

AGENDA
MAPLE PLAIN PLANNING COMMISSION MEETING
MAPLE PLAIN CITY HALL
March 1, 2018
6:00 PM

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ADOPT THE AGENDA**
- 4. APPROVAL OF PLANNING COMMISSION MEETING MINUTES**
 - A. Planning Commission Meeting Minutes – December 7, 2017
- 5. NEW BUSINESS**
 - A. PUBLIC HEARING: Text amendment to Chapter 150, Section 150.25, (B), (2) of the City's zoning ordinance pertaining to sign regulations for the Mixed-Use Zoning Districts
 - B. PUBLIC HEARING: Text amendment to Chapter 153, Section 153.084 of the City's zoning ordinance pertaining to parking space dimensions.
 - C. PUBLIC HEARING: Text amendment to Chapter 153 of the City's zoning ordinance pertaining to small cellular wireless technology in City right of ways.
- 6. ADJOURN**

MINUTES
MAPLE PLAIN PLANNING COMMISSION MEETING
MAPLE PLAIN CITY HALL
December 7, 2017
6:00 PM

1. CALL TO ORDER

Planning Commission Chair Michelle Bliss called the meeting to order.

Commission Chair Michele Bliss, Commissioners Mardelle DeCamp, Barbara Korri, and Stephen Shurson. Also Present: Councilmember Caitlin Cahill, City Administrator Robert Schoen, and Assistant to City Administrator Nicole Kathman.

Absent: Planning Commissioner Barb Rose

2. PLEDGE OF ALLEGIANCE

3. ADOPT THE AGENDA

Motion by Commissioner Korri, seconded by Commissioner Shurson to adopt the agenda. Motion passed, 4-0.

4. APPROVAL OF PLANNING COMMISSION MEETING MINUTES

- a. Planning Commission Meeting Minutes – March 2, 2017
- b. Planning Commission Meeting Minutes – May 4, 2017

Planning Commissioner DeCamp asked if private playground was added to the final version of the Predatory Offender Residency Restrictions Ordinance that was discussed at the March 2, 2017 meeting. City Administrator Schoen believed it was, but would have to double check.

Planning Commission Chair Bliss asked City Administrator Schoen to document the discussion in regards to the site plan for Total Auto Sale during the March 2, 2017 meeting. City Administrator Schoen stated he would make those additions.

Motion by Commissioner DeCamp, seconded by Commissioner Shurson, to approve the Planning Commission Meeting Minutes from March 2, 2017 and May 4, 2017 with the additions to the March 2, 2017 minutes. Motion passed, 4-0.

5. NEW BUSINESS

- a. Updates for Commissioners
- b. Questions from Commissioners

c. 2018 Plans for the Planning Commission

Items a, b, and c were combined into a general discussion with Planning Commissioners and City Staff.

Planning Commission Chair Bliss asked the Planning Commission and City Staff if they had any comments in regards to the Comprehensive Plan Community Survey.

City Administrator Schoen stated he was not surprised with the results given the demographics of the City. He noted that there are a lot of young families as well as people who have lived in Maple Plain a long time and that the results are reflective of both of these population groups.

Planning Commissioners discussed the question about building a new City Hall. Planning Commission Chair Bliss commented that she found it interesting some individuals were fine with City Hall with where it is and others wanted it downtown. Planning Commissioner Korri stated she believes that City Hall needs to be located downtown and that there needs to be a town center.

Planning Commission Chair Bliss asked how the results of the Comprehensive Plan Community Survey are going to be used. City Administrator Schoen stated a lot of Comprehensive Plan updates are mandated and much of the City is developed so not a lot of changes are required, but can be made. He also noted that one item that came out of the Comprehensive Plan Community Survey results review with the Planning Commission and City Council was beautification of the City specifically Highway 12 and that this can be incorporated into the plan.

Planning Commission Chair Bliss commented that many properties are not following their Conditional Use Permits and asked about enforcement. City Administrator Schoen responded that one of the techniques that has been working well is including a fine schedule with the Conditional Use Permits. Schoen noted that otherwise the only option is revoking the permit. Bliss discussed that selling cars at the Alkona building property is not in compliance with their CUP. City Administrator Schoen confirmed that it is not in compliance and noted that the property owner does have an excuse in regards to their landscaping requirement as it is all in Hennepin County Right-of-Way and approval by the County is needed. Schoen shared he has had multiple conversations with the property owner. Schoen noted that the Alkona property CUP does not have a fine schedule. City Administrator Schoen also added that he has found working on one item at time in terms of compliance of CUPs has been the most effective.

Councilmember Cahill stated that the City Council has worked with City Administrator Schoen on a process for talking to property owners about CUP compliance. Schoen stated that the process is written communication, meeting with the property owner and then fine if there is a fine schedule.

Planning Commissioner Shurson commented that the City also needs to follow up on enforcement of appearance of all residential and commercial properties.

Planning Commission Chair Bliss asked if there are grants for homeowners or for Cities to help homeowners with improvements and maintenance. Schoen answered that the many cities fund dollars towards this. Schoen noted that City has a grant for business owners, but not homeowners at this time. Schoen added that grants of this type funded by other public agencies are not common.

Planning Commission Chair Bliss asked more about general code enforcement. She asked if a formal written complaint had to be made to act upon a code violation. Schoen stated that a written complaint is ideal, but action is taken on verbal complaints too.

Planning Commission Chair Bliss asked about bad odors of the City's water. City Administrator Schoen stated he has not heard anyone call or complain about that, but that it may be due to operating both well 3 and the new well 4. He added the water is tested regularly so it is fine to drink.

Planning Commissioners discussed communicating the results of the community survey back to the public. Planning Commissioner Shurson stated that the City should encourage people to report complaints regarding nuisance issues and share how the City is going to respond to the comments/results. City Administrator Schoen noted that the City has published the results and that there was an article in the newspaper. Schoen also added that the City needs to keep referencing back to the results and that they provide a roadmap of items to work on.

Planning Commissioner DeCamp mentioned a survey was completed during the last comprehensive plan update, but stated no action was taken. Planning Commissioner Bliss commented that work was done on appearance with artifacts and signage with the design team. Both Bliss and DeCamp noted the light post banners need to be put up this year. Shurson commented that the design guidelines that were created at that time are still valid. City Administrator Schoen commended the Planning Commission for continuing to reference the design guidelines with redevelopment.

Schoen shared that the City is working on potential developments in the Gateway District and Downtown. Schoen provided more details on the Downtown Exclusive Developers Agreement. Schoen stated that the Downtown Developer is local and that the development may include public use and residential on the top floors. Schoen explained that the residential component helps lower the rent of the commercial tenants below. City Administrator Schoen clarified that the building on the same block is not included. He emphasized that the project is not a guarantee.

Planning Commission Chair Bliss also asked about the enforcement of banners and other temporary signage. Schoen explained that this is something that the City has been working on. He added that if property owners do not comply after notices, the City will remove them.

Planning Commissioner DeCamp asked if the City could do an article about Forkless (a new restaurant) in the newsletter. City Administrator Schoen stated he would like to, but he would have to look into it in regards to it being advertising as a city needs to act as a neutral entity.

Planning Commissioner DeCamp asked about West Hennepin Public Safety working with Viridian, a Maple Plain company. City Administrator Schoen explained that West Hennepin Public Safety is working with Viridian on a pilot program for weapon mounted cameras.

Planning Commissioner Shurson asked what the next steps for the Comprehensive Plan. Assistant to the City Administrator Kathman stated at the Planning Commission in January, the Comprehensive Plan will be discussed. She noted that she will be meeting with City Planner Mark Kaltsas to determine the agenda and that she envisions discussion of land use and feedback for changes to be made to the current plan. City Administrator Schoen added that one area to potentially look at is the current office park district as there are no offices there at this time.

Planning Commission Chair Bliss stated that the Planning Commission previously developed a list of items that they would like to work on. Bliss stated that she would like to continue to work on those items as well as update the City Code. Bliss asked if City Staff could add ordinances passed since the last codification to their copies of the code book noting that it has not been codified in a while. Assistant to the City Administrator Kathman stated the City Code was codified in 2015 and that she would update their books. Kathman shared it is anticipated that the City Code will be codified again mid-2018 as there are many proposed changes coming including those with the Comprehensive Plan.

Planning Commissioner Shurson asked for an update regarding preserving the railroad underpass by Highway 12 and Baker Park Road.

City Administrator Schoen stated that Hennepin County and Three Rivers Park District are working on it. Schoen stated that he is no longer involved in the conversations as it has come down to financing, but from what he has heard the railroad has given an extension. Schoen noted that the City Council discussed it last fall giving the direction that they were interested in keeping it open, but not willing to invest neither time nor money. Reasons for that include many other priorities as well as keeping it open does not help the City's park and trail plan as the main focus is going through downtown. Planning Commissioner Shurson commented another main reason for wanting it open is public safety as it provides access to the neighborhoods on the other side.

6. ADJOURN

Motion by Commissioner Korri, seconded by Commissioner DeCamp, to adjourn the meeting. Motion passed, 4-0.

Respectfully submitted,

Nicole Kathman
Assistant to the City Administrator

City of Maple Plain

Zoning Ordinance Text Amendments

To: Planning Commission
From: Mark Kaltsas, City Planner
Meeting Date: March 1, 2018

Request:

A proposed text amendment to the City of Maple Plain Ordinance as follows:

- a. A text amendment to Chapter 150, Section 150.25, (B), (2) of the City's zoning ordinance pertaining to sign regulations for the Mixed-Use Zoning Districts.
- b. A text amendment to Chapter 153, Section 153.084 of the City's zoning ordinance pertaining to parking space dimensions.
- c. A text amendment to Chapter 153 of the City's zoning ordinance pertaining to small cellular wireless technology in City right of ways.

Sign Ordinance (Item A)

The City has a provision in the sign ordinance, Section 150.25 (B) (2), which states that all signs must comply with the Maple Plain Design Guidelines.

150.25 DISTRICT REGULATIONS.

(B) Mixed Use and Office Districts.

(2) Design guidelines. Signs located for permitted uses in these districts shall conform to the city's Design Guidelines.

This provision essentially requires all signs located in the City's mixed use, office and industrial districts to comply with the Maple Plain Design Guidelines. The City's Design Guidelines have the following provisions relating to signage:

Gateway District:

Signs are encouraged to be backlit where possible, and to avoid internal lighting and neon signs. Box-lit signs are not permitted in the Gateway.

Downtown District:

Signage

A sign package should be created that allows each user the creativity to clearly define their space, but to do so in a manner that creates a visually appealing street frontage. Clear communication, as well as an aesthetic that caters to the small-town flavor shall be required in all sign packages.

All proposed signage should meet the current sign ordinance. In addition to these requirements, the following standards shall be applied to signs within the Downtown District.

Clean, elegant signage with small town character. Materials and scale should reflect the materials and scale of each user.

Supplemental signs are acceptable in this District, including sandwich boards and projecting signs.

Wall signage (i.e. signage affixed to the structure and flush with the façade) is required to ensure visibility of each user.

The following requirements shall apply to the signage package for each user:

Area

The total signage package shall not exceed 15-percent of the total façade area. This area includes the primary wall sign, supplemental signs including sandwich boards, projecting signs, and window signage.

Sign Materials

Primary material should be wood. EIFS may also be included but will be calculated against materials requirements. Other materials include metals such as aluminum or wrought iron.

Lighting

All signs within the Downtown District must have secondary lighting. Internal lighting is not acceptable. This includes neon signs which are also not permitted. Backlit signs are appropriate provided they meet lighting standards set forth in the City's zoning code. Light pollution should be reduced when possible and energy reducing light fixtures used when possible.

The City has granted two variances within the past two years relating to internally illuminated signage in the MU-D district. The City has received three recent sign permit applications for internally illuminated signs within the MU-D and Industrial zoning districts. Several of the sign permit applications are on buildings that have other existing internally illuminated signs.

Staff would like direction from the Planning Commission relating to the lighting requirements set forth in the Design Guidelines and therefore, by reference, the rest of the commercial districts in the City. The Design Guidelines clearly stipulate that internally illuminated signage is not permitted in the Mixed-Use-MU Zoning Districts. The City's sign ordinance further applies the lighting standards to all other commercial and industrial districts. The intent of the guidelines appears to have been to create a small town feel which utilizes design, materials, colors and lighting of a different scale than more standard suburban commercial internally illuminated or neon signage.

There are several considerations that should be further discussed by the City:

1. Should the City's sign ordinance Section 150.25 exclusively reference the Design Guidelines for all MU and Industrial signs?
2. Should the City continue to prohibit internally illuminated and neon signs in the City?
3. Should the City consider allowing internally illuminated signs in certain areas of the City (i.e. Highway 12 frontages, on buildings with existing internally illuminated signs, etc.).

Based on the discussion and direction provided by the Planning Commission, staff will prepare any necessary revisions to the current sign ordinance.

Parking Space Regulations (Item B)

The City has granted three variances within the past three years relating to parking space depth and drive aisle width standards. The variances have been granted for the **90-degree** parking space requirements. The City's current standards are as follows:

- a. Parking Space Depth – 20 feet
- b. Drive Aisle Width – 25 feet

' 153.085 PARKING DIMENSIONS.

<i>Angle</i>	<i>Curb Length</i>	<i>Stall Length</i>	<i>Aisle</i>
451	12 feet	18 feet	13.5 feet*
601	10 feet	18 feet	18.5 feet
751	9 feet	19 feet	23 feet
901	9 feet	20 feet	25 feet**
Parallel	20 feet	8 feet	22 feet

* One-way aisles only
** Aisles serving on row of 901 angle parking spaces may be 22 feet wide

The City has made findings on all occasions that parking spaces which are 18 feet deep and have an overhang area at the back of the space are acceptable and would be considered “standard” for most applications. Similarly, the City has found that drive aisles with a width of 24 feet is adequate for most applications and should be considered the “typical” standard.

153.085

- a. Parking Space Depth with a Minimum of 1.5 feet of Overhang – 18 feet
- b. Drive Aisle Width – 24 feet

Staff is seeking direction and feedback from the Planning Commission relating to amending Chapter 153, Section 153.085 of the City’s zoning ordinance pertaining to parking space dimensions. Should the Planning Commission make a recommendation to amend the ordinance to the City Council, the table and graphic illustrations will be amended to reflect the changes.

Small Cellular in City Right of Ways (Item C)

The State of Minnesota adopted new regulations in 2017 pertaining to the regulation of placement of small cell technologies and distributed antennae systems (DAS) (See Example Images Below). Small cell equipment and DAS both transmit wireless signals to and from a defined area to a larger cell tower. They are often installed at sites that support cell coverage either within a large cell area that has high coverage needs or at sites within large geographic areas that have poor cell coverage overall. Situational needs dictate when cell providers use small cell towers, as opposed to DAS technology. Generally, cell providers install small cell towers when they need to target specific indoor or outdoor areas like stadiums, hospitals, or shopping malls. DAS technology, alternatively, uses a small radio unit and an antenna (that directly link to an existing large cell tower via fiber optics). Installation of a DAS often involves cell providers using the fiber within existing utility structures to link to its larger cell tower.



Historically, many cities' ordinances address large cell sites, but not small cell towers or DAS. Cities can charge rent (up to a cap for small wireless siting) under the statute for placement of cell technology or DAS on existing or newly installed support structures, like poles or water towers; and, also, can enter into a separate agreement to address issues not covered by state law or ordinance. In addition to adopting specific regulations, many city zoning ordinances recognize structures as conditional uses requiring a permit. While cities may require special permits or variances to their zoning for siting of large cell facilities, under state law, small wireless facilities and wireless support structures accommodating those small wireless facilities are deemed a permitted use. The only exception to the presumed, permitted use for small wireless is that a city may require a special or conditional land use permit to install a new wireless support structure in a residentially zoned or historic district.

Maple Plain is currently working on updates to Chapter 96 of the City's Code of Ordinances pertaining to Rights of Way and the permitting of small cell and DAS technologies. The Rights of Way Ordinance will be reviewed and amended by action of the City Council at an upcoming meeting. The Planning Commission has the responsibility to review and recommend amendments to the Zoning and Subdivision Ordinances. The City has the ability to now regulate small cell and DAS equipment in residential zoning districts by making the new structures a conditional use. Based on the new legislation, the City can only regulate new equipment located in residential zoning districts and has to allow it in all other commercial districts as a permitted use.

