

ARTICLE III. - DISTRICT REGULATIONS APPLICABLE TO ALL DISTRICTS

DIVISION 1. - GENERALLY

Sec. 36-149. - District classification.

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

- (1) Residential districts.
 - a. RE, Residential Estates.
 - b. R-1A, River Residential District.
 - c. R-1, Low Density Single-Family Residential District.
 - d. R-2, Medium Density Residential District.
 - e. R-3, High Density Residential District.
- (2) Nonresidential districts.
 - a. B-1, Business Park/Office/Warehouse.
 - b. B-2, General Business.
 - c. I-1, Light Industrial District.
 - d. I-2, General Industrial District.
 - e. I-S, Industrial Storage District.
- (3) Mixed use districts.
 - a. MX-1, Downtown Mixed Use District.
 - b. MX-2, Commercial Mixed Use District.
 - c. MX-3, Transit-Oriented Mixed Use District.
 - d. MX-4, General Mixed Use District.
 - e. MX-5, Mixed Use Buffer District.
- (4) Planned unit developments (PUD).
- (5) Special overlay districts.
 - a. Shoreland Management District.
 - b. Critical Area Overlay District.
 - c. Floodplain Management District.
 1. Floodway.
 2. Flood fringe.
 - d. Bluffland Area Overlay District.
 - e. Conservation Residential Overlay District.
 - f. River Redevelopment Overlay District.

(Code 1997, § 1330.01)

Sec. 36-150. - Zoning map.

- (a) The location and boundaries of the districts established by this article shall be set forth in a map known as the "City of Newport Zoning Map" hereafter referred to as the zoning map. The map and all notations, references, and data shown thereon are incorporated by reference into this article. It shall be the responsibility of the zoning administrator to maintain the zoning map, and amendments shall be recorded on the map within 30 days after official publication of the amendments. The official zoning map shall be kept on file in the city hall.
- (b) Boundary lines. Wherever any uncertainty exists as to the boundary of any use district as shown on the zoning map incorporated, the following rules shall apply:
 - (1) Where district boundary lines are indicated as following streets, alleys, railroads, or similar rights-of-way, they shall be construed as following the centerlines thereof;
 - (2) Where district boundary lines are indicated as approximately following lot lines or section lines, such lines shall be construed to be such boundaries;
 - (3) Where a lot of record at the effective date of this Code that is held in one ownership is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district, provided that this section shall not apply if it increases the area of the less restricted portion of the lot by more than 20 percent.

(Code 1997, §§ 1330.02, 1330.03)

Sec. 36-151. - Uses.

- (a) It is the policy of the city that the enforcement, amendment, and administration of this article be accomplished with due consideration of the recommendation contained in sections 36-207 and 36-226 through 36-238, and the city comprehensive plan as developed and amended from time to time by the planning commission and city council of the city.
- (b) Within the city's zoning districts, no land or buildings may be used or occupied in any manner except for the uses set forth in sections 36-209 and 36-241. If a use is not identified in the land use classification chart, the zoning administrator shall issue a statement of clarification, finding that the use is or is not substantially similar in character and impact to a use regulated in the land use classification chart. If the use is not substantially similar to any other use regulated in the land use classification chart, the zoning administrator shall refer the matter to the city council for determination. The zoning administrator and city council shall take into consideration if the use meets the city's goals and plans, what zoning district may be most appropriate for the use as well as what conditions and standards should be imposed relating to development of the use. In addition, the zoning administrator and city council shall take into consideration whether the use will conform to the performance standards and overlay districts described in this article.
- (c) An appeal may be taken to the board of appeals and adjustments as described in section 36-38 by any person aggrieved by any order, requirement, decision or determination made by the zoning administrator or any other administrative office of the city in enforcement of this section.

DIVISION 2. - PERFORMANCE STANDARDS

Sec. 36-160. - Intent.

It shall be the intent of this division to promote high standards of design and construction in the city. These standards are set forth in order to enhance the visual appearance of the built environment within the city, to preserve the taxable value, to implement the goals and policies of the comprehensive plan and to promote the public health, safety, and welfare of the general public.

- (1) Any construction or alteration of buildings, structures, property or exterior equipment in the city which requires a building permit under the provisions of this division shall be reviewed by the zoning administrator and shall comply with the standards of this division.
- (2) If the zoning administrator determines that the plans comply with the intent and standards contained a building permit may be issued. All decisions of the zoning administrator may be appealed to the city council as provided for in this division.

(Code 1997, § 1330.05(1), (2))

Sec. 36-161. - Standards for all districts.

The following standards are applicable to all districts within the city:

- (1) *Utilities location.* When practical and feasible, all utilities shall be placed underground. All groundwork shall be completed prior to street surfacing. All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles.
- (2) *Fences.*
 - a. Fences in Business (B) and Industrial (I) Zoning Districts.
 1. A fence may be placed along a property line provided no physical damage of any kind results to the abutting property.
 2. The side of the fence considered the face (the finished side as opposed to the structural supports) shall face the abutting property.
 3. A fence shall be of one color or pattern, may not contain or support pictures, signage or lettering, and must be maintained in good condition and appearance.
 4. A fence shall only be constructed of the following materials:
 - (i) Treated wood, cedar, or redwood.
 - (ii) Simulated wood.
 - (iii) Decorative brick or stone.
 - (iv) Wrought iron or aluminum designed to simulate wrought iron.
 - (v) Coated or non-coated chainlink.
 - (vi) Split rail.
 - (vii) Barbed wire. Barbed wire may be used for top fencing only around business and industrial uses where the base fence is at least six feet in height. The barbed wire portion of the fence may not exceed three strands, and shall have arms projecting into the applicant's property on which the barbed wire shall be fastened. The minimum height to the bottom strand of the barbed wire shall not be less than six feet from finished grade.
 5. A fence may be no more than 12 feet in height.

