All meetings of the St. Louis Park Planning Commission will be conducted by telephone or other electronic means until further notice. This is in accordance with a local emergency declaration issued by Mayor Jake Spano March 16, 2020 in response to the coronavirus (COVID-19) pandemic. Additionally, city facilities are closed to the public in keeping with the Executive Orders 20-20 and 20-33 issued by Gov. Tim Walz directing Minnesotans to Stay at Home March 28 through May 4, 2020.

All members of the St. Louis Park Planning Commission will participate in the August 5, 2020 planning commission meeting by electronic device or telephone rather than by being personally present at the planning commission’s regular meeting place at 5005 Minnetonka Blvd.

Members of the public can monitor this meeting by video and audio at https://bit.ly/watchslppc and on local cable (Comcast SD channel 17, or CenturyLink SD channel 8117 and HD channel 8617) or by calling +1-312-535-8110 meeting number (access code): 372 106 61 for audio only. Cisco Webex will be used to conduct videoconference meetings of the planning commission, with planning commissioners and staff participating from multiple locations.

Those who wish to provide comments during the public hearing at this meeting can do so by calling 952-562-2888, and calls will be taken and heard by the commission in the order received.

AGENDA

1. Call to order – Roll Call
2. Approval of minutes
   August 5, 2020
   August 19, 2020 (study session)
   September 2, 2020 (study session)
3. Hearings
   3a. Accessory dwelling units zoning code text amendment
      Applicant: City of St. Louis Park
      Case No.: 19-15-ZA
   3b. Painted signs zoning code text amendment
      Applicant: City of St. Louis Park
      Case No.: 20-18-ZA
   3c. Architectural design zoning code text amendment
      Applicant: City of St. Louis Park
      Case No.: 20-17-ZA
4. Other Business: None.
5. Communications

6. Adjournment

Auxiliary aids for individuals with disabilities are available upon request. To make arrangements, please call the administration department at 952-924-2525 (TDD 952-924-2518) at least 96 hours in advance of meeting.
1. Call to Order – Roll Call

2. Approval of Minutes of June 3, 2020

   Commissioner __________ made a motion to approve the minutes.
   Commissioner __________ seconded the motion, and the motion passed on a vote of 7-0.

3. Public Hearings

   A. Approvals for a new medical office building at 6009 Wayzata Blvd.
      Applicant: Patrick J. Giordana on behalf of The Davis Group
      Case Nos: 20-09-S, 20-10-VAR, 20-11-CUP

      Ms. Monson presented the staff report. She stated Mr. Giordana on behalf of The Davis Group requests a preliminary and final plat to combine four parcels into one, a conditional use permit to remove more than 400 cubic yards of fill, and a variance of 25 parking spaces in order to redevelop the site and construct a 77,500 square foot, 3-story medical office building at 6009 Wayzata Blvd.

      Ms. Monson stated the applicant seeks approval to construct a 77,500 square foot, 3-story medical office building with 324 surface parking space, 51 underground spaces, and proof of parking for 20 spaces for a total of 324 parking spaces.

      Ms. Monson added there are many sustainable features included with this building.
Ms. Monson stated city council is scheduled to hold a public hearing regarding
the vacation application for the proposed vacation of a portion of 14th Street and
to review the preliminary and final plat, conditional use permit, and variance
applications on August 17, 2020. She noted staff finds all conditions have been
met and recommends the preliminary and final plan, variance and conditional
use permit be approved as outlined in the staff report.

Commissioner Erwin asked if the new development will require any no parking
signs.

Ms. Monson stated yes, it will be striped for no parking on Wayzata Avenue.

Commissioner Dumalag stated she has a conflict of interest and will recuse herself
from the discussion and vote.

Commissioner Beneke asked about expansion and applying for another variance
at a later date. He also asked about the dead-end, and about the parkland fee and
paying on the non-plated part.

Ms. Monson stated the variance conditions are specific to the use being requested
and parking is calculated based on use. Any additions would increase the parking
requirement and they would need to request an additional variance for further
parking reductions.

Regarding the dead end, Ms. Monson noted it was vacated in the 1950s and the
applicant is requesting the city vacate an additional portion of the right of way so
as to add a little more space for parking. She stated there is no public purpose for
this right of way, and added council will approve this vacation.

Ms. Monson stated the developer has already paid the parkland fees and fees are
typically paid in advance. The majority of the property has already been plated,
and the additional portion will be paid for, as it has not been previously plated.

Commissioner Weber asked about the current policy on medical office parking and
how it compares to other cities like Richfield and Bloomington. He wondered if
the council may revisit the parking requirement and if it is germane that the
commission asks the council to revisit parking requirements for medical offices.

Ms. Monson stated the council has not looked at this currently, but staff has
discussed looking at this especially as things move forward with Covid and social
distancing. She stated it is in the commission’s purview to ask the council this question.

Chair Kraft opened the public hearing.

The applicant stated they are excited about the project and have been waiting for a long time to develop this property with a medical office building. He stated he is appreciative of the commission viewing the plans tonight and is available for any questions.

Commissioner Weber asked if the developer will have the proof of parking but will not park and if they had a need to build parking spots out later.

Mr. Davis stated they have had proof of that in the past, but have not built it out, as many do not want as much parking any longer today. He stated the bigger push today is to reduce the asphalt and leave more room for landscaping. He added they have not had a problem in their other buildings and do not anticipate in the short term they would need any additional parking.

There were no callers on the line for this item.

Chair Kraft closed the public hearing.

Commissioner Beneke made a motion, Commissioner Weber seconded, and recommending approval of the PPL, CUP and Variance, all subject to conditions recommended by staff.

The motion passed on a vote of 6-0-1 (Commissioner Dumalag abstained).

B. 2400 Edgewood – excavation for pedestrian bridge

Applicant: City of St. Louis Park
Case Nos: 20-13-CUP

Gary Morrison, presented the staff report. He noted the bridge is part of Connect the Park to include a north/south bikeway connection, along with pedestrian crossing.

Chair Kraft opened the public hearing.

There were no callers on the line for this item.

Chair Kraft closed the public hearing.
Commissioner Weber made a motion, Commissioner Dumalag seconded, recommending approval of the CUP for excavation at 2400 Edgewood for a pedestrian bridge, subject to conditions recommended by staff.

The motion passed on a vote of 7-0.

4. Other Business – none

5. Communications

Mr. Walther noted on the second public hearing the project has been on the cities list since 1978, so it is exciting to have this moving forward.

Mr. Walther noted the next meeting will be held on August 19 and will be a study session only by video conference. He noted the public will be able to join by audio.

Mr. Walther noted the US Census has been underway since March and non-response in-person follow up begins tomorrow. He encouraged all to complete the 2020 census, and stated the city is at a 78% response rate, which is better than the state response as a whole.

6. Adjournment

The meeting was adjourned at 6:55 p.m.
STUDY SESSION

The study session commenced at 6:17 p.m.

1. Accessory dwelling units (ADUs)

Ms. Trapp explained ADU’s and noted they can expand housing and allow for more affordable housing units. She noted they come in many different shapes and forms and the city is looking to develop a definition, to comply with the MN state building code, including internal, attached or detached.

Ms. Trapp added they will be allowed on only single-family lots, in R1, R2 or R3 zoning areas. An ADU that’s detached needs to be at least 6 feet away from the primary unit. ADU’s can also be in the side or back yard.

Mr. Walther explained about roof pitch and considerations to be reviewed for the ordinance. He stated at some point the commission will need to provide feedback to help in writing the rule.

Ms. Trapp discussed set back and height as well as parking. She stated the recommendation is to not have additional parking for an ADU as it is being treated as a single-family home. Prohibition of sale of the ADU is also recommended, and that the property all be treated as one. Prohibition on short-term rentals is city code and Ms. Trapp stated this is the time to make that clear within the ordinance.

Commissioner Beneke asked if basements are allowed, second stories on homes as ADUs and second stories on garages.
Ms. Trapp stated the second story is allowed depending on if it would be part of the dwelling or a separate dwelling unit. If separate then fire walls would be needed. She added this is fairly limited depending on the slope. She stated it the ADU is to be completely separate from the primary unit, then a fire barrier would be needed.

Chair Kraft asked about the detached unit and the setbacks and how the 5-9 foot was arrived at. She asked about smaller back yards in St. Louis Park where it would be difficult to build these units.

Mr. Trapp stated earlier 5 feet was discussed, but added it might vary from district to district and also that it will be on a lot by lot basis also. Mr. Walther added today you can build a detached garage in a side yard, but it needs to meet the setbacks required within the districts. If the detached unit is in the backyard, it can then be in the back yard.

Commissioner Beneke asked about allowing parking in driveways. Mr. Walther stated the restrictions are only related to parking on the street, and if there is on-street parking available, then parking is allowed there.

Commissioner Dagane asked about the structure of an ADU. Mr. Walther stated if staying within a 15-foot height, materials just need to stay compatible, but do not have to be the same. If taller at 24-foot pitch, then at least one of the house materials must be incorporated into the detached ADU.

Commissioner Erwin asked about owner occupied ADUs. She stated she would not be in favor of non-owner occupied ADUs. She said she would be concerned that people would increase maximum uses.

Ms. Trapp stated if a rental license that is managed through the city, there will be less concern about this because the city would be tracking. Mr. Walther stated if there is concern about using ADUs for short term rental, then the code will be clarified and enforcement will become important.

Commissioner Eckholm stated the way rental laws will be applied here will help with any potential abuses. He added it won’t work to make it owner occupied unless the ADU can be sold separately, and then there would be more flexibility. He added if the goal is more housing, it may be a difficult way to get there.

Chair Kraft stated she likes the way the ordinance is written now, with the owner not needed to be on site. She stated rental agreements work on other properties and this can work for folk’s flexibility and incentive for people to add ADUs to their property.
Commissioner Dumalag added if this eliminates other barriers to housing, then she is for it.

Commissioner Erwin stated the solution to create more affordable housing is creating more multi-family apartments and increasing the affordable units within them. Her concerns with increasing rental properties within single-family areas, is pricing out younger families to purchase single-family homes.

Commissioner Beneke added home in St. Louis Park are already becoming more expensive and he also is concerned about pricing out folks to purchase single-family homes.

Commissioner Eckholm stated he is worried about giant, corporations coming in and buying multiple houses and renting them out within owned property areas.

Mr. Walther stated regarding affordability, if someone is going to build a stand-alone ADU, the costs involved are the same as building a house, so this is not that affordable. However, he added, folks have said the cost of caring for a family member on a homeowner property can be less expensive than a nursing home.

Mr. Walther stated he will propose to maintain the ordinance as it is, and not requiring owner-occupied property. He added if the planning commission wants to change it back at the public meeting that can happen at that time. He added the council is wanting to create more housing, so allowing this to be all rental vs. owner occupied may appeal to the council, so he suggested keeping it not be all owner occupied.

Commissioner Beneke stated he is comfortable with how it is currently and asked also for some varied language if the commission decides to go with owner-occupied instead. Mr. Walther stated staff will provide alternative language related to owner-occupied options.

Commissioner Eckholm added he would not want to include ADUs to be sold separately from the primary home. Mr. Walther agreed.

Commissioner Erwin asked how many commissioners are needed to pass the ordinance. Mr. Walther stated a majority of 4 commissioners would be needed.

Commissioner Eckholm asked how a home occupation affects the ordinance. Mr. Walther stated it would not prevent someone from residing in the ADU from having a home occupation. He stated this would refer to a home-based business in the ADU.
Commissioner Erwin asked if property taxes would increase if an ADU is included on a property. Mr. Walther stated he will ask the city accessor about this. Ms. Trapp stated it would be an improvement to the property, so there would be value changes. She stated she can also follow up on that question.

The commissioners noted they did not have any issues with the roof pitch guidance.

The public hearing for this issue will be at the September 2nd planning commission meeting.

2. Historic Walker Lake mixed-use zoning district

Laurie Chamberlain, HGKI, gave an update on the district and an overview of the area design guidelines. She explained the area has retail and slight industrial uses. Input from residents, businesses owners in the area, as well as the planning commission and city council was used for the guidance.

Chair Kraft asked about the allowable uses and additional uses. She asked how many non-conforming uses will be allowed in the district.

Ms. Monson stated auto-repair stations will be a non-conforming use, as long as they continue to operate, they will be allowed. She noted Ready Rents is also non-conforming. She added all C2 uses are now all allowed also and will be non-conforming. Additionally, some set-backs may be non-conforming also as they relate to the high school being so close.

