



**CITY OF NEWPORT  
PLANNING COMMISSION MEETING  
NEWPORT CITY HALL  
NOVEMBER 8, 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 October 11, 2012

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

A. **Public Hearing** – To consider an application from Steven Lutzwick, 1125 2<sup>nd</sup> Avenue, Newport, MN 55055 for Approval of a Variance for Property Located at 1125 2<sup>nd</sup> Avenue, Newport, MN 55055

1. Memo from Sherri Buss
2. Application
3. Notice of Public Hearing
4. Resolution No. P.C. 2012-11

B. Discussion Regarding the B-2 Zoning District

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

### **6. NEW BUSINESS**

### **7. ANNOUNCEMENTS**

A. Upcoming Meetings and Events:

1. Veterans' Day – City Offices will be closed      November 12, 2012
2. City Council Meeting      November 15, 2012      5:30 p.m.
3. Thanksgiving Holiday – City Offices will be closed      November 22 – 23, 2012
4. City Council Meeting      December 6, 2012      5:30 p.m.
5. Planning Commission Meeting      December 13, 2012      7:00 p.m.

### **8. ADJOURNMENT**



**City of Newport  
Planning Commission Minutes  
October 11, 2012**

**1. CALL TO ORDER**

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

**2. ROLL CALL -**

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

Commissioners absent – Matt Prestegaard

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 September 13, 2012**

**Motion by Anderson, seconded by McElwee-Stevens, to approve the September 13, 2012 minutes as presented. With 3 Ayes, 0 Nays, 2 Absent, the motion carried.**

**Dan Lund arrived at 7:01 p.m.**

**4. APPOINTMENTS WITH COMMISSION**

**A. Public Hearing – To consider an application from the Washington County Regional Railroad Authority for Approval of a Station Area Plan, Station Site Plan, Conditional Use Permit, Variance and a Major Subdivision for Property Located at 2222 Maxwell Avenue**

**The Public Hearing opened at 7:02 p.m.**

Sherri Buss, TKDA Planner, Andy Gitzlaff, Washington County, and Stuart Krahn, Senior Associate with Stantec presented on this item as outlined in the October 11, 2012 Planning Commission Packet.

The applicant is requesting approval of a Station Area Plan, Station Site Plan, Conditional Use Permit (CUP), Variance and Major Subdivision to allow development of a transit station on and subdivision of the parcel at 2222 Maxwell Avenue. The site is 11.6 acres in size and is located in the MX-3 Transit-Oriented Mixed Use District. The applicant is proposing to construct a new roadway, a transit station, and a park and ride lot on a portion of the site, and is platting the remainder of the site for future private development.

The proposed use requires approval of a Station Area Plan, Site Plan, and CUP based on the requirements of the MX-3 zoning district. The applicant has requested a variance from the front setback requirements to allow construction of the transit station canopy within the required setback. The project requires approval of a Major Subdivision because the applicant is proposing a new public roadway in addition to three new lots.

**Bob Franklin, Newport Cold Storage** – Mr. Franklin was present to discuss concerns regarding their driveway. Mr. Franklin would like to know if there is any consideration to move the driveway for Newport Cold Storage to align with the new street.

**Susan Lindoo** – I believe that has been raised by the Engineer but I don't believe it's been addressed yet.

**Mr. Gitzlaff** – I’d have to go back to our traffic engineer to see if this is feasible. I know he’ll say that it’s beneficial; however there are some items that will hold it up such as the cost to relocate the driveway and the fact that MnDot owns a majority of that land. We are talking with the City in regards to the future of Maxwell Avenue.

**Ms. Buss** – We can certainly discuss that at the staff meeting and you can also add a condition stating that the County review options for the future of Maxwell Avenue, including the possibility of moving the driveway.

**The Public Hearing closed at 8:16 p.m.**

The Planning Commission discussed the requests by the applicant for a Station Area Plan, Site Plan, Conditional Use Permit, Variance, and Major Subdivision. The primary points of their discussion are below:

**Station Area Plan**

The applicant is requesting approval of a Station Area Plan for the entire 11.6-acre site. The Planning Commission discussed and requested the following:

- The Planner has included a condition that the County or future developers complete a detailed analysis of traffic and traffic controls when future development applications are submitted for Outlot A. The Planning Commission requested that the condition be modified include consideration of roundabouts as the traffic control at the intersections of Maxwell Avenue with the new street and 21<sup>st</sup> Street.
- The Planning Commission recommended that the new street within the subdivision be named “Red Rock Crossing.”

The Planning Commission recommends that the City Council approve the WCRRA request for a Station Area Plan based on the following findings:

*Station Area Plan Findings:*

1. The proposed Station Area Plan is consistent with the intent of the MX-3 Zoning District and the City’s Comprehensive Plan.
2. The proposed Plan is not detrimental to public health, safety or general welfare.
3. The proposed Plan is not hazardous, detrimental or disturbing to surrounding land uses.
4. The Plan will not create traffic congestion, unsafe access or parking needs that will cause an inconvenience for surrounding properties.
5. The proposed Plan provides for adequate public utilities and services.
6. The proposed Plan will not create adverse environmental impacts.
7. Each phase of the Plan can exist as an independent unit.

**Motion by Anderson, seconded by Lund, to approve Resolution No. P.C. 2012-8 recommending the City Council approve the Station Area Plan. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

**Site Plan and CUP**

The applicant is requesting approval of a Site Plan for Lot 1 and a Conditional Use Permit (CUP) for the Transit Station. The Planning Commission discussed and requested the following in regards to the Site Plan and CUP:

- The Planning Commission discussed the bicycle facilities proposed for the transit station, and the WCRRA staff presentation regarding plans to connect the site to existing and future bicycle trails in the area. The Planning Commission recommended adding a condition that a dedicated bicycle lane be developed to connect the existing trail on Maxwell Avenue to the transit facilities to support safe bicycle use of the facility and local trails.
- The Planning Commission determined that the screening included in the site plan is adequate to meet the ordinance requirements.
- The Planning Commission reviewed the plaza and open space areas shown on the plans, and indicated that the areas meet the open space dedication intent and requirement of the ordinance.
- The Planning Commission discussed actions the City could take to add interest to the west wall of the transit building. Some options included a city bulletin board or mural. The Planning Commission recommended that if

the WCRRA is not willing to modify the design of the west wall, that the City Council consider design options that will improve the view of the building for those entering the station area and adjacent to it, and that will discourage graffiti on this visible surface.

- The design standards do not allow the use of painted or unpainted concrete block as an exterior material. The applicant indicated that the exterior materials will include “burnished block.” The applicant provided samples of the proposed material for review by the Planning Commission. The Commission found that the material meets the ordinance requirement.

The Planning Commission recommends that the City Council approve the WCRRA request for a Site Plan and CUP based on the following findings:

*Transit Site Plan and CUP Findings:*

1. The proposed Site Plan is generally consistent with the intent of the MX-3 Zoning District, other sections of the City Code, the Comprehensive Plan, and Design Guidelines for the MX-3 District.
2. The Site Plan will not have a negative impact on public health, safety and general welfare, traffic, parking, public facilities, the environment and natural resources or surrounding land uses.
3. The proposed PUD will not compromise the health, safety and welfare of the community and residents of the PUD if the conditions proposed are addressed by the applicant;
4. Conditions for approval of the Site Plan and CUP have been included to require that the Site Plan meets all requirements of the Zoning Ordinance and protect the best interest of the surrounding area and community as a whole.

**Motion by Anderson, seconded by Lund, to approve Resolution No. P.C. 2012-9 recommending the City Council approve the Site Plan and Conditional Use Permit as amended. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

**Variance and Subdivision**

The applicant is requesting approval of a Variance and Major Subdivision. The Planning Commission discussed and requested the following in regards to the Variance and Major Subdivision:

- The findings support granting the variance. The Planning Commission discussed the Findings and recommended that the Council approve the variance request.

The Planning Commission recommends that the City Council approve the WCRRA request for a Variance and Major Subdivision based on the following findings:

*Variance Findings:*

1. The proposed variance is in harmony with the general purposes of the MX-3 Zoning District and the Comprehensive Plan.
2. The variance request is reasonable because it provides for the safety and comfort of transit users and general welfare.
3. The request is due to the nature of the site and proposed use, and were not created by the landowner.
4. The variance would not alter the essential character of the area.
5. The practical difficulties are based on the site, operational and safety needs, transit user safety and comfort, and not economic factors.
6. The canopy structure will not impair an adequate supply of light and air to adjacent properties, increase congestion on public streets, increase the danger of fire or endanger public safety, or substantially diminish or impair property values within the neighborhood.
7. The variance is the minimum action required to eliminate the practical difficulty.
8. The canopy will not affect direct solar access for solar energy systems.

*Major Subdivision Findings:*

1. The subdivision is not in conflict with the City’s Comprehensive Plan, Zoning Ordinance, Capital Improvements Program, or other policy or regulation.
2. The physical characteristics of the site are such that the site is physically suitable for the type of development or use contemplated, including topography, vegetation, susceptibility to erosion, susceptibility to flooding, and similar characteristics.

3. The design of the subdivision and the proposed improvements are not likely to cause substantial and irreversible environmental damage.
4. The design of the subdivision and the type of improvements will not be detrimental to the health, safety, or general welfare of the public.
5. The design of the subdivision or the type of improvement will not conflict with easements on record or with easements established by judgment of a court.

**Motion by McElwee-Stevens, seconded by Anderson, to approve Resolution No. P.C. 2012-10 recommending the City Council approve the Variance and Major Subdivision as amended. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

The Planning Commission also discussed the street lights for the new road Red Rock Crossing and is recommending that they be the same design as the parking lot for the transit station.

**5. COMMISSION AND STAFF REPORTS**

No reports

**6. NEW BUSINESS**

No new business

**7. ANNOUNCEMENTS**

A. Upcoming Meetings and Events:

- |                                |                  |           |
|--------------------------------|------------------|-----------|
| 1. City Council Meeting        | October 18, 2012 | 5:30 p.m. |
| 2. Buckthorn Removal Day       | October 27, 2012 | 9:00 a.m. |
| 3. City Council Meeting        | November 1, 2012 | 5:30 p.m. |
| 4. Planning Commission Meeting | November 8, 2012 | 7:00 p.m. |

**8. ADJOURNMENT**

**Motion by McElwee-Stevens, seconded by Anderson, to adjourn the Planning Commission Meeting at 9:18 P.M. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

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

Respectfully submitted,

Renee Helm  
Executive Analyst



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

## Memorandum

<b>To:</b>	<u>City of Newport Planning Commission</u>	<b>Reference:</b>	<u>Lutzwick Variance Request</u>
<b>Copies To:</b>	<u>Brian Anderson, City Administrator</u>		
	<u>Renee Helm, Executive Assistant</u>	<b>Project No.:</b>	<u>15140.003</u>
<b>From:</b>	<u>Berry Farrington, AICP</u>	<b>Routing:</b>	<u>Sherri Buss, AICP RLA</u>
<b>Date:</b>	<u>November 1, 2012</u>		

**SUBJECT:** Steven Lutzwick Variance request

**MEETING DATE:** November 8, 2012

**LOCATION:** 1125 2<sup>nd</sup> Avenue, Newport MN

**APPLICANT:** Steven Lutzwick  
1125 2<sup>nd</sup> Avenue  
Newport, MN 55055

**ZONING:** River Residential District (R-1A), Shoreland Overlay District, Floodplain Overlay District, and Mississippi River Critical Area.

**ITEMS REVIEWED:** Application Form and narrative, letters of support from neighbors, and letter from applicant's attorney

### BRIEF DESCRIPTION OF THE REQUEST

The Applicant, Steven Lutzwick, is requesting a variance to allow for a single family home with an opening elevation that is below the floodplain elevation. The property is located at 1125 2<sup>nd</sup> Avenue, in the River Residential (R1-A) District, Shoreland Overlay District, Floodplain Overlay District, and Mississippi River Critical Area. The lot is approximately .98 acres.