6. A fence shall not visually screen or interfere with streets, sidewalks, or vehicular traffic. No fence shall be closer than one foot from a public walkway.
 7. In the I-S District, a fence at least six feet in height shall be required around all storage tanks.
 8. No fence shall be constructed on public rights-of-way.
- b. Fences in the Residential (R) and Mixed Use (MX) Zoning Districts.
1. A fence may be placed along a property line provided no physical damage of any kind results to the abutting property.
 2. That side of the fence considered being the face (the finished side as opposed to the structural supports) shall face the abutting property.
 3. A fence in the front yard shall be of one color or pattern, and may not contain or support pictures, signage or lettering visible to a public street or to adjacent properties.
 4. A fence may be no more than four feet in height in the front yard.
 5. A fence may be no more than six feet in height in a side or rear yard, unless the side or rear lot line is common with the front yard of an abutting lot, in which case the portion of the side or rear lot line equal to the required front yard of the abutting lot may have a fence no more than four feet in height.
 6. Except in the RE District, electric fences may not be used.
 7. A fence shall not visually screen or interfere with streets, sidewalks, or vehicular traffic. No fence may be closer than one foot from a public walkway.
 8. All fences shall be maintained in good condition and appearance.
 9. A fence shall only be constructed of the following materials:
 - (i) Treated wood, cedar, or redwood.
 - (ii) Simulated wood.
 - (iii) Decorative brick or stone.
 - (iv) Wrought iron or aluminum designed to simulate wrought iron.
 - (v) Coated or non-coated chainlink.
 - (vi) Split rail.
 - (vii) Other materials or fence types as approved by the zoning administrator.
 10. Barbed wire fence material may be used for security purposes on the side and rear of nonresidential buildings in the MX districts with the approval of an administrative permit by the zoning administrator. The barbed wire portion of the fence shall not be placed in the front yard. Barbed wire may be used for top fencing only where the base fence is at least six feet in height. The barbed wire portion of the fence may not exceed three strands, and shall have arms projecting into the applicant's property on which the barbed wire must be fastened. The minimum height to the bottom strand of the barbed wire shall not be less than six feet from finished grade.
 11. Except in the RE District, welded wire shall not be used for fences on property boundaries.

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

(3) *Single-family residential garage, accessory structure and driveway standards.*

- a. *Generally.* The following standards shall apply to all garages and accessory structures for single-family homes and duplexes in all zoning districts, and shall be in addition to the standards in section 36-208 and article VII, divisions 2 and 4 of this chapter. The intent of these standards shall be to reduce the impact of multiple vehicles and of large accessory structures on the residential character of the city.
 1. *Construction.* No accessory building or structure shall be constructed on a lot prior to construction of the primary structure. Building permits are required for all accessory structures.
 2. *Number.* A residential lot, other than a river riparian lot, may have no more than two accessory structures. A river riparian lot may have a guest cottage and a water-oriented accessory structure as regulated in article VII, division 2 of this chapter.
 3. *Height.* No garage, whether attached or detached, nor any accessory structure shall be taller than the principal structure on the lot as measured by the building height definition from section 36-1.
 4. *Location.* A detached accessory building shall not be located in any required front yard.
 5. *Square footage.* Except in the RE District, the total footprint of all garage space, whether attached or detached, and of all accessory structure space for single-family residential uses shall be no larger than the footprint of the principal structure, and shall total a maximum of 2,000 square feet; except that a residential lot shall be allowed at least 500 square feet of garage space regardless of the house size, as long as the required setbacks and other standards are met.
- b. *RE District.* In the RE District, the number and size of accessory structures permitted on residential lots is as follows:

Size of Parcel in RE District	Number of Accessory Structures	Total Area of Accessory Structures (footprint)
Less than 2 acres	2	Total footprint of all accessory structures may be no larger than the footprint of the principal structure, up to a maximum of 2,000 square feet. Minimum 500 square feet of accessory structures is permitted on all parcels regardless of house size if required setbacks are met.

2.0—4.99 acres	2	2,500 square feet.
5.0 acres or greater	2	Up to 2,500 total square feet is permitted. 2,500 total square feet to 3,500 maximum total square feet of accessory structures may be permitted with a conditional use permit.