Mr. Walther stated there will still be liquor license restrictions at 1000 feet restriction from the high school.

Ms. Chamberlain noted some of the elements of what can be done to properties in the district. She noted one main feature of the design should follow the historic examples, however this doesn’t mean they need to have a replicated historic look. She stated innovation is encouraged in the architectural details. Other elements include canopies and signage, which can help businesses distinguish themselves within the district and encourage interaction at the pedestrian level. She also noted open spaces and adaptable spaces that can be utilized for sitting and/or other uses to activate sites such as the use of food trucks or activities/events.

Additionally, raised planters and street levels come together to convey the feeling of the Historic Walker Lake district.
Commissioner Beneke asked about landscaping and if this is done by the businesses or by the city. Ms. Monson stated all landscaping will be done by the individual property or business owners. If the city did this, there would need to be a special service district with a contract over 10 years. She continued within this district there are smaller businesses, so there was no interest by the businesses to pay for a special service district.

Mr. Walther added the city is doing some improvements within the district such as sidewalks and seating, but there are things being suggested over and above this. In the special service district, the items over and above would be paid for by the merchants.

Commissioner Elkholm stated the images shown convey the district very well.

Chair Kraft added she liked the mix of showing the actual district as well as areas around the country, along with the text.

Commissioner Dumalag added the images are great that were shown. She stated license numbers should be blackened out as well as campaign signage that is shown.

Mr. Walther stated the commissioners can email him with any further questions about the presentation on the district.

The meeting was adjourned at 8:08 p.m.
STUDY SESSION

The study session commenced at 6:00 p.m.

1. 2020 Work Plan revisited (priorities, revised timelines, COVID, Racial Equity)

Mr. Walther presented background and the staff report to the commission. He stated the report gives context to the discussion regarding city council and comp plan strategic direction, adding that these items will be tied back to the strategic priorities.

Mr. Walther stated the discussion will focus on council’s priorities, including accessory dwelling units, home occupation rules, approaches and general direction.

Commissioner Eckholm stated home occupation is a good item to focus on, as well as single-family building scale limits. Mr. Walther agreed adding the council is set to discuss this as well and give direction.

Commissioner Beneke stated he is interested in owner occupancy as well, and more affordable housing ideas. He added reviewing the ADU concept every few months might be worthwhile as well.

Commissioner Erwin stated she is interested in housing initiative and affordable housing discussions as well. She said she is interested in discussion the percentages of allowable units in family-housing development.

Commissioner Dumalag agreed adding she would like to also discuss housing analysis and the direction of affordable housing in the community as well.

Mr. Walther stated housing staff can be brought in to assist with housing discussions.
Commissioner Eckholm added he would like to discuss housing analysis and affordable housing and looking at this without ratio of ownership vs. rental threshold, stating he could see public support issues unfolding if a ratio is mandated in the city.

Commissioner Erwin agreed with this adding it’s difficult to create policy that can be so fluid and abstract, if rental thresholds are enforced.

Chair Kraft stated in light of Covid with home occupation issues, transit-oriented development and other topics like industrial zoning topics might be best to shift to early next year for discussion.

Commissioner Beneke added he hears comments from folks about there not being enough single-family housing in St. Louis Park adding he would be interested still in discussing the owner vs. rental ratio.

Commissioner Weber asked if the council is interested in looking at codes as they relate to Covid moving forward. He asked about more forced social distancing in interiors of public places, for example.

Mr. Walther stated he is not aware of any conversations with council on this. Typically, code discussions relate to the exterior of buildings vs. the interiors.

Chair Kraft stated it is not the role of the planning commission to discuss this level of detail in development.

Commissioner Eckholm asked about strongly suggesting to architects about interior design as it relates to Covid.

Commissioner Dumalag asked if the commission should be spending efforts on interiors.

Chair Kraft stated the planning commission should not be dictating this type of detail into the code.

Mr. Walther the transit-oriented development and industrial topics could be moved from the priorities list and discussed in the future.

Commissioner Eckholm agreed TOD can be held off to the end of the year or next year for discussion, and a focus on home occupation and neighborhood items would be more appropriate discussion items now, in light of folks working from home.

2. Architectural design zoning code text amendment
Mr. Morrison presented the zoning amendment information. He reviewed the staff report and stated this involves restructuring building materials in class 1.

Commissioner Eckholm asked about costs of class 1 materials as it relates to affordable housing. He asked if there are specific materials that are more suitable for affordable housing.

Mr. Morrison stated he has not seen materials being a hurdle in the past. Mr. Walther stated he has heard that some materials can contribute to higher cost in class 1. He pointed out as buildings get taller, materials can become a weight issue as well. Also, questions about glazing and transparency at ground level have become environmental issues as well. However, he did state materials only do not contribute totally to affordability issues.

Commissioner Erwin asked for clarification about fiber reinforcement siding vs. board as class 1 vs. 2 building materials.

Mr. Walther stated this was an addition to the code based on approvals for PUD in the city. He stated this was related to approvals from the city council on projects, and then was added to the code.

Commissioner Erwin stated there should be some clarification here for siding. She noted the siding styles are confusing within the class 1 and 2.

Mr. Walther stated staff can work on this clarification.

Mr. Walther noted colors used on buildings and a variance that was requested. He asked if the commission wanted to consider exceptions to architectural standards on colors going forward, or just deal with them on a one by one basis.

Chair Kraft stated it is difficult to change this, and how it would be based, and noted that murals also present accent colors and asked if variances are allowed under the code.

Commissioner Eckholm added he understands this regulation within the ordinance but wondered if the variance is the best way to handle exceptions.

Commissioner Eckholm asked the commissioners thoughts on the articles and the parking garages.

Commissioner Erwin stated she is supportive of adaptability with parking garages.
Mr. Walther stated two articles were provided to commissioners on adaptable parking garages, adding staff agrees with more adaptability and resilience in these structures.

Commissioner Weber asked if parking garages are owned by the city or are private. Mr. Walther stated the city does not own any parking garages within the city, however there are several exceptions within the city.

Commissioner Eckholm stated the least appropriate place for a park and ride is next to public transit, but added if it has to be there, it should be turned into something more useful in the future.

Commissioner Dumalag asked if there will need to be requirements for adaptable parking structures, especially when thinking long-term.

3. Painted sign zoning code text amendment

Mr. Morrison stated this item came out of a complaint, when a sign was painted on the side of a building without permission. He stated this was being reviewed and considering striking this from the ordinance. He stated also if the business is sold, or moves, the owner is then responsible for covering up or removing the sign on the building when leaving.

Mr. Morrison asked the commissioners for feedback before this moves forward.

Commissioner Weber supported the proposed change and asked if there is any difference between a sign and a mural, and if a mural would be allowed as well as a sign in the code.

Mr. Morrison stated the mural would be a super-graphic and has a separate definition from the painted sign. He added it could not include a logo or brand name within it if it's a mural or a super-graphic. He noted if a sign was incorporated into the mural, it would be allowed. Mr. Walther stated an imaginary box would be drawn around the logo portion and then be allowed.

Commissioner Weber stated he appreciates the willingness to be as open as possible to the approval of both sign and murals as one, so the creative side can be exhibited. Chair Kraft asked about if the business left and returning the sign to the original state, and what would be expected here.

Mr. Morrison stated it could be sand blasted or the new tenant could paint over it.
Commissioner Eckholm asked if a new tenant moved in, how long the city would allow before the sign is painted over or removed.

Mr. Morrison stated the city could work with the owner on this, but the sign would need to be removed promptly and should be addressed in the code related to timeframe.

Mr. Walther added if it becomes a maintenance issue, then the city would step in.

Commissioner Dumalag stated it will be important to include a timeframe.

Mr. Morrison stated the property owner would be responsible ultimately.

Commissioner Eckholm added he would hate to see it be too stringent, adding it should be a nice balance, as these signs do add character to neighborhoods and they should be encouraged.

Commissioner Weber added he is happy about this and it addresses equity issues for future business owners as well.

Additional topics

Mr. Walther noted Councilmember Mavity will be leaving the City of St. Louis Park and therefore will be resigning from the city council effective October 31, 2020. A new councilmember will be appointed by the city council.

Mr. Walther also noted SWLRT will have some road closures over Labor Day weekend to relocate a bridge into the rail corridor and provide a trail bridge as well.

The meeting was adjourned at 7:34 p.m.
3a Accessory dwelling units zoning code text amendment

Location: Applicable to all single-family lots in the R-1, R-2 and R-3 zoning districts

Case Number: 19-15-ZA

Applicant: City of St. Louis Park

Owner: N/A

Review Deadline: 60 days: N/A 120 days: N/A

Recommended motions: Motion to recommend the city council adopt the proposed ordinance allowing accessory dwelling units.

Summary of request: In January 2019, the city council decided to discuss accessory dwelling units (ADUs). An ADU is a permanent, self-contained residential unit with its own living space, kitchen and bathroom. ADUs may be located inside the principal building or may be in a detached accessory building on the same parcel. The 2040 comprehensive plan indicates ADUs will be allowed in the city. Developing ADU regulations was a high priority in the planning commission’s approved 2019 work plan and the planning commission worked throughout 2019 to identify potential regulations. A draft ordinance has been prepared for community and planning commission consideration. The ordinance will allow ADUs on single-family properties which meet minimum standards. This housing is designed to be flexible for evolving family circumstances and could generate rental income for the property owners. ADUs may be located inside the principal building or may be in a detached accessory building on the same parcel.

Background: An accessory dwelling unit (ADU) is a self-contained residential unit that meets the requirements of the Minnesota State Building Code. ADUs are permanent installations that are legally part of a larger property that includes a standard single-family house. ADUs can sometimes be referred to as: carriage or coach houses, accessory apartments, backyard cottages, secondary dwelling units, granny flats, mother-in-law suites, second suites or garden apartments. The ADU may be part of the principal building or it may be in a detached accessory building on the same property.

Policy Direction: ADUs meet some of St. Louis Park’s housing and land use goals in the 2040 Comprehensive Plan update. Permitting ADUs in the city also helps fulfill the following city council strategic priority: St. Louis Park is committed to providing a broad range of housing and neighborhood-oriented development. Below is an excerpt from the 2040 comprehensive plan housing chapter. Several strategies that relate to the ADU discussion are emphasized in bold text.

Goal 1. The City of St. Louis Park will promote and facilitate a balanced and enduring housing stock that offers a continuum of diverse lifecycle housing choices suitable for households of all income levels including, but not limited to affordable, senior, multi-generational, supportive and mixed income housing, disbursed throughout the city.
Strategies

A. Create a broad range of housing types to provide more diverse and creative housing choices to meet the needs of current and future residents.

B. Review existing policies, programs and regulations to remove barriers to innovative and creative housing options.

C. Ensure new housing policies promote fair and equitable housing choices.

D. Use data and research to guide and evaluate housing priorities, policies, and programs.

E. Use infill and redevelopment opportunities to assist in meeting housing goals.

F. Create policies, tools and strategies to promote the goals of the city’s Climate Action Plan, encouraging energy efficiency and reducing energy consumption in residential properties.

G. Create senior housing opportunities: both market rate and affordable, homeownership and rental, and active and supportive.

Goal 2. Single-family homes: The city is committed to creating, preserving, and improving the city’s single-family housing stock.

Strategies

A. Promote the creation of family-sized, owner occupied, single-family homes that meet the needs and desires of current and future residents through the expansion of existing homes and through construction of new homes.

B. Proactively address substandard housing properties through code enforcement and public or private redevelopment activities such as acquisition, demolition and housing replacement.

C. Promote high-quality architectural design standards of homes through the use of good design practices which are complementary and compatible with the neighborhood, utilizing quality materials and superior construction.

D. Allow for Accessory Housing Units (AHUs) in all low-density residential areas.

E. Allow for two-family dwelling units (twin homes and duplexes) on appropriately sized lots in low density residential areas.
Types of ADUs:

- **Types.** Allow internal, attached and detached ADUs as described in the background above. This provides flexibility to meet different property owner needs and unique property situations.

- **Properties.** Allow ADUs in the R-1, R-2 and R-3 zoning districts on single-family lots. Limiting ADUs to single-family lots has been recommended as an appropriate first step in allowing a new use in the community. In addition, the Minnesota State Building Code considers any building with three units or more units to be a commercial building not a residential building. This commercial designation results in additional regulations such as sprinkling the entire building. As the addition of an accessory dwelling unit to a duplex would result in a commercially designated structure, staff recommends that the initial ordinance amendments be focused on single-family homes.

