



**CITY OF NEWPORT  
PLANNING COMMISSION MEETING  
NEWPORT CITY HALL  
MARCH 8, 2012 – 7:00 P.M.**

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

## **AGENDA**

### **1. CALL TO ORDER**

### **2. ROLL CALL**

### **3. APPROVAL OF PLANNING COMMISSION MINUTES**

A. Planning Commission Minutes of February 9, 2012

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

- A. Discuss Allowable Fence Materials
- B. Discuss the Keeping of Honeybees
- C. Discuss the Red Rock Gateway Implementation Study

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

### **6. NEW BUSINESS**

### **7. ANNOUNCEMENTS**

- A. Upcoming Meetings and Events:
- |                                |                |           |
|--------------------------------|----------------|-----------|
| 1. City Council Meeting        | March 15, 2012 | 5:30 p.m. |
| 2. City Council Meeting        | April 5, 2012  | 5:30 p.m. |
| 3. Planning Commission Meeting | April 12, 2012 | 7:00 p.m. |

### **8. ADJOURNMENT**



**City of Newport  
Planning Commission Minutes  
February 9, 2012**

**1. CALL TO ORDER**

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

**2. ROLL CALL -**

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

Commissioners absent –Dan Lund,

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

**3. APPROVAL OF PLANNING COMMISSION MINUTES**

**A. Planning Commission Minutes of January 12, 2012**

**Motion by Anderson, seconded by McElwee-Stevens, to approve the January 12, 2012 minutes as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

**4. APPOINTMENTS WITH COMMISSION**

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

Sherri Buss, TKDA Planner, presented on this item as outlined in the February 9, 2012 Planning Commission packet.

The first item that the Planning Commission discussed was the Allowed Uses table in the ordinance. There was a request at the last meeting that the table be simplified. Ms. Buss advised that the table be specific to some degree for the following reasons: 1) the table needs to communicate the proposed allowed uses clearly to potential developers, and 2) when a use is cited as a permitted use, or permitted via a CUP, it is very difficult to deny an application for the use. As a result, the table needs some specificity. The table will specify that single-family houses are not allowed in the MX-3 District. It was also requested that Ms. Buss research size requirements for the table so that large stores are not developed in the District.

Secondly, the Planning Commission discussed Sections 1350.07 and 1350.08 and request that the existing ordinance be reviewed and updated where needed.

Next, the Planning Commission discussed Section 1350.13, Bulk and Dimensional Standards. The table for height and setbacks has been changed to add “whichever is less” to the height standards.

Dan Lund sent questions to Administrator Anderson for Ms. Buss to answer during the meeting since he was not in attendance. Mr. Lund requested that more information be provided in regards to the Met Council’s grant opportunities.

At the last meeting, the Planning Commission decided that the Floor Area Ratio (FAR) would be reduced from 1.5 to 0.5. The Met Council has several different grant opportunities for economic development. Several grants are for communities that have transit stations. In order to receive these grants, the municipality needs to meet requirements in regards to density and FAR. As of right now, the City is not ready to apply for these grants. Ms.

Buss believes that the City would have a good chance of being eligible for these grants in the future. Ms. Buss provided an example from Mendota Heights, which developed an area with a 0.5 FAR. Since the transit station will not have rail for several years, it is recommended that the City continue with a 0.5 FAR. The City of Anoka recently got rail at its transit station and had difficulty achieving the 1.5 FAR required for Met Council grants. As a result, the development around the Anoka transit station has a 0.5 FAR. The City of Anoka is able to receive grants with a 0.5 FAR. Ms. Buss informed the Planning Commission that through her research she has found that several cities have difficulties reaching a FAR above 1. The City needs to have at least a 0.5 FAR in order for the development to be financially feasible. The Planning Commission agreed to keep the 0.5 FAR in the ordinance.

Next, Ms. Buss provided two options for the height of buildings adjacent to residential districts. The options are attached to the official minutes. The Planning Commission agreed that Option 1 is more feasible for the District and requested that Ms. Buss research different ratios for it. Ms. Buss will also research options for setback buildings to allow more height.

Ms. Buss continued to move through the ordinance. The following changes will be made to the ordinance:

- *Open Space Requirement.* Developers will be expected to work with the City to provide a minimum of ~~five percent (5%) of the project site~~ **ten percent (10%) of residential project sites and five percent (5%) of commercial and mixed-use 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.
- Ms. Buss will review requirements for parking spaces.
- *Parking Requirements:* The following bullets will be amended or removed from the ordinance:
  - ~~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.~~
  - ~~On street parking spaces located along the portions of a public street(s) abutting the use where parking is currently permitted may be counted toward the minimum number of parking spaces as required by this section. Those on street parking spaces must be located on the same side of the street as the use, have a dimension of at least twenty feet in length, and be located in areas approved by the City's Public Works Department. On street parking directly across the street from the use may be counted if that parking abuts property that is undevelopable because of physical constraints.~~  
~~In the event that the City, County, or State remove any on street parking that was allowed to count toward the minimum requirement, the existing use shall not be required to make up the difference and shall not be made nonconforming with respect to parking.~~  
~~On street parking shall not be counted in calculating maximum parking spaces.~~
  - All **surface** 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. **Walls shall meet the performance standards for structures and screening included in Section 1330.05 and in this Section, Item L (2) f.**
- Language will be added to the ordinance to require bicycle parking facilities

Finally, Ms. Buss discussed creating a Design Guide to include standards such as Street Design and Architectural Standards. Ms Buss has begun working on a draft Guide. The Guide will include all of the standards from the ordinance but will also include pictures to show examples. The Guide would be referenced in the ordinance. Ms. Buss will provide a draft at the March 8, 2012 Planning Commission meeting.

## 5. COMMISSION AND STAFF REPORTS

**Commission** – No Reports

**Admin. Anderson** – As Sherri said, we had a meeting regarding the financial analysis of the Red Rock Gateway Area, which will be presented at the March 1 City Council meeting. The analysis goes into how many apartments, townhomes, and commercial and retail square footage can fit in the area, as well as the cost.

**Ms. Buss** – The City met with the County to discuss what their involvement will be and if there will be a TIF district formed. That will be discussed at the March 1 meeting.

**Admin. Anderson** – In regards to the Knauff site, the City has been meeting with developers and they do not believe it is a good location for senior housing. As a result, we are meeting with an industrial developer next week who has dealt with developing smaller industrial buildings. We will be submitting another round of grant applications to DEED and Met Council for Phase II and clean-up. Industrial sites do not need to be cleaned up as much as residential sites.

I have been working with the City Council to review the Comprehensive Plan and we will be discussing it at the next Council meeting. We hope to schedule a couple public meetings to review it.

The previous Sure Lock Motel is under new management and the name has been changed to the Red Rock Lodge.

Just a reminder that the City took over the library at the beginning of the year.

Finally, staff will be bringing honeybees and fences before the Planning Commission at the March 8 meeting for discussion.

## **6. NEW BUSINESS**

No new business

## **7. ANNOUNCEMENTS**

### **A. Upcoming Meetings and Events:**

- |                                              |                   |           |
|----------------------------------------------|-------------------|-----------|
| 1. City Council Meeting                      | February 16, 2012 | 5:30 p.m. |
| 2. Presidents' Day – City Offices are closed | February 20, 2012 |           |
| 3. City Council Meeting                      | March 1, 2012     | 5:30 p.m. |
| 4. Planning Commission Meeting               | March 8, 2012     | 7:00 p.m. |

## **8. ADJOURNMENT**

**Motion by Anderson, seconded by McElwee-Stevens, to adjourn the Planning Commission Meeting at 9:05P.M. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

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

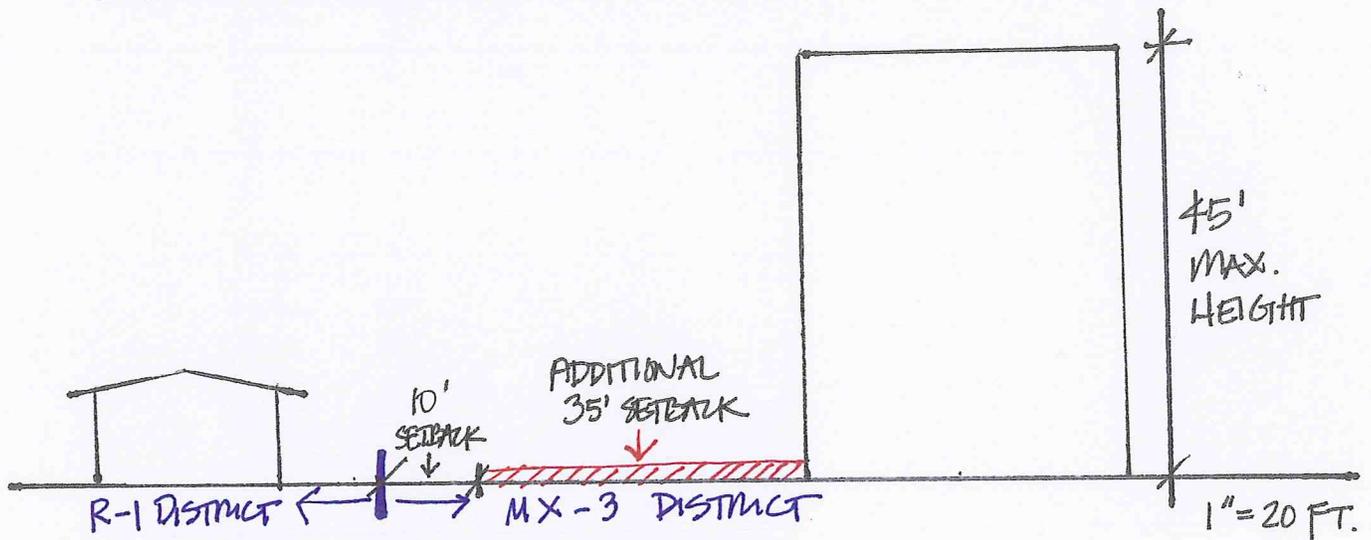
Respectfully submitted,

Renee Helm  
Executive Analyst

**NEWPORT DRAFT MX-3 ZONING DISTRICT--  
 MAXIMUM HEIGHT OF STRUCTURES ADJACENT TO RESIDENTIAL  
 DISTRICTS—EXAMPLES OF APPROACHES**

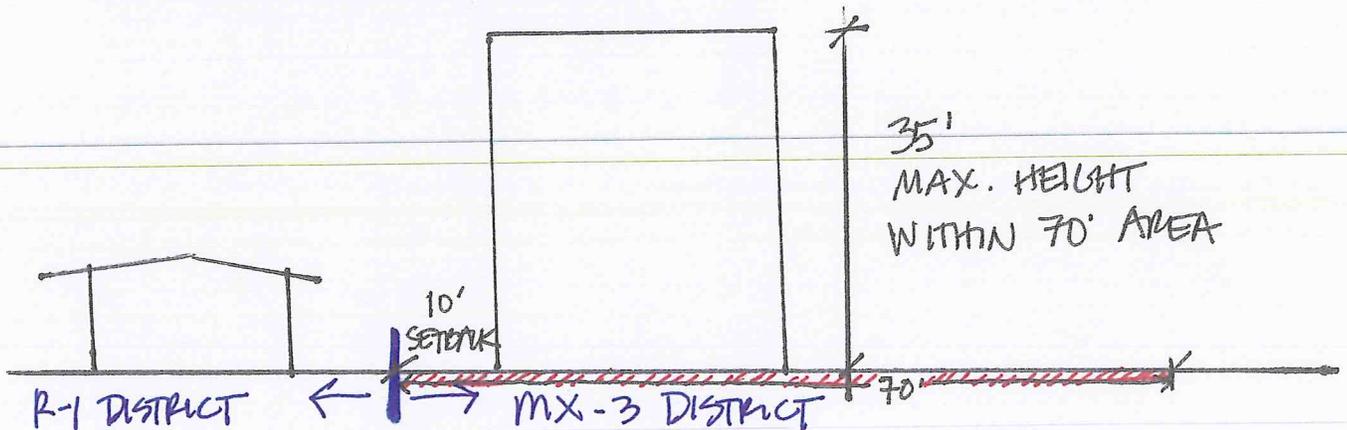
**OPTION 1 (City of Anoka approach)**

Ordinance language: Maximum height of buildings in the MX-3 District that are adjacent to an R-1 District is determined by the distance of the Structure to the boundary of the nearest single-family district. The required side or rear setbacks are increased by one foot for each additional foot of height. (Proposed side setback in MX-3 is 10 feet; proposed maximum structure height of 45 feet requires an additional 35-foot setback)



**OPTION 2 (City of St. Louis Park approach)**

Ordinance language: Within a distance equal to the minimum lot width of an adjacent residential district, the maximum height shall not exceed the height allowed in the adjacent Single-Family District. (Proposed setback in MX-3 is 10 feet; minimum lot size in R-1 is 70 feet. Maximum building height within the 70-foot area would be 35 feet.)





