



**CITY OF NEWPORT  
PLANNING COMMISSION WORKSHOP MEETING  
NEWPORT CITY HALL  
JULY 14, 2016 – 6:00 P.M.**

Chairperson:	Anthony Mahmood	City Administrator:	Deb Hill
Vice-Chair:	Kevin Haley	Asst. to the City Admin:	Renee Eisenbeisz
Commissioner:	Marvin Taylor	Planner:	Sherri Buss
Commissioner:	David Tweeten	Council Liaison:	Tom Ingemann
Commissioner:			

**AGENDA**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. DISCUSSION REGARDING TEMPORARY CARE DWELLINGS**
- 4. DISCUSSION REGARDING AN INDUSTRIAL BUFFER DISTRICT**
- 5. DISCUSSION REGARDING BUILDING MATERIALS FOR THE RESIDENTIAL DISTRICTS**
- 6. DISCUSSION REGARDING START TIME**
- 7. ADJOURNMENT**



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 Saint Paul, MN 55101  
 651.292.4400  
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## Memorandum

<b>To:</b>	Newport Planning Commission	<b>Reference:</b>	Temporary Care Dwellings
<b>Copies To:</b>	Deb Hill, City Administrator		
	Renee Eisenbeisz, Assistant to the Administrator		
		<b>Project No.:</b>	16021.000
<b>From:</b>	Sherri Buss, RLA AICP, City Planner	<b>Routing:</b>	
<b>Date:</b>	July 5, 2016		

The 2015-16 Minnesota Legislature adopted legislation that requires that cities and counties permit Temporary Family Health Care Dwellings, and included permit requirements and performance standards in the legislation.

Cities can accept this use as specified in the legislation, or may opt out of this requirement, but must do so by September 1, 2016. The City Council has asked that the Planning Commission review the proposed use, and make a recommendation to the Council at one of its August meetings.

The City could choose to:

- Accept the use as proposed in the legislation
- Opt out of the use
- Opt out of the use proposed in the legislation, and amend its ordinance to permit accessory dwelling units for similar or related purposes, but with different requirements and standards. This could be considered in the Land Use chapter in the Comprehensive Plan, which the City will start to work on in the fall of 2016.

A copy of the section of the legislation that applies to cities is attached, along with a recent article in the Star Tribune that discusses how some cities are thinking about this use.

In summary:

- The Temporary Health Care Dwelling would be a small living unit assembled off-site and placed on the same lot where the caregiver or relative resides. It would not be placed on a permanent foundation. The caregiver is defined as someone who is 18 years or older who care for a mentally or physically-impaired person.
- The maximum size of the dwelling is 300 square feet.
- It must comply with setbacks, and be connected to water, sewer and electricity.
- The caregiver or relative must get a temporary conditional use permit from the City. The legislation includes a number of requirements for the permit application.

- The temporary dwelling is limited to one occupant—either a caregiver or a person receiving care..
- The temporary conditional use permit is valid for six months, and can be renewed once for six months or longer.
- The permit can be revoked for violations.
- No public hearing is required, but applicants must provide an affidavit that they have notified adjacent property owners with the application.
- The City has a maximum of 15 days to issue or deny the permit, and cannot extend the time period to approve or deny.
- The City may charge only \$100 for the permit.

Some questions for the Planning Commission to discuss:

- The City has received requests for a variety of similar accessory dwellings that would permit care for older people, disabled persons, etc. Some have been for separate “granny flats” and others for an accessory dwelling unit within the primary home or in a garage. Do the proposed temporary family care units meet the needs of city residents, or is something else needed? Should the accessory unit be temporary, or a permanent unit?
- Would the proposed units be a good fit in all zoning districts? Some districts?
- The proposed units are small and permit only one occupant. What if a couple or parent/child want to care for a disabled person? Or if there is a need to care for a couple?
- Is the fee high enough for permit review and monitoring to determine if the unit is removed as required at the end of the permit?
- The Zoning Ordinance currently requires that manufactured dwellings be placed on a permanent foundation, and meet building code requirements for plumbing, heating, and other utilities. Should these requirements be maintained for accessory dwellings?



