

## **Section 1330--General District Regulations**

### **1330.01 District Classification.**

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

#### **1330.01.1 Residential Districts**

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

#### **1330.01.2 Nonresidential Districts**

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

#### **1330.01.3 Mixed Use Districts**

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

#### **1330.01.4 Planned Unit Developments (PUD)**

#### **1330.01.5 Special Overlay Districts**

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

### **1330.02 Zoning Map**

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

**1330.03 Boundary Lines**

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

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

**1330.04 Uses**

It is the policy of the City of Newport that the enforcement, amendment, and administration of this Ordinance be accomplished with due consideration of the recommendation contained in *Chapter 1300, Section 1340.02* and *Sections 1350.01-1350.13, Intent of the Newport City Code of Ordinances* and the *City of Newport Comprehensive Plan* as developed and amended from time to time by the Planning Commission and City Council of the City of Newport.

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

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

Section 1330.04 Uses

Land Use Classification													<b>NP</b> Not Permitted <b>P</b> Permitted <b>PUD</b> Planned Unit Developments <b>C</b> Conditional Use Permit (CUP) required <b>A</b> Permitted Accessory Use <b>CC</b> Certificate of Compliance	
Land Use	Zoning District												Additional Use Regulations (See footnotes)	
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1—Business Park /Office/ Warehouse	B-2 General Business	I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use
Residential														
Single Family Detached, one dwelling per lot	P	P	P	P	P	Please see Section 1350.15 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.15 (A) for allowed uses in the Mixed Use Districts.				
Single Family Detached, more than one dwelling unit per lot	PUD	PUD	PUD	PUD	PUD									
Two Family residences				P	P									
Multi-family (eight units or fewer per building)				C	P									
Multi-family (eight or more units per building)				C	P									

Land Use Classification													NP	Not Permitted
													P	Permitted
													PUD	Planned Unit Developments
													C	Conditional Use Permit (CUP) required
													A	Permitted Accessory Use
													CC	Certificate of Compliance
Land Use	Zoning District												Additional Use Regulations (See footnotes)	
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Homes for handicapped or infirm including group homes or halfway houses but not containing more than 6 unrelated persons	P	P	P	P	P	Please see Section 1350.15 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.15 (A) for allowed uses in the Mixed Use Districts.				
Planned residential developments	PUD	PUD	PUD	PUD	PUD									
Manufactured Single-Family Dwelling	P	P	P	P	P									
Mobile Homes	C													
<b>Public and Semi-Public Services</b>														
Airport	C													

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Cemetery															
Churches, synagogues, temples and associated facilities except schools	C	P	P	P	P	Please see Section 1350.15 (B) for allowed uses in the Business and Industrial Districts.					Please see Section 1350.15 (A) for allowed uses in the Mixed Use Districts.			In Residential Districts and Mixed Use Districts building footprints shall not exceed 10,000 sq. ft.	
Crematorium															
Funeral Home															
Hospitals															
Medical Clinics					C										In the MX district, facilities must not exceed a 10,000 square foot footprint
Military Reserve, National Guard Centers															

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Day Care Facilities in Single Family Homes with 14 or fewer children being attended to	P	P	P	P	P	Please see Section 1350.15 (B) for allowed uses in the Business and Industrial Districts.										
Nursery School/Day Care Facilities in Single Family Homes with more than 14 children being attended to	C	C	C	P	P											Please see Section 1350.15 (A) for allowed uses in the Mixed Use Districts.
Nursery School/Day Care Facilities in Multi-Family Homes				C	C											
Parking Garage (as principal use)																

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Parking Lots--Surface (as principal use)															
Penal/correctional facilities															
Post Office															
Pubic Facilities including government offices, emergency facilities, public works facilities, Schools, libraries, museums, art galleries, and other municipally owned or operated facilities.	C	C	C	C	C	Please see Section 1350.15 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.15 (A) for allowed uses in the Mixed Use Districts.				Public Facilities located in Residential Districts must not exceed 10,000 square foot footprint except if located in the RE District.	