- **Lot size.** Allow ADUs on all buildable single-family lots without restrictions relating to a minimum lot size. Thus, if a lot can have a single-family home, then it would also be allowed to have an ADU. This allows a greater number of lots to qualify to have an ADU and more equitable opportunities throughout the low-density residential areas of the city.

- **Maximum number.** Limit ADUs to one (1) per lot.

- **Minimum size.** Require all ADUs to be at least 300 square feet in area. The potential for allowing a smaller size of ADUs was an item of discussion previously with the city council. Staff notes that this minimum size was proposed based on Family Housing Fund’s research of Twin Cities metropolitan area ADUs and ADU regulations. That
research reviewed several cities’ requirements and included a research sample of 20 existing ADUs in the Twin Cities. The units in their sample ranged in size from 400 to 1,200 square feet with the average being 657 square feet and the median being 645 square feet. Staff also reviewed the 2018 Maxfield Housing Study Update to understand the sizes of apartment units in our community for comparison. The Maxfield research found that the average size of a studio unit was 519 square feet (with the smallest being 300 square feet) and the average size of a one-bedroom unit was 750 square feet (with the smallest being 500 square feet).

Staff still recommends a minimum of 300 square feet. If through the process the city chooses to allow ADUs that are less than 300 square feet, staff suggests the minimum size should be more than 200 square feet. Staff note that many “tiny houses” that are 150-200 square feet in area are classified as recreational vehicles and built on chassis with wheels and are considered seasonal, rather than year-round dwellings. The intent of the ADU ordinance is to allow permanent year-round, not seasonal, ADUs.

- **Maximum floor area for attached ADUs.** Limit the size of attached ADUs, which are within or attached to the principal dwelling, to 40% of the gross floor area of the principal single-family dwelling in order to ensure that ADUs are accessory to the principal dwellings.

- **Maximum floor area for detached ADUs.** Limit detached ADUs to no more than 800 square feet or 25% of the back yard. Allow detached ADUs that are up to 576 square feet in area even if they exceed 25% of the back yard. These regulations are consistent with the current size restrictions for detached accessory buildings today, except ADUs would now be allowed.

- **Subdivision.** Prohibit sale of the ADU independent of the principal building and lot. It must remain an accessory use to the principal building and all on one lot.

- **Short-term rental.** Prohibit short-term vacation rental of the ADU or the principal residence, as currently enforced by the city. Define short-term vacation rentals as leasing properties for a term of less than one month.

- **Parking.** Allow ADUs without requiring more off-street parking. It is not recommended that additional parking be required for an ADU. However, it is recommended that the city maintain the limit of vehicles that can be parked outside on a lot. City code currently limits single-family properties to three vehicles, or a up to five vehicles if there are more licensed drivers residing on the property. It should be noted that this requirement does not preclude property owners from adding additional, enclosed parking to their property. In addition, on-street parking also may be used where public street parking is allowed.

- **Height and yards.** Regulate the location of ADUs like other structures on a site. Limit principal building heights, setbacks, and footprints the same as they are regulated today, whether the principal building includes an internal ADU or not. Also, generally apply the same detached accessory structure standards to ADUs. This approach will best
integrate ADUs more seamlessly to the character of the existing neighborhoods, because the buildings will be similar in size and location as other structures that could be built under the city’s rules today. Two exceptions are described below:

1) Require larger side and rear yards for a detached ADU than required for a detached garage. Currently, detached garages may be 2 feet from a side or rear property line. In order to have openings, such as doors and windows, ADUs will need to be 5 feet from a side or rear property line under the building code.

2) Planning commission felt more space should be provided from a rear property line when it abuts another residential property, so a rear yard of 15 feet was recommended.

Most detached garages are built slab on grade, and do not have frost footings required by the building code for occupied dwellings; therefore, it is not likely existing garages would be repurposed with an ADU. Instead, it would in nearly all cases require demolishing the existing detached garage to build an ADU in its place.

- **Occupancy.** It is recommended that the ADU be considered part of the entire single-family residential lot. Therefore, the principal structure and the ADU together may be occupied by one family and up to two boarders, as is currently allowed by city code on single-family properties.

- **Owner occupancy.** It must be determined if the city will require the property owner to reside on the property in order to allow an ADU on the property. It is not required in the ordinance as currently written. At the planning commission’s August 19, 2020, study session commissioners asked to revisit this topic. Staff offers the planning commission three options for consideration:
1. **Retain current ordinance language not requiring owner occupancy.**
   Allowing both the principal structure and the ADU to be rentals is generally considered a best practice for communities intending to promote ADUs as it eliminates potential concerns regarding resale or the uncertainty of the property owners’ long-term plans, such as job transfer, employment opportunities or health. Owner occupancy requirements have also been cited as an additional barrier for securing financing for ADUs. This option was initially supported by the planning commission because the city’s rental licensing and property maintenance requirements and enforcement mechanisms were determined to be effective tools to manage most public health, safety, nuisance and compliance issues associated with ADUs. This continues to be staff’s preferred option for its simplicity in administration.

2. **Add a continuous owner occupancy requirement.**
   Commissioners were concerned about multiple properties being purchased by one entity, converted to two rental units that are priced to maximize profit and managed by remote/absent owners. There is also a concern that if that type of conversion process were to occur it may lead to single-family properties being less affordable and attainable to the traditional buyer.

   In considering an owner occupancy requirement, it should be noted that there may be some administration challenges that the city will need to navigate. For example, would a relative of the owner residing on the property be sufficient, or must it only be the property owner. Under current rental licensing regulations, residence of children or other relative would not qualify. Staff would like the ordinance and rental licensing to be handled consistently. In addition, the city will need to determine what happens to the renter and the ADU if the property owner is not able to meet the requirement. For example, does the lease terminate and can the ADU just remain vacant? Would it need to be removed from the property? Staff notes that these are challenging issues.

   Also, as a policy issue, why are properties with ADUs treated differently from other housing? We do not have owner occupancy requirements for single-family houses or duplexes. Why are ADUs unique from a public policy perspective?

   If the planning commission would like to add an owner occupancy requirement, it is recommended that the ordinance be adopted with the following modification to Section 8, subsection (e) – the addition of a new (4) with renumbering of requirements:

   
   (4) The property owner must reside in either the principal building or the accessory dwelling unit as their primary residence.

3. **Add an owner occupancy requirement that only applies to the initial construction of the ADU.**
   A third option for the planning commission to consider would be to include a requirement that limits the initial construction of an ADU to an owner-occupied
property. While this requirement may not eliminate the planning commission’s concerns, it would likely make it less attractive to developers and may reduce the pace at which ADUs could be constructed. This approach would be easier to enforce and does not require tracking and monitoring of owner occupancy for the long-term beyond current licensing requirements. It also does not cause renters to be displaced from a house or ADU due to the city’s regulations.

If the planning commission would like to add an owner occupancy requirement related to the construction of new ADUs, it is recommended that the ordinance be adopted with the following modification to Section 8, subsection (e) – the addition of a new (4) with renumbering of requirements:

(4) The initial construction of an ADU shall only occur on a property that is occupied by the property owner as their primary residence.

Additional Information: At the planning commission August study session a question was raised relative to the impact an ADU would have on the value of the property. Through discussion with the city assessor, staff found that adding an ADU to a property will increase the value of the property. How much the value increases depends on the size, finishes, number of bedrooms and bathrooms, and other factors. This may in turn change the amount of property taxes owed. City assessors would model the property as a residential property with a separate or additional building. As time goes by and more ADUs are built in the city, city assessors will analyze how the market reacts and develop a more precise calculation of the value an ADU generally adds to properties.

Process: More information about what has been presented and discussed by the planning commission and city council during the development of the ordinance is available in the agenda packets and minutes from the following meetings and study sessions:

- **April 17, 2019** – Planning commission study session where the topic of ADUs was first introduced and results from a planning commissioner survey were used to facilitate discussion on the potential considerations for an ordinance and identify topics for additional staff research (minutes).
- **June 10, 2019** – City council study session where broad policy discussions about ADUs were discussed and the results of a city council online poll were summarized (agenda, minutes).
- **October 2, 2019** – Planning commission study session which provided a recap about ADUs, confirmed existing consensus on ADU policy components, and initiated discussion on topics where planning commission direction was still needed, which included lot coverage, ADU size, setbacks, design components, parking, ADU height, and occupancy (agenda, minutes).
- **November 20, 2019** – Planning commission study session which focused on discussing remaining components of the potential ordinance, including parking, occupancy, and short-term vacation rentals (agenda, minutes).
- **January 8, 2020** – Planning commission study session to review an initial draft of the ordinance (agenda, minutes).
- **February 2, 2020** – City council study session to solicit input on recommended direction from the planning commission and next steps (agenda, minutes).
- **March 9, 2020** – City council study session with a written report to follow up on questions raised as part of the February 2, 2020 study session (agenda).
- **August 19, 2020** - Planning commission study session to review the draft ordinance (agenda). The draft minutes are included in this agenda for approval.

**Next steps:** The city council will likely consider the ordinance on October 5, 2020, if planning commission makes a recommendation at this meeting.

**Supporting documents:**
- Draft ordinance
- Zoning map showing highlighting the areas of the city zoned R-1, R-3 and R-3. The map excludes properties that are not in single-family residential use (i.e. churches, schools).

**Prepared by:** Rita Trapp, HKGi  
**Reviewed by:** Sean Walther, planning and zoning supervisor
Ordinance No. ___-20

Ordinance regarding accessory dwelling units

The City of St. Louis Park does ordain:

Whereas, the City Council has the strategic priority “St. Louis Park is committed to providing a broad range of housing and neighborhood-oriented development,” and

Whereas, the Housing Plan in Chapter 5 of the 2040 Comprehensive Plan identifies the following strategies related to increasing the diversity of housing types:

• Create a broad range of housing types to provide more diverse and creative housing choices to meet the needs of current and future residents.

• Review existing policies, programs and regulations to remove barriers to innovative and creative housing options.

• Ensure new housing policies promote fair and equitable housing choices.

• Allow for accessory housing units in all low-density residential areas.

Now, therefore be it resolved that the following amendments shall be made to the City Code:

Section 1. Chapter 36, Section 36-4 of the St. Louis Park City Code is hereby amended to add the following text.

Short-term rental means leasing a residential dwelling unit or accessory dwelling unit for a term of less than one month.

Section 2. Chapter 36, Article III General Provisions of the St. Louis Park City Code is hereby amended to add the following text.

Section 36-70. Short-term rentals. No person shall offer for occupancy or enter into an agreement to allow a dwelling unit, or any other portion of their property, to be used as a short-term rental in a manor not otherwise permitted in the zoning district.

Section 3. Chapter 36, Section 36-142 (a) of the St. Louis Park City Code is hereby amended to add the following text to the list of descriptions of residential uses.

(9) Accessory dwelling unit means a dwelling unit complying with the Minnesota State Building Code; which is located within a principal single-family residential dwelling or in an accessory structure to a single-family residential dwelling. The types of accessory dwelling unit include the following:
a. An attached accessory dwelling unit is located within a principal residential dwelling.

b. A detached accessory dwelling unit is located as a freestanding structure on the same lot as the principal residential dwelling.

Section 4. Chapter 36, Section 36-162 (d) (4) of the St. Louis Park City Code is hereby amended to delete the following strikethrough text and add the following underlined text.

e. Accessory buildings shall not be used for dwelling purposes shall also comply with the regulations set forth in Section 36-162 (e) regarding accessory dwelling units.

Section 5. Chapter 36, Section 36-162 (d) (1) of the St. Louis Park City Code is hereby amended to delete the following strikethrough text and add the following underlined text.

(a) Accessory buildings shall be erected or located within the back yard or side yard as defined in subsection (b) above, except that an accessory building designed and used as a garage may be located within a side yard unless it abuts a street. No accessory buildings shall not be located in the front yard as defined in subsection (b) above.

Section 6. Chapter 36, Section 36-162 (d) (2) a. of the St. Louis Park City Code is hereby amended to delete the following strikethrough text and add the following underlined text.

a. The total cumulative ground floor area of all accessory buildings on single-family lots and on non-conforming two-family lots in the R-1, R-2 and R-3 Districts shall not exceed the smaller of 800 square feet or 25 percent of the back yard. This provision shall not prohibit the construction of either a detached garage or a detached accessory dwelling unit, or a combination thereof, that is no greater than 576 square feet in area provided there are no other accessory buildings.

