PLANNING COMMISSION AGENDA

MONDAY, NOVEMBER 09, 2026

CITY HALL at 7:00 PM

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **APPROVAL OF MINUTES**

5. **PUBLIC HEARING**
   - A. Public Hearing – Rear Yard Setback Variance for Proposed Deck at 7811 Jackson Street NE
   - B. Public Hearing - Towers and Antennas Ordinance

6. **OTHER**
   - A. No meeting on November 23, 2026

7. **ADJOURN**

SEE REVERSE SIDE FOR RULES FOR PUBLIC HEARINGS AND DISCUSSION FROM THE FLOOR

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk at 1301 81st Avenue NE, Spring Lake Park, MN 55432. Ph.763-784-6491 at least 48 hours in advance.

One or more Planning Commissioners may participate in this meeting remotely using interactive technology, in compliance with the Minnesota Open Meeting Law (M.S. §13D.02).

CITY OF SPRING LAKE PARK RULES
FOR PUBLIC HEARINGS

Public hearings are formal proceedings giving citizens an opportunity to express their concerns on a specific issue. Some issues on which the Planning Commission is required to hold public hearings include subdivisions, zoning changes, conditional use permits, and ordinance amendments.

The following format will be used to conduct a public hearing:

1. Planning Commission Chair opens the hearing.

2. City staff describes the proposal.

3. The applicant has an opportunity to further explain the proposal and respond to questions/ comments on the proposal from the Planning Commissioners.

4. Citizens will then have the opportunity to ask questions and/or comment on the proposed project.
    a. Those wishing to comment are asked to limit their comments to 3 minutes
    b. A group of residents wishing to have their collective opinions voiced may elect a spokesperson to represent them. The spokesperson may have a maximum of 10 minutes to express the views of the group.
    c. People wishing to comment are asked to keep their comments succinct and specific.

5. After everyone wishing to address the subject of the hearing has done so, the Planning Commission Chair will close the hearing.

6. Planning Commissioners will have an additional opportunity to comment and ask questions on the issue.

7. The Planning Commission will make a formal recommendation on the issue to the City Council or defer decision pending additional information.

Memorandum

Spring Lake Park
History. Community. Home.

To: **Chair Hansen and Members of the City Council**
From: **Daniel R. Buchholtz, ICMA-CM, Administrator, Clerk/Treasurer**
Date: **November 5, 2026**
Subject: **Variance Request – 7811 Jackson St NE**

Background

Pedro D. Sanango Arichabala, owner of the property located at 7811 Jackson Street NE, has submitted a development application proposing construction of a residential deck. The proposed deck would encroach approximately four feet into the required 40-foot rear-yard setback.

The property is legally described as Lots 19 and 20, Block 38, Riverside Plat No. 7, together with the west half of the adjacent vacated alley, subject to easements of record. The property contains approximately 10,497 square feet and is developed with a single-family residence constructed in 2025.



The applicant proposes to construct a deck to provide outdoor recreational space and seating, access to the backyard, and an additional means of exiting the residence in an emergency.

The submitted certificate of survey, originally prepared in 2025 for construction of the residence, includes handwritten annotations depicting the proposed deck. Based on those annotations, the proposed deck would maintain a rear-yard setback of approximately 36 feet, requiring a variance of approximately four feet.

The survey's property description includes the west half of the adjacent vacated alley. Accordingly, no additional setback allowance for the vacated alley has been assumed in evaluating the request.

Analysis

Section §16.60.040 of the City of Spring Lake Park's zoning code outlines the criteria for considering variances:

> "The City Council may grant a variance from the strict application of this title and impose conditions and safeguards on the variance so granted only in instances where their strict enforcement would cause practical difficulties in complying with the official control because of circumstances unique to the individual property under consideration, and may grant a variance only when it is demonstrated that such actions will be in harmony with the general purposes and intent of this title and when the variances are consistent with the

> Comprehensive Plan. "Practical difficulties" as used in connection with granting of a variance means that the property owner proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties also includes, but is not limited to, direct sunlight for solar energy systems. A variance shall not be granted to allow a use that is not allowed in the zoning district involved."

Reasonable Use of Property. The proposed deck is a reasonable residential improvement that is consistent with the existing single-family use of the property. The deck would provide additional outdoor living space, convenient backyard access, and an additional means of exiting the residence.

The requested variance is limited to four feet, representing a 10 percent reduction in the required rear-yard setback. The proposed improvement would remain entirely within the applicant's property.

Staff finds that the proposed use of the property is reasonable.

Unique Circumstances. The existing residence was constructed in 2025. The property contains approximately 10,497 square feet, and the location of the residence limits the available space for construction of an attached rear deck while maintaining the required 40-foot rear-yard setback.

The applicant has indicated that the proposed deck would provide outdoor recreational space, improved access to the backyard, and an additional means of exiting the residence in an emergency.

The application does not identify specific physical characteristics of the property that necessitate the requested setback variance. However, the Planning Commission may consider whether the placement of the existing residence, the configuration of the property, existing grading or drainage conditions, or other site-specific circumstances create practical difficulties in complying with the setback requirement.

Because the home was recently constructed, the Planning Commission should consider whether the need for the variance results from physical characteristics unique to the property or from the location and design of the residence. The Commission may also wish to consider whether a smaller or differently configured deck could reasonably be constructed within the required setback.

The Planning Commission must determine whether the circumstances presented satisfy the practical-difficulties standard established by Minnesota law and the City's zoning ordinance.

Essential character of the locality. The property is located within an established single-family residential neighborhood. Residential decks are customary accessory improvements in this zoning district.

The proposed deck would not change the use of the property, increase residential density, or introduce an incompatible activity into the neighborhood. The requested setback reduction is relatively limited and is not anticipated to substantially affect adjacent properties.

Staff finds that granting the variance would not alter the essential character of the locality.

Comprehensive Plan and Zoning Ordinance. The proposed deck is consistent with the residential use of the property and the City's Comprehensive Plan.

The purpose of residential setback requirements is to maintain adequate separation between structures and property boundaries, protect neighboring properties, and preserve neighborhood character.

The requested four-foot reduction would maintain a 36-foot separation from the rear property line. Given the limited extent of the encroachment and the nature of the proposed improvement, staff finds that the variance would generally remain in harmony with the purposes and intent of the zoning ordinance.