### BACKGROUND

The property is in the floodplain and the FEMA base elevation is 703 feet. The Applicant bought the property with an existing single family home on it. The opening elevation of that house was 700.5 feet. The Applicant removed the existing home and replaced it with a new single family home last year. The Applicant indicates that he consulted with neighbors about the design of the house and that he wanted the house to be consistent in architectural character and elevation with those in the surrounding area. In order to build a house of similar height to others in the

area, the opening elevation of the lower level of the new house is at 701.21 feet. This elevation is lower than that allowed by the Zoning Ordinance, and therefore the applicant requests a variance. The application includes eight letters of support from neighboring property owners.

## **EVALUATION OF THE REQUEST**

### ***Floodplain Overlay District***

Section 1370.05 of the City's Zoning ordinance addresses floodplains. It states that the basement floor must be at or above the Regulatory Flood Protection Elevation [Subdivision 15(B)(1)]. The home with a basement elevation of 701.21 feet does not meet this standard and so a variance is requested.

The application describes the following flood proofing completed at the basement elevation:

- "Watch Dog" exterior foundation waterproofing
- Two-inch thick foundation insulation and waterproofing
- Drain tile loop around the exterior perimeter with sump basin
- Below floor drain tile loop around the interior perimeter with sump pump and sump basin
- Interior foundation waterproofing
- Sealant applied to all penetrations through lower level floor and walls
- All vulnerable mechanical equipment, electrical devices, outlets and wiring are above the floodplain elevation.

The Applicant's attorney has prepared an Indemnity Agreement that would hold the City harmless from any claims for flood damages, which would be executed if the City grants the variance.

### ***Variance Request***

MN Statute (Statute 394.27, Subdivision 7) regarding variances was amended in 2011, replacing the "Hardship" standards with criteria for evaluating the "Practical Difficulties" that are the basis for the variance request and approval. The Practical Difficulty standards are printed below in italics, with the Planner's findings following each standard.

Section 1310.11 of the the City's zoning ordinance regarding variances has not yet been updated to include the "Practical Difficulties" standard, but it is advisable to use the state standard, until the City's standard is updated.

### ***Evaluation and Findings***

- *Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the comprehensive plan.*

The purpose of the River Residential District is to preserve, create and enhance areas for low density single-family development. For this area, the Comprehensive Plan calls for the scale and design of infill housing to be complimentary to the existing neighborhood. The request is in harmony with the zoning district and the comprehensive plan because the lower elevation of the single-family home resulted from the Applicant's intent to build a house complimentary to the existing neighborhood.



- *The variance request should be reasonable under the development code.*

The request is reasonable because a single family home is an allowed use under the development code.

- *The request is due to circumstances that are unique to the property, and were not created by the landowner.*

The difficulties are not created by the applicant, but are unique to the elevation and architectural character of homes in the surrounding area, and the floodplain elevation. The home that was previously on the property was at an elevation lower than the new home.

- *The variance, if granted, will not alter the essential character of the area.*

The Applicant consulted the neighbors concerning the architecture and the elevation of the home before it was built, in an effort to preserve the character of the neighborhood. Granting of the variance would not alter the essential character of the area.

- *Economic considerations alone do not constitute practical difficulties.*

The variance request is based on considerations of community character, not economic considerations.

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

The house will not impair the supply of light or air to adjacent properties, increase street congestion, increase the danger of fire or endanger public safety, or impair property values within the neighborhood.

- *The requested variance should be the minimum action required to eliminate the practical difficulty.*

The elevation of the home is closer to the required minimum elevation than the elevation of the previous home on the property. A higher elevation would have raised the overall height of the structure and would not have been as compatible with the style of area houses.

- *Practical difficulties include, but are not limited to inadequate access to direct sunlight for solar energy systems.*

Granting the variance request will not affect access to direct sunlight for solar energy systems.

The findings support granting the variance. The Planning Commission should discuss the Findings and make its recommendation to the Council regarding the variance request.



## **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 Steven Lutzwick request for a variance to allow the house located at 1125 2<sup>nd</sup> Ave, Newport MN to have the opening elevation of the lower level at 701.21 feet.

The Planner finds the following:

1. The single-family home with a ground floor opening at 701.21 feet is consistent with the Comprehensive Plan's land use policies that the scale and design of infill single-family housing be complimentary to the existing neighborhood.
2. The request is reasonable because a single-family home is an allowed use under the development code in the R-1A District.
3. The practical difficulties are unique to the elevation and architectural character of homes in the surrounding area, and the floodplain elevation. The home that was previously on the property was at an elevation lower than the new home.
4. The low elevation of the home was established through the Applicant's effort to preserve the essential character of the area, by building a home that was not significantly taller than the surrounding homes.

The Planner recommends the following conditions:

1. The Applicant shall sign the Indemnity Agreement that the Applicant's attorney prepared, holding the City harmless from any claims for damages to the property by reason of any flooding that might occur because the elevation of the basement is not at or above 703 feet.
2. The applicant shall pay all fees and escrow associated with this application.



**JACK W. CLINTON, P.A.**  
ATTORNEY AT LAW

**JACK W. CLINTON\***  
MARY K. KUEHLWEIN  
PAKOU L. YANG  
- LEGAL ASSISTANTS

539 BIELENBERG DRIVE  
SUITE 200  
WOODBURY, MN 55125

TELEPHONE: 651-389-9923  
FAX: 651-389-9924  
JWCLINTON@USINTERNET.COM

October 8, 2012

Brian J. Anderson, City Administrator  
City of Newport  
596 Seventh Avenue  
Newport, MN 55055

Re: Our Client: Steven H. Lutzwick  
Our File No: 72313-0001

Dear Mr. Anderson:

I represent Mr. Lutzwick concerning his property at 1125 – 2<sup>nd</sup> Avenue, Newport.

I am submitting with this letter the following:

1. The variance application, including the attachment of the explanation for the request and how it meets the statutory criteria to entitle the property to a variance.
2. The application fee of \$300.00.
3. Eight letters of concurrence from the surrounding property owners.

Dr. Lutzwick purchased the property on 2<sup>nd</sup> Avenue. The elevation of the existing house was 700.5 feet. As you are aware, the floodplain and FEMA based elevation map is 703 feet.

Dr. Lutzwick wanted to reconstruct a new home on the property. Before doing so, he consulted with his neighbors concerning the architectural style and elevation of the house. His purpose in doing that was to see that the new home would keep with the elevations of the surrounding homes and be consistent with the architecture. In doing that, he wanted to have the house be consistent with the surrounding area. In order to do that, and not have the house at a higher elevation than surrounding homes, the opening elevation of the lower level is at 701.21. This elevation is higher than the old home, but the home does not stand out in a negative way compared to the surrounding homes.

The efforts that Dr. Lutzwick made to construct the home consistent with the surrounding neighborhood are keeping with the purpose and intent of the variance requirements under Minn. Stat. 462.357, Subd. 6. Those purposes are

1. That the owner be allowed to use the property in a reasonable manner, but one which is not allowed by the city's zoning ordinance, in this case, not at a minimum elevation of 703.
2. The owner's situation is due to the unique condition of the property. The elevation of the property has been in its current state since the original home was constructed. The surrounding homes follow the existing elevation and topography.
3. The third criteria is that if the variance is granted, it will not change the character of the locality. Consistent with that, the neighbors were consulted concerning the architecture of the home and its elevation. The home as reconstructed is not out of scale, out of place or otherwise inconsistent with the elevation of surrounding homes of their type of construction.

In short, we believe that the request is well supported and meets the three statutory criteria. Dr. Lutzwick has worked with the surrounding homeowners to see that his construction would meet with their approval. The concurrence letters that accompany the application reflect their approval and support of the construction.

The building permit and inspections you have on your file in your records. All inspections required were conducted by the City's designated building inspector. The construction passed all of the inspections, and the home meets all building code requirements. There have been a number of steps taken concerning flood-proofing which are articulated in the attachment to the application, numbers 1 – 7, that I will not repeat in this letter. In addition, if the flood elevation is exceeded, the mechanical equipment, electrical devices and outlets are all installed above the 100 year flood plain. Therefore, those additional steps have been taken to protect the home and the operation of all of the fixtures and mechanical equipment that could be impacted.

On behalf of Dr. Lutzwick, I am respectfully requesting that the City consider the variance and act favorably upon the request. Should you require any further information, please let me know and I will arrange to provide it.

Very truly yours,

**JACK W. CLINTON, P.A.**

Jack W. Clinton  
JWC:mkk

Enclosures

cc: Dr. Steven H. Lutzwick (via e-mail)

CITY OF NEWPORT

APPLICATION FOR CONSIDERATION OF PLANNING REQUEST

PUBLIC HEARING/DATE \_\_\_\_\_ DATE OF APPLICATION 04/ /2012

APPLICANT NAME STEVEN H. LUTZWICK PHONE 612-801-5128

ADDRESS 1125 - 2ND AVENUE , NEWPORT, MN 55055
Street City State Zip

OWNER NAME STEVEN H. LUTZWICK PHONE 612-801-5128

ADDRESS 1125 - 2ND AVENUE, NEWPORT, MN 55025
Street City State Zip

ADDRESS / LOCATION OF PROPERTY: 1125 - 2ND AVENUE, NEWPORT, MN

LEGAL DESCRIPTION OF PROPERTY & P.I.D. #

LOT 16, RIVERWOOD ACRES

35.028.22.41.0027

PLANNING REQUEST

APPLICATION FEE

- Comprehensive Plan Amendment \$500 or Actual Cost Plus \$50 for Additional Staff Hours ( 10 Hour Minimum )
Rezoning \$500
Zoning Amendment \$500
Variance \$300
Conditional Use Permit \$300 - Residential \$450 - Commercial
Subdivision Approval \$300 - Minor Subdivision -\$2,000 Parkland Dedication Fee
\$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

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

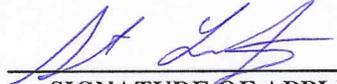
APPLICABLE ZONING CODE CHAPTER: \_\_\_\_\_ SECTION: \_\_\_\_\_

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



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)

\_\_\_\_\_  
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. #	_____

The City of Newport requires that any developer or every person, company, or corporation that is seeking to commence construction or major alterations of a structure, and land subdivisions or lot combinations must first submit detailed site plans to the City. The person submitting site plans must also submit prepayment to the City to cover any expenses that the City incurs by investing extensive amounts of time reviewing these plans. Any funds in excess of those actually reimbursing the City for its expenses will be returned to the applicant upon completion of the project. The fees are as follows:

SITE PLAN REVIEW – RESIDENTIAL:

8 units and under	\$2,000
9-40 units	\$3,200
41 units and greater	\$4,500

SITE PLAN REVIEW – COMMERCIAL:

0-5,000 sq. ft. bldg.	\$2,000
5,001-10,000 sq. ft. bldg.	\$3,000
10,001-50,000 sq. ft. bldg.	\$3,750
50,001 sq. ft. + bldg.	\$4,500

PRELIMINARY PLAT:

Under 10 acres	\$3,500
10 acres and greater	\$6,500

Applicant Name	Steven H. Lutzwick
Address	1125 - 2nd Avenue
	Newport, MN 55055
Phone	612-801-5128 (cell)
Date of Application	

<u>OFFICE USE ONLY</u>	
FEE \$	_____
RECEIPT #	_____

APPLICANT/OWNER:  
P.I.D.:

STEVEN H. LUTZWICK  
35.028.22.41.0027

CITY OF NEWPORT  
APPLICATION FOR CONSIDERATION OF PLANNING REQUEST

Applicant purchased the property at 1125 2<sup>nd</sup> Avenue, Newport, MN. The property had an existing home on the site at elevation 700.5.

The property is in the floodplain and the FEMA base elevation is 703 feet.

Applicant planned to construct a new home on the site. Surrounding neighbors were contacted concerning what would fit from an architectural and elevation perspective that would be compatible with the adjacent and surrounding homes. An elevation above 701.21 would raise the house above surrounding homes and not be in character. The surrounding property owners were contacted and consulted and did not want the house at a higher elevation. The surrounding owners have signed a letter concurring with the variance request. The letters accompany the application.

In order to keep the home elevation in character with the neighborhood, the basement floor elevation was raised to 701.21. That elevation is field verified.

