

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 SPECIAL/RESCHEDULED MEETING AGENDA
TUESDAY, NOVEMBER 19, 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. October 1, 2024 regular meeting minutes	1
5. Board of Adjustment and Appeals	
A. Planning Case No. 24-16 Review/ recommendation - variance for house remodel/additions project 3118 Drury Lane Applicant: Mark Tigh-Crea and Susan Crea-Tigh	4
B. Planning Case No. 24-17 Review /recommendation – variance for new detached garage/accessory structure 2503 Lost Lake Road Applicant: Patrick and Rebecca Horgan	28
C. Review/discussion of proposed amendments to City Code Chapter 119 (Signage) – <i>continued from October 1, 2024 meeting</i>	44
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, December 3, 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
OCTOBER 1, 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, and Drew Heal.

Members Absent: Kathy McEnaney, Nick Rosener, and Jake Savstrom.

Staff present: Sarah Smith, and Maggie Reisdorf.

Members of the public: None

APPROVAL OF MEETING AGENDA

Goode recommended that the agenda be amended to remove the discussion on Corner Lot Setbacks for tonight's meeting. Baker recommended that the agenda be amended to table item 6B Planning Commission meeting start time and possible change until a time when more members of the Planning Commission are present to discuss.

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

REVIEW OF SEPTEMBER 3, 2024 REGULAR MEETING MINUTES

MOTION by Baker to approve the September 3, 2024 rescheduled regular meeting minutes as written; seconded by Archambault. **MOTION** carried unanimously.

BOARD OF ADJUSTMENTS AND APPEALS

Review/discussion of proposed amendments to City Code Chapter 119 (signage)

Smith introduced this item to the City Council. She informed that it would be a high-level discussion for the first draft review of the proposed amendments as Consulting Planner, Rita Trapp, and three Planning Commissioners were absent for this meeting.

Smith provided a review of the changes that were being considered to City Code Chapter 119. She informed that it is not part of the zoning code and that it is a standalone chapter. She said that the need for updating the chapter stems from the City's recent updates to the City districts. She said that with those recent updates to that section of the City Code, the sign ordinance is now currently outdated with regards to its referencing between the two Code documents. Smith said that a goal of the update is to also better streamline the sign permitting process and to make sure the City's code remains consistent with state and federal laws.

Smith reviewed proposed amendments that will be discussed and considered. She stated that there will be new regulations added to provide clarity, specifically related to the method of calculation with imagery. She mentioned other notable changes including moving away from permitting for items like temporary signage (banners, sandwich boards, and portable signs) and new provisions for dynamic displays.

She informed that the amendments do not require a public hearing, but must be posted on the City website for at least 10 days before it is brought to the City Council for decision making.

She stated again that the goal of tonight's meeting is to do a high level review and for staff to receive questions and comments that can be researched for another meeting in which the Planning Commission will review again.

Baker noted that under definitions, the definition for Development Signs was out of order. He stated that under the definition for Prohibited Signs, it defines signs as those that have changes in intensity and light. He asked Smith if that would have to be eliminated from the Code due to the addition of "dynamic display" signs.

Smith agreed, stating that it would likely be removed.

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 all of them have responded stating that they are interested in renewing their appointments. She informed that two other Commissioners will be stepping down at the end of the year due to personal reasons or scheduling conflicts. She said that the vacant seats will be posted and that interviews will be held before the end of the year.

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

Due to members absent, this item was tabled to the next meeting.

C. Council liaison and staff report/update

Smith stated that the City Council approved the Minnetonka Flats project at their September 24, 2024 City Council meeting. She said that the final plat still needs to be approved and the goal is for approval by the end of October. She said that the developer is hoping to break ground by the end of the fall season.

Baker asked about the parking concerns that the Planning Commission had. Smith informed that a condition for approval was that the developer would be entering into an agreement with the nearby Gillespie Center for six dedicated visitor parking spaces.

Goode stated that Councilmember McEnaney requested that he mention at the meeting that the Farmers Market is still going for another two weeks and ends on October 12, 2024 and that a local resident, Johnny Royer, passed away recently and that his visitation and funeral will be held at the Gillespie Center this week.

D. Upcoming meeting date: Tues. November 19, 2024 Special/Rescheduled Meeting at 7:00 pm

Smith said that due to the 2024 General Election on November 5, 2024, that the November Planning Commission meeting will be rescheduled for November 19, 2024.

ADJOURNMENT

MOTION by Baker to adjourn at 7:20 p.m.; seconded by Archambault, **MOTION** carried unanimously.

Submitted by Maggie Reisdorf



PLANNING REPORT

TO: Planning Commission
FROM: Rita Trapp and Mia Colloredo-Mansfeld, Consulting Planners
Sarah Smith, Community Development Director
DATE: November 15, 2024
SUBJECT: Consideration of variance request for house renovation and additions (Case No. 24-16)
APPLICANT: Mark Tighe-Crea and Susan Crea-Tighe
LOCATION: 3118 Drury Lane (PID No. 19-117-23-33-0085)
MEETING DATE: November 19, 2024
COMPREHENSIVE PLAN: Low Density Residential
ZONING: R-1 Single-family residential district

SUMMARY

The applicant is requesting the approval of a variance to reconstruct and expand the living room, move the front entrance from the side to the front of the house, and to add a front porch. The project also proposes expanding the second floor and adding a conforming mudroom on the rear of the house. The lot is an irregularly shaped corner lot of record that is 31,503 sq ft. in area. The house was built in 1938. The applicant is requesting an 11.4 foot variance to allow the proposed front porch, front entrance, and living room reconstruction to be located within the front setback of Drury Lane.

REVIEW PROCEDURE

60-Day Land Use Application Review Process

Pursuant to Minnesota State Statutes Section 15.99, local government agencies are required to approve or deny land use requests within 60 days. Within the 60-day period, an automatic extension of no more than 60 days can be obtained by providing the applicant written notice containing the reason for the extension and specifying how much additional time is needed. For the purpose of Minnesota Statutes Section 15.99, "Day 1" is determined to be September 24, 2024 as provided by Minnesota Statutes Section 645.15. The 60-day timeline expires on or around November 22, 2024. Members and the applicant are advised that the City will be executing a 60-day extension for action on the variance application.

Variance

City Code Section 129-40 states that a variance may be granted to provide relief to a landowner where the application of the City Code imposes practical difficulty for the property owner. In evaluating the variance, the City Council must consider whether:

- (1) The variance proposed meets the criteria for Practical Difficulties as defined in City Code Sub. 129-2.
- (2) Granting of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to owners of other lands, structures or buildings in the same district nor be materially detrimental to property within the same zone.
- (3) The variance requested is the minimum variance which would alleviate the practical difficulty.
- (4) A variance shall only be permitted when it is in harmony with the general purposes and intent of the zoning ordinance and when the terms of the variance are consistent with the comprehensive plan.

According to City Code Sec. 129-2, *"Practical Difficulties"* is defined as follows:

Practical Difficulties, as used in conjunction with a variance, means that:

- (i) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- (ii) The plight of the landowner is due to circumstance unique to the property including unusual lot size or shape, topography or other circumstances not created by the landowner; and
- (iii) The variance, if granted, will not alter the essential character of the locality.
Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

NOTIFICATION

Neighboring property owners of the subject site, per Hennepin County tax records, were mailed an informational letter on November 13, 2024 to inform them of the Planning Commission's review of the variance application at its November 19, 2024 meeting.

STAFF / CONSULTANT / AGENCY / UTILITIES REVIEW

Copies of the request and supporting materials were forwarded to involved departments, consultants, agencies, and private utilities for review and comment.

Matt Bauman, City Engineer

No engineering comments.

DISCUSSION

- This lot is a lot of record. Per City Code Sec. 129-100, the side yard setback is determined by lot width. Given the irregularly shaped lot, the minimum side setback along the east side lot line is determined to be 10 feet. The current house is located 12 feet from the east side lot line and the proposed additions do not encroach so the house remains conforming in this location.
- Front yard setback is determined by lot depth based on City Code Sec. 129-100. The front yard setback from the property line abutting Drury Lane is determined to be 30 feet which is the setback for lots with lot depths of greater than 81 feet.
- The current house is nonconforming as it has a front yard setback of 25.8 feet instead of 30 feet. The proposed front porch addition has a setback of 18.6 feet so a variance is needed for this portion of the project.
- In the applicant narrative included, the applicant has indicated that the primary reason for the living room and second floor front room remodel is to address water damage, insect damage, and bring windows and wiring up to building code compliance. The reason for the variance is to allow for moving the main entrance to the house to the front of the house, adding curb appeal, and to provide a clear entry way as currently the front and back doors are on the same side of the house. The applicant states that the road was moved closer to the property since the house was built, creating the existing nonconformity.
- On grade walks / steps not exceeding 6 feet in width are allowed encroachments in setbacks.
- Maximum allowed hardcover on the property is 40 percent per City Code Sect. §129-385 (g.)(2). The submitted hardcover calculation sheet prepared for the property by the surveyor shows the property significantly under the 40 percent maximum allowance.
- Eaves can encroach 2 feet into setbacks per City Code Sec. 129-197.
- Aerial information shows a landscaping area in the vicinity of the proposed front porch.
- No other decks are shown on the submitted survey.

PLANNING COMMISSION ACTION

Staff recommends Planning Commission recommend approval of the requested front yard variance, with the following conditions:

1. Applicant shall be responsible for payment of all costs associated with the variance request.
2. The applicant shall be responsible for recording the resolution with Hennepin County unless the applicant requests the City record the resolution with the involved recording fee to be taken out of the submitted escrow. The applicant is advised that the resolution will not be released for recording until all conditions have been met and all fees for the application have been paid and the escrow account is in good standing. The submittal of additional escrow may be required.
3. Applicant shall be responsible for procurement of any and/or all public agency permits including the submittal of all required information prior to building permit issuance.
4. Additional comments and/or conditions from the City Council, Staff, consultants, and public agencies.

In recommending Staff approval of the requested variance, the following findings of fact are provided:

1. The criteria of City Code Section 129-40 Variance are being met.
2. The request to add a front porch and steps on a single-family home is in harmony with other uses in the area and fits the character of the neighborhood and R-1 district.
3. Due to lot conditions there is limited space to reconfigure the existing front of the home which was built in the 1930s. The front lot line is at an angle to the house resulting in the west portion being closer than the east.

CITY COUNCIL REVIEW

In the event a recommendation is received from the Planning Commission, it is anticipated that the variance request will be considered by the Mound City Council at the Tuesday, November 26, 2024 Mound City Council meeting with an alternate date of Tuesday, December 10, 2024. City Council meeting start time is 6:00 p.m.



2415 Wilshire Boulevard, Mound, MN 55364
Phone 952-472-0600 FAX 952-472-0620

VARIANCE APPLICATION

Application Fee and Escrow Deposit required at time of application.