Recommendations

Staff recommends that the Planning Commission conduct the public hearing, consider the information submitted by the applicant and any public testimony received, and determine whether the requested variance satisfies the practical-difficulties criteria established by Minnesota Statutes § 462.357, subdivision 6, and Section 16.60.040 of the City Code.

Depending upon its determination, the Planning Commission may recommend approval or denial of the variance to the City Council.

Option 1 – Recommendation for Approval

If the Planning Commission determines that the practical-difficulties criteria have been satisfied, staff recommends that the Commission adopt the following findings of fact and recommend approval of the four-foot rear-yard setback variance, subject to the conditions outlined below.

Findings of Fact:

1. The proposed deck represents a reasonable residential use of the property consistent with the existing single-family residential use and the City's Comprehensive Plan.
2. The Planning Commission finds that the physical characteristics of the property, including the location of the existing residence and the available space within the rear yard, create practical difficulties in constructing a functional attached deck while maintaining the required 40-foot rear-yard setback. Based on the evidence presented, the Commission determines that these circumstances are unique to the property and were not created by the property owner.
3. The requested four-foot setback reduction is limited in scope and would not alter the essential character of the surrounding single-family residential neighborhood.
4. The proposed deck would maintain a minimum rear-yard setback of 36 feet and would not substantially interfere with the purposes and intent of the City's residential setback requirements.
5. The requested variance is in harmony with the general purposes and intent of the zoning ordinance and is consistent with the City's Comprehensive Plan.

Conditions of Approval:

1. The variance shall permit a minimum rear-yard setback of 36 feet for the proposed residential deck, as depicted on the submitted certificate of survey.

2. The applicant shall obtain all required building permits prior to construction and comply with applicable building code requirements.
3. The deck shall be constructed substantially in accordance with the submitted plans. Any material modifications shall require review and approval by the City.
4. The variance shall apply only to the proposed deck and shall not authorize additional encroachments into required setbacks or drainage and utility easements.

Option 2 – Recommendation for Denial

If the Planning Commission determines that the applicant has not demonstrated practical difficulties sufficient to justify the requested variance, staff recommends that the Commission adopt the following findings of fact and recommend denial of the variance.

Findings of Fact

1. While construction of a residential deck represents a reasonable use of the property, the applicant has not demonstrated that a functional deck cannot reasonably be constructed in compliance with the required 40-foot rear-yard setback.
2. The existing residence was constructed in 2025, and the applicant has not demonstrated that the need for the variance results from physical characteristics unique to the property rather than the location and design of the recently constructed residence.
3. The applicant has not identified unusual topographical conditions, irregular lot dimensions, easements, or other physical restrictions that would prevent compliance with the applicable setback requirements.
4. Although the proposed deck would not appear to alter the essential character of the surrounding neighborhood, satisfaction of this criterion alone is insufficient to establish practical difficulties under Minnesota law.
5. The applicant has not demonstrated that the requested variance satisfies all of the practical-difficulties criteria established by Minnesota Statutes § 462.357, subdivision 6, and Section 16.60.040 of the City Code.

Planning Commission Action

Following the public hearing, the Planning Commission may recommend approval or denial of the variance based on the applicable practical-difficulties criteria and findings of fact supported by the record.

The Commission's decision must be based on the standards established by Minnesota law and the City's zoning ordinance, rather than public support for or opposition to the proposed improvement. Public testimony may be considered to the extent it provides relevant factual information concerning the variance criteria; however, generalized neighborhood concerns, personal preferences, or the number of residents speaking in favor of or against the request do not, by themselves, constitute a sufficient basis for approval or denial.

The Planning Commission may modify or supplement the proposed findings of fact to reflect relevant evidence presented during the public hearing. Its recommendation will be forwarded to the City Council for final consideration on November 16, 2026.

If you have any questions regarding the proposed variance, please do not hesitate to contact me at 763-784-6491.

City of Spring Lake Park
1301 81st Avenue NE
Spring Lake Park, MN 55432
763-784-6491 (p) 763-792-7257 (f)
info@slpmn.org

For Office Use Only	
Case Number:	
Fee Paid:	550
Received by:	WB
Date Filed:	10/22/2026
Date Complete:	
Base Fee: 250	Escrow: 300

DEVELOPMENT APPLICATION

TYPE OF APPLICATION (Check All That Apply)

☐ Appeal	☑ Site Plan/Building Plan Review	☐ Variance
☐ Comprehensive Plan Amendment	☐ Concept Plan Review	☐ Minor Subdivision
☐ Ordinance Amendment (Text)	☐ Conditional Use Permit	☐ Lot Combination
☐ Rezoning	☐ Interim Use Permit	☐ Preliminary Plat
☐ Planned Unit Development	☐ Street or Easement Vacation	☐ Final Plat

PROPERTY INFORMATION

Street Address: 7811 Jackson ST NE

Property Identification Number (PIN#): O2 30 2444 0024 Current Zoning: Single family

Legal Description: Lot 19&20 BLK 38 riverside
(Attach if necessary)

APPLICANT INFORMATION

Name: and	Business Name:	
Address:		
City/State/Zip Code:		
Telephone:	Fax:	E-mail:
Contact:		Title:

OWNER INFORMATION (if different from applicant)

Name: Pedro D Sanango ARICHABALA	Business Name:	
Address: 7811 JACKSON STNE		
City/State/Zip Code: Spring LAKE PARK MN		
Telephone: 612-644-9694	Fax:	E-mail: dannysanang
Contact:		Title:

DESCRIPTION OF REQUEST (attach additional information if needed)

Existing Use of Property: Residential home stead

Nature of Proposed Use: Residential deck for outdoor recreation and seating

Reason(s) to Approve Request: The proposed deck will provide a safe and functional outdoor living area for our family we need access to the backyard and the most important in case of a emergency we need a second exit in our home

APPLICATION FEES AND EXPENSES:

The City of Spring Lake Park requires all applicants to reimburse the City for any and all costs incurred by the City to review and act upon applications.

The application fee includes administrative costs which are necessary to process the application. The escrow fee will include all charges for staff time by the City Planner, City Engineer, City Attorney, and/or any other consultants as needed to process the application.

Minnesota Statute § 471.462 requires all cities to provide, upon request, a nonbinding estimate of consulting fees in connection with applications for permits, licenses, or other approvals relating to real estate development or construction. If the applicant requests the estimate, the application shall not be deemed complete until the City has (1) provided an estimate to the applicant; (2) received the required application fees, as specified by the City; (3) received a signed acceptance of the fee estimate from the applicant; and (4) received a signed statement that the applicant has not relied on the estimate of fees in its decision to proceed with the final application from the applicant.

