



**CITY OF NEWPORT
PLANNING COMMISSION MEETING
NEWPORT CITY HALL
June 14, 2022 – 5:30 P.M.**

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

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

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. MEETING MINUTES
 - A. May 10, 2022
4. PUBLIC HEARING- Zoning Codes
 - A. Impervious Surface Limitations in the MRCCA
 - B. Impervious Surface Definition
 - C. Foundation Wall Setbacks
 - D. Accessory Structure Footprint Interpretation
 - E. Front Yard Lot Line and Yard Area Definitions
 - F. Sight Line Triangles
5. COMMISSION REPORTS
6. ADJOURNMENT



**CITY OF NEWPORT
PLANNING COMMISSION MEETING MINUTES
NEWPORT CITY HALL
May 10, 2022**

1. CALL TO ORDER

Chair Leyde called the Planning Commission to order at 5:30 p.m. on May 10, 2022.

2. ROLL CALL

Present (5): Chairman Brandon Leyde, Commissioner Maria Bonilla, Commissioner Anthony Mahmood, Commissioner Tami Fuelling, and Commissioner Michael Kermes.

Not Present (0): None.

3. MEETING MINUTES

A. April 12, 2022

Commissioner Mahmood motioned to approve the Planning Commission Minutes from April 12, 2022. Seconded by Commissioner Kermes. Approved 5-0.

4. PUBLIC HEARING- Zoning Text Amendment

City Planner Nathan Fuerst stated there are two items to discuss tonight and they both require public hearings. The first is a zoning text amendment. Specifically, they are looking to add their use as a conditional use in the MX-3 district. The second request is a conditional use permit (CUP) to allow that use on a property in the city. The subject area is the old imperial camper site. The applicant is bioLawn and they are looking to use the northwest corner of that site. The southeast area of the property would be a future redevelopment area and not subject to the CUP request.

Planner Fuerst stated the first question is how we define the use for the zoning text amendment. The use could be defined generally such as a contracting office, specialty contractor, or contracting administration. The other option would be more specific such as landscaping consultant, limited landscaping company, or lawn service consultant. Staff recommends the more general approach which is going to allow the city more flexibility over time and gave a proposed definition for a contracting office. The second questions is how do we want to codify this zoning text amendment into the city code. We could create criteria that is used as qualifying criteria such as size and location of parcel. Conditions of a CUP are noise, screening, landscaping, hours of operation, etc.

Planner Fuerst stated with a CUP there are required findings or criteria that should be considered by the city when deciding whether to approve a CUP. These include consistency with the comprehensive plan, zoning, mitigating negative impacts to health and safety and public infrastructure, providing adequate screening and landscaping to mitigate impacts on surrounding uses, etc. bioLawn is proposing a number of improvements to this site. Staff is proposing eleven proposed conditions as listed in the staff report.

Chair Leyde opened the Public Hearing for the Zoning Text Amendment at 5:48 p.m. on May 10, 2022.

Bill Sumner, residing at 737 21st Street, addressed the Commission. Mr. Sumner inquired if the one quarter of the four blocks that is owned by city property will impact required setbacks any differently than if that was owned by a private party. Planner Fuerst stated the zoning district will remain MX-3 so the setbacks will be the same for all uses. Mr. Sumner stated he is thankful to see this increased flexibility to bring in a quality business.

Chair Leyde closed the Public Hearing for the Zoning Text Amendment at 5:50 p.m. on May 10, 2022.

Commissioner Mahmood motioned to recommend the zoning text amendment request, with the language drafted by staff, to the City Council for approval. Seconded by Commissioner Fueling. Approved 5-0.

5. PUBLIC HEARING- CUP bioLawn, 1139 Tibbetts Place

Chair Leyde opened the Public Hearing for the CUP for bioLawn at 5:51 p.m. on May 10, 2022.

Mr. Sumner stated he approves this use of a CUP to bring in this new business to Newport.

Chair Leyde closed the Public Hearing for the CUP for bioLawn at 5:53 p.m. on May 10, 2022.

Commissioner Fuelling motioned to recommend the Conditional Use Permit request by bioLawn to the City Council for approval with conditions 1-11 recommended by staff. Seconded by Commissioner Bonilla. Approved 5-0.

6. YARD DEFINITIONS

Assistant to the City Administrator Travis Brierley stated that due to recent development and also looking at our fence ordinance, one thing we keep running into is definitions of front yards that is causing restrictions and non-conformities. Double frontage and double cornered parcels cause issues. Staff is looking at bringing proposed ordinance changes to the next Planning Commission for a Public Hearing. The changes would have language similar to our neighboring cities.

Member Bonilla inquired what a double corner lot looks like. Assistant Brierley brought up an online map to point out an example of a double corner lot. Assistant Brierley explained that a single corner lot has two front yards and two backyards.

Assistant Brierley stated we want to reasonably apply the definitions of our code and still keep safety at the forefront.

7. COMMISSION REPORTS

None.

8. ADJOURNMENT

Commissioner Bonilla motioned to adjourn the Planning Commissioner Meeting. Seconded by Commissioner Kermes. Approved 5-0.

