

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, OCTOBER 1, 2024, 7:00 P.M.
COUNCIL CHAMBERS, MOUND CENTENNIAL BUILDING
5341 MAYWOOD ROAD, MOUND, MN**

| | Page |
|---|-------------|
| 1. Call to Order | |
| 2. Roll Call | |
| 3. Approval of Agenda, with any Amendments | |
| 4. Approval of Meeting Minutes | |
| A. September 3, 2024 regular meeting minutes | 1 |
| 5. Board of Adjustment and Appeals | |
| A. Review/discussion of proposed amendments to City Code Chapter 119 (signage) | 12 |
| 6. Old / New Business | |
| A. Planning Commission terms | |
| B. Discussion/action – Planning Commission meeting start time and possible change | |
| C. Council liaison and staff report/update | |
| D. Upcoming meeting date: Tues., November 19, 2024 Special / Rescheduled Meeting at 7:00 p.m. | |
| 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
REGULAR PLANNING COMMISSION
SEPTEMBER 3, 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, Kathy McEnaney (7:01 pm), Jake Savstrom, Nick Rosener, and Drew Heal.

Members Absent: None.

Staff present: Sarah Smith, Community Development Director; Rita Trapp, Consultant Planner; and Maggie Reisdorf, Deputy City Manager.

Members of the public: Sandra Gooley, 5496 Lost Lake Lane, 5496 Lost Lake Lane, Jim Gooley, 5496 Lost Lake Lane, Carl Runck, 441 Second Street, Excelsior, Dan Schaefer, 305 Minnetonka Ave. S. Wayzata, Tim Whitten, 4159 Heatherton Place, Minnetonka.

APPROVAL OF MEETING AGENDA

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

REVIEW OF AUGUST 20, 2024 REGULAR MEETING MINUTES

MOTION by Baker to approve the August 20, 2024 rescheduled regular meeting minutes as written; seconded by Rosener. **MOTION** carried unanimously.

BOARD OF ADJUSTMENTS AND APPEALS

Planning Case No. 24-13

Public Hearing – Review/discussion of Major Subdivision-Preliminary Plat of “Lake Minnetonka Flats” proposed for property at 2400-2420 Commerce Boulevard; also review/discussion of Conditional Use Permit for a Planned Unit Development in the shoreland area to allow the construction of 12 for-sale units in three, 2-story condominium buildings to include Planning Commission recommendations

Applicant: Carl Runck and Jim Gooley on behalf of Lake Minnetonka Flats, LLC.

Trapp introduced this item to the Planning Commission. Trapp provided a review of the Planning Commission review process and the role of the Planning Commission to act as advisors to the City Council. She said that ultimately, it is the City Council to make a final decision. Trapp explained that the Planning Commission would be holding a public hearing this evening to solicit input from the community. She said that the Planning Commission would be evaluating

land use and subdivision requests based on the City's Comprehensive Plan, City Code and standards set by Minnesota State Statute.

Trapp provided an overview of the project. She said that Lake Minnetonka Flats, LLC is proposing 12 for-sale, condominium flats at 2400 – 2420 Commerce Boulevard. She explained that the units would be spread across three, 2-story buildings with four units in each building. Trapp added that the project also proposes a boardwalk and a shared HOA dock arrangement with an adjacent property. Trapp says that this part of the project is under review separately by other organizations including the MNDNR, MCWD, and LMCD.

Trapp explained the location which is along the eastern side of Commerce Boulevard, between Auditors Road and Bartlett Boulevard; next to Lost Lake. She said that the applicant is proposing to combine the vacant two lots; 2420 Commerce Boulevard and 2400 Commerce Boulevard. She informed that the combination would create a new lot the size of 7.9 acres. Trapp stated that the existing conditions on the two properties include an accessory shed and vacant land.

Trapp reviewed the requests from the applicant, including a request for a major subdivision-preliminary plat that would include replatting the existing two properties into a single lot. Trapp said the request also included a Conditional Use Permit for a Shoreland Planned Unit Development (PUD), which is required by the Mixed Use – Corridor (MU-C) District regulations.