4.29 Subd. 7. Fee. Unless otherwise provided by ordinance, the county may charge a fee  
 4.30 of up to \$100 for the initial permit and up to \$50 for a renewal of the permit.

4.31 Subd. 8. No public hearing required; application of section 15.99. (a) Due to the  
 4.32 time-sensitive nature of issuing a temporary conditional use permit for a temporary family  
 4.33 health care dwelling, the county does not have to hold a public hearing on the request.

4.34 (b) The procedures governing the time limit for deciding an application for the  
 4.35 temporary conditional use permit under this section are governed by section 15.99, except  
 4.36 that a county has 15 days to issue a permit requested under this section or to deny it. If the  
 5.1 county receives a written request that does not contain all required information, the 15-day  
 5.2 limit starts over only if the county sends written notice within five business days of receipt  
 5.3 of the request telling the requester what information is missing. Notwithstanding section  
 5.4 15.99, subdivision 3, paragraph (f), the county cannot extend the period of time to decide.

5.5 Subd. 9. Opt-out. A county may by resolution opt-out of the requirements of  
 5.6 this section.

5.7 **EFFECTIVE DATE.** This section is effective July 1, 2016, and applies to  
temporary conditional use permit applications made under this section on or after that date.

5.8 **Sec. 3. [462.3593] TEMPORARY FAMILY HEALTH CARE DWELLINGS.**  
 5.9 **Subdivision 1. Definitions.** (a) For purposes of this section, the following terms  
 5.10 have the meanings given.

5.11 (b) "Caregiver" means an individual 18 years of age or older who: →

- 5.12 (1) provides care for a mentally or physically impaired person; and
- 5.13 (2) is a relative, legal guardian, or health care agent of the mentally or physically
- 5.14 impaired person for whom the individual is caring.

5.15 (c) "Instrumental activities of daily living" has the meaning given in section  
 5.16 256B.0659, subdivision 1, paragraph (i).

5.17 (d) "Mentally or physically impaired person" means a person who is a resident of  
 5.18 this state and who requires assistance with two or more instrumental activities of daily  
 5.19 living as certified in writing by a physician or physician assistant licensed to practice in  
 5.20 this state, or a certified nurse practitioner.

5.21 (e) "Relative" means a spouse, parent, child, grandchild, sibling, uncle, aunt,  
 5.22 nephew, or niece of the mentally or physically impaired person. Relative includes half,  
 5.23 step, and in-law relationships.

5.24 (f) "Temporary family health care dwelling" or "dwelling" means a mobile  
 5.25 residential dwelling providing an environment facilitating a caregiver's provision of care  
 5.26 for a mentally or physically impaired person that meets the requirements of subdivision 2.

5.27 **Subd. 2. Temporary family health care dwelling.** A temporary family health  
 5.28 care dwelling must:

- 5.29 → (1) be primarily assembled at a location other than its site of installation;
- 5.30 → (2) be no more than 300 gross square feet;
- 5.31 → (3) not be attached to a permanent foundation;
- 5.32 → (4) be universally designed and meet state-recognized accessibility standards;
- 5.33 → (5) provide access to water, sewer, and electric utilities either by connecting to the
- 5.34 utilities that are serving the principal dwelling on the lot or by other comparable means;
- 6.1 (6) have exterior materials that are compatible in composition, appearance, and
- 6.2 durability to the exterior materials used in standard residential construction;
- 6.3 (7) have a minimum insulation rating of R-15;
- 6.4 (8) be able to be installed, removed, and transported by a one-ton pickup truck as
- 6.5 defined in section 168.002, subdivision 21b;
- 6.6 (9) be built to American National Standards Institute Code 119.2; and
- 6.7 (10) be equipped with a backflow check valve.

6.8 **Subd. 3. Temporary conditional use; application.** (a) Unless the municipality  
 6.9 has designated temporary health care dwellings as permitted uses, a temporary health  
 6.10 care dwelling is a temporary conditional use subject to the provisions in this section. A  
 6.11 temporary family health care dwelling that meets the requirements of this section as a  
 6.12 temporary conditional use cannot be prohibited under any other local ordinance regulating  
 6.13 accessory uses or recreational vehicle parking or storage.

