

MISSION STATEMENT: “The City of Mound, through teamwork and cooperation, provides, at a reasonable cost, quality services that respond to the needs of all citizens, fostering a safe, attractive and flourishing community.”

**MOUND PLANNING COMMISSION REGULAR MEETING AGENDA
TUESDAY, DECEMBER 3, 2024, 7:00 P.M.
COUNCIL CHAMBERS, MOUND CENTENNIAL BUILDING
5341 MAYWOOD ROAD, MOUND, MN**

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1. Call to Order	
2. Roll Call	
3. Approval of Agenda, with any Amendments	
4. Approval of Meeting Minutes	
A. November 19, 2024 special/rescheduled meeting minutes	1
5. Board of Adjustment and Appeals	
A. Planning Commission review/recommendation on proposed amendments to City Code Chapter 119 (Signage) – <i>continued from November 19, 2024 special/rescheduled meeting</i>	9
6. Old / New Business	
A. Planning Commission review/recommendation regarding reappointment of Planning Commission members Goode, Heal and Rosener (3-year terms)	
B. Planning Commission review/recommendation on proposed amendment to Planning Commission Work Rules to change meeting start time from 7:00 p.m. to 6:00 p.m.	21
C. Council liaison and staff report/update	
D. Upcoming meeting date: Tues, January 7, 2025	
7. Adjourn	

The Planning Commission is an advisory body to the City Council. One of the Commission’s functions is to hold public hearings and make recommendations to the City Council. The City Council makes all final decisions on these matters. Mound City Ordinances require that certain documents and information be included in applications. The Planning Commission may postpone consideration of an application that is incomplete and may for other reasons postpone final action on an application. For each agenda item the Commission will receive reports prepared by the City staff, open the hearing to the public, and discuss the action on the application.”

QUESTIONS: Call Mound City Hall at 952-472-0603

MEETING MINUTES
RESCHEDULED PLANNING COMMISSION
NOVEMBER 19, 2024

Chair Goode called the meeting to order at 7:00 pm.

ROLL CALL

Members present: David Goode, Jason Baker, Kristin Young, Derek Archambault, Samantha Wacker, Nick Rosener, Drew Heal, and Kathy McEnaney.

Members Absent: Jake Savstrom.

Staff present: Sarah Smith, Rita Trapp (Consulting Planner), Mia Colloredo-Mansfeld (Consulting Planner) and Maggie Reisdorf.

Members of the public: Mark Tighe-Crea and Susan Crea-Tighe (3118 Drury Lane), and Patrick and Rebecca Horgan (2503 Lost Lake Road).

APPROVAL OF MEETING AGENDA

MOTION by Baker to approve the agenda; seconded by Heal. **MOTION** carried unanimously.

APPROVAL OF OCTOBER 1, 2024 REGULAR MEETING MINUTES

MOTION by Rosener to approve the October 1, 2024 rescheduled regular meeting minutes as written; seconded by Baker. **MOTION** carried unanimously.

BOARD OF ADJUSTMENTS AND APPEALS

Planning Case No. 24-16

Review/Recommendation – Variance for house remodel/additions project

3118 Drury Lane

Applicant: Mark Tighe-Crea and Susan Crea-Tighe

Colloredo-Mansfeld introduced this item to the Planning Commission. She informed that the request is for a variance for house renovation and additions at 3118 Drury Lane. She informed that the location of the property is that of a corner lot of record at the intersection of Drury Lane and Hampton Road. Colloredo-Mansfeld said that the property has a single-family home with a detached garage on it that was built in 1938.

Colloredo-Mansfeld explained that the request from the applicant is for a front yard variance of 11.4 feet to allow for the reconstruction and expansion of the living room, to move the front entrance from the side of the house to the front, and for the addition of a front porch. She stated that the project would also include a conforming expansion on the second floor of the house and the addition of a conforming mudroom on the rear of the house.

Colloredo-Mansfeld informed that the Comprehensive Plan guides the property as Low Density Residential, which allows for single-family detached and attached housing types. She explained that the single-family use of the property would remain the same. She stated that the zoning of the property is R-1 Single Family Residential and is considered a lot of record. Colloredo-Mansfeld reviewed the setback requirements for the R-1 District which are a front yard setback of 30 feet (based on lot depth), an interior side yard setback of 10 feet (east property line), and a rear yard setback of 15 feet.

Colloredo-Mansfeld reviewed the proposed nonconforming addition details. She stated that the lot is 31,503 square feet in size and that the current existing front yard setback is 25.8 feet, with a current nonconformity of 4.2 feet. She informed that the proposed front porch setback would be at 18.6 feet, therefore a variance of 11.4 feet is being requested. She noted that grade walks and steps not exceeding six feet in width are allowed encroachments in setbacks.

Colloredo-Mansfeld said that with the project, the hardcover on the property would be 33.5%, which would meet the requirements of up to 40%. She stated that eaves can encroach 2 feet into setbacks. She explained some of the existing site conditions, including that the house was built in the 1930s and that the front of the house results in the western corner being closer to the lot line than the eastern corner. She explained that these elements result in limited space to reconfigure the existing front of the home on the lot.

Colloredo-Mansfeld said that the proposal was distributed staff, consultants, agencies, and private utilities. She informed that the only response received was from the City Engineer who said there were no concerns. Notice of the variance about the meeting was also provided to neighboring property owners.

Baker asked if there was historical information on what changes were made to the neighboring road over time. Trapp said that it is unknown what improvements may have been made to the street, including widening, in the past.

Susan Crea-Tighe, property owner at 3118 Drury Lane and applicant, stated that she believed that the road had been widened at some point since the house was built. She explained that the angle of the road makes it difficult to meet the setback requirements. Crea-Tighe reviewed their goals with the remodel and reconstruction, including that the front door, currently located on the side of the house is moved to the front of the house.

