



**CITY OF NEWPORT
PLANNING COMMISSION MEETING
NEWPORT CITY HALL
APRIL 9, 2015 – 6:00 P.M.**

Chairperson:	Anthony Mahmood	City Administrator:	Deb Hill
Vice-Chair:	Kevin Haley	Executive Analyst:	Renee Eisenbeisz
Commissioner:	Matt Prestegaard	Planner:	Sherri Buss
Commissioner:	Marvin Taylor	Council Liaison:	Tom Ingemann
Commissioner:	David Tweeten		

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of March 12, 2015

4. APPOINTMENTS WITH COMMISSION

A. Discussion Regarding Rezoning the Swanlund Property

B. **Public Hearing** – To consider amendments to the Zoning Code, Section 1325

1. Memo from Sherri Buss

2. Resolution No. P.C. 2015-2

C. Discussion Regarding Paving Requirements

5. COMMISSION & STAFF REPORTS

6. NEW BUSINESS

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

1. City Council Meeting	April 16, 2015	5:30 p.m.
2. City Council Meeting	May 7, 2015	5:30 p.m.
3. Planning Commission Meeting	May 14, 2015	6:00 p.m.

8. ADJOURNMENT



**City of Newport
Planning Commission Minutes
March 12, 2015**

1. CALL TO ORDER

Chairperson Mahmood called the meeting to order at 6:00 P.M.

2. ROLL CALL -

Commissioners present –Anthony Mahmood, Kevin Haley, Marvin Taylor, David Tweeten

Commissioners absent – Matt Prestegaard,

Also present –Deb Hill, City Administrator; Renee Eisenbeisz, Executive Analyst; Sherri Buss, TKDA Planner; Tom Ingemann, Council Liaison

3. NOMINATION AND APPOINTMENT OF CHAIRPERSON AND VICE-CHAIRPERSON FOR 2015

Executive Analyst Eisenbeisz - Per the Planning Commission Guide, last year's vice-chair, which was Anthony, moves up to Chairperson. If he accepts that, we just need to nominate a vice-chair for the year.

Chairperson Mahmood - I'll accept chairperson.

Motion by Tweeten, seconded by Mahmood to appoint Kevin Haley as the Vice-Chair for 2015. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

4. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of December 11, 2014

Motion by Haley, seconded by Mahmood, to approve the December 11, 2014 minutes as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

B. Planning Commission Minutes of February 12, 2015 Workshop

Motion by Haley, seconded by Mahmood, to approve the February 12, 2015 minutes as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

5. APPOINTMENTS WITH COMMISSION

A. Public Hearing – To consider an application from Paul Haagenson for Approval of a Variance for Property Located at 95 7th Avenue

Sherri Buss, TKDA Planner, presented on this item as outlined in the March 12, 2015 Planning Commission packet.

Vice-Chair Haley - Tom, do you have any issues with fire trucks? It's tight back there.

Councilman Ingemann - It should be good.

Vice-Chair Haley - Has it been surveyed?

The Public Hearing opened at 6:10 p.m.

Rich Bruhn, Chippewa Falls - I'm the previous owner, the building was there in 1974. I did get a survey because one of the roads was never properly closed. That was about five years ago. When Paul bought it, we had a survey done as well. The northwest corner of the building is sitting right on the property line. I've spoken with the refinery and they said they don't mind.

Vice-Chair Haley - I don't have a problem other than the fire concern.

Mr. Bruhn - The access to it is off of 7th Avenue and we don't keep flammables up there, it's mainly vehicles or equipment.

Paul Haagenson, 95 7th Avenue - I'm the current owner of the property. We want to make the building bigger to get more room. I have one renter that parks equipment on the north side of the building. I might end up taking a smaller shed out to make more room. I also want to clean up the back and put up a fence. My goal is to improve the property and make it more functional.

Vice-Chair Haley - I'm glad the property is being used.

Mr. Haagenson - I don't think there will be any problem gaining access back there, it's a small area.

David Tweeten - What's the purpose of the side setback?

Ms. Buss - There's generally a desire to have space between the building and adjacent property so they can do maintenance around buildings without going on to the neighboring properties. If it was a residential use next door the setback issue would be more of a concern but since it's an industrial use and they haven't come to voice any concerns, it's fine.

David Tweeten - What are the railroad regulations?

Ms. Buss - They can't impose on a neighboring parcel.

Mr. Haagenson - I don't believe we've ever had an issue with the railroad.

Mr. Bruhn - All of the other buildings are right on the property line because they were built a long time ago.

Ms. Buss - Yes, so they're non-conforming, they were legal when it was built.

The Public Hearing closed at 6:20p.m.

Motion by Tweeten, seconded by Haley, to approve Resolution No. P.C. 2015-1 as presented recommending that the City Council approve a variance for property located at 95 7th Avenue. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

B. Discussion Regarding Amending Section 1325, Antennas and Towers

Sherri Buss, TKDA Planner, presented on this item as outlined in the March 12, 2015 Planning Commission packet. The Planning Commission discussed amending Section 1325 to clarify it. Staff will bring forward a Resolution for consideration with the recommendations presented at the March 12, 2015 meeting and the following changes:

- Allow towers or monopoles in all districts

- Have a maximum height of 175 feet for all districts
- State that setbacks may be doubled along bluff lines
- Remove the lot size requirement and instead require the setback to be at least the height of the pole or tower plus 25 feet from the nearest residential unit
- Add definitions and state that a monopole is the same as a tower
- Combine 1325.02(C) and 1325.02(D)

Additionally, staff will send the draft ordinance to tower contractors for review before the next meeting.

6. COMMISSION AND STAFF REPORTS

7. NEW BUSINESS

8. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

1. City Council Meeting	March 19, 2015	5:30 p.m.
2. City Council Meeting	April 2, 2015	5:30 p.m.
3. Planning Commission Meeting	April 9, 2015	6:00 p.m.
4. City Council Meeting	April 16, 2015	5:30 p.m.