6.14 (b) The caregiver or relative must get a temporary conditional use permit from  
 6.15 the municipality. The permit application must be signed by the primary caregiver and  
 6.16 the owner of the property on which the dwelling will be located, and the resident of the  
 6.17 property if different from the owner, and include:

6.18 (1) the name, address, and telephone number of the property owner, the resident of  
 6.19 the property if different from the owner, and the primary caregiver responsible for the care  
 6.20 of the mentally or physically impaired person; and the name of the mentally or physically  
 6.21 impaired person who will live in the dwelling;

6.22 (2) proof of the provider network from which the mentally or physically impaired  
 6.23 person may receive respite care, primary care, or remote patient monitoring services;

6.24 (3) an executed contract for septic service management or other proof of adequate  
 6.26 septic service management;

6.27 (4) an affidavit that the applicants have provided notice to adjacent property owners  
 6.28 and residents of the application for the temporary conditional use permit; and

6.29 (5) a general site map to show the location of the dwelling and other structures  
 6.30 on the lot.

6.31 (c) The temporary family health care dwelling must be located on property where  
 6.32 the caregiver or relative resides. A dwelling must comply with all setback requirements  
 6.33 that apply to the primary structure and with any maximum floor area ratio limitations  
 6.34 that may apply to the primary structure. The dwelling must be located on the lot so that  
 6.35 septic services and emergency vehicles can gain access to the dwelling in a safe and  
 7.1 timely manner.

7.2 (d) A temporary family health care dwelling is limited to one occupant who is  
 7.3 identified in the application and only one temporary health care dwelling is allowed on a lot.

7.4 (e) Unless otherwise provided, a temporary family health care dwelling installed  
 7.5 under this section must comply with all applicable state law, local ordinances, and other  
 7.6 requirements.

7.7 Subd. 4. Initial permit term; renewal. The initial temporary conditional use permit  
 7.8 is valid for six months. The applicant may renew the permit once for an additional six  
 7.9 months, or a longer period of time negotiated between the applicant and the municipality.

7.10 Subd. 5. Inspection. The municipality may require that the permit holder provide  
 7.11 evidence of compliance with this section as long as the temporary family health care  
 7.12 dwelling remains on the property. The municipality may inspect the dwelling at reasonable  
 7.13 times convenient to the caregiver to determine if the dwelling is occupied and meets  
 7.14 the requirements of this section.

7.15 Subd. 6. Revocation of permit. The municipality may revoke the temporary  
 7.16 conditional use permit if the permit holder violates any requirement of this section. If the  
 7.17 municipality revokes a permit, the permit holder has 60 days from the date of revocation  
 7.18 to remove the temporary family health care dwelling.

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LOCAL

## Suburbs opt to go their own way on state's 'drop home' law

Facing new state requirement to allow tiny trailers on residential lots, many cities are saying no.

By Erin Adler (<http://www.startribune.com/erin-adler/195633361/>) and Emma Nelson (<http://www.startribune.com/emma-nelson/261800211/>) Star Tribune staff writers

JULY 5, 2016 — 5:16AM

Metro suburbs are bypassing a new state law that would require them to allow tiny, portable houses on residential properties, saying the state mandate doesn't work for them.

The statute is intended to provide access to temporary "drop homes" for people — mostly older adults — with health care needs that require them to be close to a caregiver.

But worries about resident complaints, conflicts with local zoning ordinances and timing concerns have spurred cities to opt out of the law. Some say they already have the resources they need to meet the needs of aging residents, while others want to pass their own laws allowing temporary structures tailored to their city.

The League of Minnesota Cities fought for an opt-out provision in the statute so local governments could still have control over their own zoning.

Bill sponsor Rep. Roz Peterson, R-Lakeville, struggled to find a place for her elderly father to live when he got sick two years ago. It's disappointing that cities are opting out, she said, but she acknowledged that the law isn't one-size-fits-all.

"It's always difficult to accept change and innovation," Peterson said. "This won't solve everybody's problem — this is one tool in the toolbox, so to speak."

