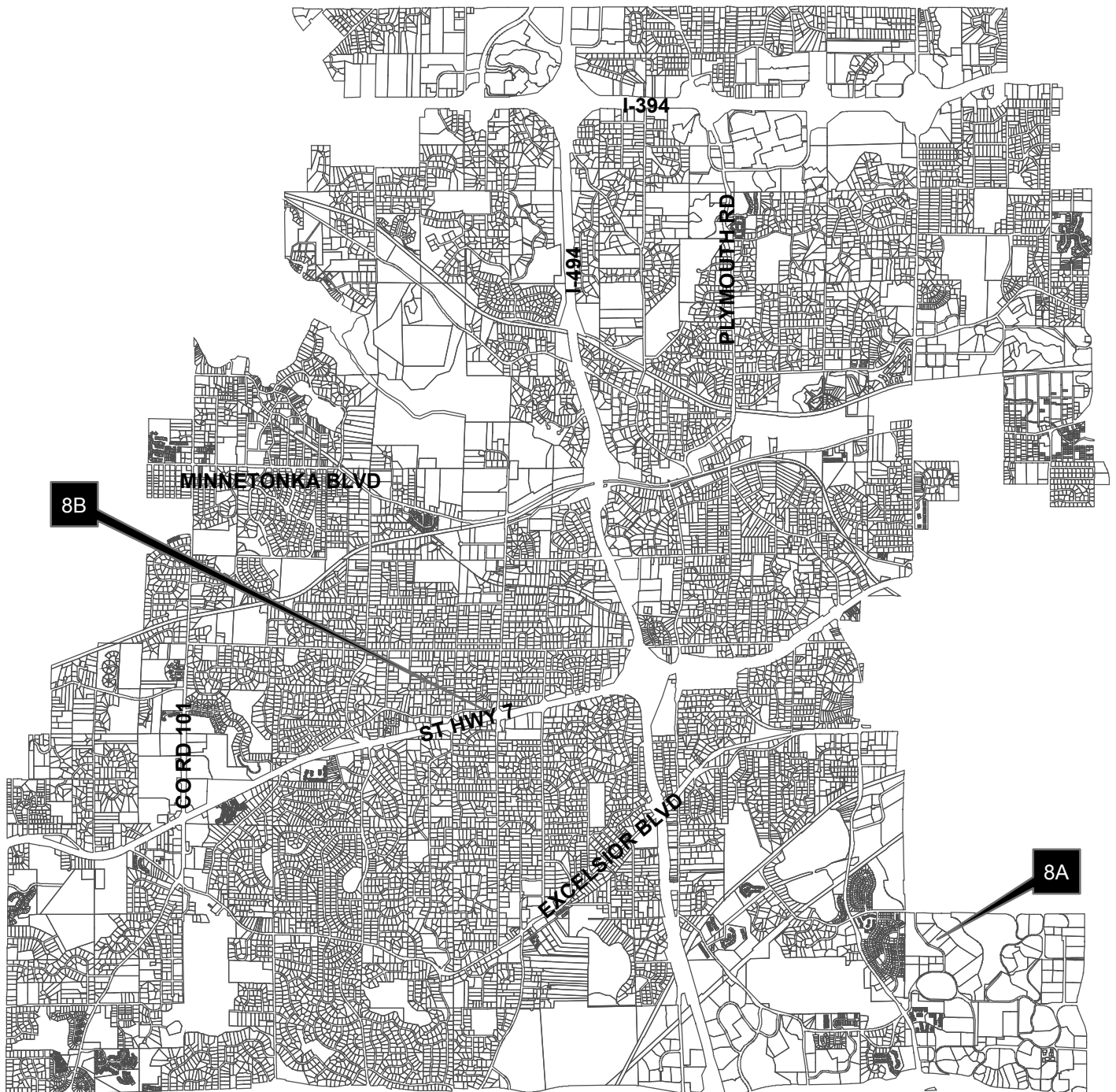




**CITY OF MINNETONKA
PLANNING COMMISSION
MAY 5, 2016**

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Planning Commission Agenda

May 5, 2016—6:30 P.M.

City Council Chambers—Minnetonka Community Center

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes: April 14, 2016
5. Report from Staff
6. Report from Planning Commission Members
7. Public Hearings: Consent Agenda

No Items

8. Public Hearings: Non-Consent Agenda Items

- A. A conditional use permit for a school in an industrial district at 5501 Feltl Road.

Recommendation: Recommend the city council adopt the resolution (4 votes)

- Recommendation to City Council (Tentative Date: May 23, 2016)
- Project Planner: Ashley Cauley

- B. Items concerning 14840 and 14900 State Highway 7.

Recommendation: Recommend the city council adopt the ordinance and resolutions approving the proposal (4 votes)

- Recommendation to City Council (Tentative Date: May 23, 2016)
- Project Planner: Susan Thomas

C. Amendment to the sign ordinance.

Recommendation: Recommend the city council adopt the ordinance (4 votes)

- Recommendation to City Council (Tentative Date: May 23, 2016)
- Project Planner: Loren Gordon

9. Adjournment

Notices

1. Please call the planning division at (952) 939-8274 to confirm meeting dates as they are tentative and subject to change.
2. Applications and items scheduled for the May 19, 2016 Planning Commission meeting:

The May 19, 2016 Minnetonka Planning Commission meeting will include a mobile tour. To ensure appropriate accommodations for the public, please call 952-939-8200 if you plan to attend the meeting.

WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING

This outline has been prepared to help you understand the public meeting process. The review of an item usually takes the following form:

1. The chairperson of the meeting will announce the item to be reviewed and ask for the staff report on the subject.
2. Staff presents their report on the item.
3. The Commission will then ask City staff questions about the proposal.
4. The chairperson will then ask if the applicant wishes to comment.
5. The chairperson will open the public hearing to give an opportunity to anyone present to comment on the proposal.
6. This is the time for the public to make comments or ask questions about the proposal. Please step up to the podium, speak clearly, first giving your name (spelling your last name) and address and then your comments.
7. At larger public hearings, the chair will encourage speakers, including the applicant, to limit their time at the podium to about 8 minutes so everyone has time to speak at least once. Neighborhood representatives will be given more time. Once everyone has spoken, the chair may allow speakers to return for additional comments.
8. After everyone in the audience wishing to speak has given his or her comments, the chairperson will close the public hearing portion of the meeting.
9. The Commission will then discuss the proposal. No further public comments are allowed.
10. The Commission will then make its recommendation or decision.
11. Final decisions by the Planning Commission may be appealed to the City Council. Appeals must be written and filed with the Planning Department within 10 days of the Planning Commission meeting.

It is possible that a quorum of members of the City Council may be present. However, no meeting of the City Council will be convened and no action will be taken by the City Council.

**Unapproved
Minnetonka Planning Commission
Minutes**

April 14, 2016

1. Call to Order

Chair Kirk called the meeting to order at 6:30 p.m.

2. Roll Call

Commissioners Powers, Calvert, Knight, Magney, O'Connell, Odland, and Kirk were present.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Principal Planner Susan Thomas, Senior Planner Ashley Cauley, Natural Resource Manager Jo Colleran, and Water Resources Engineering Coordinator Tom Dietrich.

3. Approval of Agenda

Odland moved, second by Knight, to approve the agenda as submitted with the postponement of Item 8B, items concerning a parking lot expansion at 14001 Ridgedale Drive, until the May 5, 2016 planning commission meeting.

Powers, Kirk, Knight, Magney, O'Connell, Odland, and Kirk voted yes. Motion carried.

4. Approval of Minutes: March 17, 2016

Powers moved, second by Odland, to approve the March 17, 2016 meeting minutes as submitted.

Powers, Kirk, Knight, Magney, O'Connell, Odland, and Kirk voted yes. Motion carried.

5. Report from Staff

Gordon briefed the commission on a land use application considered by the city council at its meeting of April 11, 2016:

- Adopted a resolution approving the Shady Oak Station development strategy.

The next planning commission meeting will be May 5, 2016.

The boards and commissions workshop will be April 27, 2016 at 6:15 p.m. with the speaker starting at 7 p.m.

6. Report from Planning Commission Members

A few commissioners attended a comprehensive guide plan workshop. Calvert said that the information was useful and it was helpful to make new contacts with people from other agencies. It helped her understand how much work goes into comprehensive guide plans.

Chair Kirk attended the Shady Oak neighborhood meeting and thought it was a great opportunity for neighbors to respond to options before a developer makes a presentation. It will be a balancing act for the city to develop the property.

7. Public Hearings: Consent Agenda

Item 7B was removed from the consent agenda for discussion and separate action.

Odland moved, second by O'Connell, to approve the following item listed on the consent agenda as recommended in the respective staff report as follows:

- A. Conditional use permit for Field Day at Ridgedale, LLC, at 12401 Wayzata Boulevard.**

Recommend the city council adopt the resolution on pages A7-A10 of the staff report which approves the conditional use permit for a restaurant in Ridgedale Center at 12401 Wayzata Boulevard.

Powers, Calvert, Hanson, Knight, O'Connell, Odland, and Kirk voted yes. Motion carried and the item on the consent agenda was approved as submitted.

Item 7A is tentatively scheduled to be reviewed by the city council at its April 25, 2016 meeting.

- B. Side yard setback variance for a garage and living space addition at 14524 Idylwood Road.**

Chair Kirk introduced the proposal and called for the staff report.

Thomas reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Chair Kirk noted that the current garage is 20 feet by 20 feet. The new addition would extend within 3 feet of the property line. Thomas agreed.

William Campbell, 14524 Idylwood Road, applicant, explained that the proposal would eliminate the current garage extending over the property line. The proposal would not impact the overall look of the house. It would keep the character of the neighborhood. The proposal is the best solution.

The public hearing was opened. No testimony was submitted and the hearing was closed.

Chair Kirk noted the unique hardship of this situation. The proposal is a good solution.

Powers applauded the owner for resolving a future title issue for himself and the neighbor. The applicant could have built on the other side and not fixed the problem.

Hanson moved, second by Odland, to adopt the resolution approving a side yard setback variance for a garage and living space addition at 14524 Idylwood Road (see pages A9-A12 of the staff report).

Powers, Calvert, Hanson, Knight, O'Connell, Odland, and Kirk voted yes. Motion carried and this item was approved as submitted.

Chair Kirk stated that an appeal of the planning commission's decision must be made in writing to the planning division within 10 days.

8. Public Hearings

A. Site plan review for a parking lot expansion at 5900 Clearwater Drive.

Chair Kirk introduced the proposal and called for the staff report.

Thomas reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

The public hearing was opened. No testimony was submitted and the hearing was closed.

Lance Elliott, of Elliott Design, representing the applicant, stated that the proposal would increase the number of stalls to get close to the number required by the parking code. The parking lots currently have dead ends with no turn around. The proposal would provide a nice flow into the other lot and out an exit. The proposed pond would collect water from an area twice as big as the total amount of impervious surface. The proposal would decrease the amount of run off and improve its quality. He was available for questions.

Chair Kirk asked about the stormwater management pond. Dietrich explained that the stormwater management pond would be constructed on the southwest corner of the property. It would be oversized and treat more run off than the additional impervious surface would create. The proposal includes curb and gutters that would be installed in the parking lot to direct runoff to the stormwater management pond.

Odland moved, second by Knight, to adopt the resolution approving a final site plan for a parking lot expansion at 5900 Clearwater Drive (see pages A8-A13 of the staff report).

Powers, Calvert, Hanson, Knight, O'Connell, Odland, and Kirk voted yes. Motion carried.

Chair Kirk stated that an appeal of the planning commission's decision must be made in writing to the planning division within 10 days.

B. Items concerning a parking lot expansion at 14001 Ridgedale Drive.

This item was tabled until the May 5, 2016 planning commission meeting in response to the applicant's request.

C. Items concerning a licensed daycare facility at 14730 Excelsior Boulevard.

Chair Kirk introduced the proposal and called for the staff report.

Cauley reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

In response to Chair Kirk's request, Cauley shared more history of the site and exhibits from the staff report.

O'Connell asked why the planning commission is reviewing the application again since it was already approved. Cauley explained that the 2015 approval of the reuse of the building was tied to the site and building plans. This is a new proposal that requires site and building plan approval. Thomas added that if final plans are not in substantial compliance with an approved plan, then the modified final plan is reviewed by the planning commission. Staff determined that this change to the plan would be substantial.

Jon Fahning, representing Shingobee Builders who represent the applicant, Prestige Preschool, stated that this is the third of 12 facilities planned to be built in the Twin Cities area in the next few years. It makes sense to remove the existing building and create one more in character with the neighborhood. The existing building would have provided many challenges because of its age. The floor plan would accommodate 178 children. The proposal would be similar to the facilities in Apple Valley and Brooklyn Park.

Knight confirmed with Mr. Fahning that the facility would be open only Monday through Friday. He asked if the property owner would allow use of the parking lot by surrounding businesses on the weekends. Mr. Fahning answered affirmatively. He said that there could be cross-parking agreements. The reality is that the parking area would be utilized in the morning and evening, but not a lot during the middle of the day even on weekdays. He would be willing to work with the neighbors.

Knight thought that the Apple Valley and Brooklyn Park facilities look like residences. Mr. Fahning said that the proposal would have a similar look.

In response to Chair Kirk's question, Mr. Fahning stated that pop outs were added to break up the flat façade. There would be a door to the outside from every class room. Chair Kirk thought the proposed architecture would provide a good transition to the residential area. Mr. Fahning said that the proposal would blend into both ends of the surrounding environment.

Odland was disappointed that the existing building would not be repurposed. Mr. Fahning explained that there were environmental and instability concerns with a back wall that is near an existing retaining wall. The applicant was unable to become comfortable with the integrity of the structure of the existing building.

Powers asked for the benefits of a new building for preschool kids compared to what could have been done with the existing building. Mr. Fahning said that the materials and colors would be more geared for children, but the deciding factor was health and safety concerns. The existing building did not have a lot of doors. The basement was not safe for use.

Chair Kirk noted that the concrete and steel of most buildings is recycled or repurposed.

The public hearing was opened. No testimony was submitted and the hearing was closed.

Chair Kirk noted the site being associated with the village center and asked for comments.

Calvert commended the project for creating more green space. The appearance, architecture, and materials would be an improvement from the previous proposal.

Knight agreed with Calvert. He has been in the basement of the existing building. It did not have the greatest smell. He would be concerned that there could be asbestos. He liked that the proposed building would be set back further from the road and provide more green space. It would be a great addition to the neighborhood.

Hanson liked the proposal. There would be more space for the tot lots. It would provide a great transition from the high-density housing next door. It would blend the two parts of the neighborhood together.

Powers liked the proposal. Building a new building would be a step toward success. Parents and children have an intuitive understanding of a new building being better. He hoped it would be better than the existing building in more ways than even understood today. He hoped that it would be environmentally fun, interesting, and challenging. He applauded more interesting architecture. This makes him fearful of what would have happened if the previous approval was done. He wished the developer much success.

O'Connell approved of the proposal. It would clean up an eyesore on a high-traffic corner. He wished the redevelopment could continue to the east.

Odland thought the project would be great. She lives in the area. She hopes the post office could increase its hours and work out a parking arrangement with the applicant.

Chair Kirk suggested that the city council be provided information on existing cross-parking agreements. One would be nice, but not a condition of approval. The architecture would provide a good transition. Licensed childcare is a great amenity for the community.

Calvert supported incorporating architectural elements from surrounding buildings into the proposed building to provide an area identity.

Odland moved, second by O'Connell, to recommend that the city council adopt the resolution on pages A30-A40 of the staff report. This resolution approves a conditional use permit and final site and building plans with a setback variance for a licensed daycare facility at 14730 Excelsior Boulevard.

Powers, Calvert, Hanson, Knight, O'Connell, Odland, and Kirk voted yes. Motion carried.

9. Adjournment

Knight moved, second by Odland, to adjourn the meeting at 7:30 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary

Minnetonka Planning Commission Meeting

May 5, 2016

Agenda Item 7

Public Hearing: Consent Agenda

(No Items)

Minnetonka Planning Commission Meeting

May 5, 2016

Agenda Item 8

Public Hearing: Non-Consent Agenda

MINNETONKA PLANNING COMMISSION
May 5, 2016

Brief Description	A conditional use permit for a school in an industrial district at 5501 Feltl Road
Recommendation	Recommend the city council approve the request.

Introduction

Partners in Excellence, an early intervention center for children diagnosed with autism, started in 2001 and currently operates four locations throughout the metro area and Wisconsin. Partners, represented by Bruce and Deb Thomas, is now proposing to open a fifth location in the existing building at 5501 Feltl Road. At full capacity, the center would serve up to 40 children and would have approximately 50 staff members. The center would typically be open from 8 a.m. to 5 p.m., Monday through Friday. (See the “Supporting Information” section of this report for more information.)

The applicant is proposing a significant amount of interior remodeling of the building to accommodate the center. No external modifications are proposed for the building at this time. The proposal includes a 1,000 square foot fenced-in play area in the rear of the building. The proposal requires a conditional use permit. (See narrative and plans on pages A1-A12.)

Staff Analysis

A land use proposal is comprised of many details. In evaluating the proposal, staff first reviews these details and then aggregates them into a few primary questions or issues. The following outlines the primary questions associated with the applicant’s request and staff’s findings.

1. Is the use generally reasonable?

Yes, the conditional use permit request is appropriate and would meet the standards outlined in city code. While the city’s industrial district does not contain any provisions for schools, daycares, institutions, or gathering spaces, the ordinance does allow – as conditionally permitted uses – public buildings and *“other uses similar to those permitted in this section, as determined by the city.”*

On several occasions, the city has reviewed schools under this “other uses similar to” provision. This city has found that schools operate similarly to public buildings in that they are spaces in which large groups of people gather at specified times for a specific purpose.

The only specific conditional use permit standard required by ordinance for public buildings is that the proposal must receive site and building plan approval. Site and building plan standards are outlined in the “Supporting Information” section of this report. This proposal would meet all of the required standards.

2. Would the specific proposal be appropriate for the site?

Yes, the proposed facility would be appropriate for the site. The subject property is in a mixed use area of residential, industrial, and commercial land uses.

Traffic and transportation

Properties within the Opus Overlay District are allocated a maximum number of p.m. peak hour trips to avoid overloading the Bren Road and TH 169 interchange. The allocated numbers are not the number of trips at the driveway. Rather, the allocation is based on the zoning, land use and number of trips anticipated to use the interchange based on its proximity to the interchange. Based on review of the proposal and the Institute of Traffic Engineers, the proposal would generate less than half as many trips as allocated for the property. More information about the trip generation can be found in the “Supporting Information Section” of this report.

Upcoming LRT

It is anticipated that construction of the Southwest Light Rail Transit line (SWLRT) will begin in 2017. From the Shady Oak Station, the LRT line would run directly south until it turns south east –running directly “behind” the subject property – and then continues south to the Opus Station. (See page A6.)

The proposal would not negatively impact the implementation of the SWLRT. However, the construction of the line will result in some disruption, tree removal, and grading on the site.

Staff Recommendation

Recommend the city council adopt the resolution on pages A13–A18. This resolution approves a conditional use permit for Partners in Excellence at 5501 Feltl Road.

Originator: Ashley Cauley, Senior Planner
Through: Loren Gordon, AICP, City Planner

Supporting Information

Project No.	95008.16a
Property	5501 Feltl Road
Applicant	Bruce and Deb Thomas, on behalf of Partners in Excellence
Surrounding Land Uses	Northerly: Apartments, zoned PUD and guided for mixed use Easterly: Light industrial, zoned PUD and guided for mixed use Southerly: Industrial, zoned PUD and guided for mixed use Westerly: office, zoned PUD and guided for mixed use
Planning	Guide Plan designation: Mixed use Zoning: PUD, planned unit development
Background	<p>In 1991, the city council approved a master development plan for the 40-acre Feltl Road office/industrial planned unit development.</p> <p>In 1995, the city council approved site and building plans to construct the 21,000 square foot office/industrial building on the subject property.</p> <p>In 2008, the city council approved a minor amendment to the master development plan to allow a 5,300 square foot addition onto the north side of the existing building.</p>
Site and property Features	<p>The subject property is 3.5 acres in size and is improved with a single-story building. The 26,300 square foot building was predominately used as office space; however, a small portion was used as warehouse space.</p> <p>The site currently has two access points along Feltl Road with parking areas on the south and west sides of the building. The lot currently has 82 parking spaces and an additional 12 spaces available as proof-of-parking.</p>
Proposed use	<p>Partners in Excellence would be staffed by 50 employees. The center would provide a range of therapy services, including applied behavior analysis, applied verbal behavior therapy, occupational therapy and speech therapy. The center would serve up to 40 children ranging in age from one to 10-years-old.</p> <p>Programming would generally be offered from 8:00 a.m. to 5:00 p.m., Monday through Friday. Similar to the other Partners</p>

locations, the proposed center would offer part-time and full-time scheduling options:

	Part time	Full time
Hours	8:00 a.m. to 12:00 p.m.	8:00 a.m. to 4:00 p.m.
	8:30 a.m. to 12:30 p.m.	8:30 a.m. to 4:30 p.m.
	9:00 a.m. to 1:00 p.m.	9:00 a.m. to 5:00 p.m.
	12:30 p.m. to 4:30 p.m.	
	1:00 p.m. to 5:00 p.m.	

The interior of the building would be remodeled to accommodate the indoor play areas, sensory rooms, lunch areas, administrative offices and therapy rooms.

Land use

Partners for Excellence does not neatly fit into those land uses outlined in the zoning ordinance. As such, staff compared the proposed use to a both medical clinic and school use:

- (1) **Medical clinic.** Based on the therapy sessions provided, Partners in Excellence could be considered a medical clinic. However, the center would not function like a traditional clinic. While a traditional medical clinic would experience a high, unpredictable and inconsistent number of vehicle trips throughout the day, the proposed center would not. Children are enrolled into the program either on a full-time or part-time basis. The children would attend the center on a consistent and predicable schedule.
- (2) **School.** The 40 children attending the proposed center would be dropped-off and picked-up at times based on their enrollment schedule. The center's overall hours would be from 8:00 a.m. to 5:00 p.m., Monday through Friday. Despite the therapy services provided, the hours of operation, traffic patterns, parking needs, and persons served, the center would operate similarly to a school.

Traffic generation

To avoid overloading the Bren Road and TH 169 interchange, all non-residential parcels within the Opus District are subject to trip generation requirements. Following construction of the Bren Road interchange, p.m. peak trip generation numbers were assigned to each parcel based on maximum development potential and current zoning standards. By current ordinance, the property is allocated 20 trips during the p.m. peak hours. This

assumes that 40 percent of the trips to and from the property will use the interchange.

By ordinance a site redevelopment which would increase the amount of trips generated to the interchange is required to pay a trip generation fee to recover the city's portion of the interchange's construction cost. To determine the amount of trips generated by a use, the city reviews rates provided by the Institute of Traffic Engineers (ITE). By the ITE, the proposal would generate a total of 9 p.m. peak hour trips to the interchange.

As such, the proposed use would generate fewer trips than the maximum amount allocated to the property. Further, the proposed use would generate fewer trips than other *allowed* uses would generate.

	Trips generated at driveway	40% to the interchange
School	22 trips	9 trips
Office	40 trips	16 trips
Warehouse	20 trips	8 trips
General light industrial	29 trips	12 trips

Additionally, the applicant anticipates that, based on their other locations, approximately 15 percent of the children attending the center would be bussed to the site. This would further reduce the number of trips generated by the proposed use.

Parking

Generally, city code parking requirements are based on land use and the size of the building in which that land use is occurring. However, this is not the case for schools. Rather, city code parking requirements are related to the amount of users rather than the size of the occupied space.

The subject property has 82 parking stalls available onsite. Following an approval for a building addition in 2008, an additional 12 stalls were included as proof-of-parking stalls. While these stalls could be constructed to meet future parking demand, the construction of these stalls would impact the adjacent steep slope.

Staff finds that the proposed school use of the building would have a lesser parking demand than other *allowed* uses of the building.

	Calculation required by ordinance	Number required by ordinance
School	0.28 stalls per student	12 stalls
Office use	On space for every 250 square feet	105 stalls
Warehouse or industrial use	One space for every 1,000 square feet	26 stalls

CUP Standards

The proposal would meet the general conditional use permit standards as outlined in City Code §300.16 Subd.2:

1. The use is consistent with the intent of this ordinance;

Finding: A public building is a conditionally-permitted use within the industrial district. The city has conditionally allowed schools as a use similar to a public building under the “*other uses similar to*” section of the ordinance.

2. The use is consistent with the goals, policies and objectives of the comprehensive plan;

Finding: The site is part of the Opus 2 development, which is guided for mixed-use. The larger development includes industrial, commercial, office and residential land uses.

3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and

Finding: The proposal has been reviewed by the city’s building, engineering, planning, natural resources, and fire staff. Staff has determined that it would not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.

4. The use is consistent with the city’s water resources management plan;

Finding: The proposal is consistent with the city’s water resources management plan. No significant changes to the property are proposed at this time.

5. The use is in compliance with the performance standards specified in Section 300.28 of this ordinance; and

Finding: The majority of the performance standards outlined in the zoning ordinance are related to development and construction. The proposal is for the use of an existing building within very minimal impacts to the site and exterior of the building. As such, a majority of the standards are not applicable.

6. The use does not have an undue adverse impact on the public health, safety or welfare.

Finding: Staff does not believe this proposal would have undue impact on the public health, safety or welfare.

Specific CUP standards and Site and Building Plan Standards

City Code §300.21 Subd. 6(e) requires that public buildings meet site and building plan standards as outlined in City Code §300.27:

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;

Finding: The proposal has been reviewed by the city's building, engineering, planning, natural resources, and fire staff to ensure consistency with the city's development guides.

2. Consistency with this ordinance;

Finding: The proposal meets all minimum ordinance requirements.

3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;

Finding: But for a small newly created fenced in play area on the northeast side of the building, no exterior changes are proposed to the site at this time.

4. Creation of harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;

Finding: But for the new outdoor play area, all changes are interior to the existing building. As such, the proposal would

not visually change the visual appearance of the surrounding area. However, the visual appearance of the surrounding area will change over time based on the subject property's proximity to the future LRT line.

5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:

- a. An internal sense of order for buildings and uses on site and provision of a desirable environment for occupants, visitors and the general community;

Finding: As currently proposed, a fenced-in play area would be located on the north east side of the building. This location would not have an impact on the property's interior circulation or sense of order.

- b. The amount and location of open space and landscaping;

Finding: As proposed, the proposal would not decrease the amount of green space available on the property.

- c. Materials, textures, colors and details of construction as an expression of the design concept and with compatibility of the same with the adjacent and neighboring structures and uses; and

Finding: No changes to the exterior of the building are proposed at this time.

- d. Vehicular and pedestrian circulation, including walkways, interior drives, and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

Finding: The proposal does not include any changes to the existing parking lot or interior circulation within the site.

6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and

Finding: The proposal is for the reuse and remodel of an existing building.

7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sign buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

Finding: The proposal would not negatively impact adjacent or neighboring properties.

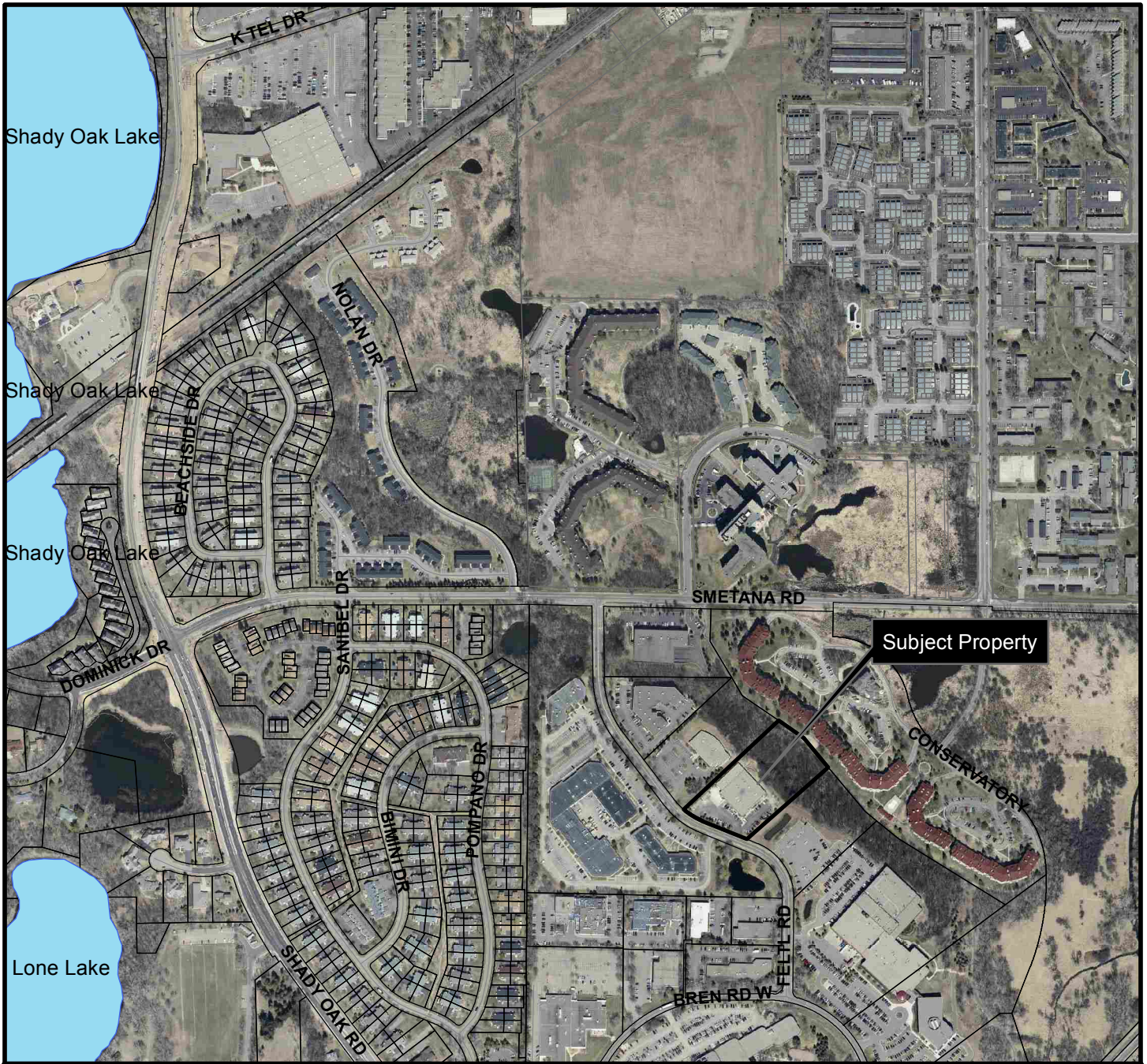
Approving Body The planning commission makes a recommendation to the city council, which has final authority to approve or deny the request. (City Code §300.06 Subd. 4)

Motion Options The planning commission has the following motion options:

1. Concur with staff's recommendation. In this case, a motion should be made recommending the city council approve the proposal based on the findings outlined in the staff-drafted resolution.
2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the request. The motion should include findings for denial.
3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

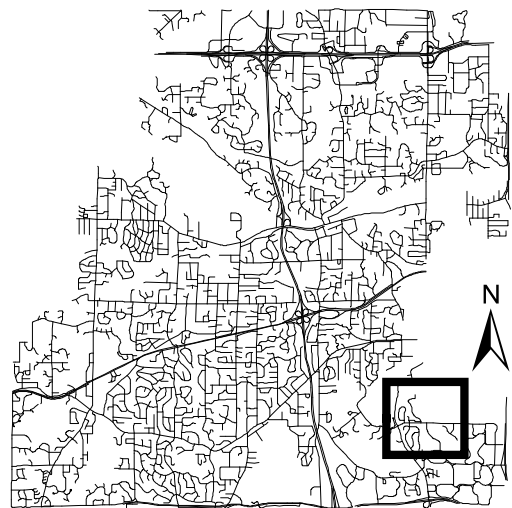
Neighborhood Comments The city sent notices to 33 area property owners and received no comments to date.

Deadline for Decision August 8, 2016



Location Map

Project: Partners in Excellence
 Address: 5501 Feltl Rd
 Project No. 95008.16a



This map is for illustrative purposes only.

Partners in Excellence

5501 Feltl Road
 95008.16a



Email: intake@partnersmn.com

www.partnersmn.com

Connect with us on:



Minnesota

Burnsville

14301 Ewing Avenue South
Burnsville, MN 55306
Phone: 952-746-5350

North St. Paul

2344 Helen Street North
North St. Paul, MN 55109
Phone: 651-773-5988

Edina

7380 France Avenue, Suite 100
Edina, MN 55435
Phone: 952-358-6220

Wisconsin

La Crosse

901 Caledonia Street
La Crosse, WI 54603
Phone: 608-785-4100

Autism Therapy

center for children

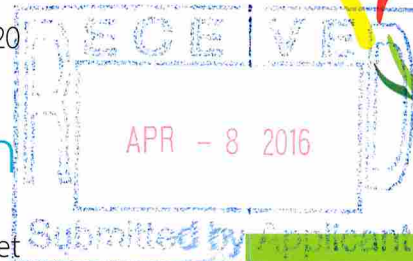


Partners In Excellence offers hope to parents of children diagnosed with autism. Our treatment approach helps children diagnosed with an Autism Spectrum Disorder gain acceptance in the community by focusing on gaining social competency, communication skills and reducing challenging behaviors.

Partners' goal-oriented treatment is specifically tailored to an individual child's needs. Our highly trained professionals utilize Applied Behavior Analysis (ABA) and Applied Verbal Behavior (AVB) methods. Each child receives therapy in a fun and safe environment.

Parental involvement is essential in the planning and implementation of each child's success. We provide parents with the tools to continue the nurturing support at home with hands-on training and ongoing educational sessions.

Partners **changes** the lives of families with children diagnosed with autism



Partners in Excellence (Partners) is an early intervention Autism center. Our mission is to positively impact the life of each child through our unparalleled commitment and desire to see our clients reach their greatest potential.

Partners in Excellence
5501 Feltl Road
95008.16a

Partners' goal is to **increase** each **child's functional** language and social interaction skills while **reducing unwanted behaviors**. We strive to maximize their potential.



Focusing on the Child's Individual Needs

Partners In Excellence utilizes research-based techniques to acquire the best possible outcomes for children diagnosed with Autism. The goal-oriented program shows measurable progress and tracks the child's improvement. Each child receives between 20-40 hours of Applied Behavior Analysis (ABA)/Applied Verbal Behavior (AVB) therapy. Therapy is typically conducted individually with trained behavior therapists. As therapy progresses, children have opportunities to build relationships through facilitated peer interactions and small group activities.

Specialized Programs

Within the ABA/AVB treatment model, Partners offers a variety of specialized programs for children. The Early Learner (toddler) program offers an appropriate learning environment for young children (1-3) that focuses on emerging language skills and learning through play. The Intermediate Program places strong emphasis on small group instruction and increasing social skills. The Bridges program transitions your child from a one-on-one learning model to a structured group setting that places emphasis on school readiness. This gives your child the skills necessary to successfully integrate and find acceptance in school.

Coordinated Services

Occupational Therapy and Speech and Language Therapy are offered in addition to the ABA/AVB therapy. These services provide individual treatment to maximize a child's gross and fine motor skills, sensory, language self-help, and social and emotional skills. Learn more about these therapies at our website partnersmn.com.

Partners offers **year-round treatment** with **full** and **half-day** scheduling options.

The Enrollment Process

To start the enrollment process, call or e-mail Partners' intake coordinator. A behavioral therapist will conduct a play-based assessment to determine if Partners in Excellence is a good fit for your child's development. While your child is being evaluated, you will have the opportunity to meet our staff and tour our facility.

To assist the therapist with the assessment, please bring the following medical records:

- Download enrollment forms from website
- Psychological testing and evaluations, including cognitive and autism assessments
- Occupational, speech and/or physical therapy reports and evaluations
- School reports

Call **952-818-2876(MN)** / **608-785-4100(WI)** or e-mail intake@partnersmn.com to start the enrollment process.

Partners uses **early intervention therapy** that is **clinically proven**, cost effective and evidence based.



Partners in Excellence
5501 Felt Road
95008.16a

Communication Skills

Partners focuses on developing and increasing functional communication skills. Children gain the ability to effectively express themselves through their primary mode of communication. This could include vocal communication, sign language, Picture Exchange Communication System (PECS) and/or assistive technology devices.

Social Skills

Being part of a center-based program exposes children to opportunities to practice social skills with a variety of peers. Children at Partners learn skills that will help them fit into different social situations while also helping them to understand, compensate and advocate for their own needs. Partners' therapists work with the children in both individual and group therapy sessions to capture teachable moments.

SHEET INDEX

A1 TITLE & SITE PLAN

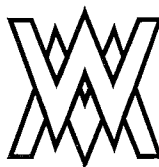
Existing Conditions

DETAILS

STRUCTURAL NOTES
FLOOR PLAN
ROOF FRAMING PLAN
DETAILS

1.1 TITLE SHEET
2.1 GRADING, DRAINAGE, & EROSION CONTROL PLAN
3.1 EROSION & SEDIMENT CONTROL DETAILS

SURVEY



Wunderlich-Malec

Wunderlich-Malec

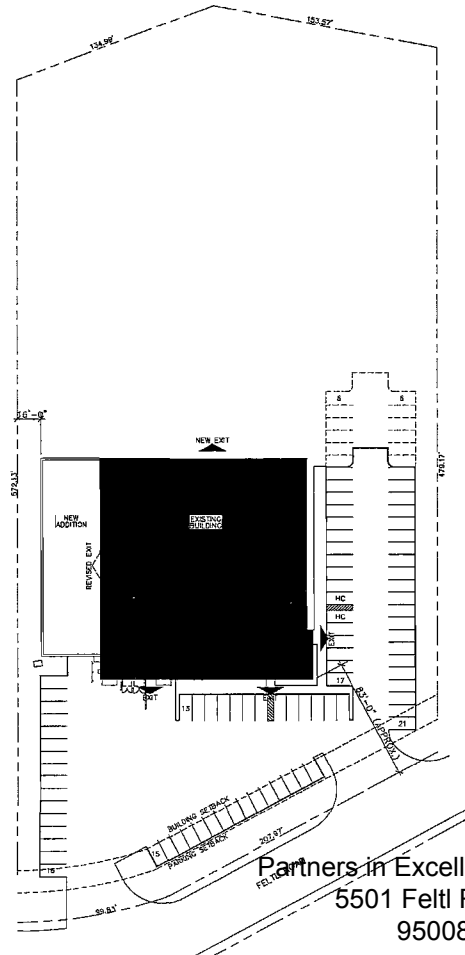
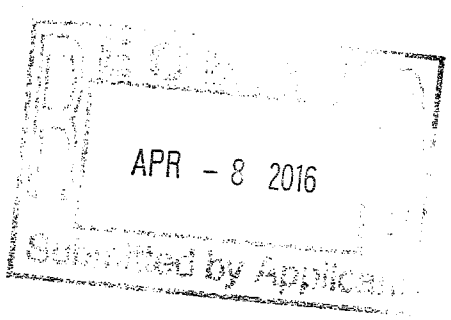
Engineering Systems Services

5501 Feltl Rd.
Minnetonka, MN 55343

Phone: (952) 933-3222
Fax: (952) 933-0608

GENERAL PROJECT NOTES

1. REFER TO DRAWING NOTES ON THIS SHEET FOR DRAWINGS THAT ARE HEREBY MADE A PART OF THESE CONTRACT DOCUMENTS.
2. ALL DIMENSIONS ARE TO WRITTEN DIMENSIONS, IF NO DIMENSION IS SHOWN, REFER TO THE DRAWING FOR THE DIMENSION.
3. ALL WORK SHALL BE COMPLETED BY BRAUN INTERTECH, INC. UNLESS OTHERWISE NOTED.
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LOCAL, STATE, COUNTY, & MUNICIPAL CODES, LAWS, & ORDINANCES.
5. ALL ARCHITECTURAL SITE PLAN WAS TAKEN FROM THE ARCHITECTURAL RECORD DRAWINGS BY WUNDERLICH-MALEC ENGINEERING INC.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND OPERATIONS AND MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PRESENTING TO THE BUILDING DEPARTMENT AND OBTAINING ALL NECESSARY PERMITS AND OPERATIONS.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING POSITIVE DRAINAGE AND PROTECTING ALL EXISTING UTILITIES AND ADJACENT PROPERTIES AT ALL TIMES.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING POSITIVE DRAINAGE AND PROTECTING ALL EXISTING UTILITIES AND ADJACENT PROPERTIES AT ALL TIMES.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGE AND RESTORATION OF ALL EXISTING UTILITIES AND ADJACENT PROPERTIES AT ALL TIMES.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL EROSION CONTROL MEANS DURING CONSTRUCTION AS REQUIRED BY THE LOCAL MUNICIPALITY.