9. ADJOURNMENT

Motion by Haley, seconded by Tweeten, to adjourn the Planning Commission Meeting at 6:57 p.m. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Signed: _____
 Anthony Mahmood, Chairperson

Respectfully submitted,

Renee Eisenbeisz
 Executive Analyst



444 Cedar Street, Suite 1500
Saint Paul, MN 55101
651.292.4400
tkda.com

Memorandum

To:	<u>Newport Planning Commission</u>	Reference:	<u>Potential Request for Rezoning-Swanlund Property</u>
Copies To:	<u>Deb Hill, City Administrator</u> <u>Renee Eisenbeisz, Executive Analyst</u>		
From:	<u>Sherri Buss, RLA AICP, City Planner</u>	Project No.:	<u>15743.000</u>
Date:	<u>March 26, 2015</u>	Routing:	

The City recently received an inquiry from a potential developer who may be interested in developing an office/warehouse use on the Swanlund Parcel, which is north of Ford Road and east of Hastings Avenue.

The proposed use would require rezoning the property from its current MX-2 zoning (Commercial) classification to B-1 (Business Park/Office Warehouse), because the warehouse use is not permitted in the MX-2 District.

The developer would like feedback from the Planning Commission regarding a potential rezoning of the property to the B-1 classification. A sketch plan and survey that show the parcel and proposed use are attached.

History of Current Zoning Classification

The Swanlund parcel has been rezoned since the adoption of the Comprehensive Plan. The City established the current MX-2 zoning classification in consultation with the owner. When the Comp Plan was adopted in early 2010, the parcel was included in the B-2 District that permitted office, warehouse, and business park uses. The B-2 District included the Swanlund property and the business uses to the south along Hastings Avenue between that property and Glen Road.

A couple of years ago, the Planning Commission reviewed the areas zoned B-2 along Hastings Avenue when another property owner on Hastings Avenue requested rezoning, and determined that it would be better to zone the areas along Hastings as MX-1, because this classification fit the existing uses in the area better, created fewer nonconforming uses, and better expressed the intent to continue smaller scale commercial uses in this area, rather than redevelop the area along Hastings with larger-scale office/warehouse uses.

At that time, one of the owners of the Swanlund parcel talked with the Planning Commission about the zoning of his property. He expressed a preference to be included in an MX District to allow more flexibility for the types of development that might occur on his parcel. The

Commission recommended the MX-2 Commercial classification for the Swanlund parcel because it permitted a variety of commercial uses on larger parcels than the MX-1 District, and Mr. Swanlund concurred.

Proposed Classification and Rezoning

Rezoning may occur at the request of the owners of the property. It could be part of an application for a Conditional Use Permit for a new use on the parcel. The Planning Commission would hear the request, and make a recommendation to the City Council regarding rezoning.

The ordinance requires that the rezoning fit the general pattern of development in the neighborhood and the City, and be consistent with the Comprehensive Plan. Since the parcel was zoning for Business use in the Comprehensive Plan, it would be consistent with the current Plan.

Other Considerations

The proposed Warehouse use would require a Conditional Use Permit if the parcel were rezoned to accommodate the use. The Planning Commission would review the permit request, and make a recommendation to the City Council.

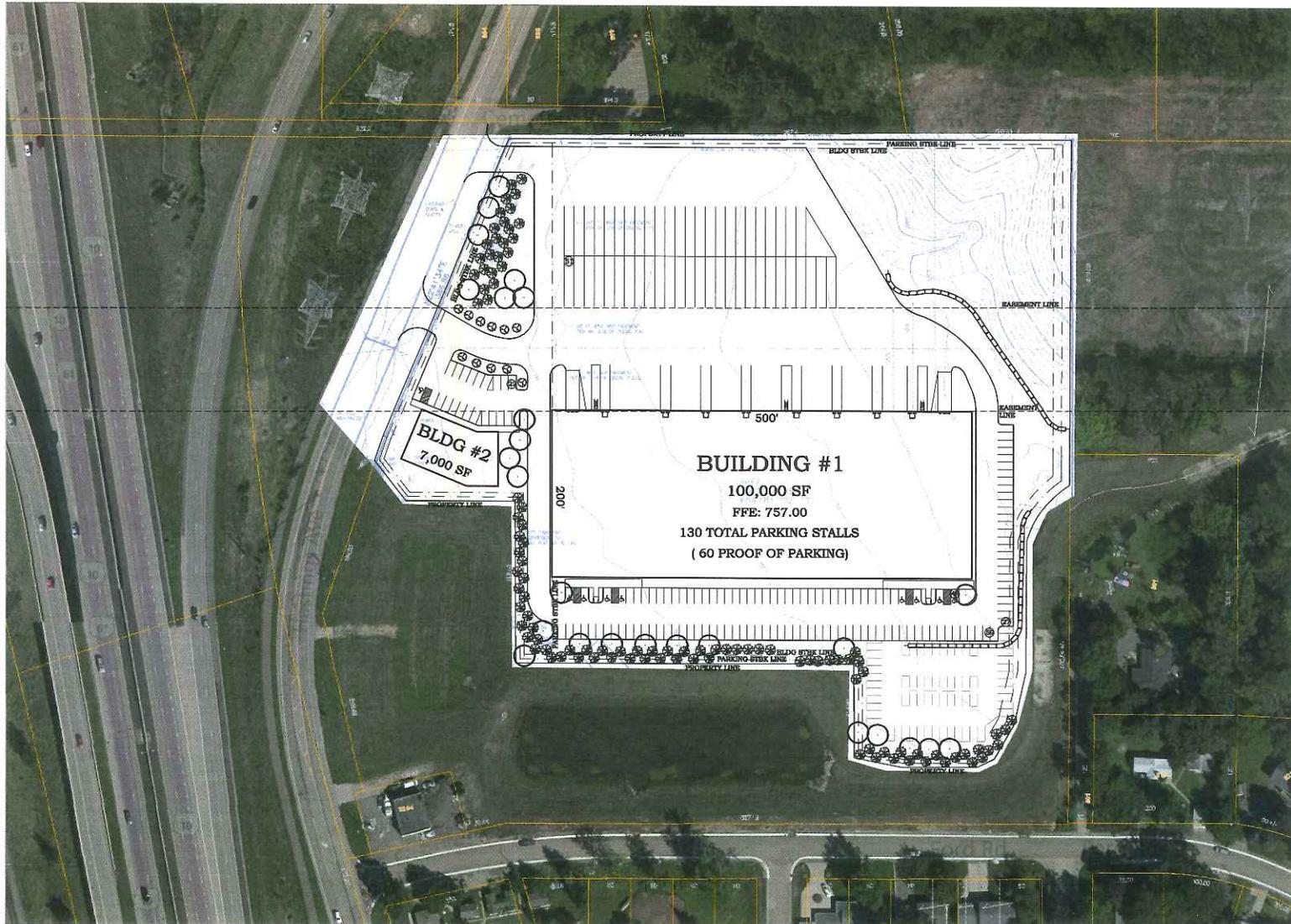
The proposed development would also be required to meet the City's Performance Standards, including:

