

CITY OF SHOREWOOD
PLANNING COMMISSION MEETING
TUESDAY MAY 2, 2023

COUNCIL CHAMBERS
5755 COUNTRY CLUB ROAD
7:00 P.M.

A G E N D A

CALL TO ORDER

ROLL CALL / (LIAISON) SCHEDULE

EGGENBERGER (JUNE, AUG) _____
HUSKINS (JULY) _____
HOLKER () _____
GORHAM (MAY) _____
JOHNSON () _____
COUNCIL LIAISON MADDY (JAN-JUNE)
COUNCIL LIAISON CALLIES (JULY-DEC)

1. APPROVAL OF AGENDA

2. APPROVAL OF MINUTES

♦ April 4, 2023

3. MATTERS FROM THE FLOOR

(This portion of the meeting allows members of the public the opportunity to bring up items that are not on the agenda. Each speaker has a maximum of three minutes to present their topic. Multiple speakers may not bring up the same points. No decisions would be made on the topic at the meeting except that the item may be referred to staff for more information or the City Council.)

4. PUBLIC HEARINGS - None

5. Other BUSINESS

- A) Amendments for content neutral signage (Section 1201.03 Subd. 11 of City Code)
- B) Election of Vice-Chair

6. REPORTS

- A) Council Meeting Report
- B) Draft Next Meeting Agenda

7. ADJOURNMENT

MINUTES

CALL TO ORDER

Chair Eggenberger called the meeting to order at 7:00 P.M.

ROLL CALL

Present: Commissioners Eggenberger, Holker, Johnson, Huskins; Planning Director Darling; Planning Technician Carlson

Absent: Commissioner Gorham, Council Liaison Maddy

1. APPROVAL OF AGENDA

Holker/Huskins moved, Huskins/Holker seconded, approving the agenda for April 4, 2023, as presented. Motion passed 4/4.

2. APPROVAL OF MINUTES

- **March 7, 2023**

Commissioner Holker indicated that on page 2 of the minutes that she asked the question if the proposal had been formally presented to the City of Tonka Bay rather than stating that the proposal had not been formally presented.

Staff indicated that they would make the change.

Johnson/Holker moved, Holker/Johnson seconded, approving the Planning Commission Meeting Minutes of March 7, 2023, with the change indicated by Commissioner Holker. Motion passed 3/0/1. Commissioner Huskins abstained due to absence at the March 7, 2023 meeting.

3. MATTERS FROM THE FLOOR – NONE

4. PUBLIC HEARINGS

Chair Eggenberger explained the Planning Commission is comprised of residents of the City of Shorewood who are serving as volunteers on the Commission. The Commissioners are appointed by the City Council. The Commission's role is to help the City Council in determining zoning and planning issues. One of the Commission's responsibilities is to hold public hearings and to help develop the factual record for an application and to make a non-binding recommendation to the City Council. The recommendation is advisory only.

A. PUBLIC HEARING – Rezoning and PUD Concept Plan for a Twin Home Development

Applicant: TSML Properties LLC

Location: 24250 Smithtown Road

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Planning Director Darling summarized the request and the staff report for the application submitted by TSML Properties, LLC to rezone the property at 24250 Smithtown Road and for a PUD concept plan for 7 townhomes which would be individually owned. Darling explained that the concept plan does not meet the density requirements of the Comprehensive Plan.

Commissioner Holker asked what the next step in the process would be if the Planning Commission decided to recommend approval.

Planning Director Darling explained that if the application moves forward to the City Council and they find it should be approved, the applicant will need to come back for a PUD development plan and Preliminary Plat, a PUD final plat and Final Plat.

Commissioner Huskins asked what role Planning Commission will have in subsequent steps of PUD process if we send a recommendation to proceed to City Council on the Concept Plan and they decide to approve to proceed.

Director Darling replied that the Planning Commission will hold subsequent public hearings but that our highest degree of discretion was at the Rezoning/Concept stage.

Todd Simning, applicant, explained the changes made from the first plan. One unit was removed from the plan, adding more space from the property line and the Public Works building.

Commissioner Huskins asked what the listing price for each unit will be.

Todd Simning stated that the unit will be listed for \$1.1 to \$1.2 million. He stated the units are intended for people that want to continue to live in Shorewood but are in a transitional phase in their life and want to live in a place with less maintenance.

Commissioner Huskins stated he had concerns about the affordability of these homes as filling the need for the "transitional phase" home and the density of the development.

Commissioner Huskins noted that in the last meeting it was said that it wouldn't be feasible to remove one building and asked why it is now feasible.

Todd Simning explained that he asked for his contract to be adjusted to make the project to be able to move forward and the interested parties agreed. Without that agreement the project could not have moved forward...

Commissioner Johnson asked what type of plants will be added to the site and how the type of trees were chosen. Todd Simning introduced Kevin Teppen, Civil Site Group, Engineer/Landscape Architect.

Kevin Teppen, Civil Site Group explained the site will have a mixture of deciduous and coniferous trees and they have chosen "bullet-proof" trees that are able to withstand rot, infestation, and salt.

Commissioner Johnson asked Mr. Teppen how fast the trees would grow.

Mr. Teppen explained that the trees they have picked will grow between 18 inches and three feet per year.

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Commissioner Johnson asked if the trees will be able to grow in the soil and whether they would be fenced in to protect them from deer.

Mr. Teppen explained the type of soil on the site is silty and will be good for the trees that have been chosen for the site. He indicated that they would fence the trees if necessary to protect them from the deer.

Chair Eggenberger stated concerns about Tonka Bay wanting to add units to the property on their side of the plan.

Todd Simning stated they do not plan to add any more units because it wouldn't work with the natural layout of the area. They do not want to build something that sticks out.

Commissioner Johnson asked whether the developer had considered a different type of development with smaller units (less square footage) that would make the units more affordable and increase the density to the level set forth in the Comprehensive Plan.

Mr. Simning replied that the only way to do that would be to build up and they do not want to build something that sticks out or something that is not desirable.

A commissioner asked about the agreement for the privately-owned roadway and asked how this would work for maintenance purposes and if there were other roads handled this same way.