# MEMO

TO: Newport Planning Commission  
Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: March 1, 2012

SUBJECT: Fence Materials

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## BACKGROUND

Recently, there have been inquiries in regards to what materials can be used for fences. Section 1330.05 Performance Standards of the City Code addresses this issue. According to both Subd. 15 and Subd. 21, fences must be maintained in good condition and appearance. Materials are only addressed in Subd. 21, which states that barbed wire fences are only allowed in RE districts.

## DISCUSSION

The majority of municipalities have regulations similar to the City's where the code states that fences must be maintained in good condition and appearance. Below is information on four municipalities where materials are addressed.

- Apple Valley – Apple Valley does not state what materials are allowed for fences but does state that temporary fences, such as snow fences, cannot be installed for more than 30 days within a 12-month period.
- Forest Lake – Forest Lake allows the following materials for fences in residential districts:
  - Treated wood, cedar or redwood
  - Simulated wood
  - Decorative brick or stone
  - Wrought iron or aluminum designed to simulate wrought iron
  - Coated or non-coated chain link
  - Split rail
- Minneapolis – Minneapolis allows the following materials for fences:
  - Wood
  - Metal
  - Bricks
  - Masonry
  - Other permanent materials

Furthermore, Minneapolis only allows snow fences for institutional and public uses between November 1 and April 15.

- Plymouth – Plymouth prohibits the following materials for fences:
  - Chicken wire
  - Welded wire
  - Snow fence
  - Branches

The Planning Commission will need to discuss a couple items. The first item is if there should be language in the City Code regarding fencing materials. If so, how specific should the City Code be in regards to materials and should temporary fences, specifically, snow fences, be allowed.

**RECOMMENDATION**

It is recommended that the City add language to the City Code regarding snow fences. Staff recommends that snow fences only be allowed in the RE District and that they are allowed between November 1 and April 15. Staff does not feel that materials for permanent fences need to be regulated. Attached is a draft of Section 1330.05, Subd. 21, which includes language regarding snow fences.

## 1330.05 Performance Standards

### 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. Except in the RE District, snow fences may not be used for fences.
- J. Snow fences may be erected in the RE District for controlling snow between November 1 and April 15.
- K. No fence shall be constructed on public rights-of-way.



# MEMO

TO: Newport Planning Commission  
 Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: March 1, 2012

SUBJECT: Ordinances for Regulating Honeybees

## BACKGROUND

Recently, there have been inquiries in regards to whether or not residents are able to keep honeybees on their residences. Currently, residents are not allowed to keep honeybees anywhere within the City.

## DISCUSSION

The Planning Commission will need to discuss the following items:

- Keeping of Honeybees
  - Should the City add language in the City Code for the keeping of honeybees?
  - If so, should they be allowed in all of the residential districts or just the RE District?
  - What should the restrictions be?

Very few municipalities in Minnesota allow the keeping of honeybees. Below is information on the municipalities that allow honeybees within low density residential districts.

	Permit Required	Conditions	Setbacks
Minneapolis	Yes	Property owner must receive consent from 80% of properties within 100 feet and 100% of properties immediately adjacent to the property. The permit will identify the number and location of hives, colonies, and/or facilities. The City can call a hearing on the subject matter if deemed necessary. Further regulations are identified in the City Code such as standards of practice and number of hives based on size.	Bee hives/colonies need to be 25 feet away from the property line. If they are less than 25 feet away from the property line then they need a flyway barrier.
Oakdale	Yes	Property owner must receive consent from 75% of properties within 150 feet. The permit will state any required conditions in regards to bees.	Varies based on size of colony. Minimum is five (5) feet from property line.
St. Paul	Yes	Property owner must receive consent from 75% of properties within 150 feet. The permit will state any required conditions in regards to bees. Only one colony is allowed for every 2,000 square feet of property area. Bee hives must be surrounded with a hedge, snow fence or other barrier.	Bee hives must be located in the center of the property farthest away from adjoining property.

The Minneapolis Code is the most specific when it comes to honeybees as it identifies standards of practice and colony density. Below is the colony density for Minneapolis residential properties:

- One-half ( $\frac{1}{2}$ ) acre or smaller lot: Two (2) colonies;
- Larger than one-half ( $\frac{1}{2}$ ) acre but smaller than three-quarter ( $\frac{3}{4}$ ) acre lot: Four (4) colonies;
- Larger than three-quarter ( $\frac{3}{4}$ ) acre lot but smaller than one (1) acre lot: Six (6) colonies;
- One (1) acre but smaller than Five (5) acres: Eight (8) colonies;
- Larger than Five (5) acres: As determined by the manager of Minneapolis Animal Care and Control.

### **RECOMMENDATION**

It is recommended that the Planning Commission provide City staff with direction on how to proceed in regards to the keeping of honeybees in Newport. Attached is a draft of Chapter 6, Animals, that includes language similar to Minneapolis' code regarding honeybees.

## CHAPTER 6. ANIMALS

## Section 600 - General Regulations

## 600.01 Definitions.

**Subd. 1 Owner.** "Owner" shall mean any person, partnership, corporation, or association owning, keeping, harboring, or having custody of a dog or other domestic animal, or the parent, guardian, or custodian of any minor who owns, keeps, harbors, or has custody of a dog or other domestic animal.

**Subd. 2 Dog.** "Dog" shall include both male and female dogs and shall refer to the commonly accepted domesticated breeds of the canine family. It shall not include wolves, hyenas, and other non-domesticated members of the canine family, nor mixed breeds where more than one-half of the animal is of a commonly accepted domesticated canine breed.

**Subd. 3 Other Domestic Animal.** "Other domestic animal" shall mean any domesticated cat or any other of the various animals commonly adopted by humans to live in a tame condition or in custody. It shall exclude animals such as lions, tigers, and other animals defined as farm animals or wild or exotic animal under this Chapter.

**Subd. 4 Farm Animal.** "Farm animal" shall mean any horse, colt, pony, mule, donkey, cattle, swine, sheep, goat, chicken, duck, goose, or honeybees, or similar animal, bird, fowl or poultry commonly associated with agricultural uses.

**Subd. 5 Animal.** "Animal" shall mean any dog, other domestic animal, or farm animal.

**Subd. 6 Wild or Exotic Animal.** "Wild" or "Exotic" animal shall mean any mammal, amphibian, reptile, bird, poultry or fowl, which is of a species not usually domesticated and of a species which due to its size, wild nature, or other characteristics, is dangerous to humans and would ordinarily be confined to a zoo or found in the wild. This shall include animals and birds the keeping of which is licensed by the State or Federal government, such as wolves, raptors, and pheasants. Examples of wild animals shall include, but not be limited to, the following:

- A. Any large cat of the family "Felidae" such as lions, tigers, jaguars, leopards, cougars and ocelots, but excluding commonly accepted house cats.
- B. Any member of the family "Canidae" such as wolves, coyotes, dingoes, jackals, and hyenas, but excluding commonly accepted house dogs.
- C. Any poisonous snake such as a rattlesnake, coral snake, water moccasin, puff adder, or cobra, regardless of whether or not the snake has been de venomized.
- D. Any snake or other reptile which by its size, vicious nature, or other characteristic is dangerous to humans such as boa constrictors.
- E. Any skunk, raccoon, fox, whether captured in the wild, domestically raised, descended or not descended, vaccinated against rabies or not vaccinated against rabies.
- F. Any bear, ape, gorilla, monkey, or badger.
- G. Any other similar animal, reptile, amphibian, bird, fowl, or poultry which is commonly

considered wild and not domesticated, or which is prohibited by State or Federal law.

**Subd. 7 Running at Large.** A dog or other domestic animal shall be deemed to be running at large unless it is either on the premises of its owner, or is on a leash not exceeding 15 feet in length and is accompanied by a responsible person, or otherwise restrained by a cage or other barrier. A farm animal shall be deemed to be running at large unless it is on the premises of its owner, or is accompanied by its owner or an agent or employee of its owner.

**600.02 Running at Large.** No owner shall permit any dog, farm animal, or wild or exotic animal to run at large.

**600.03 Sanitation.** The owner of any animal shall keep his or her property clean and free from accumulations of manure, fecal matter, and other wastes, so as to prevent offensive odors or smells. The premises shall not be allowed to become unsightly or harbor rodents, flies or insects.

**600.04 Clean-up.**

**Subd. 1 Removal.** Any owner or other person in responsible charge of an animal off the premises of the owner shall pick up and remove all feces to a proper receptacle located on the property of the owner.

**Subd. 2 Exception.** The provisions of Subsection 600.04 shall not apply to seeing eye dogs owned or used by blind persons, dogs used in police activities by the City, or tracking dogs when used by or with the permission of the City.

**600.05 Cruelty.** No owner shall fail to provide animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, and veterinary care when needed to prevent suffering. No owner shall fail to provide humane care and treatment to animals. No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse any animal, or cause or permit any fight or other combat between animals or between animals and humans.

**600.06 Abandonment.** No person shall abandon any animal.

**600.07 Nuisance.** Any animal which does any of the following shall be deemed to be a nuisance which may be abated as provided by this Chapter.

- A. Damages or destroys property, plantings, or structures;
- B. Deposits feces on public property or private property of others;
- C. Attacks or bites any person off the owner's premises;
- D. Is vicious or shows vicious habits;
- E. Molests pedestrians, automobiles, or bicycles;
- F. Is kept under unsanitary conditions so as to create obvious odors to the annoyance of the public in the vicinity;
- G. Barks or makes or utters any other sound or cry habitually or excessively; Habitual barking shall mean any barking or other sound or cry audible off of the owner's premises for a period of 5 minutes or more with interruptions of less than 1 minute.

- H. Habitually visits school grounds, public property, or other places where persons frequent or gather;
- I. Does not possess a license or permit as required by Subsections 600.10 or 600.20.

**600.08 Females.** Every female animal in heat shall be confined in a building or other secure enclosure in such manner that the female animal cannot come in contact with another animal except by planned breeding.

**600.09 Bites.**

**Subd. 1 Impounding.** Whenever the owner of any animal learns that the animal has bitten a human being, or that the animal has been bitten or otherwise exposed to rabies, the owner shall immediately provide for impoundment of the animal for a period of 14 days. The animal shall be kept apart from other animals until it shall be determined whether the animal has or has had rabies. Impounding may be by the owner if the animal has a current rabies vaccination at the time the bite occurred and if approved by the Animal Control Officer. If the animal does not have a current rabies vaccination at the time the bite occurs, the animal shall be impounded at the City pound or by a licensed veterinarian. In either case, impounding shall be at the owner's expense.

**Subd. 2 Destruction.** Any animal which is impounded pursuant to this Section and which is determined to have rabies shall be destroyed. No animal which has bitten any person or other animal shall be destroyed unless it has been determined to have rabies; provided that a person who kills an animal in the good faith defense of his or her person or property or another person shall not be deemed to have violated this Section.

**Subd. 3 Notice.** The owner shall immediately notify the police and the animal control officer of the bite and impoundment.

**Subd. 4 Impoundment by City.** If the owner cannot be notified of the bite within two hours, or if the owner fails to impound the animal, the police or animal control officer shall impound the animal, as provided by Section 600.14 of this Code.

**600.10 Dog License.**

**Subd. 1 License Required.** No person shall own, harbor, or have custody of any dog over the age of six months within the City without first obtaining a license for the dog.