- Building materials type and quality
- Paving and curbing
- Stormwater management (the City Engineer has indicated that the pond on the parcel to the south may be able to accommodate the runoff from development of the Swanlund parcel up to 90% impervious surface)
- Screening and storage requirements
- Lighting
- Landscaping
- And other standards in Section 1330 of the Zoning Ordinance.

Commission Discussion

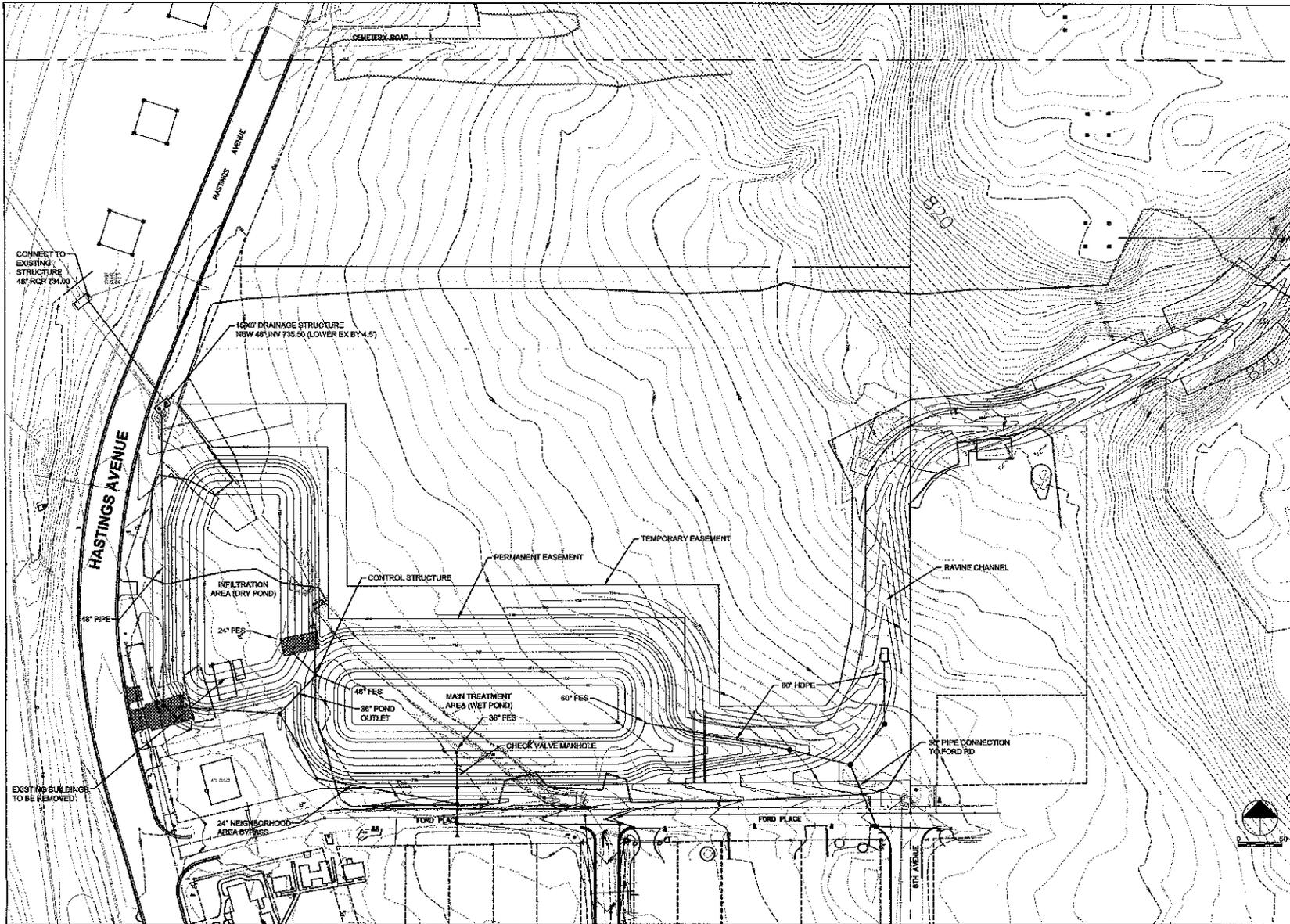
The Planning Commission should review the proposed site plan, consider the current and potential zoning for the parcel, and provide any comments regarding potential rezoning to the proposed developer and owner.





NEWPORT BUSINESS CENTER

March 12, 2015



REVISIONS	DATE	BY	DESCRIPTION

DESIGNED BY: JLS
 CHECKED BY: JLS
 DRAWN BY: JLS
 DATE: 03-31-2011

CITY OF NEWPORT
2011 DRAINAGE IMPROVEMENTS
SWANLUND
PROPERTY IMPROVEMENTS

BDM
 Consulting Engineers
 and Surveyors, P.C.
 80 Plaza Blvd., Suite 140
 St. Paul, MN 55107
 Phone: (763) 706-4574
 Fax: (763) 706-4574
 bdm.com

DRAWN BY: JLS
 CHECKED BY: JLS
 DESIGNED BY: JLS
 JOB NO. 11B-044

SHEET
EXHIBIT B

Samples of Developer's Buildings





444 Cedar Street, Suite 1500
Saint Paul, MN 55101
651.292.4400
tkda.com

Memorandum

To:	Newport Planning Commission	Reference:	Planning Commission Meeting April 9, 2015
Copies To:	Deb Hill, City Administrator		
	Renee Eisenbeisz, Executive Analyst		
		Project No.:	15743.000
From:	Sherri Buss, RLA AICP, City Planner	Routing:	
Date:	March 30, 2015		

The Planning Commission meeting on April 9 will include a public hearing on the proposed amendments to the section of the City's Zoning Ordinance that regulates Antennas and Towers. A copy of the proposed ordinance is attached. The document includes the changes that the Planning Commission recommended at the March meeting, and is summarized in item I. below.

