and

- A. At least one (1) overstory tree shall be provided in the front yard for each fifty (50) feet of lot frontage.
- B. There shall be a minimum of one (1) tree for every one thousand (1,000) square feet of non-impervious surface area on the lot.
- C. All landscape materials shall be appropriate to the physical characteristics of the site in terms of hardiness, salt-tolerance, and sun or shade tolerance. Trees provided shall be at least twenty-five (25) percent overstory deciduous and at least twenty-five (25) percent coniferous. All deciduous trees provided shall be long-lived hardwood species.
- D. All areas not otherwise improved in accordance with approved site plans shall be sodded. Exceptions shall be as follows:
 - 1) Seeding of future expansion areas as shown on approved plans.
 - 2) Undisturbed areas containing existing viable natural vegetation that can be maintained free of foreign and noxious plant material.
 - 3) Areas designated as open space or future expansion areas properly planted and maintained with native prairie grass.
 - 4) Use of mulch material such as rock or wood chips in support of shrubs and foundation plantings.
- E. Slopes and Berms. Final slope grades steeper than the ratio of 3:1 shall not be permitted without special landscaping treatments such as terracing, retaining walls, or ground cover.
- F. Berming used to provide screening of parking lots shall be 3 feet in height and shall have a maximum slope ratio of 3:1.
- G. Parking Lot Requirements.
 - 1) Parking lots for more than eight (8) cars shall landscape 10 percent of the parking lot surface area. The landscaped area may be in the form of landscape islands, special brick paving or other landscaping as approved by the Zoning Administrator. Landscape islands shall be a minimum width of 16 feet and with a minimum surface area of 250 square feet. The landscaped area shall adhere to the size and material requirements of this Chapter.
 - 2) On a corner lot, and at entrances, nothing shall be placed or allowed to grow in such a manner as to impede vision between a height of 2 ½ and 10 feet above the centerline grades of the intersecting streets within a triangular area 30 feet from the intersecting street right-of-way lines.
- H. Plant Size Requirements. Plant size requirements for landscaping areas shall be as follows:
 - 1) Deciduous trees shall be at least 2 ½ inches in diameter.
 - 2) Ornamental trees shall be a minimum of 1 ½ inches in diameter
 - 3) Evergreen trees shall have a minimum height of 6 feet.

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

Subd. 15 Fences. Except in the RE, R-1, R-1A, MX-1, MX-2, and MX-3 districts, fences shall comply with the following standards:

- A. A fence may be placed along a property line provided no physical damage of any kind results to the abutting property.
- B. That side of the fence considered the face (the finished side as opposed to the structural supports) shall face the abutting property.
- C. A fence shall be of one color or pattern, may not contain or support pictures, signage or lettering, and must be maintained in good condition and appearance.
- D. A fence shall only be constructed of the following materials:
 - 1) Treated wood, cedar, or redwood
 - 2) Simulated wood
 - 3) Decorative brick or stone
 - 4) Wrought iron or aluminum designed to simulate wrought iron
 - 5) Coated or non-coated chain link
 - 6) Split rail
- E. A fence may be no more than twelve (12) feet in height.
- F. A fence shall not visually screen or interfere with streets, sidewalks, or vehicular traffic.
- G. In the I-S district, a fence at least six (6) feet in height shall be required around all storage tanks.
- H. No fence shall be constructed on public rights-of-way.

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

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

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

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

- A. New construction projects for repairs, remodeling, or additions to a structure do not need to meet the standards in this section if the construction increases the size of the building by less than ten (10) percent, or if it increases the assessor's market value by less than twenty (20) percent.
- B. Construction projects involving a building expansion between ten (10) and fifty (50) percent of the size of the building or an increase in assessor's market value between twenty (20) and fifty (50) percent of its value need not meet all the standards of this section, but shall be required to meet a reasonable proportion of the requirements of this section as determined by the Planning Commission, upon the advice of the Zoning Administrator. If two or more smaller projects, over a period of five years or less, together exceed the percentage thresholds in this paragraph, the property shall then meet a reasonable proportion of the requirements as determined by the Zoning Administrator.
- C. Construction projects involving a building expansion over fifty (50) percent of the size of the building or an increase in assessor's market value over fifty (50) percent of its value shall be required to meet all the standards of this section. If two or more smaller projects, over a period of five years or less, together exceed the percentage threshold in this paragraph, the property shall then meet all the standards of this section.
- D. For the purposes of determining compliance with the standards in this section, site work not involving the structures on site shall be considered separately from work on the structures.
 - 1) For legal non-conforming uses, new construction projects for repairs, remodeling, or additions to the parking lot, outdoor spaces, landscaping, or other exterior features do not need to meet the standards in this section if the construction increases the size of these areas by less than ten (10) percent.