Planning Director Darling explained that the utilities would be public and would require some sort of encroachment agreement because the HOA's roadway will be over the top of the city's utility lines. She stated that this is common for townhouse projects.

Commission Johnson asked if the city has enough capacity for the sewer connection.

Planning Director Darling confirmed there was adequate capacity in the sewer system, and it would not be overburdened.

Chair Eggenberger opened the Public Hearing noting the procedures used in a Public Hearing. There being no one who requested to speak, Chair Eggenberger closed the public hearing.

Commissioner Holker stated that she was supportive of the project as the development was close to the density range and that being two units under the density range would not be noticeable. She also indicated that she felt the development fits in well with the neighborhood and a taller building with more units would not be appropriate on this higher property.

Commissioner Huskins stated that he was not supportive of the project as he feels that the City should have a development on the property that better fits the density range and offers a product that is needed by the residents of Shorewood. He questioned whether or not the City should purchase the property to wait for a different development proposal that could better align with the Comprehensive Plan.

Commissioner Johnson stated that although she was concerned about the development being below the density range and the price, she shared Commissioner Holder's view that it was close to the density range and fit into the neighborhood better than products that could provide more density. Also, she reiterated her concern about losing the mature trees while acknowledging that the developer had a plan to introduce more trees that once grown, would add green space to the neighborhood.

Chair Eggenberger recommends if approved to have a contingency that the project must be approved by Tonka Bay as shown.

Holker moved, Johnson seconded, recommending approval of the Rezoning and PUD Concept Plan for a townhouse development by TSML Properties, LLC, located at 24250 Smithtown Road subject to adding a contingency that the development must be approved by the City of Tonka Bay as shown. Motion passed 3/1. (Commissioner Huskins voted nay)

Planning Director Darling stated that this item would come before the City Council at the April 24, 2023, meeting.

A. REPORTS

- **Council Meeting Report**

Planning Director Darling reported on matters and actions taken during the Council's March 27th meeting.

- **Draft Next Meeting Agenda**

Planning Director Darling stated there were not any new development applications for the next meeting. She stated the plan will be to discuss the sign regulations at the next meeting.

B. ADJOURNMENT

Huskins moved, Holker seconded, adjourning the Planning Commission Meeting of April 4, 2023, at 8:10 P.M. Motion passed 4/0.

Commissioner Eggenberger informed the Planning Commission that at the May Planning Commission meeting, he would resign as Chair. As a result, Commissioner Gorham (current Vice-Chair) will assume the position of Chair and a new election for Vice-Chair would need to be held.



City of Shorewood

Planning Commission Meeting Item

Item 5A

Title/Subject: Content Neutral Sign Amendments Discussion
Meeting Date: May 2, 2023
Prepared by: Marie Darling, Planning Director
Attachments: Current Regulations
Memo from Feb. 1, 2023
Draft regulations

APPLICANT: City of Shorewood

LOCATION: City-Wide

REVIEW DEADLINE: NA

This is the first look at the re-write of the sign regulations to increase content neutrality. Staff will be drafting the regulations in pieces as workload allows. To begin, the City Attorney has reviewed the city's current regulations and identified the most problematic areas and staff will address each and request input from the Planning Commission on the policy issues that are found along the way.

The first sections in the attached draft are designed to protect the city by outlining the city's declaration not to regulate content and to identify what the governmental interests are in regulating signs and the administration of the regulations. Staff used the following resources to base the proposed language on: The Cities of Hopkins, Richfield, and Plymouth, as well as the League of Minnesota Cities guidance.

At the meeting, please provide comments on and discuss sections a – h in the attached draft.

Moving forward with subsequent sections:

Staff will be completing the following sections for upcoming meetings: 1) the general provisions for all districts; 2) those specific to residential uses and districts; and 3) nonresidential uses and districts as well as the related definitions. To move forward, some basic questions on policy would need to be addressed. The first one is - How many square feet of signage should be permitted?

Residential Properties.

The current regulations are dependent on the content of the signs to determine the size and quantity allowed. Shorewood's content neutral approach for determining how many signs should be permitted in residential districts could instead be based on a certain amount of square footage for all the signs allowed, with the property owner deciding how the area gets divided up or allowing a certain number of signs with a maximum size and height for each sign.

Hopkins allows a total of eight square feet per property, with no one sign greater than eight square feet in area or six feet in height. Richfield allows 12 square feet per property with no one sign greater than six square feet or six feet in height.

Shorewood currently allows eight types of signs in residential areas (see table at the end of the report). Three of the allowed signs have not been applied to residential properties that staff is aware of, but the

regulations don't specifically exclude residential use (integral, temporary, and directional/informational). Three signs are temporary and apply only during specific circumstances (holiday, construction and real estate).

Staff recommends setting a maximum limit on square footage with a maximum area for all signs, like 12 square feet (similar to Richfield) with the maximum size of 12 square feet in area and six feet in height. Most noncommercial speech signs (like Black Lives Matter, I stand with Ukraine, Blue Lives Matter, etc.) are 18 inches by 24 inches (see right). With a 12 square foot limit, any one property could have four such signs at any one time.



Note that these restrictions would not apply to the non-commercial speech signs which are permitted in any size and number during the election season.

Non-Residential uses in Residential Districts.

Non-residential uses, like schools, parks, religious institutions, etc., in residential districts would also need to have maximum limits but unlike residential uses, institutional uses need additional area for signage for wayfinding and other traffic circulation purposes. Badger Park/City Hall (9.75 acres) currently has seven signs with a total square footage of about 45 square feet. Freeman Park, with over 60 acres, must have wayfinding signage and park rules signs in addition to the two monument signs. Additionally, the new Three Rivers wayfinding signage and kiosk, will also need to be accounted for. At the time this report was printed, staff had not received the dimensions for the signage.



Signs at Badger Park

For such uses, Richfield allows a maximum of 100 square feet of signage with no one sign larger than 50 square feet or 20 feet in height. Staff would recommend maintaining the current Shorewood maximum sign sizes for signs – 20 square feet in area and eight feet in height.

