



**MONTROSE
PLANNING AND ZONING COMMISSION MEETING
AGENDA**

Wednesday, August 21, 2019 – 7:00 PM

**Montrose Community Center
200 Center Avenue South
Montrose, Minnesota 55363**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes
 - A. July 10, 2019 Planning and Zoning Commission Meeting Minutes
6. Garage Proposal
 - A. Proposal to Build Garage – 345 Garfield Avenue South
7. Public Hearing
 - A. Consider Amendments to Chapter 1024 of the City of Montrose Zoning Code
 - Consider Amendments to Chapter 1024: Sign Ordinance
8. Old Business
9. New Business
 - A. City Planner Updates
10. Next Meeting
 - A. Wednesday, September 11, 2019 to be held at the Montrose Community Center - 7:00 p.m.
11. Adjournment

**** Please note that a quorum of the City Council may be present
at the Planning and Zoning Commission Meeting. ****

City of Montrose
 Planning and Zoning Commission Meeting
 Montrose Community Center
 200 Center Avenue South
 Wednesday, July 10, 2019
 7:00 P.M.

1. CALL TO ORDER

Pursuant to call and notice the Montrose Planning and Zoning Commission met in Regular Session on Wednesday, July 10, 2019 at 7:00 p.m.

Planning and Zoning Commission Vice-Chair, Mr. Barry Rhineberger, called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Commissioner Justin Emery
 Commissioner Sylvia Henry
 Commissioner Barry Rhineberger
 Commissioner Mike Scanlon
 City Council Liaison Lloyd Johnson

Absent: Commissioner Tracy Gurneau

Staff Present: Ms. Deborah Boelter, City Clerk-Treasurer
 Mr. Myles Campbell, City Planner

3. PLEDGE OF ALLEGIENCE

The Pledge of Allegiance was taken.

4. APPROVAL OF THE AGENDA

Commissioner Henry motioned to approve the July 10, 2019 Planning and Zoning Commission Meeting Agenda. Commissioner Scanlon seconded the motion. Motion carried 4-0.

5. APPROVAL OF THE MINUTES

A. June 19, 2019 Planning and Zoning Commission Meeting

Commissioner Henry motioned to approve the Planning and Zoning Commission Meeting minutes of June 19, 2019. Commissioner Emery seconded the motion. Motion carried 4-0.

6. OLD BUSINESS

A. Discussion on Sign Ordinance Amendments

The City's Planner, Mr. Myles Campbell stated that City staff was directed to examine the City of Montrose's existing Sign Ordinance after complaints were received from the U.S. Highway 12 Development Committee about the amount of temporary and portable signs along the corridor in Montrose. In addition to this area of review, staff also found a number of ordinance sections under what could be defined as content-based code, that is code that regulates on the basis of a sign's content versus its size, location or other physical characteristic.

Mr. Campbell stated that he and the City's Attorney, Ms. Amy Schutt, have taken a preliminary look through the Sign Ordinance language, and have identified instances of content-based code, identified potential

language for sandwich board signs, and have also begun to explore how to revamp the permitting system to see more active use in the future.

Mr. Campbell presented a copy of the City's existing Sign Ordinance with sections highlighted that specifically reference the content of a sign in its regulations allowing or prohibiting them. The highlights are in three (3) different colors for coding purposes and mean the following:

- ❖ **YELLOW:** This is content based code; but, can be reasonably argued to be narrowly defined enough to serve a legitimate state/public interest.
- ❖ **GREEN:** This is content based code, and it would likely not stand up to scrutiny as being narrowly defined to serve a public interest.
- ❖ **BLUE:** This is content based code; but, is protected via Minnesota State Statute and will be updated to match the exact language of the Statute.

Mr. Campbell stated that this is just the first review of the Ordinance and just because something is highlighted as yellow, does not mean that changes cannot be made to improve the language, or similarly that something highlighted as green cannot be reworked in such a way that is more narrowly defined, or which effect is accomplished by form or location based regulation.

Mr. Campbell stated that the highlights are meant to give the Planning and Zoning Commissioners an idea for what is potentially slated for removal, and if there is interest in revising and maintaining any of them. However, many of the sections that include content-based code without the narrowly defined interest would be covered via other existing ordinances. For example, removing the language around rummage sale signs from the permitted signs, would just mean that those types of signs would be subject to the standards and restrictions for other temporary signs.

Mr. Campbell presented the following proposed language for Sandwich Board Signs as a sub item under Portable Signs in section 1024-3: General Provisions:

One Sandwich Board Sign per business may be allowed in the Business Districts without a permit and without using the time period allotted for temporary, portable signs provided:

- a. The sign is placed within fifteen (15) feet of the entrance of the business.*
- b. The sign shall be placed on private property and may be placed on a private sidewalk provided there is five (5) feet of clearance for pedestrians.*
- c. The sign may not obstruct safety, visibility, or traffic.*
- d. The sign shall be freestanding, not attached to any other structure or device, not be illuminated, greater than 3-½ feet in height, greater than two (2) feet in width, or greater than two (2) feet in depth.*
- e. The sign shall be only displayed during business hours.*

Mr. Campbell continued by stating that additionally, a new definition for this sign type shall be added to Chapter 1002, section 1002-2: Definitions.

