



**CITY OF NEWPORT
PLANNING COMMISSION MEETING
NEWPORT CITY HALL
November 9, 2021 – 5:30 P.M.**

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

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

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. MEETING MINUTES
 - A. October 12, 2021
4. RESIDENTIAL PARKING ORDINANCE
5. COMMISSION REPORTS
6. ADJOURNMENT



**CITY OF NEWPORT
PLANNING COMMISSION MEETING MINUTES
NEWPORT CITY HALL
October 12, 2021**

1. CALL TO ORDER

Chair Anthony Mahmood called the Planning Commission Meeting to order at 5:30 p.m. on October 12, 2021.

2. ROLL CALL

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

Not Present (0): None.

3. MEETING MINUTES

A. September 14, 2021

Commissioner Leyde motioned to approve the Planning Commission Meeting Minutes from September 14, 2021. Seconded by Commissioner Bonilla. Approved 5-0.

4. PUBLIC HEARING- Minor Subdivision 675 10th Street

A. P.C. Resolution No 2021-02- Minor Subdivision 675 10th Street

City Planner Nathan Fuerst stated the applicant is requesting a minor subdivision of his half acre property located at 675 10th Street. Both parcels would be just over 10,300 square feet and this property is zoned R-1. This minor subdivision is consistent with the comprehensive plan. Currently the property has two accessory structures which are in front of the house and considered legal non-conforming. If a new accessory structure was to be built, it would need to be located behind the home. Both parcels would need to be compliant with the 35% maximum impervious surface and 35 feet maximum building height. Staff recommends that the Commission approves with conditions.

Chair Mahmood opened the Public Hearing at 5:36 p.m. on October 12, 2021.

Bill Sumner, residing at 737 21st Street, addressed the Commission. Mr. Sumner stated the minor subdivision is a reasonable and appropriate use of this property.

Chair Mahmood closed the Public Hearing at 5:37 p.m. on October 12, 2021.

Commissioner Leyde motioned to approve the Minor Subdivision at 675 10th Street with conditions as presented. Seconded by Commissioner Bonilla. Approved 5-0.

5. PUBLIC HEARING- Residential Parking Ordinance

Planner Fuerst stated the Commission will hold a public hearing on the proposed Residential Parking Ordinance. Staff has been working on this ordinance by reviewing neighboring communities and incorporating feedback from city officials and the community. There are three main revisions to this ordinance to be discussed. The first is the exemption for recreational vehicles has been removed and they will now be regulated as recreational equipment. The second is vehicles cannot be parked in a residential street or right-of-way for longer than 24 hours. The third is that no more than four vehicles, trailers, or a combination thereof would be allowed to be parked on residential property at any one time. In addition, semis would not be allowed to be parked on residential properties. Commercial vehicles that exceed 14,000 pounds or 20 feet in length would also be prohibited. The Commission shall consider the proposed changes, hold a public hearing, and make a recommendation to Council.

Commissioner Leyde inquired the differences between the current ordinance and the proposed ordinance. Assistant to the City Administrator Travis Brierley stated the main differences is the installation of a 24-hour rule for streets and right-of-way. The next change is removing the 48-hour parking for additional vehicles in residential driveways. The gross vehicle weight was adjusted from 6,000 pounds to 14,000 pounds. The strict restriction of semi-parking was added, and definitions were expanded. The biggest change is the limit of four vehicles in total on residential property.

Chair Mahmood opened the Public Hearing at 5:49 p.m. on October 12, 2021.

Eric Hetherington, 1441 4th Ave, addressed the Commission. Mr. Hetherington stated we are getting into cultural racism when we have multiple families living in the same home that may have many cars. Mr. Hetherington stated he is over the limit as he has four vehicles, a motorhome, and three trailers and the city wants to limit what you can and cannot own on your private property.