Concerning the improvements on the basement elevation, we have done the following for flood proofing:

1. The new basement floor elevation is approximately 12 inches higher than the previous basement floor elevation of the existing structure on the property.
2. "Watch Dog" exterior foundation waterproofing has been applied to the entire perimeter of the block foundation.
3. A two inch (2") thick continuous foundation insulation and waterproofing protectant has been applied to the exterior foundation.
4. A continuous drain tile loop is installed around the exterior perimeter of the foundation base and is fed to an exterior sump basin completely isolated from the interior of the home.
5. A continuous below floor drain tile loop is installed around the interior perimeter of entire house foundation and fed to an interior sealed sump basin with and automatic sump pump discharging to high ground of the exterior.
6. Two coats of Williams sanded interior foundation waterproofing has been applied to perimeter of interior block foundation.

7. Sealant is applied to all penetrations through lower level concrete floor and walls.

In the event the FEMA 100 year flood plain elevation is exceeded:

1. All vulnerable mechanical equipment is elevated above the FEMA 100 year flood plain elevation.
2. All electric devices ,outlets, and wiring are installed above the FEMA 100 year flood plain elevation.

I am also willing to sign in recordable form an Indemnity Agreement that would hold the City harmless from any claims for damages to the property by reason of any flooding that might occur because the elevation of the basement is not at or above 703 feet. My attorney has drafted a proposed Indemnity Agreement which accompanies the application. I will sign the Indemnity Agreement upon approval of the variance.

The three criteria to support the variance request by statute and how this property meets the criteria are:

1. The property owner proposes to use the property in a reasonable manner, but on one that is not allowed by the City's zoning ordinance. The property meets this because the use is consistent with the zoning ordinance (residential), and that is allowed only if the elevation is at 703. The prior home could have remained at the lower elevation of 700.5 without modification. The new home elevation is raised to 701.21 with flood proofing on the lower level. The elevation and architecture are consistent with the surrounding homes. The neighbors concur with the structure as built.
2. The landowner situation is due to circumstances unique to the property not caused by the landowner. Uniqueness generally relates to the physical characteristics of the particular piece of property and economic considerations alone "do not constitute practical difficulties."

The circumstances are unique to the property and not based on economic hardship. We worked with the neighbors and the existing elevations of their homes to see that the new home would fit in with the surrounding homes.

3. The variance, if granted, will not alter the essential character of the locality. This factor generally contemplates whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

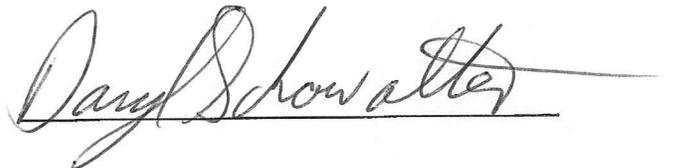
The new home keeps the character of the neighborhood. The ability of work with the neighbors and not raise the home elevation to the code minimum keeps the home to be consistent with the scale of the neighbors so the new home does not look out of place or out of character with the neighboring homes.

RE: REQUEST FOR VARIANCE  
PROPERTY ADDRESS: 1125 - 2<sup>ND</sup> AVENUE, NEWPORT, MN 55055  
HOMEOWNER: STEVEN H. LUTZWICK

TO WHOM IT MAY CONCERN:

We are the owners of property located at 1142 2nd Ave. We are aware of the variance request made by Steven H. Lutzwick. We gave input to him concerning the elevation of the reconstructed home, and we agree with the variance request.

Dated: 8/19/12

  
\_\_\_\_\_

RE: REQUEST FOR VARIANCE  
PROPERTY ADDRESS: 1125 - 2<sup>ND</sup> AVENUE, NEWPORT, MN 55055  
HOMEOWNER: STEVEN H. LUTZWICK

TO WHOM IT MAY CONCERN:

We are the owners of property located at 1109 2nd Ave <sup>I</sup> We are aware of the variance request made by Steven H. Lutzwick. We gave input to him concerning the elevation of the reconstructed home, and we agree with the variance request.

Dated: 8-19-2012

Cathy S. Bloom

---

RE: REQUEST FOR VARIANCE  
PROPERTY ADDRESS: 1125 - 2<sup>ND</sup> AVENUE, NEWPORT, MN 55055  
HOMEOWNER: STEVEN H. LUTZWICK

TO WHOM IT MAY CONCERN:

We are the owners of property located at 1141 2ND AVE. We are aware of the variance request made by Steven H. Lutzwick. We gave input to him concerning the elevation of the reconstructed home, and we agree with the variance request.

Dated: AUG 15, 2012

Daniel T. Lund  
DANIEL T. LUND

RE: REQUEST FOR VARIANCE

PROPERTY ADDRESS: 1125 - 2<sup>ND</sup> AVENUE, NEWPORT, MN 55055

HOMEOWNER: STEVEN H. LUTZWICK

TO WHOM IT MAY CONCERN:

We are the owners of property located at 1142 2nd Ave. We are aware of the variance request made by Steven H. Lutzwick. We gave input to him concerning the elevation of the reconstructed home, and we agree with the variance request.

Dated: 8-17-12

Jay Carlson

---

RE: REQUEST FOR VARIANCE  
PROPERTY ADDRESS: 1125 - 2<sup>ND</sup> AVENUE, NEWPORT, MN 55055  
HOMEOWNER: STEVEN H. LUTZWICK

TO WHOM IT MAY CONCERN:

We are the owners of property located at 1132 2<sup>ND</sup> AVE. We are aware of the variance request made by Steven H. Lutzwick. We gave input to him concerning the elevation of the reconstructed home, and we agree with the variance request.

Dated: 8-17-12

Lawrence W. Ruppel

---

RE: REQUEST FOR VARIANCE  
PROPERTY ADDRESS: 1125 - 2<sup>ND</sup> AVENUE, NEWPORT, MN 55055  
HOMEOWNER: STEVEN H. LUTZWICK

TO WHOM IT MAY CONCERN:

We are the owners of property located at 1097 2<sup>ND</sup> AVE. We are aware of the variance request made by Steven H. Lutzwick. We gave input to him concerning the elevation of the reconstructed home, and we agree with the variance request.

Dated: 8/17/12

Polly Gardner  
\_\_\_\_\_

RE: REQUEST FOR VARIANCE  
PROPERTY ADDRESS: 1125 - 2<sup>ND</sup> AVENUE, NEWPORT, MN 55055  
HOMEOWNER: STEVEN H. LUTZWICK

TO WHOM IT MAY CONCERN:

We are the owners of property located at 1110 2nd ave. We are aware of the variance request made by Steven H. Lutzwick. We gave input to him concerning the elevation of the reconstructed home, and we agree with the variance request.

Dated: 08/17/2012

Rita Koubele

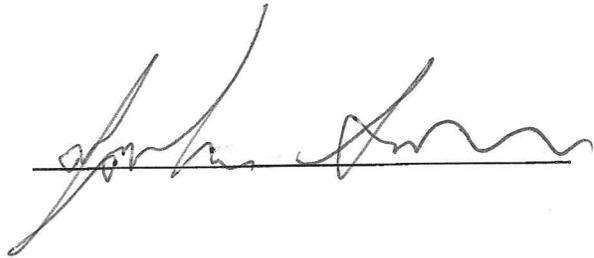
Rita Koubele

RE: REQUEST FOR VARIANCE  
PROPERTY ADDRESS: 1125 - 2<sup>ND</sup> AVENUE, NEWPORT, MN 55055  
HOMEOWNER: STEVEN H. LUTZWICK

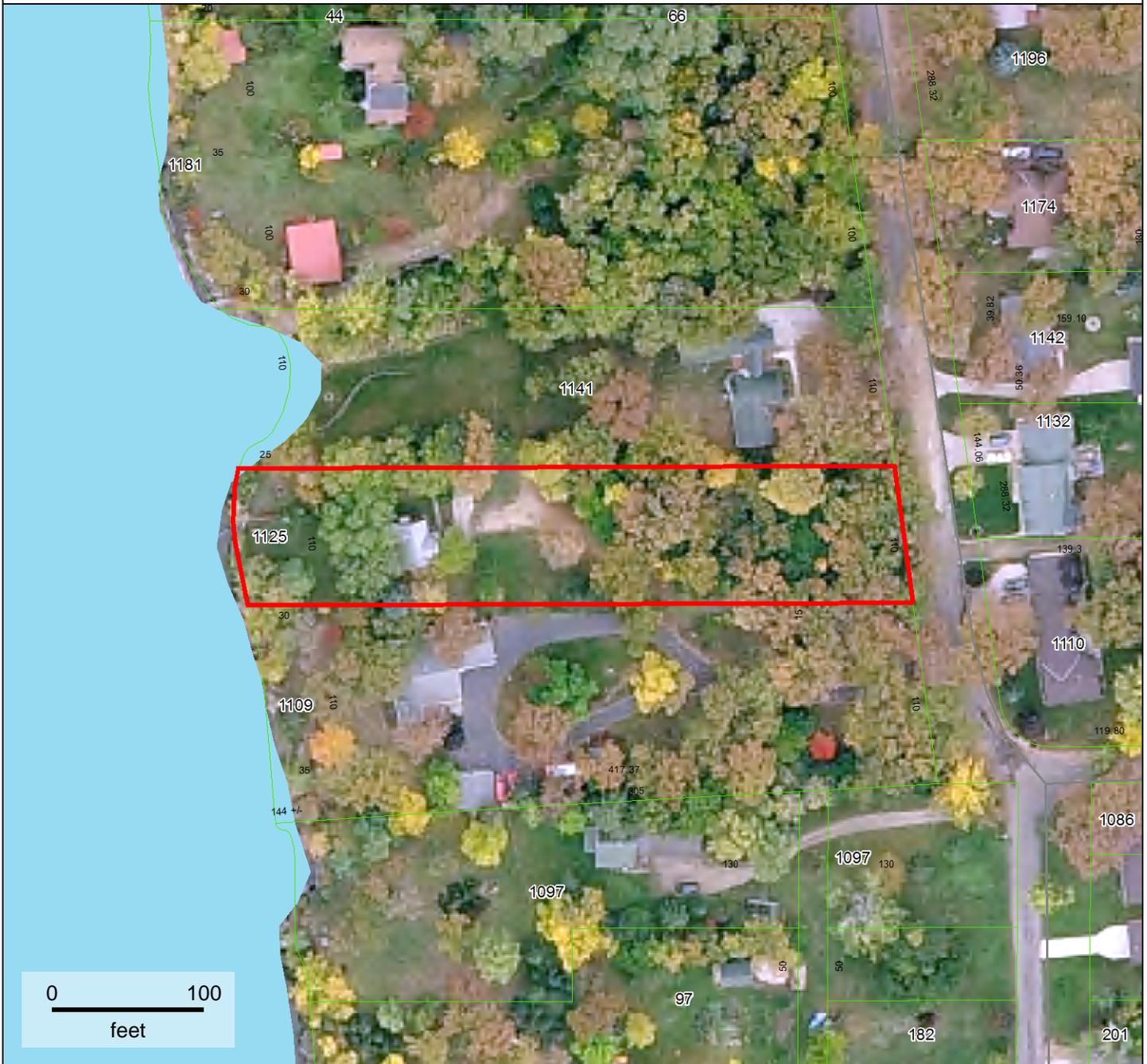
TO WHOM IT MAY CONCERN:

We are the owners of property located at 1181 2nd ave Newport. We are aware of the variance request made by Steven H. Lutzwick. We gave input to him concerning the elevation of the reconstructed home, and we agree with the variance request.

Dated: 8/17/12

A handwritten signature in black ink, appearing to be "John Lutzwick", written over a horizontal line. Below this line is another horizontal line, which is not signed.

# Washington County, MN



**Property Information**

Property ID 3502822410027  
Location 1125 2ND AVE



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.