- c. *Structure area in the RE District between 2,500 and 3,500 square feet.* In order for the footprint of all accessory structures in the RE District to exceed 2,500 square feet, the following conditions must be satisfied through obtaining a conditional use permit pursuant to section 36-45:
1. The parcel shall not be re-platted, split or subdivided such that it results in a lot size of less than three acres without first removing or altering the structure so that it conforms to the standards in this chapter.
 2. The site must demonstrate that the accessory structures do not encroach upon existing septic systems and that an alternative septic system area is protected.
 3. Plantings consisting of a combination of trees and shrubs shall be installed within the setback area providing a buffer between the accessory structure and future development on adjacent property.
 4. Any accessory structure or garage other than a garage attached to the principal structure on the site shall not be placed closer to the public right-of-way that constitutes the front yard of the parcel than the primary structure unless the structure is completely screened from public view by natural vegetation including trees and shrubbery.
 5. Subsections (3)d. through (3)l. of this section apply to the RE District as well.
- d. *Compatibility.*
1. All accessory structures of any size shall be constructed of durable, finished materials and shall be compatible in color to the principal structure. All accessory structures over 150 square feet in area shall be compatible with the principal structure in terms of design, roof style, roof pitch, and color.
 2. If an accessory building is attached to the main building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this division applicable to the main building. An accessory building, unless attached to and made a part of the main building, shall not be closer than five feet to the main building, except as otherwise provided in this division.
- e. *Additional setback, square feet.* A garage, whether attached or detached, or an accessory structure shall provide an additional one foot of setback beyond the minimum front, side, or rear yard setbacks required in section 36-208, for every 20 square feet of area over 900 square feet of area in garages or accessory structures on the lot, except:
1. An addition to an existing accessory structure which cannot meet the additional setbacks described above may extend an existing building edge at the existing setback

line, but no closer to the lot line than the existing setback, and in no case closer than the minimum setbacks set forth in section 36-208.

2. Such an extended building edge may be no more than 36 feet in length along any single property line. Any portion of an extended building edge longer than 36 feet in length must meet the additional setbacks described above in this section.
 3. In the RE District, a garage, whether attached or detached, or an accessory structure shall provide an additional one foot of setback beyond the minimum front, side and rear yard setbacks required in section 36-208, for every 40 square feet of area or portion thereof over 2,000 square feet of area in garages or accessory structures on the lot.
- f. *Additional setback, height.* A detached garage or an accessory structure shall provide an additional two feet of setback beyond the minimum required front, side, or rear yard setbacks for every one foot of height of its eave line over eight feet.
 - g. *Door openings.* In the RE District, on lots at least three acres in size, there shall be no limit on the height of door openings for garages or other accessory structures. In all other cases, all door openings shall be eight feet in height or less, except that one door opening in one accessory structure per lot may be a maximum of 12 feet in height. In all districts, any door opening over eight feet in height shall be turned perpendicular to the front lot line so as not to face any public street, or, if facing a public street, it shall be set back an additional ten feet beyond the minimum front yard setback required in section 36-208 for every one foot of height of the door opening over eight feet.
 - h. *Subdivision.* No land shall be subdivided so as to have an accessory structure without a primary structure, or to have a larger building or structure than permitted by this division. When a property is developed or redeveloped and an existing accessory structure made nonconforming, the structure must be brought into conformance as part of the development approval or removed from the property.
 - i. *Use of accessory structures.* No accessory building shall at any time be used as a habitable building. No accessory structure in a residential district shall at any time be used for a commercial or industrial use. Use of accessory structures for home occupations is governed by section 36-180(b).
 - j. *Air conditioning units.* All air conditioning units excluding window units shall be located a minimum of 20 feet from all lot lines, but not within the front yard.
 - k. *Intermodal container or shipping containers.* All intermodal containers in residential districts shall be considered to be accessory structures, and shall meet all code requirements for accessory structures in residential districts, including those in sections 36-208, 36-162(3), and article VII, divisions 2 and 4 of this chapter.
 - l. *Driveways.* One driveway access to a public roadway is permitted for each lot.
- (4) *Covered storage building standards.* The intent of this section is to regulate the installation and maintenance of covered storage buildings, also known as tent garages or temporary carports. More specifically the intent of this section is to minimize the potential for these structures to become unsightly as seen from public rights-of-way or adjacent residential properties. The following standards and conditions apply to covered storage buildings:
- a. *Permitted as accessory structures.* Covered storage buildings are a permitted use as an accessory structure only in residential districts and shall not be permitted in general business, light industrial, general industrial, and industrial storage districts or for any commercial use or purpose within the mixed-use districts. Covered storage buildings shall

comply with the standards outlined in section 36-162(3). In addition, the following criteria shall be applied to covered storage buildings permitted as an accessory structure:

1. *Placement on lot.* The structure shall not be located in any front yard or adjacent to the driveway if located in the front yard. All other building setbacks must be met as established by the underlying zoning district.
 2. *Screening.* The structure shall be screened from public right-of-way and adjacent property with shrubbery, trees or fencing.
 3. *Maintenance.* Lawn areas around the structure shall be kept clear of tall weeds and grass. The condition of the structure shall comply with the standards found in section 18-72.
 4. *Number per residential lot.* Only one structure shall be permitted per residential lot.
 5. *Lot coverage and structure height.* Except as otherwise provided herein, all standards relating to structure height, lot coverage, and number of accessory structures on the lot as outlined in section 36-162(3) shall be met.
- b. *Building permit required.* Installation of covered storage buildings over 336 square feet or ten feet in height require a building permit from building inspections.