Goode thanked the applicant for speaking to the Commission. He asked the Commission for further discussion. He noted that staff is recommending approval with four conditions and three findings of fact.

Archambault asked if the western part of the addition is nonconforming.

Colloredo-Mansfeld confirmed that the western-side front portion was the only nonconforming section. She noted that the current home is nonconforming already.

Rosener stated that he can see the practical difficulty present and noted that the home is already nonconforming.

Archambault said that request makes sense and is reasonable.

Archambault moved that the Planning Commission recommend to the City Council approval of the variance request for 3118 Drury Lane with the 4 listed conditions and 3 findings of fact. Rosener seconded. Motion passed 8-0.

BOARD OF ADJUSTMENTS AND APPEALS

Planning Case No. 24-17

Review/Recommendation – Variance for a new detached garage/accessory structure

2503 Lost Lake Road

Applicant: Patrick and Rebecca Horgan

Colloredo-Mansfeld introduced this item to the Planning Commission. She informed that the request is for a variance for a detached accessory garage at 2503 Lost Lake Road. She stated that the property is a lot of record located along Lost Lake Road and that currently it has a single-family home and an attached two car garage on it that were built in 1986. Colloredo-Mansfeld added that a public park called Lost Lake Park, separates the property from the lakeshore.

Colloredo-Mansfeld stated that the request from the applicant is for the construction of a 26' by 36' (936 sf) side-loaded detached accessory garage in the vicinity of the south side. She informed that with the request, the applicant is requesting a variance to allow for a 12 foot setback from the front property line abutting Lost Lake Road for the garage.

Colloredo-Mansfeld explained that the Comprehensive Plan designates the property as low density residential, which allows for single-family detached and attached housing types. She informed that the property use would remain a single family home. Colloredo-Mansfeld said that the property is zoned as an R-1 Single Family Residential property and is considered a lot of record. She reviewed the accessory setback requirements as being 20 feet (front yard), 4 feet (rear yard), and 4 feet in the side yard or 6 feet in the rear yard (for a side yard).

Colloredo-Mansfeld went into more detail about the proposed accessory garage including defining what a "lot, lakeshore" is in the City Code. She reviewed the definition as being "a lot abutting public waters or abutting public lands abutting public waters with the exception of designated parks". She said that for the purpose of determining setbacks, the lot is not recognized as a lakeshore lot because of the public park between the property and the lake.

Colloredo-Mansfeld informed that an individual accessory structure cannot exceed 1,200 square feet and that the proposed accessory garage will be 936 square feet. She reviewed the required accessory structure setbacks at 20 feet for the front yard and 4 feet for the rear yard. She explained that the proposed setback in the front is 12 feet and therefore the applicant is asking for an 8 foot variance in this location. Colloredo-Mansfeld noted that if the property were a lakeshore lot, the front yard setback would be 8 feet for a side-loaded garage.

Colloredo-Mansfeld reviewed that the hardcover of the property after the project would 33.46%, which is below the required up to 40%. She stated that the minimum elevation for new structures on Lake Minnetonka is 933.0 feet and that the proposed garage would be 938.7 feet. She noted that the lot is irregularly shaped and that the southern portion of the property is subject to a drainage and utility easement.

Colloredo-Mansfeld stated that while the house is technically not a lakeshore property due to the park at the rear of the property, the property does have the appearance of one. She said therefore, the application of the lakeshore front yard setbacks for a side loaded garage is in keeping with the character lakeshore properties.

Colloredo-Mansfeld said that the proposal to staff, consultants, agencies, and private utilities. She informed that there were no comments received. Notice of the variance and the meeting was also provided to neighboring property owners.

Colloredo-Mansfeld explained that the Planning Commission is being asked to discuss the request and take action on how to move forward. She informed that staff is recommending approval with conditions and findings of fact.

Patrick and Rebecca Horgan of 2503 Lost Lake Road informed that they are asking for the accessory garage and that the proposed location seems to be the most logical due to the land there being flat. Rebecca Horgan explained that movement from that location would require more excavating and encroachment into easements. Patrick Horgan added that the location would also allow them to use the existing driveway.

Baker asked if the Horgan's had considered angling the garage structure a little bit to be more parallel with the street. He thought that the change in angle would make it easier for them to access the garage. Becky Horgan explained that the location is mostly because of the current flat area there and that movement would encroach into the existing hill, easements, and marsh area. She informed that they were trying to save some of their backyard space as well.

Baker said that he was fine with the proposal and that he liked that the neighbors signed off on the proposal.

Baker moved that the Planning Commission recommend to the City Council approval of the variance request for 2503 Lost Lake Road with the 5 listed conditions and 3 findings of fact. Rosener seconded. Motion passed 8-0.

Review/discussion of proposed amendments to City Code Chapter 119 (Signage) – Continued from the October 1, 2024 meeting.

Trapp introduced this item to the Commission. She informed that the intent is to have the Commission continue its discussion on proposed revisions to the Mound City Code Chapter 119 (Signage) that was initiated at the October 1, 2024 meeting.

Trapp informed that updating this section of the City Code is important because recent changes to the Zoning Code's districts resulted in Chapter 119 not being fully compatible with those changes. She informed too that recent Federal law cases have also changed how a city can regulate signs and therefore City Code should be updated to reflect that.

Trapp said that the proposed draft of the Chapter 119 City Code reflects one that is more organized by sign types and categories, versus content. She informed that one of the goals is to simplify the permitting process for signs as well and to provide clarification on what needs permitting, and what doesn't need permitting. Trapp said that updating the Code will hopefully make the process administratively simpler and provide clear rules for users of the Code as well.

McEnaney asked how big of a problem signage is currently administratively.