The Commission will also discuss proposed a proposed zoning change for the Swanlund property, and will review the City's requirements for paving parking areas in residential and nonresidential districts to address some contradictions in the ordinance, summarized in item II below.

The Swanlund property zoning issue is addressed in a separate memo.

I. Draft Antennas and Towers Ordinance

- The proposed ordinance puts the section that lists when permits are or are not required at the front of the ordinance, and has updated the list of the items that do and do not require a CUP and building permit.
- Section G. of the ordinance identifies where towers are permitted in the City and the preferred locations for towers.
- Section 1325.05 includes standards for monopoles, towers and related equipment.
 - The city currently permits towers up to 175' tall; this standard is continued in the amended ordinance.
 - The City may require a reduction in tower height, or a greater setback from blufflines, if the surrounding topography means that the tower is at much higher elevation than surrounding residential areas or roadways.
 - Colocation is required.

- Most of the performance standards are similar to those in the current ordinance, and are largely included for safety or to make the towers and equipment less visible.

The Planning Commission should listen to any comments at the Public Hearing, and then determine if additional consideration of the ordinance is needed, or make a recommendation to the Council regarding the proposed ordinance amendment

New FCC Regulations Regarding Colocation and Replacement of Antennas on Existing Towers

The Planner recently attended a legal seminar that focused on new Federal Communications Commission (FCC) regulations related to the collocation and replacement of wireless communications antennas and equipment on existing towers and monopoles. The general goal of the regulations is to improve wireless communications by making it easier for wireless communications providers to update their equipment. In general, the proposed ordinance amendment is consistent with the new regulations, but they do bring up a couple of issues for the City. The major elements of the new FCC regulations include the following:

- The new regulations go into effect on April 8, 2015
- The new regulations prohibit local governments from denying the collocation of wireless communications equipment on any existing permitted tower or monopole, so long as it does not substantially change the physical dimensions of the tower or other base structure (such as a building or water tower). This means the City cannot deny wireless providers from collocating new antennas or equipment, or replacing existing equipment, on existing towers that have a city permit, as long as they are not a “substantial change.”
- “Substantial change” related to height means that on a tower or monopole that is not in an existing public right-of-way, the new or replacement antenna or equipment can increase the height of the tower up to 20 feet before it is a “substantial change”. For towers within a public right-of-way, towers/monopoles can be increased up to 10’ before it is a substantial change.
- “Substantial change” related to width means that the new or replacement equipment can increase the width of the tower up to 20’ at the height where it will be replaced before it is considered a substantial change when the tower is outside public right-of-way. For towers within right-of-way, the width is up to a 6’ increase at the height of the new equipment before it is considered a substantial change.
- Any excavation for equipment is considered a “substantial change.”
- If the new equipment defeats the “stealth” or concealment elements of the tower, it is a “substantial change.”
- The regulation change applies only to collocation/replacement of equipment on existing permitted towers, not to permits for new towers.

Cities can continue to require permits for replacing equipment. Newport’s ordinance requires a CUP for collocating new equipment on an existing tower. The city can still require that communications providers obtain permits for these actions, and require that the new equipment comply with conditions related to color, stealth design, setbacks, building code, etc. However, the City cannot deny a permit for collocating new equipment on an existing permitted tower, or for replacing equipment, as long as there is no “substantial change.”



The city must approve a permit request within 60 days, or it is automatically approved. This means that staff and the Planning Commission will need to address applications promptly.

It is up to the City if we want to change the ordinance to adopt the new regulations in our ordinance. Since it's a Federal rule, it automatically trumps us.

II. Paving Requirements for Parking Areas

Paving requirements for parking areas are addressed in three sections of the zoning ordinance that were adopted at different times. The issue is of current concern because the City has adopted a policy that requires driveway paving when residential property ownership changes. Staff are requesting that the Planning Commission review ordinance requirements for paving so that the requirements, particularly for single-family homes, can be clarified.

Section 1330.05 (General District Regulations), Subd. 7 states that "All parking areas and drives shall be constructed of concrete, blacktop, or similar durable hard surface free of dust. The periphery of all parking areas and drives shall be constructed with poured-in-place concrete curbing, unless otherwise approved by the City." (This section does not specify where this requirement applies—seems to be aimed at all districts.)

Section 1330.05 (General District Regulations), Subd.22 states that All vehicles parked in the front yard shall be on concrete, blacktop, or similar durable hard surface free of dust." (This section applies specifically to the RE, R1 and R-1A Residential districts.)

Section 1330.06 (Off-Street Parking), Subd. 1A states that "Off-street parking, loading, and service areas shall be improved with a durable and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulation within the parking areas. Acceptable surfaces may include crushed rock and similar treatment for parking areas accessory to single family and duplex residential structures; all other uses shall utilize asphalt, concrete or substitute as approved by the Zoning Administrator. All surfacing shall be completed prior to occupancy of the structure, unless specific approval otherwise has been granted by the City. Parking areas for three (3) vehicles or fewer shall be exempt from the requirements of this paragraph.

