



**CITY OF NEWPORT  
PLANNING COMMISSION MEETING  
NEWPORT CITY HALL  
JULY 12, 2012 – 7:00 P.M.**

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

## **AGENDA**

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

### **2. ROLL CALL**

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

A. Planning Commission Minutes of May 10, 2012

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

A. **Public Hearing** – To consider an application from Martin Vietoris for Rezoning and Minor Subdivision for property located at the corner of Ford and Valley Roads

1. Memo from Berry Farrington
2. Application
3. Notice of Public Hearing
4. Resolution No. P.C. 2012-5
5. Resolution No P.C. 2012-6

B. **Resolution No. P.C. 2012-7** – Recommending that City Council approve an amendment to Chapter 6, Animals of the City of Newport Code of Ordinances

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

### **6. NEW BUSINESS**

### **7. ANNOUNCEMENTS**

A. Upcoming Meetings and Events:

- |                                   |                |           |
|-----------------------------------|----------------|-----------|
| 1. Open House for Transit Station | July 18, 2012  | 6:00 p.m. |
| 2. City Council Meeting           | July 19, 2012  | 5:30 p.m. |
| 3. City Council Meeting           | August 2, 2012 | 5:30 p.m. |
| 4. Planning Commission Meeting    | August 9, 2012 | 7:00 p.m. |

### **8. ADJOURNMENT**



**City of Newport  
Planning Commission Minutes  
May 10, 2012**

**1. CALL TO ORDER**

Chairperson Lindoo called the meeting to order at 7:01 P.M.

**2. ROLL CALL -**

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

Commissioners absent –

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 April 12, 2012**

**Motion by McElwee-Stevens, seconded by Prestegaard, to approve the April 12, 2012 minutes as presented. With 5 Ayes, 0 Nays, the motion carried.**

**B. Board of Appeal Minutes of April 19, 2012**

**Motion by Prestegaard, seconded by McElwee-Stevens, to approve the April 19, 2012 Board of Appeal minutes as presented. With 5 Ayes, 0 Nays, the motion carried.**

**4. APPOINTMENTS WITH COMMISSION**

**A. Public Hearing – To consider amendments to the Zoning Code, including the following: Chapter 1300, Section 1330 General District Regulations, and Section 1350 Nonresidential Districts, and to consider an addition to Chapter 1300 by adding Section 1370.09 River Redevelopment Overlay District**

**The Public Hearing opened at 7:03 p.m.**

Admin. Anderson, Sherri Buss, and Executive Analyst Helm presented on this item as outlined in the May 10, 2012 Planning Commission packet.

Executive Analyst Helm presented on the amendments to Subd. 15 and 21 of Section 1330.05.

**Dan Lund** – Do we want to define a small enclosure?

**Executive Analyst Helm** – I think that would be the discretion of the City Administrator.

**Dan Lund** – Because we want it to include gardens, trees and shrubs. Also, we're excluding it from people outside of the RE District, correct?

**Executive Analyst Helm** – Yes, it can only be used in the RE District.

**Dan Lund** – I would say that we allow it in all of the residential districts. Do we want to include chicken wire as well?

**Susan Lindoo** – I'm fine with using it as an enclosure but not as a fence. I wouldn't want to see chicken or welded wire used as a fence. I would be fine with welded wire in the backyard.

**Matt Prestegaard** – I agree. I think we should suggest that welded wire is always appropriate for small enclosures, but not fences.

**Dan Lund** – We could say that we don't consider welded wire or chicken wire around gardens to be a fence.

**Ms. Buss** – You could say welded wire may be used in all districts in the following locations.

**Matt Prestegaard** – My suggestion is to put welded wire under letter I, and state that it can be used for small enclosures. We leave the letter J, which states that it can be used for fencing in the RE District.

**Susan Lindoo** – Although, I states the allowable materials for fences.

**Executive Analyst Helm** – What we could do is for K put “Welded wire may be used for small enclosures in all of the districts” and for J, I would add that welded wire may not be used for fences except for in the rear yard in the RE District.

**Dan Lund** – Do we need to address chicken wire?

**Susan Lindoo** – It's not on the list of allowable materials for fences.

**Dan Lund** – I don't want to tell people that they can't use chicken wire to keep out rabbits.

**Susan Lindoo** – I don't think we are, we're just saying you can't use it as a fence.

**Dan Lund** – We have two problems here, one is what the words should say and the other is what do we mean them to say. I think we should address what we mean them to say before we do it.

**Susan Lindoo** – In my sense, I wouldn't worry about chicken wire because it's not a permitted fence use and I think that's the most visible. It seems that your point is that we want to allow protection of plants in all districts. What Renee has suggested seems clear to me.

**Ms. Buss** – As long as fence is defined in the ordinance.

**The Public Hearing closed at 7:32 p.m.**

**Motion by Anderson, seconded by Prestegaard, to approve Resolution No. P.C. 2012-2 as amended. With 5 Ayes, 0 Nays, the motion carried.**

**B. Public Hearing – To consider an addition to Section 1371 Storm Water Management**

**The Public Hearing opened at 8:11 p.m.**

Executive Analyst Helm presented on this item as outlined in the May 10, 2012 Planning Commission packet.

**Dan Lund** – Do we want to ban the sale of coal-tar based products as well?

**Admin. Anderson** – It's not an illegal substance. The local hardware stores do have customers from surrounding areas where it isn't banned and it may hinder their sales.

**Susan Lindoo** – I would need more research and a legal opinion.

**Katy McElwee-Stevens** – I would need more information.

**Executive Analyst Helm** – White Bear Lake or Maplewood is the only municipality that bans the sale of it. Also, Home Depot, Lowes and Menards have stopped selling these products.

**Admin. Anderson** – I spoke with the owner of Bartles about the ordinance and didn't mention that we were looking at banning the sale; I only mentioned that we were looking at banning the use. He understood why we want to ban the use of it.

**Matt Prestegaard** – I agree that I would need more information.

**Dan Lund** – I agree that we need more consideration to ban the sale.

**The Public Hearing closed at 8:19 p.m.**

**Motion by Lund, seconded by Anderson, to approve Resolution No. P.C. 2012-3 as presented. With 5 Ayes, 0 Nays, the motion carried.**

### **C. Red Rock Corridor Redevelopment Plan**

Admin. Anderson, Barb Dacy, Executive Director of the Washington County HRA, and Stacy Kvilvang of Ehlers, presented on this item as outlined in the May 10, 2012 Planning Commission packet.

**Ms. Buss** – This City has not done a Tax Increment District in quite a while, could you provide a brief tutorial on it?

**Ms. Dacy** – The County HRA would create and be responsible for the TIF District. Once a district is created, the value of the property is set as a floor, called the base value. When new development occurs, they will be at a higher value. The difference between the values is the tax increment. We can use that difference to help pay the various costs. The properties will still continue to pay taxes based on the base value. We can use the tax increment for a period of 20-30 years to help pay for the improvements.

**Susan Lindoo** – So the HRA is putting the money upfront and when the development occurs, the difference will go to paying back the HRA. Will TIF fund the infrastructure? If we sell those types of bonds, how do those get paid off?

**Ms. Kvilvang** – There are two types of bond that you can sell for the public improvements. For any roadway improvements, there's a GO429 Special Assessment Bond. That means that at least 20% of the cost of the improvement has to be assessed back to the benefiting property owners. That's paid from special assessments, the rest is paid from a tax levy. We will look at all of the financing tools once the public improvements come forward to determine which tool is the best to use.

**Matt Prestegaard** – We must realize the tax increment before we're obliged to use that money. Is there interest or what's the arrangement back to the HRA?

**Ms. Dacy** – This is a key part of our mission. The investment that will occur in this area will help both the City and County.

**Ms. Kvilvang** – An interfund loan is created for both the City and HRA. They would loan money to the district and expect to get repaid. Statute limits the amount of interest, today it is at 4%.

**Dan Lund** – What exactly are we committing to?

**Ms. Dacy** – The overall goals and the notion that it's appropriate to do this. It also implements the MX-3 District that you just approved.

**Dan Lund** – What time line do you expect before major development?

**Ms. Dacy** – The commercial market is still trying to recover, the housing market is significantly brighter. There could be development in the next two to five years.

**Motion by Anderson, seconded by McElwee-Stevens, to recommend the City Council approve the Red Rock Corridor Redevelopment Plan. With 5 Ayes, 0 Nays, the motion carried.**

## **5. COMMISSION AND STAFF REPORTS**

**Susan Lindoo** – I would like to request that Sherri provide information on what percentage of the City is in each zoning district.

**Ms. Buss** – I can provide that. We can do it on the current land use and the new zoning map.

**Admin. Anderson** – The City qualified as a Step 2 City and is in the process of completing several other Best Practices to be a Step 3 City. The City also submitted two more grant applications for the Knauff Property. We should hear in June.

