

1ST READING:	3/7/97
REFERRED TO (NAME OF) COMMITTEE:	Z&P
PUBLIC HEARING:	
2ND READING AND FINAL PASSAGE:	6/27/97

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97-Or-059
AN ORDINANCE
of the
CITY OF
MINNEAPOLIS

Scott

_____ 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 the following definitions in Section 522.40 of the above-entitled ordinance be amended to read as follows:

522.40. Definitions. As used in the zoning code, the following words and phrases shall mean:

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. Omni-directional whip antennas that append to the wall(s) of a penthouse may project up to fifteen (15) feet above the facade. Antennas shall not be mounted on skyway facades.

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. Antennas shall not be mounted on the roof of a skyway.

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.

For the purpose of siting communication towers, office residential districts (B1) shall be treated as a residential zoning district.

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.~~

Section 2. That Section 522.320 (1) be amended; (2) be amended by adding thereto new subdivisions (f) and (g); and (3) be amended by adding thereto a new subdivision (f), 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 one free-standing antenna and support structure shall be allowed per residential zoning lot and 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. Free standing light or flag poles are permitted not to exceed the height of the highest point of the principal building or thirty-five (35) feet, whichever is less.
- (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:
 - f. 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.
 - g. Additions to an existing structure (excluding principal buildings such as apartment, office, medical, industrial, religious and educational buildings) such as light pole, flag pole, communication tower or similar structures, shall not be allowed if such addition would increase the height of the structure beyond the height standards in section 522.345 (2) of the zoning code.

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- (3) Facade mounted communication antennas. The applicant shall submit the following information to obtain administrative review:

f. 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.

Section 3. That Chapter 522.325 of the above-entitled ordinance be and is hereby repealed.

~~**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 4. That Chapter 522.330 of the Minneapolis Code of Ordinances be amended 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 for uses listed in section 522.320(2)(3). 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 dollars (\$300.00).

~~The time restriction for this section shall not be effective until thirty (30) days following final passage and publication of this ordinance.~~

Section 5. That Chapter 522.335 of the Minneapolis Code of Ordinances be amended to read as follows:

522.335. Appeal of the planning director's and zoning administrator's decision. Decisions of the planning director and zoning administrator shall be appealed pursuant to chapter 525.160, administration and enforcement.

Section 6. That Chapter 522.340 (3) and (6) of the Minneapolis Code of Ordinances be amended 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.

- (3) Free-standing communication towers in non residential districts. Free-standing communication towers are not permitted in the downtown area bounded by the Mississippi river, I-35W on the east, I-94 on the south and West, I-394, and 3rd Avenue North on the northwest.
- (6) ~~Light poles and flood lights not in compliance with section 522.325(2)(b) flag poles more than thirty-five (35) feet in height, not located in any public right of way, public street, highway or sidewalk, and windmills not located in residential and commercial districts.~~ 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 or as determined by the Planning Commission measured at the contiguous street right-of-way line.

Section 7. That Chapter 522.345 (3) and (5) of the Minneapolis Code of Ordinances be amended, and by adding a new subsection (12) 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:

- (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 structure. For the purpose of this ordinance, residential structures shall also include any parking structure attached to the residential structure.
- (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. In order to establish landscaping as a dense, effective screen, the land space useable for landscaping shall be a strip of land not less than ten (10) feet in width. Preferably, ~~one row of evergreen shrubs or trees~~ native (to Minnesota and

upper midwest) evergreen and deciduous shrubs, planted in staggered rows and 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.

- (12) Base unit. The city may require as a condition of approval that base units be located underground.

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 JUN 27 1997 APPROVED NOT APPROVED - VETOED JUL 2 1997
 DATE DATE

[Signature] PRESIDENT OF COUNCIL [Signature] MAYOR
 ATTEST [Signature] CITY CLERK