Drop homes, sometimes called granny pods, are trailers under 300 square feet that are billed as an affordable and temporary alternative to sending sick, injured or elderly family members to a nursing home.

The new law was based on similar, but less restrictive, laws in North Carolina and Virginia.

→ In Minnesota, the law allows homeowners to have a drop home on their property for six months by paying for a \$100 permit, unless their city has a specific ordinance against the homes.

The Burnsville City Council voted unanimously on June 21 to opt out. Drop homes don't meet city codes, said Mayor Elizabeth Kautz, and the city already has temporary housing options.

Those options include spare bedrooms, apartments, assisted living facilities, short-term health care facilities, hotels and group homes, according to a meeting agenda report.

"It's not that we don't have it," Kautz said. "We want control of what happens here in Burnsville."

Some cities want to allow accessory dwelling units but are choosing to do so on their own terms.

The Crystal City Council will likely vote to opt out at its next meeting, said Council Member Jeff Kolb. The decision stems largely from the nature of residential properties in Crystal, many of which may be too small to qualify for drop homes under the statute, he said.

The City Council will try to pass an ordinance in the future that allows for accessory units that are better tailored to the city, Kolb said.

"There was a concern that it would be perceived that by opting out, we were saying we don't want this kind of thing around here, that it was kind of a cold-hearted decision," he said. "The reality is it's not that at all."

In Lakeville, the City Council agreed to opt out last week but also sent the issue to city staff for further review.



([http://stmedia.startribune.com/images/1467684122\\_08+678634+02](http://stmedia.startribune.com/images/1467684122_08+678634+02))  
ELIZABETH FLORES, STAR TRIBUNE

John Louiselle, left, and Jesse Lammi are a pair of young New Brighton entrepreneurs that have started NextDoor Housing, a company

HF 2497 SF 2555

There were multiple concerns, said Mayor Matt Little, including aesthetics, property values and the difficulty city staff would face in having to make judgments about residents' illnesses.

"Every single city in this country is going to need to figure out a way to start taking care of our seniors," Little said. "There's just a lot of issues we need to ... make fair and clear."

Meanwhile, city staff in Woodbury are recommending that city officials vote to opt out in order to have more time to figure out what local needs are, said Jason Egerstrom, Woodbury's spokesman.

→ Under the statute, cities have until Sept. 1 to opt out.

John Louiselle, co-owner of NextDoor Housing, a New Brighton-based drop home company that helped craft the law, said he doesn't mind if cities choose a different direction. "What's worrisome to us is when we see cities opting out and offering no alternative solution," he said.

Peterson said she would like to see cities try out the statute and see how it works. The biggest challenge, she said, is that people aren't familiar with the drop home idea.

"This is new — nobody's really done this before," she said. "Let's have a conversation with the community before we just choose to abandon the idea."

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## Memorandum

<b>To:</b>	Newport Planning Commission	<b>Reference:</b>	Industrial Buffer District
<b>Copies To:</b>	Deb Hill, City Administrator		
	Renee Eisenbeisz, Assistant to the Administrator		
		<b>Project No.:</b>	16021.000
<b>From:</b>	Sherri Buss, RLA AICP, City Planner	<b>Routing:</b>	
<b>Date:</b>	July 5, 2016		

### Meeting with Northern Tier Energy Representatives

City staff met with three representatives of Northern Tier Energy on June 15, to ask them about their long-range plans for the parcels that they own in Newport. Their comments included the following:

- Northern Tier is not planning to purchase additional properties north of the parcels they currently own on the west side of Highway 61 at this time.
- They may want to use some of the parcels that they own for office uses.
- In the longer term, they may want to add other uses north of the refinery—for example some light industrial uses such as light manufacturing/fabrication of equipment or an area for parking trucks.
- Northern Tier is willing to consider the potential development of some of the parcels they own on the east side of Highway 61 for business or residential uses.
- The representatives agreed that their security personnel should confine their activities to the refinery-owned properties. If there are concerns or complaints about activities on public streets or non-refinery properties, those should be referred to the City.