(5) *Off-street parking areas and driveways.*

- a. *Surfacing standards.* All off-street parking areas and driveways, shall be constructed with an improved surface to meet the following requirements:
1. In all nonresidential districts (MX, B and I districts), all driveways, parking, loading, and service areas shall be constructed with a concrete, asphalt or a similar durable and dustless surface that meets the city's public works design manual. The periphery of all parking areas and drives in nonresidential districts (except parking areas for single-family and two-family residential uses in those districts) shall be constructed with poured-in-place concrete curbing, unless otherwise approved by the city.
 2. In Residential (R) districts, the first 40 feet of the driveway or the driveway area between the street and garage, whichever is less, shall be paved with concrete, asphalt or an acceptable surface that meets the city's public works design manual, except for properties whose main access is on a non-paved roadway.
 3. For residential uses, the maximum driveway width shall be 24 feet at the curb line and property line. For commercial, office, or industrial uses, the maximum driveway width shall be 32 feet at the curb line and property line.
 4. On residential properties, any parking or driveway surface located in the side or rear yard shall be constructed of one of the following: concrete, asphalt, Class V gravel (minimum six inches compacted), landscape rock (minimum six inches compacted), landscape paver blocks, or brick that meets the standards in city's public works design manual. All parking surfaces draining to a public paved street shall be paved, unless otherwise approved by the city. The city may exempt a property owner from the paving requirement if the property owner can demonstrate the runoff from the rock surface is solely directed onto his property or surface runoff meets the city's public works design manual.
- b. *Drainage standards.* Parking, loading and service areas of commercial and industrial uses shall be graded and drained so as to dispose of all surface water accumulation within the parcel to meet the city's public works design manual and other applicable stormwater

management requirements. All surfacing shall be completed prior to occupancy of the structure, unless specific approval otherwise has been granted by the city.

- c. *Maintenance standards.* The city can require the entire or greater portion of driveways that serve commercial and industrial uses or the first 40 feet of residential uses to be paved to comply with the city's public works design manual at the point of property sale. If the pavement surface of a driveway or parking lot has deteriorated beyond maintenance or repair and does not comply with the public works design manual, the owner shall be required to remove and replace the driveway or off-street parking area pavement at the point of property sale in accordance with this division and the city's public works design manual.
 - d. *Setbacks.* All parking areas shall be set back a minimum of five feet from property lines. All driveways shall be setback a minimum of five feet from side and rear property lines. Parking areas and driveways shall meet the standards in section 18-73.
 - e. *Size.* In the R-1 and R-1A districts, the total area of the driveway and parking areas shall not exceed 35 percent of the front yard area. The lot coverage in the RE and nonresidential districts, including off-street parking areas, shall meet the requirements in sections 36-208 and 36-238.
 - f. *Easements.* The parking or driveway surface may not encroach on any drainage and utility easement, except the front yard drainage and utility easement abutting the street.
 - g. *Standard parking space dimensions.* Each off-street parking space shall be a minimum of nine feet wide by 18 feet deep. Access drives and aisles shall be a minimum of 24 feet wide for two-way traffic, and 18 feet wide for one-way traffic. Parking space dimensions for angled parking shall be approved by the zoning administrator, based on acceptable planning standards.
 - h. *Compact car parking dimensions.* Parking spaces for compact cars may be included within a parking lot plan approved by the zoning administrator provided the spaces comprise no more than 40 percent of the spaces for the entire use or project, and provided they shall be clearly identified on the site and their location shall be designed carefully into the overall site plan. The spaces shall be a minimum of eight feet wide by 16 deep.
 - i. *Handicapped parking.* Parking for handicapped persons shall be provided in accordance with state and federal regulations.
 - j. *Access.* All off-street parking spaces for commercial and industrial uses shall have access from a private driveway and shall not access directly onto a public street.
 - k. *Location.* All parking spaces shall be on the same lot as the principal use for which they are intended, unless the city approves off-site parking for a principal use.
 - l. *Off-site parking location.* When required accessory off-street parking facilities are provided elsewhere than on the lot on which the principal use served is located, written authority of the property owner for using the property for off-street parking shall be filed with the city, confirming that the required number of off-street parking spaces will be maintained on the property during the existence of such principal use. No such parking facility shall, at its closest point, be located more than 400 feet from the principal use or building served.
- (6) *Number of off-street parking spaces.* The minimum number of off-street parking spaces required for uses in the residential, nonresidential, and most mixed use districts are identified below. Section 36-162(18)d of this section prescribes the number of off-street parking spaces required for uses in the MX-3 District.

- a. *Parking requirements for residential uses.*
 1. Single- and two-family dwellings: Two spaces per unit, at least one of which shall be enclosed.
 2. Multifamily residential dwellings with up to eight dwelling units per building: Two spaces per unit, at least one each of which shall be enclosed, plus one-half space per unit of visitor parking, apart from individual garages or reserved resident spaces, within 100 feet of the entrance to each private unit entrance or to the building entrance if there is a common entrance. Visitor spaces may be further away if they have enclosed access to the building.
 3. Multifamily residential dwelling with more than eight units: One and one-half spaces per unit for each efficiency or one-bedroom unit, at least one each of which shall be enclosed, and two spaces per unit for each unit with two or more bedrooms, at least one each of which shall be enclosed. In addition, there shall be one-half space per unit of visitor parking, apart from individual garages or reserved resident spaces, within 200 feet of the entrance to each private unit entrance or to the building entrance if there is a common entrance. Visitor spaces may be further away if they have enclosed access to the building.
 4. Driveway space: Driveway space immediately in front of a garage door, blocking normal access to the garage, may not be counted as part of the required parking space for any residential use.
- b. *Parking requirements for nonresidential uses.*
 1. Retail sales and service uses: One space for each 250 square feet of gross floor area.
 2. Hotel or motel: One space per unit, plus one space per employee on the largest shift.
 3. Medical or dental clinic: Six spaces per doctor or dentist.
 4. Vehicle or equipment service and repair: Two spaces plus three spaces for each service stall.
 5. Restaurants, taverns, clubs, and similar uses: One space for each 2½ seats, based on maximum design capacity.
 6. Offices, other than medical or dental: One space for each 250 square feet of gross floor area.
 7. Churches, theaters, auditoriums, funeral homes, and other places of assembly: One space for each three seats or for each five feet of pew or bleacher length, based on the maximum design capacity.
 8. Warehouse, storage, handling of bulk goods, industrial storage: One space for each two employees on the largest shift, or one space for each 2,000 square feet of gross floor area, whichever shall be greater.
 9. Manufacturing, light industrial, processing, and fabrication: One space per 500 square feet of gross floor area.
 10. Uses not specifically mentioned: As shall be determined by the zoning administrator.
 11. The maximum amount of surface parking spaces shall not exceed the specified minimum by more than ten percent, or two spaces, whichever is greater. If additional parking is desired, it must be placed underground, within an enclosed building, or in a tuck-under garage.

