Ordinance No. ___-19

Ordinance regarding small wireless facilities

The City of St. Louis Park does ordain:

Section 1. Chapter 36 of the St. Louis Park City Code is hereby amended by adding underscored text and deleting strikethrough text. Section breaks are represented by ***.

Sec. 36.142. Descriptions.

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(c) Institutional uses. The following are typical of the institutional uses referred to in this chapter.

(1) **Antenna** means any free-standing structure or device attached to a building, **pole, tower, utility structure, or similar structure** used for the purpose of collecting or transmitting electromagnetic waves through the air, including but not limited to **small wireless facilities, wireless facilities, wireless telecommunication facilities, directional antennas, such as panels, microwaves dishes, and satellite dishes, and omni-directional antennas, such as whip antennas, except for Building-Mounted antennas for private use on the premises where it is located, such as amateur radio antennas, and antennas receiving television or radio signals.**

(2) **Communication tower** means a free-standing structure which **the primary purpose of which is to support one or more antennae and includes accessory uses directly related to the tower, such as utility buildings. Communication tower includes wireless support structure.**

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(16) **Micro wireless facility.** A small wireless facility that is no larger than 24 inches long, 15 inches wide, and 12 inches high, and whose exterior antenna, if any, is no longer than 11 inches.

(17) **Small wireless facility.**

a. a wireless facility that meets both of the following qualifications:

   (i) each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna
and all its exposed elements could fit within an enclosure of no more than six cubic feet; and

(ii) all other wireless equipment associated with the small wireless facility, excluding electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfers switches, cutoff switches, cable, conduit, vertical cable runs for connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment, is in aggregate no more than 28 cubic feet in volume; or

b. a micro wireless facility.

(18) **Wireless facility.** Equipment at a fixed location that enables the provision of wireless services between user and equipment and a wireless service network, including: (1) equipment associated with wireless service; (2) a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration; and (3) a small wireless facility. Wireless facility does not include: (1) wireless support structures, (2) wireline backhaul facilities, or (3) coaxial or fiber-optic cables between utility poles or wireless support structures, or that are not otherwise immediately adjacent to or directly associated with a specific antenna.

(19) **Wireless service.** Any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi whether at a fixed location or by means of a mobile device that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Communications Act of 1934, as amended, including a cable service under United States Code, title 47, section 522 clause (6).

(20) **Wireless support structure.** A new or existing structure designed to support or capable of supporting small wireless facilities, as reasonably determined by the city.

(21) **Wireless telecommunication facility.** Equipment used to provide wireless telecommunication or data services, including all antennas, radios, support devices, equipment including ground equipment, associated cables, and attachments.

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**Article V. Special Provisions**

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**Sec. 36-367. Communication towers and antennas.**
(c) **Communication Tower and Antenna Design Requirements.** Communication towers and antennas proposed or modified anywhere in the city shall meet the following design requirements:

1. Communication towers up to 120 feet in height shall be of a monopole type.

2. The city may impose reasonable requirements to preserve the design, appearance or intended purpose of a structure when collocation is proposed.

3. Antenna designs and mounts shall be designed to minimize visual impact.

4. All small wireless facilities and their support structures must use the same color and/or finish as the pole they are mounted to.

5. Antenna must be mounted within two (2) inches of the support pole.

6. With the exception of the antenna, all components of the small wireless facilities, including wires and conduit must be located inside the building, structure, or pole it is attached to, and inside the, mounting bracket used to attach the antenna to the building, structure or pole it is attached to. Wires and conduit must also be placed underground when applicable. Components of the antenna may be screened from off-site views when located on the roof of a building.

7. Communication towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state law or regulation that preempts local regulations. Wireless facilities and lighting may collocate if the lighting is intended for pedestrian or traffic safety or to illuminate parking lots or recreational fields.