Pauline Schottmuller, residing at 97 10th Street, addressed the Commission. Ms. Schottmuller stated she believes in community standards and would like the investment in her property protected. She explained that there are valid reasons for having reasonable community standards and that they should be enforced by our deputies. Ms. Schottmuller stated she feels this ordinance would be enforced like any other ordinance. If the owner is given a notice, they will have “x” number of days to come into compliance.

Mr. Hetherington stated Newport is a small old town and not like Woodbury or Cottage Grove. If your vehicles are licensed and up to date, then it should not be a problem. Mr. Hetherington does not believe the number of vehicles parked on your property would cause property values to go down.

Roxanna Hobbs, resident of Newport, addressed the Commission. Ms. Hobbs stated if the vehicles are licensed, then let them be. If they are not, she suggested the city tow them away and assess the towing fee to the owner’s property taxes.

Mr. Sumner stated he has lived in Newport for many years. Mr. Sumner stated we should be reasonable and recognize the rights of property owners. Mr. Sumner stated he voted against the previous three vehicle ordinance, when he was on Council, as he felt it was unreasonable. Mr. Sumner asked some clarifying questions on the proposed ordinance. He believes everyone should be able to use their property in a reasonable manner.

Ms. Schottmuller stated the Planning Commission, and the Council should decide what they want our community standards to be and make it enforceable.

Chair Mahmood closed the Public Hearing at 6:36 p.m. on October 12, 2021.

Chair Mahmood stated he is not in full support of the proposed ordinance and does not think it is ready. The Commission discussed and agreed that they want to spend the time to go through the ordinance and come up with a better plan before recommending to the Council. Planner Fuerst suggested the Commission identify the issues and give solutions for the proposed ordinance.

6. COMMISSION REPORTS

None.

7. ADJOURNMENT

Chair Mahmood motioned to adjourn the Planning Commission Meeting. Seconded by Commissioner Leyde. Approved 5-0.

The Planning Commission Meeting was adjourned at 6:48 p.m. on October 12, 2021.

Respectfully Submitted:
Jill Thiesfeld,
Administrative Assistant II

Signed: _____
Anthony Mahmood, Chairman



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& MENK**

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MEMORANDUM

Date: November 2, 2021
To: City of Newport Planning Commission
From: Nathan Fuerst, City Planner
Harry Davis, City Planner
Travis Brierley, Assistant to the City Administrator
Subject: Residential Parking Ordinance
Meeting Date: November 9, 2021

Applicant: City of Newport (City Council)

Request:

The Planning Commission is asked to discuss the proposed amendments to the residential parking ordinance and provide staff with feedback further revisions to the proposed text.

Background:

The City's residential parking ordinance has been the subject of ongoing discussion for several years. Complaints and concerns voiced by residents about parking have led to this issue being revisited more recently. In reaction to the community feedback, the City Council has discussed potential changes to the residential parking ordinance that would limit the number and type of vehicles that can be parked on a residential property.

Under the direction of the City Council, the draft ordinance is being presented after staff researched the ordinances of Woodbury, Cottage Grove, St. Paul Park, and South St. Paul. The changes to the parking ordinance presented also include changes to the traffic ordinance. Council has discussed and made changes to the draft ordinance as a result of several workshops, review of the referenced ordinances from surrounding cities, review and comments by the Planning Commission, and a year of citizen feedback and staff attention.

Proposed Revisions:

In response to Planning Commission and City Council feedback, staff drafted an attached ordinance which would implement changes to regulations for the following, which are described in greater detail on the following page:

Parking in the Public Right of Way

1. Parking in the Right of Way

Parking on Private Residential Property

2. Recreational Vehicle (RV) Exemption Removed
3. Number of Vehicles Permitted Outdoors on a Property
4. Definitions Added

1. Parking in the Public Right of Way

Staff are proposing to limit the length of time that a private vehicle may be parked in a parking area on public right of way. By disallowing parking longer than 24 hours, public right of way cannot be used for permanent parking by a privately owned vehicle. This provision is commonly found in metro area city codes.