12. On-street parking located in front of a commercial or mixed-use building may count toward the required number of parking spaces.
 13. For retail, medical, service and office uses, if a transit shelter is provided on site or in front of the building, then the minimum required number of parking spaces may be reduced by five percent but not to exceed five parking spaces total.
- c. *Location of parking.* Unless otherwise provided, required parking for all uses shall be within 400 feet of the entrance to the use.

(Code 1997, §§ 1330.05(8), (15), 1330.06(1), (2), (4), 1340.04, 1340.041; Ord. No. 2016-7, 8-18-2016)

Sec. 36-163. - Standards for residential districts.

- (a) *RE, R-1 and R-1A standards.* The following standards are applicable to the RE, R-1 and R-1A Residential districts:

(1) *Exterior storage and screening.*

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

(2) *Lighting.* Lighting used to illuminate any exterior area or structure shall be arranged so as to direct the light away from any adjoining property or from the public street.

- (b) *Standards for the R-2 and R-3 residential districts and nonresidential districts.* Standards in 36-162 for nonresidential districts also apply to the R-2 and R-3 districts.

(1) *Minimum floor area for multiple-family dwellings.*

- a. The minimum floor area of an efficiency dwelling unit shall be not less than 400 net square feet, that of a one-bedroom dwelling unit shall be not less than 700 net square feet, and that of a two-bedroom dwelling unit shall be not less than 900 net square feet. Units containing three or more bedrooms shall have an additional 150 net square feet of floor area for each bedroom in excess of two bedrooms.
- b. For purposes of measurement, the net floor area of a dwelling unit means that area within a building used as a single dwelling unit, and shall be measured from the inside walls to the center of partitions bounding the dwelling unit being measured, but shall not include public stairways, public entries, public foyers, public balconies, or unenclosed public porches,

separate utility rooms, furnace areas or rooms, storage areas not within the apartment, or garages.

(2) *Design and construction requirements.*

- a. *Design review.* If a conditional use permit is required, the plans for a multiple dwelling must be approved by the city council upon a recommendation by the planning commission after review of the plans set forth in subsection (b)(2)b of this section. The planning commission and city council may designate conditions or guarantees in connection with the conditional use permit, which will substantially secure the provisions of the district. In granting the permit, the planning commission and city council shall consider the requirements of subsection (b)(2)b of this section and may consider other factors affecting the public health, safety and welfare.
- b. *Building design and construction.* A building permit and conditional use permit, if required, for a multiple dwelling building shall not be issued unless the applicant's building plans, including the site plan, are certified by an architect registered in the state stating that the design of the building and site has been prepared under his direct supervision. Any building of type I or II construction, as provided in the state building code, shall have its electrical, mechanical and structural systems designed by registered engineers. Provisions of this section shall not prohibit the preparation of the site plan by a professional site planner. Such plans shall include the following:
 1. Complete details of the proposed site development including location of buildings, driveways, parking spaces, lot dimensions, lot area and yard dimensions;
 2. Complete landscaping plans including species and size of trees and shrubs proposed;
 3. Complete plans for proposed sidewalks to service parking, recreation and service areas within the proposed development;
 4. Complete plans for stormwater drainage systems sufficient to drain and dispose of all surface water accumulations within the area;
 5. Complete structural, electrical and mechanical plans for the buildings;
 6. Complete plans and specifications for exterior wall finishes proposed for all principal and accessory buildings.
- c. *Type of construction.* Any building more than two and one-half stories in height shall be of type I or type II construction as provided in the state building code.
- d. *Efficiency dwelling units.* No more than 20 percent of the dwelling units in any one building shall be efficiency dwelling units.
- e. *Closets and bulk storage.* The following minimum amounts of closet and bulk storage shall be provided for each dwelling unit:
 1. *One-bedroom unit:* Ten lineal feet of closet space and 80 cubic feet of bulk storage. Only closet space having a minimum clear finish to finish depth of 24, shall be considered in determining the lineal feet of closet provided;
 2. *Two-bedroom unit:* 24 lineal feet of closet space and 100 cubic feet of bulk storage. Only closet space having a minimum clear finish to finish depth of 24 inches, shall be considered in determining the lineal feet of closet provided;
 3. *Three or more bedrooms:* For each bedroom in excess of two in any one dwelling unit, an additional ten lineal feet of closet space and 50 cubic feet of bulk storage volume shall be required.