**Subd. 2 Application.** Every application for a dog license shall state the name and address of the owner, the address where the dog shall be kept, and the sex, breed, age, color, and markings of the dog. Every application shall be accompanied by a certificate from a licensed veterinarian that the dog has been vaccinated for rabies during a three year period preceding the application. The certificate shall not be required for any dog under the age of six months, but shall be furnished to the Clerk-Administrator upon the dog reaching the age of six months.

**Subd. 3 Term and Fee.** An annual fee in an amount set by the Council shall be paid for each license. All licenses shall expire on December 31 of each year. The fee shall not be prorated for a partial year. An additional late license penalty fee as set by the Council shall be charged for any license which is not renewed on or before January 31 of each year, or for any license purchased more than 60 days after a dog is acquired or residence established in the City.

**Subd. 4 Tags.** The Clerk-Administrator shall issue a license in the form of a metal identification tag bearing an identifying number for each dog. The tag shall be fastened to the dog's collar or harness and shall be worn at all times. The Clerk-Administrator shall maintain and make available to the public a record of the identifying numbers. No person except the owner or his or her agent shall remove a license tag from a dog collar or harness, or remove from a dog any collar or harness with a license tag attached. No person shall keep, harbor, or have custody of a dog bearing a fictitious, altered, or invalid license tag or a license tag not issued for the dog wearing it. No person shall transfer a license tag from one dog to another.

**Subd. 5 Owner Responsibility.** The owner of any licensed dog, as recorded by the Clerk-Administrator, shall be responsible for all fees and charges accruing by reason of owning, harboring or having custody of any dog in the City. If the ownership of a dog changes, it shall be the responsibility of the recorded licensee to notify the City of that fact.

**Subd. 6 Minors.** No dog license shall be held by a minor.

**Subd. 7 Revocation.** Any dog license may be revoked by the Council if the licensee refuses or fails to comply with this, Chapter, or any other State or local law or regulation governing the keeping of animals or cruelty to animals. No license shall be revoked without a hearing, preceded by ten days' written notice stating the time and place of the hearing and the nature of the charges. Any person whose license is revoked shall within ten days of the revocation, humanely dispose of the dog. No part of the license fee shall be refunded.

**600.11 Rabies Vaccination.** No person shall own, harbor, or have custody of a dog within the City unless that dog has been vaccinated for rabies within a three year period.

**600.12 Animal Control Officer.** The Council may employ an animal control officer or officers for the purpose of enforcing the provisions of this Chapter and have them deputized with police powers, including the power to issue complaints for violations. No person shall interfere with, molest, hinder the officer in the performance of his or her duties.

#### **600.13 City Pound.**

**Subd. 1 Establishment.** A City pound shall be continued at a location within or outside the City as designated by the Council. The pound shall be under the care of a pound master appointed by the Council. The pound master shall house and feed in a humane manner all impounded animals. The pound master shall account promptly to the treasure for all expenses incurred and fees collected.

**Subd. 2 Interference.** No unauthorized person shall break open the City pound, or attempt to do so, or take or let out any animal from the pound, or take or attempt to take from any officer or pound master any animal taken up by him or her as provided by this Chapter. No person shall hinder, obstruct, or interfere with the pound master in the performance of his or her duties.

#### **600.14 Impounding.**

**Subd. 1 Authorization.** The animal control officer, any other law enforcement officer or any person may seize or impound any unlicensed dog or any animal running at large in violation of this Section, or any animal which has bitten a person or other animal. The fact that a dog is without a license tag attached to its collar shall be presumptive evidence that the dog is unlicensed. Any officer or other person impounding or restraining an animal shall immediately deliver the animal to the pound master. The pound master shall thereupon give notice of the impounding to the owner, or if the owner is unknown or cannot be found, he or she shall post notice of the impounding at the City Hall.

**Subd. 2 Redemption.** Any animal impounded for running at large or for being unlicensed may be redeemed by the owner within five regular business days from the date of impoundment by payment of the impounding fee. Animals impounded for biting and considered dangerous or potentially dangerous may be redeemed within seven days of the date of impoundment by payment of the impounding fee, provided however that the provisions of Subsection 600.09 shall still be satisfied by the owner. No unlicensed dog shall be released by the pound master unless a license shall be first procured for the dog. Any impounded animal found to be rabid may not be redeemed but shall be destroyed immediately.

**Subd. 3 Disposal - Research.** When any hospital or reputable institution of learning shall apply to the Clerk-Administrator for permission to use for research purposes on the study of prevention or cure of disease for the betterment of mankind any impounded animal remaining unclaimed after the required holding period, the pound master upon direction by the Council shall surrender to the institution or hospital the unclaimed animals as are requested.

**Subd. 4 Disposal Generally.** Any unclaimed impounded animal may be sold by the pound master, and the proceeds remitted to the treasurer after deduction for the cost of care of the animal. Any impounded animal not redeemed, surrendered to a hospital or institution, or sold shall be humanely disposed of by the pound master. The owner of any animal disposed of shall pay a disposal fee established pursuant to 600.15.

**600.15 Fees.** Licensing, impounding, boarding, and disposal fees shall be as established from time to time by the Council by resolution.

**600.16 Dangerous Animals.** Notwithstanding any other provisions of this Chapter, any animal which is diseased, vicious, dangerous, rabid, exposed to rabies, or which has been bitten by another animal including wild animals, and which cannot be impounded after a reasonable effort, or which cannot be impounded without serious risk to persons attempting it, may be immediately, destroyed by or under the direction of a police officer or animal control officer.

**600.17 Adoption of Reference.** Minnesota Statutes 35.67, 35.68, 35.69 and 35.71 shall be adopted by reference.

**600.18 Implied Consent.** Any owner of an animal shall be deemed to have given implied consent to the entry on his or her premises by the animal control officer or a police officer for the purpose of enforcing this Chapter.

**600.19 Exceptions.** Hospitals, clinics, and other premises operated by licensed veterinarians exclusively for the care and treatment of animals shall be exempt from the provisions of this Chapter unless otherwise specifically provided.

#### **600.20 Farm Animals.**

**Subd. 1 Permit Required.** No person shall keep, stable, board or harbor any farm animal within the City without first obtaining a farm animal permit from the Council.

**Subd. 2 Applications.** Each application for a farm animal permit shall state the name and address of the applicant, a complete description of the premises and the owner thereof and adjoining owners, and shall set out in detail fence lines, pasturage area, shelter, sanitation provisions, the kind and number of animals to be kept, and such other information as may be required by the Council.

**Subd. 3 Requirements.** No farm animal permit shall be issued unless the following standards shall be met:

- A. There shall be at least four acres for the first farm animal, and one additional acre for each additional farm animal.
- B. No more than five farm animals may be kept on a single tract. A separate permit shall be required for each separate tract.
- C. The barn, stable, ~~or~~ housing, or colony shall be located at least 150 feet from the nearest property line of adjacent property owners.
- D. All farm animals shall be kept confined by a sturdy wood or metal fence for pasture. The fence shall not be located nearer than 50 feet from any building used for human habitation. Barbed wire fences shall not be permitted.

**E. Honeybees.**

1. No person shall keep, maintain, or allow to be kept any hive or other facility for the housing of honeybees on or in any property in the RE District without a permit.
2. The applicant must receive written consent from at least eighty (80) percent of the property owners situated within two hundred fifty (250) feet of the applicant's property and one hundred (100) percent of the property owners immediately adjacent to the applicant's property.
3. Definitions. As used in this section:
  - a. **Apiary** means the assembly of one (1) or more colonies of honeybees at a single location.
  - b. **Beekeeper** means a person who owns or has charge of one (1) or more colonies of honeybees.
  - c. **Beekeeping equipment** means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
  - d. **Colony** means an aggregate of honeybees consisting principally of workers, but having, when perfect, one (1) queen and at times drones, brood, combs, and honey.
  - e. **Hive** means the receptacle inhabited by a colony that is manufactured for that purpose.
  - f. **Honeybee** means all life stages of the common domestic honeybee, *Apis mellifera* species of European origin.
  - g. **Lot** means a contiguous parcel of land under common ownership.
  - h. **Nucleus colony** means a small quantity of honeybees with a queen housed in a smaller than usual hive box designed for a particular purpose.

- i. **Undeveloped property** means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human occupancy and the grounds maintained in associations therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.
7. Standards of practice. Any person obtaining a permit pursuant to this section shall comply with the following standards of practice:
    - a. Honeybee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
    - b. Each beekeeper shall ensure that a convenient source of water is available to the colony prior to and so long as colonies remain active outside of the hive.
    - c. Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect-proof container.
    - d. For each colony permitted to be maintained under this ordinance, there may also be maintained upon the same apiary lot, one (1) nucleus colony in a hive structure not to exceed one (1) standard nine and five-eighths (9<sup>5</sup>/<sub>8</sub>) inch depth ten-frame hive body with no supers.
    - e. Each beekeeper shall maintain their beekeeping equipment in good condition, including keeping the hives painted, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms. It shall be a violation of this section for any beekeeper's unused equipment to attract a swarm, even if the beekeeper is not intentionally keeping honeybees.
    - f. Each beekeeper shall enclose their property with a latching fence.
  8. Colony density. Any person obtaining a permit pursuant to this section shall comply with the following restrictions on colony density:
    - a. No person is permitted to keep more than eight (8) colonies
    - b. Regardless of lot size, so long as all lots within a radius of at least two hundred (200) feet from any hive, measured from any point on the front of the hive, remain undeveloped, the maximum number of colonies may be increased by the City. No grandfathering rights shall accrue under this subsection.

G. Paragraphs A and B of this Subdivision shall not apply to ducks, chickens, geese, or pygmy goats.

**Subd. 4 Term.** All farm animal permits shall expire on December 31 of each year. All permits shall be issued for a one year period, except for the first permit issued to the owner of a farm animal.

**Subd. 5 Revocation.** Any farm animal permit may be revoked by the Council for violation of any provision of this Code or any State law or regulation governing the keeping of animals. No farm

animal permit shall be revoked without a hearing preceded by ten days written notice stating the time and place of the hearing and the nature of the charges. Any person whose permit is revoked shall within ten days of the revocation humanely dispose of the farm animal or animals.

#### 600.21 Horses.

**Subd. 1 Night Riding.** No person shall ride or drive a horse after the hour of sunset and before the hour of sunrise along or crossing any public street, road, alley, or highway without appropriate lighting or reflectorized clothing.

**Subd. 2 Riding-Where Permitted.** No person shall ride or drive a horse in any public park or other public property except within the right of way of public streets, roads, alleys or highways and in areas duly designated for such use.

**Subd. 3 Riding-private Property.** No person shall ride or drive any horse upon any private property without the written permission of the owner thereof; provided that proof that the owner of the property permitted or consented to the riding or driving of the horse on his or her property shall be a defense to prosecution under this Section.

**Subd. 4 Rider Responsibility.** Any person who rides or drives a horse on any private or public property, including streets, roads, alleys, or highways, shall be responsible for any damage to the property or to any vegetation, buildings, or fences located thereon.

#### 600.22 Wild or Exotic Animals.

**Subd. 1 Purpose.** The purpose of this Subsection shall be to protect the health, safety, and welfare of the public by controlling potential exposure to species of animals that are known to be a threat to the public's health, safety and welfare.

**Subd. 2 Prohibition.** No person shall own, keep, or otherwise harbor any wild or exotic animal within the corporate limits of the City except as otherwise permitted under this Subsection.

**Subd. 3 Permit.** Any person desiring to keep a wild or exotic animal within the City shall apply for a temporary Special Use Permit from the City Council. The permit may only be issued for a period of time not to exceed thirty (30) days and shall specify conditions under which the animal must be kept. Not permit shall be issued except for animals brought into the city for entertainment, exhibition, or show purposes, or by persons keeping wild or exotic animals as volunteers of a public zoo, docents, or otherwise. A public zoo or other institution engaged in a permanent display of animals, any bona fide research institution, and any veterinary hospital may be issued a permanent Special Use Permit pursuant to applicable zoning regulations and requirements.