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Public utility	C	C	C	C	C											
Schools--Trade, College, Vocational and associated facilities																In the MX district, school facilities must not exceed a 10,000 square foot footprint.
Social, fraternal clubs and lodges, union halls																
Sanitary Landfill																
Towers and antennas																See Ordinance 97-4
Transit Station																
Park-and-ride Lot																
<b>Commercial</b>																
Bed and Breakfast	C	C	C	C	C											

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Hotels						Please see Section 1350.15 (B) for allowed uses in the Business and Industrial Districts.					Please see Section 1350.15 (A) for allowed uses in the Mixed Use Districts.				
Motels															
Adult Uses (bookstore, theater, nightclub, nude or partially nude dancing)															
Animal boarding															
Animal grooming															
Animal hospitals															
Animal retail sales															
Antique Shops															
Artist studios															
Auto sales, rental and services															

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Auto services only															No more than 4 bays in the MX districts
Auto storage															
Auto washing															
Bakeries (Retail sales)															
Bakeries (Wholesale)															
Restaurant--Liquor Served--Bar Grill															
Restaurant--Fast food															
Restaurant--Traditional (no liquor, sit down restaurant)															
						Please see Section 1350.15 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.15 (A) for allowed uses in the Mixed Use Districts.					

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Building materials and services															
Catering services															
Professional Offices															
Convenience Stores															
Bicycle Sales Dry Cleaner Laundromat Drug Store/Pharmacy Floral/Flower shop Hobby Shop															In the MX district, drive up windows require a conditional use permit (CUP)
Wholesale sales															
Produce sales: vegetables, fruit, flowers, etc...															



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Horseback Riding, Stables	C														
Auto and motorcycle racing tracks															
Drive-in movie theater															
Mobile Home Sales															
Manufactured Home Sales															
Automobile Parts/accessories retail sales and installation															
Automobile painting and body work															
						Please see Section 1350.15 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.15 (A) for allowed uses in the Mixed Use Districts.					

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Gas, diesel or other motor fuel retail sales															
Storage Mini-storage/cold storage															
Salvage yard (auto or scrap iron)															
Animal Kennel for more than 6 animals	C														
Agricultural operations, row cropping, tree farming (excluding livestock)	P														No on-premises sales

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Commercial Greenhouse operations	C					Please see Section 1350.15 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.15 (A) for allowed uses in the Mixed Use Districts.				Outside storage or sales requires a CUP. No on-premise sales permitted in RE district.
Veterinarian Clinic, animal hospital														
<b>Industrial</b>														
Manufacturing														
Warehousing														
Storage and Distribution of Bulk Petroleum Products, Oil and Gasoline						Please see Section 1350.15 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.15 (A) for allowed uses in the Mixed Use Districts.				

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<b>Land Use</b>	<b>Zoning District</b>												<b>Additional Use Regulations (See footnotes)</b>	
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Storage and distribution of bulk liquid fertilizer, chemicals or similar materials						Please see Section 1350.15 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.15 (A) for allowed uses in the Mixed Use Districts.				
Retail Sale, Installation and remanufacturing of vehicle parts and accessories.														

### 1330.05 Performance Standards

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

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

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

A. Permitted materials:

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

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

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

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

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

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

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

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

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

**Subd. 9 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.

**Subd. 10 Loading and Service Areas.** All loading and service areas shall be completely screened from eye-level view of adjacent residential uses, adjacent public streets, and the public front and office sides of business and industrial uses, except at driveway access points. Exterior loading docks or other provisions for handling materials brought to or removed from the site shall be on those sides of buildings, which do not face any roadway or proposed roadway.

**Subd. 11 Trash Handling.** Dumpsters, trash, trash handling equipment, and recycling equipment shall be stored within a principal structure or within an accessory structure of the same materials as the principal structure which is enclosed by walls 6' in height and with doors that close.

**Subd. 12 Screening.** The screening required by this section for any purpose may be accomplished by:

- A. Existing vegetation, topography, or other site feature;
- B. Placement of the building on the lot or of a building on an adjacent lot;
- C. Berming or landscaping which is at least eighty (80) percent opaque at maturity. Planting screens shall consist of healthy, fully hardy plant materials, at least six (6) feet in height. Such plantings shall be maintained in a neat and healthy condition. Plant materials that have died shall be promptly replaced;
- D. Screen walls, provided they are maintained in good repair at all times.

