



**CITY OF NEWPORT  
PLANNING COMMISSION MEETING  
NEWPORT CITY HALL**

**(May Be Held Electronically From Remote Locations)**

*Zoom Meeting Information* <https://us02web.zoom.us/j/85246335342> Meeting ID: 852 4633 5342 (PW: Newport)

**February 11, 2021 – 5:30 P.M.**

Commissioner: Anthony Mahmood  
Commissioner: Maria Bonilla  
Commissioner: Brandon Leyde  
Commissioner: Tami Fuelling  
Commissioner: Michael Kermes

City Administrator: Deb Hill  
Asst. to the City Admin: Travis Brierley  
Planner: Sherri Buss  
Council Liaison: Marvin Taylor

**AGENDA**

1. CALL TO ORDER
2. ROLL CALL
3. MEETING MINUTES
  - A. January 14, 2021
4. PUBLIC HEARING- Zoning Map and Zoning Ordinances: Bailey Road Study Area
5. PUBLIC HEARING- Non-Residential Uses: Zoning Amendment for “Catering” use
6. PLANNING COMMISSION ROLES AND RESPONSIBILITIES
7. HERITAGE LANDMARKS
8. MEETING DAYS AND TIMES
9. COMMISSION REPORTS
10. ADJOURNMENT



**CITY OF NEWPORT  
PLANNING COMMISSION MEETING MINUTES  
NEWPORT CITY HALL  
January 14, 2021**

**1. CALL TO ORDER**

Commissioner Anthony Mahmood called the Planning Commission meeting to order at 5:30 p.m. on January 14, 2021.

**2. ROLL CALL**

Present (3): Commissioner Anthony Mahmood, Commissioner Maria Bonilla, and Commissioner Brandon Leyde.

Not Present (0): None.

**3. CHAIR NOMINATION**

Commissioner Leyde appointed Commissioner Mahmood as chairman of the Planning Commission. Commissioner Mahmood accepted.

Commissioner Leyde motioned to appoint Commissioner Mahmood as chairman of the Planning Commission. Seconded by Commissioner Bonilla. Approved 3-0.

**4. VICE-CHAIR NOMINATION**

Chair Mahmood appointed Commissioner Leyde as the vice-chairman of the Planning Commission. Commissioner Leyde accepted.

Chair Mahmood motioned to appoint Commissioner Leyde as vice-chairman of the Planning Commission. Seconded by Commissioner Bonilla. Approved 3-0.

**5. MEETING MINUTES**

**A. December 10, 2020**

Commissioner Leyde motioned to approve the minutes from the December 10, 2020 Planning Commission meeting. Seconded by Commissioner Bonilla. Approved 3-0.

## **6. PUBLIC HEARING- Mississippi River Corridor Critical Area (MRCCA)**

City Planner Sherri Buss stated the Planning Commissioner has been working on the MRCCA overlay ordinance. This ordinance needs to be approved by the end of January. There will be a public hearing tonight to get comments, make any final changes, and to move forward with adopting the ordinance.

Planner Buss stated in 2017, the state of MN adopted new rules for the MRCCA. Newport is required to adopt an ordinance and be consistent with the state rules. The DNR gave all communities a model ordinance to work from which is consistent with the state ordinance. Newport's draft is very similar to the model ordinance. There are a few new items that will affect landowners in this new ordinance. The setbacks from the ordinary high water level (OHWL) for new structures or expanded structures will go from our current 50 feet up to 100 feet. That will not affect any of the existing structures in this area. There will be limits on how structures can be expanded. The bluff setback is expanding from 30 feet to 40 feet. If someone requests a variance or a conditional use permit in this area, there will be new requirements for the Planning Commission to look at regarding the impacts on the primary conservation areas. If someone is doing a major subdivision or planned unit development, a part of the parcel they are redeveloping will need to be set aside if it includes the primary conservation area.

Chair Mahmood opened the public hearing at 5:50 p.m. on January 14, 2021.

Attorney Gordon Nesvig stated his clients Robert and Judith Crawford, own property on the bluff in Newport and he wanted to make sure that any changes tonight would not affect their property. Planner Buss stated the Crawford's property is not part of the critical area we are discussing at this hearing.

Mary Kinney who resides at 1349 2<sup>nd</sup> Avenue addressed the Commission. Ms. Kinney stated she lives in the river neighborhood (RN) district and there is a 3-acre pond that rests on her and her neighbor's property. Ms. Kinney inquired why the OHWL encompasses the pond, which is on private property, and not go along the river's edge which is public property. Planner Buss stated we could ask the DNR about the pond and see how they set it. Planner Buss stated the OHWL is simply an elevation level that the DNR has determined is the normal OHWL for a river or lake. Planner Buss stated we will go back to the DNR and see if the line they picked should just be along the river or if it needs to include the pond.

Colleen O'Connor Toberman who is part of Friends of the Mississippi, addressed the Commission. Ms. Toberman stated she sent in a letter but wanted to give a brief overview. Ms. Toberman commended Newport for putting together a thoughtful ordinance. Ms. Toberman recommends all communities consider adding requirements for bird safety buildings in new construction and included some language suggestions as part of her letter.

Chair Mahmood stated they received an email from Penny and Joe Duff who reside on 12<sup>th</sup> Street. Chair Mahmood summarized the email which stated that over the years people have built closer than 50-feet and the City has not stopped it. Mr. Duff inquired if going forward the City will pay more attention and make sure people don't build past the new 100-foot setback.

Chair Mahmood closed the public hearing at 6:05 p.m. on January 14, 2021.

Planner Buss stated she will reach out to the DNR regarding Ms. Kinney's map question, but this will not affect the base ordinance. Planner Buss stated the Planning Commission can discuss the bird safety standards and the building height standards as part of the review of the design guidelines. The open space has already been addressed with the park and open space dedication. Planner Buss suggested we make most of the language changes proposed by Ms. Toberman but omit setting up ecologists as the only group that handles reviews.

Commissioner Leyde motioned to recommend to Council the ordinance as presented with the language changes discussed. Seconded by Commissioner Bonilla. Approved 3-0.

## **7. PLANNING COMMISSION ROLES AND RESPONSIBILITIES**

This will be tabled until a future meeting when the new Planning Commission Members are added.

## **8. COMMISSION REPORTS**

None.

## **9. ADJOURNMENT**

Commissioner Bonilla motioned to adjourn the Planning Commission meeting. Seconded by Chair Mahmood. Approved 3-0.

The Planning Commission meeting was adjourned at 6:23 p.m. on January 14, 2021.

Respectfully Submitted:  
Jill Thiesfeld  
Administrative Assistant II

Signed: \_\_\_\_\_  
Anthony Mahmood, Chairman

# Planning Memorandum

<b>To:</b>	Newport Planning Commission	<b>Reference:</b>	February PC Meeting and Public Hearings
<b>Copies To:</b>	Deb Hill, City Administrator		
	Travis Brierley, Assistant to the Administrator		
		<b>Project No.:</b>	N2019-0002
<b>From:</b>	Sherri Buss, City Planner	<b>Routing:</b>	
<b>Date:</b>	February 3, 2021		

*Commissioners--Please review the attached document from the League of Minnesota Cities called "Planning and Zoning 101" before the Planning Commission meeting. It will help to understand the issues and Planning Commission role in the public hearings that are on the agenda,*

*The current City Zoning Map is attached for your information.*

## 1. Public Hearing – Bailey Road Study Area Proposed Zoning Classification and Regulations

The Planning Commission will hold a public hearing on the proposed zoning district classification and regulations for the Bailey Road Study Area at its meeting on February 11. The Commission and City Council developed the proposed regulations and recommendations for zoning in the Bailey Road Study Area over the past year while a development moratorium prohibited new development.

- The Planning Commission held a previous public hearing on the proposed zoning and regulations for the Bailey Road Study Area at its meeting in August 2020. At that time, the city proposed that the Bailey Road Study Area should be placed in the **R-2** (Urban Residential) zoning district. This designation was consistent with the land use and zoning maps included in the **2040 Comprehensive Plan**. **Prior to the Comp Plan adoption, the Bailey Road area was in the RE (Residential Estates) zoning district.**
- Based on comments received at that public hearing and the Commission's review of the physical conditions in the study area, it recommended that the study area be placed in the **RE** (Residential Estates) zoning district. This recommendation was based on 1) the **extensive areas of steep slopes in the study area** and concerns that development at urban densities would have negative impacts on natural resources and storm water management in the area and conflict with the goals to protect these areas that are included in the Comprehensive Plan and on 2) **the limited roadway access** available to and from the area to support development at urban densities.
- **The City Council reviewed and discussed the Commission's recommendations for zoning and regulations that will govern the Bailey Road Area, considered several options for the zoning classification, and concurred with the Planning**

**Commission's August 20, 2020 recommendation that the area be placed in the RE Zoning District.**

- The City needs to hold a public hearing on the new zoning district recommendation because it is a significant change from the zoning district designation that was reviewed at the public hearing in August 2020.
- One of the parcels in the district that is owned by the **Libby Trust (parcel 240002)** on the attached map of the study area) is located within 100 feet of public sewer and water facilities on the public works site. **The zoning ordinance requires that this parcel be treated as an R-1 (Low-density Single Family Residential) district property and that the zoning standards for the R-1 district shall apply to this parcel.** This requirement is in the zoning ordinance to allow the City to support the cost of the extension of sewer and water services in the City.
- During 2020, the Planning Commission also updated the **Bluff Area Overlay Ordinance** that applies in the Bailey Road study area and other bluff areas west of Highway 61. The ordinance was out-of-date, and the proposed ordinance (attached) brings the ordinance up to current standards and practice.

**The public hearing topics will include the proposed zoning designation for the Bailey Road Study Area and the updated Bluff Area Overlay District ordinance that will govern this area and other bluffland areas in eastern Newport.** Copies of the proposed zoning map and updated ordinance are attached.

The Bailey Road Study Area is currently included in a **moratorium** that the city established in January 2020 to study the zoning designation and regulations for this area. After the city adopts the new zoning district and regulations, the City Council will adopt an ordinance to end the moratorium and landowners and developers may then submit applications for development in the area to the city. The moratorium must end by May 2021 to comply with Minnesota Statutes.

**Key Elements of the Proposed Zoning Classification and Bluff Area Overlay Ordinance**

- **The entire Bailey Road Study Area would be classified as RE (Residential Estates).** This district requires a minimum lot size of 2 acres and permits single-family residential uses, agricultural uses such as horse facilities and kennels, and some residential accessory uses.
- **The Libby Trust parcel would be treated as an R-1 parcel and could be developed under the R-1 district standards.** This would permit the development of single-family residential units up to 5 units per acre with municipal sewer and water services. Developers would need to identify the access routes to and from the development and obtain any required access permits from Washington County and the City.
- **The proposed Bluff Area Overlay Ordinance updates the City's outdated bluff area ordinance (Division 5 of the zoning ordinance).** Key aspects of the overlay ordinance include:
  - The ordinance requires that applications for building permits or development on areas within the bluff overlay district with slopes of 12 percent or greater provide

- detailed site plans for development, grading, stormwater management and erosion control, and vegetation preservation and restoration.
- No structures may be placed on bluffs, steep slopes, or within bluff impact zones. All structures must be setback at least 30 feet from slopes of 18% or more.
- Roads and paved surfaces must be setback a minimum of 20 feet from the top of slopes of 18% or more.
- Maximum street and driveway grades shall be 10% or as approved by the City Engineer.
- Proposed development must provide detailed stormwater and erosion control plans that meet the City and Watershed District standards.
- The ordinance includes standards for vegetation management and requires the submission and approval of a tree protection and replacement plan.

On February 11, the Planning Commission should hold the public hearing, listen to comments, make any final changes in the proposed zoning standards, and make recommendations to the City Council for the zoning classification and bluff overlay ordinance.

## **2. Public Hearing for new Catering Use in the Zoning Ordinance**

The City's zoning ordinance does not currently include "food catering" as a use that is allowed in Newport. Tony Mahmood is requesting that the City consider allowing this use in the MX-3 (General Mixed Use) District where his home is located (822 High Street). Changes to the zoning ordinance, including adding new uses, require a public hearing. The Commission will hold a public hearing on the proposed change at its meeting on February 11.

The public hearing will focus on whether the Food Catering use should be allowed within the City as a whole, and if yes, how it should be regulated. While Tony's project will provide an example for this discussion, it will not be a public hearing on a specific project. If the City decides to permit the Catering use in the MX-3 district, Tony will need to apply for any required permits if the use is allowed.

The Planning Commission will listen to comments at the Public Hearing and will then discuss whether to permit the Food Catering use in the City. In order to permit the new use, the Commission will need to recommend the following:

- A definition of the use to be included in the zoning ordinance
- The districts where the use will be permitted
- Whether the use should require a CUP or IUP
- Whether the zoning ordinance should include some standards for the use

### **a. Catering Use Definition**

Uses that are allowed in the City should be defined in the zoning ordinance.

The State of Minnesota defines food catering as:

*Food Catering* means a service that prepares food for service under contract for an event such as a party, reception, luncheon, conference, ceremony, or trade show.

- The City should include this definition or a similar definition of Food Catering in its zoning ordinance if the use is permitted in the City.

## **b. Catering Use Location**

The Planning Commission should consider if food catering should be permitted in the City, and if yes, which districts are appropriate for this use.

Most cities in the Metro Area that permit this use in Business-oriented districts and some communities permit the use in Mixed-Use districts.

Tony Mahmood is requesting that Food Catering be allowed in the MX-3 zoning district. The current Newport zoning map is attached that shows the location of the districts in the City.

## **c. Catering Use Permits**

Food Catering requires a state license. Staff have attached a copy of a Minnesota Health Department document that discusses some of the state requirements for food catering businesses.

The Planning Commission should consider whether the Food Catering use should require a Conditional or Interim Use Permit from the City, and whether the Zoning Ordinance should include some specific Performance Standards for this use.

- Conditional or Interim Use permits are generally required when the use may have negative impacts on nearby properties—such as traffic, noise, odors, etc.
- The City may include conditions in a CUP or IUP to control potential negative impacts, such as required hours of operation, setbacks, licensing requirements, etc.
- A CUP is a permit that “runs with the land”—that is, it transfers from a current owner to a new property owner without review by the City. An Interim Use Permit is granted until a specific date or event—such as a three-year permit, or a permit that must be renewed if the property ownership changes. IUPs are typically used when the characteristics of an owner or operator are an important consideration in granting the permit. CUPs are usually used when an owner must make a significant capital investment in the property to operate the business.

The Newport zoning ordinance currently allows Restaurants that do serve alcohol as a “permitted” use in the MX and Business districts (no zoning permit is required). The City requires a CUP for Restaurants that have a drive-through service or that serve alcohol. The ordinance also requires a CUP for Bakeries.



**d. Performance Standards**

If the City requires a CUP or IUP for the Food Catering use, it will be evaluated based on the general standards that are required for all CUPs and IUPs (list follows). The City may include specific conditions in the permit to address potential impacts of the use. The general evaluation standards include:

- The use must be consistent with the Comprehensive Plan and Zoning Ordinance
- The City must find that there are no negative impacts of the use (this may include conditions in the permit to address the impacts) such as:
  - Noise
  - Odors
  - Fire or safety hazards
  - Traffic impacts
  - Parking impacts
  - Neighborhood character
  - Government services
  - The use must obtain and comply with all standards and permits of federal, state, and local governments
  - Adequate streets and other public facilities available to serve the use
  - Adequate screening and buffering (must meet the minimum requirements of the code, and the city may require more if needed to address any negative impacts)
  - The City could include a condition that prescribes hours of operation in the CUP/IUP

If a CUP or IUP is not required for Food Catering, the use would still need to meet some General Performance standards in the zoning ordinance if a CUP/IUP is not required. These would include standards for the following:

- Noise
- Odors and other hazards
- Parking of vehicles for the catering use (parking surface must be paved and cannot be in the front yard)
- Screening (if the vehicle is parked for more than 48 contiguous hours it needs to be screened from adjacent residential properties and public streets)
- Storage and trash handling

After the public hearing closes, the Commission should discuss the following:

- Whether the Food Catering use should be permitted in Newport
- Where it should be permitted
- Whether a CUP or IUP should be required—that is, whether the General Performance standards for all uses would be sufficient to manage the impact of the use on neighboring properties, or if the City should require a CUP or IUP to address a larger list of impacts and permit the City to add specific conditions to the permit for this use.