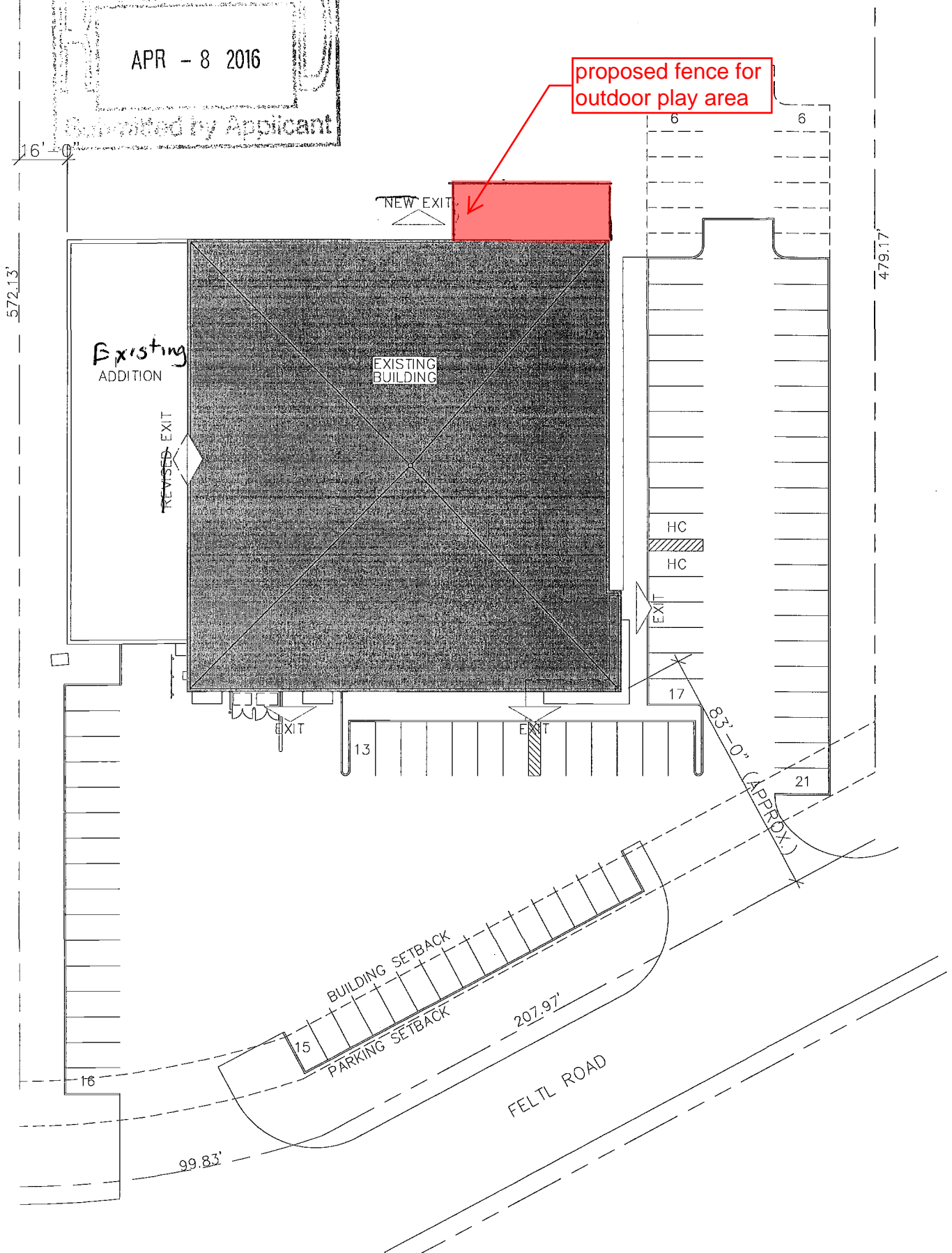
A4

Partners in Excellence
5501 Feltl Road
95008.16a

Proposal

RECEIVED
APR - 8 2016
Submitted by Applicant

proposed fence for outdoor play area



Site Plan

A5

Partners in Excellence
5501 Feltl Road
95008.16a

RIGHT OF WAY PARCEL LAYOUT



C.S. 2700 (SWR)

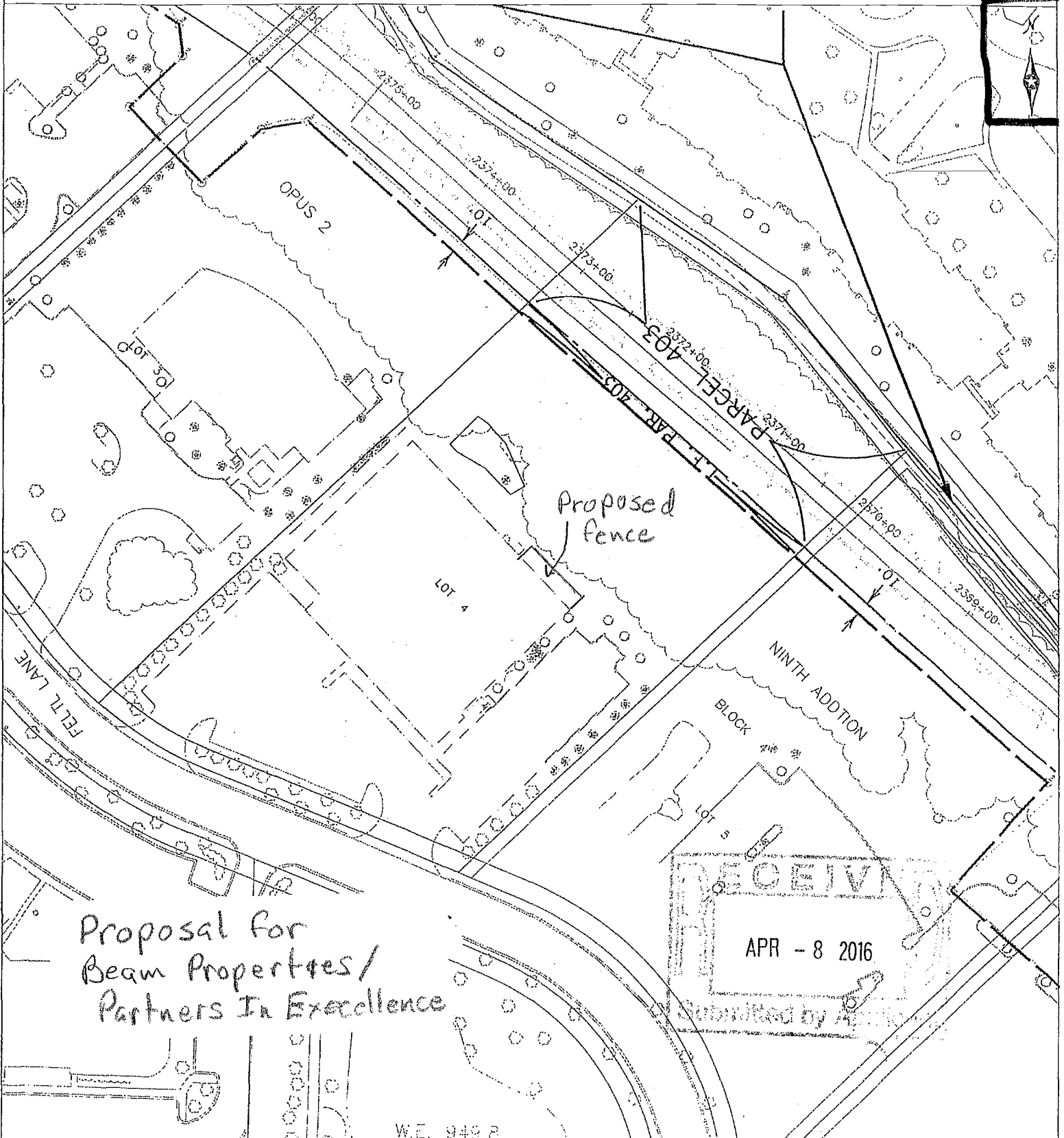
S.P. 9909-01

COUNTY Hennepin

PARCEL NO. 403

OWNER Wunderlich Properties, LLC

Scale 1" = 100ft.



Proposal for
Beam Properties/
Partners In Excellence

RECEIVED
APR - 8 2016
Submitted by

WE. 949 2

Layout sketch by AAH

Date 09/30/2014

Parcel No. 403

Partners in Excellence

5501 Felt Road

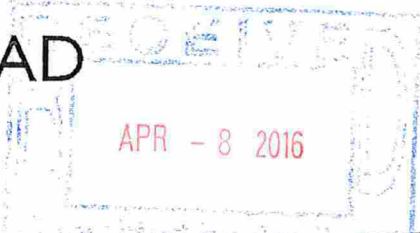
95008.16a



Current Layout

5501 FELTL ROAD

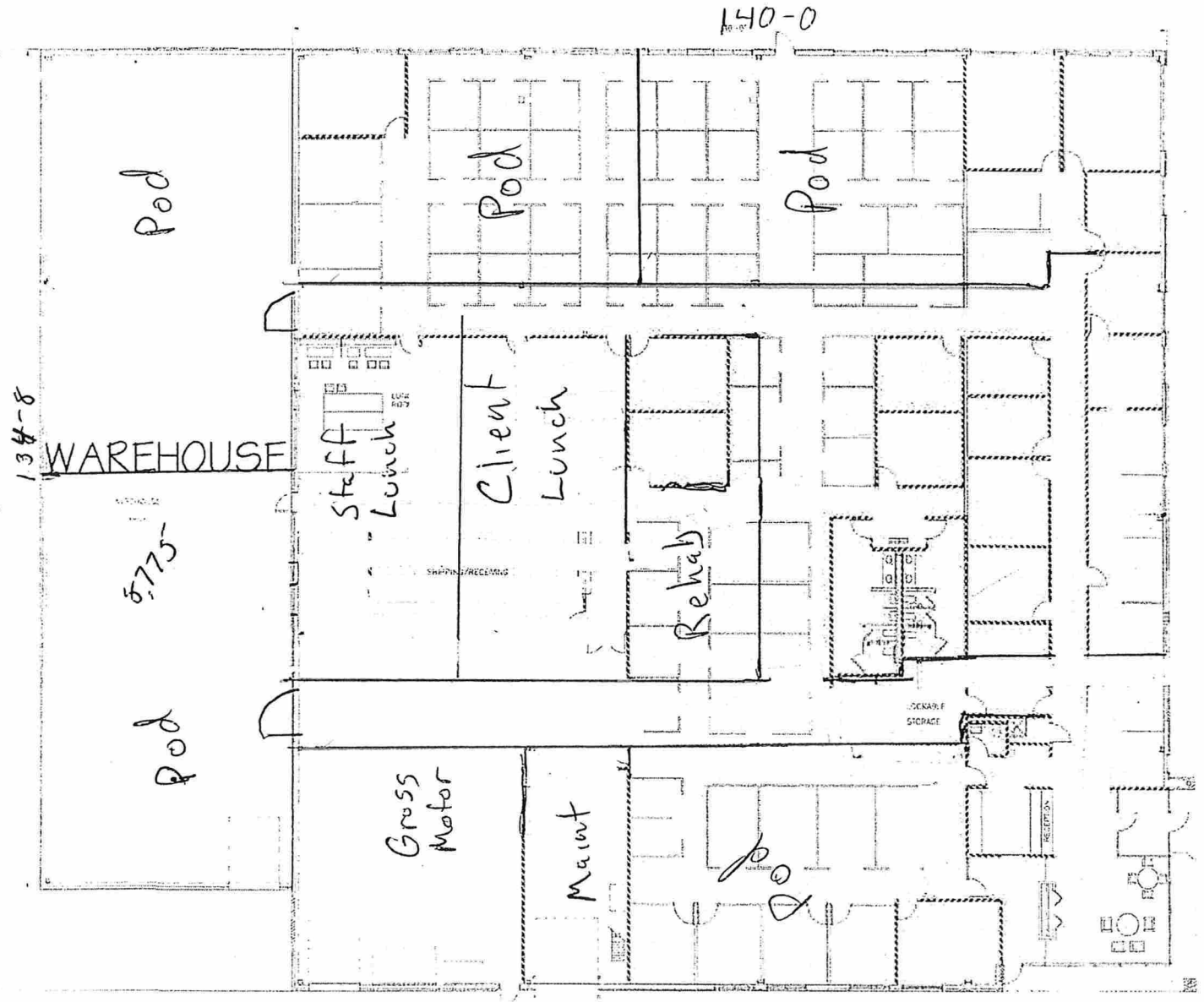
5501 FELTL ROAD
MINNETONKA, MN



INDUSTRIAL FOR SALE

27,320 SF BUILDING

PROPERTY INFORMATION | AERIAL #1 | AERIAL #2 | INTERACTIVE MAP



Proposed Layout



CUSHMAN & WAKEFIELD

NORTHMARQ

Partners in Excellence
5501 Feltl Road
95008.16a

RECEIVED
APR - 8 2016
Submitted by Applicant

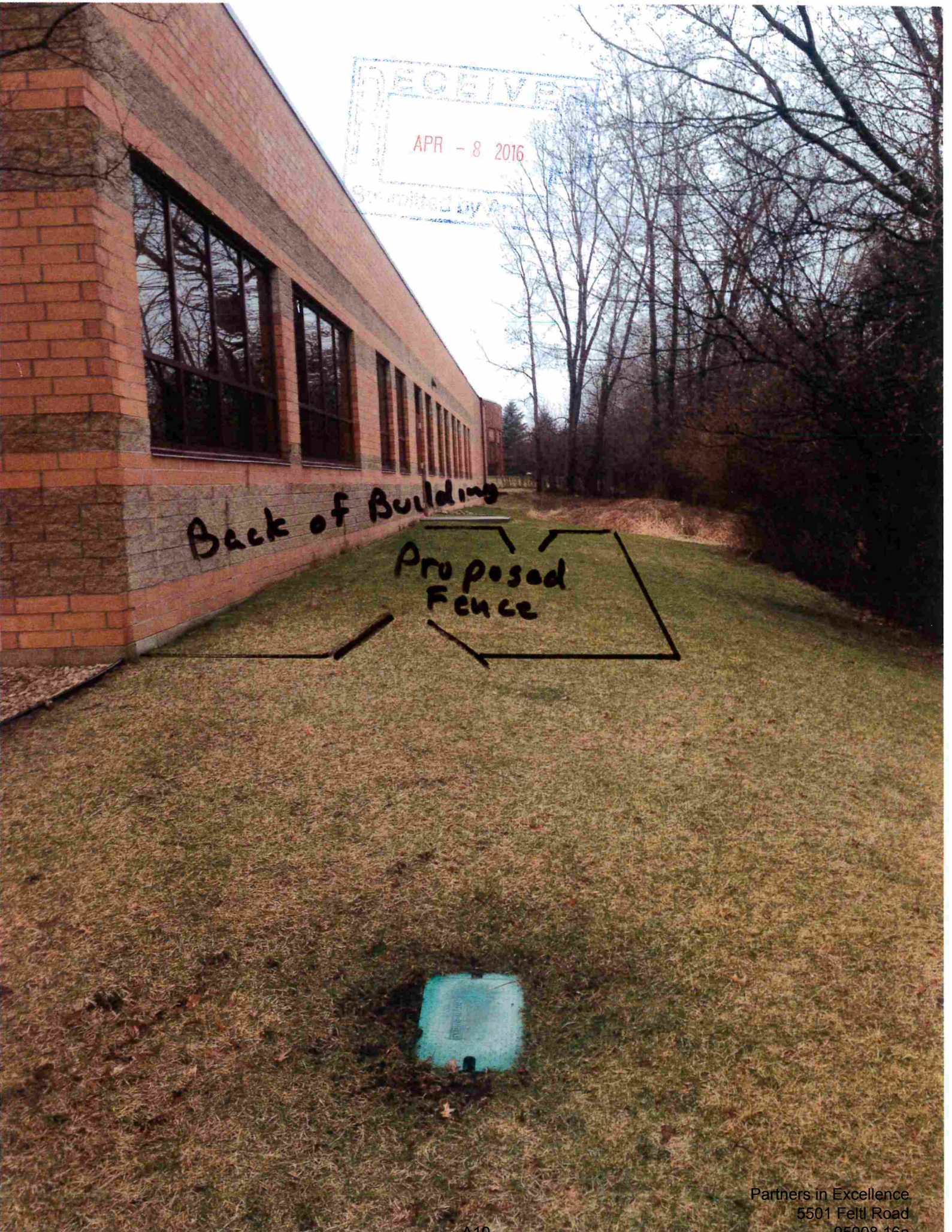
Back of Building

Proposed
fence for
Play area

RECEIVED
APR - 8 2016
Submitted by [unclear]

Back of Building

Proposed Fence



RECEIVED
APR - 8 2016
Submitted by Apple



Picture of our Burnsville Play area

RECEIVED
APR - 8 2016
Submitted by Applicant



Resolution No. 2016-

Resolution approving a conditional use permit for Partners In Excellence at 5501 Feltl Road

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

- 1.01 Bruce and Deb Thomas, on behalf of Partners in Excellence have requested a conditional use permit to operate a therapy-based school within an existing building. (Project 95008.16a).
- 1.02 The property is located at 5501 Feltl Road. It is legally described as:

Lot 4, Block 1, Opus 2 Sixth Addition
- 1.03 City Code §300.20 Subd.4(e) allows public buildings as conditional uses within the I-1 zoning district.
- 1.04 City Code §300.20 Subd. 4(l) allows “other uses similar to those permitted within this section, as determined by the city” as conditional uses within the I-1 zoning district.
- 1.05 Based on the hours of operation, traffic patterns, parking needs and persons served, the center would operate similarly to a school.
- 1.06 The proposed school would be similar to a public building, as it is a place where a group of people would gather at a specified time for a specific purpose.
- 1.07 On May 5, 2016, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Standards.

2.01 City Code §300.21 Subd. 2 lists the following general standards that must be met for granting a conditional use permit:

1. The use is consistent with the intent of the ordinance;
2. The use is consistent with the goals, policies, and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;
4. The use is consistent with the city's water resources management plan;
5. The use is in compliance with the performance standards specified in §300.28 of the ordinance; and
6. The use does not have an undue adverse impact on the public health, safety and welfare.

2.02 City Code §300.21 Subd. 3(m) outlines the following specific standards that must be met for granting a conditional use permit for public buildings:

1. Site and building plan pursuant to section 300.27 of this ordinance.

2.03 City Code §300.27 Subd. 5, states that in evaluating a site and building plan, the city will consider its compliance with the following:

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;
2. Consistency with this ordinance;
3. Preservation of the site in its natural state to the extent practicable minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;
4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the building;

5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
 - a) An internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
 - b) The amount and location of open space and landscaping;
 - c) Materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with adjacent and neighboring structures and uses; and
 - d) Vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and arrangement and amount of parking.
6. Promotion of energy conservation through design, location, orientation and elevation of the structures, the use and location of glass in structures and the use of landscape materials and site grading; and
7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

Section 3. Findings.

3.01 The proposal would meet the general conditional use permit standards outlined in City Code §300.21 Subd.2.

1. A public building is a conditionally-permitted use within the industrial district. The city has conditionally allowed schools as a use similar to a public building under the “*other uses similar to*” section of the ordinance.
2. The site is part of the Opus 2 development, which is guided for mixed-use. The larger development includes industrial, commercial, office and residential land uses.
3. The proposal has been reviewed by the city’s building, engineering,

planning, natural resources, and fire staff. Staff has determined that it would not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.

4. The proposal is consistent with the city's water resources management plan. No significant changes to the property are proposed at this time.
5. The majority of the performance standards outlined in the zoning ordinance are related to development and construction. The proposal is for the use of an existing building within very minimal impacts to the site and exterior of the building. As such, a majority of the standards are not applicable.
6. Staff does not believe this proposal would have undue impact on the public health, safety or welfare.

3.02 The proposal would meet the specific conditional use permit standards outlined in City Code §300.21 Subd. 3(m) and as found in Section 3.03 of this resolution.

3.03 The proposal would meet the site and building plans standards outlined in City Code §300.27 Subd. 5:

1. The proposal has been reviewed by the city's building, engineering, planning, natural resources, and fire staff to ensure consistency with the city's development guides.
2. The proposal would meet all minimum ordinance standards.
3. But for a small newly created fenced in play area on the northeast side of the building, no exterior changes are proposed to the site at this time.
4. But for the new outdoor play area, all changes are interior to the existing building. As such, the proposal would not visually change the appearance of the surrounding area. However, the visual appearance of the surrounding area will change over time based on the subject property's proximity to the future LRT line.
5. With no major site or building changes proposed at this time, the proposal would not negatively impact the existing green space on the property or building. Further, the proposal would not change the existing circulation patterns interior to the site.

6. The proposal is for the reuse and remodel of an existing building.
7. The proposal would not have negatively impact adjacent or neighboring properties.

Section 4. City Council Action.

4.01 The above-described conditional use permit is approved, subject to the following conditions:

1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the following plans:
 - Site plan date-stamped April 8, 2016
 - Outdoor play area plan date-stamped April 8, 2016
 - Floor plans date-stamped April 8, 2016
2. This resolution must be recorded with Hennepin County prior to issuance of a building permit.
3. The applicant must inform city staff in writing if any significant changes are made to the schools programming that would increase the p.m. peak trip generation. This includes, but is not limited to, general programming and an increased number of children or staff, as this may require a traffic study. If the study would indicate a negative impact on the surrounding roadway system or parking demand, staff may require the conditional use permit be brought back to the city council for further review.
4. If food is provided by the school for the students, the kitchen must meet all food code requirements, including construction and equipment.
5. The building must be comply with all requirements of the Minnesota state building code, fire code, and health code.
6. Sign permits are required for any exterior signs. All signs must comply with City Code §300.30 Subd. 6.
7. Any change to the approved use – including an increase in total enrollment – that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

8. The city council may reasonably add or revise conditions to address any future unforeseen problems.

Adopted by the City Council of the City of Minnetonka, Minnesota, on May 23, 2016.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on May 23, 2016.

David E. Maeda, City Clerk

MINNETONKA PLANNING COMMISSION
May 5, 2015

Brief Description	Items concerning 14840 and 14900 State Highway 7: <ol style="list-style-type: none">1) Ordinance rezoning a portion of 14840 State Highway 7 from B-1, Office, to PUD, Planned Unit Development;2) Preliminary and final plats;3) Ordinance amending an existing master development plan;4) Site and building plan review; and5) Conditional use permit.
Recommendation	Recommend the city council adopt the ordinances and resolutions approving the proposal.

Introduction

The Lindsay Group has submitted applications and plans for significant changes to the current Bunker Indoor Golf Building and site at 14900 State Highway 7. As proposed, both the building and site would be altered to accommodate a physical therapy/sports rehabilitation clinic and up to two smaller, complementary tenants. The Bunker Indoor Golf Center would no longer occupy space in the building. (See pages A1–A6.)

Proposal Summary

The following is intended to summarize the applicant's proposal. Additional information associated with the proposal can be found in the "Supporting Information" section of this report.

- **Existing Site Conditions.**

The subject property is located on the north side of Highway 7, just west of Williston Road. It is improved with two buildings; the 6,350 square foot westerly building is occupied by Youngstedts Minnetonka Goodyear and the 10,900 square foot easterly building by The Bunker Indoor Golf Center. The buildings are served by a shared parking lot. In addition to these constructed features, there are several mature trees on the site, including both high priority trees and significant trees located around the Bunker building. (See page A1.)

- **Proposed Building Changes**

As proposed, both the interior and the exterior of the easterly building would be significantly remodeled. The interior would be altered to accommodate a physical therapy/sports rehabilitation clinic and up to two smaller, complementary tenants. The façade of the building would also be altered. Existing wood materials would be replaced by a variety of new materials – including stucco, glass, and metal. (See page A3.)

The footprint/square footage of the building would not change. The height of the building would be increased by roughly two feet along portions of the front façade; this increase would not add usable space to the building. Rather, the increase is an architectural component intended to add visual interest to the building and draw attention to main entrances. (See page A3.)

- **Proposed Site Changes**

To serve the remodeled building and new tenants, several site changes are proposed, including: additional parking on the east side of the building, a driveway from the frontage road to the new parking lot, and an internal drive connection north of the building. New landscaping would be added around the perimeter of the building and site. (See page A4.) The originally submitted plans included a right-out driveway onto Highwood Drive; this has been removed from the current proposal.

- **City-Owned Property**

As proposed, a portion of the easterly parking lot would be constructed on property currently owned by the city. The city council discussed the sale of this area in February 2016. The council will make a final decision on the sale in conjunction with their consideration and decision on the applicant's proposal. The sale of this property is not within the purview of either city staff or the planning commission. However, staff's analysis, recommendation, and suggested conditions of approval are based on assumption of the sale.

Primary Questions and Analysis

A land use proposal is comprised of many details. In evaluating a proposal, staff first reviews these details and then aggregates them into a few primary questions or issues. The following outlines both the primary questions associated with the proposal and staff's findings.

- **Are the proposed building alterations reasonable?**

Yes. The existing Bunker Indoor Golf Building was constructed in 1978 and underwent a remodel in 1986; there have been no significant changes to the

exterior since. The wooden façade of the building is now weathered and dated. As proposed this wood material would be removed and new, more modern material components and color scheme would be applied. The new facade would result in a significant aesthetic improvement to both the building and the area. (See page A3.)

- **Is the proposed parking appropriate?**

Yes. The proposed parking on the east side of the building is appropriate as it is necessary to ensure parking demand is met. In addition, the parking area is appropriately located relative to the primary entry to the building. (See page A4.)

- **Is the proposed internal drive appropriate?**

No. As proposed, a single-lane, one-way driveway would be constructed along the north side of the building. This internal drive is intended to connect the new parking lot on the east side of the building with the existing parking lot on the west side. Staff finds that this internal drive would negatively impact the site.

The existing building is set back 29 feet from the north property line. The space between the building and property line contains mowed turf, seven high-priority trees, and two significant trees. The high priority trees include oaks and spruce. Grading would be necessary to construct the driveway, construct a retaining wall associated with the driveway, and to install stormwater facilities required to accommodate run off from the new driveway. Even if not technically removed, this grading and construction would result in significant impact to all seven high priority trees. Staff acknowledges that the applicant also proposes to add additional plantings north of the proposed drive to screen off-site views of the area. However, given minimal space, the plantings would by necessity be located on city right-of-way. The city would not allow such planting. (See page A4.)

- **Is the proposed medical use reasonable?**

Yes. The proposed medical use would meet all minimum city code standards. These standards are outlined in the “Supporting Information” section of this report.

Summary Comments

Though not supporting the internal access drive component of the submitted plans, staff generally finds that the applicant’s proposal would result in an appropriate land use and a much needed aesthetic improvement to both the site and the area.

Staff Recommendation

Recommend the city council adopt the following pertaining to 14900 State Highway No. 7:

- 1) Ordinance rezoning a portion of 14840 State Highway 7 from B-1, Office, to PUD, Planned Unit Development (see pages A18–A19);
- 2) Resolution approving preliminary and final plats of LINDSAY CAN-AM ADDITION at 14900 and 14840 State Highway 7 (see pages A20–A22);
- 3) Ordinance approving a major amendment to the existing master development plan, without the internal access drive, at 14900 State Highway 7 (see pages A23–A25);
- 4) Resolution approving final site plan and building plans for changes to the existing property and building, without the internal access drive, at 14900 State Highway 7 (see pages A26–A33); and
- 5) Resolution approving a conditional use permit for a medical clinic at State Highway 7 (see pages A34–A36).

Originator: Susan Thomas, AICP, Assistant City Planner
Through: Loren Gordon, AICP, City Planner

Supporting Information

Surrounding Land Uses

Northerly: Highwood Drive and single-family homes beyond
Easterly: frontage road and bank building beyond
Southerly: frontage road and State Highway 7 beyond
Westerly: Youngstedts Minnetonka Goodyear

Planning

Guide Plan designation: Commercial
Existing Zoning: planned unit development, PUD

City Actions

The proposal necessitates the following applications:

- **Rezoning.** The new parking area on the east side of the building would be located on property currently owned by the city and zoned B-1, office. Rezoning is required to incorporate the parking area into the larger, commercial site. The property acquisition will be considered by the city council in conjunction with their consideration and decision on the applicant's proposal.
- **Preliminary and Final Plat.** The proposed plats would create two lots – allowing for separate ownership of the two buildings – and would incorporate property on the east side of the building into the site.
- **Master Development Plan Amendment.** By city code, an amendment to an existing master development plan is required for any substantial alteration of parking areas or roads and to incorporate property on the east side of the building into the master development plan.
- **Site and Building Plan Review.** By city code, site and building plan review is required for any change to an existing building or property that would result in a different intensity of use.
- **Conditional Use Permit.** By city code, medical clinics are conditionally permitted uses with PUDs.

Site History

April 1976. The city council adopted a resolution granting concept approval for construction of two buildings on the site. The buildings, one on the east half of the property and one on the west, would be served by a shared parking field located between.

Dec 1976. The planning commission approved final site and building plans, with building and parking setback variances, for a two building development.

Feb 1977. The city council adopted an ordinance rezoning the property from R-1 to B-4.

May 1978. The city council adopted an additional rezoning ordinance to correct an error made in the 1977 legal description.

June 1978. A building permit was issued for construction of the easterly building, to be occupied by Coffey Power Equipment.

Jan 1982. The city council approved site and building plans for a two story addition to the west side of the easterly building. The addition was intended to serve the building's new occupant, Youngstedt's Service Center. At that time the westerly building had not yet been constructed. The approved building addition was never constructed.

June 1986. Along with all B-4 zoned properties in the community, the site was rezoned to B-2 with adoption of the city's new zoning ordinance.

July 1986. The city council approved a rezoning from B-2 to PUD, final site and building plans, with building and parking setback variances, and a conditional use permit for construction of a building on the west half of the site. Approval also included setback variances for additions to the front – south side – of the existing, easterly building.

July 1986. A building permit was issued for construction of the westerly building, to be occupied by Youngstedt's Minnetonka Goodyear.

Access

The plans originally submitted by the applicant included three access drives: (1) a driveway between the frontage road and the new parking area; (2) a right-out driveway between the new parking area and Highwood Drive; and (3) a two-way internal drive on the north side of the building connecting the site's two parking areas. Early in the review process, staff indicated to the applicant that it would not support the right-out drive to Highwood or the internal drive.

- **Highwood Access.** Highwood Drive is classified as a neighborhood collector street. These streets are designed

and intended to handle a larger volume of traffic, connecting neighborhoods to a larger roadway. While the city cannot specifically prohibit non-residential travelers from using Highwood Drive, generally, the city has not allowed vehicular access from commercial properties to Highwood Drive. In the case of this specific property, the city has previously reviewed and not allowed such access.

- **Internal Drive.** The existing building is set back 29 feet from the north property line; the space between building and property line contains just mowed turf and several mature trees. The originally proposed two-way internal driveway would result in removal of this green space and removal or significant impact to the majority of trees in the area. Given a very minimal setback between the proposed drive and north property line, any screening of the new drive would by necessity be located on city right-of-way.

The internal driveway is not technically required. As proposed, a full access driveway would be provided between the frontage road and the new parking area. Travel between the east side and west side parking lots could be accommodated on the frontage road itself. Staff acknowledges that the driveway would be located on a curve. However, with careful attention to landscaping and signage, staff believes appropriate site lines could be maintained.

Neighborhood Meeting

The Lindsay Group held a neighborhood meeting on March 8, 2016. The meeting was attended by eight area residents who generally expressed support for the proposed building design and small, private practice medical use. However, the residents were: (1) opposed to any access – exit or otherwise – onto Highwood Drive; (2) concerned about the removal of green space/trees behind the building; and (3) frustrated about the condition of an existing fence along the north property line.

Council Intro

The proposal was introduced to the city council on March 14, 2016. The council generally shared resident concerns regarding the proposed access to Highwood Drive.

Grading

Grading would occur on the east and north sides of the property to accommodate the proposed site changes. One to four feet of fill would be east of the building to create the new parking area; a retaining wall, ranging in height from one foot to eleven feet, would be constructed along the eastern edge of the new parking

lot. Cut and fill would also occur along the rear of the building where the proposed access drive is to be constructed.

Stormwater

There are currently no stormwater management practices on the site. As proposed, run off would be directed to two separate facilities: (1) an underground chamber in the northeast corner of the property; and (2) a bioretention basin along the front of the building. (See page A4.)

Trees

The applicant submitted a generalized tree plan. Staff does not believe the plan is accurate with regard to tree location. The plan also incorrectly labels trees based on trunk circumference, rather than diameter. However, staff has conducted a field inspection and finds that the site work proposed, including the internal drive on the north side of the building, would impact existing trees as follows:

	Existing	Removed or Impacted	% Removed or Impacted
High Priority	8	8	100%
Significant	6	4	66%
TOTAL	14	12	86%

Traffic

The city commissioned a traffic and parking study to understand:

1. Historical change in vehicle trip counts along Highwood Drive and the frontage road;
2. Anticipated vehicle trip generation associated with the proposed uses;
3. Anticipated roadway operations; and
4. Parking demand.

In evaluating these items, the city's traffic engineering consultants drew on general engineering principles, as well as specific observations of the existing site. (See pages A7–A14.) The study concluded:

1. There has been minimal change in vehicle trip counts along Highwood Drive and the frontage road between 2013 and the present. The data confirms the assumptions of the traffic

study conducted in conjunction with review of the Minnetonka Medical Center.

2. The proposal is anticipated to generate 39 p.m. peak hour trips and 394 daily trips.
3. Given the relatively low trip generation, no roadway improvements would be needed to accommodate to the proposed land use.
4. The proposed parking supply is expected to meet estimated parking demand.

CUP Standards

By City Code §300.21 Subd.2 and Subd.3(e), medical clinics must meet both general and specific conditional use permit standards. The proposed use would meet these standards.

General Standards

1. The use is consistent with the intent of this ordinance;
2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;
4. The use is consistent with the city's water resources management plan;
5. The use is in compliance with the performance standards specified in section 300.28 of this ordinance; and
6. The use does not have an undue adverse impact on the public health, safety or welfare.

Specific Standards

1. Shall not be adjacent to low density residential areas;

Finding: The proposed clinic would not be located adjacent to a residential property.

2. Shall have direct access from the site to a collector or arterial street as defined in the comprehensive plan;

Finding: The proposed clinic would be accessed via State Highway 7 frontage road, which is defined as a collector street.

3. Shall not have emergency vehicle access adjacent to or located across a street from any residential use; and

Finding: As the proposed clinic is intended to provide general care services – not emergency services – the amount of emergency access would be no different than a typical office building. Nevertheless, access to the site would not be adjacent to or located across from a residential use.

SBP Standards

By City Code §300.27 Subd.5, in evaluating a site and building plan, the planning commission and city council shall consider its compliance with certain standards. But for the internal drive, the proposal would meet these standards.

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;

Finding: The proposal has been reviewed by planning, building, engineer, natural resources, fire, and public works staff. Staff finds it to be generally consistent with the city's development guides.

2. Consistency with this ordinance;

Finding: The proposed site and building changes would meet minimum ordinance standards.

3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;

Finding: The proposed internal drive would result in removal of existing green space and would impact all of the high priority trees on the north side of the site. As is not technically required by the zoning or fire codes, this drive does not meet this standard. While other site changes, notably construction of a parking lot east of the building, would result in tree impact and soil excavation and fill, the impact has been minimized to

the extent practicable.

4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;

Finding: The proposed internal drive would result in removal of existing green space and would impact all of high priority trees on the north side of the site. As is not technically required by the zoning or fire codes, this drive does not meet this standard. The remainder of the proposed site and building changes would generally maintain the existing relationship of existing building to existing open space.

5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
 - a) An internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
 - b) The amount and location of open space and landscaping;
 - c) Materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
 - d) Vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

Finding: But for the internal drive aisle, the proposal would result in a significant aesthetic improvement to the site and area.

6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading;

Finding: Given the significant remodel proposed, the state building code would require upgrades to more energy efficient systems.

7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

Finding: Generally, the proposal would not negatively impact adjacent properties or the surrounding area. Rather, the proposal would result in a significant aesthetic improvement.

Fencing

There is an existing fence along a portion of the north property line. This fence has generally been, and is currently, in a state of disrepair. As a condition of approval, the fence must be brought into compliance with City Code §845.015 – Building Maintenance and Appearance, prior to final inspection of the remodeled building. In the event that the applicant's proposed project does not proceed, the city may still take action under City Code §845.015.

Motion Options

The planning commission has four options:

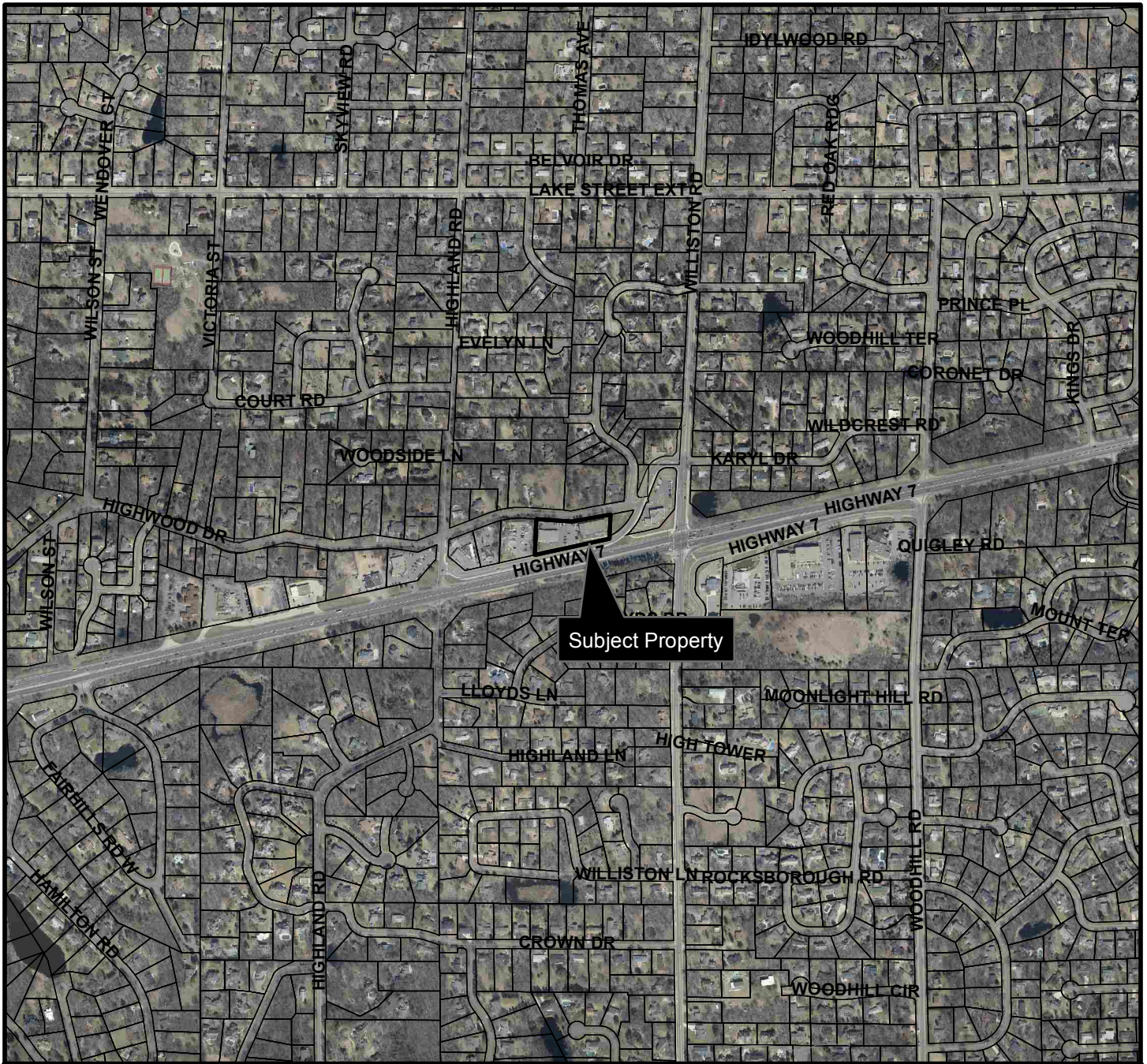
1. Concur with the staff recommendation. In this case a motion should be made recommending the city council adopt the ordinance and resolutions.
2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the requested rezoning, preliminary and final plats, master development plan amendment, final site and building plans, and conditional use permit requests. This motion must include a statement as to why denial is recommended.
3. Concur with some of staff's recommendations and disagree with the others. In this case a motion should be made recommending approval of the some and denial of the others. This motion must include a statement as to why denial is recommended. The motion should also require that the applicant provide: (1) an accurate tree survey and inventory; and (2) a buffering plan for new plantings on the subject property north of the driveway.

