

CITY OF MEDINA

ORDINANCE NO. ###

AN ORDINANCE REGARDING SMALL WIRELESS FACILITIES
WITHIN THE PUBLIC RIGHT-OF-WAY;
AMENDING CHAPTER 8 OF THE CITY CODE

The City Council of the City of Medina ordains as follows:

SECTION I. Section 825.07, Subd. 29 of the code of ordinances of the city of Medina is amended by deleting the ~~stricken~~ language and adding the underlined language as follows:

Subd. 29. Essential Services - Overhead or underground electric, gas, communication, steam or water transmission or distribution systems and structures, by public utilities or governmental departments or commissions or as are required for protection of the public health, safety or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings or any personal wireless service facilities or unlicensed wireless service facilities, as defined in 47 U.S.C. § 332(c)(7)(C) or any small wireless facility or wireless support structure. Notwithstanding the above, a building may be constructed as an accessory structure to an essential service provided that it may be used only to provide weather protection for stationary equipment, may not exceed 400 square feet and may not exceed 15 feet in height. If a building is constructed as an accessory structure to an essential service, the exterior building materials must be in compliance with Section 828.04 and the site must be landscaped in accordance with Section 828.09 of this ordinance.

SECTION II. Section 825.07 of the code of ordinances of the city of Medina is amended by adding new Subd. 96.5 as displayed in the underlined language as follows:

Section 825.07. Definitions. The following words and terms shall have the meanings ascribed to them:

Subd. 96. Shoreland Setback - The minimum horizontal distance between a structure and the normal high water level.

Subd. 96.5. Small Wireless Facility. A wireless facility that meets both of the following qualifications:

- (i) each antenna is located inside an enclosure of no more than six cubic feet in volume or could fit within such an enclosure; and
- (ii) all other wireless equipment associated with the small wireless facility provided such equipment is, in aggregate, no more than 28 cubic feet in volume, not

including electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment.

Subd. 97. Street - A public right-of-way which affords primary means of access to abutting property, and shall also include avenue, highway, road or way.

SECTION III. Section 825.07 of the code of ordinances of the city of Medina is amended by adding new Subd. 115.3, 115.5, and 115.7 as displayed in the underlined language as follows:

Section 825.07. Definitions. The following words and terms shall have the meanings ascribed to them:

Subd. 115.1 Wind Energy Conversion System (WECS) - A device or generating facility that is designed to convert the kinetic energy of wind power to electrical energy. The energy produced by such device may be used on site or distributed into the local electrical grid. These devices may also be referred to by such common names as wind charger, wind turbine and windmill.

Subd. 115.3. Wireless Facility. Equipment at a fixed location that enables the provision of wireless services between user equipment and a wireless service network, including equipment associated with wireless service, a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and a small wireless facility, but not including wireless support structures, wireline backhaul facilities, or cables between utility poles or wireless support structures, or not otherwise immediately adjacent to and directly associated with a specific antenna.

Subd. 115.5. Wireless Service. Any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or by means of a mobile device, that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Communications Act of 1934, as amended, including cable service.

Subd. 115.7. Wireless Support Structure. A new or existing structure in a right-of-way designed to support or capable of supporting small wireless facilities, as reasonably determined by the city.

Subd. 116. Yard - A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this Ordinance. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.

SECTION IV. The code of ordinances of the City of Medina is hereby amended by adding a new Section 828.18 as follows:

Section 828.18. Small Wireless Facilities and Support Structures Within Right-of-Way.

Subd. 1. Subject to Right-of-way Ordinance. Installation and placement of Small Wireless Facilities and Wireless Support Structures within the public right-of-way shall be subject to the requirements of Section 410 of the City Code.

Subd. 2. Conditional Use Permit Required in Districts zoned for Single-Family Residential uses.

- (a) No new Wireless Support Structure shall be installed within the right-of-way of any zoning district which permits single-family residential uses unless a conditional use permit is requested and approved by the City pursuant to Section 825.39 et. seq. For the purposes of this section, the zoning districts which permit single-family residential uses include, but are not limited to: Agricultural Preservation, Rural Residential, Rural Residential-Urban Reserve, Rural Residential-1, Rural Residential-2, Suburban Residential, Urban Residential, R1, R2, R3, R4, R5, Mixed Use, Uptown Hamel-1, Uptown Hamel-2, PUD-1, and various Planned Unit Development districts.
- (b) A conditional use permit for a new Wireless Support Structure shall be subject to the following standards and conditions:
 - (i) The City may impose separation requirements between the new Wireless Support Structure and any existing wireless support structure or other facilities in and around the right-of-way.
 - (ii) The City may require landscaping or other means of screening to limit visual impacts of the new Wireless Support Structure and any associated equipment; and
 - (iii) The City may require compliance with any other conditions, restrictions or limitations deemed reasonably necessary to protect the public health, safety, and welfare, to protect the viewsheds and the natural environment, and to promote harmony with adjacent uses.

SECTION V. This ordinance shall become effective upon its adoption and publication.

Adopted by the Medina city council this _____ day of _____, 2017.

Bob Mitchell, Mayor

Attest:

Jodi M. Gallup, City Clerk

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