Section 7. Chapter 36, Section 36-162 (d) (5) of the St. Louis Park City Code is hereby amended to add the following underlined text.

(5) Accessory buildings as part of the principal building – Accessory buildings located less than six feet from a principal building on the same lot, measured from the nearest projection of each building, shall be considered part of the principal building for the purpose of applying provisions of this chapter.

Section 8. Chapter 36, Section 36-162. Restrictions and performance standards. of the St. Louis Park City Code is hereby amended to delete the strikethrough text and add the following underlined text and section breaks are indicated with “***”.

(e) Accessory dwelling units. Accessory dwelling units complying with all the following conditions:

(1) Accessory dwelling units shall only be permitted on single-family lots.
(2) There shall be no more than one (1) accessory dwelling unit permitted per lot.

(3) Occupancy of the single-family lot, including both the principal dwelling unit and the accessory dwelling unit, shall be limited to no more than one family and up to two boarders.

(4) The accessory dwelling unit shall not be sold independently of the principal residential dwelling and may not be a separate tax parcel.

(5) Accessory dwelling units that are attached to the principal dwelling unit shall be no more than 40% of the gross floor area of the single-family dwelling.

(6) Accessory dwelling units that are detached from the principal residential structure shall comply with the regulations for accessory structures in Division 4 Residential District Regulations, with the following exemptions:

a. Detached accessory dwelling units shall be located a minimum of 15 feet from any rear lot line unless the rear lot line is adjacent to an alley, in which case it may be located five (5) feet from the rear lot line.

b. Detached accessory dwelling units shall have a minimum of 300 square feet of floor area.

c. Balconies and decks above the ground floor shall not face an interior side yard or a rear yard not abutting an alley. Rooftop decks for an accessory dwelling unit shall not be allowed.

(e)(f) Parking and storing of vehicles

(1) Except as provided in subsections (e)(f)(2) and (e)(f)(8) of this section, no motor vehicle, recreational vehicle, commercial vehicle, or trailer shall be permitted to stand or park in any R district which exceeds any of the following:

***

(2) One recreational vehicle which exceeds any of the limits set forth in subsection (e)(f)(1) of this section and is owned by the occupant of the premises can be parked in the back yard area if:

***

(3) The following provisions shall apply to the parking and storage of vehicles on residential parcels in the R-1, R-2 and R-3 districts:
a. No more than three vehicles can be parked or stored outside an enclosed building at a single-family residence on a lot that contains a single-family residence. For a duplex, six vehicles can be parked or stored outside. If there are more than three persons residing at a single-family dwelling, inclusive of an accessory dwelling unit or a boarder, who have valid state driver’s licenses showing the residence addresses on the lot, then the total number of vehicles allowed to be parked outside is increased to a number equal to the number of licensed drivers residing at the property not to exceed five vehicles. The provisions of this subsection shall not apply during snow emergencies.

b. No more than two non-passenger vehicles can be parked on a residential lot outside of an enclosed building. Except as permitted in subsection (e)(f)(2) of this section, vehicles shall be stored on a designated parking space. Non-passenger vehicles cannot be parked or stored in a front yard or a side yard abutting a street except as allowed under subsection (e)(f)(3) of this section.

c. Only commercial vehicles which do not exceed any of the size requirements under subsection (e)(f)(1) of this section and are designed exclusively for on-street use can be parked on residential lots outside an enclosed building. Commercial vehicles shall be parked only within a garage or on a designated parking space and cannot be parked or stored in a front yard or a side yard abutting a street except as permitted under subsection (e)(f)(3) of this section.

d. Except as permitted in subsection (e)(f)(2) of this section, all vehicles must be stored on a surface improved for driveway purposes with an approved paving surface.

e. No more than one recreational vehicle which exceeds the size requirements in subsection (e)(f)(2) of this section can be parked on a residential lot outside an enclosed building.

f. No non-passenger vehicle can be parked within five feet of an interior side lot line or rear lot line.

g. No non-passenger vehicle can be parked within the front yard or within a side yard abutting a street except where designated parking space is permitted under subsection 36-361(k)(11). Under no circumstances can a non-passenger vehicle which exceeds the size limitations in subsection (e)(f)(1) of this section be parked in a front yard.

Section 9. Chapter 36, Section 36-162 (e) (3) a. of the St. Louis Park City Code is hereby amended to delete the strikethrough text and add the underlined text as follows.
a. No more than three vehicles can be parked or stored outside an enclosed building at a single-family residence on a lot that contains a single-family residence. For a duplex, six vehicles can be parked or stored outside. If there are more than three persons residing at a single-family dwelling, inclusive of an accessory dwelling unit or a boarder, who have valid state driver's licenses showing the residence addresses on the lot, then the total number of vehicles allowed to be parked outside is increased to a number equal to the number of licensed drivers residing at the property not to exceed five vehicles. The provisions of this subsection shall not apply during snow emergencies.

Section 10. Chapter 36, Section 36-163. R-1 single-family residence district (e) Accessory Uses of the St. Louis Park City Code is hereby amended to add the following text:

(16) Accessory dwelling units which comply with the provisions of Section 36-162 (e) and which are not used for short-term rental purposes.

Section 11. Chapter 36, Section 36-164. R-2 single-family residence district (e) Accessory Uses of the St. Louis Park City Code is hereby amended to add the following text:

(15) Accessory dwelling units which comply with the provisions of Section 36-162 (e) and which are not used for short-term rental purposes.

Section 12. Chapter 36, Section 36-165. R-3 two-family residence district (e) Accessory Uses of the St. Louis Park City Code is hereby amended to add the following text:

(16) Accessory dwelling units which comply with the provisions of Section 36-162 (e) and which are not used for short-term rental purposes.

Section 13. Chapter 36, Table 36-361 (a) Off-Street Parking Areas of the St. Louis Park City Code is hereby amended to delete the following strikethrough text and add the following underlined text and section breaks are indicated with “***”:

<table>
<thead>
<tr>
<th>Use</th>
<th>Number of Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Single family dwelling</td>
<td>Two spaces per dwelling unit. Additional spaces are not required for a boarder or an accessory dwelling unit. One additional space is required if boarders are accommodated.</td>
</tr>
<tr>
<td>Two family</td>
<td>Two spaces per dwelling unit. Additional spaces are not required for a boarder or an accessory dwelling unit. One additional space is required if boarders are accommodated.</td>
</tr>
</tbody>
</table>

***
Section 13. This ordinance shall take effect fifteen days after its publication.

<table>
<thead>
<tr>
<th>First Reading</th>
<th>Second Reading</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Date of Publication</td>
<td>Date Ordinance takes effect</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Reviewed for administration: Adopted by the City Council October 19, 2020

Thomas K. Harmening, City Manager

Attest: Jake Spano, Mayor

Approved as to form and execution:

Melissa Kennedy, City Clerk

Soren Mattick, City Attorney
Accessory Dwelling Units
Zoning districts permitted: R-1, R-2, and R-3

Legend
- R-1 Single-Family Residence
- R-2 Single-Family Residence
- R-3 Two-Family Residence

Source: City of St. Louis Park
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Planning commission: Regular meeting  
Meeting date: September 16, 2020  
Agenda item: 3b

3b  Painted signs zoning code text amendment

Case Number: 20-18-ZA
Applicant: City of St. Louis Park
Owner: N/A
Review Deadline: 60 days: N/A  120 days: N/A

Recommended motions: 
Chair to close public hearing.
Motion to recommend approval of the ordinance pertaining to painted signs.

Summary of request: The ordinance was prepared at the request of city council to consider allowing signs to be painted directly onto buildings. The proposed ordinance includes a provision to allow signs to be painted directly to buildings.

Background: Section 36-362 of the city code regulates signs in St. Louis Park. The purpose of the sign code is to establish standards for the size, placement and maintenance of signs. The sign regulations are intended to permit a safe, efficient, effective and aesthetic means of communication using signs which recognizes the need to maintain an attractive and appealing appearance of property and community.

City code prohibits signs from being painted directly on a building [section 36-362(e)(9)]. In 2019, a business painted a sign on their building without receiving a permit or permission. As a result, staff began enforcing the above regulation and required the sign to be removed. The business owner contacted the ward council person about the sign and the ward council person asked staff to review the regulations and a potential code revision. The ward councilperson also submitted a request to discuss the issue at a future study session, to which the city council agreed. It is currently on the city council’s listed 12th in the city council’s priority discussion topics.

The primary concerns with painted signs are ongoing maintenance and covering over exterior materials that are favored in the city code (i.e. class I materials, including brick). Staff reviewed regulations from various cities including St. Paul and Minneapolis and found that painted signs are permitted. The regulations include provisions requiring the signs to be maintained in good repair and removed entirely when the sign is no longer used.

The planning commission discussed the ordinance in a study session on September 2, 2020. At that meeting. The planning commission was supportive of the amendment.

Present considerations: Attached is a copy of a proposed sign ordinance. It includes all the city code sign provisions for context. It also shows the following changes highlighted and redlined:

Section 36-362(d)(3) requires a permit for supergraphics. A supergraphic is a mural or other depiction that does not include advertising.

Section 36-362(e)(9) removing painted signs from the list of prohibited signs. This change allows businesses to paint signs directly on their buildings.
Section 36-362(f)(16) language was added to require the building surface to be refinished to match the surrounding surface. As a result, when the painted sign is removed, then the portion of the wall where the sign existed must be refinished to match the surrounding wall surface.

**Next steps**: Staff requests that you review the sign ordinance and the suggested edits and recommend approval to the city council.

**Supporting documents**: Draft ordinance

**Prepared by**: Gary Morrison, assistant zoning administrator

**Reviewed by**: Sean Walther, planning and zoning supervisor
Sec. 36-362. Sign regulations.

(a) Purpose. The purpose of this section is to establish minimum requirements for the size, placement and maintenance of signs by adoption of regulations governing all signs in the city. The sign regulations are intended to permit a safe, efficient, effective and aesthetic means of communication using signage which recognizes the need to maintain an attractive and appealing appearance of property in the community, including that property used for residential, commercial, industrial, institutional, public development use, and the air space above and between those uses. These regulations are intended to permit signage which is adequate for effective communication but minimizes distractions to traffic and prevents visual clutter and visual pollution which can be caused by the unregulated use of signage.

(b) Findings. The city finds that:

(1) The manner of installation, location and maintenance of signs affects the public health, safety, welfare and aesthetics of the community.

(2) An opportunity for identification of community business and institutions must be established.

(3) The safety of motorists, cyclists, pedestrians, and other users of the public streets and property are affected by the number, size, location and appearance of signs that divert the attention of drivers.

(4) Installation of signs on the tops of buildings constitutes a hazard during periods of high winds and is an obstacle to effective firefighting and other emergency services.

(5) Uncontrolled and unlimited construction and placement of permanent and temporary signs adversely affects the image and aesthetic attractiveness of the community and undermines economic value and growth.

(6) Uncontrolled, abandoned and unlimited signs, particularly temporary signs, which are commonly located in or near public right-of-way or at driveway and street intersections, result in roadside clutter, obstruction of views of oncoming traffic, and a visual distraction to drivers and pedestrians.

(7) Electronic signs, including video display signs, are highly visible from long distances and at very wide viewing angles both day and night and are designed to catch the eye of persons in their vicinity and hold it for extended periods of time. If left uncontrolled, electronic signs, including video display signs, are highly distracting to drivers and driver distraction continues to be a significant underlying cause of traffic accidents.

(c) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Backlighting means an illuminated sign where the light source which illuminates the wall behind individual sign letters is hidden from view. The sign letters are opaque and appear as a silhouette against the lighted surface.

Billboard and off-premises sign means a permanent sign located outdoors, that is readable from adjacent properties including public right-of-ways, and whose message advertises a product, service, business, event or activity which is not offered for sale, rent or does not take place on the premises on which the sign is located. Off-premises signs do not include multi-tenant identification signs that advertise tenants on a different property provided such tenants are within the same approved PUD and parking is shared between properties.

Commercial message means any message which identifies a business or product or promotes the sale of any product or service.
**Courtesy bench** means any bench licensed by the city and in compliance with chapter 8 of this Code.

**Decorative banner** means a piece of fabric attached to a pole or building wall as a decorative display of color to enhance the architecture of a building or a site which does not contain a commercial message.