To ensure that the City has the most control over structures being located within City rights of way in residential zoning districts, the City would need to consider adding the following provision to Sections 153.025 - R-1 Single-Family Residential, 153.026 – R-2 Single and 2-Family Residential and 153.027 – R-2A Single-Family Residential and 153.028 - R-3 – Multiple-Family Residential:

(D) Conditional uses. The following uses shall require a conditional use permit based on the procedures and conditions set forth in ' 153.140: residential planned unit developments and townhouses regulated by " 153.060 et seq.

(1) New wireless support structures for small wireless facilities.

In addition, the City would need to add the following definition to Section 153.007 DEFINITIONS.

153.007

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

- (1) Each antenna is located inside an enclosure of no more than six cubic feet in volume or could fit within such an enclosure; and

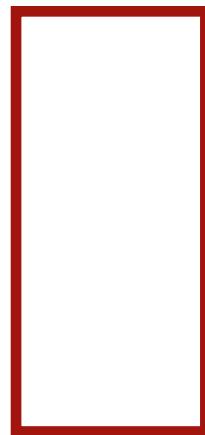
(2) All other wireless equipment associated with the small wireless facility provided such equipment is, in aggregate, no more than 28 cubic feet in volume, not including electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power 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.

Summary:

Based on direction and discussion relating to each of the possible ordinance amendments, staff will prepare the requisite ordinances for additional consideration by the Planning Commission or consideration for adoption by the Council. It is anticipated that the discussion relating to sign lighting will require additional review and discussion. Relating to signage, it is recommended that Commissioners review the existing building signage located throughout the MU and Industrial zoning districts in addition to the Design Guidelines (See Attached).

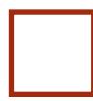
Attachments: League of Minnesota Cities – Information (2 PDF's)
Maple Plain Design Guidelines

Maple Plain design guidelines





Acknowledgements:



City Council



Maple Plain Design Team



Brian Nowak, Planning Commission



Jason Ziemer, City Administrator

Consultant Team:

Jennifer Haskamp

Swanson Haskamp Consulting

Rose Lorsung

MFRA

Table of Contents

Introduction.....	4
Purpose of Design Guidelines.....	5
Process Background.....	6
District Establishment and General Applicability of Standards.....	7 - 11
Introduction.....	7
Streetscapes and Pedestrian Environment.....	7
Street Furniture.....	10
Light Fixtures.....	11
Gateway District.....	12 - 22
Architecture and Color.....	13
Materials.....	15
Scale and Massing.....	17
Signage.....	19
Streetscaping and Sidewalk Environment.....	20
Downtown District.....	23 - 31
Architecture and Color.....	24
Materials.....	27
Scale and Massing.....	28
Signage.....	29
Streetscaping and Sidewalk Environment.....	30
Budd/Highway 12 District.....	32 - 41
Architecture and Color.....	33
Materials.....	35
Scale and Massing.....	36
Signage.....	38
Streetscaping and Sidewalk Environment.....	39
Implementation.....	41

Introduction

The Maple Plain Design Guidelines document is designed as an easy-to-use, and informative guide for the architectural and design characteristics for Maple Plain. These Guidelines are not meant to inhibit creativity or the process of good design and problem solving by developers and builders, but rather carry out the values and small characteristics that the community assimilates. The community has prepared these Guidelines to demonstrate what the City wants for architectural aesthetics and design quality in the City's three special Districts the Gateway, Downtown and Budd/ Highway 12 District. The Guidelines should serve as a reference for all projects throughout the community regardless if a project lies within one of the Districts. The goal is to create a unifying development and design aesthetic community wide and create a sense of place throughout Maple Plain.

The opening section of the document contains introductory information, historical background, demographics, process, and guiding vision for the community. The City went through a significant public participation process to develop the Guidelines. The process included a charette process by the Minnesota Design Team, followed by an extensive Visual Preference Survey administered to the community which serves as the foundation for the following Guidelines. The second section includes general, non-district specific guidelines, followed by Guidelines that pertain specifically to special areas identified in the City's Comprehensive Plan. The special areas are established early in section two, through the use of graphics as well as the text that introduce the goals for each special area District. The goals can be as descriptive and suggestive as the Guidelines themselves and therefore developers and buildings should heavily consider and use them when working on projects in the City.

The final section includes a brief implementation section that provides objective statements to accomplish some of the general community initiatives. An example of a community-wide initiative would be the implementation of a unified streetscaping design throughout the city, with the most care and detail paid to the special area districts.

Throughout the document a collection of drawings and images are presented to help visually describe the goals and aspirations of the Guidelines. The images presented are suggestive and are meant to help further clarify the regulations identified throughout the document.



Maple Plain Today

This image of Downtown Maple Plain represents progress. The Pub has been updated to reflect the direction of the architectural style and color preferred for downtown. Some streetscaping is present, and will become more robust through the Design Guidelines requirements.

Purpose of Design Guidelines

The City of Maple Plain created these Design Guidelines to help the community achieve and implement its vision for the community. The City embraces the unique, small-town, special quality of the community, and realizes the need to preserve these qualities for the enjoyment of the current residents and future generations.

The Design Guidelines pertain to the special areas identified in the Comprehensive Plan, which include the Gateway District, the Downtown and the Budd/Highway 12 District. Although these guidelines are strictly enforced in these Districts, a developer proposing any structure or redevelopment project anywhere in the community should review these Guidelines to understand the community and its characteristics, and should attempt to apply the standards identified in this guide.

This user-friendly document is a guide for the City's decision makers and citizen advisory boards. The objective is for this document to be used not only by those proposing development or redevelopment in the special area districts, but also to integrate the standards identified in this document throughout the community. By using the existing positive and high quality elements in the community, the City will enhance or improve the overall quality of life.



Community Character

The City is located approximately 25 miles west of Minneapolis on U.S. Highway 12. The proximity of the community to major employment centers and recreational opportunities attracts families and those interested in a more rural and small town way of life, while still maintaining access and opportunities to more urban settings. As a significant regional employment area, the community will continue to be a viable place for residential development, and will continue to be attractive to new and existing residents. The City's Comprehensive Plan and Metropolitan Council identify Maple Plain as a developed community; however the community will continue to grow and provide options for residents to live, work and recreate.

Maple Plain is also faced with new demographic challenges, and the residential consumer will change significantly over the next several years. The fastest growing demographic in the country is the aging baby-boomers, which means the active senior will be the next population to consider and provide housing. This becomes a significant driver for a community like Maple Plain that has historically served young families. The housing type is primarily single family detached dwellings. More detailed demographic information can be found in the City's Comprehensive Plan, but generally impacts the Guidelines because the document includes opportunities to diversify the housing stock, and for example provide living opportunities for seniors in the mixed-use areas.

In addition to an aging population, home prices have risen over the past several years which almost eliminates options for first-time home buyers. The current housing stock does not provide entry-level options, which means younger residents have a harder time staying in the community. Addressing the needs of this population means keeping young, vibrant people in the community that contributes the long-term sustainability of the City. These housing needs should also be considered, and the opportunity to address these concerns can be achieved through not only zoning, but also through Design Guidelines that promote and mandate mixed-use.

The community developed a mission statement though their comprehensive planning process. The Design Guidelines should uphold and support the following mission:

Building upon its past for a prosperous future, the City of Maple Plain, Minnesota is a safe, livable community where elected officials, city staff, residents and businesses work together to provide quality services and create a community that is attractive to a wide variety of people and businesses.

Process Background

The establishment of the Design Guidelines demonstrates the care and consideration made to ensure a document was created that reflects the needs and wants of the community. These Guidelines were developed through a set of comprehensive meetings, charettes with the Minnesota Design Team, and public participation opportunities. Engaging the larger community in developing the Guidelines ensured that they are representative of the vision of the entire community, not just a small segment of the community.

A formal working group, the Maple Plain Design Team, was established to work through design issues in the community. This group of citizen volunteers worked through a charette process with the guidance of the Minnesota Design Team. This group helped the community establish Districts, architectural styles, and character for the Downtown Maple Plain area. This effort formed a foundation from which the Maple Plain Design Team continued working to ensure the successful integration of design in the community's decision making process.

A major component of developing the Guidelines included a Visual Preference Survey (VPS) to help clearly identify specific elements that were important to the community. The VPS provided the detail to the general objectives gained from the Minnesota Design Team charettes. This information was quantified and used to help create the specific Guidelines of this document. Since the Minnesota Design Team's charette process, the City has continued to work towards integrating the ideas and work of that process. The development of this guide used information collected through that process as the foundation from which to create the Design Guidelines. Further refinements of the elements in this guide were achieved through feedback from the Maple Plain Design Team.

District Establishment and General Applicability of Standards

Introduction

The following Guidelines apply to all special area Districts: the Gateway, Downtown, and Budd/Highway 12. Additionally, these Guidelines should be reviewed by developers for all development and redevelopment projects throughout the community. These guidelines are general and are intended to guide development in a way that encourages continuity, but discourages sameness and repetition. The City is committed to creating a uniform and cohesive character through the Gateway, Downtown and Budd/Highway 12 Districts, and will achieve this vision through decorative elements and a palette of acceptable architectural styles. All commercial and retail structures shall demonstrate four-sided architecture, which will be described hereafter as architecture that pays attention to all sides of a structure and includes high-quality, well articulated and fenestrated details on the facade, sides and rear of a structure. The City does not want to discourage creativity and unique development because, when done appropriately, will contribute to the overall beauty of the community. The following elements are one way to achieve unification across the City while continuing to allow some flexibility of architectural development.

Streetscapes and Pedestrian Environments

Streetscaping offers the perfect opportunity to achieve a cohesive and well-designed pedestrian environment that will make Maple Plain a desirable place for people to live and visit. The goal is to create and foster a community that is a place that people want to stop and explore further. By developing interesting and well-maintained streetscapes, people will naturally be more comfortable walking through downtown, visiting shops, and ultimately investing and reinvesting in the community.

Streetscapes throughout the community should be thought of in terms of zones, where there are four (five when Bike Zone is included) distinct zones that should be planned for and provided.



Figure 1 graphically describes these zones.

These zones are universal, whether located in a residential neighborhood, along Main Street, or internal to a shopping area.

Maintaining these zones encourages pedestrian activity and contributes to the overall pedestrian scale thereby encouraging people to walk rather than drive their motor vehicles from place to place. The zonal concept was developed, and is supported by the Federal Highway Administration (FHA). The minimum standards and areas are approved by the FHA and help to create uniform pedestrian environments throughout communities that contribute to the overall success of pedestrian spaces.

Citywide - Streetscaping and Scale

Streetscaping and architectural elements should reduce the scale of the pedestrian environment. This sidewalk includes awnings, signage, plantings and seating to encourage a pedestrian friendly environment.

The section below defines the sidewalk zones according to the FHA. The definitions provided are modified and adopted from the FHA standards. All sidewalks in the communities must be built to a minimum of the following specifications, and larger furniture and frontage zones are encouraged where appropriate:

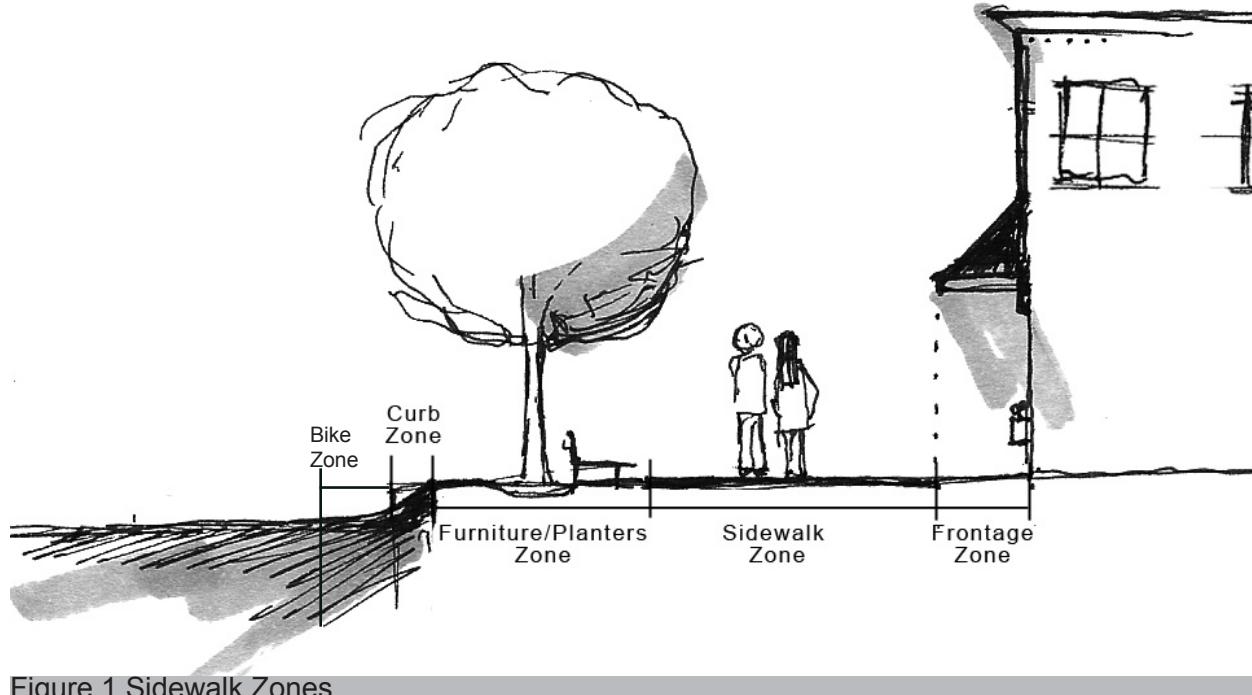


Figure 1 Sidewalk Zones

Citywide - Minimum Sidewalk Standards

This section demonstrates the sidewalk zone concept. The intent is to create distinct spaces or ‘zones’ that create a clearly defined pedestrian environment. Creating the perception of a safe pedestrian environment is critical because it encourages walking and use of outdoor spaces, therefore creating a sense of accessibility.

Frontage Zone: Three Feet (3') – Where the awnings, window boxes, or other projecting elements must be located within the frontage zone.

Sidewalk Zone: Five Feet (5') – This path must be kept clear and may not include any intrusion of objects. Plantings located in the Planter/Furniture zone may overhang into the pedestrian zone if at a height of 6-feet or taller. (See Figure 1 for further clarification)

Furniture/Planter Zone: Four to Eight Feet (4'-8') – the Planter/Furniture zone is intended to provide area for utilities (such as lighting, hydrants, etc) and will provide area for street trees, grass, sidewalk furniture and planters. This area helps to reduce the scale of the street frontage and to provide a sense of safety for pedestrians.

Curb Zone: Six Inches (6") – The curb zone is important for both the perception of safety by the pedestrian as well as the functional quality of the sidewalk. If parallel parking is permitted, periodic curb cuts should be provided to allow accessibility and ADA compliance. The curb zone also provides area for adequate drainage and clear delineation between road and vehicular traffic and the pedestrian area.

Bike Zone (Optional): Four Feet (4') – in many cases it is appropriate to also plan for bike traffic and to include this within the sidewalk zoning process (this area would be located beyond the curb zone.) It is reasonable to plan for bike lanes as part of the pedestrian environment because oftentimes reduced road width, and the presence of bikes helps reduce traffic speeds as well as encourages safer driving.

Sidewalk and Bike Zones

The image demonstrates a sidewalk zone that designates a Bike Zone that would be to the exterior of the Curb Zone.



Urban Sidewalk with Zones

This image demonstrates a sidewalk zone concept with a Sidewalk Zone that is continuous with the Furniture/Plaster Zone. This type of sidewalk provides a quaint pedestrian environment but would only be appropriate in a downtown area where parallel parking is allowed, and buildings are not set back as far from streets.

Additionally, the paver sidewalks provide an additional level of texture and interest.