- f. *Sound.* Party and corridor partitions and floor systems shall be of a type rated by a laboratory regularly engaged in sound testing as capable of accomplishing an average sound transmission loss (using a nine-frequency test) of not less than 50 decibels. Door systems between corridors and dwelling units shall be of solid core construction and include gaskets and closure plates. Room relationships, hallway designs, door and window placements and plumbing and ventilating installations shall be such that they assist in the control of sound transmission from unit to unit.
 - g. *Projecting air conditioning and heating units.* Air conditioning or heating units projecting through exterior walls or windows shall be so located and designed that they neither unnecessarily generate nor transmit sound nor disrupt the architectural amenities of the building. Units projecting more four inches beyond the exterior finish of a building wall shall be permitted only with the written consent of the building inspector, which shall be given when building structural systems prevent compliance.
 - h. *Trash incinerators and garbage.* Except with townhouse and multiple residence sites of four or less units, no exterior trash or garbage disposal or storage shall be permitted. In the case of townhouse and multiple residences with four or less units, there shall be no exterior incineration, and any storage shall be completely enclosed by walls six feet in height.
 - i. *Elevators.* Any multiple residence building of three stories or more shall be equipped with at least one public elevator.
 - j. *Accessory buildings.* Exteriors of accessory buildings shall have the same exterior finish as the principal structure.
- (3) *Recreations and open space.* Multiple family residential projects shall contain an adequate amount of land for park, recreation or local open space use, exclusive of sump and drainage areas which shall not be less than 20 percent of the gross area of the property and shall consist principally of land within the building setback lines.
- (c) *Standards for all residential districts.*
- (1) *Building materials in residential districts.*
 - a. The exterior primary building materials of principal and accessory residential structures may include wood, lap siding with wood appearance (shall not include corrugated or flat metal panels), vinyl, brick, stone, marble, glass, decorative concrete block, stucco, and equivalent or better products. Asphalt shingles, metal (finished metal standing seam), roofing tiles, slate, copper, and materials with a similar appearance to those materials may be used for roofing materials.
 - b. Accessory structures shall be constructed of durable, finished materials and shall be compatible in color to the principal structure. Accessory structures over 150 square feet in area shall be compatible with the principal structure in terms of design, roof style, pitch, and color. Metal accessory buildings are permitted only in the Residential Estates (RE) District.
 - (2) *Dwelling and manufactured single-family dwellings.* All dwellings and manufactured single-family dwellings constructed or established after the adoption of this Code shall meet the following criteria:
 - a. The dwelling and manufactured single-family dwelling shall be placed on and secured to a permanent foundation of concrete, masonry, or treated wood;

- b. The dwelling and manufactured single-family dwelling shall have a minimum length and width of 20 feet at all points, providing that such measurements shall not include overhangs and other projections beyond the principal exterior walls;
 - c. The dwelling and manufactured single-family dwelling shall include an attached or detached private garage on the lot;
 - d. The dwelling shall comply with the state building code and the manufactured single-family dwelling shall comply with applicable state statutes.
- (3) *Home occupations.* All home occupations shall meet the following requirements:
- a. The number of employees shall be limited to one person in addition to family members residing within the home;
 - b. The area within the dwelling used by the home occupation shall not exceed 20 percent of the dwelling's livable floor area;
 - c. On-site sales shall be prohibited, except those clearly incidental to services provided in the dwelling;
 - d. Any interior or exterior alterations of a dwelling for a home occupation shall be prohibited, except those customarily found in a dwelling;
 - e. Vehicles associated with a home occupation shall be limited to one automobile, pick-up truck or van on the premises, which shall be parked in a garage if the name of the home occupation or advertising appears on the vehicle. Any vehicles associated with a rural home occupation must be parked in a specified storage area or accessory structure;
 - f. Unusual parking and traffic patterns shall not be created, which are not normally found in the neighborhood, and in no case shall customer vehicles be parked on public or private roads;
 - g. Only one sign shall be permitted. Such sign shall be a non-illuminated nameplate of not more than three square feet in area, and shall be attached to the entrance of the dwelling and, in the case of a rural home occupation; it may be attached to the dwelling or the accessory structure.
- (4) *Residential building design review standards.* All residential units proposed for construction on existing vacant lots or lots that become vacant by reason of demolition or destruction of existing structures within the R-1 District west of State Trunk Highway 61 shall require a design permit, and shall be reviewed according to the following process and standards:
- a. *Site plan review and review process.*
 - 1. *Initial meeting.* The applicant shall first meet with the zoning administrator. The zoning administrator will explain the goals and intent of the design permit, site plan and design review process, along with the guidelines, application requirements and schedule.
 - 2. *Design permit, site plan and building elevations.* The applicant shall apply for a design permit for the proposed residential building. the application shall include submission of a site plan to the city and approval of a design permit before building permits are issued for new residential buildings on a vacant lot. The site plan shall be drawn to scale and show the following: site location, all proposed buildings, driveways, sidewalks, and other impervious surfaces, the number of dwelling units the building is intended to accommodate, and building elevations drawn to scale.