Trapp said that the City's Comprehensive Plan guides the area a Mixed Use and that the goal of the Mixed Use District is to support commercial, public, and residential uses, including townhomes and rowhomes. She added that the district requirements are meant to provide flexibility so developers have options when considering infill development, especially with unique properties. Trapp explained that the density goal is 8 to 15 units/acre. Trapp said that the proposed development is 9.2 units per acre which was calculated by using the 1.3 acres of site above the Ordinary High Water Mark (OHWM.)

Trapp explained that the zoning for the lots is Mixed Use –Corridor and the property is located within the Shoreland Overlay District and new developments require a PUD.

Trapp reviewed the project overview. She exhibited renderings that showed the design of four units per building. She said that the units would be either two or three bedroom units. She added that there would also be a 12 by 12 (144 SF) accessory building on the north end of the property. Trapp reviewed the parking plan that would include private, below grade inside two-stall garages with a drive aisle for access.

Trapp explained the preliminary plat and how combining the two lots would create a 7.9 acre lot. She informed that it is anticipated that the applicant would pursue a common interest community (CIC) plat for the proposed condominiums. She added that the applicant would be required to place drainage and utility easements along the property perimeter.

Trapp reviewed the Conditional Use Permit (CUP) request. She explained how a CUP was required per City Code for a Planned Unit Development (PUD). Trapp reviewed that the PUD allows for flexibility with regards to development and supports redevelopment. She said the intention is to establish dimension and design standards.

Trapp discussed the site plan setback requirements. She said that the site does not allow for a lot of depth which causes the development to be a bit tight. Trapp informed that the front yard setbacks vary between 6.9 and 39.9 feet due to the curve of the street, Commerce Blvd as well as the variation of wetland edge along the rear of the property. She added that the lot depth is also a challenge with the 50 feet OHWL requirement. She said that a majority of the project is located outside of the 25 foot shore impact zone. McEnaney asked if the buildings would be located within the 50 foot setback. Trapp confirmed that the buildings would be within the 50 foot setback and that, for any project, something would need to be allowed as far as being within the 50 foot setback due to the uniqueness of the property site. Trapp talked about the setback ranges that the project emphasizes more of the lakeside features of the buildings. She informed that the smaller front setbacks are due to a recent change of the City Code that emphasizes creating more of a walkability and pedestrian feel with buildings being closer to the road and adjacent sidewalks. Trapp said that parking lots are not allowed in the front of these developments for the same reason.

Trapp reviewed the proposed building dimensions and design standards which included a common area and one level units ranging from 760 square feet (2 bedrooms) and 880 square feet (3 bedrooms). Trapp highlighted the required architectural requirements for the project and stated that it meets the City's requirements. She stated that staff would like to follow up with the applicant about the pedestrian entrance coverings to make sure they are part of the final project design. Trapp informed that the buildings will meet the 35 foot building height requirement. Trapp stated that the building will have a ground level at 937.5 feet, which is located above the required 933.0 feet for the Regulatory Flood Protection Elevation.

Trapp reviewed the project's site suitability. She explained the process of tiering density for shoreland projects. She said that when there is development along a lake, development within the first tier of land allows for a maximum of 5 units, based on a 10,000 square foot lot size. Trapp said that the 12 units is appropriate for the MU-C District with a PUD. She mentioned that if this method wasn't used for calculating density, then previous projects within the downtown wouldn't have been allowed either.

Trapp informed that the open space on the site would be 66.8%. She added that 78.7% of the shore impact zone area would be preserved, which meets the requirements. She informed that these numbers were provided by the developer and that staff still needs to verify the information.

Trapp reviewed that the proposed access point onto the property would be a driveway access from Commerce Boulevard. She explained in more detail that units would have a private 2-car garage. She explained how unit owners would navigate access to their private parking through a diagram. Trapp said that the developer is proposing visitor parking along Commerce Boulevard. She said that there is no on-site visitor parking. She recommended that this be looked at further. Trapp said that staff is recommending additional information on snow removal management plans for the driveway areas and the boardwalk.