Trapp informed that temporary pop up signs are those that the City wants to ensure can be enforced better. She talked about signs that stay up for long periods of time and get left up and not taken down.

McEnaney mentioned small right-of-way signs the promote businesses and if those are legal.

Trapp said they are not within the public right-of-way and those signs can be removed through enforcement.

Smith added that many of these signs are seasonal temporary signs that pop up during specific times of the year.

There was discussion from the Commission on on-premise signs, off-premise signs, and time frame for the removal of temporary signs.

Trapp explained that there are signs that specifically state that they can only be up for a specific number of days a year.

Goode said that most people are good at removing garage sale signs. He said that political signs stay up for a long time.

Trapp explained that political signs are regulated by the State of Minnesota and that the City cannot go against State Statute.

Trapp talked about garage sales signs and the provision of allowing them on five occasions, five times per year. She talked about signage complaints and how the initiation for complaint-based enforcement of signs starts on the date of the complaint as it is hard to know when the sign was installed.

Trapp reiterated that the City can only regulate location, type, and size of signs and not content.

Young asked about signs in business windows and if they are regulated. She asked if they were on residential properties as well.

Trapp confirmed that they are regulated for businesses and homes are only allowed property identification signs.

Rosener asked what would change as far as what signage would not need a permit.

Smith stated that portable signs, sandwich signs, and some banner signs would likely not require permits anymore.

Rosener asked about the banner signs that get placed over and across a street.

Smith clarified that those banner signs are restricted to certain activities and get approved with a Public Gathering Permit.

Baker asked about banner signs that get posted between two poles in the ground.

Wacker referenced the prohibited signs section where it talks about motion signs and similar devices. She wondered if holiday spinning projection lights fit into this section.

Trapp stated that she didn't think this fit into signage, but that if it was something that becomes concerning long term, that it could be addressed at some point.

Wacker said the cleaning up of this City Code section will be nice. She wondering if the updates will be conveyed to residents.

Smith informed that staff could put something in the City newsletter, website, and social media.

Rosener asked about painted signs. He said that he liked the art element of painted signs and walls.

Trapp stated the wall murals are different and regulated separate from signs. She said that some cities specifically reference murals in their City Code. She mentioned that painted signs are usually not allowed because they are not well kept and maintained over time.

McEnaney said that she loved murals as well. She said she is against heavy regulation, and that some communities have added character to them because of the downtown wall murals. She said she would like to have people who want them to come to the Planning Commission to present their idea for approval.

Trapp presented an example of mural language from a different city. She reviewed some of the standards and the approval process.

Rosener said that he would like to allow well done painted signs and murals.

Trapp stated that the Planning Commission would not be able to regulate the content of the signs and murals. She informed that some features could be regulated like inappropriate language, colors, etc.

Trapp said that the discussion items on signs would be incorporated in and reviewed again at the next Planning Commission meeting in December.

OLD/NEW BUSINESS

A. 2024 Planning Commission Term Expirations.

Smith introduced this item to the Commission. She informed that there are two vacancies that are going to open up on the Commission at the end of the year. She said that the vacancies have been posted to solicit applicants. Smith said so far, one application has been received. She explained that interviews are scheduled to be done at the December 3, 2024 meeting. Baker asked what would happen if not enough applicants applied to cover the two vacancies. Smith informed that the Commission could decide to repost the vacancy. Baker recommended reaching out to applicants from previous years who didn't get a seat to see if they are still interested.

B. Discussion/Action – Planning Commission meeting start time and possible change.

Smith introduced this item to the Commission. She said that the topic of changing the start time of Planning Commission meetings came to the Commission several months ago for consideration. She said that at that meeting, the Planning Commission wanted to wait to see how the meeting time change would go for the City Council. McEnaney said that the time change has gone well for the City Council. Rosener stated that he would be in favor of shifting the time at the end of the terms and the beginning of the 2025 year. Baker agreed to have the time change start date be January 2025.

Baker moved that the Planning Commission meeting start time move from the current 7:00 pm to 6:00 pm starting January 2025. Rosener seconded. Motion passed 8-0.

C. Council liaison and staff report/update – McEnaney informed that the City of Mound solicited for submissions for the Mound Citizen of the Year for 2024. She said that several submissions were received and that the final decision was made by the City Council to recognize Mary Perbix of the Mound Farmers Market. McEnaney said that Perbix has been an integral part of the Market for years and that she is set to retire soon after 14 years. She informed that Perbix will be recognized at the November 26, 2024 City Council meeting. McEnaney stated that the annual tree lighting event is at Veterans' Park from 5 – 7 PM on Saturday, November 23, 2024.

Smith stated that staff continues to be busy with permitting and applications. She informed that the three recent ordinances that the Planning Commission recommended to City Council passed and were published. She informed that the election season was very busy for staff.

D. Upcoming meeting date: Tues. December 3, 2024 Regular Meeting at 7:00 pm.

ADJOURNMENT

MOTION by Archambault to adjourn at 8:15 p.m.; seconded by Baker, **MOTION** carried unanimously.

Submitted by Maggie Reisdorf

2415 Wilshire Boulevard
Mound, MN 55364
(952) 472-0604

City of Mound
Planning and Building Department
Memorandum

To: Honorable Mayor and City Council
From: Sarah Smith, Community Development Director
Date: November 27, 2024
Re: City Code Chapter 119 (Signage) - Proposed Amendments

Overview. The Planning Commission, at its December 3, 2024 meeting, will continue review and discussion regarding proposed amendments to City Code Chapter 119 Signage. For review and consideration, a ~~strikeout~~/underlined version of the proposed amendments, as discussed at the October 1st and November 19th meetings, is included for Planning Commission review and recommendation. Staff will provide additional comments at the December 3rd meeting.

Chapter 119

Signs

Sec. 119-1. Purpose.