Mr. Campbell stated that another major issue that was raised during the previous Planning and Zoning Commission Meeting was the lack of an established permitting and enforcement presence in the City regarding signage. While requiring a permit for many signs, the City does not actually have said document available for use at City Hall or online, meaning that a person would have to fill out a more general development application if they went to the bother of doing so at all. There has also been very little enforcement for existing signs within the City. Staff plans to mostly revise section 1024-8 which handles everything from permitting to variances to enforcement. This revision should help to more clearly direct applicants to a newly created Sign Permit Application (of which the City can either have one (1) permit for all types of signs, or one (1) for permanent signs, and one (1) for temporary). Potentially additional diagrams and information to go with the application materials could also be included in an informational packet, similar to the one created for parking pads.

Mr. Campbell stated that regarding the topic of fees, no direct dollar amount references will be made in the Sign Ordinance to avoid future revision, and instead, reference will be made to the City's Fee Schedule which is updated and adopted annually. For both temporary and permanent signs, staff recommends that any permit application have an associated fee; however, this amount should be significantly less expensive for temporary permits, typically, for a temporary permit, a fee of no more than \$35 should be put in place, though

the City could elect to have something lower. The permit should not be entirely free however; otherwise, residents and business owners become more likely to just ignore the permitting process altogether.

Mr. Campbell stated that for the permit applications themselves, staff would recommend splitting these into two (2) separate documents for ease of use by residents and/or businesses. The requirements for review of a temporary versus a permanent sign will be markedly different; and again, we are trying to improve how often people are coming in and using the correct application process. By making a simpler, cheaper, and faster application and review process for temporary permits, we should see an increase in applications. Mr. Campbell provided the Planning and Zoning Commission Members with copies of both the temporary and permanent sign applications for the City of Albertville, Minnesota, based upon a template Northwest Associated Consultants (NAC) has used in other communities. He continued by stating that the requirements can be revised in either, and any changes the Commission Members are interested in can be incorporated. Additionally, if there is interest in creating an informational packet similar to the one used for parking pad applications, this can also be drawn up for review.

Mr. Campbell discussed the current setback requirements for signage as found in the City's Ordinance under general provisions. He continued by recommending a ten (10) foot set-back for signage in all zoning districts.

Commissioner Rhineberger stated that in Chapter 1024-6 C, 4, he does not believe that this language restricts content. Mr. Campbell recommended that the language that specifies "multi occupancy structure qualifying as a shopping center" should be changed to "multi occupancy building."

Mr. Campbell also stated that the language in Chapter 1024-6 F, 2, saying, "church, school, institutional or civic events" should be replaced with the word "events."

Commissioner Rhineberger asked Mr. Campbell what the next step will be to amend the Ordinance. Mr. Campbell stated that he will continue to evaluate the Ordinance with the City Attorney and also areas of the Ordinance referencing setbacks, allowed sign heights and etcetera.

Commissioner Rhineberger asked Mr. Campbell when an amended Ordinance would be made available for the Planning and Zoning Commission to review. Mr. Campbell stated that an amended Ordinance would be available for review at the Wednesday, August 21, 2019 Planning and Zoning Commission Meeting.

7. NEW BUSINESS

A. City Planner Updates

Mr. Campbell gave updates in the following projects that will be reviewed by the Planning and Zoning Commission at future meeting(s):

1. The proposed improvements and business located at 140 Nelson Boulevard.
2. A potential buyer and business at the former Casey's Building.
3. Concept Plan from the Brummer Group for *The Preserve Housing Development* site.

8. NEXT MEETING

A. Wednesday, August 21, 2019 to be held at the Montrose Community Center – 7:00 p.m.

9. ADJOURNMENT

Commissioner Scanlon motioned to the adjourn the Planning and Zoning Commission Meeting at 7:30 p.m. Commissioner Henry seconded the motion. Motion carried 4-0.

City of Montrose

ATTEST:

Deborah R. Boelter, CMC
City Clerk-Treasurer
City of Montrose

CHAPTER 1024

SIGNS

SECTION:

- 1024-1: Purpose
- 1024-2: Existing Signs and Non-Conforming Signs
- 1024-3: General Provisions
- 1024-4: Permitted and Prohibited Signs
- 1024-5: General District Regulations
- 1024-6: Special District Regulations
- 1024-7: Inspection
- 1024-8: Permit, Application, License, Variance, and City Council Approval
- 1024-9: Enforcement
- 1024-10: Violation a Misdemeanor

1024-1: PURPOSE: The purpose of this Ordinance is to establish minimum requirements, adopted to protect the public health, safety, morals, comfort and general welfare of the people of the City of Montrose, by providing regulations governing all signs, including but not limited to, the type, area, height, materials, construction, illumination, location and maintenance of all signs and sign structures in the City.

1024-2: EXISTING SIGNS AND NON-CONFORMING SIGNS:

- A. **Existing Signs.** All legally established signs existing upon the effective date of this Ordinance shall not be enlarged or reconstructed, but may be continued at the size and in the manner of operation existing upon such date.
- B. **Alterations.**
 - 1. A non-conforming sign may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:
 - a. The non-conforming sign is discontinued for a period exceeding one (1) year; or
 - b. The non-conforming sign is destroyed by fire or other peril to the extent of greater than fifty percent (50%) of its market value, and no permit has been applied for within one hundred eighty (180) days of when the non-conforming sign is damaged.

- C. **Non-Conforming Sign Maintenance and Repair.** Nothing in this Ordinance shall be construed as relieving the owner or user of a legal non-conforming sign or owner of the property on which the legal non-conforming sign is located from the provisions of this Ordinance regarding safety, maintenance, and repair of signs; 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 non-conforming or the sign shall lose its legal non-conforming status.
- D. **Non-Conforming Uses.** When the principal use of land is legally non- conforming, all existing or proposed signs in conjunction with that land, shall be considered conforming if they are in compliance with the sign provisions for the most restrictive zoning district in which the principal use is allowed.