Trapp provided information about the landscaping plan which includes the planting of 12 deciduous trees, native seeding, and sod ground cover. She explained that staff has some concerns regarding site maintenance due to some areas with proposed steep slopes. Trapp said that the developer will be required to address these concerns.

Trapp went into detail about the neighboring wetlands. She informed that there is one public water wetland that makes up 6.85 acres of the site. She explained that the wetland is catalogued by the MNDNR as a public water wetland that extends beyond the site. Trapp said that there are wetland buffer requirements that will need to be met per the MCWD. Trapp informed that the project would propose a 45.3% impervious surface coverage. She said that the MCWD would be reviewing the proposed storm water management plan and that the applicant would have to meet any listed requirements.

Trapp stated that staff distributed the application ahead of the meeting to other City staff, City consultants, Agencies, and Utilities for review and consideration. Trapp reviewed comments received from the various organizations:

Minnesota DNR

The DNR provided an initial letter that requested that the developer demonstrate how the proposed project is consistent with the city's shoreland PUD criteria, including density tiering and required open space preservation. It also requested an assessment on any needed variances based on the analysis.

The DNR provided another letter on August 30th that provided comments on the DNR's position about the dock and boardwalk proposal. The DNR stated that outside of the docks and boardwalk, the application is primarily a land use and subdivision request and that City focus on those elements currently and that approval for the docks and boardwalk would not be addressed at this time.

Trapp informed that the applicant addressed the DNR comments within the initial letter and that per the follow up letter, the City will wait on review and recommendations from the other agencies that would regulate the boardwalk and dock portion of the project.

City Engineer

Provided several recommendations with regards to project street work requirements, sloping, landscaping, storm water management and water access.

Trapp stated that the engineering comments would be added as project requirements per conditions of approval.

Mound Fire Department

No preliminary building issues identified. Expressed approval for the fire suppression system that would be installed. Noted that parking on Commerce Blvd would limit the use of the ladder truck in the event of a structure fire, but that this does not violate Fire Code or state statutes and therefore no change is needed.

Hennepin County Transportation

Comments included the applicant had already addressed some concerns about encroachments in the public right-of-way by moving stair and retaining wall locations. That storm water drainage patterns would not be altered without MCWD and County approval, and flow rate requirements would be followed. That due to the slope of the site, the driveway would meet specific requirements.

Trapp informed that the applicant had already addressed some of the concerns provided regarding the stairs and retaining walls needing to be located entirely on the property and not within the public right-of-way. She said that more comments from Hennepin County are expected soon.

MCWD

Noted preliminary support for project after conversations with applicant and that the storm water plan is still under review.

Lake Minnetonka Conservation District (LMCD)

Noted that the LMCD is aware of the application but does not plan to review the application until the requirements of the MCWD and DNR are satisfied. This relates to the dock portion of the application.

Metropolitan Council Environmental Services (MCES)

Noted that the MCES doesn't have any facilities in this area.

Trapp informed that staff sent out a public hearing notice of which a mailed notice was sent to all properties in the project area or within 350 feet on August 21st, 2024. She said that the notice was posted on the City's bulletin board on August 20th and on the City's website on August 27th, 2024. Trapp said that the notice was published in the Laker on August 24th, 2024. She stated that no comments have been received on the project from the public.

Trapp said that the Planning Commission is scheduled to hold a public hearing for the plat and take action on the request. She informed that staff feels that the proposal generally meets the vision for the site and should move forward with certain conditions.

Project applicant, Jim Gooley – 5496 Lost Lake Lane, introduced himself to the Planning Commission. He acknowledged that the proposed project is a complex project and that the goal is to work with all agencies as partners. He informed that they are trying to address expressed concerns as best as possible. He reviewed the underground parking design and how it was a creative way to meet parking requirements. Gooley informed that parking behind the building wasn't feasible. He stated that he thought visitor parking could occur on Commerce Boulevard and didn't realize that there were winter overnight parking limitations during the winter months. He said that they would continue to look into visitor parking. Gooley explained that the project was inspired by the wishes of the family who owned the land. He said that they are honored to do a project that is inspired by their vision. Gooley said that Mound is a great community that is walkable, has good shopping options, churches, and the lake. He said that the project design was intentional as it works to highlight the neighboring nature features and the walkability of that area. Gooley informed that he is in agreement with the presented Planning Report and that they acknowledge they need to continue to work through comments and concerns. He said that process has been a bit daunting. He said that one of the project goals is to be an asset to the community and to spur further development in the area.