2. Recreational Vehicles on Private Residential Property

This proposed change would remove an exemption for Residential Vehicles (RVs) found in City Code Chapter 32, Traffic and Vehicles. The exemption for RVs creates a lack of clarity for where it is acceptable to park the vehicles, and inconsistencies with how similar equipment is regulated. Recreational vehicles will have to meet the standards for other recreational equipment, meaning that they must be:

- Parked on an improved surface if in the front yard, and not overhang public property or the public right of way. (they would count toward the overall number of vehicles, see heading #3 below)
- Parked abutting a garage and on a dust free surface in the side yard, but not parked next to the principal structure with no garage in-between.
- Parked in the rear yard no closer than 5 feet from a surrounding lot line and not within a Drainage and Utility Easement.
- Registered to or licensed by the property owner or occupant.

3. Number of Vehicles Permitted Outdoors on Private Residential Property

The Newport City Council identified the total number of vehicles that are parked on a property as a primary issue to resolve with this text amendment. Currently, residential properties are limited to just 3 vehicles in the front yard with only one vehicle larger than 6000 pounds or longer than 20 feet allowed. This specific provision is seen as problematic for two reasons:

- It does not limit the overall number of vehicles that can be parked outdoors. A resident could park any number of vehicles on their property outside of a garage or the front yard area.
- It does not limit the type of vehicle over 6000 pounds or longer than 20 feet which can be parked on a property. This could lead to oversized commercial vehicles, even semis, to be parked in residential districts.

Staff worked with the City Council to establish the following revisions that seek to solve the issues outlined above:

- No more than 4 vehicles may be parked on a property at a given time.
- The total number of vehicles is made up of any combination of passenger vehicle, trailer, recreational vehicle, recreational equipment, truck, bus, off-road vehicle, or similar vehicle.
- No semi-trucks/trailers/tractors are allowed on private property.
- Commercial Vehicles are still permitted; however, they may not exceed 14,000 pounds or 20 feet.

The revisions in this section aim to strike a balance between giving property owners the flexibility they need without adversely impacting neighbors and the surrounding community.

4. Definitions Added

To enhance the clarity of the ordinance, staff are proposing definitions for the following previously undefined terms within City Code:

- Motorcycle
- Passenger car
- Other two axle vehicle
- Off-road motor vehicle

Discussion

The planning Commission reviewed the attached parking ordinance and held a public hearing at its meeting on October 12th, 2021. Residents provided feedback in support of, and against, the proposed revisions. Generally, feedback supportive of the proposed revisions was centered on establishing and maintaining a “community standard”. Feedback against the proposed changes was generally due to fears that residents could not use their property in a reasonable manner.

In its discussion, the Planning Commission did request the removal of outdated references, and gave staff feedback that proposed revisions were not satisfactory. Specifically, the Planning Commission discussion centered on the number of vehicles allowed on residential properties and how to define commercial vehicles. It did not propose any specific changes or direction on how to modify the proposed revisions.

Two discussion questions are posed below to help the Planning Commission work through the suitability of the proposed changes and identify direction for staff:

1. Should vehicles parked on a residential property be regulated by an overall number (ex. 4 vehicles) or through some other means?
2. Will the allowance for one commercial vehicle not to exceed 14,000 pounds (gross vehicle weight) or 20 feet in length adequately meet the intent to allow for trade vehicles while prohibiting large commercial vehicles less acceptable in a residential area?

Staff Recommendation:

The Planning Commission is asked to discuss the proposed amendments to the residential parking ordinance and provide staff with feedback further revisions to the proposed text. If the Planning Commission is satisfied with the amendments, it should make a recommendation to the City Council.