**Subd. 4 Certain Animals.** Snakes not prohibited by this Section, birds kept indoors, hamsters, mice, rabbits, gerbils, white rats, guinea pigs, chinchillas, lizards, and similar small animals capable of being kept continuously in cages or aquariums, shall be exempt from the permit requirement of this Subsection.

**Subd. 5 Animal Assistants.** Animals such as guide dogs and monkeys trained as personal helpers to people with disabilities may be kept without a permit but shall be recorded with the City.

**Subd. 6 Fur Farming.** The raising of wild animals for pelts may be permitted by Special Use Permit but the applicant shall provide the City with proof of insurance including public liability insurance with limits of not less than one hundred thousand dollars (\$100,000). The insurance shall provide

coverage for liability resulting from the ownership or possession of the specific animal or animals allowed under the permit.

**Subd. 7 Impounding.** Any wild animal kept in violation of this Section may be impounded by the City. Unless the animal is reclaimed and removed from the City, or unless a special use permit is issued allowing the animal to remain within the City, or unless the owner of the animal petitions the Courts for a determination that the animal is exempt from the provisions of this Section, the animal may be sold or destroyed by the City after at least five regular business days following notice to the owner of the animal's impoundment. Before any animal is reclaimed, the owner shall pay the cost of the impoundment plus all costs of boarding and caring for the animal.

**Subd. 8 Existing Wild Animals.** Any person keeping or maintaining any wild animal at the time this Code is adopted shall have ninety (90) days in which to comply with this Section. Extensions beyond the ninety (90) days may be granted by the City Council for good cause, but in no case shall the extension permanently exempt an animal or its owner from the requirements of this Section.

DRAFT

## MEMORANDUM

<b>To:</b>	Newport Planning Commission Brian Anderson, City Administrator Renee Helm, Executive Analyst	<b>Reference:</b>	Red Rock Gateway Implementation Study—Planning Commission Final Discussion--Draft Zoning Ordinance
<b>Copies To:</b>	Stacie Kvilvang, Ehlers Barb Dacy, WCHRA Melissa Taphorn, WCHRA	<b>Proj. No.:</b>	14861.000
<b>From:</b>	Sherri Buss, TKDA	<b>Routing:</b>	
<b>Date:</b>	February 22, 2012		

At the Planning Commission meeting on March 8, we will complete our discussion of the draft zoning ordinance for the Red Rock Gateway area. Staff have tentatively scheduled a public hearing on the draft and revised ordinance sections at the Planning Commission meeting on May 10. The public hearing will include the new Zoning Map as well as all of the proposed changes to the Zoning Ordinance. I would like to send the draft approved by the Planning Commission to the City attorney, the WCHRA staff, and to a couple of developers during late March-early April to gather any comments they may have on the ordinance, before it goes out for the public hearing. If needed, the PC could meet in April to discuss comments.

I have incorporated the items from the discussion at the February meeting in the attached draft, and prepared the draft for the public hearing. The new draft incorporates the proposed changes into the existing ordinance, and makes changes where needed in sections of the existing ordinance so that all sections that address the MX-3 district are consistent, and cross-referenced where appropriate. I have also added a new section: 1370.09 River Redevelopment Overlay District. This is a short section that addresses the requirements for the new overlay zone that we created on the Zoning Map.

Key changes from the previous drafts include the following:

1. Section 1350—added the M-X 3 District and the River Redevelopment Overlay District in the appropriate sections of the District Classification list. I also added the Historic Neighborhood Conservation Overlay District and Conservation Residential Overlay District. These districts were previously added to the code, but not added to this section.
2. Section 1330.04—Rene will add a column to the Uses table for the MX-3 District, but cross-reference the table to the uses table in 1350.12. The new table for the MX-3 District is complicated, and would be difficult to add to the table in 1330.04.
3. Section 1350
  - Non-residential districts section. I made the requested changes to the I-S District, and created a new Purpose section for the MX-1, MX-2, and MX-3 Districts that includes the language that is in the Comprehensive Plan. The previous language for the MX-1 and MX-2 Districts was not consistent with the Comprehensive Plan, and did not clearly distinguish the districts.
  - 1350.09—dimensional table. The existing table that includes all districts has been updated to incorporate the information for the MX-3 District, and the separate dimensional table for MX-3 that was included in previous drafts has been eliminated.

- 1350.10—the parking standards section for the MX Districts has been updated to reference the parking standards section of the MX-3 District.
- 1350.12—the Additional Standards section for the MX-3 District has been updated per our discussion at the February meeting. I have discussed inclusion of standards in the ordinance vs. the Design Manual with several planners from other communities that use Design Manuals. All felt based on their experience that any numeric, specific standards should stay in the ordinance, and standards that are more “qualitative” in nature along with photos that illustrate the standards belong in the manual. Based on these recommendations, some of the qualitative sections that were included in the previous draft (such as building arrangements) have been moved to the Design Manual, while the quantitative sections continue to be included in the ordinance. The Design Manual is referenced at the end of this section.
  - Based on reviewing ordinances in other communities, the parking section has been revised to include minimum and maximum requirements. This will allow individual developers to make decision about parking based on their identified market, while preserving a range that is consistent with transit-oriented districts.
- Sections 1350.13 and 1350.14 are existing sections in the code. They have been renumbered to reflect the addition of Section 1350.12 for the MX-3 District.

## *Section 1330--General District Regulations*

### **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 residents and business community and minimizes development impacts on the environment, the city is hereby divided into the following zoning districts:

#### **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**

#### **Nonresidential Districts**

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

#### **Mixed Use Districts**

- **MX-1 Downtown Mixed Use District**
- **MX-2 Mainstreet Mixed Use District**
- **MX-3 Transit-Oriented Mixed Use District**

#### **Planned Development District (PDD)**

#### **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**

#### **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

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official publication of the amendments. The official zoning map shall be kept on file in the City hall.

### ***Section 1330.04 - Uses***

**Create cross-reference on Uses Table in this section to the table in 1350.11 for MX-3**

### ***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 businesses and professional services to meet the needs of the residents;
- C. To promote a high quality of total commercial development and design that produces a positive visual image and minimizes the effects of traffic congestion noise, odor, glare, and similar problems.

#### **1350.03 Specific intent of the B-1 General Business District.**

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

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

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

#### **1350.04 Purpose of the Industrial Districts.**

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

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- 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. Each of the districts has a unique purpose, as follows:

- A. *MX-1 District.* The specific intent of the MX-1 Downtown District is to foster a dense, focused, downtown business district with a mix of residential, office, commercial, retail and service uses. “Big box” uses are not allowed. The area should be pedestrian and bicycle-friendly in scale and in design.
- B. *MX-2 District.* The specific intent of the MX-2 District is to include a mix of land uses including residential, commercial and other compatible uses. Commercial uses should serve the Newport community, and may serve the immediate region as well.
- C. *MX-3 District.* The specific intent of the MX-3 District is to encourage a mixture of residential, commercial, office and civic uses in proximity to transit facilities at densities and intensities that support and increase transit use. Development should encourage a safe and pleasant pedestrian environment, maximize access to transit,

provide parking in an efficient and unobtrusive manner, and encourage a sense of activity and liveliness on local streets.

**1350.09 Dimensional provisions for lots and structures.**

The following lot dimension, lot coverage, building dimensions and setback provisions shall apply in nonresidential and mixed-use districts:

Provision	Districts								
	MX-1	MX-2	MX-3	B-1 & B-2	I-1	I-2	IS		
<i>Lot dimension and coverage provisions</i>									
Minimum lot area in square feet	2,400	4,000	None	15,000	30,000	30,000	30,000		
Minimum lot depth in feet	80	100	None	150	200	200	200		
Minimum lot width in feet	30	40	None	100	100	100	100		
Maximum lot coverage by all buildings (%)	80%	50%	None	30%	40%	50%	50%		
<i>Structure setback standards***</i>									
Minimum front yard setback	0	10**	10	20	20	20	50		
Minimum front yard if across collector or minor street from any residential district	10	10**	10	50	50	50	100		
Maximum front yard setback			15						
Minimum side yard if adjacent to mixed-use or non-residential uses	0	5	5	10	20	20	50		
Minimum side yard if adjacent to any residential district	10	10	10	50	50	50	100		
Minimum rear yard	20	20	20	20	20	20	50		
Minimum rear yard if adjacent to any residential district	20	20	20	50	50	50	100		
<i>Parking and driving aisle setback in feet:</i>									
Minimum front yard	Not allowed	Not allowed	Not allowed	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		

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Provision	Districts							
	MX-1	MX-2	MX-3	B-1 & B-2	I-1	I-2	IS	
Minimum side yard	5	5	5	5	5	5	5	
Minimum side yard if adjacent to any R district	5	5	5	30	30	30	30	
Minimum rear yard	5	5	5	5	5	5	5	
Minimum rear yard if adjacent to any R district	10	10	10	50	50	50	50	
<i>Other Provisions</i>								
Maximum building height in feet*	40 3-sty	28 2-sty	See table in Section 1350.14 (D)	40	40	40	40	
Maximum height of storage tank in I-S district							55	
Public utilities required, including sewer	Yes	Yes	Yes	Yes	Yes	Yes	Yes	

\*\* See Section 1300.09 Exceptions to Front Yard Setbacks.

\*\*\* Structure setbacks for the MX-1, MX-2, and MX-3 are as noted by the dimensional provisions unless otherwise specifically approved in a development plan as outlined in the Planned Development District process in Section 1360 of the Zoning Code.

### 1350.10 Parking standards.

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

- A. 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 in which 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 unavailable.
- B. Parking standards for the MX-3 District are included in Section 1350.14 (J).
- C. Additional reductions in parking requirements in the MX-1 and MX-2 Districts shall be permitted with demonstration of proof of parking or a parking management strategy acceptable to the Zoning Administrator. Allowances for reductions in parking requirements in the MX-3 District are included in Section 1350.14 (J).
- D. Surface Parking Lots in the MX-1 or MX-2 District shall be located at the side or rear of buildings and not in the front yard area. Surface parking lot or driveway access may not make up more than 25% of lot frontage.

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**1350.11 Additional Performance Standards for the MX-1 and MX-2 Districts.**

Additional performance standards for MX-1 and MX-2 Mixed-Use Districts:

- A. Exterior Storage: No materials, product or equipment shall be stored outside of an enclosed building except for daily display (during store hours) of merchandise.
- B. All refuse and recycling containers must be stored inside of the principle structure or a fully enclosed accessory structure.
- C. All roof equipment must be screened from public view unless designed as an integral part of the building and is compatible with the site lines of the building, as determined by the Zoning Administrator.
- D. All developments (except for improvements to a single-family detached housing unit or construction of a new single-family detached housing unit) conducted within the MX-1 or MX-2 district must be completed through the Planned Development District process as outlined in Section 1360 of the Zoning Code.

**1350.12 Additional Standards for the MX-3 Transit-Oriented Mixed Use District.**

- A. The specific intent of the MX-3 Transit-Oriented Mixed Use District is to:
  - 1. 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.
  - 2. Encourage a safe and pleasant pedestrian environment near the rail station, and limit conflicts between pedestrians and vehicles.
  - 3. Maximize access to transit.
  - 4. Encourage use of transit infrastructure.
  - 5. Provide parking in an efficient and unobtrusive manner
  - 6. Reduce parking requirements by encouraging shared parking and alternative modes of transportation.
  - 7. Encourage a sense of activity and liveliness along the street level of building facades.