**Direct lighting** means an illuminated sign where the source of light is visible.

**Height** means the distance measured perpendicularly from the highest point of the sign structure to the grade level of the ground directly below that point or the grade level of the centerline of the nearest adjacent roadbed, whichever grade level is higher.

**Indirect lighting** means an illuminated sign where the sign reflects the light from an external source.

**Internal lighting** means an illuminated sign having the source of illumination located inside a translucent panel which is not directly visible.

**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.

**Sign** means any written message, pictorial presentation, number, illustration, 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 include landscaping or the architectural embellishment of a building not intended to communicate information. For purposes of maintenance or removal, the term "sign" shall also include frames and support structures.

**Sign area** means the area in square feet of all faces of the sign panel, including the frame. Each message shall be considered to be a sign. If individual letters are mounted directly on a wall, canopy or awning without a frame, the sign area shall be the area in square feet of the smallest rectangle, which encloses the sign message or logo. The sign area of a freestanding multiple face or volumetric sign shall be determined by totaling the area of all faces. The maximum aggregate or total sign area on a lot shall include the sign area of all signs.

**Sign, blade** means a wall sign that projects away from the wall at an angle sufficient to provide visibility to at least two sides of the sign.

**Sign, canopy/awning** means a visual message on an awning or canopy which is constructed according to the requirements of the building code, is an integral part of the building, and is consistent with the architecture and design of the building.

**Sign, changing** means a sign whose message can be readily changed, by manual means.

**Sign, Electronic** - any characteristic of a sign that appears to have movement or that appears 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, or any other component of the sign. This 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, displays or video.

**Sign, flashing** means any sign, which emits a blinking or flashing light, or creates the illusion of blinking or flashing light by means of animation.

**Sign, freestanding** means a sign, which is self-supporting usually by uprights placed on or in the ground.

**Sign, Garage sale** means a sign advertising a garage sale per section 36-82(b)(9).

**Sign, illuminated** means any sign, which has characters, letters, figures, designs or outlines which are either internally or externally illuminated by an artificial light source.

**Sign, off-premises and billboard** means a permanent sign located outdoors, that is readable from adjacent properties including public right-of-ways, and whose message advertises a product, service,
business, event or activity which is not offered for sale, rent or does not take place on the premises on
which the sign is located. Off-premises signs do not include multi-tenant identification signs that advertise
tenants on a different property provided such tenants are within the same approved PUD and parking is
shared between properties. (Ord. No. 2350-08, 03-28-08)

Sign, permanent means any sign that is not a temporary sign, real estate sign, political sign, project
information sign or pedestrian sign.

Sign, pedestrian means a temporary sign, which is constructed of durable materials and is designed to
be readily moved from one location to another. (ex. Sandwich board sign or any item containing a
message) For purposes of this ordinance, any sign mounted to, or conveyed by means of, a vehicle shall
not be considered a pedestrian sign.

Sign, political means a temporary sign, which advertises or promotes a candidate for public office, a
political party, an issue to be considered in a public election or any other message not classified as a
commercial message.

Sign, private directional means a sign, which includes no advertising placed on private property for the
purpose of regulating, guiding, warning traffic or persons, or providing other safety information.

Sign, project information means a temporary directional sign displayed during the time that a
construction project on a public roadway or in an approved redevelopment district is underway.

Sign, public means any sign defined as a traffic control sign in the Highway Traffic Regulation Act M.S.A.
§ 169.97 et seq., any identification sign installed in a public park by a public authority, or any other
identification, regulatory, or warning sign approved by the city council for installation on public land.

Sign, real estate means a sign which advertises the development, sale, lease or rental of land or
buildings. A real estate sign is designed to be displayed for a limited period of time and is not permanently
fixed to the land or a structure. Real estate signs may be constructed of paper, cloth, canvas, wood or any
other light and non-durable material.

Sign, rooftop means a sign attached to any roof or any sign attached to a building in any other manner
that allows more than ten percent of its area to extend above the wall or parapet wall of the side of the
building on which the sign is located.

Sign, rotating means a sign or a portion of a sign which moves in a rotating, oscillating or similar
manner.

Sign, temporary means a sign designed to be displayed for a limited period of time that is not
permanently fixed to the land or a structure.

Sign, wall means a sign attached to or erected against an exterior wall surface of a building or structure.

Supergraphics means any mosaic, mural, painting or graphic art or combination thereof which is
professionally applied to a building that does not contain any brand name, product name, letters of the
alphabet spelling or abbreviating the name of any product, company, profession or business, or any logo,
trademark, trade name, or other commercial message.

(d) Exempt signs. The following signs are exempt from the provisions of this section:

(1) Public signs.

(2) The United States flag, other national flags, the flags of all the states of the United States and
the city flag.

(3) Supergraphics, except that a permit shall be required.

(4) A building address which does not exceed 12 inches in height.
(5) Signs on courtesy benches, if they comply with the requirements of chapter 8 of this Code.

(6) Signs on vehicles when the vehicle is being used in the normal day-to-day operation of a business.

(e) **Prohibited signs.** The following signs are prohibited in all use districts:

(1) Flashing signs.

(2) Signs on or over the public rights-of-way unless the city council grants permission for a temporary sign on or over the public rights-of-way for a period of time not to exceed ten days.

(3) Searchlights, beacons, strobe lights or other illuminated signs emitting a beam consisting of a collection or concentration of rays of light.

(4) Rooftop signs.

(5) Rotating signs.

(6) Billboards.

(7) Off-premises signs.

(8) Inflatable signs and tethered balloons.

(9) **Signs painted directly on a building.**

(10) Signs mounted on chimneys, rooftop equipment, observation towers, flagpoles, cooling towers, elevator penthouses, commercial antennas, communication towers, belfries, church spires and cupolas.

(11) Signs, including the sign structure or any other component of the sign, that rotate, revolve, scroll, move, flash, blink, fade, or are animated.

(f) **General provisions.** Subject to the following regulations, signs are a permitted accessory use in all use districts:

(1) **Permit required.** A sign permit shall be issued prior to the installation of any sign.

   a. Exception. Real estate signs less than 10 square feet in area, political signs and garage sale signs are exempt from the permit requirements.

   b. Submission requirements. The following information shall be submitted prior to a sign permit being issued:

      1. Application form and fee. A fee shall be charged per sign, except that decorative banners and private directional signs less than 4 square feet per sign face shall be charged one fee per proposal submitted for review and approval.

      2. Site plan and building elevations, if applicable.

      3. Two sets of drawings for each sign that is proposed.

   c. Sign permits shall be null and void if the sign is not installed 180 days after the issuance of a permit.
Regular meeting meeting of September 16, 2020 (Item No. 3b)  
Title: Painted signs zoning code text amendment

(2) **Required yards.** Sign shall maintain a 10 foot minimum yard to property line unless exempted below:

a. In the C-1, C-2, BP, and M-X districts the required yard for any sign less than 200 square feet in sign area shall be 5 feet.

b. In the C-1, C-2 and M-X districts, a blade sign may project into the required front yard if the sign meets the following requirements:
   1. The sign is attached to a wall in such a manner that meets the building code; and
   2. The lowest portion of the sign is no closer than 8 feet to the ground; and
   3. The sign shall not extend higher than the lowest portion of a window of a residential unit located on the second story of a mixed use building.
   4. No portion of the sign shall extend more than 5 feet into the required yard, and in no instances shall the sign project into the public right-of-way.
   5. The portion of any sign face extending into the required yard does not exceed 40 square feet.

c. Except as allowed under (3)b of this section, a wall sign may extend into the required yard a distance not to exceed 18 inches, and a canopy or awning sign may extend into the required yard as allowed by Section 36-73(a)(5) and Section36-73(b)(3), except that structures that do not meet the current front or side yard requirements shall place signs flush against the front or side walls.

d. A sign may be placed on the face of an existing canopy or awning located on a structure classified as conforming or lawful nonconforming use if the sign does not extend above the top or below the bottom of the vertical portion of the canopy or awning face.

e. Real estate signs meeting the standards set forth in Section 36-362(h)(1).

f. Private directional signs meeting the standards set forth in Section 36-362(h)(2).

g. Pedestrian signs meeting the standards set forth in Section 36-362(h)(4).

h. Decorative Banners meeting the standards set forth in Section 36-362(h)(5).

i. Political signs meeting the standards set forth in Section 36-362(h)(6).

j. Project Information signs meeting the standards set forth in Section 36-362(h)(7).

k. In the I-P district the required front yard for a freestanding sign shall be 20 feet. The required side yard abutting a street for a freestanding sign shall be 15 feet.

(3) **Freestanding signs.** Except for private directional, project information, real estate, political, decorative banners, and temporary signs, no more than one freestanding sign shall be permitted on an individual street frontage of a lot or PUD site.

(4) **Parking areas.** Signs shall not be placed in or restrict access to required parking spaces or loading berths.

(5) **Multi-tenant building.** The property owner or the property owner's designee shall be responsible for allocating the allowable sign area among the tenants of a multi-tenant building. If the property owner does not allocate the sign area, the city may do so based on the proportion of floor area or tenant frontage occupied by each tenant.
(6) Lighting. All signs must meet the following standards:
   
a. Direct rays or glare of light from an illuminated sign shall not be visible from public right-of-way or property other than that on which the illuminated sign is located. Any external source of illumination must be provided with shields or lenses which concentrate the light onto the sign.

b. Brightness Standards:
   1. The sign shall not be brighter than is necessary for clear and adequate visibility.
   2. The sign shall not be of such intensity or brilliance as to impair the vision of a motor vehicle driver or to otherwise interfere with the driver's operation of a motor vehicle.
   3. The sign shall not be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.
   4. The sign shall not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face.

5. Electronic signs installed after May 28, 2010 shall meet the following standards:
   
a. A mechanism that immediately turns off the sign if it malfunctions.
   b. A mechanism that automatically adjusts the illuminative brightness of the display according to existing ambient light conditions.
   c. The sign shall not exceed a brightness level of 0.3 foot candles above ambient light as measured from 100 feet from the sign. All measurements shall be taken with the meter pointing at the sign and perpendicular to the sign face. The ambient light level shall be taken with the sign off. The sign brightness level shall be taken with the sign displaying a full white screen.

6. The electronic sign must be certified as complying with the brightness standards and the malfunction provision. The Certification must come from the sign manufacturer or other qualified individual and must be submitted with the sign permit application and at any time thereafter as requested by the city.

7. 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.

(7) Electrical wiring. The electrical energy used to illuminate freestanding signs may not be from an overhead source but must be buried underground. The conduit and wiring to all signs must be concealed.

(8) Wind load. All signs shall be designed and constructed to withstand wind loads of at least 30 pounds per square foot of area and the dead loads required by the building code and other ordinances of the city.

(9) Anchoring. All signs shall be safely and securely anchored to their supporting structure. All attachments and movable parts shall be securely fastened. No sign shall be anchored to another sign.
(10) **Bracing.** All signs shall be constructed with internal or hidden bracing. External bracing shall be eliminated whenever practicable. Exposed wire, cable and chain braces are prohibited.

(11) **Glass.** All glass must be safety or tempered glass and designed and installed to withstand a wind load of 30 pounds per square foot.

(12) **Durable Materials.** All permanent sign faces and supports shall be made of durable materials. Canvas, cloth and similar materials such as flexible vinyl, are not allowed except for canopies and temporary signs other than pedestrian signs. Awnings shall be constructed of heavy canvas fabric, metal, and/or glass. Plastic, vinyl, and backlit awnings are prohibited. All permanent wood signs must be constructed of durable hardwood products. The wood must be treated against rot and decay, and cannot be constructed of plywood, chipped wood, hardboard, fiber board or similar materials. Sign support structures shall not be constructed of wood.

(13) **Maintenance.** All signs shall be kept in good repair and free from peeling paint, rust, damaged or rotted supports or framework, broken or missing faces, facing or missing letters. Faded or torn canopies, awnings and banners shall be removed or replaced. If faded or torn canopies, awnings and banners are not removed or replaced by the owner within 30 days of notification by the city, the city may remove them and assess the cost of removal to the property.

(14) **Maintenance grounds.** The premises surrounding all ground signs shall be maintained by the property owner or tenant of the property on which they are located in a safe, clean, and sanitary condition free and clear of all rubbish and weeds.

(15) **Removal and repair.** Any structure from which a sign has been moved or removed shall be repaired with a material which matches the existing background.