- 2) Construction projects involving an expansion of exterior space between ten (10) and fifty (50) percent of the size of the parking lot or other outdoor space need not meet all the standards of this section, but shall be required to meet a reasonable proportion of the requirements as determined by the Planning Commission, upon the advice of the Zoning Administrator.
- 3) For the purposes of this section, adding one inch or more of new material to an existing parking lot surface shall be considered an increase of one hundred (100) percent of the area involved.

Subd. 20 Performance Standards in RE, R-1, and R-1A districts. All construction or alteration of buildings, structures, or property in the RE, R-1, and R-1A districts shall comply with the standards set in Subds. 21 through 23 inclusive, as interpreted by the Zoning Administrator. All decisions of the Zoning Administrator may be appealed to the City Council as provided for elsewhere in this Code.

Subd. 21 Fences in the RE, R-1, R-1A, MX-1, MX-2, and MX-3 districts.

- A. A fence may be placed along a property line provided no physical damage of any kind results to the abutting property.
- B. That side of the fence considered being the face (the finished side as opposed to the structural supports) shall face the abutting property.
- C. A fence in the front yard shall be of one color or pattern, and may not contain or support pictures, signage or lettering visible to a public street or to adjacent properties.
- D. A fence may be no more than four (4) feet in height in the front yard.
- E. A fence may be no more than six (6) feet in height in a side or rear yard, unless the side or rear lot line is common with the front yard of an abutting lot, in which case the portion of the side or rear lot line equal to the required front yard of the abutting lot may have a fence no more than four (4) feet in height.
- F. Except in the RE district, barbed wire may not be used for fences.
- G. A fence shall not visually screen or interfere with streets, sidewalks, or vehicular traffic.
- H. All fences shall be maintained in good condition and appearance.
- I. A fence shall only be constructed of the following materials:
 - 1) Treated wood, cedar, or redwood
 - 2) Simulated wood
 - 3) Decorative brick or stone
 - 4) Wrought iron or aluminum designed to simulate wrought iron
 - 5) Coated or non-coated chain link
 - 6) Split rail

- J. Except in the RE District, welded wire may not be used for fences on property boundaries.
- K. Welded wire may be used in the RE District for fences on property boundaries of rear yards.
- L. Welded wire may only be used for small enclosures in all districts to protect vegetation such as trees, gardens, plants, and bushes.
- M. Except in the RE District, snow fences may not be used for fences.
- N. Snow fences may be erected in the RE District for controlling snow between November 1 and April 15. All snow fences must be removed by April 16.
- O. No fence shall be constructed on public rights-of-way.

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

- A. All waste, refuse, garbage and containers shall be kept in a building or in a fully screened area, except as allowed before a scheduled collection.
- B. All non-operating vehicles or equipment shall be kept within a fully enclosed building.
- C. No exterior storage shall be allowed in the front yard, except parking of operable vehicles, subject to the following conditions and exceptions:
 - 1) All vehicles parked in the front yard shall be on concrete, blacktop, or similar durable hard surface free of dust.
 - 2) No more than three (3) vehicles may be parked in the front yard at any one time, only one of which may be over six thousand (6,000) pounds gross vehicle weight or over twenty (20) feet in length.
 - 3) Additional operable vehicles above the limit of three (3) may be parked in the front yard on a temporary basis, for no more than forty-eight (48) consecutive hours.
- D. All exterior storage in the street side yard of a corner lot shall be fully screened from the street and adjacent properties.

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

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

- A. At least one (1) overstory tree shall be provided in the front yard for each fifty (50) feet of lot frontage.
- B. There shall be a minimum of one (1) tree for every one thousand (1,000) square feet of non-impervious surface area on the lot.