Baker asked Gooley about concerns related to snow removal and how that was going to be addressed.

Gooley informed that during high snow fall events, the snow would likely have to be removed from the site and stored elsewhere. He said that this would be paid for and coordinated through the Homeowners' Association (HOA).

Baker asked about visitor parking and the plan of not having and visitor parking available on site. He mentioned that there is no overnight winter parking during the winter months.

Gooley stated that they are not heavily relying on visitor parking. He explained that some of the owners will likely be "snowbirds" who head south during the winter months. He mentioned however that they are looking at acquiring neighboring land to try and address this concern.

McEnaney said that it is a great looking project and that it will fit in great in that location. She expressed concern for the zero on site visitor parking however and asked the developer to seriously consider adding some visitor parking. She mentioned that she thought two of the buildings seemed too close to each other.

Gooley said that the location of the buildings is due to the curve in the road, Commerce Blvd, as it dictated the angle in which the buildings can be placed. He said the curve creates a challenge.

McEnaney stated that she understood the constraints, but that it did seem tight. She asked about the neighboring property and what would change if they were able to acquire that property.

Gooley stated that was a difficult question to answer because they don't have a lot of information at this time. He stated that if they were to be able to purchase nearby land, that he projected parking to be better.

Heal asked how it was determined to have four units per building.

Gooley said that per market analysis and the desire for one level living, that the stacking of the units made sense. He explained that it is essentially a large house that is split between four living dwellings.

Trapp asked if there were coverings over the pedestrian entrance ways.

Tim Whitten confirmed that there would be projections over the doors of the common access entrances. He explained that for each building, the two ground units would each have an additional entrance door from the outside. He explained that the goal was to meet the Comprehensive Plan design goals of the "townhome feel".

Wacker asked about how owners would receive their mail and deliveries.

Tim Whitten stated that there would be mailboxes located within the main common entrance for all units.

Heal asked if the development required a designated public space.

Trapp informed that public space requirements are not a required for townhomes. She said that if it were an apartment building, then yes, but that for this project, it was not required. She mentioned that each unit has a private outside patio or balcony space.

McEnaney asked about the driveway entrance off of Commerce and the shared driveway into each units' garage stalls.

Trapp explained the driveway entrance and how, depending on the unit, the owner would turn right or left into their designated building and park underground in one of their two designated garage stalls. She mentioned that property owners within the eastern most building would have to drive through the middle building first to get to their building's underground parking.

Wacker stated that it seems a bit odd, but that she understands why the design is this way.

Trapp stated that each of the parking areas of each unit will have a garage door for privacy and security reasons.

Rosener asked what makes this project a townhome versus a multifamily project.

Trapp explained that multifamily buildings, like apartments, traditionally have a hallway access on the inside to the units. She said that apartments are generally rental units as well. She informed that these townhomes are for sale and will not be rentals.

McEnaney asked about the building height requirements of 35 feet and asked if that requirement was being met currently.

Trapp explained the process for which building height is measured and confirmed that the project will meet City Code.

McEnaney said that she wanted to understand how the project would impact the view of the lake.

Savstrom asked for more information on the vision of the boardwalk.

Carl Runck stated that the goal of the boardwalk was to create a valuable amenity for the property owners. He informed that having access to the lake has been a successful marketing model for other local projects. He informed that the boardwalk would establish a connection to a neighboring dock that would be the location for boat slips for the units. He explained that the layout of those docks would be per LMCD rules. He said it would be HOA administered. He added that it would be an attractive amenity. He said that they would be enhancing what is currently there and that the improvements would not include dredging of the lake.

McEnaney mentioned that the MNDNR and other agencies are reviewing this request. She asked how it would impact the sale of the units if not approved.