A draft ordinance that includes Food Catering as a use in the MX and Business districts is attached for discussion. The addition of the use is shown in the changes to the tables in Section 36-241 Uses.

### **3. Planning Commission Introductory Information**

Staff have attached a document called Planning 101 that was created by the League of Minnesota Cities as an introduction to some of the important tasks of Planning Commissions in cities in Minnesota.

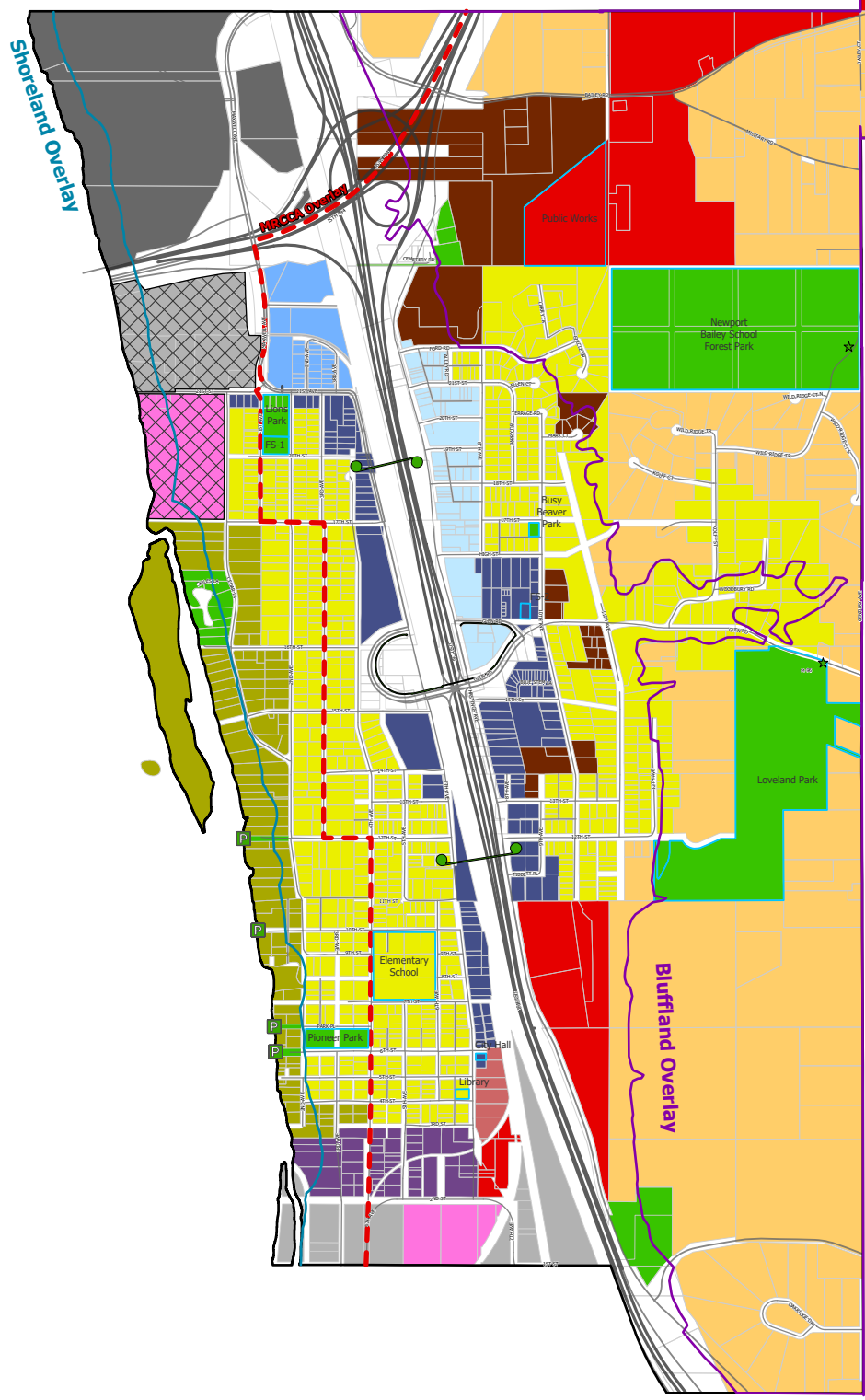
In Newport, the key roles of the Commission include:

- Develop the City's Comprehensive Plan and recommend a draft plan to the City Council. The most recent 2040 Comprehensive Plan for Newport was adopted in 2019. The next Comp Plan update will not start until about 2027.
- Review all requests for Comprehensive Plan amendments and make a recommendation to the Council on whether to amend the plan.
- Develop a Zoning Map and related sections of the Zoning Ordinance that describe the zoning districts and their requirements and recommend these to the City Council for approval.
- Review requests for zoning ordinance amendments and make a recommendation to the City Council.
- Review applications for Variances, Conditional/Interim Use Permits and other zoning permits, and make recommendations on the permit requests to the City Council.
- Carry out studies related to the zoning ordinance and planning issues as requested by the City Council.



# City of Newport Zoning Map

Print Date: 2/20/2020



## Zoning Districts

- OS Open Space
- RE Residential Estate
- R1 Low-Density Single-Family Residential
- R-1A River Residential
- R-2 Urban Residential
- MX-1 Downtown
- MX-2 Transit-Oriented Design
- MX-3 General Mixed Use
- MX-4 Mixed Use Buffer
- B-1 Business Park
- B-2 General Business
- I-S Industrial Storage
- I-1 Light Industrial
- I-2 General Industrial

## Overlay Districts

- River Development
- Mississippi River Critical Area (MRCCA) Boundary
- Bluffland Area\*\*
- Shoreland Area\*\*

Floodplain Overlay District: see current FEMA Floodplain map.  
\*\*Estimated boundary. Exact boundary to be determined by survey at time of development.

## Other Public Features

- Park Entrance
- Public Access/Overlook
- Public Facility
- Hwy 61 Pedestrian Crossing



Data Sources:  
City of Newport  
Washington County  
Met. Council  
MN DNR



## Other Map Features

- City of Newport Municipal Boundary
- Parcels, Spring 2019

## ZONING MAP

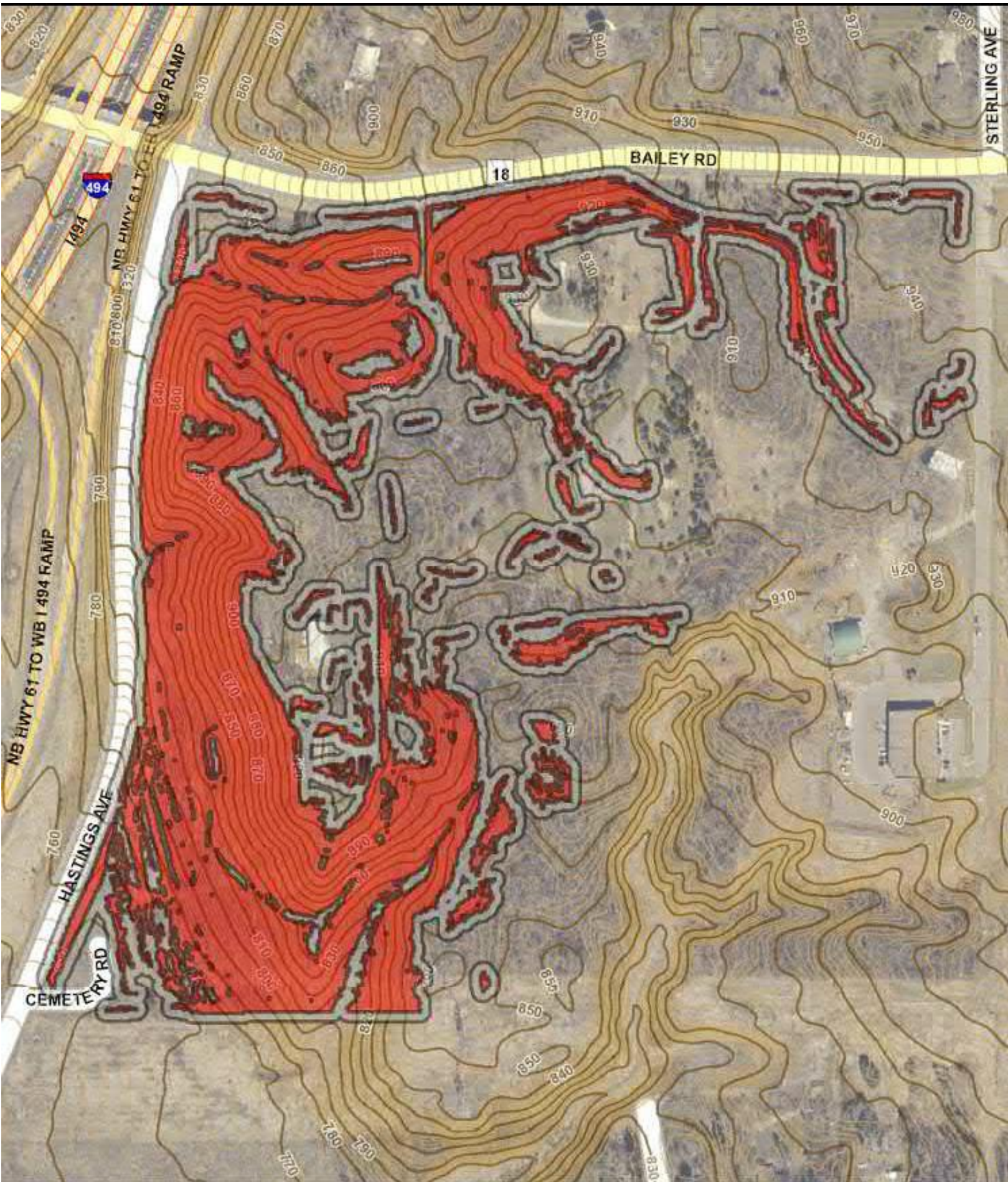
## 2040 Comprehensive Plan

CITY OF NEWPORT  
WASHINGTON CO., MN





## Bailey Road Study Area – Areas with Slopes Greater than 18%





#### ARTICLE IV. - RESIDENTIAL AND OPEN SPACE DISTRICTS

##### Sec. 36-206. - Purpose.

(1) The residential and open space districts and district standards are established to carry out the intent and purposes of the Comprehensive Plan and to protect public health, safety, convenience, and public welfare.

(Code 1997, § 1340.01)

##### Sec. 36-207. – Purpose of Zoning Districts.

- (1) *RE, Residential Estates District.* This district shall be intended for low-density single-family residential areas without public utilities and to preserve lands in their natural state or in agricultural uses pending the proper timing for the economical provision of utilities and orderly development. A lot or parcel of land located in a Residential Estates (RE) zone served by municipal sewer and water facilities shall be treated as an urban residential (R-1) parcel and shall be required to meet all requirements of the R-1 district as determined by the City.
- (2) *R-1A, River Residential District.* This district shall be intended to provide areas for low-density single-family development along and near the Mississippi River where public utilities are available.
- (3) *R-1, Low Density Single-Family Residential District.* This district shall be intended to provide areas for low-density single-family dwelling development where public utilities are available.
- (4) *R-2, Urban Mixed Residential District.* This district shall be intended to provide areas for a variety of housing types at urban densities including single-family and multifamily residential uses in areas served by municipal sewer and water services.
- (5) *OS, Open Space District.* This district is designed to provide areas for public parks, open spaces and public buildings and facilities. Public parks and open space may be owned or operated by the City of Newport or any other public body. All improvements within these districts must be consistent with the Newport Comprehensive Land Use Plan.

(Code 1997, § 1340.02; Ord. No. 2016-13, 12-15-2016)

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

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

	RE †	R-1A	R-1	R-2	OS
<b>Minimum lot sizes per unit in square feet</b>					
Dwellings, single-family	Unsewered areas: 2 Acres (87,120 sq ft)  Sewered areas:	15,000 sq ft	7,800 sq ft	7,200 sq ft	NA

	Use R-1 District standards				
Dwellings, duplex	—	—	—	6,000 sq ft	NA
Dwellings, 3-4 family	—	—	—	3,650 sq ft	NA
Dwellings, Multifamily				2,200 (up to 20 units per developable acre)	NA
Other uses	2 Acres	1 Acre	1 Acre	1 Acre	1 Acre
<b>Minimum Lot Depth in Feet</b>	200 (RE)	150	130	120	NA
<b>Minimum Lot Width in Feet</b> Interior lot/(corner lot)					
Dwellings, single-family	160 / (200)	100 / (120)	60 / (75)	50 / (60)	NA
Dwellings, two family	—	—	—	60 / (80)	NA
Dwellings, more than two family	—	—	—	NA	NA
Other permitted uses	160 / (200)	100 / (120)	60 / (75)	50 / (60)	NA

<b>Minimum front yard in feet***</b>	40	30	30	20	20
<b>Minimum side yard in feet*</b>					
Dwellings, single-family or two family	20 / (40)	10 / (30)**	10 / (30)**	SF 5ft; 2-family or corner lot 10 ft	
Dwellings, more than two family	—	—	—	20 (40)	NA
Dwellings and garages, more than two-family if adjacent to RE, R-1A or R-1 District or an existing or future arterial or collector roadway	N/A	N/A	N/A	50	NA
Garages or accessory structures***, single and 2-family	20 / (40)	5 / (30)	5 / (30)	5/(20)	NA
Other permitted uses	20	30	30	20	10/(30)**
<b>Minimum rear yard in feet</b>					
Dwellings, single-family or two family	50	30	30	25	NA
Dwellings, more than two family	—	—	—	30	NA
Garages or accessory structures**	20	5	5	5 SF/30MF	NA
Other uses	50	40	40	25	25



Maximum lot coverage, impervious surfaces, single family dwelling units	20 percent	20 percent	35 percent (25 percent in Shoreland and MRCCA Districts ****)	50 percent	NA
Maximum lot coverage, impervious surfaces, dwellings, more than 2 family	N/A	N/A	N/A	60 percent	NA
Maximum building height in feet	35 feet	35 feet	35 feet	40 feet	40 feet
Public sewer required	No	Yes	Yes	Yes	No

† A lot or parcel located in the RE District served by municipal sewer and water facilities shall be treated as a single-family residential (R-1) parcel and shall meet the requirements of the R-1 district.

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

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

\*\*\* Minimum front setback from the right-of-way of a collector or arterial roadway is 50 feet in all districts.

\*\*\*\* See Shoreland Management and MRCCA district regulations § 36-328 and 36-360.