**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 -- VARIANCE REQUEST**

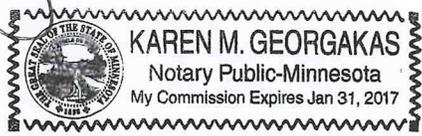
which is attached was cut from the columns of said newspaper, and was printed and published once each week for **1** successive weeks; it was first published on Wednesday, the **24th** day of **October**, 2012 and was thereafter printed and published on every Wednesday, to and including Wednesday, the **24th** day of **October**, 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 **24th** DAY OF **October** **2012**

*Karen M Georgakas*  
Notary Public



Client #	255364
Order #	1581629
File #	
Publication Fee:	\$ 94.92

**CITY OF NEWPORT  
PLANNING  
COMMISSION**  
NOTICE OF PUBLIC HEARING  
TO CONSIDER A REQUEST FOR A  
VARIANCE

Notice is hereby given that the Newport Planning Commission will hold a Public Hearing on Thursday, November 8th, 2012, 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 Steven Lutzwick, 1125 2nd Avenue, for approval of a Variance. The request is for property located at 1125 2nd Avenue, Newport, MN 55055. The Variance would allow a basement floor elevation of 701.21 feet, lower than the 703.00 elevation required by FEMA and the floodplain ordinance. Said property is legally described as: PID #35.028.22.41.0027 PT OF LOT 16 EXC THAT PT LYING WITHIN 15 FT OF THE SLY LINE OF LOT 16 SubdivisionName RIVERWOOD ACRES Lot 16 SubdivisionCd 55345

The Planning Request is governed under Chapter 13, Section 1310.11, Subdivision 1 of the City Code of Ordinance.

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 17th day of October, 2012

Brian Anderson  
City Administrator

Publish in the Washington County Bulletin Wednesday, October 24, 2012

<b>Property Owner</b>	<b>Address</b>	<b>City</b>
Steven Schottmuller	97 10th Street	Newport, MN 55055
Steven and Sarah Thomas	182 10th Steet	Newport, MN 55055
Jim Williams	201 10th Street	Newport, MN 55055
Duane Myrdahl	245 11th Street	Newport, MN 55055
Michael Dobozenski	269 11th Street	Newport, MN 55055
Roger Christianson	276 11th Street	Newport, MN 55055
Brian Carter	44 12th Street	Newport, MN 55055
Charles and Laurie Dubbles	66 12th Street	Newport, MN 55055
Merlyn Lundell	296 12th Street	Newport, MN 55055
John Dobozenski	298 12th Street	Newport, MN 55055
Norman Carlson	1086 2nd Avenue	Newport, MN 55055
Polly Gardner	1097 2nd Avenue	Newport, MN 55055
Marvin Bloom	1109 2nd Avenue	Newport, MN 55055
William Koubele	1110 2nd Avenue	Newport, MN 55055
Larry Rucker	1132 2nd Avenue	Newport, MN 55055
Dan Lund	1141 2nd Avenue	Newport, MN 55055
Jay Carlson	1142 2nd Avenue	Newport, MN 55055
Daryl Schowalter	1174 2nd Avenue	Newport, MN 55055
John Graber	1181 2nd Avenue	Newport, MN 55055
Patrick Klein	1196 2nd Avenue	Newport, MN 55055

**PLANNING COMMISSION**  
**RESOLUTION NO. P.C. 2012-11**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE A VARIANCE REQUESTED  
BY STEVEN LUTZWICK, 1125 2<sup>ND</sup> AVENUE, NEWPORT, MN 55055 FOR PROPERTY  
LOCATED AT 1125 2<sup>ND</sup> AVENUE, NEWPORT, MN 55055**

**WHEREAS**, Steven Lutzwick, 1125 2<sup>nd</sup> Avenue, Newport, MN 55055, has submitted a request for a Variance; and

**WHEREAS**, the proposed rezoning is for property located at 1125 2<sup>nd</sup> Avenue, Newport, MN 55055, and is more fully legally described as follows:

**PID #35.028.22.41.0027 - PT OF LOT 16 EXC THAT PT LYING WITHIN 15 FT OF THE SLY LINE  
OF LOT 16 SubdivisionName RIVERWOOD ACRES Lot 16 SubdivisionCd 55345**

**WHEREAS**, The described property is zoned River Residential District (R1-A); and

**WHEREAS**, **Minnesota Statutes 394.27 states** that the criteria for granting a variance include that variances are permitted when they are in harmony with the general purpose and intent of the official control and are consistent with the comprehensive plan; that the request shall be reasonable under the development code; the need for the variance is due to circumstances that are unique to the property and were not created by the landowner; the variance, if granted, will not alter the essential character of the area; economic considerations alone do not constitute practical difficulties; the proposed variance will not impair an adequate supply of light and air to adjacent properties, substantially increase the congestion of public streets, increase the danger of fire or endanger public safety, or substantially diminish or impair property values within the neighborhood; the requested variance should be the minimum action required to eliminate the practical difficulties; and practical difficulties include, but are not limited to inadequate access to direct sunlight for solar energy systems; and

**WHEREAS**, Following publication, posted, and mailed notice thereof, the Newport Planning Commission held a Public Hearing on November 8, 2012.

**WHEREAS**, the Planning Commission's findings related to the request for approval of a Variance include the following:

1. The single-family home with a ground floor opening at 701.21 feet is consistent with the Comprehensive Plan's land use policies that the scale and design of infill single-family housing be complimentary to the existing neighborhood.
2. The request is reasonable because a single-family home is an allowed use under the development code in the R-1A District.
3. The practical difficulties are unique to the elevation and architectural character of homes in the surrounding area, and the floodplain elevation. The home that was previously on the property was at an elevation lower than the new home.
4. The low elevation of the home was established through the Applicant's effort to preserve the essential character of the area, by building a home that was not significantly taller than the surrounding homes.

**NOW, THEREFORE, BE IT FURTHER RESOLVED That** the Newport Planning Commission **Hereby Recommends Newport City Council Approval** for a Variance with the following conditions:

1. The Applicant shall sign the Indemnity Agreement that the Applicant's attorney prepared, holding the City harmless from any claims for damages to the property by reason of any flooding that might occur because the elevation of the basement is not at or above 703 feet.
2. The applicant shall pay all fees and escrow associated with this application.

Adopted this 8<sup>th</sup> day of November, 2012 by the Newport Planning Commission.

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

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

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



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

## Memorandum

<b>To:</b>	Newport Planning Commission	<b>Reference:</b>	Business Zoning Districts
<b>Copies To:</b>	Brian Anderson, City Administrator		
	Renee Helm, Executive Assistant		
		<b>Project No.:</b>	14816.000
<b>From:</b>	Sherri Buss, RLA, AICP, Planner	<b>Routing:</b>	
<b>Date:</b>	October 26, 2012		

At the September Planning Commission meeting, we discussed the existing B-2 Zoning Districts, and the need to make some changes in the Districts to make them compatible with the new MX-3 Zoning District and address recent issues identified related to nonconforming uses in the District. The Planning Commission made several recommendations at that meeting:

- Create a new mixed-use district that includes the properties in the current northern B-2 District.
- The purpose of the new mixed-use district should be to serve as a “transition” district that allows a relatively broad range of uses. The district should support the existing uses in the district, and provide for transition of some existing highway-oriented business uses to uses that are compatible with adjacent MX Districts and create more of a “downtown” or “main street” character along Hastings Avenue for the long-term.
- The new district should address the existing nonconformities in the B-2 District by permitting residential uses, and avoid creating new nonconforming uses.
- Develop a revised Zoning Map that shows the new MX District, corrects the boundaries between the new district and the MX-3 District around Highway 61, and provides logical boundaries given the property ownerships in the area.
- The Business designation may still be appropriate for the southern B-2 zoning district. However, we should re-number the district since there are no longer any districts in the city designated B-1.

The attachments to this memo respond to the Planning Commission recommendations, and include the following:

- A draft zoning map that includes a new “MX-4” Transition District, to replace the existing northern B-2 District. The map leaves the existing southern B district in place, but renumbers the district as B-1, with the Business Park/Office/Warehouse district description.
- A revised Section 1350 of the Zoning Ordinance for the Non-residential Districts. The revised section includes some changes to integrate the MX-4 district with the other districts. Changes to this section of the code include the following:
  - Revised Purpose section of the Business Districts and B-1 District. The revisions focus on the purpose of the remaining Business district.
  - Item 1350.12—intent of the MX-4 Transition District. The Planning Commission should review this draft, and indicate whether you believe it addresses the purpose of the district.
  - Item 1350.13—Dimensional Requirements table.
    - This table makes the MX-4 District a “hybrid” of the standards for the MX Districts and the B District. The minimum lot sizes allowed are similar to the MX Districts, to allow for the existing residential uses and potential creation of new residential uses. However, the standards for Parking setbacks are similar to those of the Business districts, acknowledging that this district includes a number of existing surface parking lots that are adjacent to residential uses.
    - The Planning Commission should review the Dimensional Requirements table and discuss the requirements for the MX-4 District
  - Item 1350.14—Uses in the Non-residential Districts
    - This table includes a broader set of uses in the MX-4 District than in either the MX Districts or B District. It allows residential uses in the MX-4 district (a key change from the B-2 District). It also allows some business uses, such as “Building materials and services,” “outdoor sales in conjunction with a permitted use,” that exist in the District, that are not allowed in the MX- and MX-2 Districts, to accommodate existing uses.
    - The Planner has created this table to integrate all of the MX Districts into one table (integrated the info from the MX-3 table that currently exists separately in the ordinance). A new second table follows that includes the B and I Districts in a single table.
    - The Planning Commission should review the uses tables and consider the uses that should be allowed in the MX-4 District.
  - Item 1350.15—Administrative Procedures for Non-residential Districts
    - This section integrates the Administrative Procedures for all non-residential districts, which are currently in 2 separate sections in the ordinance.
  - Item 1350.16 –Performance Standards for Non-residential Districts
    - The performance standards section integrates the standards which currently exist in several places in the ordinance, and tries to put them in a logical order.
    - It places the general standards at the beginning of this section, and the additional standards for the MX-3 District at the end of the section.
    - The Planning Commission should review this section, and consider whether the standards need any further update, additions or changes.

- Renee has created a map and address list of the existing uses and parcels in the southern B-2 District. Please review this information, to determine if the proposed zoning classification and standards are appropriate if we want to maintain the current character of the district that would now be labeled B-1.

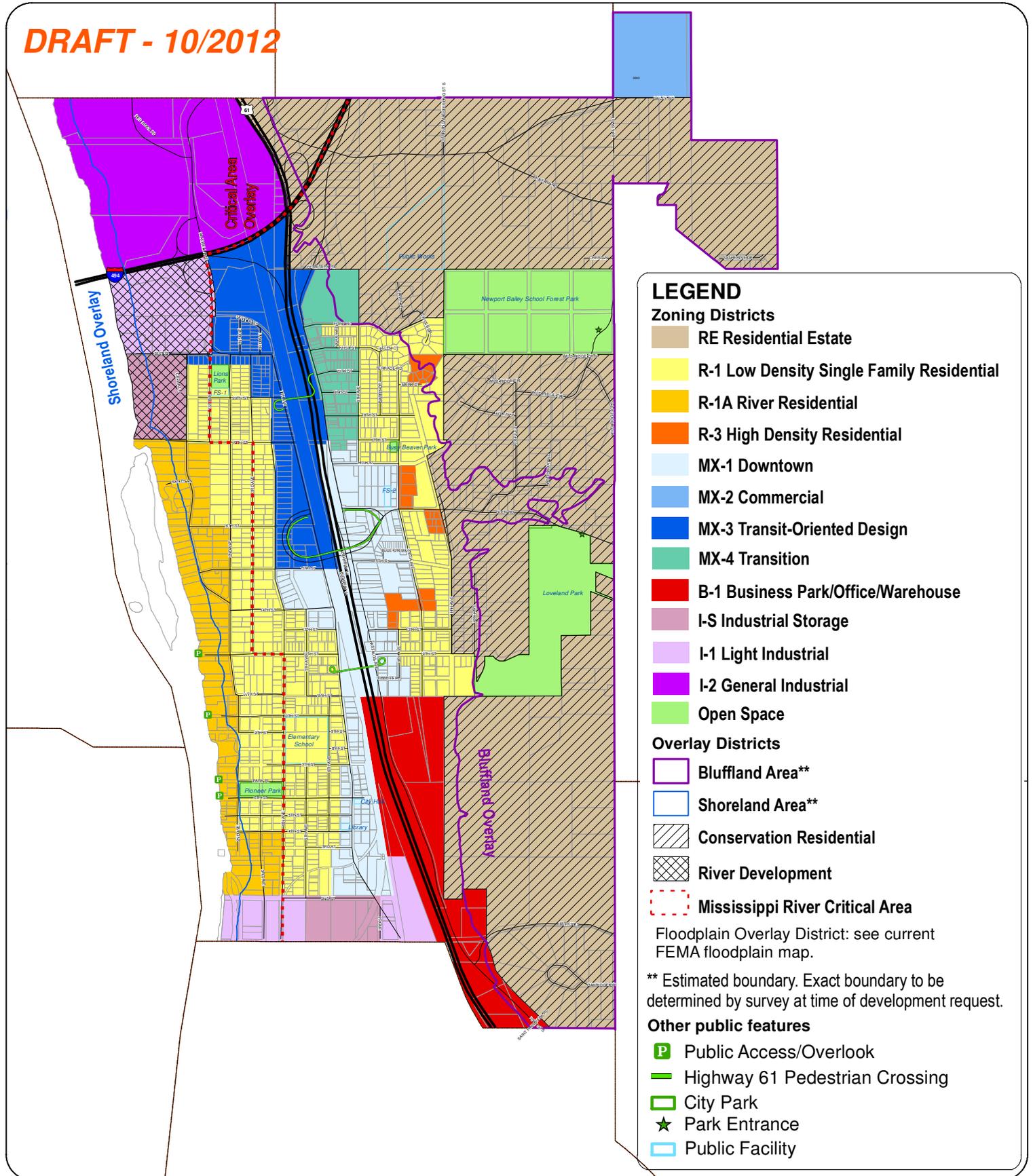
The draft revision is aiming to integrate a new MX-4 District while reorganizing the existing sections of the code so that all of the non-residential district requirements and standards are organized in one place in a logical way. Any assistance the Planning Commission can provide to improve this section is welcome!