There are a couple of alternatives for the total maximum square footage allowed on the property:

- A flat cap like Richfield has, or
- A floating cap based on the total square acreage of the property, like 50 square feet for each 10 acres of land area.

Please consider these options and discuss.

List of Allowed Signs:

Residential Signs: Currently Shorewood's regulations allow the following signs for residential uses:.

Type of Residential Sign	Number	Area	Height
Integral Sign	Not Specified	Not specified	Not specified
Owner Occupant Signs	1	2 sq. ft.	Not specified
Address sign	Not specified	Not specified	Not specified
Holiday signs (temporary)	Not specified	32 sq. ft.	Not specified
Construction Sign (temporary)	One per street	50 sq. ft.	Not specified
Real estate and rental signs	1 per frontage plus one for lakeshore	6 sq. ft.	Not specified
Informational/Directional	Not Specified	3 sq. ft.	8
Temporary signs (banners, pennants streamers)	2	32 square feet	Not specified

- Does not include subdivision signs and area identification signs which are neighborhood signs and not applicable to an individual residential property.

Institutional Signs:

Type of Institutional Sign	Number	Area	Height
Institution freestanding sign	1	20 sq. ft.	8 ft.
Institution wall sign by CUP	1	5% of building silhouette	Not specified
Park Identification signs	1 per street	20 sq. ft.	8 ft.
Cemetery identification sign (sign may be on entry arch)	1	20 sq. ft.	18 ft.
Dynamic display signs by CUP (25% of actual copy area)	1	20 sq. ft.	8 ft.
Integral sign	Not specified	Not specified	Not specified
Holiday signs (temporary)	Not specified	32 sq. ft.	Not specified
Construction sign (temporary)	One per street	50 sq. ft.	Not specified
Real estate and rental signs	1 per frontage	6 sq. ft.	Not specified
Informational/directional	Not Specified	3 sq. ft.	8
Temporary signs (banners, pennants streamers)	2	32 sq. ft.	Not specified
Athletic signs in ballfields by CUP	15	24.5 sq. ft.	42 inches

Current Regulations:

1201.02 Definitions

SIGN. The use of any words, numerals, figures, devices or trademarks by which anything is made known such as are used to show an individual, firm, profession or business and are visible to the general public.

SIGN - ADDRESS. A sign communicating street address only, whether script or in numerical form. In R Districts an address sign may include the name of the resident.

SIGN - ADVERTISING. A billboard, poster panel, painted bulletin board or other communication device which is used to advertise products, goods or services which are not exclusively related to the premises on which the sign is located.

SIGN AREA. The total area of a sign measured at the perimeter of the surface on which the sign is inscribed. For signs consisting of letters, figures, or symbols applied directly onto a building or structure, the sign area shall be that area enclosed within the smallest rectangle that can be made to circumscribe the sign.

SIGN - AREA IDENTIFICATION. A freestanding sign which identifies the name of a residential housing development, an office or business structure containing two or more independent concerns; a single business consisting of three or more separate structures existing on individual platted lots or as a planned unit development; or any integrated combination of the above. The sign is limited only to the identification of an area or complex and does not contain the name of individual owners or tenants nor does it contain advertising.

SIGN - BENCH. A sign which is affixed to a bench such as at a bus stop.

SIGN - BUSINESS. Any sign which identifies a business or group of businesses, either retail or wholesale, or any sign which identifies a profession or is used in the identification or promotion of any principal commodity or service, including entertainment, offered or sold upon the premises where the sign is located.

SIGN - CAMPAIGN. A temporary sign promoting the candidacy of a person running for a governmental office or promoting an issue to be voted on at a governmental election.

SIGN - CANOPY. Any message or identification which is affixed to a projection or extension of a building or structure erected in a manner as to provide a shelter or cover over the approach to any entrance of a store, building or place of assembly.

SIGN - CONSTRUCTION. A sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.

SIGN - DIRECTIONAL. A sign erected on public or private property which bears the address or name or both of a business, institution, religious institution or other use or activity plus directional arrows or information on location.

SIGN - DIRECTORY. An exterior informational wall sign which identifies the names of businesses served by a common public entrance in a shopping center.

SIGN - DYNAMIC DISPLAY. A sign or characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or

change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

SIGN - FREESTANDING. Any stationary or portable, self-supported sign not affixed to any other structure.

SIGN - HOLIDAY. Decorations or messages which recognize an official national, state or local holiday.

SIGN - ILLUMINATED. Any sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source.

SIGN - INFORMATIONAL. Any sign giving information to employees, visitors or delivery vehicles, but containing no advertising or identification.

SIGN - INSTITUTIONAL. A sign which identifies the name and other characteristics of a public or semi-public institution on the site where the sign is located.

SIGN - INTEGRAL. A sign carrying the name of a building, its date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type of construction and made an integral part of the structure.

SIGN - MAXIMUM HEIGHT OF. The vertical distance measured from the grade to the top of a sign.

SIGN - MENU BOARD. Any sign that has a message related to the site's food service and the copy is manually or electronically changed and the lettering of which is two inches or less in height so as to not be readable from the adjoining street right-of-way or adjoining property.

SIGN - MINIMUM HEIGHT OF. The vertical distance measured from the nearest finished grade to the lower limit of the sign.

SIGN - MONUMENT. A sign whose base and structure is positioned primarily on the ground and is typically solid from grade to the top of the structure.

SIGN - NONCONFORMING.

a. **LEGAL.** A sign which lawfully existed at the time of the passage of this chapter or amendments thereto, but which does not conform with the regulations of this chapter.

b. **ILLEGAL.** A sign which was constructed after the passage of this chapter or amendments thereto and does not conform with the regulations of this chapter.

SIGN - PORTABLE. A sign so designed as to be movable from one location to another and which is not permanently attached to the ground or structure.

SIGN - PROJECTING. A sign, other than a wall sign, which is affixed to a building and which extends perpendicular from the building wall.

SIGN - PUBLIC. Any sign erected by municipal, county, state or other governmental agencies, including, but not limited to street signs, traffic-control signs and parking-control signs.