The City will track all consultant costs associated with the application. If these costs are projected to exceed the money initially deposited to your escrow account, you will be notified in the manner that you have identified below that additional monies are required in order for your application process to continue. If you choose to terminate the application (notice must be in writing), you will be responsible for all costs incurred to that point. If you choose to continue the process you will be billed for the additional monies and an explanation of expenses will be furnished. Remittance of these additional fees will be due within thirty (30) days from the date the invoice is mailed. If payment is not received as required by this agreement, the City may approve a special assessment for which the property owner specifically agrees to be to be assessed for 100 percent per annum and waives any and all appeals under Minnesota Statutes Section 429.081 as amended. ***All fees and expenses are due whether the application is approved or denied.***

With my signature below, I hereby acknowledge that I have read this agreement in its entirety and understand the terms herein. ***I agree to pay to the City all costs incurred during the review process as set forth in this Agreement.*** This includes any and all expenses that exceed the initial Escrow Deposit to be paid within 30 days of billing notification. I further understand that the application process will be terminated if payment is not made and application may be denied for failure to reimburse City for costs. I further understand that the City may approve a special assessment against my property for any unpaid escrows and that I specifically waive any and all appeals under Minnesota Statutes 429.081, as amended.

I wish to be notified of additional costs in the following manner (select one):

☐ E-mail dannysanango1489@gmail ☐ Fax _____ ☐ USPS

I, the undersigned, hereby apply for the considerations described above and declare that the information and materials submitted in support of this application are in compliance with adopted City policy and ordinance requirements are complete to the best of my knowledge.

I acknowledge that I have read the statement entitled “Application Fees and Expenses” as listed above.

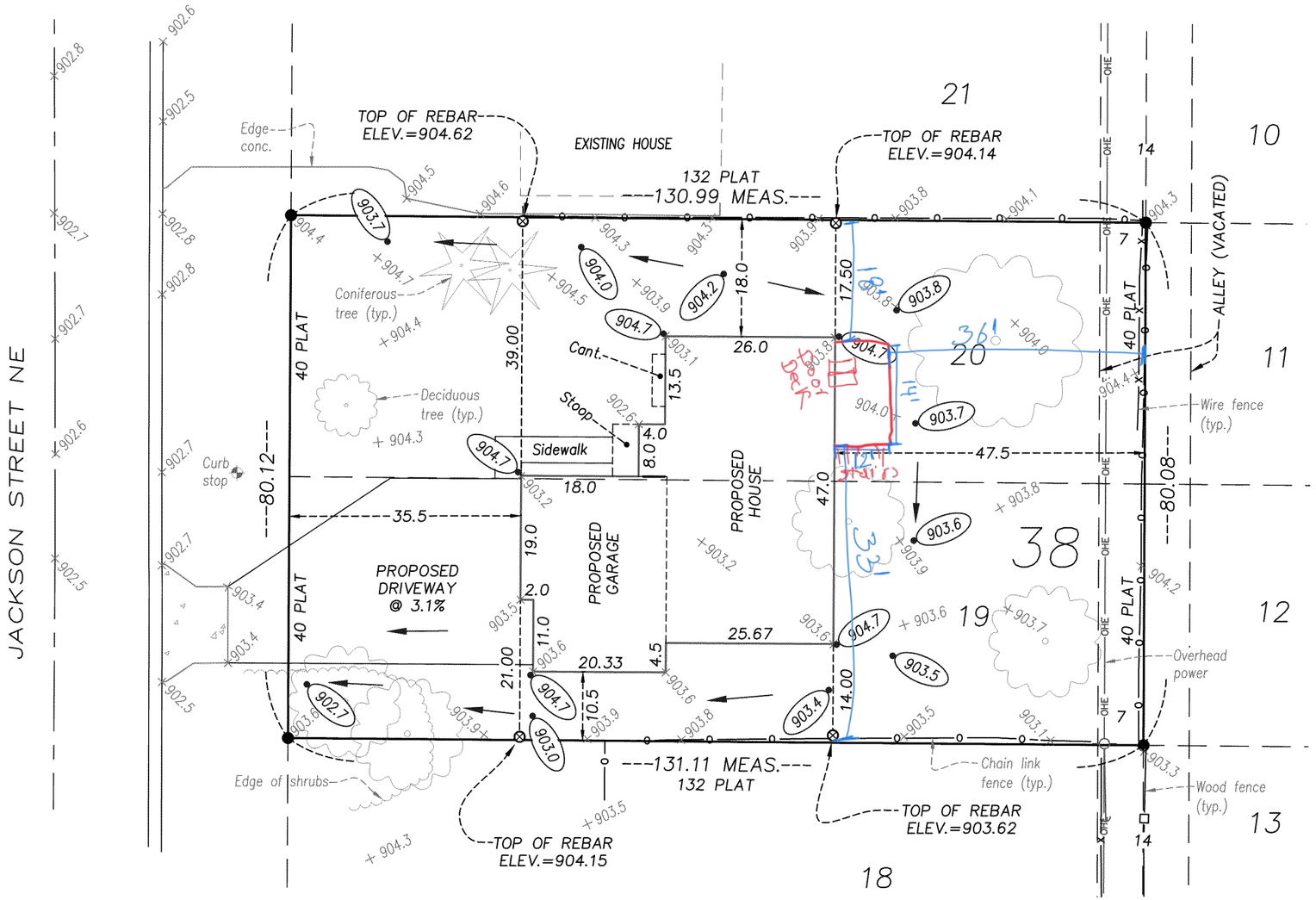
I understand that this application will be processed in accordance with established City review procedures and Minnesota Statutes Section 15.99 as amended, at such time as it is determined to be complete. Pursuant to Minnesota Statutes Section 15.99, the City will notify the applicant within fifteen (15) business days from the filing date of any incomplete or other information necessary to complete the application, including all four requirements of Minnesota Statute § 471.462, should I request a written estimate of consultant fees. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Applicant: _____ Date: _____

Owner: Pedro D Sanango Date: 09/24/

NOTE: Applications only accepted with ALL required support documents.
See City Code

CERTIFICATE OF SURVEY
FOR
NOBERG HOMES, INC.