**Ms. Buss** – The Federal Government will be funding HUD with some money for development grants for 2013. The applications will be coming out later this summer and we'll be looking at it for the Red Rock Gateway Area.

**Janice Anderson** – Has Veolia vacated their building?

**Admin. Anderson** – It looks like they have vacated both the mechanical and office buildings.

## **6. NEW BUSINESS**

No new business

## **7. ANNOUNCEMENTS**

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

- |   |               |           |
|---|---------------|-----------|
| 1. City Council Meeting                       | May 17, 2012  | 5:30 p.m. |
| 2. Memorial Day – City Offices will be closed | May 28, 2012  |           |
| 3. City Council Meeting                       | June 7, 2012  | 5:30 p.m. |
| 4. Planning Commission Meeting                | June 14, 2012 | 7:00 p.m. |

## **8. ADJOURNMENT**

**Motion by McElwee-Stevens, seconded by Prestegaard, to adjourn the Planning Commission Meeting at 8:28 P.M. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

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

Respectfully submitted,

Renee Helm  
Executive Analyst



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Saint Paul, MN 55101  
651.292.4400  
tkda.com

## Memorandum

<b>To:</b>	<u>City of Newport Planning Commission</u>	<b>Reference:</b>	<u>Martin J. Vietoris Rezoning and PUD-Minor Subdivision Request</u>
<b>Copies To:</b>	<u>Brian Anderson, City Administrator</u> <u>Renee Helm, Executive Assistant</u>	<b>Project No.:</b>	<u>15140.001</u>
<b>From:</b>	<u>Berry Farrington, AICP</u>	<b>Routing:</b>	<u>Sherri Buss, Planner</u>
<b>Date:</b>	<u>July 2, 2012</u>		

**SUBJECT:** Vietoris Property Rezoning and PUD-Minor Subdivision request

**MEETING DATE:** July 12, 2012

**LOCATION:** Red Rock Park Block 1, Lots 1, 2, 3 and 4,  
at the southwest corner of Valley Road and Ford Road

**APPLICANT:** Martin J. Vietoris (Martin Joseph LLC)  
2154 Hastings Ave, Suite 100  
Newport, MN 55055

**ZONING:** B-2 (Business Park/Office/Warehouse)

**ITEMS REVIEWED:** Application Form and Preliminary Plat sketch received June 20, 2012;  
Proposed alley improvements plan received June 27, 2012.

### BRIEF DESCRIPTION OF THE REQUEST

The applicant is requesting a rezoning of four parcels from B-2 to R-1 (Business Park/ Office/ Warehouse to Low Density Single Family Residential). The applicant is also requesting a minor subdivision by Planned Unit Development (PUD). The minor subdivision would create 3 single-family residential lots. A PUD is requested because the proposed lots do not meet all standards of the R-1 District. The Zoning Ordinance allows for a PUD to vary from standards of the underlying zoning district if the PUD goals and requirements of the ordinance are met.

## **BACKGROUND**

The subject property is 4 vacant lots located at the southwest corner of Valley Road and Ford Road, just east of Hastings Avenue. The total area of the parcels is approximately 28,350 square feet (.65 acres). The request is to create three parcels: Parcel A of 10,135 square feet, and Parcels B and C, each including 9,107 square feet.

The lots were created prior to the current zoning ordinance, and were permitted lots in a residential district at the time that they were created. Since that time, the area was rezoned to B-2, which does not allow single-family residential as a permitted use. The B-2 zone currently has a minimum lot size of 15,000 square feet. Therefore the applicant is seeking to rezone the property to R-1 to permit residential development. The minimum lot size in the R-1 district is 9,100 square feet. The applicant cannot develop four single family homes on the four existing lots because the zoning ordinance requires that if a nonconforming lot is adjacent to an existing vacant lot that is under the same ownership it must be combined to meet the standards of the district. Therefore, the four lots under the same ownership must be redrawn to create three lots that meet the minimum density standards of the proposed zoning district.

The applicant is seeking to rezone the property from B-2 to R-1 so that it may be developed as three single-family parcels. The applicant envisions that the City stormwater pond across Ford Road would be a natural and scenic amenity for residential property. The surrounding neighborhood to the east and south is existing residential development. The parcels in the area are of similar size and dimension to those proposed by the applicant. Parcels to the west are commercial land uses with frontage on Hastings Avenue. A new storm water pond is under construction to the north of the proposed subdivision.

The applicant is seeking approval of a PUD-Minor Subdivision to allow for flexibility in the following: the minimum lot width of 70 feet for interior lots and 90 feet for the corner lot, and maximum lot coverage of 25%, as required by the R-1 District. The applicant proposes that two of the three lots have a minimum lot width of 64.25 feet, and the corner lot would be 71.5 feet wide. The PUD ordinance allows the City discretion in approving lots that vary from the District standards, such as lot width and lot coverage, so long as the PUD goals and requirements are met.

## **EVALUATION OF THE REQUEST**

### ***Rezoning***

The applicant is requesting to change the zoning from B-2 (Business Park/ Office/ Warehouse) to R-1 (Low Density Single Family Residential). Section 1310.02, Subd. 3 of the City's Zoning Ordinance addresses rezoning applications. Requests are evaluated based on existing and proposed land uses, how the proposed zoning would fit in with the general zoning pattern of the neighborhood and city, the conservation of property values, and advantages to the entire City. No change shall be recommended unless it is in the interest of public health, safety and welfare, and is compatible with the comprehensive plan.

The attached Zoning Map, Existing Land Use Map, and aerial photograph of the site illustrate the following conditions:

- The parcels to the east of the subject property are zoned R-1 and used for residences. If the subject property is rezoned to R-1, it will be contiguous to other R-1 zoning.



- While zoned B-2, the parcel to the north is being used for a stormwater pond and will not be developed for commercial purposes. The stormwater pond will be compatible with proposed residential development, and may be an amenity for adjacent residential areas.
- The parcels to the south are zoned B-2, but the existing land use is single family residential.
- The parcel to the west is zoned and used for commercial purposes.
- The adjacent commercial parcel to the west and nearby commercial are oriented to Hastings Avenue. The subject property gains access from Ford Road. This section of Ford Road predominantly serves residential properties. The subject property may not be a desirable location for business due to its low visibility and location on a lower trafficked street, as compared to Hastings Avenue.

The City Engineer indicated that the rezoning of four parcels from B-2 to R-1 would not have adverse effects on public services or public infrastructure, such as solid waste collection, wastewater treatment, stormwater management, streets or parks. These public services are already provided to residences in the area, and available infrastructure has the capacity to add four more single-family residential units.

The Comprehensive Plan's land use policies recommend that the Hastings Avenue area include residential as well as commercial land uses, and that Hastings Avenue itself should be redeveloped with a "Main Street" character. The Comprehensive Plan's future land use map currently guides the subject parcels for Commercial/Residential land use. This land use type calls for the integration of residential land uses with commercial land uses. The rezoning of the subject property from B-2 to R-1 and creation of three residential parcels is compatible with these comprehensive plan policies. If the City approves the rezoning, it should concurrently approve a comprehensive plan amendment, to guide the planned land use of the subject parcels as Single Family Detached (R-1).

The Planner finds that rezoning to R-1 is consistent with the existing land use and zoning of the surrounding neighborhood. The Planner finds that the proposed R-1 zoning fits in with the general pattern of the neighborhood and city – and that such a change in zoning would not have adverse impacts on public health, safety and welfare. The Planner finds that the request is compatible with the land use goals of the Comprehensive Plan.

#### ***PUD Requirements and Evaluation***

The applicant is requesting approval of a preliminary plat for a minor subdivision using the Planned Unit Development (PUD) approach to development. The City's PUD ordinance requires that when a subdivision uses a PUD approach, the subdivision and PUD be reviewed simultaneously.

The PUD process and requirements are described in Section 1360 of the development code. The PUD process is designed to allow greater flexibility in development when the project offers benefits not only to the proposer, but to the City and the public interest. The ordinance states that the City shall consider the PUD based on the standards and purposes of the Comprehensive Plan, and the goals of the PUD, which may include:

- variety in site design,
- sensitivity to natural characteristics,



- efficiency with regard to public infrastructure and utilities,
- density transfer,
- zoning district integration, and
- mutual benefit to both the proposer and the public interest.

The PUD approach is requested in this case because the proposed lots would not meet the minimum lot width and maximum lot coverage standards of the R-1 District. The overall lot size

and proposed density meet the ordinance requirement. The proposed are deeper than the required minimum depth, and narrower than the minimum width required by the zoning ordinance.

#### *Lot Width*

The minimum lot width is 70 feet for interior lots, and 90 feet for a corner lot. The proposed lots are 64.25, 64.25, and 71.5 feet in width. Nearby residential parcels have lot widths similar to those requested, ranging from 40 to 70 feet because they were created under a previous zoning ordinance that permitted narrower lots than the current code.

