

**CITY OF WOODBURY  
WASHINGTON COUNTY, MINNESOTA**

**ORDINANCE NO. 1964**

**AN ORDINANCE OF THE CITY OF WOODBURY, WASHINGTON COUNTY,  
MINNESOTA PROVIDING THAT THE CITY CODE BE AMENDED BY AMENDING  
CHAPTER 24 – ZONING, ARTICLE VI – SUPPLEMENTAL PERFORMANCE  
STANDARDS, DIVISION 4 – ANTENNAS AND TOWERS.**

THE CITY COUNCIL OF THE CITY OF WOODBURY, WASHINGTON COUNTY,  
MINNESOTA DOES ORDAIN:

**SECTION ONE. Amendment that Chapter 24 – Zoning, Article VI – Supplemental  
Performance Standards, Division 4 – Antennas and Towers be amended to delete the same  
in its entirety and substitute the following therefore:**

Sec. 24-314. - Purpose and intent.

In order to accommodate the communication needs of residents and businesses while protecting the public health, safety and general welfare of the community, the council finds that these regulations are necessary in order to establish predictable and balanced regulations for the siting and screening of wireless communications equipment while protecting the public against any adverse impacts on the city's aesthetic resources and the public welfare.

Goals in adopting this division are as follows:

- (a) Minimize adverse visual effects of towers through careful design and siting standards;
- (b) Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements;
- (c) Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community;
- (d) Utilization of public land, buildings and structures for wireless communications whenever possible;
- (e) On land outside the Metropolitan Urban Service Area the priority will be to site freestanding towers or monopoles on property identified in the comprehensive plan as open space;
- (f) Towers and monopoles shall be designed to accommodate at least one additional user;
- (g) When selecting freestanding sites, the following requirements shall be followed:
  - (1) Locations for antennas as permitted uses.
    - a) Water towers.
    - b) Co-location on existing telecommunication monopoles or towers.

- c) Roofs of buildings over three stories.
  - d) Sides of buildings over two stories.
  - e) Public right of ways to the extent allowed by State Statute and Chapter 20, Article 5 of this Code.
  - f) Existing lighting and utility structures within commercially zoned private property.
  - g) Antennas mounted on existing public utility owned lighting structures less than 30 feet above grade and located in and/or adjacent to residentially zoned property and/or rights of way.
- (2) Land uses for towers and monopoles as interim conditional uses.
    - a) Residential parcels above 20 acres in size.
    - b) Public parks and open spaces above 20 acres in size.
    - c) Public/semi-public.
    - d) Existing monopoles as of November 12, 2008.
  - (3) Locations for antennas, towers and monopoles as conditional uses.
    - a) Steeples, bell towers or like structures.
    - b) Antennas mounted to public utility owned lighting structures and/or towers in excess of 30 feet in height above grade and located in and/or adjacent to residentially zoned property and/or rights of way.

Sec. 24-315. - Existing antennas and towers.

Antennas and towers and accessory structures in existence as of November 12, 2008, which do not conform to or comply with this division are subject to the following provisions:

- (a) Towers may continue in use for the purpose now used and as now existing but may not be replaced or structurally altered without complying in all respects with this division.
- (b) If such towers are damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location and physical dimensions upon obtaining a building permit.

Sec. 24-316. – Interpretation and Aesthetics.

It is not the intention of this division to interfere with, abrogate, or annul any covenant or other agreement between parties; provided, however, where this division imposes greater restrictions upon the use or premises for antennas or towers than are imposed or required by other ordinances, rules, regulations or permits, or by covenants or agreements, the provisions of this division shall govern.

The City will also consider factors such as aesthetic compatibility of all antennas and towers with surrounding structures. This includes the ability to eliminate, underground, or screen ground mounted equipment; dangers within fall zones; distance of facility from roads, sidewalks, trails and bicycle lanes; and future roadway, pedestrian, bicycle, water, wastewater, and storm water improvement plans for the site before issuing permits or prior to entering into a facility collocation agreement.

#### Sec. 24-317. – Application and submittal requirements

All proposed antennas, towers and monopoles located in residentially zoned right-of-way and on private property shall be accompanied by the following materials:

Exception: Any proposed antennas and/or towers located in non-residentially zoned right-of-way shall meet the requirements allowed by State Statute and Chapter 20, Article 5 of this Code.