1024-3: GENERAL PROVISIONS:

- A. The design and construction standards for signs, as set forth in the Uniform Building Code, as may be amended, are hereby adopted.
- B. The installation of electrical signs shall be subject to the State's Electrical Code. Electrical service to such sign shall be underground.
- C. Signs containing non-commercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.
- D. Signs shall not create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No private sign shall contain words which might be construed as traffic controls, such as "stop", "caution", "warning", unless the sign is intended to direct traffic on the premises.
- E. Signs and sign structures shall be properly maintained and kept in a safe condition. Sign or sign structures which are rotted, unsafe, deteriorated or defaced shall be repainted, repaired, or replaced by the licensee, owner or agent of the building upon which the sign stands.
- F. No sign shall be attached or be allowed to hang from any building until all necessary wall and roof attachments have been approved by the Building Official.

- G. No signs, guys, stays, or attachments shall be erected, placed or maintained on rocks, fences or trees nor interfere with any electric light, power, telephone or telegraph wires or the supports thereof.
- H. The use of search lights, banners, pennants and similar devices shall require a license. The license shall be valid for no more than fifteen (15) consecutive days. No more than two (2) licenses per business shall be granted during any twelve (12) month period.
- I. Illuminated signs shall be shielded to prevent lights from being directed at oncoming traffic in such brilliance that it impairs the vision of the drive. Nor shall such signs interfere with or obscure an official traffic sign or signal. This includes indoor signs which are visible from public streets.
- J. Portable signs may not exceed thirty-two (32) square feet and may not be illuminated with any flashing device. Use of a portable sign shall require a license. The license shall be valid for no more than fifteen (15) consecutive days. No more than two (2) licenses per business shall be granted during any twelve (12) month period.
- K. No sign or sign structure shall be closer to any lot line than a distance equal to one-half (1/2) the minimum required yard setback. No sign shall be placed within any drainage or utility easement.
- L. Signs requiring licenses shall display in a conspicuous manner the license sticker or sticker number.
- M. No sign or sign structure shall be erected or maintained that prevents free ingress or egress from any door, window or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
- N. A freestanding sign or sign structure constructed so that the faces are not back to back, shall not have an angle separating the faces exceeding twenty (20) degrees unless the total area of both sides added together does not exceed the maximum allowable sign area for that district.
- O. Signs prohibited in residential districts shall be positioned so that the copy is not visible from residential uses or districts along adjoining side and rear yard property lines.
- P. Except for farm buildings, at least one (1) address sign identifying the correct property number, as assigned by the City, shall be required on each principal building in all districts. The address number shall be at least three (3) inches in height.

1024-4: PERMITTED AND PROHIBITED SIGNS:

A. Permitted Signs. The following signs are allowed without a permit:

1. Public Signs. Signs of a public, non-commercial nature, including safety signs, directional signs to public facilities, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when erected by or on behalf of a public official or employee in the performance of official duty.
2. Identification Signs. Identification signs not exceeding three (3) square feet.
3. Informational Signs. Informational signs not exceeding sixteen (16) square feet.
4. Directional Signs.
 - a. On-Premise Signs. On-premise signs shall not be larger than four (4) square feet. The number of signs shall not exceed four (4) unless approved by the Council.
 - b. Off-Premise Signs. Off-premise signs shall be limited to situations where access is confusing and traffic safety could be jeopardized or traffic could be inappropriately routed through residential streets. The size of the sign shall be approved by the Council and shall contain no advertising.
5. Integral Signs.
6. Campaign Signs. Campaign signs in agricultural, commercial, industrial, and institutional zones not exceeding eight (8) square feet, and in all residential zones not exceeding four (4) square feet. The sign shall contain the name and address of the person responsible for such sign, and that person shall be responsible for its removal. Such signs shall remain for no longer than seventy-five (75) days in any calendar year. The City shall have the right to remove and destroy signs not conforming to this Ordinance.
7. Holiday Signs. Signs or displays which contain or depict a message pertaining to a religious, national, state or local holiday and no other matter and which are displayed for a period not to exceed seventy-five (75) days in any calendar year.
8. Construction Signs. A non-illuminated construction sign confined to the site of the construction, alteration or repair. Such sign shall be removed

within two (2) years of the date of issuance of the first building permit on the site or when the particular project is completed, whichever is sooner. One (1) sign shall be permitted for each street the project abuts. No sign may exceed thirty-two (32) square feet in the R-1 and R-2 Districts, or sixty-four (64) square feet in the UR, R-3, R-4, R-B, business, industrial and institutional districts.

9. "For Sale" and "To Rent" Signs. "For sale" and "to rent" signs shall be permitted subject to the following regulations:

a. Six (6) or Less Residential Dwelling Units. The following applies to the sale or rent of a single family residence or where six (6) or less dwelling units (or lots for residential development) are for sale or rent:

- 1) No more than one (1) such sign per lot, except on a corner lot, two (2) signs shall exceed sixteen (16) square feet in area, or be illuminated.
- 2) Each such sign shall be devoted solely to the sale or rental of the property being offered and shall be removed immediately upon the sale or rental of the property.
- 3) Each sign shall be placed only upon the property offered for sale or rent.

b. Seven (7) or More Residential Dwelling Units. Where more than six (6) dwelling lots (or lots for residential development purposes) are offered for sale or rent by the same party, signs advertising such sale or rental may be constructed therefore in any district. There shall be permitted one (1) sign facing each public street providing access to the property being offered. Each such sign shall not exceed thirty-two (32) square feet in area; shall be located at least one hundred (100) feet from any pre-existing home; and shall be removed within one (1) year from the date of building permit issuance, or when less than six (6) units remain for sale or rent, whichever is less. Said sign shall fully comply with the setback requirement for the zoning district in which the property is located.

c. Commercial, Industrial or Institutional Property. In the event of the sale or rental of commercial, industrial, or institutional property, there shall be permitted one (1) sign facing each public street, providing access to the property being offered. Each sign shall not exceed sixty-four (64) square feet in area and shall be devoted solely to the sale or rental of the property being offered and must be removed immediately upon the sale or rental of the last property

offered at that location. Said sign may be located closer to the property line than fifty (50) percent of the setback required within the particular zoning district in which the property is located.