(16) **Removal of painted signs.** Any structure from which a painted sign is removed shall be repainted, sandblasted or treated in a manner which makes the former sign not visible. The surface from which the sign was removed, shall be refinished in a manner to match the surrounding surface.

(17) **Signs not to be traffic hazard.** No sign shall be installed in a way that obstructs clear vision of persons using the streets or at any location that, because of its position, shape, or color, interferes with, obstructs the view of, or may be confused with any authorized traffic sign, signal or device. No sign, other than public or project informational signs, shall be visible from a public street which makes use of the words "Stop," "Look," "Danger," or any other word, phrase, symbol or character which may interfere with, mislead or confuse persons using the public streets.

(18) **Pedestrian clearance.** Any sign which projects over a sidewalk or other pedestrianway must be not less than eight feet above ground level.

(19) **Sign area and height.** The allowable sign area and height are established by table 36-362A in this subsection (f)(20) and adjustments to table 36-362A in subsection (g) of this section according to the parcel size or PUD site size and use district in which the sign is located.

(20) **Noncommercial speech.** Any non-commercial message may be substituted for any commercial message on any sign allowed under the Code, subject to the same regulations applicable to such signs.

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**TABLE 36-362A**

**SIGN AREA AND HEIGHT**
### Use District &Lot Size (sq ft)  
<table>
<thead>
<tr>
<th>PERMANENT SIGNAGE</th>
<th>TEMPORARY SIGNAGE</th>
<th>REAL ESTATE SIGNAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use District &amp;Lot Size (sq ft)</td>
<td>Maximum Sign Height (feet)</td>
<td>Maximum Total Area (sq ft)</td>
</tr>
<tr>
<td>R-1</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>R-2</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>R-3</td>
<td>0-15,000</td>
<td>6</td>
</tr>
<tr>
<td>Over 15,000</td>
<td>6</td>
<td>25</td>
</tr>
<tr>
<td>R-4</td>
<td>0-30,000</td>
<td>10</td>
</tr>
<tr>
<td>Over 30,000</td>
<td>10</td>
<td>60</td>
</tr>
<tr>
<td>R-C</td>
<td>0 - 30,000</td>
<td>15</td>
</tr>
<tr>
<td>Over 30,000</td>
<td>15</td>
<td>100</td>
</tr>
<tr>
<td>C-1</td>
<td>0 -10,000</td>
<td>25</td>
</tr>
<tr>
<td>10,000 - 20,000</td>
<td>25</td>
<td>150</td>
</tr>
<tr>
<td>Over 20,000</td>
<td>25</td>
<td>200</td>
</tr>
<tr>
<td>C-2/M-X</td>
<td>0 -10,000</td>
<td>25</td>
</tr>
<tr>
<td>10,000 - 20,000</td>
<td>25</td>
<td>200</td>
</tr>
<tr>
<td>20,000 - 50,000</td>
<td>25</td>
<td>250</td>
</tr>
<tr>
<td>50,000 - 200,000</td>
<td>25</td>
<td>300</td>
</tr>
<tr>
<td>Over 200,000</td>
<td>25</td>
<td>400</td>
</tr>
<tr>
<td>O</td>
<td>0 - 20,000</td>
<td>25</td>
</tr>
<tr>
<td>20,000 - 50,000</td>
<td>25</td>
<td>200</td>
</tr>
<tr>
<td>50,000 - 100,000</td>
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<td>300</td>
</tr>
<tr>
<td>Over 100,000</td>
<td>25</td>
<td>500</td>
</tr>
<tr>
<td>I-P /I-G/ BP</td>
<td>0 - 20,000</td>
<td>25</td>
</tr>
<tr>
<td>20,000 - 50,000</td>
<td>25</td>
<td>200</td>
</tr>
<tr>
<td>50,000 – 100,000</td>
<td>25</td>
<td>250</td>
</tr>
<tr>
<td>100,000– 200,000</td>
<td>25</td>
<td>300</td>
</tr>
<tr>
<td>Over 200,000</td>
<td>25</td>
<td>400</td>
</tr>
<tr>
<td>POS</td>
<td>0-30 acres</td>
<td>15</td>
</tr>
<tr>
<td>Over 30 acres</td>
<td>25</td>
<td>450</td>
</tr>
</tbody>
</table>

(g) Adjustments to table 36-362A. Signs which qualify for any adjustment permitted under this section shall conform to all other sections of this chapter.
(1) In an R district, identification signs may be permitted for religious institutions, libraries, museums, art galleries, schools, golf courses, country clubs, community centers, colleges, universities, hospitals and sanitariums in excess of the size allowed in table 36-362A based on the following criteria:
   a. **Size.** The sign shall be proportional to the size of the facility, need for signage, street frontage, location, visibility, and development in the area. The maximum sign size shall not exceed 20 square feet per sign face on a local street, 40 square feet per sign face on a minor collector street, and 60 square feet per sign face on any other street frontage.
   b. **Height.** No freestanding sign shall exceed 15 feet high.
   c. **Lighting.** Signs shall be lighted only by backlighting, internal lighting or indirect lighting.
   d. **Design.** The materials and design of signs shall be integrated with the site and buildings on the site by using compatible materials and consistent design features. If freestanding, the sign shall be placed in a landscaped bed equal in area to twice the size of the combined sign faces.
   e. **Sign purpose.** The principal purpose of any sign permitted under this section shall be to identify the public or institutional use made of the property.

(2) For any building not located in an R district which is eight or more stories or 85 or more feet in height, the maximum size for any one sign may be increased to 400 square feet, if the sign is located on the wall of the building more than 75 feet above the ground.

(3) The maximum size for any one real estate sign may be increased to 200 square feet for any building not located in an R district which is six or more stories or 65 or more feet in height, if the sign is located on the wall of the building more than 55 feet above the ground.

(4) In the C-1, C-2, O, BP, M-X, PUD, I-G and I-P districts, the total area of all wall signs on a building which meets the following outlined conditions shall not be included in calculating the aggregate sign area on a lot:
   a. The building shall be a shopping center, a building containing multiple tenants, or a single-tenant building located on a single lot with other principal buildings and is part of an approved CUP or planned unit development.
   b. The tenants are located on the ground floor of the building and have a direct and primary access to the outside of the building.
   c. The sign area of all wall, blade, canopy, or awning signs permitted by this section shall not exceed seven percent of the exterior wall area of the space occupied by the tenant.
   d. The sign is located on the exterior wall of the space occupied by the tenant from which the seven percent sign area was derived.
   e. No individual wall sign shall exceed 150 square feet in area, except in the C-1 and M-X districts where the maximum area of any individual sign shall not exceed 100 square feet.

(5) The maximum size of the sign face may be increased by 20 percent for a property which is not located in an R district if the sign is located at least 100 feet from any public right-of-way.

(6) The sign which identifies a contiguous group of buildings under a single ownership within a single complex shall be exempt from the total sign area requirements if the property on which the sign is erected is not located in an R district. The maximum size of the sign face shall be regulated by table 36-362A.
(7) Additional signs permitted in the POS district. The following signs are permitted in the POS
district, and shall not be included in the maximum total area for permanent and temporary
signs identified in table 36-362A.

a. Scoreboards. One scoreboard per athletic field with a maximum height of 15 feet and a
maximum sign face of 80 square feet.

b. Athletic field signs are considered to be temporary signs and are permitted with the
following conditions:
   1. The sign must be inside of, and face the interior of, an athletic field that is fully
      enclosed by a fence.
   2. The sign shall not be displayed before May 1 and/or after October 31.
   3. The maximum sign height is 4 feet.
   4. The maximum sign face is 4 feet by 8 feet.
   5. The maximum height of text (letters and numerals) is 7 inches.
   6. The maximum height of logos is 15 inches.
   7. Pictures and illustrations are permitted at any size within the 4 x 8 sign face.
   8. The back side of the sign must be blank and painted a dark shade of green.
   9. The sign cannot be illuminated or made of reflective materials.
  10. There shall be no more than 15 signs per field.

(h) Special provisions. In addition to the general provisions contained in subsection (f) of this section,
these special provisions apply to the following types of signs:

(1) Real estate sign. Real estate signs shall be regulated as follows:
   a. A real estate sign which does not exceed ten square feet in area and ten feet in height is
      exempt from the required yard restrictions.
   b. A real estate sign may only be displayed on the property on which the sign is advertising
      the sale, lease or rental of.
   c. A real estate sign may only be displayed until the advertised property is sold, leased or
      rented.

(2) Private directional sign. Private directional signs are regulated as follows:
   a. A private directional sign that does not exceed 4 square feet in sign face area and 42
      inches in height, shall be exempt from the required yard restrictions, and shall not be
      included in the maximum total area for permanent signs identified in table 36-362A.
   b. A private directional sign that exceeds 4 square feet in sign face area, and/or 42 inches in
      height shall be subject to all permanent sign regulations.
   c. All private directional signs shall be located on the property, or within an approved
      planned unit development, on which the business receiving the benefit of the private
      directional sign is located.

(3) Temporary sign. Temporary signs are regulated as follows:
   a. With the exception of Pedestrian signs as defined below, temporary signs may be
      permitted on a lot for a total of 30 days in any calendar year.
   b. The total sign area of all temporary signs on a lot shall not exceed the total permitted in
      table 36-362A.
(c) A temporary sign shall not direct persons to or advertise a product or service not available on the premises where the sign is located.

d. Temporary signs, other than pedestrian signs, may be constructed of paper, cloth, canvas, wood or any other light and non-durable material.

e. Pedestrian Signs are temporary signs further regulated as follows:

1. Pedestrian signs may be displayed in the C, O and MX districts only.

2. No portion of the sign shall project beyond a cube measuring 3 feet wide by 3 feet deep by 4 feet in height.

3. Pedestrian signs may be placed up to the property line, subject to Section 36-76. No portion of the sign shall be placed in, or project into the public right-of-way, and any such sign shall be located so that it does not obstruct pedestrian or vehicular movement or impede pedestrian or vehicular visibility.

4. The sign may be displayed during business hours only. The sign shall be stored inside a building during non-business hours and during severe weather conditions.

5. The sign shall not be placed in such a manner that it obstructs the visibility of another property's permanent signage.

6. No place of business shall display more than 1 pedestrian sign at any time and the total of all pedestrian and other temporary signs on the property shall not exceed the total allowed in table 36-362A.

7. Pedestrian signs that are maintained in good repair and in accordance with all ordinance provisions may be permitted for up to one calendar year. The Zoning Administrator may revoke a permit and remove any sign that does not meet the ordinance requirements or is creating a public hazard. After one year, a new permit may be applied for.

8. Pedestrian signs may be constructed of wood, metal, non-flexible plastic or any other durable material.

(4) Decorative banners. Decorative banners are allowed in the R-C, C-2, O and M-X districts and are regulated as follows:

a. All decorative banners shall be an integral part of the overall design scheme of a project. A decorative banner shall be deemed to be a part of the integral design scheme if the following conditions exist:

1. The decorative banners are compatible with the architectural character of the building in terms of rhythm of openings, horizontal or vertical emphasis, and stylistic features of the building in color, pattern and shape.

2. The decorative banners are considered to be in harmony and unity with various elements within the site and also within the larger context of the area or corridor.

3. The location and placement of the banners provides a harmonious rhythm to the building and site elements.

4. The zoning administrator shall determine whether any banner meets the design criteria set forth by this subsection (h)(4).
b. No single decorative banner may exceed eight square feet in area.

c. Decorative banners shall be securely fastened on the full length of at least two sides of the decorative banner to a structure which was erected for another principal purpose, such as a light standard.

d. Faded or torn decorative banners shall be removed or replaced. If faded or torn banners are not removed or replaced by the owner within 30 days of notification by the city, the city may remove them and assess the cost of removal to the property.

e. No decorative banner may display a commercial message. Commercial messages are allowed on other signage in accordance with this section.

f. Decorative banners shall be exempt from the total allowable sign area for a parcel. The maximum aggregate area for decorative banners shall not exceed 15 percent of the total allowable sign area for a parcel.

g. The top of a decorative banner may not exceed 15 feet in height from the ground.

h. No decorative banner may be displayed within any required yard.

(5) Political signs.

a. Political signs of any size are permitted in any number from 46 days before a primary election, or the general election if a primary election is not held.

b. Political signs must be removed within ten days after the general election has been held.

c. Political signs shall not be placed on the public right-of-way or any publicly owned property, including boulevard trees and utility poles.

d. Political signs shall not obstruct the vision at an intersection or otherwise constitute a hazard to public safety.