Staff stated that the Planning Commission is looking at options for rezoning the area north of the refinery for mixed uses, which could include offices uses, but that the City would be unlikely to include industrial uses in a mixed-use district that permitted residential uses. If the refinery wants to add industrial uses to the north of their current site, they would need to request that the City re-zone that area to an Industrial zoning category that permits the proposed uses.

### Options for Planning Commission Discussion

The Planning Commission should discuss and recommend an approach for zoning in the area north of the refinery. Options include:

- 1) Rezone the area north of the refinery (up to approximately 3<sup>rd</sup> Street) to a mixed-use district to accommodate office and other uses compatible with the existing residential

uses. The MX-4 District could be extended to include this area, or the city could create a new MX District for the specific uses that would be permitted.

Option 1 requires the City to:

- Determine whether it will expand an existing MX District or create a new district in the area north of the refinery
- Identification of the boundaries of the district
- Determine the uses that will be permitted in the district

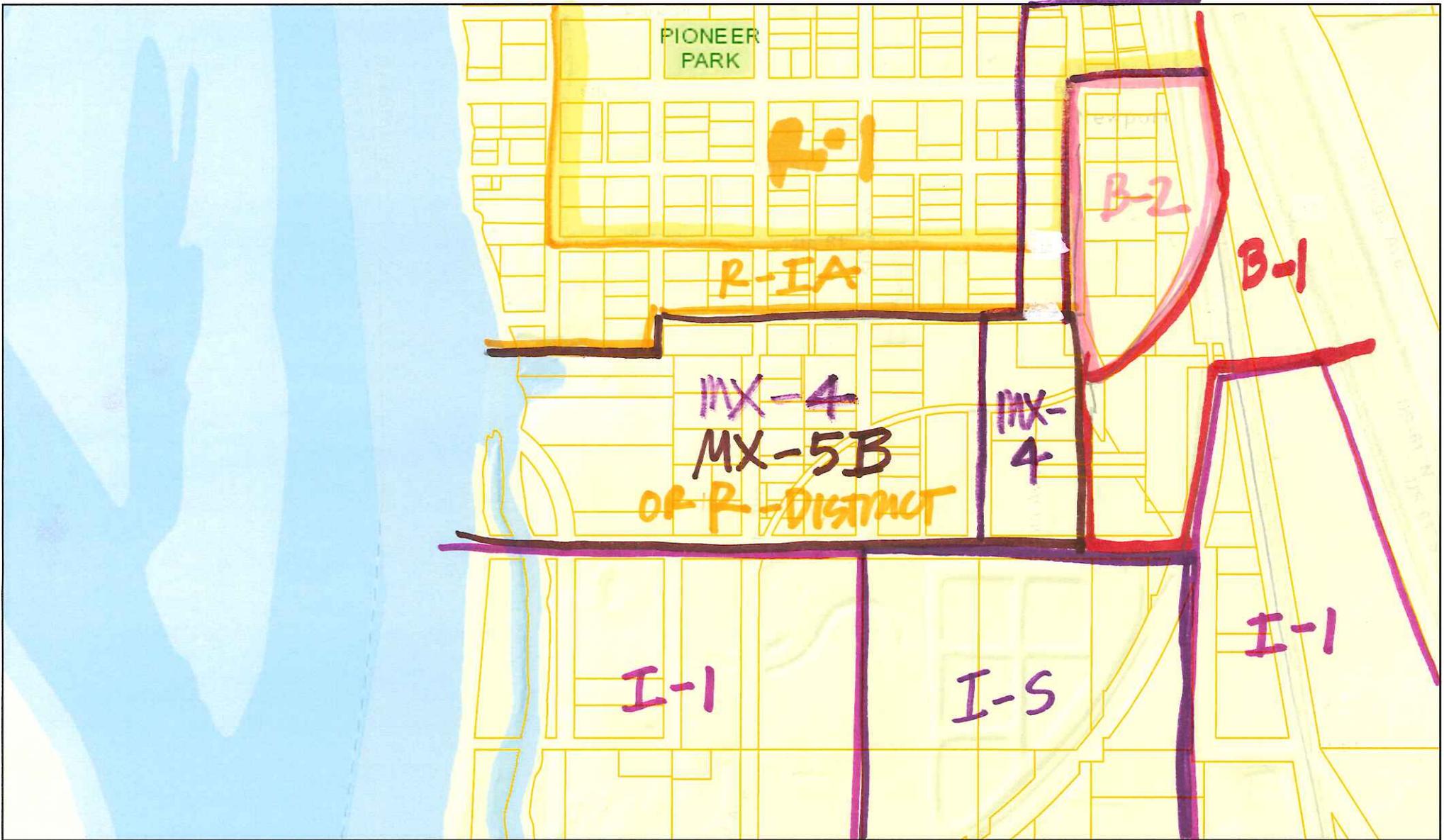
2) Rezone the area to a new Residential classification and