4. Table the requests. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

**Neighborhood
Comments**

The city sent notices to 146 area property owners and received two responses. (See pages A15–A16.)

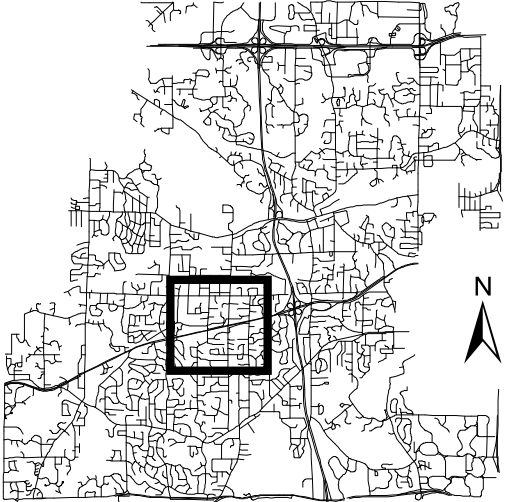
Deadline for Action June 6, 2016



Subject Property

Location Map

Project: Lindsay Group
 Applicant: ESG Architects
 Address: 14900 State Hwy No 7
 Project No. 86091.16a



This map is for illustrative purposes only.



February 12, 2016

MEMORANDUM

TO: City of Minnetonka

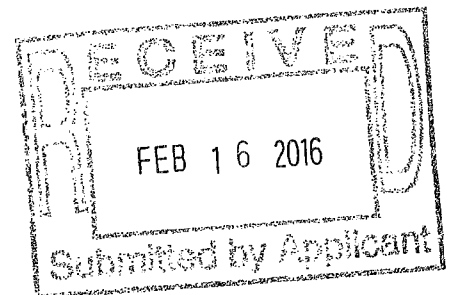
FROM: Nate Enger, Architect
ESG Architects
500 Washington Avenue South
Minneapolis, MN 55415

RE: Land Use and Conditional Use Permit Application for the Minnetonka Office Building

The attached applications are intended to address the proposed adaptive re-use of the existing Bunker Indoor Golf Building located at 14900 Highway 7. The project proposal consists of the partial demolition and re-use of the existing Bunker Building structure for the purpose of developing a new mixed use retail medical office. The anticipated occupancy of the building will consist of one larger anchor medical tenant with up to two smaller tenants based on market demand. Finished square footage for the building envelope will be approximately 10,900 s.f. Additional parking is proposed on the East side of the property to support the new uses, as well two new curb cuts, a right out only along Highwood Drive, and a right in, right out along the Highway 7 Frontage Road.

The exterior composition of the proposed new structure has been developed in compliance with City material standards; a concept landscape plan has been provided to indicate proposed planting areas and site features.

Our team looks forward to executing this project with the support of the City. Questions or comments in regards to the Architectural portions of this submittal can be addressed to Melissa Lockhart (melissa.lockhart@esgarch.com) at 612.373.4614.





elness swenson graham architects
500 WASHINGTON AVENUE SOUTH
MINNEAPOLIS, MINNESOTA 55415
P. 612.339.5508
F. 612.339.5382
WWW.ESGARCH.COM

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 architect under the laws of the State of Minnesota.

Signature _____

Typed or Printed Name _____

License # _____ Date _____



WEST ENTRY PERSPECTIVE



EAST ENTRY PERSPECTIVE

EXTERIOR MATERIAL KEY	
1:	STUCCO
2:	WOOD
3:	METAL PANEL
4:	GLASS
5:	WOOD SITE WALL
6:	METAL SUN SHADES
7:	PAINTED BRICK



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

**NOT FOR
CONSTRUCTION**

LAND USE
APPLICATION -
2.12.16

ORIGINAL ISSUE:

REVISIONS

No.	Description	Date

215711

PROJECT NUMBER

ML

NE

DRAWN BY CHECKED BY

KEY PLAN

MINNETONKA OFFICE

BUILDING ELEVATIONS

A0.2



einess swenson graham architects
500 WASHINGTON AVENUE SOUTH
MINNEAPOLIS, MINNESOTA 55415
P. 612.339.5508
F. 612.339.5382
WWW.ESGARCH.COM

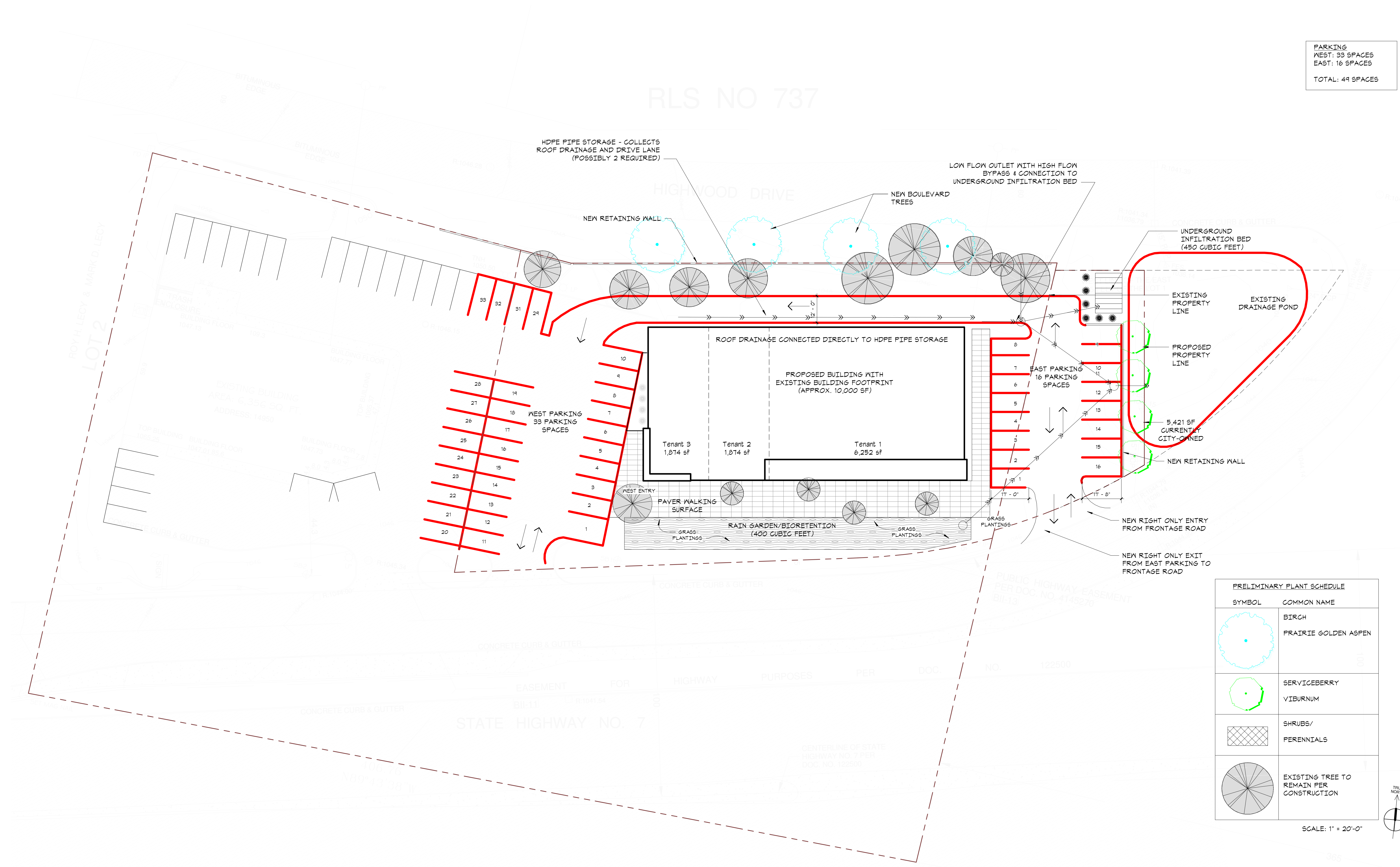
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed architect under the laws of the State of Minnesota.

Signature _____

Typed or Printed Name _____

License # _____ Date _____

PARKING
WEST: 33 SPACES
EAST: 16 SPACES
TOTAL: 49 SPACES



**NOT FOR
CONSTRUCTION**

LAND USE APPLICATION - 2.12.16

ORIGINAL ISSUE: 02.12.16

REVISIONS

No.	Description	Date

215711
PROJECT NUMBER

ESG
DRAWN BY _____ CHECKED BY _____

KEY PLAN

MINNETONKA OFFICE

ARCHITECTURAL SITE PLAN

A0.1

PRELIMINARY PLANT SCHEDULE

SYMBOL	COMMON NAME
	BIRCH
	PRAIRIE GOLDEN ASPEN
	SERVICEBERRY
	VIBURNUM
	SHRUBS/ PERENNIALS
	EXISTING TREE TO REMAIN PER CONSTRUCTION

SCALE: 1" = 20'-0"

TRUE NORTH



einess swenson graham architects
500 WASHINGTON AVENUE SOUTH
MINNEAPOLIS, MINNESOTA 55415
P. 612.339.5508
F. 612.339.5382
WWW.ESGARCH.COM

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 architect under the laws of the State of Minnesota.

Signature _____

Typed or Printed Name _____

License # _____ Date _____

**NOT FOR
CONSTRUCTION**

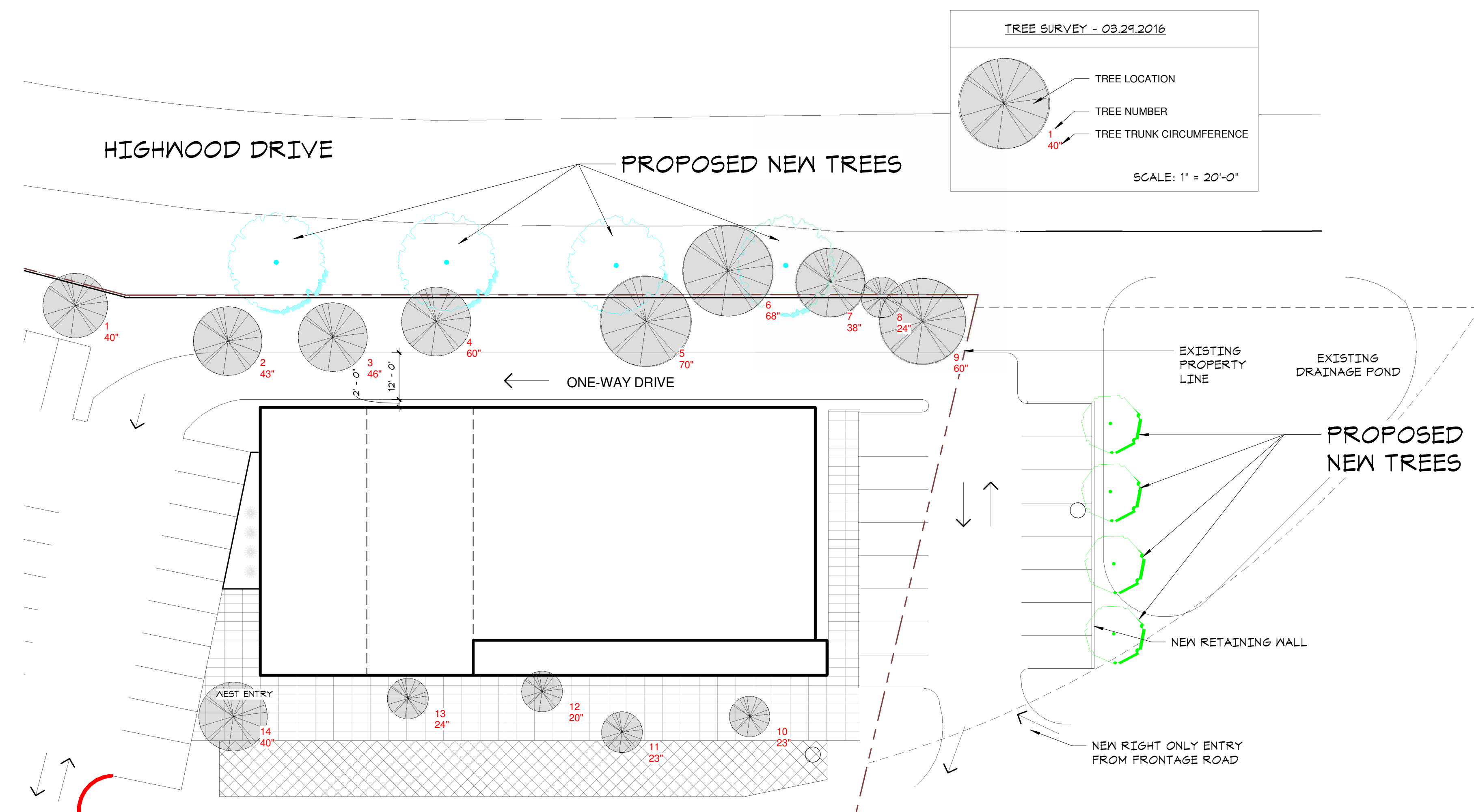


EXHIBIT A - EXISTING TREE SURVEY AT PROPOSED DRIVE

1 LANDSCAPE PLAN
A0.1.1 1" = 20'-0"

LAND USE APPLICATION - 2.12.16

ORIGINAL ISSUE: 04/25/16

REVISIONS	No.	Description	Date

215711 PROJECT NUMBER

Author	Checker
DRAWN BY	CHECKED BY

KEY PLAN

MINNETONKA OFFICE

TREE SURVEY
A0.1.1



einess swenson graham architects
500 Washington Avenue South
Minneapolis, Minnesota 55415
P. 612.339.5508
F. 612.339.5382
www.esgarch.com

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 architect under the laws of the State of Minnesota.

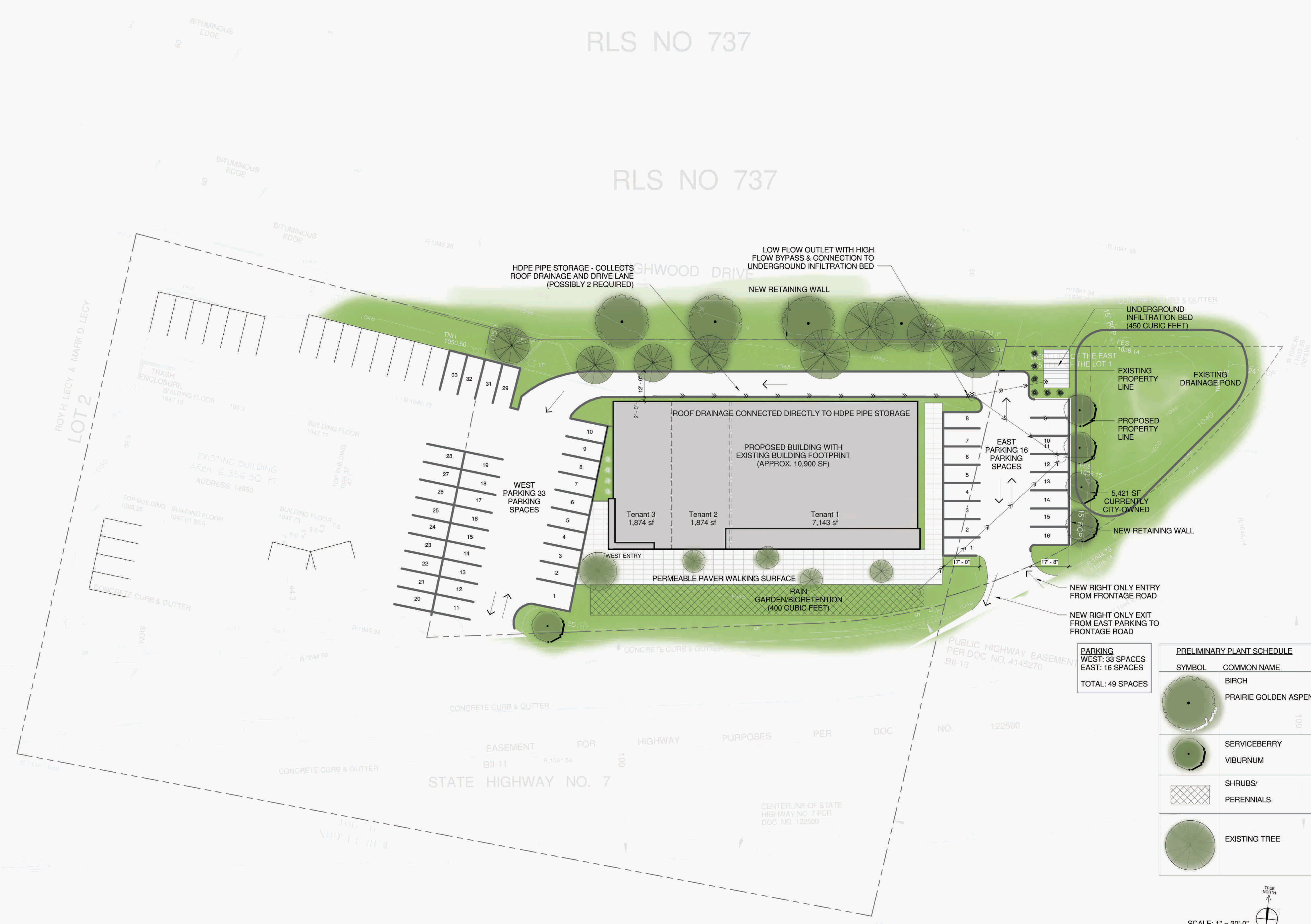
Signature _____

Typed or Printed Name _____

License # _____ Date _____

RLS NO 737

RLS NO 737



**NOT FOR
CONSTRUCTION**

LAND USE APPLICATION - 2.12.16

ORIGINAL ISSUE: 02/11/16

REVISIONS

No.	Description	Date

215711
PROJECT NUMBER

Author _____ Checker _____
DRAWN BY _____ CHECKED BY _____

KEY PLAN

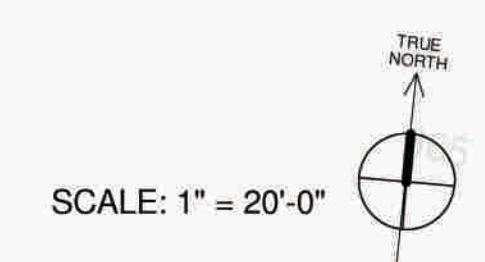
MINNETONKA OFFICE

ARCHITECTURAL LANDSCAPE PLAN

A0.3

PRELIMINARY PLANT SCHEDULE	
SYMBOL	COMMON NAME
	BIRCH
	PRAIRIE GOLDEN ASPEN
	SERVICEBERRY
	VIBURNUM
	SHRUBS/ PERENNIALS
	EXISTING TREE

PARKING
WEST: 33 SPACES
EAST: 16 SPACES
TOTAL: 49 SPACES



To: Susan Thomas, AICP
CITY OF MINNETONKA

From: Emily Gross, P.E., Senior Engineer
Matthew Pacyna, P.E., Senior Associate

Date: April 18, 2016

Subject: 14900 TRUNK HIGHWAY 7 TRAFFIC AND PARKING REVIEW, MINNETONKA, MN

Introduction

As requested, SRF has completed a traffic and parking review for the proposed mixed-use retail/medical office development located at 14900 Trunk Highway 7 (TH 7) in the City of Minnetonka (see Figure 1: Project Location). The main objectives of the study are to compare existing volumes to historic volumes within the study area as well as estimate the trip generation and parking demand for the proposed development.

Traffic Volume Comparison

To understand how recent land use changes to the study area impacted traffic patterns and volumes, a comparison of existing (year 2016) and year 2013 traffic volumes was completed. Existing weekday intersection turning movement counts were collected by SRF at the following study intersections during the a.m. and p.m. peak periods on March 10, 2016:

- Highland Road/TH 7 North Frontage Road
- Highland Road/Highwood Drive
- Highwood Drive/TH 7 North Frontage Road

A comparison between existing and year 2013 traffic counts was performed for the Highland Road/TH 7 North Frontage Road and Highland Road/Highwood Drive intersections and is shown in Figure 2. Historic counts for Highwood Drive/TH 7 North Frontage Road were not available. However, the year 2016 counts at this location were included to show current traffic patterns near the project site.

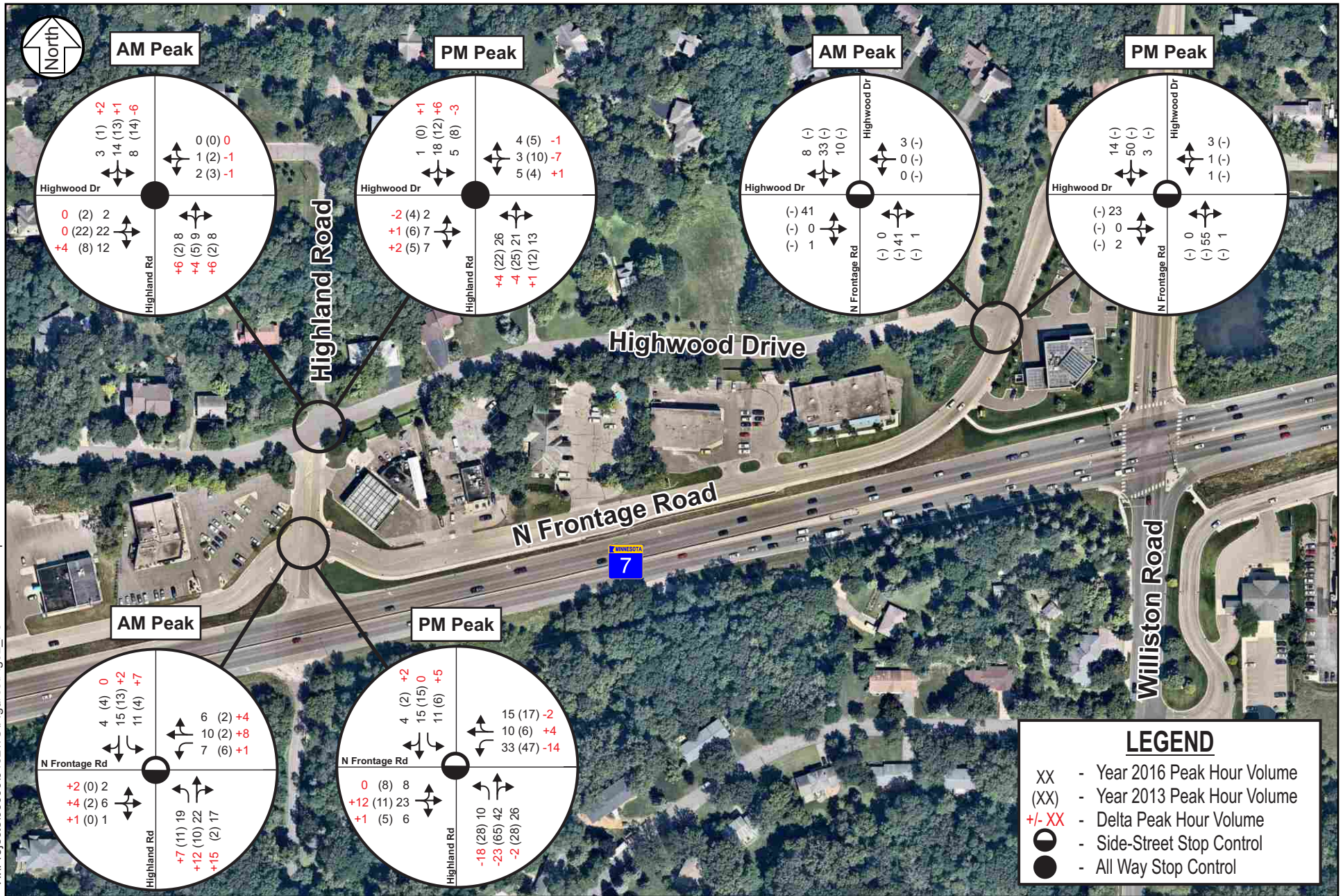
Results of the comparison indicate that some turning movement volumes increased and others decreased, but overall the change in traffic volumes within the study area was minimal. These traffic volume changes are considered within the normal range for daily variation. The growth in traffic volumes primarily occurred during the a.m. peak hour while there was an overall decrease in traffic during the p.m. peak hour.



Project Location

14900 State Highway 7 Traffic and Parking Review
City of Minnetonka

Figure 1



Proposed Development

The proposed development is located along the TH 7 North Frontage Road near Highwood Drive. Currently, a recreational building (i.e. Bunker Indoor Golf Center) is located on the site. The proposed development is approximately 10,900 square feet, and includes one larger anchor medical tenant and two smaller tenants. For purposes of this analysis, all uses were assumed to be medical office. In addition, the parking lot is planned to be modified to provide 48 parking spaces (see Figure 4).

Access to the proposed development is planned at two locations along the TH 7 North Frontage Road and one location on Highwood Drive. As shown on the site plan, the proposed eastern driveway along the TH 7 North Frontage Road is planned as a right-in/right-out access while the western driveway will provide full-access to both the proposed development parking lot as well as the adjacent commercial building. The Highwood Drive access is planned to be right-out only.

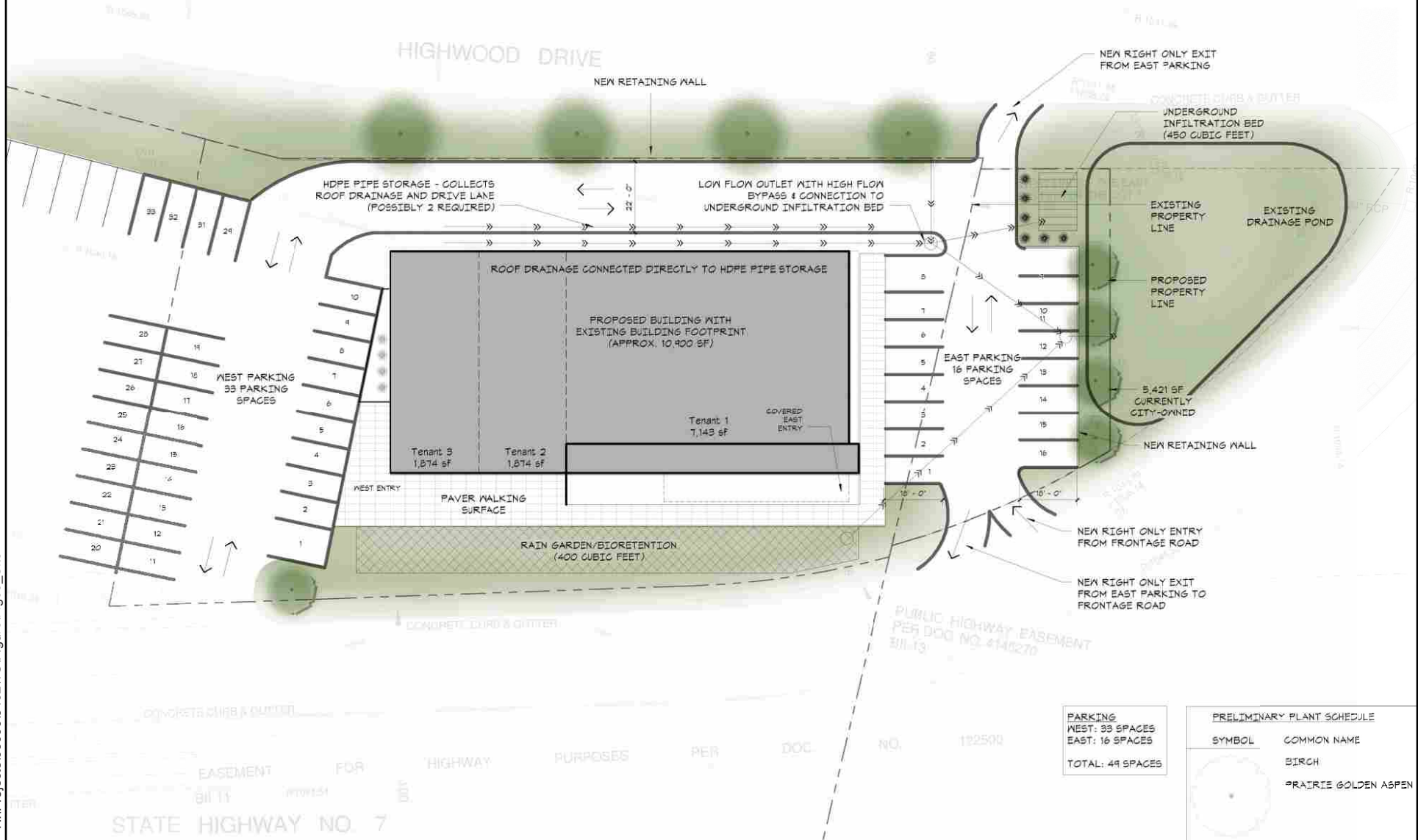
Trip Generation

In order to review the trip generation impacts of the proposed development, trip generation estimates for the a.m. and p.m. peak hours and a daily basis were developed using the *ITE Trip Generation Manual, 9th Edition*. When available, ITE recommends the use of local trip data to supplement ITE trip generation estimates. Therefore, data obtained from a similar use facility was included as a comparable to the ITE methodology. SRF Consulting Group collected data at West Health facility in Plymouth, Minnesota, which is a similar use to the proposed medical office development. Based on the comparable data available from this similar use, a medical clinic facility like this can be expected to have a trip generation demand at approximately 85 percent of the ITE rates for the a.m. peak hour and 44 percent of the ITE rates for p.m. peak hour.

To account for trips generated by the existing land use, trip generation estimates for the Bunker Indoor Golf Center were generated using the ITE trip rate. Since these trips will no longer be entering/exiting the adjacent roadway network, the net new trips were also calculated to better understand the expected trip generation impacts to the study area. It should be noted that the existing land use is only open during the winter months and is closed during the summer. The trip generation estimates are summarized in Table 1.



RLS NO 737



PARKING	
WEST: 33 SPACES	EAST: 16 SPACES
TOTAL: 49 SPACES	

PRELIMINARY PLANT SCHEDULE	
SYMBOL	COMMON NAME
	BIRCH
	PRAIRIE GOLDEN ASPEN

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Proposed Site Plan

14900 State Highway 7 Traffic and Parking Review
City of Minnetonka

Figure 3

Table 1. Trip Generation Estimates

Land Use Type (ITE Code)	Size	A.M. Trips		P.M. Trips		Daily Trips
		In	Out	In	Out	
Existing Land Use (ITE rates) ⁽¹⁾						
Multipurpose Recreational Facility (435)	10,900 SF	2	1	21	18	N/A
Proposed Development (ITE rates)						
Medical-Dental Office Building (720)	10,900 SF	21	5	11	28	394
Change in Site Trip Generation		+19	+4	-10	-10	-

(1) Existing land use is not open during the summer.

Results of the trip generation estimates indicate that the proposed development is expected to generate a total of 26 a.m. peak hour, 39 p.m. peak hour, and 394 daily trips based on the ITE trip rate. The net difference in trips between the proposed development and the existing land use is 23 additional a.m. peak hour and 20 fewer p.m. peak hour trips.

ITE considers 100 trip ends during a peak hour to be a threshold above which detailed traffic operational analysis should be performed to investigate impacts. Below this threshold traffic impacts are typically negligible. Therefore, given the relatively low trip generation estimates expected for the proposed development, roadway network improvements are not anticipated to be needed as a result of the newly generated traffic.

Parking Supply/Demand Review

City Parking Code

The City of Minnetonka parking code (section 300.28) states that the required minimum number of parking spaces for a medical/dental office is one space per 175 square feet of gross floor area. Therefore, the City requires approximately 62 parking spaces for the proposed 10,900 square foot development. Based on the site plan provided, the proposed development will provide 48 parking spaces. This indicates a potential parking deficit of 14 spaces based on the City code. However, it is understood that the City parking code requirements are meant to serve as guides for potential developments and that the determination of the required parking can vary depending on appropriate study. Therefore, ITE parking demand and local parking data was also reviewed.

ITE Parking Demand

Parking demand calculations are typically based on the *ITE Parking Manual* and calibrated against comparable local field data, if available. ITE has developed parking demand rates using key inputs to estimate parking demand. The *ITE Parking Manual* method estimates an 85th percentile demand based on the study sites parking demand. The 85th percentile is a statistical measure that represents the point at which 85 percent of the study sites had an observed peak period parking demand equal to or less than the value. Furthermore, it is good practice for the parking supply of any facility to equal the peak parking demand plus an additional five (5) to 15 percent. This extra supply reduces the unnecessary circulation of vehicles looking for parking and the perception of inadequate parking.

The ITE rates for the medical-dental office building land use were used to estimate the parking demand for the proposed development. Table 2 identifies the 85th percentile rates for this land use according to ITE Parking Manual, as well as the calibrated local field data for parking demand rates based on the West Health facility located in Plymouth, Minnesota for which SRF Consulting Group collected field data.

Table 2. Parking Demand – ITE vs. Field Data

Land Use (ITE Code)	Demand Rate	Land Use Size	Parking Demand	Surplus / (Deficit)
ITE Parking Manual, 4th Edition				
Medical Office Building (720) 85th Percentile Rate	4.27 spaces per 1,000 square feet	10,900 SF	47 spaces	1 space
West Health Field Data ⁽¹⁾				
Medical Office Building 85th Percentile Rate	3.33 spaces per 1,000 square feet	10,900 SF	36 spaces	12 spaces
Average of Two Methods				
Medical Office Building 85th Percentile Rate	3.80 spaces per 1,000 square feet	10,900 SF	42 spaces	6 spaces

⁽¹⁾ Based on field data collection and observations completed in June 2008 at West Health in Plymouth, MN.

The average of the 85th percentile parking demands for ITE and West Health field data is approximately 42 spaces, which is a six (6) space surplus. This six (6) space surplus is sufficient to provide the extra supply needed to reduce unnecessary circulation and the perception of inadequate parking. Therefore the proposed parking supply is considered adequate.

Site Review

A review of the proposed site plan was completed to identify any issues and recommend potential improvements with regard to intersection sight distance, traffic control and circulation. Based on this review, consider removing the proposed right-out access onto Highwood Drive. This right-out only access may be difficult to enforce and removal of this access would reduce the likelihood of vehicles traveling through the adjacent neighborhood. If the right-out access is removed, the proposed right-in/right-out access on the Frontage Road should be changed to a full access. Special consideration should be made to limit any sight distance impacts from future landscaping and signing.

Summary and Conclusion

Based on the analysis, the following conclusions and recommendations are offered for your consideration:

- The proposed development consists of a 10,900 square foot medical office building and a surface parking supply of 48 spaces.
- The existing volumes for the study intersections show no significant change in volume when compared to year 2013 counts.
- The proposed development is expected to generate a total of 26 a.m. peak hour, 39 p.m. peak hour, and 394 daily trips based on the ITE trip rate. When accounting for the existing land use current trip generation, the net trip difference is 23 additional a.m. peak hour and 20 fewer p.m. peak hour trips.
- Given the relatively low trip generation estimates expected for the proposed development, roadway network improvements are not anticipated to be needed as a result of the newly generated traffic.
- Although the proposed parking supply does not meet the City requirement, the proposed parking supply is expected to be sufficient based on the estimated parking demand using the ITE Parking Manual and localized data.
- Consider removing the proposed right-out access onto Highwood Drive and modifying the proposed right-in/right-out access on the Frontage Road to a full access.

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Susan Thomas

From: Jan [REDACTED]
Sent: Tuesday, March 22, 2016 12:56 PM
To: Susan Thomas; Brad Wiersum

Regarding 14900 State Hwy No 7 project.

When the Hwy No 7 project was purposed a service road was built to accommodate the businesses . At that time it was stated that there wouldn't be a excess to Highwood Drive and a fence would be built and trees would be planted to buffer the homes.The fence was built, the year the project took place.The fence has never been maintained and no trees were planted.

Janice Tesar

Susan Thomas

From: Ann [REDACTED] >
Sent: Monday, March 21, 2016 9:37 PM
To: Susan Thomas
Cc: Brad Wiersum
Subject: 14900 hwy 7 redevelopment

Jon and I are not opposed to having the property remodeled and reconfigured, but we are not in a favor of creating an access to the property via Highwood Drive. The intersection on Highwood Drive and the frontage has poor sight lines, at best, adding more traffic will cause more accidents. The school bus traffic is difficult to manage already, we don't need to add more car traffic. In addition, Highwood Drive is a residential road, not a retail access point.

The neighbors on Highwood Drive have to put up with an ugly medical building, whose lights are on 24 hours a day, and whose landscaping is not what was promised. I don't feel we need to put up with business and retail traffic on a road where many young children live and play.

A new frontage road was built on Highway 7 a few years ago to give access to these businesses, it is not necessary to create additional access to the building on Highwood Drive. Please leave the road alone.

Jon and Ann Wengronowitz
15424 Highwood Drive
Minnetonka, MN 55345

Sent from my iPad

ORDINANCES AND RESOLUTIONS

Ordinance No. 2016-

**Ordinance rezoning a portion of the existing property at 14840 State Highway 7
from B-1, office, to PUD, planned unit development.**

The city of Minnetonka Ordains:

Section 1.

1.01 A portion of the property at 14840 State Highway 7 is hereby rezoned from B-1, office, to PUD, planned unit development.

1.02 The area is legally described as:

That part of OUTLOT A, HIGHWOOD DRIVE ADDITION, Hennepin County, Minnesota lying westerly of the following described line:

Commencing at the Northwest corner of said OUTLOT A; thence on an assumed bearing of North 79 degrees 27 minutes 58 seconds East, along the northerly line of said OUTLOT A, which is also the southerly line of Highwood Drive, a distance of 40.05 feet, to the point of beginning of the line being described; thence South 10 degrees 29 minutes 33 seconds East, a distance of 87.59 feet, to the southerly line of said OUTLOT A, which is also the northerly line of the Frontage Road of State Highway No. 7, said line there terminating, subject to any easements of record, if any.

Section 2.

2.01 This ordinance is based on the following findings:

1. The rezoning would be consistent with the intent of the zoning ordinance and of the comprehensive guide plan.
2. The rezoning would be consistent with the public health, safety, and welfare.

Section 3. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 4. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on May 23, 2016.

Terry Schneider, Mayor

ATTEST:

David E. Maeda, City Clerk

Action on this ordinance:

Date of introduction: March 14, 2016

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on May 23, 2016.

David E. Maeda, City Clerk

Resolution No. 2016-

**Resolution approving the preliminary and final plats of LINDSAY CAN-AM
ADDITION at 14900 and 14840 State Highway 7**

BE IT RESOLVED by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. BACKGROUND.