#### *Lot Coverage*

The maximum lot coverage is 25% of the lot. The site plan shows each parcel with a house area and a garage area. The house area alone on each parcel exceeds the 25% lot coverage standard. The proposed house areas are: Parcel A of 2,575 square feet, and Parcel B and Parcel C each of 3,617 square feet. The proposed garage areas are approximately 640 to 920 square feet each. The combined house and garage area lot coverages are: Parcel A of approximately 32%, Parcel B of approximately 50%, and Parcel C of approximately 50%.

The lot coverage standard was established for two general purposes: to manage stormwater runoff from developed areas, and to maintain some general consistency in the density and intensity of development within a zoning district. The City engineer has indicated that the additional coverage will not create significant stormwater management concerns provided that the applicant is required to do the following:

- The applicant will need to add fill to the lots and grade the lots so that they drain to the street.
- The proposed alley must be graded to drain to Valley Road

The aerial photo indicates that some other lots in the area have a higher degree of coverage than the standard in the current ordinance.

#### **GARAGE STANDARDS**

In considering the flexibility the City might grant through the PUD, the City has the option to limit the degree by which the proposed minor subdivision may exceed the lot coverage standard. The size of the garage area or house area may be limited by the City in the conditions of the PUD. The zoning ordinance requires that a residential lot be allowed at least 500 square feet of garage space, as long as the required setbacks and other dimensional standards are met.



The zoning ordinance requires that garages be setback an additional 1 foot from the minimum front, side and rear setbacks for every 20 square feet in area over 900 square feet. If the proposed lot coverage is permitted, the proposed garages over 900 square feet in size would need to meet the additional setback requirement.

The proposed PUD offers benefits to the City in that allowance of the narrower lot and some degree of greater lot coverage would allow for greater efficiency of use of the public infrastructure and utilities in the area—including more efficient use of the existing street, wastewater and water conveyance systems.

The PUD ordinance requires that the plat conform to the density requirements of the underlying zoning. The R-1 District density standards do allow for three lots to be created from the subject land area. Two of the proposed lots are 9,107 square feet each, with the third lot proposed as 10,135 square feet. The R-1 District requires a minimum lot size of 9,100 square feet.

The Planner finds that the request is consistent with the PUD Ordinance's goal of efficiency and efficient use of infrastructure and utilities. By allowing for flexibility in lot width, the City would allow for more efficient use of the street and water/wastewater services, by allowing for three lots when the standard lot width requirement would limit the minor subdivision to two lots. The requested lot widths are consistent with the scale and character of the surrounding neighborhood. Some flexibility in lot coverage will also allow for more efficient use of public services through the allowance of three lots. The request meets the density requirements of the ordinance.

The Planning Commission should discuss the request for flexibility from the standards for lot width and coverage. The Commission could recommend that the size of the proposed garages be reduced to the minimum ordinance requirement (500 feet) in order to bring the subdivision into closer compliance with the ordinance. However, even at the reduced size, some flexibility from the coverage standard would be required.

### ***Minor Subdivision Ordinance Requirements and Evaluation***

The Subdivision process and requirements are described in Chapter 12 of the City's Code. The subdivision must be consistent with the City's Comprehensive Plan, Zoning Ordinance and other adopted policies. It must be suitable to the physical character of the site and not cause environmental harm. The Subdivision Ordinance requires approval of the Preliminary Plat, and subsequent approval of the Final Plat.

As noted in the previous section, the proposed residential use is consistent with Comprehensive Plan goals for the Hastings Avenue area. The proposed parcels meet the minimum yard areas of the R-1 District (front yard of 30 feet, side yard of 10 feet, dwelling rear yard of 30 feet and garage rear yard of 5 feet).

Because the request is for a Minor subdivision rather than a major subdivision, the sketch plan supplied with the application provides sufficient detail for a preliminary plat evaluation. If the request proceeds to final plat, the final plat submittal must meet the standards of the Code addressing application requirements, required plan sheets and standards (Section 1200.12). Required plans include: Existing Conditions, Final Plans, Grading and Erosion Control Plan, Utility Plan, and Landscaping Plan.



The South Washington Watershed District reviews proposed development that includes 1 acre or more. Therefore, a permit from the South Washington Watershed District (SWWD) will not be required. The applicant will need to meet the City's stormwater management requirements. The City Engineer will review the final plan and make recommendations regarding stormwater management if the preliminary plat is approved.

The City Engineer has reviewed the preliminary plat submittal and has prepared a cost estimate for the paving of the alley located to the south of the subject property, attached. Final plans will be reviewed by the City Engineer and all Engineering comments must be addressed.

The Subdivision Ordinance includes standards for Park Dedication (Section 1200.14). Because of the small land area and location of the request, the City may wish to take cash in lieu of land dedication.

### **ACTION REQUESTED**

The Planning Commission can recommend to the City Council:

1. Approval
2. Approval with conditions
3. Denial with findings
4. Table the request, if additional information is needed to make a decision

### **PLANNING STAFF FINDINGS AND RECOMMENDATIONS**

The Planner recommends that the Planning Commission recommend approval of the Martin J. Vietoris (Martin Joseph LLC) request for a rezoning from B-2 to R-1, and associated Comprehensive Plan amendment to guide the land use as Single Family Detached; and approval of the Planned Unit Development (PUD) and Preliminary Plat for a Minor Subdivision to create three lots, with conditions of approval. The Planner recommends the City consider limiting the garage area to bring the subdivision closer to compliance with the lot coverage standards.

The Planner finds the following:

1. The proposed rezoning and PUD are consistent with the Comprehensive Plan's land use policies that the Hastings Avenue area will include residential as well as commercial land uses, and that Hastings Avenue should be redeveloped with a "Mainstreet" character.
2. The proposed R-1 zoning fits in with the general land use and zoning pattern of the neighborhood and city;
3. The proposed PUD will not compromise the health, safety and welfare of the community;
4. The proposed PUD is consistent with the PUD Ordinance's goal of efficiency and efficient use of infrastructure and utilities.
5. The lot widths proposed in the PUD are consistent with the scale and character of the surrounding neighborhood.



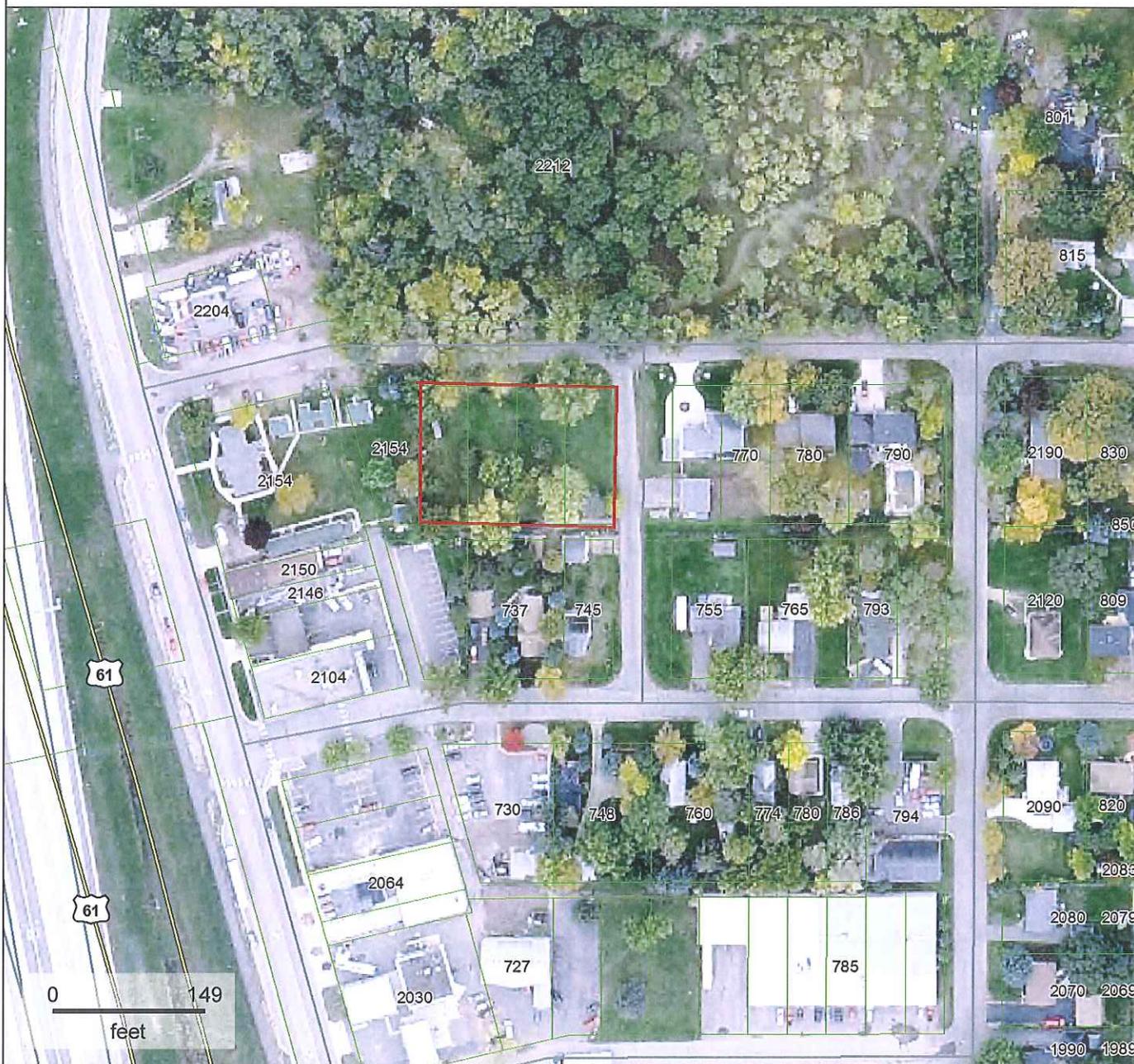
6. The proposed PUD meets the density requirements of the R-1 District.
7. The proposed PUD is not in conflict with the purpose and intent of the Zoning Ordinance and Subdivision Ordinance.