- ● DENOTES IRON MONUMENT FOUND
- ⊗ DENOTES REBAR SET (HOUSE CORNER OFFSET)

PROPERTY DESCRIPTION: (Provided by Client)
Lots 19 & 20, Block 38, RIVERSIDE PLAT NO. 7, together with West 1/2 of adjacent vacated alley, subject to easements of record, Anoka County, Minnesota

Address: 7811 Jackson Street NE, Spring Lake Park, MN

LOT AREA: 10,497 s.f. +/-

APPROX. IMPERVIOUS SURFACE AREAS	
HOUSE	1,246 s.f
GARAGE	648 s.f.
PORCH	32 s.f.
SIDEWALK/DRIVEWAY	1,031 s.f.
TOTAL	2,957 s.f.

REVISED 08/05/2025 – CORRECTED PROPOSED FOUNDATION ELEVATIONS

REVISED 09/02/2025 – MODIFIED PROPOSED GRADING PER CITY ENGINEER COMMENTS

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a Licensed Land Surveyor under the laws of the State of Minnesota.

Date 06/27/2025

Trace C. McCoy
License No. 44531

PROPOSED ELEVATIONS
(SPLIT ENTRY LOOKOUT)
TOP OF FOUNDATION = 905.2
GARAGE FLOOR ELEV. = 904.8
LOWEST FLOOR ELEV. = 902.0

LEGEND
+ 963.5 EXISTING GROUND ELEVATION
990.9 PROPOSED GROUND ELEVATION
→ DIRECTION OF DRAINAGE

SURVEYORS NOTES:
1. BUILDER AND/OR OWNER SHALL VERIFY THAT SOIL CONDITIONS ARE SUITABLE FOR THE PROPOSED CONSTRUCTION
2. BUILDER AND/OR OWNER SHALL VERIFY PROPOSED TOP OF FOUNDATION & FLOOR ELEVATION SEPARATION DIMENSIONS AND HOUSE FOOTPRINT DIMENSIONS. NOTIFY MEYER-ROHLIN LAND SERVICES OF ANY DISCREPANCIES PRIOR TO BEGINNING EXCAVATION.
3. THIS SURVEY IS PROVIDED ONLY FOR USE BY THE CLIENT NAMED HEREON, FOR THE PURPOSE OF OBTAINING A BUILDING PERMIT FOR THE PROPOSED HOUSE SHOWN HEREON.
4. TITLE DOCUMENTATION WAS NOT PROVIDED BY THE CLIENT. EASEMENTS ARE SHOWN ONLY ACCORDING TO THE RECORDED PLAT. EASEMENTS / ENCUMBRANCES MAY EXIST WHICH ARE NOT SHOWN HEREON.
5. BENCHMARK: MNDOT MONUMENT "0207 D". ELEVATION = 903.59 (NAVD 88)

Meyer-Rohlin LAND SERVICES
708 1ST AVENUE NE, #1
BUFFALO, MN 55313
PH. 763.682.1781 WWW.MEYERROHLIN.COM

REVISIONS
08/05/2025
09/02/2025

SHEET 1 OF 1 SHEETS

DRAWN BY TCM | DATE 06/27/2025 | FILE NO. 25223

N:\Carlson Projects\25223 - L19 20 B38 Riverside Plat No 7\25223.dwg

Stantec

Memo

To:	Spring Lake Park Planning Commission	From:	Evan Monson, AICP
Project/File:	193805540	Date:	November 2, 2026

REQUEST: Amendments to the Spring Lake Park City Code regarding Communication Towers and Antenna Support Structures

APPLICANT: City of Spring Lake Park

ITEMS REVIEWED: Draft Ordinance

INTRODUCTION

The City has received interest in constructing a new communication tower within Spring Lake Park. In anticipation of potential future requests, City staff reviewed the existing regulations earlier this year (Section 15.04 of city code) and identified that updates are needed, as this section has not been updated in some time. Spring Lake Park is a substantially developed community with limited vacant land. New freestanding towers and support structures may create long-term impacts on surrounding properties, redevelopment opportunities, neighborhood compatibility, visual character, and future land-use planning. Said updates will address tower height, setbacks, fall zones, separation from residential uses, screening, lighting, design, abandonment, removal, insurance, performance security, collocation, and related land-use considerations.

The City Council adopted Ordinance 508 on 7/24/2026, which establishes a temporary moratorium on the acceptance, review, approval, permitting, and construction of new communication towers and antenna support structures within the City while the regulations are reviewed and updated. The moratorium will run for up to a year from the date of adoption, or until the City Council adopts new regulations, whichever occurs first.

OVERVIEW

The ordinance regulates antennas and towers within Spring Lake Park. Certain antennas and towers are exempt from permitting: accessory antennas (such as a satellite television dish), antennas and towers used by the city, and temporary antennas or towers erected for testing and emergency purposes. All other situations require a permit. Permits are further broken down into permitted uses (which can be approved administratively), and conditional uses (which can be allowed through a conditional use permit or CUP). CUPs would come before the Planning Commission for review and recommendation, and would be approved or denied by the City Council.

Much of the current language has been carried over into this new ordinance. Staff also reviewed city codes and ordinances of other communities in Minnesota, as well as current State and Federal regulations. The city also reviewed language with the City Attorney, as well as telecommunications engineers for refinement. Below is a summary of the changes between the draft ordinance, and the current ordinance.

- Formatting
    - The language is proposed to be implemented into the city's Zoning Code (Chapter 16 of SLPC). The regulations are proposed to be located in Section 16.38.

- The language has been reorganized to make the requirements easier to navigate for staff, reviewers, and potential applicants. Previously, Section 15.04 had two sections with definitions. Permitting requirements were also located in multiple sections.
- References with other city code sections were updated as needed.
- Language regarding antennas and towers within the right-of-way were removed, as these are already regulated elsewhere in city code (Section 12.48).

- Definitions
  - New terms:
    - 'Accessory Antenna' covers smaller telecommunication items that typically do not create any land use or zoning issues.
    - 'Accessory Equipment Cabinet' is the building(s) that house or contain equipment and are located at the base or near the base of a telecommunications tower.
    - 'Colocation' was not defined in the current ordinance language.
    - 'Public Structure' is defined to describe what is or is not a public structure.
    - 'Radome' is a covering that can be placed over an antenna.
  - Some existing terminology was revised to be consistent with language used by other communities in the State.