Maple Plain's progress towards Zones

Maple Plain today is headed in the right direction. This streetscape is laid out with the correct zones, but will require additional vegetation, lighting and furniture to complete the design.



Street Furniture

The street furniture will be a unifying element throughout the community. Similar styles and materials should be used throughout the community to encourage a cohesive appearance. The street furniture may be located in either the Furniture/Planter Zone or the Frontage Zone on a sidewalk. It is imperative that the appropriate scale and type of furniture is provided in each District (Downtown, Gateway or Budd/Highway 12) and sidewalk zone to ensure that pedestrian and bike spaces are not encroached upon, thereby reducing the success of these spaces.

The Visual Preference Survey identified several types and styles of street furniture that would be acceptable to the community. Some characteristics that were continually prioritized included: historical fixtures with a preference towards the Danish/Scandinavian style with integrated clean lines, rich colors, and metals. Fixtures that included wrought iron and other metals dominated responses. Fixtures and furniture styles with scroll work and traditional elements were not prioritized as high as those with clean lines minimal detail.

Consideration should be given to the weather and climate. Furniture and streetscaping elements should be durable and require little maintenance. Materials such as wrought iron and other metals are encouraged due to their ability to withstand the elements. All external decorative elements should consider weather and maintenance. This includes awnings, canopies, planter boxes and signs.



Sidewalk Furniture

Clean lines and sculptural street furniture will be encouraged. The styles and colors should be compatible with adjacent building styles and colors.



design guidelines

Light Fixtures

When development or redevelopment is proposed a comprehensive light fixture submittal will be required to demonstrate compliance with these Design Guidelines. The intent is to create a cohesive street frontage through detail elements, including light fixtures, and it will be necessary for each project to present their lighting details. In addition to the fixture itself, the wattage, illumination area and direction of light shall be identified to ensure light pollution is kept to a minimum and that the night sky in Maple Plain is not disturbed by excessive light.

All areas in the community will be required to use the same street light fixture style to help create a cohesive theme or brand throughout the community. To create a comprehensive street package, a clean but historically detailed fixture will be required for pedestrian scaled lighting. Each fixture shall be capable of hanging banners, flags and planters to allow for the most flexibility for streetscape appearances. In addition, if planters are proposed, the developer or builder shall be required to submit an irrigation plan to ensure maintenance of all plants along the boulevard. All street fixtures should be from the Lantern style, distributed by Xcel (see images). If this style should become obsolete at any time, the closest fixture in style shall be the replacement to ensure consistency. The consistency of the fixture throughout the community will allow for more diversity of individual lighting packages on structures.

Light fixtures are required on the façade of each structure and for each user, as previously stated, a standard light fixture will not be required; however, the developer shall be required to demonstrate how lighting on the structure is consistent with the overall character of the architecture, streetscape and approved street fixture. Additionally, if the builder or developer cannot demonstrate an appropriate lighting plan, a pre-approved City standard specification shall be provided to ensure a successful streetscape.



Light Fixture Design/Style

These images demonstrate the fixture and pole type required for all development in the City of Maple Plain. All fixture packages should be consistent/compatible with this style. The Lantern Style fixture distributed by Xcel shall be the required street light fixture.



Gateway

The Gateway area is geographically described in the adjacent figure. The Gateway area consists of approximately 40 acres and serves as the entrance to Maple Plain. The Gateway area has the opportunity to welcome people to the City, and should exemplify the character for the City as a whole. The Gateway is decidedly different from the Downtown District due to its scale, and potential opportunities that simply are not available in downtown because of more constrained parcels, roads and existing users. That opportunity means the City has the chance to create a unique, innovative Gateway area.

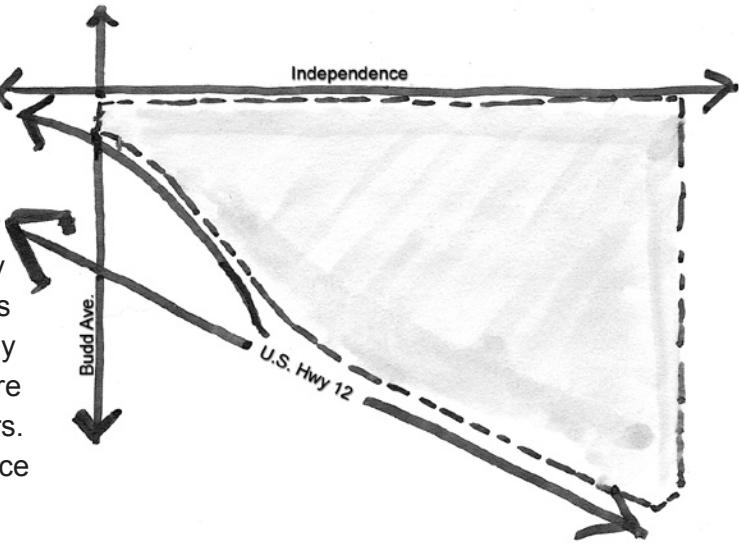


Figure 2 Gateway District Area

The figure demonstrates the parameters of the Gateway District geographically. This area is the 'entrance' to the City of Maple Plain.

The Maple Plain Design Team acknowledged that opportunity, and as a result established this District to focus attention and additional design considerations because of its visibility. The Team decided this area should be reflective of the Maple Plain vision and character, but should be different from the Downtown District in terms of architecture and land uses. As a result the following goals are established based on the information collected from the Visual Preference Survey as well as the Design Team:

Goals

- Establish a true entrance to the community that demonstrates the character of the community.
- Develop an area that includes commercial, office and residential uses all within the Gateway area.
- Develop and create structures of similar architectural quality and style to enforce the quality and character of the Gateway.
- Integrate green spaces, amenities, and a strong pedestrian environment that connects the Gateway to the overall community.

These goals are the foundation from which the following Guidelines were established. These standards are established to ensure a successful, high-quality Gateway that represents the vision for the community. The City wants to encourage development and redevelopment of the Gateway, so that Maple Plain becomes a destination and long-term sustainable community. Therefore, these Guidelines are meant to give direction to potential developers or builders, not to inhibit the creative process or to make development cost-prohibitive.

Architecture and Color

The character of the Gateway will be different than the Downtown but will integrate elements from the Downtown District. During development of these Guidelines, many of the characteristics of the Downtown were also preferred for the Gateway, including color and architectural detailing. The use of elements common to both Districts is important to encourage a cohesive design throughout the City. The following Guidelines are established for the Gateway area:

Neo-Traditional and traditional architecture should be the primary architectural style for commercial users in the Gateway. Commercial architecture could also include classic architectural details.

Commercial architecture shall be four-sided with attention and detail given to all sides, but there should continue to be one primary entrance to each user/building.

The stick-built architectural style should be reserved for the residential component in the Gateway area.

The District should integrate traditional Downtown streetscaping elements such as awnings, arbors and parapets. These details should be scaled to the environment, and larger users will be required to include these architectural details to create a more pleasant and walkable environment.

Warm, rich colors should be used where possible. Neutrals are acceptable provided with a warm undertone. Primary colors and other bright colors shall be permitted in small percentages not to exceed 10-percent of a storefront.

Mixed-use and false fronts (appearance of mixed use) shall be required throughout the District.



Gateway Architecture and Color

These images demonstrate the appropriate scale and architectural style for the Gateway District. The top image uses a good mix of warm colors with accents of primary colors that would be appropriate for the Gateway. The two images below have strong corner elements that anchor a development and area. The architectural style of these three images demonstrate a mix of traditional and modern elements that is desired for the Gateway District. Finally a mix of uses is preferred for the district, which is demonstrated in the bottom images, while the first image uses false fronts and parapets to give the illusion of multi-use structures.

Architecture - Elements and Characteristics



Figure 3 Gateway Architecture

This sketch meets the district intent and regulations in the following way:

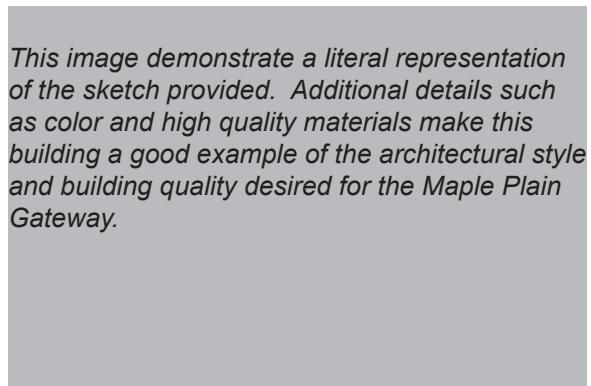
The facade has a large percentage of windows and is “transparent” and welcoming.

Awnings and materials are varied to add interest to the building.

Simple, clean architectural details (cornices, etc.) are present, and high quality materials are used.

This sketch demonstrates the architectural style and preferences for the Gateway area. Notice a large percentage of glass and fenestration to add interest to the structure. The doorway is clearly identified and is also transparent with a large window signifying the entrance. Awnings are present in two different styles to add interest and suggest multiple users. The building is well articulated with multiple surfaces with different materials.

The structure is a single story but includes a parapet area to add additional height and interest. The signage is well identified and in proportion to the structure. Vegetation helps reduce the overall scale of the structure and marks a clear entrance.



Materials

High-quality traditional materials for commercial primary facades (wood, brick, stucco, hardie, stone, etc.) are required for all structures. The primary façade is described as the front or main entrance.

Four-sided architecture is required, and sides and back of structures may use a combination of masonry, spandrel glass, hardie or other high-quality materials. EIFS (Exterior Insulation Finishing Systems), which is essentially a synthetic stucco product common on commercial structures, may not exceed 10-percent of any façade and should be used sparingly.



Gateway - Materials

These images demonstrate the types of materials that would be appropriate for the Gateway. A combination of brick, stone, stucco, and windows dominate the facades, and are present on all four sides of the structure. False fronts are present, and structures all visually give perception of between a one and half stories and two stories.



Maple Plain

15

The following material breakdown is required for all commercial structure facades:

Street Level –Primary Facade (Calculation includes parapets and False Fronts for single-story structures):

Fenestration/Windows:	40% Minimum
Wood/Brick/Stone/Hardie:	25% Minimum
EIFS/Aluminum/Other:	10% Maximum

Second Level (Calculation includes parapets and false fronts)

Fenestration/Windows:	20% Minimum
Wood/Brick/Stone/Hardie:	50% Minimum
EIFS/Aluminum/Other:	10% Maximum

Sides and Rear

Fenestration/Windows:	15% Minimum
Masonry/Hardie/Brick/Wood:	50% Minimum
EIFS/Aluminum/Other:	10% Maximum

Residential materials shall be reviewed on a project basis, but developers and builders are encouraged to follow the standards identified for commercial users.



Maple Plain

16

Gateway - Material Breakdown

The image demonstrates the proper percentages of materials appropriate for the Maple Plain Gateway. The facade includes a mix of high quality materials including stone, brick, stucco and glass. Small aluminum accents and fabric awnings add interest and detail.

Scale and Massing

The scale and massing of the Gateway area is deliberately left general because of all the opportunities there may be to integrate commercial, office and residential uses all within the same area or building. Although the specific detail of the area is not prescribed, some general scale and massing requirements can be applied, and divided between commercial and residential uses in the area. The following Guidelines shall apply to the scale and massing in the Gateway District:

Commercial

The commercial component of the Gateway will provide different opportunities to commercial users than in the downtown. The Downtown District should be reserved for smaller, specialized users and restaurants while the Gateway provides adequate space to increase the scale and size to meet other market demands.

Larger, multi-use tenant buildings should be developed to create a specific shopping area with various services for the community.

Multi-use buildings should be established in the District as opposed to a single large or medium user.

Fenestration and architectural detail shall be required to delineate between spaces and users. Each storefront (perceived or literal) shall be required to have distinct articulation every 20-feet to avoid large blank walls or the perception of a large warehouse type of structure.

Larger commercial users should consider integrating a residential component and green space into the development to help minimize the impact of a larger retailer.



Gateway Scale

The articulation and fenestration in these images help reduce the scale of larger multi-tenant structures. These techniques should be used throughout the Gateway district.



Multi-level structures (or the illusion of through parapets and false fronts) should be used throughout all commercial and/or office developments. Further development of single story strip mall type structures will not be permitted.

Clearly marked entrances, exits and pathways should be included throughout all commercial/office developments

Scale reducing architectural elements, such as awnings and canopies should be used to add architectural interest as well as create a sense of enclosure for pedestrians in the space.

Residential (Scale and Massing)

The residential scale should be compatible with the scale and massing of adjacent commercial and/or office uses. Mixed-use structures are highly desirable, but at a minimum a residential component should be developed in proximity to the commercial spaces. The intent is to create a pedestrian friendly environment where residents can walk to and easily access the commercial spaces in the Gateway District. The following parameters are defined:

Higher density options should be explored in vertically, mixed-use structures. The commercial development in the Gateway would be a good opportunity and location for condominiums in a mixed use structure to diversify housing options in Maple Plain.

Height (increasing to three stories) is more palatable when vertically integrated uses are present (commercial and residential mixed-use). Structures should not exceed 40 feet and should comply with the zoning district in which the property is located (the most restrictive shall apply). This height shall include parapets, false fronts, and roof lines.

Pure residential uses should be developed as traditional townhomes or row homes and apartment or condominium units should be reserved for mixed-use projects.

Residential townhomes and row homes shall have a minimum unit width of 18 feet of frontage per unit, and shall not exceed 6 units per structure. This will reduce the overall mass of the structures and visually break up the development.



Gateway Residential

These images represent residential styles that would be permitted in the Gateway District. Interesting roof lines, front porches and traditional styling make this style appropriate and compatible with the commercial architecture proposed in the Gateway.

Signage

Signage is integral to the overall success of the users and development of the Gateway area. The visibility of the shops from U.S. Highway 12 will make this a natural shopping destination for the community and surrounding area. Therefore, successfully communicating the uses and services in the area will be important to ensure the viability of the establishments.

Although visibility of the signage is critical, equally important is the design of each sign because it sends a message about the quality of the establishments in the area. Signage in the Gateway must meet the City's adopted sign ordinance standards, and will also be held to additional standards as stated below. The purpose of these regulations is to encourage a higher quality of design and aesthetic to ensure that as people enter the community they know they have entered a special place. The level of design filtrates all the way to the signage throughout the community. The following Guidelines are provided for signage in the Gateway:

Signage should be at a neighborhood and local scale. Visibility of the user is critical and signage may be on multiple sides of a structure provided it meets the standards set forth in this document.

Sign area shall not exceed 10% of the area of the façade. If a multi-tenant user, then the frontage allocated to each user shall be the area considered for the calculation.

Signs are encouraged to be backlit where possible, and to avoid internal lighting and neon signs. Box-lit signs are not permitted in the Gateway.

Corporate identity signage is appropriate in the Gateway area, provided the signage meets the standards within this document.

Full signage plans are required prior to development to ensure compliance with these standards. A signage plan must include actual signs and lettering styles to be approved and building permits granted.

One monument sign shall be permitted for each multi-use structure. The monument sign must be constructed of similar materials as the principal structure, and shall not include box-lit signs.



Gateway Signage

Signage should be interesting and should complement the architecture of the Gateway District. These images demonstrate appropriate scale and style of signage for users in the Gateway.

Streetscaping and Sidewalk Environment

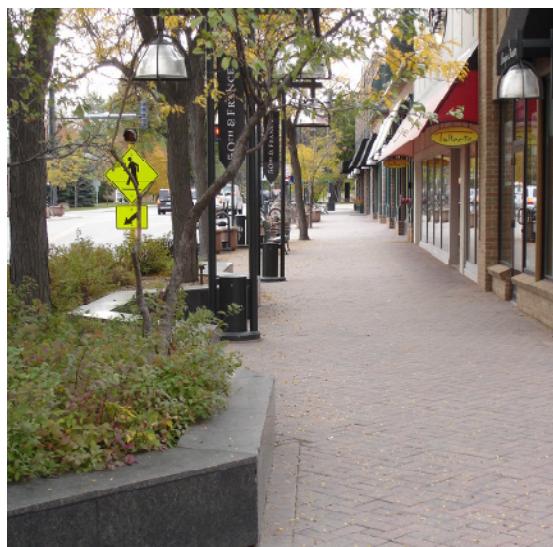
Streetscaping and the sidewalk environment will be constructed and designed consistent with the elements found in the General Guidelines and the Downtown District. The intent is to use similar design qualities and standards to encourage a cohesive sense of place community-wide, rather than giving a specific District a certain character. The way the City intends to achieve this is through streetscaping elements and easy wayfinding through both districts to help pedestrians and residents understand the spaces as uniquely Maple Plain.

