CITY OF ST. PAUL PARK  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA  

ORDINANCE NO. 746  

AN ORDINANCE AMENDING CITY CODE CHAPTER 58 RELATED TO SMALL CELL WIRELESS FACILITY AESTHETICS & PERMITTING  

WHEREAS, the City of St. Paul Park, Minnesota, wishes to amend certain portions of Chapters 58 and 74 of the City Code related to electing to manage the right-of-way regarding small cell wireless facilities, require conditional use permits for such facilities in certain cases, and establish fees for such uses; and  

NOW THEREFORE, the City Council of the City of St. Paul Park, County of Washington, State of Minnesota, does hereby ordain as follows:  

Section 1. That Code Section 58-42 (c) is hereby amended to read as follows:  

(c) Small Wireless Facility Conditions. In addition to subdivision (b), the erection or installation of a wireless support structure, the collocation of a small wireless facility, or other installation of a small wireless facility in the right-of-way, shall be subject to the following conditions:  

(1) A small wireless facility shall only be collocated on the particular wireless support structure, under those attachment specifications, and at the height indicated in the applicable permit application.  
(2) No new wireless support structure installed within the right-of-way shall exceed 50 feet in height, provided that the city may impose a lower height limit in the applicable permit to protect the public health, safety and welfare or to protect the right-of-way and its current use, and further provided that a registrant may replace an existing wireless support structure exceeding 50 feet in height with a structure of the same height subject to such conditions or requirements as may be imposed in the applicable permit.  
(3) No wireless facility may extend more than 10 feet above its wireless support structure.  
(4) Small cell wireless facilities shall be mounted so there is a vertical clearance of at least eight feet between the facility and any pedestrian way or street surface.  
(5) Where an applicant proposes to install a new wireless support structure in the right-of-way, the city may impose separation requirements between such structure and any existing wireless support structure or other facilities in and around the right-of-way. At minimum the new wireless support structure shall not be located within three hundred (300) feet of any existing wireless support structure in and around the right-of-way.  
(6) No new wireless support structure shall be closer than 3 feet to a street surface, curb, driveway, or pedestrian way.  
(7) All facilities and support structures shall use design, materials, colors, textures, screening, and landscaping to blend in within the surrounding natural setting and built environment. All facilities shall be designed to minimize the visual impact and appear to be compatible  

with the surroundings. Facilities and support structures shall use colors to minimize the visual impact.

(8) Brackets supporting small wireless facilities shall be designed to minimize the appearance and profile of the facilities. Bracket colors shall match the wireless support structures they are attached to.

(9) No small wireless facility shall be collocated on any city owned traffic control device.

(10) No stickers, signs, or decals shall be visible on any small wireless facility or wireless support structure, except (i) safety alerts required by law, (ii) one sign not over ten square feet in area indicating the name of the manufacturer or installer, (iii) a banner or sign may be attached to a wireless support structure or small wireless facility at the city’s request to conform to other wireless support structures or small wireless facilities.

(11) Facilities that are integrated into a pole structure shall be in scale or proportionate to the pole structure.

(12) Above ground cabinets shall be screened with landscaping materials. No more than one equipment cabinet and/or power pedestal shall be located and serve any one pole site.

(13) Equipment cabinets with air conditioning shall be enclosed by walks and setback a minimum of 15 feet from lots within residential districts.

(14) No equipment shall impair traffic site lines or pedestrian circulation.

(15) New wireless support structures shall be designed to prevent unauthorized climbing or entry.

(16) If the proposed facility results in significantly increased sound levels, sound buffers may be required, including but not limited to baffling, barriers, enclosures, walls, and plantings.

(17) The design of utility poles shall be similar in appearance to other poles located in the right-of-way. Pole materials, structural type, and colors shall match the appearance of adjacent poles.

(18) Small cell wireless facility equipment shall not be permitted to be installed on City owned and maintained decorative poles or street lights.

(19) All electric, telephone, cable, fiber, or other utilities necessary to operate a small wireless facility shall be installed within the applicable wireless support structure where practicable. All of a small wireless facility that is affixed to a wireless support structure which has exterior exposure shall be as close to the color of the wireless support structure as is commercially available.

(20) No wireless structure shall have constructed on it, or attached to it, in any way, any platform, catwalk, crow's nest or similar structure, except structures necessary for the maintenance of small wireless facilities.

(21) Small wireless facilities shall be located not to obstruct light fixtures. If small wireless facilities are to be located on a light pole, a lighting plan shall be submitted to demonstrate the facilities will not block light on the street or sidewalk.

(22) No lights, reflectors, flashers or other illuminating devices shall be affixed to any small wireless facility or wireless support structure except as required by the Federal Aviation Administration, Federal Communications Commission, or the city.
(23) Where an applicant proposes to replace a wireless support structure, the city may impose reasonable restocking, replacement, or relocation requirements on the replacement of such structure.

(24) All facilities shall be maintained in good condition, appearance, order, and repair.

(25) Any initial engineering survey and preparatory construction work association with collocation or location of a facility shall be paid by the applicant.

(26) A right-of-way user shall promptly and at its own expense, with due regard for seasonal limitations, temporarily or permanently remove and relocate its small wireless facilities and wireless support structures in the right-of-way when it is necessary to prevent interference, and not merely for convenience of the city, in conjunction with: (i) a present or future city use of the right-of-way for a public project; (ii) the public health or safety; (iii) the safety and convenience or travel over the right-of-way.

Section 2. That Section 58-42 (e) is hereby amended to read as follows:

(e) Action on Small Wireless Facility Permit Applications.

(1) Deadline for Action. The city shall approve or deny a small wireless facility permit application within 60 days after filing of a complete application. The city shall approve or deny a small wireless facility permit application for construction of a new wireless support structure within 90 days after filing of a complete application. The small wireless facility permit, and any associated building permit application, shall be deemed approved if the city fails to approve or deny the application within 90 days of receipt of a complete application.

(2) Consolidated Applications. An applicant may file a consolidated small wireless facility permit application addressing the proposed collocation of up to 15 small wireless facilities, or a greater number if agreed to by a local government unit, provided that all small wireless facilities in the application:

(a) are located within a two-mile radius;

(b) consist of substantially similar equipment; and

(c) are to be placed on similar types of wireless support structures.

(3) In rendering a decision on a consolidated permit application, the city may approve some small wireless facilities and deny others, but may not use denial of one or more permits as a basis to deny all small wireless facilities in the application.

(4) Tolling of Deadline. The deadline for action on a small wireless facility permit application may be tolled if:

(a) The city receives applications from one or more applicants seeking approval of permits for more than 30 small wireless facilities within a seven-day period. In such case, the city may extend the deadline for all such applications by 30 days by informing the affected applicants in writing of such extension.

(b) The applicant fails to submit all required documents or information and the city provides written notice of incompleteness to the applicant within 30 days of receipt the application. Upon submission of additional documents or information,
the city shall have ten days to notify the applicant in writing of any still-missing information.
(c) The city and a small wireless facility applicant agree in writing to toll the review period.

Section 3. This ordinance shall be in effect upon passage and publication.

ADOPTED by the City Council of the City of St. Paul Park, Minnesota this 15th day of April 2019.

\[Signature\]

Sandi Dingle, Mayor

ATTEST:

\[Signature\]

Sharon Ornquist, City Clerk