- (a) Submittal of a complete site and building plan review application, accompanied by a registered land survey, complete site plan, schematic drawings, photographic perspectives, and signed by a registered architect, civil engineer or other appropriate design professional.
- (b) A scaled drawing showing the size, location, construction materials, landscaping and screening plan.
- (c) A report prepared by a qualified and licensed professional engineer indicating the existing structure is suitable to accept the antenna, and the proposed method of affixing the antenna to the structure.
- (d) Submittal of 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 the applicant's system.
- (e) Documents stating what steps the applicant will take to avoid interference with established public safety telecommunications.
- (f) Submittal of any necessary easements and easement exhibits, which have been prepared by an attorney knowledgeable in the area of real estate and which are subject to the city attorney's approval.
- (g) Any application for a new tower and/or monopole shall not be approved unless it can be documented by the applicant that the proposed equipment cannot be accommodated on an existing or approved tower or commercial building within one-half-mile radius, transcending municipal borders, of the proposed tower due to one or more of the following reasons:

- a. The planned equipment would exceed the structural capacity of the existing or approved tower or commercial building.
- b. The planned equipment would cause interference with other existing or planned equipment at the tower or building.
- c. Existing or approved towers and commercial buildings within one-half-mile radius cannot accommodate the planned equipment at a height necessary to reasonable function.

Sec. 24-318. - Interim conditional use permit.

- (a) In reviewing an application for an interim conditional use permit for the construction and maintenance of radio and television antennas and towers, monopoles and accessory structures, the city council shall consider the advice and recommendations of the planning and zoning commission and the effect of the proposed use upon the health, safety, convenience and general welfare of occupants of surrounding lands, the effects on property values of property in surrounding areas, and the effect of the proposed use on the comprehensive plan.
- (b) No person, firm or corporation shall erect a freestanding monopole, tower or accessory structure in any zoning district without obtaining an interim conditional use permit. Procedures for obtaining an interim conditional use permit are the same as outlined in article 2, division 3 of the Zoning Code.
- (c) The applicant shall provide at the time of application sufficient information to indicate that construction, installation, and maintenance of the antenna and tower will not create a safety hazard or damage to the property of other persons.
- (d) Interim conditional use permits are not required for:
  - (1) Antennas and towers used by the city for city purposes.
  - (2) Adjustment, repair or replacement of the elements of an antenna array affixed to a tower or antenna, provided that replacement does not reduce the safety factor.
  - (3) Antennas and/or towers erected temporarily for test purposes, for emergency communications. Temporary antennas shall be removed within 72 hours following the termination of testing or emergency communications needs.
- (e) The fee to be paid for the interim conditional use permit shall be established by resolution.

Sec. 24-319. - Construction requirements and standards.

- (a) All antennas, towers, monopoles and accessory structures shall comply with all applicable provisions of this Code and this section.
  - (1) Antennas, towers, monopoles located in rights-of-way are exempt from this section, except otherwise specifically provided by this Chapter.

- (b) No part of any antenna, tower or monopole shall be constructed, located, or maintained at any time, permanently or temporarily, in or upon any required tower and monopole setback area.
- (c) Antennas, towers and monopoles located outside the right of way shall not be erected in any zoning district in violation of the following restrictions:
  - (1) Towers and monopoles shall not exceed 75 feet in height and shall be setback the height of the structure plus 25 feet from the nearest building or property line.
  - (2) Towers and monopoles shall be constructed of, or treated with, corrosive-resistant material.
  - (3) The use of guyed towers is prohibited. Towers and monopoles must be self-supporting without the use of wires, cables, beams or other means. All proposed towers shall be monopole design unless an alternative design would better blend into the surrounding environment as approved in conjunction with the issuance of an Interim Conditional Use Permit or Conditional Use Permit. Antennas, towers and monopoles shall be kept in good condition, free from rust, graffiti, peeling paint, or other blemish.
  - (4) Tower and monopole locations should provide the maximum amount of screening possible for off-site views of the facility.
  - (5) Existing on-site vegetation shall be preserved to the maximum extent practical.
  - (6) The installation location shall be designed to be compatible with the underlying site plan.
  - (7) The tower and/or monopoles shall be a light blue, gray or other color that is demonstrated to minimize visibility. Antennas mounted to tower and/or monopole shall be painted to match. No advertising or identification visible off-site shall be placed on the tower or antennas.
  - (8) Antennas or similar apparatuses mounted upon the tower shall be subject to state and federal regulations pertaining to non-ionizing radiation and other health hazards related to such facilities. If new, more restrictive standards are adopted, the antennas shall be made to comply or continued operations may be restricted by the city council. The cost of verification of compliance shall be borne by the owner and operator of said equipment.
  - (9) To prevent unauthorized entry, towers and monopole shall have secure accesses.
  - (10) Antennas, located on the roof of an existing structure shall not extend more than 15 feet above the principle structure to which they are mounted. All roof mounted antennas and associated equipment shall be hidden from view utilizing materials found on the building.
  - (11) Any façade mounted antennas shall use designs and mounts that minimize visual impact. Antennas and mounts shall be painted to match the existing structure. All wires and associated equipment shall be hidden from view.