- Performance Standards
  - These requirements were located in different sections under the current ordinance; these are now listed in one section based on antenna or tower type, and how they are permitted. Permitted and conditional uses also have specific standards listed based on how an antenna or tower is permitted.
  - New performance standards:
    - Siting preferences for new towers, as well as for new antennas, to guide locations for new antennas and towers.
    - External lighting requirements were updated; lighting is typically not allowed unless required by the FAA or required for other unique circumstances.
    - Setbacks created from structures or buildings listed on the National Register of Historic Places.
    - Construction standards/requirements were updated. Submittal requirements were updated to clarify what is needed from applicants.
    - Setbacks from wetlands were added.
    - Setbacks from dwelling units were added.
    - Clustering requirement – towers must be spaced apart from each other.
    - Minimum lot size requirements for towers located on lots in residential zones.

        - Height limits were clarified; previous language allowed the City to grant increases in height but did not set a maximum height.

- Removal and Abandonment
    - Language for situations of tower/antenna removal, as well as abandonment, were added.

OPTIONS

The Planning Commission can do one of the following:

1. Recommend approval of the request, with findings for approval.
2. Recommend denial of the request, with findings for denial.
3. Table the request for further review and/or study.

RECOMMENDATION

Staff recommends the Planning Commission recommend the City Council approve of Ordinance 514, with the following findings listed in Section 3 of the ordinance.

SPRING LAKE PARK
ORDINANCE 513

NOW THEREFORE, be it ordained by the Council of the Spring Lake Park, in the State of Minnesota, as follows:

SECTION 1: **REPEAL** "15.04 ANTENNAS AND TOWERS" of the Spring Lake Park Municipal Code is hereby *repealed*:

~~15.04 ANTENNAS AND TOWERS~~ *(Repealed)*

~~15.04.010 Definitions - Antennas And Towers~~ *(Repealed)*

~~15.04.020 Permit Required; Exemptions~~ *(Repealed)*

~~15.04.030 Application; Fee~~ *(Repealed)*

~~15.04.040 Construction Requirements And Restrictions~~ *(Repealed)*

~~15.04.050 Location Restrictions~~ *(Repealed)*

~~15.04.060 Telecommunications Facilities~~ *(Repealed)*

~~15.04.070 Height Restrictions~~ *(Repealed)*

~~15.04.080 Variances~~ *(Repealed)*

~~15.04.090 Abandonment~~ *(Repealed)*

~~15.04.100 Violations; Remedies Not Exclusive~~ *(Repealed)*

SECTION 2: **ADOPTION** "16.38 ANTENNAS AND TOWERS" of the Spring Lake Park Municipal Code is hereby *added* as follows:

A D O P T I O N

16.38 ANTENNAS AND TOWERS*(Added)*

SECTION 3: **ADOPTION** "16.38.010 Purpose And Findings" of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

16.38.10 Purpose And Findings*(Added)*

A. *Purpose and intent.* The purpose of this section is to establish predictable and balanced regulations for telecommunication facilities and systems not located in the right-of-way in order to accommodate such within the city, while protecting the community against adverse impacts to the public welfare or aesthetic resources.

B. *Findings.* The City of Spring Lake Park finds that the following objectives are necessary to guide the regulation of wireless telecommunications facilities within the City:

1. Facilitate the provision of reliable, competitive, and high-quality wireless telecommunications services and infrastructure for residents, businesses, and emergency response communications.
2. Protect the public health, safety, welfare, and aesthetic character of the community by regulating the location, design, construction, modification, and operation of wireless telecommunications facilities.
3. Minimize visual impacts by encouraging the use and co-location of wireless facilities on existing towers, buildings, light poles, and other support structures before the construction of new freestanding towers.
4. Minimize the number of new freestanding towers by requiring co-location opportunities and designing new towers to accommodate multiple service providers.
5. Require telecommunications facilities, towers, and associated equipment to be designed, screened, and integrated with surrounding development through stealth techniques and other measures that reduce visual impacts and complement existing structures.
6. Protect adjacent properties and the public from potential hazards associated with telecommunications facilities through appropriate structural, siting, and setback standards.
7. Ensure telecommunications facilities are located in suitable areas, with impacts on residential neighborhoods minimized and residential locations considered only when no reasonable alternative exists.
8. Minimize the use of land for telecommunications facilities to reduce safety hazards, visual impacts, and conflicts with existing and future public utilities.

C. *Severability.* Every section, subdivision, clause, or phrase of this section is declared separable from every other section, subdivision, clause, or phrase. If any such part is held to be invalid by competent authority, no other part shall be invalidated by such action or decision.

SECTION 4: **ADOPTION** "16.38.020 Definitions" of the Spring Lake Park Municipal Code is hereby *added* as follows:

A D O P T I O N

16.38.020 Definitions*(Added)*

For the purpose of SLPC Ch. 16.38, the terms below have the meaning given to them, unless the context clearly indicates a different meaning:

ACCESSORY ANTENNA. Antennas that are customary and incidental to allowed principal uses within the underlying zoning district a property is located within. Examples include: radio and television receiving antennas under six feet in height, satellite dishes or television receive-only systems two (2) meters or less in diameter, short-wave radio dispatch antennas, and antennas necessary for the operation of electronic equipment such as radio receivers, ham radio transmitters, and licensed amateur radio operations.

ACCESSORY EQUIPMENT. Wires, cables, generators, or other equipment or apparatus associated with an antenna and necessary for telecommunication transmission.

ACCESSORY EQUIPMENT CABINET. Buildings or structures used to house or store accessory equipment.

ANTENNA. Any device used for the transmission or reception of wireless radio television, or electromagnetic waves for cellular, internet service, personal communication service, enhanced specialized mobilized radio service, or television purposes.

CO-LOCATION or **COLLOCATION.** The location of more than one antenna, or set of antennas, on the same tower.

ENGINEER. An engineer licensed by the state of Minnesota, or an engineer acceptable to the city if licensing is not available.

PUBLIC STRUCTURE. A structure that is owned and operated by a federal, state, county, or local government agency. Public structures include: towers, buildings, water towers, electrical transmission towers, utility poles, and structures that are or can be designed to support or capable of supporting telecommunication facilities.

RADOME. A structural, weatherproof enclosure that protects an antenna and is constructed of material that minimally attenuates the signal transmitted/received by such antenna.