The Planner recommends the following conditions for the proposed PUD and Minor Subdivision:

1. The Applicant shall submit a Final Plat that is substantially in conformance with the Preliminary Plat received by the City on June 20, 2012. Plans must meet the standards of Section 1200.12. Plans must include: Existing Conditions, Final Plans, Grading and Erosion Control Plan, and Utility Plan, and Landscaping Plan. Comments from the City Engineer and City Planner shall be addressed.
2. The Applicant shall finalize a developer agreement with the City for public improvements.
3. All lots, buildings and structures developed within the subdivision shall meet the setbacks, height requirements, other dimensional requirements and performance standards of the Zoning Ordinance that are not specifically allowed exception in the approved PUD.
4. The applicant shall assume all costs of water and sewer hook-ups. The applicant shall pay the City for costs of paving the alley.
5. The applicant must the City Engineer's recommendations for storm water management and other engineering requirements for the subdivision, including the following:
  - The applicant will need to add fill to the lots and grade the lots so that they drain to the street
  - The proposed alley must be graded to drain to Valley Road
6. The Applicant shall satisfy the City's park dedication requirements.
7. The Applicant shall provide a letter of credit or other financial guarantee acceptable to the City for completion of proposed alley improvements, as required in Section 1200.17 of the Subdivision Ordinance.
8. The applicant shall pay all fees and escrow associated with this application.



# Washington County, MN



**Property Information**

Property ID  
Location



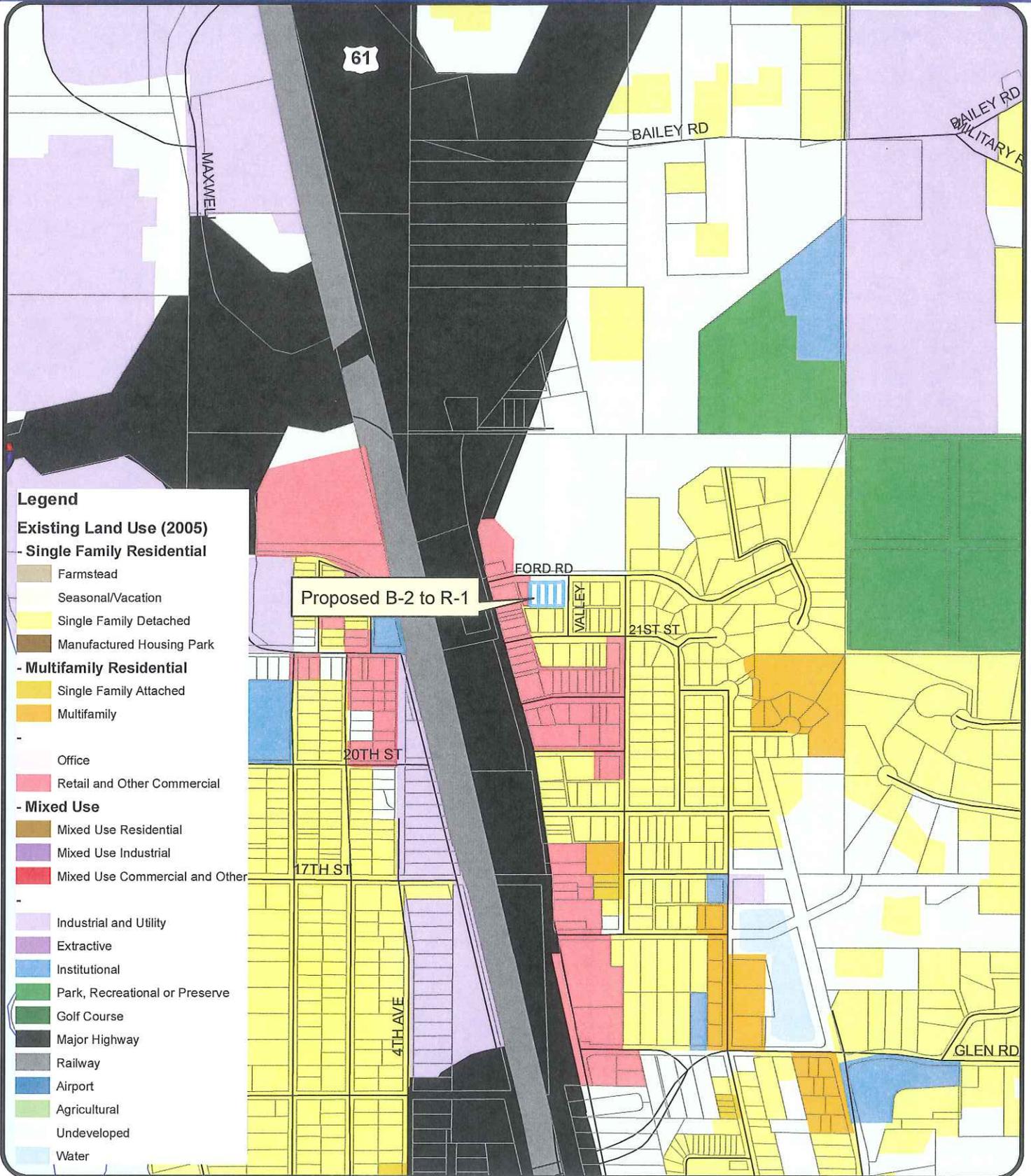
MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT

This drawing is a result of the compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.