1.01 Lindsay Group is requesting approval of preliminary and final plats of LINDSAY CAN-AM ADDITION.

1.02 The subject properties are located at 14900 and 14840 State Highway 7. They are legally described as follows:

That part of Lot 1, Block 2, TONKAWOOD FARMS, lying West of a line parallel with and distant 365 feet West of the East line of said Lot 1, and also That part of OUTLOT A, HIGHWOOD DRIVE ADDITION, lying westerly of the following described line:

Commencing at the Northwest corner of said OUTLOT A; thence on an assumed bearing of North 79 degrees 27 minutes 58 seconds East, along the northerly line of said OUTLOT A, which is also the southerly line of Highwood Drive, a distance of 40.05 feet, to the point of beginning of the line being described; thence South 10 degrees 29 minutes 33 seconds East, a distance of 87.59 feet, to the southerly line of said OUTLOT A, which is also the northerly line of the Frontage Road of State Highway No. 7, said line there terminating, subject to any easements of record, if any, all in Hennepin County, Minnesota.

1.03 Upon platting, the subject property will be legally described as follows:

Lots 1 and 2, Block 1, LINDSAY CAN-AM ADDITION

Section 2. GENERAL STANDARDS.

2.01 City Code §400.030 outlines plat design standards. These standards are incorporated here by reference.

Section 3. FINDINGS.

3.01 The proposed plat meets the design standards outlined in City Code §400.030

Section 4. CITY COUNCIL ACTION.

4.01 The preliminary and final plats of LINDSAY CAN-AM ADDITION are hereby approved, subject to the following conditions:

1. Prior to release of the final plat, submit the following:
 - a) A revised final plat document that:
 - 1) Incorporates the city-owned property to the east.
 - 2) Includes a minimum 10-foot wide drainage and utility easement adjacent to the public rights-of-way and minimum 7-foot wide drainage and utility easements along all other lot lines.
 - 3) Includes a minimum 10-foot wide drainage and utility easement over an existing stormwater pipe. The easement must be centered on the pipe.
 - b) Two mylars for city signatures.
 - c) The following documents for review and approval of the city attorney. These documents must be prepared by an attorney knowledgeable in the area of real estate.
 - 1) A cross access and parking easement between the individual lots. The easement must state the maintenance responsibilities of each owner.
 - 2) Title evidence that current within thirty days before release of the final plat.

Adopted by the City Council of the City of Minnetonka, Minnesota, on May 23, 2016.

Terry Schneider, Mayor

ATTEST:

David E. Maeda, City Clerk

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on May 23, 2016.

David E. Maeda, City Clerk

Ordinance No. 2016-

An ordinance amending the existing master development plan for the property at 14900 State Highway 7

The city of Minnetonka Ordains:

Section 1.

- 1.01 In 1986 the city approved a master development plan for the property located at 14900 State Highway 7.
- 1.02 In 2015 the city approved preliminary and final plats, incorporating additional property into the site.
- 1.03 The full property is now legally described as Lots 1 and 2, Block 1, LINDSAY CAN-AM ADDITION.
- 1.04 This ordinance hereby amends the existing master development plan as it pertains to the now-configured east half of the site.

Section 2.

- 2.01 This ordinance is based on the following findings:
 - 1. The amendment would be consistent with the intent of the zoning ordinance and of the comprehensive guide plan.
 - 2. The amendment would not negatively impact the public health, safety, and welfare.

Section 3.

- 3.01 Approval is subject to the following conditions:

1. The site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
 - Site plan received via email on April 25, 2016, with removal of the internal drive proposed north of the building.
 - Grading and drainage plan, dated February 12, 2016, as revised via email on April 25, 2016, and with removal of the internal drive proposed north of the building.
 - Landscaping via email on April 25, 2016.
 - Exterior elevations via email on April 25, 2016.

2. Development must further comply with all conditions as outlined in City Council Resolution Nos. 2016-xx and 2016-xx, adopted by the Minnetonka City Council on May 23, 2016.

Section 4. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 5. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on May 23, 2016.

Terry Schneider, Mayor

ATTEST:

David E. Maeda, City Clerk

Action on this ordinance:

Date of introduction: March 14, 2016

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on May 23, 2016.

David E. Maeda, City Clerk

Resolution No. 2016-

Resolution approving final site and building plans for changes to the existing property and building at 14900 State Highway 7

BE IT RESOLVED by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. BACKGROUND.

1.01 Lindsay Group is requesting approval of final site and building plans for significant changes to the current site and building at 14900 State Highway 7. As proposed, changes include:

- The interior of the building would be altered to accommodate a physical therapy/sports rehabilitation clinic and up to two smaller, complementary tenants;
- The façade of the building would be altered. Existing wood materials would be replaced by a variety of new materials – including stucco, glass, and metal;
- Additional parking would be constructed on the east side of the building;
- A driveway would be constructed from the frontage road accessing the new parking lot; and
- An internal drive would be constructed north of the building connecting the new parking lot on the east side of the building with the existing parking lot on the west side.

1.02 The property is legally described as Lot 2, Block 1, LINDSAY CAN-AM ADDITION.

1.03 On May 5, 2016, the planning commission held a hearing on the request. The applicant was provided the opportunity to present information to the

commission. The commission considered all of the comments and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the final site and building plans with modifications.

Section 2. GENERAL STANDARDS.

2.01 City Code §300.27 Subd.5, outlines the following standards that must be met for approval of site and building plans:

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;
2. Consistency with the zoning ordinance;
3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;
4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;
5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
 - a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
 - b) the amount and location of open space and landscaping;
 - c) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
 - d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount

of parking.

6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and
7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

Section 3. FINDINGS.

3.01 But for the internal drive on the north side of the building, the proposal would meet the site and building standards outlined in City Code §300.27 Subd.5.

1. The proposal has been reviewed by planning, building, engineer, natural resources, fire, and public works staff and found to be generally consistent with the city's development guides.
2. The proposed site and building changes would meet minimum ordinance standards.
3. The proposed internal drive would result in removal of existing green space and would impact all of high priority trees on the north side of the site. As is not technically required by the zoning or fire codes, this drive does not meet this standard. While other site changes, notably construction of a parking lot east of the building, would result in removal of trees and soil excavation and fill, the impact has been minimized to the extent practicable.
4. The proposed internal drive would result in removal of existing green space and would impact all of high priority trees on the north side of the site. As is not technically required by the zoning or fire codes, this drive does not meet this standard. The remainder of the proposed site and building changes would generally maintain the existing relationship of existing building to existing open space.
5. But for the internal drive aisle, the proposal would result in a significant aesthetic improvement to site and the area.
6. Given the significant remodel proposed, the state building code

would require upgrades to more energy efficient systems.

7. Generally, the proposal would not negatively impact adjacent properties or the surrounding area. Rather, the proposal would result in a significant aesthetic improvement.

Section 4. CITY COUNCIL ACTION.

4.01 The above-described site and building plans are hereby approved, subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
 - Site plan received via email on April 25, 2016, with removal of the internal drive proposed north of the building.
 - Grading and drainage plan, dated February 12, 2016, as revised via email on April 25, 2016, and with removal of the internal drive proposed north of the building.
 - Landscaping via email on April 25, 2016.
 - Exterior elevations via email on April 25, 2016.
2. A grading permit is required. Unless authorized by appropriate staff, no site work may begin until a complete grading permit application has been submitted, reviewed by staff, and approved.
 - a) The following must be submitted for the grading permit to be considered complete.
 - 1) An electronic PDF copy of all required plans and specifications.
 - 2) Two full size sets of construction drawings and three sets of project specifications.
 - 3) Final site, grading, drainage, utility, landscape, and tree mitigation plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.
 - a. Final site plan must:

1. Illustrate a full access at the frontage road to the new parking lot on the east side of the building.
 2. Not include an internal drive north of the building.
 3. Show stripping on parking stall #32. No parking is allowed at this location, as it would obstruct an existing fire hydrant.
 4. Include turning radii.
- b. Final grading plan must:
1. Revise retaining wall elevations. The base of the wall must be installed lower than the bottom of the existing stormwater pipe. This would ensure that: (1) if the pipe failed, the wall would not be compromised; and (2) the pipe could be replaced in the future without compromising the wall.
 2. Include a note that the retaining wall will be designed to withstand being submerged in the event pond levels are high.
 3. Indicate that decompaction will occur within the bioretention area prior to final grading.
- c. Final landscaping and tree mitigation plans. The plans must:
1. Meet minimum landscaping and mitigation requirements as outlined in the ordinance. However, at the sole discretion of natural resources staff, mitigation may be adjusted based on site conditions.
 2. Include additional plantings or fencing along the north side of the building to

- enhance screening from Highwood Drive.
3. Include a seed mix or species list for planting the bioretention area.
 4. Not include any planting within city right-of-way.
- 4) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to utility improvements, comply with grading permit, tree mitigation requirements, landscaping requirements, and to restore the site. One itemized letter of credit, if approved by staff. The city will not fully release the letters of credit or cash escrow until: (1) submission of as-built drawings and a letter certifying that utilities have been completed according to the plans approved by the city; (2) vegetated ground cover has been established; and (3) required landscaping or vegetation has survived one full growing season.
 - 5) A construction management plan. The plan must be in a city approved format and must outline haul routes, minimum site management practices, and penalties for non-compliance.
- b) Prior to issuance of a grading permit:
- 1) The final plat must be submitted to Hennepin County for recording.
 - 2) Submit the following documents for city attorney review and approval. The documents must be prepared by an attorney knowledgeable in the area of real estate.
 - a. Stormwater maintenance agreements over all stormwater facilities.
 - b. Private fire hydrant agreement.
 - 3) Submit cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by

the builder and property owner. Through this document the builder and property owner will acknowledge:

- The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
 - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
- 4) Install a temporary rock driveway, erosion control, tree protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
- c) Permits may be required from other outside agencies. It is the applicant's and property owner's responsibility to obtain any necessary permits.
3. Prior to issuance of a building permit:
- a) Submit the following items for staff review and approval:
- 1) A construction management plan. This plan must be in a city approved format and outline minimum site management practices and penalties for non-compliance. If the builder is the same entity doing grading work on the site, the construction management plan submitted at the time of grading permit may fulfill this requirement.
- 2) An illumination plan for any new exterior fixtures.
- b) Submit all required hook-up fees.
5. Prior to final building inspection, the existing fence along the north property line must be brought into compliance with City Code 845.015.
6. During construction, the streets must be kept free of debris and sediment.

7. Any new rooftop and ground-mounted mechanical equipment, and exterior trash and recycling storage areas, must be enclosed with materials compatible with the principal structure, subject to staff approval.
8. The property owner is responsible for replacing any required landscaping that dies.
9. Construction must begin by December 31, 2017, unless the planning commission grants a time extension.

Adopted by the City Council of the City of Minnetonka, Minnesota, on May 23, 2016.

Terry Schneider, Mayor

ATTEST:

David E. Maeda, City Clerk

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on May 23, 2016.

David E. Maeda, City Clerk

Resolution No. 2016-

**Resolution approving a conditional use permit for a medical clinic
at 14900 State Highway 7**

BE IT RESOLVED by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. BACKGROUND.

1.01 Lindsay Group is requesting a conditional use permit for a medical clinic.

1.02 The subject property is zoned planned unit development and is located at 14900 State Highway 7. It is legally described as Lot 2, Block 1, LINDSAY CAN-AM ADDITION.

1.03 On May 5, 2016, the planning commission held a hearing on the request. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. STANDARDS.

2.01 By City Code 300.22 Subd. 3, all uses allowed by conditional use permit within any other district are allowed by conditional use permit with a planned unit development.

2.02 City Code §300.21, Subd. 2, outlines general conditional use permit standards. These standards are incorporated here by reference.

2.03 City Code §300.21 Subd. 3(e), outlines the following specific conditional use permit standards associated with hospitals and medical clinics:

1. Shall not be adjacent to low density residential areas;

2. Site shall have direct access to collector or arterial street as defined in the comprehensive plan; and
3. Emergency vehicle access shall not be adjacent to or located across a street from any residential use.

Section 3. FINDINGS.

- 3.01 The proposal would meet the general conditional use permit standards outlined in City Code §300.21 Subd.2.
- 3.02 The proposal would meet the general conditional use permit standards outlined in City Code §300.21 Subd.3(e).
1. The proposed medical clinic would not be located adjacent to a residential property.
 2. The proposed clinic would be accessed via State Highway 7 frontage road, which is defined as a collector street.
 3. As the proposed clinic is intended to provide general care services – not emergency services – the amount of emergency access would be no different than a typical office building. Nevertheless, access to the site would not be adjacent to or located across from a residential use.

Section 4. CITY COUNCIL ACTION.

- 4.01 The above-described conditional use permit is approved, subject to the following conditions:
1. Use as a hospital or for receiving of emergency transports is not allowed.
 2. The city council may reasonably add or revise conditions to address any future unforeseen problems.
 3. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on May 23, 2016.

Terry Schneider, Mayor

ATTEST:

David E. Maeda, City Clerk

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on May 23, 2016.

David E. Maeda, City Clerk

SEAL

MINNETONKA PLANNING COMMISSION
May 5, 2016

Brief Description	Amendment to the sign ordinance
Recommendation	Recommend the city council adopt the ordinance

Introduction

The original Minnetonka sign ordinance was adopted in 1966. The current sign ordinance was adopted in 1991. There has not been a major update to the ordinance, in its entirety, since that time. The last major amendment was the addition of the dynamic display ordinance in 2007. Staff has recognized that in the time since the last comprehensive sign ordinance update, there have been many changes in business practices, sign technology and standards, building standards, and societal views on signage that the current ordinance does not fully address. Specifically, in practice, certain ordinance requirements have become outdated and non-functional. This has led to an increase in variance requests, amendments to dated sign covenants, and the need for development-specific sign plans.

Background

In the mid to late 1970's, a Sign Ordinance Committee developed a new sign ordinance and presented recommendations to the city council. The sign ordinance was not adopted by the city council, presumably because it was not well received by the business community and local sign industries. As a result, the city continued to operate under the original 1966 sign ordinance, which was outdated and did not reflect the sign technology and community standards of the day. During that time, city staff, the planning commission and the city council negotiated sign approvals, which was ineffective, lacked ordinance authority, was inconsistent, and difficult to enforce. As a result, in 1989, the mayor and city council appointed a Sign Ordinance Committee to address these concerns. The existing sign ordinance was adopted by the city council on February 25, 1991.

Current Ordinance and the Law

The 1991 sign ordinance has proven effective in regulating the type, location, size and quantity of signs on properties. The ordinance is especially prescriptive in the types of signs allowed. For example, the code includes definitions and regulations for "grand opening" and "construction" signs. Although it may seem intuitive to regulate various types of signs by their function, the courts have held that sign regulations need to be content-neutral. This means that if one must read the sign to know what it is, then by pure definition, it doesn't meet neutrality standards.

Objectives

The sign ordinance will be updated in two phases. This proposed ordinance is part of the first phase. The first phase is intended to address issues resulting from a recent court decision and organizational issues. The second phase will focus on regulatory standards. In summary, each phase focuses on the following:

Phase 1 -

- *Remove content-based regulations from the ordinance.* The existing sign ordinance is largely based on a sign's content and wording. For example, in residential zoning districts, there are separate regulations for leasing, real estate, and construction signs. Several court cases have found constitutional issues with sign ordinances which include content-based standards. Most recently, a United States Supreme Court Decision in June 2015 struck down a sign ordinance involving "directional signs" as a content-based regulation. Content-based regulations are subject to higher judicial scrutiny under First Amendment analysis and are more vulnerable to challenge.
- *Improve the organization and user-friendliness of the sign ordinance.* Because the city code is often downloaded and interpreted by others, it is important to make the ordinance easy to read and follow.

Phase 2 -

- *Update for current industry trends and standards.* As the city discovered during the review of the dynamic sign ordinance, technology in the sign industry has changed significantly since the adoption of the city's current ordinance. Additionally, staff has noticed changes in the branding and marketing goals of companies. Some examples of the branding changes include incorporating the logo into a company's trade name, and adding trade slogans or catch phrases in the sign. These changes impact the types, styles and design of signage.
- *Provide for more flexibility in the ordinance.* The existing ordinance has very limited flexibility built into it. This has resulted in an increased number of variances and sign plans reviewed by the planning commission and city council. Additional flexibility will need to recognize differing site characteristics and visibility needs while maintaining community aesthetics and traffic safety.

Prior to kicking-off Phase 2 efforts, city staff anticipates a work session to discuss goals of the update with the planning commission and city council. The sign ordinance update would also benefit from input from a broader audience of stakeholders. The stakeholder group could include property owners, property managers, developers, and sign contractors. Phase 2 efforts will commence in late 2016-early 2017.

Phase 1 Proposed Changes

Based on these objectives, staff is proposing changes identified below. A separate disposition table is provided to assist in tracking changes from the current ordinance to the proposed ordinance. (See pages A80 to A112). The disposition table shows the existing ordinance on the left side. Changes to existing language are shown with tracked changes. Changes to organization, such as new numbering, and comments on changes, are shown on the right side.

The proposed changes are summarized below:

- Move the sign ordinance from section 300 to section 325. This is a first step in reorganizing the zoning code. By using all of chapter 3 for the zoning code, staff believes the zoning code will become more user-friendly and have greater visual appeal. Currently, the sign code is contained within a single section, section 300.30. The proposed revision would spread the sign code over six sections, 325.01 through 325.06.
- Reorganize the sign ordinance into a more logical sequence. For example, the current sign ordinance has procedural provisions, like the sign application process, at the end rather than at the beginning of the ordinance. The new organization is;
 - Purpose and Findings, section 325.01
 - Definitions, section 325.02
 - Citation, Administration and Enforcement, section 325.03
 - Permits, Procedure and Variances, section 325.04
 - General Regulations, section 325.05
 - District Regulations, section 325.06
- Reduce the visual density of the ordinance by maximizing the use of tables. Existing regulations that are currently in a narrative text form were put into a table format
- Remove content-based terms with minimal substantive changes. For example:
 - Distinguishing between on-premise signs and off-premise signs is constitutionally permissible, as is distinguishing between commercial and noncommercial speech. Several general prohibitions limit content in that manner: permanent off-premise signs are prohibited in all districts; commercial signs are not allowed in residential districts except as expressly permitted.
 - Signs are regulated by the type of construction and the location rather than the use of the sign. For example:
 - Instead of “identification signs” for residential property, the proposed ordinance allows permanent signs with the same spatial

limitations as under the existing ordinance (wall signs for single and two-family dwellings; monument signs for subdivisions and multi-family dwellings).

- Instead of “scoreboard signs,” the code allows permanent signs on properties with athletic fields.
- “Directional signs” are addressed as permanent freestanding signs that must be located near drive aisle and parking areas (See section 325.05(3)(d)).
- “Construction signs” and “real estate signs” are now temporary on-premise commercial signs, allowed on a vacant property under development and allowed when a property is for lease or sale. (See section 325.06(1)(d) for residential properties and 325.06(5) for business and industrial properties).
- “Temporary outdoor advertising signs” are now called “temporary off-premise commercial signs. (See section 325.05(3)(e)).
- The proposed ordinance allows substitution of a commercial sign with a non-commercial sign.

See examples on pages A78-A79.

- Remove substantive requirements from definitions. For example, a prohibition on projecting signs was removed from the “wall sign” definition and added as a substantive location requirement.
- Make limited substantive changes as necessary to address content neutrality issues or as advisable. Those changes include:
 - The proposed ordinance limits the number of temporary noncommercial signs that may be posted to an aggregate of 18 square feet per property in residential districts. Currently there is no limit. State law will override the numerical limit during state general election years.
 - The proposed ordinance removes the prohibition on including product advertisements on signs in commercial districts.
 - The proposed ordinance removes the distinctions in sizes allowed for logos versus other sign text.
 - The definition of “sign” has been revised so that it no longer includes devices that are not visible from a street or adjacent property. If it can’t be seen, we don’t regulate it.
 - The definition of “sign” has been revised so that the city no longer regulates flags that do not convey commercial messages.
 - “Leasing sign” options for business uses.

Staff Recommendation

Recommend the city council adopt the ordinance on pages A1-A77.

Originated by:

Corrine Heine, City Attorney
Loren Gordon, AICP, City Planner

Ordinance No. 2016-

**An Ordinance amending the city's sign regulations;
repealing section 300.30 of the Minnetonka City Code
and adding a new section 325**

The City of Minnetonka Ordains:

Section 1. Section 300.30 of the Minnetonka City Code, a copy of which is attached as Exhibit A, is repealed.

Section 2. The Minnetonka City Code is amended by adding a new section 325, in the form of the attached Exhibit B.

Section 3. This ordinance is effective on the date of its adoption.

Adopted by the city council of the City of Minnetonka, Minnesota, on

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this Ordinance:

Date of introduction:

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on

David E. Maeda, City Clerk

EXHIBIT A
Ordinance to be Repealed

SECTION 300.30. SIGN ORDINANCE.

1. Purpose and Findings.

The purpose and findings of the sign ordinance are as follows:

a) Purpose: the sign ordinance is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification. It is the intent of this section, to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs which meet the city's goals by authorizing:

- 1) permanent signs which establish a high standard of aesthetics;
- 2) signs which are compatible with their surroundings;
- 3) signs which are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or unduly distract motorists;
- 4) signs which are large enough to convey the intended message and to help citizens find their way to intended destinations;
- 5) signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;
- 6) permanent signs which give preference to the on-premise owner or occupant; and
- 7) temporary commercial signs and advertising displays which provide an opportunity for grand openings and occasional sales events while restricting signs which create continuous visual clutter and hazards at public right-of-way intersections.

b) Findings: the city of Minnetonka finds it is necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size and maintenance of signs be controlled. Further, the city finds:

- 1) permanent and temporary signs have a direct impact on and relationship to the image of the community;
- 2) the manner of installation, location and maintenance of signs affects the public health, safety, welfare and aesthetics of the community;

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1

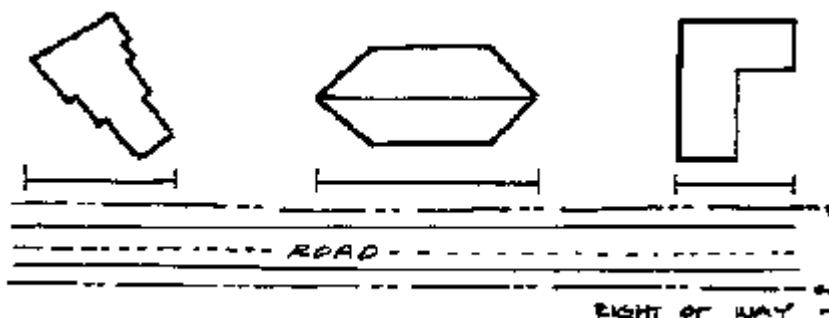
- 3) an opportunity for viable identification of community businesses and institutions must be established;
- 4) the safety of motorists, cyclists, pedestrians and other users of public streets and property is affected by the number, size, location and appearance of signs that unduly divert the attention of drivers;
- 5) installation of signs suspended from, projecting over, or placed on the tops of buildings, walks or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire-fighting and other emergency service;
- 6) uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;
- 7) uncontrolled and unlimited signs, particularly temporary signs which are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information;
- 8) commercial signs are generally incompatible with residential uses and should be strictly limited in residential zoning districts; and
- 9) the right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location and number.

(Amended by Ord. #2007-21 adopted June 25, 2007)

2. Definitions.

- 1. "Building length" - the longest straight line parallel to adjacent public right-of-way from end wall to end wall of a building. (Figure 30-1)

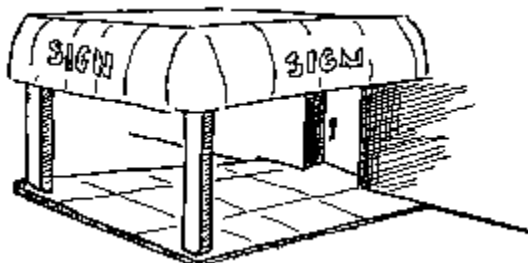
Figure 30-1



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2. “Canopy or awning sign” - a sign constructed of flexible translucent or fabric type material which incorporates a written message or logo on the exterior. (Figure 30-2)

Figure 30-2



3. “Commercial sign” - any sign which advertises or identifies a product, business, service, event, or any other matter of a commercial nature, even though the matter may be related to a nonprofit organization.

4. “Construction sign” - any sign which displays information regarding the construction or development of the site on which it is displayed.

5. “Copy and graphic” - the wording and other display messages such as logos or symbols on a sign. (Figure 30-3)

Figure 30-3



6. “Copy and graphic area” - the area in square feet of the smallest four-sided figure which encloses the copy and graphic of a sign. (Figure 30-4)

Figure 30-4



7. “Directional sign” - a sign which serves primarily to direct traffic to the location of a place, area or activity. (Figure 30-5)

Figure 30-5



8. “Dynamic display” - any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

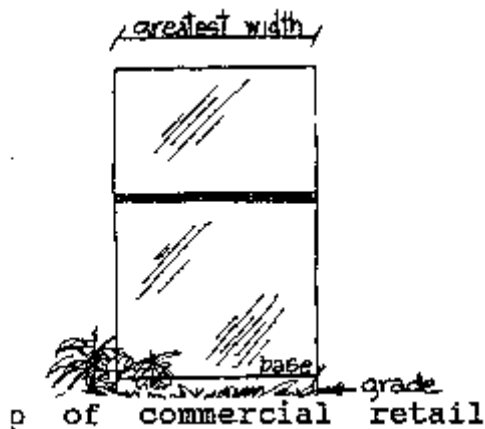
9. “Freestanding sign” - a sign which is self-supporting and affixed to a frame structure not attached to a building.

10. “Grand opening” - commencement of operation of a new business. For purposes of the ordinance, a grand opening is considered to occur if there is a business name change or change in type of business or activity.

11. “Identification sign” - a sign which is limited to the name and/or identifying symbol of a development, institution or person on the premises where the sign is located.

12. "Illumination, internal" - a light source within the sign.
13. "Illumination, external" - a light source which is not internal to the sign.
14. "Items of information" - individual copy and graphic items situated in a manner which presents separate messages. An item of information can only be a name, an address, a logo, or geographic directions.
15. "Limited tenant building" - a commercial retail establishment or a group of commercial retail establishments with the designed occupancy of three or less tenants. It must have shared parking and a visual appearance as a contiguous structure which may or may not be planned, constructed or managed as a total entity. This includes single tenant retail structures.
16. "Logo" - an identifying graphic which may or may not be a registered trademark.
17. "Merchandise box" - a sign which is affixed on and/or located adjacent to a gas pump and used to advertise services and goods.
18. "Monument sign" - a sign not supported by exposed posts or poles which is architecturally designed and located directly at grade where the base width dimension is 50% or more of the greatest width of the sign. (Figure 30-6)

Figure 30-6



19. "Multi-tenant center" - a group of commercial retail establishments with a designed occupancy of four or more tenants with shared parking and visual appearance as a contiguous structure which may or may not be planned, constructed or managed as a total entity.
20. "Non-commercial opinion sign" - any sign which is not a commercial sign, which expresses an opinion and which is deemed by the courts to have greater protection under the first amendment than a commercial sign.
21. "On-premise sign" - a sign identifying a business, person, activity, goods, products or

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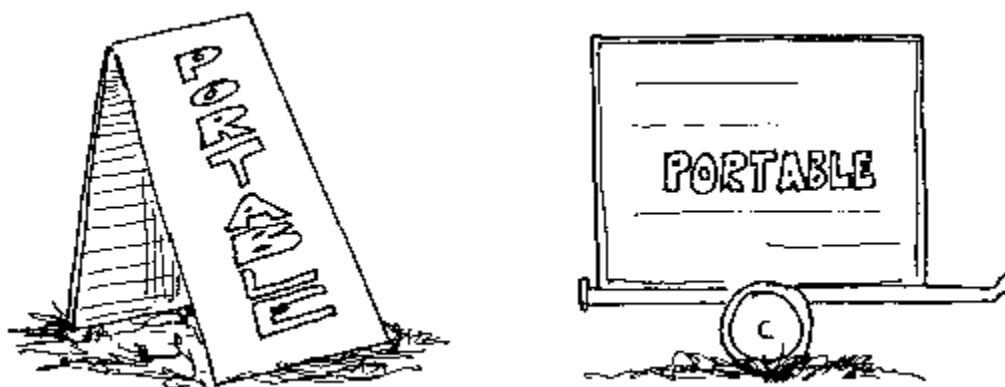
services located on the site where the sign is installed.

22. “Outdoor advertising sign” - any sign that is located outdoors and that advertises a product, business, service, event, or any other matter that is not available, or does not take place, on the same premises as the sign. An outdoor advertising sign does not include a sign that is not understandable or readable by the naked eye of an ordinary person with 20/20 vision from property other than where the sign is located, such as from adjacent property or a public street.

23. “Permanent sign” - any sign other than a temporary sign.

24. “Portable sign” - a sign with or without copy and graphic that is designed or intended to be moved or transported. Examples of portable signs are: (Figure 30-7)

Figure 30-7



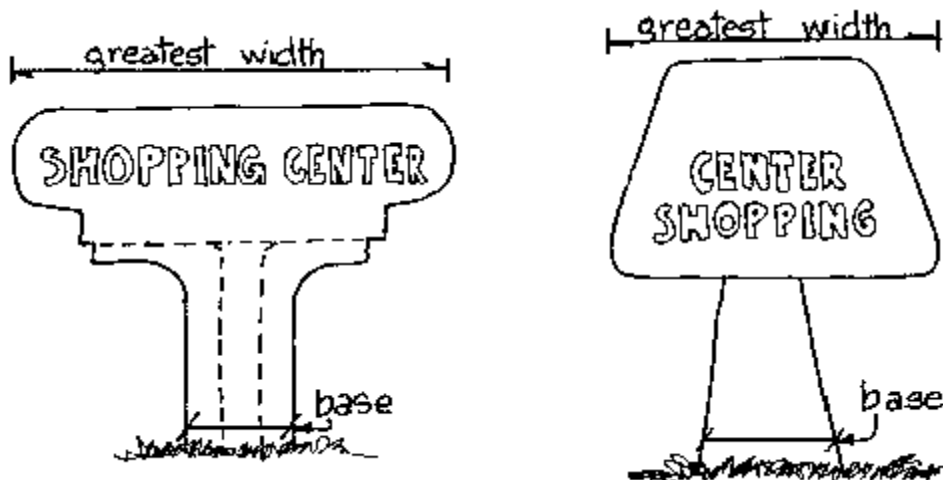
- A - or T - frame signs;
- sandwich signs;
- signs designed to be transported by trailer or on wheels;
- mounted on a vehicle for advertising purposes, when the vehicle is parked and visible from public right-of-way, except signs identifying a business when the vehicle is being used in the normal day-to-day operation of that business;
- a sign may be a portable sign even if it has wheels removed, was designed without wheels, or is attached temporarily or permanently to the ground, a structure, or other sign.

25. “Pylon sign” - a sign supported by a post or posts so that the sign and supports are finished to grade by encasing the posts in a material consistent with the sign and where the base width dimension is a minimum of 10% up to and including 50% of the greatest width of the sign.

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(Figure 30-8)

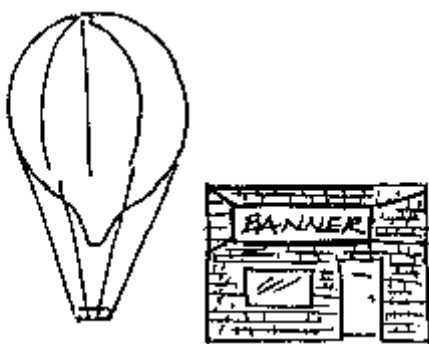
Figure 30-8



26. "Real estate sign" - any sign pertaining to the sale, lease or rental of land or buildings.
27. "Regulation baseball field" - a field to accommodate high school through adult competitive play. Field dimensions must include 90-foot base paths and minimum outfield distances of 310 feet. Fields must be designed for competitive play and include spectator seating for a minimum capacity of 400. One principal field at each high school may be a regulation baseball field without regard to minimum spectator seating.
28. "Scoreboard" - a sign associated with an athletic field that includes information and/or statistics pertinent to an on-site game or activity and also includes any sponsor or identification panels.
29. "Sign" - any writing, pictorial presentation, number, illustration or decoration, flag, banner or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known. The term "sign" shall not be deemed to include the terms "building" or "landscaping", or any architectural embellishment of a building not intended to communicate information.
30. "Temporary business sign" - a temporary sign which is used by a business to display commercial messages pertaining to on site services and goods or any non-commercial message.
31. "Temporary sign" - a sign which is designed or intended to be displayed for a short period of time and is not permanently installed. This includes items such as banners, pennants, flags of other than a political jurisdiction, beacons, sandwich or curb signs, balloons or other air or gas filled figures. (Figure 30-9)

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Figure 30-9



32. “Unified development” - a development of three or more principal structures with common characteristics as determined by the city. Common characteristics may include shared access, similar architecture, single ownership or history of site plan review approval.

33. “Wall sign” - a single faced sign attached to or erected against an exterior wall of a building with the face in a parallel plane to the plane of the building wall and which does not project more than 18 inches.

(Amended by Ord. #2007-21, adopted June 25, 2007; amended by Ord. #2006-16 adopted September 11, 2006)

3. Residential Sign Regulations.

a) Within residential zoning districts, permanent signs are permitted as follows:

1) Identification signs: for each single family or two family dwelling, one identification sign not to exceed 2 square feet in area and located on the lot to which the sign pertains;

2) Low density residential identification signs: for each single family subdivision containing at least 6 lots and each two family subdivision containing a potential for at least 12 dwellings, identification signs are permitted which comply with the following standards:

- a. one monument style sign;
- b. 30 square foot maximum copy and graphic area per entrance;
- c. 75 square foot maximum total monument area per entrance;
- d. 6-foot maximum height;
- e. located at primary entrances to subdivision;

Minnetonka Code of Ordinances

- f. a second sign may be located at the primary entrance as long as total copy and graphic area of the two signs does not exceed 30 square feet;
- g. single or double faced. If double faced, the sign faces shall be parallel;
- h. external illumination;
- i. located within a dedicated permanent sign easement and not within public right-of-way; and
- j. a neighborhood or homeowner's association shall be responsible for perpetual maintenance of the sign.

3) Medium and high density residential identification signs: for each medium or high density residential development, identification signs which comply with the following standards are permitted:

- a. one monument style sign;
- b. 36 square foot maximum copy and graphic area per entrance;
- c. 100 square foot maximum total monument area per entrance;
- d. 8-foot maximum sign height;
- e. located at primary entrances to development;
- f. a second sign may be located at the primary entrance as long as total copy and graphic area of the two signs does not exceed 36 square feet;
- g. single or double faced. If double faced, the sign faces shall be parallel;
- h. external illumination when the sign is located adjacent to, or across a public right-of-way from, low density residential parcels; and
- i. if the sign is to be located in a development which includes individual ownership parcels, the sign shall be located on a parcel held in common ownership and shall be perpetually maintained by a homeowner's association or responsible property owners.

4) Conditionally permitted uses in residential districts: for the following conditionally permitted uses within a residential district, permanent signs which comply with the following standards are permitted. If the use is not specifically listed below it is regulated within the above paragraphs of this subdivision.

- a. Educational, religious and public institution signs: for each educational, religious, public or private institution, and nursing home property, signs are permitted which

comply with the following standards:

1. monument signs:
 - a) one sign not to exceed 30 square feet maximum copy and graphic area;
 - b) 75 square feet maximum monument area;
 - c) 8-foot maximum height;
 - d) single or double faced; and
 - e) internal or external illumination and the light source shall not be exposed.

2. wall mounted signs:
 - a) individually mounted letters not to exceed 24 inches in height;
 - b) one sign, area not to exceed 50 square feet or 10 percent of the area of the building wall on which the sign is located, whichever is less; and
 - c) illumination shall be external.

3. scoreboard signs for athletic fields as regulated under section 300.30, subdivision 3(a)(4)b2.

b. Public and private parks: for each public or private park property, signs are permitted according to the following standards:

1. monument signs:
 - a) one sign not to exceed 32 square feet;
 - b) 8-foot maximum height;
 - c) single or double faced;
 - d) product or service advertising is prohibited except readerboards may display public service announcements only;
 - e) internal or external illumination and the light source shall not be exposed; and

f) illumination shall be allowed between 6 a.m. to 10 p.m. only.

2. scoreboards:

one scoreboard per playing field is allowed if it does not exceed 410 square feet in size, except that a playing field with structured seating capacity for greater than 2000 people may have one or more scoreboards and the total area of the scoreboard or scoreboards cannot exceed 1000 square feet in size; and

3. athletic field fence panels:

a) athletic field fence panels which contain outdoor advertising signs as defined in this ordinance are prohibited; and

b) an advertising fence panel which directly faces the infield and was legally established prior to the effective date of this ordinance is considered a legal nonconforming use which may not be altered, enlarged or replaced by another nonconforming sign except the message may be changed.

b) Within residential zoning districts, temporary signs are permitted as follows.

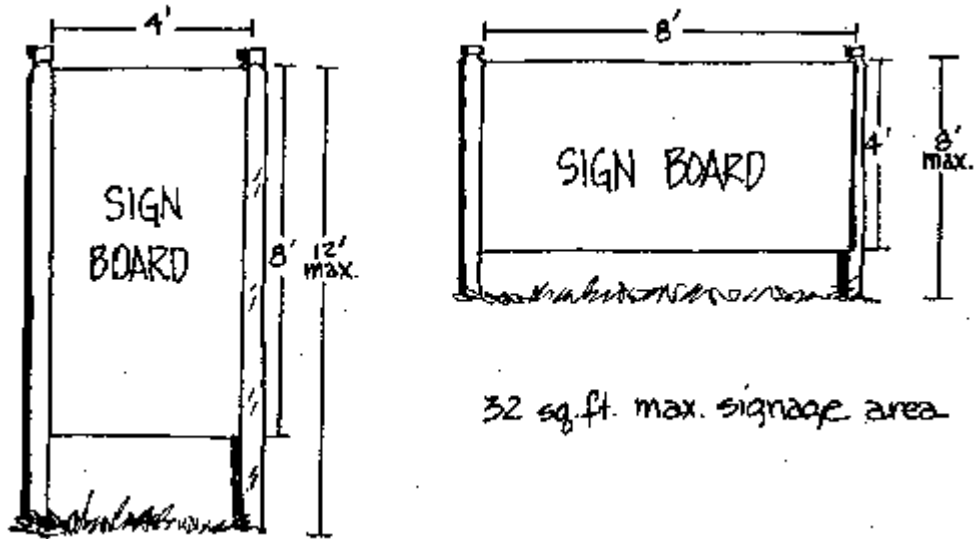
1) Within all residential zoning districts, construction signs which comply with the following are permitted:

a. the development must be within a medium or high density zoning district or low density zoning with a minimum of four lots;

b. 32 square feet maximum sign area;

c. 12-foot maximum sign height for signs not exceeding 4 feet in width, otherwise 8 foot maximum height; (Figure 30-11)

Figure 30-11



- d. one sign located on the property with which the sign is associated;
 - e. for medium and high density residential developments, the sign shall be removed within 18 months after issuance of a building permit, or 7 days after issuance of a certificate of occupancy (for multi-phased developments, issuance of a certificate of occupancy for the last building) whichever is sooner; and
 - f. for low density residential subdivisions, the sign shall be removed after building permits are issued for 90 percent of the lots.
- 2) Within low and medium density residential zoning districts, temporary real estate signs which comply with the following standards are permitted:
- a. 6 square foot maximum area; (Figure 30-12)

Figure 30-12



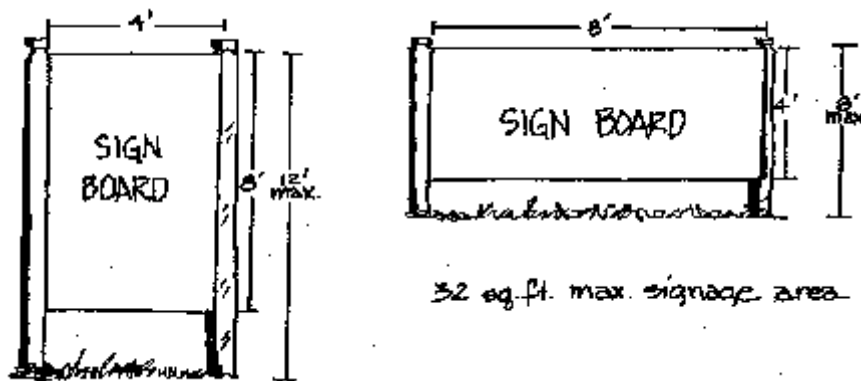
- b. 6 foot maximum height;
- c. one sign per property;
- d. located on-premise; and
- e. shall be removed within 7 days after the execution of a rental or lease agreement or the closing of a sale.

