CITY OF APPLE VALLEY
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF APPLE VALLEY, MINNESOTA, AMENDING CHAPTER 155 OF THE CITY CODE REGULATING SMALL WIRELESS FACILITIES

The City Council of Apple Valley ordains:

Sections 1. Section 155.003 of the Apple Valley City Code is hereby amended to add the following definition:

SMALL WIRELESS FACILITY. A small wireless facility shall have the meaning as the term is defined in the public right-of-way management regulations of Chapter 97 of this Code.

Section 2. Section 155.385 of the Apple Valley City Code is hereby amended to add Section 155.385 (G) read as follows:

§155.385 TOWERS AND ANTENNAS SITE DESIGN AND MAINTENANCE

* * * *

(G) *Small Wireless Facilities.* The placement of small wireless facilities may be permitted on property on which communication towers are permitted. Small wireless facilities placed within a public right-of-way shall be subject to the public right-of-way management regulations elsewhere in this Code.

Small wireless facilities placed within a public right-of-way within or abutting a property zoned for residential or historical uses is not allowed except by conditional use permit subject to the conditional use general conditions set forth in this Chapter and the following conditions:

(1) Height of all facilities shall not exceed the average height of all structures on the block or the maximum height of structures allowed in the district, whichever is less.

(2) All facilities shall be located in the right of way in the area defined by the side yard drainage and utility easement area. If an area does not have drainage and utility easements then the facilities shall be within five feet (5') of a side property line.

(3) All facilities within any front or rear setback areas shall be located closest to the property line, furthest from the road centerline as possible, but no further back from the curb or any sidewalk or trail than ten feet.

(4) All facilities shall be located as near as practicable to intersections.

(5) All facilities shall be located to the extent practicable on existing poles and other structures currently in the right of way.

(6) Other conditions unique to the proposed placement of facilities in the right of way may be attached to protect the health, safety and welfare of neighboring properties, other users of the right of way, and the public.

Section 3. Section 155.052 of the Apple Valley City Code is hereby amended to revise §155.052(A)(5) read as follows:

§155.052 CONDITIONAL USES

(A) Within any R-1, R-2 and R-3 district, no structure or land shall be used for the following uses or uses deemed similar by the City Council, except by a conditional use permit:

* * * *

(5) Wireless communication t~~T~~owers and small wireless facilities as regulated elsewhere in this Chapter ~~§ 155.385~~.

Section 4. Section 155.78 of the Apple Valley City Code is hereby amended to revise §155.078 (F) read as follows:

§ 155.078 CONDITIONAL USES.

If the above conditions are met, conditional use permits may be issued in the multiple-family residential districts for the following uses or uses deemed similar by the City Council:

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(F) Wireless communication t~~T~~owers and small wireless facilities as regulated elsewhere in this Chapter ~~§ 155.385~~.

Section 5. Effective Date. This ordinance shall take effect upon its passage and publication.

PASSED by the City Council this ___ day of _____, 2018.

_____
Mary Hamann-Roland, Mayor

ATTEST:

_____
Pamela J. Gackstetter, City Clerk