SIGN - REAL ESTATE. A business sign placed upon a property advertising that particular property for sale, for rent or for lease.

SIGN - ROOF. Any sign which is erected, constructed or attached wholly or in part upon or over the roof of a building.

SIGN - ROTATING. A sign which revolves or rotates on its axis.

SIGN - STRUCTURE. The supports, uprights, bracing and framework for a sign, including the sign area.

SIGN - TEMPORARY. Any sign which is erected or displayed for a specific period of time.

SIGN - WALL. A sign which is affixed to the exterior wall of a building and which is parallel to the building wall. A wall sign does not project more than 12 inches from the surface to which it is attached, nor extend beyond the top of the parapet wall.

SIGN - WALL GRAPHIC. A sign which is painted directly on an exterior wall surface.

SIGN - WINDOW. A sign affixed to or inside of a window in view of the general public. This does not include merchandise on display.

Section 1201.03 Subd. 11. Signs:

Subd. 11. Signs.

a. *Purpose.* This subdivision is established to protect and promote health, safety, general welfare and order within the City of Shorewood through the establishment of a comprehensive and impartial set of standards, regulations and procedures governing the type, numbers, size, structure, location, height, lighting, erection, use and/or display of devices, signs or symbols serving as a visual communication media to persons situated within or upon public rights-of-way or properties. The provisions of this subdivision are intended to encourage opportunity for effective, orderly communication by reducing confusion and hazards resulting from unnecessary and/or indiscriminate use of communication facilities.

b. *Permitted and prohibited signs.*

(1) *Permitted signs.* The following signs are allowed without a permit, but shall comply with all other applicable provisions of this chapter:

(a) Public signs;

(b) Address signs;

(c) Integral signs;

(d) Every campaign sign must contain the name and address of persons responsible for the sign, and that person shall be responsible for its removal. Signs shall be permitted on each lot for a period of 100 days prior to and ten days after an election. All campaign signs or other noncommercial speech signs may be posted from 46 days before the state primary in a state general election year until ten days following the state general election, pursuant to M.S. § 211B.045. Signs posted both during and after this time period are subject to all other applicable requirements in this subdivision. At any time, the city shall have the right to remove signs that are prohibited under this subdivision, and assess a fee as provided from time to time by ordinance. Campaign signs or other noncommercial speech signs shall not be located

closer than ten feet from any street surface, and shall not be placed in front of any property without the consent of the property owner;

(e) Holiday signs, displayed for a period not to exceed 30 days and no larger than 32 square feet in area;

(f) Construction signs. The signs shall be confined to the site of the construction, alteration or repair and shall be removed within two years of the date of issuance of the first building permit or when the particular project is completed, whichever is sooner as determined by the city Building Official or his or her agent. One sign shall be permitted for each major street the project abuts. No sign may exceed 50 square feet;

(g) Real estate sale or rental signs. Signs must be removed within 14 days after sale or rental of property. Signs may not measure more than six square feet in residential districts, nor more than 20 square feet in all other districts. There shall be only one sign per premises. Corner properties, however, may contain two signs, one per frontage. Lakeshore lots may contain two signs, one in the front and one facing the lake;

(h) Informational/directional signs shall be limited to three square feet in area and eight feet in height and shall conform to the location provisions of the specific district;

(i) Owner-occupant signs. One residential name sign, not to exceed two square feet in area, identifying only the name of the owner or occupant of a residential building.

(2) *Prohibited signs.* The following signs are specifically prohibited by this chapter:

(a) Any sign which obstructs the vision of drivers or pedestrians or detracts from the visibility of any official traffic-control device;

(b) Any sign which contains or imitates an official traffic sign or signal, except for private, on-premises directional signs;

(c) Any sign which moves, rotates, has any moving parts or gives the illusion of motion, except for time and temperature information and dynamic display signs as regulated in g. of this subdivision;

(d) Except for holiday signs and exceptions provided in provision c.(4) below, any sign which contains or consists of banners, pennants, ribbons, streamers, strings of light bulbs, spinners or similar devices;

(e) Portable signs (except as provided in provision c.(4) below);

(f) Signs which are attached in any manner to trees, fences, utility poles or other permanent supports;

(g) No sign shall be illuminated with any flashing or intermittent lights, nor shall it be animated, except for time and temperature information. All displays shall be shielded to prevent any light to be directed at on-coming traffic in the brilliance as to impair the vision of any driver. No device shall be illuminated in a manner as to interfere with or obscure an official traffic sign or signal. No light shall be directed onto a lake so as to interfere with navigation thereon;

(h) Roof signs.

(i) Window signs where the total area of such signs exceeds 10% of the total glass area of the window space as viewed from the street, to a maximum of 20 square feet.

c. *General provisions.*

(1) All signs shall comply with the Minnesota State Building Code as may be amended.

(2) When electrical signs are installed, the installation shall be subject to the State Building Code as may be amended.

(3) No portion of any sign shall be located within five feet of any property line. No signs other than governmental signs and political campaign signs as provided in b.(1)(d) of this subdivision shall be erected or temporarily placed within any street right-of-way or upon public lands or easements or rights-of-way. Any unauthorized signs located in public right-of-way or on public property shall be considered abandoned and are subject to immediate removal and disposal without notice.

(4) *Temporary signs.*

(a) The temporary use of signs, searchlights, banners, pennants and similar devices shall require a permit. The permit shall be valid for ten consecutive days. The permit shall be prominently displayed during the period of validity. Only two temporary permits may be granted for any property within any 12-month period. Temporary signs shall not exceed 32 square feet in area. Any new business that has applied for its permanent business sign may, at the same time, apply for a temporary business sign to be displayed for no longer than 30 days, or until the permanent sign has been erected, whichever comes first. The temporary business sign shall be professionally prepared and shall be no larger than the approved permanent sign.