Attachments:

- Proposed Draft Ordinance - redlined version dated 11.2.21
- Existing Ordinance Language
- City Code Chapter 32 – Traffic and Vehicles ([Outlined in Purple-On Street Parking](#))
 - o Section 32-39 Parking in Residential Zones ([link only](#))
- City Code Chapter 36 – Zoning ([Outlined in Green-Off Street Parking](#))
 - o Section 36-1 Definitions ([link only](#))
 - o Section 36-163 Performance Standards for Residential Districts ([link only](#))

Sec. 32-39. Residential zones.

- (a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Recreational equipment includes, but is not limited to, operable and licensed, as required by the state, [recreational vehicles](#), travel trailers, chassis-mounted campers, tent trailers, slide-in campers, airplanes, and converted buses; snowmobiles and trailers, boats/watercraft and trailers, all-terrain vehicles, motorcycles and utility trailers. A fish house, boat, snowmobile or other recreational equipment when stored or kept on a trailer shall be considered as one unit. The term "recreational equipment" does not include a motor vehicle designed or used for off-road racing, off-road use or demolition derby.

Residential zone means all areas zoned for residential uses (R-1, R-1-A, R-2, ~~R-3~~ & RE) ~~and Planned Development District (PDD) areas~~ in the city.

- (b) *Truck or bus parking in residential zones.* No person shall park, stop, or stand any vehicle licensed by any state at over 12,000 pounds for more than two hours upon any private property or public street in a residential zone. Parking, either on-street or off-street, of vehicles licensed by any state at over 12,000 pounds, except for deliveries and unloading, shall be prohibited in all residential districts on lots less than two acres in size.
- (c) *Equipment.* No person shall park, stop, or stand any trailer that weighs over 10,000 pounds (lbs), back-hoe, front-end loader, bobcat, grader, asphalt paver, asphalt roller, or related road machinery or equipment for more than 24 hours upon any private property or public street in a residential zone, except as permitted under subsection (d) of this section. No more than one such vehicle or piece of equipment shall be allowed on a single parcel of property.
- (d) *Construction parking.* In the event building construction or grading is to be performed in a residential zone, the clerk-administrator may grant permission for parking equipment restricted under subsection (c) of this section upon the premises for a reasonable period of time during construction. The permission shall be in writing, provided that the permission may at the clerk-administrator's discretion be endorsed on the building permit issued for the construction.

(e) *Length of parking.* A vehicle may not be upon any residential street or right-of-way in any one place for a longer continuous period than 24 hours.

- (f) *Exemption for large parcels.* The provisions of this section shall not apply to parcels of two acres or greater, provided that such parcels may not be used as rental vehicle or equipment parking space. In addition, any vehicle permitted under this exemption shall be screened from view from any adjacent lot by trees, fencing, or a storage building as permitted by the underlying zoning requirements. In no case shall any vehicle permitted under this exemption be parked closer than 40 feet from any adjacent property line.

~~(f) *Exemption for recreational vehicles.* The provisions of this section shall not apply to recreational vehicles.~~

- (g) *Conditions and restrictions.* The city council may grant the privilege of truck parking in areas zoned for planned development district in the required conditional use permit for planned development districts, subject to conditions and restrictions as to truck use of the area.
- (h) *Recreational equipment storage.*
- (1) *Generally.* Except as provided or as specifically allowed within the specific zoning districts, all materials and equipment shall be stored within a building.
 - (2) *Exceptions.* Licensed and operable recreational equipment units may be parked or stored on property outside a building as follows:
 - a. In the front yard, provided they are kept on an established driveway, and entirely on the equipment or vehicle owner's property. Recreational equipment may not be parked or stored on public property or an improved street right-of-way.
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- b. In the side yard abutting an attached or detached garage provided the recreational equipment is not closer than two feet from the side lot line. The area must be surfaced with asphalt, concrete or crushed decorative rock but shall not be placed within drainage and utility easements unless approved by the zoning administrator. Parking or storage of recreational equipment on the side yard abutting the principal building is prohibited.
 - c. In the rear yard not closer than five feet from the rear lot line, five feet from the side lot lines, and not within drainage and utility easements.
 - d. A property can only store recreational vehicles and equipment that are registered to or licensed by the owner or occupant of the property.