- (a) The purpose of this chapter is to protect and promote the general health, safety, welfare, and order within the city through the establishment of a comprehensive and impartial series of standards, regulations, and procedures governing the erection, use and/or display of devices, signs, or symbols serving as visual communicative media.
- (b) The provisions of this chapter are intended to encourage creativity, a reasonable degree of freedom of choice, an opportunity for effective communication, and a sense of concern for the visual amenities on the part of those designing, displaying, or otherwise utilizing needed communication media of the types regulated by this chapter; while at the same time ensuring that the public is not endangered or distracted by the unsafe, disorderly, indiscriminate, or unnecessary use of such communication facilities.

Sec. 119-2. Rules of construction and definitions.

- (a) The language set forth in the text of this chapter shall be interpreted in accordance with the following rules of construction:
 - (1) Whenever a word or term defined hereinafter appears in the text of this chapter, its meaning shall be construed as set forth in such definition.
 - (2) All measured distances expressed in feet shall be to the nearest tenth of a foot. In the event of conflicting provisions, the more restrictive shall apply.
- (b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Alteration means any major structural change to a sign, not including routine maintenance or repainting in the same color scheme as appeared in the original permit.

~~*Development sign* means a single freestanding sign located on a property with multiple units no less than one acre in area which contains a residential subdivision, multiple-family residential complex, industrial area, an office complex, two or more commercial businesses within one structure, or any combination of the above.~~

Banner and pennants means temporary signs which ~~resemble flags, made of~~ are constructed of nonpermanent paper, cloth, or plastic-like material which can be easily folded or rolled.

Building means any structure having a roof which may provide shelter or enclosure for persons, animals, chattel, or property of any kind.

Business means any occupation, employment, or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.

Canopy or marquee sign means any sign which is affixed to a projection or extension of a building or structure erected in such a manner as to provide a shelter or cover over the approach to any entrance of a store, building, or place of assembly.

~~*Development sign* means a single freestanding sign located on a property with multiple units no less than one acre in area which contains a residential subdivision, multiple-family residential complex, industrial area, an office complex, two or more commercial businesses within one structure, or any combination of the above.~~

District means a specific zoning district as defined in this chapter.

Dynamic display sign means any sign designed for outdoor use that is capable of displaying a video signal, including, but not limited to, cathode-ray tubes (CRT), light-emitting diode (LED) displays, plasma displays,

liquid-crystal displays (LCD), or other technologies used in commercially available televisions or computer monitors.

Facade means the portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

Flashing sign means an illuminated sign on which such illumination is not kept constant in intensity or color at all times when such sign is in use.

Freestanding sign means a sign that is attached to, erected on, or supported by an architecturally-planned structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. This definition includes pylon signs and monument signs.

Ground grade means the elevation of the ground closest to the sign for the purposes of calculating the sign height.

Governmental unit means the city, county, and/or state.

Governmental unit sign means a sign which is erected by a governmental unit.

Ground banner sign means a sign constructed of cloth, canvas, or other similar light material which is affixed to the ground.

Illegal sign means any sign which existed prior to the adoption of the ordinance from which this chapter is derived and which was installed without permit approval as governed by the ordinances in effect at the time of installation.

Illuminated sign means a sign which has an artificial light source directed upon it or one which has an interior light source.

Motion sign means any sign which revolves, rotates, has any moving parts, or gives the illusion of motion.

Mural means artwork on the exterior of a building, generally for the purpose of decoration or artistic expression, including, but not limited to, paintings, markings, and etchings. A mural is not intended or used to encourage or promote purchase or use of goods or services.

Nonconforming sign means a sign which lawfully existed prior to the adoption of the ordinance from which this chapter is derived, but does not conform to the newly enacted requirements of the ordinance from which this chapter is derived.

Off-premise sign means a sign selling or promoting a business, commodity, or service which is not located or performed on the premises on which the sign is located.

On-premise sign means a sign selling or promoting a business, commodity, or service which is located or performed on the premises on which the sign is located.

Portable sign means a temporary sign so designated as to be movable from one location to another and is not permanently attached to the ground or any structure.

Projecting sign means a sign, any portion of which projects over public property.

Property identification sign means a sign for postal numbers, whether written or in numerical form.

Quasi-public means any private function which has the characteristics of a function performed by any unit of government, including, but not limited to, schools, places of worship, recreation areas, and institutions.

Roof line means the uppermost line of the roof of a building or, in the case of an extended facade, the uppermost height of said facade.

Roof sign means any sign erected upon or projecting above the roof of a structure to which it is affixed. Mansard roof surfaces are considered as wall area and are subject to wall signage restrictions.

Sandwich board means a portable sign which is a self-supporting A-shaped or freestanding temporary signs with two visible sides that are situated adjacent to a business, typically on a sidewalk.

Sign means any letter, word, symbol, device, poster, picture, statuary, reading matter or representation in the nature of an advertisement, announcement, message or visual communication whether painted, posted, printed, affixed or constructed, which is displayed to the general public for informational or communicative purposes. This definition does not include murals.

Sign area means the area within a single continuous perimeter enclosing the extreme limits of the actual sign surface but excluding any structural elements outside the limits of each sign and not forming an integral part of the sign. The stipulated maximum sign area for a sign refers to a single face.

Sign copy means words, letters, logos, figures, symbols, illustrations, or patterns that form a message or otherwise call attention to a business, product, service, or activity, or to the sign itself.

Sign, maximum height of, means the vertical distance measured from the ground grade to the top of such sign.

Structure means anything constructed, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground.