(b) A conditional use permit may be granted to nonprofit athletic associations, contracted with the city pursuant to Section 902.06 of this code, for the display of temporary business sponsorship signs to be placed on certain ball field fences on public property, provided that:

(i) A nonprofit athletic association under contract with the City may display signs only on facilities that have been reserved for its use;

(ii) Signs may be displayed only in a community park, as defined in the Shorewood Comprehensive Plan;

(iii) Signs may be displayed only on outfield fences, facing into the ball field, and situated so as to minimize view of the signs from adjacent residential properties;

(iv) All signs must be professionally made, using durable weather resistant material, painted or colored dark green on the back side of the sign;

(v) Signs are limited in size to no larger than 42 inches in height and seven feet in length;

(vi) There shall be a minimum spacing between signs of seven feet;

(vii) The maximum number of signs per ball field is 15;

(viii) The nonprofit athletic association is responsible for maintaining the signs in good repair. If a sign become detached, torn, or vandalized, the association must repair or replace them immediately or the sign will be summarily removed by the city;

(ix) The nonprofit athletic association is responsible for any damage to the fence on which it is displayed that is caused by installation or display of the sign;

(x) The conditional use permit is subject to review and recommendation by the Shorewood Park Commission;

(xi) The nonprofit athletic association must obtain an annual license from the city and enter into a license agreement setting forth the conditions of approval and the duration of the approval. The association shall pay an annual license fee as established by the City Council from time to time. The association shall have no vested right in obtaining licenses from season to season; and

(xii) It shall be the responsibility of the nonprofit athletic association to obtain a temporary sign permit for each sign to be displayed on ball field fences, prior to erecting the sign.

(5) No sign or sign structure shall protrude over a public right-of-way.

(6) All signs which require a permit shall display, in a conspicuous manner, the owner's name, permit number and date the sign was erected.

(7) All height restrictions on signs shall include height of sign structure and be measured from lot grade.

(8) In the case of a two-faced, freestanding sign, where the two faces of the sign are parallel and face in opposite directions, only one face shall be used in computing the allowable area of the sign.

(9) Any sign now or hereafter existing which no longer advertises or identifies a business conducted, service rendered or product sold on the premises shall be removed by the owner, agent or person having the beneficial use or control of the building or structure upon which the sign may be found within 60 days from the date of vacancy.

(10) The regulations contained herein shall not apply to traffic signs or the flag, separate emblem, or insignia of a nation, political unit, school or religious group, or integral signs. There shall be no more than one United States flag and no more than three other non-commercial flags. Nor shall these regulations pertain to a sign inside a building, provided the sign is at least three feet in back of the inside of the exterior wall and is readable from the inside of the building.

(11) All signs requiring a permit from the city shall be subject to review and approval by the Zoning Administrator.

d. *Nonconforming signs.*

(1) The following are nonconforming signs:

(a) Prohibited signs;

(b) All other signs not prohibited that do not conform to the provisions of this chapter;

(c) Billboards and advertising signs (except as provided in provision e.(3)(b) of this subdivision).

(2) Except as provided in paragraph (5) below, all nonconforming and prohibited signs created by this chapter except those signs exempted by state statutes (M.S. § 462.357, subd. 1c) shall be removed or brought into conformity with this chapter within the following time periods:

(a) Any sign in violation of prohibited signs: six months from the date of the enactment of this chapter;

(b) All other nonconforming signs: upon approval of any building permit, sign permit, or other zoning action.

(3) A nonconforming sign may not be:

(a) Changed to another nonconforming sign;

(b) Structurally altered except to bring into compliance with the provisions of this chapter;

(c) Expanded;

(d) Reestablished after its removal;

(e) Reestablished after damage of more than 50% of sign replacement cost except to bring into compliance.

(4) Nothing in this subdivision shall be construed as relieving the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this subdivision regarding safety, maintenance and repair of signs contained in subdivision 11c; provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more nonconforming or the sign shall lose its legal nonconforming status.

(5) Notwithstanding provisions to the contrary within this subdivision, nonconforming off site directional signs located on public rights-of-way may continue upon a finding by the City Council that:

(a) The sign is reasonably necessary to provide direction to the business which is advertised by the sign;

(b) The sign (or a substantially similar predecessor) has been at the location for at least 20 years;

(c) The sign has not represented a safety hazard or an obstruction to ordinary roadway maintenance activities.

(6) The Council may condition the permission upon the owner of the establishment entering into an agreement with the city addressing matters, including liability, indemnity of the city, circumstances calling for removal of the sign, permit fees and other matters deemed appropriate by the city.

(7) In lieu of permitting the existing sign to remain at its existing location the City Council may authorize the location of a substitute sign in the existing location or a different location.

e. *District regulations.* The following sign standards by zoning district pertain to signs which require application and permit.

(1) *R-1A through R-3B Residential Districts.*

(a) *Area identification signs (monument type only).* One sign facing each bordering street shall be allowed for each development of 20 or more units. The sign shall not exceed 32 square feet in area, nor shall the sign structure exceed one-half of the allowable copy area. The signs shall be erected only at the

dedicated street entrance, but not in the public right-of-way, may be indirectly illuminated and shall not exceed a height of eight feet above grade.

(b) *Institution signs.* One freestanding sign not to exceed 20 square feet in area. The freestanding sign may be indirectly illuminated and shall not exceed a height of eight feet above grade. Freestanding signs located adjacent to intermediate or minor arterial streets, as identified in the Shorewood Comprehensive Plan, may be internally lit. In addition, one wall sign may be allowed by conditional use permit, subject to the following:

(i) The total area of signage, including the wall sign, shall not exceed 5% of the building silhouette as viewed from the street;

(ii) The wall sign may be indirectly illuminated.

(c) *Park identification signs.* One sign facing each bordering street. The sign shall not exceed 20 square feet in area nor eight feet in height. The signs may be indirectly illuminated.

(d) *Subdivision plat signs.* No more than two temporary signs advertising a new subdivision plat, provided each sign does not exceed 32 square feet in area, identifying only the plat in which they are located, are nonilluminated and are erected only at dedicated street entrances to the plat. The signs shall be removed if construction of subdivision improvements is not in progress on the plat within 60 days following the date of the sign erection or as soon as 80% of the lots are developed and sold.

