



## Legislation Details (With Text)

**File #:** Ord 15-19      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**In control:** City Council

**Final action:** 5/13/2015

**Title:** Amending Chapter 65 of the Saint Paul Legislative Code pertaining to cellular telephone antennas.

**Sponsors:** Russ Stark

**Indexes:** Zoning

**Code sections:** Sec. 65.310. - Antenna, cellular telephone.

**Attachments:** 1. PC Resolution study recommendations, 2. PC memo w attachments, 3. PC Resolution initiate study, 4. Planning Commission approved minutes 032715

| Date      | Ver. | Action By      | Action  | Result |
|-----------|------|----------------|---|--------|
| 5/14/2015 | 1    | Mayor's Office | Signed  |        |
| 5/13/2015 | 1    | City Council   | Adopted   | Pass   |
| 5/6/2015  | 1    | City Council   | Public Hearing Closed; Laid Over to Fourth Reading/Final Adoption | Pass   |
| 4/22/2015 | 1    | City Council   | Laid Over to Third Reading/Public Hearing                         |        |
| 4/15/2015 | 1    | City Council   | Laid Over to Second Reading                                       |        |

Amending Chapter 65 of the Saint Paul Legislative Code pertaining to cellular telephone antennas.

### STATEMENT OF FINDINGS BY THE COUNCIL

WHEREAS, on January 30, 2015, the Planning Commission of the City of Saint Paul initiated a zoning study to consider amendments to the Zoning Code pertaining to cellular telephone antennas; and

WHEREAS, the Planning Commission duly conducted a public hearing on March 13, 2015 regarding the potential amendments;

WHEREAS, in a memo dated March 25, 2015, the Comprehensive Planning Committee submitted a report to the Planning Commission in which recommendations and a rationale for amending specific sections of the Zoning Code regulating cellular telephone antennas were set forth; and

WHEREAS, on March 27, 2015, the Planning Commission, based upon the Comprehensive Planning Committee's report and all the testimony received from the March 13, 2015 public hearing, duly submitted its recommendation to amend certain sections of the Zoning Code regulating cellular telephone antennas to the Mayor and City Council for its review and consideration; and

WHEREAS, a public hearing before the City Council having been duly conducted at which all interested parties were given an opportunity to be heard, and having considered all the testimony and recommendations concerning the proposed zoning text amendments, including the Planning Commission's minutes and the Comprehensive Planning Committee's memorandum and their rationale for the recommended Zoning Code amendments which the Council finds persuasive and thus hereby incorporates by reference into this ordinance for the specific purpose of articulating the Council's reasons and rationale for enacting the recommended

amendments as set forth below in Section 1, in addition to any other reasons the Council might articulate on the record in adopting these amendments the Council, having considered all the facts and recommendations concerning the proposed zoning amendments and pursuant to the authority granted by and in accordance with the procedures set forth in Minnesota Statutes Sec. 462.357 states as follows:

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

## SECTION 1

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

A device consisting of metal, carbon 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 structure building 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 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) §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 §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 structure building 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.

(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 structure building.

(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.

## SECTION 2

This ordinance shall become effective thirty (30) days after its passage, approval and publication.