The rationale for requiring paved parking areas usually relates to the following:

- Minimizing erosion and runoff of sediments and related pollutants
- Improving property appearance

Issues for discussion:

- Section 1330.05 Subd. 7 seems to require that all parking areas throughout the city be paved. Section 1330.05 could be interpreted to say that the paving requirement only applies to front yards in residential districts ; Section 1330.06 says that crushed rock and similar surfaces are acceptable for all parking areas for single-family and duplex structures, and that parking areas for 3 vehicles or fewer are exempt from the parking surface requirements in all districts.
- Should Section 1330.05 be removed from the code, and more detailed information be provided in other sections?
- Should paving be required in all front yards in residential districts, or are parking areas for 3 vehicles or fewer exempt from this requirement?



- What should the City's paving requirements be for single-family residences, multifamily housing, and non-residential uses?

Staff will request comments from the City Engineer and Public Works Director regarding paving requirements for parking areas, and provide those comments on April 9.

Standards in Other Communities

Cottage Grove's ordinance section regarding off-street parking areas is attached. The City requires:

- All development within the Urban Service Area (MUSA) must have a paved driveway with asphalt or concrete. All parking surfaces in the front yard must be paved and cannot exceed 40% of the front yard area.
- Parking at the side or rear of a dwelling may have a concrete, asphalt or Class V gravel, paver-block or brick surface
- In non-MUSA areas, all development must have an asphalt or concrete driveway between the roadway edge and minimum front yard setback line. The City may require the whole driveway to be paved if needed to address erosion or drainage problems.

Maplewood's ordinance requires:

- Residential districts: All parking lots and driveways shall be paved and kept in good condition with no potholes. Driveways for single and double dwellings are exempt from the pavement requirement, but shall be kept in good condition.
- Business/commercial districts: All parking areas must be paved.



**PLANNING COMMISSION
RESOLUTION NO. P.C. 2015-2**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE A ZONING AMENDMENT TO SECTION
1325 ANTENNAS AND TOWERS**

WHEREAS, The City has been working to clean up language in its Zoning Code; and

WHEREAS, City staff have received requests regarding modifying antennas and towers throughout the City; and

WHEREAS, The Planning Commission feels it is advantageous to clean up and clarify language regarding antennas and towers; and

WHEREAS, The Planning Commission held a public hearing on this Zoning Amendment at its meeting of Thursday, April 9, 2015; and

NOW, THEREFORE, BE IT RESOLVED, That the Newport Planning Commission recommends Newport City Council approval of a Zoning Amendment to amend the present language found in *Section 1325 Antennas and Towers*. It will read as follows:

Section 1325 Antennas and Towers

1325.01 Purpose and Intent. In order to accommodate the communication needs of residents and business while protecting the public health, safety and general welfare of the community, the Council finds that these regulations are necessary in order to establish predictable and balanced regulations for the siting and screening of wireless communications equipment, while protecting the public against any adverse impacts on the City's aesthetic resources and the public welfare.

1325.02 Objectives. The goals in adopting this ordinance are as follows:

- A. Provide for the appropriate location and development of antennas and towers within the city;
- B. Minimize adverse visual effects of towers through uniform design and siting standards;
- C. Avoid potential damage to adjacent properties from tower failure, through structural standards and setback requirements;
- D. Maximize the use of existing and approved towers and buildings for siting new antennas in order to reduce the number of new towers needed to serve the community;
- E. Encourage colocation of facilities on the same structure or same site;
- F. Require towers to be designed to accommodate at least two separate users, and encourage colocation of facilities on the same structure or on the same site;
- G. Utilize public land, buildings and structures for wireless communications facilities whenever possible.
- H. Prioritize the location of freestanding towers in areas outside the MUSA on property identified in the Comprehensive Plan as open space or along trail routes.

1325.03 Definitions. The following words and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. **Accessory Structure.** “Accessory structure” shall mean a use or structure subordinate to the principal use of the land or building with a tower or antenna.
- B. **Antenna.** “Antenna” shall mean any structure, equipment or device used for collecting or radiating electromagnetic waves, telecommunication, microwave, television or radio signals, including but not limited to directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips.
- C. **Personal wireless communication services.** “Personal wireless communication services” shall mean licensed commercial wireless communication services including cellular, personal communication services (PCS), enhanced specialized mobilized radio (ESMR), paging and similar services.
- D. **Public utility.** “Public utility” shall mean persons or governments supplying gas, electric, transportation, water, sewer, or land line telephone service to the public. For this article, commercial wireless telecommunication sources shall not be considered public utility uses.
- E. **Tower.** “Tower” shall mean any pole, monopole, spire, or structure or combination thereof, including supporting lines, cables, wires, braces and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.
- F. **UBC.** “UBC” means the Uniform Building Code”, published by the International Conference of Building Officials and adopted by the state to provide jurisdictions with building related standards and regulations.

1325.04 Conditional Use and Building Permits

- A. Conditional use permits are not required for:
 - 1. Antennas and towers used by the city for city purposes.
 - 2. Adjustment, repair or replacement of the elements of an antenna array affixed to a tower or antenna, provided that replacement does not reduce the safety factor.
 - 3. Antennas mounted on water towers; on the sides or roof of existing structures; and on existing communications monopoles and towers, power, light or telephone poles. If the equipment would increase the height of the monopole or tower more than 20 feet, a conditional use permit amendment is required.
 - 4. Antennas and/or towers erected temporarily for test purposes or for emergency communications. Temporary antennas shall be removed within 72 hours following the termination of testing or emergency communication needs.
 - 5. Wireless telephone antennas located on the side or roof of an existing structure shall be a permitted use in all zoning districts in the city, provided that the antennas shall not extend more than 20 feet above the structure to which they are attached. Transmitting receiving and switching equipment shall be housed within an existing structure whenever possible. If new equipment is necessary for transmitting, receiving and switching equipment, it shall be located in the side or back yard, meet setback requirements, and shall be landscaped to screen the equipment from view from residential uses.
 - 6. Antennas or towers placed in public rights-of-way where attached to, or part of, a public utility structure.
- B. Towers are permitted in the locations identified below, with a Conditional Use Permit. Procedures for obtaining a Conditional use Permit are outlined in Section 1310.10 of the Zoning Ordinance.
 - 1. As principal or accessory structures in industrial or business zoning districts.