(6) Project information signs.

a. Purpose. The purpose of a project information sign is to identify a business or group of businesses affected by a construction project that is underway on a roadway or in an approved redevelopment district to direct traffic or convey that the business or group of businesses is open to the public. Project information signs shall not be used for the purpose of advertising products, services or events.

b. Design. Project information signs shall have black letters on a "federal highway orange" background. A project information sign displayed on public property must conform to the Highway Traffic Regulation Act, M.S.A. § 169.97 et seq., for informational signs and if displayed on private property, may not exceed the area and height requirements of this section for signs on that parcel.

c. Placement. The city council shall be responsible for approving the general location of project information signs. Such signs may not be permitted on a roof.

d. Duration. Project information signs will be removed when the city determines that:

1. The business identified discontinues operation;

2. The construction work has been completed; or
3. Access to the business is no longer affected by the construction project.

e. **Plan development.** A plan for the project information signs may be initiated by either the affected businesses or city staff. If developed by city staff, the plan shall be reviewed by the affected businesses prior to transmitting the plan to the city council for consideration.

f. **Installation.** The city will be responsible for the fabrication and installation of project information signs installed on public property. The cost of fabricating, installing and maintaining the signs will be paid by the affected businesses.

If a project information sign is displayed on private property, it is the responsibility of the property owner to fabricate and install the sign according to the approved signage plan and to pay all costs, including sign permit fees, incident to the fabrication and placement of the project information signs.

(7) **Signs which advertise businesses on freeways and highways.**

a. Application may be made to the city for an increase in maximum sign height on a lot having all of the following characteristics:

1. The lot abuts the right-of-way of an interstate freeway or state highway or abuts a frontage road immediately adjacent to an interstate freeway or state highway.

2. The lot does not have and is not permitted to have directional signage on the interstate freeway or state highway directing the public to the subject lot.

3. The lot has no other option permitted by this chapter to provide the requested square footage of signage visible from 50 percent of, at a plane 3.5 feet above, the portion of the interstate freeway or highway adjacent to the lot.

b. To be eligible for an increase in sign height, the second point of all cross sectional drawings, as described in subsection (h)(7)b.2.ii. of this section, must be located such that more than 50 percent of the plane above the traveled surface of the interstate freeway or state highway is obstructed from the first point, as described in subsection (h)(7)b.2.i. of this section. An application for increased sign height shall be accompanied by the following drawings drawn to scale:

1. A site plan showing the location of the proposed sign, property lines of the subject property, road alignments of adjacent streets and highways and the locations of any cross sectional drawings necessary to analyze the request.

2. Cross sectional drawings necessary to analyze the request showing the entire traveled surface of the freeway or state highway, any retaining walls or fences, any frontage roads, proposed sign location and height and a straight line (referred to as the "sight line") drawn between two points described as follows:

i. The first point situated on a line perpendicular to the earth's surface at the location of the proposed sign passing through the center of the sign face and 25 feet above the centerline of the nearest adjacent street or the ground level of the base of the proposed sign, whichever results in a higher elevation.

ii. The second point situated on a plane surface 3.5 feet above and parallel to the traveled surface of the interstate freeway or state highway, located by projecting a line from the first point to its intersection with the plane surface so that the resulting point of intersection of the line with the plane surface (the second point)
is as close as possible to the first point while not passing through an intervening obstruction that would prevent visibility.

c. The zoning administrator may approve an application to increase sign height which meets the criteria set forth in this subsection (h)(7)c. where the proposed sign plan meets each of the following requirements:

1. The sign is no higher than necessary to permit the bottom edge of the sign face to be visible from at least 50 percent of the traveled surface of the interstate or state highway.
2. The top of the sign face is no more than 12 feet above the bottom of the sign face.
3. The location of the sign is such that the increase in sign height is minimized.
4. The sign face shall not exceed 150 square feet.
5. The sign lighting is either internal or indirect and no light source is visible beyond the property lines of the lot.
6. Illuminated signs located within 400 feet of the structures used for residential purposes shall have its illuminated portion shielded from view of such residential structures.

(8) Electronic signs. Electronic signs are allowed subject to the following conditions:

a. The sign face shall not exceed:
   1. 20 square feet in a residential district and the Park and Open Space District.
   2. 40 square feet in all other districts.

b. The maximum sign face established above shall not be in excess of the maximum sign area allowed in table 36-362A.

c. No more than one sign face may be visible from any same location off-site.

d. Messages and/or images must be displayed for at least three seconds.

e. Electronic signs existing on May 28, 2010 must comply with this section, except that electronic signs that exceed the maximum size limit above may continue as a non-conforming sign as to size.

f. Messages or displays must change instantaneously. Using any type of special effect to change from one message or display to another is prohibited.

(i) Nonconforming signs.

(1) General. A nonconforming sign shall not be rebuilt, relocated, altered or modified in size or height unless it is made fully conforming with this section.

(2) Removal. Except for changing signs or billboards, if a face or message on a nonconforming sign is removed, the entire sign and sign structure must be removed or made to conform with this section.

(3) Temporary sign. Temporary and portable signs in existence at the time of passage of the ordinance from which this section is derived which do not conform to this section shall be removed or made to conform within 30 days of the effective date of the ordinance from which this section is derived.

(4) Real estate signs. Real estate signs in existence as of the date of the ordinance from which this section is derived was adopted which do not conform with the requirements of this section shall be removed or made to conform within 120 days of the effective date of the ordinance from which this section is derived.
(5) **Billboards.**

a. Any billboard in existence as of the date of the ordinance from which this section is derived was adopted may remain in place if it is not increased in sign area or height and is maintained in conformance with the general provisions of this chapter. The following are not permitted on billboards:

1. Flashing signs.
2. Changing signs.
3. Rotating signs.
4. Electronic signs.

b. The maximum height of a billboard shall be 35 feet, including extensions, measured as required by subsection (c) of this section.

c. Billboards which have been destroyed or damaged must be removed when the cost of repair equals more than 50 percent of the appraised physical value of the structure.

(6) All lawful nonconforming signs existing at the time of passage of the ordinance from which this section is derived, except temporary signs, real estate signs and billboards, must be removed or made to conform by January 1, 2000, unless the existing sign was made nonconforming by a provision of this section. Those nonconforming signs must be removed or made to conform to this section by January 1, 2005.

(j) **Forfeiture.** Any sign installed or placed on public property shall be forfeited to the public and subject to confiscation, unless it conforms to the requirements of this section. In addition to other remedies granted to it by this section, the city shall have the right to recover from the owner or person placing the sign the full costs of removal and disposal of the sign in a civil action.
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3c Architectural design zoning code text amendment.

Case Number: 20-17-ZA

Applicant: City of St. Louis Park

Owner: N/A

Review Deadline: 60 days: N/A 120 days: N/A

Recommended motions: Chair to close public hearing. Motion to recommend approval of the ordinance pertaining to architectural design.

Summary of request: The planning commission work plan includes a review and modification of the list of exterior materials approved for use in the St. Louis Park. The proposed ordinance proposes to include additional materials as class 1 and provides clarification on other materials.

Background: Section 36-366 of the city code regulates architectural design of buildings in St. Louis Park. The purpose of the architectural design standards is to serve the public interest by promoting a high standard of development in the city. The city reviews both functional and aesthetic aspects of new or intensified developments and seeks to implement the comprehensive plan, preserve the character of the city, reasonably maintain and improve the tax base, reduce the adverse impacts resulting from dissimilar land uses, promote orderly flow of vehicular and pedestrian traffic, discourage development of identical and similar building facades which detract from the character and appearance of the neighborhood, preserve the natural environment and minimize adverse impacts on adjacent properties from buildings which are or may become unsightly. Among the ways to help accomplish this, the zoning code regulates building design and materials.

The planning commission discussed the ordinance in a study session on September 2, 2020. At that meeting, it was requested that the fiber reinforced materials be clarified to allow up to 10 percent of the class 1 materials for multiple-family residences may be used for clapboard or shake-style fiber-reinforced siding.

Present considerations: The city places materials into three categories. Class 1 materials are promoted. Class 2 materials are acceptable. Class 3 materials are limited. Materials that are not listed are not allowed. The list of permitted materials has remained, for the most part, unchanged since 1990. The selection and quality of exterior materials, however, has changed considerably since 1990 resulting in more available varieties to consider adding to our materials list. New materials should be on the market and in use for enough time so we can be confident that they will withstand the effects of weather in Minnesota without compromising their aesthetics.

Every year staff takes note of the materials requested by architects on projects submitted for review and construction. There are some products that continue to be requested and have been used with success around the nation and state for many years. Also, there are materials that the city has allowed on a case by case basis routinely. Therefore, the city would like to
consider adding them to the list or recategorizing them. Our process for review includes allowing some materials that are not on our approved list on a building in a limited capacity. This gives us the ability to see if they retain their appearance of quality and aesthetics over the years. We also had discussions with a few architects and builders about new materials. These discussions were had when they were not representing a project going through an approval process in St. Louis Park, so we were able to get detailed opinions resulting from their expertise and experience.

**Materials for consideration:** The ordinance includes a list of materials allowed to be used on building exteriors. The list includes three categories, class 1, class 2 and class 3. Class 1 materials are required to cover at least 60% of each building elevation. Class 2 can cover up to 40% of each elevation. Class 3 can cover up to 10% of each elevation. A complete list of the materials can be viewed in the attached draft ordinance. Staff requests adding the following materials to the approved materials list:

1. **Integral colored cast stone.** This product is currently allowed as a class 2 (artificial stone), staff proposes allowing it as a class 1 material. This is a manufactured product that has the appearance of stone. It is important that this material not be surface treated for color to look like stone, but instead have the color integral and throughout the product. That way if it gets chipped, it will still have the appearance of the stone color. Additionally, the color shouldn’t fade or wear over time. It appears that the industry standard term for this product is integral colored.

2. **Architectural wall cladding.** This product is currently allowed as a class 2, staff proposes allowing it as a class 1 material. This includes name brand products such as Nichiha or Equitone. It is a manufactured material that is applied to the surface of the building. There is a wide variety of styles available. Information about available products and styles available can be viewed at Nichiha.com or Equitone.com. Styles available include stone, brick, stucco and wood. They also include a variety of textures. The city has allowed the use of this material on several recent developments when the thickness of the material is at least 7 millimeters on a few recent planned unit developments, including Via Sol, The Quentin, Bridgewater and Parkway Residences.

3. **Integrally colored concrete panels, except smooth finished, as a class 2 product.** This is a large wall panel that is colored throughout the product and has a textured exterior. It is good for large buildings, typically industrial, but can also be used for commercial buildings. It is commonly used on a building elevation that has limited visibility. This change would allow 10% to 40% of an exterior wall to be clad in this material.

4. **Smooth finished concrete panels as a class 3.** This is not a commonly used product as it is not aesthetically appealing when used in a large scale. Therefore, it is limited to 10% of a building elevation where it may be used to create architectural interest as a detail material.

5. **Surface painted brick, stone or integral colored cast stone.** This category is added as a class 3 material to protect the aesthetics of class 1 materials. Periodically, the city receives a request to paint a brick or stone building. This is contrary to the intent of the ordinance and the natural finish of these materials should be preserved. Staff also notes that painted
materials can add interest to a building as a minor detail. Listing this as a class 3 material allows for some flexibility.

**Other considerations:** The existing ordinance includes a provision that allows an applicant to appeal staff’s interpretation of the ordinance as it pertains to design and use of materials. This is not a variance request, but rather gives the council the opportunity to review a proposed design or material and determine if it meets the intent of the architectural design ordinance.

**Next steps:** Staff requests that the planning commission review the full architectural standards ordinance and recommend approval to the city council.

**Supporting documents:** Draft ordinance

**Prepared by:** Gary Morrison, Assistant Zoning Administrator

**Reviewed by:** Sean Walther, Planning and Zoning Supervisor
Sec. 36-366. Architectural design.

(a) Purpose. The purpose of this section is to serve the public interest by promoting a high standard of development in the city. Through a comprehensive review of both functional and aesthetic aspects of new or intensified developments, the city seeks to accomplish the following:

1. Implement the comprehensive plan;
2. Preserve the character of neighborhoods, commercial and industrial areas;
3. Reasonably maintain and improve the city tax base;
4. Reduce the adverse impacts of dissimilar land uses;
5. Promote orderly and safe flow of vehicular and pedestrian traffic;
6. Discourage the development of identical and similar building facades which detract from the character and appearance of the neighborhood;
7. Preserve the natural and built environment; and
8. Minimize adverse impacts on adjacent properties from buildings which are or may become unsightly.

