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Title: RESOLUTION APPROVING AESTHETIC DESIGN CRITERIA FOR APPROVING NEW SMALL CELLULAR WIRELESS FACILITIES.

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RESOLUTION APPROVING AESTHETIC DESIGN CRITERIA FOR APPROVING NEW SMALL CELLULAR WIRELESS FACILITIES.

CITY PROPOSAL:

RESOLVED, that the city council finds as follows:

- (a) Small Cellular Wireless Facilities, as defined by Minnesota State Statute 237.162 and 237.163, are important tools that improve wireless communication coverage and capacity in high demand areas; and
- (b) In order to promote the health, safety, and general welfare of the community, and to avoid or remedy the intangible public harm of unsightly or out-of-character deployments, limited aesthetic standards for new small cellular wireless facilities are appropriate; and
- (c) This resolution sets forth aesthetic criteria which the City Council will apply in evaluating approval of applications for new small cellular wireless facilities.

FURTHER RESOLVED, that new small cellular wireless facilities in properties zoned residential, mixed use, or form district, or within the boundaries of a historic district, or within 150 feet of a property on the National Register of Historic Places or a locally designated Duluth Historic Preservation Landmark, shall be evaluated for conformity to the following aesthetic criteria:

- (a) Except as established in Minnesota State Statute, the height of a new facility may not exceed the average height of existing utility poles or streetlights in the immediate area (150 foot radius of the proposed site) by more than five (5) feet, or forty (40) feet, whichever is greater; antennas mounted at the top of the pole shall not increase the height of the pole by more than five (5) feet; and

- (b) New facilities shall be located as near as practicable to street intersections and shall be located to the extent practicable on existing poles or other structures currently in the right of way and shall be limited to the heights in section (a) above; and
- (c) Decorative lights, banner poles, clocks, flagpoles, and other public street furniture that was not designed to accommodate small cell facilities shall not be used if accommodating the small cell facilities interfere with the operation of the public street furniture; and
- (d) Concealment elements shall be incorporated into new sites, including approved camouflage or shrouding techniques, to the greatest extent practicable; and
- (e) New electrical and other utility service lines must be undergrounded whenever possible to avoid additional overhead lines; for metal poles, undergrounded cables and wires must transition directly into the pole base without any external junction box; and
- (f) Unless otherwise required for compliance with FAA or FCC regulations, new wireless facilities shall not include any permanently installed lights; and
- (g) Any new facility and/or equipment and other improvements associated with a new facility must not obstruct any access to fire hydrants or fire escapes, or aboveground or underground public infrastructure, such as underground public utility lines; and
- (h) Unless indicated otherwise by the Land Use Supervisor or City Engineer, the color of the antennas and related accessory equipment shall be made to match the existing pole color; if no pole exists, color should match the poles in the immediate area.

STATEMENT OF PURPOSE: The resolution establishes limited and reasonable aesthetic standards for new small cellular wireless facilities in Duluth.