(Code 1997, § 1340.03; Ord. No. 2016-13, 12-15-2016)

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

Use *	RE	R-1A	R-1	R-2	OS
<b>Residential Uses</b>					
Single family detached, one dwelling per lot	P	P	P	P	N
Single family detached, more than one dwelling unit per lot	N	N	N	C	N
Two family residences	N	N	N	C	N
Multi-family residences (3 units or more per building)	N	N	N	PUD*	N
Homes for handicapped or infirm including group homes or halfway houses but not containing more than six (6) unrelated persons	P	P	P	P	N
Nursing homes	N	N	N	N	N
Assisted living, memory care and similar facilities	N	N	N	N	N
Planned unit developments (PUDs) – minimum 10-acre area required for PUDs)	PUD	PUD	PUD	PUD*	N
Manufactured single-family dwelling	P	P	P	P	N
Mobile homes	C	N	N	N	N

<b>Commercial and Mixed Uses</b>					
Agricultural operations and buildings, row crops, tree farming, and keeping of domestic farm animals in compliance with Code requirements	P	N	N	N	N
Churches, synagogues, temples, and associated facilities except schools	C	P	P	P	N
Commercial greenhouse operation	C	N	N	N	N
County club and golf course	C	C	C	C	N
Historic Site	P	P	P	P	P
Horseback riding, stables	I	N	N	N	N
Kennel for more than six animals	I	N	N	N	N
Live-work building	C	C	C	C	N
Medical clinics	N	N	N	C	N
Mixed-use (dwelling unit above ground floor commercial or other use)	N	N	N	C	N
Open space, public or private	C	C	C	C	P
Private athletic fields or courts	C	C	C	C	C
Public facilities including government offices, emergency facilities, public works facilities, schools, libraries, museums, art galleries, and other municipally owned or operated facilities.	C	C	C	C	P
Public utility	C	C	C	C	C
Short-term residential unit rental(s) not in owner-occupied unit(s)—further discussion)	N	N	N	N	N

<b>Accessory Uses</b>					
Accessory structures in accordance with §36-163	P	P	P	P	P
Accessory renewable energy system, including ground source heat pump, solar energy system, or wind-energy system in compliance with Article X.	P	P	P	P	P
Agritourism	I	N	N	N	N
Bed and Breakfast within a single-family residence	C	C	C	C	N
Common property to a multifamily complex or a PUD	N	N	N	C	N
Day care facilities in single-family homes with 14 or fewer children being attended to	P	P	P	P	N
Day care facilities in single-family homes with more than 14 children being attended to	C	C	C	C	N
Day care facilities in multi-family buildings	N	N	N	C	N
Gazebo, arbor and play equipment in public or private areas	P	P	P	P	P
Home occupation in accordance with §36-163(c)(2)	P	P	P	P	N
Parking lot, as an accessory use	N	N	N	P	P
Short-term home rental within single family residence	N	N	N	N	N
Swimming pool	P	P	P	P	P

P = Permitted use.

C = Permitted with a conditional use permit.

I=Permitted with an Interim Use Permit

N = Not permitted.

PUD = Permitted with a planned unit development.

\* Multifamily residential uses in the R-2 District shall require a PUD and a minimum 10-acre parcel area, unless the proposed use is adjacent to an existing multifamily use.

(Ord. No. 2016-13, 12-15-2016)

Sec. 36-210. - Credits and allowances for multiple dwellings.

The following lot area credits and allowances shall be applied for multiple dwellings in the R-2 and Mixed-Use district but in no event shall the minimum lot area with allowances be less than three thousand (3,000) square feet per dwelling unit in the R-2 district based on the following schedule:

- (1) For each parking space provided within or beneath a principal structure, subtract three hundred (300) square feet; or if one-third ( $\frac{1}{3}$ ) or more of the required parking spaces is in a covered or underground parking structure the city may grant a density bonus of ten (10) percent;
- (2) 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;
- (3) 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 and fifty (150) feet of the R-1 or R-1A district;
- (4) If the total lot coverage is less than twenty (20) percent, subtract one hundred and fifty (150) square feet per unit;
- (5) For each unit containing more than two (2) bedrooms, add three hundred (300) square feet.

(Code 1997, § 1340.05; Ord. No. 2016-13, 12-15-2016)

Sec. 36-211. - Additional requirements for residential development in the R-2 district.

- (a) All multi-family residential development in the R-2 district shall utilize the planned unit development (PUD) process in accordance with section 36-259, and planned unit developments (PUDs) shall be a minimum ten (10) acres in size, based on the gross developable area of the parcel(s), which is defined as the total area of the parcel(s) excluding existing public streets or highways).

(Ord. No. 2016-13, 12-15-2016)

Secs. 36-212—36-225. - Reserved.

## DIVISION 5. - BLUFFLAND AREA OVERLAY DISTRICT/BLUFF AND STEEP SLOPE REGULATIONS

### Sec. 36-428. - Purpose and intent.

The purpose of this division shall be to preserve the natural resources within the city including bluffs, steep slopes and associated natural vegetation and protect them from adverse effects by regulating developments that may have potential adverse and irreversible impacts on such resources.

(Code 1997, § 1370.06(2))

### Sec. 36-429. - District boundaries and scope.

This overlay district shall apply to those areas that are located east of State Highway 61 which lie above the indicated sea level elevations identified below, based on USGS datum. The areas are identified on the city's zoning map. The requirements of this division shall be in addition to all requirements in the underlying zoning district.

- (1) Elevation 750 from the northerly municipal boundary to Ford Avenue and
- (2) Elevation 800 south of Ford Avenue to the southerly municipal boundary.

The areas of bluffs, steep slopes and natural vegetation in the City that are located west of State Highway 61 shall be governed by the Mississippi River Corridor Critical Area (MRCCA) Overlay District ordinance, Division III of this code.

(Code 1997, § 1370.06(3))

### Sec. 36-430. - Definitions.

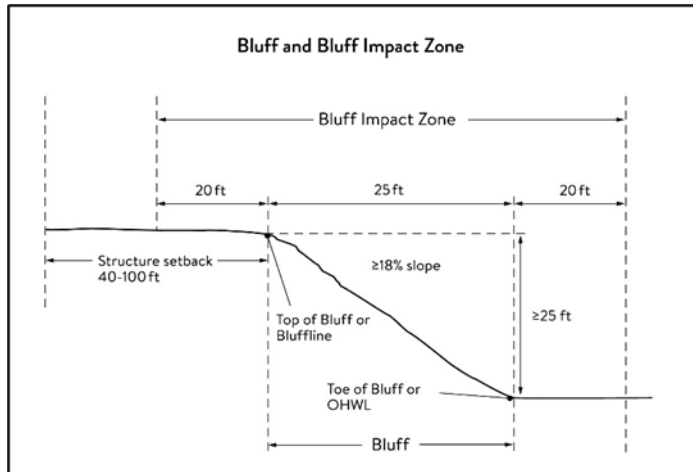
The following words, terms and phrases when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bluff* means a natural topographic feature having a slope that rises at least twenty-five (25) feet and the grade of the slope averages eighteen (18) percent or greater, measured over a horizontal distance of twenty-five (25) feet.

*Bluff impact zone* means a bluff and land located within 20 feet of the top of the bluff.

*Bluff, Toe of* means a line along the bottom of a bluff, requiring field verification, such that the slope above the line exceeds eighteen (18) percent and the slope below the line is eighteen (18) percent or less, measured over a horizontal distance of twenty-five (25) feet.

*Bluff, Top of* means a line along the top of a bluff, requiring field verification, such that the slope below the line exceeds eighteen (18) percent and the slope above the line is eighteen (18) percent or less, measured over a horizontal distance of twenty-five (25) feet.



*Crown cover* means the ratio between the amount of land shaded by the vertical protection of the branches and foliage area of standing trees to the total area of land, usually expressed as a percentage.

*Density bonus* means an increase in the density of housing units over the otherwise maximum allowable residential density in a zoning district that is specified in the zoning ordinance.

*Dimensional requirement* means minimum and maximum setbacks, yard requirements, or structure height or size restriction as set in this chapter for the underlying zoning district.

*Erosion* means the general process by which soils are removed by flowing surface or sub-surface water or wind.

*Retaining wall* means a structure utilized to hold a slope in a position which it would not naturally retain.

*Sediment* means suspended matter carried by water, sewage, or other liquids.

*Significant tree* means a healthy tree measuring a minimum of six (6) inches in diameter for hardwood deciduous trees or eight (8) inches in diameter for coniferous (evergreen) trees or twelve (12) inches in diameter for "common" deciduous tree species including aspen, box elder, cottonwood, elm, locust, poplar, silver maple, and willow species.

*Significant woodland* means a treed area of at least 15,000 square feet which includes significant trees, or a treed area located on a slope or bluff with a slope of eighteen (18) percent or more.

*Slope* means the inclination of the natural surface of the land from the horizontal.

*Steep slope* means a natural topographic feature with an average slope of eighteen (18) percent or more, measured over a horizontal distance equal to or greater than fifty (50) feet, and any slopes greater than eighteen percent (18) percent that are not bluffs.

*Structure* means anything manufactured, constructed, or erected which is normally attached to or positioned on land including portable structures.

*Terrace* means a relatively level area bordered on one or more sides by a retaining wall.

*Tree* means any woody plant that has at least one trunk whose diameter at four feet above ground is four inches or greater.

*Vegetation* means all plant growth, especially trees, shrubs, forbs, and grasses.

*Wetland* has the meaning given under Minnesota Statutes, section [103G.005](#).

Sec. 36-431. – Slope requirements

- (a) *Applicability.* The city shall require that applicants for building permits, subdivisions, Planned Unit Developments, and other permits for development within the Bluff Area Overlay District shall submit site plans, prepared and approved in accordance with the provisions of this division, to assist the city in the review of the applications for building and zoning permits, and to assure compliance with all applicable requirements of this division. No building permit, zoning approval or subdivision approval permit or certificate shall be issued for any action located in an area covered by this division until site planning approval has been obtained in strict conformance with the provisions of this division.

- (1) *Building permit applications.* Building permit applications for new structures on parcels with any slopes of twelve (12) percent or greater in the Bluffland Overlay District must include a site plan and related drawings identified in this section (drawn at a scale suitable for review) that includes the following:

- a. Drawings shall include the address and legal description of the parcel, the name and contact information for the owner and applicant (if different from the owner), the scale of the drawing, a north arrow, signature of the producer of the drawing, and the date when the drawing was created.
- b. A drawing showing the existing topography of the parcel with a contour interval appropriate to the topography of the land but in no case having a contour interval greater than two (2) feet. The topography map shall also clearly identify any bluffs and steep slopes, the field-verified top and toe of bluffs and slopes, all streams, including intermittent streams and swales, water bodies, and wetlands on the site.
- d. A drawing showing the proposed buildings, driveway, all paved areas and other improvements and the proposed finished grading shown at contours at the same interval as provided in item b. above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features.
- e. A landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size, and description of all existing vegetation including significant trees and woodlands, clearly delineating any vegetation proposed for removal and clearly delineating and describing all proposed landscape materials which will be added to the site as part of the development.
- f. An existing drainage plan of the site delineating in which direction and at what rate stormwater is conveyed from the site and identifying areas of the unaltered site where stormwater collects and is infiltrated into the ground.
- g. A proposed stormwater management plan of the developed site delineating in which direction and at what rate stormwater will be conveyed from the site and showing proposed stormwater management areas and methods that meet city requirements.
- i. An erosion and sedimentation control plan indicating the type, location, and control measures that meets the city's current requirements.
- p. Any other information pertinent to the proposed development which in the opinion of the building inspector, city engineer, or applicant shall be necessary or helpful for the review of the project.

- (2) *Subdivisions approvals.* Applications for the approval of subdivisions within the overlay district and MRCCA Overlay District shall include the required site plans, topographic, grading, and stormwater management submittals that are identified for such applications in Chapter 28 (Subdivisions) of this code.



(3) *Planned Unit Developments (PUDs)*. PUDs are permitted in areas with bluffs and steep slopes and shall follow the procedures and requirements of Article VI (PUDs) and Chapter 28 (Subdivisions) of this code.

- (4) *Density bonuses*. The City may approve density bonuses within a PUD when they meet the objectives and requirements of this section and Article VI to protect and preserve bluffs, steep slopes, native vegetation, natural resources, views of the bluffs area, and open space.

The city shall determine the amount and location of the density bonus permitted for each PUD based on site conditions, zoning standards, and potential impacts to the site and surrounding areas. The maximum density bonus for a PUD shall be twenty (20) percent for single-family units.

All calculations for density bonuses resulting in fractional numbers shall be rounded up to the next whole number.

- (5) *Site plan review procedure*. Site plans meeting the requirements of this chapter shall be submitted to the City. City staff shall review and approve building permit applications. The Planning Commission and City Council shall review Subdivision and Planned Unit Development applications as required by this code.

- a. Approval of a site plan submitted under the provisions of this division shall expire one year after the date of approval unless construction has commenced in accordance with the approved site plan.
- b. Should construction not be commenced within one year of approval of the site plan, the approval shall become void. However, if prior to the date established for expiration of the permit, the permittee makes a written request to the city for an extension of time to commence construction setting forth the reasons for the requested extension, the city council may grant one extension of not greater than one single year.
- c. Any request for an extension shall be acknowledged within fifteen (15) days and a decision made in that regard within thirty (30) days of receipt by the City.
- d. Any site plan may be revised in the same manner as originally approved.

(6) *Structure placement and setbacks*

- a. No structure may be located on a bluff or in a bluff impact zone. No land alteration may occur on a bluff or in a bluff impact zone.
- b. Structures (including fences that require a building permit) shall be setback a minimum of thirty (30) feet from slopes of eighteen (18) percent or more.
- c. *Exceptions*. Construction of structures, impervious surface, land alteration, vegetation removal or other construction activities are allowed within the thirty (30) foot structure setback or on steep slopes if:
  1. The owner or applicant for a building or zoning permit for new development can demonstrate that the development can be accomplished without increasing erosion or storm water runoff and the plans are approved by the City Engineer.
  2. The soil types and geology are suitable for the proposed development.
  3. The erosion control activities are approved by the city.
  4. Vegetation is managed according to the requirements of this division.
  5. The activities are limited to the repair and maintenance of existing buildings and facilities.

6. Decks and at-grade patios may encroach into the required setbacks from the steep slopes without a variance provided that:

- i. The location of the deck or patio does not exceed 15 percent of the required structure setback.
  - ii. The area of the deck or patio that extends into the required setback area occupies no more than 25 percent of the total area between the required setback and the 15 percent using the formula: [required setback depth (feet) x 0.15 x lot width (feet) = maximum total area].
  - iii. The deck or patio does not extend onto the steep slope or bluff impact zone.
- d. All roads and paved surfaces must be set back a minimum of twenty (20) feet from the top of the slopes equal to or greater than eighteen (18) percent.
  - e. The maximum street grade shall be ten (10) percent, or if approved by the city engineer, some street sections may have a maximum grade up to fifteen (15) percent over a distance of up to four hundred (400) feet. No driveways shall be permitted on streets with grades that exceed ten (10) percent.
  - f. The maximum driveway grade shall be ten (10) percent. Driveway grades that exceed ten (10) percent may be considered on an individual basis and shall be approved by the City Engineer.
  - g. Structures located in slopes equal to or greater than eighteen (18) percent in commercial districts require a conditional use permit.

*(7) Conditions of land alteration permit approval.*

- a. The site plan shall meet the requirements of the city and watershed district standards for stormwater management and erosion and sediment control.
- b. The temporary and permanent erosion and sediment control measures shall be included to retain sediment onsite consistent with best management practices in the Minnesota Pollution Control Agency's most recent Minnesota Stormwater Manual.
- c. Natural site topography, soil, and vegetation conditions shall be used to control runoff and reduce erosion and sedimentation.
- d. Construction activity shall be phased when possible.
- e. Erosion and sediment controls shall be installed before starting any land disturbance activity.
- f. Erosion and sediment controls shall be maintained to ensure effective operation.
- g. The proposed work shall be consistent with the vegetation standards in this division.
- h. All structures other than buildings and roadway surfaces, but including retaining walls shall meet the following design requirements:
  - 1. Retaining walls or terrace contours shall not exceed five (5) feet high; and

2. Construction shall be of native stone, wood, cast in place concrete or another material approved by the city.
    - i. Any lift stations required to service the slope development with local sewer systems shall be designed in accordance with local design standards and approved by the city engineer. The applicant shall furnish a satisfactory arrangement or agreement by which the cost of maintenance and operation of the lift station are borne by those serviced by the facility.
    - j. Erosion protection measures shall make maximum use of natural in-place vegetation rather than the placing of new vegetation on site as erosion control facilities. The use of natural erosion control devices shall be preferred to the maximum extent over the construction of artificial drainage devices including culverts, holding ponds, and ditches.
    - k. A site plan may be approved subject to compliance with reasonable and necessary conditions ensure compliance with the requirements contained in this division. Such conditions may, among other matters limit the size, kind, or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require replacement of vegetation, establish required monitoring procedures, and phasing of the proposed development.
- (8) *Performance bond.*
- a. Prior to approval of any site plan, there shall be executed by the owner and developer and submitted with the site plan an agreement to construct the required physical improvements, to declare the property or easements, and to comply with the conditions as may have been agreed to. If required by the city, the agreement shall be accompanied by a bond with surety or condition acceptable to the city council in the amount of the established cost of complying with the agreement.
  - b. The agreement and performance bond required by this division shall be provided for guaranteeing completion and compliance with conditions within the time to be approved by the city, which time may be extended in accordance with this division.
- (9) *Fees.* A schedule of fees for the examination and approval of site plans and the inspection of all required improvements and conditions in such plans shall be determined by resolution of the city council, which may from time to time change the schedule. Prior to approval of any site plan, the fee shall be paid to the zoning administrator and be deposited to the credit of the general fund.