8. All small wireless facilities and support facilities must comply with city's noise regulations.

9. Back-up battery facilities that generate noise are prohibited.

10. Small wireless facilities shall not obstruct city street and wayfinding signage.

11. The use of any portion of a communication tower for displaying flags or signs other than warning or equipment information signs is prohibited.

12. No stickers, signs, or decals are allowed to be visible on small wireless facilities. The exception to this rule are safety alerts required by law. These must be placed on the back or underside of facilities.
(13) Ground equipment associated with a communication tower or antenna shall be housed in a building. The building shall meet the architectural design standards of the Zoning Ordinance, and shall meet the minimum communication tower setback requirements of the underlying zoning district. This provision shall not apply to small wireless facilities.

(14) Wireless facilities and wireless support structures shall maintain at least eight feet of clearance from other poles, furniture, landscaping, art and other obstructions.

(15) All small wireless facilities must be mounted so that there is a vertical clearance of at least twelve (12) feet between the facility and the grade at the base of the structure.

(16) Every communication tower or free-standing antenna shall be protected to discourage climbing of the tower or antenna by unauthorized persons.

(17) No small wireless facility may extend more than ten (10) feet above its wireless support structure.

(d) Free-Standing Antennas. Any antenna that is a separate structure and not attached to a building shall comply with all height and other requirements of this Chapter relating to Towers.

(ce) Co-Location Requirements.

(1) A proposal for a new communication tower or antenna shall not be approved unless the applicant shows that the antenna cannot be reasonably accommodated on an existing pole, structure, communication tower or building.

(2) The owner of any communication tower exceeding 50 feet in height constructed after the effective date of this Ordinance shall permit the reasonable joint use of the structure for other antennas.

(f) Building-Mounted Antennas.

(1) Antennas attached to a building shall be no higher than 10 feet above the highest point of the building.

(2) All building-mounted equipment shall be consistent with the architectural features of the building and be painted to match the color of the building exterior, roof or sky, whichever most effectively screens the equipment, as determined by the Zoning Administrator.

(d) Communication Tower Setbacks.
(1) Monopoles shall be setback at least 10 feet from all lot lines. Communication towers of all other construction types shall be setback a distance equal to 1.5 times their engineered collapse radius or a distance equal to their height, whichever is less.

(2) All communication towers shall be located a minimum distance of twice their height from any parcel zoned or used for residential purposes, or zoned mixed-use.

(3) Communication towers shall not be located between a principal structure and a public street, with the following exceptions:
   a. In industrial zoning districts, communication towers may be placed between the building and the side lot line abutting a street.
   b. On sites adjacent to public streets on all sides, communication towers may be placed between the building and either the side lot line abutting a street or the rear lot line.

(4) Monopoles shall be setback at least 10 feet from all lot lines. Communication towers of all other construction types shall be setback a distance equal to 1.5 times their engineered collapse radius or a distance equal to their height, whichever is less, except that all communication towers located on private property shall be located a minimum distance of twice their height from any parcel zoned or used for residential purposes, or zoned mixed-use.

(5) All equipment located on the ground shall be set back as to comply with the minimum yards of the zoning district they are located in, except that equipment located entirely underground is allowed to encroach into the required yards.

(eg) Location specific regulations for communication towers and antennas.

(1) Residential Zoning Districts.
   a. No more than one communication tower is allowed per parcel zoned and used for residential. Communication towers located on parcels occupied by residential dwellings are only allowed in the rear yard.

(2) Communication towers located on parcels occupied by residential dwellings are only allowed in the rear yard.

(3) Communication towers and antennas located on property zoned residential, and used for residential purposes shall be limited to communication towers and antennas used for the private enjoyment of those on the premises.

(2) Antennas in the Public Right-of-Way. Antennas may co-locate on existing poles or communication towers in the City, County, or State right-of-way within any zoning district. A City Public Works permit for uses in the public right-of-way and written permission from applicable jurisdictions are required.