The Planning Commission Meeting was adjourned at 5:58 p.m. on May 10, 2022.

Respectfully Submitted:
Jill Thiesfeld,
Administrative Assistant II

Signed: _____
Brandon Leyde, Chairman



MEMORANDUM

Memo Date: June 9, 2022
Meeting Date: June 14, 2022
To: City of Newport Planning Commission
From: Nathan Fuerst, City Planner
Subject: Draft Ordinance 2022-04 Housekeeping Related Text Amendments

Action Requested: Review the ordinance amendments proposed by City Staff. Make a recommendation to the City Council regarding approval of the draft ordinance 2022-04

Overview:

Recently, staff were requested to review the Zoning Code to address various issues identified with specific provisions. At its regular meeting on April 12, 2022, the Planning Commission requested that staff prepare a draft ordinance that would address issues:

- **Impervious Surface Limitations in the MRCCA** – The commission asked staff to address the limitation of impervious surface in the City's MRCCA overlay area where it is not required by DNR Rules.
- **Impervious Surface Definition** – The City's existing definition of *Impervious Surface* includes decks. The commission requested that an exception be made for decks where water is able to permeate through the decking. This would give residential property owners outside of the shoreland overlay, where the definition will remain unchanged, additional flexibility to meet the City's lot coverage standard.
- **Foundation Wall Setbacks** – A provision establishing a foundation wall setback is found as a footnote in the residential performance standards table. This provision is problematic because it does not seem to address any real problem and could create future enforcement issues for the City.
- **Accessory Structure Footprint Interpretation** – The Planning commission provided an interpretation which staff have utilized. A minor text revision is proposed to further clarify and support the Planning Commission's interpretation of the footprint permitted for a residential accessory structure.

In the time since April's Planning Commission Meeting, staff have also identified the following issues which could also be easily addressed at this time:

- **Front Yard Lot Line and Yard Area Definitions** – Staff received City Council support to explore changes to the definitions of front yard lot lines and yard areas to permit more flexibility in how these areas are established when reviewing proposed property improvements.
- **Sight Triangle** – Staff are seeking to provide more strict guidance to property owners for the purpose of health, safety, and welfare. A standard sight triangle requirement will reduce issues with safety at intersections. This language already exists in the City Code but this provision will establish it as a uniform requirement.

Impervious Surface Requirements in the Mississippi River Corridor Critical Area (MRCCA):

Proposed amendment:

Staff are proposing to remove the cross reference specifically only to the MRCCA district regulations. This is on the basis that those requirements do not actually contain a limit on impervious surface. Removing the cross reference to the MRCCA would still require R-1 Properties within the Shoreland Overlay to meet the impervious coverage limit. It would increase the maximum coverage for R-1 properties outside the Shoreland Overlay to 35%.

*35 percent (25 percent in Shoreland ~~AND MRCCA~~ District ****)*

***** See Shoreland Management and MRCCA district regulations sections [36-328](#) and [36-360](#).*

Staff Assessment:

The DNR's Model MRCCA ordinance is written to reflect state and federal rules regarding land uses surrounding the Mississippi River. The DNR MRCCA Model does not contain language regarding an impervious surface coverage limit but does contain language regarding setbacks and placement. Staff contacted DNR staff regarding this provision and received confirmation that this is the case.

Impervious Surface Definition:

Proposed amendment:

Staff were asked to review the definition for Impervious Surface in both the Zoning Ordinance definitions ([Sec. 36-1](#)) and Shoreland Management District ([Sec. 36-330](#)). While currently the same, flexibility is desired in areas outside of the shoreland overlay district by exempting decks from the Zoning Ordinance's definition of impervious surface while retaining them in the Shoreland Management District.

Impervious surface means a constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; ~~decks~~; sidewalks; patios; swimming pools; parking lots; concrete, asphalt, or gravel driveways; and other similar surfaces. Exception: decks allowing water to permeate through decking shall not be considered as an impervious surface when calculating lot coverage percentage.

Staff assessment:

Cities have discretion to define impervious surface. Instead of simply deleting the term from the definition staff are proposing an explicit exemption to help keep the distinction between the definitions clear.

Foundation Wall Setbacks:

Proposed amendment:

Staff suggest removing the foundation wall setback requirement on the basis that it does not directly address any known issues with setbacks. Rather, this provision appears that it could be intended to provide protection to structures that abut properties under construction. This requirement is found as a footnote at the end of Section 36-208.

~~ 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.~~*

Staff assessment:

The City Code already establishes setbacks for structures from property boundaries. This provision could become an issue in several ways. It could necessitate variances that would otherwise be avoided, and it seems to be directed at circumstances that could cause the City to be involved in what would otherwise be private property disputes.

Accessory Structure Footprint Interpretation

Proposed amendment:

Staff suggest clarifying section 36-161.3.a.5 based on an interpretation made by the Planning Commission that the square footage for accessory structures is measured based on the footprint. In situations where the footprint and overall square footage of accessory structures is not the same, the footprint would be used to assess conformance with City Code requirements.

