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AN ORDINANCE of the CITY OF MINNEAPOLIS

Scott, Cherryhomes, Dziedzic, Campbell, Biernat, Rainville, Niland, Herron, Thurber,
McDonald, Mead, Schulstad, Minn presents the following ordinance:

Amending Title 20, Chapter 522 of the Minneapolis Code of Ordinances relating to Zoning Code: In General.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 522.40 of the above-entitled ordinance be amended by adding thereto the following definitions in alphabetical sequence to read as follows:

BASE UNIT. AN UNSTAFFED SINGLE STORY STRUCTURE OR WEATHERPROOFED CABINET FEWER THAN FIVE HUNDRED (500) SQUARE FEET (GROSS FLOOR AREA) IN SIZE USED TO HOUSE RADIO FREQUENCY TRANSMITTERS, RECEIVERS, POWER AMPLIFIERS, SIGNAL PROCESSING HARDWARE AND RELATED EQUIPMENT.

COMMUNICATION ANTENNA. A DEVICE INTENDED FOR RECEIVING OR TRANSMITTING OF TELEVISION, AM/FM RADIO, DIGITAL, MICROWAVE, CELLULAR, PERSONAL COMMUNICATION SERVICE (PCS), PAGING OR SIMILAR FORMS OF WIRELESS ELECTRONIC COMMUNICATION. A COMMUNICATION ANTENNA DOES NOT INCLUDE A DEVICE USED FOR AMATEUR OR RECREATIONAL PURPOSES SUCH AS HAM RADIOS (LESS THAN FIFTY (50) FEET IN HEIGHT IF FREE-STANDING AND FIFTEEN (15) FEET IN HEIGHT IF ROOF MOUNTED), AND ANTENNAS DESIGNED FOR PRIVATE RECEPTION OF TELEVISION AND RADIO SIGNALS.

COMMUNICATION ANTENNA, FACADE MOUNTED. A COMMUNICATION ANTENNA MOUNTED ON THE FACADE OF AN EXISTING STRUCTURE SUCH AS BUILDINGS, WATER TOWERS, CLOCK TOWERS, STEEPLES, AND STACKS WHICH DOES NOT PROJECT ABOVE THE FACADE ON WHICH IT IS MOUNTED.

COMMUNICATION ANTENNA AND TOWER, PUBLIC SAFETY. A PUBLIC SAFETY COMMUNICATION ANTENNA AND TOWER IS OWNED BY A GOVERNMENTAL ENTITY SUCH AS A LAW ENFORCEMENT AGENCY, PUBLIC WORKS DEPARTMENT, MUNICIPAL TRANSIT AUTHORITY, MEDICAL FACILITY.

COMMUNICATION ANTENNA AND TOWER, ROOF TOP MOUNTED. A COMMUNICATION ANTENNA OR TOWER LOCATED ON A RESIDENTIAL STRUCTURE OF GREATER THAN FIFTY (50) FEET IN HEIGHT AND NONRESIDENTIAL STRUCTURES SUCH AS A BUILDING, WATER TOWER, LIGHT POLE, CLOCK TOWER, STEEPLE, STACK, COMMUNICATION TOWER, POWER LINE POLE, ROOF TOP, PENTHOUSE AND SIMILAR STRUCTURES.

COMMUNICATION TOWER. ANY POLE, SPIRE, STRUCTURE, OR COMBINATION THEREOF, INCLUDING SUPPORTING LINES, CABLES, WIRES, BRACES, AND MAST, DESIGNED AND CONSTRUCTED PRIMARILY FOR THE PURPOSE OF SUPPORTING ONE OR MORE ANTENNAS, INCLUDING SELF SUPPORTING LATTICE TOWERS, GUYED TOWERS OR MONOPOLE TOWERS.

A COMMUNICATION TOWER MAY INCLUDE BUT NOT BE LIMITED TO RADIO AND TELEVISION TRANSMISSION TOWERS, MICROWAVE TOWERS, COMMON CARRIERS TOWERS, CELLULAR TELEPHONE TOWERS, PERSONAL COMMUNICATION SERVICE TOWERS.

A COMMUNICATION TOWER DOES NOT INCLUDE A TOWER (LESS THAN FIFTY (50) FEET IN HEIGHT IF FREE-STANDING AND FIFTEEN (15) FEET IN HEIGHT IF ROOF MOUNTED) USED FOR AMATEUR OR RECREATIONAL PURPOSES SUCH AS HAM RADIOS, AND ANTENNAS DESIGNED FOR PRIVATE RECEPTION OF TELEVISION AND RADIO SIGNALS.