The FHA Sidewalk Standards and plans shall serve as the baseline in the Gateway District, just like in the Downtown District. This consistency will visually queue users of how to travel through the spaces. The standards identified in the general standards and the Downtown District are identified below with some minor changes and additions that are specific to the Gateway District.

Spacing between the façade and the street should provide enough room for a sidewalk and small boulevard but should not be oversized. Spacing should follow the sidewalk zones identified in the general guidelines. These requirements shall be enforced through commercial, residential and mixed-use areas.

Additional Frontage zone area, or Furniture/Planter Zone area may be increased where appropriate. If these areas are increased users should use the space for outdoor cafes, community spaces, or other purposes.

The Furniture/Planter Zone should be well manicured with some green spaces, but should be clean in appearance. This zone may substitute green space with interesting mulches, pavers or stamped concrete finishes. Furniture in this zone should be a cohesive package throughout the District and users should consider the overall style and character of the area.



Gateway Sidewalk Environment

Sidewalks should have a clear pedestrian path and should be welcoming and inviting. Scale reducing elements should be used to help create a distinct space.

Overall setback area should be consistent with the zoning district, and cross-referenced, to ensure appropriate setback area and easement areas are provided.

Permanent planters should be used where appropriate, and may be recessed or vertical.

Traditional materials such as brick, concrete, wood or stone should be used on planters. The planters should use warm, muted colors to create a warm pedestrian environment.

Wayfinding signs/elements should be interspersed within the sidewalk environment to help guide pedestrians through the spaces.

Plant materials in the Furniture/Planter Zone may be informal or formal depending on the user and maintenance schedule of the City.

Parking bays should be provided behind structures where possible to create a more desirable pedestrian environment. Limited storefront parking will also be provided to increase accessibility.

Landscaping requirements for parking bays shall meet the City's zoning ordinance.

Clearly defined walkways through parking bays shall be required to ensure safe pedestrian activity to and from the businesses.

Sidewalk light fixtures as well as fixtures affixed to individual users shall be required in the Gateway. The fixture package shall be required as a part of a submittal.



Gateway Planters and Vegetation

These images demonstrate the importance of vegetation and landscaping to improve areas dominated by impervious surfaces. Innovative and environmentally friendly materials are encouraged. Examples include impervious surfaces such as pavers and porous pavements, native vegetation and the integration of rain gardens.

Canopies and/or awnings are permitted in the Gateway. The color and material should be consistent with the requirements identified in previous sections. Signage is permitted on these structures, but will be calculated as part of the overall sign area.

Clean streetscapes and environments, with matching furniture including benches, trash cans, bollards and lighting shall be required.

Small areas of pavers and stamped concrete in both sidewalks and roadways should be integrated to improve the quality and appearance of the Gateway area.

Vegetation and green spaces should be included in the Gateway area to make it a warmer place. Small pocket parks and well-connected green spaces should be included to integrate residential and commercial uses.

A trail/walking path will be required between residential and commercial development to create walkability and pedestrian/bike activity in the area.



Gateway Pedestrian Scale Details

Elements that make a space special will help create a sense of place for the Gateway area. Elements should be unifying and should integrate color, vegetation, and accessibility.

Downtown

The Downtown District is geographically described in Figure 4. The downtown area is approximately an eight block area that consists of primarily commercial uses today. The majority of the uses and buildings in the downtown could benefit from redevelopment, or improvements to help increase the overall aesthetic of the area.

The Maple Plain Design Team spent some time visiting other downtown areas throughout the Twin Cities Metropolitan Area to help refine and define their goals for the Maple Plain Downtown area. The Team determined that the quaint, small-town downtown character was ultimately the City's goal.

They wanted to see a pedestrian friendly destination for residents and visitors. The following goals were established through input from the Design Team and the Visual Preference Survey.

Goal: Establish a rich and vibrant small-town downtown environment that encourages pedestrian and human activity.

Goal: Maintain an appropriate scale for downtown Maple Plain that includes spaces for commerce, office and residential uses.

Goal: Develop and create structures of similar architectural quality and style to enforce the quality and character of downtown Maple Plain.

Goal: Use vegetation, street furniture, lighting and signage to create a distinct character for downtown.

These goals are the foundation from which the following Guidelines were established. The following Guidelines should be thought of as objectives or implementation steps to achieving the goals for downtown Maple Plain. These standards are established to ensure a successful, high-quality downtown environment. The purpose of establishing Design Guidelines for downtown Maple Plain is to ensure appropriate development and redevelopment activities occur and that the vision and goals for the downtown are achieved through appropriate architectural styles and details. The City wants development and redevelopment to happen, so these Guidelines are meant to give more direction to potential developers, not to inhibit the creative process or to make development cost-prohibitive.

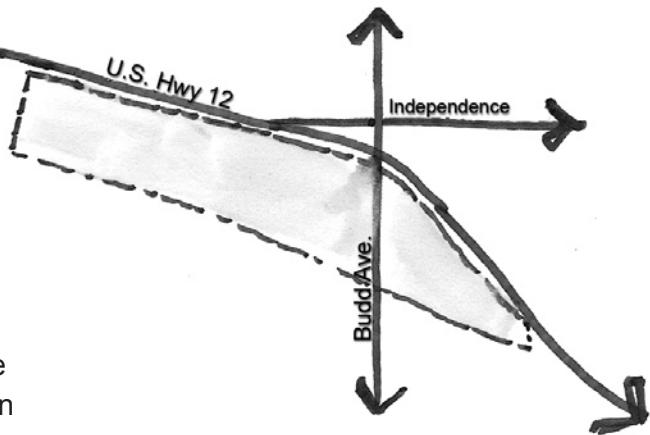


Figure 4 Downtown District

The Figure demonstrates the parameters of the Downtown District geographically.



Figure 5 Downtown Development Concept

This concept sketch demonstrates how Downtown might be developed.

Architecture and Color

Through the work of the Maple Plain Design Team and residents of the community, several parameters were set for general character, architecture and color for Downtown. The image demonstrates the architectural style, color and massing that shall dominate the Downtown streetscapes. The main goal is to use common elements (i.e. color) throughout downtown to unite the users and create a more uniform frontage. The following Guidelines shall apply to the Downtown District.

Color



Rich colors and muted tones should be used on structures throughout the Downtown District. Dominant colors on structures should be muted rich tones. For example, burgundy, chocolate brown, forest green or slate blue. Non-dominant colors could be more diverse but should not be more than 20-percent of a storefront. Primary colors may be used as accents provided they are consistent with and do not exceed 20-percent of the façade.



Downtown Color Palette

It is imperative that the Downtown District have a cohesive design and vision, and color will play a critical role in creating that environment. The first set of colors are appropriate as the dominant color scheme, and would also include warm neutral colors. Bright and primary colors should be used sparingly and should be left for details and signage.

Architecture - Elements and Characteristics

The sketches identify the appropriate style of architecture for the Downtown District. The downtown architecture should create a special and unique environment, and should feel different than the Gateway or Budd/Highway 12 Districts.



Figure 6 Downtown Architecture

The sketch demonstrates a mix of architecture styles, including a neotraditional structure as well as a stick-built traditional Danish structure. Both images include the following characteristics that unite them and make them appropriate for Downtown:

High percentage of glass at the street level makes them inviting and adds an element of transparency.

Architectural details including the parapets, cornices, window casings and sashes, and roof lines all have clean lines.

Clearly identified structures and signage affixed to the facade of the structure is required on all buildings in the Downtown District,



Architecture

Objective: To create an environment with an architectural palette that is cohesive and unique to Downtown Maple Plain.

Individual storefronts and separation between structures (perceived or literal) should dominate the downtown District. Mixed-use structures, when stacked, are appropriate for the downtown provided the scale does not exceed two and a half stories.

The stick-built Danish and/or Scandinavian architectural style shall dominate downtown. Neo-traditional structures are appropriate provided color and scale matches the downtown character. If architectural styles of adjacent structures is different, common elements such as window style or color should used to help create a more cohesive street frontage.

Buildings and structures shall have a distinct and varying roof line to encourage interest and variety. Structures shall have a district entry to clearly delineate the entrance to users.

The first level of all structures shall have a transparent façade that is interesting and inviting.

Four-sided architecture is required particularly for structures with double frontage (i.e. corner lot), or visibility from major thoroughfares.



Downtown Architecture
A mix of stick-built and traditional/neo-traditional architecture is appropriate in the downtown provided a similar street space and color palate are created for a cohesive environment. It is critical that adjacent buildings integrate similar characteristics to help unify the district. Streetscaping will also help unite the district and give a strong sense of place.

Maple Plain

26



design guidelines

Materials

It is the objective of the City to use high-quality materials that are warm, welcoming and sturdy throughout the Downtown District.

High-quality traditional materials for structures (wood, brick, stucco, hardie, stone, etc.) are required for all structures.

The following material breakdown is required for all structures:

Street Level (Calculation includes parapets and False Fronts for single-story structures):

Fenestration/Windows:	60% Minimum
Wood/Brick/Stone/Hardie:	35% Minimum
EIFS/Aluminum/Other:	5% Maximum

2nd Level (Calculation includes parapets and false fronts)

Fenestration/Windows:	40% Minimum
Wood/Brick/Stone/Hardie:	50% Minimum
EIFS/Aluminum/Other:	10% Maximum

Clearly marked, welcoming entrances shall be required for all retail and office space in the Downtown District. All doors shall have a minimum of 50% of their area transparent (i.e. glass).



Downtown Materials

All of the structures represented in these images use high quality materials that would be appropriate for the Downtown District. Traditional materials such as wood, stucco, brick, stone and cloth awnings all support a classic downtown environment. Use of these materials will be required in the Downtown.

Scale and Massing

Architectural style and quality will directly influence scale and massing because style and height restrictions will naturally control the size and location of a structure. Additional parameters as set forth below shall also guide development in Downtown.

There should be no more than half ($\frac{1}{2}$) story difference between structures on the street to create some visual consistency.

Parapets and false fronts may be used to achieve greater consistency along the street frontage.

Parapets and false fronts will be included in materials calculations on the façade. These areas must include architectural detail, and/or fenestration to add visual interest to a façade.

Building space can be literal or perceived. (See Image) Buildings may be connected, but the illusion of spacing must be created to eliminate the appearance of a strip mall or connected multi-use structures.

Architectural detailing and fenestration should be used to reduce large expanses of walls without interest.

Buildings shall be a minimum of 15-feet wide but should be no larger than 40-feet wide; each user must have a minimum of 15-feet of frontage at the street-level.

Structures shall be no taller than 2.5 stories (35-feet maximum), where the half story is attributed to a parapet, false front, or roof pitch.



Downtown Scale and Massing

This image demonstrates the appropriate scale for the Downtown District. Parapets, false fronts and facade treatment help to break up the mass of the structures and to create a quaint downtown feel.

Signage

A sign package should be created that allows each user the creativity to clearly define their space, but to do so in a manner that creates a visually appealing street frontage. Clear communication, as well as an aesthetic that caters to the small-town flavor shall be required in all sign packages.

All proposed signage should meet the current sign ordinance. In addition to these requirements, the following standards shall be applied to signs within the Downtown District.

Clean, elegant signage with small town character. Materials and scale should reflect the materials and scale of each user.

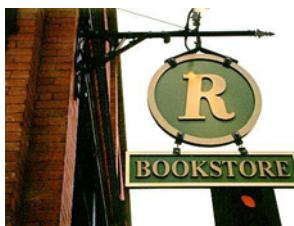
Supplemental signs are acceptable in this District, including sandwich boards and projecting signs.

Wall signage (i.e. signage affixed to the structure and flush with the façade) is required to ensure visibility of each user.

The following requirements shall apply to the signage package for each user:

Area	The total signage package shall not exceed 15-percent of the total façade area. This area includes the primary wall sign, supplemental signs including sandwich boards, projecting signs, and window signage.
Sign Materials	Primary material should be wood. EIFS may also be included but will be calculated against materials requirements. Other materials include metals such as aluminum or wrought iron.
Lighting	All signs within the Downtown District must have secondary lighting. Internal lighting is not acceptable. This includes neon signs which are also not permitted. Backlit signs are appropriate provided they meet lighting standards set forth in the City's zoning code. Light pollution should be reduced when possible and energy reducing light fixtures used when possible.

Users should consider the scale and size of the sign package, and should develop a package that is complimentary to the user and the overall City character. A full signage package should be submitted for review during initial submittal of each project. This package will be reviewed by the Planning Commission or other design review commissions as identified by the City.



Downtown Signage

Signage should be scaled appropriately to the smaller users found in Downtown. These images represent different signage types that would be appropriate.

Streetscaping and Sidewalk Environment

A uniform street frontage should be created with appropriate setbacks to encourage pedestrian activity and viable Downtown Environment.

The setback shall follow, at a minimum, the Sidewalk Zones identified earlier in this section. Additional parameters and considerations are defined below and apply specifically to the Downtown District.

Spacing between the façade and the street should provide enough room for a sidewalk and small boulevard but should not be oversized. Spacing should follow the Sidewalk Zones identified in Figure 1 (Page 8). Additional frontage zone area, or furniture/planting zone area may be increased where appropriate. If these areas are increased users should use the space for outdoor cafes, community spaces, or other purposes.

The Furniture/Planters Zone should be well manicured with some green spaces, but should be clean in appearance. Furniture in this zone should be a cohesive package throughout the District, and users should consider the overall style and character of the area.



Downtown Sidewalk Environment

These images demonstrate how to create appropriate a street environment in Downtown. Clear pedestrian spaces, vegetation and signage provide users will accessibility, clear direction, and continuity.

Overall setback area should be consistent with the zoning District, and cross referenced to ensure appropriate setback area and easement areas are provided.

Permanent planters should be used where appropriate, and may be recessed or vertical.

Wayfinding signs/elements should be interspersed within the sidewalk environment to help guide pedestrians through the spaces.

Plant materials in the Furniture/Planter Zone may be informal or formal depending on the user and maintenance schedule of the City.

Parallel parking shall be primary parking in downtown. Americans with Disabilities Act (ADA) compliant curb cuts should be placed periodically along a block to ensure accessibility. These considerations must be made across all zones of a sidewalk.

Sidewalk light fixtures as well as fixtures affixed to individual users shall be required in downtown. The fixture package shall be required as a part of a plan submittal. (Sample specs can be found in the implementation section).

Canopies and/or awnings are permitted in downtown. The color and material should be consistent with the requirements identified in previous sections. Signage is permitted on the canopies or awnings, but will be calculated as part of the overall sign area.



Downtown Streetscaping/Environment

The images demonstrate the usage of wayfinding signage, awnings and vegetation to create unique street spaces. Stamped concrete and pavers are encouraged in the downtown to enhance the Downtown District.

Budd/Highway 12

The Budd/Highway 12 area is geographically described in the adjacent figure. The Budd/Highway 12 provides the opportunity to integrate elements of the Downtown and Gateway Districts in a more intensely developed area of the community. The City's Comprehensive Plan identifies this area as an important area for new development including larger commercial users as well as increased housing density.

The following Design Guidelines are created to help transition design elements between the Downtown and Gateway Districts. The vision for this area is to create an architectural and design style that complements both the Downtown and Gateway, integrating common elements such as streetscaping, colors, landscaping and other unifying elements. The following Goals are established for the Budd/Highway 12 District:

Goals

- Integrate, transition and blend architectural and design styles between the Downtown and Gateway Districts to create a unified character and vision for the community.
- Provide greater opportunity for commercial, office and residential uses all within the Budd/Highway 12 area that support the community.
- Integrate green spaces, amenities, and a strong pedestrian environment that connects the Budd/Highway 12 District to the adjacent special area districts.

