

city of saint paul  
planning commission resolution  
file number 15-18  
date March 27, 2015

WHEREAS, the Saint Paul Zoning Code, found in chapters 60 through 69 of the Saint Paul Legislative Code, is established to promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community; and

WHEREAS, Section 61.801(a) of the Zoning Code calls for periodic review of said code to reflect current city policies, to address current technology and market conditions, and to bring the Zoning Code up-to-date; and

WHEREAS, the federal rules regarding local government regulation of cellular telephone antennas have recently been changed and clarified in a manner that has caused the Zoning Code to become outdated; and

WHEREAS, when cellular telephone antennas and associated equipment are placed upon existing buildings in residential, traditional neighborhood, and business districts, the building's height is more closely related to community impact than the building's use or specific zoning district; and

WHEREAS, buildings under 45 feet in height within residential, traditional neighborhood, and business districts exist in a variety of contexts that can present significantly different community impacts from cellular telephone antennas upon such buildings; and

WHEREAS, the Saint Paul Planning Commission finds the proposed text amendments to be supported by the policies of the Comprehensive Plan; and

WHEREAS, the Saint Paul Planning Commission held a public hearing on March 13, 2015 regarding the potential amendments;

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the following proposed amendments to the Legislative Code be recommended for approval by the Mayor and Council of the City of Saint Paul:

moved by Merrigan  
seconded by \_\_\_\_\_  
in favor Unanimous  
against \_\_\_\_\_

Note: Existing language to be deleted shown by ~~strikeout~~. New language to be added shown by underlining.

### **Sec. 65.310. Antenna, cellular telephone.**

A device consisting of metal, carbon ~~fibere~~ fiber, or other electromagnetically conductive rods or elements, usually arranged in a circular array on a single supporting pole or other structure, and used for the transmission and reception of radio waves in wireless telephone communications.

#### *Standards and conditions:*

- (a) In residential, traditional neighborhood and business districts, a conditional use permit is required for cellular telephone antennas on a residential structurebuilding less than ~~sixty (60)~~ forty-five (45) feet high. ~~In residential, traditional neighborhood and business districts, a conditional use permit is required for cellular telephone antennas or~~ on a freestanding pole, except for existing utility poles. In residential and traditional neighborhood districts, existing utility poles to which cellular telephone antennas are attached shall be at least sixty (60) feet high. Conditional use permit review for such antennas will take into account not only the request made by the application, but also any future eligible facility modifications allowed under 47 Code of Federal Regulations (CFR) part 1§1.40001, such as antennas of a more obtrusive design or placement than the subject application. A conditional use permit is not required for any eligible facility modification allowed under 47 CFR part 1§1.40001.
- (b) In residential, traditional neighborhood, and OS—B3 and B5 business districts, the antennas shall not extend more than fifteen (15) feet above the structural height of the structure to which they are attached. In B4 business and industrial districts, the antennas shall not extend more than forty (40) feet above the structural height of the structure to which they are attached.
- (c) For antennas proposed to be located on a residential structurebuilding less than ~~sixty (60)~~ forty-five (45) feet high in residential, traditional neighborhood, and business districts, or on a new freestanding pole in residential, traditional neighborhood, and business districts, the applicant shall demonstrate that the proposed antennas cannot be accommodated on an existing freestanding pole, or an existing residential structure at least ~~sixty (60)~~ forty-five (45) feet high, ~~an existing institutional use structure, or a business building~~ within one-half (½) mile radius of the proposed antennas due to one (1) or more of the following reasons:
  - (1) The planned equipment would exceed the structural capacity of the existing pole or structure.
  - (2) The planned equipment would cause interference with other existing or planned equipment on the pole or structure.
  - (3) The planned equipment cannot be accommodated at a height necessary to function reasonably.
  - (4) The owner of the existing pole, structure or building is unwilling to co-locate an antenna.
- (d) In residential, traditional neighborhood and business districts, cellular telephone antennas to be located on a new freestanding pole are subject to the following standards and conditions:
  - (1) The freestanding pole shall not exceed seventy-five (75) feet in height, unless the applicant demonstrates that the surrounding topography, structures, or vegetation renders a seventy-five-foot pole impractical. Freestanding poles may exceed the above height limit by twenty-five (25) feet if the pole is designed to carry two (2) antennas. [Restored]
  - (2) Antennas shall not be located in a required front or side yard and shall be set back one (1) times the height of the antenna plus ~~ten (10)~~ thirty-eight (38) feet from the nearest residential structurebuilding.

- (3) The antennas shall be designed where possible to blend into the surrounding environment through concealment elements such as the use of color and camouflaging architectural treatment. Drawings or photographic perspectives showing the pole and antennas shall be provided to the planning commission to determine compliance with this provision.
- (4) In residential and traditional neighborhood districts, the pole shall be on institutional use property at least one (1) acre in area. In business districts, the zoning lot on which the pole is located shall be within contiguous property with OS or less restrictive zoning at least one (1) acre in area.
- (e) In industrial districts, cellular telephone antennas on a freestanding pole shall not exceed ~~one hundred fifty (150)~~ one hundred twenty-two (122) feet in height, shall not be located in a required front or side yard, and shall be set back one (1) times the height of the antenna plus ~~ten (10)~~ thirty-eight (38) feet from the nearest residential structure.
- (f) Antennas located in historic districts shall be subject to review and approval of the heritage preservation commission.
- (g) Freestanding poles shall be a monopole design.
- (h) Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary, it shall be permitted and regulated as an accessory building, section 63.500, and screened from view by landscaping where appropriate.
- (i) Cellular telephone antennas that are no longer used for cellular telephone service shall be removed within one (1) year of nonuse.