(Code 1997, §§ 910.01, 1300.14; Ord. No. 2017-8, 12-21-2017)

Sec. 36-163. Standards for residential districts.

(a) *RE, R-1 and R-1A standards.* The following standards are applicable to the RE, R-1 and R-1A Residential districts:

(1) *Exterior storage and screening.*

- a. All waste, refuse, garbage and containers shall be kept in a building or in a fully screened area, except as allowed before a scheduled collection.
- b. All non-operating vehicles or equipment shall be kept within a fully enclosed building.
- c. No exterior storage shall be allowed in the front yard, except parking of operable vehicles, subject to the following conditions and exceptions:

1. All vehicles parked in the front yard shall be on concrete, blacktop, or similar durable hard surface free of dust.

~~2. No more than three vehicles may be parked in the front yard at any one time, only one of which may be over 6,000 pounds gross vehicle weight or over 20 feet in length.~~

3. Recreational vehicles and equipment stored outside of a fully enclosed building must conform to Se. 32-39(h)

4. Vehicles recreational vehicles, and equipment parked on a trailer shall by counted as one vehicle.

~~3. Additional operable vehicles above the limit of three may be parked in the front yard on a temporary basis, for no more than 48 consecutive hours.~~

- d. All exterior storage in the street side yard of a corner lot shall be fully screened from the street and adjacent properties.

e. No more than four vehicles including passenger cars, trailers, recreational vehicles, recreational equipment, truck, bus, off-road vehicles, or similar may be parked or stored in the front, side, and rear yard on a residential property at any one time.

1. Only one commercial vehicle may be parked on a residential property at any time. Commercial vehicles may not exceed over 14,000 pounds gross vehicle weight or 20 feet in length.

2. Semi trucks, semi tractors, and semi trailers are prohibited from being parked or stored on any residential property.

3. Off-road motor vehicles are prohibited from being parked or stored in the front yard and shall be screened from public view or parked or stored in an enclosed structure.

Sec. 36-1. Definitions.

Motorcycle- All two or three wheeled motorized vehicles. Typical vehicles in this category have saddle type seats and are steered by handlebars rather than steering wheels. This category includes motorcycles, motor scooters, mopeds, motor powered bicycles, and three wheel motorcycles.

Passenger cars- All sedans, coupes, and station wagons manufactured primarily for the purpose of carrying passengers and including those passenger cars pulling recreational or other light trailers.

Other two axle vehicle- All two axle, four tire, vehicles, other than passenger cars. Included in this classification are pickups, panels, vans, and other vehicles such as campers, motor homes, ambulances, hearses, carryalls, and minibuses. Other two axle, four tire single unit vehicles pulling recreational or other light trailers are included in this classification.

Off-road motor vehicle- motor vehicle designed or used for track racing, off-road racing, off-road use or demolition derby

Sec. 32-39. Residential zones.

- (a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Recreational equipment includes, but is not limited to, operable and licensed, as required by the state, travel trailers, chassis-mounted campers, tent trailers, slide-in campers, airplanes, and converted buses; snowmobiles and trailers, boats/watercraft and trailers, all-terrain vehicles, motorcycles and utility trailers. A fish house, boat, snowmobile or other recreational equipment when stored or kept on a trailer shall be considered as one unit. The term "recreational equipment" does not include a motor vehicle designed or used for off-road racing, off-road use or demolition derby.

Residential zone means all areas zoned for residential uses (R-1, R-1-A, R-2, R-3 & RE) and Planned Development District (PDD) areas in the city.