# City of Newport Zoning Map

**DRAFT - 10/2012**



## LEGEND

### Zoning Districts

- RE Residential Estate
- R-1 Low Density Single Family Residential
- R-1A River Residential
- R-3 High Density Residential
- MX-1 Downtown
- MX-2 Commercial
- MX-3 Transit-Oriented Design
- MX-4 Transition
- B-1 Business Park/Office/Warehouse
- I-S Industrial Storage
- I-1 Light Industrial
- I-2 General Industrial
- Open Space

### Overlay Districts

- Bluffland Area\*\*
- Shoreland Area\*\*
- Conservation Residential
- River Development
- Mississippi River Critical Area

Floodplain Overlay District: see current FEMA floodplain map.

\*\* Estimated boundary. Exact boundary to be determined by survey at time of development request.

### Other public features

- Public Access/Overlook
- Highway 61 Pedestrian Crossing
- City Park
- Park Entrance
- Public Facility

Data sources: City of Newport, Washington County, Metropolitan Council  
 Zoning Map Adopted June 21, 2012; amended July 19, 2012  
 Map printed October 16, 2012



2,000  
 Feet

## ***Section 1350 - Non-residential Districts***

### **1350.01 Scope.**

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

### **1350.02 Purpose of Business Districts.**

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

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

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

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

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

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

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

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

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

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

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

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

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

**1350.08 Purpose of the Mixed-Use Districts.**

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

**1350.09 Specific intent of the MX-1 Downtown District.**

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

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

The specific intent of the MX-2 Mainstreet District shall be to provide a pedestrian friendly land use pattern that enables existing residential uses to coexist on a busy City street with small scale specialty retail uses and small offices that may locate in structures with a residential appearance. Development is intended to be compatible with the scale of surrounding residential areas. Parking areas are restricted in this zone in order to limit the impact on the neighborhood. Government services are encouraged as a part of this district.

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

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

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

**1350.12 Specific intent of the MX-4 Transition Mixed Use District**

The specific intent of the MX-Transition Mixed Use District is to provide for a mix of residential and commercial uses that provide for a transition from the auto-oriented uses that exist in the district based on past frontage on Highway 61, to uses that are compatible with adjacent mixed-use districts and development of the Downtown and Main Street character of Hastings Avenue.

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

- A. General Non-residential district standards

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

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

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

\*\* See section 1300.09 Exceptions to Front Yard Setbacks

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

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

<i>Height and Setbacks</i>	<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 35 feet, whichever is less	2 stories minimum, 4 stories maximum*	2 stories minimum, 4 stories maximum*	No minimum, 4 stories maximum
Setbacks	Front: Maximum of 15 feet Side: 10 feet Rear: 15 feet	Front: Maximum of 15 feet Side: 10 feet Rear: 15 feet	Front: Maximum of 15 feet Side: 10 feet Rear: none required	Front: Maximum of 8 feet Side: 10 feet Rear: None required

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

C. Densities in the MX-3 District

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

### **1350.14 Uses in the Non-Residential Districts**

A. Mixed Use Districts Uses

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

<b>Use</b>	<b>MX-1</b>	<b>MX-2</b>	<b>MX-3</b>	<b>MX-4</b>
<b>Residential Uses</b>				
Single-family detached, one dwelling per lot	P	P	N	P
Single-family detached, more than one dwelling per lot	PUD	PUD	N	PUD
Two-family residences	P	P	N	P
Townhouse, rowhouse	P	P	P	P
Mixed-Use (dwelling unit above ground floor)	P	P	P	P
Live-work building	C	C	C	C
Congregate housing for senior populations	P	P	P	P

Use	MX-1	MX-2	MX-3	MX-4
Apartments, condominiums, co-ops	P	P	P	P
<b>Civic and Semi-Public Uses</b>				
Schools for business, trade, dancing, music	C	C	C	C
Day care centers in a mixed-use building	P	P	P	P
Park and public recreation facilities	P	P	P	P
Transit stations and related parking facilities	C	C	C	C
Essential services	P	P	P	P
<b>Commercial Uses</b>				
Retail and service establishments, free-standing or mixed-use building	P	P	P	P
Financial services	P	P	P	P
Drive-through	C	C	C	C
Offices – general, medical, professional, free-standing or mixed-use building	P	P	P	P
Animal boarding, grooming, veterinary clinics, retail sales	C	C	C	C
Service businesses, such as beauty shops, barbershops, dry-cleaning, drop-off/pickup (no on-site processing) in mixed-use buildings	P	P	P	P
Building materials and services	N	N	N	C
Data centers	C	C	C	C
Hotels	C	P	P	C
Conference center	C	P	P	C
Theaters (with structured parking)	P	P	P	P
Structured parking facilities	P	P	P	P
Restaurants, including open air or sidewalk cafes, freestanding or in mixed-use buildings	P	P	P	P
Bakeries, delicatessens, coffee shops	P	P	P	P
Automotive services, car specialty services (not including body repair or major repair)	C	C	C	C
Outdoor sales in conjunction with a permitted use	N	N	C	C
Rental of vehicles (with limited outside storage)	C	C	C	C
Towing services (no outside storage of vehicles)	C	C	P	P
Emergency services, ambulance services	P	P	P	P
Research, development and testing laboratory	C	C	C	C
Laboratory, medical or dental	C	C	C	C
Fabrication of office and computer equipment	P	P	P	P
Fabrication of apparel, leather products and other products from prepared products	C	C	P	P
Small scale manufacturing and artisans	P	P	C	P
Processing and packaging of drugs, pharmaceuticals, perfumes and cosmetics	C	C	P	C
Printing, publishing, bookbinding, blueprinting	C	C	C	C
Internet publishing and broadcasting	P	P	P	P
Motion picture and sound recording industries	C	C	C	C
Administrative support services	P	P	P	P
Fitness and recreation centers, in a mixed-use building	C	C	C	C
Catalog and mail order	P	P	P	P

Use	MX-1	MX-2	MX-3	MX-4
Medical appliance assembly	P	P	P	P
Biotechnology	P	P	P	P
Accessory uses	P	P	P	P
Auto body repair and major auto repair	N	N	N	C
Mobile Homes	N	N	N	N
Parking lots as a principle use	N	N	N	N
Warehousing as a primary use	N	N	N	N

#### B. Business and Industrial District Uses

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

Use	B-1	I-1	I-2	I-S
<b>Civic and Public Uses</b>				
Cemetery and/or crematorium	C	N	N	N
Churches, synagogues, temples and associated Facilities except schools	P	N	N	N
Funeral Home	P	N	N	N
Hospitals	P	N	N	N
Medical clinics	P	N	N	N
Military reserve, national guard centers	C	N	N	N
Parking garage as a primary use	N	N	N	N
Penal/correctional facilities	N	C	C	N
Public utility	P	P	P	P
Schools-trade, college, vocational, and associated facilities	P	C	N	N
Sanitary landfill	N	C	C	N
<b>Commercial Uses</b>				
Hotels, motels	P	N	N	N
Adult uses (bookstore, theater, nightclub, nude or partially nude dancing)	N	N	C	C
Auto storage	N	C	P	C
Auto painting and body work	N	C	N	N
Restaurant, traditional or liquor served; bar and grill	P	N	N	N
Convenience stores	P	N	N	N
Wholesale sales	P	N	N	N
Gas, diesel or other motor fuel retail sales	P	N	N	N
Storage, mini-storage, cold-storage	N	N	N	P
Salvage yards (auto or scrap iron)	N	N	P	N
Commercial greenhouse operations	C	P	N	N
Veterinary clinic, animal hospital	C	P	N	N
<b>Warehouse and Industrial Uses</b>				
Manufacturing	C	P	P	N
Warehousing	C	P	P	N
Storage and distribution of bulk petroleum products, oil and gasoline				C

Use	B-1	I-1	I-2	I-S
Retail sale, installation and remanufacturing of vehicle parts and accessories		P		

**1350.15 Administrative Procedure for Development in the Non-residential Districts**

- A. All petitions for rezoning to establish or expand a nonresidential district shall also concurrently follow subdivision platting procedures and a complete preliminary plat with all supporting data required which shall be filed with the Zoning Administrator.
- B. If a zoning change for a nonresidential district is approved, the first phase of construction shall begin or show reasonable progress within two (2) years after approval of the general development plan and zoning change by ordinance or the district may be zoned back to its original zoning district classification or other appropriate zoning district classification.
- C. Upon finding by the Planning Commission and City Council that the proposed zoning district and preliminary plat shall constitute a district of sustained desirability, is consistent with long range comprehensive plans for the City, and meets the requirements of the district, the City Council may establish such district on the property included in the preliminary plat. The preliminary plat as approved together with such covenants, deed restrictions, controls, or special conditional use permits as may be attached to it, shall be filed and recorded by the owners or developer in the office of the county register of deeds and shall become a part of the ordinance establishing the zoning charge. Any substantial change to the plat shall require resubmission to and approval by the Planning Commission and City Council.
- D. The final platting of such land shall be subject to such requirements for approval, recording, and the installation of improvements as required by other City ordinances.
- E. Prior to obtaining a building permit or constructing any building improvements on an individual lot or site within any nonresidential district, three (3) copies of the site plan of proposed improvements shall be submitted to the Zoning Administrator, and reviewed by the Planning Commission and City Council. Such site plan shall include the following:
  - 1. A survey or plat of the property
  - 2. Evidence of ownership or interest in the property
  - 3. The fee specified in the City’s fee schedule
  - 4. Information regarding project phasing and timing.
  - 5. Complete development plans, signed by a registered architect, civil engineer, landscape architect, or other appropriate design professional, as required by the State Building Code.
  - 6. Phasing plan
  - 7. Architectural plans showing the following:
    - a. Colored elevations of all sides of the building
    - b. Type, color and samples of exterior building materials
    - c. Typical floor plans
    - d. Dimensions of all structures
    - e. The location of exterior trash storage areas and of exterior electrical, heating, ventilation and air conditioning equipment
    - f. Utility plans including water, sanitary sewer, and storm sewer