STEALTH DESIGN. Design techniques intended to minimize visual impact of an object on its surroundings. Examples of stealth telecommunication design include: eliminating horizontal projections; screening with other architectural elements; nestling into surrounding landscape such that natural topography or vegetation reduces views; locating in areas that

would result in the least amount of visibility to the public; minimizing size; and designing a telecommunications facility to appear as something other than a telecommunications facility.

SUPPORT STRUCTURE. A structure on which an antenna, or antennas, can be mounted. Examples of support structures include: telecommunication towers, buildings, water towers, electrical transmission towers, utility poles, and structures designed to support or capable of supporting telecommunication facilities.

TELECOMMUNICATION FACILITY. Facility. Antennas, accessory equipment, support structures, and towers not located within the right-of-way. This term does not include a Small Wireless Facility or Wireless Facility as defined in SLPC 12.48.

TELECOMMUNICATIONS TOWER or **TOWER.** A freestanding, self-supported structure constructed from grade for the purpose of supporting one or more antenna. This does not include towers used for licensed amateur radio operations.

SECTION 5: **ADOPTION** "16.38.030 Permit Required; Exemptions; Fees" of the Spring Lake Park Municipal Code is hereby *added* as follows:

A D O P T I O N

16.38.30 Permit Required; Exemptions; Fees*(Added)*

A. *Permit required.* No antenna or tower of any kind shall hereafter be erected, constructed, or placed, or re-erected, reconstructed, or re-placed, anywhere within the city without first making an application for and obtaining from the city a permit therefor.

B. *Exemptions.* No permit shall be required for the following situations:

1. An accessory antenna.
    a. The performance standards in SLPC 16.38.070, Paragraph A shall still apply.
2. Antennas and towers used by the city for city purposes.
3. Antennas or towers erected temporarily for test purposes, emergency communication, or for broadcast remote pickup operations.
    a. The performance standards in SLPC 16.38.070, Paragraph B shall still apply.

C. *Application; Fee.* All applications for a permit required by this Section shall be accompanied by a building permit, and shall be accompanied by a fee in the amount as set from time to time pursuant to SLPC 3.16.030.

SECTION 6: **ADOPTION** "16.38.040 Permitted Uses" of the Spring Lake Park Municipal Code is hereby *added* as follows:

A D O P T I O N

16.38.40 Permitted Uses*(Added)*

A. In all zoning districts, the following are permitted uses outside of right-of-way that can be approved administratively by the Zoning Administrator, provided the proposed telecommunication facility does not require a variance from SLPC Title 16:
   1. Telecommunication facilities located on electric transmission towers carrying over 200 kilovolts (kV) of electricity.
   2. Collocation of telecommunication facilities on a previously approved telecommunication tower or support structure.
   3. Collocation of telecommunication facilities or one-time replacement of telecommunication facilities which would not substantially change the physical dimensions of an existing tower, support structure, and existing facilities. Substantial change is defined as:
      a. the mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or
      b. the mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or
      c. the mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
      d. the mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property; or
      e. the mounting of the proposed antenna would defeat the concealment elements of the eligible support structure; or
      f. the mounting of the proposed antenna would not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station

equipment.

SECTION 7: **ADOPTION** "16.38.050 Conditional Uses" of the Spring Lake Park Municipal Code is hereby *added* as follows:

A D O P T I O N

16.38.50 Conditional Uses*(Added)*

The following telecommunication facilities are conditional uses, subject to conditions outlined in SLPC 16.38.070:

A. New telecommunications towers; and
B. Facilities which do not qualify as a Permitted Use pursuant to SLPC 16.38.040 and which are collocated on a tower or support structure for which a conditional use permit or other applicable telecommunication tower land use approval has not already been granted.

SECTION 8: **ADOPTION** "16.38.060 Permits; Applications" of the Spring Lake Park Municipal Code is hereby *added* as follows:

A D O P T I O N

16.38.60 Permits; Applications*(Added)*

A. *Administrative permit.* An administrative permit is required for facilities as listed in SLPC 16.38.040, Paragraph A.
    1. Administrative permit applications are subject to the review of the Zoning Administrator, or their designee.
    2. A decision shall be made within the time periods provided by Minnesota Statute 15.99, as applicable. The city shall serve a copy of that decision upon the applicant by mail. Any person aggrieved by the decision may appeal the decision to the Planning Commission.
B. *Conditional Use Permit*. A Conditional Use Permit is required for facilities as listed in SLPC 16.38.050. Conditional Use Permit applications are subject to the review procedures as outlined in SLPC 16.56.020.
C. *Permit applications.* Applications must be submitted on the appropriate form provided by the city and must include the following, unless otherwise waived by the city based on circumstances unique to the site:
    1. Wireless telecommunication provider that will utilize the facility and provider's consent to the application;
    2. A certificate of survey, illustrating the location of the proposed facility,

property lines, right-of-way lines, setbacks, and any existing or proposed easements;

3. Elevations of antennas, towers, and support structures;
4. Construction drawings signed by an engineer;
5. An escrow to cover the reasonable expense of a radio frequency (RF) engineer retained by the city to conduct an interference study. The study will evaluate a proposed facility's potential interference with public safety communications, including communications with public utility monitoring systems;
6. A coverage and capacity analysis prepared by a radio frequency (RF) engineer that demonstrates that the location of the proposed facility is necessary to meet the coverage and capacity needs of the wireless telecommunication providers system and cash escrow to cover the reasonable expense of an RF engineer retained by the city, at its option, to review the coverage and capacity analysis.

SECTION 9: **ADOPTION** "16.38.070 Performance Standards" of the Spring Lake Park Municipal Code is hereby *added* as follows:

A D O P T I O N

16.38.70 Performance Standards*(Added)*

A. *Accessory Antenna standards.* The following standards apply to all Accessory Antennas as defined in this Chapter.
   1. An Accessory Antenna shall be required to adhere to the applicable height and setback requirements for accessory structures as determined by the underlying zoning district.
   2. An Accessory Antenna may not have any lighting, beacons, reflectors, flashers, or other illumination devices unless required by law, by a governmental agency to protect the public's health and safety, or unless necessary to facilitate service to accessory equipment.
   3. No Accessory Antenna shall have affixed to it signs, banners, or placards of any kind, except one sign not over ten square inches indicating the name of the manufacturer and installer.
   4. No Accessory Antenna shall exceed a height equal to the distance from the base of the antenna or tower to the nearest overhead electrical power line (except individual service drops), or less than five feet.
   5. Accessory Antennas shall be exempt from the standards of SLPC 15.04.070, provided an Accessory Antenna is constructed in compliance with applicable building and electrical code requirements. Structural design, mounting, and installation of an Accessory Antenna must be in compliance with manufacturer's specifications.
B. *Standards for Antennas or Towers erected temporarily.* The following standards apply to antennas or towers erected temporarily for test purposes, emergency

communication, or for broadcast remote pickup operations.