COMMUNICATION TOWER; GUYED. A GUYED COMMUNICATION TOWER IS A TOWER THAT IS SUPPORTED, IN WHOLE OR IN PART BY WIRES AND GROUND ANCHORS.

COMMUNICATION TOWER; MONOPOLE. A COMMUNICATION TOWER CONSISTING OF A SINGLE POLE, CONSTRUCTED WITHOUT GUYED WIRES AND ANCHORS.

HEIGHT OF COMMUNICATION ANTENNA OR TOWER. THE HEIGHT OF A FREESTANDING COMMUNICATION ANTENNA OR TOWER IS DETERMINED AS THE DISTANCE FROM GROUND LEVEL TO THE HIGHEST POINT ON THE TOWER, INCLUDING THE ANTENNA.

THE HEIGHT OF A ROOFTOP COMMUNICATION ANTENNA SHALL BE MEASURED FROM THE POINT WHERE THE BASE OF THE ANTENNA AND ITS SUPPORTING STRUCTURE APPENDS TO THE ROOF TO THE HIGHEST POINT ON THE SUPPORTING STRUCTURE, INCLUDING THE ANTENNA.

WHEN THE SUPPORTING STRUCTURE OF AN ANTENNA APPENDS TO THE WALL(S) OF A PENTHOUSE, THE HEIGHT OF THE ANTENNA IS THE PORTION OF THE ANTENNA AND ITS SUPPORTING STRUCTURE THAT PROJECTS ABOVE THE PENTHOUSE.

INSTITUTIONAL USES. FOR THE PURPOSE OF SITING COMMUNICATION TOWERS AND ANTENNAS, INSTITUTIONAL USES SHALL MEAN SCHOOLS (EXCLUDING DAY CARE FACILITIES), PARKS, CEMETERIES, GOLF COURSES, SPORT ARENAS, CHURCHES, LIBRARIES, ATHLETIC FIELDS AND PUBLICLY OWNED PROPERTY.

PUBLICLY OWNED PROPERTY. FOR THE PURPOSE OF SITING COMMUNICATION ANTENNAS AND TOWERS, A PUBLICLY OWNED PROPERTY SHALL MEAN PARCELS OF LAND, PUBLIC RIGHTS-OF-WAY, BUILDINGS OR STRUCTURES OWNED BY ANY GOVERNMENTAL BODY OR PUBLIC AGENCY INCLUDING CITY, COUNTY, STATE OR FEDERALLY OWNED PROPERTIES.

Section 2. That Chapter 522 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 522.310 to read as follows:

522.310. TELECOMMUNICATION TOWERS, ANTENNAS AND TRANSMISSION BASE SITES SHALL BE REGULATED IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 522.310-522.350.

Section 3. That Chapter 522 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 522.315 to read as follows:

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522.315. PURPOSE. THE PURPOSE AND OBJECTIVES OF THIS SECTION ARE TO ESTABLISH GUIDELINES FOR THE SITING OF COMMUNICATION TOWERS AND ANTENNAS AND TO SET STANDARDS FOR:

- (1) THE APPROPRIATE LOCATIONS OF COMMUNICATION TOWERS AND ANTENNAS AND CONDITIONS UNDER WHICH THEY WOULD BE ALLOWED.
- (2) STRUCTURAL REQUIREMENTS, SETBACKS AND HEIGHT LIMITATIONS.
- (3) COMPATIBILITY WITH SURROUNDING USES.
- (4) SECURITY OF COMMUNICATION TOWERS, ANTENNAS AND BASE UNITS.
- (5) THE LOCATION AND CO-LOCATION OF ANTENNAS ON PRIVATE AND PUBLICLY OWNED PROPERTIES.
- (6) TO PRESERVE THE CITY'S ABILITY TO PROVIDE A PUBLIC SAFETY COMMUNICATION SYSTEM.

Section 4. That Chapter 522 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 522.320 to read as follows:

522.320. PERMITTED USES. THE FOLLOWING USES ARE PERMITTED IN ALL ZONING DISTRICTS SUBJECT TO ADMINISTRATIVE APPROVAL BY THE ZONING ADMINISTRATOR AND THE PLANNING DIRECTOR. SECTION 522.320(1) IS EXEMPT FROM THE PROVISIONS OF SECTION 522.330, ADMINISTRATIVE REVIEW PROCESS:

- (1) ANTENNAS DESIGNED FOR PRIVATE RECEPTION OF TELEVISION AND RADIO SIGNALS, INCLUDING ANTENNAS (LESS THAN FIFTY (50) FEET IN HEIGHT IF FREE-STANDING AND FIFTEEN (15) FEET IN HEIGHT IF ROOF MOUNTED) USED FOR AMATEUR OR RECREATIONAL PURPOSES, PROVIDED THEY ARE NOT LOCATED IN ANY REQUIRED FRONT YARD, SIDE YARD OR OPEN YARD, NOR SHALL THEY BE LOCATED BETWEEN A PRINCIPAL BUILDING AND A REQUIRED FRONT YARD, SIDE YARD OR CORNER SIDE YARD.
- (2) ROOFTOP COMMUNICATION ANTENNAS THAT ARE NOT MORE THAN FIFTEEN (15) FEET IN HEIGHT. THE APPLICANT SHALL SUBMIT THE FOLLOWING INFORMATION TO OBTAIN ADMINISTRATIVE REVIEW:
 - a. A ROOFTOP COMMUNICATION ANTENNA AND ITS SUPPORTING STRUCTURE SHALL BE AESTHETICALLY COMPATIBLE WITH THE STRUCTURE UPON WHICH THE PROPOSED ANTENNA WOULD BE MOUNTED AND SURROUNDING USES. SCHEMATIC DRAWINGS AND PHOTOGRAPHIC PERSPECTIVES SHOWING:
 1. THE STRUCTURE,
 2. THE ANTENNA, AND
 3. THE PLACEMENT OF THE ANTENNA ON THE STRUCTURE SHALL BE SUBMITTED TO THE ZONING ADMINISTRATOR TO DETERMINE COMPLIANCE WITH THIS PROVISION.

- b. THE STRUCTURE UPON WHICH THE PROPOSED ANTENNA WOULD BE MOUNTED SHALL HAVE THE STRUCTURAL INTEGRITY TO CARRY THE WEIGHT OF THE ANTENNA. A WRITTEN CERTIFICATION FROM A REGISTERED ENGINEER THAT THE EXISTING STRUCTURE HAS THE STRUCTURAL INTEGRITY TO CARRY THE WEIGHT OF THE ANTENNA SHALL BE SUBMITTED TO THE ZONING ADMINISTRATOR.
 - c. A BASE UNIT NOT LOCATED INDOORS SHALL BE AESTHETICALLY COMPATIBLE WITH THE STRUCTURE UPON WHICH THE PROPOSED ANTENNA WOULD BE MOUNTED AND SURROUNDING USES. A DRAWING SHOWING THE SIZE AND LOCATION OF THE COMMUNICATION BASE UNIT, MATERIALS USED TO CONSTRUCT THE UNIT AND SCREENING SHALL BE SUBMITTED TO THE ZONING ADMINISTRATOR TO DETERMINE COMPLIANCE WITH THIS PROVISION.
 - d. IF NECESSARY, THE ZONING ADMINISTRATOR MAY REQUIRE A ROOFTOP COMMUNICATION ANTENNA TO BE CAMOUFLAGED TO ENHANCE THE AESTHETIC APPEARANCE OF THE ANTENNA AND THE STRUCTURE ON WHICH THE PROPOSED ANTENNA WOULD BE MOUNTED. A DRAWING SHOWING HOW THE COMMUNICATION ANTENNA WILL BE CAMOUFLAGED SHALL BE SUBMITTED TO THE ZONING ADMINISTRATOR TO DETERMINE COMPLIANCE WITH THIS PROVISION.
 - e. THE DIRECTOR OF PUBLIC WORKS SHALL DETERMINE IF A PUBLICLY OWNED SITE IS NEEDED FOR PUBLIC SAFETY COMMUNICATION SYSTEM. A LETTER FROM THE DIRECTOR OF PUBLIC WORKS THAT A PUBLICLY OWNED SITE IS NOT NEEDED FOR THE PUBLIC SAFETY COMMUNICATION SYSTEM OR THAT CO-LOCATION IS AGREEABLE SHALL BE SUBMITTED TO THE ZONING ADMINISTRATOR PRIOR TO THE ADMINISTRATIVE REVIEW PROCESS. THE DIRECTOR OF PUBLIC WORKS SHALL HAVE TEN (10) WORKING DAYS AFTER RECEIPT OF A WRITTEN REQUEST TO MAKE SUCH DETERMINATION.
- (3) FACADE MOUNTED COMMUNICATION ANTENNAS. THE APPLICANT SHALL SUBMIT THE FOLLOWING INFORMATION TO OBTAIN ADMINISTRATIVE REVIEW:
- a. A FACADE MOUNTED COMMUNICATION ANTENNA SHALL BE AESTHETICALLY COMPATIBLE WITH THE STRUCTURE ON WHICH THE PROPOSED ANTENNA WOULD BE MOUNTED AND SURROUNDING USES. SCHEMATIC DRAWINGS AND PHOTOGRAPHIC PERSPECTIVES SHOWING:
 - 1. THE STRUCTURE.
 - 2. THE ANTENNA.
 - 3. THE PLACEMENT OF THE ANTENNA ON THE STRUCTURE SHALL BE SUBMITTED TO THE ZONING ADMINISTRATOR TO DETERMINE COMPLIANCE WITH THIS PROVISION.
 - b. THE STRUCTURE ON WHICH THE PROPOSED ANTENNA WOULD BE MOUNTED SHALL HAVE THE STRUCTURAL INTEGRITY TO CARRY THE WEIGHT OF THE ANTENNA. A WRITTEN CERTIFICATION FROM A REGISTERED ENGINEER THAT THE EXISTING STRUCTURE HAS THE STRUCTURAL INTEGRITY TO CARRY THE WEIGHT OF THE ANTENNA SHALL BE SUBMITTED TO THE ZONING ADMINISTRATOR.