Footprint ~~Square footage~~. Except in the RE District, the total footprint of all garage space, whether attached or detached, and of all accessory structure space for single family residential uses shall be no larger than the footprint of the principal structure, and shall total a maximum footprint of 2,000 square feet; except that a residential lot shall be allowed at least 500 square feet of garage space regardless of the house size, as long as the required setbacks and other standards are met.

Staff assessment:

Staff believe this change will aid in clarity of the ordinance and are therefore suggesting it consistent with the Planning Commission's interpretation of the intent for this code section.

Front Yard Area Definitions and Standards

Proposed amendment:

Staff suggest clarifying section 36-1 (definitions) to address issues created by existing definitions for Front Lot Line and Front Yard. Additional flexibility is required in certain cases for the interpretation of where front lot lines are established. Therefore language is proposed that allows the zoning administrator to make interpretations where needed.

The existing definition of front yard areas requires the city to interpret corner lots as having two front yards. This has caused issues for residents seeking improvements within a yard area that would otherwise be considered a side yard.

Lot line, front, means the boundary of a lot abutting a street easement or right-of-way. On a corner lot, the shortest street lot line shall be considered the front lot line. The Zoning Administrator shall determine the front lot line where clarification is required.

Yard, front, means a yard extending across the front of a lot between the side yard lines and lying between the front street line of the lot or right-of-way and the required front yard setback line. ~~which front yard shall be provided on both street frontages of corner lots and double frontage lots.~~

Staff assessment:

Staff believe these are the simplest changes to create the desired flexibility for front yard areas.

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Sight Triangles

Proposed amendment:

Staff suggest adding a universal requirement to the Performance Standards for All Districts (Sec. 36-161) to incorporate language needed to ensure greater safety at intersections.

(7) Sight Triangle. Nothing shall be placed or allowed to grow in such a manner as to impede vision between a height of 2½ and ten feet above the centerline grades of the intersecting streets within a triangular area 30 feet from the intersecting street right-of-way lines.

Staff assessment:

Staff believe this is the simplest amendment to implement the desired language as a requirement for all properties.

Staff Recommendation:

The Planning Commission Hold a Public Hearing on the proposed amendments.

Staff recommends that the Planning Commission discuss the proposed amendments, ask questions of staff, and provide findings and a recommendation to the City Council supporting approval of the draft ordinance.

Example Motion:

“Move to recommend that the City Council adopt draft ordinance 2022-04 as written [or with xyz changes]”

Resources (links only unless noted otherwise):

- Draft Ordinance 2022-04 (attached)
- City Zoning Map (attached)
- Commission Packet – [April 12, 2022](#) Planning Commission Meeting
- City Code – [Section 36-1](#) – Definitions
- City Code – [Section 36-161](#) – Performance Standards for All Districts
- City Code – [Section 36-208](#) – Residential lot area, depth, width, coverage, setbacks and heights
- City Code – [Section 36-328](#) – Shoreland Management District
- City Code – [Section 36-360](#) – Mississippi River Critical Corridor Area

City of Newport, MN
Ordinance No. 2022-04

An Ordinance Amending Chapter 36, Article I, Section 36-1, Chapter 36, Article III, Division II, Section 36-161 and Chapter 36, Article IV, Sections 36-208.

THE CITY COUNCIL OF THE CITY OF NEWPORT DOES ORDAIN THAT (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted, sections which are only proposed to be re-numbered are only set forth below as to their number and title):

SECTION 1. City of Newport City Code, Chapter 36 – Zoning, Article 1- In General

Sec. 36-1. Definitions.

Impervious surface means a constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; decks; sidewalks; patios; swimming pools; parking lots; concrete, asphalt, or gravel driveways; and other similar surfaces. Exception: decks allowing water to permeate through decking shall not be considered as an impervious surface when calculating lot coverage percentage.

Lot line, front, means the boundary of a lot abutting a street easement or right-of-way. On a corner lot, the shortest street lot line shall be considered the front lot line. The Zoning Administrator shall determine the front lot line where clarification is required.

Yard, front, means a yard extending across the front of a lot between the side yard lines and lying between the front street line of the lot or right-of-way and the required front yard setback line, ~~which front yard shall be provided on both street frontages of corner lots and double frontage lots.~~

SECTION 2. City of Newport City Code, Chapter 36 – Zoning, Article III – District Regulations
Applicable to All Districts

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

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

- (1) *Utilities location.* When practical and feasible, all utilities shall be placed underground. All groundwork shall be completed prior to street surfacing. All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles.
- (2) *Fences.*
 - a. Fences in Business (B) and Industrial (I) Zoning Districts.
 1. A fence may be placed along a property line provided no physical damage of any kind results to the abutting property.
 2. The side of the fence considered the face (the finished side as opposed to the structural supports) shall face the abutting property.
 3. A fence shall be of one color or pattern, may not contain or support pictures, signage or lettering, and must be maintained in good condition and appearance.
 4. A fence shall only be constructed of the following materials:
 - (i) Treated wood, cedar, or redwood.
 - (ii) Simulated wood.
 - (iii) Decorative brick or stone.