**Subd. 13 Outdoor Electronic Speakers.** Outdoor electronic speakers, and other sound-making devices, such as automobile service order devices, drive-in car speakers, outdoor sound systems, and similar instruments shall be screened, baffled, or located in such a manner that they do not transmit nuisance noise to adjacent or nearby residential uses.

**Subd. 14 Lighting.** Lighting fixtures shall be of a downcast, cutoff type, concealing the light source from view and preventing glare from spilling into residential areas. Lighting levels shall be measured in foot-candles five feet off the ground or floor level. The following light levels shall be met:

- |  |                         |
|--|-------------------------|
| A. Lot line of adjacent residential property   | 0.5 foot candle maximum |
| B. Open parking areas                          | 1.0 foot candle minimum |
| C. Covered parking facilities/night (minimum): |                         |
| 1) General parking & pedestrian areas          | 5 foot candles          |
| 2) Ramps & corners                             | 5 foot candles          |
| 3) Entrances & exits                           | 5 foot candles          |
| 4) Stairwells                                  | 20 foot candles         |
| D. Covered parking facilities/day (minimum):   |                         |
| 1) General parking & pedestrian area           | 5 foot candles          |
| 2) Ramps & corners                             | 10 foot candles         |

- |                      |                 |
|----------------------|-----------------|
| 3) Entrances & exits | 50 foot candles |
| 4) Stairwells        | 20 foot candles |

**Subd. 15 Landscaping.** All areas of land not covered by structures or pavement shall be landscaped with sod, mulch, or rock materials, and landscaped according to the provisions of this section:

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

- 1) Deciduous trees shall be at least 2 ½ inches in diameter.
  - 2) Ornamental trees shall be a minimum of 1 ½ inches in diameter
  - 3) Evergreen trees shall have a minimum height of 6 feet.
  - 4) Potted shrubs shall be in a 5 gallon pot or larger.
  - 5) Evergreen shrubs used for screening purposes shall be at least 3 feet in height at planting. Evergreen shrubs will have a minimum spread of 24 inches.
- I. Landscape plans and screening plantings shall be completed within one year from the date a building permit is issued.

**Subd. 16 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:
  - a. Treated wood, cedar, or redwood
  - b. Simulated wood
  - c. Decorative brick or stone
  - d. Wrought iron or aluminum designed to simulate wrought iron
  - e. Coated or non-coated chain link
  - f. Split rail
  - g. Barbed wire. Barbed wire may be used for top fencing only around Business and Industrial uses where the base fence is at least six (6) feet in height. The barbed wire portion of the fence may not exceed three (3) 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 (6) feet from finished grade.
- 5) A fence may be no more than twelve (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 (1) foot from a public walkway.
  - 7) In the I-S district, a fence at least six (6) 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 (4) feet in height in the front yard.
  - 5) A fence may be no more than six (6) feet in height in a side or rear yard, unless the side or rear lot line is common with the front yard of an abutting lot, in which case the portion of the side or rear lot line equal to the required front yard of the abutting lot may have a fence no more than four (4) feet in height.
  - 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 (1) 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:
    - a. Treated wood, cedar, or redwood
    - b. Simulated wood
    - c. Decorative brick or stone
    - d. Wrought iron or aluminum designed to simulate wrought iron
    - e. Coated or non-coated chain link
    - f. Split rail
    - g. 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 non-residential 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 (6) feet in height. The barbed wire portion of the fence may not exceed three (3) 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 (6) 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.

**Subd. 17 Noxious Matter.** The emission of noxious matter shall be controlled so that no such emission crosses the lot line of the property from which it originates. Noxious matter shall mean any solid, liquid or gaseous material, including but not limited to gases, vapors, odor, dusts, fumes, mists, or combinations thereof, the emission of which is detrimental to or endangers the public health, safety, comfort or general welfare, or causes damage to property. The operator of the facility shall comply with a regular inspection schedule as approved by the City and shall submit reports of such inspections to the City.