Sec. 36-432. – Vegetation management

- (a) *Applicability.* All applicants for building and zoning permits within the Bluff Area Overlay District shall submit a landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size, and description of all existing vegetation, including all significant trees and woodlands, clearly delineating any vegetation proposed for removal and clearly delineating and describing all proposed landscape materials which will be added to the site as part of the development.
- (b) *Vegetation management standards.*
- (1) The development shall be located to minimize the removal of vegetation and alteration of the natural topography.
  - (2) Development shall be conducted so that the maximum number of trees are preserved by the clustering or siting of structures in clearings. The use of other innovative and creative design techniques is encouraged.

- (3) Grading, contouring, and paving shall not detrimentally affect the root zone or stability of trees to be preserved. Trees to be preserved must be provided with a watering area equal to at least one-half the crown cover.
- (4) Private development may not reduce the existing tree or significant woodland cover by an area greater than 35 percent. The understory plants and root area around preserved trees shall not be disturbed except for removal of invasive plants or under planting of desirable plant material. This requirement does not prohibit lawn establishment or maintenance by other means.
- (5) Replacement trees used in reforestation or landscaping must be compatible with the existing landscape and plant conditions, shall be hardy in the Twin Cities Metropolitan Area, and shall not include invasive species.
- (6) Diseased trees or trees seriously damaged by storm or other acts of God may be removed and are exempt from these regulations.
- (7) No clear cutting of trees is permitted on any land except as approved in a subdivision, planned unit development (PUD) or other site development permit.

(c) *Tree protection plan.* A tree protection plan must be submitted for all subdivision or PUD applications for property where significant trees or woodlands are located within fifteen (15) feet of development structures or land disturbance. The plan must address the city's tree protection standards.

- (1) A tree protection plan must be submitted for concept PUD or preliminary subdivision plan review or be included with submission of a site plan for a building permit if not a part of a subdivision or PUD.
- (2) The tree protection plan must include the following information:
  - a. The name(s), telephone number(s) and address(es) of the applicant and the property owner, the entire parcel(s) proposed for development, appropriate scale, north arrow, and the signature of the person(s) preparing the plan, their certification, and employer or firm, address, phone and fax numbers, and the date of the plan.
  - b. The location of all existing and proposed buildings, structures, or impervious surfaces situated upon that will remain after development and the new structures and impervious surfaces proposed to be built upon the land.
  - c. The delineation of all areas to be graded and the limits of land disturbance.
  - d. The location and listing by size and species of existing significant trees and woodlands, and delineation of the canopy cover of areas of significant trees greater than ten thousand (10,000) square feet in size. The data on the significant trees should be listed in tabular form on the plan or included as an attachment.
  - e. A list of measures to be taken to protect significant trees.
  - f. A map showing trees prepared to be moved, removed, or impacted.
- (3) *Tree replacement.* The following standards shall be met when tree replacement is required:
  - a. Trees removed for subdivision improvements (including structures, drainage, roads and utilities) must be replaced with a minimum of ten (10) trees per each acre of canopy removed.
  - b. When trees are lawfully removed, the permittee must restore the density of trees that existed before the development. Comparable nursery stock must be utilized, but not more than ten (10) trees per acre are required.

- c. All significant trees removed above the maximum thirty-five (35) percent removal limit for private lot development must be replaced on a one-for-one basis. If thirty-five (35) percent or less is removed, no replacement planting is required.
- d. Trees replaced under this requirement are in addition to any other trees required to be planted pursuant to this subdivision or other city planning subdivision requirements.
- e. Replacement trees must be planted on the development site according to an overall project tree replacement plan approved by the city.
- f. A replacement tree fee may be paid to the city if the city determines that on-site tree replacement is not feasible. The fee shall be based on the retail costs of a (two inch) 2" diameter deciduous tree for each required replacement tree.
- g. A tree replacement plan must include the following items:
  - 1.. *Plan contents.* Applicant must provide a plan showing the size, species and location of all replacement trees proposed to be planted on the property in accordance with the tree replacement requirements.
  - 2. *Replacement species.* Replacement trees must be species which are hardy in the Twin Cities Metro Area and shall not include invasive species. Greater than fifty (50) percent of the replacement trees must be species indigenous to the area. Improved cultivars of native species may be counted as native species when planted in a boulevard or landscaped areas. In woodland restoration areas native species shall be used rather than improved cultivars.
  - 3. *Required size.* Replacement trees must be an average of two (2) inches in diameter for deciduous trees (except bur oak, bicolor oak, ironwood and ornamental trees, which may be an average of 1.25 caliper inches). Coniferous trees must be an average height of six (6) feet.
  - 4. *Relocation.* Trees moved from one area of the site to another will be counted as replacement trees if they are in a healthy condition and approved by the community development director.
  - 5. *Warranty requirements.* Any replacement or relocated tree that is not alive or healthy, as determined by the community development director, within two (2) years after the date of planting, must be removed by the applicant and replaced with a new, healthy tree meeting the same species and size requirements.
  - 6. *Planting standards.* Planting must adhere to the tree and shrub planting standards of the Minnesota DNR.
  - 7. *Ground cover.* The tree replacement plan shall identify the ground cover that will be maintained or planted to stabilize soils in tree replacement areas. The ground cover may include native shrubs, grasses and forbs.

(4) *Oak trees.* Because of their high value and susceptibility to disease, the following standards shall apply to oak trees:

- a. *Oak pruning.* Oaks may not be pruned or wounded between April 15 and July 1st to prevent insect transmission of the oak wilt fungus to healthy trees. If pruning or wounding occurs during this period, the wound must be covered with a recommended tree wound dressing immediately. Fresh oak stumps must be treated as wounds during this period and covered or ground out immediately following felling of trees.

(Code 1997, § 1370.06(10))

Secs. 36-436—36-450. - Reserved.

## City of NEWPORT Planning Request Application

Newport City Hall ♦ 596 7<sup>th</sup> Avenue ♦ Newport ♦ Minnesota ♦ 55055 ♦ Telephone 651-459-5677 ♦ Fax 651-459-9883

Application Date: 1/26/21 Public Hearing Date \_\_\_\_\_

### Applicant Information

Name: AUTHORV MAHMOOD Telephone: 651 226 2928  
Mailing Address: 822 HIGH ST Telephone: \_\_\_\_\_  
City/State/Zip: MN NEWPORT MN 55055

### Property Owner Information

Name: SAME AS ABOVE Telephone: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ Telephone: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_

RECEIVED

JAN 26 2021

City of Newport

### Project Information

Location of Property: \_\_\_\_\_

Legal Description of Property (Must match description on the Deed) and P.I.D. #: \_\_\_\_\_

Zoning District: MX 3

Flood Plain: AE 0.2% Annual Chance Flood Hazard

☐ Comprehensive Plan Amendment

\$500 or Actual Cost plus \$50 for Additional Staff Hours (10 Hr Min)

☐ Rezoning

\$500 plus Escrow

☒ Zoning Amendment

\$500

☐ Variance

\$300 plus Escrow

☐ Conditional Use Permit

☐ Residential

\$300 plus Escrow

☐ Commercial

\$450 plus Escrow

☐ Subdivision Approval

☐ Minor Subdivision

\$300 plus Escrow and Parkland Dedication Fee

☐ Major Subdivision

\$500 plus Escrow, \$50 per Lot, \$200 for Final Plat, and 10% of land value or fee for Parkland Dedication Fee

☐ Other: \_\_\_\_\_

☐ Applicable Zoning Code Chapter: \_\_\_\_\_

☐ Review by Engineer Cost: \_\_\_\_\_

☐ Total Cost: \_\_\_\_\_

## Escrow Fees

The City of Newport requires that any developer or every person, company, or corporation that is seeking a planning request must first submit detailed plans to the City. The person submitting the planning request must also submit prepayment to the City to cover any expenses that the City incurs by investing extensive amounts of time reviewing these plans. All unused escrow fees will be returned to the applicant upon completion of the request. Additionally, if actual costs are above the paid escrow, the applicant will be required to pay the additional amount. The fees are as follows:

Planning Request	Escrow Fee
* Rezoning	\$500
Street/Alley Vacation	\$1,000
Residential Variance	\$500
Commercial Variance	\$1,000
Residential Conditional Use/Interim Use Permit	\$750
Commercial Conditional Use/Interim Use Permit	\$1,000
Preliminary Plat Under 10 Acres	\$3,500
Preliminary Plat Over 10 Acres	\$6,500
Residential Minor Subdivision, Major Subdivision, Site Plan Review, Final Plat, and Planned Unit Development:	
8 Units or Less	\$2,000
9 to 40 Units	\$3,200
41 Units or More	\$4,500
Commercial Minor Subdivision, Major Subdivision, Site Plan Review, Final Plat, and Planned Unit Development:	
0 to 5,000 Square Foot Building	\$2,000
5,001 to 10,000 Square Foot Building	\$3,000
10,001 to 50,000 Square Foot Building	\$3,750
50,000 Plus Square Foot Building	\$4,500

Typical escrow costs include reviewing the application to ensure that State Statutes and the City Codes are followed, preparing the staff report, findings, and recommended conditions for both the Planning Commission and City Council, and communicating with the applicant as needed to complete the staff report. The average fee is \$100 per hour for the Planner and \$70 per hour for the Engineer.

Present Use of Property: RESIDENT

State Reason for Planning Request: APPLICANT WOULD LIKE TO DO CATERING FROM A TRAILER ON PROPERTY

**ALL MATERIALS/DOCUMENTATION, INCLUDING A SITE-PLAN, MUST BE SUBMITTED WITH APPLICATION THAT IS APPLICABLE TO PLANNING REQUEST.**

**I HEREBY APPLY FOR CONSIDERATION OF THE ABOVE DESCRIBED REQUEST AND DECLARE THAT THE INFORMATION AND MATERIALS SUBMITTED WITH THE APPLICATION ARE COMPLETE AND ACCURATE. I UNDERSTAND THAT APPLICANTS ARE REQUIRED TO REIMBURSE THE CITY FOR ALL OUT-OF-POCKET COSTS INCURRED FOR PROCESSING, REVIEWING, AND HEARING THE APPLICATION. THESE COSTS SHALL INCLUDE, BUT ARE NOT LIMITED TO: PUBLICATION AND MAILING OF NOTICES, REVIEW BY THE CITY'S ENGINEERING, PLANNING AND OTHER CONSULTANTS; LEGALS COSTS, AND RECORDING FEES. AN ESCROW DEPOSIT TO COVER THESE COSTS WILL BE COLLECTED BY THE CITY AT THE TIME OF APPLICATION. ANY BALANCE REMAINING AFTER REVIEW IS COMPLETE WILL BE REFUNDED TO THE APPLICANT. NO INTEREST IS PAID ON ESCROW DEPOSITS**

**SIGNATURE OF APPLICANT:** 

**SIGNATURE OF OWNER (IF APPLICABLE):** 

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**For Office Use**

**Fee:** \_\_\_\_\_ **Date Paid:** \_\_\_\_\_ **Receipt #:** \_\_\_\_\_

**Publication of Notice Date:** \_\_\_\_\_

**Public Hearing Date:** \_\_\_\_\_

**P.C. Resolution #:** \_\_\_\_\_

**Council Action Date:** \_\_\_\_\_

**Council Resolution #:** \_\_\_\_\_



**From:** [tony@aesopstable.com](mailto:tony@aesopstable.com)  
**To:** [Travis Brierley](#); [Deb Hill](#)  
**Subject:** Tony Mahmood"s business plan  
**Date:** Monday, January 4, 2021 6:39:00 PM  
**Attachments:** [business plan.docx](#)  
[food trailer floor plan.docx](#)

---

Hi Deb and Travis

Here is some information on the trailer I'm looking at in Florida.

I've included my business plan, floor plan, what kind of equipment, and some pictures.

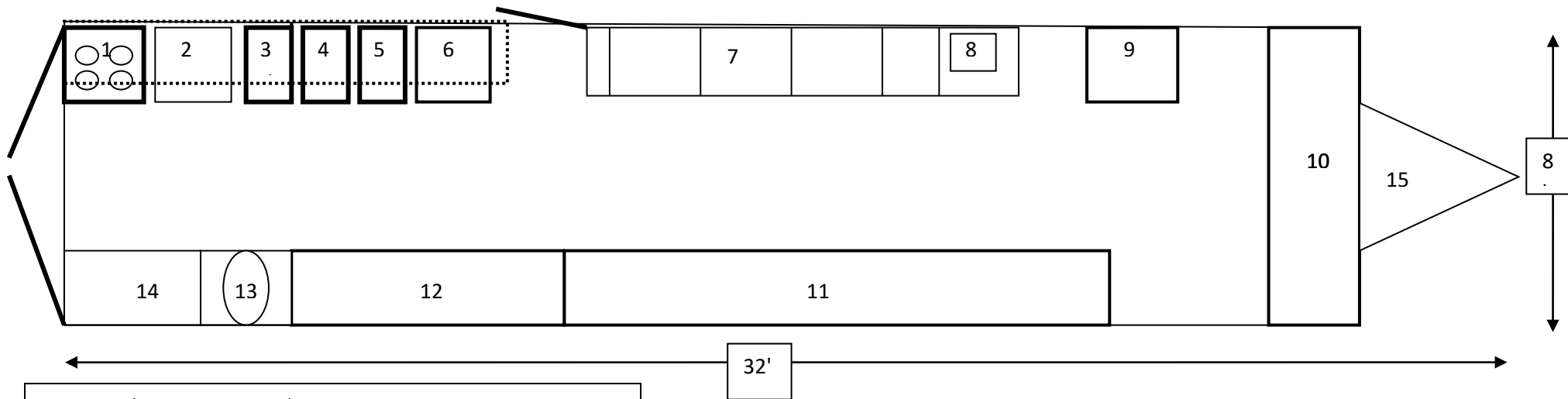
I would like to have the trailer along side of my garage, which would screen it from the east, and my neighbors garage would screen it from the west, I would built a gate that would screen it from the north(street view), the south has natural vegetation screening it.

From the side of my garage to my fence is 13' my fence is 1' on my side of the property line which gives me a set back of 5'.

Please let me know what the next step is to make this happen.