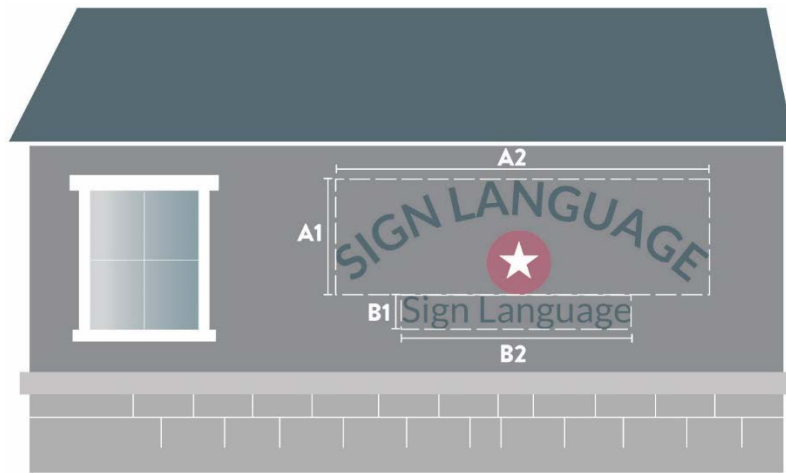
Temporary sign means any sign intended to be displayed for a short period of time.

Wall sign means a sign which is affixed to any wall of a building. Such signs shall not project outward more than 12 inches and shall not wholly or partially obstruct any wall opening.

Window sign means a sign painted on, placed in, or affixed to any window exclusive of merchandise on display.

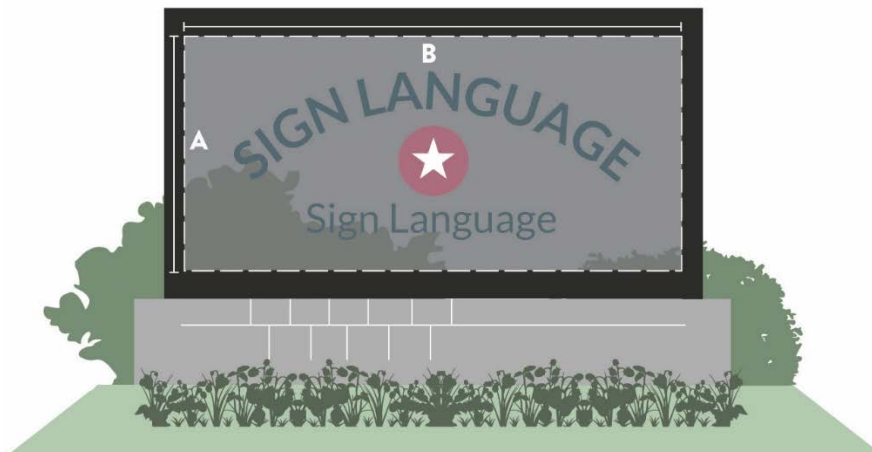
Sec. 119-3. General provisions applicable to all districts.

- (a) One property identification sign, visible from the public way, shall be allowed per building in all districts. Such signs shall contain the street address in minimum four-inch numerals and shall be securely attached to the structure.
- (b) No sign other than governmental unit signs shall be erected or placed upon any public right-of-way with the exception of permitted temporary signs as provided for in this chapter.
- (c) No sign shall obstruct the clear line of vision as required by Section 129-322 Traffic Control.
- (d) Except as otherwise noted in this chapter, permanent signs shall be constructed of durable, weather resistant materials anchored in a secure fashion and designed to withstand a wind pressure of 40 pounds per square foot. The exposed backs of all signs and sign structure shall be painted a neutral color.
- (e) Canopies and marquees shall be considered an integral part of any structure onto which they are affixed. The area of a canopy or marquee shall not be considered as part of the wall area for the purpose of calculating allowable sign area.
- (f) Signs shall not exceed two faces.
- (g) Sign Area Formulas
 - (1) The area of a sign is determined by the Community Development Director using actual dimensions where practical or approximate dimensions when irregularity of a sign shape warrants. The area of each sign type is to be measured with either Formula A or Formula B as noted below:
 - a. Formula A: The sign area is the sum of the area of two (2) contiguous rectangles, squares or circles that enclose the extreme points or edges of all copy, logos and symbols of said sign.



$$(A1 \times A2) + (B1 \times B2) = \text{Sign Area}$$

- b. Formula B: The sign area is the area of one rectangle, square or circle that encloses the extreme points or edges of all areas where copy may be placed on a sign. This area does not include structural or architectural features of the sign where copy will not be located.



$$(A \times B) = \text{Sign Area}$$

(2) -In calculating area for development signs with multiple tenants, the sign area shall be calculated for each individual tenant sign excluding the structure elements between the signs.

- (h) In granting permits for illuminated signs, the city shall specify the hours during which the sign may be kept lighted when necessary to prevent the creation of a nuisance. All illuminated signs shall have a shielded light source and concealed wiring and conduit and shall not interfere with traffic signalization.
- (i) Signs shall be maintained in good condition and shall be removed and/or replaced if they become torn, faded, or otherwise damaged. A painted wall sign shall be maintained in good repair, free from peeling paint or damage due to age, weather, or vandalism. Removal of a painted wall sign must be accomplished by physical removal from a wall and/or by covering the mural completely with paint. The removed painted wall sign must be rendered completely invisible while maintaining the structural and architectural integrity of the

building.

Sec. 119-4. Prohibited Signs

The following signs are prohibited within the city:

- (a) Off-premise signs, except as governed by subsection 119-6(a)(4).
- (b) Motion signs or similar devices.
- (c) Signs which are painted or drawn on the roof ~~or walls~~ of a building or located on trees, rocks, or similar natural surfaces.
- (d) Signs which interfere with the ability of vehicle operators or pedestrians to see traffic signals or which impede the vision of traffic by vehicle operators or pedestrians are prohibited.
- (e) Signs which obstruct any window, door, fire escape, or opening intended to provide ingress or egress to any structure or building or public way.
- (f) Signs containing statements, words, or pictures of an obscene or indecent.
- (g) ~~Any illuminated sign which changes in either color or intensity of light.~~
- (h) Portable signs except as noted in subsection 119-~~6(a)(7)~~.
- (i) Roof signs except as noted in subsection 119-7(b)(8).