- c. A BASE UNIT NOT LOCATED INDOORS SHALL BE AESTHETICALLY COMPATIBLE WITH THE STRUCTURE ON WHICH THE PROPOSED ANTENNA WOULD BE MOUNTED AND SURROUNDING USES. A DRAWING SHOWING THE SIZE AND LOCATION OF THE COMMUNICATION BASE UNIT, MATERIALS USED TO CONSTRUCT THE UNIT AND SCREENING SHALL BE SUBMITTED TO THE ZONING ADMINISTRATOR TO DETERMINE COMPLIANCE WITH THIS PROVISION.
- d. A FACADE MOUNTED COMMUNICATION ANTENNA SHALL BE CAMOUFLAGED TO ENHANCE THE AESTHETIC APPEARANCE OF THE ANTENNA AND THE STRUCTURE ON WHICH IT WOULD BE MOUNTED. A DRAWING SHOWING HOW THE COMMUNICATION ANTENNA WILL BE CAMOUFLAGED SHALL BE SUBMITTED TO THE ZONING ADMINISTRATOR TO DETERMINE COMPLIANCE WITH THIS PROVISION.
- e. THE DIRECTOR OF PUBLIC WORKS SHALL DETERMINE IF A PUBLICLY OWNED SITE IS NEEDED FOR PUBLIC SAFETY COMMUNICATION SYSTEM. A LETTER FROM THE DIRECTOR OF PUBLIC WORKS THAT A PUBLICLY OWNED SITE IS NOT NEEDED FOR THE PUBLIC SAFETY COMMUNICATION SYSTEM OR THAT CO-LOCATION IS AGREEABLE SHALL BE SUBMITTED TO THE ZONING ADMINISTRATOR PRIOR TO THE ADMINISTRATIVE REVIEW PROCESS. THE DIRECTOR OF PUBLIC WORKS SHALL HAVE TEN (10) WORKING DAYS AFTER RECEIPT OF A WRITTEN REQUEST TO MAKE SUCH DETERMINATION.

Section 5. That Chapter 522 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 522.325 to read as follows:

522.325. EXCEPTIONS.

- (1) COMMUNICATION ANTENNAS PROPOSED FOR ANY LOCALLY DESIGNATED HISTORIC BUILDINGS OR LOCALLY DESIGNATED HISTORIC DISTRICTS SHALL BE SUBJECT TO ALL REQUIREMENTS OF THE CITY'S PRESERVATION ORDINANCE.
- (2) LIGHT POLES OR FLOOD LIGHTS BUILT TO PROVIDE LIGHTING FOR INSTITUTIONAL USES AS DEFINED IN SECTION 522.40 SHALL BE CONSIDERED AN EXISTING STRUCTURE TO MOUNT ANTENNAS PROVIDED;
 - a. A WRITTEN DOCUMENTATION DETAILING THE NEED FOR THE LIGHT POLE OR FLOOD LIGHT AND HOURS WHEN THE LIGHTS WILL BE USED SHALL BE SUBMITTED TO THE ZONING ADMINISTRATOR.
 - b. LIGHTING USED TO ILLUMINATE OPEN SPACE SHALL BE DIRECTED AWAY FROM RESIDENTIAL PROPERTY AND PUBLIC STREETS IN SUCH A WAY THAT RESIDENTIAL STRUCTURES SHALL BE SHIELDED FROM DIRECT RAYS OF LIGHT AND THE LIGHT SHALL NOT EXCEED AN INTENSITY OF ILLUMINATION GREATER THAN TWO (2) FOOT-CANDLES MEASURED AT THE CONTIGUOUS STREET RIGHT-OF-WAY LINE.