- g. A plan showing landscaping, lighting and signs that meets code requirements
  - h. Illustrations that show adjacent building elevations to show the scale of adjacent buildings and landscaping
  - i. Such other information as may be required by the City to process the application
- F. All public rights-of-way within Business and Industrial Districts shall be considered collector streets or arterials as defined in the City thoroughfare plan.
- G. Additional Administrative Procedures for Development in the MX-3 District
1. *Preliminary Review.* It is strongly recommended that anyone planning to develop or redevelop property in an MX-3 District meet with the City Administrator (1) during the conceptual design process in order that the staff may offer input into meeting the ordinance requirements and design standards and (2) during the design development stage to ensure that the plans meet the minimum MX-3 District Standards.
  2. *Station Area Plan Procedure.* No new development or redevelopment may occur, and no building permit will be issued, without approval of a Station Area Plan conforming to the requirements of this section. Approval of individual site plans must conform to the Station Area Plan. Upon the submission of the Station Area Plan, the Planning Commission will conduct a public hearing and make a recommendation to the City Council, which shall approve, modify or deny the Station Area Plan. The Station Area Plan shall include the following:
    - a. A drawing showing existing conditions such as property boundaries, generalized contours, site features such as wetlands and wooded areas, and surrounding land uses and development.
    - b. A conceptual development plan showing public and private open space, and general site data such as building locations, density, setbacks, ponding areas, parking areas and generalized screening, buffering and landscape concepts.
    - c. Generalized traffic information including proposed new streets and alley connections, and improvements to existing roads.
    - d. An elements plan that includes, but is not limited to, lighting, public art, planters, fountains, litter receptacles, benches or seating areas.
  3. The findings necessary for approval of the Station Area Plan include, but are not limited to, the following
    - a. The Station Area Plan is consistent with the intent of the MX-3 District.
    - b. The Station Area Plan reflects development that:
      - i. Is not detrimental to the public health, safety, or general welfare
      - ii. Is not hazardous, detrimental or disturbing to surrounding land uses, or that creates pollution, vibration, general unsightliness, electrical interference, or other nuisances
      - iii. Does not create traffic congestion, unsafe access, or parking needs that will cause inconvenience to adjoining properties
      - iv. Is served adequately by essential public services such as streets, police, fire protection, utilities and parks
      - v. Does not create excessive additional requirements at public cost for public facilities and services, and is not detrimental to the economic welfare of the City
      - vi. Causes minimal adverse environmental effects

vii. Each phase or stage of the Station Area Plan can exist as an independent unit.

4. *Site Plan Approval Required.* A site plan approval is required for all new construction in a TOD 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 \_\_\_ 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: Colored elevations of all sides of the building; type, color and samples of exterior building materials; typical floor plans; dimensions of all structures; the location of exterior trash storage areas and of exterior electrical, heating, ventilation and air conditioning equipment; utility plans including water, sanitary sewer, and storm sewer; a plan showing landscaping, lighting and signs that meets code requirements; illustrations that show adjacent building elevations to show the scale of adjacent buildings and landscaping; other information as may be required by the City to process the application.
  
- H. *Public hearing.* Upon receipt of a completed application for rezoning, subdivision or site plan approval, a date shall be set for a public hearing before the Planning Commission. The hearing will be held no less than 10 days after mailed notice is sent to the owners of property located wholly or partially within 350 feet of the site. The Planning Commission shall submit its recommendation to the City Council. Following appropriate review, the Council shall make a decision regarding the application.
  
- I. *Administrative Approval.* To offer some degree of flexibility, the City Administrator has the authority to administratively alter any of the development and urban design standards by five percent (5%) in an MX-3 District. If administrative approval is required for parking or an item normally approved by the Planning Commission and City Council, the City Administrator shall only grant approval after consultation with other city staff (public works, building inspections, fire chief, etc.)

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

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

#### **1350.16 Performance Standards for Non-residential Districts**

- A. MX District Parking standards.
  1. Parking requirements shall be governed by Section 1330.06 except for the following:

Surface Parking Lots in the MX-1, MX-2, and MX-3 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.

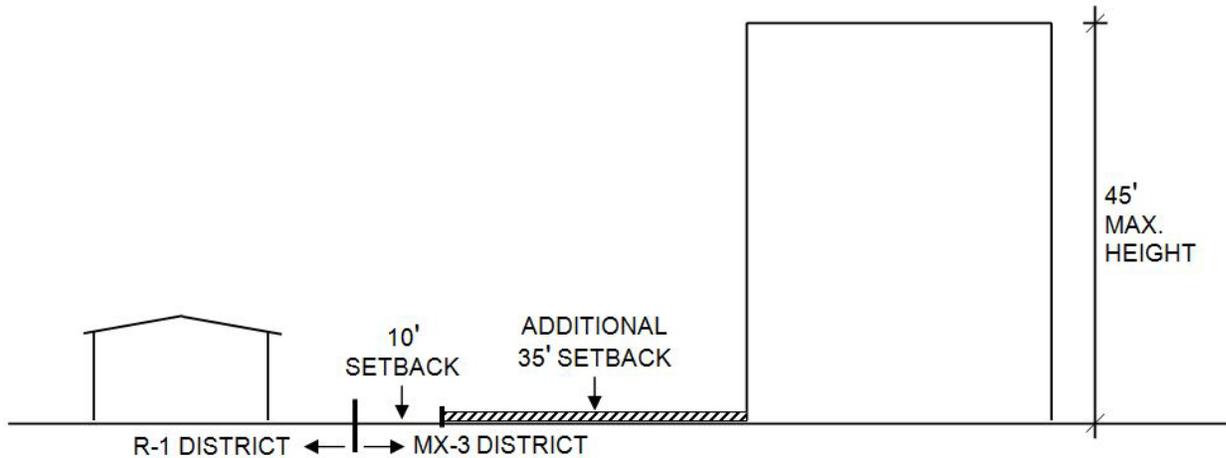
2. In the MX-1 District, parking requirements shall be 1 space for every 350 square feet of office or retail gross floor area. On-street parking spaces that are adjacent to the parcel that the parking is being calculated for may be included in the calculation. The maximum number of off-street parking spaces permitted shall not exceed 1 space per 250 square feet of office or retail uses, except in the case of restaurants which shall be allowed one space per 200 square feet if shared parking facilities are not available.
  3. Parking standards for the MX-3 District are included in Section 1350.17.
  4. Additional reductions in parking requirements in the MX-1 and MX-2 Districts shall be permitted with demonstrations of proof of parking or a parking management strategy acceptable to the Zoning Administrator.
- B. Building Standards. Every primary and accessory building in a Commercial, Industrial or Mixed Use District shall be uniform in design and materials on all sides of a structure facing a public street, having extensive visual exposure from a public street or is adjacent to a residential zoning district, unless modified herein.
1. Exterior surfaces of all buildings shall be faced with or a combination of brick, stone (or better), decorating architecturally textured concrete products, wood veneer, glass, stone, decorative pre-cast panels, equivalent products or better.
  2. Primary and accessory buildings: facades or roofs in any Commercial District shall not be constructed of non-textured cinder concrete block, sheet aluminum, steel, corrugated aluminum or steel, or similar products.
  3. Primary or accessory building facades in any Industrial District not fronting on a public street, not having extensive visual exposure from a public street or is not adjacent to a Residential Zone may be constructed of non-textured cinder block, sheet aluminum, steel, corrugated block, corrugated aluminum or steel or similar products.
  4. Within an Industrial District a multi-tenant, mini-storage or trucking terminal with extensive use of garage doors on many sides of a building or groups of buildings may be constructed of metal untextured cinder block, sheet aluminum, steel, corrugated aluminum or steel or similar products, provided that facades constructed of such materials are not facing a public street, have visual exposure from a public street or are adjacent to a residential district.
  5. Metal-like materials, in a zone other than Industrial, are only acceptable as trim, fascia, mansards, portions of the main facade, or the like. No structural metal roofs, except architectural uses of copper incorporating visible metal exteriors, are permitted.
  6. Accessory tanks, exterior equipment, stacks, pipes, towers and the like are exempt from these requirements.

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

#### 1350.17 Additional Performance Standards for the MX-3 District

##### A. Height and Setback Standards

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



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

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

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

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

E. Loading Standards

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

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

Existing buildings are exempt from these standards.

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

F. Additional MX-3 District Design Standards

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

- ii. External sidewalk connections are required to provide direct connections from all buildings on site to the existing and/or required sidewalk system and to adjacent multi-use trails, parks and greenways. Sidewalks shall be constructed with a hard surface and of a width as required by the City's Public Works Department.

## 2. Street Design

### a. Street walls

- i. No blank walls are permitted to face public streets, walkways or public open spaces.
- ii. All non-residential buildings fronting directly on a street shall be designed so that the first floor street façade of the building(s) along all streets include clear glass window and doors to create pedestrian interest. These openings shall be arranged so that the uses are visible from and to the street on at least fifty percent (50%) of the length of the first floor street level frontage.
- iii. For all other uses, buildings shall be designed so that the first floor street façade along all streets includes the use of clear glass windows and doors arranged so that the uses are visible from and/or accessible to the street on at least twenty-five percent (25%) of the length of the first floor street frontage.
- iv. Expanses of blank walls shall not exceed twenty (20) continuous feet in length. A blank wall is a façade that does not contain clear glass windows or doors or sufficient ornamentation, decoration or articulation.
- v. No reflective surfaces shall be permitted on street level exterior facades.

### b. Corner building placement

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

### c. Top of buildings

- i. All rooftop mechanical equipment on buildings shall be screened from above or below (based on the type of mechanical equipment utilized) by integrating it into the building and roof design to the maximum extent feasible. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood material shall not be utilized for this purpose. Solar and wind energy equipment is exempt from this provision if screening would interfere with system operations.

### d. Building entrances and orientation.

- i. Entrances shall be clearly visible and identifiable from the street and delineated with elements such as roof overhangs, recessed entries, landscaping or similar design features.
- ii. At least one or more operable pedestrian entrances per building shall be provided, unless in a case where all the three circumstances below exist, only two (2) entrances shall be required:
  - A. When a lot abuts a public street right-of-way, at least one entrance shall be provided along all building façade(s) fronting all public rights-of-way.
  - B. When a lot abuts an existing or proposed public open space system, multi-use trail, or greenway, entrance(s) shall be provided on the building façade closest to the public open space, multi-use trail, or greenway.
  - C. When abutting a sidewalk in the rail station area, an entrance(s) shall be provided on the building façade closest to the station area sidewalk.

### e. Canopies

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

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

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

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

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

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

k. Landscaping Standards

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

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.

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

### 1350.01 Scope.

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

### 1350.02 Purpose of Business Districts.

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

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

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

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

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

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

### 1350.04 Purpose of the Industrial Districts.

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

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

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

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

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

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

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

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

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

**1350.08 Purpose of the Mixed-Use Districts.**

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

**1350.09 Specific intent of the MX-1 Downtown District.**

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

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

The specific intent of the MX-2 Mainstreet District shall be to provide a pedestrian friendly land use pattern that enables existing residential uses to coexist on a busy City street with small scale specialty retail uses and small offices that may locate in structures with a residential appearance. Development is intended to be compatible with the scale of surrounding residential areas. Parking areas are restricted in this zone in order to limit the impact on the neighborhood. Government services are encouraged as a part of this district.

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

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

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

F. Encourage a sense of activity and liveliness along the street level of building facades.

**1350.12 Specific intent of the MX-4 Transition Mixed Use District**

The specific intent of the MX-Transition Mixed Use District is to provide for a mix of residential and commercial uses that provide for a transition from the auto-oriented uses that exist in the district based on past frontage on Highway 61, to uses that are compatible with adjacent mixed-use districts and development of the Downtown and Main Street character of Hastings Avenue.

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

A. General Non-residential district standards

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

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

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\*Maximum height may be increased upon issuance of a Conditional Use Permit. The setback requirements for increases in height adjacent to single-family residential uses included in this chapter apply.  
\*\* See section 1300.09 Exceptions to Front Yard Setbacks  
\*\*\*Structure setbacks for the MX-1 and MX-2 are as noted by the dimensional provisions unless otherwise specifically approved in a development plan as outlined in a Planned Unit Development.