(b) Building Design. Buildings shall be designed to enhance the attractiveness of the city's streetscape by minimizing monotonous structures and long, blank walls. Additionally, buildings shall, through use of architectural details and scale, have architectural features and patterns that provide visual interest from the perspective of the pedestrian. The following techniques shall be incorporated into building design in order to accomplish such requirements.

1. Architectural design elements that will be considered in the review of building and site plans include building materials, color and texture, building bulk, general massing, roof treatment, proportion of openings, facade design elements and variation, window and openings. Site plan design elements that will be considered in the determination as to whether site plan design is superior include quantity, quality, variation, compatibility and size of plant materials, landscape berms and screening walls. Also considered will be the overall order, symmetry and proportion of the various elements within the site and within the larger context of the area or corridor.

2. The height, bulk, general massing, roof treatment, materials, colors, textures, major divisions, and proportions of a new or remodeled building shall be compatible with that of other buildings on the site and on adjacent sites.

3. Building wall deviations are required where the unbroken building wall length to wall height ratio meets or exceeds 2:1. The minimum depth of each building wall deviation at the 2:1 ratio shall be two feet. The unbroken wall length to wall height ratio may be increased to 3:1 if the depth of the building wall deviations is increased to three feet. The unbroken wall length to wall height ratio may be increased to 4:1 if the depth of the building wall deviations is increased to four feet. The building wall deviations must extend from the grade to the roof, or top of the parapet.

4. No building may display more than five percent of any elevation surface in bright, pure accent colors.
(5) The development must locate the noise-producing portions of the development, such as loading docks, outside storage and outside activity away from adjacent residential areas.

(6) All developments shall consider the effect of sun angles and shade patterns on other principal buildings. All new multiple-family and nonresidential buildings and additions thereto shall be located so that the structure does not cast a shadow that covers more than 50 percent of another principal building wall for a period greater than two hours between 9:00 a.m. and 3:00 p.m. for more than 60 days of the year. This section will not prohibit shading of buildings in an industrial use district, two or more buildings on the same lot in a Mixed Use zoning district, or as approved for buildings covered by the same PUD, CUP, or Special Permit. Shading of existing public spaces and outdoor employee break areas shall be minimized to the extent reasonable and possible.

(7) Interior and exterior bars, grills, mesh or similar obstructions, whether permanently or temporarily affixed, shall not cover any exterior door or more than ten percent of any individual window or contiguous window area.

(8) Ground floor transparency. The following façade design guidelines shall be applicable to all ground floor street-facing facades in the C-1, C-2, and MX Districts, and retail, service, and restaurant uses in O and BP Districts:
   a. Window paintings and signage shall cover no more than 10 percent of the total window and door area.
   b. Visibility into the space shall be maintained for a minimum depth of three (3) feet. Display of merchandise is allowed within this three (3) feet.
   c. Interior storage areas, utility closets and trash areas shall not be visible from the exterior of the building.
   d. No more than 10 percent of total window and door area shall be glass block, mirrored, spandrel, frosted or other opaque glass, finishes or material including window painting and signs. The remaining 90 percent of window and door area shall be highly transparent, low reflectance windows with a minimum 60 percent transmittance factor and a reflectance factor of not greater than 0.25.
   e. For all new buildings constructed after January 1, 2019, and existing buildings which expand the gross square footage of the building by more than 50 percent, the minimum ground floor transparency shall be 50 percent on the front façade, and 20 percent on all other ground floor street facing facades.
   f. The city acknowledges a degree of flexibility may be necessary to adjust to unique situations. Alternatives that provide an increase in pedestrian vibrancy and street safety including but not limited to public art and pedestrian scale amenities may be considered and may be approved by the Zoning Administrator, unless the development application requires approval by city council, in which case the city council shall approve the alternate transparency plan.

(c) Building Materials. Exterior surface materials of buildings shall be installed and maintained in accordance with the adopted building code and the manufacturer’s specifications and shall be subject to the regulations listed below, following regulations: Products listed as “integral colored” shall continue its surface color consistently through the depth of the product as opposed to being colored, painted or stained on the surface only.

(1) Classes of materials. Materials shall be divided into class I, class II and class III categories as follows:
a. **Class I.** The following materials are considered class I materials as specified:
   1. Brick
   2. Marble, granite or other natural stone
   3. Integral colored cast stone
   4. Textured cement stucco
   5. Architectural wall cladding (Nichiha, Equitone and similar brands) Material must be through colored and at least 5/8 inches thick.
   6. Copper
   7. Porcelain
   8. Glass
   9. Residential buildings containing four or fewer dwelling units may utilize the following additional materials:
      i. Wood
      ii. Vinyl siding
      iii. Fiber-reinforced cement board
      iv. Prefinished metal
   10. Residential buildings containing five or more dwelling units may utilize the following additional materials:
       i. Up to 10% of the required class I materials façade may be finished with clapboard and/or shake-style fiber-reinforced cement board with a minimum thickness of ¼ inch.
   11. Park buildings under 3,000 square feet may utilize the following additional materials:
       i. Wood.

b. **Class II.** The following materials are considered class II materials as specified:
   1. Exposed aggregate concrete panels
   2. Burnished concrete block
   3. Integral colored split face (rock face) and exposed aggregate concrete block
   4. Cast-in-place concrete
   5. Artificial stucco Insulated exterior wall panels (E.I.F.S., Drivit and similar brands)
   6. Artificial stone
   7. Fiber-reinforced cement board siding with a minimum thickness of ¼ inch
   8. Prefinished metal.
   9. Integral colored concrete panels other than smooth finished.

c. **Class III.** The following materials are considered class III materials as specified:
   1. Unpainted or surface painted concrete block (scored or unscored)
   2. Unpainted or surface painted plain or ribbed concrete panels
   3. Unfinished or surface painted metal
   4. Smooth finished concrete panels
   5. Brick, stone, or integral colored material which has been painted

(2) **Minimum class I materials.** At least 60 percent of each building face visible from off the site must be of class I materials except as permitted by subsection (b)(6)c. of this section. Not more than 10 percent of each building face visible from off the site may be of class III materials. Portions of buildings not visible from off the site may be constructed of greater percentages of class II or class III materials if the structure otherwise conforms to all city ordinances. The mixture of building materials must be compatible and integrated.

(3) **Buildings in I-G and I-P districts.**
a. **Not on major streets and not near residential.** For buildings in the I-G and I-P districts which are not located on a principal arterial, minor arterial, major collector, or adjacent to or across from any residentially zoned property, class I materials may be reduced to a minimum of 25 percent provided that the remaining materials are functionally and durably equal to a class I material as certified by the architect or manufacturer.

b. On major streets or near residential. For building walls in the I-G and I-P districts facing on a principal arterial, minor arterial or major collector, or adjacent to or across from any residentially-zoned property, class I materials may be reduced to a minimum of 25 percent provided that the remaining materials are functionally and durably equal to a class I material as certified by the architect or manufacturer and that the architectural design and site plan are superior quality as determined by the zoning administrator. The architecture and site plan shall meet the following minimum criteria to be considered superior quality:

1. The exposed height of the building wall shall not exceed 15 feet.
2. The number of required plant units shall be increased by 20 percent or the size of 20 percent of the overstory trees installed shall be increased to 3 1/2 caliper inches.
3. A minimum of ten percent of the building facade must be windows or glass spandrels.

(d) **General provisions.**

(1) All exterior finishes for one- and two-family dwellings and accessory structures shall be installed within one year from the issuance of the building permit.

(2) Additions and accessory structures. The exterior wall surface materials, roof treatment, colors, textures, major divisions, proportion, rhythm of openings, and general architectural character, including horizontal or vertical emphasis, scale, stylistic features of additions, exterior alterations, and new accessory buildings shall address and respect the original architectural design and general appearance of the principal buildings on the site and shall comply with the requirements of this section. Clear acrylic that is high impact, double-skinned, non-yellowing, and a minimum eight (8) millimeter thick may be classified as a Class I material for accessory greenhouses.

(3) **Screening.**

a. The visual impact of rooftop equipment shall be minimized using one of the following methods. Where rooftop equipment is located on buildings and is visible from the ground within 400 feet from property in an R district, only the items listed in subsections 1 and 2 shall be used.

1. A parapet wall.
2. A fence the height of which extends at least one foot above the top of the rooftop equipment and incorporates the architectural features of the building.
3. The rooftop equipment shall be painted to match the roof or the sky, whichever is most effective.

b. Utility service structures (such as utility meters, utility lines, transformers, aboveground tanks); refuse and recycling handling; loading docks; maintenance structures; and other ancillary equipment must be inside a building or be entirely screened from off-site views.
utilizing a privacy fence or wall that is at least six feet in height. A chain link fence with slats shall not be accepted as screening.

c. All utility services shall be underground except as provided elsewhere in this chapter.

(4) Parking ramps. All new parking ramps shall meet the following design standards:

a. Parking ramp facades that are visible from off the site shall display an integration of building materials, building form, textures, architectural motif, and building colors with the principal building.

b. No signs other than directional signs shall be permitted on parking ramp facades.

c. If the parking ramp is located within 20 feet of a street right-of-way or recreational trail, the facade facing the street shall be subject to the same requirements for exterior surface materials as for buildings.

(5) Awnings and canopies.

a. Design parameters. Awnings and canopies shall be designed, installed and maintained to meet the following criteria:

1. Awnings and canopies shall have noncombustible frames. If an awning can be collapsed, retracted or folded, the design shall be such that the awning does not block any required exit.

2. Awnings and canopies less than 25 feet in width may extend into the public right-of-way up to two feet from the face of the nearest curb line measured horizontally.

3. All portions of any awning and canopy shall provide at least eight feet of clearance over any walkway and twelve feet of clearance over a driveway or private roadway.

4. Canopy posts or other supports located within a public right-of-way or easement shall be placed in a location approved by the city engineer.

b. Permit required. A building permit shall be issued prior to the installation of any awning or canopy. In addition to the building permit, an encroachment agreement shall be issued by the city engineer prior to the installation of any awning or canopy that extends into, upon or over any street or alley right-of-way, park or other public property. The encroachment agreement shall include provisions that hold the owner of the awning or canopy liable to the city for any damage which may result to any person or property by reason of such encroachment or the removal of such encroachment. Additional conditions may be imposed on encroachment permits to protect the health, safety or welfare of the public or to protect nearby property owners from hardship or damage or to protect other public interests as determined by the city engineer.

c. Submission requirements. The following information shall be submitted prior to the installation of an awning or canopy.

1. Application form and fee. A separate fee shall be required for the building permit and encroachment agreement.

2. Dimensioned and scaled site plan and building elevations.

3. Four sets of drawings for each awning or canopy proposed.
d. Projections to be safe. All such projections over public property shall be structurally safe, shall be kept in a safe condition and state of repair consistent with the design thereof and repaired when necessary in the opinion of the city engineer or building official by and at the expense of the person having ownership or control of the building from which they project.

e. Removal upon order. The owner of an awning or canopy, any part of which projects into, upon, over or under any public property shall upon being ordered to do so by the city engineer remove at once any part or all of such encroachment and shall restore the right-of-way to a safe condition. Such removal and restoration of the right-of-way will be at the sole expense of the property owner. The city may, upon failure of the property owner to remove the encroachment as ordered, remove the encroachment, and the reasonable costs of removing such encroachment incurred by the city shall be billed and levied against the property as a special assessment.

(e) Appeal. In any instance where the zoning administrator denies a permit or a request for preliminary approval of building materials or building design, the applicant may submit an appeal to the interpretation, based upon the plans and other papers on file in the office of the zoning administrator, to the city council without payment of any filing fees of any kind.

(1) Permit. A permit for an appeal shall be filed as required by Section 36-30.

(2) Process. A request for an appeal will be considered by the Board of Zoning Appeals as outlined in this chapter. The city council will act as the board of zoning appeals for appeals made in conjunction with a conditional use permit or planned unit development. The planning commission shall hold the public hearing on the appeal, review the appeal along with the conditional use permit or planned unit development, and report its findings and recommendation to the city council.