Amend the zoning ordinance to identify “industrial buffering” as a conditional use in this new classification, and regulate this use in the new residential district. The City would probably need a new residential district to allow this, because it would be problematic to allow this use throughout the residential districts. (Planner comment: given the goals in the Comprehensive Plan for residential districts, and the current district definitions, it might be difficult to use this strategy.)

The City would need to give careful consideration to this strategy, and whether it would want to create this use and potentially allow it in any residential area adjacent to industrial uses in the City. The City could also expect some challenges from Northern Tier, who are likely to say that they are simply purchasing and holding the properties.

The Planner attached a potential map for the area that could be rezoned as an existing or new MX district, or new R district, for discussion of Option 1. She also attached the list of uses permitted in the existing MX districts, with a potential list of uses for a new MX District, for discussion.





0 300 600 1,200 Feet

MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT

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

1350.15 Uses in the Non-Residential Districts

A. Mixed Use Districts Uses

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

Use	MX-1	MX-2	MX-3	MX-4	MX-5
<b>Residential Uses</b>					
Single-family detached, one dwelling per lot	P	P	N	P	<u>P</u>
Single-family detached, more than one dwelling per lot	PUD	PUD	N	PUD	<u>P</u>
Two-family residences	P	P	N	P	<u>P</u>
Townhouse, rowhouse	P	P	P	P	<u>P</u>
Manufactured single-family dwelling	P	P	N	P	<u>P</u>
Mobile homes	N	N	N	N	<u>N</u>
Multi-Family, condos, apartments and cooperatives	P	P	P—less than 8 units; C—8 or more units	P	<u>P</u>
Congregate housing for senior populations	P	P	P	P	<u>P</u>
Homes for handicapped or infirm including group homes or halfway houses but not containing more than 6 unrelated persons	P	P	P	P	<u>P</u>
Mixed-Use (dwelling unit above ground floor)	P	P	P	P	<u>P</u>
Live-work building	C	C	C	C	<u>C</u>
PUD	PUD	PUD	PUD	PUD	<u>PUD</u>
<b>Civic and Semi-Public Uses</b>					
Day Care Facilities in Single Family Homes with 14 or fewer children being attended to	P	P	N	P	<u>P</u>
Day Care Facilities in Single Family Homes with more than 14 children being attended to	C	C	N	C	<u>P</u>
Day Care Facilities	C	C	C	C	<u>C</u>
Day Care Facilities in a mixed-use building	P	P	P	P	<u>P</u>
Essential services/public utilities	P	P	P	P	<u>P</u>
Funeral Home	C	C	C	C	
Hospitals	C	C	C	C	
Military reserve, national guard centers	C	N	N	N	
Park and public recreation facilities	P	P	P	P	<u>P</u>
Parking Garage (as a principal use)	C	N	C	N	<u>C</u>
Parking Lot, Surface (as a principal use)	C	N	N	N	<u>C</u>
Penal/correctional facilities	N	N	N	N	
Place of worship and associated facilities, except schools	C	C	C	C	<u>C</u>
Public Facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, post offices and other municipally owned or operated facilities	C	C	C—50,000 sq ft maximum	C	<u>C</u>
Schools – trade, college, vocational, and associated facilities	C	C	C—50,000 sq ft maximum	C	