2. As principal or accessory structures in residential, parks, or mixed-use districts. The city will only consider a tower in the following residentially-zoned locations: churches or places of worship; parks and open space areas, when the city determines the facility would be compatible with the nature of the park; and city-owned property, government, utility and institutional sites and facilities.
 - a. There shall be no more than one freestanding tower at one time on a property that the city has planned for a residential use or that the city has zoned residentially.
 - b. The applicant shall demonstrate, by providing a coverage/interference analysis and capacity analysis, that location of the tower as proposed is necessary to meet the frequency reuse and spacing needs of the cellular or personal wireless communication services systems, and to provide adequate personal wireless communication or portable cellular telephone coverage and capacity to areas which cannot be adequately served by locating the antennas in a less restrictive district or on an existing structure.
 - c. If no existing structure which meets the height requirements for the antennas is available for mounting the antennas, the antennas may be mounted on a tower not to exceed the maximum height permitted, provided that the tower is located at least the height of the tower from the nearest residential structure, unless a qualified structural engineer shall specify in writing that any collapse of the tower will occur within a lesser distance under all foreseeable circumstances and a lesser setback is agreed to by the City Council.
 3. Within freeway development corridors in non-residential areas, when located 1,000 feet from the edge of the freeway right-of-way to the monopole.
 4. On government or institutional land or structures in all districts.
 5. Within public parks, golf courses, and open space in all districts as designed in the Comprehensive Plan. Antennas should be located on existing structures when feasible and all facilities should be located and designed to be compatible with the nature of the site.
 6. Parking lots in all zoning districts may be used to locate monopoles where the tower replicates, incorporates or substantially blends with the overall lighting standards of the parking lot.
- C. The preferred locations for wireless communications equipment shall be as follows:
1. Water towers or tanks
 2. Colocation on existing towers
 3. Church steeples or church structure, when camouflaged as steeples, bell towers or other architectural features
 4. Sides and roofs of buildings or structures over two stories in height
 5. Existing power or telephone pole corridors
 6. Light poles or towers at outdoor recreation facilities
 7. Parking lots
- D. The following information shall be submitted with applications for Conditional Use Permits for antennas and towers:
1. The applicant shall provide sufficient information to indicate that construction, installation, and maintenance of the tower will not create a safety hazard or damage to the property of other persons.

2. The applicant shall demonstrate by providing a coverage/interference analysis and capacity analysis that the location of the tower as proposed is necessary to meet the frequency reuse and spacing needs of the proposed communications equipment and to provide adequate personal wireless communication or portable cellular telephone coverage and capacity to areas which cannot be adequately served by existing equipment or colocation on existing equipment.
 3. All applications for the location of new towers shall be accompanied by an intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.
- E. In reviewing an application for a conditional use permit for the construction and maintenance of towers, antennas and related equipment, the City Council shall consider the following:
1. The standards in this ordinance;
 2. The advice and recommendations of the Planning Commission;
 3. the effect of the proposed use upon the health, safety, convenience and general welfare of occupants of surrounding lands;
 4. The effect of the proposed use on the Comprehensive Plan.
- F. This section does not apply to the use or location of private, residential citizen band radio towers, amateur radio towers, or television antennas.
- G. All new towers, antennas and related accessory structures shall obtain a building permit, and are subject to inspection by the city building official to determine compliance with Uniform Building Code construction standards. Any deviation from the original construction for which a permit is obtained is a misdemeanor. Adjustments or modifications to existing antennas do not require a building permit.
1. Notice of violations will be sent by registered mail to the owner, and he/she will have thirty (30) days from the date the notification is issued to make repairs. The owner shall notify the building official that the repairs have been made, and as soon as possible thereafter, another inspection shall be made and the owner notified of the results.
- H. Building permits are not required for adjustment or replacement of the elements of an antenna array affixed to a tower or antenna, erection of temporary antennas or towers used for testing purposes, emergency communication, or for broadcast remote pick-up operations.

1325.05 Existing Antennas and Towers. Antennas, towers and accessory structures in existence at the time this section is adopted which do not conform to or comply with this section are subject to the following provisions:

- A. Towers may continue in use for the purpose now used and as now existing, but may not be replaced or structurally altered without complying in all respects with this division.
- B. If such towers are damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location and physical dimensions upon obtaining a building permit therefore, but without otherwise complying with this division.

1325.06 Setbacks, Height, Construction and Performance Standards

- A. All antennas, towers and accessory structures shall comply with all applicable provisions of this code and this section.

- B. No part of any tower or antenna shall be constructed, located, or maintained at any time, permanently or temporarily, in or upon any required tower setback area.
- C. Tower or Antenna Height:
1. The maximum height of any freestanding tower is 175 feet.
 2. The City Council may require a twenty-five percent (25%) reduction in the maximum height limits of antennas or towers in all zoning districts, or may require up to twice the required setback from bluff lines, if the topography of the proposed site is at a substantially higher elevation than the surrounding public roadways or residential areas.
 3. Antennas, towers, and related equipment attached to existing structures shall not exceed more than twenty (20) feet above the structure to which they are attached.
 4. Any proposed tower over sixty feet (60') in height shall be designed for co-location of at least one additional antenna.
 5. Any proposed tower over one hundred feet (100') in height shall be designed for co-location of at least two (2) additional antennas.
- D. Lot size, location, and setbacks:
1. Towers shall be subject to all setback requirements.
 2. In all districts, towers shall be located at least the height of the pole or tower plus twenty-five feet from the nearest residential dwelling unit.
 3. An antenna or tower attached to a building shall comply with the setbacks of the zoning district.
 4. Towers shall not be placed in any front yard.
 5. Towers shall not be placed between the principal structure and any adjoining public street or right-of-way, unless the city determines that such a location would lessen the visibility of the tower, or would lessen the negative impacts of such a facility on nearby properties.
 6. The minimum spacing between towers is one-quarter (1/4 mile), except for colocation.
 7. The city may reduce or vary the required setback for a tower from a public street to allow the integration of a tower into an existing or proposed structure such as a church steeple, light pole, power line support device or similar structure.
- E. Design and Performance Standards
1. The tower shall be a light blue or gray, or other color that is demonstrated to the City to minimize visibility.
 2. Metal towers shall be constructed of, or treated with, corrosive-resistant material.
 3. The base of the tower shall occupy no more than 500 square feet and the top of the tower shall be no larger than the base.
 4. No advertising or identification visible-site shall be placed on the tower or antennas. The use of any portion of a tower, sign or antenna for signs other than warning or equipment information is prohibited.