- (iv) Wrought iron or aluminum designed to simulate wrought iron.
 - (v) Coated or non-coated chainlink.
 - (vi) Split rail.
 - (vii) Barbed wire. Barbed wire may be used for top fencing only around business and industrial uses where the base fence is at least six feet in height. The barbed wire portion of the fence may not exceed three strands, and shall have arms projecting into the applicant's property on which the barbed wire shall be fastened. The minimum height to the bottom strand of the barbed wire shall not be less than six feet from finished grade.
- 5. A fence may be no more than 12 feet in height.
 - 6. A fence shall not visually screen or interfere with streets, sidewalks, or vehicular traffic. No fence shall be closer than one foot from a public walkway.
 - 7. In the I-S District, a fence at least six feet in height shall be required around all storage tanks.
 - 8. No fence shall be constructed on public rights-of-way.
- b. Fences in the Residential (R) and Mixed Use (MX) Zoning Districts.
- 1. A fence may be placed along a property line provided no physical damage of any kind results to the abutting property.
 - 2. That side of the fence considered being the face (the finished side as opposed to the structural supports) shall face the abutting property.
 - 3. A fence in the front yard shall be of one color or pattern, and may not contain or support pictures, signage or lettering visible to a public street or to adjacent properties.
 - 4. A fence may be no more than four feet in height in the front yard.
 - 5. A fence may be no more than six feet in height in a side or rear yard, unless the side or rear lot line is common with the front yard of an abutting lot, in which case the portion of the side or rear lot line equal to the required front yard of the abutting lot may have a fence no more than four feet in height.
 - 6. Except in the RE District, electric fences may not be used.
 - 7. A fence shall not visually screen or interfere with streets, sidewalks, or vehicular traffic. No fence may be closer than one foot from a public walkway.
 - 8. All fences shall be maintained in good condition and appearance.
 - 9. A fence shall only be constructed of the following materials:
 - (i) Treated wood, cedar, or redwood.
 - (ii) Simulated wood.
 - (iii) Decorative brick or stone.
 - (iv) Wrought iron or aluminum designed to simulate wrought iron.
 - (v) Coated or non-coated chainlink.
 - (vi) Split rail.
 - (vii) Other materials or fence types as approved by the zoning administrator.
 - 10. Barbed wire fence material may be used for security purposes on the side and rear of nonresidential buildings in the MX districts with the approval of an administrative permit by the zoning administrator. The barbed wire portion of the fence shall not be placed in the front yard. Barbed wire may be used for top fencing only where the base fence is at least six feet in height. The barbed wire portion of the fence may not exceed three strands, and shall have arms projecting into the applicant's property on which the barbed wire must be fastened. The minimum height to the bottom strand of the barbed wire shall not be less than six feet from finished grade.
 - 11. Except in the RE District, welded wire shall not be used for fences on property boundaries.

12. Welded wire may be used in the RE District for fences on property boundaries of rear yards.
 13. Welded wire may only be used for small enclosures in all districts to protect vegetation such as trees, gardens, plants, and bushes.
 14. Except in the RE District, snow fences may not be used for fences.
 15. Snow fences may be erected in the RE District for controlling snow between November 1 and April 15. All snow fences must be removed by April 16.
 16. No fence shall be constructed on public rights-of-way.
- (3) *Single-family residential garage, accessory structure and driveway standards.*
- a. *Generally.* The following standards shall apply to all garages and accessory structures for single-family homes and duplexes in all zoning districts, and shall be in addition to the standards in section 36-208 and article VII, divisions 2 and 4 of this chapter. The intent of these standards shall be to reduce the impact of multiple vehicles and of large accessory structures on the residential character of the city.
 1. *Construction.* No accessory building or structure shall be constructed on a lot prior to construction of the primary structure. Building permits are required for all accessory structures.
 2. *Number.* A residential lot, other than a river riparian lot, may have no more than two accessory structures. A river riparian lot may have a guest cottage and a water-oriented accessory structure as regulated in article VII, division 2 of this chapter.
 3. *Height.* No garage, whether attached or detached, nor any accessory structure shall be taller than the principal structure on the lot as measured by the building height definition from section 36-1.
 4. *Location.* A detached accessory building shall not be located in any required front yard.
 5. *Footprint Square footage.* Except in the RE District, the total footprint of all garage space, whether attached or detached, and of all accessory structure space for single-family residential uses shall be no larger than the footprint of the principal structure, and shall total a maximum [footprint](#) of 2,000 square feet; except that a residential lot shall be allowed at least 500 square feet of garage space regardless of the house size, as long as the required setbacks and other standards are met.
 - b. *RE District.* In the RE District, the number and size of accessory structures permitted on residential lots is as follows:

Size of Parcel in RE District	Number of Accessory Structures	Total Area of Accessory Structures (footprint)
Less than 2 acres	2	Total footprint of all accessory structures may be no larger than the footprint of the principal structure, up to a maximum of 2,000 square feet. Minimum 500 square feet of accessory structures is permitted on all parcels regardless of house size if required setbacks are met.
2.0—4.99 acres	2	2,500 square feet.
5.0 acres or greater	2	Up to 2,500 total square feet is permitted. 2,500 total square feet to 3,500 maximum total square feet of

		accessory structures may be permitted with a conditional use permit.
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- c. *Structure area in the RE District between 2,500 and 3,500 square feet.* In order for the footprint of all accessory structures in the RE District to exceed 2,500 square feet, the following conditions must be satisfied through obtaining a conditional use permit pursuant to section 36-45:
 1. The parcel shall not be re-platted, split or subdivided such that it results in a lot size of less than three acres without first removing or altering the structure so that it conforms to the standards in this chapter.
 2. The site must demonstrate that the accessory structures do not encroach upon existing septic systems and that an alternative septic system area is protected.
 3. Plantings consisting of a combination of trees and shrubs shall be installed within the setback area providing a buffer between the accessory structure and future development on adjacent property.
 4. Any accessory structure or garage other than a garage attached to the principal structure on the site shall not be placed closer to the public right-of-way that constitutes the front yard of the parcel than the primary structure unless the structure is completely screened from public view by natural vegetation including trees and shrubbery.
 5. Subsections (3)d. through (3)l. of this section apply to the RE District as well.
- d. *Compatibility.*
 1. All accessory structures of any size shall be constructed of durable, finished materials and shall be compatible in color to the principal structure. All accessory structures over 150 square feet in area shall be compatible with the principal structure in terms of design, roof style, roof pitch, and color.
 2. If an accessory building is attached to the main building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this division applicable to the main building. An accessory building, unless attached to and made a part of the main building, shall not be closer than five feet to the main building, except as otherwise provided in this division.
- e. *Additional setback, square feet.* A garage, whether attached or detached, or an accessory structure shall provide an additional one foot of setback beyond the minimum front, side, or rear yard setbacks required in section 36-208, for every 20 square feet of area over 900 square feet of area in garages or accessory structures on the lot, except:
 1. An addition to an existing accessory structure which cannot meet the additional setbacks described above may extend an existing building edge at the existing setback line, but no closer to the lot line than the existing setback, and in no case closer than the minimum setbacks set forth in section 36-208.
 2. Such an extended building edge may be no more than 36 feet in length along any single property line. Any portion of an extended building edge longer than 36 feet in length must meet the additional setbacks described above in this section.
 3. In the RE District, a garage, whether attached or detached, or an accessory structure shall provide an additional one foot of setback beyond the minimum front, side and rear yard setbacks required in section 36-208, for every 40 square feet of area or portion thereof over 2,000 square feet of area in garages or accessory structures on the lot.
- f. *Additional setback, height.* A detached garage or an accessory structure shall provide an additional two feet of setback beyond the minimum required front, side, or rear yard setbacks for every one foot of height of its eave line over eight feet.

- g. *Door openings.* In the RE District, on lots at least three acres in size, there shall be no limit on the height of door openings for garages or other accessory structures. In all other cases, all door openings shall be eight feet in height or less, except that one door opening in one accessory structure per lot may be a maximum of 12 feet in height. In all districts, any door opening over eight feet in height shall be turned perpendicular to the front lot line so as not to face any public street, or, if facing a public street, it shall be set back an additional ten feet beyond the minimum front yard setback required in section 36-208 for every one foot of height of the door opening over eight feet.
 - h. *Subdivision.* No land shall be subdivided so as to have an accessory structure without a primary structure, or to have a larger building or structure than permitted by this division. When a property is developed or redeveloped and an existing accessory structure made nonconforming, the structure must be brought into conformance as part of the development approval or removed from the property.
 - i. *Use of accessory structures.* No accessory building shall at any time be used as a habitable building. No accessory structure in a residential district shall at any time be used for a commercial or industrial use. Use of accessory structures for home occupations is governed by section 36-180(b).
 - j. *Air conditioning units.* All air conditioning units excluding window units shall be located a minimum of 20 feet from all lot lines, but not within the front yard.
 - k. *Intermodal container or shipping containers.* All intermodal containers in residential districts shall be considered to be accessory structures, and shall meet all code requirements for accessory structures in residential districts, including those in sections 36-208, 36-162(3), and article VII, divisions 2 and 4 of this chapter.
 - l. *Driveways.* One driveway access to a public roadway is permitted for each lot.
- (4) *Covered storage building standards.* The intent of this section is to regulate the installation and maintenance of covered storage buildings, also known as tent garages or temporary carports. More specifically the intent of this section is to minimize the potential for these structures to become unsightly as seen from public rights-of-way or adjacent residential properties. The following standards and conditions apply to covered storage buildings:
- a. *Permitted as accessory structures.* Covered storage buildings are a permitted use as an accessory structure only in residential districts and shall not be permitted in general business, light industrial, general industrial, and industrial storage districts or for any commercial use or purpose within the mixed-use districts. Covered storage buildings shall comply with the standards outlined in section 36-162(3). In addition, the following criteria shall be applied to covered storage buildings permitted as an accessory structure:
 - 1. *Placement on lot.* The structure shall not be located in any front yard or adjacent to the driveway if located in the front yard. All other building setbacks must be met as established by the underlying zoning district.
 - 2. *Screening.* The structure shall be screened from public right-of-way and adjacent property with shrubbery, trees or fencing.
 - 3. *Maintenance.* Lawn areas around the structure shall be kept clear of tall weeds and grass. The condition of the structure shall comply with the standards found in section 18-72.
 - 4. *Number per residential lot.* Only one structure shall be permitted per residential lot.
 - 5. *Lot coverage and structure height.* Except as otherwise provided herein, all standards relating to structure height, lot coverage, and number of accessory structures on the lot as outlined in section 36-162(3) shall be met.
 - b. *Building permit required.* Installation of covered storage buildings over 336 square feet or ten feet in height require a building permit from building inspections.
- (5) *Off-street parking areas and driveways.*