3) Within medium and high density residential zoning districts, leasing signs which meet the following standards are permitted.

a. Leasing signs: signs indicating the rental or lease of medium and high density residential developments which comply with the following standards are permitted:

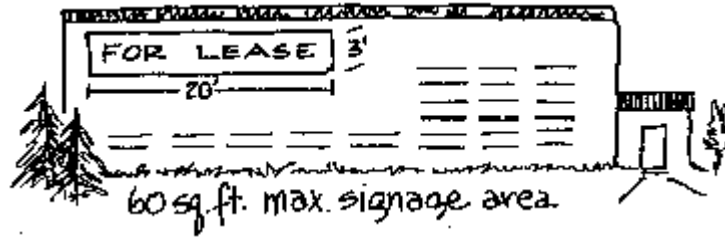
- 1. one sign located on the site which the sign is advertising;
- 2. display period shall end 12 months after the issuance of a certificate of occupancy (for multi-phased developments where construction is continuous, issuance of a certificate of occupancy for the last building);
- 3. for freestanding signs, the following standards apply:
 - a) 32 square foot maximum area; and
 - b) 12-foot maximum height for signs not exceeding 4 feet in width, otherwise 8 foot maximum height. (Figure 30-13)

Figure 30-13



- 4. for banner signs, the following standards apply:
 - a) 60 square foot maximum area; and
 - b) shall be affixed to a building wall. (Figure 30-14)

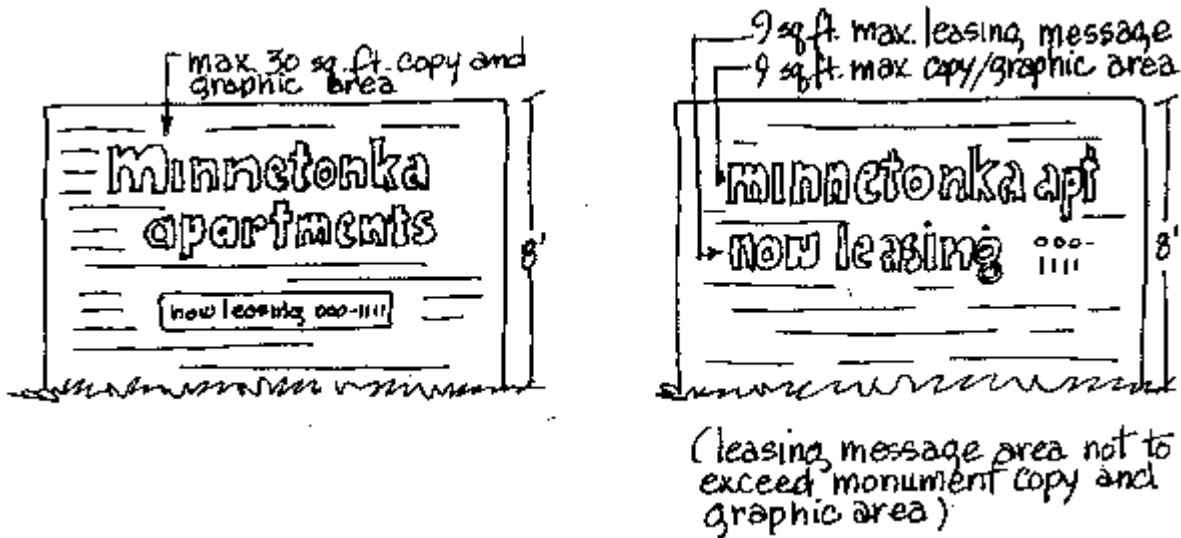
Figure 30-14



b. Leasing sign without time limit: In addition to the above, a leasing message may be displayed without time limitation if incorporated into a permanent monument sign according to the following standards:

1. the monument sign shall be architecturally designed to accommodate a leasing message within the perimeter of the monument;
2. leasing message area may be up to an additional 25 percent of the potential copy and graphic area of the monument identification sign; and
3. the leasing message cannot exceed the area covered by the identification monument message. (Figure 30-15)

Figure 30-15



4) The city council may approve temporary signs on public or institutional property for special events. The first approval for a site may allow only one use of the sign for a specified duration. Subsequent approvals for the same type of sign may allow recurring use of the sign for limited durations over a period of up to 5 years.

(Amended by Ord. #2006-16, adopted September 11, 2006)

4. Office Sign Regulations.

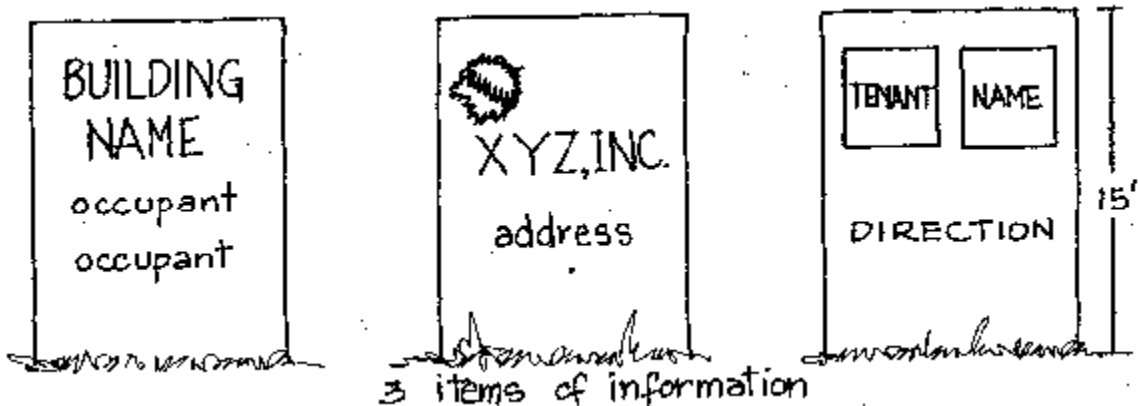
Within the B-1, office business district, permanent signs are permitted according to the following standards:

- a) Monument identification signs:
 - 1) one sign per development;
 - 2) maximum copy and graphic area as follows:

width of adjacent right-of-way	copy and graphic area
less than 100 feet	36 square feet
100 feet or greater	50 square feet

- 3) maximum monument area is two times the potential copy and graphic area;
- 4) copy and graphic display limited to three items of information; (Figure 30-16)

Figure 30-16



- 5) 15 foot maximum height; and
- 6) signs which are not internally illuminated shall have light fixtures and sources screened from view.

- b) Wall mounted signs: one wall mounted sign either individually mounted letter type (option 1) or wall mounted tenant identification type (option 2) but not both per building unless

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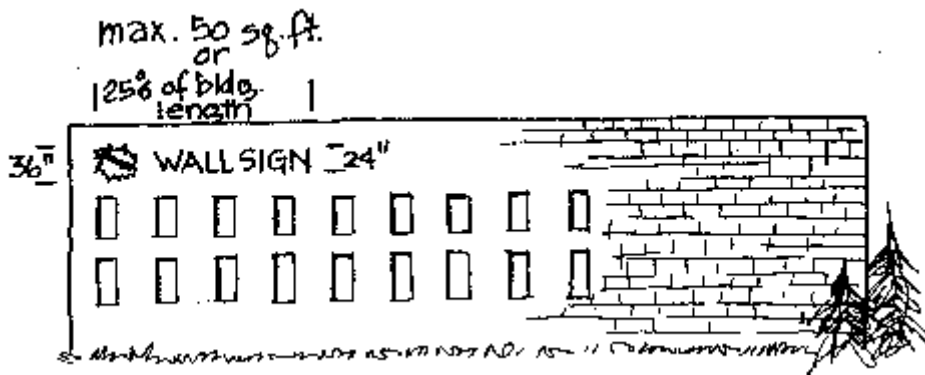
otherwise specified in this section is permitted. The sign must comply with the following standards.

1) Option 1: individually mounted letter type signs which comply with the following standards are permitted:

a. 24 inches maximum copy and graphic height except for logo which may be 36 inches in height and width;

b. copy and graphic area shall not exceed 50 square feet or 25 percent of the length of the building where the sign is located, whichever is greater; (Figure 30-17)

Figure 30-17



c. properties with more than one right-of-way frontage are permitted one sign facing each frontage; and

d. illumination shall comply with the following standards:

1. if sign is mounted above the first floor, illumination, if any, shall be internal; and

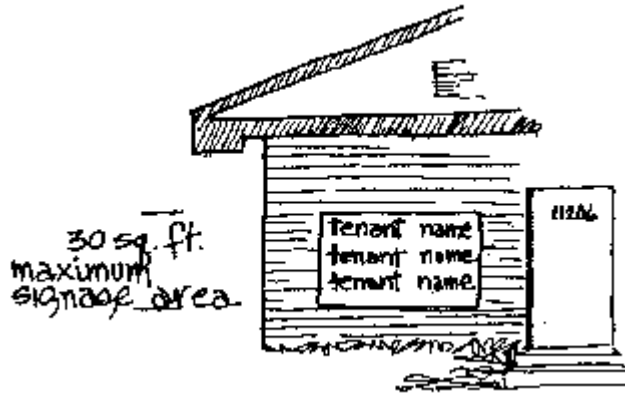
2. signs with external illumination shall have no exposed light sources or fixtures.

2) Option 2: wall mounted tenant identification type signs which comply with the following standards are permitted:

a. 30 square feet maximum sign area. For buildings with more than one primary entrance, one sign may be located at each entrance provided that total area does not exceed 30 square feet;

b. signs shall be mounted within the first floor elevation; (Figure 30-18) and

Figure 30-18



c. signs with external illumination shall have no exposed light sources or fixtures.

(Amended by Ord. #2007-21, adopted June 25, 2007)

5. Limited and General Business Sign Regulations.

Within the B-2 and B-3 business districts except for hotels, permanent signs which comply with the following standards are permitted:

- a) Freestanding signs.
 - 1) Size of sign permitted is determined by the gross square footage of the principal structure located in the development.
 - 2) One sign per development unless a multi-tenant building or limited tenant building is 100,000 gross square feet or more and has two or more primary access points. A second monument at a secondary access point is permitted if the primary freestanding sign is of monument style. The second monument sign shall include a shopping center identification message only and shall not exceed 50 percent of the copy and graphic area and height requirement of the permitted principal sign.
 - 3) The following table lists the maximum size and heights for permitted freestanding signs for all B-2 and B-3 zoned businesses:

pylon	monument
-------	----------

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signs for all B-2 and B-3 zoned businesses:

principal structure (gross square feet)	pylon		monument	
	height	sign size (sq. ft.)	height	copy & graphic (sq. ft.)
greater than 400,000	30'	200	21'	100
100,000 - 400,000	24'	100	21'	100
20,000 - 100,000	18'	80	18'	80
less than 20,000	15'	60	15'	60
building with multiple screen theater	30'	200	21'	100

- 4) Monument area shall not exceed 1.5 times the permitted copy and graphic area.
- 5) Multi-tenant buildings shall display the name of the shopping center only. Limited tenant businesses may display one tenant identification and corresponding logo per tenant. Buildings with multiple screen theaters may display movie titles and ratings. No product or service advertising is permitted.
- 6) Signs may be single or double faced.
- 7) Signs which are not internally illuminated shall have light fixtures and sources screened from views.
- b) Wall mounted signs.
 - 1) Multi-tenant wall signs.
 - a. Each tenant is permitted tenant identification and one logo which shall not include product advertising except as part of the tenants trade name or logo.
 - b. Tenant identification shall be individually mounted and internally illuminated letters. Wall signs not containing individually mounted letters may be approved by the city if all signs are of a similar design and incorporated into the architecture of the principal structure. (Figure 30-19)

Figure 30-19



c. Each tenant is permitted one logo which shall not exceed 36 inches high by 36 inches wide. (Figure 30-20)

Figure 30-20



d. The vertical dimension of the tenant identification shall not exceed 26 inches in height. Heights may be revised based on unique circumstances, such as extraordinary distance from right-of-way or unusual building configuration, when determined by the planning commission that signs would not be readable from adjacent public right-of-way according to commonly accepted industry standards.

e. Each tenant sign shall be installed within a 26-inch high designated horizontal band. The band shall be of uniform background consisting of building surface, facade, or treatment. The sign band and letter height may be modified upon approval of the planning commission to allow for architectural integration of the tenant sign. Consideration will be given to the proportional relationship of the sign width and height to the scale of the building.

f. Each tenant sign shall not extend closer than two feet from the tenants lease line.

g. All letters in a tenant identification shall be of uniform colors, not to exceed two, except for logos which may be multicolored. A multicolored logo must comply with the restrictions in paragraph c. above.

h. The planning commission may recognize separate sign plans for

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multi-tenant buildings which will supersede the ordinance. The sign plans which have been approved by the planning commission will have the effect of a sign ordinance for the specific property.

2) Limited tenant wall signs.

a. Size of signage is determined by gross square footage of principal structure on property.

b. The following table indicates maximum signage permitted for limited tenant buildings:

Principal Structure Size (Gross Sq. Ft.)	Individual Wall Sign Calculation	Total Wall Signage for Property
100,000 - 400,000 sq. ft.	200 sq. ft. or 10 percent of wall face, whichever is less	300 sq. ft.
20,000 - 100,000 sq. ft.	150 sq. ft. or 10 percent of wall face, whichever is less	240 sq. ft.
less than 20,000 sq. ft.	100 sq. ft. or 15 percent of wall face, whichever is less	150 sq. ft.

c. Wall signs shall not include product advertising. Wall signs shall include tenant identification, tenant logo, shopping center name, shopping center logo, or any combination of the four.

c) Hotel Signs. Because of the need for high visibility and the variety in size and shape of hotel structures, variances will be considered but not necessarily granted.

1) Freestanding signs:

a. one monument sign, except that a second monument sign may be allowed if the property has frontage and access on two arterial streets;

b. 15 foot maximum monument height; and

c. 60 square feet maximum copy and graphic area.

2) Wall signs:

a. individually mounted and internally illuminated letters;

b. one wall sign except that a second wall sign on a second wall may be permitted if the signs are not directly oriented toward a low density residential area; and

c. maximum letter height up to 36 inches. Variances may be considered for letter height based on proportional relationship to the mass and height of building.

6. Industrial Sign Regulations.

Within the I-1 industrial district permanent signs which comply with the following standards are permitted:

a) Monument identification sign. Any single or multi-tenant building within an industrial zone is permitted one of the following freestanding identification signs that must comply with the listed standards.

1) Building identification sign:

a. one monument style sign;

b. 60 square feet maximum copy and graphic area;

c. 90 square feet maximum total monument size;

d. 10 foot maximum height; and

e. address and/or building identification displayed only; no product or service advertising is permitted. (Figure 30-21)

Figure 30-21



2) Tenant identification monument sign:

a. one monument sign;

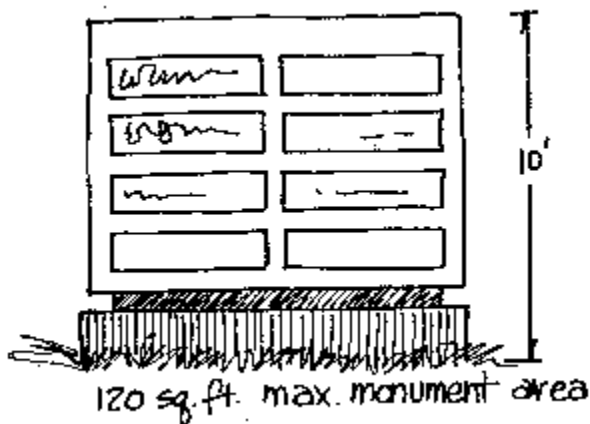
b. 85 square feet maximum copy and graphic area;

c. 120 square feet maximum monument size;

d. 10 foot maximum height;

- e. sign may display only identification of tenants;
- f. tenant identification monuments are not permitted to be located along designated collector or arterial streets. (Figure 30-22)

Figure 30-22



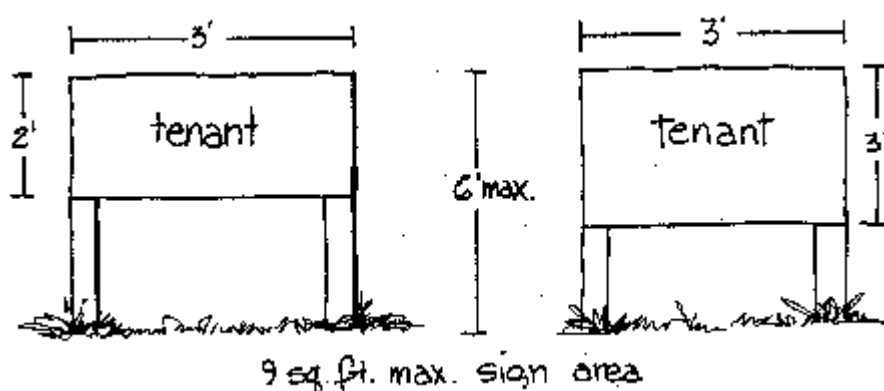
- g. tenant identification monuments are not permitted in areas designated for mixed uses on the city comprehensive guide plan map; and
- h. individual tenant identification signs as specified in the following subdivision 6(b) are not permitted.

b) Individual tenant identification signs: for multi-tenant buildings one of the options listed in this paragraph may be selected for tenant identification. All signs must comply with the listed standards. The building owner or a representative shall designate a sign design for each multi-tenant building. This designation will be recorded by the city and kept on record for the building. Each sign on the property must conform to the designated tenant identification sign option. Changes to the sign designation may be made upon request, and approved administratively if all signs located on the site are brought into conformance with the requested sign plan modification. The planning commission must review sign plan changes if nonconforming signs are created. These signs are not permitted if the building freestanding sign is a tenant identification freestanding sign.

- 1) Option 1: freestanding identification sign:
 - a. one sign at the tenant's primary building entrance;
 - b. 9 square feet maximum area;
 - c. 6 foot maximum height and 5 foot maximum width;

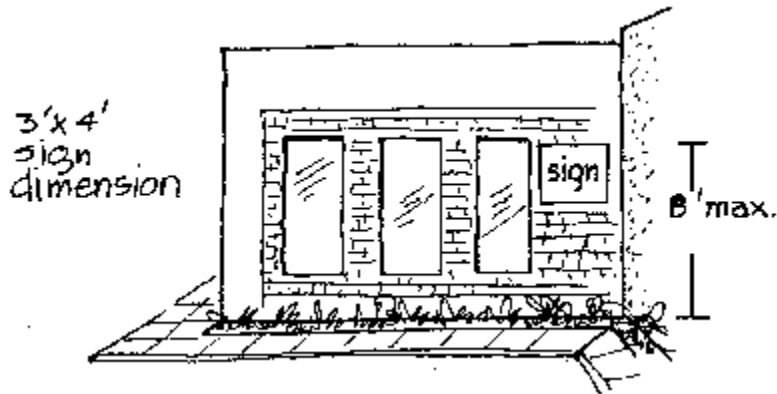
- d. single faced;
- e. positioned parallel to a parking lot sidewalk or perpendicular to tenant walkway;
- f. located consistent with other freestanding identification signs;
- g. tenant identification only, no product advertising; and
- h. uniform material, color and style. (Figure 30-23)

Figure 30-23



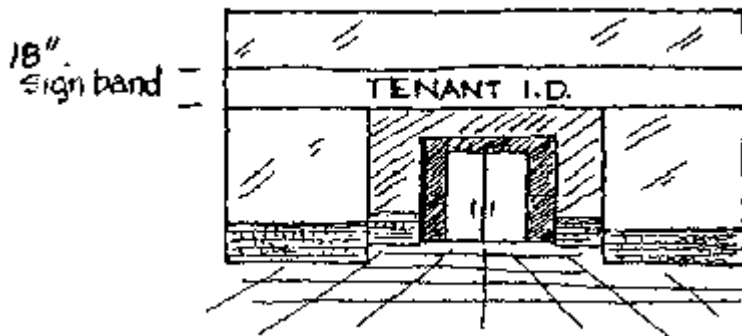
- 2) Option 2: wall sign:
 - a. one sign at the tenant's primary building entrance;
 - b. 3 foot by 4 foot maximum dimension;
 - c. located adjacent to the tenant entrance;
 - d. 8 foot maximum from the ground to top edge of sign;
 - e. tenant identification message with no product advertising; and
 - f. uniform material, color and style. (Figure 30-24)

Figure 30-24



- 3) Option 3: individually mounted letters:
 - a. individually mounted letters not to exceed 18 inches in height with one per tenant at their primary entrance;
 - b. located within an 18-inch high designated sign band for the entire building;
 - c. affixed to a uniform background consisting of the building surface, facade or treatment;
 - d. located no closer than two feet from the tenant's exterior lease lines;
 - e. compatible with the building architecture; and
 - f. uniform material, color, illumination and style. (Figure 30-25)

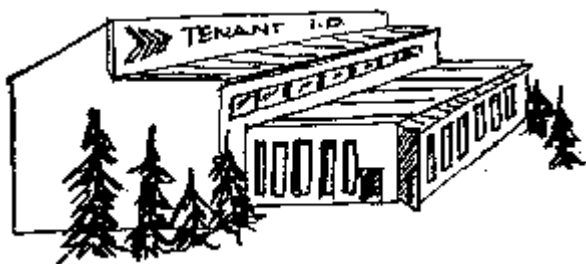
Figure 30-25



- c) Single tenant identification sign: single tenant building signs within an industrial zone which comply with the following standards are permitted:

- 1) wall mounted individual letters;
- 2) wall signs shall not include product advertising. Wall signs shall include tenant identification, tent logo or both; and
- 3) total surface area of all building signs shall not exceed 5 percent of the building face upon which the signs are located up to a maximum 150 square feet. (Figure 30-26)

Figure 30-26

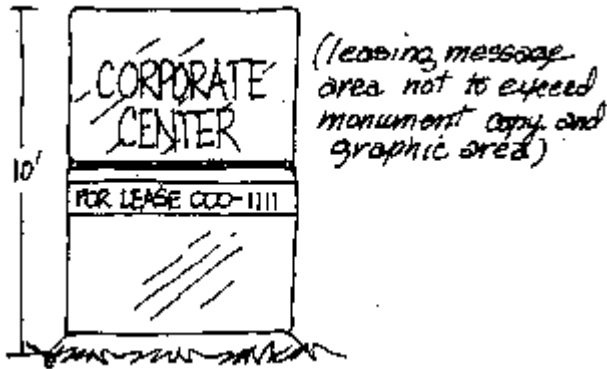


7. Unified Development Sign Regulations.

Within office business and industrial districts, unified development signs which comply with the following standards are permitted. Uses governed under this section are also allowed signs permitted under subdivisions 4 or 6.

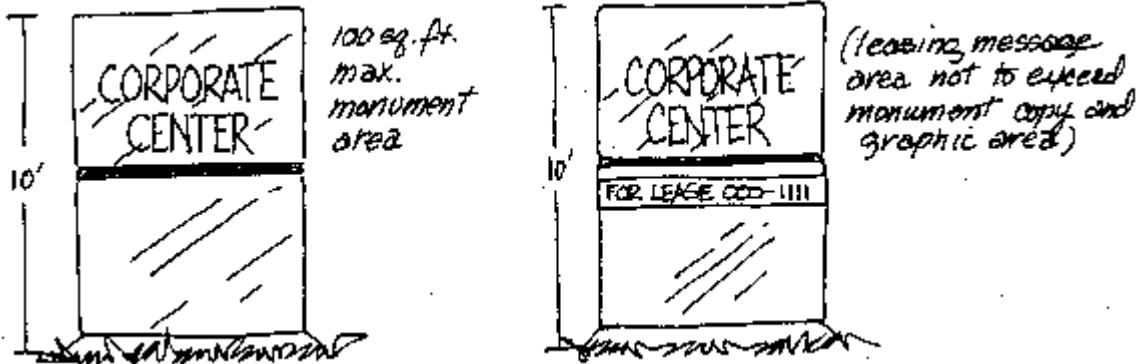
- a) Unified development identification monuments:
 - 1) one sign per unified development;
 - 2) 50 square feet maximum copy and graphic area;
 - 3) 100 square feet maximum monument size; (Figure 30-27)

Figure 30-27



- 4) 10 foot maximum height;
 - 5) located at the primary entrance to the unified development;
 - 6) demonstration of ownership of the property or existence of permanent easement where sign is located must be submitted with the sign permit application;
 - 7) one sign may be located at each side of a primary entrance as long as the total copy and graphic area of the two signs does not exceed 50 square feet nor the monument total 100 square feet; and
 - 8) signs which are not internally illuminated shall have light fixtures and light sources screened from views.
- b) Unified Development leasing sign: as an alternative to requirements specified in subdivision 8(c), one of the following leasing sign options for a unified development may be displayed.
- 1) Option 1: incorporated into monument sign:
 - a. monument sign architecturally designed to accommodate a leasing message within the perimeter of the monument;
 - b. leasing message area may be up to an additional 25 percent of the potential copy and graphic area of the monument sign; and (Figure 30-28)

Figure 30-28



c. the leasing message cannot exceed the area covered by identification monument message.

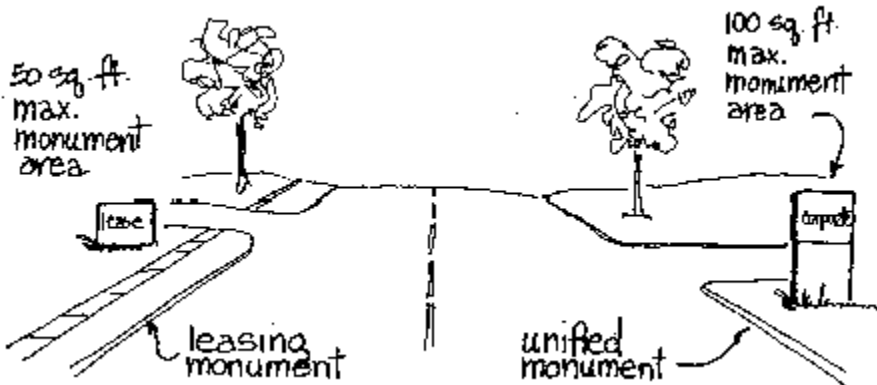
2) Option 2: secondary monument sign:

a. a secondary monument sign may be installed at an access point to a unified development;

b. design and materials identical to the unified development monument sign; and

c. secondary monument area, height and copy and graphic area shall not exceed 50 percent of the unified development monument sign. (Figure 30-29)

Figure 30-29



8. Business and Industrial Temporary Sign Regulations.

Within business and industrial districts, real estate and temporary signs are permitted according

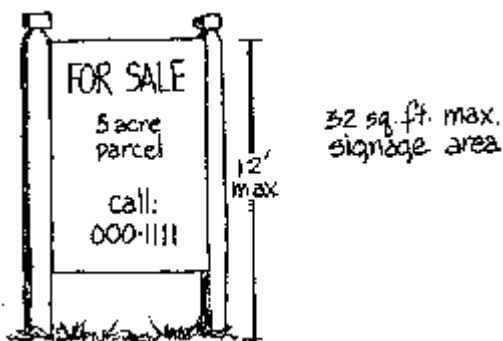
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to the following standards:

a) Temporary construction or real estate sign on undeveloped property: a vacant parcel within a business or industrial zone is permitted a temporary construction or real estate sign which complies with the following standards:

- 1) one sign located on the site which the sign is advertising;
- 2) 32 square feet maximum sign area;
- 3) 12 foot maximum height;
- 4) shall be removed upon issuance of a certificate of occupancy for a building; and
- 5) one additional sign up to 32 square feet is permitted on properties 3 acres or over with frontage on 2 or more designated collector or arterial streets. (Figure 30-30)

Figure 30-30



b) Temporary real estate sign: signs indicating the rental, lease, or sale of a business or industrial building are permitted according to the following:

- 1) one sign located on the property which the sign is advertising;
- 2) 32 square feet maximum sign area;
- 3) 12 foot maximum height;
- 4) freestanding or wall mounted;
- 5) for sale signs are without time limit. If both leasing and for sale messages are displayed, the sign shall be considered a leasing sign; and
- 6) leasing or rental signs shall be displayed no longer than 12 months after the issuance of a certificate of occupancy. In the case of vacant limited tenant buildings, a 12 month display period is permitted from the date of vacancy.

c) Leasing sign without time limit: in addition to the above, one of the following leasing sign options may be displayed on a property without time limit if in compliance with the listed standards.

1) Option 1: freestanding incorporated sign:

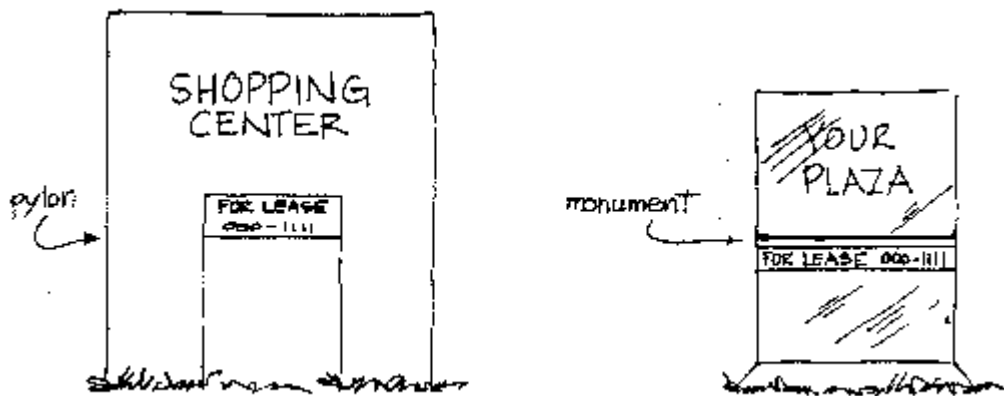
a. the principal freestanding sign shall be architecturally designed to accommodate a leasing message within the perimeter of the monument or pylon sign;

b. the leasing message cannot exceed that of the identification monument or pylon message;

c. leasing message is in addition to potential monument or pylon copy and graphic area; and

d. maximum size of leasing sign message permitted is determined by the gross square footage of the principal structure as follows: (Figure 30-31)

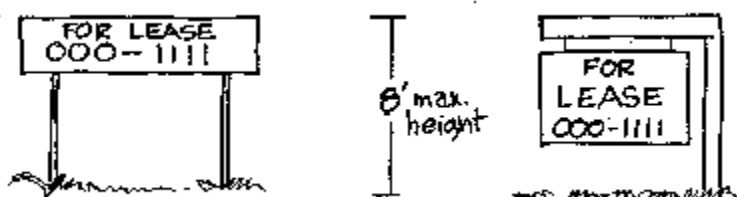
Figure 30-31



Principal Structure Gross Square Footage	Leasing Message
less than 20,000	15 square feet
20,000 - 100,000	20 square feet
greater than 100,000	25 square feet

- 2) Option 2: freestanding sign:
 - a. one freestanding sign;
 - b. setback 5 feet from all property lines;
 - c. 8 foot maximum height and 6 foot maximum width; and
 - d. maximum size of leasing sign permitted is determined by the gross square footage of the principal structure as follows: (Figure 30-32)

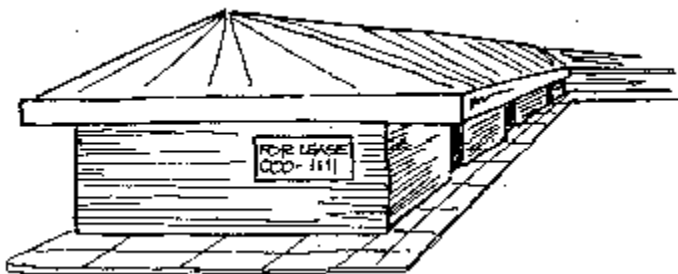
Figure 30-32



Principal Structure Gross Square Footage	Leasing Sign Area
less than 20,000	12 square feet
20,000 - 100,000	16 square feet
greater than 100,000	18 square feet

- 3) Option 3: wall mounted sign or banner:
 - a. buildings two stories or under:
 - 1. one wall sign;
 - 2. directly anchored to the building wall; and
 - 3. maximum size of leasing sign permitted is determined by the gross square footage of the principal structure as follows: (Figure 30-33)

Figure 30-33

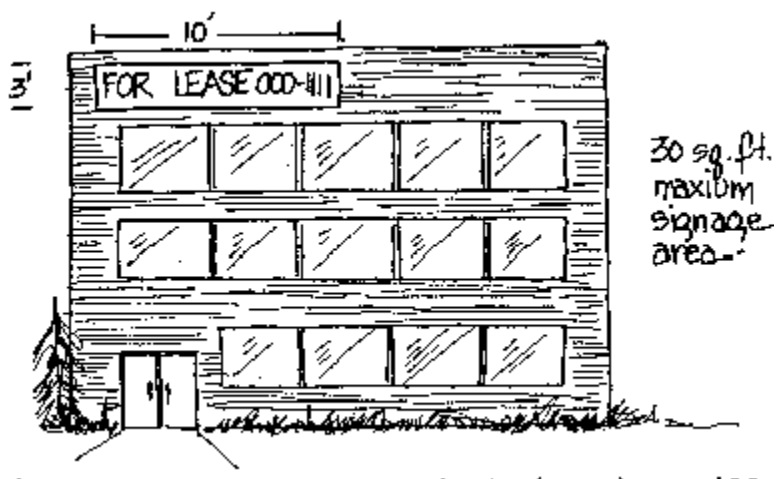


Principal Structure Gross Square Footage	Leasing Sign Area
less than 20,000	12 square feet
20,000 - 100,000	16 square feet
greater than 100,000	18 square feet

- b. buildings three stories or higher:
 - 1. 30 square feet maximum area;
 - 2. directly anchored to the building wall; and
 - 3. displayed on the building's third story or any higher story. (Figure

30-34)

Figure 30-34



4) Leasing signs up to 32 square feet in size will be permitted without time limit instead of option 2 or 3 if the standards in either a. or b. are met:

- a. business or industrial development directly abuts a street with posted speed limit of 55 m.p.h. or greater; or
- b. the principal structure is greater than four stories.

If a property qualifies for a 32 square foot sign under a. or b. and also has a second frontage on a designated collector or arterial road, option 2 or 3 as found above is also permitted.

d) Temporary business signs in business and industrial districts: temporary signs are permitted as follows.

1) Banners not to exceed 30 square feet according to the following:

- a. maximum 30 day display period to coincide with the grand opening of a business;
- b. a business may display a banner on two occasions per calendar year with a maximum 10 day display period for each occasion;
- c. banner messages must relate to on-premise product or services, or any noncommercial message; and
- d. the banner must be affixed to a principal structure which is owned or leased by the business which the sign is advertising.

2) Search lights or inflatable advertising devices are permitted according to the following:

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- a. for each development, two occasions per calendar year with each occasion not to exceed three days; and
 - b. written authorization from the property owner or their designee must be submitted with the sign permit application.
- 3) Portable signs, stringers, and pennants are not permitted.

9. General Regulations.

The following regulations shall apply to all signs permitted in all districts.

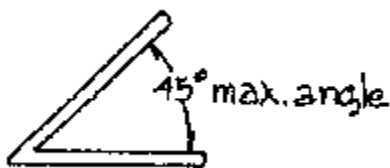
- a) Political campaign signs: temporary political campaign signs are permitted according to the following:
 - 1) display period from 30 days before an election day or August 1 of an election year, whichever is earlier, to 10 days after an election day. Additionally, signs may remain on display between primary and general elections;
 - 2) consent of underlying property owner is required;
 - 3) must be at least five feet from the edge of a public street and must not obstruct driver visibility at intersections;
 - 4) for Minnetonka city elections, the following size limitations apply during odd-numbered years and outside the period of August 1 through 10 days after the state general election day in even-numbered years: 5 square foot maximum sign area, except on designated collector or arterial streets where up to 32 square-foot maximum sign area is permitted; and
 - 5) must comply with the fair campaign practices act in Minn. Stat. chapter 211B.
- b) Directional signs: permanent directional signs are permitted according to the following:
 - 1) 7 square feet maximum size; (Figure 30-35)

Figure 30-35



- 2) 6 foot maximum height;
 - 3) a majority of sign area for directional message; and
 - 4) 15 square feet maximum parking lot directional signs for commercial buildings over 400,000 square feet.
- c) Address sign: street identification numbers are required in all zoning districts and should be clearly visible from the street. Address signs do not reduce permitted sign area.
- d) Residential security system signs: all signs identifying the presence of a residential security system are permitted not to exceed one square foot. One sign is permitted per driveway connection to a public right-of-way or where one private driveway converges into another.
- e) Sign setbacks: all signs unless specifically noted otherwise shall maintain a 10 foot setback from all lot lines. The city may require a greater or lesser setback because of public safety reasons which may include the following conditions: vehicle sight distance, distance from intersection, designation of adjacent right-of-way.
- f) Unless otherwise specified, maximum angle permitted between faces of a double face freestanding sign is 45 degrees. (Figure 30-36)

Figure 30-36



- g) Governmental signs: permanent governmental signs for control of traffic and other regulatory/notification purposes and street signs are exempt from the provision of this section.
- h) P.U.D./P.I.D. zoning districts: permanent and temporary signs are regulated according to the standards for the corresponding land use and zoning category as stated in this section. A sign plan with differing requirements may be approved by the city. Factors which will be used in determining if an individual P.U.D./P.I.D. sign plan will be considered include the following:
- 1) The development includes a high rise (greater than 3 story) structure;
 - 2) the development includes multiple structures and/or substantial site area;
 - 3) the development includes mixed uses;
 - 4) a sign plan is uniquely adapted to address the visibility needs of a development

while remaining consistent with the intent of this section to direct high quality signage; and

5) the sign plan includes permanent sign covenants which can be enforced by the city.

i) Noncommercial opinion signs: on-premise noncommercial opinion signs are permitted as follows.

1) In low, medium, and high density residential districts, each dwelling unit is permitted an additional sign which is no larger than 6 square feet and no higher than 6 feet tall. In medium and high density districts, the sign must be attached to the dwelling unit or placed in another location which clearly does not appear to represent the opinions of other residents in the area who have not agreed to the sign. No permit fee is required for a sign authorized under this paragraph.

2) In all districts, any sign authorized in this chapter is allowed to contain noncommercial copy in lieu of any other copy. For new signs posted with a noncommercial message, the sign fee is waived until such time as the sign is converted to contain a commercial message.

j) Flags: flags of a political jurisdiction which comply with the following standards are permitted.

1) Display of one flag is not restricted.

2) Display of more than one flag is permitted as follows:

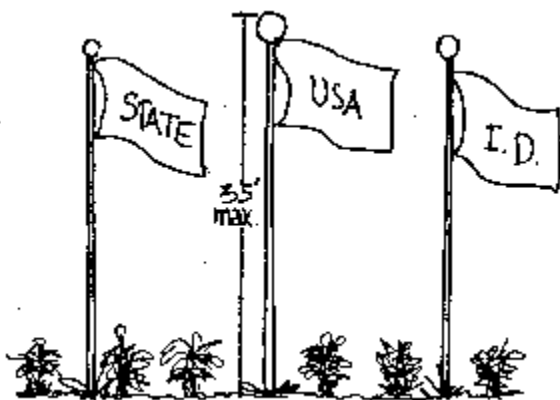
- a. maximum of 3 flagpoles;
- b. 35 feet maximum flagpole height;
- c. 180 square feet total for all flags; and
- d. shall not be displayed on light poles.