Thank you,  
Tony Mahmood

Business Plan	<i>Aesop's Table</i>
<b>Vision</b>	<p>Aesop's has been a caterer and deli since 1986. With the shut down from covid we have to readjust our business plan.</p> <p>Aesop's has several long time corporate accounts that we do food for. Anywhere from cold sandwiches to hors d' oeuvres to fully plated prime rib dinners.</p> <p>I would like to continue serving my regular clients and continue to grow the business thru word of mouth and social media.</p> <p>In 10 to 15 years I would like to sell the Aesop's brand and retire.</p> <p>.</p>
<b>Business Overview (or Mission)</b>	<p>Aesop's will continue to provide the best quality food with the best service for a price unmatched from our competition.</p> <p>By targeting new barn and outdoor venues Aesop's has continued to gain wedding business also by contacting and forging new relationships with large building administrators Aesop's has continued to grow its corporate accounts.</p> <p>With our unique BBQ trailers Aesop's fits in perfectly with outdoor and barn venues.</p> <p>I have an opportunity to buy a 30' mobile food kitchen that I would prepare the food in and then deliver and serve on location. By having the ability to bring the kitchen to the venue the quality of our food would be untouchable.</p>
<b>Pricing Strategy</b>	<p>Aesop's outdoor/barn parties averaged a little over \$300,000</p> <p>Traditional weddings averaged a little over \$200,000</p> <p>Corporate catering/box lunches averaged \$250,000</p> <p>All of the averages were the 3 years prior to covid.</p> <p>Our price range is \$10.95 to \$29.95</p> <p>Depending on the market and number of people served Aesop's averages a food cost of 26%</p> <p>Labor cost of 24%</p> <p>Over head cost of 28%</p>
<b>Advertising and Promotion</b>	<p>With 34 years of operating under the name Aesop's Table we have quite a following and repeat business.</p> <p>I think if we update our website and keep our social media going we will continue to gain new and retain old customers just fine</p> <p>At this point in time I'm getting more referrals than I can take.</p>
<b>Objectives</b>	<p>I would like to cut back on the amount of parties I do. I've obtained most everything I wanted to do in my 34 years of food service. I just want to pick and choose the parties I want and enjoy life while I can.</p>
<b>Action Plans</b>	<p>By January 20, I would like to have all paperwork filed and a working plan with the health officials of Washington County and a working plan with the City of Newport.</p> <p>By February 1 I would like to have the food trailer on site and operational.</p>



1. 4 burner range and convention oven
2. grill
3. fryer
4. fryer
5. fryer
6. convection oven
7. 3hole sink
8. hand sink
9. warmer/proofer oven
10. 63 cubic ft refrigerator
11. prep counter
12. 24 cubic ft chest freezer
13. Hobart mixer
14. sandwich maker
15. tongue

doors

exhaust hood

16. Has wet fire suppression system
17. Has 2 - 100 gal water tanks 1 for fresh and 1 for gray
18. 50 amp electrical box
19. hooks up to propane















## ARTICLE V. - NONRESIDENTIAL DISTRICTS

### Sec. 36-226. - Scope.

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

(Code 1997, § 1350.01)

### Sec. 36-227. - Purpose of business districts.

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

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

(Code 1997, § 1350.02)

### Sec. 36-228. - Specific intent of the Business Park/Office/Warehouse District.

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

(Code 1997, § 1350.03)

### Sec. 36-229. - Specific intent of the General Business District.

The General Business District is intended to provide the opportunity for diverse businesses to take advantage of the city's location and access to major roadway corridors. The district is intended to provide locations for businesses that serve local and regional needs, and may include retail businesses, highway or automobile-oriented businesses, and quasi-industrial and wholesale enterprises that do not need an industrial setting, and can be designed or managed to be compatible with surrounding districts.

(Code 1997, § 1350.04)

### Sec. 36-230. - Purpose of the industrial districts.

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

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



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

(Code 1997, § 1350.05)

Sec. 36-231. - Specific intent of the I-1, Light Industrial District.

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

(Code 1997, § 1350.06)

Sec. 36-232. - Specific intent of the I-2, General Industrial District.

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

(Code 1997, § 1350.07)

Sec. 36-233. - Specific intent of the I-S, Industrial Storage District.

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

(Code 1997, § 1350.08)

Sec. 36-234. - Purpose of the mixed-use districts.

The mixed-use districts shall be established to accomplish the general purposes outlined in the comprehensive plan and to foster a development pattern that encourages a mix of supportive residential and commercial uses and supports a multi-modal transportation system that services all users. These districts will integrate places to live, shop, work and play. The mixed-use districts are intended to help shape the city's downtown and small-town identity and encourage a variety of housing types in proximity to businesses, services and jobs.

(Code 1997, § 1350.09)

Sec. 36-235. - Specific intent of the MX-1, Downtown Mixed-Use District.

The specific intent of the MX-1, Downtown Mixed-Use District shall be to provide sites for small scale retail, commercial, office and service uses, and to support a mix of residential uses. This district will integrate residential uses with pedestrian-oriented commercial uses such as retail stores, professional and financial services, offices, sit down restaurants, coffee shops, floral shops, etc. This district shall serve as the center for financial, commercial, professional, and entertainment activities in Newport. Inclusion of high-density housing close to or above commercial uses in this district will support commercial and entertainment uses.

(Code 1997, § 1350.10)

Sec. 36-236. - Specific intent of the MX-2, Transit-Oriented Mixed-Use District

The specific intent of the MX-2, Transit-Oriented Mixed-Use District is to encourage a mixture of residential, commercial, office, and civic uses in proximity to the Newport Transit Station at densities and intensities that support and increase transit use. The district is also intended to encourage a safe and pleasant pedestrian environment, maximize access to transit, provide parking in an efficient and unobtrusive manner, and encourage a sense of activity and liveliness at street level.

(Code 1997, § 1350.11)

Sec. 36-237. - Specific intent of the MX-3, General Mixed-Use District.

The specific intent of the MX-3, General Mixed- Use District is to provide for a mix of residential and commercial uses that provide for a long-term transition from the auto-oriented uses that exist in the district based on past frontage on Highway 61, to uses that are compatible with adjacent residential and mixed-use districts. The city anticipates that commercial uses will cluster on and near Hastings Avenue and the Glen Road interchange, and that over the long-term redevelopment will include a variety of residential and commercial uses.

(Code 1997, § 1350.12)

Sec. 36-238. - Specific intent of the MX-4, Mixed-Use Buffer District.

The specific intent of the MX-4, Mixed Use Buffer District is to provide for a mix of residential, commercial, and office uses that provide a transition area and buffer between industrial uses and nearby residential and mixed-use districts. The uses in the district must be compatible in type, location, and scale with nearby residential and mixed-use districts.

(Ord. No. 2016-9, § 1350.14, 11-3-2016)

Sec. 36-240. - Dimensional requirements.

For lots and structures in nonresidential districts:

(1) *Nonresidential district requirements.*

Requirements	MX-1	MX-2	MX-3	MX-4	B-1 and B-2	I-1	I-2	I-S
<b>Lot Requirements</b>								
Minimum lot area in square feet (or minimum density for MF units)	5,400 (8 units per acre)	None  Minimum residential density is 20	5,400 (8 units per	5,400 (8 units per acre)	15,000	30,000	30,000	30,000

		units per acre and maximum density is 50 units per acre	acre)					
Maximum residential density	20 units per acre	50 units per acre	20 units per acre	20 units per acre				
Minimum lot depth in feet	130	None	130	130	150	200	200	200
Minimum lot width in feet	40	30	40	40	100	100	100	100
Maximum lot coverage	80%	75%	75%	75%	75%	75%	75%	75%
Maximum lot coverage by all impervious surfaces, except single-family residential	80% §	75% §	75% §	75% §	75% §	75% §	75% §	75% §
Maximum lot coverage by all impervious surfaces (%); single-family residential uses	35%	35%	35%	35%	N/A	N/A	N/A	N/A
<b>Setbacks ***</b>								
Minimum front yard setback	10	10 **	10	10	20	20	20	50
Minimum front yard if across collector or minor	10	10 **	10	10	50	50	50	100

street from any residential district								
Minimum side yard	10	5	5	5	10	20	20	50
Minimum side yard if adjacent to any residential district	10	10	10	10	50	50	50	100
Minimum rear yard	20	20	20	20	20	20	20	50
Minimum rear yard if adjacent to any residential district	20	20	20	20	50	50	50	100
<b>Minimum residential building and outdoor gathering areas setback from outer lanes of I-494 and Highway 61</b>	<b>500</b>	<b>500</b>	<b>500</b>	<b>500</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>
<b>Parking and Drive Aisle Setbacks</b>								
Minimum front yard	20	None allowed	20	20 allowed	20	20	20	20
Minimum front yard if across collector or minor street from any R district	50	Not allowed	50	Not allowed	50	50	50	50
Minimum side yard	5	5	5	5	5	5	5	5
Minimum side yard for multifamily, commercial, or	20	20	30	20	30	30	30	30

industrial uses if adjacent to any R district								
Minimum rear yard	5	5	5	5	5	5	5	5
Minimum rear yard if adjacent to any R district	20	10	50	10	50	50	50	50
<b>Buildings</b>								
Maximum building height in feet*	40 or 3 stories	See table in subsection (3) of this section	40	40	40	40	40	40
Maximum height of storage tank in I-S District								55
Public utilities required, including sewer	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

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

\*\* See section 36-8, Exceptions to front yard setbacks.

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

§ Lot coverage permitted on individual sites will be determined based on compliance with the city's stormwater management standards.

- (2) *Additional MX-2 (Transit-Oriented Design) District standards.* The following requirements apply to all buildings or uses in an MX-2 District, unless otherwise specified:

Height and Setbacks	Residential Townhouse	Residential Apt., Condo, Cooperative	Mixed Use Building	Commercial, Civic, not in mixed use building
Height	Three stories or 35 feet, whichever is less	Two stories minimum, four stories maximum*	Two stories minimum, four stories maximum*	No minimum, four stories or 40 feet maximum
Setbacks	Front: Maximum of 15 feet	Front: Maximum of 15 feet	Front: Maximum of 15 feet	Front: Maximum of eight feet
	Side: Ten feet	Side: Ten feet	Side: Ten feet	Side: Ten feet
	Rear: 15 feet	Rear: 15 feet	Rear: None required	Rear: None required

\* Maximum height may be increased upon issuance of a conditional use permit. Single-story buildings shall have a footprint of no more than 15,000 square feet.

(3) *Densities in the MX-2 District.*

- The maximum residential density in the MX-2 District shall be 50 units per acre.
- The minimum residential density in the MX-2 District shall be 20 units per acre.
- The minimum net FAR (floor area ratio) for residential and nonresidential uses in the MX-2 district shall be 0.5 FAR.

(4) *Additional requirements in the MX-4 District.* All nonresidential uses in the MX-4 District, except park and open space uses, shall be set back from the common boundary with residential zoning districts and from existing residential uses in the MX-4 District by a minimum of 300 feet.

(Code 1997, § 1350.14; Res. No. 2016-22, 6-16-2016; Ord. No. 2016-9, § 1350.15, 11-3-2016)

Sec. 36-241. - Uses in the nonresidential districts.

(a) *Uses in the Mixed use districts.*

Use	MX-1	MX-2	MX-3	MX-4
<b>Residential Uses</b>				
Single-family detached, one dwelling per lot	P	N	P	P

Single-family detached, more than one dwelling per lot	C	N	C	C
Two-family residences	P	N	P	P
Townhouse, rowhouse	P	P	P	P
Manufactured single-family dwelling	P	N	P	P
Mobile homes	N	N	N	N
Multifamily, condos, apartments and cooperatives	P	P—less than 8 units	P	P
Multifamily, condos, apartments and cooperatives		C—8 or more units		PUD—8 or more units
Nursing homes	N	N	N	N
Assisted living, memory care and similar facilities	N	N	N	N
Homes for handicapped or infirm including group homes or halfway houses but not containing more than six unrelated persons	P	P	P	P
Mixed-use (dwelling unit above-ground floor)	P	P	P	P
Live-work building	C	C	C	C
Short-term Residential Unit rentals	N	N	N	N
PUD	PUD	PUD	PUD	PUD
<b>Civic and Semi-Public Uses</b>				
Day care facilities in single-family homes with 14 or fewer children being attended to	P	N	P	P
Day care facilities in single-family homes with more than 14 children being attended to	C	N	C	C

Day care facilities in commercial buildings	C	C	C	C
Day care facilities in a mixed-use building	P	P	P	P
Essential services/public utilities	P	P	P	P
Funeral Home	C	C	C	N
Hospitals	N	N	N	N
Military reserve, national guard centers	C	N	N	N
Park and public recreation facilities	P	P	P	P
Parking garage (as a principal use)	C	C	N	C
Parking lot, surface (as a principal use)	C	N	N	N
Penal/correctional facilities	N	N	N	N
Place of worship and associated facilities, except schools	C	C	C	C
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—50,000 square feet maximum	C	C
Schools; trade, college, vocational, and associated facilities	C	C—50,000 square feet maximum	C	N
Schools for business, trade, dancing, music	C	C	C	N
Social and fraternal clubs and lodges, union halls	P	C—10,000 square feet maximum	P	C
Transit stations and related parking facilities	C	C	C	N
<b>Commercial Uses</b>				



Administrative support services	P	P	P	P
Adult Uses	N	N	N	N
Animal boarding, grooming, veterinary clinics, retail sales	C	C—10,000 square feet maximum	C	C—10,000 square feet maximum
Artist studios	P	P	P	N
Auto body repair and major auto repair, towing services	C	N	N	N
Automotive services and car specialty services (not including body repair or major repair)	C	C—Maximum 4 repair bays	C	N
Bakeries, delicatessens, coffee shops	P	P	P	N
Bakeries, wholesale	P	C	C	N
Bed and Breakfast	P	N	P	P
Biotechnology	P	P	P	P
Brew on premises store	P	P—10,000 square feet maximum	P	N
Brewery, craft	P/C*	P/C*	P/C*	N
Business services	P	P	P	P
Building materials and services	C	N	N	N
Catalog and mail order	P	P	P	N
Conference center, 50,000 square feet or less	C	C	C	C
Convenience stores	P	P	P	C

Data centers	C	C	C	C
Entertainment/amusement halls, bowling alley, indoor skating rink	P	C	C	N
Fabrication of apparel, leather products and other products from prepared products	P	P	C	N
Fabrication of office and computer equipment	P	P	P	N
Financial services, including banks without drive-through facilities	P	P	P	N
Financial services, including banks with drive-through facilities	C	C	C	C
Fitness and recreation centers, in a mixed-use building	C	C	C	N
<u>Food Catering</u>	<u>C/I</u>	<u>C/I</u>	<u>C/I</u>	<u>C/I</u>
Gas, diesel or other motor fuel retail sales	C	N	C	C
Grocery and produce sales	C	C—50,000 square feet maximum	C	N
Industrial buffer	N	N	N	
Internet publishing and broadcasting	P	P	P	N
Medical, dental, or veterinary clinics and laboratories	C	C—10,000 square feet maximum	C	N
Medical appliance assembly	P	P	P	N
Motion picture and sound recording industries	C	C	C	N

Motor Vehicle Sales—Single Licensed Dealer	C	N	N	N
Motor Vehicle Sales—Multiple Licensed Dealers	N	N	N	N
Offices: general, medical, professional, freestanding, or mixed-use building	P	P—to 10,000 square feet;	P	P
Offices: general, medical, professional freestanding, or mixed-use building	P	C—larger than 10,000 square feet	P	P
Printing, publishing, bookbinding, blueprinting	C	C	C	N
Processing and packaging of drugs, pharmaceuticals, perfumes and cosmetics	C	P	C	N
Retail and service establishments, freestanding, or mixed-use building	P	P—to 10,000 square feet;	P	P—to 10,000 square feet;
Retail and service establishments, freestanding or mixed-use	P	C—10,000 to 50,000 square feet maximum	P	C—to 50,000 square feet
Research, development and testing laboratory	C	C	C	C
Restaurants, including open air or sidewalk cafes, freestanding or in mixed-use buildings; no liquor served	P	P	P	N
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	N
Restaurants with drive-through service	C	C	C	N
Service businesses, such as beauty shops, barbershops, dry-cleaning, drop-off/pickup (no on-site processing)	P	P	P	P

Small-scale manufacturing and artisans	P	P—5,000 square feet or less;	P	P
Theaters (with structured parking)	P	P	P	N
Theaters	C	C	C	N
Towing services (no outside storage of vehicles)	P	P	C	C
Vehicle services (does not include body work or painting)	C	N	N	N
Vehicle storage lot	N	N	N	C
Warehousing as a primary use	N	N	N	C
<b>Accessory Uses</b>				
Bicycle racks and parking facilities	P	P	P	P
Cafeterias, community rooms, and limited retail services that are not open to the general public	P	P	P	P
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	N	C	N
Parking lot, as an accessory use	C	C	C	C
Renewable energy systems	P	P	P	P
Rental of vehicles (with limited outside storage)	C	C	C	N
Short-term Residential unit rentals	N	N	N	N
Swimming pool	P	P	P	N

P = Permitted use.

C = Permitted with a conditional use permit.

N = Not permitted.

PUD = Permitted with a planned unit development.

\* Brewery, craft; in MX districts, a conditional use permit is required for one or both of the following:

- (1) A craft brewery with more than 15,000 square feet of floor area to ensure size and design compatibility with the particular location.
- (2) A craft brewery that manufactures more than 5,000 barrels of malt liquor a year in order to ensure operational and design compatibility with the particular location.

