

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													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)	
	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									Includes townhomes
Multi-family (eight units or fewer per building)				C	P									Includes townhomes
Multi-family (eight or more units per building)				C	P									Includes townhomes

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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													
Public and Semi-Public Services														
Airport	C													

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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	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.					
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.	

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								
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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															
Commercial															
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.

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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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Drive up Banks															
Entertainment/amu sement halls Bowling Alley Skating Rink, Indoor															If alcohol is part of the use a (CUP) is required.
Movie Theater															300 or less capacity
Movie Theater															300 or greater capacity
Coliseums, stadiums															
Country Club and Golf Course	C	C	C	C	C										
Private athletic fields or courts	C	C	C	C	C										
Golf Driving Range															

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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.

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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														
Industrial														
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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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—Performance Standards for Non-Residential Districts. 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. 3-15 and 17-19 inclusive. Subd. 15 includes performance standards for Fences in all districts.

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, may be utilized as building materials in the R-2, R-3, and MX districts for residential construction. These materials shall not be used for commercial or industrial buildings, except as approved by the City.

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 and Walls. 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 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.

2) Ramps & corners	10 foot candles
3) Entrances & exits	50 foot candles
4) Stairwells	20 foot candles

Subd. 14 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 Landscaping 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. 15 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. 16 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. 17 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. 18 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 liquid fuel 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. 19 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. 20 Subdivisions 20-23 -- 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. 20 through 23 inclusive, as interpreted by the Zoning Administrator. Building Materials and Fences in Residential Districts shall comply with the standards included in Subd 3 and.15 of this Section, respectively. All decisions of the Zoning Administrator may be appealed to the City Council as provided for elsewhere in this Code.

Subd. 21 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. 22 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. 23 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. 24 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 Areas and Driveways

Subd. 1 General.

- A. **Standards-Surfacing.** All off-street parking areas and driveways, shall be constructed with an improved surface to meet the following requirements:
- 1) In all Non-Residential 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 Non-Residential 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 6 inches compacted), landscape rock (minimum 6 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/her property or surface runoff meets the City's Public Works Design Manual.
- B. Standards-Drainage.** 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. Standards-Maintenance.** The City can require the entire or greater portion of driveways that serve commercial and industrial uses or the first forty (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 Chapter and the City's Public Works Design Manual.
- D. Setbacks.** All parking areas shall be setback a minimum of five (5) feet from property lines. All driveways shall be setback a minimum of five (5) feet from side and rear property lines. Parking areas and driveways shall meet the standards in Chapter 8, Section 811.07 (E) of the City Code.
- E. Size.** In the R-1 and R-1A Districts, the total area of the driveway and parking areas shall not exceed thirty-five (35%) of the front yard area. The lot coverage in the RE and non-residential districts, including off-street parking areas, shall meet the requirements in Section 1340.03 and Section 1350.14 of this Ordinance.
- 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 (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.
- 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 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.

- 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 four hundred feet (400') from the principal use or building served.

Subd. 2 Number of Off-street Parking Spaces. The minimum, number of off-street parking spaces required for uses in the Residential, Non-Residential, and most Mixed Use Districts are identified below. Section 1350.19(D) 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 (2) spaces per unit, at least one of which shall be enclosed.
- 2) Multifamily Residential Dwellings with up to eight (8) dwelling units per building: 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.
- 3) Multifamily 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.
- 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 Non-Residential Uses.

- 1) Retail Sales and Service Uses: One (1) space for each two hundred fifty (250) square feet of gross floor area.
- 2) Hotel or Motel: One (1) space per unit, plus one (1) space per employee on the largest shift.
- 3) Medical or Dental Clinic: Six (6) spaces per doctor or dentist.
- 4) Vehicle or Equipment Service and Repair: Two (2) spaces plus three (3) spaces for each service stall
- 5) Restaurants, Taverns, Clubs, and Similar Uses: One (1) space for each two and one half (2.5) seats, based on maximum design capacity.
- 6) Offices, Other than Medical or Dental: One (1) space for each two hundred fifty (250) square feet of gross floor area.
- 7) 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.
- 8) 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.
- 9) Manufacturing, Light Industrial, Processing, and Fabrication: One (1) space per five hundred (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.

Subd. 3 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 for each use may be approved by Conditional Use Permit, if all of the following conditions can 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) For retail, medical, service and office uses, required parking may be reduced by the establishment of a commercial parking district for the purpose of sharing parking with varying peak parking hours or availability of off-street public parking. The establishment of a commercial parking district to allow a reduction in parking required shall be subject to review and approval by the City during the development's initial site plan review or subsequent site plan changes.
 - 3) The City Council may authorize other reduced off-street parking requests through a special agreement. The reduction must be based on proven parking data for a specific development. The applicant shall show that there is no substantial conflict between the principal operating hours of the uses, which will share parking spaces.
 - 4) 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.
 - 5) Proof of available parking can be made available should a more intensive use be proposed for the site at a later time.

Subd. 4 Location of Parking. Unless otherwise provided, required parking for all uses shall be within four hundred (400) feet of the entrance to the use.