- a. *Surfacing standards.* All off-street parking areas and driveways, shall be constructed with an improved surface to meet the following requirements:
 1. In all nonresidential districts (MX, B and I districts), all driveways, parking, loading, and service areas shall be constructed with a concrete, asphalt or a similar durable and dustless surface that meets the city's public works design manual. The periphery of all parking areas and drives in nonresidential districts (except parking areas for single-family and two-family residential uses in those districts) shall be constructed with poured-in-place concrete curbing, unless otherwise approved by the city.
 2. In Residential (R) districts, the first 40 feet of the driveway or the driveway area between the street and garage, whichever is less, shall be paved with concrete, asphalt or an acceptable surface that meets the city's public works design manual, except for properties whose main access is on a non-paved roadway.
 3. For residential uses, the maximum driveway width shall be 24 feet at the curb line and property line. For commercial, office, or industrial uses, the maximum driveway width shall be 32 feet at the curb line and property line.
 4. On residential properties, any parking or driveway surface located in the side or rear yard shall be constructed of one of the following: concrete, asphalt, Class V gravel (minimum six inches compacted), landscape rock (minimum six inches compacted), landscape paver blocks, or brick that meets the standards in city's public works design manual. All parking surfaces draining to a public paved street shall be paved, unless otherwise approved by the city. The city may exempt a property owner from the paving requirement if the property owner can demonstrate the runoff from the rock surface is solely directed onto his property or surface runoff meets the city's public works design manual.
- b. *Drainage standards.* Parking, loading and service areas of commercial and industrial uses shall be graded and drained so as to dispose of all surface water accumulation within the parcel to meet the city's public works design manual and other applicable stormwater management requirements. All surfacing shall be completed prior to occupancy of the structure, unless specific approval otherwise has been granted by the city.
- c. *Maintenance standards.* The city can require the entire or greater portion of driveways that serve commercial and industrial uses or the first 40 feet of residential uses to be paved to comply with the city's public works design manual at the point of property sale. If the pavement surface of a driveway or parking lot has deteriorated beyond maintenance or repair and does not comply with the public works design manual, the owner shall be required to remove and replace the driveway or off-street parking area pavement at the point of property sale in accordance with this division and the city's public works design manual.
- d. *Setbacks.* All parking areas shall be set back a minimum of five feet from property lines. All driveways shall be setback a minimum of five feet from side and rear property lines. Parking areas and driveways shall meet the standards in section 18-73.
- e. *Size.* In the R-1 and R-1A districts, the total area of the driveway and parking areas shall not exceed 35 percent of the front yard area. The lot coverage in the RE and nonresidential districts, including off-street parking areas, shall meet the requirements in sections 36-208 and 36-238.
- f. *Easements.* The parking or driveway surface may not encroach on any drainage and utility easement, except the front yard drainage and utility easement abutting the street.
- g. *Standard parking space dimensions.* Each off-street parking space shall be a minimum of nine feet wide by 18 feet deep. Access drives and aisles shall be a minimum of 24 feet wide for two-way traffic, and 18 feet wide for one-way traffic. Parking space dimensions for angled parking shall be approved by the zoning administrator, based on acceptable planning standards.