These goals are the foundation from which the following guidelines were established. The following Guidelines can be thought of the objectives or implementation steps to achieving the goals the Budd/Highway 12 District. These standards are established to ensure a successful, high-quality area that represents the vision for the community. The City wants to encourage development and redevelopment , so that Maple Plain becomes a destination and long-term sustainable community. The Budd/Highway 12 District has the opportunity to provide services to the community and on a more regional scale.

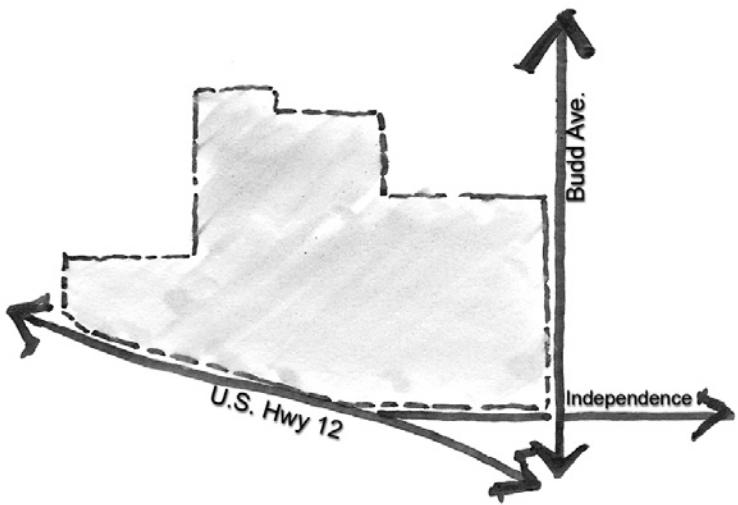


Figure 7 Budd/Hwy 12 District

The Budd/Highway 12 District is intended to be a transition district between the Downtown and Gateway. This area will allow larger users than in the other Districts but will still be focused on creating a strong sense of place.



Figure 8 Budd/Hwy 12 Development Concept

The image above demonstrates conceptually how the Budd/Hwy 12 area might develop. As demonstrated in the image, this area would be appropriate for larger single-use structures, which might be described as medium-box retailers.

Architecture and Color

The Budd/Highway 12 area will be a transition area between the Downtown District and the Gateway District. It will be essential to integrate characteristics and elements of both of the other special area districts into the Budd/Highway 12 District to help create and support a cohesive vision and quality to Maple Plain. The following Guidelines are established for the Budd/Highway 12 area:

Neo-traditional and traditional architecture should be the primary architectural style for commercial users in the Budd/Highway 12 area. Commercial architecture should include classic architectural details. The architectural style shall be consistent with the style prescribed for the Gateway District.

Commercial architecture shall be four-sided with attention and detail given to all sides, but there should continue to be one primary entrance to each user or building.

The stick-built architectural style should be reserved for the Downtown District and will not be permitted for commercial structures in the Budd/Highway 12 District.

The District should integrate traditional downtown streetscaping elements such as awnings, arbors and parapets. These details should be scaled to the environment, and larger users will be required to include these architectural details to create a more pleasant and walkable environment.

Warm, rich colors should be used where possible. Neutrals are acceptable provided the color includes warm undertones. Primary colors and other bright colors shall be permitted in small percentages not to exceed five-percent of a storefront. (See color swatches on pg. 24)

Mixed-use and false fronts - appearance of mixed use - shall be desired throughout the District. These elements help reduce the scale of larger users; and therefore, shall be required of any structure proposed that is larger than 5,000 square feet.

Residential architecture shall include classical and neo-traditional elements to help unify the District. Residential structures shall also be required to use a warm color palate that is consistent with the commercial/office users in the District.



Budd/Hwy 12 Architecture and Color

The Budd/Hwy 12 District is the most flexible of the design districts and allows for a mix of uses including commercial, residential and mixed-use. As demonstrated in the images, structures should integrate a warm color palette, and traditional architectural elements.

Architecture - Elements and Characteristics

The following sketches demonstrate the architectural character and style preferred for the Budd/Hwy 12 District. Architectural elements from both the Downtown and Gateway Districts will be required to help unite the three districts and create a cohesive character for the City of Maple Plain.

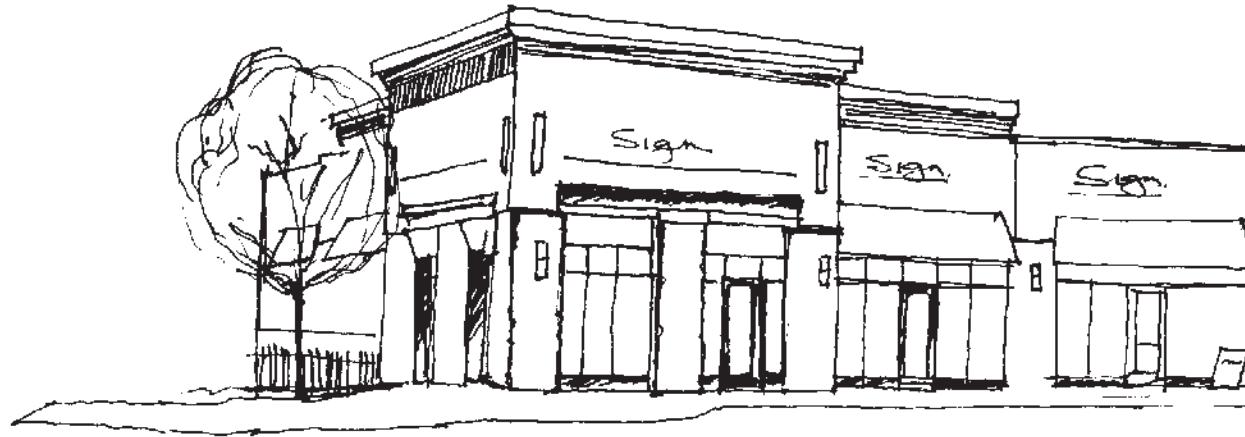
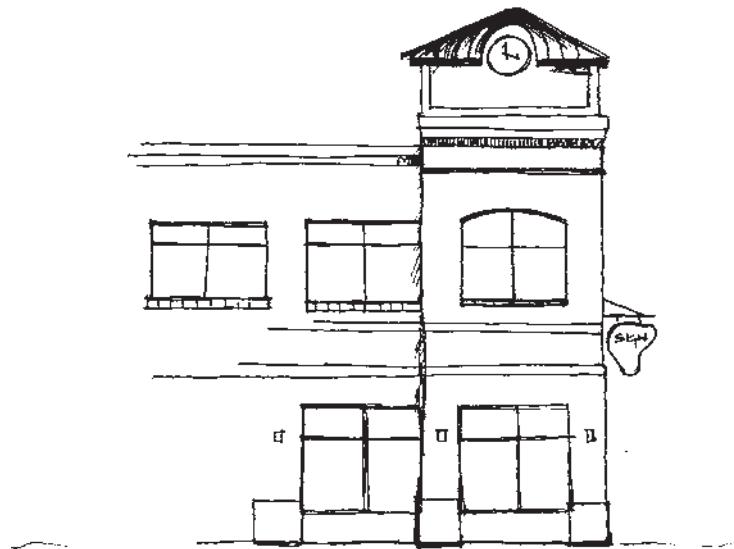


Figure 9 & 10 Budd/Hwy 12 Architecture

The sketch demonstrates a similar architectural style to both the Downtown and Gateway Districts but is at a slightly larger scale. Structures will be required to have a large percentage of glass and a transparent store front to encourage pedestrian activity. Additionally, clean, simple architectural details will help create a similar feeling between the Budd/Highway 12 District and other areas in the city. Awnings, light fixtures and vegetation will also be required to help reduce the scale of larger structures in the District.

Maple Plain

34



Multi-story structures will be permitted in the Budd/Highway 12 District, but should be compatible with the parameters of the other districts. Interesting architectural details, such as clocks, awnings, sculptures, and other elements should be included to help encourage interesting buildings. Large blank walls will not be permitted, and articulation including spandrel glass will be required to help break up massing and creating an interesting facade.

Materials

High-quality traditional materials shall be required for commercial primary facades (wood, brick, stucco, hardie, stone, etc.). The primary façade is described as the front or side that contains the main entrance.

Four-sided architecture is required, and sides and back of structures may use a combination of masonry, spandrel glass, hardie or other high-quality materials. EIFS may not exceed 10-percent of any façade and should be used sparingly.

The following material breakdown is required for all commercial structure facades:

Street Level –Primary Facade (Calculation includes parapets and False Fronts for single-story structures):

Fenestration/Windows:	40% Minimum
Wood/Brick/Stone/Hardie:	25% Minimum
EIFS/Aluminum/Other:	10% Maximum

Second Level (Calculation includes parapets and false fronts)

Fenestration/Windows:	20% Minimum
Wood/Brick/Stone/Hardie:	50% Minimum
EIFS/Aluminum/Other:	10% Maximum

Sides and Rear

Fenestration/Windows:	15% Minimum
Masonry/Hardie/Brick/Wood:	50% Minimum
EIFS/Aluminum/Other:	10% Maximum

Residential materials shall be reviewed on a project basis, but developers and builders are encouraged to predominantly use high-quality materials. Multi-family structures shall be required to demonstrate four-sided architectural details and shall use a similar color and materials palate to adjacent users.

Budd/Highway 12 Materials

As demonstrated in this image, the structure includes both residential and commercial use with retail at ground level. This structure integrates brick, hardie, wood and lots of windows. This quality of architecture and materials shall be required in the Budd/Highway 12 District. Colors and scale-reducing elements of this structure should also be noted.



Scale and Massing

The scale and massing of the Budd/Highway 12 area is not specifically defined in this document because of existing users and the unknown redevelopment aspirations in the area. Although the specific detail of the area is not prescribed, some general scale and massing requirements can be applied, and divided between commercial and residential uses in the area. The following Guidelines shall apply to the scale and massing in the Budd/Highway District:

Commercial

The commercial component of the Budd/Highway 12 area will provide different opportunities to commercial users than in the Downtown and the Gateway. The Budd/Highway 12 area shall accommodate medium size commercial users and services and will generally provide opportunities for larger commercial users than the Downtown or Gateway would allow. The following Guidelines apply to the Budd/Highway 12 District:

Medium single-user and multi-use structures shall be permitted in this District.

Fenestration and architectural detail shall be required to visually break up a facade. This detail shall be required of single users and multi-tenant structures. Each storefront (perceived or literal) shall have distinct articulation or architectural detail (such as a column) every 24-feet to avoid large blank walls or the perception of a large warehouse type of structure.

Larger commercial users should integrate green space into the development to help minimize the impact of a larger retailer. Environmentally friendly treatments such as porous pavement, prairie style raingardens, and on site stormwater management shall be encouraged in all larger scale developments.

Multi-level structures (or the illusion of through parapets and false fronts) should be used throughout all commercial and/or office development. Single story strip mall type structures will not be permitted.

Clearly marked entrances, exits and pathways should be included throughout all commercial/office developments

Scale reducing architectural elements, such as awnings and canopies should be used to add architectural interest as well as create a sense of enclosure for pedestrians in the space.

Scale reducing vegetation such as trees, native prairie grasses, bushes, and flowers shall be required in all development.

Budd/Highway 12 Scale

The scale demonstrated in this image would be appropriate for the Budd/Highway 12 District. A mix of commercial and residential uses are present and traditional architectural detail helps to create a more historic flavor even though the buildings were recently constructed.

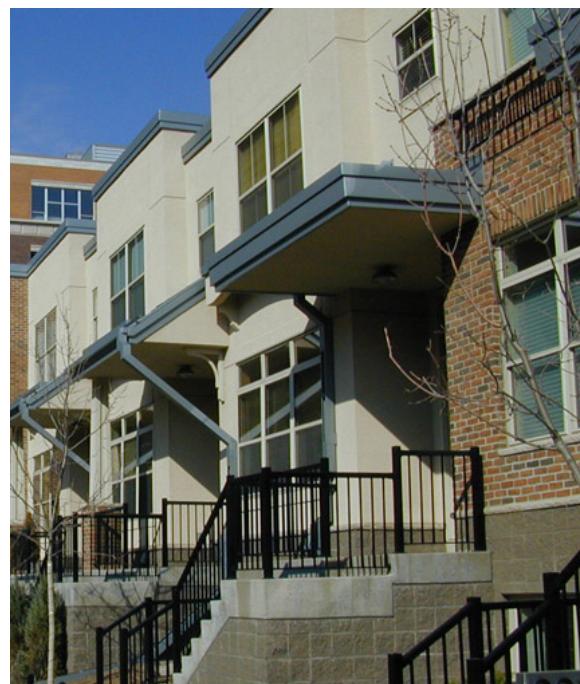


Residential (Scale and Massing)

The residential scale should be compatible with the scale and massing of adjacent commercial and/or office uses. Residential area should be developed in proximity to the commercial spaces. The intent is to create a pedestrian friendly environment where residents can walk to and easily access the commercial spaces in the Budd/Highway 12 District, as well as the Downtown and Gateway Districts. The following parameters are defined:

Higher density residential uses are appropriate in the Budd/Highway 12 District. Apartments and condominiums are permitted in this district, but should be done in conjunction with less intense residential uses such as traditional townhomes and row homes.

Residential townhomes and row homes shall have a minimum unit width of 18-feet of frontage per unit, and shall not exceed 6 units per structure. This will reduce the overall mass of the structures and visually break up the development.



Budd/Highway 12 Residential Scale

The residential scale and massing in these images represents a higher density unit type than allowed in the Downtown or Gateway Districts. It is intended that this District will be more appropriate for a dense product due to the more intense commercial uses that will be allowed in the area. Residential units should integrate similar architectural, material and color standards as identified in the commercial areas of the district.

Signage

Signage is integral to the overall success of the users and developments in the Budd/Highway 12 District. The visibility of the shops from Highway 12 will make this a natural shopping destination for the community and region. Therefore, successfully communicating the users and services in the area will be important to ensure the viability of the establishments.

Although visibility of the signage is critical, equally important is the design of each sign because they send a message about the quality of the establishments in the area. Signage in the Budd/Highway 12 District must meet the City's adopted sign ordinance standards, and will also be held to additional standards as stated below. The purpose of these regulations is to encourage a higher quality of design and aesthetic. The following Guidelines are provided for signage in the Budd/Highway 12 District:

Signage should be at a neighborhood or local and regional scale. Visibility of the user is critical and signage may be on multiple sides of a structure provided it meets the standards set forth in this document.

Sign area shall not exceed 10% of the area of the façade. If a multi-tenant user, then the frontage allocated to each user shall be the area considered for the calculation.

Signs are encouraged to be backlit where possible, and to avoid internal lighting and neon signs. Box-lit signs are not permitted in the Budd/Highway 12 District.

Corporate identity signage is appropriate in the Budd/Highway 12 District, provided the signage meets the standards within this document and those in the City's Sign Ordinance.

Full signage plans are required prior to development to ensure compliance with these standards. A signage plan must include actual signs and lettering styles to be approved prior to the City granting building permits.

One monument sign shall be permitted for each multi-use structure. The monument sign must be constructed of similar materials as the principal structure, and shall not include box-lit signs.



Budd/Highway 12 Signage

As demonstrated in these images, corporate identity signage is expected for most commercial users in the Budd/Highway 12 District. These signs are all scaled appropriately for the buildings, and are visually legible from auto traffic and pedestrians.