Planning Commission Date _____

Case No. _____

City Council Date _____

Please type or print legibly

SUBJECT PROPERTY LEGAL DESC.	Address <u>3118 DRURY LN, MOUND, MN 55364</u>	
	Lot <u>21-26</u>	Block <u>9</u>
	Subdivision <u>PEMBROKE</u>	
	PID # _____ Zoning: R1 R1A R2 R3 B1 B2 B3 (Circle one)	
PROPERTY OWNER	Name <u>Mark Tigh-Crea, Susan Crea-Tigh</u> Email <u>tighcrea2@gmail.com</u>	
	Address <u>3118 DRURY LN, MOUND, MN 55364</u>	
	Phone Home <u>612 203-5861</u>	Work _____ Fax _____
APPLICANT (IF OTHER THAN OWNER)	Name _____ Email _____	
	Address _____	
	Phone Home _____	Work _____ Fax _____

1. Has an application ever been made for zoning, variance, conditional use permit, or other zoning procedure for this property? Yes () No (X). **If yes**, list date(s) of application, action taken, resolution number(s) and provide copies of resolutions.

2. Detailed description of proposed construction or alteration (size, number of stories, type of use, etc.):

REPLACE Living Room, ADD SECOND FLOOR, ADD MUD RM, ADD porch
USE - SINGLE FAMILY HOME

3. Do the existing structures comply with all area, height, bulk, and setback regulations for the zoning district in which it is located? Yes () No (X). If no, specify each non-conforming use (describe reason for variance request, i.e. setback, lot area, etc.):

TOO CLOSE ON EAST AND SOUTH SIDES

<u>SETBACKS:</u>	REQUIRED	REQUESTED (or existing)	VARIANCE
Front Yard: (N S E W)	_____ ft.	_____ ft.	_____ ft.
Side Yard: (N S E W)	_____ ft.	_____ ft.	_____ ft.
Side Yard: (N S E W)	_____ ft.	_____ ft.	_____ ft.
Rear Yard: (N S E W)	_____ ft.	_____ ft.	_____ ft.
Lakeside: (N S E W)	_____ ft.	_____ ft.	_____ ft.
_____ : (N S E W)	_____ ft.	_____ ft.	_____ ft.
Street Frontage:	_____ ft.	_____ ft.	_____ ft.
Lot Size:	_____ sq ft	_____ sq ft	_____ sq ft
Hardcover:	_____ sq ft	_____ sq ft	_____ sq ft

4. Does the present **use** of the property conform to all regulations for the zoning district in which it is located? Yes (X), No (). If no, specify each non-conforming use:

5. Which unique physical characteristics of the subject property prevent its reasonable use for any of the uses permitted in that zoning district?

- | | | |
|-----------------|----------------|------------------------|
| () too narrow | () topography | () soil |
| () too small | () drainage | (X) existing situation |
| () too shallow | () shape | () other: specify |

Please describe: FRONT DOOR IS ON SIDE OF HOUSE, NOT FACING ROAD, FACING WEST WIND WITH NO PORCH

6. Was the practical difficulty described above created by the action of anyone having property interests in, the land after the zoning ordinance was adopted (1982)? Yes (), No (X). If yes, explain:

7. Was the practical difficulty created by any other human-made change, such as the relocation of a road? Yes (), No (). If yes, explain:

OLD REMODELING OF 1930'S CABIN, ROAD WIDENING POST 1930'S.

8. Are the conditions of practical difficulty for which you request a variance peculiar only to the property described in this petition? Yes (), No (X). If no, list some other properties which are similarly affected?

EAST NEIGHBOR - 3122 DRURY LN, MOUND, MN

9. Comments: THE PRIMARY MOTIVATION FOR THE PROJECT IS TO REBUILD THE ROOM FACING THE ROAD TO REPAIR WATER DAMAGE, INSECT DAMAGE, NON-CODE WINDOW, NON-CODE ELECTRICAL WIRING, INADQUATE INSULATION and LEAKING ROOF.

I certify that all of the above statements and the statements contained in any required papers or plans to be submitted herewith are true and accurate. I acknowledge that I have read all of the variance information provided. I consent to the entry in or upon the premises described in this application by any authorized official of the City of Mound for the purpose of inspecting, or of posting, maintaining and removing such notices as may be required by law.

Owner's Signature Mat J. J. J. Date 9-23-2024

Applicant's Signature Susan C. C. Date 9.23.2024

November 3, 2024

Ms. Sarah Smith
City of Mound
2415 Wilshire Boulevard
Mound, MN 55364

RE: Determination of Completeness Variance for Property at 3118 Drury Lane

Dear Sarah,

Thank you for your additional information regarding our residential, variance request.

Our building and variance request is based on fixing/improving the following factors:

- (1) The variance proposal meets the criteria for Practical Difficulties as defined in City Code Sub. 129-2
- (2) Granting of the variance will not confer to us any special privilege
 - (a) The variance is due to topographical circumstances not created by us
- (3) Our variance is the minimum required to alleviate the practical difficulty
- (4) This variance is in harmony with the general purposes and intent of the zoning ordinance
 - (a) It will not alter the essential character of the locality

This project stems from a major roof leak in our living room, caused by an incorrectly-built and maintained dormer and the other rooms upstairs. It also stems from a need to repair fire damage under the eaves.

Due to upper and lower floor structural damage, plus a need to bring the insulation, wiring, stairs to the upper level, front window, etc. up to code, we made a decision to rebuild the living room and the out-of-code, leaky-roof rooms upstairs.

As far as the living room is concerned, we have no front entryway, no coat closet, and our current front door does not face the street. Furthermore, our front and back doors are on the same side of the house. Moving the front door to face the street will add curb appeal, and alleviate confusion for visitors and deliveries. Also, the home's foundation/basement extends to the end of our current front-door stoop (on the side of the house). For this reason, we would like to extend the living room to rest on that foundation. This would allow us to add a coat closet in the added floor space, repair insect damage, and alleviate water leaking into the basement from the stoop.

As far as the front porch is concerned, even with added living room floor space and moving the front door to the front of the house, we have no entryway and no buffer to prevent winter wind from blowing directly into the room. For this reason, we would like to add a small front porch. In addition to improving the home's energy efficiency and curb appeal, it is my understanding that

the street was moved closer to the house after it was built (and our neighbor's house is already closer to the street than ours).

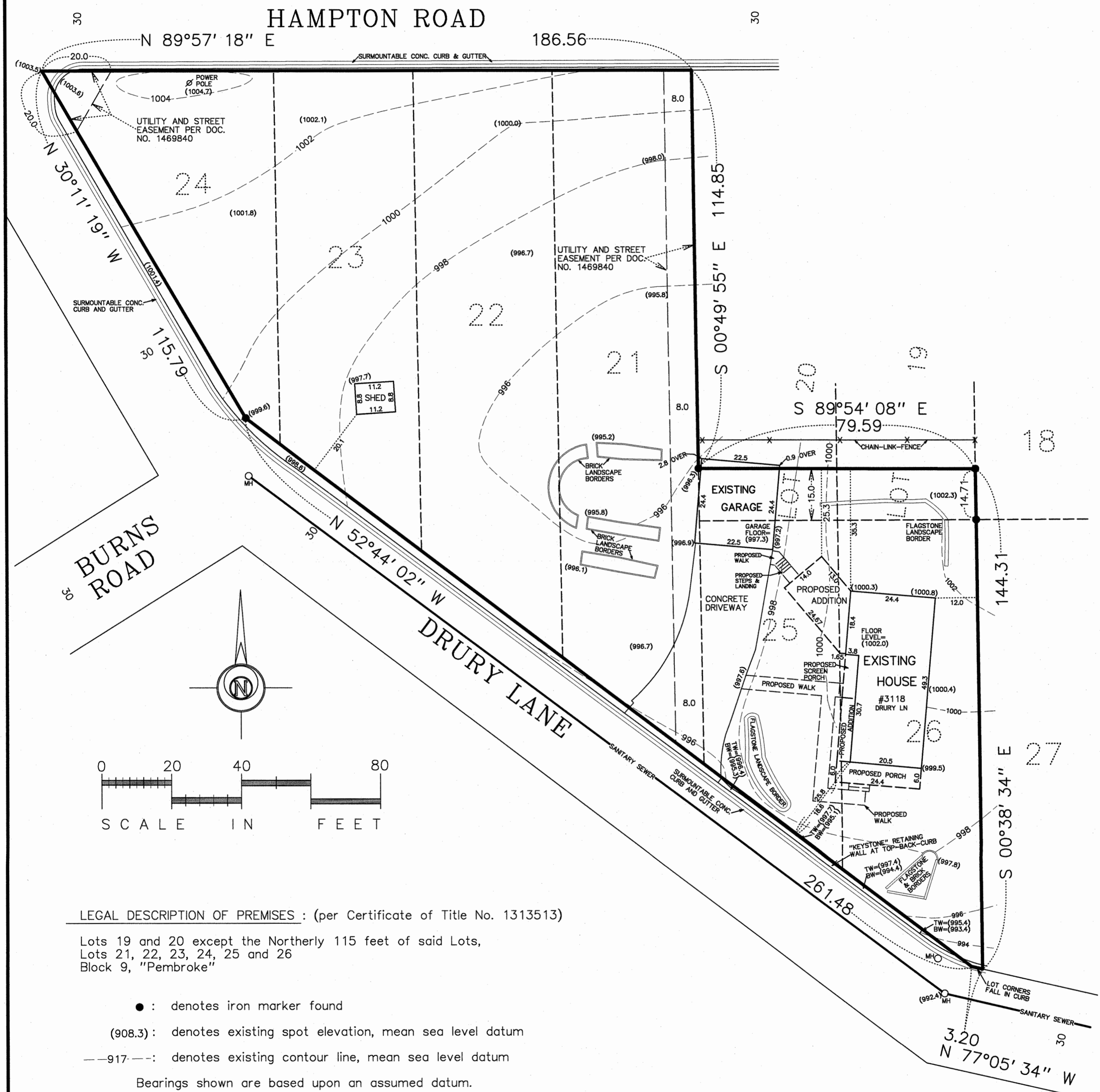
We have notified our neighbors of our building plans, and none have objected.

Thank you again for your time and consideration. Please let me know if you need additional information or if I can be of further assistance.

Warm Regards,
Susan Crea-Tighe
3118 Drury Lane
Mound, MN 55364
M: 612-423-0298

CERTIFICATE OF SURVEY FOR MARK TIGHE-CREA

OF LOTS 21-26, & IN LOTS 19 & 20, BLOCK 9, PEMBROKE
HENNEPIN COUNTY, MINNESOTA



DATE	DESCRIPTION
9-10-24	PROPOSED ADDITION

GRONBERG AND ASSOCIATES, INC.