- C. All landscape materials shall be appropriate to the physical characteristics of the site in terms of hardiness, salt-tolerance, and sun or shade tolerance.
- D. All areas of land not covered by structures, pavement, or landscaping may be covered by natural characteristics, when appropriate.
- E. All areas not otherwise improved in accordance with approved site plans shall be sodded. Exceptions shall be as follows:
 - 1) Seeding of future expansion areas as shown on approved plans.
 - 2) Undisturbed areas containing existing viable natural vegetation that can be maintained free of foreign and noxious plant material.
 - 3) Areas designated as open space or future expansion areas properly planted and maintained with native prairie grass.
 - 4) Use of mulch material such as rock or wood chips in support of shrubs and foundation plantings.
- F. Slopes and Berms. Final slope grades steeper than the ratio of 3:1 shall not be permitted without special landscaping treatments such as terracing, retaining walls, or ground cover.
- G. Plant Size Requirements. Plant size requirements for landscaping areas shall be as follows:
 - 1. Deciduous trees shall be at least 2 ½ inches in diameter.
 - 2. Ornamental trees shall be a minimum of 1 ½ inches in diameter.
 - 3. Evergreen trees shall have a minimum height of 6 feet.
 - 4. Potted shrubs shall be in a 5 gallon pot or larger.
 - 5. Evergreen shrubs used for screening purposes shall be at least 3 feet in height at planting. Evergreen shrubs will have a minimum spread of 24 inches.
 - 6. Except when a property's topsoil depth is less than 24 inches, the plant size requirement may be reduced by 50% or to 1 ¼ inches and doubling the number of trees.
- H. Landscape plans and screening plantings shall be completed within one year from the date a building permit is issued.

1330.06 Off-Street Parking

Subd. 1 General.

- A. Standards. Off-street parking, loading, and service areas shall be improved with a durable and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulation within the parking area. Acceptable surfaces may include crushed rock and similar treatment for parking accessory to single family and duplex residential structures, all other uses shall utilize asphalt, concrete or substitute as approved by the Zoning

Administrator. All surfacing shall be completed prior to occupancy of the structure, unless specific approval otherwise has been granted by the City. Parking areas for three (3) vehicles or fewer shall be exempt from the requirements of this paragraph.

- B. Dimensions. Each off-street parking space shall be a minimum of nine (9) feet wide by eighteen (18) feet deep. Access drives and aisles shall be a minimum of twenty-four (24) feet wide for two-way traffic, and eighteen (18) feet wide for one-way traffic. Parking space dimensions for angled parking shall be approved by the Zoning Administrator, based on acceptable planning standards.
- C. Compact Car Parking. Parking spaces for compact cars may be included within a parking lot plan approved by the Zoning Administrator provided the spaces comprise no more than forty (40) percent of the spaces for the entire use or project, and provided they shall be clearly identified on the site and their location shall be designed carefully into the overall site plan. The spaces shall be a minimum of eight (8) feet wide by sixteen (16) deep.
- D. Handicapped Parking. Parking for handicapped persons shall be provided in accordance with State and Federal regulations.
- E. Access. All off-street parking spaces shall have access from a private driveway and shall not access directly onto a public street.

Subd. 2 Number of Off-street Parking Spaces. The number of off-street parking spaces required for uses in the Residential, Non-Residential, and MX-1 and MX-2 Districts shall be as follows. Section 1350.~~42-17(D)~~ prescribes the number of off street parking spaces required for uses in the MX-3 District.

- A. Single and Two-family Dwellings: Two (2) spaces per unit, at least one of which shall be enclosed.
- B. Residential Dwellings up to Eight (8) Units per structure: Two (2) spaces per unit, at least one each of which shall be enclosed, plus one half (0.5) space per unit of visitor parking, apart from individual garages or reserved resident spaces, within one hundred (100) feet of the entrance to each private unit entrance or to the building entrance if there is a common entrance. Visitor spaces may be further away if they have enclosed access to the building.
- C. Residential Dwelling with more than Eight (8) Units: One and one-half (1-½) spaces per unit for each efficiency or one bedroom unit, at least one each of which shall be enclosed, and two (2) spaces per unit for each unit with two or more bedrooms, at least one each of which shall be enclosed. In addition, there shall be one-half (½) space per unit of visitor parking, apart from individual garages or reserved resident spaces, within two hundred (200) feet of the entrance to each private unit entrance or to the building entrance if there is a common entrance. Visitor spaces may be further away if they have enclosed access to the building.
- D. Driveway Space: Driveway space immediately in front of a garage door, blocking normal access to the garage, may not be counted as part of the required parking space for any residential use.
- E. Retail Sales and Service Uses: One (1) space for each two hundred fifty (250) square feet of gross floor area.