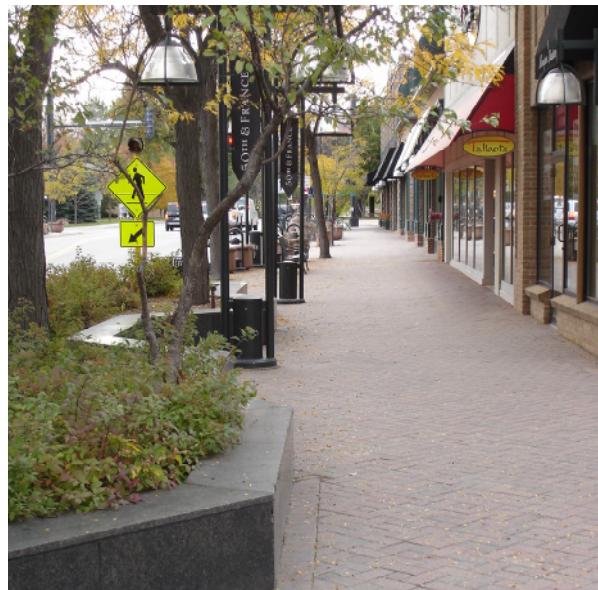
Streetscaping and Sidewalk Environment

Streetscaping and the sidewalk environment will be constructed and designed consistent with the elements found in the Downtown and Gateway Districts. The intent is to use similar design qualities and standards to encourage a cohesive sense of place community wide, rather giving a specific district a certain character. The way the City intends to achieve this is through streetscaping elements and easy wayfinding through all areas that will help pedestrians and residents understand the spaces as uniquely Maple Plain.

The FHA Sidewalk Standards and plans shall serve as the baseline in the Budd/Highway 12 District, just as they do in the Downtown and Gateway Districts. This consistency will visually queue users of how to travel through the spaces and districts. The standards identified in the Downtown and Gateway Districts are identified below with some minor changes and additions that are specific to the Budd/Highway 12 District.

Spacing between the façade and the street should provide enough room for a sidewalk and small boulevard but should not be oversized. Spacing should follow the sidewalk zones identified on page eight. These requirements shall be enforced through commercial, residential and mixed-use areas.

Additional frontage zone area and planting/furniture zone area should be increased for users along Highway 12. Increased area shall be required in all areas where a parking bay or lot is present in front of a structure. This increased area will provide a visual buffer and a transition area.



Budd/Highway 12 Pedestrian Environment

The images demonstrate clear pedestrian spaces with vegetation, wayfinding elements, and clear entrances. The demonstrated setbacks and materials are appropriate for the Budd/Highway 12 Area.



The Plantings/Furniture Zone should be well manicured with some green spaces, but should be clean in appearance. This zone may substitute green space with interesting mulches, pavers or stamped concrete finishes. Furniture in this zone should consist of a cohesive package throughout the District and users should consider the overall style and character of the area.

Overall setback area should be consistent with the zoning district, and cross-referenced, to ensure appropriate setback area and easement areas are provided.

Permanent planters should be used where appropriate, and may be recessed or vertical.

Traditional materials such as brick, concrete, wood or stone should be used on planters. The planters should use warm, muted colors to create a warm pedestrian environment.

Wayfinding signs/elements should be interspersed within the sidewalk environment to help guide pedestrians through the spaces.

Plant materials in the Furniture/Planter zone may be informal or formal depending on the user and maintenance schedule of the City.

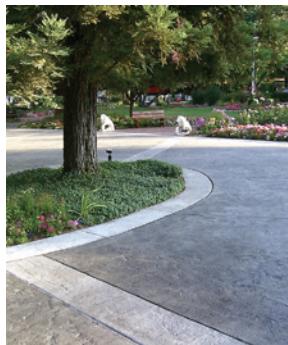
Parking bays should be provided behind structures where possible to create a more desirable pedestrian environment.

Landscaping requirements for parking bays shall meet the City's zoning ordinance. Developers are encouraged to use native plantings and to integrate environmentally friendly materials in parking lots and parking bays. This could include areas of porous pavement or permeable pavement, usage of rain gardens or other creative techniques.

Clearly defined walkways through parking bays shall be required to ensure safe pedestrian activity to and from the businesses.

Sidewalk light fixtures as well as fixtures affixed to individual users shall be required in the Budd/Highway 12 District. The fixture package shall be required as a part of a submittal.

Canopies and/or awnings are permitted in the Budd/Highway 12 District. The color and material should be consistent with the requirements identified in previous sections. Signage is permitted on these structures, but will be calculated as part of the overall sign area.



Budd/Highway 12 Pedestrian Environment

Scale reducing elements such as awnings, stamped concrete and vegetation should be used to promote a more pedestrian friendly environment throughout the district.

Clean streetscapes and environments, with matching furniture including benches, trash cans, bollards and lighting shall be required.

Small areas of pavers and stamped concrete in both sidewalks and roadways should be integrated to improve the quality and appearance of the Budd/Highway 12 District.

Vegetation and green spaces should be included in the Budd/Highway 12 area to make it a warmer place. Small pocket parks and well-connected green spaces should be included to integrate residential and commercial uses.

A trail/walking path will be required between residential and commercial development to create walkability and pedestrian/bike activity in the area. Additionally, this area shall be required to connect through trails to both the Downtown and Gateway Districts.

Implementation

The implementation of these standards is critical to the overall success of these Guidelines. As stated previously, these standards are Guidelines and are meant to help future builders and developers understand the goals and aspirations with respect to design in the community. The City is committed to creating an identity and strong sense of place through design. The City does not want to limit creativity or unique development that might have a place in the community, which is why these Guidelines are designed to be general and broad, therefore creating opportunities for great design.

Although creativity and individuality is encouraged, these Guidelines must be enforced as a minimum standard throughout each District. The images and sketches throughout the document visually represent the character for the community. These images are not literal interpretations of Maple Plain, but they do suggest the direction of future design for the community.

Implementation of these Guidelines will occur in several ways and will affect a builder and developer at a variety of different times throughout the planning and design process. First and foremost, zoning and land use plays a role in these Guidelines and it is the responsibility of the developer or builder to understand how these regulations and the Guidelines work together.

Checklists for the Design Guidelines will be available at City Hall to help guide a developer or builder through the process. These guidelines will need to be included and addressed in all future submittals that are within the district areas.

This Page Intentionally Left Blank

Maple Plain

42

design guidelines



Small Cell, Big Change: Complying with the New Small Cell Wireless Law

League of Minnesota Cities

Webinar: September 12, 2017

Goals

- ✓ Briefly **review** how the bill became law
- ✓ Explore the **most important** aspects
- ✓ Understand what **actions** your city should take
- ✓ Hear **examples** from cities that have encountered small cell wireless applications
- ✓ Know where to go for additional League **resources**
- ✓ Have an opportunity to **ask questions**





Laura Ziegler

Senior Intergovernmental
Relations Liaison



lziegler@lmc.org



(651) 281-1267



[@laurahziegler](https://twitter.com/laurahziegler)



Pam Whitmore

Research Attorney



pwhitmore@lmc.org



(651) 281-1224



[@PamelaWhitmore](https://twitter.com/@PamelaWhitmore)



Shelly Hanson

Engineer
City of Bloomington



shanson@BloomingtonMN.gov

An Example of a Small Cell

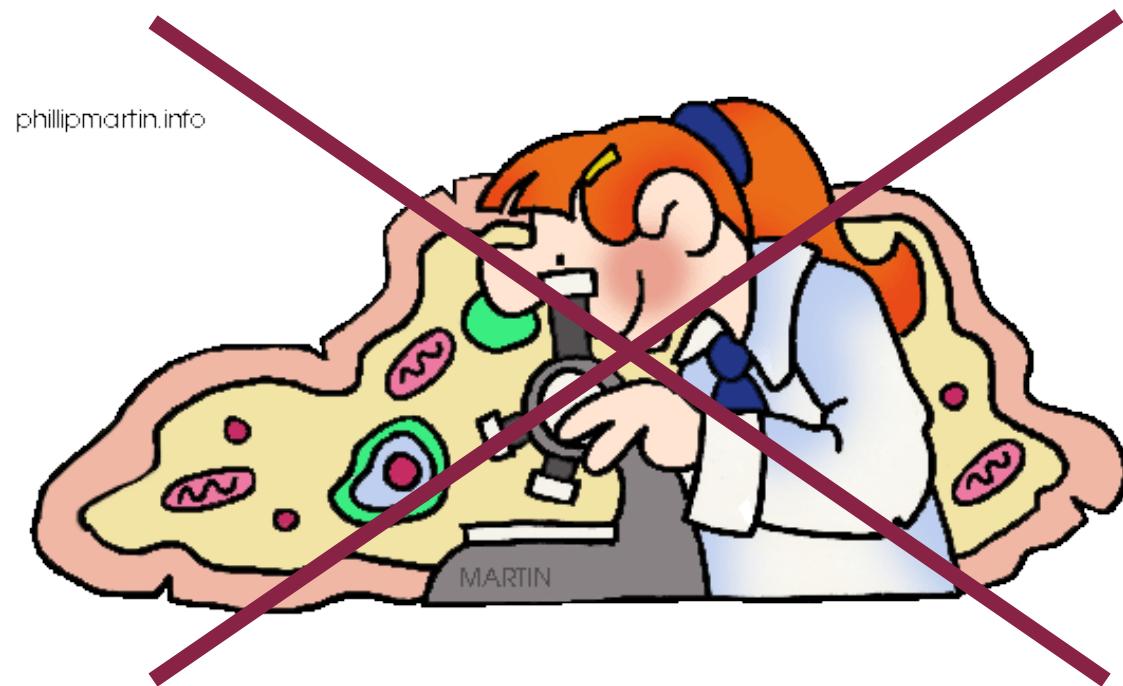
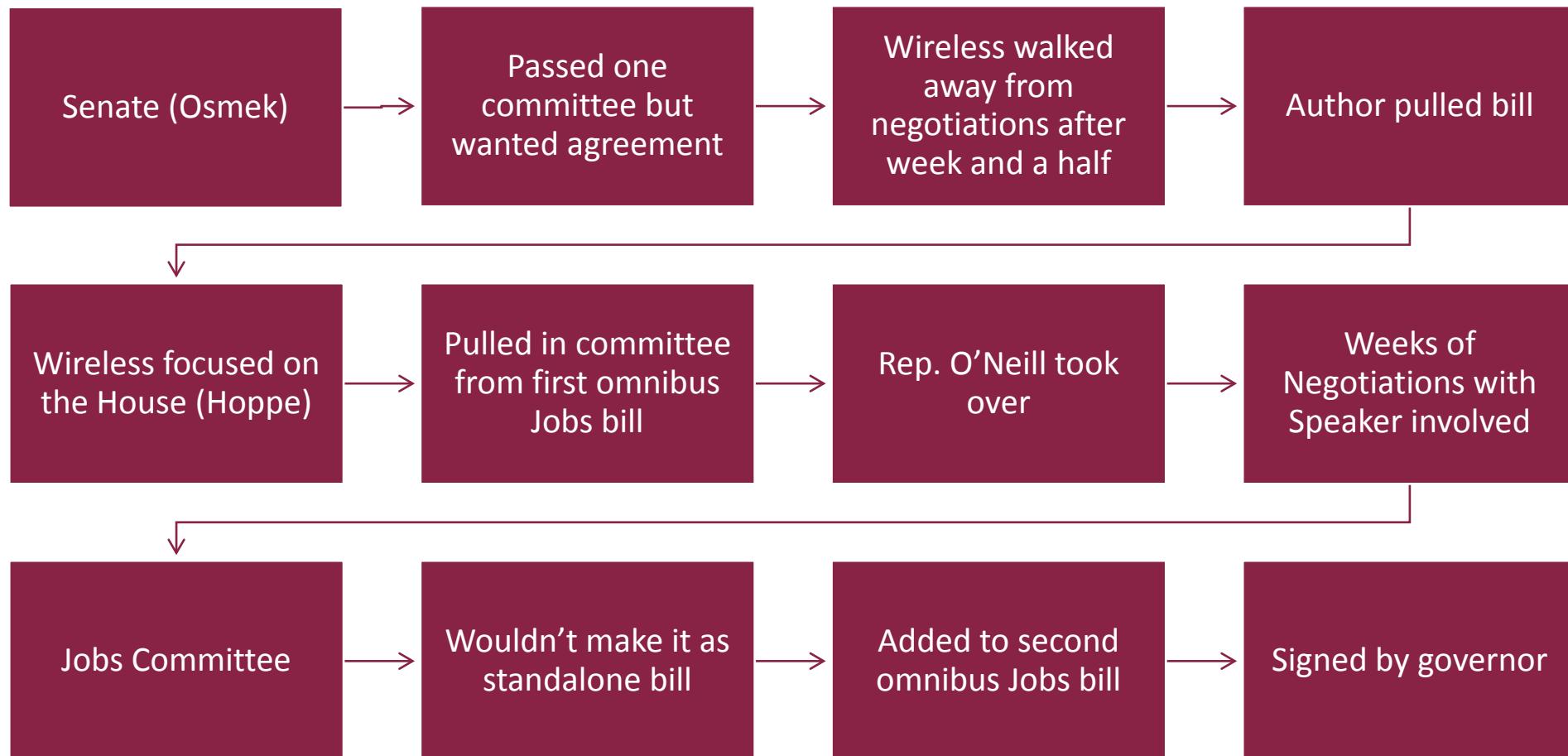


Photo courtesy of Shelly Hanson

Overview of process/roller coaster



Deployment of Small Wireless Facilities

*Broad Initiatives Nationwide
Federal Regulatory Action*



Highlights of Changes to Key Definitions

- ❖ *Definitional Changes: Minn. Stat. § 237.162*

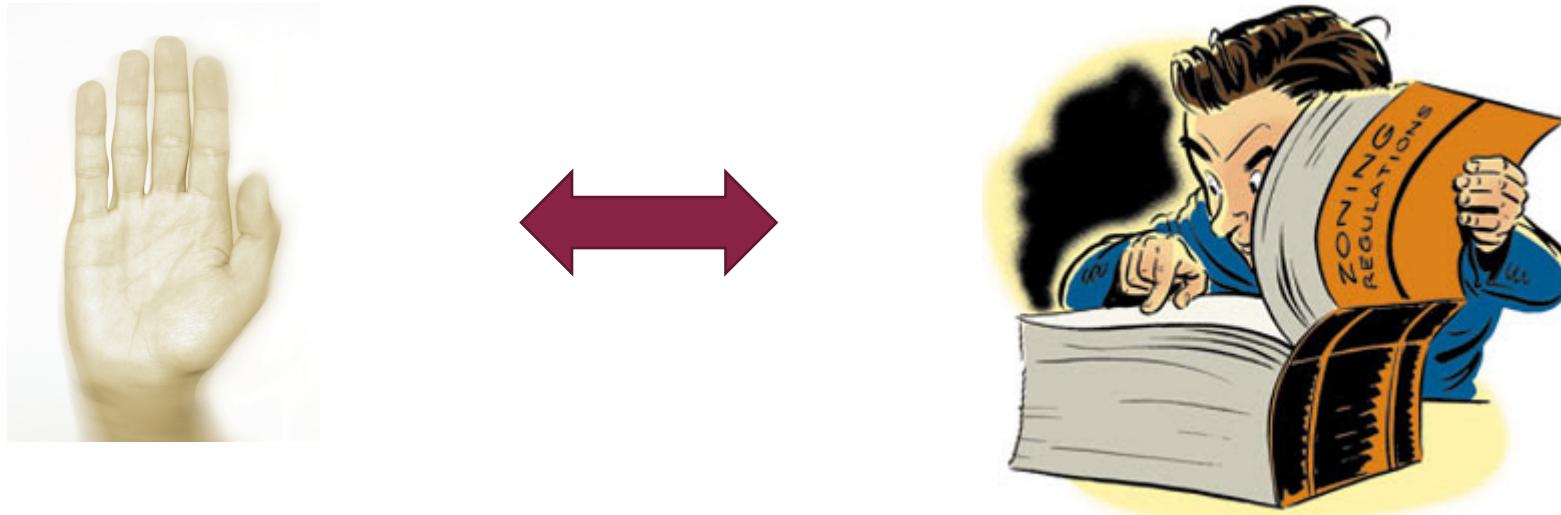
words
have
power

League resource:

[Negotiated Bill Language from 2017 Minnesota Session Laws—Chapter 94](#)