**Subd. 18 Restricted Operations.** Uses which because of the nature of their operation are accompanied by an excess of noise, vibration, dust, dirt, smoke, odor, noxious gases, glare or wastes shall not be permitted. Noise, odors, smoke and particulate matter shall not exceed Minnesota Pollution Control Agency standards. Glare, whether direct or reflected, such as from spotlights or high temperature processes, as differentiated from general illumination, shall not be visible beyond the lot line of the property from which it originates.

**Subd. 19 Explosives.** Any use requiring the storage, use or manufacturing of explosives, or other products which could decompose by detonation, shall not be located less than four hundred (400) feet from any residential use or residentially zoned area. This provision shall not apply to the storage or use of liquefied petroleum or natural gas for normal residential or business purposes, nor to the storage and distribution for retail sale of gasoline and other motor fuels if properly stored and handled according to applicable safety regulations.

**Subd. 20 Exceptions for Legal Non-Conforming Structures.** The standards in this section do not apply to legal non-conforming single family residential structures and properties in Business and Industrial districts, provided they are continuously used for residential purposes only, and provided any additions or alterations to these structures meet the standards of the R-1 district and other applicable zoning and building code standards. For legal non-conforming non-residential structures in the Business and Industrial districts or for existing non-residential development on properties that are rezoned to a Business or Industrial zoning district, the following exceptions shall apply:

- A. New construction projects for repairs, remodeling, or additions to a structure do not need to meet the standards in this section if the construction increases the size of the building by less than ten (10) percent, or if it increases the assessor's market value by less than twenty (20) percent.
- B. Construction projects involving a building expansion between ten (10) and fifty (50) percent of the size of the building or an increase in assessor's market value between twenty (20) and fifty (50) percent of its value need not meet all the standards of this section, but shall be required to meet a reasonable proportion of the requirements of this section as determined by the Planning Commission, upon the advice of the Zoning Administrator. If two or more smaller projects, over a period of five years or less, together exceed the percentage thresholds in this paragraph, the property shall then meet a reasonable proportion of the requirements as determined by the Zoning Administrator.
- C. Construction projects involving a building expansion over fifty (50) percent of the size of the building or an increase in assessor's market value over fifty (50) percent of its value shall be required to meet all the standards of this section. If two or more smaller projects, over a period of five years or less, together exceed the percentage threshold in this paragraph, the property shall then meet all the standards of this section.
- D. For the purposes of determining compliance with the standards in this section, site work not involving the structures on site shall be considered separately from work on the structures.
  - 1) For legal non-conforming uses, new construction projects for repairs, remodeling, or additions to the parking lot, outdoor spaces, landscaping, or other exterior features do not need to meet the standards in this section if the construction increases the size of these areas by less than ten (10) percent.
  - 2) Construction projects involving an expansion of exterior space between ten (10) and fifty (50) percent of the size of the parking lot or other outdoor space need not meet all the standards of this section, but shall be required to meet a reasonable proportion of the requirements as determined by the Planning Commission, upon the advice of the Zoning Administrator.
  - 3) For the purposes of this section, adding one inch or more of new material to an existing parking lot surface shall be considered an increase of one hundred (100) percent of the area involved.

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

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

- A. All waste, refuse, garbage and containers shall be kept in a building or in a fully screened area, except as allowed before a scheduled collection.
- B. All non-operating vehicles or equipment shall be kept within a fully enclosed building.

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

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

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

- A. At least one (1) overstory tree shall be provided in the front yard for each fifty (50) feet of lot frontage.
- B. There shall be a minimum of one (1) tree for every one thousand (1,000) square feet of non-impervious surface area on the lot.
- C. All landscape materials shall be appropriate to the physical characteristics of the site in terms of hardiness, salt-tolerance, and sun or shade tolerance.
- D. All areas of land not covered by structures, pavement, or landscaping may be covered by natural characteristics, when appropriate.
- E. All areas not otherwise improved in accordance with approved site plans shall be sodded. Exceptions shall be as follows:
  - 1) Seeding of future expansion areas as shown on approved plans.
  - 2) Undisturbed areas containing existing viable natural vegetation that can be maintained free of foreign and noxious plant material.
  - 3) Areas designated as open space or future expansion areas properly planted and maintained with native prairie grass.
  - 4) Use of mulch material such as rock or wood chips in support of shrubs and foundation plantings.