(e) *Cemetery identification signs.* One freestanding sign not to exceed 20 square feet in area. The freestanding sign may be affixed to an entry-way arch, not exceeding 18 feet in height.

(2) *R-C Residential/Commercial.* Subject to other conditions of this chapter, the following signs shall be allowed in the R-C District:

(a) Signs are regulated in e.(1) above;

(b) Business signs in the R-C Districts shall be subject to the requirements of § 1201.19 Subd. 8.d. of this code.

(3) *C-1 and C-2 Commercial Districts.* Subject to other conditions of this chapter, the following signs shall be allowed in the C-1 and C-2 Districts.

(a) *Business signs.*

(i) The maximum number of signs for any principal building shall be three except by conditional use as provided in (c) below. The maximum total area for all signs shall be determined by taking 10% of the gross silhouette area of the front of the building. Where the principal building is on a corner lot and thus faces two public streets, both sides may be counted.

(ii) For purposes of determining the gross area of the silhouette of the principal building, the silhouette shall be defined as that area within an outline drawing of the principal building as viewed from the front lot line or from the related public street(s).

(iii) Each lot will be allowed only one freestanding sign except as provided in (c) below.

(b) *Advertising signs.* Advertising signs are allowed, provided the number and size of the signs shall be subtracted from the allowable

number and size of allowable business signs provided in (a) above. In no case shall the area of advertising signs exceed 25% of the total allowable sign area.

(c) *Conditional uses.* In the case of a shopping center or where there are two or more business uses, a conditional use permit may be granted to the entire shopping center in accordance with an overall site and signage plan indicating the size, location and height of all signs. A maximum of 10% of the gross area of the building silhouette shall apply to the principal building where aggregate allowable sign area is distributed among the several businesses. In the case of applying this conditional use permit to a shopping center, the shopping center may have two freestanding signs identifying the shopping center.

(d) *Freestanding signs.* Freestanding signs shall not exceed 20 feet in height or 80 square feet in area. The total area of the sign structure shall not exceed one-half of the allowable copy area.

(e) *Window signs.* The total area of window signs shall not exceed 10% of the total area of windows as viewed from the street. Window signs with lettering exceeding 3.5 inches in height shall be debited against the total number and area of signs allowed for the property.

(f) *Menu boards.* One digital order confirmation sign and one menu board sign per restaurant use with a drive-up facility may be allowed in conjunction with a conditional use permit. The menu board shall not exceed 32 square feet in area, nor more than eight feet in height, and may be in addition to the freestanding sign on the property. The digital order confirmation sign shall not exceed seven square feet and no advertising signage may be placed on the supports or frame of the sign.

(4) *Signs permitted in the P.U.D. Planned Unit Development District.*

(a) Signs permitted in P.U.D.s shall be as approved by the City Council for each development and shall be consistent with the requirements for the district most closely associated with each use in the P.U.D.

(b) For P.U.D.s containing 20 acres or more of land, the city may allow larger construction signs than those allowed in b.(1)(f) of this subdivision. In determining the size and allowable area of signs in a P.U.D., the city shall take into consideration the functional classification and designated speed limit of adjacent roads and potential impact on adjoining residential areas. In no case shall the total allowable area of construction signs exceed three square feet for each acre of land within the P.U.D. The total area of the sign shall not exceed 100 square feet and no individual sign shall exceed 80 square feet.

f. *Permit issuance; fees.*

(1) No permanent sign shall be erected in the City of Shorewood until a permit to do so has been approved by the Zoning Administrator and issued by the office of the Building Official (signs stipulated in b.(1) above shall be exempt from this requirement). No permit shall be granted until the necessary fee has been paid and until the Building Official, or his/her designee, has made a preliminary inspection of the sign before installation and has ascertained that the sign and method of installation comply with all requirements of this chapter. The Building Official may require that detailed plans and specifications be submitted with the application if necessary in his or

her judgment. Following permit issuance and sign erection, the Building Official shall make a final inspection of the sign, and if it complies in every respect with the minimum standards set forth in this chapter, shall endorse on the permit his or her certificate of approval.

(2) No temporary sign shall be erected in the City of Shorewood until a zoning permit to do so has been approved by the Zoning Administrator, consistent with § 1201.07 Subd. 7. of this chapter. No zoning permit shall be granted until the necessary fee has been paid. The Zoning Administrator may require an inspection to determine that the sign has been installed in compliance with the minimum standards set forth in this chapter or to confirm removal as directed in the zoning permit.

(3) Fees:

(a) *Payment of fees.* The permit fee and other fees and charges set forth in this chapter shall be collected by the city before the issuance of any permits and the Building Official, or other persons duly authorized to issue the permit for which the payment of a fee is required under the provisions of this chapter, may not issue a permit until the fees shall have been paid.

(b) *Double fees.* If a person begins work of any kind for which a permit from the city is required, without having secured the necessary permits therefor, either previous to or on the date of commencement of the work, he or she shall, when subsequently securing each permit, pay double the fee provided for the permit, or is subject to the penalty provisions of this chapter.

(c) *Initial fees.* The City Council shall, from time to time, establish a fee schedule by ordinance.

g. *Dynamic display signs.*

(1) *Purpose.* The purpose of this section is to allow new technologies in commercial signage that allow messages to be easily updated, while at the same time preventing distraction to motorists and minimizing visual impacts of electronic signage on residential properties. The city finds that dynamic displays should be allowed on signs but with significant controls to minimize their proliferation and their potential threat to public safety.

(2) *Permitted sign type and locations.*

(a) Dynamic display signs are permitted solely as free-standing signs and only in the C-1, General Commercial and C-2, Commercial Service Zoning Districts. Dynamic display signs shall be located no closer than 20 feet from a side lot line. The dynamic display portion of a freestanding sign shall be located at the bottom of the sign face. Any portion of a dynamic display sign that consists solely of an alpha-numeric message shall not be counted in the allowable area for the dynamic display sign, provided the alpha-numeric message remains static for no less than four hours at a time.

(b) To the extent that signage is allowed in the residential zoning districts, including the R-C, Residential/Commercial Zoning District, dynamic display signs shall be restricted to conditional uses in those districts, and shall be limited to alpha-numeric signs only. Alpha-numeric institutional signs shall be limited to 20 square feet in area and shall be timed to remain static for no less than 90 minutes at a time.