3) Variances to permit display of flags for both political and non-political entities will be considered, but not necessarily granted. Variances will be considered only upon evidence that the following standards are met:

- a. submission of a sign plan and permanent sign covenants which include a comprehensive sign package for the site;
- b. 35 foot maximum flagpole height;
- c. shall not be located on lightpoles;

- d. limited to one identification flag;
- e. the maximum distance from top to bottom of any flag shall be 20 percent of the flagpole up to a maximum of 6 feet;
- f. flagpoles clustered at a designated area; and
- g. the location of the flagpoles be enhanced or landscaped. (Figure 30-37)

Figure 30-37



- k) Temporary outdoor advertising signs are permitted as follows:
 - 1) must be at least 5 feet from the edge of a public street and must not obstruct driver visibility at intersections;
 - 2) may not be on the right-of-way of county and state roads and municipal state-aid streets;
 - 3) are limited to one per parcel of property as defined in Subd. 10 (r) below for the same topic, location, event, or matter;
 - 4) must receive permission from the underlying property owner;
 - 5) may only be displayed between 6:00 a.m. on a Thursday and 6:00 p.m. on the following Sunday; and
 - 6) must be no larger than 3 square feet in area and no higher than 6 feet above the ground to which it is attached.
- l) Approved sign plans: the city may enforce, in the same manner as the requirements of this section, the terms of a sign plan or sign covenants which it has approved. Any violation of an approved sign plan or sign covenants is a misdemeanor.

m) Changeable messages: a message that is not permanently attached to the sign face but that is not a dynamic display may occupy no more than 35 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to change messages even if not used.

n) Font size: every line of copy and graphics in a sign must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more.

(Amended by Ord. #2007-28, adopted August 20, 2007; amended by Ord. #2005-05, adopted February 14, 2005)

10. Prohibited Signs.

The following types of signs are expressly prohibited in all districts:

- a) roof signs including signs mounted on a roof surface or projecting above the roof line of a structure if either attached to the structure or cantilevered over the structure;
- b) signs with dynamic displays except search lights under subdivision 8 and those allowed under subdivision 14;
- c) portable signs, except temporary signs that are specifically permitted in section 300.30;
- d) projecting signs. Wall signs shall be mounted parallel to the building and shall not project more than 18 inches from the face of the building;
- e) painted wall signs including signs painted on the face of a structure. Works of art which are not commercial messages are exempt;
- f) signs attached to trees and utility poles;
- g) signs within public right-of-way except for official traffic signs and those specified in subparagraph 9(k) and (l);
- h) signs which are designed to resemble official traffic signs except signs which are used to control traffic on private property;
- i) abandoned signs or signs other than outdoor advertising structures that advertise an activity, business, product or service no longer available on the premises on which the sign is located;
- j) signs attached to fences except athletic field fence panels according to subdivision 1;

- k) illuminated signs which exhibit any of the following:
 - 1) external illumination that is determined to interfere with safe traffic operations;
 - 2) the sign is directly oriented to any residential district;
 - 3) illumination of a commercial sign in a residential district, except a sign used for a conditionally permitted use; or
 - 4) the level of illumination exceed standards specified in section 300.28, subd. 2.
- l) signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets;
- m) exterior signs that obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any structure;
- n) signs that are in violation of the building code or the electrical code adopted by the city;
- o) blank signs;
- p) merchandise boxes or signs not affixed to a principal structure excluding signs permitted in subdivision 8(d);
- q) outdoor advertising signs are not permitted in any zoning district, except that the provisions of this paragraph do not apply to temporary outdoor advertising signs permitted under Subd. 9 (k) above. Outdoor advertising signs which exist on the effective date of this section shall be considered as nonconforming signs and are subject to standards contained in section 300.29. An outdoor advertising sign is a principal use of property. No permitted or conditionally permitted use or any part of such use may be located on the same parcel of property as such a sign. The parcel on which such a sign is located may not be subdivided to segregate the sign from the remaining property. For the purposes of this paragraph, "parcel of property" means any property for which one property identification number has been issued by the county, or all contiguous property in common ownership as of October 15, 1997, whichever is greater; and
- r) any sign not expressly permitted by the provisions in section 300.30.

(Amended by Ord. #2007-21, adopted June 25, 2007)

11. Sign Construction and Maintenance.

All signs shall conform to the following standards.

- a) Construction specifications. All signs shall be constructed in accordance with the following:

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- 1) the Minnesota state building code;
 - 2) all electric signs shall be approved and labeled as conforming to the standards of the Underwriters' Laboratories, Inc., the United States bureau of standards or other similar institutions of recognized standing. All illuminating elements shall be kept in satisfactory working condition or immediately repaired or replaced. Signs that are partly illuminated shall meet all electrical requirements for that portion which is illuminated;
 - 3) all permanent freestanding signs shall have self-supporting structures erected on and permanently attached to concrete foundations;
 - 4) for wall signs, the wall must be designed for and have sufficient strength to support the sign; and
 - 5) signs shall be constructed to withstand the following wind loads:
 - a. for solid signs, 30 pounds per square foot on one face of the sign; and
 - b. for other signs, 36 pounds per square foot of the total face area of the letters and other sign surface, or 10 pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.
- b) Sign maintenance and repair. All signs shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, cleaning and other items required for maintenance of the sign. Vegetation around, in front of, behind, and underneath the base of ground signs for distance of 10 feet shall be neatly trimmed and free of weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

12. Removal of Abandoned Signs, Signs in Disrepair and Signs Located in Public Right-of-Way.

- a) Abandoned signs and signs in disrepair. An abandoned sign or sign in disrepair is prohibited and shall be removed by the owner of the premises within 30 days after notification. If compliance with the provisions of this section is not achieved within 30 days, the city may remove the sign as a public nuisance by following the procedure as specified in section 1120.045 of the municipal code of ordinances. If an abandoned sign remains in good condition and without holes or other evidence of disrepair or damage, the sign shall not be considered as abandoned for a period of one year.
- b) Signs on public property or within public right-of-way: The city may at any time and without notice impound signs which have been installed on public property or within public right-of-way or easement. The sign owner may retrieve the signs according to the following:

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- 1) a fee must be paid to the city as established in city code section 710. For each subsequent impoundment in a calendar year, the specified fee shall be doubled;
- 2) the sign may be retrieved from a designated impound area during routine business hours and within 15 days from the date of impounding. After 15 days, the city will dispose of the sign; and
- 3) the city may not be held liable for any damage to impounded signs.

13. Permits and Permit Fees.

Signs that require a permit and the corresponding fee are listed in the following.

- a) All permanent signs permitted in subdivisions 3, 4, 5, 6, and 7 require a sign permit. The permit must be received prior to installation of the sign. The permit and inspection fee for all permanent signs is specified in city code section 710.
- b) All temporary signs permitted in subdivision 8 require a temporary sign permit. The permit and inspection fee for permitted signs, banners, search lights, or inflatable advertising devices is specified in city code section 710.
- c) Application for a permit must be on a form provided by the city and must include the following information:
 - 1) name and address of the owner of the sign;
 - 2) street address or location of the property on which the sign is to be located, along with the name and address of the property owner;
 - 3) the type of sign as defined in this section;
 - 4) site plan showing the location of the proposed sign;
 - 5) specifications and scale drawings showing the materials, design, dimensions, structural supports, method of attachment and electrical components of the sign;
 - 6) plan showing the location and size of all existing signs located on the same premises upon city request;
 - 7) name of licensed electrician who will make the final connection of an illuminated sign; and
 - 8) sign permit fee.
- d) All signs not listed above do not require a permit but must comply with the regulations

found in this section.

e) When this section becomes effective, the owner or other person having control of any outdoor advertising sign (billboard) must file an application for a permit for the maintenance and annual inspection of such sign.

Application for such permits must be accompanied by detailed plans and such other necessary information to determine the location and compliance with all applicable regulations, and permit may be issued upon payment of the required permit fee. All permits for advertising signs expire on December 31, of each year. The permit and inspection fee is specified in city code section 710.

f) The fee for application for variance from this section or approval of a sign plan for a development is specified in city code section 710.

g) Sign permit applications must be acted upon by city staff within 10 days after a complete application is submitted. A decision must be made in writing. If a permit is denied, the reason must be stated in writing. The applicant may appeal a denial by submitting a request in writing within 10 days after the decision. The appeal must be scheduled for planning commission review as soon as practicable, but no later than 30 days after the appeal was submitted. The applicant may appeal a planning commission denial by submitting a request in writing within 10 days after the decision. The appeal must be scheduled for city council review as soon as practicable, but no later than 30 days after the appeal was submitted. All review of a sign permit application must be based solely on whether the application complies with city ordinances.

h) Sign permits become null and void if the sign is not installed 180 days after the issuance of a permit.

(Amended by Ord. #2005-05, adopted February 14, 2005; amended by Ord. #2002-26, adopted October 28, 2002; amended by Ord. #2002-21, adopted August 12, 2002)

14. Dynamic Displays.

a) Findings. Studies show that there is a correlation between dynamic displays on signs and the distraction of highway drivers. Distraction can lead to traffic accidents. Drivers can be distracted not only by a changing message, but also by knowing that the sign has a changing message. Drivers may watch a sign waiting for the next change to occur. Drivers are also distracted by messages that do not tell the full story in one look. People have a natural desire to see the end of the story and will continue to look at the sign in order to wait for the end. Additionally, drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Finally, drivers are generally more distracted by messages that are too small to be clearly seen or that contain more than a simple message. Time and temperature signs appear to be an exception to these concerns because the messages are short, easily absorbed, and

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become inaccurate without frequent changes.

Despite these public safety concerns, there is merit to allowing new technologies to easily update messages. Except as prohibited by state or federal law, sign owners should have the opportunity to use these technologies with certain restrictions. The restrictions are intended to minimize potential driver distraction and to minimize proliferation in residential districts where signs can adversely impact residential character.

Local spacing requirements could interfere with the equal opportunity to use such technologies and are not included. Without those requirements, however, there is the potential for numerous dynamic displays to exist along any roadway. If more than one dynamic display can be seen from a given location on a road, the minimum display time becomes critical. If the display time is too short, a driver could be subjected to a view that appears to have constant movement. This impact would obviously be compounded in a corridor with multiple signs. If dynamic displays become pervasive and there are no meaningful limitations on each sign's ability to change frequently, drivers may be subjected to an unsafe degree of distraction and sensory overload. Therefore, a longer display time is appropriate.

A constant message is typically needed on a sign so that the public can use it to identify and find an intended destination. Changing messages detract from this way-finding purpose and could adversely affect driving conduct through last-second lane changes, stops, or turns, which could result in traffic accidents. Accordingly, dynamic displays generally should not be allowed to occupy the entire copy and graphic area of a sign.

In conclusion, the city finds that dynamic displays should be allowed on signs but with significant controls to minimize their proliferation and their potential threats to public safety.

b) Regulations. Dynamic displays on signs are allowed subject to the following conditions:

1) Dynamic displays are allowed only on monument and pylon signs for conditionally permitted uses in residential districts and for all uses in other districts. Dynamic displays may occupy no more than 35 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only one, contiguous dynamic display area is allowed on a sign face;

2) A dynamic display may not change or move more often than once every 20 minutes, except one for which changes are necessary to correct hour-and-minute, date, or temperature information. Time, date, or temperature information is considered one dynamic display and may not be included as a component of any other dynamic display. A display of time, date, or temperature must remain for at least 20 minutes before changing to a different display, but the time, date, or temperature information itself may change no more often than once every three seconds;

3) The images and messages displayed must be static, and the transition from one

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static display to another must be instantaneous without any special effects;

4) 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;

5) Every line of copy and graphics in a dynamic display must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more. If there is insufficient room for copy and graphics of this size in the area allowed under clause 1 above, then no dynamic display is allowed;

6) Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this ordinance;

7) Dynamic displays must comply with the brightness standards contained in subdivision 15;

8) Dynamic displays existing on June 25, 2007 must comply with the operational standards listed above. An existing dynamic display that does not meet the structural requirements in clause 1 may continue as a non-conforming development subject to section 300.29. An existing dynamic display that cannot meet the minimum size requirement in clause 5 must use the largest size possible for one line of copy to fit in the available space.

c) Incentives. Outdoor advertising signs do not need to serve the same way-finding function as do on-premises signs. Further, outdoor advertising signs are no longer allowed in the city, and there is no potential that they will proliferate. Finally, outdoor advertising signs are in themselves distracting and their removal serves public safety. The city is extremely limited in its ability to cause the removal of those signs. This clause is intended to provide incentives for the voluntary and uncompensated removal of outdoor advertising signs in certain settings. This removal results in an overall advancement of one or more of the goals set forth in this section that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate outdoor advertising services that would otherwise remain distributed throughout the community.

1) A person may obtain a permit for an enhanced dynamic display on one face of an outdoor advertising sign if the following requirements are met:

(a) The applicant agrees in writing to permanently remove, within 15 days after issuance of the permit, at least two other faces of an outdoor advertising sign in the city that are owned or leased by the applicant, each of which must satisfy the criteria of parts (b) through

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(d) of this subsection. This removal must include the complete removal of the structure and foundation supporting each sign face. The applicant must agree that the city may remove the sign if the applicant does not timely do so, and the application must be accompanied by a cash deposit or letter of credit acceptable to the city attorney sufficient to pay the city's costs for that removal. The applicant must also agree that it is removing the sign voluntarily and that it has no right to compensation for the removed sign under any law.

(b) The city has not previously issued an enhanced dynamic display permit based on the removal of the particular faces relied upon in this permit application.

(c) Each removed sign has a copy and graphic area of at least 288 square feet and satisfies two or more of the following additional criteria:

(1) The removed sign is located adjacent to a highway with more than two regular lanes and with a general speed limit of 45 miles per hour or greater, but that does not have restrictions on access equivalent to those of an interstate highway;

(2) All or a substantial portion of the structure for the removed sign was constructed before 1975 and has not been substantially improved;

(3) The removed sign is located in a noncommercial zoning district;

(4) The removed sign is located in a special planning area designated in the 1999 comprehensive plan; or

(5) The removed copy and graphic area is equal to or greater than the area of the copy and graphic area for which the enhanced dynamic display permit is sought.

(d) If the removed sign face is one for which a state permit is required by state law, the applicant must surrender its permit to the state upon removal of the sign. The sign that is the subject of the enhanced dynamic display permit cannot begin to operate until proof is provided to the city that the state permit has been surrendered.

(e) The applicant must agree in writing that no dynamic displays will ever be used on one additional outdoor advertising sign that has a copy and graphic area of at least 288 square feet in size. This agreement will be binding on the applicant and all future owners of the sign. If the sign is subsequently removed or destroyed and not replaced, the holder of the enhanced dynamic display permit is not required to substitute a different sign for the one that no longer exists.

2) If the applicant complies with the permit requirements noted above, the city will issue an enhanced dynamic display permit for the designated outdoor advertising sign. This permit will allow a dynamic display to occupy 100 percent of the potential copy and graphic area and to change no more frequently than once every eight seconds. The designated sign must meet

all other requirements of this ordinance.

(Added by Ord. 2007-21, adopted June 25, 2007)

15. Brightness Standards.

a) All signs must meet the following brightness standards in addition to those in subdivision 10:

- 1) No sign may be brighter than is necessary for clear and adequate visibility.
- 2) No sign may 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.

b) 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 immediately upon notice of non-compliance from the city. The person owning or controlling the sign may appeal the city's determination through the following appeal procedure:

1) After making the adjustment required by the city, the person owning or controlling the sign may appeal the city's determination by delivering a written appeal to the city clerk within 10 days after the city's non-compliance notice. The written appeal must include the name of a person unrelated to the person and business making the appeal, who will serve on the appeal panel.

2) Within five business days after receiving the appeal, the city must name a person who is not an official or employee of the city to serve on the appeal panel. Within five business days after the city names its representative, the city's representative must contact the sign owner's representative, and the two of them must appoint a third member to the panel, who has no relationship to either party.

3) The appeal panel may develop its own rules of procedure, but it must hold a hearing within five business days after the third member is appointed. The city and the sign owner must be given the opportunity to present testimony, and the panel may hold the hearing, or a portion of it, at the sign location. The panel must issue its decision on what level of brightness is needed to meet the brightness standards within five business days after the hearing commences. The decision will be binding on both parties.

c) All signs installed after June 25, 2007 that will have illumination by a means other than natural light must be equipped with a mechanism that automatically adjusts the brightness in

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response to ambient conditions. These signs must also be equipped with a means to immediately turn off the display or lighting if it malfunctions, and the sign owner or operator must immediately turn off the sign or lighting when notified by the city that it is not complying with the standards in this section.

(Added by Ord. 2007-21, adopted June 25, 2007)

EXHIBIT B
Ordinance to be Enacted

SECTION 325. SIGN REGULATIONS

SECTION 325.01 PURPOSE AND FINDINGS

1. Purpose. The sign ordinance is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification. It is the intent of this section, to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs that meet the city's goals by authorizing:
 - a) permanent signs that establish a high standard of aesthetics;
 - b) signs that are compatible with their surroundings;
 - c) signs that are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or unduly distract motorists;
 - d) signs that are large enough to convey the intended message and to help citizens find their way to intended destinations;
 - e) signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;
 - f) permanent signs that give preference to the on-premise owner or occupant; and
 - g) temporary commercial signs and advertising displays that provide an opportunity for grand openings and occasional sales events while restricting signs that create continuous visual clutter and hazards at public right-of-way intersections.

2. Findings. The city of Minnetonka finds it is necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size and maintenance of signs be controlled. Further, the city finds:
 - a) permanent and temporary signs have a direct impact on and relationship to the image of the community;
 - b) the manner of installation, location and maintenance of signs affects the public health, safety, welfare and aesthetics of the community;
 - c) an opportunity for viable identification of community businesses and institutions must be established;
 - d) the safety of motorists, cyclists, pedestrians and other users of public streets and property is affected by the number, size, location and appearance of signs that unduly divert the attention of drivers;
 - e) installation of signs suspended from, projecting over, or placed on the tops of buildings, walks or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire-fighting and other emergency service;

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- f) uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;
 - g) uncontrolled and unlimited signs, particularly temporary signs which are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information;
 - h) commercial signs are generally incompatible with residential uses and should be strictly limited in residential zoning districts; and
 - i) the right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location and number.
3. Severability. Every section, subdivision, clause or phrase of this section 325 is declared separable from every other section, subdivision, clause or phrase. If any such part is held to be invalid by competent authority, no other part shall be invalidated by such action or decision.

SECTION 325.02. DEFINITIONS.

1. **“Commercial sign”** - any sign that advertises or identifies a product, business, service, entertainment, or any other matter of a commercial nature, even though the matter may be related to a nonprofit organization.
2. **“Copy and graphic”** - the wording and other display messages such as logos or symbols on a sign.
3. **“Copy and graphic area”** - the area in square feet of the smallest four-sided figure which encloses the copy and graphic of a sign.
4. **“Dynamic display”** - any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.
5. **“Freestanding sign”** - a sign which is self-supporting and affixed to a frame structure not attached to a building.
6. **“Illumination, internal”** - a light source within the sign.
7. **“Illumination, external”** - a light source which is not internal to the sign.

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8. **“Items of information”** - individual copy and graphic items situated in a manner which presents separate messages. An item of information can only be a name, an address, a logo, or geographic directions.
 9. **“Limited tenant building”** - a commercial retail establishment or a group of commercial retail establishments with the designed occupancy of three or less tenants. It must have shared parking and a visual appearance as a contiguous structure which may or may not be planned, constructed or managed as a total entity. This includes single tenant retail structures.
 10. **“Merchandise box”** - a sign which is affixed on or located adjacent to a gas pump and used to advertise services and goods.
 11. **“Monument sign”** - a sign not supported by exposed posts or poles which is architecturally designed and located directly at grade where the base width dimension is 50% or more of the greatest width of the sign.
 12. **“Multi-tenant center”** - a group of commercial retail establishments with a designed occupancy of four or more tenants with shared parking and visual appearance as a contiguous structure which may or may not be planned, constructed or managed as a total entity.
 13. **“Non-commercial sign”** - any sign that is not a commercial sign, including but not limited to signs that convey messages concerning political, religious, social, ideological, public service and informational topics.
 14. **“On-premise sign”** - a sign relating in its subject matter to, or which directs attention to, a business, person, activity, commodity, service or entertainment located on the site where the sign is installed.
 15. **“Off-premise sign”** - a sign relating in its subject matter to, or that directs attention to, a business, person, activity, commodity, service, entertainment or any other matter that is not available, or does not take place, on the same premises as the sign. A discontinued sign is an off-premise sign.
 16. **“Outdoor advertising sign”** – a permanent off-premise sign.
 17. **“Permanent sign”** - any sign other than a temporary sign.
 18. **“Portable sign”** - a sign with or without copy and graphic that is designed or intended to be moved or transported. Examples of portable signs are: A - or T - frame signs; sandwich signs; signs designed to be transported by trailer or on wheels; signs mounted on a vehicle for advertising purposes, when the vehicle is parked and visible from public right-of-way, except signs identifying a business when the vehicle is being used in the normal day-to-day operation of that business. A sign may be a portable sign even if it has wheels removed, was designed without wheels, or is attached temporarily or permanently to the ground, a structure, or other sign.
 19. **“Private road open to public travel”** has the meaning given that term under the Manual of Uniform Traffic Control Devices.
 20. **“Pylon sign”** - a sign supported by a post or posts so that the sign and supports are finished to grade by encasing the posts in a material consistent with the sign

and where the base width dimension is a minimum of 10% up to and including 50% of the greatest width of the sign.

21. **“Sign”** - any writing, pictorial presentation, number, illustration or decoration, flag, banner or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known. The term “sign” shall not be deemed to include: the terms “building” or “landscaping”, or any architectural embellishment of a building not intended to communicate information; works of art that do not convey commercial messages and that are painted on a building wall; flags that do not convey commercial messages; or any sign structure or device that is not visible from an adjacent street, property line or building on adjacent property.
22. **“Temporary sign”** - a sign constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended to be displayed for a limited period of time. This includes items such as banners, pennants, beacons, sandwich or curb signs, balloons or other air or gas filled figures.
23. **“Wall sign”** - a single faced sign attached to or erected against an exterior wall of a building with the face in a parallel plane to the plane of the building wall.

SECTION 325.03. CITATION; ADMINISTRATION AND ENFORCEMENT.

1. Citation.

This section 325 may be cited as the Minnetonka Sign Ordinance.

2. Administration and enforcement.

Administration and enforcement of this section 325 is governed by section 300.03.

SECTION 325.04. PERMITS, PROCEDURE AND VARIANCES.

3. Permit not required.

The following signs do not require a permit but must meet the regulations in this section:

- a) Signs required or allowed by section 325.05, subd. 3.
- b) Temporary signs in residential districts as allowed by section 325.06, subd. 1(d)(1).

4. Permit required.

- a) No person may erect or install any of the following signs without first obtaining a permit from the community development director or designee:

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- b) All permanent signs permitted in section 325.06 require a sign permit. The permit must be received prior to installation of the sign. The permit and inspection fee for all permanent signs is specified in city code section 710.
 - c) All temporary signs permitted in section 325.06, subdivision 8 require a temporary sign permit. The permit and inspection fee for permitted signs, banners, search lights, or inflatable advertising devices is specified in city code section 710.

5. Permit procedure.

- a) Application for a permit must be on a form provided by the city and must include the following information:
 - 1) name and address of the owner of the sign;
 - 2) street address or location of the property on which the sign is to be located, along with the name and address of the property owner;
 - 3) the type of sign as defined in this section;
 - 4) site plan showing the location of the proposed sign;
 - 5) specifications and scale drawings showing the materials, design, dimensions, structural supports, method of attachment and electrical components of the sign;
 - 6) plan showing the location and size of all existing signs located on the same premises upon city request;
 - 7) name of licensed electrician who will make the final connection of an illuminated sign; and
 - 8) sign permit fee as specified in city code section 710.
- b) The community development director or designee must approve or deny a sign permit application within 10 days after a complete application is submitted. A decision must be made in writing and must be mailed or electronically delivered to the applicant at the address or email address provided in the application. If a permit is denied, the reason must be stated in writing.
- c) An applicant may appeal a denial by submitting a request in writing within 10 days after the decision was mailed or electronically delivered. The appeal must be scheduled for planning commission review as soon as practicable, but no later than 30 days after the appeal was submitted. The applicant may appeal a planning commission denial by submitting a request in writing within 10 days after the decision. The appeal must be scheduled for city council review as soon as practicable, but no later than 30 days after the appeal was submitted. All review of a sign permit application must be based solely on whether the application complies with city ordinances.

6. **Variances.**

A variance from the regulations in this section requires a separate application, according to the procedures in section 300.07 of this code. The fee for application for variance from this section or approval of a sign plan for a development is specified in city code section 710.

7. **Permit expiration.**

A sign permit becomes null and void if the sign is not installed within 180 days after issuance of the permit, and a new application must be submitted.

SECTION 325.05 GENERAL REGULATIONS.

1. **Scope.** The regulations in this section 325.05 apply to signs in all zoning districts.

2. **Prohibited Signs.**

- a) Signs are prohibited in all districts unless authorized under this section 325.
- b) Portable signs are prohibited in all districts, except for temporary traffic control devices in temporary traffic control zones as required by the Manual on Uniform Traffic Control Devices.
- c) Signs designed to resemble official traffic control devices are prohibited in all districts, except signs that are used to control traffic on private property.
- d) abandoned signs;
- e) blank signs;
- f) merchandise boxes or signs not affixed to a principal structure excluding signs permitted in subdivision 8(d);
- g) permanent off-premises signs are not permitted in any zoning district.

3. **Permitted signs.**

The following signs are required or permitted in every zoning district:

- a) The owner of any property with an assigned street address must mark its property with the street address numerals, so that emergency services providers can easily identify the address from the public street. The identification may be on the curb or on the principal building of the property. The size and location of the identifying numerals must be proportional to the size of the building and the distance from the street to the building. In cases where the building is not located within view of the public street, or where the building is located more than 150 feet from the public street, the identifier must be located on the mailbox or other suitable device that is visible from the street.

- b) Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state.
- c) Permanent and temporary signs required by law or ordinance for regulatory/notification purposes.
- d) Permanent freestanding signs are permitted on properties with more than 20 parking spaces, provided the signs comply with the requirements in Table 325.1:

Table 325.1 Parking lot signs	
Maximum sign area	7 sq. ft.
Maximum height	6 ft.
Location requirement	Within 5 feet of drive aisles in parking lots and located in proximity to the change in direction.
Numerical limit	1 sign for each 60 degree change in direction of the drive isle.

- e) Temporary off-premise commercial signs are permitted in all districts, provided the signs comply with the following :
 - 1) must be at least 5 feet from the edge of a public street and must not obstruct driver visibility at intersections;
 - 2) may not be on the right-of-way of county and state roads and municipal state-aid streets;
 - 3) are limited to one per parcel of property as defined in subdivision 9 below for the same topic, location, event, or matter;
 - 4) may only be displayed between 6:00 a.m. on a Thursday and 6:00 p.m. on the following Sunday; and
 - 5) must be no larger than 3 square feet in area and no higher than 6 feet above the ground to which it is attached.
- f) In all districts, any sign authorized in this chapter is allowed to contain noncommercial copy in lieu of any other copy. For new signs posted with a noncommercial message, the sign fee is waived until such time as the sign is converted to contain a commercial message.

4. Location requirements.

- a) Signs may not be located on property without the permission of the property owner. For signs located in public right-of-way as allowed under subdivision 3(e)

of this section 325.05, the permission of the immediately adjacent property owner must be obtained.

- b) Unless specifically noted otherwise, all signs must maintain a 10 foot setback from all lot lines. The city may require a greater or lesser setback because of public safety reasons which may include the following conditions: vehicle sight distance, distance from intersection, designation of adjacent right-of-way.
- c) Signs may not be mounted on a roof surface and may not project above the roof line of a structure if either attached to the structure or cantilevered over the structure.
- d) Signs may not be attached to trees or utility poles.
- e) Signs may not be located within public right-of-way except for official traffic control devices and those allowed by section 3(e) of this section 325.05;
- f) Signs attached to fences;
- g) Signs may not be located so as to obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets in a manner that presents a hazard to public safety;
- h) Signs may not be located so as to obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any structure;

5. Approved sign plans.

The city may enforce, in the same manner as the requirements of this section, the terms of a sign plan or sign covenants which it has approved. Any violation of an approved sign plan or sign covenants is a misdemeanor.

6. Changeable messages.

A message that is not permanently attached to the sign face but that is not a dynamic display may occupy no more than 35 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to change messages even if not used.

7. Font size.

Every line of copy and graphics in a sign must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more.

8. Sign illumination.

- a) All illuminated signs must meet the following standards:
 - 1) External illumination on signs must be directed so that the illumination does not interfere with safe traffic operations;

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- 2) Externally illuminated signs must not be directly oriented to any residential district;
 - 3) No sign may be brighter than is necessary for clear and adequate visibility.
 - 4) No sign may 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.
 - 5) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.
- b) 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 immediately upon notice of non-compliance from the city. The person owning or controlling the sign may appeal the city's determination through the following appeal procedure:
- 1) After making the adjustment required by the city, the person owning or controlling the sign may appeal the city's determination by delivering a written appeal to the city clerk within 10 days after the city's non-compliance notice. The written appeal must include the name of a person unrelated to the person and business making the appeal, who will serve on the appeal panel.
 - 2) Within five business days after receiving the appeal, the city must name a person who is not an official or employee of the city to serve on the appeal panel. Within five business days after the city names its representative, the city's representative must contact the sign owner's representative, and the two of them must appoint a third member to the panel, who has no relationship to either party.
 - 3) The appeal panel may develop its own rules of procedure, but it must hold a hearing within five business days after the third member is appointed. The city and the sign owner must be given the opportunity to present testimony, and the panel may hold the hearing, or a portion of it, at the sign location. The panel must issue its decision on what level of brightness is needed to meet the brightness standards within five business days after the hearing commences. The decision will be binding on both parties.
- c) All signs installed after June 25, 2007 that will have illumination by a means other than natural light must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions. These signs must also be equipped with a means to immediately turn off the display or lighting if it malfunctions, and the sign owner or operator must immediately turn off the sign or lighting when notified by the city that it is not complying with the standards in this section.

9. Outdoor advertising displays.

Outdoor advertising signs which exist as of March 13, 1991 are nonconforming signs. A permanent outdoor advertising sign is a principal use of property. No permitted or conditionally permitted use or any part of such use may be located on the same parcel of property as such a sign. The parcel on which such a sign is located may not be subdivided to segregate the sign from the remaining property. For the purposes of this paragraph, "parcel of property" means any property for which one property identification number has been issued by the county, or all contiguous property in common ownership as of October 15, 1997, whichever is greater.

10. Dynamic Displays.

- a) Findings. Studies show that there is a correlation between dynamic displays on signs and the distraction of highway drivers. Distraction can lead to traffic accidents. Drivers can be distracted not only by a changing message, but also by knowing that the sign has a changing message. Drivers may watch a sign waiting for the next change to occur. Drivers are also distracted by messages that do not tell the full story in one look. People have a natural desire to see the end of the story and will continue to look at the sign in order to wait for the end. Additionally, drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Finally, drivers are generally more distracted by messages that are too small to be clearly seen or that contain more than a simple message. Time and temperature signs appear to be an exception to these concerns because the messages are short, easily absorbed, and become inaccurate without frequent changes.

Despite these public safety concerns, there is merit to allowing new technologies to easily update messages. Except as prohibited by state or federal law, sign owners should have the opportunity to use these technologies with certain restrictions. The restrictions are intended to minimize potential driver distraction and to minimize proliferation in residential districts where signs can adversely impact residential character.

Local spacing requirements could interfere with the equal opportunity to use such technologies and are not included. Without those requirements, however, there is the potential for numerous dynamic displays to exist along any roadway. If more than one dynamic display can be seen from a given location on a road, the minimum display time becomes critical. If the display time is too short, a driver could be subjected to a view that appears to have constant movement. This impact would obviously be compounded in a corridor with multiple signs. If dynamic displays become pervasive and there are no meaningful limitations on each sign's ability to change frequently, drivers may be subjected to an unsafe degree of distraction and sensory overload. Therefore, a longer display time is appropriate.

A constant message is typically needed on a sign so that the public can use it to identify and find an intended destination. Changing messages detract from this way-finding purpose and could adversely affect driving conduct through last-second lane changes, stops, or turns, which could result in traffic accidents. Accordingly, dynamic displays generally should not be allowed to occupy the entire copy and graphic area of a sign.

In conclusion, the city finds that dynamic displays should be allowed on signs but with significant controls to minimize their proliferation and their potential threats to public safety.

- b) Regulations. Dynamic displays on signs are allowed subject to the following conditions:
- 1) Dynamic displays are allowed only on monument and pylon signs for conditionally permitted uses in residential districts and for all uses in other districts. Dynamic displays may occupy no more than 35 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only one, contiguous dynamic display area is allowed on a sign face;
 - 2) A dynamic display may not change or move more often than once every 20 minutes, except one for which changes are necessary to correct hour-and-minute, date, or temperature information. Time, date, or temperature information is considered one dynamic display and may not be included as a component of any other dynamic display. A display of time, date, or temperature must remain for at least 20 minutes before changing to a different display, but the time, date, or temperature information itself may change no more often than once every three seconds;
 - 3) The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects;
 - 4) 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;
 - 5) Every line of copy and graphics in a dynamic display must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more. If there is insufficient room for copy and graphics of this size in the area allowed under clause 1 above, then no dynamic display is allowed;
 - 6) Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped

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- with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this ordinance;
- 7) Dynamic displays must comply with the brightness standards contained in subdivision 15;
 - 8) Dynamic displays existing on June 25, 2007 must comply with the operational standards listed above. An existing dynamic display that does not meet the structural requirements in clause 1 may continue as a non-conforming development subject to section 300.29. An existing dynamic display that cannot meet the minimum size requirement in clause 5 must use the largest size possible for one line of copy to fit in the available space.
- c) Incentives. Outdoor advertising signs do not need to serve the same way-finding function as do on-premises signs. Further, outdoor advertising signs are no longer allowed in the city, and there is no potential that they will proliferate. Finally, outdoor advertising signs are in themselves distracting and their removal serves public safety. The city is extremely limited in its ability to cause the removal of those signs. This clause is intended to provide incentives for the voluntary and uncompensated removal of outdoor advertising signs in certain settings. This removal results in an overall advancement of one or more of the goals set forth in this section that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate outdoor advertising services that would otherwise remain distributed throughout the community.
- 1) A person may obtain a permit for an enhanced dynamic display on one face of an outdoor advertising sign if the following requirements are met:
 - (a) The applicant agrees in writing to permanently remove, within 15 days after issuance of the permit, at least two other faces of an outdoor advertising sign in the city that are owned or leased by the applicant, each of which must satisfy the criteria of parts (b) through (d) of this subsection. This removal must include the complete removal of the structure and foundation supporting each sign face. The applicant must agree that the city may remove the sign if the applicant does not timely do so, and the application must be accompanied by a cash deposit or letter of credit acceptable to the city attorney sufficient to pay the city's costs for that removal. The applicant must also agree that it is removing the sign voluntarily and that it has no right to compensation for the removed sign under any law.
 - (b) The city has not previously issued an enhanced dynamic display permit based on the removal of the particular faces relied upon in this permit application.
 - (c) Each removed sign has a copy and graphic area of at least 288 square feet and satisfies two or more of the following additional criteria:

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- (1) The removed sign is located adjacent to a highway with more than two regular lanes and with a general speed limit of 45 miles per hour or greater, but that does not have restrictions on access equivalent to those of an interstate highway;
 - (2) All or a substantial portion of the structure for the removed sign was constructed before 1975 and has not been substantially improved;
 - (3) The removed sign is located in a noncommercial zoning district;
 - (4) The removed sign is located in a special planning area designated in the 1999 comprehensive plan; or
 - (5) The removed copy and graphic area is equal to or greater than the area of the copy and graphic area for which the enhanced dynamic display permit is sought.
- (d) If the removed sign face is one for which a state permit is required by state law, the applicant must surrender its permit to the state upon removal of the sign. The sign that is the subject of the enhanced dynamic display permit cannot begin to operate until proof is provided to the city that the state permit has been surrendered.
 - (e) The applicant must agree in writing that no dynamic displays will ever be used on one additional outdoor advertising sign that has a copy and graphic area of at least 288 square feet in size. This agreement will be binding on the applicant and all future owners of the sign. If the sign is subsequently removed or destroyed and not replaced, the holder of the enhanced dynamic display permit is not required to substitute a different sign for the one that no longer exists.
- 2) If the applicant complies with the permit requirements noted above, the city will issue an enhanced dynamic display permit for the designated outdoor advertising sign. This permit will allow a dynamic display to occupy 100 percent of the potential copy and graphic area and to change no more frequently than once every eight seconds. The designated sign must meet all other requirements of this ordinance.

11. Sign construction and maintenance.

All signs must conform to the following standards.

- a) Construction specifications. All permanent signs must be constructed in accordance with the following:
 - 1) the Minnesota state building code;
 - 2) all electric signs must be approved and labeled as conforming to the standards of the Underwriters' Laboratories, Inc., the United States bureau of standards or other similar institutions of recognized standing. All illuminating elements must be kept in satisfactory working condition or immediately repaired or replaced. Signs that are partly illuminated must meet all electrical requirements for the portion that is illuminated;

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- 3) all permanent freestanding signs must have self-supporting structures erected on and permanently attached to concrete foundations;
 - 4) for wall signs, the wall must be designed for and have sufficient strength to support the sign;
 - 5) wall signs must be mounted parallel to the building and may not project more than 18 inches from the face of the building;
 - 6) signs may not be painted on the wall of a building;
 - 7) Unless otherwise specified in this section, the maximum angle permitted between faces of a double face freestanding sign is 45 degrees; and
 - 8) signs must be constructed to withstand the following wind loads:
 - (a) for solid signs, 30 pounds per square foot on one face of the sign; and
 - (b) for other signs, 36 pounds per square foot of the total face area of the letters and other sign surface, or 10 pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.
- b) Sign maintenance and repair. All signs must be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, cleaning and other items required for maintenance of the sign. Vegetation around, in front of, behind, and underneath the base of ground signs for distance of 10 feet must be neatly trimmed and free of weeds. Rubbish or debris under or near the sign that would constitute a fire or health hazard must be removed.

12. Removal of Abandoned Signs, Signs in Disrepair and Signs Located in Public Right-of-Way.

- a) Abandoned signs and signs in disrepair. An abandoned sign or sign in disrepair is prohibited and shall be removed by the owner of the premises within 30 days after notification. If compliance with the provisions of this section is not achieved within 30 days, the city may remove the sign as a public nuisance by following the procedure as specified in section 1120.045 of the municipal code of ordinances. If an abandoned sign remains in good condition and without holes or other evidence of disrepair or damage, the sign shall not be considered as abandoned for a period of one year.
- b) Signs on public property or within public right-of-way: The city may at any time and without notice impound signs which have been installed on public property or within public right-of-way or easement. The sign owner may retrieve the signs according to the following:
 - 1) a fee must be paid to the city as established in city code section 710. For each subsequent impoundment in a calendar year, the specified fee shall be doubled;

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- 2) the sign may be retrieved from a designated impound area during routine business hours and within 15 days from the date of impounding. After 15 days, the city will dispose of the sign; and
 - 3) the city may not be held liable for any damage to impounded signs.

13. Nonconforming Signs.

Any sign that complied with all applicable laws and ordinances at that time that it was erected but that has been or is made nonconforming due to a subsequently enacted amendment of this city code is governed by section 300.29.

SECTION 325.06. DISTRICT REGULATIONS.