(4) Monopoles shall be setback at least 10 feet from all lot lines. Communication towers of all other construction types shall be setback a distance equal to 1.5 times their engineered collapse radius or a distance equal to their height, whichever is less, except that all communication towers located on private property shall be located a minimum distance of twice their height from any parcel zoned or used for residential purposes, or zoned mixed-use.

(5) All equipment located on the ground shall be set back as to comply with the minimum yards of the zoning district they are located in, except that equipment located entirely underground is allowed to encroach into the required yards.
Communication towers shall not be located between a principal structure and a lot line adjacent to a street, with the following exceptions:

a. In industrial zoning districts, communication towers may be placed between the building and the side lot line abutting a street.

b. On sites adjacent to public streets on all sides, communication towers may be placed between the building and either the side lot line abutting a street or the rear lot line.

Public Right-of-Way. Communication towers and antennas may be installed in the public right-of-way as permitted by Chapter 24, Article VII, Division 2 of the St. Louis Park City Code.

A communication tower that complies with all other requirements of this chapter is allowed as a conditional use in a wetland, public waters wetland, Wetland Conservation Act (WCA) wetland, flood fringe district or general floodplain district. The standards for the issuance of a conditional use permit shall be the general criteria contained in this chapter applicable to all conditional use permits and the specific requirements for conditional uses in the flood fringe and general floodplain districts. The tower shall also comply with all other applicable laws and regulations.

Communication Tower and Antenna Design Requirements. Proposed or modified communication towers and antennas shall meet the following design requirements.

1. Communication towers up to 120 feet in height shall be of a monopole type.

2. Antenna designs and mounts shall be designed to minimize visual impact.

3. Communication Tower Lighting. Communication towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state law or regulation that preempts local regulations.

4. Signs, Advertising and Display. The use of any portion of a communication tower for displaying flags, signs other than warning or equipment information signs is prohibited.

5. Associated Equipment. Ground equipment associated with a communication tower or antenna shall be housed in a building. The building shall meet the architectural design standards of the Zoning Ordinance, and shall meet the minimum communication tower setback requirements of the underlying zoning district.

Communication Tower Construction and Maintenance Permit Requirements. All antennae and communication towers erected, constructed, or located within the City shall obtain a building permit.
(1) **Construction Requirements.** All antennae and communication towers erected, constructed, or located within the City shall obtain a building permit. Every communication tower or free-standing antenna shall be protected to discourage climbing of the tower or antenna by unauthorized persons.

(2i) **Maintenance Requirements.** Communication tower and antenna shall be structurally sound. Additionally, finish and paint shall be maintained in good condition, free from rust, graffiti, peeling paint, or other blemish.

(h) **Building-Mounted Antennas.**

(1) Antennas attached to a building shall be no higher than 30 feet above the highest point of the building.

(2) All building-mounted equipment shall be consistent with the architectural features of the building and be painted to match the color of the building exterior, roof or sky, whichever is most effective, as determined by the Zoning Administrator.

(i) **Free-Standing Antennas.** Any antenna that is a separate structure and not attached to a building shall comply with all height and other requirements of this Chapter relating to Towers.

**Section 2.** The remainder of Section 36-367 shall be renumbered in accordance with the amendments above.

**Section 3.** This ordinance shall take effect fifteen days after its publication.

<table>
<thead>
<tr>
<th>First Reading</th>
<th>March 4, 2019</th>
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<tbody>
<tr>
<td>Second Reading</td>
<td>March 18, 2019</td>
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<tr>
<td>Date of Publication</td>
<td>(date)</td>
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<tr>
<td>Date Ordinance takes effect</td>
<td>(date)</td>
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Reviewed for administration: Adopted by the City Council (insert date)

Thomas K. Harmening, City Manager

Attest: Jake Spano, Mayor

Approved as to form and execution:

Melissa Kennedy, City Clerk

Soren Mattick, City Attorney