(3) *Duration of image.* A dynamic display sign's image, or any portion thereof, may not change more often than once every ten minutes, except one for which changes are necessary to correct hour-and-minute, date, or temperature information and except as provided in (2) above. A display of time, date, or temperature must remain for at least ten minutes before changing to a different display, but the time, date, or temperature information itself may change no more often than once every 60 seconds.

(4) *Transition.* If a dynamic display sign's image or any portion thereof changes, the change sequence must be instantaneous without any special effects.

(5) *Prohibition on video display.* No portion of a dynamic display sign may change any part of its sign face by a method of display characterized by motion or pictorial imagery, or depict action or a special effect to imitate movement, or display pictorials or graphics in a progression of frames that gives the illusion of motion of any kind.

(6) *Prohibition on fluctuating or flashing illumination.* No portion of a dynamic display sign image may fluctuate in light intensity or use intermittent, strobe or moving light, or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles or in any other manner that creates the illusion of movement.

(7) *Audio.* Dynamic display signs shall not be equipped with audio speakers.

(8) *Malfunctions.* Dynamic display signs must be designed and equipped to freeze the sign face in one position if a malfunction occurs. Dynamic display signs must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner or operator must immediately turn off the display when notified by the city that it is not complying with the standards of this subdivision.

(9) *Brightness.* All dynamic display signs shall meet the following brightness standards:

(a) No dynamic display sign may exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between sunset to sunrise as measured from the sign's face at maximum brightness.

(b) All dynamic display signs having illumination by means other than natural light must be equipped with an ambient light sensor and a dimmer control or other mechanism to continuously adjust the sign's brightness to ensure at any time the sign's intensity does not exceed 0.3 foot candles above ambient light levels as measured from 100 feet from the sign's face and automatically controls the sign's brightness to comply with the requirements of this subdivision.

(c) No dynamic display sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

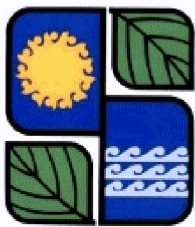
(d) The owner or controller of the dynamic display sign must adjust the sign to meet these brightness standards in accordance with the city's

instructions. The adjustment must be made immediately upon notice of non-compliance from the city.

(e) A written certification from the sign manufacturer that light intensity has been preset to conform to the brightness levels established by code and that the preset level is protected from end user manipulation by password protected software or other method. This would offer the advantage of ensuring that electronic signs at a minimum cannot exceed the standards.

(10) *Sign area limitation.* Dynamic display signs are allowed only on free standing signs in the permitted districts. Dynamic display signs may occupy no more than 25% percent of the actual copy and graphic area. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only one, contiguous dynamic display area is allowed on a sign face.

(11) *Distance from residential/hours.* Dynamic display signs shall be located not closer than 100 feet from a residential zoning district and any dynamic display sign located within 500 feet of single- and two-family residential homes must be programmed to freeze the image between the hours of 10:00 p.m. and 6:00 a.m.



CITY OF
SHOREWOOD

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MEMORANDUM

TO: Planning Commission

FROM: Marie Darling, Planning Director

MEETING DATE: February 1, 2023

RE: **Upcoming Discussion of Amendments to Improve Content Neutral Sign Regulations**

Last year, the Planning Commission reviewed several proposed amendments to City Code related to noncommercial speech signs and campaign signs. That was just the start of improvements needed of the sign regulations.

Cities are to regulate signs pursuant to the police powers applicable to zoning, but much of the content of signs is protected by the First Amendment to the US Constitution, which says:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

There are numerous court cases that have overturned local ordinances which attempt to regulate or enforce signage regulations that regulate content. There are too many to quote individually, but the latest major ruling was the United States Supreme Court's ruling in *Reed v. Town of Gilbert*, 135 S.Ct. 2218 (2015). This case essentially determined that a city may not restrict expression based on its content (e.g., distinguishing between garage sale signs, wedding signs, campaign signs), but still may regulate signs on a reasonable time, place, and manner restrictions. Following *Reed*, cities have regulated the following:

- Rules regulating the size of signs.
- Rules regulating the locations in which signs may be placed.
- Rules distinguishing between lighted and unlighted signs.
- Rules distinguishing between signs with fixed messages and electronic signs with messages that change.
- Rules that distinguish between the placement of signs on private and public property.
- Rules distinguishing between the placement of signs on commercial and residential property.
- Rules distinguishing between on-premises and off-premises signs.
- Rules restricting the total number of signs allowed per mile of roadway.
- Special rules for government signs.

Attached is a copy of the current sign regulations. Over the next month, please review these regulations and see if you can spot the areas where Shorewood's rules are regulating content versus the list of acceptable means above to restrict signage.

As you begin to think about changes to the current ordinance to amend sections that conflict with the above, it will be important to think about better ways to regulate signage.

ATTACHMENTS:

City Council Worksession Memo from February 14, 2022
Minutes from February 14, 2022 City Council meeting
Draft Ordinance

1201.03 Subd. 11. Signs:

a. *Findings.* The City hereby finds as follows:

(1) Exterior signs, including but not limited to the manner of installation, maintenance, number and location, have a substantial impact on the character of the community and the quality of the environment.

(2) Uncontrolled and unlimited signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.

(3) Signs provide an important medium through which individuals may convey a variety of messages.

(4) The city's zoning regulations have, since as early as 1956, included the regulations of signs in an effort to provide adequate means of expression and to provide the economic viability of the business community, while protecting the city and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community.

(5) The regulation of the physical characteristics of signs has had a positive impact on traffic safety and the appearance of the community.

b. *Purpose and Intent:*

(1) It is not the purpose or intent of these sign regulations to regulate the message displayed on any sign; nor is it the purpose or intent of this ordinance to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building.

(2) The purpose and intent of these sign regulations is to:

(a) Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety and welfare.

(b) Maintain, enhance, and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.

(c) Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees and the city's goals of public safety and aesthetics.