5. Towers must be designed to allow for future rearrangement of equipment upon the structure, and to accept attachments mounted at varying heights.
6. All freestanding towers must be self-supporting without the use of wires, cables, beams or other means. The design should utilize an open framework or monopole configuration that is designed to collapse on itself in the event of structural damage. Permanent attachments, exclusive of antennas, that serve to increase off-site visibility, are prohibited.
7. To prevent unauthorized entry, towers shall be provided with security fencing as needed or when required by the City. Fencing shall be six feet (6') in height or less, and shall not employ barbed wire, electricity, or any other similar security devices.
8. Transmitting, receiving, and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary for transmitting, receiving and switching equipment, it shall meet setback requirements and shall be designed, constructed and screened to blend in to the surrounding environmental and adjacent land use. Equipment buildings shall utilize coniferous vegetation for required landscape screening.
9. Towers and antennas should be located in areas that provide natural or existing structural screening for off-site views of the facility when feasible. Existing on-site vegetation that provides screening shall be preserved to the extent possible. The ground level perimeter of all towers shall be screened with a dense vegetative landscaping barrier that consists of seventy-five percent (75%) coniferous plantings. Antennas and related equipment located on the side or on the roof of a building may not be screened.
10. Towers and antennas shall not be illuminated by artificial means, and shall not display strobe lights, reflectors, flashers, night-time red lights or other lights unless such lighting is required by Federal or State regulations. When incorporated into the design and approved by the City, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.
11. No tower shall have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction repair.
12. With the exception of necessary electronic or telephone service and connection lines approved by the City, no part of any antenna or tower nor any lines, cable, equipment, wires, or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, or property line.
13. Towers and antennas shall be designed to withstand a uniform wind loading as prescribed by the Minnesota State Building Code.
14. Antennas and metal towers shall be grounded for protection against direct strike by lightning to the latest practices, and shall comply with electrical wiring statutes, regulations and standards.
15. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and structure, or between towers, shall be buried underground when feasible, or placed at least eight (8) feet above the ground at all points.
16. The base of all AM/FM radio towers shall be surrounded with a six-foot high galvanized chain link fence with signs posted "Danger High Voltage" on all sides.

1325.07 Abandoned or Unused Towers. Abandoned or unused towers or antennas shall be removed within twelve (12) months of the cessation of operations at the site, unless a time extension is granted by the Zoning Administrator. The replacement of a tower that was previously removed requires a conditional use permit amendment within 12 months of removal, or a new conditional use permit if the monopole or tower has been abandoned for more than 12 months.

1325.08 Interference. No new or existing tower, antenna or related equipment shall interfere with public safety communications. Before the introduction of new services or changes in existing services, equipment providers shall notify the City at least ten (10) calendar days in advance of such changes and allow the City to monitor interference levels during the testing process.

1325.09 Radiation. Towers, antennas, and related equipment placed within the City shall be subject to State and Federal regulations pertaining to nonionizing radiation and other health hazards related to such facilities. If additional State and Federal restrictive standards are adopted, all such communications facilities and equipment shall be made to comply, or continued operation of the conditionally permitted facility may be restricted by the City Council. The cost of verification of compliance shall be borne by the owner and operator of the communications facilities and equipment.

1328.10 Abrogation. It is not the intention of this Section to interfere with, abrogate, or annul any covenant or other agreement between parties, provided, however, where this section imposes a greater restriction upon the use or premises for antennas or towers than are imposed or required by other sections, rules regulations, or permits, or by covenants or agreements, the provisions of this section shall govern.

Adopted this 9th day of April, 2015 by the Newport Planning Commission.

VOTE: Mahmood	_____
Haley	_____
Prestegaard	_____
Taylor	_____
Tweeten	_____

Signed: _____
Anthony Mahmood, Chairperson

ATTEST: _____
Deb Hill, City Administrator

COFFAGE MOVE

8. Use Of Parking Area For Other Than Parking: Required off street parking space in all districts shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable, for lease, rent or sale. (1971 Code § 28-30)

E. Design And Maintenance Of Off Street Parking Areas:

1. General Requirements: Access and parking areas shall be designed so as to provide an adequate means of access to a public alley or street. Such driveway access shall not exceed the driveway dimensions in section 7-2-4 of this code and shall be so limited so as to cause the least interference with the traffic movement. Except for single-family, two-family, and townhouse dwellings, head in parking, directly off of and adjacent to a public street, with each stall having its own direct access to the public street shall be prohibited. All parking spaces shall have access from driveways and not directly on a public street.
2. Parking Spaces Striped: All parking spaces shall be striped with suitable paint in accordance with approved plans except for single-family residences.
3. Calculating Space: When the determination of the number of required off street parking spaces results in a fraction, each fraction up to and including of one-half ($1/2$) shall be disregarded; fractions over one-half ($1/2$) shall count as one additional space.
4. Signs: Signs located in any parking area necessary for the orderly operation of traffic movement shall be in addition to accessory signs permitted in other sections of this title. (Ord. 716, 5-15-2002)

→ 5. Surfacing: All parking areas and driveways in the front yard of property in the MUSA must be paved with asphalt, paver bricks, or concrete.