Highlights of Changes to State Law regarding Use and Regulation of Right of Way

- ❖ *Interplay between Enabling Ordinance and the Moratorium Prohibition*



Highlights of Changes to State Law regarding Use and Regulation of Right of Way

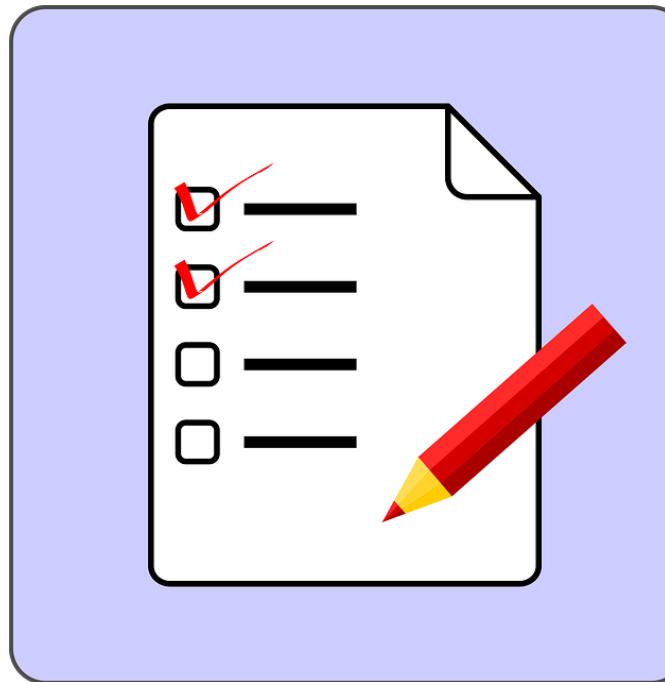
❖ Assumption for Permitted Use



Zelda's Permission by Kara L.C. Jones, excerpted from 1,000 Faces of Mother Henna
Copyright 2007, Published by KotaPress, www.MotherHenna.com
MotherHenna.Etsy.com

Highlights of Changes to State Law regarding Use and Regulation of Right of Way

- ❖ *Creation of Special Permitting System for Small Wireless Facility*



Highlights of Changes to State Law regarding Use and Regulation of Right of Way

- ❖ Additional Optional Authority for Regulating Small Wireless Facilities



Highlights of Changes to State Law regarding Use and Regulation of Right of Way

- ❖ Ability to Deny Permit Preserved



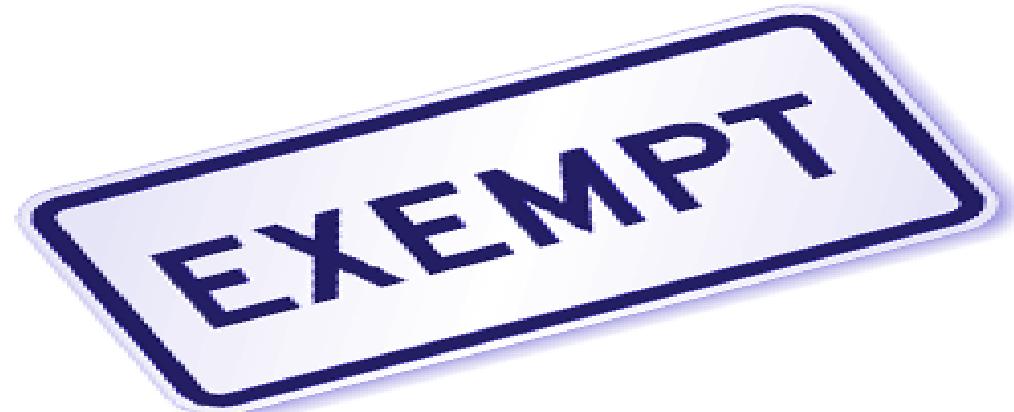
Highlights of Changes to State Law regarding Use and Regulation of Right of Way

❖ *Allowance of Fees and Rent with Rent Caps*



Highlights of Changes to State Law regarding Use and Regulation of Right of Way

- ❖ *Exemptions to Special Process*



Small cell wireless resources



www.lmc.org/smallcellwebinar2017

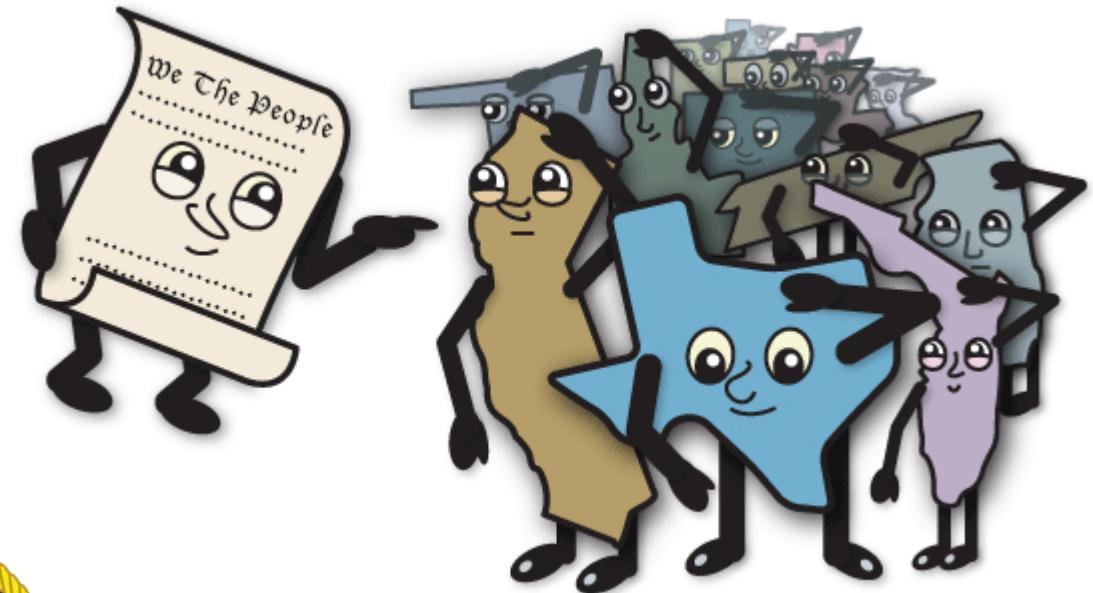
Click on More Resources documents

More Resources documents

- [Focus on New Laws: Right-of-Way Management for Small Wireless Facilities](#)
- [Cell Towers, Small Cell Technologies & Distributed Antenna Systems \(pdf\)](#)
- [2017 Telecommunications Right-of-Way User Amendments Permitting Process for Small Wireless Facilities \(pdf\)](#)
- [Negotiated Bill Language from 2017 Minnesota Session Laws—Chapter 94](#)

Small wireless facilities

Other States & Federal Initiatives



Thank you!



Questions?

For a recording of this webinar, go to:

<http://www.lmc.org/smallcellwebinar2017>



League Contacts



Laura Ziegler

Senior Intergovernmental
Relations Liaison



lziegler@lmc.org



(651) 281-1267



[@laurahziegler](https://twitter.com/laurahziegler)

Pam Whitmore

Research Attorney



pwhitmore@lmc.org



(651) 281-1224



[@PamelaWhitmore](https://twitter.com/PamelaWhitmore)



CONNECTING & INNOVATING SINCE 1913



INFORMATION MEMO

Cell Towers, Small Cell Technologies & Distributed Antenna Systems

Learn about large and small cell tower deployment and siting requests for small cell, small wireless and distributed antenna systems (DAS) technology. Better understand the trend of the addition of DAS, small wireless or small cell equipment on existing utility equipment. Be aware of common gaps in city zoning, impact of federal and state law, reasons for collocation agreements and some best practices for dealing with large and small cell towers, small wireless facilities and DAS.

RELEVANT LINKS:

[47 U.S.C. § 253](#) (commonly known as Section 253 of Telecommunications Act).

[47 U.S.C. § 332](#) (commonly known as Section 332 of Telecommunications Act).

[FCC Website.](#)



I. Deployment of large cell towers or antennas

A cell site or cell tower creates a “cell” in a cellular network and typically supports antennas plus other equipment, such as one or more sets of transceivers, digital signal processors, control electronics, GPS equipment, primary and backup electrical power and sheltering. Only a finite number of calls or data can go through these facilities at once and the working range of the cell site varies based on any number of factors, including height of the antenna. The Federal Communications Commission (FCC) has stated that cellular or personal communications services (PCS) towers typically range anywhere from 50 to 200 feet high.

The emergence of personal communications services, the increased number of cell providers, and the growing demand for better coverage have spurred requests for new cell towers, small cell equipment, and distributed antenna systems (DAS) nationwide. Thus, some cellular carriers, telecommunications wholesalers or tower companies, have attempted to quickly deploy telecommunications systems or personal wireless service facilities, and, in doing so, often claim federal law requires cities to allow construction or placement of towers, equipment, or antennas in rights of way. Such claims generally have no basis. Although not completely unfettered, cities can feel assured that, in general, federal law preserves local zoning and land use authority.

A. The Telecommunications Act and the FCC

The Telecommunications Act of 1996 (TCA) represented America’s first successful attempt to reform regulations on telecommunications in more than 60 years, and was the first piece of legislation to address internet access. Congress enacted the TCA to promote competition and higher quality in American telecommunications services and to encourage rapid deployment of new telecommunications technologies.

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

RELEVANT LINKS:

[FCC website interpreting Telecommunications Act of 1996.](#)

The FCC is the federal agency charged with creating rules and policies under the TCA and other telecommunications laws.

The FCC also manages and licenses commercial users (like cell providers and tower companies), as well as non-commercial users (like local governments). As a result, both the TCA and FCC rulings impact interactions between the cell industry and local government.

The significant changes in the wireless industry and its related shared wireless infrastructures, along with consumer demand for fast and reliable service on mobile devices, have fueled a frenzy of requests for large and small cell/DAS site development and/or deployment. As a part of this, cities find themselves facing cell industry arguments that federal law requires cities to approve tower siting requests.

[47 U.S.C. § 253](#) (Section 253 of Telecommunications Act).

[47 U.S.C. § 332\(c\)\(7\).](#)

[FCC 09-99, Declaratory Ruling](#) (Nov. 18, 2009).

[47 U.S.C. § 253\(c\)\(e\)](#) (Section 253 of Telecommunications Act).

[47 U.S.C. § 332\(c\)\(7\).](#)

[FCC 09-99, Declaratory Ruling](#) (Nov. 18, 2009).

[Sprint Spectrum v. Mills](#), 283 F.3d 404 (2nd Cir. 2002).

[USCOC of Greater Missouri v. Vill. Of Marlborough](#), 618 F.Supp.2d 1055 (E.D. Mo. 2009).

[FCC 09-99, Declaratory Ruling](#) (Nov. 18, 2009).

Companies making these claims most often cite Section 253 or Section 332 of the TCA as support. Section 253 states “no state or local statute or regulation may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.” Section 332 has a similar provision ensuring the entry of commercial mobile services into desired geographic markets to establish personal wireless service facilities.

These provisions should not, however, be read out of context. When reviewing the relevant sections in their entirety, it becomes clear that federal law does not pre-empt local municipal regulations and land use controls. Specifically, the law states “[n]othing in this section affects the authority of a state or local government to manage the public rights of way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights of way ...” and that “nothing in this chapter shall limit or affect the authority of ... local government ... over decisions regarding the placement, construction, and modification of personal wireless service facilities”.

Courts consistently have agreed that local governments retain their regulatory authority and, when faced with making decisions on placement of towers, antenna or new telecommunication service equipment on city facilities, they generally have the same rights that private individuals have to deny or permit placement of a cellular tower on their property. This means cities can regulate and permit placement of towers and other personal wireless service facilities, including, in most situations (though some state law restrictions exist regarding regulations of small wireless support structures), controlling height, exterior materials, accessory buildings, and even location. Cities should be careful to make sure that local regulations don’t have the effect of completely banning all cell towers or personal wireless service facilities. Such regulation could run afoul of federal law (not to mention state law as well).

RELEVANT LINKS:

Vertical Broadcasting v. Town of Southampton, 84 F. Supp.2d 379 (E.D.N.Y. 2000).

Some cellular companies try to gain unfettered access to city right of way by claiming they are utilities. The basis for such a claim usually follows one of two themes—either that, as a utility, federal law entitles them to entry; or, in the alternative, under the city's ordinances, they get the same treatment as other utilities. Courts have rejected the first argument of entitlement, citing to the specific directive that local municipalities retain traditional zoning discretion.

B. State law

Paging v. Bd. of Zoning Appeals for Montgomery City., 957 F.Supp. 805 (W.D. Va. 1997).

In the alternative, the argument that a city's local ordinances include towers as a utility has, on occasion and in different states, carried more weight with a court. To counter such arguments, cities may consider specifically excluding towers, antenna, small cell, and DAS equipment from their ordinance's definition of utilities. The Minnesota Department of Commerce, in a letter to a wireless infrastructure provider, cautioned one infrastructure company that its certificate of authority to provide a local niche service did not authorize it to claim an exemption from local zoning. The Minnesota Department of Commerce additionally requested that the offending company cease from making those assertions.

[Letter from Minnesota Department of Commerce to Mobilitie.](#)

[Minn. Stat. § 237.162](#)
[Minn. Stat. § 237.163](#)
Chapter 94, Art. 9, 2017 Regular Session.

[Minnesota Public Utilities Commission, Meeting Agenda \(Nov. 3, 2016\).](#)

In Minnesota, to clear up confusion about whether wireless providers represent telecommunications right-of-way users under state law and to address concerns about deployment of small wireless technology, the Legislature amended Minnesota's Right-of-Way User statutes, or Minnesota ROW Law, in the 2017 legislative session to specifically address small wireless facilities and the support structures on which those facilities may attach.

Because of these amendments, effective May 31, 2017 additional specific state statutory provisions apply when cities, through an ordinance, manage their rights of way, recover their right-of-way management costs (subject to certain restrictions), and charge rent for attaching to city-owned structures in public rights of way. Rent, however, is capped for collocation of small wireless facilities. State law defines "collocate" or "collocation" as a means to install, mount, maintain, modify, operate, or replace a small wireless facility on, under, within, or adjacent to an existing wireless support structure that is owned privately or by a local government unit.

[Minn. Stat. § 237.162](#)
[Minn. Stat. § 237.163](#)
Chapter 94, Art. 9, 2017 Regular Session.

The Minnesota ROW Law allows cities to require telecommunications right-of-way users to get a permit for use of the right of way; however, it creates a separate permitting structure for the siting of small wireless facilities.

RELEVANT LINKS:

USCOC of Greater Missouri v. Vill. Of Marlborough, 618 F.Supp.2d 1055 (E.D. Mo. 2009).

Minnesota Towers Inc. v. City of Duluth, 474 F.3d 1052 (8th Cir. 2007).

NE Colorado Cellular, Inc. v. City of North Platte, 764 F.3d 929 (8th Cir. 2014) (denial of CUP for tower must be “in writing” but need not be a separate finding from the reasons in the denial).

Smith Comm. V. Washington City, Ark., 785 F.3d 1253 (8th Cir. 2015) (substantial evidence analysis involves whether the local zoning authority’s decision is consistent with the applicable local zoning requirements and can include aesthetic reasons).

[FCC 09-99, Declaratory Ruling](#), Nov. 18, 2009.

[Tower and Antenna Siting FAQ sheet from FCC](#).

T-Mobile West V. Crow, No. CV08-1337 (D. AZ. Dec. 16, 2009).

Because of the recent significant changes in the state law and the specific requirements for deployment of small wireless facilities that do not apply to other telecommunications right-of-way users, cities should work with their city attorneys to review and update their ordinances.

C. Limitations on cities’ authority

1. Federal law

Although federal law expressly preserves local governmental regulatory authority, it does place several substantive and procedural limits on that authority. Specifically, a city:

- Cannot unreasonably discriminate among providers of functionally equivalent services.
- Cannot regulate those providers in a manner that prohibits or has the effect of prohibiting the provision of telecommunications services or personal wireless services.
- Must act on applications within a reasonable time.
- Must document denial of an application in writing supported by “substantial evidence.”

Proof that the local zoning authority’s decision furthers the applicable local zoning requirements or ordinances satisfies the substantial evidence test. Municipalities cannot cite environmental concerns as a reason for denial, however, when the antennas comply with FCC rules on radio emissions. In the alternative, cities can request proof of compliance with the FCC rules.