Section 6 That Chapter 522 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 522.330 to read as follows:

522.330. ADMINISTRATIVE REVIEW PROCESS AND FEES. THE ZONING ADMINISTRATOR IN CONSULTATION WITH THE PLANNING DIRECTOR SHALL HAVE UP TO TEN (10) WORKING DAYS FOLLOWING SUBMITTAL OF A COMPLETED APPLICATION FOR ADMINISTRATIVE REVIEW. ANY CONDITIONS ATTACHED THERETO SHALL BE IN CONFORMANCE WITH THE STANDARDS CONTAINED IN SECTION 522.320 AND, WHERE APPLICABLE, SECTION 522.345. THE APPLICATION FEE FOR ADMINISTRATIVE REVIEW SHALL BE THREE HUNDRED (300) DOLLARS.

THE TIME RESTRICTION FOR THIS SECTION SHALL NOT BE EFFECTIVE UNTIL THIRTY (30) DAYS FOLLOWING FINAL PASSAGE AND PUBLICATION OF THIS ORDINANCE.

Section 7. That Chapter 522 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 522.335 to read as follows:

522.335. APPEAL OF THE ZONING ADMINISTRATOR'S DECISION. DECISIONS OF THE ZONING ADMINISTRATOR SHALL BE APPEALED PURSUANT TO CHAPTER 525.160, ADMINISTRATION AND ENFORCEMENT.

Section 8. That Chapter 522 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 522.340 to read as follows:

522.340. CONDITIONAL USES. THE FOLLOWING CONDITIONAL USES MAY BE ALLOWED SUBJECT TO THE PROVISIONS OF CHAPTER 525, ADMINISTRATION AND ENFORCEMENT.

- (1) FREE-STANDING COMMUNICATION TOWERS LOCATED IN RESIDENTIAL DISTRICTS, PROVIDED THEY ARE LOCATED ON INSTITUTIONAL USE SITES AS DEFINED IN SECTION 522.40.
- (2) ROOFTOP MOUNTED COMMUNICATION ANTENNAS AND TOWERS EXCEEDING FIFTEEN (15) FEET IN HEIGHT AS DEFINED IN SECTION 522.40.
- (3) FREE-STANDING COMMUNICATION TOWERS IN NON RESIDENTIAL DISTRICTS.
- (4) PUBLIC SAFETY COMMUNICATION ANTENNAS AND TOWERS.
- (5) ANTENNA USED FOR AMATEUR OR RECREATIONAL PURPOSES SUCH AS HAM RADIO THAT IS MORE THAN FIFTY (50) FEET IN HEIGHT IF FREE-STANDING AND FIFTEEN (15) FEET IN HEIGHT IF ROOF MOUNTED.
- (6) LIGHT POLE AND FLOOD LIGHTS NOT IN COMPLIANCE WITH SECTION 522.325(2)(b).
- (7) COMMUNICATION TOWERS LOCATED ON INSTITUTIONAL USES THAT USE ANY PORTION OF A BUILDING, OTHER THAN THE ROOF OR PENTHOUSE, FOR STRUCTURAL SUPPORT.

Section 9. That Chapter 522 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 522.345 to read as follows:

522.345. DEVELOPMENT STANDARDS FOR CONDITIONAL USES. ALL COMMUNICATION ANTENNAS AND TOWERS REQUIRING A CONDITIONAL USE PERMIT ARE SUBJECT TO THE

PROVISIONS OF SECTION 525, ADMINISTRATION AND ENFORCEMENT. IN ADDITION, THE APPLICANT SHALL SUBMIT WRITTEN DOCUMENTATION INDICATING COMPLIANCE WITH THE FOLLOWING STANDARDS:

- (1) *STRUCTURAL INTEGRITY, TOWER TYPE AND HEIGHT BONUS.* MONOPOLES ARE THE PREFERRED TOWER DESIGN IN MOST LOCATIONS. HOWEVER, THE CITY RESERVES THE RIGHT TO CONSIDER ALTERNATIVE TOWER TYPES IN CASES WHERE STRUCTURAL, RADIO FREQUENCY (RF), DESIGN CONSIDERATIONS, NEIGHBORHOOD COMPATIBILITY, LOCATIONAL AVAILABILITY, OR THE NUMBER OF CO-LOCATORS SUGGESTS A TOWER OTHER THAN A MONOPOLE. ANY PROPOSED COMMUNICATION TOWER SHALL BE DESIGNED TO STRUCTURALLY ACCOMMODATE BOTH THE APPLICANT'S ANTENNA AND AT LEAST ONE ADDITIONAL USER, IF THE APPLICANT INTENDS THE TOWER TO EXCEED SEVENTY-FIVE (75) FEET IN HEIGHT BUT MEETING THE LIMITS SPECIFIED ELSEWHERE IN THIS ORDINANCE.