1. Residential Districts.

Within residential zoning districts, signs are permitted as provided in this subsection. Except as expressly permitted in this subsection, commercial signs are not allowed:

a) Permanent wall signs:

- 1) for each single family or multi-family residential structure, one wall sign not to exceed 2 square feet in area;
- 2) for each educational, religious, public or private institution, or nursing home property one wall mounted sign that complies with the requirements in Table 325.5:

b) Permanent monument signs:

- 1) Low density residential: or each single family subdivision containing at least 6 lots and each two family subdivision containing a potential for at least 12 dwellings, one or two monument style signs, provided the signs meet the requirements in Table 325.5. A neighborhood or homeowner's association must be responsible for perpetual maintenance of the sign.
- 2) Medium and high density residential: for each medium or high density residential development, one or two monument style signs, provided the signs meet the requirements in Table 325.5. The sign must be perpetually maintained by a homeowner's association or responsible property owners.
- 3) Educational, religious and public institution signs: for each educational, religious, public or private institution, and nursing home property, one monument sign, provided it complies with the requirements in Table 325.5.
- 4) Public and private parks: for each public or private park property, one monument sign, provided it complies with the requirements in Table 325.5

c) Permanent pylon signs:

One pylon sign is allowed per athletic playing field with structured seating capacity for 2000 or fewer people, or one or more pylon signs per athletic playing field with structured seating capacity for greater than 2000 people; provided, that sign(s) must meet the requirements in Table 325.5.

d) Temporary signs.

- 1) Within all residential zoning districts, temporary noncommercial signage is permitted provided it meets the requirements of Table 325.5.
- 2) Within all residential zoning districts, on-premises commercial signage is permitted on properties where new construction activity is taking place, provided the signs comply with the requirements in Table 325.2:

Table 325.2: Temporary signage for development properties -325.06(1)(d)(1)	
Property type	Low density with at least four lots under development; medium or high density
Sign type	Pylon
Numerical limit	One per development project number, according to the records of the community development department
Maximum sign area	32 square feet
Maximum height	8 feet, but if sign width does not exceed 4 feet, then 12 feet
Maximum duration	Low density –when building permits have been issued for 90 percent of the lots
	Medium and high density – 18 months after building permit issuance or 7 days after issuance of certificate of occupancy for last building, whichever is sooner
Other requirement	Signage under this provision is in lieu of all other permanent or temporary signage on the property

- 3) One temporary on-premises commercial sign is permitted on a low or medium density residential property that is for lease or sale, subject to the requirements in Table 325.3.

Table 325.3. Temporary signage per 325.06(1)(d)(3)	
Sign type	Freestanding
Maximum area	6 square feet
Maximum height	6 feet
Maximum duration	Seven days after property is no longer for lease or sale

- 4) One temporary on-premises commercial sign is permitted on a medium or high density residential property that is for lease or sale, subject to the requirements in Table 325.4; except, that no temporary sign is allowed if the graphic area of a permanent monument sign, as allowed under subdivision 1(b)(2) of this section, is increased as allowed by Table 325.5.

Sign type: choice of one:	Freestanding	Banner attached to wall
Maximum area	32 square feet	60 square feet
Maximum height	12 feet, unless width exceeds 4 feet, then 8 ft.	30 ft.
Maximum duration	12 months after issuance of certificate of occupancy for last building	12 months after issuance of certificate of occupancy for last building

- 5) The city council may approve temporary on-premises signs on public or institutional property. The first approval for a site may allow only one use of the sign for a specified duration. Subsequent approvals for the same type of sign may allow recurring use of the sign for limited durations over a period of up to 5 years.

Sign type	Max. Area Sign Structure	Max. Graphic Area	Max. Height	Illumi-nation	Other
Permanent wall sign –residential use 325.06(1)(a)(1)	2 sq ft	2 sq ft	1 ft	External only	
Permanent wall sign – educational, religious, institutional or nursing home use 325.06(1)(a)(2)	Lesser of 50 sq ft or 10% of wall on which sign is located	Lesser of 50 sq ft or 10% of wall on which sign is located	Individual letters not more than 24 in.	External only	

Table 325.5: Residential District Requirements

Sign type	Max. Area Sign Structure	Max. Graphic Area	Max. Height	Illumination	Other
Permanent monument sign – low density residential use 325.06(1)(b)(1)	75 sq. ft per entrance	30 sq. ft. per entrance	6 ft.	External only	Must be in dedicated permanent sign easement Must be at primary entrance(s) May be single or double-faced. If double, must be parallel.
Permanent monument sign – medium and high density residential use 325.06(1)(b)(2)	100 sq. ft. per entrance	36 sq. ft. per entrance	8 ft.	External only if adjacent to or across a public right-of-way from low-density residential	Must be at primary entrance(s) May be single or double-faced. If double, must be parallel. Maximum size may be increased to 45 square feet for one sign, but see 325.06(1)(d)(4)(temp. sign reg)(no temporary sign allowed)
Permanent monument sign – educational, religious, institutional or nursing home use 325.06(1)(b)(3)	75 sq. ft.	30 sq. ft.	8 ft.	Internal or external; light source may not be exposed	
Permanent monument sign – public or park use 325.06(1)(b)(4)	32 sq. ft.	32 sq. ft.	8 ft.	Internal or external; light source may not be exposed Hours of 6 am to 10 pm only	May be single or double-faced. If double, must be parallel
Permanent sign – athletic field use with structured	410 sq. ft. per sign face	410 sq. ft. per sign face	35	Internally illuminated	

Table 325.5: Residential District Requirements					
Sign type	Max. Area Sign Structure	Max. Graphic Area	Max. Height	Illumination	Other
seating for 2000 or fewer people 325.06(1)(c)					
Permanent sign – athletic field use with structured seating for more than 2000 people 325.06(1)(c)	500 sq. ft. per sign face; 1000 sq. ft. aggregate	500 sq. ft. per sign face; 1000 sq. ft. aggregate	35	Internally illuminated	
Temporary freestanding noncommercial signs –any residential use 325.06(1)(d)(1)	6 square feet per sign; 18 square feet aggregate per property	6 square feet per sign; 18 square feet aggregate per property	3 ft.	None	

2. Office Business District Sign Regulations.

Within the B-1, office business district, signs are permitted according to the following standards:

- a) Permanent monument signs: one permanent monument sign is permitted per development, provided the sign complies with the requirements of Table 325.6.
- b) Permanent wall signs: one permanent wall sign per building, either individually mounted letter type (option 1) or wall mounted type (option 2), except as provided in Table 325.6. Signs must meet the requirements in Table 325.6.

Table 325.6: Office Business District Sign Requirements					
Sign type	Max. Area Sign Structure	Max. Graphic Area	Max. Height	Illumination	Other
Permanent monument sign – adjacent ROW is less than 100 ft in width	72	36 sq. ft.	15 ft.	Internal or external	Limit of three items of information per copy and graphic area

Table 325.6: Office Business District Sign Requirements						
Sign type		Max. Area Sign Structure	Max. Graphic Area	Max. Height	Illumination	Other
						External light fixtures and sources must be screened from view
Permanent monument sign – adjacent ROW is 100 ft. or more in width		100	50 sq. ft.	15 ft.	Internal or external	Limit of three items of information per copy and graphic area External light fixtures and sources must be screened from view
Permanent wall sign Must select Option 1 or Option 2	Op. 1		The greater of 50 sq. ft. or 25 % of length of building where sign is located	24 in. copy height 36 in. logo height	Internal only, if mounted above first floor; internal or external if mounted on first floor; no exposed light sources or fixtures on external lights	Individually mounted letters only Properties with more than one street frontage may have one sign per building facing each frontage
	Op. 2	30 sq. ft. aggregate			Internal or external; no exposed light sources or fixtures on external lights	Must be mounted within first floor elevation If more than one primary entrance, one sign allowed per entrance, subject to aggregate square foot limitation

3. Limited and General Business Sign Regulations.

Within the B-2 and B-3 business districts, the following signs are permitted:

- a) Permanent freestanding signs. Except as provided in Table 325.9, one freestanding sign is permitted per development. Signs must meet the requirements in Table 325.7 and Table 325.9.

Table 325.7 Freestanding Sign Size Limitations				
	pylon		monument	
principal structure (gross square feet)	Max. height	Max. sign size (sq. ft.)	Max. height	Max. copy & graphic (sq. ft.)
greater than 400,000	30'	200	21'	100
100,000 - 400,000	24'	100	21'	100
20,000 - 100,000	18'	80	18'	80
less than 20,000	15'	60	15'	60
building with multiple screen theater	30'	200	21'	100

- b) Permanent wall signs.
- 1) Multi-tenant wall signs. One permanent wall sign is permitted per tenant space, and must be located no closer than two feet from any lease line. Signs must meet the requirements in Table 325.8 and Table 325.9.
 - 2) Limited tenant wall signs. One permanent wall sign is permitted per exterior wall face on limited tenant buildings, subject to the limitations in Table 325.8 and Table 325.9.

Table 325.8 Wall Sign Size Limitations		
Principal Structure Size (Gross Sq. Ft.)	Individual Wall Sign Calculation	Total Wall Signage for Property
100,000 - 400,000 sq. ft.	200 sq. ft. or 10 percent of wall face, whichever is less	300 sq. ft.
20,000 - 100,000 sq. ft.	150 sq. ft. or 10 percent of wall face, whichever is less	240 sq. ft.
less than 20,000 sq. ft.	100 sq. ft. or 15 percent of wall face, whichever is less	150 sq. ft.

Table 325.9 Limited and General Business District Sign Requirements						
Sign type		Max. Area Sign Structure	Max. Graphic Area	Max. Height	Illumination	Other
Permanent freestanding sign	Hotel		60 sq. ft.	15 ft.		One monument sign per development,

Table 325.9 Limited and General Business District Sign Requirements

Sign type		Max. Area Sign Structure	Max. Graphic Area	Max. Height	Illumination	Other
						except hotel with frontage and access on 2 arterial streets may have 2 monument signs
	Property with Drive-Thru	50 sq. ft.	N/A	8 ft.	Internal	Allowed in addition to sign under "Other" below Single-faced only
	Other	Monument area cannot exceed 1.5 times allowed copy and graphic area	See Table 325.7	See Table 325.7	Either; no exposed light sources or fixtures on external lights	Signs may be single or double faced One sign per development except: For multi-tenant building or limited tenant building with more than 100,000 gross sq. ft. and with 2 or more access points, one monument sign allowed at primary access and second monument allowed at second access; height and graphic limits for second monument are 50% of those in Table 325.7
Permanent wall sign	Hotel			36 in. per letter	Internal	Individually mounted letter-type sign only One sign per development, except 2 nd sign on 2 nd wall allowed if neither sign is directly oriented

Table 325.9 Limited and General Business District Sign Requirements					
Sign type	Max. Area Sign Structure	Max. Graphic Area	Max. Height	Illumination	Other
					toward low density residential property Variances to letter height considered based on proportional relationship to mass and height of building
Multi-tenant	See Table 325.8	See Table 325.8	36 in.	Internal for individual letters	Individually mounted letters required unless all wall signs are incorporated into architecture of structure and of similar design Must be installed within 26-in. high horizontal band of uniform background
Limited tenant	See Table 325.8	See Table 325.8			

c) Permanent on-premises sign: In addition to, or as a modification of, of the signs allowed by paragraphs (a) and (b) above, one of the following options is allowed, provided, that any property with signage allowed under this paragraph (c) is not allowed to have temporary signage under subdivision 5(3) of this section 305.06.

1) Option 1:

- a. the principal freestanding sign shall be architecturally designed to accommodate a leasing message within the perimeter of the monument or pylon sign;
- b. the leasing message cannot exceed that of the identification monument or pylon message;
- c. leasing message is in addition to potential monument or pylon copy and graphic area; and the maximum size of the permanent freestanding sign permitted under paragraph (a) above may be increased as provided in Table 325.10.

Table 325.10	
Principal Structure Gross Square Footage	Additional Square Feet
less than 20,000	15 square feet
20,000 - 100,000	20 square feet
greater than 100,000	25 square feet

- 2) Option 2: in addition to the permanent freestanding sign allowed under paragraph (a) above, one additional permanent freestanding sign is allowed, provided it complies with the following standards:
- a. setback 5 feet from all property lines;
 - b. 8 foot maximum height and 6 foot maximum width; and
 - c. maximum size of sign permitted is determined by the gross square footage of the principal structure as provided in Table 325.11:

Table 325.11	
Principal Structure Gross Square Footage	Sign Area
less than 20,000	12 square feet
20,000 - 100,000	16 square feet
greater than 100,000	18 square feet

- 3) Option 3: in addition to the permanent freestanding sign allowed under paragraph (a) above, a permanent wall mounted sign or banner is allowed, provided it complies with the following standards:
- a. buildings two stories or under:
 - (1) one wall sign;
 - (2) directly anchored to the building wall; and
 - (3) maximum size of sign permitted is determined by the gross square footage of the principal structure as provided in Table 325.12:

Table 325.12	
Principal Structure Gross Square Footage	Sign Area
less than 20,000	12 square feet

20,000 - 100,000	16 square feet
greater than 100,000	18 square feet

- b. buildings three stories or higher:
 - (1) 30 square feet maximum area;
 - (2) directly anchored to the building wall; and
 - (3) displayed on the building's third story or any higher story.
 - (4) signs up to 32 square feet in size will be permitted without time limit instead of option 2 or 3 if the standards in either a. or b. are met:
 - a. business or industrial development directly abuts a street with posted speed limit of 55 m.p.h. or greater; or
 - b. the principal structure is greater than four stories.
 - c. If a property qualifies for a 32 square foot sign under a. or b. and also has a second frontage on a designated collector or arterial road, option 2 or 3 as found above is also permitted.

4. Industrial Sign Regulations.

Within the I-1 industrial district permanent signs which comply with the following standards are permitted:

- a) Monument sign. One permanent monument sign is permitted per property. The property owner must elect from one of two options in Table 325.13, and the sign must meet the requirements for the selected option.
- b) Permanent signage per tenant space. For multi-tenant buildings that do not have a monument sign under option 2 of Table 325.13, additional permanent signage is permitted as provided in this subdivision 4(b). The signs must meet the requirements of Table 325.13. The building owner or a representative must designate a sign design for the tenant spaces. The designation will be recorded by the city and kept on record for the property. Each sign on the property must conform to the designated sign option, and all signs must be uniform in material, color, style, illumination and placement. Changes to the sign designation may be made upon request, and approved administratively if all signs located on the site are brought into conformance with the requested sign plan modification. The planning commission must review sign plan changes if nonconforming signs are created.
- c) Permanent signage for single-tenant buildings: for single tenant buildings, one or more permanent wall signs are allowed per building, subject to the requirements in Table 325.13.
- d) Permanent on-premises sign: In addition to, or as a modification of, of the signs allowed by paragraphs (a), (b) and (c) above, one of the sign options allowed in section 325.06(3)(c) is allowed in the industrial district, provided, that any

property with signage allowed under this paragraph (d) is not allowed to have temporary signage under subdivision 5(3) of this section 305.06.

Table 325.13 Industrial District Sign Requirements

Sign type		Max. Area Sign Structure	Max. Graphic Area	Max. Height	Illumination	Other
Permanent monument sign per property	Option 1	90 sq. ft.	60 sq. ft.	10 ft.		
	Option 2	120 sq. ft.	85 sq. ft.	10 ft.		Allowed for properties with multi-tenant buildings only. If this option is selected, permanent per-tenant-space signs are not allowed. Option is not available in areas designated for mixed use on the comprehensive guide plan
Multi-tenant buildings: signs per tenant space:	Option A: monument or pylon		9 sq. ft.	6 ft.		One at each tenant's primary building entrance Maximum width of 5 feet Single faced Positioned parallel to parking lot sidewalk or perpendicular to tenant walkway
	Option B: wall sign		12 ft.	4 ft.		One at each tenant's primary building entrance Max. distance of 8 ft from ground to top edge of sign
	Option C: Individually mounted letters			18 in.		One at each tenant's primary entrance No more than 2 ft from tenant's exterior lease lines

Table 325.13 Industrial District Sign Requirements						
Sign type		Max. Area Sign Structure	Max. Graphic Area	Max. Height	Illumination	Other
						Must be installed within 18-in. high horizontal band of uniform background
Single-tenant buildings:	Wall-mounted individual letters		5% of building face on which sign is located or 150 sq. ft., whichever is less			One per building

5. Business and Industrial Temporary Sign Regulations.

Within business and industrial districts, temporary on-premises commercial signs are permitted as follows:

- a) Banners not to exceed 30 square feet according to the following:
 - 1) maximum 30 day display period to coincide with the grand opening of a business;
 - 2) a business may display a banner on two occasions per calendar year with a maximum 10 day display period for each occasion;
- b) Search lights or inflatable advertising devices are permitted as follows: one for each development, a maximum of two occasions per calendar year with each occasion not to exceed three days; and
- c) Stringers, and pennants are not permitted.
- d) Temporary on-premises commercial signage is permitted on vacant properties where new construction activity is taking place, provided the signs comply with the requirements in Table 325.14.

Table 325.14 Temporary Signs During Construction	
Sign type	Pylon
Numerical limit	One per development project number, according to the records of the community development department; One additional sign if the property is over 3 acres in size with frontage on 2

Table 325.14 Temporary Signs During Construction	
	or more designated collector or arterial streets
Maximum sign area	32 square feet
Maximum height	12 feet
Maximum duration	7 days after issuance of certificate of occupancy for building

- e) Temporary on-premises commercial signage is permitted on improved properties that are for lease or sale, provided the signs comply with the requirements in Table 325.15.

Table 325.15 Temporary Signs on Properties for Lease or Sale	
Sign type	Freestanding or wall
Numerical limit	One per property One additional sign if the property is over 3 acres in size with frontage on 2 or more designated collector or arterial streets
Maximum sign area	32 square feet
Maximum height	12 feet
Maximum duration	

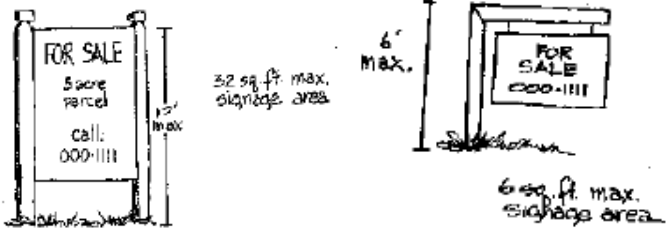
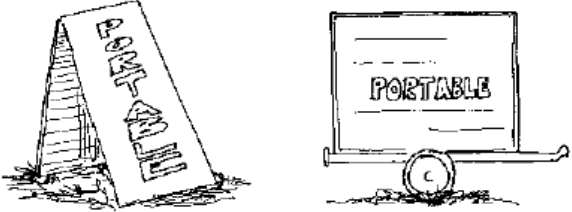
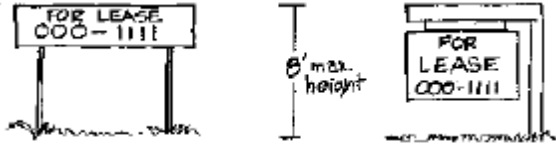

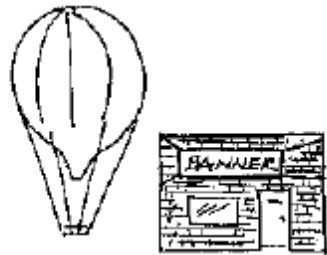
6. Planned Unit Development Districts

Permanent and temporary signs in planned unit development districts are regulated according to the standards for the corresponding land use and zoning category as stated in this chapter 3. A sign plan with differing requirements may be approved by the city. Factors that will be used in determining if an individual P.U.D./P.I.D. sign plan will be considered include the following:

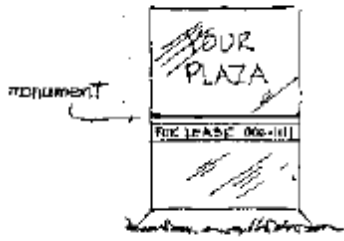
- a) The development includes a high rise (greater than 3 story) structure;
- b) the development includes multiple structures and/or substantial site area;
- c) the development includes mixed uses;
- d) a sign plan is uniquely adapted to address the visibility needs of a development while remaining consistent with the intent of this section to direct high quality signage; and

-
- e) the sign plan includes permanent sign covenants which can be enforced by the city.

Sign Examples

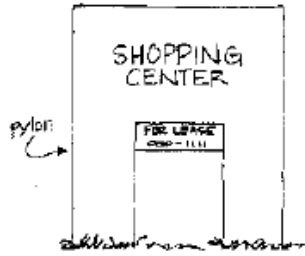
Existing Ordinance Sign Examples	Proposed Ordinance Sign Definition
<p>Temporary Real Estate Sign</p> 	<p>Temporary On-Premise Sign</p>
<p>Portable Sign</p> 	<p>Temporary On- or Off-Premise Sign</p>
<p>Leasing Sign</p> 	<p>Temporary On-Premise Sign</p>
<p>Directional Sign</p> 	<p>Permanent Freestanding Parking Lot Sign</p>
<p>Grand Opening Sign</p> 	<p>Temporary On-Premise Sign</p>

Monument Sign



Monument Sign

Pylon Sign



Pylon Sign

DISPOSITION TABLE

Section title or Subsection – original language	Notes on disposition
SECTION 300.30. SIGN ORDINANCE.	Renumbered as Section 325
<p>1. Purpose and Findings.</p> <p>The purpose and findings of the sign ordinance are as follows:</p> <p>a) Purpose: the sign ordinance is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification. It is the intent of this section, to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs which<u>that</u> meet the city's goals by authorizing:</p> <ol style="list-style-type: none"> 1) permanent signs which<u>that</u> establish a high standard of aesthetics; 2) signs which<u>that</u> are compatible with their surroundings; 3) signs which<u>that</u> are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or unduly distract motorists; 4) signs which<u>that</u> are large enough to convey the intended message and to help citizens find their way to intended destinations; 5) signs that are proportioned to the scale of, and are architecturally compatible with, principal structures; 6) permanent signs which<u>that</u> give preference to the on-premise owner or occupant; and 7) temporary commercial signs and advertising displays which<u>that</u> provide an opportunity for grand openings and occasional sales events while restricting signs which<u>that</u> create continuous visual clutter and hazards at public right-of-way intersections. <p>b) Findings: the city of Minnetonka finds it is necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size and maintenance of signs be controlled. Further, the city finds:</p> <ol style="list-style-type: none"> 1) permanent and temporary signs have a direct impact on and relationship to the image of the community; 2) the manner of installation, location and maintenance of signs affects the public health, safety, welfare and aesthetics of the community; 3) an opportunity for viable identification of community businesses and institutions must be established; 	<p>Renumbered as Section 325.01</p> <p>Added severability clause</p>

Section title or Subsection – original language	Notes on disposition
<p>4) the safety of motorists, cyclists, pedestrians and other users of public streets and property is affected by the number, size, location and appearance of signs that unduly divert the attention of drivers;</p> <p>5) installation of signs suspended from, projecting over, or placed on the tops of buildings, walks or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire-fighting and other emergency service;</p> <p>6) uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;</p> <p>7) uncontrolled and unlimited signs, particularly temporary signs which are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information;</p> <p>8) commercial signs are generally incompatible with residential uses and should be strictly limited in residential zoning districts; and</p> <p>9) the right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location and number.</p>	
<p>2. Definitions.</p> <p>1. “Building length” – the longest straight line parallel to adjacent public right of way from end wall to end wall of a building. (Figure 30-1)</p> <p>Figure 30-1</p> <p>2. “Canopy or awning sign” – a sign constructed of flexible translucent or fabric type material which incorporates a written message or logo on the exterior. (Figure 30-2)</p> <p>Figure 30-2</p> <p>3. “Commercial sign” - any sign which<u>that</u> advertises or identifies a product, business, service, <u>entertainment event</u>, or any other matter of a commercial nature, even though the matter may be related to a nonprofit organization.</p> <p>4. “Construction sign” – any sign which displays information regarding the construction or development of the site on which it is displayed.</p> <p>5. “Copy and graphic” - the wording and other display messages such as logos or symbols on a sign. (Figure 30-3)</p> <p>Figure 30-3</p>	<p>Renumbered as section 325.02 Does not appear in code</p> <p>Does not appear in code</p> <p>Revised so that code allows signs while construction is occurring but does not specify content of signs.</p>

Section title or Subsection – original language	Notes on disposition
<p>6. “Copy and graphic area” - the area in square feet of the smallest four-sided figure which encloses the copy and graphic of a sign. (Figure 30-4) Figure 30-4</p> <p>7. “Directional sign” - a sign which serves primarily to direct traffic to the location of a place, area or activity. (Figure 30-5) Figure 30-5</p> <p>8. “Dynamic display” - any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.</p> <p>9. “Freestanding sign” - a sign which is self-supporting and affixed to a frame structure not attached to a building.</p> <p>10. “Grand opening” - commencement of operation of a new business. For purposes of the ordinance, a grand opening is considered to occur if there is a business name change or change in type of business or activity.</p> <p>11. “Identification sign” - a sign which is limited to no more than the name and identifying symbol of a development, institution or person on the premises where the sign is located.</p> <p>12. “Illumination, internal” - a light source within the sign.</p> <p>13. “Illumination, external” - a light source which is not internal to the sign.</p> <p>14. “Items of information” - individual copy and graphic items situated in a manner which presents separate messages. An item of information can only be a name, an address, a logo, or geographic directions.</p> <p>15. “Limited tenant building” - a commercial retail establishment or a group of commercial retail establishments with the designed occupancy of three or less tenants. It must have shared parking and a visual appearance as a contiguous structure which may or may not be planned, constructed or</p>	<p>Revised code to allow signs in and near parking areas. See 325.05(3)(d)</p> <p>Content based</p> <p>Content based</p>

Section title or Subsection – original language	Notes on disposition
<p>managed as a total entity. This includes single tenant retail structures.</p> <p>16. “Logo” – an identifying graphic which may or may not be a registered trademark.</p> <p>17. “Merchandise box” - a sign which is affixed on or located adjacent to a gas pump and used to advertise services and goods.</p> <p>18. “Monument sign” - a sign not supported by exposed posts or poles which is architecturally designed and located directly at grade where the base width dimension is 50% or more of the greatest width of the sign. (Figure 30-6)</p> <p>Figure 30-6</p> <p>19. “Multi-tenant center” - a group of commercial retail establishments with a designed occupancy of four or more tenants with shared parking and visual appearance as a contiguous structure which may or may not be planned, constructed or managed as a total entity.</p> <p>20. “Non-commercial opinion sign” - any sign which that is not a commercial sign, <u>including but not limited to signs that convey messages concerning political, religious, social, ideological, public service and informational topics</u>which expresses an opinion and which is deemed by the courts to have greater protection under the first amendment than a commercial sign.</p> <p>21. “On-premise sign” - a sign identifying a business, person, activity, goods, products or services located on the site where the sign is installed.</p> <p>22. “Outdoor advertising sign<u>Off-premise sign</u>” - any sign <u>relating in its subject matter to, or that directs attention to,</u> that is located outdoors and that advertises a product, business, <u>person, activity, commodity,</u> service, event<u>entertainment</u>, or any other matter that is not available, or does not take place, on the same premises as the sign. An outdoor advertising sign does not include a sign that is not understandable or readable by the naked eye of an ordinary person with 20/20 vision from property other than where the sign is located, such as from adjacent property or a public street.</p> <p><u>“Outdoor advertising sign” – a permanent off-premise sign.</u></p> <p>23. “Permanent sign” - any sign other than a temporary sign.</p> <p>24. “Portable sign” - a sign with or without copy and graphic that is designed or intended to be moved or transported.</p> <p>Examples of portable signs are: (Figure 30-7)</p> <p>Figure 30-7</p>	<p>Content-based</p> <p>“Outdoor advertising” is now used only for billboards. “Off-premise” covers other signs, such as garage sales, open house, etc.</p> <p>Incorporated into definition of “sign”</p> <p>E.g., billboards</p>

Section title or Subsection – original language	Notes on disposition
<ul style="list-style-type: none"> • A - or T - frame signs; • sandwich signs; • signs designed to be transported by trailer or on wheels; • mounted on a vehicle for advertising purposes, when the vehicle is parked and visible from public right-of-way, except signs identifying a business when the vehicle is being used in the normal day-to-day operation of that business; • a sign may be a portable sign even if it has wheels removed, was designed without wheels, or is attached temporarily or permanently to the ground, a structure, or other sign. <p>1. <u>“Private road open to public travel” has the meaning given that term under the Manual of Uniform Traffic Control Devices.</u></p> <p>25. “Pylon sign” - a sign supported by a post or posts so that the sign and supports are finished to grade by encasing the posts in a material consistent with the sign and where the base width dimension is a minimum of 10% up to and including 50% of the greatest width of the sign. (Figure 30-8)</p> <p>Figure 30-8</p> <p>26. “Real estate sign”—any sign pertaining to the sale, lease or rental of land or buildings.</p> <p>27. “Regulation baseball field”—a field to accommodate high school through adult competitive play. Field dimensions must include 90 foot base paths and minimum outfield distances of 310 feet. Fields must be designed for competitive play and include spectator seating for a minimum capacity of 400. One principal field at each high school may be a regulation baseball field without regard to minimum spectator seating.</p> <p>28. “Scoreboard”—a sign associated with an athletic field that includes information pertinent to an on-site game or activity and also includes any sponsor or identification panels.</p> <p>29. “Sign” - any writing, pictorial presentation, number, illustration or decoration, flag, banner or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known. The term “sign” shall not be deemed to include: the terms “building” or “landscaping”, or any architectural embellishment of a building not intended to communicate information; <u>works of art that do not convey commercial messages and that are painted on a building wall; flags that do not convey commercial messages; or any device that is not visible from an adjacent street, property line or building on adjacent property.</u></p>	<p>Added to address traffic control devices</p> <p>Revised to allow signs while property is for sale or lease</p> <p>Term not used in ordinance</p> <p>Regulated as pylon sign in residential district</p> <p>Painted wall signs excluded from definition, rather than exempted from prohibited signs New exemption for noncommercial flags – old flag regulations were content-based Signs not visible are not regulated</p>

Section title or Subsection – original language	Notes on disposition
<p>30. “Temporary business sign”—a temporary sign which is used by a business to display commercial messages pertaining to on-site services and goods or any non-commercial message.</p> <p>31. “Temporary sign” - a sign which is designed or intended to be displayed for a short period of time and is not permanently installed. This includes items such as banners, pennants, flags of other than a political jurisdiction, beacons, sandwich or curb signs, balloons or other air or gas filled figures. (Figure 30-9) Figure 30-9</p> <p>32. “Unified development” - a development of three or more principal structures with common characteristics as determined by the city. Common characteristics may include shared access, similar architecture, single ownership or history of site plan review approval.</p> <p>33. “Wall sign” - a single faced sign attached to or erected against an exterior wall of a building with the face in a parallel plane to the plane of the building wall and which does not project more than 18 inches.</p>	<p>Not needed – temporary on-premise commercial sign</p> <p>Added as construction requirement in 325.05(11)</p>
<p>3. Residential Sign Regulations.</p> <p>a) Within residential zoning districts, permanent signs are permitted as follows:</p> <ol style="list-style-type: none"> 1) Identification signs: for each single family or two family dwelling, one identification sign not to exceed 2 square feet in area and located on the lot to which the sign pertains; 2) Low density residential identification signs: for each single family subdivision containing at least 6 lots and each two family subdivision containing a potential for at least 12 dwellings, identification signs are permitted which comply with the following standards: <ol style="list-style-type: none"> a. one monument style sign; b. 30 square foot maximum copy and graphic area per entrance; c. 75 square foot maximum total monument area per entrance; d. 6-foot maximum height; e. located at primary entrances to subdivision; f. a second sign may be located at the primary entrance as long as total copy and graphic area of the two signs does not exceed 30 square feet; g. single or double faced. If double faced, the sign faces shall be parallel; h. external illumination; 	<p>Renumbered as subsection 325.06(1) District Regulations</p> <p>Street address signs required; Small wall sign allowed (e.g., might be name)</p> <p>Section organized around sign types rather than content: wall, monument, pylon, etc.</p> <p>Most sign requirements moved into tables</p>

Section title or Subsection – original language	Notes on disposition
<p>i. located within a dedicated permanent sign easement and not within public right-of-way; and</p> <p>j. a neighborhood or homeowner's association shall be responsible for perpetual maintenance of the sign.</p> <p>3) Medium and high density residential identification signs: for each medium or high density residential development, identification signs which comply with the following standards are permitted:</p> <p>a. one monument style sign;</p> <p>b. 36 square foot maximum copy and graphic area per entrance;</p> <p>c. 100 square foot maximum total monument area per entrance;</p> <p>d. 8-foot maximum sign height;</p> <p>e. located at primary entrances to development;</p> <p>f. a second sign may be located at the primary entrance as long as total copy and graphic area of the two signs does not exceed 36 square feet;</p> <p>g. single or double faced. If double faced, the sign faces shall be parallel;</p> <p>h. external illumination when the sign is located adjacent to, or across a public right-of-way from, low density residential parcels; and</p> <p>i. if the sign is to be located in a development which includes individual ownership parcels, the sign shall be located on a parcel held in common ownership and shall be perpetually maintained by a homeowner's association or responsible property owners.</p> <p>4) Conditionally permitted uses in residential districts: for the following conditionally permitted uses within a residential district, permanent signs which comply with the following standards are permitted. If the use is not specifically listed below it is regulated within the above paragraphs of this subdivision.</p> <p>a. Educational, religious and public institution signs: for each educational, religious, public or private institution, and nursing home property, signs are permitted which comply with the following standards:</p> <p>1. monument signs:</p> <p>a) one sign not to exceed 30 square feet maximum copy and graphic area;</p> <p>b) 75 square feet maximum monument area;</p> <p>c) 8-foot maximum height;</p> <p>d) single or double faced; and</p>	

Section title or Subsection – original language	Notes on disposition
<p>e) internal or external illumination and the light source shall not be exposed.</p> <p>2. wall mounted signs:</p> <p>a) individually mounted letters not to exceed 24 inches in height;</p> <p>b) one sign, area not to exceed 50 square feet or 10 percent of the area of the building wall on which the sign is located, whichever is less; and</p> <p>c) illumination shall be external.</p> <p>3. scoreboard signs for athletic fields as regulated under section 300.30, subdivision 3(a)(4)b2.</p> <p>b. Public and private parks: for each public or private park property, signs are permitted according to the following standards:</p> <p>1. monument signs:</p> <p>a) one sign not to exceed 32 square feet;</p> <p>b) 8-foot maximum height;</p> <p>c) single or double faced;</p> <p>d) product or service advertising is prohibited except readerboards may display public service announcements only;</p> <p>e) internal or external illumination and the light source shall not be exposed; and</p> <p>f) illumination shall be allowed between 6 a.m. to 10 p.m. only.</p> <p>2. scoreboards:</p> <p>one scoreboard per playing field is allowed if it does not exceed 410 square feet in size, except that a playing field with structured seating capacity for greater than 2000 people may have one or more scoreboards and the total area of the scoreboard or scoreboards cannot exceed 1000 square feet in size; and</p> <p>3. athletic field fence panels:</p> <p>a) athletic field fence panels which contain outdoor advertising signs as defined in this ordinance are prohibited; and</p> <p>b) an advertising fence panel which directly faces the infield and was legally established prior to the effective date of this ordinance is considered a legal nonconforming use which may not be altered, enlarged or replaced by another nonconforming sign except the message may be changed.</p> <p>b) Within residential zoning districts, temporary signs are permitted as follows.</p> <p>1) Within all residential zoning districts, construction signs which comply with the following are permitted:</p>	<p>Scoreboards are pylons</p> <p>Addressed as pylon sign</p> <p>Addressed through general requirements: signs attached to fences are prohibited; signs not visible from street or property are not regulated; nonconforming signs are allowed to continue</p>

Section title or Subsection – original language	Notes on disposition
<p>a. the development must be within a medium or high density zoning district or low density zoning with a minimum of four lots;</p> <p>b. 32 square feet maximum sign area;</p> <p>c. 12-foot maximum sign height for signs not exceeding 4 feet in width, otherwise 8 foot maximum height; (Figure 30-11)</p> <p>Figure 30-11</p> <p>d. one sign located on the property with which the sign is associated;</p> <p>e. for medium and high density residential developments, the sign shall be removed within 18 months after issuance of a building permit, or 7 days after issuance of a certificate of occupancy (for multi-phased developments, issuance of a certificate of occupancy for the last building) whichever is sooner; and</p> <p>f. for low density residential subdivisions, the sign shall be removed after building permits are issued for 90 percent of the lots.</p> <p>2) Within low and medium density residential zoning districts, temporary real estate signs which comply with the following standards are permitted:</p> <p>a. 6 square foot maximum area; (Figure 30-12)</p> <p>Figure 30-12</p> <p>b. 6 foot maximum height;</p> <p>c. one sign per property;</p> <p>d. located on-premise; and</p> <p>e. shall be removed within 7 days after the execution of a rental or lease agreement or the closing of a sale.</p> <p>3) Within medium and high density residential zoning districts, leasing signs which meet the following standards are permitted.</p> <p>a. Leasing signs: signs indicating the rental or lease of medium and high density residential developments which comply with the following standards are permitted:</p> <ol style="list-style-type: none"> 1. one sign located on the site which the sign is advertising; 2. display period shall end 12 months after the issuance of a certificate of occupancy (for multi-phased developments where construction is continuous, issuance of a certificate of occupancy for the last building); 3. for freestanding signs, the following standards apply: <ol style="list-style-type: none"> a) 32 square foot maximum area; and 	

Section title or Subsection – original language	Notes on disposition						
<p>b) 12-foot maximum height for signs not exceeding 4 feet in width, otherwise 8 foot maximum height. (Figure 30-13) Figure 30-13</p> <p>4. for banner signs, the following standards apply: a) 60 square foot maximum area; and b) shall be affixed to a building wall. (Figure 30-14) Figure 30-14</p> <p>b. Leasing sign without time limit: In addition to the above, a leasing message may be displayed without time limitation if incorporated into a permanent monument sign according to the following standards: 1. the monument sign shall be architecturally designed to accommodate a leasing message within the perimeter of the monument; 2. leasing message area may be up to an additional 25 percent of the potential copy and graphic area of the monument identification sign; and³ 3. the leasing message cannot exceed the area covered by the identification monument message. (Figure 30-15) Figure 30-15</p> <p>4) The city council may approve temporary signs on public or institutional property for special events. The first approval for a site may allow only one use of the sign for a specified duration. Subsequent approvals for the same type of sign may allow recurring use of the sign for limited durations over a period of up to 5 years.</p>							
<p>4. Office Sign Regulations. Within the B-1, office business district, permanent signs are permitted according to the following standards: a) Monument identification signs: 1) one sign per development; 2) maximum copy and graphic area as follows: <table border="0" data-bbox="178 1549 706 1696"> <tr> <td>width of adjacent right-of-way</td> <td>copy and graphic area</td> </tr> <tr> <td>less than 100 feet</td> <td>36 square feet</td> </tr> <tr> <td>100 feet or greater</td> <td>50 square feet</td> </tr> </table> 3) maximum monument area is two times the potential copy and graphic area; 4) copy and graphic display limited to three items of information; (Figure 30-16) Figure 30-16</p>	width of adjacent right-of-way	copy and graphic area	less than 100 feet	36 square feet	100 feet or greater	50 square feet	<p>Renumbered as a section under 325.06(2) District Regulations Standards moved into tables</p>
width of adjacent right-of-way	copy and graphic area						
less than 100 feet	36 square feet						
100 feet or greater	50 square feet						

Section title or Subsection – original language	Notes on disposition
<p>5) 15 foot maximum height; and</p> <p>6) signs which are not internally illuminated shall have light fixtures and sources screened from view.</p> <p>b) Wall mounted signs: one wall mounted sign either individually mounted letter type (option 1) or wall mounted tenant identification type (option 2) but not both per building unless otherwise specified in this section is permitted. The sign must comply with the following standards.</p> <p>1) Option 1: individually mounted letter type signs which comply with the following standards are permitted:</p> <p>a. 24 inches maximum copy and graphic height except for logo which may be 36 inches in height and width;</p> <p>b. copy and graphic area shall not exceed 50 square feet or 25 percent of the length of the building where the sign is located, whichever is greater; (Figure 30-17)</p> <p>Figure 30-17</p> <p>c. properties with more than one right-of-way frontage are permitted one sign facing each frontage; and</p> <p>d. illumination shall comply with the following standards:</p> <p>1. if sign is mounted above the first floor, illumination, if any, shall be internal; and</p> <p>2. signs with external illumination shall have no exposed light sources or fixtures.</p> <p>2) Option 2: wall mounted tenant identification type signs which comply with the following standards are permitted:</p> <p>a. 30 square feet maximum sign area. For buildings with more than one primary entrance, one sign may be located at each entrance provided that total area does not exceed 30 square feet;</p> <p>b. signs shall be mounted within the first floor elevation; (Figure 30-18) and</p> <p>Figure 30-18</p> <p>c. signs with external illumination shall have no exposed light sources or fixtures.</p>	
<p>5. Limited and General Business Sign Regulations. Within the B-2 and B-3 business districts except for hotels, permanent signs which comply with the following standards are permitted:</p> <p>a) Freestanding signs.</p> <p>1) Size of sign permitted is determined by the gross square footage of the principal structure located in the development.</p>	<p>Renumbered as 325.06(3) District Regulations Standards moved to tables</p>

Section title or Subsection – original language	Notes on disposition
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2) One sign per development unless a multi-tenant building or limited tenant building is 100,000 gross square feet or more and has two or more primary access points. A second monument at a secondary access point is permitted if the primary freestanding sign is of monument style. The second monument sign shall include a shopping center identification message only and shall not exceed 50 percent of the copy and graphic area and height requirement of the permitted principal sign.