- F. Slopes and Berms. Final slope grades steeper than the ratio of 3:1 shall not be permitted without special landscaping treatments such as terracing, retaining walls, or ground cover.
- G. Plant Size Requirements. Plant size requirements for landscaping areas shall be as follows:
  - 1) Deciduous trees shall be at least 2 ½ inches in diameter.
  - 2) Ornamental trees shall be a minimum of 1 ½ inches in diameter.
  - 3) Evergreen trees shall have a minimum height of 6 feet.
  - 4) Potted shrubs shall be in a 5 gallon pot or larger.
  - 5) Evergreen shrubs used for screening purposes shall be at least 3 feet in height at planting. Evergreen shrubs will have a minimum spread of 24 inches.
  - 6) Except when a property's topsoil depth is less than 24 inches, the plant size requirement may be reduced by 50% or to 1 ¼ inches and doubling the number of trees.
- H. Landscape plans and screening plantings shall be completed within one year from the date a building permit is issued.

**Subd. 25 Utilities Location in Residential (R) Districts.** 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.

### **1330.06 Off-Street Parking**

#### **Subd. 1 General.**

- A. Standards. Off-street parking, loading, and service areas shall be improved with a durable and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulation within the parking area. Acceptable surfaces may include crushed rock and similar treatment for parking accessory to single family and duplex residential structures, all other uses shall utilize asphalt, concrete or substitute as approved by the Zoning Administrator. All surfacing shall be completed prior to occupancy of the structure, unless specific approval otherwise has been granted by the City. Parking areas for three (3) vehicles or fewer shall be exempt from the requirements of this paragraph.
- B. Dimensions. Each off-street parking space shall be a minimum of nine (9) feet wide by eighteen (18) feet deep. Access drives and aisles shall be a minimum of twenty-four (24) feet wide for two-way traffic, and eighteen (18) feet wide for one-way traffic. Parking space dimensions for angled parking shall be approved by the Zoning Administrator, based on acceptable planning standards.
- C. Compact Car Parking. Parking spaces for compact cars may be included within a parking lot plan approved by the Zoning Administrator provided the spaces comprise no more than forty (40) percent of the spaces for the entire use or project, and provided they shall be clearly identified on the site and their location shall be designed carefully into the overall site plan. The spaces shall be a minimum of eight (8) feet wide by sixteen (16) deep.

- D. Handicapped Parking. Parking for handicapped persons shall be provided in accordance with State and Federal regulations.
- E. Access. All off-street parking spaces shall have access from a private driveway and shall not access directly onto a public street.

**Subd. 2 Number of Off-street Parking Spaces.** The number of off-street parking spaces required for uses in the Residential, Non-Residential, and MX-1 and MX-2 Districts shall be as follows. Section 1350.19(D) prescribes the number of off street parking spaces required for uses in the MX-3 District.

- A. Single and Two-family Dwellings: Two (2) spaces per unit, at least one of which shall be enclosed.
- B. Residential Dwellings up to Eight (8) Units per structure: Two (2) spaces per unit, at least one each of which shall be enclosed, plus one half (0.5) space per unit of visitor parking, apart from individual garages or reserved resident spaces, within one hundred (100) feet of the entrance to each private unit entrance or to the building entrance if there is a common entrance. Visitor spaces may be further away if they have enclosed access to the building.
- C. Residential Dwelling with more than Eight (8) Units: One and one-half (1-½) spaces per unit for each efficiency or one bedroom unit, at least one each of which shall be enclosed, and two (2) spaces per unit for each unit with two or more bedrooms, at least one each of which shall be enclosed. In addition, there shall be one-half (½) space per unit of visitor parking, apart from individual garages or reserved resident spaces, within two hundred (200) feet of the entrance to each private unit entrance or to the building entrance if there is a common entrance. Visitor spaces may be further away if they have enclosed access to the building.
- D. Driveway Space: Driveway space immediately in front of a garage door, blocking normal access to the garage, may not be counted as part of the required parking space for any residential use.
- E. Retail Sales and Service Uses: One (1) space for each two hundred fifty (250) square feet of gross floor area.
- F. Hotel or Motel: One (1) space per unit, plus one (1) space per employee on the largest shift.
- G. Medical or Dental Clinic: Six (6) spaces per doctor or dentist.
- H. Vehicle or Equipment Service and Repair: Two (2) spaces plus three (3) spaces for each service stall
- I. Restaurants, Taverns, Clubs, and Similar Uses: One (1) space for each two and one half (2.5) seats, based on maximum design capacity.
- J. Offices, Other than Medical or Dental: One (1) space for each two hundred fifty (250) square feet of gross floor area.