CONSULTING ENGINEERS, LAND SURVEYORS, & SITE PLANNERS

445 NORTH WILLOW DRIVE
LONG LAKE, MN. 55356
952-473-4141

I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Mark S. Gronberg

Mark S. Gronberg Minnesota License Number 12755

SCALE 1"=20'
DATE 11-21-19
JOB NO. 24-214

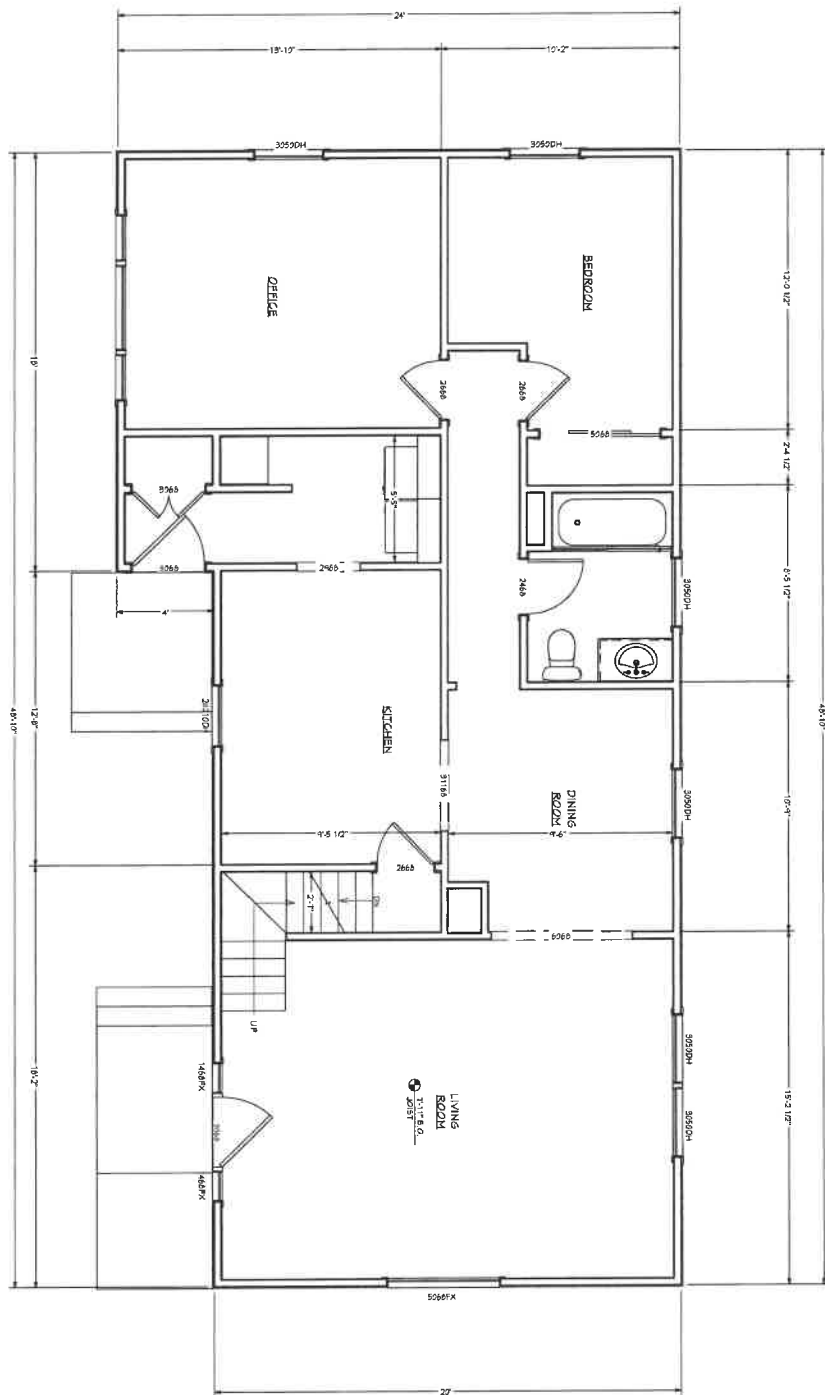
TIGHE-CREA REMODEL



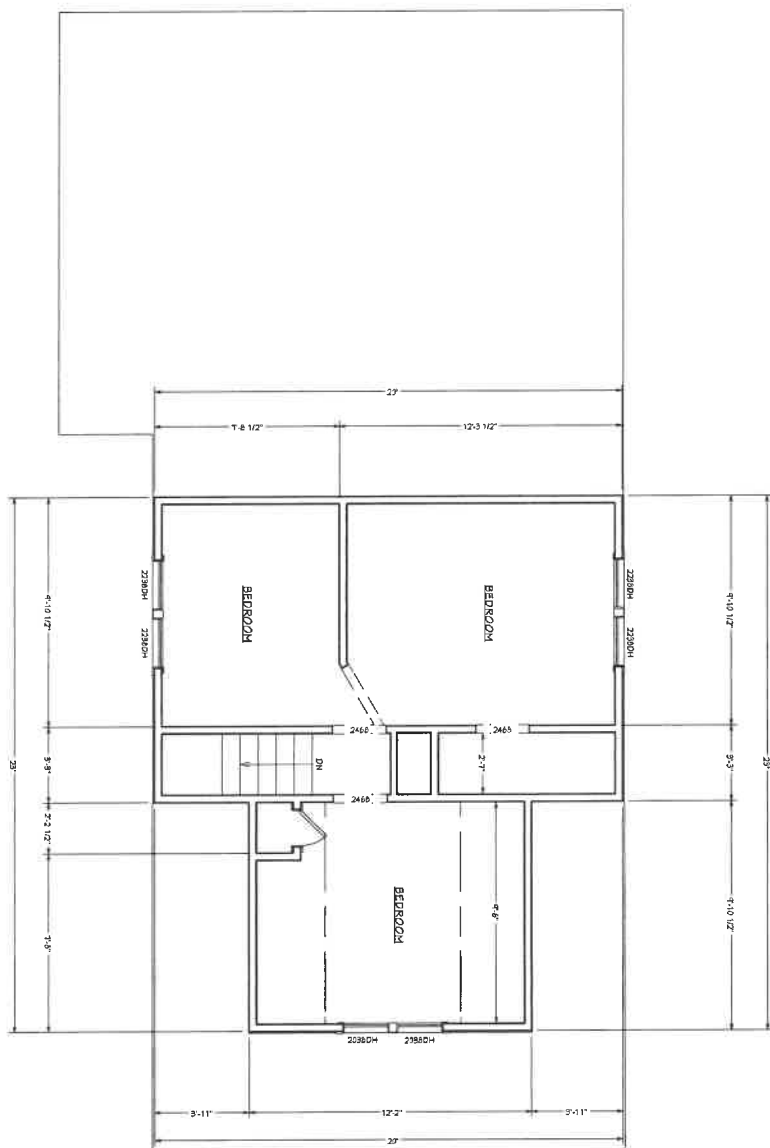
THE CONTRACTOR AND/OR OWNER MUST VERIFY & CHECK ALL DRAWINGS & NOTIFY OF ANY ERRORS OR OMISSIONS FOR POSSIBLE CORRECTIONS PRIOR TO START OF CONSTRUCTION. THE SELECTION & APPLICATION OF CORRECT STRUCTURAL MATERIALS AND SIZING IS ALSO THE RESPONSIBILITY OF THE BUILDER.

SHEET INDEX

A1	AS-BUILT MAIN LEVEL PLAN
A2	AS-BUILT UPPER LEVEL PLAN
A3	MAIN LEVEL PLAN
A4	UPPER LEVEL PLAN
A5	FOUNDATION PLAN
A6	ELEVATIONS
A7	ELEVATIONS
A8	ELEVATION
A9	SECTIONS
A10	SECTION & ROOF PLAN
A11	ELECTRICAL PLAN
A12	ELECTRICAL PLAN & DETAILS



AS-BUILT MAIN LEVEL PLAN
3/18 = 1/4"



AS-BUILT UPPER LEVEL PLAN
3/16" = 1'-0"

A2

SHEET:

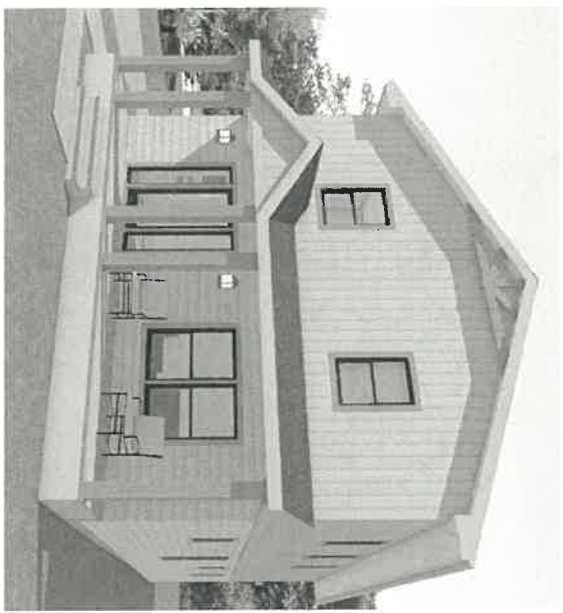
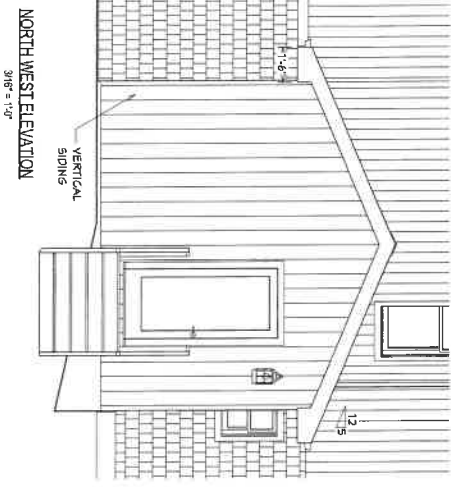
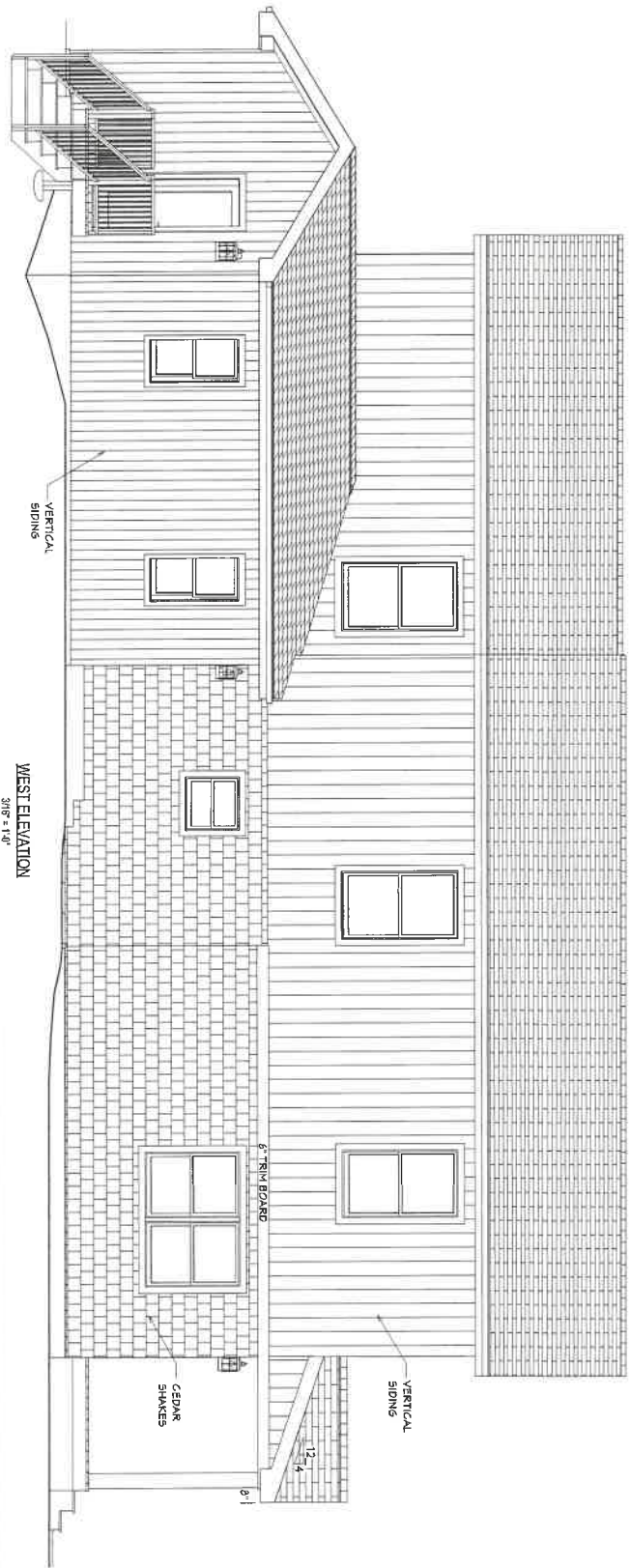
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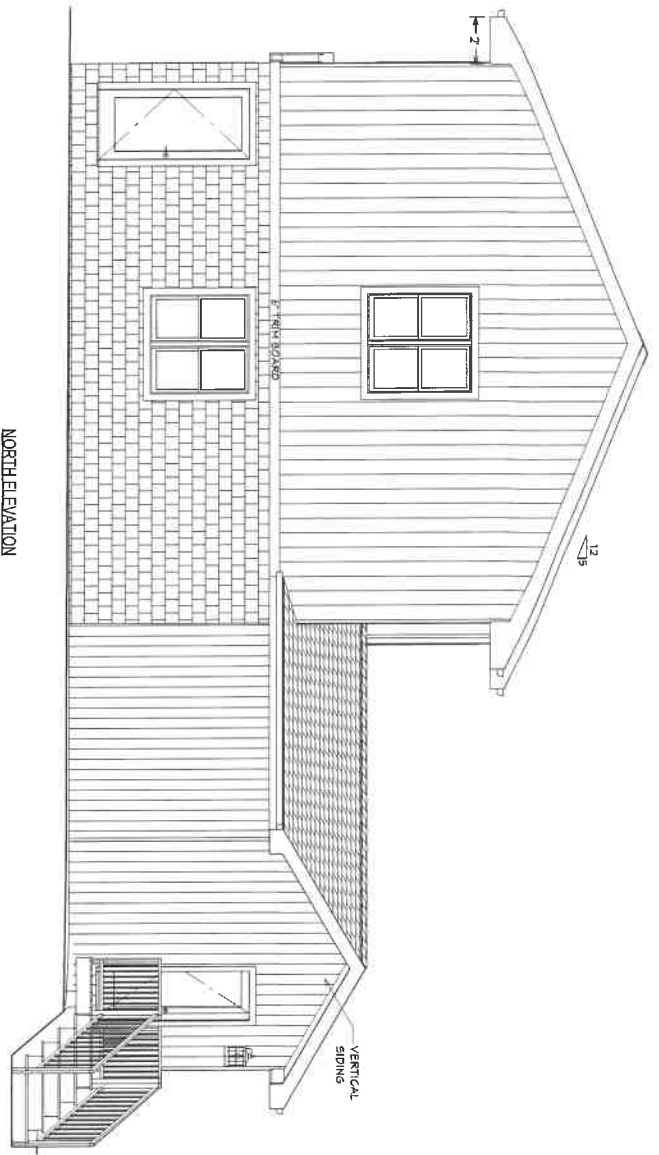
DATE:
8/28/2024

DRAWINGS PROVIDED BY:
MGE
DRAFTING & DESIGN
13601 79th Ave. N.
Maple Grove, MN 55311

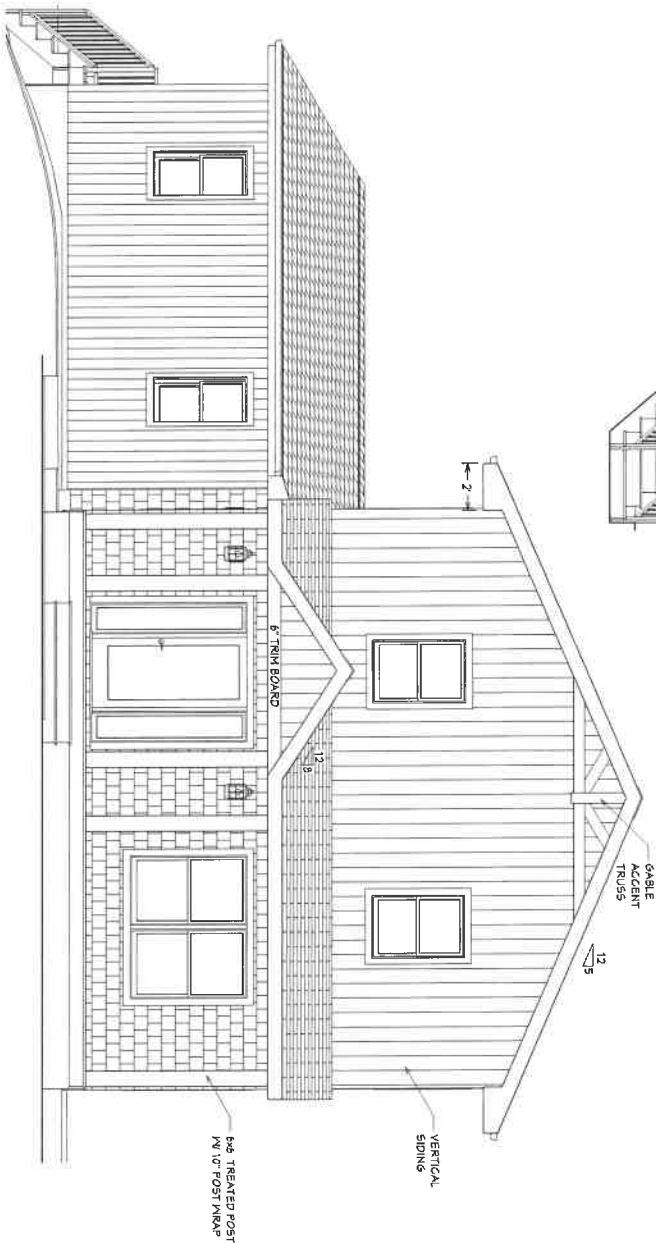
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TIGHE-CREA REMODEL
3118 DRURY
MOUND, MN 55364

SHEET TITLE:
AS-BUILT UPPER LEVEL PLAN

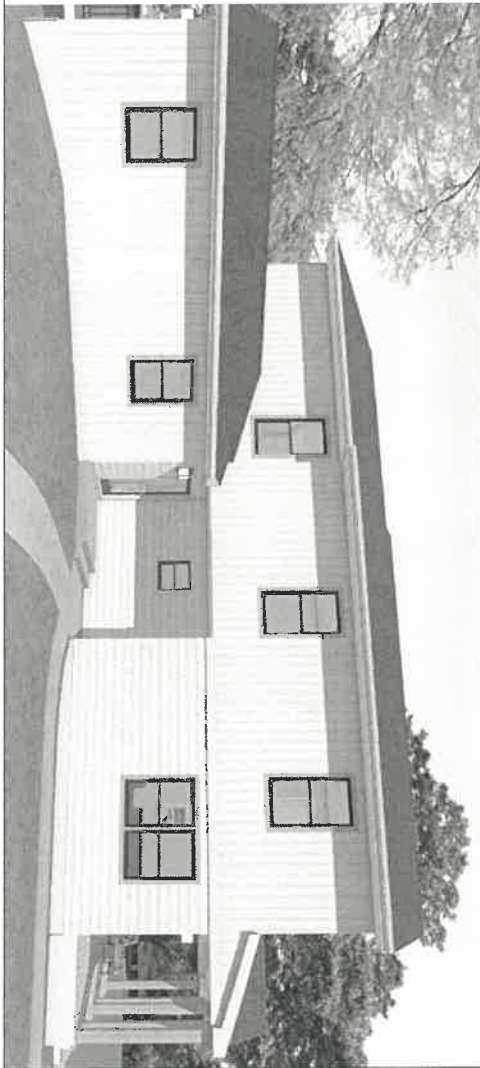
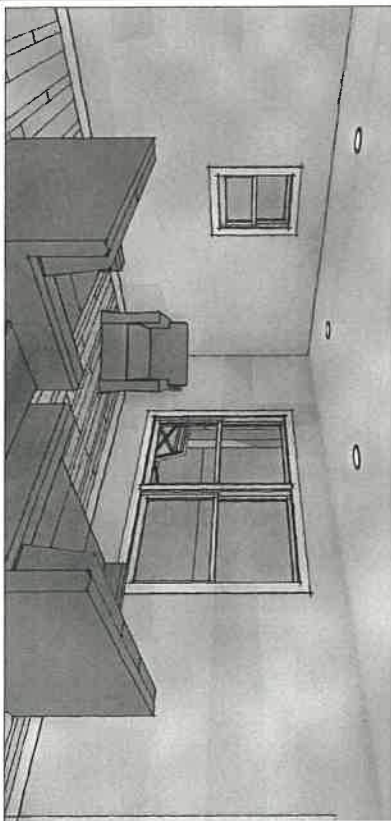