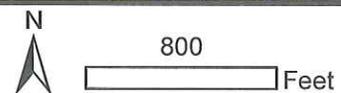


# Existing Land Use: Martin Victoris PUD and Rezoning Request City of Newport



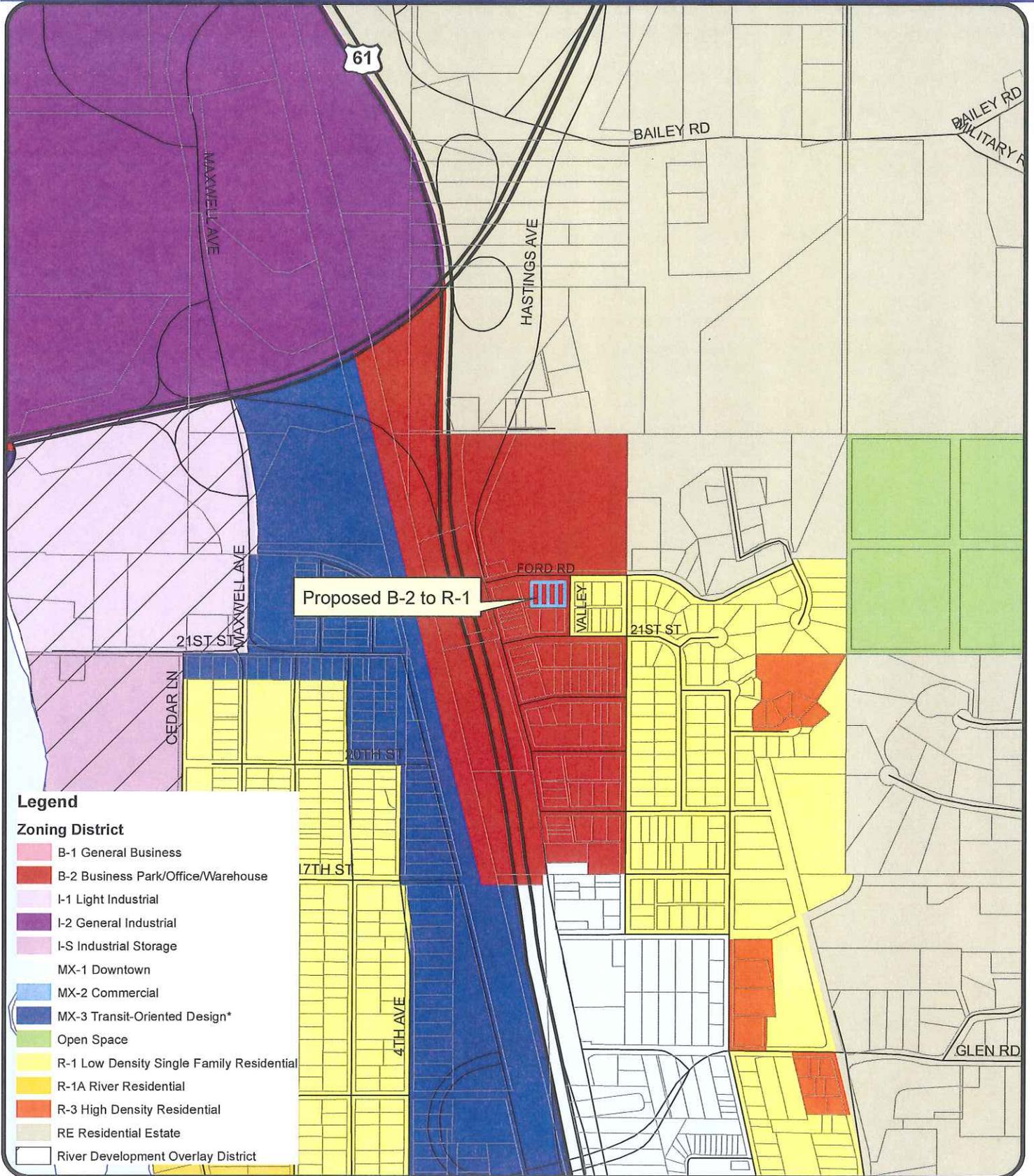
- Legend**
- Existing Land Use (2005)**
- **Single Family Residential**
    - Farmstead
    - Seasonal/Vacation
    - Single Family Detached
    - Manufactured Housing Park
  - **Multifamily Residential**
    - Single Family Attached
    - Multifamily
  - **Office**
  - **Retail and Other Commercial**
  - **Mixed Use**
    - Mixed Use Residential
    - Mixed Use Industrial
    - Mixed Use Commercial and Other
  - **Industrial and Utility**
  - **Extractive**
  - **Institutional**
  - **Park, Recreational or Preserve**
  - **Golf Course**
  - **Major Highway**
  - **Railway**
  - **Airport**
  - **Agricultural**
  - **Undeveloped**
  - **Water**

Data sources: City of Newport, Washington County, Metropolitan Council  
Map printed June 26, 2012





# Zoning Map: Martin Viotoris PUD and Rezoning Request City of Newport



### Legend

#### Zoning District

- B-1 General Business
- B-2 Business Park/Office/Warehouse
- I-1 Light Industrial
- I-2 General Industrial
- I-S Industrial Storage
- MX-1 Downtown
- MX-2 Commercial
- MX-3 Transit-Oriented Design\*
- Open Space
- R-1 Low Density Single Family Residential
- R-1A River Residential
- R-3 High Density Residential
- RE Residential Estate
- River Development Overlay District

Data sources: City of Newport, Washington County, Metropolitan Council  
 Map printed June 26, 2012



800

Feet



# CITY OF NEWPORT

## APPLICATION FOR CONSIDERATION OF PLANNING REQUEST

PUBLIC HEARING/DATE \_\_\_\_\_ DATE OF APPLICATION 6/20/12

APPLICANT NAME MIRIAM J. VIETORIS PHONE 651-248-5093

ADDRESS 7154 HASTINGS AVE. Suite 100 Newport, MN. 55055  
Street City State Zip

OWNER NAME MIRIAM JOSEPH RICH ESTATE LLC PHONE 651-769-2828

ADDRESS 7154 HASTINGS AVE Suite 100 Newport, MN 55055  
Street City State Zip

ADDRESS / LOCATION OF PROPERTY: CONVEN OR FOND Rd. + VARIANCE <sup>Pl.</sup>

---

LEGAL DESCRIPTION OF PROPERTY & P.I.D. #  
Red Rock Park Block 1 Lot 1, 2, 3, 4

P.I.D.: 25.028.22.32.0008, 25.028.22.32.009  
25.028.22.32.0010, 25.028.22.32.011

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<u>PLANNING REQUEST</u>	<u>APPLICATION FEE</u>
<input type="checkbox"/> Comprehensive Plan Amendment	\$500 or Actual Cost Plus \$50 for Additional Staff Hours ( 10 Hour Minimum )
<input checked="" type="checkbox"/> Rezoning	<u>\$500</u>
<input type="checkbox"/> Zoning Amendment	\$500
<input type="checkbox"/> Variance	\$300
<input type="checkbox"/> Conditional Use Permit	\$300 - Residential \$450 - Commercial
<input checked="" type="checkbox"/> Subdivision Approval	<u>\$300</u> - Minor Subdivision -\$2,000 Parkland Dedication Fee
<input checked="" type="checkbox"/> PUD	\$500 - Major Subdivision (Plus \$50 Per Lot) -Parkland Dedication Fee is 10% of land value or a fee per lot as established by City Council

\$500 *MA*

Other ( Specify ) \_\_\_\_\_

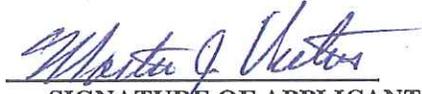
APPLICABLE ZONING CODE CHAPTER: \_\_\_\_\_ SECTION: \_\_\_\_\_

SUB-SEC: \_\_\_\_\_

*Best number to call*

**ALL MATERIALS/DOCUMENTATION, INCLUDING A SITE-PLAN, MUST BE SUBMITTED WITH APPLICATION THAT IS APPLICABLE TO PLANNING REQUEST.**

I HEREBY DECLARE THAT ALL STATEMENTS MADE ON THIS REQUEST AND ON THE ADDITIONAL MATERIAL ARE TRUE.

  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
SIGNATURE OF OWNER  
(IF APPLICABLE)

6/20/12  
DATE

\_\_\_\_\_  
RECEIVED BY

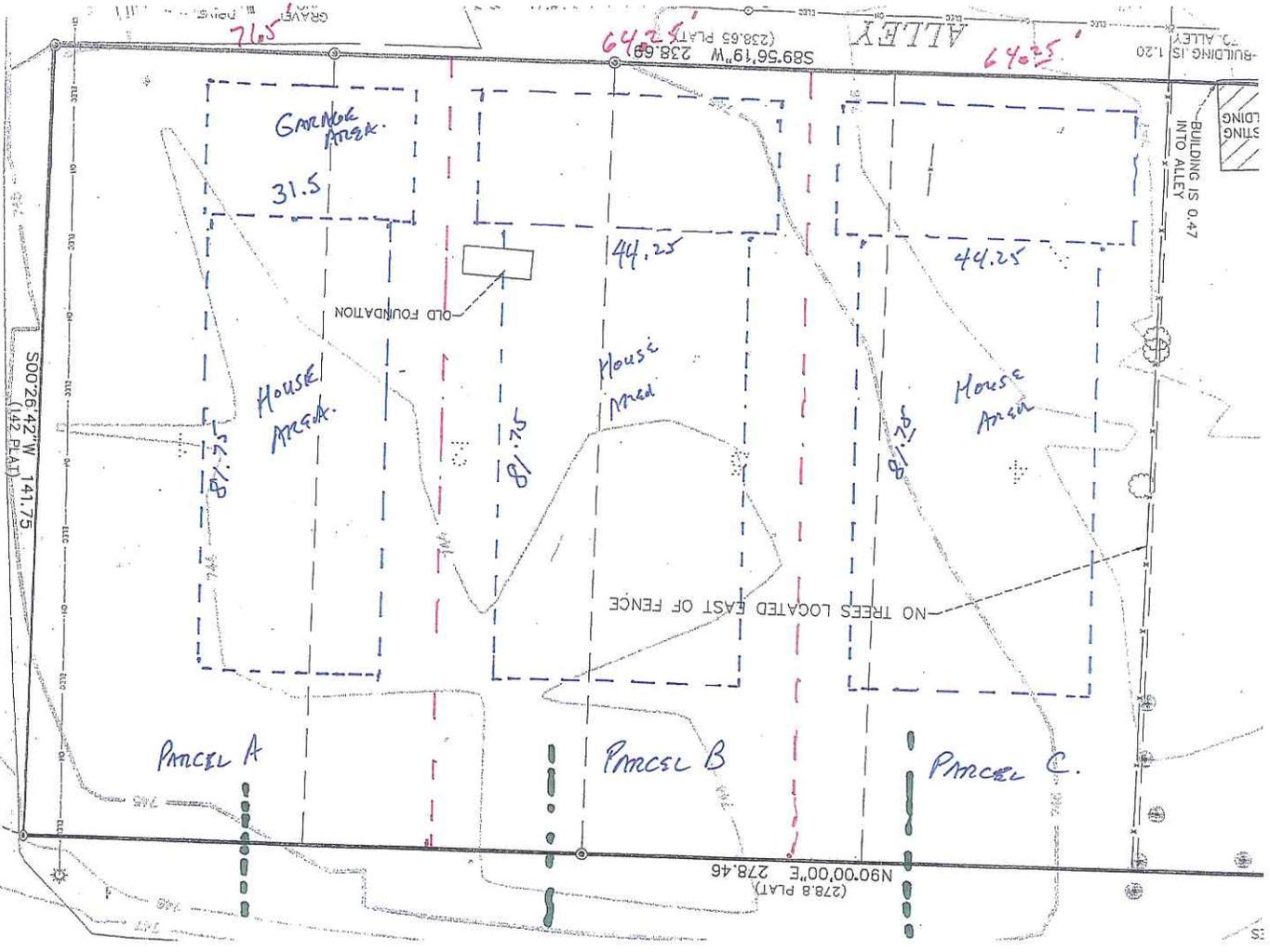
<b>OFFICE USE ONLY</b> _____
FEE \$ _____
RECEIPT # _____
PUBLICATION OF NOTICE DATE _____
PUBLIC HEARING DATE _____
P.C. RES. # _____
COUNCIL ACTION DATE _____ COUNCIL RES. # _____