- a. All development within the MUSA must have a paved driveway with asphalt or concrete. All parking surfaces in front of the front plane of the principal structure must be in conformance with section 7-2-3 of this code and must not exceed forty percent (40%) of the front yard area. A maximum width of two feet (2') of landscape rock or similar landscaping material may additionally be permitted to border such parking or driveway area. 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.
- b. Any parking or driveway surface behind the front plane of the dwelling must be one of the following: concrete, asphalt, class V gravel (minimum 6 inches compacted), landscape rock (minimum 6 inches compacted), landscape paver blocks, or brick. All parking surfaces must be contained within a solid edging or other border. The setback for parking surfaces behind the front plane of the dwelling is the same as the setbacks for accessory structures in the zoning district. Such parking or driveway surface cannot encroach on any drainage and utility easements.
- c. All development in non-MUSA areas must have an asphalt or concrete driveway between the roadway edge and the minimum front yard setback line. The city, at its

discretion, can require the entire or greater portion of the driveway to be paved if erosion or drainage problems are experienced on public or private land. This requirement also applies to open sales lots. (Ord. 807, 10-18-2006)

6. Lighting: Exterior lighting shall not be directed upon adjacent land or the public right of way.
7. Curbing: All open off street parking areas and loading areas designed to have head in parking along the perimeter of the off street parking area or loading area shall provide a concrete curb or equivalent approved by the city of adequate height. (Ord. 716, 5-15-2002)
8. Drive-Up Facilities: Business establishments containing drive-up facilities, including restaurants and financial institutions, shall provide a motor vehicle stacking area for vehicles on the site. A minimum of six (6) vehicle spaces per lane shall be provided. The vehicle stacking area shall not extend beyond the street right of way line and shall be delineated in such a manner that vehicles waiting in line will not interfere with nor obstruct the primary driving, parking and pedestrian facilities on the site.
9. Bumper Overhang: The minimum parking space length may be decreased by up to two feet (2') for spaces which allow the bumper of the vehicle to project the terminus of the parking space without obstructing other parking spaces or vehicle circulation.
10. Turnarounds: All required parking spaces shall be accessed by adequate maneuvering space. All dead end parking rows shall contain a turnaround area at least thirteen feet (13').
11. Parking Lot Design Standards: Parking areas shall be designed in conformance with the following:

Parking Angle (A)	Stall Width (B)	Curb Length (C)	Stall Depth (D)	Aisle Width (E)
0°	9'	23'	9'	12'
20°	9'	26'4"	15'	11'
30°	9'	18'	17'4"	11'
40°	9'	14'	19'2"	12'
45°	9'	12'9"	19'10"	13'
50°	9'	11'9"	20'5"	12'

RESIDENTIAL DISTRICTS

Sec. 12-99. - Yards.

- (a) *Cleanliness.* All rental housing yards shall be clean and sanitary.
- (b) *Grading and drainage.* There shall be no accumulation of stagnant water, except in approved ponding areas. There shall also be no surface water entering any building or structure.
- (c) *Removal of snow and ice.* There shall be no snow and ice on parking lots, driveways, steps and walkways which may create a hazard.
- (d) *Removal of noxious weeds.* The yard shall be free from noxious weeds and tall grass as required in section 18-31(8).
- (e) *Insects and rodents.* The owner shall exterminate all noxious insects, rodents, vermin or other pests that are causing a nuisance.
- (f) *Accessory structures.* All accessory structures, including detached garages, fences, signs and retaining walls, shall be structurally sound and in good repair. The owner shall protect all accessory structures, fences, signs and retaining walls against the elements and decay by non-lead-based paint or other appropriate protective coverings.
- (g) *Parking lots and driveways.* All parking lots and driveways shall be paved and kept in good condition with no pot holes. Driveways for single and double dwellings are exempt from the pavement requirement but shall be kept in good condition.
- (h) *Yards and landscaped areas.* The owner shall maintain all yards and landscaping and replace all damaged or dead plants required by the city.
- (i) *Exterior storage.* The owner shall not allow the accumulation or storage of building materials, firewood, boxes, machinery, scrap metal, refuse, or garbage anywhere on the premises.

(Code 1982, § 9-94)

BUSINESS / COMMERCIAL DISTRICTS

- h. Noise from operations, including external speakers, shall not exceed the noise standards of the state pollution control agency.
- i. No motor fuel station or maintenance garage within 350 feet of a residential lot line shall be open to the public between the hours of 11:00 p.m. and 6:00 a.m. The city council may allow or require different hours of operation as part of the approval process of a conditional use permit for maintenance garages and motor fuel stations.
- j. Fuel station dispenser islands, parking areas, and drives shall be screened from residential lot lines in conformance with section 44-19(c) and (d).
- k. Parking shall be limited to paved areas.
- l. All new or replacement underground fuel storage tanks shall meet the standards of state statutes and the standards of the state pollution control agency. Such tanks shall also have a UL listing appropriate for their use. In addition, installation plans shall be submitted to the state fire marshal's office for approval.
- m. There shall be leak detection equipment on all new and existing tanks according to U.S. Environmental Protection Agency (EPA) schedule deadlines. Leak detection facilities shall include electronic (in tank) monitoring equipment as well as manual daily measurement and recording of tank levels. Records of daily tank levels, fuel purchases and fuel sales shall always be available on site for inspection by the fire marshal.
- n. Vents from an underground fuel storage tank shall be 200 feet from a residential lot line. The city council may approve a lesser setback if the developer can prove that the topography or existing or proposed buildings will prevent fumes from reaching a residential lot line.
- o. Motor vehicle washes shall be subject to the same conditions as stated for motor vehicle fuel stations, with the following additional conditions:
 - 1. Water from a motor vehicle wash shall not drain onto a public street or access. A drainage system shall be installed, subject to the approval of the city engineer.
 - 2. There shall be stacking space for at least four vehicles.
- (9) Privately owned mining or material recycling facility. The processing of recyclable materials shall be in an enclosed building and shall be at least 350 feet from any property the city is planning for residential use.
- (10) Any use that would be similar to any of the uses in subsections (1) through (10) of this section, if it is not noxious or hazardous.
- (11) Any building or outside use, except parking, that is within 75 feet of a residential building.
- (12) Pawnbroker as defined in chapter 14, article XII. All pawnbrokers are subject to the following:
 - a. They must be located at least 500 feet from a residential lot line and at least 500 feet of any school or church.
 - b. They must have city licensing as regulated in chapter 14, article XII.
- (13) Retail firearms sales if the business, store or shop is at least 350 feet from any property the city is planning for residential use. All such businesses are subject to all applicable state and