B. Allowed Uses:

USE	PERMITTED	CONDITIONAL USE	NOT PERMITTED
<b>Residential Uses</b>			
Multifamily Residential— townhomes, condos, cooperatives	P (eight units or less per building)	C (more than 8 units per building)	
Mixed-Use (dwelling units above ground floor)	P		
Planned Unit Development		PUD	
Live-work building		C	
Congregate housing for senior populations	P		
Residential care facility (7-16 persons)		C	
<b>Public and Semi-Public Uses</b>			
Churches, synagogues and associated facilities, except schools		C—10,000 square feet or less	N—more than 10,000 square feet
Day care centers in a mixed-use building	P		
Government Offices		C	
Public parks and recreation facilities	P		
Parking garage (as a principle use), park-and-ride lot		C	
Public Utilities		C	
Schools – trade, vocational, dancing, music, arts, and fitness	P—10,000 square feet or less	C—more than 10,000 square feet and less than 50,000 square feet	N—more than 50,000 square feet
Transit stations, related parking, park-and-ride facilities		C	
<b>Commercial Uses</b>			
Auto services (not including body repair or major repair)		C—maximum of 4 bays	
Club or lodge, private	P—10,000 square feet or less		
Conference center	P—10,000 square feet or less	C—more than 10,000 square feet and less than 50,000 square feet	N—more than 50,000 square feet
Convenience retail, including gas, diesel and motor fuel retail sales		C	
Financial services	P		
Fitness and recreation centers, in a		C	

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mixed-use building			
Grocery and produce sales	P—10,000 square feet or less	C—more than 10,000 square feet and less than 50,000 square feet	N—more than 50,000 square feet
Hotel		C	
Learning studio (martial arts, visual/performing arts, fitness)	P		
Medical, dental, and veterinary clinics and laboratories		C—10,000 square feet or less	N—more than 10,000 square feet
Offices— general, medical, professional, free-standing or mixed-use building	P—10,000 square feet or less	C—more than 10,000 square feet	
Printing, publishing, bookbinding, blueprinting		C	
Research, development and testing facilities		C	
Restaurants, including sidewalk cafes, freestanding or mixed-use buildings, bakeries, delicatessens, coffee shops, catering services	P--no liquor served	C—liquor served	
Retail businesses, free-standing or mixed-use building	P—10,000 square feet or less	C—more than 10,000 square feet and less than 50,000 square feet	N—more than 50,000 square feet
Service businesses--such as beauty shops, barbershops, dry-cleaning(drop-off/pickup only, no on-site processing)		C—10,000 square feet or less	N—more than 10,000 square feet
Small scale manufacturing, assembly, and artisans	P--5,000 square feet or less	C—more than 5,000 square feet and less than 10,000 square feet	N—more than 10,000 square feet
Structured parking facilities	P		
<b>Accessory Uses</b>			
Drive up facilities		C	
Gazebo, arbor, play equipment in public or private open space area	P		
Renewable energy system	P		
Parking lot	P		
Swimming pool	P		
<b>Uses that are not permitted in MX-3</b>			
Auto body painting, repair and body work, towing services			N
Single-family dwellings			N
Manufactured single-family			N

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dwelling			
Mobile Homes			N
Outdoor sales in conjunction with a permitted use			N
Parking lots as a principle use			N
Storage, mini-storage, cold storage			N
Warehousing and Industrial uses			N

C. Administrative Procedure for Development

1. *Preliminary Review.* Anyone planning to develop or redevelop property in an MX-3 District shall meet with the City Administrator (1) during the conceptual design process in order that the staff may offer input into meeting the ordinance requirements and design standards and (2) during the design development stage to ensure that the plans meet the minimum MX-3 District Standards.
2. *Station Area Plan Procedure.* No new development or redevelopment on the Station Area Site (“Old Knox Site”) may occur, and no building permit will be issued, without approval of a Station Area Plan conforming to the requirements of this section. Approval of individual site plans must conform to the Station Area Plan. Upon the submission of the Station Area Plan, the Planning Commission will conduct a public hearing and make a recommendation to the City Council, which shall approve, modify, or deny the Station Area Plan. The Station Area Plan shall include the following:
  - a. A drawing showing existing conditions such as property boundaries, generalized contours, site features such as wetlands and wooded areas, and surrounding land uses and development.
  - b. A conceptual development plan showing public and private open space, and general site data such as potential parcel boundaries and 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, proposed improvements to existing roads, and an analysis of expected traffic generation and the adequacy of the proposed transportation infrastructure.
  - d. An elements plan that includes, but is not limited to, lighting, public art, planters, fountains, litter receptacles, benches or seating areas.
  - e. The findings necessary for approval of the Station Area Plan include, but are not limited to, the following:
    - i. The Station Area Plan is consistent with the intent of the MX-3 District.
    - ii. The Station Area Plan reflects development that:
      - A. Is not detrimental to the public health, safety, or general welfare
      - B. Is not hazardous, detrimental or disturbing to surrounding land uses, or that creates pollution, vibration, general unsightliness, electrical interference, or other nuisances

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- C. Does not create traffic congestion, unsafe access, or parking needs that will cause inconvenience to adjoining properties
  - D. Is served adequately by essential public services such as streets, police, fire protection, utilities, and parks
  - E. 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
  - F. Causes minimal adverse environmental effects
  - G. Each phase or stage of the Station Area Plan can exist as an independent unit.
3. *Site Plan Approval Required.* A site plan approval is required for all new construction in the MX-3 District. Application for a site plan review shall be made to the City on forms provided by the City, and shall be accompanied by the following:
- 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 1360.08 of the Zoning Code, signed by a registered architect, civil engineer, landscape architect, or other appropriate design professional, as required by the State Building Code
  - f. Architectural plans showing the following:
    - i. Colored elevations of all sides of the building
    - ii. Type, color, and samples of exterior building materials
    - iii. Typical floor plans
    - iv. Dimensions of all structures
    - v. The location of exterior trash storage areas and of exterior electrical, heating, ventilation, and air conditioning equipment
    - vi. Utility plans including water, sanitary sewer, and storm sewer
    - vii. A plan showing landscaping, lighting, and signs that meet code requirements
    - viii. Illustrations that show adjacent building elevations to show the scale of adjacent buildings and landscaping
    - ix. Such other information as may be required by the City to process the application
4. *Public hearing and approvals.* Upon receipt of a completed application, a date shall be set for a public hearing before the Planning Commission. The hearing will be held no less than 10 days after mailed notice is sent to the owners of property located wholly or partially within 350 feet of the site. The Planning Commission shall submit its recommendation to the City Council. Following appropriate review, the Council shall make a decision regarding the application.
5. *Administrative Approval.* To offer some degree of flexibility, the City Administrator has the authority to administratively increase any of the development and urban design standards by five percent (5%) in an MX-3 District. If administrative approval is required for parking or an item normally approved by the Planning Commission and City Council, the City Administrator shall only grant approval after consultation with other City staff (public works, building inspections, fire chief, etc.).

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

D. Dimensional standards and densities.

- 1. The following requirements apply to all buildings or uses in an MX-3 District:

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

\*Maximum height may be increased upon issuance of a Conditional Use Permit. The setback requirements in Section F (2) e apply for increases in height adjacent to single-family residential uses.

E. Densities

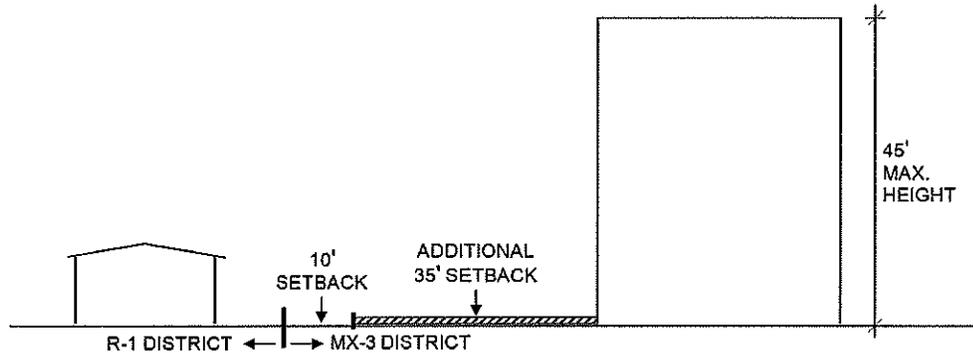
- 1. The maximum residential density in the MX-3 District shall be 50 units/acre
- 2. The minimum residential density in the MX-3 District shall be 30 units/acre
- 2. The minimum net FAR (Floor Area Ratio) for residential and non-residential uses shall be 0.5 FAR

F. Height and Setback Standards

- 1. General setback standards for the MX-3 District are indicated on the table in Section 1350.11.
- 2. Additional setback and building height standards for the MX-3 District include the following:

Adopted June 6, 2002  
 Draft revision March 8, 2012

- 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. 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. Applicable side and/or rear yard setbacks adjacent to single-family residential areas shall be increased by one foot for each additional foot (1:1 ratio) of building height in the MX-3 District.



- G. **Open Storage Prohibited.** Outside storage shall be prohibited in the MX-3 District.
- H. **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 percent (5%) of commercial and mixed-use 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 for commercial and mixed-use sites 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.
  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.

- I. *Parking Requirements.* For purposes of this section, 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.’

USE	PARKING MINIMUM	PARKING MAXIMUM
Residential	1.5 spaces plus 10% for guest parking	2.5 spaces 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 and similar uses	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 maximum may be exceeded by 25%.
  - b. If a shared parking agreement is executed, parking maximum 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 maximum may be exceeded by 10%.
  - d. If driveways and access points are shared by at least two adjacent properties, parking maximum may be exceeded by 10%.
  - e. If a provision is made for combining or interconnecting adjacent parking lots and pedestrian access points, parking maximum may be exceeded by 10%.
  - f. In no case shall the cumulative increase in parking exceed the maximum by more than 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 surface parking areas for more than ten (10) motorized vehicles 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. Walls shall meet the performance standards for structures and screening included in Section 1330.05 and in this Section, Item L(2) f.
9. Structured parking shall meet the following additional requirements:
  - a. At least fifty percent (50%) of the linear street level frontage of structured non-municipal parking facilities 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.

J. 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 square 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.

K. M-X 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 space.
    - 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 and at least forty percent (40%) of the area of the first floor street level frontage. At least fifty percent

- (50%) of the windows shall have the lower sill within three feet of the grade.
- 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 façades.
- 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 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.
- d. Building entrances and orientation. At least one or more operable pedestrian entrances per building shall be provided. In a building where all four circumstances below exist, only two (2) entrances shall be required:
- i. 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.
  - ii. 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.
  - iii. 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.
  - iv. 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. 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, wooden exteriors.
  - iii. 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), Minnesota Sustainable Building Guidelines, and similar programs.
  - iv. Alternative Designs or Materials. To encourage creativity, imagination, innovation, and variety in architectural design, the Planning Commission may recommend modifications of the requirements of this Section and the City Council may approve such modifications upon determining that the proposed architectural design or exterior façade materials meet all of the following conditions:
    - 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.
- f. 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 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 (5') to six feet (6') can be expected as normal growth within four years of planting. The average expected height may be reduced to four feet (4') for screening along public streets.

- 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 (6') high solid and finished masonry wall with closeable gates. In no instance shall a chain link fence, wood, vinyl, or barbed wire fence be permitted.
- g. 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.
- h. 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 twenty-four 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 façades, 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.

i. Light Intensity

- i. 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.
- ii. 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.
- iii. 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. where signs, banners, flags, and pennants for identification or decoration are provided, they shall conform to the following:
  - i. Wall signs shall have a maximum of one-hundred fifty (150) total square feet or five percent (5%) of the building wall area occupied by the user, whichever is less. Wall signs may be increased by twenty (20) square feet per sign in lieu of a ground mounted or monument sign.
  - ii. 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.
  - iii. Marquee signs are permitted.
  - iv. Ground mounted or monument signs are permitted as follows:
    - o Signs shall not exceed ten feet (10') in height and forty (40) square feet in area.

- Signs shall be located behind the right-of way and out of any sight distance triangle.
- Signs shall be setback five feet (5') from any property line.
- No freestanding pole signs shall be permitted.
- No off-premise signs shall be permitted.
- v. 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.

L. 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.

END OF NEW MATERIAL

**1350.13 Commercial, Industrial, and MX-1 and MX-2 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.

**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.

## **1370.09 River Redevelopment Overlay District.**

**Subd. 1 Findings.** The City finds that the development of new transit facilities in the MX-3 Transit-Oriented Mixed Use District and redevelopment of the MX-3 District will benefit the general health and welfare of the residents of Newport by fulfilling needs for housing, transportation, and employment. Redevelopment in the MX-3 District may encourage redevelopment of adjacent industrial zoning districts in the long-term. Redevelopment in adjacent areas should be coordinated with the City's long-range plans for the MX-3 District to benefit the community and make the best use of public and private investment in the area.