Proposed Splits  
 Parcel A  
 10,135.25  
 50.6'  
 Parcel B + C  
 9107.44  
 50.6' SA

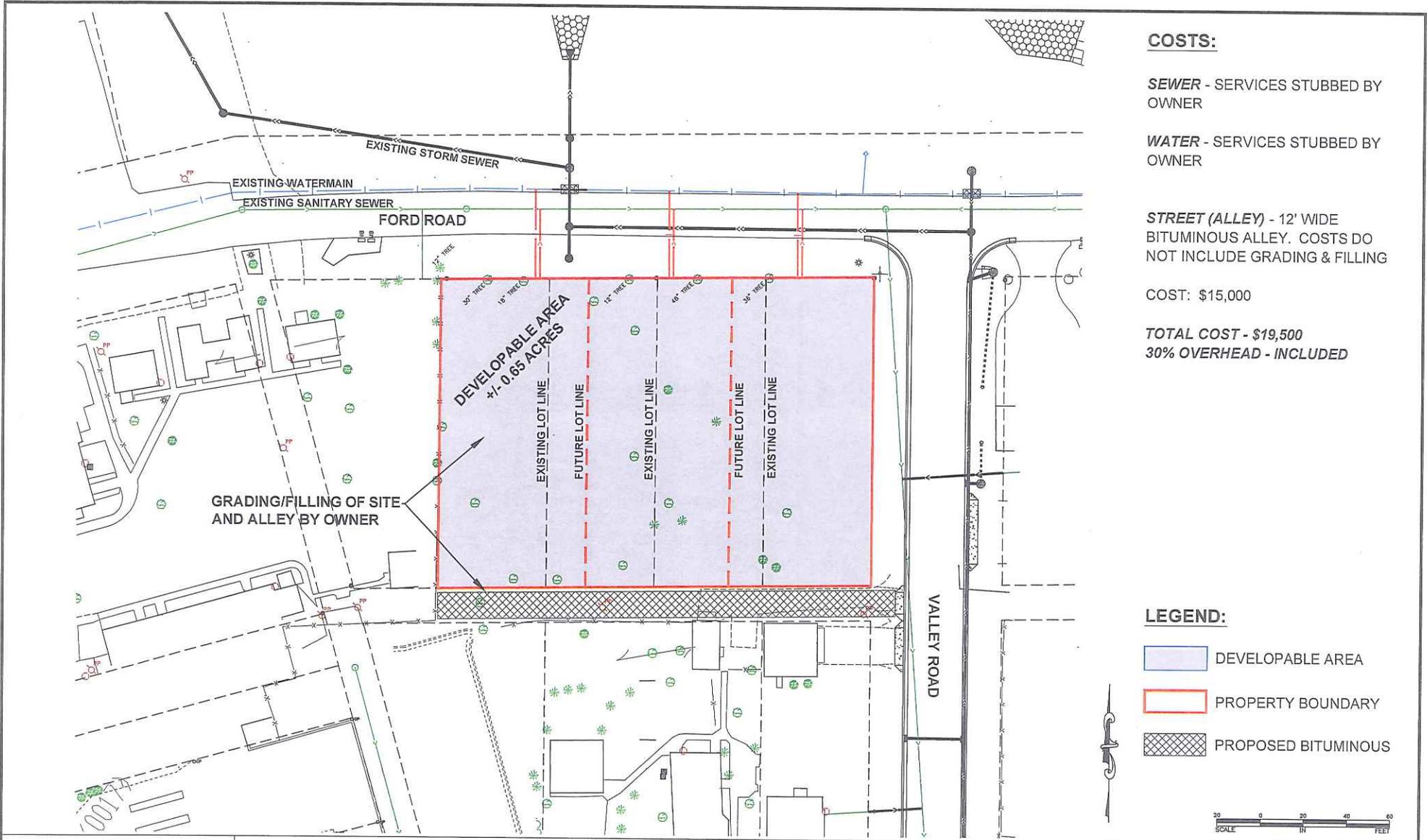
Parcel A  
 Billable House Area  
 2575.13  
 Parcel B + C  
 Billable House Area  
 3617.44  
 EACH

STREET

BITUMINOUS ROADWAY







**COSTS:**

**SEWER** - SERVICES STUBBED BY OWNER

**WATER** - SERVICES STUBBED BY OWNER

**STREET (ALLEY)** - 12' WIDE BITUMINOUS ALLEY. COSTS DO NOT INCLUDE GRADING & FILLING

COST: \$15,000

**TOTAL COST - \$19,500**  
**30% OVERHEAD - INCLUDED**

**LEGEND:**

- DEVELOPABLE AREA
- PROPERTY BOUNDARY
- PROPOSED BITUMINOUS



**South Washington County Bulletin/Woodbury Bulletin  
AFFIDAVIT OF PUBLICATION**

STATE OF MINNESOTA)  
  )SS.  
COUNTY OF WASHINGTON )

**Julie M. Klecker** being duly sworn, on oath says that he/she is an authorized agent and employee of the publisher of the newspaper, known as *The South Washington County Bulletin and/or The Woodbury Bulletin*, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a legal newspaper, as provided by Minnesota Statutes 331A.02, 331A.07 and other applicable laws, as amended.

(B) The printed **CITY OF NEWPORT -- PUBLIC HEARING/ZONING**

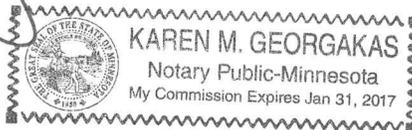
which is attached was cut from the columns of said newspaper, and was printed and published once each week for **1** successive weeks; it was first published on Wednesday, the **27th** day of **June**, 2012 and was thereafter printed and published on every Wednesday, to and including Wednesday, the **27th** day of **June**, 2012.

SOUTH WASHINGTON COUNTY BULLETIN  
AND/OR WOODBURY BULLETIN

BY: Julie M. Klecker  
TITLE: **Legal Notice Clerk**

Subscribed and sworn to before me on this **27th** DAY OF **June** 2012

*[Signature]*  
Notary Public



	<b>Client #</b>	<b>255364</b>
<b>FEES:</b>	<b>Order #</b>	<b>1495055</b>
<b>File #</b>		
<b>Publication Fee</b>	<b>\$</b>	<b>126.56</b>

**CITY OF NEWPORT  
PLANNING  
COMMISSION**

NOTICE OF PUBLIC HEARING  
TO CONSIDER A REQUEST FOR A  
REZONING AND A MINOR SUBDI-  
VISION THROUGH A PLANNED  
UNIT DEVELOPMENT

Notice is hereby given that the Newport Planning Commission will hold a Public Hearing on Thursday, July 12th, at 7:00 P.M. or as soon thereafter, in the City Hall Council Chambers at the Newport City Hall, 596 7th Ave., Newport, MN, to consider an application from Martin Vietoris, 2154 Hastings Avenue, Newport, MN 55055 for a Re-zoning Request and a Minor Subdivision. The request is for four (4) parcels located at the corner of Ford and Valley Roads, Newport, MN and is zoned B-2 (General Business). The request is to change the rezoning from B-2 to R-1 to allow for a minor subdivision. The minor subdivision is for three (3) single-family homes.