(12) Antennas mounted on light poles and/or utility structures are subject to the following additional standards:

- a) Equipment shall not extend more than three feet above the top of the light pole or utility structure.
- b) Any replacement light pole or utility structure shall not exceed the height of the existing structure, including antennas or associated equipment, and shall not exceed the diameter of the existing pole or structure by more than 50 percent.
- c) Any replacement light pole or utility structures shall match the existing and surrounding structures in materials and color.
- d) Equipment shall use designs and mounts that minimize visual impact.
- e) All equipment shall be aesthetically compatible with the structure upon which the proposed antenna is to be mounted and with the surrounding use.
- f) Any equipment associated with the antennas and towers located at grade in or adjacent to the residentially zoned rights of ways is prohibited.

(d) At grade accessory structures and equipment associated with antennas, towers and monopoles shall comply with the following standards:

- (1) At grade accessory structures and equipment shall be placed below grade unless not technically feasible;
  - (2) At grade accessory structures and equipment shall not create a safety hazard;
  - (3) At grade accessory structures and equipment shall not be located so as to impair the vision of the driver of a vehicle and pedestrian.
  - (4) Accessory structures and equipment shall be designed to be architecturally compatible with principal structures on the site.
  - (5) At grade accessory structures and equipment shall be screened by landscaping or other screening compatible with the surrounding environment if deemed necessary by the Zoning Administrator or designee.
- (e) All antennas, towers and monopoles shall be designed by a licensed engineer to conform to federal and state structural requirements.

(f) All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and structure, or between towers, shall be at least eight feet above the ground at all points, unless buried underground.

(g) The base of all AM/FM radio towers shall be surrounded with a six-foot high galvanized chain link fence with signs posted "Danger High Voltage" on all sides.

(h) The requirements of this section do not apply to:

- 1) Antennas and towers used by the city for city purposes.
- 2) Commercially used antennas and towers existing on April 10, 1985.

Sec. 24-320. - Lights and other attachments.

No antenna or tower shall have affixed or attached to it in any way except during time of repair or installation, any lights, reflectors, flashers, daytime strobes or steady nighttime red lights or other illuminating devices, except as required by the Federal Aviation Agency or the Federal Communications Commission or the city, nor shall any tower have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair.

Sec. 24-321. - Removal of abandoned or damaged antennas, towers and monopoles.

Any antenna, tower, and/or monopole which is not used for six months shall be deemed abandoned and shall be removed unless a time extension is approved by the Zoning Administrator. In the event that a tower is not removed within six months of cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property.

Sec. 24-322. - Co-location of personal wireless communication service equipment.

A proposal for a new personal wireless service tower shall not be approved unless it can be documented by the applicant to the satisfaction of the city council that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or commercial building within one-half-mile radius, transcending municipal borders, of the proposed tower due to one or more of the following reasons:

- (a) The planned equipment would exceed the structural capacity of the existing or approved tower or commercial building.
- (b) The planned equipment would cause interference with other existing or planned equipment at the tower or building.
- (c) Existing or approved towers and commercial buildings within one-half-mile radius cannot accommodate the planned equipment at a height necessary to reasonable function.
- (d) The applicant has demonstrated by providing a city wide coverage/interference analysis and capacity analysis that location of the antennas as proposed is necessary to meet the frequency reuse and spacing needs of the cellular system and to provide adequate portable cellular telephone coverage and capacity to areas which cannot be adequately served by locating the antennas in a less restrictive district or an existing structure.

Sec. 24-323. - Towers and monopoles proposed to be located in residential zoned areas. No person, firm or corporation shall erect a monopole in a residential zone within the metropolitan urban service area without obtaining an interim conditional use permit subject to the following minimum conditions:

- (a) The applicant shall demonstrate, by providing a coverage/interference analysis and capacity analysis, that location of the tower as proposed is necessary to meet the frequency reuse and spacing needs of the wireless system and to provide adequate portable wireless telephone coverage and capacity to areas which cannot be adequately served by locating the antennas in a less urbanized area.
- (b) The antennas shall be located on an existing structure if possible, and shall not extend more than 20 feet above the height of the structure to which they are attached.
- (c) If no existing structure which meets the height requirements for the antennas is available for mounting the antennas, the antennas may be mounted on a single pole not to exceed 75 feet in height provided that the pole is located at least the height of the tower from the nearest residential structure, unless a qualified structural engineer shall specify in writing that any collapse of the pole will occur within a lesser distance under all foreseeable circumstances and a lesser setback is agreed to by the city council.
- (d) Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary for transmitting, receiving and switching equipment, it shall be situated 75 feet from the side or rear yard and shall be landscaped where appropriate.

**SECTION TWO. Effective date.**

This ordinance shall be in full force and effect following its passage and publication according to law.

Passed and adopted by the City Council of Woodbury, Washington County, Minnesota, this 17<sup>th</sup> day of July, 2019.

ATTEST:

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Anne W. Burt, Mayor

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Clinton P. Gridley, City Administrator

(SEAL)