City of Newport

Section 1350 Non-Residential Districts

Use	MX-1	MX-2	MX-3	MX-4	MX-5
Schools for business, trade, dancing, music	C	C	C	C	
Social and fraternal clubs and lodges, union halls	P	P	C—10,000 sq ft maximum	P	
Transit stations and related parking facilities	C	C	C	C	<u>C</u>
<b>Commercial Uses</b>					
Administrative support services	P	P	P	P	<u>P</u>
Adult Uses	N	N	N	N	<u>N</u>
Animal boarding, grooming, veterinary clinics, retail sales	C	C	C—10,000 sq ft maximum	C	
Artist studios	P	P	P	P	<u>P</u>
Auto body repair and major auto repair, towing services	C	N	N	N	
Automotive services, car specialty services (not including body repair or major repair)	C	C	C—Maximum 4 repair bays	C	
Bakeries, delicatessens, coffee shops	P	P	P	P	<u>P</u>
Bakeries, wholesale	P	C	C	C	
Bed and Breakfast	P	P	N	P	<u>P</u>
Biotechnology	P	P	P	P	
Brew on premises store	P	P	P 10,000 sf maximum	P	
Brewery, craft	P/C*	P/C*	P/C*	P/C*	
Building materials and services	C	N	N	N	
Catalog and mail order	P	P	P	P	
Conference Center, 50,000 square feet or less	C	C	C	C	
Convenience stores	P	P	P	P	<u>P</u>
Data centers	C	C	C	C	
Entertainment/amusement halls, bowling alley, indoor skating rink	P	P	C	C	
Fabrication of apparel, leather products and other products from prepared products	P	C	P	C	
Fabrication of office and computer equipment	P	P	P	P	
Financial services	P	P	P	P	
Fitness and recreation centers, in a mixed-use building	C	C	C	C	
Gas, diesel or other motor fuel retail sales	C	C	N	C	
Grocery and produce sales	C	C	C—50,000 sq ft maximum	C	
Internet publishing and broadcasting	P	P	P	P	
Medical, dental, or veterinary clinics and laboratories	C	C	C—10,000 sq ft maximum	C	
Medical appliance assembly	P	P	P	P	
Motion picture and sound recording industries	C	C	C	C	
Offices – general, medical, professional, free-standing, or mixed-use building	P	P	P—to 10,000 sq ft; C—larger than 10,000 sq ft	P	<u>P</u>

Use	MX-1	MX-2	MX-3	MX-4	MX-5
Printing, publishing, bookbinding, blueprinting	C	C	C	C	
Processing and packaging of drugs, pharmaceuticals, perfumes and cosmetics	C	C	P	C	
Retail and service establishments, free-standing, or mixed-use building	P	P	P--to 10,000 sq ft; C—10,000 to 50,000 sq ft maximum	P	<u>P</u>
Research, development and testing laboratory	C	C	C	C	<u>C</u>
Restaurants, including open air or sidewalk cafes, freestanding or in mixed-use buildings—no liquor served	P	P	P	P	
Restaurants, including open air or sidewalk cafes, freestanding or in mixed-use buildings—liquor served, including a small brewery or winery as an accessory use	C	C	C	C	
Restaurants with drive-through service	C	C	C	C	
Service businesses, such as beauty shops, barbershops, dry-cleaning, drop-off/pickup (no on-site processing) in mixed-use buildings	P	P	P	P	<u>P</u>
Small scale manufacturing and artisans	P	P	P—5,000 sq ft or less; C—5,000 to 10,000 sq ft	P	<u>P</u>
Theaters (with structured parking)	P	P	P	P	
Theaters	C	C	C	C	
Towing services (no outside storage of vehicles)	P	C	P	C	
Vehicle sales, display and service	C	N	N	N	
Vehicle Storage Lot	N	N	N	N	
Warehousing as a primary use	N	N	N	N	<u>C</u>
<b>Accessory Uses</b>					
Drive up facilities	C	C	C	C	
Gazebo, arbor, play equipment in public or private open space area	P	P	P	P	
Outdoor sales, in conjunction with permitted use	C	C	N	C	
Renewable energy system	P	P	P	P	<u>P</u>
Rental of vehicles (with limited outside storage)	C	C	C	C	
Parking lot, as an accessory use	C	C	C	C	<u>P</u>
Swimming Pool	P	P	P	P	