- h. *Compact car parking dimensions.* Parking spaces for compact cars may be included within a parking lot plan approved by the zoning administrator provided the spaces comprise no more than 40 percent of the spaces for the entire use or project, and provided they shall be clearly identified on the site and their location shall be designed carefully into the overall site plan. The spaces shall be a minimum of eight feet wide by 16 deep.
 - i. *Handicapped parking.* Parking for handicapped persons shall be provided in accordance with state and federal regulations.
 - j. *Access.* All off-street parking spaces for commercial and industrial uses shall have access from a private driveway and shall not access directly onto a public street.
 - k. *Location.* All parking spaces shall be on the same lot as the principal use for which they are intended, unless the city approves off-site parking for a principal use.
 - l. *Off-site parking location.* When required accessory off-street parking facilities are provided elsewhere than on the lot on which the principal use served is located, written authority of the property owner for using the property for off-street parking shall be filed with the city, confirming that the required number of off-street parking spaces will be maintained on the property during the existence of such principal use. No such parking facility shall, at its closest point, be located more than 400 feet from the principal use or building served.
- (6) *Number of off-street parking spaces.* The minimum number of off-street parking spaces required for uses in the residential, nonresidential, and most mixed use districts are identified below. Section 36-162(18)d of this section prescribes the number of off-street parking spaces required for uses in the MX-3 District.
- a. *Parking requirements for residential uses.*
 - 1. Single- and two-family dwellings: Two spaces per unit, at least one of which shall be enclosed.
 - 2. Multifamily residential dwellings with up to eight dwelling units per building: Two spaces per unit, at least one each of which shall be enclosed, plus one-half space per unit of visitor parking, apart from individual garages or reserved resident spaces, within 100 feet of the entrance to each private unit entrance or to the building entrance if there is a common entrance. Visitor spaces may be further away if they have enclosed access to the building.
 - 3. Multifamily residential dwelling with more than eight units: One and one-half spaces per unit for each efficiency or one-bedroom unit, at least one each of which shall be enclosed, and two spaces per unit for each unit with two or more bedrooms, at least one each of which shall be enclosed. In addition, there shall be one-half space per unit of visitor parking, apart from individual garages or reserved resident spaces, within 200 feet of the entrance to each private unit entrance or to the building entrance if there is a common entrance. Visitor spaces may be further away if they have enclosed access to the building.
 - 4. Driveway space: Driveway space immediately in front of a garage door, blocking normal access to the garage, may not be counted as part of the required parking space for any residential use.
 - b. *Parking requirements for nonresidential uses.*
 - 1. Retail sales and service uses: One space for each 250 square feet of gross floor area.
 - 2. Hotel or motel: One space per unit, plus one space per employee on the largest shift.
 - 3. Medical or dental clinic: Six spaces per doctor or dentist.
 - 4. Vehicle or equipment service and repair: Two spaces plus three spaces for each service stall.
 - 5. Restaurants, taverns, clubs, and similar uses: One space for each 2½ seats, based on maximum design capacity.

6. Offices, other than medical or dental: One space for each 250 square feet of gross floor area.
 7. Churches, theaters, auditoriums, funeral homes, and other places of assembly: One space for each three seats or for each five feet of pew or bleacher length, based on the maximum design capacity.
 8. Warehouse, storage, handling of bulk goods, industrial storage: One space for each two employees on the largest shift, or one space for each 2,000 square feet of gross floor area, whichever shall be greater.
 9. Manufacturing, light industrial, processing, and fabrication: One space per 500 square feet of gross floor area.
 10. Uses not specifically mentioned: As shall be determined by the zoning administrator.
 11. The maximum amount of surface parking spaces shall not exceed the specified minimum by more than ten percent, or two spaces, whichever is greater. If additional parking is desired, it must be placed underground, within an enclosed building, or in a tuck-under garage.
 12. On-street parking located in front of a commercial or mixed-use building may count toward the required number of parking spaces.
 13. For retail, medical, service and office uses, if a transit shelter is provided on site or in front of the building, then the minimum required number of parking spaces may be reduced by five percent but not to exceed five parking spaces total.
- c. *Location of parking.* Unless otherwise provided, required parking for all uses shall be within 400 feet of the entrance to the use.
- (7) *Sight Triangle.* Nothing shall be placed or allowed to grow in such a manner as to impede vision between a height of 2½ and ten feet above the centerline grades of the intersecting streets within a triangular area 30 feet from the intersecting street right-of-way lines.

SECTION 3. City of Newport City Code, Chapter 36 – Zoning, Article IV- Residential and Open Space Districts

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
Minimum Lot Area Per Unit (sq. ft.)					
Dwellings, single-family	Unsewered areas: 2 acres (87,120 sq. ft.) Sewered area: Use R-1 district standards	15,000 sq. ft.	7,800 sq. ft.	7,200 sq. ft.	N/A
Dwellings, duplex	—	—	—	6,000 sq. ft.	N/A
Dwellings, townhome or quadhome	—	—	—	3,650 sq. ft.	N/A

Dwellings, multi-family				2,200 sq. ft. (up to 20 units per developable acre)	N/A
Other uses	2 Acres	1 Acre	1 Acre	1 Acre	1 Acre
Minimum Lot Depth in Feet	200	150	130	120	N/A
Minimum Lot Width in Feet					
Interior lot/(corner lot)					
Dwellings, single-family	160/(200)	100/(120)	60/(75)	50/(60)	N/A
Dwellings, two family	—	—	—	60/(80)	N/A
Dwellings, more than two family	—	—	—	N/A	N/A
Other permitted uses	160/(200)	100/(120)	60/(75)	50/(60)	N/A
Minimum front yard in feet** *	40	30	30	20	20
Minimum side yard in feet					
Dwellings, single-family or two family	20/(40)	10/(30)* *	10/(30)* *	SF 5ft; 2- family or corner lot 10ft	
Dwellings, more than two family	—	—	—	20/(40)	N/A
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	N/A
Garages or accessory structures** * , single and 2-family	20/(40)	5/(30)	5/(30)	5/(20)	N/A
Other permitted uses	20	30	30	20	10/(30)* *
Minimum rear yard in feet					
Dwellings, single- family or two family	50	30	30	25	N/A
Dwellings, more than two family	—	—	—	30	N/A
Garages or accessory structures* *	20	5	5	5 sq. ft./ 30 MF	N/A
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 District ***)	50 percent	N/A
Maximum lot coverage, impervious surfaces, dwellings, more than 2 family	N/A	N/A	N/A	60 percent	N/A
Maximum building height in feet	35 ft.	35 ft.	35 ft.	40 ft.	40 ft.
Public sewer required	No	Yes	Yes	Yes	No

† A lot or parcel in the RE District that is located adjacent to a public right-of-way or utility easement where a sanitary sewer main exists shall be treated as a low-density single-family residential (R-1) district parcel and shall meet the requirements of the R-1 district and the subdivision ordinance, including the requirement to serve all of the lots created by subdivision of the parcel with municipal sewer and water services.