3) The following table lists the maximum size and heights for permitted freestanding signs for all B-2 and B-3 zoned businesses:

	pylon		monument	
	height	sign size (sq. ft.)	height	copy & graphic (sq. ft.)
greater than 400,000	30'	200	21'	100
100,000 - 400,000	24'	100	21'	100
20,000 - 100,000	18'	80	18'	80
less than 20,000	15'	60	15'	60
building with multiple screen theater	30'	200	21'	100

4) Monument area shall not exceed 1.5 times the permitted copy and graphic area.

5) Multi-tenant buildings shall display the name of the shopping center only. Limited tenant businesses may display one tenant identification and corresponding logo per tenant. Buildings with multiple screen theaters may display movie titles and ratings. No product or service advertising is permitted.

6) Signs may be single or double faced.

7) Signs which are not internally illuminated shall have light fixtures and sources screened from views.

b) Wall mounted signs.

1) Multi-tenant wall signs.

Section title or Subsection – original language	Notes on disposition
<p>a. Each tenant is permitted tenant identification and one logo which shall not include product advertising except as part of the tenants trade name or logo.</p> <p>b. Tenant identification shall be individually mounted and internally illuminated letters. Wall signs not containing individually mounted letters may be approved by the city if all signs are of a similar design and incorporated into the architecture of the principal structure. (Figure 30-19) Figure 30-19</p> <p>c. Each tenant is permitted one logo which shall not exceed 36 inches high by 36 inches wide. (Figure 30-20) Figure 30-20</p> <p>d. The vertical dimension of the tenant identification shall not exceed 26 inches in height. Heights may be revised based on unique circumstances, such as extraordinary distance from right-of-way or unusual building configuration, when determined by the planning commission that signs would not be readable from adjacent public right-of-way according to commonly accepted industry standards.</p> <p>e. Each tenant sign shall be installed within a 26-inch high designated horizontal band. The band shall be of uniform background consisting of building surface, facade, or treatment. The sign band and letter height may be modified upon approval of the planning commission to allow for architectural integration of the tenant sign. Consideration will be given to the proportional relationship of the sign width and height to the scale of the building.</p> <p>f. Each tenant sign shall not extend closer than two feet from the tenants lease line.</p> <p>g. All letters in a tenant identification shall be of uniform colors, not to exceed two, except for logos which may be multicolored. A multicolored logo must comply with the restrictions in paragraph c. above.</p> <p>h. The planning commission may recognize separate sign plans for multi-tenant buildings which will supersede the ordinance. The sign plans which have been approved by the planning commission will have the effect of a sign ordinance for the specific property.</p> <p>2) Limited tenant wall signs.</p> <p>a. Size of signage is determined by gross square footage of principal structure on property.</p> <p>b. The following table indicates maximum signage permitted for limited tenant buildings:</p>	

Section title or Subsection – original language	Notes on disposition
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Principal Structure Size (Gross Sq. Ft.)	Individual Wall Sign Calculation	Total Wall Signage for Property
100,000 - 400,000 sq. ft.	200 sq. ft. or 10 percent of wall face, whichever is less	300 sq. ft.
20,000 - 100,000 sq. ft.	150 sq. ft. or 10 percent of wall face, whichever is less	240 sq. ft.
less than 20,000 sq. ft.	100 sq. ft. or 15 percent of wall face, whichever is less	150 sq. ft.

c. Wall signs shall not include product advertising. Wall signs shall include tenant identification, tenant logo, shopping center name, shopping center logo, or any combination of the four.

c) Hotel Signs. Because of the need for high visibility and the variety in size and shape of hotel structures, variances will be considered but not necessarily granted.

- 1) Freestanding signs:
 - a. one monument sign, except that a second monument sign may be allowed if the property has frontage and access on two arterial streets;
 - b. 15 foot maximum monument height; and
 - c. 60 square feet maximum copy and graphic area.
- 2) Wall signs:
 - a. individually mounted and internally illuminated letters;
 - b. one wall sign except that a second wall sign on a second wall may be permitted if the signs are not directly oriented toward a low density residential area; and
 - c. maximum letter height up to 36 inches. Variances may be considered for letter height based on proportional relationship to the mass and height of building.

Not addressed

6. Industrial Sign Regulations.
 Within the I-1 industrial district permanent signs which comply with the following standards are permitted:

a) ~~Monument identification sign. Any single or multi-tenant building within an industrial zone is permitted one of the following freestanding identification signs that must comply with the listed standards.~~

- ~~1) Building identification sign:~~
 - ~~a. one monument style sign;~~
 - ~~b. 60 square feet maximum copy and graphic area;~~

Renumbered as 325.06(4) District Regulations
Standards moved to tables
Do not distinguish between identification and tenant identification – used size limits for tenant identification

Section title or Subsection – original language	Notes on disposition
<p>—c. 90 square feet maximum total monument size; —d. 10 foot maximum height; and —e. no more than address and building identification displayed; no product or service advertising is permitted. (Figure 30-21) Figure 30-21</p> <p>2) Tenant identification monument sign:</p> <ul style="list-style-type: none"> a. one monument sign; b. 85 square feet maximum copy and graphic area; c. 120 square feet maximum monument size; d. 10 foot maximum height; e. sign may display only identification of tenants; f. tenant identification monuments are not permitted to be located along designated collector or arterial streets. (Figure 30-22) <p>Figure 30-22</p> <ul style="list-style-type: none"> g. tenant identification monuments are not permitted in areas designated for mixed uses on the city comprehensive guide plan map; and h. individual tenant identification signs as specified in the following subdivision 6(b) are not permitted. <p>b) Individual tenant identification signs: for multi-tenant buildings one of the options listed in this paragraph may be selected for tenant identification. All signs must comply with the listed standards. The building owner or a representative shall designate a sign design for each multi-tenant building. This designation will be recorded by the city and kept on record for the building. Each sign on the property must conform to the designated tenant identification sign option. Changes to the sign designation may be made upon request, and approved administratively if all signs located on the site are brought into conformance with the requested sign plan modification. The planning commission must review sign plan changes if nonconforming signs are created. These signs are not permitted if the building freestanding sign is a tenant identification freestanding sign.</p> <ul style="list-style-type: none"> 1) Option 1: freestanding identification sign: <ul style="list-style-type: none"> a. one sign at the tenant's primary building entrance; b. 9 square feet maximum area; c. 6 foot maximum height and 5 foot maximum width; d. single faced; e. positioned parallel to a parking lot sidewalk or perpendicular to tenant walkway; 	

Section title or Subsection – original language	Notes on disposition
<p>f. located consistent with other freestanding identification signs;</p> <p>g. tenant identification only, no product advertising; and</p> <p>h. uniform material, color and style. (Figure 30-23)</p> <p>Figure 30-23</p> <p>2) Option 2: wall sign:</p> <p>a. one sign at the tenant's primary building entrance;</p> <p>b. 3 foot by 4 foot maximum dimension;</p> <p>c. located adjacent to the tenant entrance;</p> <p>d. 8 foot maximum from the ground to top edge of sign;</p> <p>e. tenant identification message with no product advertising; and</p> <p>f. uniform material, color and style. (Figure 30-24)</p> <p>Figure 30-24</p> <p>3) Option 3: individually mounted letters:</p> <p>a. individually mounted letters not to exceed 18 inches in height with one per tenant at their primary entrance;</p> <p>b. located within an 18-inch high designated sign band for the entire building;</p> <p>c. affixed to a uniform background consisting of the building surface, facade or treatment;</p> <p>d. located no closer than two feet from the tenant's exterior lease lines;</p> <p>e. compatible with the building architecture; and</p> <p>f. uniform material, color, illumination and style. (Figure 30-25)</p> <p>Figure 30-25</p> <p>c) Single tenant identification sign: single tenant building signs within an industrial zone which comply with the following standards are permitted:</p> <p>1) wall mounted individual letters;</p> <p>2) wall signs shall not include product advertising. Wall signs shall include tenant identification, tent logo or both; and</p> <p>3) total surface area of all building signs shall not exceed 5 percent of the building face upon which the signs are located up to a maximum 150 square feet. (Figure 30-26)</p> <p>Figure 30-26</p>	
<p>7. Unified Development Sign Regulations. Within office business and industrial districts, unified development signs which comply with the following standards are permitted. Uses governed under this section are also allowed signs permitted under subdivisions 4 or 6.</p>	<p>Repealed. Will address existing plans as nonconforming signs</p>

Section title or Subsection – original language	Notes on disposition
<p>a) Unified development identification monuments:</p> <ul style="list-style-type: none"> —1) one sign per unified development; —2) 50 square feet maximum copy and graphic area; —3) 100 square feet maximum monument size; (Figure 30-27) <p>Figure 30-27</p> <ul style="list-style-type: none"> —4) 10 foot maximum height; —5) located at the primary entrance to the unified development; —6) demonstration of ownership of the property or existence of permanent easement where sign is located must be submitted with the sign permit application; —7) one sign may be located at each side of a primary entrance as long as the total copy and graphic area of the two signs does not exceed 50 square feet nor the monument total 100 square feet; and —8) signs which are not internally illuminated shall have light fixtures and light sources screened from views. <p>b) Unified Development leasing sign: as an alternative to requirements specified in subdivision 8(c), one of the following leasing sign options for a unified development may be displayed.</p> <ul style="list-style-type: none"> —1) Option 1: incorporated into monument sign: <ul style="list-style-type: none"> — a. monument sign architecturally designed to accommodate a leasing message within the perimeter of the monument; — b. leasing message area may be up to an additional 25 percent of the potential copy and graphic area of the monument sign; and (Figure 30-28) <p>Figure 30-28</p> <ul style="list-style-type: none"> — c. the leasing message cannot exceed the area covered by identification monument message. <ul style="list-style-type: none"> —2) Option 2: secondary monument sign: <ul style="list-style-type: none"> — a. a secondary monument sign may be installed at an access point to a unified development; — b. design and materials identical to the unified development monument sign; and — c. secondary monument area, height and copy and graphic area shall not exceed 50 percent of the unified development monument sign. (Figure 30-29) <p>Figure 30-29</p>	

8. Business and Industrial Temporary Sign Regulations.

Within business and industrial districts, real estate and temporary signs are permitted according to the following standards:

- a) Temporary construction or real estate sign on undeveloped property: a vacant parcel within a business or industrial zone is permitted a temporary construction or real estate sign which complies with the following standards:
 - 1) one sign located on the site which the sign is advertising;
 - 2) 32 square feet maximum sign area;
 - 3) 12 foot maximum height;
 - 4) shall be removed upon issuance of a certificate of occupancy for a building; and
 - 5) one additional sign up to 32 square feet is permitted on properties 3 acres or over with frontage on 2 or more designated collector or arterial streets. (Figure 30-30)

Figure 30-30

- b) Temporary real estate sign: signs indicating the rental, lease, or sale of a business or industrial building are permitted according to the following:
 - 1) one sign located on the property which the sign is advertising;
 - 2) 32 square feet maximum sign area;
 - 3) 12 foot maximum height;
 - 4) freestanding or wall mounted;
 - 5) for sale signs are without time limit. If both leasing and for sale messages are displayed, the sign shall be considered a leasing sign; and
 - 6) leasing or rental signs shall be displayed no longer than 12 months after the issuance of a certificate of occupancy. In the case of vacant limited tenant buildings, a 12 month display period is permitted from the date of vacancy.
- c) Leasing sign without time limit: in addition to the above, one of the following leasing sign options may be displayed on a property without time limit if in compliance with the listed standards.
 - 1) Option 1: freestanding incorporated sign:
 - a. the principal freestanding sign shall be architecturally designed to accommodate a leasing message within the perimeter of the monument or pylon sign;
 - b. the leasing message cannot exceed that of the identification monument or pylon message;
 - c. leasing message is in addition to potential monument or pylon copy and graphic area; and

Moved to 325.06(5) District regulations
Most standards moved to tables

d. maximum size of leasing sign message permitted is determined by the gross square footage of the principal structure as follows: (Figure 30-31)

Figure 30-31

Principal Structure Gross Square Footage	Leasing Message
less than 20,000	15 square feet
20,000 - 100,000	20 square feet
greater than 100,000	25 square feet

2) Option 2: freestanding sign:
 a. one freestanding sign;
 b. setback 5 feet from all property lines;
 c. 8 foot maximum height and 6 foot maximum width; and
 d. maximum size of leasing sign permitted is determined by the gross square footage of the principal structure as follows: (Figure 30-32)

Figure 30-32

Principal Structure Gross Square Footage	Leasing Sign Area
less than 20,000	12 square feet
20,000 - 100,000	16 square feet
greater than 100,000	18 square feet

3) Option 3: wall mounted sign or banner:
 a. buildings two stories or under:
 1. one wall sign;
 2. directly anchored to the building wall; and
 3. maximum size of leasing sign permitted is determined by the gross square footage of the principal structure as follows: (Figure 30-33)

Figure 30-33

Principal Structure Gross Square Footage	Leasing Sign Area
less than 20,000	12 square feet

Section title or Subsection – original language		Notes on disposition
20,000 - 100,000	16 square feet	
greater than 100,000	18 square feet	
<p>b. buildings three stories or higher:</p> <ol style="list-style-type: none"> 1. 30 square feet maximum area; 2. directly anchored to the building wall; and 3. displayed on the building's third story or any higher story. (Figure 30-34) <p>Figure 30-34</p> <p>4) Leasing signs up to 32 square feet in size will be permitted without time limit instead of option 2 or 3 if the standards in either a. or b. are met:</p> <ol style="list-style-type: none"> a. business or industrial development directly abuts a street with posted speed limit of 55 m.p.h. or greater; or b. the principal structure is greater than four stories. <p>If a property qualifies for a 32 square foot sign under a. or b. and also has a second frontage on a designated collector or arterial road, option 2 or 3 as found above is also permitted.</p> <p>d) Temporary business signs in business and industrial districts: temporary signs are permitted as follows.</p> <ol style="list-style-type: none"> 1) Banners not to exceed 30 square feet according to the following: <ol style="list-style-type: none"> a. maximum 30 day display period to coincide with the grand opening of a business; b. a business may display a banner on two occasions per calendar year with a maximum 10 day display period for each occasion; c. banner messages must relate to on-premise product or services, or any noncommercial message; and d. the banner must be affixed to a principal structure which is owned or leased by the business which the sign is advertising. 2) Search lights or inflatable advertising devices are permitted according to the following: <ol style="list-style-type: none"> a. for each development, two occasions per calendar year with each occasion not to exceed three days; and b. written authorization from the property owner or their designee must be submitted with the sign permit application. 3) Portable signs, stringers, and pennants are not permitted. 		
<p>9. General Regulations. The following regulations shall apply to all signs permitted in all districts.</p> <p>a) Political campaign signs: temporary political campaign signs are permitted according to the following:</p>		<p>Renumbered as Section 325.05 General Regulations</p> <p>Removed “political campaign signs” as content-based</p>

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<p>—1) display during the following time periods:</p> <p>—a. the time period allowed by Minn. Stat. §211B.045 in even-numbered years;</p> <p>—b. between 46 days before August 1 until ten days after the city general election in odd-numbered years; and</p> <p>—c. between 30 days before until ten days after a special election;</p> <p>—2) consent of underlying property owner is required;</p> <p>—3) must be at least five feet from the edge of a public street and must not obstruct driver visibility at intersections;</p> <p>—4) for Minnetonka city elections, the following size limitations apply during odd-numbered years and outside the period specified in Minn. Stat. §211B.045 in even-numbered years: 6 square foot maximum sign area, except on designated collector or arterial streets where up to 32 square foot maximum sign area is permitted; and</p> <p>5) must comply with the fair campaign practices act in Minn. Stat. chapter 211B.</p> <p>b) Directional signs: permanent directional signs are permitted according to the following:</p> <p>—1) 7 square feet maximum size; (Figure 30-35)</p> <p>Figure 30-35</p> <p>—2) 6 foot maximum height;</p> <p>—3) a majority of sign area for directional message; and</p> <p>—4) 15 square feet maximum parking lot directional signs for commercial buildings over 400,000 square feet.</p> <p>e) Address sign: street identification numbers are required in all zoning districts and should be clearly visible from the street. Address signs do not reduce permitted sign area.</p> <p>d) Residential security system signs: all signs identifying the presence of a residential security system are permitted not to exceed one square foot. One sign is permitted per driveway connection to a public right of way or where one private driveway converges into another.</p> <p>e) Sign setbacks: all signs unless specifically noted otherwise shall maintain a 10 foot setback from all lot lines. The city may require a greater or lesser setback because of public safety reasons which may include the following conditions: vehicle sight distance, distance from intersection, designation of adjacent right-of-way.</p>	<p>Added provision for temporary noncommercial signs</p> <p>Addressed as permanent freestanding signs in parking lots 325.05</p> <p>Deleted “address sign” as content-based. Added requirement that addresses must be posted. See subsection 325.05(3)</p> <p>Deleted “residential security system signs” as content-based. Address by number of signs allowed on residential property.</p> <p>Moved to 325.05(4)</p>

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<p>f) Unless otherwise specified, maximum angle permitted between faces of a double face freestanding sign is 45 degrees. (Figure 30-36) Figure 30-36</p> <p>g) Governmental signs: permanent governmental signs for control of traffic and other regulatory/notification purposes and street signs are exempt from the provision of this section.</p> <p>h) P.U.D./P.I.D. zoning districts: permanent and temporary signs are regulated according to the standards for the corresponding land use and zoning category as stated in this section. A sign plan with differing requirements may be approved by the city. Factors which will be used in determining if an individual P.U.D./P.I.D. sign plan will be considered include the following:</p> <ol style="list-style-type: none"> 1) The development includes a high rise (greater than 3 story) structure; 2) the development includes multiple structures and/or substantial site area; 3) the development includes mixed uses; 4) a sign plan is uniquely adapted to address the visibility needs of a development while remaining consistent with the intent of this section to direct high quality signage; and 5) the sign plan includes permanent sign covenants which can be enforced by the city. <p>i) Noncommercial opinion signs: on-premise noncommercial opinion signs are permitted as follows:</p> <p>—1) In low, medium, and high density residential districts, each dwelling unit is permitted an additional sign which is no larger than 6 square feet and no higher than 6 feet tall. In medium and high density districts, the sign must be attached to the dwelling unit or placed in another location which clearly does not appear to represent the opinions of other residents in the area who have not agreed to the sign. No permit fee is required for a sign authorized under this paragraph.</p> <p>2) In all districts, any sign authorized in this chapter is allowed to contain noncommercial copy in lieu of any other copy. For new signs posted with a noncommercial message, the sign fee is waived until such time as the sign is converted to contain a commercial message.</p> <p>j) Flags: flags of a political jurisdiction which comply with the following standards are permitted:</p> <p>—1) Display of one flag is not restricted.</p> <p>—2) Display of more than one flag is permitted as follows:</p> <p>— a. maximum of 3 flagpoles;</p>	<p>Moved to 325.05(11) Construction Standards</p> <p>Moved to 325.06(6) District Regulations PUD</p> <p>Delete. In residential districts, address by setting number of permitted temporary signs.</p> <p>Included in 325.05(3)(f), General Regulations</p> <p>Deleted. Flags that do not convey commercial messages are not regulated. Flags that convey commercial messages are not</p>

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<p>— b. 35 feet maximum flagpole height; — c. 180 square feet total for all flags; and — d. shall not be displayed on light poles. 3) Variances to permit display of flags for both political and non-political entities will be considered, but not necessarily granted. Variances will be considered only upon evidence that the following standards are met: — a. submission of a sign plan and permanent sign covenants which include a comprehensive sign package for the site; — b. 35 foot maximum flagpole height; — c. shall not be located on lightpoles; — d. limited to one identification flag; — e. the maximum distance from top to bottom of any flag shall be 20 percent of the flagpole up to a maximum of 6 feet; — f. flagpoles clustered at a designated area; and — g. the location of the flagpoles be enhanced or landscaped. (Figure 30-37) Figure 30-37</p>	<p>permitted and are therefore prohibited.</p>
<p>k) Temporary <u>off-premise commercial outdoor advertising</u> signs are permitted <u>in all districts, provided the signs comply with the following as follows:</u></p> <ol style="list-style-type: none"> 1) must be at least 5 feet from the edge of a public street and must not obstruct driver visibility at intersections; 2) may not be on the right-of-way of county and state roads and municipal state-aid streets; 3) are limited to one per parcel of property as defined in Subd. 10 (r) below for the same topic, location, event, or matter; — 4) must receive permission from the underlying property owner; 5) may only be displayed between 6:00 a.m. on a Thursday and 6:00 p.m. on the following Sunday; and 6) must be no larger than 3 square feet in area and no higher than 6 feet above the ground to which it is attached. <p>l) Approved sign plans: the city may enforce, in the same manner as the requirements of this section, the terms of a sign plan or sign covenants which it has approved. Any violation of an approved sign plan or sign covenants is a misdemeanor.</p> <p>m) Changeable messages: a message that is not permanently attached to the sign face but that is not a dynamic display may occupy no more than 35 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to change messages even if not used.</p>	<p>Renumbered as 325.05(3)(e) – general regulations, permitted signs</p> <p>Covered by general requirement for all signs</p> <p>Renumbered as 325.05(5) general regulations</p> <p>Renumbered as 325.05(6) – general regulations</p>

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<p>n) Font size: every line of copy and graphics in a sign must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more.</p>	<p>Renumbered 325.05(7) – general regulations</p>
<p>10. Prohibited Signs. The following types of signs are expressly prohibited in all districts:</p> <p>a) roof signs including signs mounted on a roof surface or projecting above the roof line of a structure if either attached to the structure or cantilevered over the structure;</p> <p>b) signs with dynamic displays except search lights under subdivision 8 and those allowed under subdivision 14;</p> <p>c) portable signs, except temporary signs that are specifically permitted in section 300.30;</p> <p>d) projecting signs. Wall signs shall be mounted parallel to the building and shall not project more than 18 inches from the face of the building;</p> <p>e) painted wall signs including signs painted on the face of a structure. Works of art which are not commercial messages are exempt;</p> <p>f) signs attached to trees and utility poles;</p> <p>g) signs within public right of way except for official traffic signs and those specified in subparagraph 9(k) and (l);</p> <p>h) signs which are designed to resemble official traffic <u>control devices signs</u> except signs that which are used to control traffic on private property;</p> <p>i) abandoned signs or signs other than outdoor advertising structures that advertise an activity, business, product or service no longer available on the premises on which the sign is located;</p> <p>j) signs attached to fences except athletic field fence panels according to subdivision 1;</p> <p>k) illuminated signs which exhibit any of the following:</p> <p>—1) external illumination that is determined to interfere with safe traffic operations;</p> <p>—2) the sign is directly oriented to any residential district;</p> <p>—3) illumination of a commercial sign in a residential district, except a sign used for a conditionally permitted use; or</p> <p>—4) the level of illumination exceed standards specified in section 300.28, subd. 2.</p> <p>l) signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets;</p>	<p>Renumbered as a subsection under 325.05 General Regulations</p> <p>Moved to location requirements</p> <p>Moved to location requirements</p> <p>Moved to construction requirements 325.05(11)</p> <p>Addressed in “sign” definition and construction requirements</p> <p>Moved to location requirements</p> <p>Moved to location requirements</p> <p>Moved to location requirements 325.05(4)</p> <p>Moved to Sign Illumination in general regulations 325.05(8)</p> <p>Moved to location requirements</p> <p>Moved to location requirements</p>

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<p>m) exterior signs that obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any structure;</p> <p>n) signs that are in violation of the building code or the electrical code adopted by the city;</p> <p>o) blank signs;</p> <p>p) merchandise boxes or signs not affixed to a principal structure excluding signs permitted in subdivision 8(d);</p> <p>q) permanent off-premises outdoor advertising signs are not permitted in any zoning district, except that the provisions of this paragraph do not apply to temporary outdoor advertising signs permitted under Subd. 9 (k) above. Outdoor advertising signs which exist on the effective date of this section shall be considered as nonconforming signs and are subject to standards contained in section 300.29. An outdoor advertising sign is a principal use of property. No permitted or conditionally permitted use or any part of such use may be located on the same parcel of property as such a sign. The parcel on which such a sign is located may not be subdivided to segregate the sign from the remaining property. For the purposes of this paragraph, “parcel of property” means any property for which one property identification number has been issued by the county, or all contiguous property in common ownership as of October 15, 1997, whichever is greater; and</p> <p>r) any sign not expressly permitted by the provisions in section 300.30.</p>	<p>Deleted – duplicate of construction requirement</p> <p>Moved this portion to general regulations – 325.05(9)</p> <p><u>Covered by 325.05(2)(a)</u></p>
<p>11. Sign Construction and Maintenance. All signs shall conform to the following standards.</p> <p>a) Construction specifications. All signs shall be constructed in accordance with the following:</p> <ol style="list-style-type: none"> 1) the Minnesota state building code; 2) all electric signs shall be approved and labeled as conforming to the standards of the Underwriters' Laboratories, Inc., the United States bureau of standards or other similar institutions of recognized standing. All illuminating elements shall be kept in satisfactory working condition or immediately repaired or replaced. Signs that are partly illuminated shall meet all electrical requirements for that portion which is illuminated; 3) all permanent freestanding signs shall have self-supporting structures erected on and permanently attached to concrete foundations; 4) for wall signs, the wall must be designed for and have sufficient strength to support the sign; and 	<p>Renumbered as 325.04(7) General Regulations</p>

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<p><u>5) wall signs must be mounted parallel to the building and may not project more than 18 inches from the face of the building;</u></p> <p><u>6) signs may not be painted on the wall of a building;</u></p> <p><u>7) Unless otherwise specified in this section, the maximum angle permitted between faces of a double face freestanding sign is 45 degrees; and</u></p> <p>5) signs shall be constructed to withstand the following wind loads:</p> <p>a. for solid signs, 30 pounds per square foot on one face of the sign; and</p> <p>b. for other signs, 36 pounds per square foot of the total face area of the letters and other sign surface, or 10 pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.</p> <p>b) Sign maintenance and repair. All signs shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, cleaning and other items required for maintenance of the sign. Vegetation around, in front of, behind, and underneath the base of ground signs for distance of 10 feet shall be neatly trimmed and free of weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.</p>	
<p>12. Removal of Abandoned Signs, Signs in Disrepair and Signs Located in Public Right-of-Way.</p> <p>a) Abandoned signs and signs in disrepair. An abandoned sign or sign in disrepair is prohibited and shall be removed by the owner of the premises within 30 days after notification. If compliance with the provisions of this section is not achieved within 30 days, the city may remove the sign as a public nuisance by following the procedure as specified in section 1120.045 of the municipal code of ordinances. If an abandoned sign remains in good condition and without holes or other evidence of disrepair or damage, the sign shall not be considered as abandoned for a period of one year.</p> <p>b) Signs on public property or within public right-of-way: The city may at any time and without notice impound signs which have been installed on public property or within public right-of-way or easement. The sign owner may retrieve the signs according to the following:</p> <p>1) a fee must be paid to the city as established in city code section 710. For each subsequent impoundment in a calendar year, the specified fee shall be doubled;</p>	<p>Renumbered as 325.05(12) – general regulations</p>

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<p>2) the sign may be retrieved from a designated impound area during routine business hours and within 15 days from the date of impounding. After 15 days, the city will dispose of the sign; and</p> <p>3) the city may not be held liable for any damage to impounded signs.</p> <p><u>13. Nonconforming Signs.</u> <u>Any sign that complied with all applicable laws and ordinances at that time that it was erected but that has been or is made nonconforming due to a subsequently enacted amendment of this city code is governed by section 300.29</u></p>	
<p>13. Permits and Permit Fees. Signs that require a permit and the corresponding fee are listed in the following.</p> <p>a) All permanent signs permitted in subdivisions 3, 4, 5, 6, and 7 require a sign permit. The permit must be received prior to installation of the sign. The permit and inspection fee for all permanent signs is specified in city code section 710.</p> <p>b) All temporary signs permitted in subdivision 8 require a temporary sign permit. The permit and inspection fee for permitted signs, banners, search lights, or inflatable advertising devices is specified in city code section 710.</p> <p>c) Application for a permit must be on a form provided by the city and must include the following information:</p> <ol style="list-style-type: none"> 1) name and address of the owner of the sign; 2) street address or location of the property on which the sign is to be located, along with the name and address of the property owner; 3) the type of sign as defined in this section; 4) site plan showing the location of the proposed sign; 5) specifications and scale drawings showing the materials, design, dimensions, structural supports, method of attachment and electrical components of the sign; 6) plan showing the location and size of all existing signs located on the same premises upon city request; 7) name of licensed electrician who will make the final connection of an illuminated sign; and 8) sign permit fee. <p>d) All signs not listed above do not require a permit but must comply with the regulations found in this section.</p> <p>e) When this section becomes effective, the owner or other person having control of any outdoor advertising sign</p>	<p>Renumbered as section 325.04(3) Permits, Procedure and Variances</p> <p>Removed – never used</p>

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<p>(billboard) must file an application for a permit for the maintenance and annual inspection of such sign. —Application for such permits must be accompanied by detailed plans and such other necessary information to determine the location and compliance with all applicable regulations, and permit may be issued upon payment of the required permit fee. All permits for advertising signs expire on December 31, of each year. The permit and inspection fee is specified in city code section 710.</p> <p>f) The fee for application for variance from this section or approval of a sign plan for a development is specified in city code section 710.</p> <p>g) Sign permit applications must be acted upon by city staff within 10 days after a complete application is submitted. A decision must be made in writing. If a permit is denied, the reason must be stated in writing. The applicant may appeal a denial by submitting a request in writing within 10 days after the decision. The appeal must be scheduled for planning commission review as soon as practicable, but no later than 30 days after the appeal was submitted. The applicant may appeal a planning commission denial by submitting a request in writing within 10 days after the decision. The appeal must be scheduled for city council review as soon as practicable, but no later than 30 days after the appeal was submitted. All review of a sign permit application must be based solely on whether the application complies with city ordinances.</p> <p>h) Sign permits become null and void if the sign is not installed 180 days after the issuance of a permit.</p>	<p>Moved to 325.04(4) – permit procedures</p> <p>Moved to 325.04(3)(b)</p> <p>Moved to 325.04(5)</p>
<p>14. Dynamic Displays.</p> <p>a) Findings. Studies show that there is a correlation between dynamic displays on signs and the distraction of highway drivers. Distraction can lead to traffic accidents. Drivers can be distracted not only by a changing message, but also by knowing that the sign has a changing message. Drivers may watch a sign waiting for the next change to occur. Drivers are also distracted by messages that do not tell the full story in one look. People have a natural desire to see the end of the story and will continue to look at the sign in order to wait for the end. Additionally, drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Finally, drivers are generally more distracted by messages that are too small to be clearly seen or that contain more than a simple message. Time and temperature signs appear to be an exception to these concerns because the messages are short, easily absorbed, and become inaccurate without frequent changes.</p>	<p>Renumbered as 325.05(10) – General Regulations.</p>

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<p>Despite these public safety concerns, there is merit to allowing new technologies to easily update messages. Except as prohibited by state or federal law, sign owners should have the opportunity to use these technologies with certain restrictions. The restrictions are intended to minimize potential driver distraction and to minimize proliferation in residential districts where signs can adversely impact residential character.</p> <p>Local spacing requirements could interfere with the equal opportunity to use such technologies and are not included. Without those requirements, however, there is the potential for numerous dynamic displays to exist along any roadway. If more than one dynamic display can be seen from a given location on a road, the minimum display time becomes critical. If the display time is too short, a driver could be subjected to a view that appears to have constant movement. This impact would obviously be compounded in a corridor with multiple signs. If dynamic displays become pervasive and there are no meaningful limitations on each sign's ability to change frequently, drivers may be subjected to an unsafe degree of distraction and sensory overload. Therefore, a longer display time is appropriate.</p> <p>A constant message is typically needed on a sign so that the public can use it to identify and find an intended destination. Changing messages detract from this way-finding purpose and could adversely affect driving conduct through last-second lane changes, stops, or turns, which could result in traffic accidents. Accordingly, dynamic displays generally should not be allowed to occupy the entire copy and graphic area of a sign.</p> <p>In conclusion, the city finds that dynamic displays should be allowed on signs but with significant controls to minimize their proliferation and their potential threats to public safety.</p> <p>b) Regulations. Dynamic displays on signs are allowed subject to the following conditions:</p> <ol style="list-style-type: none"> 1) Dynamic displays are allowed only on monument and pylon signs for conditionally permitted uses in residential districts and for all uses in other districts. Dynamic displays may occupy no more than 35 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only one, contiguous dynamic display area is allowed on a sign face; 2) A dynamic display may not change or move more often than once every 20 minutes, except one for which changes are necessary to correct hour-and-minute, date, or temperature information. Time, date, or temperature information is considered one dynamic display and may not be included as a 	

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<p>component of any other dynamic display. A display of time, date, or temperature must remain for at least 20 minutes before changing to a different display, but the time, date, or temperature information itself may change no more often than once every three seconds;</p> <p>3) The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects;</p> <p>4) 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;</p> <p>5) Every line of copy and graphics in a dynamic display must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more. If there is insufficient room for copy and graphics of this size in the area allowed under clause 1 above, then no dynamic display is allowed;</p> <p>6) Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this ordinance;</p> <p>7) Dynamic displays must comply with the brightness standards contained in subdivision 15;</p> <p>8) Dynamic displays existing on June 25, 2007 must comply with the operational standards listed above. An existing dynamic display that does not meet the structural requirements in clause 1 may continue as a non-conforming development subject to section 300.29. An existing dynamic display that cannot meet the minimum size requirement in clause 5 must use the largest size possible for one line of copy to fit in the available space.</p> <p>c) Incentives. Outdoor advertising signs do not need to serve the same way-finding function as do on-premises signs. Further, outdoor advertising signs are no longer allowed in the city, and there is no potential that they will proliferate. Finally, outdoor advertising signs are in themselves distracting and their removal serves public safety. The city is extremely limited in its ability to cause the removal of those signs. This clause is intended to provide incentives for the voluntary and uncompensated</p>	

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<p>removal of outdoor advertising signs in certain settings. This removal results in an overall advancement of one or more of the goals set forth in this section that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate outdoor advertising services that would otherwise remain distributed throughout the community.</p> <p>1) A person may obtain a permit for an enhanced dynamic display on one face of an outdoor advertising sign if the following requirements are met:</p> <p>(a) The applicant agrees in writing to permanently remove, within 15 days after issuance of the permit, at least two other faces of an outdoor advertising sign in the city that are owned or leased by the applicant, each of which must satisfy the criteria of parts (b) through (d) of this subsection. This removal must include the complete removal of the structure and foundation supporting each sign face. The applicant must agree that the city may remove the sign if the applicant does not timely do so, and the application must be accompanied by a cash deposit or letter of credit acceptable to the city attorney sufficient to pay the city's costs for that removal. The applicant must also agree that it is removing the sign voluntarily and that it has no right to compensation for the removed sign under any law.</p> <p>(b) The city has not previously issued an enhanced dynamic display permit based on the removal of the particular faces relied upon in this permit application.</p> <p>(c) Each removed sign has a copy and graphic area of at least 288 square feet and satisfies two or more of the following additional criteria:</p> <p>(1) The removed sign is located adjacent to a highway with more than two regular lanes and with a general speed limit of 45 miles per hour or greater, but that does not have restrictions on access equivalent to those of an interstate highway;</p> <p>(2) All or a substantial portion of the structure for the removed sign was constructed before 1975 and has not been substantially improved;</p> <p>(3) The removed sign is located in a noncommercial zoning district;</p> <p>(4) The removed sign is located in a special planning area designated in the 1999 comprehensive plan; or</p> <p>(5) The removed copy and graphic area is equal to or greater than the area of the copy and graphic area for which the enhanced dynamic display permit is sought.</p>	

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<p>(d) If the removed sign face is one for which a state permit is required by state law, the applicant must surrendered its permit to the state upon removal of the sign. The sign that is the subject of the enhanced dynamic display permit cannot begin to operate until proof is provided to the city that the state permit has been surrendered.</p> <p>(e) The applicant must agree in writing that no dynamic displays will ever be used on one additional outdoor advertising sign that has a copy and graphic area of at least 288 square feet in size. This agreement will be binding on the applicant and all future owners of the sign. If the sign is subsequently removed or destroyed and not replaced, the holder of the enhanced dynamic display permit is not required to substitute a different sign for the one that no longer exists.</p> <p>2) If the applicant complies with the permit requirements noted above, the city will issue an enhanced dynamic display permit for the designated outdoor advertising sign. This permit will allow a dynamic display to occupy 100 percent of the potential copy and graphic area and to change no more frequently than once every eight seconds. The designated sign must meet all other requirements of this ordinance.</p>	
<p>15. Brightness Standards.</p> <p>a) All signs must meet the following brightness standards in addition to those in subdivision 10:</p> <ol style="list-style-type: none"> 1) No sign may be brighter than is necessary for clear and adequate visibility. 2) No sign may 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. <p>b) 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 immediately upon notice of non-compliance from the city. The person owning or controlling the sign may appeal the city's determination through the following appeal procedure:</p> <ol style="list-style-type: none"> 1) After making the adjustment required by the city, the person owning or controlling the sign may appeal the city's determination by delivering a written appeal to the city clerk within 10 days after the city's non-compliance notice. The written appeal must include the name of a person unrelated to 	<p>Combined with illuminated signs in general regulations, 325.05(8)</p>

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<p>the person and business making the appeal, who will serve on the appeal panel.</p> <p>2) Within five business days after receiving the appeal, the city must name a person who is not an official or employee of the city to serve on the appeal panel. Within five business days after the city names its representative, the city's representative must contact the sign owner's representative, and the two of them must appoint a third member to the panel, who has no relationship to either party.</p> <p>3) The appeal panel may develop its own rules of procedure, but it must hold a hearing within five business days after the third member is appointed. The city and the sign owner must be given the opportunity to present testimony, and the panel may hold the hearing, or a portion of it, at the sign location. The panel must issue its decision on what level of brightness is needed to meet the brightness standards within five business days after the hearing commences. The decision will be binding on both parties.</p> <p>c) All signs installed after June 25, 2007 that will have illumination by a means other than natural light must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions. These signs must also be equipped with a means to immediately turn off the display or lighting if it malfunctions, and the sign owner or operator must immediately turn off the sign or lighting when notified by the city that it is not complying with the standards in this section.</p>	