Bringing an action in federal court represents the recourse available to the cellular industry if challenging the denial of a siting request under federal law. Based on the limitations set forth in the federal law on local land use and zoning authority, most often, when cities deny siting requests, the challenges to those denials claim one of the following:

- The municipal action has the effect of “prohibiting the provision of personal wireless service.”
- The municipal action unreasonably discriminates among providers of functionally equivalent services (i.e., cell providers claiming to be a type of utility so they can get the same treatment as a utility under city ordinance).

RELEVANT LINKS:

2. State law

Minn. Stat. § 237.162

Minn. Stat. § 237.163

Chapter 94, Art. 9, 2017

Regular Session.

See further discussion of state law restrictions in Section II-A, below

In addition to mirroring some of the federal law requirements, such as the requirement of equal treatment of all like providers, state law permits cities, by ordinance, to further regulate “telecommunications right-of-way users.”

Minnesota’s Telecom ROW Law expressly includes wireless service providers as telecommunications right-of-way users, making the law applicable to the siting of both large and small, wire-lined or wireless telecommunications equipment and facilities, in the rights of way.

State law places additional restrictions on the permitting and regulating of small wireless facilities and wireless support structure placement.

Accordingly, cities should work with city attorneys when drafting, adopting, or amending their ordinance. The Telecom ROW Law still expressly protects local control, allowing cities to deny permits for reasonable public health, welfare, and safety reasons, with no definitions of or limitations on what qualifies as health, welfare, and safety reasons.

D. Court decisions

Minnesota Towers Inc. v. City of Duluth, 474 F.3d 1052 (8th Cir. 2007). *Smith Comm. V. Washington Cty., Ark.*, 785 F.3d 1253 (8th Cir. 2015).

VoiceStream PCSII Corp. v. City of St. Louis, No. 4:04CV732 (E.D.Mo. August 3, 2005) (city interpretation of city ordinance treats communication facility as a utility).

USCOC of Greater Missouri v. Vill. Of Marlborough, 618 F.Supp2d 1055, 1064 (E.D. Mo. 2009) (TCA explicitly contemplates some discrimination amount providers of functionally equivalent services).

The 8th U.S. Circuit Court of Appeals (controlling law for Minnesota) recognizes that cities do indeed retain local authority over decisions regarding the placement and construction of towers and personal wireless service facilities.

The 8th Circuit also has heard cases where a carrier or other telecommunications company argued they are a utility and should be treated as such under local ordinances. Absent a local ordinance that includes this type of equipment within its definition of utilities, courts do not necessarily deem cell towers or other personal communications services equipment functionally equivalent to utilities.

Additionally, courts have found that the federal law anticipates some disparate application of the law, even among those deemed functionally equivalent. For example, courts determined it reasonable to consider the location of a cell tower when deciding whether to approve tower construction (finding it okay to treat different locations differently), so long as cities do not allow one company to build a tower at a specific location at the exclusion of other providers.

RELEVANT LINKS:

For regulation of telecommunications right-of-way users, see Appendix A, Sample Ordinances and Agreements.

Minn. Stat. 237.163, Subd. 2
(f). Chapter 94, Art. 9, 2017
Regular Session.

E. City approaches

Regulation of placement of cell towers and personal wireless services can occur through an ordinance. The Minnesota ROW Law provides cities with comprehensive authority to manage their rights of way. With the unique application of federal law to telecommunications and the recent changes to state law, along with siting requests for locations both in and out of rights of way, many cities find having a separate telecommunications right-of-way user ordinance (in addition to a right-of-way ordinance) allows cities to better regulate towers and other telecommunications equipment, as well as collocation of small wireless facilities and support structures.

Some cities also have modified the definitions in their ordinances to exclude cell towers, telecommunications, wireless systems, DAS, small cell equipment, and more from utilities to counter the cell industry's requests for equal treatment or more lenient zoning under the city's zoning ordinances.

In addition to adopting specific regulations, many city zoning ordinances recognize structures as conditional uses requiring a permit (or many of these regulations include a provision for variances, if needed). While cities may require special permits or variances to their zoning for siting of large cell facilities, under state law, small wireless facilities and wireless support structures accommodating those small wireless facilities are deemed a permitted use. The only exception to the presumed, permitted use for small wireless is that a city may require a special or conditional land use permit to install a new wireless support structure in a residentially zoned or historic district. Cities will want to review their zoning to make sure it complies with the Minnesota ROW Law.

II. Deployment of small cell technologies and DAS

Small cell equipment and DAS both transmit wireless signals to and from a defined area to a larger cell tower. They are often installed at sites that support cell coverage either within a large cell area that has high coverage needs or at sites within large geographic areas that have poor cell coverage overall.



RELEVANT LINKS:



Situational needs dictate when cell providers use small cell towers, as opposed to DAS technology. Generally, cell providers install small cell towers when they need to target specific indoor or outdoor areas like stadiums, hospitals, or shopping malls. DAS technology, alternatively, uses a small radio unit and an antenna (that directly link to an existing large cell tower via fiber optics). Installation of a DAS often involves cell providers using the fiber within existing utility structures to link to its larger cell tower. Cities sometimes are asked to provide the power needed for the radios, which the city can negotiate into the leasing agreement with the cell provider.

A. Additional zoning and permitting needs under state law

Minn. Stat. § 237.162.
Minn. Stat. § 237.163.
Chapter 94, Art. 9, 2017
Regular Session.
See Appendix A, Sample
Ordinances and Agreements.

See League [FAQ on Minnesota 2017 Telecommunication Right of Way User Amendments](#) (July 2017).

See Appendix A, Sample
Ordinances and Agreements

Historically, many cities' ordinances address large cell sites, but not small cell towers or DAS. With the recent changes to state law, cities should work with their city attorney to review their ordinances in consideration of the new statutory permit process for the siting of small wireless facilities.

Cities can charge rent (up to a cap for small wireless siting) under the statute for placement of cell technology or DAS on existing or newly installed support structures, like poles or water towers; and, also, can enter into a separate agreement to address issues not covered by state law or ordinance. Cities should work with their city attorney to get assistance with drafting these agreements and any additional documents, like a bill of sale (for transfer of pole from carrier to city), if necessary.

The terms and conditions of these agreements, called collocation agreements, for siting of small wireless facilities, most likely will mirror agreements formerly referred to as master licensing agreements, often including provisions such as:

- Definitions of scope of permitted uses.
- Establishment of right-of-way rental fee (note statutory limitations).
- Protection of city resources.
- Provision of contract term (note statutory limitations).
- Statement of general provisions.
- Maintenance and repair terms.
- Indemnity provisions.
- Insurance and casualty.
- Limitation of liability provision.
- Terms for removal.

RELEVANT LINKS:

[Minn. Stat. § 237.162](#)
[Minn. Stat. § 237.163](#)
[Chapter 94, Art. 9, 2017](#)
Regular Session.

See League [FAQ on Minnesota 2017 Telecommunication Right of Way User Amendments](#) (July 2017).

State law does not require a separate agreement, and some cities have chosen to put these provisions in their ordinance or permit instead. For cities that choose to have a separate agreement in place, they must develop and make that agreement publicly available no later than November 31, 2017 (six months after the effective date of this act) or three months after receiving a small wireless facility permit application from a wireless service provider. The agreement must be made available in a substantially complete form; however, the parties to the small wireless facility collocation agreement can incorporate additional mutually agreed upon terms and conditions. The law classifies any small wireless facility collocation agreement between a local government unit and a wireless service provider as public data, not on individuals, making those agreements accessible to the public under Minnesota's Data Practices Law.

Additionally, the new amendments to Minnesota's Telecom ROW Law set forth other requirements that apply only to small cell wireless facility deployment. The 2017 amendments changed Minnesota's ROW Law significantly, the details, of which, can be found in the League's FAQ on *Minnesota 2017 Telecommunication Right of Way User Amendments* (July 2017). However, after the amendments, the law now generally provides:

- A presumption of permitted use in all zoning districts, except in districts zoned residential or historical districts.
- The requirement that cities issue or deny small wireless facility requests within 90 days, with a tolling period allowed upon written notice to the applicant, within 30 days of receipt of the application.
- An allowance to batch applications (simultaneously submit a group of applications), with the limitation to not exceed 15 small wireless requests for substantially similar equipment on similar types of wireless support structures within a two-mile radius.
- Rent not to exceed \$150 per year with option of an additional \$25 for maintenance and allowances for electricity, if cities do not require separate metering.
- The limitation that cities cannot ask for information already provided by the same applicant in another small cell wireless facility application, as identified by the applicant, by reference number to those other applications.
- A restriction that the height of wireless support structures cannot exceed 50 feet, unless the city agrees otherwise.
- A restriction that wireless facilities constructed in the right of way may not extend more than 10 feet above an existing wireless support structure in place.

RELEVANT LINKS:

- A prohibition on moratoriums with respect to filing, receiving, or processing applications for right-of-way or small wireless facility permits; or issuing or approving right-of-way or small wireless facility permits. For cities that did not have a right-of-way ordinance in place on or before May 18, 2017, the prohibition on moratoria does not take effect until January 1, 2018, giving those cities an opportunity to enact an ordinance regulating its public rights-of-way.

NOTE: These additional state law requirements do NOT apply to collocation on structures owned, operated maintained or served by municipal utilities. Also, the small wireless statutory requirements do not invalidate agreements in place at the time of enactment of the 2017 amendments (May 31, 2017).

[47 U.S.C. § 332](#) (commonly known as Section 332 of Telecommunications Act).

[FCC 09-99, Declaratory Ruling](#) (Nov. 18, 2009).

[FCC 14-153, Report & Order](#) (October 21, 2014).

The siting of DAS or new small cell technologies also must comply with the same restrictions under federal law that apply to large cell sitings.

Specifically, a city:

- May not unreasonably discriminate among providers of functionally equivalent services.
- May not regulate in a manner that prohibits or has the effect of prohibiting the provision of personal wireless services.
- Must act on applications within a reasonable time.
- Must make any denial of an application in writing supported by substantial evidence in a written record.

Because of the complexities in the state law and the overlay of federal regulations, some cities have found it a best practice to adopt or amend a telecommunications right-of-way ordinance separate from their general right-of-way management ordinance. Cities that do not choose to adopt separate ordinances, at a minimum, should work with their attorney to review and amend their existing right-of-way ordinances, if necessary, to accommodate for telecommunications right-of-way users and the recent state law amendments for small wireless facilities. For example, since state law now recognizes small wireless facilities as a permitted use, zoning ordinances that require conditional use permits for these facilities likely will need amending.

Since wireless providers seek to attach their small cell and DAS equipment to city-owned structures, many cities choose to have a separate agreement in place to address terms and conditions not included in ordinances or permits. If the city chooses to do so, the law requires the city to have these agreements available in a substantial form so applicants can anticipate the terms and conditions. Again, cities should work with the city attorney to draft a template agreement governing attachment of wireless facilities to municipally owned structures in the right of way.

Minn. Stat. § 237.163,
Subd.3a(f).
Chapter 94, Art. 9, 2017
Regular Session.

See Appendix A, Sample
Ordinances and Agreements.

RELEVANT LINKS:

[Section 6409\(a\) of the Middle Class Tax Relief and Job Creation Act of 2012, codified at 47 U.S.C. § 1455.](#)

[FCC Public Notice AD 12-2047](#) (January 25, 2013).

[FCC 14-153, Report & Order](#) (October 21, 2014).

[FCC Public Notice AD 12-2047](#) (January 25, 2013).

[FCC Public Notice AD 12-2047](#) (January 25, 2013).

[City of Arlington Texas, et. al. v. FCC, et. al.](#), 133 S.Ct. 1863, 1867 (2013) (90 days to process collocation application and 150 days to process all other applications, relying on §332(c)(7)(B)(ii)).

This model ordinance and other information can be found at [National Association of Counties Website](#).

With the nationwide trend encouraging deployment of these new technologies, if a city denies an application, it must do so in writing and provide detailed reasonable findings that document the health, welfare, and safety reasons for the denial. With the unique circumstances of each community often raising concerns about sitings, cities may benefit from proactively working with providers.

B. Modifications of existing telecommunication structures

If a siting request proposes *modifications to and/or collocations of wireless transmission equipment on existing FCC-regulated towers or base stations*, then federal law further limits local municipal control. Specifically, federal law requires cities to grant requests for modifications or collocation to existing *FCC-regulated structures* when that modification would not “substantially change” the physical dimensions of the tower or base station.

The FCC has established guidelines on what “substantially change the physical dimensions” means and what constitutes a “wireless tower or base station.”

Once small cell equipment or antennas gets placed on that pole, then the pole becomes a telecommunication structure subject to federal law and FCC regulations. Accordingly, after allowing collocation once, the city then must comply with the more restrictive federal laws that allow modifications to these structures that do not substantially change the physical dimensions of the pole, like having equipment from the other cell carriers.

Under this law, it appears cities cannot ask an applicant who is requesting modification for documentation information other than how the modification impacts the physical dimensions of the structure. Accordingly, documentation illustrating the need for such wireless facilities or justifying the business decision likely cannot be requested. Of course, as with the other siting requests, state and local zoning authorities must take prompt action on these siting applications for wireless facilities (60-day shot clock rule).

Two wireless industry associations, the WIA (formerly known as the PCIA) and CTIA, collaborated with the National League of Cities, the National Association of Counties, and the National Association of Telecommunications Officers and Advisors to: (1) develop a model ordinance and application for reviewing eligible small cell/DAS facilities requests under federal law; (2) discuss and distribute wireless siting best practices; (3) create a checklist that local government officials can use to help streamline the review process; and (4) hold webinars regarding the application process.

RELEVANT LINKS:

III. Moratoriums

The cellular industry often challenges moratoriums used to stall placement of cell towers, as well as small cell/DAS technology, until cities can address regulation of these structures. Generally, these providers argue that these moratoriums do one of the following:

- Prohibit or have the effect of prohibiting the provision of personal wireless services.
- Violate federal law by failing to act on an application within a reasonable time.

[Minn. Stat. § 237.163, Subd. 2\(d\). Chapter 94, Art. 9, 2017 Regular Session.](#)

State law now prohibits moratoriums with respect to: (1) filing, receiving, or processing applications for right-of-way or small wireless facility permits; or (2) issuing or approving right-of-way or small wireless facility permits. For cities that did not have an ordinance enabling it to manage its right-of-way on or before May 18, 2017, the prohibition on moratoria does not take effect until January 1, 2018, giving those cities an opportunity to enact an ordinance regulating its public rights-of-way.

IV. Conclusion

With the greater use of calls and data associated with mobile technology, cities likely will see more new cell towers, as well as small cell technology/DAS requests. Consequently, it would make sense to proactively review city regulations to ensure consistency with federal and state law, while still retaining control over the deployment of structures and the use of rights of way.

Appendix A: Sample Ordinances and Sample Agreements

Many cities address cell towers in their ordinances already. For informational purposes only, the links below reference some telecommunications facilities ordinances in Minnesota.

PLEASE NOTE, these ordinances reflect each city's unique circumstances and may pre-date the 2017 Legislative Session which, then, would not have considered the amendments to Minn. Stat. §§ 237.162, 237.163 when drafted.

Sample Telecommunications Ordinances

[Revised Model Right-of-Way Ordinance](#)

City of Edina (predates 2017 amendments)

Ordinance: ([Chapter 34: Telecommunications](#))

City of Brainerd

Memo to Planning Commission from City Planner, July 13, 2017 Re: [Draft Ordinance: Section 35: Anetennas and Towers](#)

City of Minneapolis

[Ordinance: \(Amendment to Ordinance to accommodate Small Cell/DAS equipment\)](#)

[CPED Staff Report, City of Minneapolis regarding Amendment](#)

City of Bloomington

Ordinance: (Part II City Code, [Chapter 17: Streets and Rights-of-Way](#))

Ordinance: ([No. 2017-16, Amending Section 14.03 of the City Code Concerning the Permit Fee](#))

Permit: [Small Cell Permit](#)

Sample Collocation Agreement for DAS/Small Call

[Texas City Attorney Association](#)

Addendum to Local Gov. Code, Chapter 283

[San Antonio, Texas](#)

[Boston, Massachusetts](#)

[San Francisco, California](#)

[League of Minnesota Cities Model Small Wireless Facility Collocation Agreement](#)