~~* 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 section 36-328 ~~and 36-360~~.

SECTION 3. This Ordinance shall take effect following its passage and publication with an effective date of _____, 2022.

Passed by the City Council of Newport, Minnesota this 19th day of May, 2022.

Motion by: _____,

Seconded by: _____

VOTE:

Elliott _____
 Chapdelaine _____
 Ingemann _____
 Taylor _____
 Johnson _____

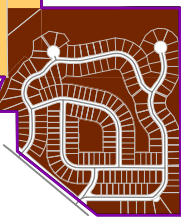
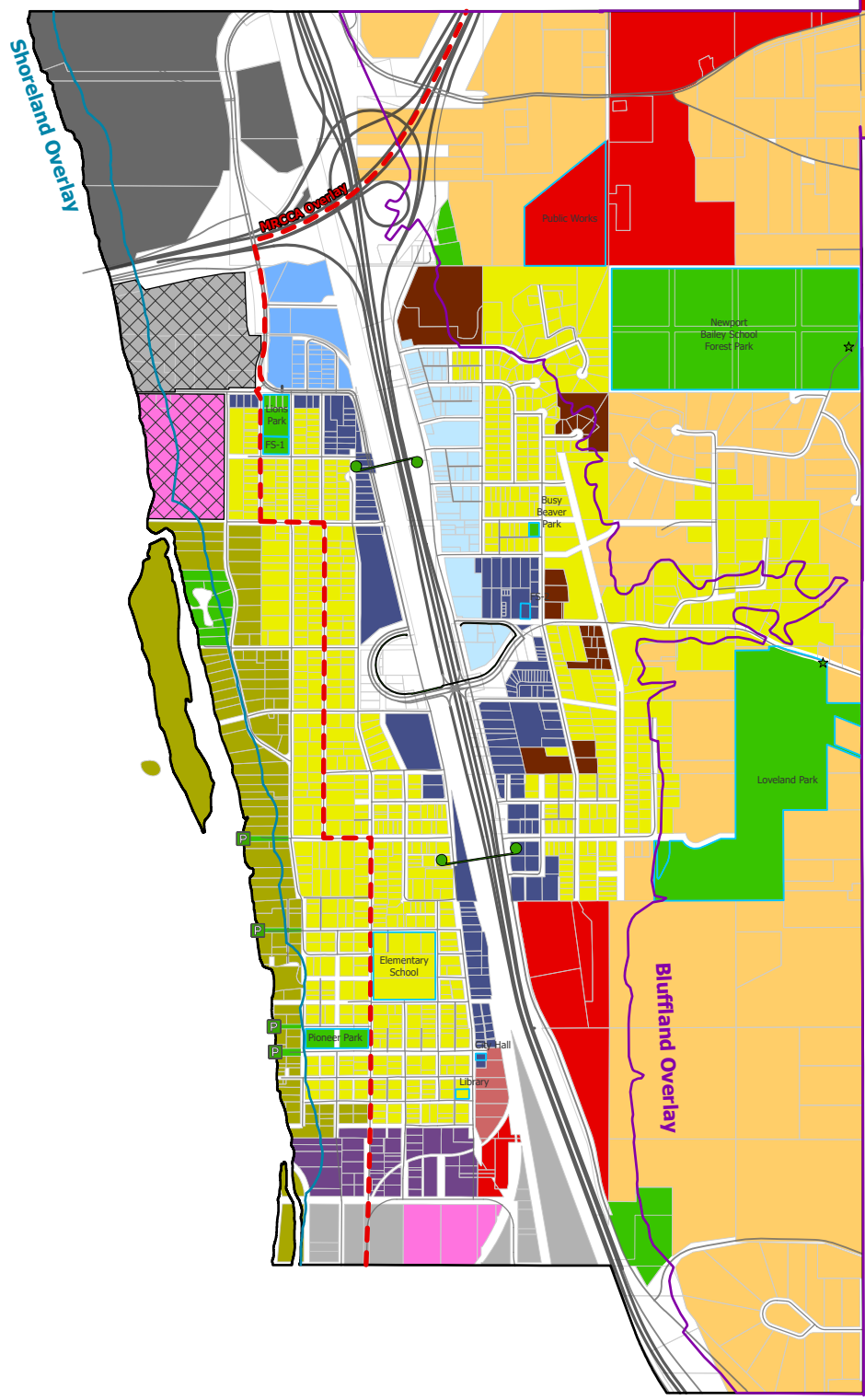
Signed: _____
 Laurie Elliott, Mayor

Attest: _____
 Deb Hill, City Administrator



City of Newport Zoning Map

Print Date: 2/19/2021



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

CITY OF NEWPORT
WASHINGTON CO., MN