1. Temporary antennas or towers shall be removed within 72 hours, unless a different time is approved by the Zoning Administrator or the Council.
2. The standards of 16.38.070, Paragraphs C,1 through C,14 shall apply, excluding Paragraph C,13,f.

C. *General Telecommunications Facility Standards.* The following standards apply to all telecommunication facilities as defined in this Chapter.

1. *Preferences for telecommunication tower locations.* No new towers shall be approved at any location other than a Preferred Land Use Area, unless the applicant shows to the reasonable satisfaction of the city that such locations are not feasible from an engineering standpoint. When selecting sites for the construction of new towers, the following preferences shall be followed:
    a. *Preferred Land Use Areas.*
        (1) Properties containing Public Structures.
        (2) Properties consisting of athletic complexes.
        (3) Parking lots, if the tower replicates, incorporates or substantially blends in with the overall lighting standards of the property.
        (4) Within the easement of a high-power overhead transmission line, or within 50 feet of the transmission line easement on the same side of the road.
    b. *Alternative Land Use Areas.*
        (1) Public parks or open spaces.
        (2) Property in Non-residence districts, as listed in SLPC 16.20.
        (3) Property in Residence districts, as listed in SLPC 16.16.010.
2. *Preferred Antenna Support Structures.* No new antennas shall be approved at any location other than a Preferred Antenna Support Structure, unless the applicant shows to the reasonable satisfaction of the city that such locations are not feasible from an engineering standpoint. When selecting sites for the construction of new antennas, the following preferences shall be followed:
    a. Public Structures.
    b. Co-location on existing antenna support structures.
    c. Steeples on places of worship.
    d. Sides of buildings over two stories high.
    e. Existing power, lighting or phone poles.
3. Antennas mounted on a support structure must not extend more than 15 feet above the height of the structure to which they are attached. Wall or facade-mounted antennas may not extend above the cornice line, and must be constructed of a material or color that matches the exterior of the support structure.
4. Antennas must not project out from the side of a support structure, unless it is physically impossible to locate the antennas within the structure or tower, in which case they must not project out by more than three feet.
5. *Setbacks and location.*
    a. No part of any telecommunication facility regulated under this chapter

shall, at any time, extend across, over, or be located within any part of a street, sidewalk, alley, or public right-of-way.

b. A tower adjacent to a R-1, R-2, or R-3 zoning district must meet the building setback of the applicable adjacent residential underlying zoning district, but only from the residential zone.

c. No part of a telecommunication facility shall be located within any setback required in the underlying zoning district for a principal or accessory structure in which the antenna or tower is located.

d. No telecommunication facility shall be located, permanently or temporarily, in the front yard of any residential district.

e. No person shall erect more than one antenna or tower on a residential parcel within the city.

6. *Accessory Equipment Cabinets.*

a. No more than one Accessory Equipment Cabinet is permitted on a parcel. Additional space needed for the co-location of antennas onto an existing tower must be added in a manner to make it appear as one building.

b. An Accessory Equipment Cabinet must have a minimum setback of at least ten feet from all property lines.

c. Accessory Equipment Cabinets shall adhere to the height requirements for accessory structures of the underlying zoning district.

d. Design of Accessory Equipment Cabinets are subject to a site plan review under SLPC 16.20.060.

7. *Screening.* Accessory Equipment Cabinets, or ground-mounted accessory equipment, must be architecturally designed to blend in with the surrounding environment, including the principal structure, or must be screened from view by suitable vegetation or fencing. Design of screening and landscaping are subject to a site plan review under SLPC 16.20.060.

8. *Height.* The height of an antenna and tower must be the minimum necessary to meet the applicant's coverage and capacity needs, as verified by an electrical engineer or other appropriate professional. The City may waive this requirement if additional height is appropriate for co-location opportunities.

9. *Exterior surfaces.* Towers, antennas, accessory equipment, and radomes must be painted a non-contrasting color consistent with the surrounding area such as: blue, gray, brown, or silver, or have a galvanized finish to reduce visual impact.

10. *Service provider.* A telecommunications service provider must be identified for a proposed telecommunication facility and must occupy the facility within twelve months of approval.

11. *Lighting.* Telecommunications facilities may not have any lighting, beacons, reflectors, flashers, or other illumination devices unless required by law, by a governmental agency to protect the public's health and safety, or unless necessary to facilitate service to accessory equipment.

12. *Historic structures.* No telecommunications facility shall be located within 400 feet of the boundary of any property that contains a building or structure listed

on the National Register of Historic Places.

13. *Construction.*
    a. Telecommunications facilities must be in compliance with applicable building and electrical code requirements.
    b. A tower must be designed and certified by an engineer to be structurally sound and in conformance with the building code.
    c. Structural design, mounting and installation of the telecommunications facilities must be in compliance with the manufacturer's specifications.
    d. Antennas and towers shall be grounded for protection against a direct strike by lightning.
    e. Antennas and towers shall be protected to discourage climbing by unauthorized persons.
        (1) The bottom of a tower from grade to twelve (12) feet above grade shall be designed in a manner to preclude unauthorized climbing and/or shall be enclosed by a six (6) feet high chain link fence with a locked gate.
    f. All towers shall be constructed of corrosive-resistant steel or other corrosive-resistant, non-combustible materials. Towers shall not be constructed or made of wood, timber, or logs.
    g. No tower shall have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or similar appurtenances.
    h. New telecommunication facilities must be designed to accommodate colocation at more than one height within the tower, unless it is physically impossible or impractical to do so at the tower's proposed location.
    i. Any person erecting an antenna or tower within the city shall show proof of liability insurance covering personal injury or property damage in the event that damage or injury is caused by the structure.
14. *Signage*. No antenna or tower shall have affixed to it signs, banners, or placards of any kind, except one sign not over ten square inches indicating the name of the manufacturer and installer.
15. An applicant must provide an analysis prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of its system and that there is no existing antenna support structure that could adequately serve the area if antennas were placed on it. The applicant must also pay the reasonable expenses of a radio or electrical engineer retained by the city, at its option, to review this analysis.
16. A telecommunications facility must use as many stealth design techniques as reasonably possible. Economic considerations alone are not justification for failing to provide stealth design techniques. The City may require that a different location be used if it would result in less public visibility, is available, and would meet the applicant's reasonable capacity and coverage needs.
17. *Inspections required.* Each antenna or tower erected within the city shall be inspected at least every five years to ensure continued maintenance and safety

of the structure. An inspection fee, as set from time to time pursuant to SLPC 3.16.030, shall be charged for the inspection.