Said property is legally described as:  
PID#25.028.22.32.0008  
SubdivisionName RED ROCK PARK  
Lot 1 Block 1 SubdivisionCd 55325  
PID#25.028.22.32.0009  
SubdivisionName RED ROCK PARK  
Lot 2 Block 1 SubdivisionCd 55325  
PID#25.028.22.32.0010  
SubdivisionName RED ROCK PARK  
Lot 3 Block 1 SubdivisionCd 55325  
PID#25.028.22.32.0011  
SubdivisionName RED ROCK PARK  
Lot 4 Block 1 SubdivisionCd 55325

The Planning Request is governed under Chapter 12, Section 1200.10 Platting Procedures, Chapter 13, Zoning, Section 1310.02, Subdivision 3 Application for Rezoning, and Chapter 13, Section 1360.08 Procedures for Processing a Planned Unit Developments of the Newport City Code adopted by the Newport City Council on June 5, 1997.

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

Dated this 20th day of June, 2012  
Brian Anderson  
City Administrator

(Published in the Washington County Bulletin Wednesday, June 27, 2012)

**PLANNING COMMISSION  
RESOLUTION NO. P.C. 2012-5**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE A REZONING  
REQUESTED BY MARTIN VIETORIS, 2154 HASTINGS AVENUE, SUITE 100, NEWPORT,  
MN 55055, FOR PROPERTY LOCATED JUST WEST OF VALLEY ROAD AND SOUTH OF  
FORD ROAD, NEWPORT, MN 55055**

**WHEREAS**, Martin Vietoris, 2154 Hastings Avenue, Suite 100, Newport, MN 55055 has submitted a request for a rezoning; and

**WHEREAS**, The proposed rezoning is for property located just west of Valley Road and south of Ford Road, Newport, MN 55055, and is more fully legally described as follows:

**PID#25.028.22.32.0008** - SubdivisionName RED ROCK PARK Lot 1 Block 1 SubdivisionCd 55325

**PID#25.028.22.32.0009** - SubdivisionName RED ROCK PARK Lot 2 Block 1 SubdivisionCd 55325

**PID#25.028.22.32.0010** - SubdivisionName RED ROCK PARK Lot 3 Block 1 SubdivisionCd 55325

**PID#25.028.22.32.0011** - SubdivisionName RED ROCK PARK Lot 4 Block 1 SubdivisionCd 55325;  
and

**WHEREAS**, The described property is zoned Business Park/Office/Warehouse (B-2); and

**WHEREAS**, The request is to rezone the property to Low Density Single Family Residential (R-1); and

**WHEREAS**, Chapter 13, Section 1310.02, Subdivision 3, of the Code of Ordinance states;  
“Proceedings for amendment, which are initiated by the petition of the owner or owners of the property, shall be filed with the Zoning Administrator. All applications shall be accompanied by an administrative fee as prescribed in Subsection 1310.01 and shall include the following information:

- A. The name and address of the applicant or applicants;
- B. A description of the area proposed to be rezoned; the names and addresses of all owners of property lying within such area and a description of the property owned by each;
- C. The present zone classification of the area and the proposed zone classification;
- D. A description of the present use of each separately owned tract within the area, and the intended use of any tract of land therein;
- E. A site plan showing the location and extent of the proposed building, parking, loading, access drives, landscaping and any other improvements;
- F. A statement of how the rezoning would fit in with the general zoning pattern of the neighborhood, and the zoning plan of the entire City;
- G. A map showing the property to be rezoned, and the present zoning of the surrounding area for at least a distance of three hundred fifty (350) feet, including the street pattern of such area, together with the names and addresses of the owners of the lands in each area.” and

**WHEREAS**, Following publication, posted, and mailed notice thereof, the Newport Planning Commission held a Public Hearing on July 12, 2012.

**NOW, THEREFORE, BE IT FURTHER RESOLVED That** the Newport Planning Commission **Hereby Recommends Newport City Council Approval** for a Rezoning of the described property to applicant Martin Viectoris, 2154 Hastings Avenue, Suite 100, Newport, MN 55055 with the following conditions:

- The parcels to the east of the subject property are zoned R-1 and used for residences. If the subject property is rezoned to R-1, it will be contiguous to other R-1 zoning.
- While zoned B-2, the parcel to the north is being used for a stormwater pond and will not be developed for commercial purposes. The stormwater pond will be compatible with proposed residential development, and may be an amenity for adjacent residential areas.
- The parcels to the south are zoned B-2, but the existing land use is single family residential.
- The parcel to the west is zoned and used for commercial purposes.
- The adjacent commercial parcel to the west and nearby commercial are oriented to Hastings Avenue. The subject property gains access from Ford Road. This section of Ford Road predominantly serves residential properties. The subject property may not be a desirable location for business due to its low visibility and location on a lower trafficked street, as compared to Hastings Avenue.

Adopted this 12<sup>th</sup> day of July 2012 by the Newport Planning Commission.

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

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

ATTEST: \_\_\_\_\_  
Brian Anderson, City Administrator

**PLANNING COMMISSION  
RESOLUTION NO. P.C. 2011-6**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE A PLANNED UNIT DEVELOPMENT AND MINOR SUBDIVISION REQUESTED BY MARTIN VIETORIS, 2154 HASTINGS AVENUE, SUITE 100, NEWPORT, MN 55055, FOR PROPERTY LOCATED JUST WEST OF VALLEY ROAD AND SOUTH OF FORD ROAD, NEWPORT, MN 55055**

**WHEREAS**, Martin Vietoris, 2154 Hastings Avenue, Suite 100, Newport, MN 55055, has submitted a request for a Planned Unit Development and Minor Subdivision; and

**WHEREAS**, The proposed rezoning is for property located just west of Valley Road and south of Ford Road, Newport, MN 55055, and is more fully legally described as follows:

**PID#25.028.22.32.0008** - SubdivisionName RED ROCK PARK Lot 1 Block 1 SubdivisionCd 55325

**PID#25.028.22.32.0009** - SubdivisionName RED ROCK PARK Lot 2 Block 1 SubdivisionCd 55325

**PID#25.028.22.32.0010** - SubdivisionName RED ROCK PARK Lot 3 Block 1 SubdivisionCd 55325

**PID#25.028.22.32.0011** - SubdivisionName RED ROCK PARK Lot 4 Block 1 SubdivisionCd 55325;  
and

**WHEREAS**, The described property is zoned Business Park/Office/Warehouse (B-2); and

**WHEREAS**, The Planning Commission approved Resolution No. P.C. 2012-5 recommending that the City Council approve a rezoning request from Martin Vietoris to rezone the property from B-2 to R-1; and

**WHEREAS**, **Chapter 12, Section 1200.03**, of the Code of Ordinances states; *“The purpose and intent of this Chapter shall be to ensure that subdivisions are consistent with all applicable provisions of all applicable plans, laws, and regulations, and to provide for the orderly subdivision of land.”* And

**WHEREAS**, **Section 1360** of the Code of Ordinances states: *“Planned United Development is an approach to development that may provide a comprehensive procedure intended to allow greater flexibility in the development of neighborhoods or non-residential areas than would be possible under conventional standards...by departing from the strict application of required setbacks, yard areas, lot sizes, densities, minimum house sizes, minimum requirements, and other performance standards associated with traditional zoning, the PUD can maximize the development potential of the land while remaining sensitive to its unique and valuable natural characteristics;”*

**WHEREAS**, Following publication, posted, and mailed notice thereof, the Newport Planning Commission held a Public Hearing on July 12, 2012.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** That the Newport Planning Commission **Hereby Recommends Newport City Council Approval** for a Minor Subdivision of the described property to applicant Martin Vietoris, 2154 Hastings Avenue, Suite 100, Newport, MN 55055, with the following conditions:

1. The Applicant shall submit a Final Plat that is substantially in conformance with the Preliminary Plat received by the City on June 20, 2012. Plans must meet the standards of Section 1200.12. Plans must include: Existing Conditions, Final Plans, Grading and Erosion Control Plan, and Utility Plan, and Landscaping Plan. Comments from the City Engineer and City Planner shall be addressed.
2. The Applicant shall finalize a developer agreement with the City for public improvements.
3. All lots, buildings and structures developed within the subdivision shall meet the setbacks, height requirements, other dimensional requirements and performance standards of the Zoning Ordinance that are not specifically allowed exception in the approved PUD.
4. The applicant shall assume all costs of water and sewer hook-ups. The applicant shall pay the City for costs of paving the alley.
5. The applicant must the City Engineer's recommendations for storm water management and other engineering requirements for the subdivision, including the following:
  - The applicant will need to add fill to the lots and grade the lots so that they drain to the street
  - The proposed alley must be graded to drain to Valley Road
6. The Applicant shall satisfy the City's park dedication requirements.
7. The Applicant shall provide a letter of credit or other financial guarantee acceptable to the City for completion of proposed alley improvements, as required in Section 1200.17 of the Subdivision Ordinance.
8. The applicant shall pay all fees and escrow associated with this application.