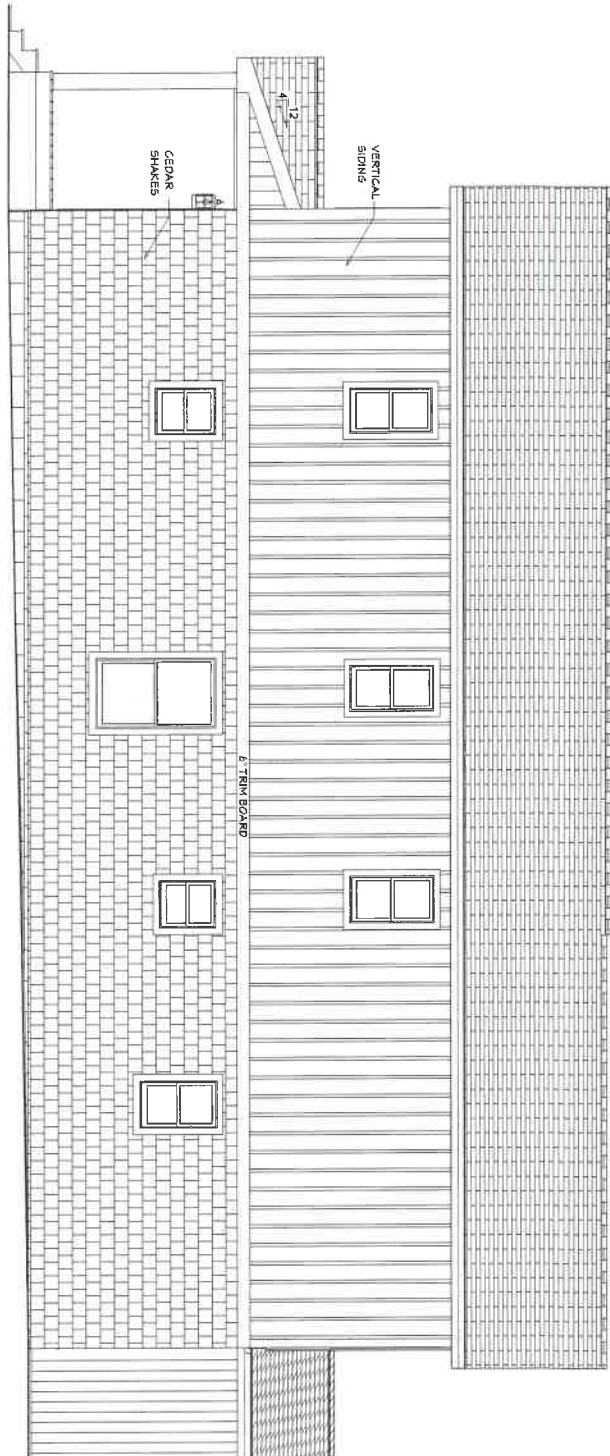
NORTH ELEVATION
3/16" = 1'-0"



SOUTH ELEVATION
3/16" = 1'-0"



EAST ELEVATION
3/10" = 1'-0"



A8

SHEET:

SCALE:

DATE:

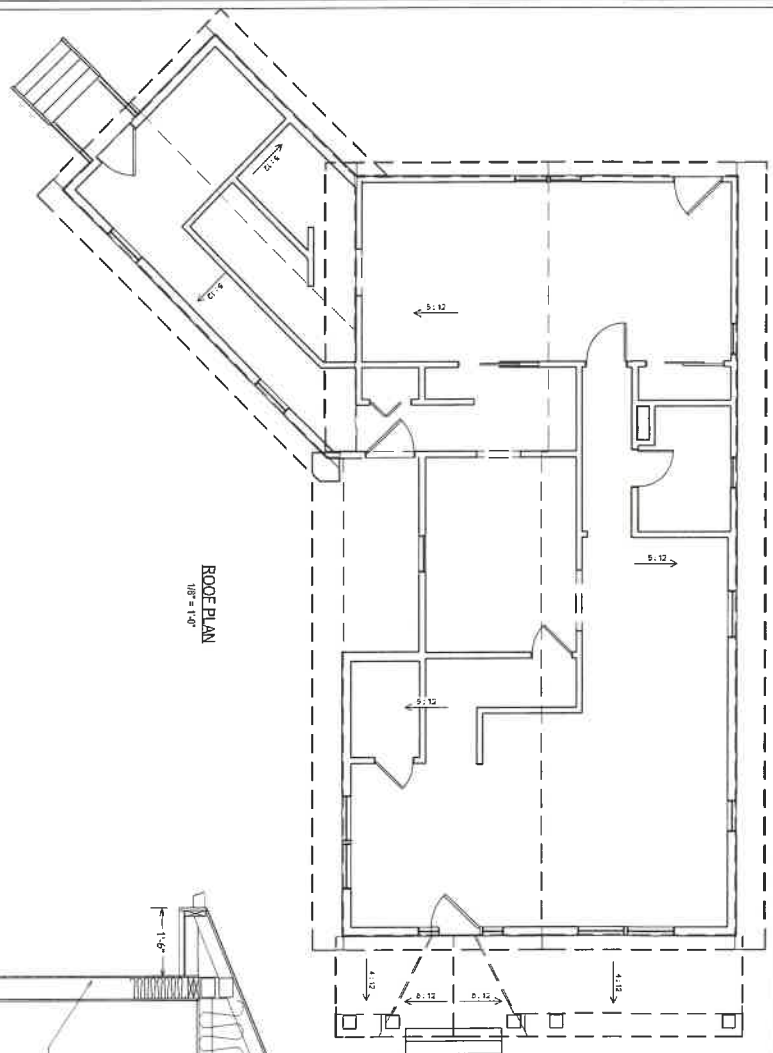
8/28/2024

DRAWINGS PROVIDED BY:
MGE
DRAFTING & DESIGN
13601 78th Ave. N.
Maple Grove, MN 55311

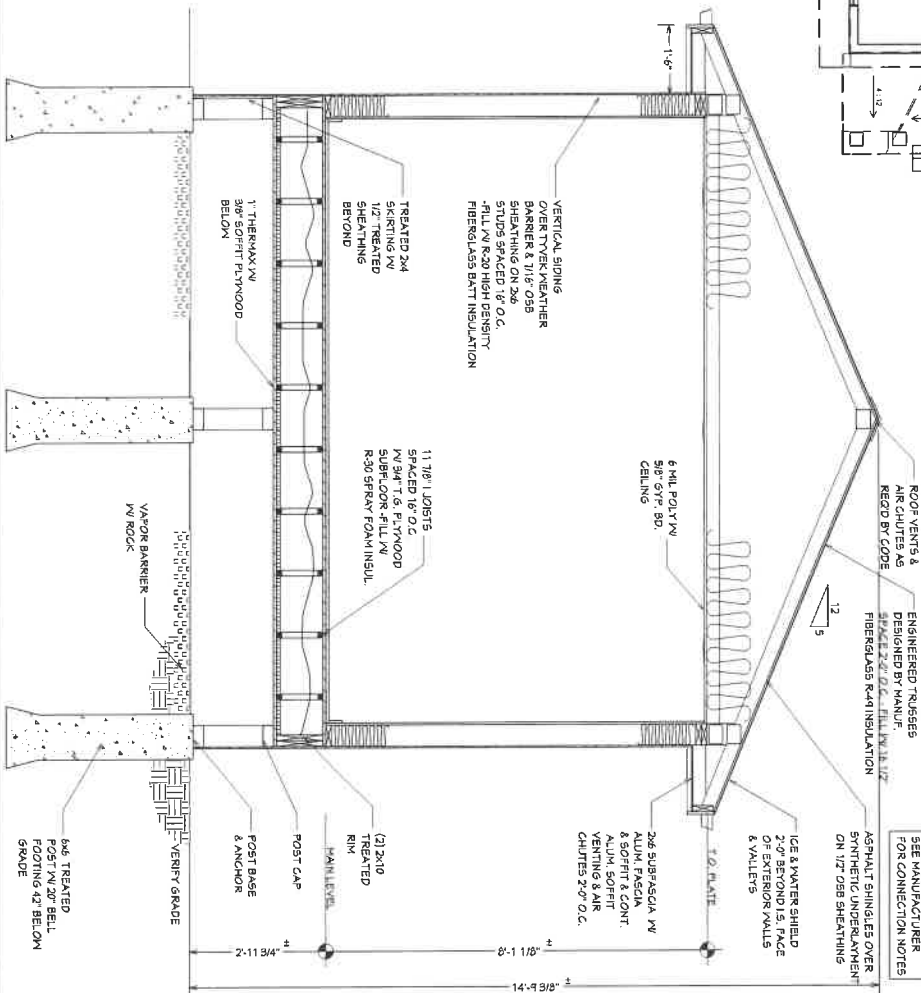
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TIGHE-CREA REMODEL
3118 DRURY LN
MOUND, MN 55337

SHEET TITLE:

ELEVATION



SECTION
3/8\"/>



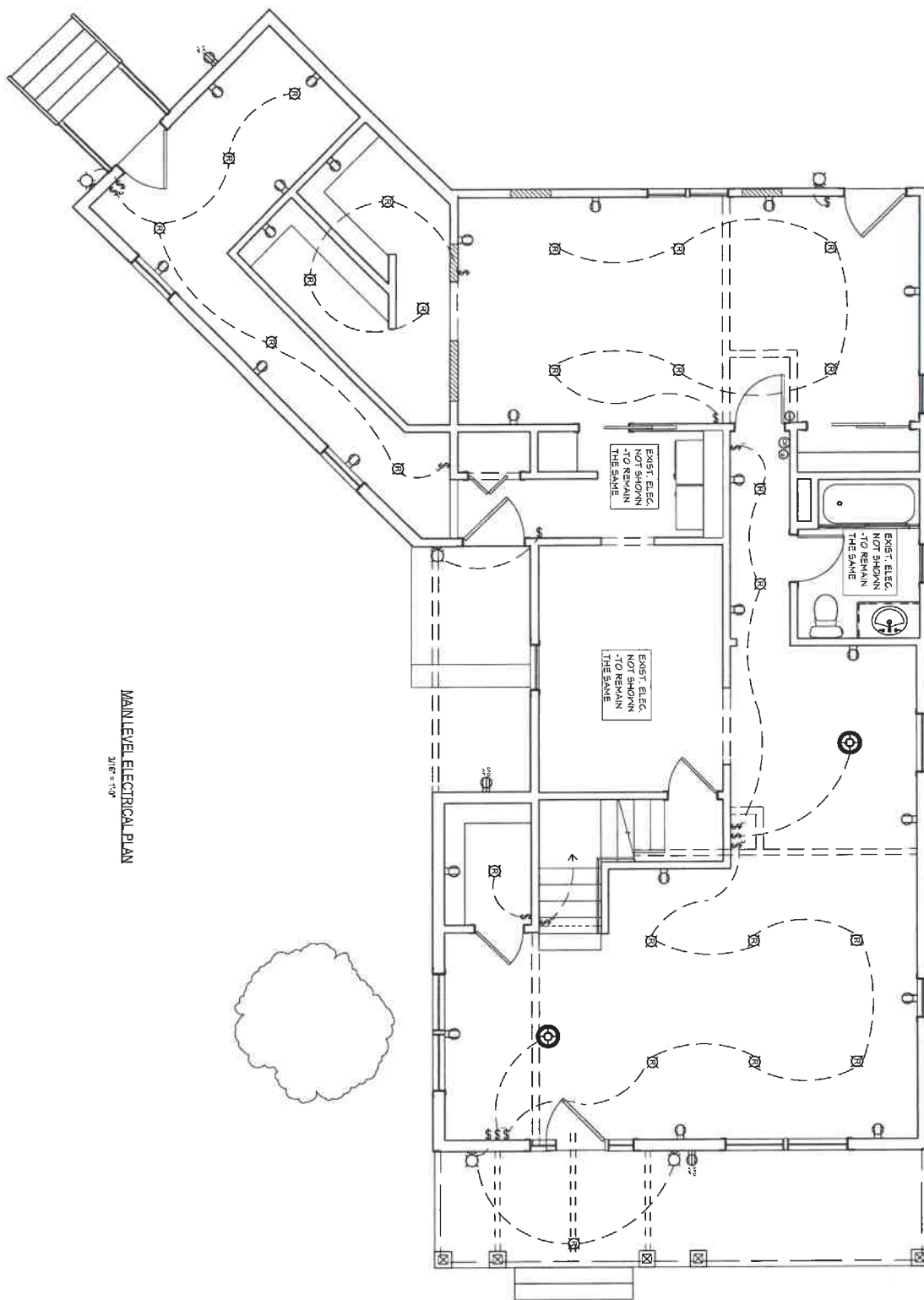
A10

SHEET:
SCALE:
DATE: 8/28/2024

DRAWINGS PROVIDED BY:
MCE
DRAFTING & DESIGN
13601 78th Ave. N.
Maple Grove, MN 55311