10. **Rummage (Garage) Sale Signs.** Rummage sale signs shall not be posted until the day before the sale and shall be removed within one (1) day after the end of the sale and shall not exceed six (6) square feet. Rummage sale signs shall not be located in any public right-of-way, or on utility poles or equipment. The City shall have the right to remove and destroy signs not conforming to this Ordinance.
11. **Window Signs.** Window signs shall not exceed fifty (50) percent of the total area of the window in which they are displayed.

B. Prohibited Signs. The following signs are prohibited:

1. Advertising signs with the following exceptions:

- a. Signs advertising non-profit organizations are permitted subject to the restrictions imposed within the zoning district in which the sign is located.
 - b. A real estate development sign advertising lots or property for sale may be located off-premises by permit. The permit shall be renewable annually and conditioned upon documentation allowing such sign or structure by the property owner upon which it is to be located. The sign shall conform to the size restriction of signs imposed within the respective district in which the sign is located or a maximum of sixty-four (64) square feet each side, whichever is greater.
2. **Advertising or business signs** on or attached to equipment such as semi-truck trailers where signing is a principal use of the equipment on either a temporary or permanent basis.
 3. Motion signs and flashing signs, except time and temperature signs and barber poles.
 4. Projecting signs except as provided for in Section 1024-6 of this Ordinance.
 5. Roof signs, except that a business sign may be placed on the fascia or marquee of a building, and provided:
 - a. The sign does not extend above the highest elevation of the building, excluding chimneys.

- b. The sign is thoroughly secured and anchored to the frames of the building over when they are constructed and erected.
 - c. No portion of the sign extends beyond the periphery of the roof.
- 6. Business signs which advertise an activity, business, product or service no longer produced or conducted on the premises upon which the sign is located. Where the owner or lessor of the premises is seeking a new tenant, such signs may remain in place for not more than thirty (30) days from the date of vacancy.

1024-5: GENERAL DISTRICT REGULATIONS:

A. UR, R-1, and R-2 Districts.

- 1. Residential Area Identification. Only one (1) sign for each area. Sign area may not exceed thirty-two (32) square feet with a maximum height of eight (8) feet for freestanding signs.

B. R-3, R-4, and R-B Districts.

- 1. Residential Area Identification. Only one (1) sign for each area. Sign area may not exceed sixty-four (64) square feet with a maximum height of ten (10) feet for freestanding signs.
- 2. Single or Double Occupancy Multiple Family or Business Sign. The total sign area may not exceed ten (10) percent of the total front building facade, except that both front and side facades may be counted on a corner lot. Signs chosen to comprise the total sign area shall be consistent with the following provisions:
 - a. Freestanding. Not more than one (1) freestanding sign. Sign area may not exceed sixty-four (64) square feet with a maximum height of ten (10) feet.
 - b. Wall, Canopy or Marquee. Not more than one (1) wall, canopy or marquee sign per building. However, on corner lots, two (2) such signs are allowed, one (1) per street frontage. Individual sign area may not exceed sixty-four (64) square feet.

C. B-1 and B-2 Districts.

1. Area Identification. Only one (1) sign. Sign area may not exceed one hundred (100) square feet with a maximum height of twenty-five (25) feet for freestanding signs.
2. Single or Double Occupancy Business Sign. The total sign area may not exceed two hundred fifty (250) square feet or fifteen (15) percent of the total front building facade, whichever is less. In calculating building facade, both front and side facades may be counted on a corner lot. Signs chosen to comprise the total sign area shall be consistent with the following provisions:
 - a. Freestanding. Not more than one (1) sign. Sign area may not exceed a maximum height of twenty-five (25) feet.
 - b. Wall, Canopy or Marquee. Not more than one (1) wall, canopy or marquee sign per building. However, on corner lots, two (2) such signs are allowed, one (1) per street frontage. Individual sign area for the second wall sign shall not be calculated in the maximum for the property, but shall be limited so as not to exceed one hundred (100) square feet.

D. I-1 and I-2 Districts.

1. Area Identification. Only one (1) sign. Sign area may not exceed one hundred (100) square feet with a maximum height of ten (10) feet for freestanding signs.
2. Single or Double Occupancy Business Sign. The total sign area may not exceed fifteen (15) percent of the front building facade, except that both front and side facades may be counted on a corner lot. Signs chosen to comprise the total sign area shall be consistent with the following provisions:
 - a. Freestanding. Not more than one (1) sign. Sign area may not exceed one hundred (100) square feet with a maximum height of ten (10) feet.
 - b. Wall, Canopy or Marquee. Not more than one (1) wall, canopy or marquee sign per building. However, on corner lots, two (2) such signs are allowed, one (1) per street frontage. Individual sign area may not exceed one hundred (100) square feet.

- E. Institutional Districts.** Except as provided for in Section 1-24-6 of this Ordinance, only one (1) sign per principal use. Sign area may not exceed sixty-

four (64) square feet with a maximum height of ten (10) feet for freestanding signs.