- K. Churches, Theaters, Auditoriums, Funeral Homes, and Other Places of Assembly.: One (1) space for each three (3) seats or for each five (5) feet of pew or bleacher length, based on the maximum design capacity.
- L. Warehouse, Storage, Handling of Bulk Goods, Industrial Storage: One (1) space for each two (2) employees on the largest shift, or one (1) space for each two thousand (2,000) square feet of gross floor area, whichever shall be greater.
- M. Manufacturing, Light Industrial, Processing, and Fabrication: One (1) space per five hundred (500) square feet of gross floor area.
- N. Uses Not Specifically Mentioned: As shall be determined by the Zoning Administrator.

**Subd. 3 Residential Districts.**

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

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

- A. Required parking facilities serving two or more uses may be located on the same lot or in the same structure, provided that the total number of parking spaces furnished shall not be less than the sum of the separate requirements for each use.
- B. A shared parking plan for two or more uses involving fewer than the total number of parking spaces required in paragraph (1) above may be approved by Conditional Use Permit, if at least the following conditions shall be met:
  - 1) No more than fifty (50) percent of the required parking spaces for a given use may be shared with another use.
  - 2) The applicant shall show that there is no substantial conflict between the principal operating hours of the uses, which will share parking spaces.
  - 3) A properly drawn legal instrument covering access easements, cross parking arrangements, maintenance, or other pertinent issues, executed by the parties involved, and approved by the City Attorney, shall be filed with the City Clerk-Administrator.
  - 4) Proof of available parking can be made available should a more intensive use be proposed for the site at a later time.

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

## Section 1340 - Residential Districts

### 1340.01 Purpose

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

- A. To preserve existing living qualities of residential neighborhoods;
- B. 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;
- C. To increase convenience and comfort by providing usable open space and recreation space on the same lot as the housing units they serve;
- D. To prevent additions or alterations of structures which would damage the character or desirability of existing residential areas;
- E. To protect residential areas, to the extent possible and appropriate in each area, against unduly heavy motor vehicle traffic;
- F. To encourage a variety of dwelling types and a wide range of population densities with emphasis on home ownership; and
- G. To implement the goals and policies of the Comprehensive Plan.

### 1340.02 Intent.

The specific intent of each residential district is as follows:

**Subd. 1 RE - Residential Estate 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
- D. 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. (see Ordinance No. 98-2).

**Subd. 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.

**Subd. 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;

**Subd. 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;

**Subd. 5 R-3 - High Density Residential District.** This district shall be intended to create, preserve and enhance areas for multi-family 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.

### 1340.03 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
<b>Minimum Lot Area per Unit (Square Feet)</b>					
Dwellings, single-family	2 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	2 Acres	1 Acre	1 Acre	1 Acre	1 Acre
Minimum Lot Depth in Feet	200	150	130	130	130
<b>Minimum Lot Width in Feet (Number in parenthesis is the lot width for a corner lot)</b>					
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
<b>Minimum Side Yard in Feet (Number in parenthesis is the setback for a corner lot, street side)</b>					
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
<b>Minimum Rear Yard in Feet</b>					
Dwellings, single-family or two family	50	30	30	30	30
Dwellings, more than two family	--	--	--	30	30
Garages or Accessory Structures***	20	5	5	30	30
Other uses	50	40	40	40	40
Maximum Lot Coverage, Impervious Surfaces Single Family Dwelling Units	20%	20%	35% (25% in Shoreland District****)	35%	35%
Maximum Lot Coverage, Impervious Surfaces Dwellings, more than 2 family	N/A	N/A	N/A	N/A	N/A
Maximum Building Height in Feet ***	35 feet or 3 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 fifteen (15) feet

\*\* Side setbacks for substandard lot widths in R-1A: 10% of lot width (25% for Corner Lot, Street Side). Side setbacks for substandard lot widths in R-1: 15% of lot width (33% for Corner Lot, Street Side)

\*\*\*See additional standards in Subsection 1340.04.