Adopted this 12th day of July 2012 by the Newport Planning Commission.

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

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

ATTEST: \_\_\_\_\_  
Brian Anderson, City Administrator



# MEMO

TO: Newport Planning Commission  
Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: July 9, 2012

SUBJECT: Ordinances for Regulating Chickens and Honeybees

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## BACKGROUND

At the April 12, 2012 Planning Commission meeting, the members discussed ordinances for regulating honeybees and chickens in the City of Newport. The Planning Commission would like to add language to the City Code for allowing residents in the RE District to keep honeybees on their property and allowing residents on any single-family residential property in the R1, R1-A, RE, or MX-1 Districts to keep chickens.. At the meeting, the Planning Commission requested that staff bring back the keeping of honeybees for discussion at a future meeting.

At the April 12, 2012 meeting it was requested that the draft language on chickens be amended in regards to the following:

- Definitions: Add language to require roofs under the definitions of “Chicken Coop” and “Chicken Run”
- Remove the following language “The slaughtering of chickens is prohibited within the City” from the ordinance
- Size: Change the language regarding size to have a minimum of 5-10 square feet per chicken and maximum of 40 square feet for chicken coops and 80 square feet for chicken runs.

It was also requested that staff conduct further research in regards to the keeping of honeybees to determine if there are state mandates in regards to the keeping of honeybees such as required training for property owners, colony density, and setbacks. Furthermore, it was requested that the following be amended:

- **Written Consent** – Applicants must receive written consent from **occupied** property owners within 250 feet from the hive.
- **Colony Density** – Change the radius in 6.c from 200 feet to 250 feet to be consistent with written consent requirement.

## DISCUSSION

Staff contacted the University of Minnesota’s Extension Office in regards to State regulations and classes that they offer. According to the Extension Office, there are no State mandates in regards to the keeping of honeybees and that the individual city is responsible for regulating the setbacks, number of colonies, etc. Additionally, the Extension Office stated that their class is not required for purchasing bees and that this is again a regulation established by the individual city.

The City of Minneapolis requires individuals to complete an educational requirement from the Extension Office, Century College, or Three Rivers Park District. The Extension offers a variety of classes for training individuals on how to take care of honeybees. The classes vary from Bee Management to Beekeeping in Northern Climates. The classes also range in price from \$25 to \$250. Century College has a class on beekeeping that is \$115. Three Rivers Park District did not have any beekeeping classes scheduled for the near future. The Planning Commission

will need to discuss whether or not it would like to add language requiring individuals complete an educational requirement. If so, the following language would be added to Section 600.21, Subd 3(F):

**The applicant must complete an educational requirement as determined by the City within one (1) year of receiving the initial permit.**

City staff also requested that the Extension Office review the draft ordinance. The Office recommended that the City remove the regulation on Africanized Honeybees because there is no way of telling what species the honeybee is. Additionally, they stated that it's illegal to sell Africanized Honeybees in the U.S. so they would not be shipped here anyways. Staff felt that the language regarding Africanized Honeybees could be removed since it is illegal to sell them in the U.S.

#### **RECOMMENDATION**

It is recommended that the Planning Commission approve Resolution No. P.C. 2012-5 recommending that the City Council approve a code amendment to Chapter 6, Animals. If the Planning Commission decides to add the above language regarding educational requirements, it may approve the Resolution as amended.

**PLANNING COMMISSION  
RESOLUTION NO. P.C. 2012-7**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE AN AMENDMENT  
TO CHAPTER 6, ANIMALS OF THE CITY OF NEWPORT CODE OF ORDINANCES.**

**WHEREAS**, the City currently allows the keeping of chickens in the RE District; and

**WHEREAS**, the City does not allow the keeping of honeybees; and

**WHEREAS**, residents have expressed interest in keeping chickens in Districts other than the RE District and keeping honeybees; and

**WHEREAS**, City staff researched various ordinances allowing for the keeping of chickens and honeybees; and

**NOW, THEREFORE, BE IT RESOLVED**, That the Newport Planning Commission recommends Newport City Council approval of an Amendment to *Chapter 6, Animals*, of the *Newport City Code of Ordinances*. It will read as follows:

**CHAPTER 6. ANIMALS**

**Section 600 - General Regulations**

**600.01 Definitions.**

**Subd. 4 Chicken.** "Chicken" shall mean a domesticated fowl of the genus Gallus and species G. gallus.

**Subd. 5 Chicken Coop.** "Chicken coop" shall mean any structure used for the housing of chickens.

**Subd. 6 Chicken Run.** "Chicken run" shall mean a fenced outside yard for the keeping and exercising of chickens.

**Subd. 7 Farm Animal.** "Farm animal" shall mean any horse, colt, pony, mule, donkey, cattle, swine, sheep, goat, duck, goose, or honeybees, or similar animal, bird, fowl or poultry commonly associated with agricultural uses.

**600.20 Chickens within City Limits**

**Subd. 1 Permit Required.** No person shall keep or maintain chickens on any single-family residential property in the R1, R1-A, RE, or MX-1 Districts without a permit.

**Subd. 2 Application.** Each application for a chicken 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, shelter information, number of chickens to be kept, and such other information as may be required by the Council.

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

- A. No person shall keep more than four (4) chickens on their property.
- B. The applicant must receive written consent from 75% of property owners situated within 150 feet from the chicken coop.
- C. **Standards of Practice.** Any person obtaining a permit pursuant to this section shall comply with the following standards of practice:
  - 1. No person shall keep roosters, or adult male chickens, on any property within the City
  - 2. Cockfighting is prohibited within the City.
  - 3. No person shall raise chickens for breeding purposes within the City.
  - 4. Chicken grains and feed must be stored in rodent-proof containers.
- D. **Chicken Coops and Chicken Runs.** Chickens shall be properly protected from the weather and predators in a chicken coop, and have access to the outdoors by the means of a chicken run. The chicken coop and run shall meet the following requirements.
  - 1. Chickens shall be kept in the chicken coop and/or run at all times, which shall be kept in sound and usable condition.
  - 2. Chicken coops and runs shall not be in the front or side yard.
  - 3. Chicken coops and runs shall be located at least fifty (50) feet from any residential structure on adjacent lots and ten (10) feet from the property line.
  - 4. Chicken coops and runs shall be screened from view with a solid fence with a minimum height of four (4) feet and must be constructed in accordance with Section 1330.05, Subdivision 21.
  - 5. Chicken coops and runs shall be considered accessory structures.
  - 6. All chicken coops must have a minimum size of ten (10) square feet per chicken, a maximum size of forty (40) square feet, and must not exceed six (6) feet in total height and must be built according to the zoning code.
  - 7. Chicken coops must be elevated a minimum of twelve (12) inches and a maximum of twenty-four (24) inches to allow for circulation beneath the coop.
  - 8. Chicken runs may not exceed eighty (80) square feet and fencing must not exceed six (6) feet in height and must be built according to the zoning code.
  - 9. Chicken runs may be enclosed with wood and/or woven wire materials, and may allow chickens to contact the ground.
  - 10. Chicken runs must have a protective overhead netting to keep the chickens separated

from other animals.

11. Chicken coops must have a roof to keep the chickens separated from other animals.

**Subd. 4 Term.** All chicken permits shall expire on December 31 of each year.

**Subd. 5 Revocation.** Any chicken 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 chicken 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 chicken(s).

#### **600.21 Farm Animals.**

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

- C. The barn, stable, housing, or hive shall be located at least 150 feet from the nearest property line of adjacent property owners and must be built according to the zoning code.
- D. The barn, stable, housing or hive shall be considered accessory structures.
- F. Keeping of Honeybees.
  - 1. No person shall keep or maintain 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 occupied property owners situated within 250 feet from the hive.
  - 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.
4. **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 the hive with a latching fence. The fence shall be located at a maximum of ten (10) feet from the hive. The fence shall be between four (4) and six (6) feet in height.
5. **Colony density.** Any person obtaining a permit pursuant to this section shall comply with the following restrictions on colony density based upon the size of the lot:
- a. One (1) acre but small than five (5) acres: No more than eight (8) colonies
  - b. Larger than five (5) acres: As determined by the City Council
  - c. Regardless of lot size, so long as all lots within a radius of at least two hundred and fifty (250) 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, B, and E of Section 600.21, Subdivision 3 shall not apply to ducks, geese,  
pygmy goats, or honeybees.

Adopted this 12th day of July 2012 by the Newport Planning Commission.

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

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

ATTEST: \_\_\_\_\_  
Brian Anderson, City Administrator