PROJECT DESCRIPTION:
TIGHE-CREA REMODEL
3118 DRURY LN
MOUND, MN 55339

SHEET TITLE:
SECTION & ROOF PLAN



MAIN LEVEL ELECTRICAL PLAN
3/18" = 1'-0"

A11

SHEET:

SCALE:

8/28/2024

DATE:

DRAWINGS PROVIDED BY:
MGE
DRAFTING & DESIGN
13601 70th Ave. N.
Maple Grove, MN 55311

PROJECT DESCRIPTION:
TIGHE-CREA REMODEL
3118 DRUM LN.
MOUND, MN 55337

SHEET TITLE:
ELECTRICAL PLAN



HARDCOVER CALCULATIONS

(IMPERVIOUS SURFACE COVERAGE)

PROPERTY ADDRESS: 3118 DRURY LANE

OWNER'S NAME: MARK TIGHE-CREA

LOT AREA _____ SQ. FT. X 30% = (for all lots)

LOT AREA 31,503 SQ. FT. X 40% = (for Lots of Record)

12,601

* Existing Lots of Record may have 40 percent coverage provided that techniques are utilized, as outlined in Zoning Ordinance Section 129-385 (see back). A plan must be submitted and approved by the Building Official.

	LENGTH		WIDTH		SQ FT	
HOUSE	<u>HOUSE</u>	X		=	<u>1084</u>	(EXISTING)
					<u>279</u>	(PROP. ADDITION)
		X		=	<u>71</u>	(PROP. ADDITION)
					<u>48</u>	(PROP. SCREEN PORCH)
TOTAL HOUSE					<u>146</u>	(PROP. PORCH)
						<u>1628</u>

DETACHED BUILDINGS
(GARAGE/SHED)

<u>SHED</u>	X		=	<u>99</u>		
<u>GARAGE</u>	X	<u>549-31</u>	<u>OUTSIDE</u>	<u>PASSEY</u>	=	<u>518</u>

TOTAL DETACHED BUILDINGS

617

DRIVEWAY, PARKING
AREAS, SIDEWALKS,
ETC.

<u>DRIVEWAY</u>	X		=	<u>1400</u>
<u>PROP. WALK + STEPS</u>	X		=	<u>292</u>
<u>PROP. WALK, STEPS + LOADING</u>	X		=	<u>34</u>

TOTAL DRIVEWAY, ETC

1726

DECKS Open decks (1/4" min.
Opening between boards) with a
pervious surface under are not
counted as hardcover.

	X		=	
	X		=	
	X		=	

TOTAL DECK

<u>KEYSTONE BORDERS</u>	X		=	<u>35</u>
<u>FLAGSTONE</u>	"		=	<u>138</u>
<u>BRICK</u>	" X		=	<u>73</u>

TOTAL OTHER

246

TOTAL HARDCOVER / IMPERVIOUS SURFACE

4217

UNDER OVER (indicate difference)

8384

PREPARED BY GRONBERG & ASSOCIATES, INC.

DATE 9-10-24



PLANNING REPORT

TO: Planning Commission
FROM: Rita Trapp and Mia Colloredo-Mansfeld, Consulting Planners
Sarah Smith, Community Development Director
DATE: November 15, 2024
SUBJECT: Consideration of variance request for detached accessory garage
(Case No. 24-17)
APPLICANT: Patrick and Rebecca Horgan
LOCATION: 2503 Lost Lake Road (PID No. 24-117-24-22-0031)
MEETING DATE: November 19, 2024
COMPREHENSIVE PLAN: Low Density Residential
ZONING: R-1 Single-family residential district

SUMMARY

The applicant is requesting the approval of a variance to construct a side-loaded detached accessory garage in the vicinity of the south side. The proposed garage is 26' x 36' (936 square feet). The property is a lot of record that is 15,429 sq ft. in area. The house was built in 1986. The applicant is requesting a variance to allow a front setback of 12 feet for the proposed garage.

REVIEW PROCEDURE

60-Day Land Use Application Review Process

Pursuant to Minnesota State Statutes Section 15.99, local government agencies are required to approve or deny land use requests within 60 days. Within the 60-day period, an automatic extension of no more than 60 days can be obtained by providing the applicant written notice containing the reason for the extension and specifying how much additional time is needed. For the purpose of Minnesota Statutes Section 15.99, "Day 1" is determined to be November 7, 2024 as provided by Minnesota Statutes Section 645.15. The 60-day timeline expires on or around January 7, 2025.

Variance

City Code Section 129-40 states that a variance may be granted to provide relief to a landowner where the application of the City Code imposes practical difficulty for the property owner. In evaluating the variance, the City Council must consider whether:

- (1) The variance proposed meets the criteria for Practical Difficulties as defined in City Code Sub. 129-2.
- (2) Granting of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to owners of other lands, structures or buildings in the same district nor be materially detrimental to property within the same zone.
- (3) The variance requested is the minimum variance which would alleviate the practical difficulty.
- (4) A variance shall only be permitted when it is in harmony with the general purposes and intent of the zoning ordinance and when the terms of the variance are consistent with the comprehensive plan.

According to City Code Sec. 129-2, "*Practical Difficulties*" is defined as follows:

Practical Difficulties, as used in conjunction with a variance, means that:

- (i) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
 - (ii) The plight of the landowner is due to circumstance unique to the property including unusual lot size or shape, topography or other circumstances not created by the landowner; and
 - (iii) The variance, if granted, will not alter the essential character of the locality.
- Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

NOTIFICATION

Neighboring property owners of the subject site, per Hennepin County tax records, were mailed an informational letter on November 13, 2024 to inform them of the Planning Commission's review of the variance application at its November 19, 2024 meeting.

STAFF / CONSULTANT / AGENCY / UTILITIES REVIEW

Copies of the request and supporting materials were forwarded to involved departments, consultants, agencies, and private utilities for review and comment. To date, Staff has received no comments on the requested variance.

DISCUSSION

- Individual accessory structures cannot exceed 1,200 square feet. The proposed garage has an area of 936 square feet, meeting this requirement.
- Adding the proposed accessory structure results in total hardcover of 33.46%, which is under the maximum 40% for a lot of record.
- Per City Code Chapter 129-2 (Definitions), a “lot, lakeshore” is defined as follows:

“Lot, lakeshore, means a lot abutting public waters or abutting public lands abutting public waters with the exception of designated parks.”

For the purposes of determining setbacks, Commissioners are advised that this is not a lakeshore lot due to the public park that is between this property and Lost Lake. As this is a non-lakeshore lot, the setbacks for an accessory structure are 20 feet in the front yard and 4 feet in the rear yard. Commissioners are also advised that if this were a lakeshore lot, then the front yard setback required would vary from 20 feet for a front loaded garage to 8 feet for a side loaded garage. The alternate setbacks of 8 feet front and 4 foot side for a side loaded garage only apply to lakeshore and through lots per City Code Sec. 129-194.

- The proposed garage has a front yard setback of 12 feet at the southeast corner. Thus, the applicant is requesting a variance to allow the garage to encroach into the front yard setback. All other setbacks meet the required distances.
- In the applicant narrative that was provided, the applicant has indicated that the primary reason for proposed garage is to provide additional indoor storage for personal vehicles and recreational vehicles and the location requested, which is on a higher level area, reduces excavation for frost protection, foundation walls and the amount of fill needed. Also, the applicant will also be able to reduce the need for additional impervious surface by using the existing driveway which is located immediately to the north. The applicant also mentioned maintaining curb appeal and aesthetics of the property.
- The lot is irregular shaped and the southern portion is subject to a drainage and utility easement.
- Staff assumes the materials/color to be used on the new proposed accessory garage will be similar to match the house but should be confirmed with the applicant.
- Eaves can encroach up to 2 feet into setbacks per City Code Sec. 129-197.

- The minimum required minimum construction elevation for new structures on Lake Minnetonka is 933.0.

PLANNING COMMISSION ACTION

Staff recommends Planning Commission recommend approval of the requested front yard variance, with the following conditions:

1. Applicant shall be responsible for payment of all costs associated with the variance requests.
2. The applicant shall be responsible for recording the resolution with Hennepin County. The applicant is advised that the resolution will not be released for recording until all conditions have been met and all fees have been paid and the escrow account is in good standing. The submittal of additional escrow may be required.
3. No building permit will be issued until evidence of recording of the resolution at Hennepin County is provided.
4. Applicant shall be responsible for procurement of any and/or all public agency permits including the submittal of all required information prior to building permit issuance.
5. Additional comments and/or conditions from the City Council, Staff, consultants, and public agencies.

In recommending Staff approval of the requested variance, the following findings of fact are provided:

1. The criteria of City Code Section 129-40 Variance are being met.
2. The request to construct additional accessory garage space to reduce exterior storage is in harmony with other uses in the area and fits the character of the neighborhood and R-1 district.
3. While the house is technically not lakeshore due to a park at the rear of the property, the property does have the appearance of being a lakeshore lot. The application of the lakeshore front yard setbacks for a side loaded garage is keeping in character with lakeshore properties.

CITY COUNCIL REVIEW

In the event a recommendation is received from the Planning Commission, it is anticipated that the variance request will be considered by the Mound City Council at the Tuesday, November 26, 2024 Mound City Council meeting with an alternate date of Tuesday, December 10, 2024. City Council meeting start time is 6:00 p.m.



2415 Wilshire Boulevard, Mound, MN 55364
Phone 952-472-0600 FAX 952-472-0620

VARIANCE APPLICATION

Recd (11/7/24)
SK

Application Fee and Escrow Deposit required at time of application.

Planning Commission Date 11/19/2024 (tentative)

Case No. _____

City Council Date 11/20/2024 or 12/10/24

Please type or print legibly

SUBJECT PROPERTY LEGAL DESC.	Address <u>2503 LOST LAKE Rd MOUND MN 55364</u>
	Lot _____ Block _____
	Subdivision _____
	PID # _____ Zoning: R1 R1A R2 R3 B1 B2 B3 (Circle one)
PROPERTY OWNER	Name <u>PATRICK & REBECCA Horgan</u> Email <u>rebecca.horgan@</u>
	<u>mchsi.com</u>
	Address <u>2503 LOST LAKE Rd MOUND MN 55364</u>
	Phone Home <u>952-261-6377</u> Work <u>651-435-4301</u> Fax _____
APPLICANT (IF OTHER THAN OWNER)	Name <u>PATRICK & REBECCA</u> Email <u>rebecca.horgan@</u>
	<u>HORGAN</u> <u>mchsi.com</u>
	Address <u>2503 LOST LAKE Rd MOUND MN 55364</u>
	Phone Home <u>952-261-6377</u> Work <u>651-435-4301</u> Fax _____

1. Has an application ever been made for zoning, variance, conditional use permit, or other zoning procedure for this property? Yes () No (X). If yes, list date(s) of application, action taken, resolution number(s) and provide copies of resolutions.