- (b) *Truck or bus parking in residential zones.* No person shall park, stop, or stand any vehicle licensed by any state at over 12,000 pounds for more than two hours upon any private property or public street in a residential zone. Parking, either on-street or off-street, of vehicles licensed by any state at over 12,000 pounds, except for deliveries and unloading, shall be prohibited in all residential districts on lots less than two acres in size.
- (c) *Equipment.* No person shall park, stop, or stand any trailer that weighs over 10,000 pounds (lbs), back-hoe, front-end loader, bobcat, grader, asphalt paver, asphalt roller, or related road machinery or equipment for more than 24 hours upon any private property or public street in a residential zone, except as permitted under subsection (d) of this section. No more than one such vehicle or piece of equipment shall be allowed on a single parcel of property.
- (d) *Construction parking.* In the event building construction or grading is to be performed in a residential zone, the clerk-administrator may grant permission for parking equipment restricted under subsection (c) of this section upon the premises for a reasonable period of time during construction. The permission shall be in writing, provided that the permission may at the clerk-administrator's discretion be endorsed on the building permit issued for the construction.
- (e) *Exemption for large parcels.* The provisions of this section shall not apply to parcels of two acres or greater, provided that such parcels may not be used as rental vehicle or equipment parking space. In addition, any vehicle permitted under this exemption shall be screened from view from any adjacent lot by trees, fencing, or a storage building as permitted by the underlying zoning requirements. In no case shall any vehicle permitted under this exemption be parked closer than 40 feet from any adjacent property line.
- (f) *Exemption for recreational vehicles.* The provisions of this section shall not apply to recreational vehicles.
- (g) *Conditions and restrictions.* The city council may grant the privilege of truck parking in areas zoned for planned development district in the required conditional use permit for planned development districts, subject to conditions and restrictions as to truck use of the area.
- (h) *Recreational equipment storage.*
- (1) *Generally.* Except as provided or as specifically allowed within the specific zoning districts, all materials and equipment shall be stored within a building.
 - (2) *Exceptions.* Licensed and operable recreational equipment units may be parked or stored on property outside a building as follows:
 - a. In the front yard, provided they are kept on an established driveway, and entirely on the equipment or vehicle owner's property. Recreational equipment may not be parked or stored on public property or an improved street right-of-way.

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- b. In the side yard abutting an attached or detached garage provided the recreational equipment is not closer than two feet from the side lot line. The area must be surfaced with asphalt, concrete or crushed decorative rock but shall not be placed within drainage and utility easements unless approved by the zoning administrator. Parking or storage of recreational equipment on the side yard abutting the principal building is prohibited.
 - c. In the rear yard not closer than five feet from the rear lot line, five feet from the side lot lines, and not within drainage and utility easements.
 - d. A property can only store recreational vehicles and equipment that are registered to or licensed by the owner or occupant of the property.

(Code 1997, §§ 910.01, 1300.14; Ord. No. 2017-8, 12-21-2017)

Sec. 36-163. Standards for residential districts.

- (a) *RE, R-1 and R-1A standards.* The following standards are applicable to the RE, R-1 and R-1A Residential districts:
 - (1) *Exterior storage and screening.*
 - a. All waste, refuse, garbage and containers shall be kept in a building or in a fully screened area, except as allowed before a scheduled collection.
 - b. All non-operating vehicles or equipment shall be kept within a fully enclosed building.
 - c. No exterior storage shall be allowed in the front yard, except parking of operable vehicles, subject to the following conditions and exceptions:
 - 1. All vehicles parked in the front yard shall be on concrete, blacktop, or similar durable hard surface free of dust.
 - 2. No more than three vehicles may be parked in the front yard at any one time, only one of which may be over 6,000 pounds gross vehicle weight or over 20 feet in length.
 - 3. Additional operable vehicles above the limit of three may be parked in the front yard on a temporary basis, for no more than 48 consecutive hours.
 - d. All exterior storage in the street side yard of a corner lot shall be fully screened from the street and adjacent properties.

Sec. 36-1. Definitions.

[Definitions for *Motorcycle, Passenger cars, Other two axle vehicle, and Off-road motor vehicle* are not presently included in the City Code]