(b) *Business and industrial district uses.*

Use	B-1	B-2	I-1	I-2	I-S
<b>Civic and Public Uses</b>					
Airports	N	N	C	C	N
Cemetery or crematorium	C	N	N	N	N
Day care centers	C	C	C	C	C
Day care centers in a mixed-use building	P	P	C	C	C
Essential services/public utilities	P	P	P	P	P
Funeral home	P	P	N	N	N
Hospitals	C	C	N	N	N
Medical clinics	P	P	N	N	N
Military reserve, national guard centers	C	C	N	N	N
Park and public recreation facilities	P	P	P	P	P
Parking garage (as a principal use)	C	C	N	N	N
Parking lot, surface (as a principal use)	N	C	P	P	P

Penal/correctional facilities	N	N	C	C	N
Place of worship and associated facilities, except schools	P	P	N	N	N
Post office	P	P	N	N	N
Public facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, and other municipally owned or operated facilities	C	C	C	C	C
Sanitary landfill	N	N	C	C	N
Schools-trade, college, vocational, and associated facilities	P	P	C	N	N
Schools for business, trade, dancing, music	C	C	C	N	N
Social, fraternal clubs and lodges, union halls	P	P	N	N	N
Transit stations and related parking facilities	C	C	N	N	N
<b>Commercial Uses</b>					
Adult uses (bookstore, theater, nightclub, nude or partially nude dancing)	N	N	N	C	C
Animal boarding, grooming, retail sales	N	C	N	N	N
Auto painting and body work	N	N	C	N	N
Auto storage	N	C	C	P	C
Bakery, wholesale	N	C	N	N	N
Biotechnology businesses	C	C	N	N	N
Brewery, craft	P	P	P	N	N
Building materials and services	N	C	N	N	N
Commercial greenhouse operations	C	C	P	N	N

Convenience stores	P	P	N	N	N
Data centers	N	C	N	N	N
Distillery, craft	P	P	P	N	N
Fabrication of apparel, leather products and products from prepared products	N	P	N	N	N
Fabrication of office and computer equipment	N	P	N	N	N
Gas, diesel or other motor fuel retail sales	P	P	N	N	N
<u>Food Catering</u>	<u>C/I</u> <u>or P</u>	<u>C/I</u> <u>or P</u>	<u>N</u>	<u>N</u>	<u>N</u>
Hotels, motels	P	P	N	N	N
Industrial buffer	N	N	P	P	P
Medical, dental or veterinary clinics and laboratories	N	C	N	N	N
Motor vehicle sales—Single licensed dealer	N	C	N	N	N
Motor vehicle sales—Multiple licensed dealers	N	N	N	N	N
Printing, publishing, bookbinding, blueprinting	N	C	N	N	N
Processing and packaging of drugs, pharmaceuticals, perfumes and cosmetics	N	C	N	N	N
Restaurants, traditional or liquor served; bar and grill	P	P	N	N	N
Salvage yards (auto or scrap iron)	N	N	N	P	N
Short-term Residential unit rentals	N	N	N	N	N
Small brewery or winery as an accessory use to a bar or restaurant	P	P	P	N	N
Storage, mini-storage, cold-storage	N	N	C	N	P
Vehicle service (does not include painting or body work)	N	C	N	N	N

Vehicle storage lot	N	C	N	N	N
Veterinary clinic, animal hospital	C	C	P	N	N
Wholesale sales	P	P	N	N	N
Winery, craft	P	P	P	N	N
<b>Warehouse and Industrial Uses</b>					
Manufacturing	C	C	P	P	N
Micro- and regional brewery	N	P	P	N	N
Retail sale, installation and remanufacturing of vehicle parts and accessories	N	N	P	N	N
Storage and distribution of bulk petroleum products, oil and gasoline	N	N	N	N	C
Storage, mini-storage, cold storage	N	N	C	N	P
Warehousing	C	C	P	P	N
<b>Accessory Uses</b>					
Outdoor sales, in conjunction with a permitted use	N	C	N	N	N
Parking lot, as an accessory use	P	P	P	P	P
Renewable energy system	P	P	P	P	P

P = Permitted use.

C = Permitted with a conditional use permit.

N = Not permitted.

(Code 1997, § 1350.15; Ord. No. 2016-9, § 1350.16, 11-3-2016; Ord. No. 2016-11, § 1350.16, 11-17-2016)

Secs. 36-242—36-258. - Reserved.



# Catering

## FOOD SAFETY DURING PREPARATION, TRANSPORT AND SERVICE

### Licensing

Food catering means food that is prepared for service under contract for an event such as a reception, party, luncheon, conference, ceremony, or trade show. All caterers operating in Minnesota must operate in compliance with the Minnesota food code and other ordinances, such as zoning, building and liquor.

Food and beverage establishments in Minnesota are licensed by different agencies. The establishment's menu and location of operation determines which agency is responsible for plan review and licensing. To find out which agency is responsible, see the [Licensing](#) website. Contact the appropriate agency to discuss plan review and licensing requirements, and to obtain applications.

### Certification

Minnesota food code requires one Minnesota certified food protection manager (CFPM) in most food establishments. To find out more about CFPM requirements, training and certification see the [Minnesota Certified Food Protection Manager \(CFPM\)](#) website.

### Menu, food flow and equipment

Menu and food flow determine the type of equipment you are required to have. Menu changes may affect equipment requirements. Food flow includes all receiving, storage, preparation and serving steps.

Use food grade containers capable of maintaining food at safe temperatures and in a sanitary manner.

### Keeping food safe

A food establishment doing catering is responsible for maintaining control of and ensuring the safety of the food from preparation to service to the consumer. Protect food during storage, preparation, transportation, and serving to prevent cross-contamination and contamination by dust, insects or other sources. Keep equipment and vehicles clean.

When food is prepared for a catering event, the following five factors can increase the risk of a foodborne illness outbreak:

- Poor employee health and hygiene
- Improper cooking temperatures and times
- Food from unsafe sources
- Improper hot and cold holding temperatures and times
- Cross-contamination and contaminated equipment

Five effective control measures to reduce the risk of a foodborne illness outbreak are:

- Exclude ill employees, wash hands properly, and prevent bare hand contact with ready-to-eat food.
- Cook raw animal foods to the temperatures and times required in the Minnesota food code.
- Verify that all food is from approved sources, received at required temperatures and in good condition.
- Keep food out of the temperature danger zone (between 41°F and 135°F).
- Properly store food and wash, rinse, and sanitize food-contact surfaces.

The [Food Business Fact Sheets](#) website provides more information about Minnesota food code requirements, such as employee personal hygiene, temperature and time requirements for food, selling or serving locally grown produce in food facilities, cooling time/temperature control for safety food, and safe operation of a food establishment.

## Frequently asked questions

### Can more than one business operate out of the same location?

Yes. Any facility used for catering operations must meet standards appropriate to the menu and volume of food prepared in that kitchen. Each operator in a shared space must obtain a license to operate at that location.

### Can caterers cook and assemble food on site at contracted events?

Yes. Food may be cooked and assembled on site when control measures are followed to reduce the risk of foodborne illness. Each catering business is unique, and operators should discuss menu and food flow, volume and timing, equipment, cleaning and sanitizing, and utilities with their inspector or appropriate agency to determine specific requirements.

### Are there additional requirements a caterer needs to consider?

Yes. Caterers must meet safe operation requirements including water supply, sewage disposal, and utilities.

## Resources

[Minnesota Department of Health Food Business Safety](#)  
([www.health.state.mn.us/foodbizsafety](http://www.health.state.mn.us/foodbizsafety))

[Licensing](#)  
([www.health.state.mn.us/communities/environment/food/license/index.html](http://www.health.state.mn.us/communities/environment/food/license/index.html))

[Minnesota Certified Food Protection Manager \(CFPM\)](#)  
([www.health.state.mn.us/communities/environment/food/cfpm/index.html](http://www.health.state.mn.us/communities/environment/food/cfpm/index.html))

[Food Business Fact Sheets](#)  
([www.health.state.mn.us/communities/environment/food/fs.html](http://www.health.state.mn.us/communities/environment/food/fs.html))

[Caterer's Permit with Alcohol, Minnesota Department of Public Safety](#)  
(<https://mn.gov/elicense/a-z/?id=1083-231125#/list/appId//filterType//filterValue//page/1/sort//order/C>)

## CATERING

Minnesota Department of Health  
Food, Pools, and Lodging Services  
PO Box 64975  
St. Paul, MN 55164-0975  
651-201-4500  
[health.foodlodging@state.mn.us](mailto:health.foodlodging@state.mn.us)  
[www.health.state.mn.us](http://www.health.state.mn.us)

Minnesota Department of Agriculture  
Food and Feed Safety Division  
625 Robert Street N  
St. Paul, MN 55155-2538  
651-201-6027  
[MDA.FFSD.Info@state.mn.us](mailto:MDA.FFSD.Info@state.mn.us)  
[www.mda.state.mn.us](http://www.mda.state.mn.us)

JANUARY 2019

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# **Planning and Zoning 101**

*Learn the basics of why and how cities engage in land use planning and regulation, and why local officials should take time to carefully and conscientiously create land use laws. Tools discussed include comprehensive land use plans and zoning ordinances. Find a graphic illustrating levels of city council discretion to decide at various stages in these processes.*

**RELEVANT LINKS:**

## **I. Land use regulation**

City governments provide many important services, but one function stands apart in its impact on future generations—the authority to engage in planning and zoning of the community. Comprehensive plans and zoning ordinances adopted and enforced by current officials affect the future layout and landscape of a city for many years to come. Whether it is the development or preservation of open space, or the redevelopment and revival of existing properties, what a community will look like dozens of years from now depends on decisions made today.

City planning and zoning took root in the early 20th century as a way to minimize conflicts between incompatible land uses and to plan more coherent development. People increasingly were living in built-up urbanized areas, and were suffering health impacts, including reduced life span, related to density and industrialization. In order to promote better health, safety and welfare, cities began regulating the use, size and location of structures on the land through zoning ordinances, and developing future plans for harmonious and healthy land use patterns.

## **II. Conflicts and lawsuits**

People tend to feel strongly about land use in most communities, and it often goes both ways. Private property owners may feel they should be able to use their land as they see fit, without government telling them what they can and cannot do and where they can and cannot build.

On the other hand, residents may feel equally strongly about what others are doing nearby, to the extent that it may injure or disturb the peace and quiet of their neighborhood—hardly anyone wants to live next door to a major industrial operation for example.

## RELEVANT LINKS:

[\*Euclid v. Ambler\*](#), 272 U.S. 365, 47 S. Ct. 114, 71, (1926).

Conflicts often lead to litigation, and land use regulation is no different. It was through litigation that the U.S. Supreme Court first upheld the constitutionality of zoning in the seminal 1926 decision, *Euclid v. Ambler*. And lawsuits continue to this day. The League of Minnesota Cities Insurance Trust (LMCIT) provides a unique land use insurance coverage that defends cities in land use lawsuits even when there is not a claim for damages. LMCIT members spend almost \$3 million a year defending these lawsuits.

### III. Making versus applying law

Land use litigation is costly, and often puts city officials in the difficult position of dealing with controversies that may displease people, no matter the outcome. City officials can help themselves through these controversies by educating themselves about land use regulation authority, and the process and procedures necessary to exercise it. An important consideration is how much authority the city has over any given land use decision. A city has much broader authority when creating its land use plans and ordinances than it does when administering the same. Consequently, it is important for a city official to be aware of what authority the city is acting under whenever making a particular decision.

When creating, adopting and amending land use plans and zoning ordinances, a city is making law by exercising so-called “legislative” authority. The council sits as a body of elected representatives to make plans and laws (ordinances) for the entire community to advance health, safety, and welfare. When acting legislatively, the council has broad discretion and will be afforded considerable deference by any reviewing court. In contrast, when applying existing plans and laws, a city council is exercising so-called “quasi-judicial” authority. The limited task is to determine the facts associated with a particular request, and then apply those facts to the relevant law. A city council has less discretion when acting quasi-judicially, and a reviewing court will examine whether the city council applied rules already in place to the facts before it.

It can be helpful to visualize this as a “pyramid of discretion” that shows cities have greater discretion when making land use decisions at the base of the triangle, and less as decision-making moves up the pyramid. Discretion is greatest when officials are creating local laws and the least when officials are administering those laws.

See Appendix A: Pyramid of discretion.

## RELEVANT LINKS:

[Minn. Stat. § 462.351.](#)  
[Minn. Stat. § 462.352,](#)  
[subd.5.](#)

Learn more about planning  
commissions in LMC  
information memo, [Planning  
Commission Guide.](#)

Land use disputes tend to arise most often when a city is applying laws, rather than when making law. But a city usually has less ability to address the root of the dispute when applying the law, than it would when making the law in the first instance. When acting legislatively, a city council can engage in far-ranging policy discussion, and sort through competing views about what plans and laws would be in the best interest of the city. Although not everyone may be on board with the outcome, the more public participation in the law-making stage, the better the understanding among the public of why the city has a particular plan or law in place.

## IV. The comprehensive plan

A comprehensive plan is document that sets forth a vision and the goals for the future of the city. State law defines a comprehensive plan as a compilation of policies, goals, standards and maps for guiding the physical, social and economic development, both public and private, of the municipality and its environment. The purpose is to guide future development of land to ensure a safe, pleasant, and economical environment for residential, commercial, industrial, and public activities.

The comprehensive plan provides the overall foundation for all land use regulation in city. State law encourages all cities to prepare and implement a comprehensive municipal plan. In addition, cities within the seven-county metro area are required to adopt comprehensive plans. Under state law, a city planning commission or department is tasked with the creation of the city's comprehensive plan.

Planning is a professional field that encompasses a broad array of skills and techniques. In developing comprehensive plans, many cities use educated, certified land use professionals. But at its core, planning is a relatively straightforward three-step process:

- First, a community takes stock of where it is today.
- Second, the community generates a shared vision and goals for what the city will be like in the future.
- Third, but certainly not least, the city develops a set of specific strategies to achieve that vision over time.

There are many reasons cities create and adopt comprehensive plans. The planning process helps communities identify issues before they arise, stay ahead of trends in land use development and redevelopment, and anticipate and navigate change in populations and land use patterns.

## RELEVANT LINKS:

A comprehensive plan also protects and makes the most out of public investment by ensuring that development coincides with investments in infrastructure. A comprehensive plan protects and promotes the value of private property. Finally, a comprehensive plan provides legal justification for a community's land-use decisions and ordinances.

The comprehensive plan itself can contain many different elements, and importantly, is not limited in scope to land use.

The land use plan lays out desired timing, location, design and density for future development, redevelopment, or preservation. In addition to a specific land use plan, comprehensive plans typically include plans for:

- Public or community facilities,
- Parks and open space,
- Housing,
- Natural resources,
- Transportation, and
- Infrastructure.

Most comprehensive plans include a variety of maps, including a land use plan map that indicates how the plan guides the future land use in different areas of the community.

[Minn. Stat. § 462.355, subd. 2.](#)

State law provides certain processes that cities must follow for comprehensive plan adoption and amendment. Prior to adoption of a comprehensive plan, the planning commission must hold at least one public hearing. A notice of the time, place, and purpose of the hearing must be published once in the official newspaper of the municipality, and at least 10 days before the day of the hearing. Unless otherwise provided in a city charter, the city council may, by resolution by a two-thirds vote of all of its members, adopt and amend the comprehensive plan or a portion of the plan. This means that on a five-member council, the comprehensive plan must receive at least four affirmative votes.

[Minn. Stat. § 462.355, subd. 3.](#)

After a city has adopted a comprehensive plan, all future amendments to the plan must be referred to the planning commission for review and comment. No plan amendment may be acted upon by the city council until it has received the recommendation of the planning commission, or until 60 days have elapsed from the date an amendment proposed by the city council has been submitted to the planning commission for its recommendation. In submitting review and comment to council, the planning commission serves in a strictly advisory role. The city council ultimately decides on the acceptance, rejection or the revision of the plan, and is not bound by planning commission recommendations.