Carl Runck explained that it would definitely impact the sales of the units. He informed that they will know more within 30 – 45 days with regards to approvals, etc. He stated that they are taking the process one step at a time and the LMCD has been very supportive. He said that the boardwalk would be installed over existing land and reiterated again that there would be no dredging of the lake.

The Public Hearing was opened at 8:04 PM

No one came forward.

The Public Hearing was closed at 8:05 PM

Heal expressed concern about snow removal and the lack of visitor parking and asked that the developer continue to look into these issues for resolution.

Goode mentioned adding a condition within the resolution that would ask the developer to address these concerns.

Baker stated that the project looks great. He did express concern about the lack of parking. He recommended that the developer continue exploring options with the property to the north for parking. He said he liked the parking garage design and the boardwalk concept.

Wacker expressed concern about the parking. She mentioned however that the public parking ramp isn't too far from the property. She said people could walk there. She stated that she was unsure if people could park overnight however during the winter months.

Goode mentioned that elderly visitors would not be able to walk that far.

Wacker expressed concern about people wanting to buy the units without visitor parking options.

Heal asked about the per-unit parking requirements and if there was a minimum number of spots requirement per unit. He said that design and layout are aesthetically pleasing and that the boardwalk was nice.

Rosener said that he is happy with the number of proposed units. He said that he likes that there will be more families on the lake.

Young said that people will figure out where to park and how to visit.

McEnaney stated that the original concept that came to the City Council previously included two visitor parking stalls. She asked why those were removed from the design.

Matt Pavek, the project civil engineer, explained that upon further review of the site properties, the steepness of the driveway determined that the proposed parking spaces weren't feasible and needed to be removed. He mentioned that there is one temporary parking spot at the bottom of the driveway.

Trapp confirmed that the City Code requires two parking spots per dwelling unit, which is being met with the two underground garage parking stalls. Trapp explained that even so, visitor parking is generally recommended.

McEnaney asked that they try and add the two spots back in.

Trapp asked the engineer if that was feasible.

Matt Pavek, explained that the two parking spots wouldn't be able to be added back into the design because of the slope on the property.

Smith recommended that the developer continue to pursue parking opportunities with neighboring properties.

Goode recommended talking with the neighboring church and/or other non-residential property owners.

MOTION by Baker to recommend the Planning Commission recommend to the City Council approval of the major subdivision of the preliminary plat as submitted with the 10 listed conditions and 3 findings of fact; seconded by Rosener. **MOTION** passed 9-0.

MOTION by Baker to recommend the Planning Commission recommend to the City Council approval of a Conditional Use Permit for a Shoreland Planned Unit Development with 12 for-sale condominium units with the 12 listed conditions, plus an added condition that the developer continue to work with the city on visitor parking options, and 6 findings of fact' seconded by Rosener. **MOTION** passed 8-1. Planning Commissioner Heal voted against motion stating that he was not comfortable with the current answer provided for visitor parking.

Archambault stated that if visitor parking is not figured out, that it is the developer's issue to navigate.

OLD/NEW BUSINESS

A. 2024 Planning Commission Term Expirations

Smith reminded that the terms of Commissioners David Goode, Drew Heal, and Nick Rosener are up on December 31, 2024. She said that if any of them are interested in reappointment to contact her as soon as possible.

B. Council Liaison and Staff Reports/Updates

McEnaney mentioned that the City Council will be reviewing the 2025 City budget at upcoming City Council meetings. She mentioned the Our Lady of the Lake Festival is coming up soon in mid-September.

Smith said that she didn't have any updates. She said things have been busy.

Goode asked for an update on the progress on the restaurant business located at Commerce. Smith stated that she doesn't have an update beyond what was mentioned at the last meeting. She said that they continue to work within the current permits that they were issued.

Wacker asked that the Planning Commission consider talking about moving the meetings to 6 PM instead of 7 PM at their next meeting in October.

ADJOURNMENT

MOTION by Archambault to adjourn at 8:26 p.m.; seconded by Rosener, **MOTION** carried unanimously.