3. *Application submission and filing fee.* The applicant must submit the site plan and building elevations to the city along with a permit application and filing fee set by the city council.
 4. *Site plan review.* The zoning administrator shall review and may approve the site plans and design permit. The zoning administrator shall notify the planning commission of all approved plans. The zoning administrator may request that the planning commission review the site plan and building elevations and provide comments or recommend conditions for approval. The planning commission may hold a public hearing on the application. Notice of the public hearing must be published in the city legal newspaper at least ten days before the hearing and notice mailed to property owners within 500 feet of the site. At the hearing, the planning commission will either recommend approval, approval with conditions, or disapproval of the proposed site plan.
 5. *HPC review.* The zoning administrator may refer the site plan and elevations to the city heritage preservation commission for review if the site is adjacent to or would impact an identified historic structure or site. HPC comments shall be presented at the public hearing.
 6. *Approval.* If the application is approved, the zoning administrator will issue a design permit to the applicant and a copy to the building inspector.
 7. *Appeal.* The applicant or any interested person aggrieved with the zoning administrator's decision may, within ten days, revise and resubmit the application to the zoning administrator or appeal the decision to the city council.
 8. *Building permit.* After the application is approved, the plans may be completed and submitted to the building inspector for building permit review. The final plans will also be reviewed for design permit compliance by the zoning administrator. The building inspector or zoning administrator will monitor compliance with the design permit and any conditions of approval.
- b. *Building design standards.*
1. *Relationship to adjacent buildings.* All new buildings proposed on existing vacant lots or lots that become vacant through demolition shall relate to the design of adjacent traditional buildings in scale, size, proportions and character. This can be achieved by maintaining similar setbacks, facade divisions and proportions, porch elements, roof form and lines, rhythms and proportions of openings, building materials, details and colors. Historic architectural styles need not be replicated.
 2. A primary entrance shall face an improved abutting street or be located off of a front porch, foyer, courtyard or similar architectural feature, and set back at least eight feet from the side lot line.
 3. For principal structures, above-grade window and door openings shall comprise at least 15 percent of the total area of exterior walls facing a public street or sidewalk. In addition, abovegrade window and door openings shall comprise at least ten percent of the total area of all exterior walls. Windows in garage doors shall count as openings; the area of garage doors themselves shall not count as openings. Windows shall be clear or translucent.
 4. Residential structures shall be set back far enough from the street to provide a private yard area between the boulevard and the front door. Landscaping, steps, porches,

grade changes, and low ornamental fences or walls may be used to provide increased privacy and livability.

5. Building materials and architectural treatments used on sides of buildings facing an abutting public street and on accessory structures should be similar to those used on principal facades.
6. The design and siting of the building should seek to preserve existing trees on the site and immediately adjacent lots. The landscape design should consider permeable materials for paths and driveways to protect existing mature trees in sensitive areas.

(Code 1997, §§ 1330.05(21), (22), 1340.06, 1340.07; Ord. No. 2016-7, 8-18-2016)

ARTICLE IV. - RESIDENTIAL DISTRICTS

Sec. 36-206. - Purpose.

The residential districts are established to accomplish the general purposes of this article and for the following specific purposes:

- (1) To preserve existing living qualities of residential neighborhoods;
- (2) To ensure future high quality amenities, including, but not limited to, the provision of adequate light, air, privacy, freedom from noise and convenience of access to property;
- (3) To increase convenience and comfort by providing usable open space and recreation space on the same lot as the housing units they serve;
- (4) To prevent additions or alterations of structures which would damage the character or desirability of existing residential areas;
- (5) To protect residential areas, to the extent possible and appropriate in each area, against unduly heavy motor vehicle traffic;
- (6) To encourage a variety of dwelling types and a wide range of population densities with emphasis on home ownership; and
- (7) To implement the goals and policies of the comprehensive plan.

(Code 1997, § 1340.01)

Sec. 36-207. - Intent.

The specific intent of each residential district is as follows:

- (1) *RE, Residential Estates District*. This district shall be intended:
 - a. For residential areas without public utilities;
 - b. To preserve lands in their natural state or in agricultural uses pending the proper timing for the economical provision of utilities, streets, parks, and other public facilities so that orderly development will occur; and
 - c. To preserve and extend areas for single-family dwellings at very low densities within spacious environments.

Any lot or parcel of land located in a residential estates zone (RE) served by municipal sewer shall be treated as a Single-Family Residential (R-1) parcel and shall be required to meet all requirements of R-1 zoning.

- (2) *R-1A, River Residential District.* This district shall be intended to preserve, create, and enhance areas for low-density single-family development along and near the Mississippi River where public utilities are available.
- (3) *R-1, Low Density Single-Family Residential District.* This district shall be intended to preserve, create and enhance areas for low-density single-family dwelling development as an extension of existing residential areas and to allow low-density development in areas indicated as such in the comprehensive plan where public utilities are available.
- (4) *R-2, Medium Density Residential District.* This district shall be intended to allow development of townhouses, row houses, and other types of low-density multifamily units in areas consistent with the comprehensive plan and serviced by public utilities.
- (5) *R-3, High Density Residential District.* This district shall be intended to create, preserve and enhance areas for multifamily use at higher densities for both permanent and more transient families. It is typically appropriate only in areas served by public utilities, with good accessibility to thoroughfares, public services, commercial areas, and where such development fits the comprehensive plan and planning policies.

(Code 1997, § 1340.02)

Sec. 36-208. - Residential lot area, depth, width, coverage, setbacks and heights.