Sec. 119-5. Exempt Signs

No permit or fee shall be required for the following signs as long as such signs conform with all applicable requirements of this chapter:

- (a) Property identification signs having an area of two square feet or less.
- (b) Warning and restrictive signs, such as “No Trespassing” signs placed upon private property by the owner, not to exceed two square feet in area.
- (c) Signs erected by a governmental unit.
- (d) Signs located on the interior of a building which are not visible from the building’s exterior.
- (e) Window signs placed within a non-residential building and not exceeding 50 percent of the window area.

Sec. 119-6. Temporary Signs

- (a) *Exempt temporary signs.* The following temporary signs shall be exempt from permits and fees provided they meet all requirements listed in this Section.
 - (1) Signs posted in accordance with Minn. Stats. § 211B.045 may be placed in any district.
 - (2) In any district, a temporary freestanding, wall, or window sign may be placed on any property that is currently for sale or rent.
 - a. One sign shall be permitted per street and/or lake frontage.
 - b. Such sign shall not be illuminated.
 - c. Such sign shall be removed seven days following lease or sale.
 - d. The maximum size of such signs for each district is as follows:
 - 1. In R-1, R-1A, and R-2 districts the maximum size is five square feet.
 - 2. In R-3 district the maximum size is 18 square feet.
 - 3. In C-1, MU-C, MU-D, and I-1 districts the maximum size is 32 square feet.
 - (3) Any multi-unit residential or non-residential property where an open building permit has been issued may place a temporary, non-illuminated sign on the property.

- a. Such sign shall not exceed 32 square feet in area.
- b. Maximum height of ten feet.
- c. Maximum number of said signs shall not exceed two.
- d. Minimum distance between said signs is 500 feet.
- e. Such signs shall be removed when the project is 90 percent complete, sold, or leased.
- f. Such signs shall be located no closer than 100 feet to a preexisting residential dwelling unit or the farthest point on the lot if the available distance is less than 100 feet.

(4) Temporary banners, pennants, and ground banner signs shall be removed within 30 days and shall be limited to four occasions per calendar year.

~~a. The use of temporary banners, pennants, and ground banner signs shall be limited to four occasions per calendar year.~~

a. Temporary ground banner signs may be placed using one or more poles affixed to the ground.

b. Temporary banners and pennants are prohibited from being placed upon any decorative fencing unless the banner or pennant is used in conjunction with a government, a quasi-public function, or similar-related special event.

c. Temporary banners may only be placed across a roadway with permission of the roadway jurisdiction and in conjunction with a government, quasi-public function, or similar-related special event.

(4)(5) Temporary off-premise freestanding signs subject to the following:

- a. Signs shall not exceed four square feet in area.
- b. The use of temporary freestanding signs shall be limited to five occasions per calendar year, per residence.
- c. Temporary freestanding signs shall be limited to five days per occurrence.
- d. The consent of the property owner where the off-premise temporary ground signs are to be placed shall be obtained prior to the placement of such signs.
- e. Off-premise temporary ground signs placed in the right-of-way (ROW) shall be placed a minimum of five feet from the street pavement or curb and shall not obstruct visibility at intersections.
- f. Off-premise temporary ground signs shall not be located within the right-of-way of county and state roads.

(5)(6) Sandwich board signs in the C-1, MU-D, MU-C, and I-1 districts are permitted subject to the following regulations:

- a. The maximum area shall be 12 square feet per side of sign with a maximum height of four feet.
- b. Only one sandwich board sign per business per street frontage shall be permitted. Signage shall be located directly in front of or adjacent to the building that contains the business. Placement on the sidewalk in front of the building or along the curb is permissible.
- c. Sandwich board signs shall not be placed so as to cause the width of the sidewalk to be reduced below four feet in width, nor shall any sign be erected or maintained in a manner that prevents free ingress or egress from any door, window or fire escape, nor shall they be attached to any standpipe or fire escape.

- d. Sandwich board signs shall not be illuminated; shall not contain moving parts; and shall only be displayed during business operating hours.
 - e. Sandwich board signs shall be removed from public sidewalks if there is any snow accumulation and the sign may not be replaced until the snow is removed.
 - f. Sandwich board signs placed in violation of this section will result in immediate removal of the sign.
 - g. Sandwich board signs within the public right-of-way may be moved/removed by the city for municipal purposes (i.e., snow removal, traffic issues, maintenance, etc.).
- ~~(6)~~(7) A portable sign may be permitted for a government purpose, a quasi-public event, or as part of a special event permit under the following conditions:
- a. The period of said sign use shall not exceed 30 consecutive days;
 - b. The signs shall not be used more than four times during a calendar year;
 - c. The signs shall be placed on the premises of the associated event and/or on such other premises if given permission by the property owner. Administrative approval of a portable sign is permitted if the following
 - d. The sign is not placed within the road right-of-way.
- (b) *Non-Exempt Temporary Signs.* The following temporary signs shall require a permit and shall meet the standards below:
- (1) Temporary freestanding signs which exceed the requirements for exempt temporary signs shall be subject to the following requirements:
 - a. Signs may be used in the nonresidential districts.
 - b. Signs shall not exceed 32 square feet in area.
 - c. Such signs shall not be left in place for more than a two-month period.
 - d. Permits may be issued no more than two times per calendar year per business.