Submitted by Maggie Reisdorf



PLANNING REPORT

TO: Planning Commission
FROM: Rita Trapp, Consulting Planner
Sarah Smith, Community Development Director
DATE: September 27, 2024
SUBJECT: 2024 Code Updates
MEETING DATE: October 1, 2024

The Planning Commission will continue its discussions on the zoning code updates for 2024 with two topics:

- Signs - Staff has prepared the attached revision to the sign code as was previewed this summer.
- Corner lot setbacks – In response to the recent Planning Commission discussion, Staff would like to review the existing code and identify needed changes.

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:

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

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 nonpermanent paper, cloth, or plastic-like material.

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.

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.

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.

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.

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.

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.

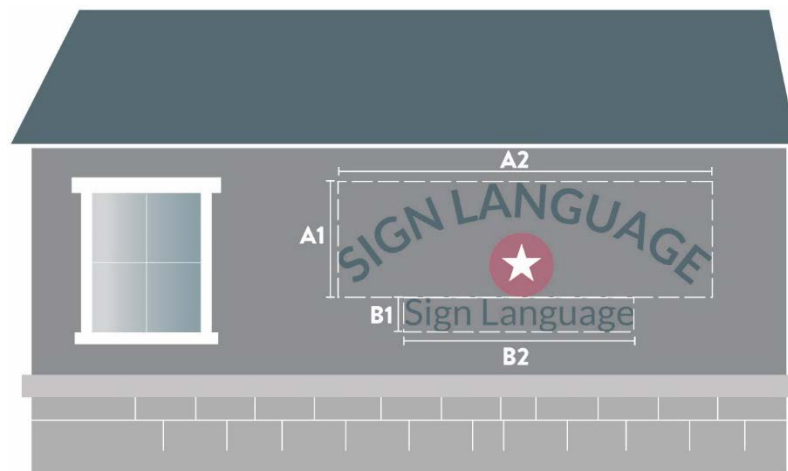
Temporary sign means any sign intended to be displayed for a short period of time.

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.

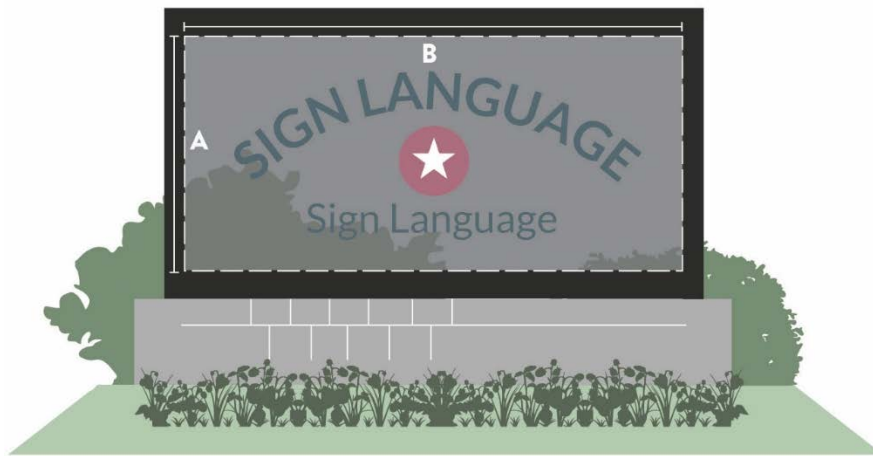
- (a) One property identification sign, visible from the public way, shall be allowed per building in all districts. Such signs shall contain the street address in minimum four-inch numerals and shall be securely attached to the structure.
- (b) No sign other than governmental unit signs shall be erected 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. 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.



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

- (g) 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.
- (h) Signs shall be maintained in good condition and shall be removed and/or replaced if they become torn, faded, or otherwise damaged.

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-.
- (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 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. 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. The use of temporary banners, pennants, and ground banner signs shall be limited to four occasions per calendar year.
 - (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.
- (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.).
- (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 said sign does not exceed 15 percent of said wall up to a maximum of 175 square feet in area. Individual signs shall not exceed 100 square feet. Additionally, 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.
 - (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.
 - (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.
 - (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.
 - (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.

- (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.
- (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. 119-9. 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.