- F. Hotel or Motel: One (1) space per unit, plus one (1) space per employee on the largest shift.
- G. Medical or Dental Clinic: Six (6) spaces per doctor or dentist.
- H. Vehicle or Equipment Service and Repair: Two (2) spaces plus three (3) spaces for each service stall
- I. Restaurants, Taverns, Clubs, and Similar Uses: One (1) space for each two and one half (2.5) seats, based on maximum design capacity.
- J. Offices, Other than Medical or Dental: One (1) space for each two hundred fifty (250) square feet of gross floor area.
- K. Churches, Theaters, Auditoriums, Funeral Homes, and Other Places of Assembly.: One (1) space for each three (3) seats or for each five (5) feet of pew or bleacher length, based on the maximum design capacity.
- L. Warehouse, Storage, Handling of Bulk Goods, Industrial Storage: One (1) space for each two (2) employees on the largest shift, or one (1) space for each two thousand (2,000) square feet of gross floor area, whichever shall be greater.
- M. Manufacturing, Light Industrial, Processing, and Fabrication: One (1) space per five hundred (500) square feet of gross floor area.
- N. Uses Not Specifically Mentioned: As shall be determined by the Zoning Administrator.

Subd. 3 Residential Districts.

- A. No more than twenty-five (25) percent of the required yard area shall be surfaced or utilized for driveway space or vehicle storage.
- B. All parking spaces shall be on the same lot as the principal use for which they are intended.

Subd. 4 Shared Parking in Non-residential Districts. The standards for shared parking spaces for uses in all-non-residential districts are as follows:

- A. Required parking facilities serving two or more uses may be located on the same lot or in the same structure, provided that the total number of parking spaces furnished shall not be less than the sum of the separate requirements for each use.
- B. A shared parking plan for two or more uses involving fewer than the total number of parking spaces required in paragraph (1) above may be approved by Conditional Use Permit, if at least the following conditions shall be met:
 - 1) No more than fifty (50) percent of the required parking spaces for a given use may be shared with another use.
 - 2) The applicant shall show that there is no substantial conflict between the principal operating hours of the uses, which will share parking spaces.

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

Subd. 5 Location of Parking. Unless otherwise provided, required parking for all uses shall be within four hundred (400) feet of the entrance to the use.

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 residentscommunity 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 baseprovide 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~~ serve 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>
<i>Structure setback standards***</i>								
<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.~~ 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.

~~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.

~~D.~~
~~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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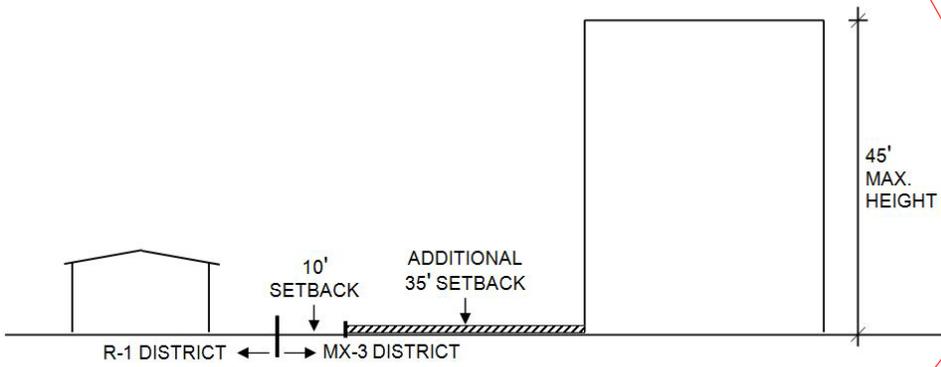
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- 2. a. ~~If~~ new construction incorporates an existing structure located within a minimum setback, the City Administrator may allow the setback for the building addition to be reduced to the established setback.
- 3. b. All above-ground utility structures 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, o~~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

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 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>

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:
- 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%.
 - 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~~

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. 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. 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. 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.

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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:

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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

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

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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.~~

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

~~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.~~

~~Draft ~~November~~December 2012 Adopted June 6, 2002
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.~~