Sec. 119-7. Permanent Signs

In addition to those temporary signs permitted in all districts, permanent signs as herein designated shall be permitted in each specified district and shall conform as to size, location and character according to the following requirements:

- (a) *Residential districts (R-1, R-1A, R-2, R-3)*
 - (1) One sign per street frontage for each permitted or conditional non-residential use. Such sign shall not exceed 48 square feet in area or ten feet in height. The sign shall not be placed closer than ten feet to any street right-of-way line.
 - (2) One development sign not to exceed 24 square feet in area for each entrance to a development provided, however, that said sign does not exceed six feet in height, is placed within ten feet of any right-of-way.
- (b) *Non-Residential districts (C-1, MU-C, MU-D, I-1).* Permanent signs in all non-residential districts shall be as follows:
 - (1) *Freestanding signs.* One freestanding sign per street frontage provided, however, said sign does not exceed 48 square feet in area and 25 feet in height and is not placed closer than ten feet from any street right-of-way. The ten-foot setback may be increased at intersections or other areas where freestanding signs may obstruct the clear line of vision as required by Section 129-322 Traffic Control.
 - (2) *Wall signs.* Wall signs are permitted on each street frontage provided:

- a. ~~said~~ The total wall sign area ~~sign~~ does not exceed 15 percent of said wall up to a maximum of 175 square feet in area.
- b. ~~An individual wall signs~~ shall not exceed 100 square feet. ~~Additionally,~~
~~w~~Wall signs not exceeding ten percent of said wall, up to a maximum of 48 square feet, are permitted on each building frontage abutting a public surface parking lot accommodating 25 or more cars provided that all land abutting all sides of the parking lot is either public right-of-way or commercially zoned property.
- ~~(2)~~(3) *Lake frontage wall signs.* Wall signs in accordance with the requirements outlined in subsection (b)(2) of this section are permitted on a lake frontage. Such signs shall be approved by conditional use permit.
- ~~(3)~~(4) *Development signs.* One development sign is permitted per street frontage per commercial development as long as:
 - a. The sign does not exceed 48 square feet.
 - b. The sign does not exceed 15 feet in height.
 - c. The sign is not placed within ten feet of any street right-of-way.
- ~~(4)~~(5) *Retail shopping centers containing at least 20,000 square feet of attached gross floor area.*
 - a. The allowable development sign shall be permitted up to 120 square feet in area.
 - b. If there is a development sign, no freestanding sign shall be permitted.
 - c. In addition to the development sign, one wall sign is permitted for each business use with at least 2,000 square feet of gross floor area. Such signs shall not exceed 48 square feet in area.
- ~~(5)~~(6) *Motor fuel station or motor fuel station, convenience store.* Lettering of or sign labels which are an integral part of the design of a gasoline pump shall be permitted and shall not count against the total allowable wall sign or freestanding sign square footage as specified in this section.
- ~~(6)~~(7) *Projecting signs.* Projecting signs shall be permitted provided:
 - a. The total sign area does not exceed ten square feet per building face.
 - b. The sign does not project over public property more than 18 inches.
 - c. No part of the projecting sign is less than 10 feet above ground level.
- ~~(7)~~(8) *Roof signs.* Roof signs shall be permitted if they are an integral part of the architecture of a building. Such signs shall not extend more than five feet above the roof line of the building or exceed 75 square feet in area. Roof signs shall be limited to one face, parallel to the front of the building.
- (c) *Planned unit development (PUD)*
 - (1) Unless otherwise specified in the conditional use permit for the PUD, signs within a PUD shall follow the regulations of the underlying zoning district.

Sec. 119-8. Dynamic Displays

- (a) *Districts Allowed.*
 - (1) On-premise dynamic signs may be located on properties within the C-1, MU-D, MU-C, and I-1 Districts.
 - (2) On-premise dynamic signs may also be located on properties with public and institutional uses within a residential district.

- (b) Each site can have only one dynamic sign and that sign can have only one dynamic display.
- (c) The dynamic display shall not be illuminated between 10:00 p.m. and 6:00 a.m.
- (d) Dynamic signs shall only be allowed to operate in a static mode. Animation, motion or video displays are prohibited. The minimum display time shall be 8 seconds. Any change from one static display to another must be instantaneous and shall not include any distracting effects, such as dissolving, spinning or fading. The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.
- (e) The use of color shall not create distraction or a hazard to the public health, safety or welfare.
- (f) Audio speakers or any audio component is prohibited. The sign shall not emit any sound.
- (g) One dynamic display sign as part of a monument sign is permitted for each property provided:
 - (1) The entire monument sign shall not exceed ten feet in height.
 - (2) The digital display portion of the sign shall not comprise more than 50 percent of the sign area. The remainder of the sign shall not have the capability to have a dynamic display.
 - (3) The sign shall be located at least a ten-foot setback from any lot line and shall not be placed in a public right-of-way. This setback shall be increased to 20 feet if the adjacent property is used or shown on the city's land use plan for residential use.
- (h) The following brightness standards are required for all dynamic display signs:
 - (1) No sign shall be brighter than is necessary for clear and adequate visibility.
 - (2) No sign shall be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.
 - (3) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.
 - (4) Dynamic displays must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between a ½-hour before sunset and a ½-hour after sunrise.
 - (5) All dynamic display signs must be equipped with a mechanism to immediately turn off the display or lighting if the sign malfunctions.
 - (6) The person owning or controlling the sign must adjust the sign to meet the brightness standards in accordance with the city's instructions. The adjustment must be made within one hour upon notice of noncompliance from the city.

Sec. 119-9. Administration and enforcement.