2. Detailed description of proposed construction or alteration (size, number of stories, type of use, etc.):

DETACHED GARAGE - REFER TO PLANS

Case No. _____

3. Do the existing structures comply with all area, height, bulk, and setback regulations for the zoning district in which it is located? Yes (☒) No (). If no, specify each non-conforming use (describe reason for variance request, i.e. setback, lot area, etc.):

REFER TO Survey Forthcoming

<u>SETBACKS:</u>	REQUIRED	REQUESTED (or existing)	VARIANCE
Front Yard: (N S E W)	_____ ft.	_____ ft.	_____ ft.
Side Yard: (N S E W)	_____ ft.	_____ ft.	_____ ft.
Side Yard: (N S E W)	_____ ft.	_____ ft.	_____ ft.
Rear Yard: (N S E W)	_____ ft.	_____ ft.	_____ ft.
Lakeside: (N S E W)	_____ ft.	_____ ft.	_____ ft.
_____: (N S E W)	_____ ft.	_____ ft.	_____ ft.
Street Frontage:	_____ ft.	_____ ft.	_____ ft.
Lot Size:	_____ sq ft	_____ sq ft	_____ sq ft
Hardcover:	_____ sq ft	_____ sq ft	_____ sq ft

4. Does the present ~~use~~ of the property conform to all regulations for the zoning district in which it is located? Yes (☒) No (). If no, specify each non-conforming use:

5. Which unique physical characteristics of the subject property prevent its reasonable use for any of the uses permitted in that zoning district?

() too narrow ☒ topography () soil
() too small () drainage () existing situation
() too shallow ☒ shape ☒ other: specify

Please describe: DETACHED STRUCTURE ON LOT
THAT APPEARS TO BE LAKE SHORE
BUT NOT ACCORDING TO ZONING/
ADJACENT COMMONS

Case No. _____

6. Was the practical difficulty described above created by the action of anyone having property interests in the land after the zoning ordinance was adopted (1982)? Yes (), No (X). If yes, explain:

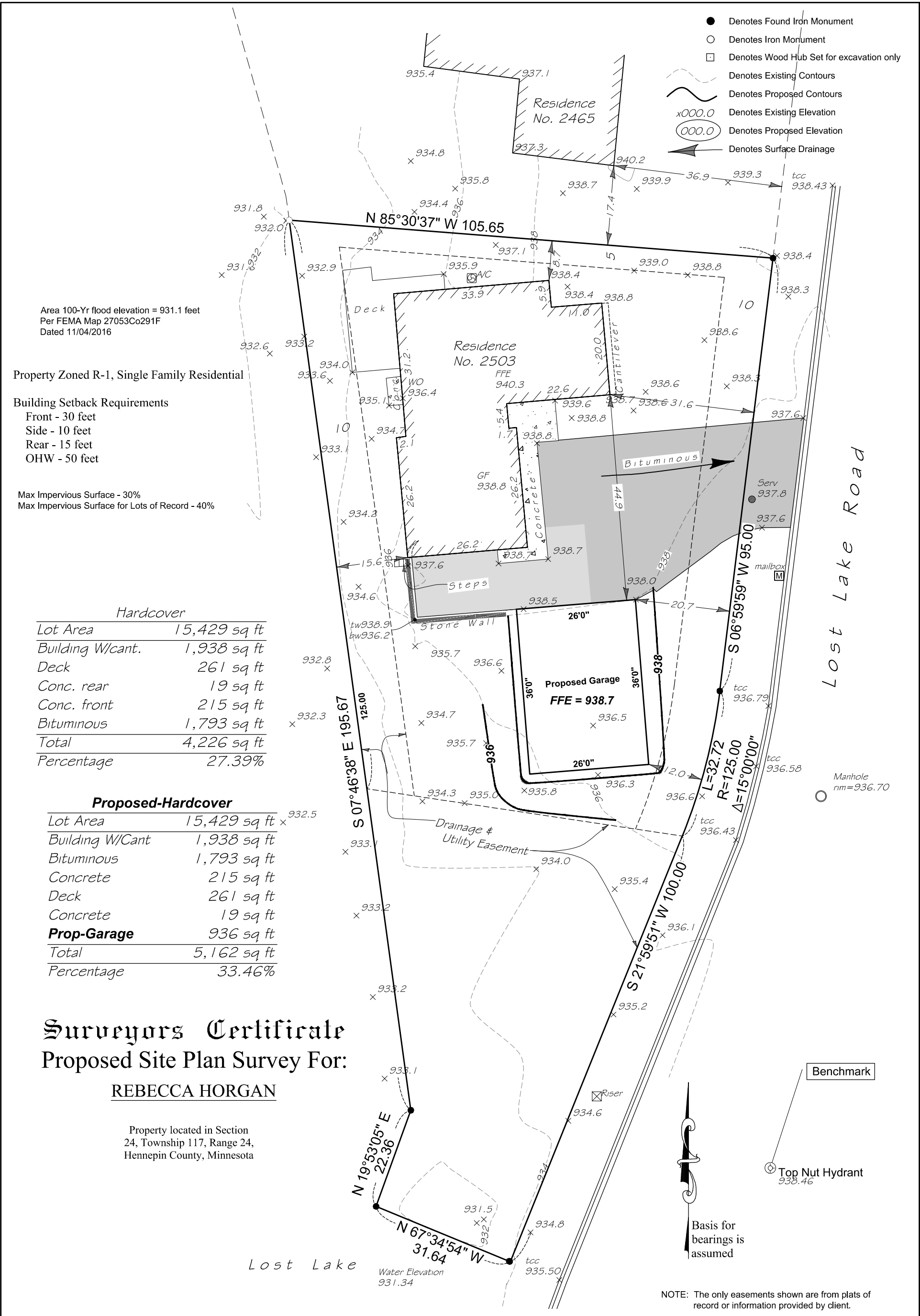
7. Was the practical difficulty created by any other human-made change, such as the relocation of a road? Yes (), No (X). If yes, explain:


8. Are the conditions of practical difficulty for which you request a variance peculiar only to the property described in this petition? Yes (X), No (). If no, list some other properties which are similarly affected?

9. Comments: _____

I certify that all of the above statements and the statements contained in any required papers or plans to be submitted herewith are true and accurate. I acknowledge that I have read all of the variance information provided. I consent to the entry in or upon the premises described in this application by any authorized official of the City of Mound for the purpose of inspecting, or of posting, maintaining and removing such notices as may be required by law.

Owner's Signature Rebecca Herzan Date 11-7-24
Applicant's Signature Rebecca Herzan Date 11-7-24



Legal Description Lot 17, Block 1 LOST LAKE Hennepin County, Minnesota	Project No. 90133	Scale: 1" = 20'	I certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota Surveyed this 14th day of November 2024.
	F.B.No. 1129-20	Drawn By JWL	
	Address: 2503 Lost Lake Road Mound, MN		
<div>DEMARC</div> <div>LAND SURVEYING & ENGINEERING</div> <div>7601 73rd Avenue North (763) 560-3093 Minneapolis, Minnesota 55428 DemarcInc.com</div>	rev		<div>Signed </div> <div>Gregory R. Frasch, Minn. Reg. No. 24992</div>

November 12, 2024

City of Mound
2415 Wilshire Blvd
Mound, MN 55364

To Whom it May Concern,

We are submitting a variance request to allow for the building of a 26' x 36' detached garage located at our primary residence of 2503 Lost Lake Rd, Mound, MN 55364. Our personal reasons for this request;

1. The need for more garage space and interior storage of our vehicles, boats, motorcycles, snowmobiles and yard mowers. This could allow inside vehicle parking and boat storage (28' Sea Ray boat and 17" Ranger with trailers) during the winter months. Also allows space for maintenance on all mentioned, which Patrick does himself.
2. We are considered lakeshore for property value and taxes (abutters with a deeded dock.) We are not considered lakeshore for zoning purposes making an attached garage difficult due to set backs and low floor elevation to the West.
3. The location requested is on a higher, level area, reducing excavation for frost protection, foundation wall heights and amount of back fill needed.
4. Aesthetics; an attached garage with a higher roof line against our existing lower garage and taller house, left roof lines and garage doors appearing unbalanced and ugly in our opinion. A detached side entry garage would be more appealing. We would finish to match the same color, siding and stone of our home.
5. By adding a detached side entry garage verses an attached garage, we are able to use our existing driveway, eliminating the need for additional asphalt, which would have increased our hard cover.

6. A detached garage was more affordable not requiring demolition and reconstruction of our existing roof or Xcel's need to relocate our existing electrical box. Entire project would be completed sooner, all resulting in less impact to our neighbors.

7. After considering moving to a new primary residence with land or purchasing a large storage unit, we found building a garage onsite to be our wish, and remain residents of this community.

Thank you for your consideration,

Patrick and Rebecca Horgan

October 23, 2024

City of Mound
2415 Wilshire Blvd
Mound, MN 55364

Re: Detached garage proposal


To Whom it may concern,

Patrick and Rebecca Horgan, PID 2411724220031, located at 2503 Lost Lake Rd, Mound, MN 55364, have communicated to us that a permit / variance request will be made to construct a detached garage located on the south side of their existing home and connecting to their existing driveway.

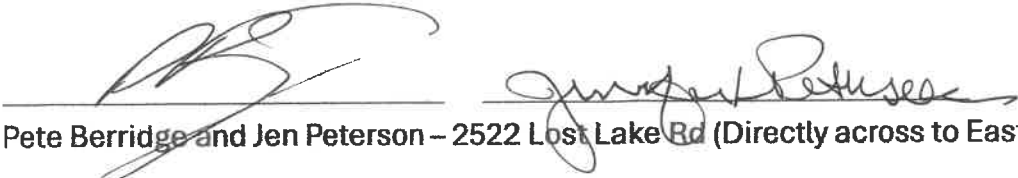
The garage, if approved, could be up to 26' x 36' in size and a height not to exceed existing homes current height. We as the abutting and nearby neighbors wish to communicate our approval to said request.