## RELEVANT LINKS:

[Minn. Stat. § 473.175.](#)

[Minn. Stat. § 473.175, subd. 3.](#)

[Minn. Stat. § 462.355, subd. 1a.](#)

[Minn. Stat. § 462.356, subd. 1.](#)

[Minn. Stat. § 462.357.](#)

For more on zoning see LMC information memo, [Zoning Guide for Cities](#).

Cities in the seven-county metropolitan area must submit their comprehensive plan to the Metropolitan Council for review of its compatibility and conformity with the Council's regional system plans. When the Metropolitan Council determines that a city's comprehensive land use plan may have a substantial impact on, or contain a substantial departure from the Metropolitan Council's regional system plans, the Council has the statutory authority to require the city to conform to the Council's system plans. Cities within the seven-county metro area must review and update their plan, fiscal devices, and official controls at least every 10 years, and submit their revised plans to the Metropolitan Council for review.

Adopting and amending a comprehensive plan should be a dynamic public process with an eye towards implementation. Public participation ensures broad and ongoing support, brings a variety of information and perspectives, and instills a sense of community ownership in the plan. Once adopted, the city should actively consult the plan, periodically review it for consistency with current policies and practices, and recommend amendments whenever necessary. State law provides that comprehensive plans should be implemented through zoning and subdivision regulations, as well as coordination of public improvements and city services, and a capital improvements program.

## V. The zoning ordinance

State law authorizes a city zoning ordinance as a tool to implement a comprehensive plan. Zoning is a method of establishing a land use pattern by regulating the way land is used by landowners. A zoning ordinance has area standards that regulate the size and location of buildings and structures in the city. Comprised of text and a map, most zoning ordinances also typically divide a city into various zoning districts, and set standards regulating uses in each district.

"Area standards" are rules that constrain the size and location of building and other structures. These typically include rules about building location and size, including height, width and bulk; and the percentage of lot space that may be occupied, and required yards or open spaces. Other standards might be performance standards such as related to density, parking or lighting.

Most zoning ordinances use a map to divide the community into zoning districts that establish similar compatible land uses. By creating zoning districts that separate uses, the city assures that adequate space is provided for each and that transition areas or buffers exist between distinct and incompatible uses. Examples may include, but are not limited to residential, commercial, industrial and agricultural. Larger cities will often have districts of varying density or intensity, such as single-family residential and multi-family residential, or light industrial and heavy industrial.



## RELEVANT LINKS:

[Minn. Stat. §§ 462.357, subd. 2 – 5.](#)

For each district, a zoning ordinance typically sets forth uses that are allowed in each district and the performance standards that must be met. The allowed uses often are set forth in lists or use tables. Allowed uses typically include permitted uses, accessory uses and conditional uses.

- A permitted use is generally the principal use of the land or building, and is allowed without a public hearing.
- An accessory use is an allowed use located on the same lot, subordinate or accessory to permitted use.
- A conditional use is a use that is allowed after a public hearing only if the landowner meets the general and specific standards as set forth in the zoning ordinance. The more specific and clear the standards set forth in the ordinance, the easier it will be to administer.

State law mandates a procedure for the adoption or amendment of zoning ordinances. The process includes:

- A public hearing must be held by the council or the planning commission (if one exists) before the city adopts or amends a zoning ordinance.
- A notice of the time, place and purpose of the hearing must be published in the official newspaper of the municipality at least 10 days prior to the day of the hearing. In addition, if an amendment to a zoning ordinance involves changes in district boundaries affecting an area of five acres or less, a similar notice must be mailed at least 10 days before the day of the hearing to each owner of affected property and property situated completely or partly within 350 feet of the property to which the amendment applies.
- Zoning ordinances must be adopted by a majority vote of all of the members of the council.

An important component of the zoning ordinance is the zoning ordinance map which assigns zoning districts to given parcels in the community. When the city changes the zoning district designation of a parcel from one zoning district to another, the process is termed rezoning, and must be done after a public hearing. Rezoning is an amendment to the actual zoning ordinance and the procedures for amendments to the zoning ordinance apply.

[Minn. Stat. § 462.357, subd. 2.](#)

State law, however, has a two-tiered voting requirement for rezoning of residential property. When property is rezoned from residential to commercial or industrial, a two-thirds majority of all members of the city council is required. For other rezoning decisions, a simple majority vote of all members is all that is required. Rezoning should be consistent with the comprehensive plan land use plan map.

## RELEVANT LINKS:

Jed Burkett  
651.281.1247  
[jburkett@lmc.org](mailto:jburkett@lmc.org)

[League of Minnesota Cities –  
Land Use Services.](#)

## VI. Results of careful planning

Keeping city plans and ordinances current can save money and headaches. Whether disagreements about the vision for future of city, or disputes between neighboring property owners, land use conflicts eventually confront most city officials. In creating comprehensive plans and adopting zoning ordinances, cities can proactively engage the public to create ground rules for all.

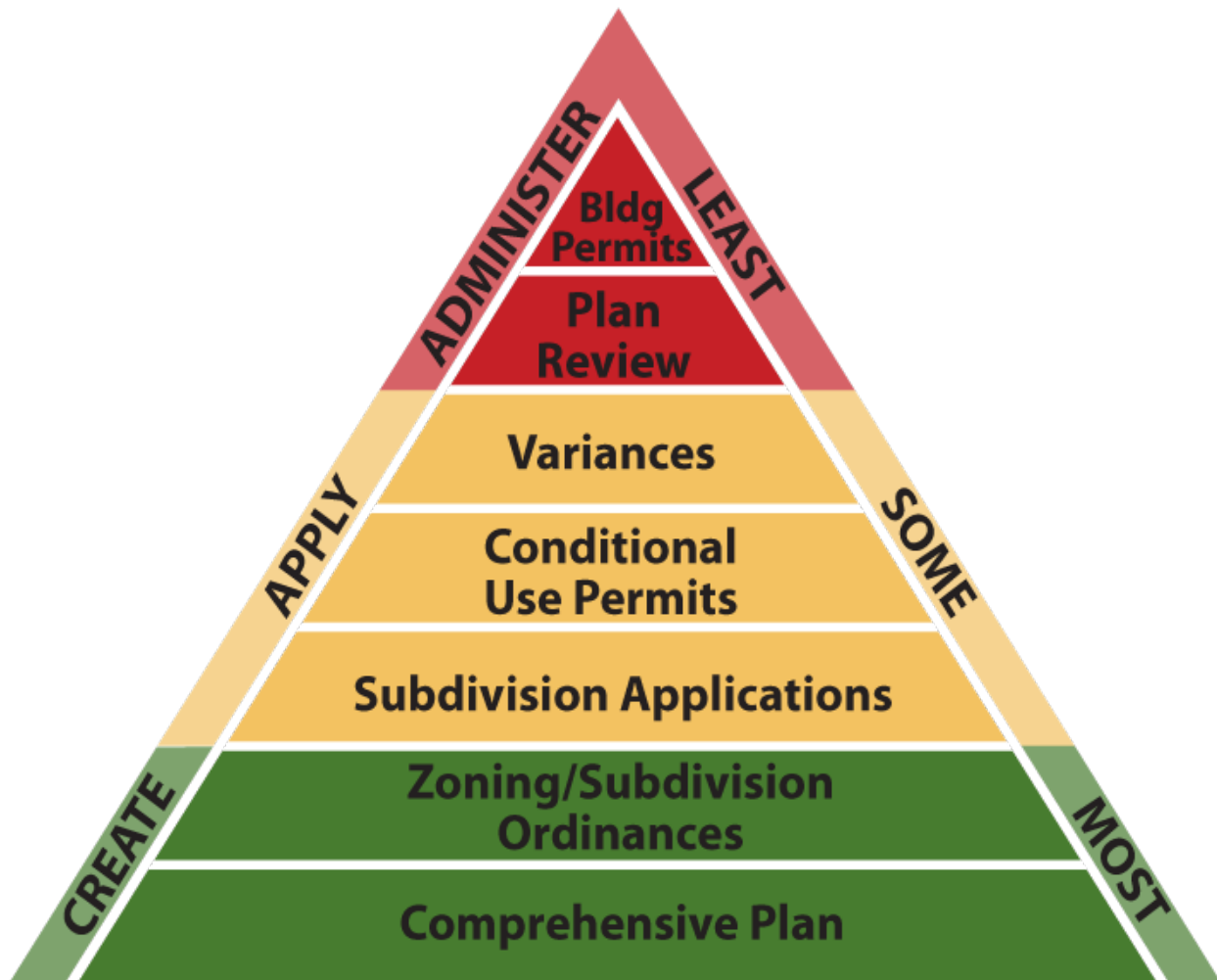
Planning and zoning a community is a substantial undertaking that deserves thoughtful consideration. The more effort a city puts in at the front end by in adopting and amending plans and ordinances, the easier it will be to administer. Plans and ordinances adopted years ago may not be consistent with current vision, particularly in an economic downturn. A capital improvement program, in particular, should be regularly revisited for consistency with current conditions.

## VII. Further assistance

LMCIT offers land use consultations, training and information to members. Contact the League's Loss Control Land Use Attorney for assistance. You can also learn more about land use issues in the land use section of the League's website.

## Appendix A: The pyramid of discretion

The pyramid framework illustrates how much discretion the city has to make land use decisions based on the role it is playing.



# ♦♦Newport Heritage Preservation Commission♦♦

Newport City Hall      596 Seventh Avenue      Newport, Minnesota 55055

**TO:** Deb Hill, City Administrator  
**FROM:** Robert Vogel, Preservation Planner  
**DATE:** February 1, 2021  
**SUBJECT:** Heritage Landmark Nominations – Background Information for February 10 HPC Workshop

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The Heritage Preservation Commission (HPC) seeks comments from city officials (elected, appointed and staff) on its plan to nominate five city-owned historic properties for designation as Newport Heritage Landmarks. The HPC will host an informal workshop on the nominations as part of its regularly scheduled meeting on Wednesday, February 10, 2021 at 5:00 P.M. The workshop will be held electronically using the Zoom video conferencing system.

The Newport Heritage Landmarks registry is the city's official list of buildings, sites, structures, objects and districts considered to be worthy of preservation. City Code section 16-56 authorizes the Heritage Preservation Commission (HPC) to nominate properties for designation as Newport Heritage Landmarks. (The authority to designate heritage landmarks is vested in the Newport City Council.) To date, 8 historic properties have been formally registered as Newport Heritage Landmarks. 13 additional historic properties have been evaluated by the HPC as eligible for landmark designation. To qualify for landmark designation, a property must meet at least one of the eligibility criteria by being associated with an important historic context and retaining integrity of those physical features necessary to convey its historical, architectural, archaeological or cultural significance. The process of identifying individual heritage resources and evaluating their historic significance and integrity may take several years to complete. By ordinance, the HPC and its professional staff are required to prepare a nomination document that identifies and locates the subject property, explains how it meets one or more of the landmark eligibility criteria, and makes the case for historic significance and integrity. Each nomination report also contains a management plan, developed in consultation with the property's owner and other interested parties, which provides general guidance for making decisions relating to the preservation, protection and use of the property.

The following provides a brief overview of the five historic properties being nominated for landmark registration in 2021: Pioneer Memorial Park, the Main Street Landing, Grove Street Overlook, Oliver Street Overlook, and Riverwood Boulevard Overlook. All five of the properties have been thoroughly investigated and found to meet the eligibility criteria for designation as Newport Heritage Landmarks by the HPC. The public hearing for the landmark nominations has been tentatively scheduled for the regular HPC meeting on April 10. State law provides for a 60-day review and comment period before any local landmark designation can be acted on by the city council.

## **Pioneer Memorial Park**

The historic name of the property being nominated is Pioneer Memorial Park. Previous to 1942 it was commonly referred to as "Memorial Park" or simply the "Village Park." The historic site is classified as a designed historic landscape and has been assigned number WA-NWC-059 in the statewide historic resources inventory. The subject property covers approximately 1.7 acres and is bounded on the north by Park Place, on the east by Fourth Avenue, on the south by Sixth Street, and on the west by Second Avenue. (When the park was laid out, these thoroughfares were known, respectively, as "School Street,"

“Fourth Street,” “Main Street,” and “Second Street.”) The Mississippi River is visible from the western portion of the site. The terrain within the park is flat and depth to bedrock is less than two feet; several large, partially buried granitic boulders are exposed on the surface. Originally a mosaic of woodland and grassland, the present-day site vegetation is predominantly greensward, with scattered deciduous and evergreen trees. As laid out by the WPA in 1940, the park was screened on all sides by a continuous hedgerow of common buckthorn (*Rhamnus cathartica*), which was at that time a popular hedging material (it is now considered an invasive species). Parts of the original hedgerow have been removed and the remaining shrubs form a dense, nearly impenetrable thicket.

The only historic building on the site is a single-story concrete masonry structure located in the center of the park off Sixth Street. Constructed in 1949 to house the summer recreation center and to serve as the ice skating rink warming house, the building replaced a wood-frame structure built in 1939. It has been used for storage since the 1970s. The exterior walls are constructed of hollow concrete blocks and the flat roof is hidden behind a low, stepped parapet wall.

Recreation facilities in the park include two picnic shelters, playground equipment, basketball and volleyball courts, horseshoe pits, picnic tables and grills. There is a small gravel surface parking area off Sixth Street and a concrete sidewalk connects it with the picnic shelters. Most of these fixtures are less than thirty years old and are therefore considered non-historic. The park is also home to the Newport Heritage Monument (established in 2000) and the Newport Veterans’ Memorial (established in 2012).

On June 5, 1936, a delegation of citizens addressed the Newport village council asking for the creation of a municipal park honoring local Civil War veterans. The matter was approved by a large majority of voters in a referendum held on December 8. The two-acre site was purchased for \$1850 the following year and some minor improvements were undertaken prior to 1939, when the grounds were laid out and landscaped according to a plan developed by the Works Progress Administration (WPA) as part of a “city-wide improvement project” sponsored by the Village of Newport. The park was acquired by the village government in 1937 and officially named Pioneer Memorial Park in 1941. Its historical significance is the product of its association with the Works Progress Administration (WPA) and the broad pattern of mid-twentieth century suburban development in Newport. The park is also significant for its association with an important historical event related to Newport’s Civil War heritage: the mustering of Company B, Third Minnesota Volunteer Infantry Regiment, on September 25, 1861. Although it has been altered somewhat from its original appearance, the park retains historic integrity of the physical features necessary to convey its historic character and preservation value.

The management concept for the park is rehabilitation, defined as the process of maintaining the property in a state of utility through repairs and minor alterations which make possible an efficient contemporary use while preserving those features which are significant to its historical and landscape architectural values. The buckthorn hedge is a historically important landscape feature of the park and should be retained. In the event that replacement is necessary, the new hedge plantings should match the original buckthorn as closely as possible in size, shape, color, texture and visual character. Mature hardwood trees are a historically important landscape feature of the park and the existing trees should be retained. Restoration of the oak grove would be appropriate. Native species are preferred for replacement trees. Construction of new park buildings should be kept to a minimum and the new buildings should be designed to complement rather than detract from the site’s historic character.

## Main Street Landing

The nominated property is a cultural landscape site located at the foot of 6<sup>th</sup> Street (historic Main Street), overlooking the Mississippi River. The historic name is Main Street Landing; it was also known historically as the Main Street Levee and is sometimes referred to as the 6<sup>th</sup> Street Overlook in city park plans. The site has been assigned number WA-NWC-096 in the statewide historic resources inventory. The heritage preservation resource extends from where 6<sup>th</sup> Street dead-ends, approximately 130 feet west of Second Avenue, to the river's edge. From the end of the city street, a narrow two-track gravel driveway follows the steep incline down to the riverbank. Site topography is dominated by the bench-like bedrock terrace, which is badly gullied and appears to have been graded to provide better access to the river. Bedrock outcrops occur naturally along the edge of the terrace but the surface material consists chiefly of silt, sand, gravel and stone rubble. The ground cover is a mix of grasses, shrubs and scattered deciduous trees. A substantial portion of the historic levee has been permanently inundated by the river since the creation of the 9-foot navigation channel in 1930. The viewshed from the landing encompasses Newport Island (in Dakota County) and about a mile's length of the main river channel. At the present time, the landing is one of four river access points maintained by the city. Public use of the site is limited to shore fishing and other passive recreation activities.