SHARED USE OF EXISTING COMMUNICATION TOWERS SHALL BE PREFERRED TO THE CONSTRUCTION OF A NEW TOWER. THE APPLICANT SHALL SUBMIT AN INVENTORY OF THE EXISTING COMMUNICATION TOWERS OVER SEVENTY-FIVE (75) FEET IN HEIGHT WITHIN A ONE (1) MILE RADIUS FROM THE PROPOSED SITE OUTLINING OPPORTUNITIES FOR SHARED USE AS AN ALTERNATIVE TO THE CONSTRUCTION OF A NEW TOWER. THE APPLICANT MUST DEMONSTRATE THAT THE PROPOSED ANTENNA CANNOT BE ACCOMMODATED ON AN EXISTING TOWER OVER SEVENTY-FIVE (75) FEET IN HEIGHT DUE TO ONE OR MORE OF THE FOLLOWING REASONS:

- a. THE UNWILLINGNESS OF THE OWNER OF THE EXISTING TOWER TO CO-LOCATE AN ADDITIONAL ANTENNA.
- b. THE PLANNED ANTENNA WOULD EXCEED THE STRUCTURAL CAPACITY OF EXISTING AND APPROVED TOWERS.
- c. THE PLANNED ANTENNA WOULD CAUSE RADIO FREQUENCY INTERFERENCE WITH OTHER EXISTING OR PLANNED EQUIPMENT, WHICH CANNOT REASONABLY BE PREVENTED.
- d. OTHER REASONS AFFECTING TECHNICAL PERFORMANCE, SYSTEM COVERAGE, AND SYSTEM CAPACITY MAKE IT IMPRACTICAL TO PLACE THE EQUIPMENT PROPOSED ON EXISTING TOWERS.
- e. THE PROPOSED CO-LOCATION ON AN EXISTING TOWER WOULD BE, BY VIRTUE OF THE REQUIREMENTS IN THE ZONING CODE, A PROHIBITED USE.

- (2) *HEIGHT OF THE PROPOSED TOWER AND ANTENNA.*

- a. *IN RESIDENCE AND BUSINESS DISTRICTS.* THE HEIGHT OF A FREE-STANDING COMMUNICATION TOWER LOCATED IN RESIDENTIAL AND BUSINESS DISTRICTS SHALL NOT EXCEED SEVENTY-FIVE (75) FEET. THE PLANNING COMMISSION MAY INCREASE THE HEIGHT OF A TOWER BY UP TO FIFTY (50) PERCENT IF THE APPLICANT IS ABLE TO DEMONSTRATE TO THE SATISFACTION OF THE PLANNING COMMISSION THAT:

1. THE ADDITIONAL INCREASE IN HEIGHT IS NEEDED TO ACCOMMODATE A SECOND USER.
2. THE SURROUNDING TOPOGRAPHY, STRUCTURES, VEGETATION, AND OTHER FACTORS MAKE A SEVENTY-FIVE (75) FOOT TALL TOWER IMPRACTICAL.

APPLICANTS SEEKING TO INCREASE THE HEIGHT OF A TOWER BEYOND SEVENTY-FIVE (75) FEET MUST SUBMIT A LETTER INDICATING THE PROPOSED TOWER IS AVAILABLE FOR CO-LOCATION WITH A PHONE NUMBER FOR INTERESTED PARTIES TO CALL.