**Subd. 2 Purpose and Intent.** The River Redevelopment Overlay District is created to coordinate future redevelopment in the overlay district with redevelopment in the adjacent MX-3 Transit-Oriented Mixed Use District.

**Subd. 3 Objectives.** The objectives of this district are to:

- A. Provide for City review of proposed new uses and redevelopment of parcels in within the River Redevelopment Overlay District.
- B. Coordinate redevelopment within the Overlay District with redevelopment plans and activities in the adjacent MX-3 Transit-Oriented Mixed Use District.
- C. Implement the City's concept plans for redevelopment in and around the MX-3 District by creating connections to the Mississippi River.

**Subd. 4 Establishment of the River Redevelopment Overlay District.** A River Redevelopment Overlay District with its attendant regulations shall be hereby established as part of the Zoning regulations of Newport, Minnesota. This district shall overlay the existing I-1 and I-2 Zoning Districts so that any parcel of land lying in the overlay district shall also lie in the underlying established zoning district. Territory within the overlay district shall be subject to the requirements established in this Section, as well as restrictions and requirements established by other applicable Code Sections, the Subdivision Ordinance, and other ordinances and regulations of the City. Within the overlay district, all existing uses shall be permitted in accordance with the regulations for the underlying zoning district provided, however, parcels within the overlay district shall not be entitled to add new uses or redevelop their sites until they have first satisfied the additional requirements established in this Subsection.

**Subd. 5 District Boundaries.** This Subsection shall apply to the River Redevelopment Residential Overlay District which shall be delineated on the official zoning map of the City for purposes of determining the application of this Subsection to any particular parcel of land. The above-referenced map shall be on file in the office of the Zoning Administrator and shall be available for inspection and copying.

**Subd. 6 Definitions.**

- A. Redevelopment. "Redevelopment" is the construction of new buildings, facilities or uses on a site that has existing uses.

**Subd. 7 New Uses Permitted.** Permitted uses in the River Redevelopment Overlay District are those uses which are acceptable to any overall redevelopment plan adopted by the City and specific redevelopment plans approved by the City. Uses permitted in the MX-3 District are permitted within the River Redevelopment Overlay District. Upon approval of the specific redevelopment plans, the City shall determine the specific uses that are permitted within the development.

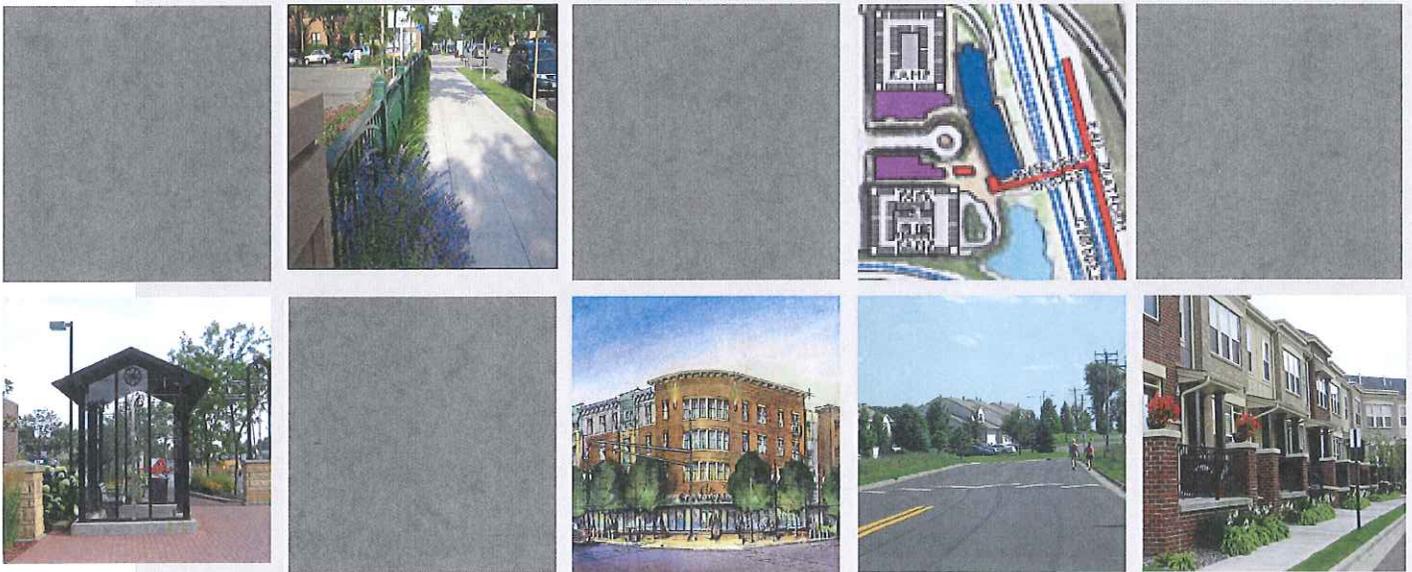
**Sub. 8 New Uses Excluded.** The following types of uses are not permitted in the River

Redevelopment Overlay District:

- A. Uses which may be dangerous, create annoying odors, noise disturbances or be otherwise detrimental to the general welfare of persons residing or working in the vicinity thereof or may impair the use, enjoyment or value of any property.
- B. Trucking terminals.
- C. Uses whose operation requires the outdoor storage of materials or equipment, including the outdoor manipulation of said materials or equipment.
- D. Uses whose principal operation requires the outdoor storage of motor vehicles, including the outdoor manipulation of said motor vehicles.

**Subd. 8 Process for Approval of Redevelopment Plans.** Plans for each new use or redevelopment project or combination of projects in the River Redevelopment Overlay District must be submitted to the City Administrator for concept plan review. Site plan approval is required for all new construction in the River Redevelopment Overlay District. Applications and process for site plan approval shall follow the requirements for site plan approval identified in Section 1350.14, Section C.

# RED ROCK GATEWAY AREA DESIGN GUIDELINES



**City of Newport, Minnesota**

DRAFT--March 2012  
Project No. 14861.000



## **Introduction and Purpose of the Design Guidelines**

The development of the Red Rock Corridor and its Station Area in Newport will bring opportunities for development and redevelopment of residential, commercial and civic uses in the northwest portion of the city. The 30-mile Red Rock Transit Corridor will provide services between Saint Paul and Hastings. The transit services in the corridor will be developed over the next 20 years, beginning with a new bus Park and Ride facility in the near term, and including a commuter rail facility as ridership builds in the corridor.

Washington County purchased the 11-acre Station Area site (sometimes called the "Old Knox site") in 2011. The Red Rock Gateway Area, including the Station Area, includes approximately 40 acres. The Gateway Area has many owners, and includes existing commercial, residential, industrial and transportation uses. The Gateway Area and adjacent areas offer many opportunities for redevelopment with new uses that will benefit from and support the new Red Rock Corridor transit facilities.

Redevelopment of the Red Rock Gateway Area is likely to occur over an extended time period, and may involve numerous private developers and public entities. These Design Guidelines were developed to be used in tandem with the City's updated zoning ordinance, to guide and shape future development in the area to meet the City's goals and support transit use, and to communicate development standards and preferences to potential developers. The standards address issues such as site design, building massing and height, building location, parking design and environmental design.

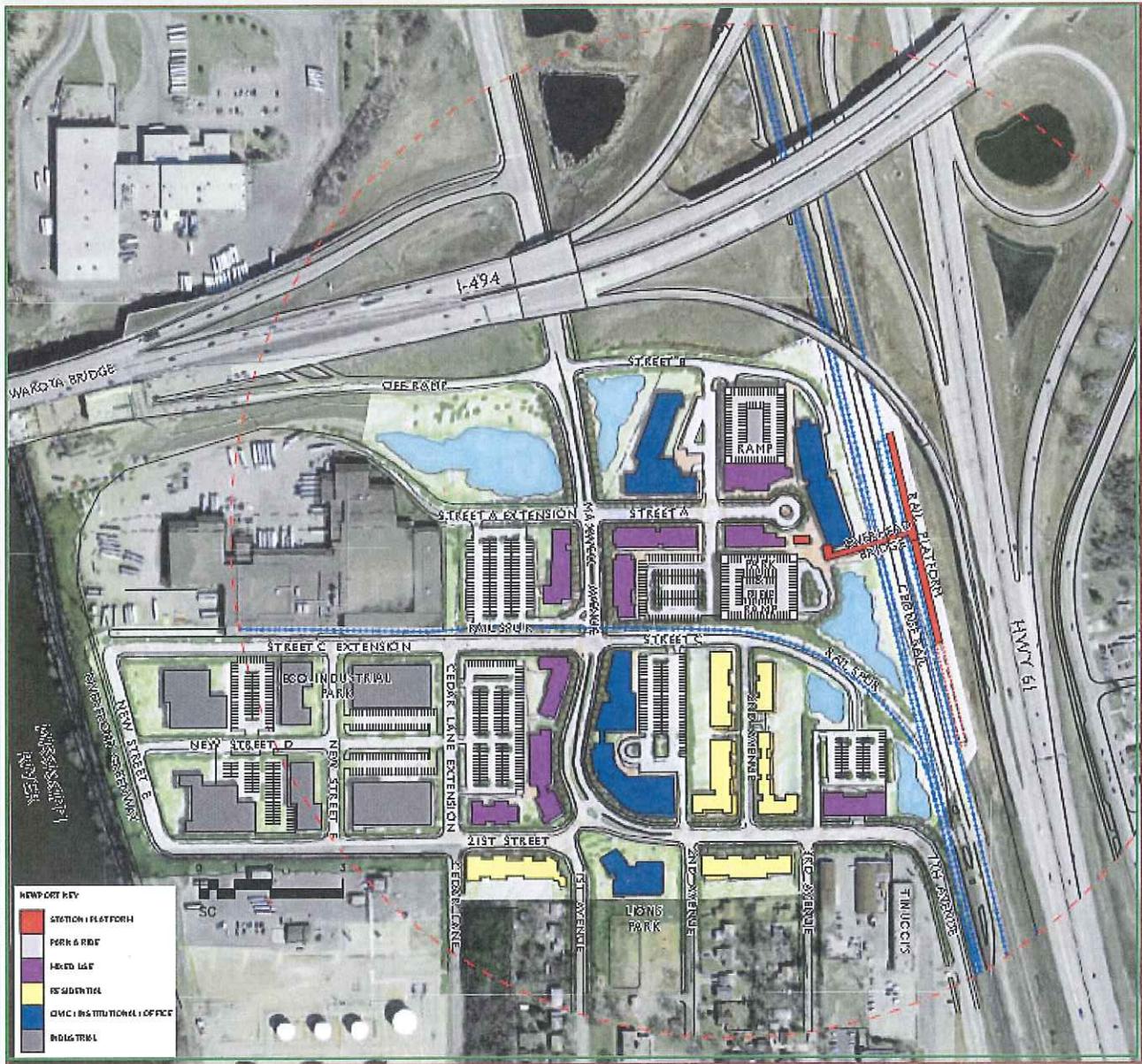
The city's zoning code regulations, zoning map, and Comprehensive Plan have legal standing related to future development in the Gateway Area. Development applications that are consistent with the City's regulations and guidelines and are approved by the City Council will form the basis of final agreements with successful developers. The zoning code takes precedence in cases where minimum requirements are not stated in this document, but are otherwise defined in the zoning code.

Prospective developers, residents, the Planning Commission and Council should consult these guidelines and consider them as additional criteria when reviewing and commenting on development proposals in the course of an open, iterative public process. The guidelines depict preferred conditions for new development, and as such they are the foundation of dialogue with development interests and will influence future development in the Red Rock Gateway Area.

## **Creating the Guidelines**

The design guidelines included in this document were developed with the city's Planning Commission. The Commission developed the guidelines in tandem with the update of the city's zoning ordinance to include the new requirements and standards for development in the Gateway Area. The Commission's recommendations were recommended to the Council, and approved by the Council in \_\_\_\_\_, 2012.

