

2400.2725 STANDARDS FOR PUBLIC SERVICE AND UTILITY USES.

Cellular telephone antenna use is permitted as follows:

A. A conditional use permit is required for cellular telephone antennas on a residential structure that is less than 60 feet high.

B. A conditional use permit is required for cellular telephone antennas on a freestanding pole, except for existing utility poles. Existing utility poles to which cellular telephone antennas are attached must be at least 60 feet high.

C. In the G-1, RM, and MX districts, antennas may not extend more than 15 feet above the structural height of the structure to which they are attached. In the MXD district, antennas may not extend more than 40 feet above the structural height of the structure to which they are attached.

D. For antennas proposed to be located on a residential structure less than 60 feet high or on a new freestanding pole, the applicant must demonstrate to the board that the proposed antennas cannot be accommodated on an existing freestanding pole, an existing residential structure at least 60 feet high, an existing institutional use structure, or a business building within a one-half mile radius of the proposed antennas due to one 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 colocate an antenna.

E. Cellular telephone antennas to be located on a new freestanding pole are subject to the following standards and conditions:

(1) The freestanding pole must not exceed 75 feet in height, unless the applicant demonstrates that the surrounding topography, structures, or vegetation renders a 75-foot pole impractical. Freestanding poles may exceed the 75-foot height limit by 25 feet if the pole is designed to carry two antennas.

(2) Antennas may not be located in a required front or side yard and must be set back a distance equal to the height of the antenna plus ten feet from the nearest residential structure.

(3) The antennas must be designed where possible to blend into the surrounding environment through the use of color and camouflaging architectural treatment. Drawings or photographic perspectives showing the pole and antennas must be provided to the board to determine compliance with this provision.

(4) In the RM district, the pole must be on institutional use property at least one acre in area. In other districts, the zoning lot on which the pole is located must be within contiguous property at least one acre in area.

(5) A freestanding pole must be a monopole design.

F. Transmitting, receiving, and switching equipment must 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, and screened from view by landscaping where appropriate.

G. Cellular telephone antennas that are no longer used for cellular telephone service must be removed within one year of nonuse.

Statutory Authority: *MS s 15B.06*

History: *34 SR 900*

Published Electronically: *January 15, 2010*