- b. *IN MANUFACTURING DISTRICTS.* THE HEIGHT OF A FREE STANDING TOWER LOCATED IN MANUFACTURING DISTRICTS SHALL NOT EXCEED ONE HUNDRED (100) FEET. THE PLANNING COMMISSION MAY INCREASE THE HEIGHT OF A TOWER IF THE APPLICANT IS ABLE TO DEMONSTRATE TO THE SATISFACTION OF THE PLANNING COMMISSION THAT:

1. THE ADDITIONAL INCREASE IN HEIGHT IS NEEDED TO ACCOMMODATE A SECOND USER.
2. THE SURROUNDING TOPOGRAPHY, STRUCTURES, VEGETATION AND OTHER FACTORS MAKE A ONE HUNDRED (100) FOOT TALL TOWER IMPRACTICAL.
3. THE TOWER SITE AND SETBACK ARE OF ADEQUATE SIZE TO CONTAIN, GUYED WIRES, DEBRIS, AND THE TOWER IN THE EVENT OF A COLLAPSE. APPLICANTS SEEKING TO INCREASE THE HEIGHT OF THEIR TOWERS BEYOND ONE HUNDRED (100) FEET MUST SUBMIT A LETTER INDICATING THE PROPOSED TOWER IS AVAILABLE FOR CO-LOCATION WITH A PHONE NUMBER FOR INTERESTED PARTIES TO CALL.

- (3) *PROXIMITY OF THE TOWER TO RESIDENTIAL STRUCTURES.* COMMUNICATION TOWERS SHALL MAINTAIN A MINIMUM SETBACK EQUAL TO TWICE THE HEIGHT OF THE TOWER FROM THE NEAREST RESIDENTIAL STRUCTURES.

- (4) *COMPATIBILITY WITH NEARBY PROPERTIES.* ALL COMMUNICATION TOWERS, ANTENNAS AND BASE UNIT SHALL UTILIZE COMPATIBLE BUILDING MATERIALS ON THE EXISTING PRINCIPAL STRUCTURE ON SITE WITH COLORS, TEXTURES, SCREENING AND LANDSCAPING THAT EFFECTIVELY BLEND THE TOWER FACILITIES WITHIN THE SURROUNDING SETTING AND ENVIRONMENT TO THE GREATEST EXTENT POSSIBLE. METAL TOWERS SHALL BE CONSTRUCTED OF, OR TREATED WITH, CORROSIVE RESISTANT MATERIAL. OUTSIDE OF INDUSTRIAL DISTRICTS UNPAINTED, GALVANIZED METAL, OR SIMILAR TOWERS ARE PROHIBITED, UNLESS A SELF-WEATHERING TOWER IS DETERMINED TO BE MORE COMPATIBLE WITH THE SURROUNDING AREA.

- (5) *SCREENING AND LANDSCAPING.* A SCREENING AND LANDSCAPING PLAN DESIGNED TO SCREEN THE BASE OF THE TOWER AND THE BASE UNIT SHALL BE SUBMITTED. THE PLAN SHALL SHOW LOCATION, SIZE, QUANTITY AND TYPE OF LANDSCAPE MATERIALS. LANDSCAPE MATERIALS SHALL BE CAPABLE OF

SCREENING THE SITE ALL YEAR. PREFERABLY, ONE ROW OF EVERGREEN SHRUBS OR TREES CAPABLE OF FORMING A CONTINUOUS HEDGE AT LEAST SIX (6) FEET IN HEIGHT WITHIN ONE YEAR OF PLANTING SHALL BE PROVIDED TO EFFECTIVELY SCREEN THE COMMUNICATION ANTENNA BASE AND BASE UNIT. A MAINTENANCE PLAN FOR THE LANDSCAPE MATERIALS SHALL ALSO BE SUBMITTED FOR REVIEW BY THE PLANNING COMMISSION. OTHER ARCHITECTURAL SCREENING PLANS SUCH AS A DECORATIVE FENCE OR WALL MAY BE PROPOSED FOR PLANNING COMMISSION REVIEW.