Thank you


Jim and Cathy Veit – 2563 Lost Lake Rd (South side)


Mark Wegscheid and Heidi Knight – 2465 Lost Lake Rd (North side)


Andrew and Laura Moran – 2502 Lost Lake Rd (Directly across to East)


Pete Berridge and Jen Peterson – 2522 Lost Lake Rd (Directly across to East)

East View side
street

12
6
Hip

Siding match House

Window

Window

Window

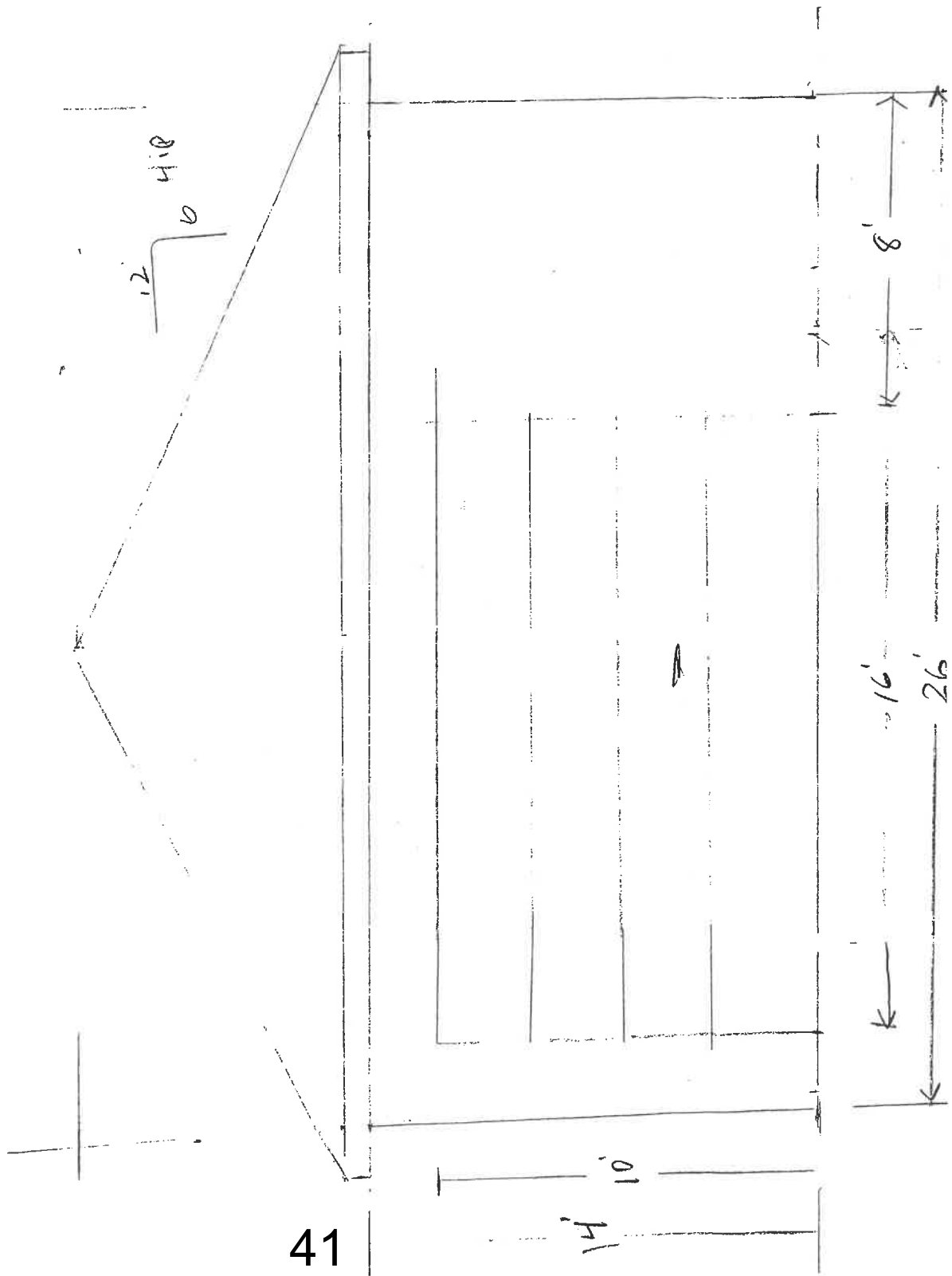
Siding match House

40

12

36

North w house
view facing



West
View
Lakeside

12 HIP
6

Siding match house

42

K_W window

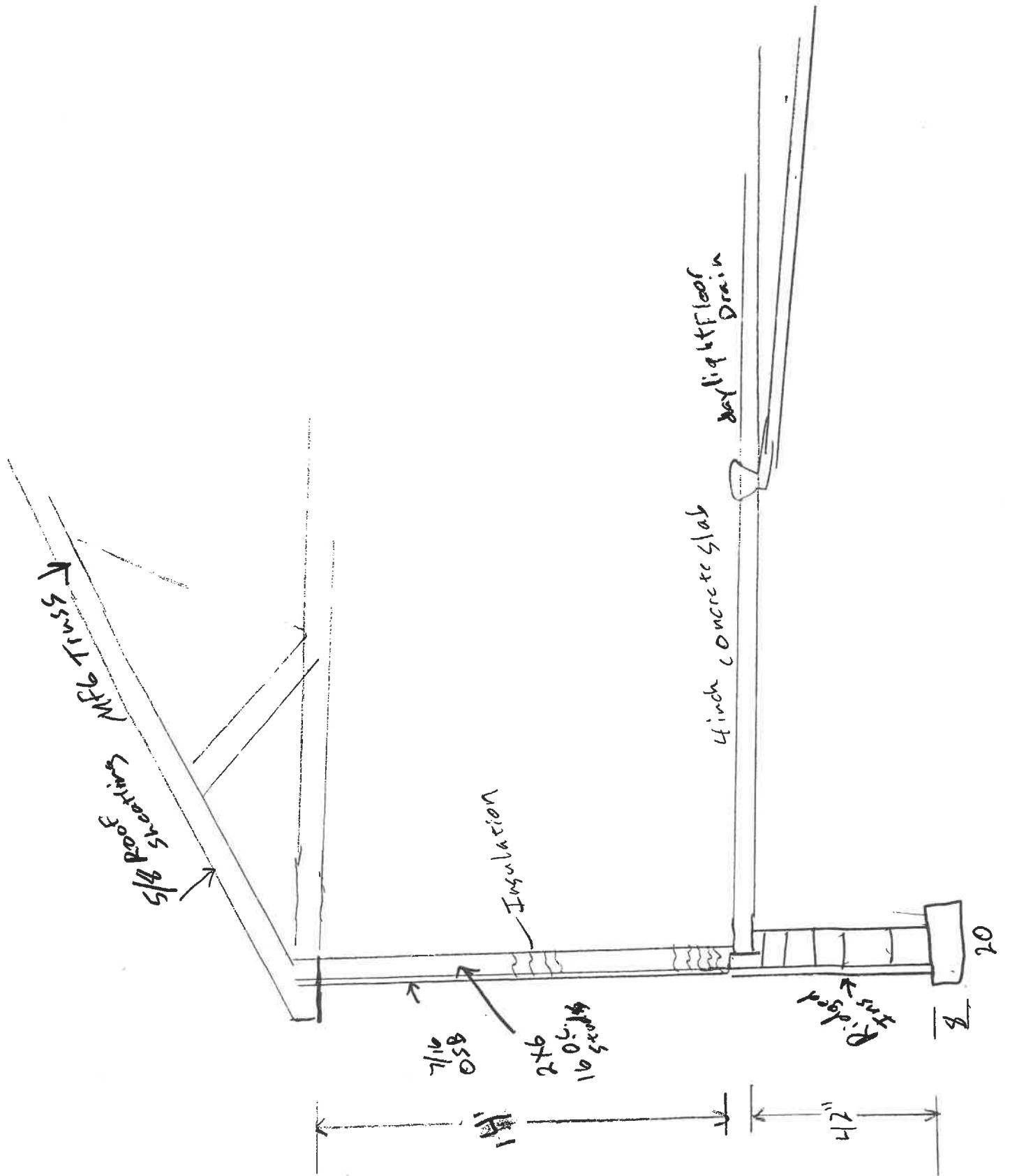
K_W window

K_W window

Siding match house

36

Building Section





PLANNING REPORT

TO: Planning Commission
FROM: Rita Trapp, Consulting Planner
Sarah Smith, Community Dev. Dir.
DATE: November 10, 2024
SUBJECT: 2024 City Code Updates - **Chapter 119**
MEETING DATE: **(Signage)**

The Planning Commission will continue its discussions regarding proposed revisions to Mound City Code Chapter 119 (Signage) that was introduced at its October 1st 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:

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.

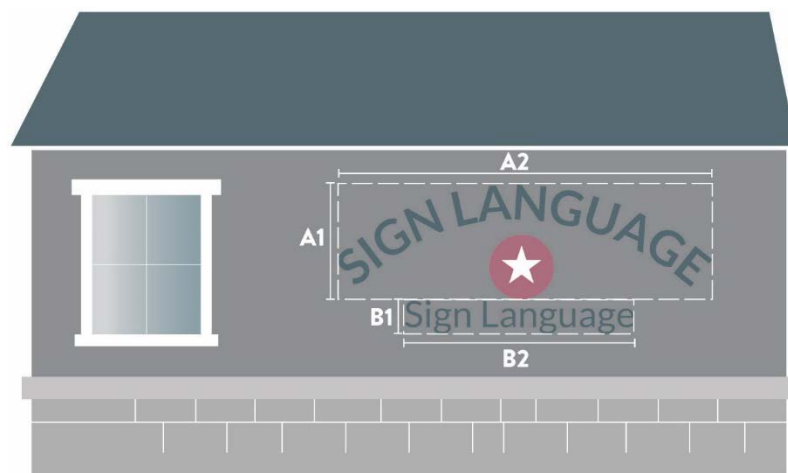
Temporary sign means any sign intended to be displayed for a short period of time.

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.

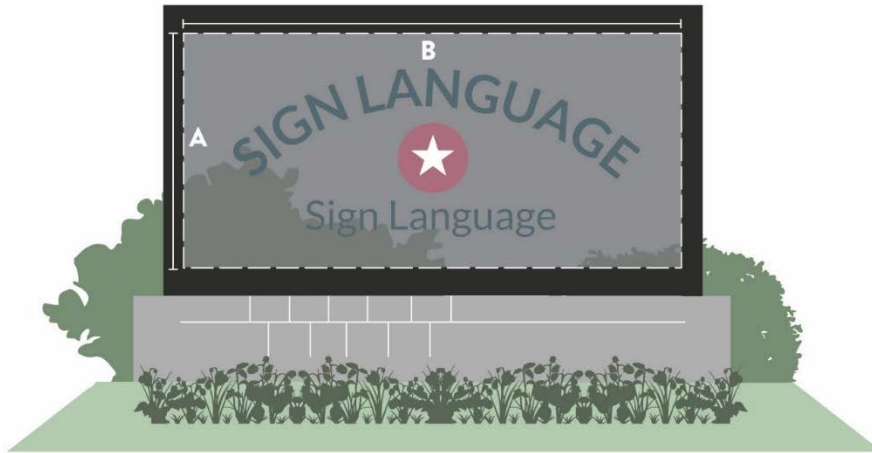
- (a) One property identification sign, visible from the public way, shall be allowed per building in all districts. Such signs shall contain the street address in minimum four-inch numerals and shall be securely attached to the structure.
- (b) No sign other than governmental unit signs shall be erected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