- F. **PUD, Planned Unit Development District.** In a PUD District, signing restrictions shall be based upon the individual uses and structures contained in the complex. Signs shall be in compliance with the restrictions applied in the most restrictive zoning district in which the use is allowed.

1024-6: SPECIAL DISTRICT REGULATIONS:

- A. **Motor Fuel Stations.** Signs for motor fuel stations shall be regulated by the single occupancy business structure sign provisions for the zoning district in which the station is located. In addition, motor fuel stations may also display signs which identify current fuel prices and car wash facilities. Such signs shall be limited to a maximum size of sixteen (16) square feet and a maximum height of ten (10) feet each.
- B. **Wall, Canopy or Marquee Signs in Business, Industrial, and Institutional Zoning Districts.** Where freestanding signs are not used and where principal structures have a front yard setback in excess of that which is required under the applicable zoning district regulations, the maximum property signage percentage limitation or maximum square feet restriction may be increased one (1) percent for every five (5) feet of additional setback beyond the zoning district front yard setback requirement. This increase shall be limited to a twenty-five (25) percent maximum and shall be applied only to signs located in the year for which the calculation was made.
- C. **Multiple Occupancy Business and Industrial Buildings.** When a single principal building is devoted to four (4) or more businesses, or industrial uses, a comprehensive sign plan for the entire structure shall be submitted and shall be of sufficient scope and detail to permit a determination as to whether or not the plan is consistent with the following regulations. The plan shall be subject to the approval of the Council. No permit shall be issued for an individual use except upon a determination that it is consistent with the approved comprehensive sign plan.
1. The maximum individual sign sizes for multiple occupancy structures and individual uses which may display signs shall not exceed the maximum provisions for single or double occupancy structures in the same zoning district. The bonus provided in Section 1024-6.B of this Ordinance shall not apply in calculating maximum sign size.
 2. Multiple occupancy structures may display an area identification sign consistent with the applicable district provisions of Section 1024-5 of this

Ordinance. Individual freestanding signs identifying the tenants' business shall not be displayed.

3. Except as provided in Section 1024-6.C.4 of this Ordinance, individual tenants of multiple occupancy structures shall not display separate business signs unless the tenants' business has an exclusive exterior entrance. The number of signs shall be limited to one (1) per entrance, and each sign shall be limited to the maximum wall size sign permitted in the district. The signs shall be located only on exterior walls which are directly related to the use being identified.

4. In any multiple occupancy structure qualifying as a shopping center, directory signs shall be permitted for each common public entrance. Each directory sign area shall not exceed a total of fifty (50) square feet and shall be located within fifty (50) feet of the common public entrance being served. The size of individual business identification signing within the directory shall be established during the site plan review process. Attention shall be given to the possible number of tenant or occupancy bays which may be served by the common public entrance for which the directory sign is intended.

- D. **Shopping Centers and Industrial Parks Containing More Than Twenty (20) Acres.** Where shopping center facilities or industrial parks cover more than twenty (20) acres of land, two (2) area identification signs may be displayed in accordance with the maximum sign size provisions per area identification sign of the applicable zoning district. Additional signs may be displayed subject to approval of the City Council.

- E. **Highway Area Directional Signs.** Within the area immediately adjacent to U.S. 12, directional signs indicating business identification and access routing signs may be allowed by approval of the City Council. Such signs shall be in compliance with the maximum sign size provisions of the district.

F. Schools, Athletic Complexes or Other Public or Semi-Public Institutions.

1. For such facilities occupying an area of five (5) acres or more, an identification sign not larger than ninety-six (96) square feet may be permitted upon approval of a permit by the City Council.
2. Temporary signs, banners and displays for church, school, institutional or civic events are permitted but must be located on property owned or controlled by the church, school, institution, or civic organization and may be displayed only during a period commencing sixty (60) days prior to the scheduled event and ending three (3) days after closing date of said scheduled event.

G. **Projecting Signs.** Such signs, including those projecting into the public right-of-way, may be allowed by a permit approved by the Council in the B-1 Zoning District, provided that:

1. The sign conforms to the uniform character and design guidelines established for the area.
2. The owner assumes all liability for such signs.
3. The signs conform to the size and height limitations of the respective district.

1024-7: INSPECTION: All signs for which a permit is required shall be subject to inspection by the Building Official. The Building Official may order the removal of any sign that is not maintained in accordance with the maintenance provisions of this Ordinance.

1024-8: PERMIT, APPLICATION, LICENSE, VARIANCE, AND CITY COUNCIL APPROVAL:

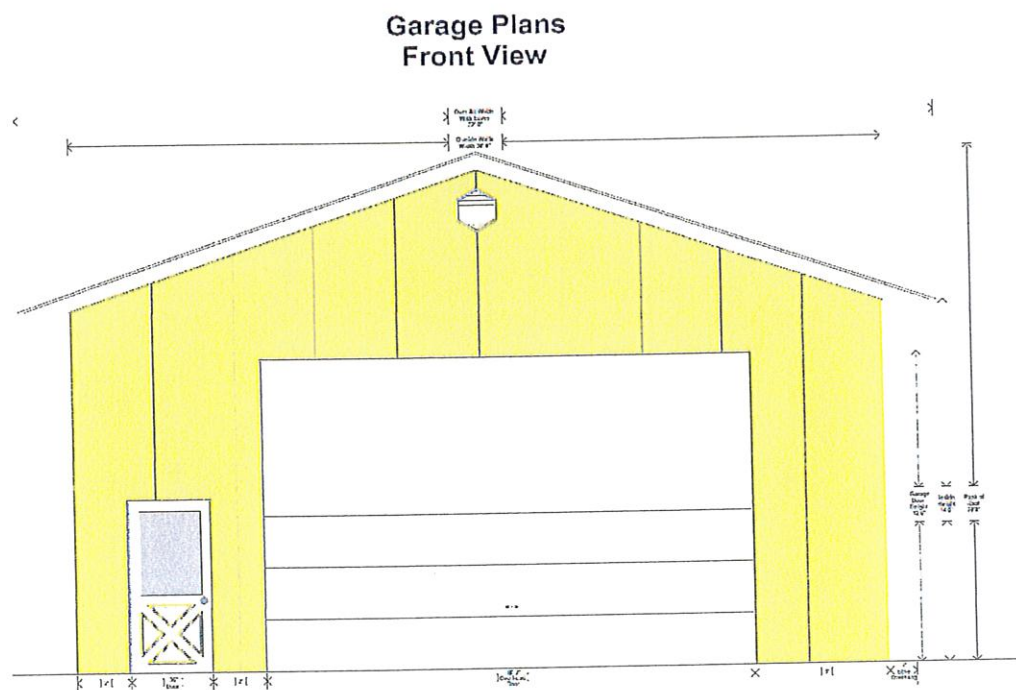
- A. **Permit Requirement.** Except as provided in Section 1024-4 of this Ordinance, it is unlawful for any person to erect, construct, alter, rebuild or relocate any sign or structure until a permit has first been issued by the City.
- B. **Sign Application.** The following information for a sign license shall be supplied by an applicant if requested by the City:
1. Name, address and telephone number of person making application.
 2. Name, address and telephone number of person owning sign.
 3. A site plan to scale showing the location of lot lines, building structures, parking areas, existing and proposed signs and any other physical features.
 4. Plans, location and specifications and method of construction and attachment to the buildings or placement method in the ground.
 5. Copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and City Code provisions.
 6. Written consent of the owner or lessee of any site on which the sign is to be erected.

7. Any electrical permit required and issued for the sign.
 8. Such other information as the City shall require to show full compliance with this and all other laws and City Code provisions.
- C. **License Issued if Application is in Order.** The Building Official, upon the filing of an application for a license, shall examine such plans, specifications and other data and the premises upon which it is proposed to erect the sign. If it appears that the proposed structure is in compliance with all requirements of this Ordinance and all other laws and City Code provisions, the license shall be issued. If the work authorized under a license has not been completed within sixty (60) days after the date of issuance, the license shall be null and void.
- D. **City Council Approval.** When this Ordinance requires Council approval for a sign, the application shall be processed in accordance with the procedural and substantive requirements of the Zoning Ordinance for a conditional use permit.
- E. **Variances.** The City Council, acting as the Board of Adjustment and Appeals, may, upon application, grant a variance from the terms of this Ordinance. The request for a variance shall be processed in accordance with the procedural and substantive requirements of Section 1007 of this Ordinance.
- F. **Fees.** Fees for the review and processing of sign license applications and variance requests shall be imposed in accordance with the fee schedule established by City Council resolution.

1024-9: ENFORCEMENT: This Ordinance shall be administered and enforced by the Building Official. The Building Official may institute, in the name of the City, appropriate actions or proceedings against a violator.

1024-10: VIOLATION A MISDEMEANOR: Every person violates a section, subdivision, paragraph, or provision of this Ordinance when he or she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Garage Proposal for property of 345 Garfield Ave So Montrose, MN 55363



Property Owners:

Dennis Isaacs (612) 986-4849

Ruth Isaacs (612) 242-8875

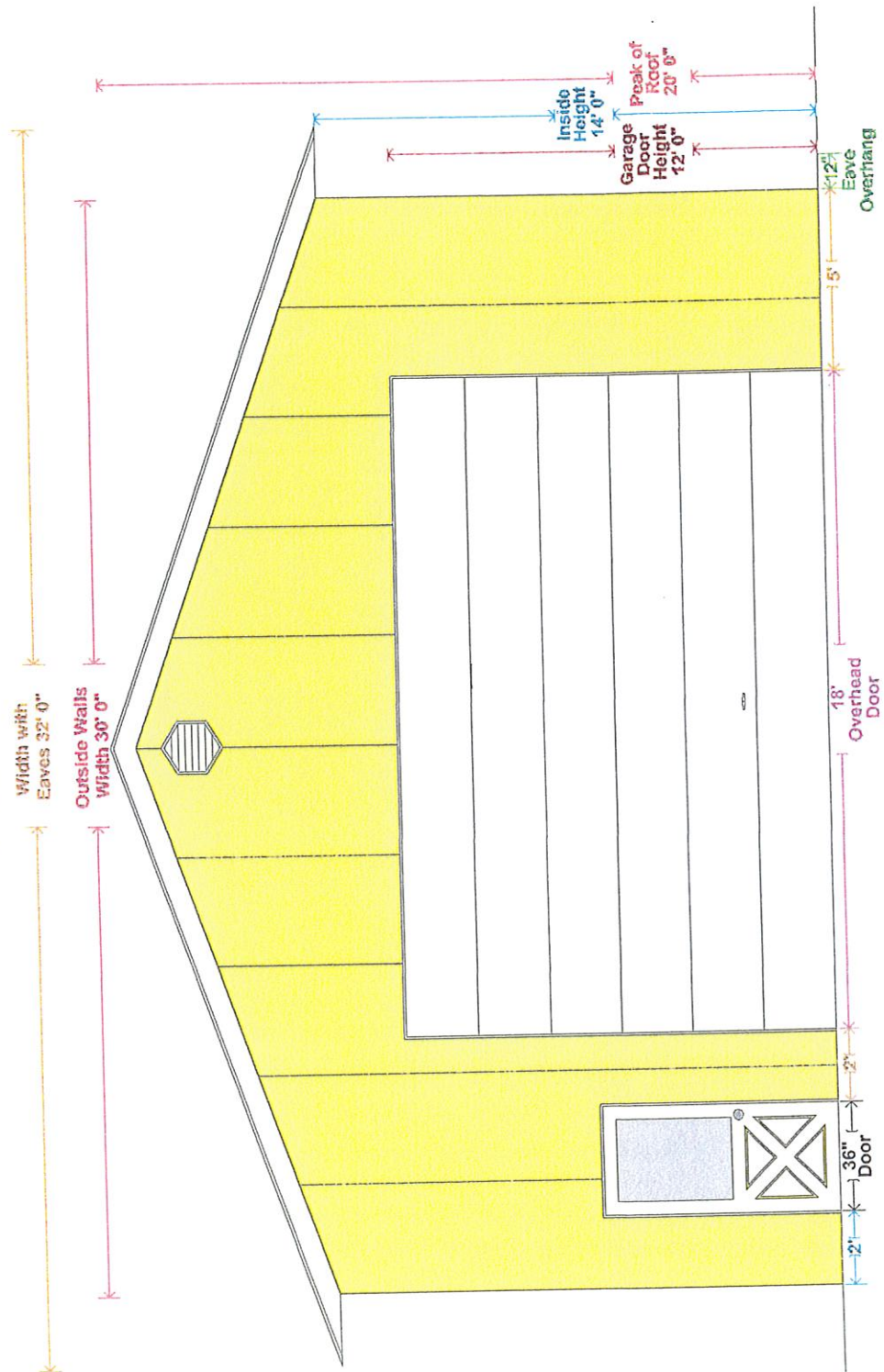
Garage Proposal for:

Dennis & Ruth Isaacs
345 Garfield Ave. So.
Montrose, MN 55363

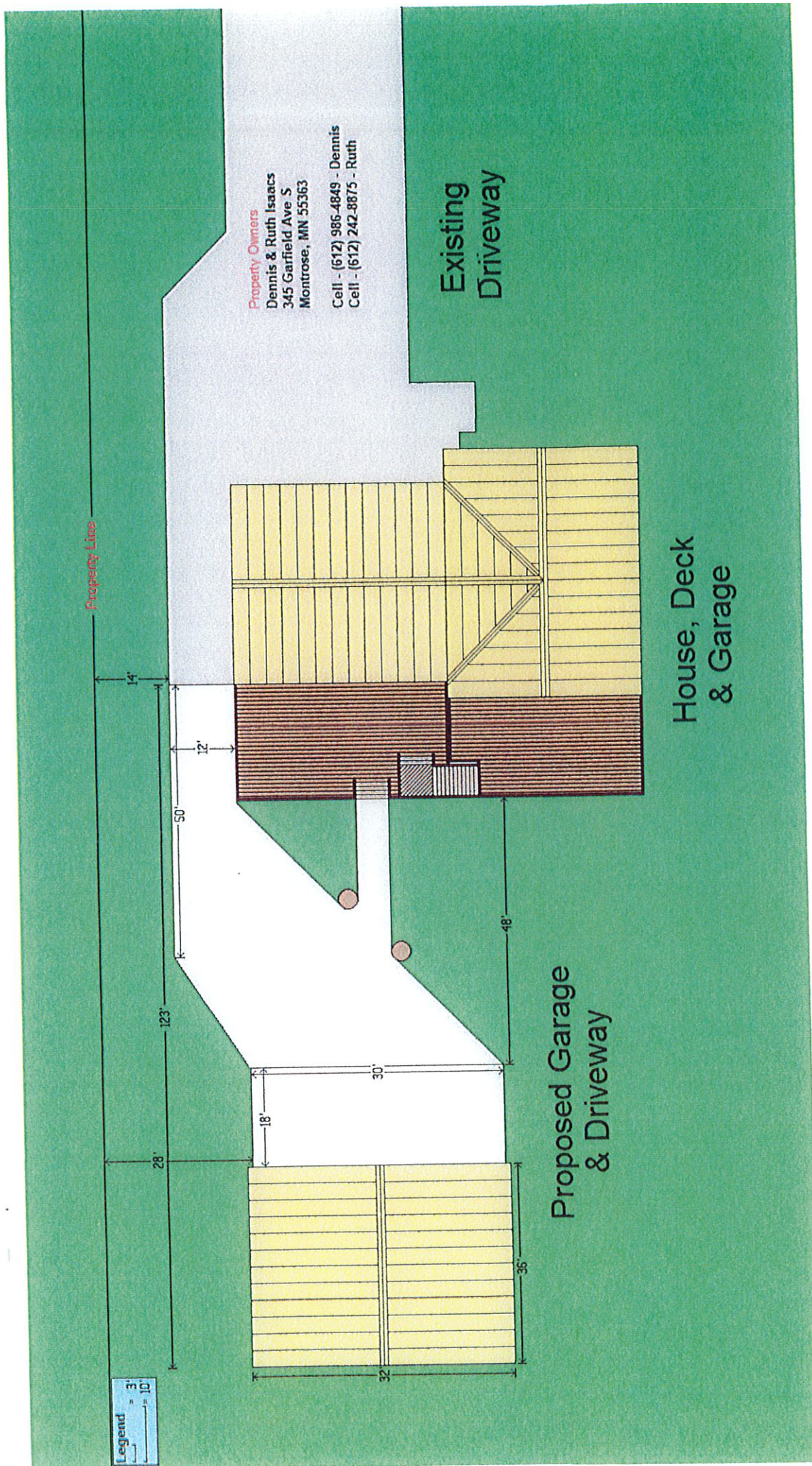
(612) 986-4849 Dennis' Cell
(612) 242-8875 Ruth's Cell