- (6) **SECURITY.** ALL TOWER SITES SHALL BE REASONABLY PROTECTED AGAINST UNAUTHORIZED CLIMBING. THE BOTTOM OF THE TOWER (MEASURED FROM GROUND LEVEL TO TWELVE (12) FEET ABOVE GROUND LEVEL) SHALL BE DESIGNED IN A MANNER TO PRECLUDE UNAUTHORIZED CLIMBING.
- (7) **SIGNAGE.** NO ADVERTISING OR IDENTIFICATION OF ANY KIND IS PERMITTED, EXCEPT APPLICABLE WARNING AND EQUIPMENT INFORMATION SIGNAGE REQUIRED BY THE MANUFACTURER OR BY FEDERAL, STATE, OR LOCAL AUTHORITIES.
- (8) **LIGHTING.** TOWERS AND THEIR ANTENNAS SHALL NOT BE ILLUMINATED BY ARTIFICIAL MEANS, EXCEPT WHEN MOUNTED ON AN EXISTING LIGHT POLE OR WHERE THE ILLUMINATION IS SPECIFICALLY REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION OR OTHER FEDERAL, STATE OR LOCAL AUTHORITY.
- (9) **ENCROACHMENTS AND SETBACKS.**
 - a. NO PART OF ANY COMMUNICATION ANTENNA OR TOWER, EQUIPMENT, GUYED WIRES, OR BRACES SHALL AT ANY TIME EXTEND ACROSS OR OVER ANY PART OF THE PUBLIC RIGHT-OF-WAY, PUBLIC STREET, HIGHWAY, OR SIDEWALK,
 - b. COMMUNICATION TOWERS SHALL COMPLY WITH APPLICABLE REGULATIONS AS ESTABLISHED BY THE FEDERAL AVIATION ADMINISTRATION (FAA),
 - c. COMMUNICATION TOWERS SHALL COMPLY WITH SETBACK REQUIREMENTS IN THE DISTRICTS WHERE THEY ARE LOCATED.
- (10) **HISTORIC DISTRICT AND STRUCTURES.** COMMUNICATION TOWERS AND ANTENNAS PROPOSED FOR ANY LOCALLY DESIGNATED HISTORIC BUILDINGS OR LOCALLY DESIGNATED HISTORIC DISTRICTS SHALL BE SUBJECT TO ALL REQUIREMENTS OF THE CITY'S PRESERVATION ORDINANCE.
- (11) **RADIO FREQUENCY EMISSIONS AND NON INTERFERENCE.** THE APPLICANT SHALL COMPLY WITH ALL RELEVANT FEDERAL COMMUNICATION COMMISSION (FCC) STANDARDS.

Section 10. That Chapter 522 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 522.350 to read as follows:

522.350. OBSOLETE OR UNUSED TOWERS. ALL OBSOLETE OR UNUSED COMMUNICATION TOWERS AND ACCOMPANYING BASE UNITS OR ACCESSORY FACILITIES

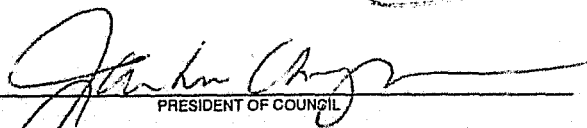
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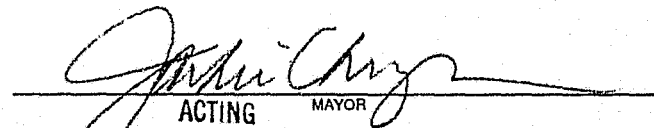
SHALL BE REMOVED WITHIN TWELVE (12) MONTHS OF THE CESSATION OF OPERATIONS UNLESS A TIME EXTENSION IS APPROVED BY THE CITY COUNCIL. IF A TIME EXTENSION IS NOT APPROVED, THE TOWER MAY BE DEEMED A NUISANCE. IN THE EVENT A TOWER IS DETERMINED TO BE A NUISANCE, THE CITY MAY ACT TO ABATE SUCH NUISANCE AND REQUIRE THE REMOVAL OF THE TOWER AT THE PROPERTY OWNER'S EXPENSE. THE OWNER SHALL PROVIDE THE CITY WITH A COPY OF THE NOTICE OF THE FEDERAL COMMUNICATIONS COMMISSION'S (FCC) INTENT TO CEASE OPERATIONS AND SHALL BE GIVEN TWELVE (12) MONTHS FROM THE DATE OF CEASING OPERATIONS TO REMOVE THE OBSOLETE TOWER, BASE UNIT AND ALL ACCESSORY STRUCTURES. IN THE CASE OF MULTIPLE OPERATORS SHARING THE USE OF A SINGLE TOWER, THIS PROVISION SHALL NOT BECOME EFFECTIVE UNTIL ALL USERS CEASE OPERATIONS FOR A PERIOD OF TWELVE (12) CONSECUTIVE MONTHS. AFTER THE FACILITIES ARE REMOVED, THE SITE SHALL BE RESTORED TO ITS ORIGINAL, OR TO AN IMPROVED, STATE.

RECORD OF COUNCIL VOTE (X INDICATES VOTE)													
COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN	COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN
Dziedzic	X						Thurber				X		
Campbell	X						McDonald	X					
Biernat	X						Mead	X					
Rainville	X						Schulstad	X					
Niland	X						Minn				X		
Scott	X						President						
Herron	X						Cherryhomes	X					

PASSED AUG 23 1996 APPROVED ~~NOT APPROVED~~ ~~VETOED~~ AUG 27 1996

DATE DATE DATE DATE DATE DATE


 PRESIDENT OF COUNCIL


 ACTING MAYOR

ATTEST 
 CITY CLERK