

Department of Community Planning and Economic Development – Planning Division
Zoning Code Text Amendment

Date: August 14, 2006

Initiator of Amendment: Council Member Schiff

Date of Introduction at City Council: June 16, 2006

Ward: All

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Intent of the Ordinance: The purpose of the amendment is to authorize the mounting of communication antennas on poles in the downtown area bounded by the Mississippi River, I-35W, I-94, and I-394/3rd Ave N (extended to river).

Appropriate Section(s) of the Zoning Code: Amending Chapter 535 related to Zoning Code: Regulations of General Applicability.

Background: Currently the zoning code prohibits the construction of freestanding communication towers and antennas in the downtown area. For purposes of this zoning code section “downtown area” is defined as the area between the Mississippi River, I-35W, I-94 and I-394/Third Avenue North (extended to the river). Please note that when attaching a communication antenna to an existing pole, spire, structure or combination thereof, the structure becomes a freestanding communication tower under the definition of the zoning code. Since freestanding communication towers and antennas are prohibited in the downtown area communication carriers are required to enter into lease agreements with private property owners in order to locate their equipment on the rooftop or facades of buildings in the downtown area.

There are several communication carriers who want to set up wireless networks throughout the City of Minneapolis, including the downtown area. Wireless Internet providers have indicated that their networks require 40 antennas per square mile in order to maintain complete coverage. In total this could be upwards of 2,000 antennas throughout the City of Minneapolis. Because of the high number of antennas that are needed it would be impractical for such wireless Internet providers to enter into lease agreements with private property owners in the downtown area. In order to provide greater flexibility to where communication equipment can be located downtown the Planning Division is recommending that an exception be granted to allow communication carriers to locate equipment on existing light poles in the downtown area.

Purpose for the Amendment:

What is the reason for the amendment?

What problem is the amendment designed to solve?

What public purpose will be served by the amendment?

What problems might the amendment create?

The reason for the amendment is to provide greater flexibility to where communication antennas can be located downtown. The problem that this amendment is trying to solve is that currently freestanding communication towers are prohibited in the downtown area. This includes attaching communication antennas to existing poles, spires, structures or combinations thereof.

The amendment would serve the public interest by allowing communication carriers greater flexibility when establishing their network in the downtown area. It should be pointed out that as written, the proposed amendment will not allow communication carriers to construct new freestanding communication towers or antennas in the downtown area. This amendment is being written this way so as to protect the visual aesthetics and prevent inefficient use of land in the downtown area. Please note that in areas of the city where existing utility wires are buried beneath the ground, Chapter 99 of the City's building code requires that such wires remain buried.

The Planning Division does not anticipate that the amendment would cause problems. The Planning Division and the Public Works Department both review communication applications when located in the City's right-of-way. It should be noted that the Planning Division does have some concern given that this amendment would allow communication carriers to locate antennas and other equipment in the right-of-way which, depending on the size and amount of equipment, could lead to visual clutter along the streets of downtown, including in designated historic districts.

Timeliness:

Is the amendment timely?

Is the amendment consistent with practices in surrounding areas?

Are there consequences in denying this amendment?

The amendment is timely in that the City of Minneapolis has a Wi-Fi initiative that is currently conducting test pilots in two areas of the city. Once the test pilots are complete and the contract is awarded, that carrier will want to begin establishing their network throughout the entire city.

Municipal ordinances for the following cities were researched for this text amendment; St. Paul, Minnesota, Denver, Colorado and Madison, Wisconsin. All three municipalities that were researched for this text amendment allow telecommunications towers within their business districts.

The consequence of denying the amendment would be that communication carriers would continue to enter into lease agreements with private property owners in order to locate their equipment on the rooftop or facades of buildings in the downtown area. Wireless Internet providers have indicated that to provide the most complete coverage in the downtown area the antennas would be located as close to the street as possible and at a similar height from the ground as one another thus making it difficult, but perhaps not infeasible, to locate on buildings of varying heights.

Comprehensive Plan:

How will this amendment implement the Comprehensive Plan?

The amendment will implement the following policies of the comprehensive plan.

The Minneapolis Plan Policy 2.4. Develop technological and information infrastructure in order to offer high quality working environments to businesses.

The Minneapolis Plan Policy 8.12. Facilitate the development of communications and transportation infrastructure to support the continued growth of the city's economic base.

The Minneapolis Plan Policy 9.8. Maintain and strengthen the character of the city's various residential areas (Policy 9.8).

The Minneapolis Plan Policy 9.15. Protect residential areas from the negative impact of non-residential uses by providing appropriate transitions.

Downtown 2010 Management Policy 1. Maintain a downtown environment and level of services consistent with other cities and with suburban office and retail environments.

The amendment is consistent with the comprehensive plan as it would provide communication carriers with another option for locating their equipment in the downtown area. Instead of only being able to locate their equipment on building roofs or facades this amendment will allow communication carriers to attach equipment to existing light poles throughout the downtown area. Because Minneapolis has seen an increase in the number of residents living in the downtown area it is important to emphasize that this amendment will not authorize new communication towers to be constructed downtown as the equipment needs to be attached to existing light poles.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the text amendment:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the zoning code text amendment.