### 1340.04 Single Family Residential Garage, Accessory Structure and Driveway Standards.

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 Subsections 1340.03, 1370.03 (Shoreland

Management District) and 1370.05 (Floodplain Management Districts). 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.

**Subd. 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.

**Subd. 2 Number.** A residential lot, other than a river riparian lot, may have no more than two (2) accessory structures. A river riparian lot may have a guest cottage and a water-oriented accessory structure as regulated in Section 1370 of this Chapter, the Shoreland Management Section.

**Subd. 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 1300.01 Subd. 19 Building Height.

**Subd. 4 Location.** A detached accessory building shall not be located in any required front yard.

**Subd. 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 five hundred (500) square feet of garage space regardless of the house size, as long as the required setbacks and other standards are met.

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.
2.0-4.99Acres	2	2500 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.

**Subd 6 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 1310.10 of this Chapter:

- A. The parcel shall not be re-platted, split or subdivided such that it results in a lot size of less than 3 acres without first removing or altering the structure so that it conforms to the standards in this chapter.
- B. The site must demonstrate that the accessory structures do not encroach upon existing septic systems and that an alternative septic system area is protected.
- C. Plantings consisting of a combination of trees and shrubs shall be installed within the set back area providing a buffer between the accessory structure (s) and future development on adjacent property.
- D. 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.

E. All the other subdivisions of this section apply to the RE district.

**Subd. 7 Compatibility.** 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 one hundred fifty (150) square feet in area shall be compatible with the principal structure in terms of design, roof style, roof pitch, color, and exterior finish materials.

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 Chapter 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 (5) feet to the main building, except as otherwise provided in this Chapter.

**Subd. 8 Additional Setback, Square Feet.** A garage, whether attached or detached, or an accessory structure shall provide an additional one (1) foot of setback beyond the minimum front, side, or rear yard setbacks required in Subsection 1340.03, for every twenty (20) square feet of area over nine hundred (900) square feet of area in garages or accessory structures on the lot, except:

- A. 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 Subsection 1340.03.
- B. Such an extended building edge may be no more than thirty-six (36) feet in length along any single property line. Any portion of an extended building edge longer than thirty-six (36) feet in length must meet the additional setbacks described above in this Subdivision.
- C. In the RE district, a garage, whether attached or detached, or an accessory structure shall provide an additional one (1) foot of setback beyond the minimum front, side and rear yard setbacks required in Subsection 1340.03, for every forty (40) square feet of area or portion thereof over two thousand (2,000) square feet of area in garages or accessory structures on the lot.

**Subd. 9 Additional Setbacks, Height.** A detached garage or an accessory structure shall provide an additional two (2) foot of setback beyond the minimum required front, side, or rear yard setbacks for every one (1) foot of height of its eave line over eight (8) feet.

**Subd. 10 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 (8) feet in height or less, except that one door opening in one accessory structure per lot may be a maximum of twelve (12) feet in height. In all districts, any door opening over eight (8) 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 (10) feet beyond the minimum front yard setback required in Subsection 1340.03 for every one (1) foot of height of the door opening over eight (8) feet.

**Subd. 11 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 ordinance. 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.

**Subd. 12 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 1340.07, Subdivision 2.

**Subd. 13 Air Conditioning Units.** All air conditioning units excluding window units shall be located a minimum of twenty (20) feet from all lot lines, but not within the front yard.