- Brewery, Craft—in MX Districts, a conditional use permit is required for one or both of the following:
  - a. A Craft Brewery with more than fifteen thousand (15,000) square feet of floor area to ensure size and design compatibility with the particular location.
  - b. A Craft Brewery that manufactures more than five thousand (5,000) barrels of malt liquor a year in order to ensure operational and design compatibility with the particular location.



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tkda.com

## Memorandum

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<b>Copies To:</b>	Deb Hill, City Administrator		
	Renee Eisenbeisz, Assistant to the Administrator		
<b>From:</b>	Sherri Buss, RLA AICP, City Planner	<b>Project No.:</b>	16021.000
<b>Date:</b>	July 6, 2016	<b>Routing:</b>	

City staff frequently receive questions about the exterior materials allowed for residential buildings, including accessory structures. The Planning Commission recently updated the general performance standard sections of the Zoning Ordinance for non-residential districts, but the update did not include information for residential structures. The Ordinance identifies materials for residential buildings that are permitted in the MX-3 District since this section was recently updated, not for other residential districts or buildings.

Staff have drafted an update for Section 1330 that includes a proposed list of exterior materials for residential buildings based on the list approved for the MX-3 district. Please review this, and make suggestions on July 14 so we can update this section and related sections of the ordinance.

The draft also includes a change to the section on accessory structures from the current standards. The current standards require that accessory structures be built of the same material as the primary structure. This is challenging when the home's exterior material is stucco. The Planning Commission should discuss whether we can change this requirement, and require the same color of the building

## 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. 16 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 in Residential Districts.** Exterior building materials of primary and accessory residential structures may include wood, lap siding with wood appearance, vinyl, brick, stone, marble, glass, concrete block, stucco, and equivalent or better products. Asphalt shingles and metal (finished metal standing seam) may be used for roofing materials.

Accessory structures shall be constructed of durable, finished materials and shall be compatible in color to the principle structure. Accessory structures over one-hundred fifty (150) square feet in area shall be compatible with the principal structure in terms of design, roof style, pitch, and color. Metal accessory buildings are permitted only in the Residential Estates (RE ) District.

**Subd. 4 Building Materials in Non-Residential Districts.** Exterior building materials of all non-residential and mixed-use structures shall comply with the following requirements:

- 1) Allowable exterior building materials shall be classified as Class I, II or III materials or Accent materials, as follows.
  - a. Class I exterior building materials include brick, stone, marble or glass. Bronze-tinted or mirror glass are prohibited as exterior materials.
  - b. Class II exterior building materials include architecturally-treated concrete panels, cast-in-place concrete, or pre-cast concrete panels; specialty concrete block (such as textured, burnished, or rock-faced block) or stucco.
  - c. Class III exterior building materials include unpainted or surface-painted concrete block (scored or unscored), unpainted or surface-painted plain or ribbed concrete panels, and unfinished or surface-painted metal.
  - d. Accent materials may be wood or metal if appropriately integrated into the overall building design and not situated in areas that will be subject to physical or environmental damage.



# MEMO

TO: Planning Commission Members  
Deb Hill, City Administrator

FROM: Renee Eisenbeisz, Assistant to the City Administrator

DATE: July 5, 2016

SUBJECT: Start Time

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## **BACKGROUND**

In 2013, the City Council approved an amendment to the Planning Commission Guide to change the start time from 7:00 p.m. to 6:00 p.m. Given that the City Planner typically has another meeting the same night of our meetings, she needs to leave by 7:00 p.m. City staff is wondering if the Planning Commission would be willing to move the meeting time to 5:30 p.m.

## **DISCUSSION**

The Planning Commission will need to discuss whether or not they would like to change the meeting time to 5:30 p.m. If so, staff will bring the change forward to the City Council at the July 21, 2016 meeting and the August meeting will start at 5:30 p.m.