*The development of the Design Guidelines was funded by a Livable Communities Grant that the City received from the Metropolitan Council.*



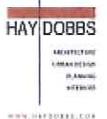
NEWPORT LONG TERM STATION AREA CONCEPT PLAN (YEAR 2040+)



## NEWPORT STATION AREA

Red Rock Corridor Station Area Planning and Site Master Planning

[www.RedRockRail.org](http://www.RedRockRail.org)



## The Red Rock Gateway Area and Existing Conditions

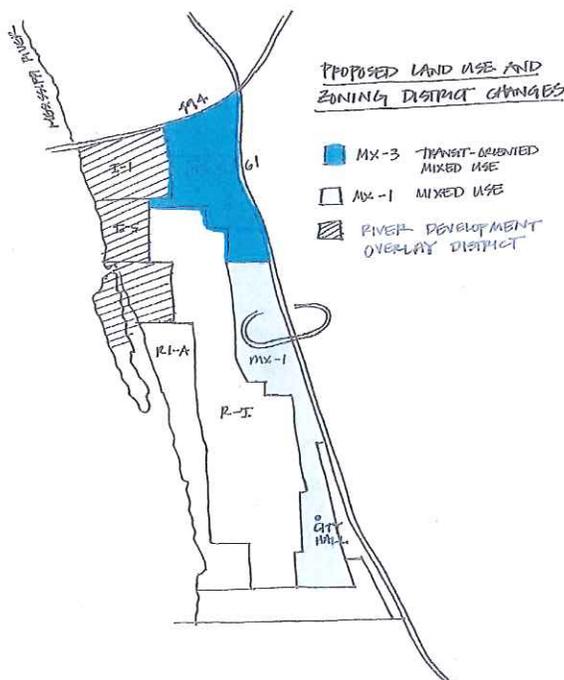
The Red Rock Gateway Area is located at an important regional transportation interchange between I-494 and U.S. Highway 61. A major rail corridor runs along the eastern boundary of the area, with a spur line that runs east-west through the Area. Existing land uses in the area include commercial, industrial, transportation, and residential uses. The Mississippi River is approximately one-quarter mile to the west of the Red Rock Area.

The future Red Rock Station Site (“Old Knox Site”) is located at the north end of the Gateway Area. The station site is bordered to the south by the spur line and existing commercial and single-family residential areas. To the west and north, the site is bordered by industrial and transportation uses. Existing local transportation connections to the site include Maxwell Avenue (County Road 38), local streets and a pedestrian trail along Maxwell Avenue. Lions Park is located just to the south of the Gateway Area, across Maxwell Avenue.

## Zoning

The city updated its zoning map and ordinance in 2012 to be consistent with the uses and goals identified for the Gateway Area in the City’s 2030 Comprehensive Plan. The Gateway Area is included in the **MX-3 Transit-Oriented Mixed Use Zoning District** and the **River Redevelopment Overlay District**. The intent of the districts is to encourage a mixture of residential, commercial, office and civic uses in proximity to the commuter rail station that support transit use and redevelopment of the area over the long-term.

The MX-3 District allows for a wide range of residential, commercial, and civic uses within the Gateway Area. New industrial uses are not allowed within the District. The City has updated its Zoning Ordinance to include the uses, dimensional standards and performance standards for the MX-3 District.



### Uses in the MX-3 District

The uses allowed in the MX-3 District include the following:

*Residential:* Townhomes, mixed-use (residential and commercial in the same building), live-work building, senior housing, apartments and condominiums.

*Civic and Semi-Public:* Parks and public recreation facilities; transit stations and related parking or park-and-ride facilities; public utilities; day care centers; trade and arts schools; and government offices.

*Commercial:* A variety of retail and service businesses, financial services, offices, hotels and conference centers, restaurants, research and development facilities, small-scale assembly businesses, fitness centers, and similar uses.

### River Development Overlay District

The City has established the River Development Overlay District for the area to the west of the MX-3 Zoning District. The Overlay District includes an area that is currently occupied by industrial uses. The Overlay District requires that any proposed change in use or redevelopment in this area submit a Master Plan to the City. The City anticipates that as the Gateway Area is developed, the existing industrial uses in adjacent areas may be replaced by other uses.

### **Planning and Design Principles**

*The following principles articulated in the comprehensive plan and by the Planning Commission and Council describe the rationale behind the design guidelines for the Red Rock Gateway Area:*

1. **A mix of uses.** The area will include a mix of land uses. The land uses, densities and design of the area should take advantage of the transit services that will be provided on the site, and support the use of transit.
2. **Efficient use of land.** The design of the area should provide for efficient use of land. Parking should be provided in an efficient and unobtrusive manner. Buildings should make efficient use of the site.
3. **Connectivity and Circulation.** The uses in the Gateway Area should be well-connected with each other, with adjacent neighborhoods and the rest of the City. The area should comfortably and safely accommodate pedestrians, bicyclists, autos, and transit users.
4. **Architectural interest at a human scale.** Building design should demonstrate creative, modern interpretation of traditional architectural principles such as articulated base, middle and top of buildings. This will assist in retaining the human scale in the new buildings.
5. **Sensitivity to adjacent neighborhoods.** New development should be sensitive to the existing single-family neighborhoods to the south. Building heights and setbacks and

connections to these areas should be managed so that new uses are compatible with adjacent neighborhoods.

6. **Facilities for pedestrians and bicycles; lively public spaces and streets.** New development should include trails, public gathering spaces, park areas, and streetscape elements that encourage a sense of activity and liveliness throughout the area.
7. **Respect for local ecology.** Development should respect and improve the ecology of the site, through integration of sustainable building and site design principles, responsible stormwater management and provision of landscaped green areas.

### **Engineering Standards**

The City has adopted a Public Works Design Manual. The manual provides the standards that should be used for grading and erosion control, street design, storm sewer design, and the design of other infrastructure in the Red Rock Station Area. Development in the Red Rock Gateway Area should be consistent with the City's adopted standards.

# RED ROCK GATEWAY DESIGN GUIDELINES

## A. Area-wide Design Guidelines

### 1. Connectivity and Circulation

*The uses in the MX-3 District should be well-connected with each other, with adjacent neighborhoods and the City. The area should comfortably and safely accommodate pedestrians, bicyclists, autos, and transit users. Facilities for pedestrians and bicyclists should include the following:*

- Internal sidewalk connections are required between buildings and from buildings to all on-site facilities (parking areas, bicycle facilities, open spaces, etc.)
- Bicycle lanes should be provided on all streets, and bicycle facilities such as bike racks or lockers should be provided by all uses, including the transit station.
- All new development shall include sidewalk and trail connections that provide direct connections from all buildings to the sidewalk system and to adjacent multi-use trails, parks, and greenways. Sidewalks or trails are required along all street frontages.
- Sidewalks shall be a minimum 5 feet wide. The City will identify design and material requirements for sidewalks in the District. Sidewalks and streets shall meet the standards identified in the City's Public Works Design Manual.
- All crosswalks across public or private drives shall be a minimum of 5 feet wide and shall be constructed with a distinctive paving color, pattern or material, as approved by the city.
- The on-site pedestrian circulation system shall be well-lighted so that employees, residents, and transit users to safely use the sidewalk and trail system at night.



## **2. Building Placement and Relationship to Streets**

*Buildings should be oriented toward the street to improve the attractiveness, legibility and walkability of the area near the Red Rock Station. Building design should include features that create pedestrian interest. Building design should include the following characteristics:*

- No blank walls are permitted to face public streets, walkways or open spaces. Buildings should have a well-defined front façade and entry that faces the primary street. Building alignment should parallel the street.
- Buildings should occupy at least 60 percent of the lot frontage.
- The first floor of non-residential buildings fronting directly on a street shall include clear glass windows and doors to create pedestrian interest. At least 50% of the length and 40% of the area of the first floor shall be window openings.
- The first floor should include design element that enhance the street, such as changes in materials and color, lighting, street furniture and landscaping.
- At intersections, buildings shall have front and side facades aligned at or near the front property line.



These buildings have well-defined entries on the street, ample window openings, and are aligned at the property line.

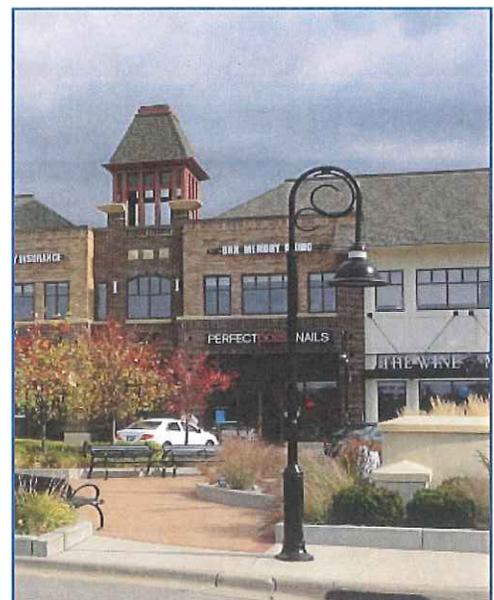
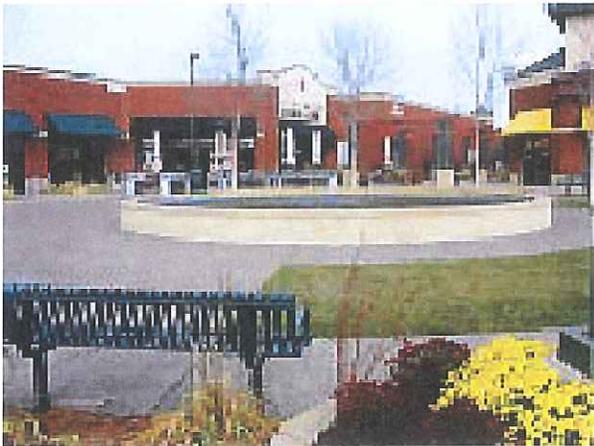


Building design includes windows, canopies and landscaping that enhances the street. Front and side facades are aligned at the property lines.

### 3. Public and Common Spaces

*New residential developments are required to provide a minimum of 10% of the project site as public open space, to provide places for recreation and gathering for residents, workers and transit users in the Gateway area. Requirements for public open space include the following:*

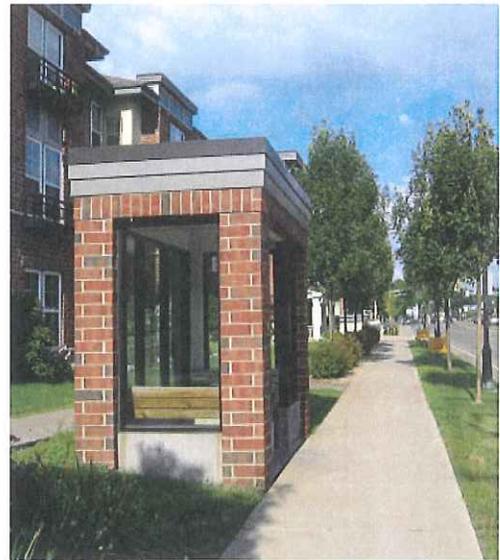
- Commercial and mixed use site must provide a minimum of 5% of the project site as open space. The open space may be designed as a square, plaza, terrace or green, and should include elements such as landscaped and paved surfaces, seating, and other amenities.
- Public open spaces shall be accessible to the users of the building and the area, and must be visible and easily accessible from the street or pedestrian areas.
- Open spaces shall including landscaping, seating, and other amenities. Examples of potential open space types and amenities include the following;



#### 4. Transit Facilities

Transit facilities should be visible, safe, comfortable and attractive, and support a variety of transportation modes. The facilities should include connections and facilities that encourage use by pedestrians, bicyclists and drivers.

- Transit shelters and station facilities should include amenities that encourage transit use, such as benches, lights, wayfinding and informational signage and heat.