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

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

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

C. Densities in the MX-3 District

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

F. 1350.14 Uses in the Non-Residential Districts

A. Mixed Use Districts Uses

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

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

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<b>Use</b>	<b>PermittedMX-1</b>	<b>Conditional UseMX-2</b>	<b>Not PermittedMX-3</b>	<b>MX-4</b>
<u>Single-family detached, one dwelling per lot</u>	P	P	N	P
<u>Townhouse, rowhouse</u> <u>Single-family detached, more than one dwelling per lot</u>	PUDP	PUD	N	PUD
<u>Two-family residences</u>	P	P	N	P
<u>Townhouse, rowhouse</u>	P	P	P	P
Mixed-Use (dwelling unit above ground floor)	PP	P	P	P
Live-work building	C	CE	C	C
Congregate housing for senior populations	PP	P	P	P
Apartments, condominiums, co-ops	PP	P	P	P
<b>Civic and Semi-Public Uses</b>				
Schools for business, trade, dancing, music	C	CE	C	C
Day care centers in a mixed-use building	PP	P	P	P
Park and public recreation facilities	PP	P	P	P
Transit stations and related parking facilities	CP	C	C	C
Essential services	PP	P	P	P
<b>Commercial Uses</b>				
Retail and service establishments, free-standing or mixed-use building	PP	P	P	P
Financial services	PP	P	P	P
Drive-through	C	CE	C	C
Offices – general, medical, professional, free-standing or mixed-use building	PP	P	P	P
<u>Animal boarding, grooming, veterinary clinics, retail sales</u>	C	C	C	C
Service businesses, such as beauty shops, barbershops, dry-cleaning, drop-off/pickup (no on-site processing) in mixed-use buildings	PP	P	P	P
<u>Building materials and services</u>	N	N	N	C
Data centers	C	CE	C	C
Hotels	CP	P	P	C
Conference center	CP	P	P	C
Theaters (with structured parking)	PP	P	P	P
Structured parking facilities	PP	P	P	P
Restaurants, including open air or sidewalk cafes, freestanding or in mixed-use buildings	PP	P	P	P
Bakeries, delicatessens, coffee shops	PP	P	P	P
Automotive services, car specialty services (not including body repair or major repair)	C	CE	C	C
Outdoor sales in conjunction with a permitted use	N	NE	C	C
Rental of vehicles (with limited outside storage)	C	CE	C	C
Towing services (no outside storage of vehicles)	CP	C	P	P
Emergency services, ambulance services	PP	P	P	P
Research, development and testing laboratory	C	CE	C	C

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<b>Use</b>	<b>PermittedMX-1</b>	<b>Conditional UseMX-2</b>	<b>Not PermittedMX-3</b>	<b>MX-4</b>
Laboratory, medical or dental	C	CE	C	C
Fabrication of office and computer equipment	PP	P	P	P
Fabrication of apparel, leather products and other products from prepared products	CP	C	P	P
Small scale manufacturing and artisans	P	PE	C	P
Processing and packaging of drugs, pharmaceuticals, perfumes and cosmetics	CP	C	P	C
Printing, publishing, bookbinding, blueprinting	C	CE	C	C
Internet publishing and broadcasting	PP	P	P	P
Motion picture and sound recording industries	C	CE	C	C
Administrative support services	PP	P	P	P
Fitness and recreation centers, in a mixed-use building	C	CE	C	C
Catalog and mail order	PP	P	P	P
Medical appliance assembly	PP	P	P	P
Biotechnology	PP	P	P	P
Accessory uses	PP	P	P	P
Auto body repair and major auto repair	N	N	N	C
Mobile Homes	N	N	N	N
Parking lots as a principle use	N	N	N	N
Warehousing as a primary use	N	N	N	N

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**B. Business and Industrial District Uses**

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

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<b>Use</b>	<b>B-1</b>	<b>I-1</b>	<b>I-2</b>	<b>I-S</b>
<b><u>Civic and Public Uses</u></b>				
<u>Cemetery and/or crematorium</u>	C	N	N	N
<u>Churches, synagogues, temples and associated facilities except schools</u>	P	N	N	N
<u>Funeral Home</u>	P	N	N	N
<u>Hospitals</u>	P	N	N	N
<u>Medical clinics</u>	P	N	N	N
<u>Military reserve, national guard centers</u>	C	N	N	N
<u>Parking garage as a primary use</u>	N	N	N	N
<u>Penal/correctional facilities</u>	N	C	C	N
<u>Public utility</u>	P	P	P	P
<u>Schools-trade, college, vocational, and associated facilities</u>	P	C	N	N
<u>Sanitary landfill</u>	N	C	C	N
<b><u>Commercial Uses</u></b>				
<u>Hotels, motels</u>	P	N	N	N
<u>Adult uses (bookstore, theater, nightclub, nude or</u>	N	N	C	C

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

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**1350.125 Administrative Procedure for Development in the Non-residential Districts**

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- A. All petitions for rezoning to establish or expand a nonresidential district shall also concurrently follow subdivision platting procedures and a complete preliminary plat with all supporting data required which shall be filed with the Zoning Administrator.
- B. If a zoning change for a nonresidential district is approved, the first phase of construction shall begin or show reasonable progress within two (2) years after approval of the general development plan and zoning change by ordinance or the district may be zoned back to its original zoning district classification or other appropriate zoning district classification.
- C. Upon finding by the Planning Commission and City Council that the proposed zoning district and preliminary plat shall constitute a district of sustained desirability, is consistent with long range comprehensive plans for the City, and meets the requirements of the district, the City Council may establish such district on the property included in the preliminary plat. The preliminary plat as approved together with such covenants, deed restrictions, controls, or special conditional use permits as may be attached to it, shall be filed and recorded by the owners or developer in the office of the county register of deeds and shall become a part of the ordinance establishing the zoning charge. Any substantial change to the plat shall require resubmission to and approval by the Planning Commission and City Council.
- D. The final platting of such land shall be subject to such requirements for approval, recording, and the installation of improvements as required by other City ordinances.

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

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

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

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

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**Administrative Procedure for Development**

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

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

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

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

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

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

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- 1. a. A survey or plat of the property
- 2. b. Evidence of ownership or interest in the property
- 3. c. The fee specified in the City's fee schedule
- 4. d. Information regarding project phasing and timing.
- 5. e. Complete development plans as specified under Section \_\_\_ 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.
- 6. f. Architectural plans showing the following: Colored elevations of all sides of the building; type, color and samples of exterior building materials; typical floor plans; dimensions of all structures; t
  - a. ~~Colored elevations of all sides of the building~~
  - b. ~~Type, color and samples of exterior building materials~~
  - e. ~~Typical floor plans~~
  - d. ~~Dimensions of all structures~~
  - e. The location of exterior trash storage areas and of exterior electrical, heating, ventilation and air conditioning equipment;
  - f. ~~U~~ utility plans including water, sanitary sewer, and storm sewer;

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- ~~g. A~~ a plan showing landscaping, lighting and signs that meets code requirements;
- ~~h. I~~ illustrations that show adjacent building elevations to show the scale of adjacent buildings and landscaping;
- ~~Such~~ other information as may be required by the City to process the application.

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

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

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

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

**1350.16 Performance Standards for Non-residential Districts**

**A. MX District Parking standards.**

- 1. Parking requirements shall be governed by Section 1330.06 except for the following:
  - Surface Parking Lots in the MX-1, MX-2, and MX-3 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.
  - 2. In the MX-1 District, parking requirements shall be 1 space for every 350 square feet of office or retail gross floor area. On-street parking spaces that are adjacent to the parcel that the parking is being calculated for may be included in the calculation. The maximum number of off-street parking spaces permitted shall not exceed 1 space per 250 square feet of office or retail uses, except in the case of restaurants which shall be allowed one space per 200 square feet if shared parking facilities are not available.
  - 3. Parking standards for the MX-3 District are included in Section 1350.17.
  - 4. Additional reductions in parking requirements in the MX-1 and MX-2 Districts shall be permitted with demonstrations of proof of parking or a parking management strategy acceptable to the Zoning Administrator.

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

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

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

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

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

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

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

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

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

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

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

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1350.17 Additional Performance Standards for the MX-3 District

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**1350.12 Bulk and dimensional standards.**

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

<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>
<b>Height</b>	3 stories or 35 feet, whichever is less	2 stories minimum, 4 stories maximum*	2 stories minimum, 4 stories maximum*	No minimum, 4 stories maximum
<b>Setbacks</b>	Front: Maximum of 15 feet Side: 10 feet Rear: 15 feet	Front: Maximum of 15 feet Side: 10 feet Rear: 15 feet	Front: Maximum of 15 feet Side: 10 feet Rear: none required	Front: Maximum of 8 feet Side: 10 feet Rear: None required

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

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

**A. Height and Setback Standards**

A.

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

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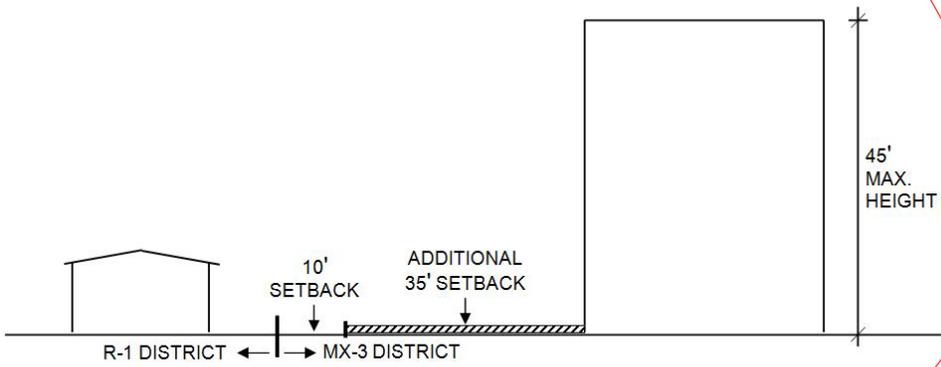
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- 2. a. ~~If~~ new construction incorporates an existing structure located within a minimum setback, the City Administrator may allow the setback for the building addition to be reduced to the established setback.
- 3. b. All above-ground utility structures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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Shared parking shall be permitted and encouraged.

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

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

9. Structured parking shall meet the following additional requirements:

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

E. Loading Standards-

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

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

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Draft revision November 1, 2011

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

Existing buildings are exempt from these standards.

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

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F. Additional MX-3 District Design Standards-

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

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

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

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

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~~4. Urban Open Spaces~~

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

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

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

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5-2 Street Design

a. Street walls

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

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

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~~iii. For all other uses, buildings shall be designed so that the first floor street façade along all streets includes the use of clear glass windows and doors arranged so that the uses are visible from and/or accessible to the street on at least twenty-five percent (25%) of the length of the first floor street frontage. When this approach is not feasible, a combination of design elements shall be used on the building façade or included into the site design to animate and enliven the streetscape. These design elements may include but are not limited to the following: ornamentation, molding, string courses, changes in material or color, architectural lighting, works of art, fountains and pools, street furniture, stoops, landscaping and garden areas and display areas.~~

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

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

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

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

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

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

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

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

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

c. Top of buildings

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- i. All rooftop mechanical equipment on buildings ~~over thirty five feet (35') in height~~ shall be screened from above or below (based on the type of mechanical equipment utilized) by integrating it into the building and roof design to the maximum extent feasible. ~~Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood material shall not be utilized for this purpose. Solar and wind energy equipment is exempt from this provision if screening would interfere with system operations.~~
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- d. Building entrances and orientation.
  - i. ~~Entrances shall be clearly visible and identifiable from the street and delineated with elements such as roof overhangs, recessed entries, landscaping or similar design features.~~
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  - ~~ii. At least one or more operable pedestrian entrances per building shall be provided, unless in a case where all the three circumstances below exist, only two (2) entrances shall be required:
 
    - ~~i. A. When a lot abuts a public street right-of-way, at least one entrance shall be provided along all building façade(s) fronting all public rights-of-way.~~
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    - ~~ii. B. When a lot abuts an existing or proposed public open space system, multi-use trail, or greenway, entrance(s) shall be provided on the building façade closest to the public open space, multi-use trail, or greenway.~~
    - ~~iii. C. When abutting a sidewalk in the rail station area, an entrance(s) shall be provided on the building façade closest to the station area sidewalk.~~~~
- e. ~~Structured parking facilities~~
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  - ~~i. Structured parking facilities shall be designed to encourage and complement pedestrian scale interest and activity. Such facilities shall be designed so that motorized vehicles parking on inside levels of the facility are screened from the street, the commuter rail station, and/or from residentially zoned or used property. Decorative elements such as grillwork or louvers may be utilized to accomplish this requirement.~~
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  - ~~ii. Openings at the street level are limited to vehicular entrances, pedestrian access to the structure and ventilation openings. All such openings shall be decorative and be an integral part of the overall building design.~~
- f. ~~Canopies~~
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  - i. Canopies, awnings, cornices and similar architectural accents are permitted on exterior building walls. Such features shall be constructed of rigid or flexible material design to complement the streetscape of the area. Any such feature may extend from the building no more than four feet (4'). In no instance shall such feature extend over or interfere with the growth or maintenance of any required tree plantings. Minimum overhead clearance shall be eight feet (8'). Ground supports for these features are not permitted in the minimum setback, sidewalk or public right-of-way.