18. All rules and regulations of the FCC and FAA must be met and complied with.

D. *Permitted and conditional use standards.* In addition to the General Standards, the following standards apply to all telecommunication facilities allowed as permitted or conditional uses under this Chapter.

1. *Setbacks and locations.*

a. Telecommunication facilities and Accessory Equipment Cabinets shall maintain a minimum 25 foot setback from the delineated boundary of a wetland.

b. Antennas and Towers shall have a setback from all property lines a distance equal to the height of the antenna or tower as measured from grade.

(1) Towers located closer to a property line than a distance equal to the height of the tower shall be designed and engineered to collapse progressively within the distance between the tower and property line. An application for any tower shall submit written documentation explaining tower construction and possible failure and provide assurance that blowing or falling ice can be contained on the subject property.

c. Antennas and Towers over 75 feet in height shall not be constructed within 200 feet of any dwelling unit as defined in SLPC 16.04.070.

d. No tower over 75 feet in height shall be within one mile of another tower, regardless of municipal boundaries.

e. Antennas and towers located or collocated on a Public Structure are exempt from the above requirements.

2. Standards specific in Residential Zones, as listed in SLPC 16.16.010.

a. Telecommunications facilities shall be located on parcels that are a minimum size of 2 acres.

b. Antennas and towers shall be limited to a maximum height of 75 feet.

(1) The City may allow for an increase of height to 90 feet if the increase in height would not have a significant impact on surrounding properties because of proximity, topography or screening by trees or buildings or would accommodate two or more users.

3. Standards specific in Commercial Zones, as listed in SLPC 16.20.010.

a. Antennas and towers shall be limited to a maximum height of 75 feet.

a. The City may allow for an increase of height to 90 feet if the increase in height would not have a significant impact on surrounding properties because of proximity, topography or screening by trees or buildings or would accommodate two or more users.

b. The City may allow for an increase of height to 150 feet if located on a Public Structure.

4. Standards specific in Industrial Zones, as listed in SLPC 16.20.020.
    a. Antennas and towers are limited to 150 feet in height, measured from grade. The City may allow towers up to 199 feet high if the applicant can demonstrate that off-site views of the tower will be minimized by the topography of the site and surrounding area, the location of the tower, the tower design, the surrounding tree cover and structures, or the use of screening.
    b. A telecommunication facility shall not have a footprint of more than 500 square feet.

SECTION 10: **ADOPTION** "16.38.080 Removal And Abandonment" of the Spring Lake Park Municipal Code is hereby *added* as follows:

A D O P T I O N

16.38.80 Removal And Abandonment*(Added)*

A. *Abandonment.* At such time as the antenna or tower erected shall not be used for its intended purpose for a period of one year, it shall be deemed to be abandoned and must be removed within 90 days of notice by the city.
B. *Hazardous Facilities.* Telecommunications facilities and related equipment that have become hazardous must be removed or made not hazardous within 30 days after written notice to the current owner and to any separate landowner, unless an exemption is granted by the city council. Notice may be made to the address listed in the application, unless another one has subsequently been provided, and to the taxpayer of the property listed in the Anoka County tax records. Telecommunications facilities and all related equipment that are not removed within this time limit are declared to be public nuisances and may be removed by the city. The city may assess its costs of removal against the property.

SECTION 11: **ADOPTION** "16.38.090 Administration And Enforcement" of the Spring Lake Park Municipal Code is hereby *added* as follows:

A D O P T I O N

16.38.90 Administration And Enforcement*(Added)*

A. *Misdemeanor*. Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor.
B. *Remedies not exclusive.* In addition to the penalties imposed by this chapter, the city may exercise, with or separately from those penalties, all and any other legal and equitable remedies then available to the city by this chapter, or by statute, or by other ordinances of the city, or by applicable rules or regulations, to enforce this chapter, including, without limitation, injunction. Notwithstanding the city's pursuit of criminal

sanction, penalties, or other legal or equitable remedies, all such remedies and enforcement actions shall be cumulative and the city's election to pursue a remedy or enforcement action shall not foreclose the use of any other remedy or enforcement action to enforce the terms of this Chapter.

C. *Costs of enforcement.* The person or persons violating this chapter shall be jointly and severally liable for all costs incurred by the city in enforcing this chapter against those persons, including, without limitation, attorney's' fees, witness fees, and administrative expenses, with interest on those fees and expenses from the dates incurred until paid at the highest rate then allowed by law, and shall also be jointly and severally liable for all costs, including attorney's fees, of collecting the fees, expenses, and interest, with interest of the costs and collection from the dates incurred until paid, at the same rate as is payable on the fees and expenses.

SECTION 12: TERMINATION OF INTERIM ORDINANCE NO. 508
Upon the effective date of this Ordinance, following its passage and publication according to law, the moratorium established by Ordinance No. 508, adopted July 20, 2026, shall terminate, and Ordinance No. 508 is hereby repealed in its entirety. All subsequent applications for communication towers, antennas, and related facilities shall be governed by Chapter 16.38 of the Spring Lake Park Municipal Code and other applicable laws and regulations.

SECTION 13: EFFECTIVE DATE This Ordinance shall be in full force and effect after the required approval and publication according to law.

PASSED AND ADOPTED BY THE SPRING LAKE PARK COUNCIL
_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Wendling	_____	_____	_____	_____
Councilmember Goodboe-Bisschoff	_____	_____	_____	_____
Councilmember Dircks	_____	_____	_____	_____
Councilmember Moran	_____	_____	_____	_____
Mayor Nelson	_____	_____	_____	_____

Presiding Officer

_____
Robert Nelson, Mayor, Spring Lake Park

Attest

_____
Daniel R. Buchholtz, Administrator, Clerk/Treasurer, Spring Lake Park