Based on historical evidence, the steamboat landing covered the natural levee at the western end of Main Street and may have extended as far east as present-day Second Avenue. The site is shown on the original Newport townsite plat of survey that was filed with the Washington County recorder of deeds on May 2, 1857; on this map, the entire riverfront is labeled as "levee" and Main Street is aligned perpendicular to the river, with an 80-foot wide right-of-way over all of its seven-block length. Some activities related to the operation of the landing (for example, the Wentworth trading post and the Diamond Jo Line grain warehouse) were situated on the adjacent lots. Although no traces remain of any above-ground historic structures, the potential exists for intact archaeological resources associated with the steamboat landing. Twentieth century residential development may have encroached upon parts of the historic steamboat landing.

The site was used by river steamboats from the time Newport was first settled during the 1850s until the early 1900s. Located eight miles below St. Paul's "lower levee" (at the foot of what is now Jackson Street), the landing was well situated with respect to the river trade. Because the main river channel at this location is relatively straight and passes close by east bank of the river, the Main Street Landing offered a convenient place for paddlewheel steamboats to pull up head-on and lay their gangplanks onto the shore. The landing is clearly shown on the 1857 townsite plat and late-nineteenth century river charts. The historical record does not indicate the presence of a wharf, dock or moorings. It continued to be used by small watercraft until the 1940s.

In its pre-lock and dam condition, the Mississippi River at Newport consisted of a narrow but relatively deep main channel bordered by shallow backwater areas, islands and forested swamps. The average depth of water in the steamboat channel was measured at between three and six feet, which made navigation difficult when the river's flow decreased during the late summer and fall. The channel was often partially obstructed by snags, boulders and sandbars during the low-water season. The typical river steamboat displaced 200-300 tons and drew 3-4 feet of water, which meant that sometimes the Main Street Landing was a tough place for a steamboat to get in or out of. In his memoir, *Old Times on the Upper Mississippi*, George Byron Merrick (1841-1931) describes an incident he personally observed involving the Diamond Jo Line steamer "Mary Morton", which became stuck after putting ashore at Newport in 1881.

Wheat was an important nineteenth century agricultural commodity and southern Washington County was part of Minnesota's original "wheat belt"—according to the returns of the 1870 census, Washington County farmers harvested 444,311 bushels of spring wheat that year. Much of the grain shipped from southern Minnesota between the late 1850s and the 1870s was carried aboard steamboats. Newport's location in an expanding agricultural district near the head of navigation was a distinctive advantage for the village's original proprietors. Most of the wheat shipped from Newport was probably destined for the flour mills at Winona, then the largest primary grain market in the Upper Mississippi Valley. Some of the flour produced at the E. M. Shelton & Bros. gristmill at the foot of Mill Street (modern-day 8<sup>th</sup> Street) may have been loaded onto steamboats at the Main Street landing, which also provided direct access to a grain storage warehouse operated by the Diamond Jo Line, a prominent grain shipping company based in Dubuque. Founded in 1867 by Joseph "Diamond Jo" Reynolds (1819-1891), the Diamond Jo Line was the biggest steamship company on the Upper Mississippi River and a major player in the grain trade. The landing at Newport was one of several intermediate depots utilized by the company between about 1867 and 1895. The precise location of the Diamond Jo warehouse is not known and no detailed description of the structure has survived. Until the late 1860s, most of the wheat carried in the holds of steamboats was shipped in sacks in order to make handling easier, but after about 1870 it was common to ship grain in bulk in large, flat-bottomed, shallow-draft barges that were towed or pushed by steamboats. The typical "flat" warehouse used for storing bulk grain by barge was a wood-frame structure with a capacity of a few thousand bushels, built on an incline so that grain received at the upper end could be more easily loaded onto a barge at the water's edge. Railroads eventually captured the Upper Mississippi grain trade and by the 1880s very little Minnesota wheat was transported by river boats.

Steamboats operated by the Diamond Jo Line and other packet companies also carried passengers and general freight. The Newport landing also served a small trading house operated by David and Elizabeth Holton Wentworth. The Wentworths were pioneer settlers at Red Rock who moved downriver to Newport village shortly after the townsite was platted. David Wentworth (1819-1864) kept a store in his dwelling where local settlers and Indians came to trade; after his death while serving in the Union Army (their son John also died while in military service), Elizabeth (1819-1900) continued to operate the trading post until about 1880, when she relocated to St. Paul. The Wentworth establishment was purportedly located above the steamboat landing near the southeast corner of Second Avenue and Sixth Street, outside the historic site boundaries.

Several early-twentieth century references to the landing appear in the minutes of the Newport village council. In 1911 the council designated the lower part of Main Street as a "parkway" and authorized abutting landowners to plant shade trees in the boulevard. Five years later, the council looked into the operation of a "boat tramway" at the end of Main Street—said tramway was most likely a conveyance used to transport boats into and out of the water using cables and a metal track. Recreational motor boating on the river became popular during the 1920s and Newport was home to a number of power boat enthusiasts. Use of the landing as a public boat launch was discussed by the council at several meetings during the 1930s. In 1935, public use of the landing had grown to the point where the council ordered a sign placed at the end of Main Street, "so that any boats plying the river might know it was a landing place." When the council renamed the village streets in 1940, Main Street became 6<sup>th</sup> Street. Encroaching riverfront residential development during the postwar period probably made the site less attractive as a boat landing and while it was never officially closed to public use, no further action was taken by municipal authorities to develop the site for recreational use until 2009, when a short-lived fishing pier was installed.

The management plan for the Main Street Landing focuses on rehabilitation to sustain continued public use while preserving those site features which are significant to its historical and landscape values. The distinguishing physical characteristics of the site and its environment will not be substantially altered or destroyed as a result of any action taken by the city. Careful consideration should be given to preventing

river bank erosion and mitigating damage from flooding. Grading, filling and other landscaping should be kept to a minimum and the new work should be designed to be compatible with the site's historic character. Informational, way-finding and interpretive signage will not be discouraged when such signs are compatible with the site's historic character. Installation of fencing, walkways, boat docks, fishing piers, and other improvements should be kept to a minimum and designed to be compatible with the site's historic character; and these installations should be carried out in such a manner that the integrity of the historic landscape is not compromised.

### **Grove Street Overlook**

The historic name of the property being nominated is the Grove Street Overlook; it is also commonly known as the 10<sup>th</sup> Street Overlook. (The three riverfront overlooks are sometimes referred to as "lookouts" by longtime Newport residents.) It is classified as a designed historic landscape and assigned number WA-NWC-024 in the statewide historic resources inventory. The historic site boundaries encompass the public right-of-way at the end of 10<sup>th</sup> Street, extending from the end of the pavement down to the river's edge, a distance of approximately 100 feet. Site topography is dominated by the bench-like bedrock terrace, the active river floodplain and the steeply sloped terrace escarpment which separates them. Site vegetation is currently a mix of hardwood trees, turf grass and perennial flowers. The upper level of the overlook is approximately twelve feet above the surface of the river and the viewshed encompasses Newport Island (in Dakota County), the site of the former Rock Island swing bridge between St. Paul Park and Inver Grove Heights, and about a mile's length of the main river channel in Navigation Pool 2. The southern (downstream) boundary of the historic site abuts the F. A. Marko Riverfront (a registered Newport Heritage Landmark) at 121 10<sup>th</sup> Street. At the present time, the overlook is one of four river access points owned and maintained by the city.

Historically, the overlook consisted of a small tract of public open space with two freestanding rubble masonry walls, built parallel to the river. The walls were made of locally quarried, hammer-dressed pieces of Platteville limestone laid in random courses with mortared joints and were aligned parallel to the river. The lower wall was placed at the river's edge. The upper wall was situated at the top of the terrace and had a narrow opening that allowed pedestrian access to the river. Both walls originally stood approximately four feet high and were capped by a cement coping. The only architectural detailing consisted of symmetrically spaced stone piers with cement caps, which were primarily decorative but may have provided some lateral support. The lower stone wall is no longer extant: it sustained heavy damage during the great flood of 1993 and was replaced by a monolithic poured-in-place concrete retaining wall. Much of the upper stone wall is missing and the structure has sustained damage from vandalism.

The overlook underwent a major program of rehabilitation in 2004. A new landscape plan designed by Sanders Wacker Bergley, Inc. of St. Paul resulted in removal of brush, grading, sodding, installation of shrubs and perennial plantings, and construction of a serpentine concrete sidewalk and plaza to provide ADA compliant pedestrian access from the end of the street down to the river. Work was also done to stabilize the upper stone wall and collect some of the dislodged stone pieces.

The Grove Street Overlook is one of three river public use sites that were developed under the auspices of the Works Progress Administration (WPA). The landscaped sites were intended to attract sightseers who would drive their cars to the end of the street, park, and walk down to the river's edge. Newport has about two and one-half miles of riverfront and the Mississippi has played an important role in the physical development of the community as a land shaping agent, political boundary, transportation corridor, waterpower resource, tourist attraction, and waste disposal conduit. However, riverfront development for non-industrial uses is a fairly recent phenomenon and at the time the overlooks were built there were only a handful of Newport residents living on riverfront property. By the end of the nineteenth century, the river was highly contaminated from agricultural pollutants, industrial waste, and untreated sewage.



Construction of the Twin Cities lock and dam in 1917 slowed the river's current and diminished the purging effects of the spring floods. Mats of sludge caused by bacterial action and gasification from decomposing pollutants often covered the surface of the river and created an almost unbearable stench during the summer. Dumping of slaughterhouse waste from the meat packing plants at Red Rock and South St. Paul sometimes filled the river for miles downstream with rotting animal carcasses and offal. As early as 1929, Newport village officials protested to state legislators about pollution of the river and in 1933 the council advised the state that the raw sewage being dumped into the river was a "serious menace" to public health. The Metropolitan Drainage Commission was created in 1927 to develop a plan for mitigating the pollution problem and in 1933 its successor, the Minneapolis-St. Paul Sanitary District, began planning for a Twin Cities area sewage treatment plant at Pig's Eye Island. The district secured \$16 million in federal funds from the WPA and started construction in 1936. The plant became operational in 1938.

The general management strategy for the Grove Street Overlook calls for rehabilitation of the historic site through repairs and minor alterations which make possible an efficient public use while preserving those site features which are significant to its historical and landscape values. The distinguishing physical characteristics of the site and its environment will not be substantially altered or destroyed as a result of any action taken by the city. Every reasonable effort should be made to protect and preserve the ruins of the upper stone wall, retaining the original limestone rubble and mortar whenever possible. If the wall is restored to its original form, the missing stonework should be replaced with new limestone rubble and mortar that matches the old in size, design, color, texture and other visual qualities. Restoration of the lower wall is probably not feasible.

### **Oliver Street Overlook**

The historic name of the property being nominated is the Oliver Street Overlook; it is commonly known as the Park Place Overlook. The historic site is located at the western end of Park Place (historic Oliver Street) overlooking the Mississippi River. It is owned by the City of Newport and has been assigned number WA-NWC-094 in the statewide historic resources inventory. The heritage preservation resource extends from Second Avenue (historic Second Street) down to the river's edge, a distance of approximately 300 feet. Site vegetation is a mix of hardwood trees, shrubs, and turf grass. The overlook is approximately twelve feet above the surface of the river and the viewshed encompasses Newport Island (in Dakota County) and about a mile's length of the main river channel in Navigation Pool 2. The property occupies the 60-foot right-of-way of Oliver Street between Blocks 5 and 15, as originally platted in 1857. Pioneer Memorial Park is located directly west of the overlook, which abuts private residential properties on the north and south. At the present time, the overlook is one of four river access points owned and maintained by the city. Public use of the site is limited to shore fishing and other passive recreation activities.

Historically, the overlook consisted of a small tract of public open space with a freestanding rubble masonry walls built parallel to the river. The wall is made of locally quarried, hammer-dressed pieces of Platteville limestone laid in random courses with mortared joints. The structure is approximately three feet high and fifty feet in length. The wall has a three-foot wide opening in the center which allows pedestrian access to the river. The only architectural detailing consists of three stone piers with cement caps, which are primarily decorative but may provide some lateral support. The cement coping is badly deteriorated and the downstream pier appears to have been demolished; otherwise, the stonework is structurally sound and in a good state of preservation.

Built in 1939 under the auspices of the Works Progress Administration (WPA), the Oliver Street Overlook meets the Newport Heritage Landmark eligibility criteria on the basis of its historical association with three important themes: WPA "rustic" landscape architecture, the changing Mississippi

River environment and the development of Newport's riverfront neighborhood. The historic site is one of the city's original public parks and illustrates the importance of the Pig's Eye waste treatment plant in improving water quality in the Mississippi River, thereby attracting residential development to Newport's riverfront neighborhood. The site has good historic integrity of location, design, materials, workmanship, setting, feeling, and association.

The general management concept for the Oliver Street Overlook is rehabilitation, including repairs and rehabilitation which make possible an efficient public use while preserving those site features which are significant to its historical and landscape values. The distinguishing physical characteristics of the site and its environment will not be substantially altered or destroyed as a result of any action taken by the city. Careful consideration should be given to preventing river bank erosion and mitigating damage from flooding. Grading, filling, and other landscaping should be kept to a minimum and the new work should be designed to be compatible with the site's historic character. Informational, way-finding and interpretive signage will not be discouraged when such signs are compatible with the site's historic character. The original limestone rubble and mortar will be whenever possible. If broken or missing stone needs to be replaced, the new material should match the old in size, color, texture and other visual qualities.

### **Riverwood Boulevard Overlook**

The historic name of the property being nominated is the Riverwood Boulevard Overlook; it is commonly known as the 12<sup>th</sup> Street Overlook and has been assigned number WA-NWC-095 in the statewide historic resources inventory. The property covers less than one acre and is owned by the City of Newport. The subject property is located at the west end of 12<sup>th</sup> Street (historic Riverwood Boulevard, originally platted in 1857 as North Street), overlooking the main channel of the Mississippi River. For planning purposes, the heritage preservation resource extends from the end of the pavement (approximately 135 feet west of Second Avenue) down to the river's edge. Site topography is dominated by the bench-like bedrock terrace, the active river floodplain and the steeply sloped escarpment that separates them. Site vegetation is a mix of hardwood trees, shrubs, and turf grass. The overlook is approximately twelve feet above the surface of the river and the viewshed encompasses Newport Island (in Dakota County) and about a mile's length of the main river channel in Navigation Pool 2. The property occupies the 60-foot right-of-way of Riverwood Boulevard between Lots 20 and 21 in the Riverwood Acres No. 1 subdivision (platted in 1935) and abuts private residential properties on the north and south. One of the city's storm sewer lines outfalls near the overlook. At the present time, the historic site is one of four river access points owned and maintained by the city.

Built in 1939, the overlook consisted of a small tract of public open space with a freestanding rubble masonry wall. The wall is made of locally quarried, hammer-dressed pieces of Platteville limestone laid in random courses with mortared joints. It stands approximately three feet high and is fifty feet in length. The wall is slightly curved, with the open side facing the river. The only architectural detailing consists of the cement coping and a semi-circular stone pediment in the center of the wall. The cement coping is badly deteriorated and some of the limestone rubble has been removed; otherwise, the stonework is structurally sound and in a fair state of preservation.

The Riverwood Boulevard Overlook meets the same Newport Heritage Landmark eligibility criteria as the Oliver Street Overlook and the Grove Street Overlook. The management concept for the Riverwood Boulevard Overlook is also the same as the Oliver Street Overlook.



# MEMO

TO: Newport Planning Commission

FROM: Deb Hill, City Administrator

DATE: February 11, 2021

SUBJECT: PC Regular Meeting Day and Time

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**Background:** Mayor Elliott and the City Council have inquired to if there is a different day the Planning Commission could meet other than Thursday.

**Discussion:** Changing the date will allow for the City Council packet to be put out without needing updates from the Planning Commission or delaying Planning actions until the first Council meeting of the following month.

**Recommendation:** Staff is looking for direction from the Planning Commission if a change of day and time of the regular scheduled meeting is feasible.

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