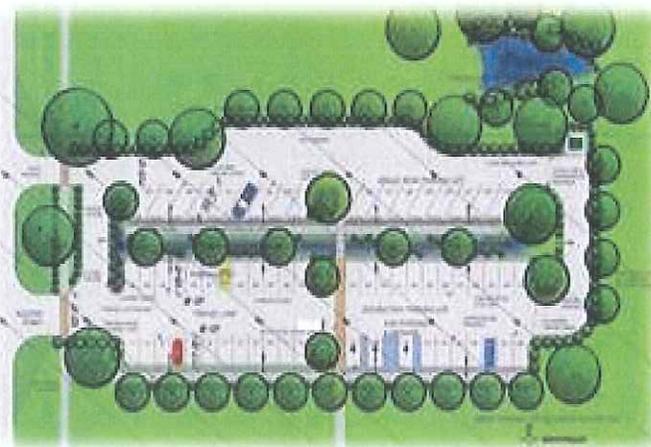


## 5. Parking Areas and Structures

*Parking areas should utilize land efficiently, and blend with surrounding uses. Detailed parking requirements are included in the ordinance. The visual impact of parking lots should be minimized, and structured parking should be consistent with the architectural design and materials of buildings in the station area.*

### Parking lots

- Parking may not be located in the front of buildings or within setback areas.
- Parking lot frontage on major streets should be minimized, and the lots should be screened with a combination of hedges, ornamental fences, trees or similar elements.
- Internal parking lot landscaping should be included to meet the City's standards. Parking lots should incorporate storm water practices that provide green amenities when feasible.
- Shared parking is encouraged between adjacent uses. Shared parking may be considered based on peak and off-peak timing, business hours and special events.



## Structured parking facilities

- Structured parking facilities should be designed to encourage and complement pedestrian-scale interest and activity and surrounding buildings. Active uses such as shops should be included when possible on the ground floor. Motorized vehicles parking on inside levels of the facility should be screened from the street, the commuter rail station, and from adjacent residential properties.
- Entrances (pedestrian and vehicular) should be clearly defined.



This new building in Minneapolis integrates parking on the lower and middle levels with office space on the upper levels.

The structured parking facility at the right is a good example of relating the building to pedestrian facilities and surrounding buildings. Vehicles are screened from the street view and adjacent apartments.



## 6. Landscaping and Site Improvements

Healthy, attractive landscape areas should compliment the buildings, facilities and common spaces in the MX-3 District. The areas include native and non-invasive tree, shrub, grass and flower species in arrangements that do not require intensive maintenance. Landscape areas should provide multiple benefits, including providing shade, relief from hard surfaces, and incorporate storm water management practices when feasible.

- Boulevard trees should be incorporated along streets, sidewalks and trails throughout the district. A variety of native species or cultivars that are non-invasive and hardy in Minnesota should be utilized. The list of recommended species includes the following:
  - American elms (*Ulmus Americana*)—cultivars that are resistant to Dutch Elm disease
  - Basswood (*Tilia Americana*)
  - Bur oak (*Quercus macrocarpa*)
  - Corktree (*Phellodendron* species)
  - Maple cultivars (*Acer*) such as Autumn Blaze (*A. jeffersred*) and Celebration (*A. Celzam*)
  - Kentucky coffeetree (*Gymnocladus dioicus*)
  - Northern pin oak (*Quercus ellipsoidalis*)
  - Ohio buckeye (*Aesculus glabra*)
  - Red oak (*Quercus rubra*)
  - Swamp white oak (*Quercus bicolor*)
  - White oak (*Quercus alba*)
- Landscape areas should incorporate seating, walkways, and sculpture, fountains or public art where feasible.



## 7. Screening

Utility areas should be screened from view and designed to minimize the noise impacts of related activities.

- All service entrances, utility structures associated with a building, and loading docks and/or spaces should be screened from public view as required in the zoning ordinance, and located at the side or rear of the building. Dumpsters, recycling containers, compactors, and solid waste handling areas are not permitted in any setback or yard and shall be screened from adjacent property and from public view with a six-foot (6') high solid and finished masonry wall with closeable gates.
- Any fences or walls used for screening or other purposes shall be constructed of durable materials, such brick, stone and other masonry materials specifically designed as fencing materials. Chain link, wood, vinyl, or barbed wire fences are not permitted.
- The maximum height for walls and fences shall be 6 feet or whatever is sufficient to visually screen the use but not less than 4 feet.
- Landscaping used for screening should be evergreen and at least 4 feet tall with a minimum spread of 2 feet.



## **8. Lighting**

Exterior lighting should provide illumination for safety and security at entry drives, parking areas, service and loading areas, on pathways, courtyards, plazas and other public spaces. Lighting should comply with the Zoning Code requirements, including the following design standards:

- Light fixtures should be compatible with the City's preferred design and the architecture of surrounding buildings. Pedestrian-scale lighting, not exceeding 20 feet in height, should be located adjacent to walkways and entrances to buildings.
- Lighting should meet the requirements of the City's ordinance to be down-cast and minimize impacts on adjacent properties.
- Parking lot lighting should include both commercial-grade lighting and pedestrian style fixtures. Pedestrian fixtures should be used for lighting internal parking lot walkways. Low-level fixtures such as bollards shall be incorporated to light parking lots, drop-off areas at building entries, and other pedestrian ways.
- All primary walkways, steps, or ramps along pedestrian routes shall be illuminated.



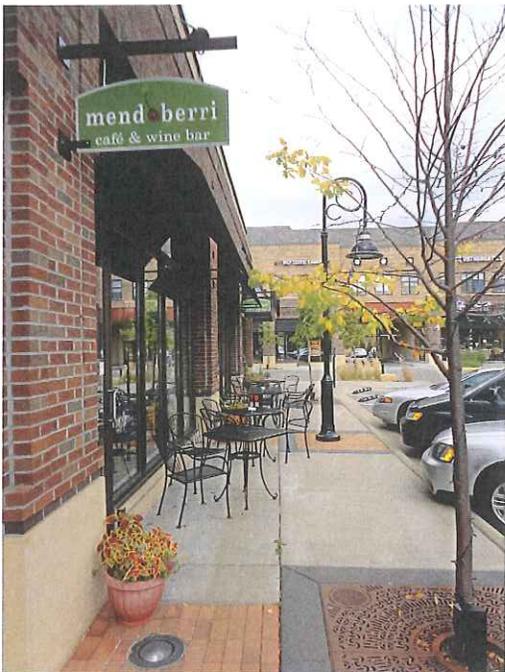
This table includes the lighting standards in the Red Rock Gateway area:

<b>Location</b>	<b>Minimum Level of Illumination</b>
Building entrance	5.0 foot candles
Sidewalks	2.0 foot candles
Bikeways	1.0 foot candles
Courts, plazas and terraces	1.5 foot candles
Ramps	5.0 foot candles
Stairways	5.0 foot candles
Waiting areas	1.0 foot candles
Parking lots	1.0 foot candles

## 9. Signs

Signs should be compatible with the architectural character of the buildings in the Gateway Area, assist in way-finding, and enhance the appearance of the area.

- Wall sign should be positioned so they are integral to the design of the building and complement its features. Signs may be placed in the horizontal lintel above windows or doors, projecting from the building, or as part of an awning.
- Ground or monument signs are encouraged rather than pylon signs. Sign materials and colors should be similar to those of the principle building. The area around the base of the sign should be landscaped.
- Sign illumination is required to meet the requirements of the City's zoning ordinance.



## 10. Stormwater Facilities

New development in the Red Rock Gateway area must meet the City and Watershed District requirements for managing storm water rate, volume and quality. These facilities should address goals for using sites efficiently and creating an attractive area by designing stormwater facilities as amenities where possible.

- A variety of stormwater management strategies may be utilized, and creativity in design is encouraged. Stormwater treatment strategies should be design to meet multiple goals, such as serving as amenities or enhancements to landscaping and common spaces.
- Stormwater facility design should consider the following
  - Minimize total impervious areas—this may be accomplished by using multi-story parking structures and buildings, and by using porous and pervious pavement materials.
  - Minimize direct connections between impervious surfaces—sidewalks, trails and other surfaces may be sloped to drain to lawns or vegetated swales.
  - Plant trees, shrubs and native grasses and flowers to capture and infiltrate runoff.



*The photos above show approaches to infiltrating surface water runoff that are attractive and effective.*



*The planting around the stormwater pond filters runoff, discourages geese, and adds to the attractiveness of the open space area nearby.*

## B. Building Design

### 6. Dimensional standards and densities

The Zoning Code includes the following dimensional and density standards for uses in the Red Rock Station Area:

Dimensional Standards:

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

The maximum residential density allowed in the MX-3 District is 50 residential units per acre. The minimum residential density in the MX-3 District shall be 30 units/acre.

The minimum net FAR (Floor Area Ratio) for residential and non-residential in the MX-3 District is 0.5 FAR.

*Examples of mixed-use developments in Twin Cities communities that meet these standards include:*



## **2. Building Arrangement-- Residential Buildings**

Residential building relationships to the street should reinforce the design objectives of the district, while providing well-designed open space that serves the residents and provides an attractive setting for these buildings.

- Townhouses and rowhouses may be arranged along the street without a common open space. For buildings organized in this way, open space should be provided on individual lots or on privately defined spaces to the rear of attached buildings.
- Multifamily buildings may be arranged around a common courtyard that faces the street, with parking areas taking access off a shared drive to the side and rear of the buildings. The area of the courtyard shall be counted towards the overall density, toward lot coverage calculations, and as part of the lot area per unit.
- Townhouses and multifamily buildings may be arranged along the street with a common open space area to the rear or side of the building(s). The open space area designated for resident use shall be counted towards the overall density, toward lot coverage calculations, and as part of the lot area per unit.



### 3. Building Facades

The exterior of new buildings should 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 other architectural elements.

- A building more than forty-five feet (45') in width should be divided into increments of no more than twenty feet (20') through articulation of the façade. This can be achieved through combinations of the following: division or breaks in materials, window bays, special treatment of entrances, subtle variations in rooflines and parapet detailing, building setbacks, awnings, or repetitive elements.
- Multi-story buildings should have a well-defined base, middle and top. The base or ground floor should be visually distinct from the upper stories. This may be achieved through a change in building materials, window shape or size, awnings, cornice lines, or similar techniques. The ground floor of the building should include elements that relate to human scale, such as cornices, molding, ornamentation, recessing, architectural lighting, and other elements that add special interest to the ground floor.
- The first floor of all buildings, including structured parking facilities, shall be designed to encourage and complement pedestrian scale interest and activity.
- Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street-facing facades.



These buildings have facades that illustrate the design guideline requirements to include visual breaks in the façade, appropriate window design, and relate the building to the street and pedestrian scale.

***b. Window and Door Design (example photos on previous page)***

- No blank walls are permitted to face public streets, walkways, or public open space. Expanses of blank walls shall not exceed twenty (20) continuous feet in length.
- All non-residential buildings fronting directly on a street should 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 forty percent (40%) of the area of the first floor street level frontage for commercial and mixed-use buildings.
- For multifamily residential buildings, a minimum of 20 percent of the primary (street-facing) facades and 15 percent of each side or rear façade shall consist of window and door openings.
- Mirrored glass or glass block should to be used on street-facing facades. Glazing in windows and doors should be clear or slightly tinted, allowing views into and out of the interior.
- Window shape, size and patterns should emphasize the intended organization of the façade and definition of the building.

***c. Entries***

- Primary building entrances should face the primary abutting public street or walkway, or link to that street by a clearly defined and visible walkway or courtyard. Secondary entrances may be oriented to a parking area or secondary street. The main entrance should be placed at sidewalk grade. Entrances shall be designed with one or more of the following:
  - Canopy, portico, overhang or arch above the entrance, or similar design element
  - Recesses or projections in the building façade surrounding the entrance
  - Peaked roof or raised parapet over the door
  - Architectural detailing such as tile work or ornamental moldings
  - Permanent planters or landscape elements
- Multifamily residential buildings shall include elements such as porches, steps, roof overhangs or similar architectural elements to define the primary entrance.



***d. Corner Building Placement***

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



***e. Canopies***

- Canopies, awnings, cornices, and similar architectural accents are permitted on exterior building walls. Such features shall be constructed of rigid or flexible material designed to complement the streetscape of the area. Any such feature may extend from the building no more than four feet (4'). Canopies should not extend over or interfere with the growth or maintenance of any required tree plantings. Ground supports for these features are not permitted in the minimum setback, sidewalk, or public right-of-way.



The canopies shown on buildings above and to the left are consistent with the design guidelines for the Red Rock Gateway Area.