6. Architectural Standards

a. Building Scale and Orientation

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

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

b. Facades

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

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

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e.f. Exterior Materials and Detailing

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

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

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

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

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

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

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

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

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e.g. Screening Standards

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

e.h. Buffer Standards

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

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

~~f.i.~~ Exterior Lighting Standards

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

ii. Light Intensity

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

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

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Waiting areas 1.0 foot candles  
Parking lots 1.0 foot candles

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

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

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

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

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~~F.k.~~ Landscaping Standards

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

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- ~~ii.~~ A minimum of one over story tree per 35 lineal feet of street frontage.
  - ~~ii.~~ A minimum of one deciduous or evergreen shrub per one linear foot of foundation.
- ~~Landscaping shall support the purpose and intent of the District.~~

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

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.

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**~~G. 1350.12 Parking standards:~~**

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

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

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

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

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

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

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Draft revision November 1, 2011~~

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

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

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

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

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

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

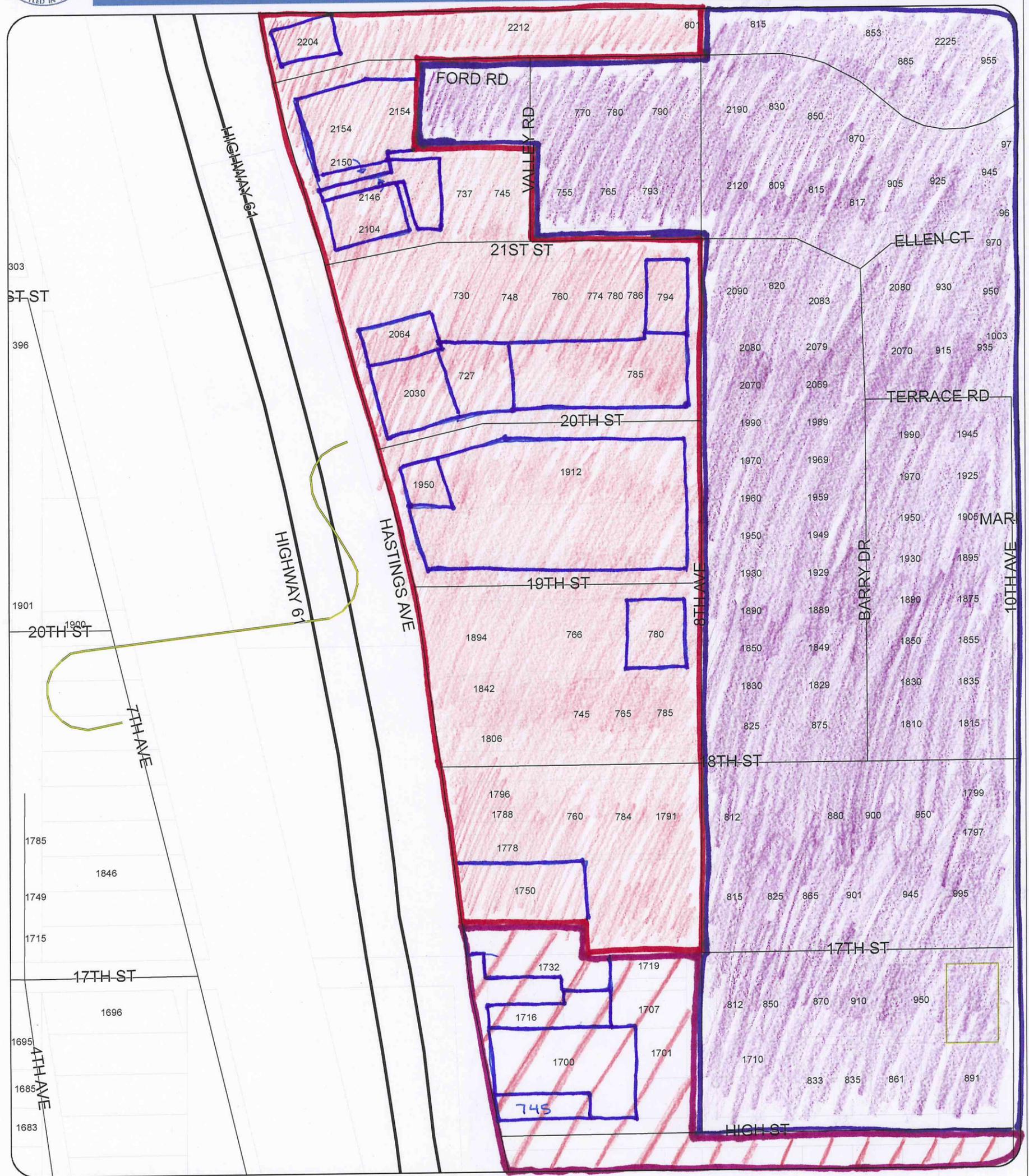
~~Subd. 2 Effective Date:~~ Now Be it Resolved that this Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

~~1350.14 Administrative Procedure for Development.~~

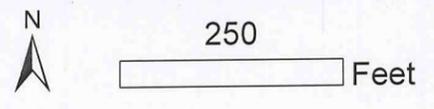
- ~~A. All petitions for rezoning to establish or expand a nonresidential district shall also concurrently follow subdivision platting procedures and a complete preliminary plat with all supporting data required which shall be filed with the Zoning Administrator.~~
- ~~B. All public rights of way within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



# City of Newport Address Map



Data sources: City of Newport, Washington County, Metropolitan Council  
Map printed august 7, 2012

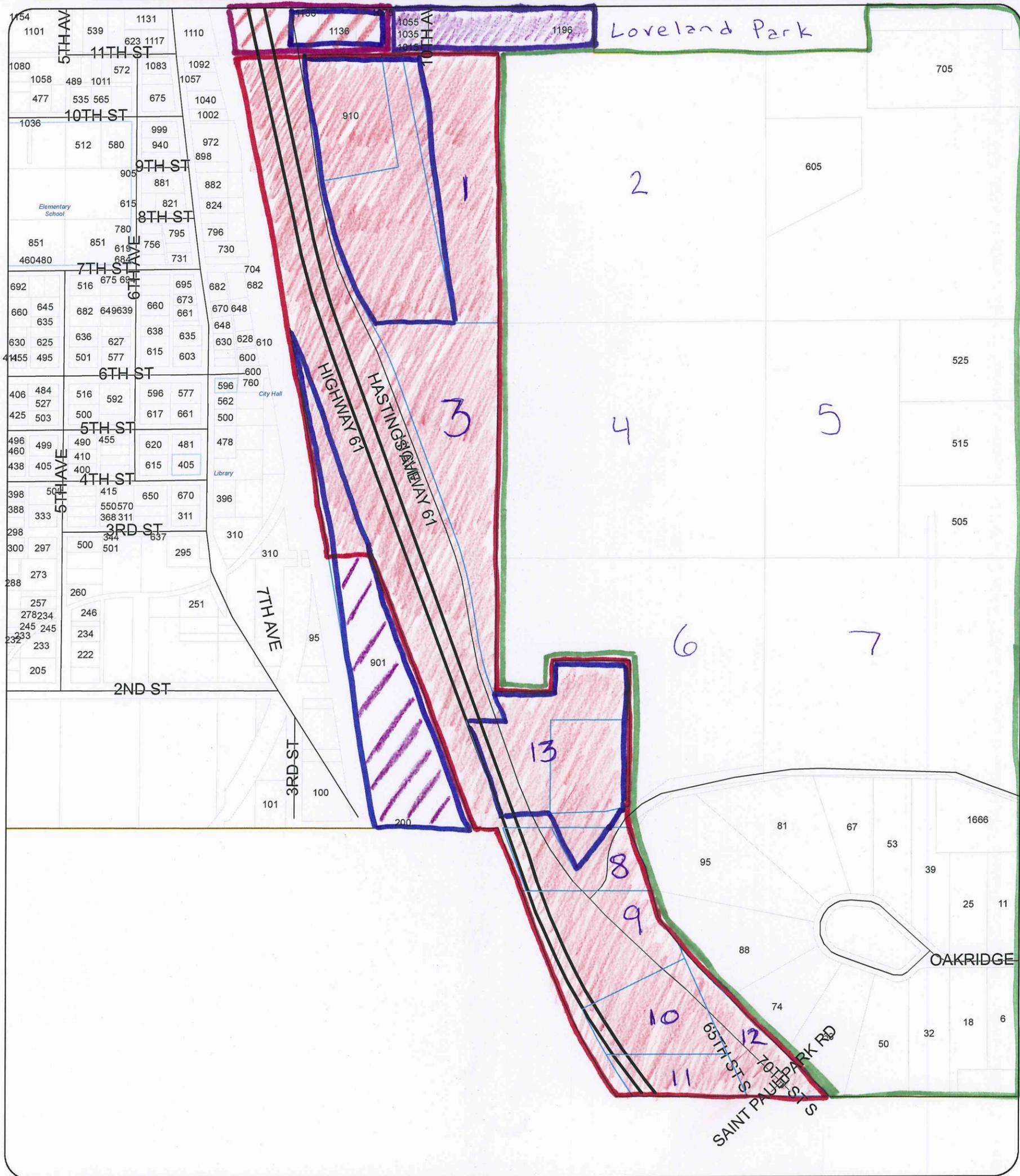


-  - B2 District
-  - R-1 District
-  - MX-1 District
-  - Businesses (See Attached Spreadsheet)

<b>Zoning District</b>	<b>Address</b>	<b>Business</b>
B-2	2204 Hastings	Fernando's Mechanic Shop
B-2	2154 Hastings	Martin Joseph Real Estate
B-2	2150 Hastings	GE Marketing
B-2	2146 Hastings	Cloverleaf Bar and Grill
B-2	2104 Hastings	Central Bank
B-2	794 21st Street	Mechanic Shop
B-2	2064 Hastings	Subway and Johnson Autobody Shop
B-2	2030 Hastings	Former B.P. Station
B-2	727 20th Street	Newport Service Center (Mechanic Shop)
B-2	785 20th Street	Twin Cities Logistics and Schmid and Son Packaging
B-2	1950 Hastings	Shannon Glass
B-2	1912 Hastings	Fritz Candies and Schmid and Son Packaging
B-2	780 19th Street	Home Occupation - Jim Murr Plumbing
B-2	1750 Hastings	Newport Pet Clinic
MX-1	1732 Hastings	South Suburban Rental
MX-1	1716 Hastings	Dogs at Play
MX-1	1700 Hastings	Boyd's Motel
MX-1	745 High Street	Boyd Plaza



# City of Newport Address Map



Data sources: City of Newport, Washington County, Metropolitan Council  
 Map printed August 7, 2012



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Feet



- B-2 District
- RE District
- R-1 District
- MX-1 District
- Businesses
- T-1 District

<b>Zoning District</b>	<b>Address/Number</b>	<b>Business/Owner</b>
B-2/RE	1 - 7	St. Paul Park Refining Company
B-2	8 - 12	MNDot
B-2	13	Newport Cemetary
MX-1	1136 Hastings	Imperial Camper Sales
B-2	910 Hastings	Raceway to Fun
B-2/I-1	901 1st Street	Able Cold Storage