The following minimum requirements shall be required in all residential districts:

	RE	R-1A	R-1	R-2	R-3
Minimum Lot Area per Unit (Square Feet)					
Dwellings, single-family	Two acres	15,000	9,100	9,100	9,100
Dwellings, two-family	—	—	—	7,800	7,800
Dwellings, more than two-family	—	—	—	5,750	3,000
Other uses	Two acres	One acre	One acre	One acre	One acre
Minimum lot depth in feet	200	150	130	130	130
Minimum Lot Width in Feet (Number in parenthesis is the lot width for a corner lot)					

Dwellings, single-family	160/(200)	100/(120)	70/(90)	70/(90)	70/(90)
Dwellings, two-family	—	—	—	120/(140)	120/(140)
Dwellings, more than two-family	—	—	—	120/(140)	120/(140)
Other uses	160	100	70	120	120
Minimum front yard in feet***	40	30	30	30	30
Minimum Side Yard in Feet (Number in parenthesis is the setback for a corner lot, street side)					
Dwellings, single-family or two-family	20/(40)	10/(30)**	10/(30)**	10/(30)	10/(30)
Dwellings, more than two-family	—	—	—	20/(40)	20/(40)
Garages or accessory structures***	20/(40)	5/(30)	5/(30)	10/(30)	10/(30)
Other uses	20	30	30	20	20
Minimum Rear Yard in Feet					
Dwellings, single-family or two-family	50	30	30	30	30
Dwellings, more than two-family	—	—	—	30	30
Garages or accessory structures***	20	Five	Five	30	30

Other uses	50	40	40	40	40
Maximum lot coverage, impervious surfaces					
Single-family dwelling units	20 percent	20 percent	35 percent (25 percent in Shoreland District****)	35 percent	35 percent
Maximum lot coverage, impervious surfaces					
Dwellings, more than two-family	N/A	N/A	N/A	N/A	N/A
Maximum building height in feet***	35 feet or three stories, whichever is greater, in all districts, but in no case higher than 1,000 feet U.S.G.S. sea level elevation; 25 feet in Shoreland Management Overlay District				

* Regardless of the setback standards noted in this table, the distance between a proposed foundation wall and an existing foundation wall on an adjacent lot may not be less than 15 feet.

** Side setbacks for substandard lot widths in R-1A: ten percent of lot width (25 percent for corner lot, street side). Side setbacks for substandard lot widths in R-1: 15 percent of lot width (33 percent for corner lot, street side).

*** See additional standards in section 36-161(3).

(Code 1997, § 1340.03)

Sec. 36-209. - Uses in the residential districts.

Use	RE	R-1A	R-1	R-2	R-3
Residential Uses					
Single-family detached, one dwelling per lot	P	P	P	P	P
Single-family detached, more than one dwelling unit per lot	PUD	PUD	PUD	PUD	PUD
Two-family residences	N	N	N	P	P
Multifamily (eight units or fewer per building)	N	N	N	C	P

Multifamily (eight or more units per building)	N	N	N	C	P
Homes for handicapped or infirm including group homes or halfway houses but not containing more than six unrelated persons	P	P	P	P	P
Planned residential developments	PUD	PUD	PUD	PUD	PUD
Manufactured single-family dwelling	P	P	P	P	P
Mobile homes	C	N	N	N	N
Public and Semi-Public Services					
Airport	C	N	N	N	N
Churches, synagogues, temples and associated facilities except schools	C	P	P	P	P
Medical clinics	N	N	N	N	C
Day care facilities in single-family homes with 14 or fewer children being attended to	P	P	P	P	P
Nursery school/day care facilities in single-family homes with more than 14 children being attended to	C	C	C	P	P
Nursery school/day care facilities in multifamily homes	N	N	N	C	C
Public facilities including government offices, emergency facilities, public works facilities, schools, libraries, museums, art galleries, and other municipally owned or operated facilities	C	C	C	C	C
Public utility	C	C	C	C	C
Commercial					
Bed and breakfast	C	C	C	C	C
Country club and golf course	C	C	C	C	C
Private athletic fields or courts	C	C	C	C	C

Horseback riding, stables	C	N	N	N	N
Animal kennel for more than six animals	C	N	N	N	N
Agricultural operations, row cropping, tree farming (excluding livestock)	P	N	N	N	N
Commercial greenhouse operations	C	N	N	N	N

P = Permitted use.

C = Permitted with a conditional use permit.

N = Not permitted.

PUD = Permitted with a planned unit development.

Sec. 36-210. - Multiple dwellings.

The following lot area credits and allowances shall be applied for multiple dwellings in R-2 and R-3 districts but in no event shall the minimum lot area with allowances be less than 5,000 square feet per dwelling unit in the R-2 District nor less than 2,200 square feet in the R-3 District based on the following schedule:

- (1) For each parking space provided within or beneath a principal structure, subtract 300 square feet;
- (2) If the site upon which the multiple dwelling is being constructed is adjacent to a site zoned for a commercial use, subtract 300 square feet;
- (3) If the adjacent site is zoned R-1 or R-1A, add 300 square feet per unit for that portion of the multiple dwelling site within 150 feet of the R-1 or R-1A District;
- (4) If the total lot coverage is less than 20 percent, subtract 150 square feet per unit;
- (5) For each unit containing bedrooms in excess of two, add 300 square feet.

(Code 1997, § 1340.05)