(d) Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the city.

c. *Effect.* A sign may be erected, mounted, displayed or maintained in the city if it is in conformance with the provisions of this article. The effect of this article, as more specifically set forth herein, is to:

(1) Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth herein;

(2) Allow signs which are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or unduly distract motorists;

(3) Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance;

(4) Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the natural or built environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare; and

(5) Provide for the enforcement of the provisions of these regulations.

d. *Scope and Applicability.* All signs installed within the City of Shorewood are subject to the sign regulations of this subdivision and all other applicable provisions of this Chapter.

e. *Substitution.* The owner of any sign which is otherwise allowed by this subsection may substitute noncommercial speech in lieu of any other commercial speech or noncommercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial speech over any other noncommercial speech. This provision prevails over any more specific provision to the contrary.

f. *Permit Required.*

(1) Permanent Signs. Except as expressly provided in section **xx**, no permanent sign may be erected, altered, reconstructed, maintained or moved without first securing a permit from the city. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

(2) Temporary Signs. Except as expressly provided in section **xx**, no temporary sign may be erected, altered, reconstructed, maintained or moved without first securing a zoning permit from the city consistent with the regulations herein and Section 1201.07 Subd. 2. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. The Zoning Administrator may require an inspection to determine that the sign has been installed in compliance with the minimum standards set forth in this chapter and with the approved permit or to confirm removal as directed in the zoning permit.

(3) Review.

(a) No permit shall be issued until the application, plans, and materials have been found to be in conformance with the zoning and building regulations, as determined by the Zoning Administrator and Building Official or their designee(s).

(b) The City shall approve or deny the permanent sign permit applications within the time period required by state law and temporary sign permit applications as outlined in Section 1201.07 Subd. 2. If the permit is denied, the issuing authority shall prepare a written notice to the applicant within 15 days of its decision, the basis of denial and describing the applicant's appeal rights in Section 1201.05 of City Code.

(c) No permit shall be issued until the fee required by Chapter 1300 of City Code, as may be amended from time to time, has been paid.

(d) Application for a sign permit shall be made on forms provided by the City through the city's permit portal and include:

(i) The name and contact information of the property owner, tenant (if applicable) and the person, firm, corporation, or other organization erecting the sign;

(ii) A certified survey and site plan showing the exact location of the sign on the site including its position relative to easements, buildings, structures, driveways, streets, property lines, etc.

(iii) A complete set of plans showing the necessary elevations, distances, sign dimensions, and details to fully and clearly represent the construction and placement of the sign, including, but not limited to, the following information:

1. Number of sign faces and type of sign (building, freestanding, banner, feather, etc.);

2. Construction materials;

3. Sign dimensions;

4. Type, direction, location and intensity of illumination and name of electrical contractor;

5. Method of attachment to the building or ground.

(iv) Stress sheets and calculations showing that the structure is designed to meet the dead load and wind pressure requirements of the Building Code (permanent signs only).

(v) The estimated value of the sign (permanent signs only) (as specified in the building regulations).

(e) Additional Permits.

(i) Electrical signs must be installed in accordance with the current electrical code and a separate permit from the State of Minnesota must be obtained prior to placement.

(ii) Other jurisdictions. Prior to installing any sign, the applicant shall be responsible for acquiring permits from all other jurisdictions, including but not limited to, the State of Minnesota, Hennepin County, etc.

(4) *Exceptions.* The following signs do not require a permit but shall comply with all other applicable provisions of this chapter. These exemptions, however, are not to be construed as relieving the owner of the sign from the responsibility of compliance with the provisions of this section or any other law or ordinance regulating signs in the city.

(a) The changing of copy on a manual message board or dynamic display unless a structural or electrical change is involved.

(b) The changing of copy on any sign without .

(c) Window signs.

(d) Noncommercial speech signs as allowed by section xx and not permanently affixed to the ground.

(e) Temporary noncommercial speech signs as allowed by section xx <<residential regulations>> with less than xx square feet <<the maximum size allowed>>.

(f) Public signs.

(g) Address numerals required by and in conformance with City Code.

(h) Permanent flags installed on existing flagpoles.

<<More signs may be excepted from permits as the review continues>>

g. *Prohibited signs.* The following signs are specifically prohibited by this chapter:

(1) Any sign which obstructs the vision of drivers or pedestrians or detracts from the visibility of any official traffic-control device;

(2) Any sign which resembles or imitates an official traffic sign or signal;

(3) Any sign which moves, rotates, has any moving parts or gives the illusion of motion, except for dynamic display signs as regulated in g. of this subdivision;

(4) Any sign which contains or consists of banners, pennants, ribbons, streamers, strings of light bulbs, spinners or similar devices, except as allowed by section xx;

(5) Portable or inflatable signs (except as provided in section xx);

(6) Signs which are attached in any manner to trees, fences, utility poles, benches, bridges, towers, transit shelters, or other similar structures;

(7) No sign shall be illuminated with any flashing or intermittent lights, nor shall it shimmer or be animated.

(8) All displays shall be shielded to prevent any light from being directed at on-coming traffic so as to impair the vision of any driver.

(9) No device shall be illuminated in a manner as to interfere with or obscure an official traffic sign or signal. No light shall be directed onto a lake so as to interfere with navigation;

(10) Roof signs.

(11) Window signs where the total area of such signs exceeds 10% of the total glass area of the window space as viewed from the street, to a maximum of 20 square feet.

<<More signs may be added as the review continues.>>

h. *Noncommercial Speech Signs.*

(1) Signs may be posted in any number or size during the following times:

a. State general election years: 46 days before a state primary until 10 days following the state general election pursuant to MS § 211B.045.

b. For all other public election years: 100 days before the election to 10 days following the election.

(2) During the time identified in (1) above, the noncommercial speech signs shall not be located in violation of 1201.03 Subd. 2. h. (Traffic Visibility) of City Code or closer than five feet from the street, as measured from:

a. The curb of a paved roadway.

b. The paved street surface for those streets without curb and gutter.

c. The edge of the aggregate surface for gravel street or those paved streets with improved gravel shoulders.