- (a) *Permit required.* Except as herein exempted, no person shall install, erect, relocate, modify, alter, change the color, or change the copy of any sign in the city without first obtaining a permit. If a sign authorized by permit has not been installed within 365 days from the date of issuance of the permit, said permit shall become void and no fee shall be refunded.
- (b) *Application and fee.* Application for permits shall be made in writing upon printed forms furnished by the city. Each application for a permit shall set forth the correct PID number of the tract of land upon which the sign presently exists or is proposed to be located, the location of the sign on said tract of land, the manner of construction and materials used in the sign, a complete description and sketch of the sign and such information as the City Council deems necessary. Every applicant shall pay a fee for each sign regulated by this chapter before being granted a permit. Sign permit fees shall be as established by the city. A triple fee shall be charged if a sign is erected without first obtaining a permit for such sign.
- (c) *Variations/modifications.* The City Council may grant a variation/modification from the

requirements of this chapter as to specific signs where it is shown that by reason of topography or other conditions that strict compliance with the requirements of this chapter would cause a hardship. A variation/modification may be granted only if the variation/modification does not adversely affect the spirit or intent of this chapter. Written application for a variation/modification shall be filed with the City Clerk and shall state fully all facts relied upon by the applicant. The application shall be supplemented with maps, plans, or other data which may aid in an analysis of the matter. The application shall be referred to the Planning Commission for its recommendation and report to the City Council.

- (d) Signs determined by the Community Development Director or designee to be in a state of disrepair shall be restored to good repair by the sign owner or property owner on which the sign is situated within 30 days after the mailing of written notice to repair from the Community Development Director or designee. In the event of noncompliance with said notice, the city shall be authorized to remove said sign at the expense of the owner or property owner.
- (e) *Violations.* If the Community Development Director or designee finds that any sign regulated by this chapter is prohibited as to size, location, content, type, number, height or method of construction, or is unsafe, insecure, or a menace to the public, or if any sign has been constructed or erected without a permit first being granted to the installer of said sign, or to the owner of the property upon which said sign has been erected, or is improperly maintained, or is in violation of any other provisions of this chapter, he or she shall give written notice of such violation to the owner or permittee thereof. If the permittee or owner fails to comply with the regulations set forth in this chapter, following receipt of said notice:
 - (1) Such sign shall be deemed to be a nuisance and may be abated by the city by proceedings taken under Minn. Stats. ch. 429, and the cost of abatement, including administration expenses, may be levied as a special assessment against the property upon which the sign is located; and/or
 - (2) It is unlawful for any permittee or owner to violate the provisions of this chapter. No additional licenses shall be granted to anyone in violation of the terms of this chapter or to anyone responsible for the continuance of the violation, until such violation is either corrected or satisfactory arrangements, in the opinion of the Community Development Director or designee, have been made towards the corrections of said violation. The Community Development Director or designee may also withhold building permits for any construction related to a sign maintained in violation of this chapter. Pursuant to Minn. Stats. § 160.27, the Community Development Director or designee shall have the power to remove and destroy signs placed on street right-of-way with no such notice of violation required.

Sec. 119-10. Nonconforming Signs

- (a) Any lawfully constructed nonconforming or any legal sign existing upon the effective date of this chapter may be maintained and continued at the size existing upon such date except as hereinafter specified.
- (b) All nonconforming signs must be brought into conformance, on a sign-by-sign basis, at the time that a sign is altered. This shall not include routine maintenance as required by this section.
- (c) After a nonconforming sign has been removed, it shall not be replaced by another nonconforming sign.
- (d) Temporary signs are not entitled to nonconforming status. Such signs must be brought into compliance as directed by the Community Development Director.

Sec. 119-11. Murals

- (a) Murals shall only be permitted in non-residential districts.

- (b) A mural plan must be reviewed and approved by the City Council, after a recommendation is received from the Planning Commission, prior to a permit being issued for the mural creation. The proposed mural plan shall include the location, size, height, color, lighting, and orientation of the mural. The mural plan shall also include a design sketch and photos of the proposed site.
- (c) Murals shall be maintained in good repair, free from peeling paint or damage due to age, weather, or vandalism. Removal of a mural must be accomplished by physical removal from a wall and/or by covering the mural completely with paint. The removed mural must be rendered completely invisible while maintaining the structural and architectural integrity of the building.
- (d) Murals shall be composed of permanent materials and applied only to permanent surfaces. Murals may not be applied to any fabric or temporary surface.
- (e) Murals shall be allowed only on building facades that face a side or rear property line.
- (f) Murals with the following features shall not be allowed:
 - (1) Moving parts, including solar-, wind-, or water-driven devices.
 - (2) Projections from the wall surface
 - (3) Words (in any language), symbols, or representations that are obscene, offensive, of a political nature, or are derogatory.
 - (4) Representations that imitate or appear to imitate any official traffic sign or device to direct the movement of traffic.
 - (5) Colors that are predominantly fluorescent, metallic, or reflective.

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City of Mound
Planning and Building Department
Memorandum

To: Honorable Mayor and City Council
From: Sarah Smith, Community Development Director
Date: November 27, 2024
Re: Planning Commission Work Rules – Amendment to Change Meeting Start Time

Overview. The Planning Commission, at its November 19, 2024 special/rescheduled meeting, unanimously voted to change the meeting start time beginning in January 2025 from 7:00 p.m. to 6:00 p.m. As the meeting start time is included in the *Planning Commission Work Rules*, an amendment to Section B (2) on Page 2 is needed and is summarized below:

2. *All meetings and public hearings shall be held at the Centennial Building unless an alternate format (i.e., electronic or remote meeting, etc.) or location is determined to be necessary. All meetings shall be called at 6:00 ~~7:00~~ p.m and shall conclude at 11:00 p.m. unless waived by the majority. All Planning Commission meetings are videotaped. Any business unfinished at the scheduled closing time shall be taken up at a subsequent meeting designated by the Chair.*

Recommendation. Staff recommends the Planning Commission approve the amendment to the *Planning Commission Work Rules* to change the meeting start time from 7:00 p.m. to 6:00 p.m. effective January 1, 2025.