**Subd. 14 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 1340.03, 1340.04, 1370.03 and 1370.05.

**Subd. 15 Driveways.** One driveway access to a public roadway is permitted for each lot.

**1340.041 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 right-of-ways or adjacent residential properties. The following standards and conditions apply to covered storage buildings:

**Subd. 1 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 1340.04. In addition, the following criteria shall be applied to covered storage buildings permitted as an accessory structure:

- A. Placement on Lot: The structure shall not be located in any front yard.
- B. Screening: The structure shall be screened from public right-of-way and adjacent property with shrubbery, trees or fencing.
- C. 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 Ordinance 2002-11, Chapter 8, Section 811 Building and Property Maintenance.
- D. Number per Residential Lot: Only one (1) structure shall be permitted per residential lot.

**Subd. 2 Allowed with Conditions:**

- A. Placement on Lot: Structures shall not be placed 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.
- B. Maintenance: Lawn areas around the structure shall be kept clear of tall weeds and grass.
- C. Lot Coverage and Structure Height: Except as provided herein, all standards relating to structure height, lot coverage, and number of accessory structures on the lot as outlined in Section 1340.04 shall be met.

**Subd. 3 Building Permit Required.** Installation of covered storage buildings over 336 square feet or 10 feet in height require a building permit from building inspections.

**1340.05 Credits and Allowances for 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 five thousand (5,000) square feet per dwelling unit in the R-2 district nor less than two thousand two hundred (2,200) square feet in the R-3 district based on the following schedule:

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

**1340.06 Special Regulations for the R-2 and R-3 Residential Districts.**

**Subd. 1 Minimum Floor Area for Multiple Family Dwellings.** The minimum floor area of an efficiency dwelling unit shall be not less than four hundred (400) net square feet, that of a one-bedroom dwelling unit shall be not less than seven hundred (700) net square feet, and that of a two-bedroom dwelling unit shall be not less than nine hundred (900) net square feet. Units containing three (3) or more bedrooms shall have an additional one hundred fifty (150) net square feet of floor area for each bedroom in excess of two (2) bedrooms.

For purposes of measurement, the net floor area of a dwelling unit shall mean 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.

**Subd. 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 paragraph (B) below. The Planning Commission and 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 council shall consider the requirements of paragraph (B) below 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 paragraph 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 storm water 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 (2 1/2) 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 twenty (20) percent of the dwelling units in any one (1) 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 (10) lineal feet of closet space and eighty (80) cubic feet of bulk storage. Only closet space having a minimum clear finish to finish depth of two (2) feet, zero (0) inches, shall be considered in determining the lineal feet of closet provided;
  2. Two-bedroom unit: twenty-four (24) lineal feet of closet space and one hundred (100) cubic feet of bulk storage. Only closet space having a minimum clear finish to finish depth of two (2) feet, zero (0) inches, shall be considered in determining the lineal feet of closet provided;
  3. Three (3) or more bedrooms: for each bedroom in excess of two (2) in any one (1) dwelling unit, an additional ten (10) lineal feet of closet space and fifty (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 fifty (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 (4) 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 (4) or less units, no exterior trash or garbage disposal or storage shall be permitted. In the case of townhouse and multiple residences with four (4) or less units, there shall be no exterior incineration, and any storage shall be completely enclosed by walls 6' in height.
- I. Elevators. Any multiple residence building of three (3) stories or more shall be equipped with at least one (1) public elevator.
- J. Accessory Buildings. Exteriors of accessory buildings shall have the same exterior finish as the principal structure.

**Subd. 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 twenty (20) percent of the gross area of the property and shall consist principally of land within the building setback lines.

#### **1340.07 Special Regulations for All Residential Districts.**

**Subd. 1 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 twenty (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 Minnesota Statutes.

**Subd. 2 Home Occupations.** All home occupations shall meet the following requirements:

- A. The number of employees shall be limited to one (1) person in addition to family members residing within the home;
- B. The area within the dwelling used by the home occupation shall not exceed twenty (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 (1) sign shall be permitted. Such sign shall be a non-illuminated nameplate of not more than three (3) 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.

**Subd. 3 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 10 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 Newport 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 10 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, façade 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 (8) feet from the side lot line.
3. For principal structures, above grade window and door openings shall comprise at least fifteen (15) percent of the total area of exterior walls facing a public street or sidewalk. In addition, above grade window and door openings shall comprise at least ten (10) 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.