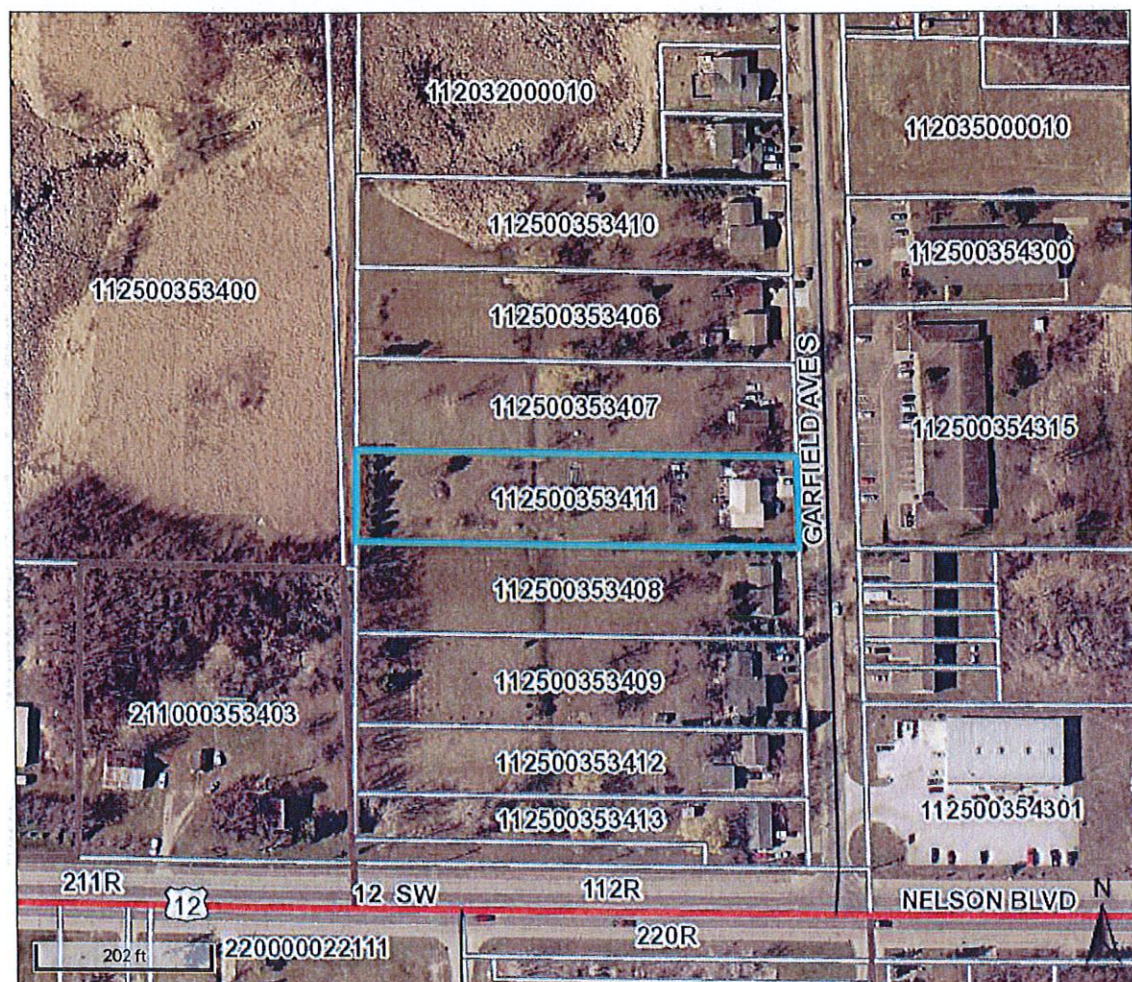
We are asking permission to build a garage behind our residence so that I can park my RV, Boat and Classic Car out of the elements. I would like to have a variance to build a 34' x 30' foot garage. I would also like a variance for the height of the garage do to the size of the my RV. The door needs to be 12' high in order to clear the roof of the RV. The inside of the garage needs to be 14' to clear the door when opened. The 16' maximum height won't work because the roof would be too flat. I need it to be at least 20' to have some kind of pitch for rain and snow. A flatter roof would bear way too much weight and could cause a collapse, also it would not the same as the house without a pitch to it. I am not going to run a business out of it nor do I plan on anyone living in it. The garage will be used for storage only.

Garage Plans Front View

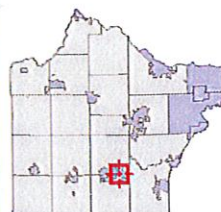








Overview



Legend

Roads

- CSAHCL
- CTYCL
- MUNICL
- PRIVATECL
- TWPCL

Highways

- Interstate
- State Hwy
- US Hwy

City/Township Limits

- c
- t
- Parcels

Parcel ID	112500353411	Alternate ID	n/a	Owner Address	ISAACS,DENNIS W & RUTH M
Sec/Twp/Rng	35-119-026	Class	201 - RESIDENTIAL		345 GARFIELD AVE S
Property Address	345 GARFIELD AVE S	Acreage	n/a		MONTROSE, MN 55363
	MONTROSE				
District	1201 CITY OF MONTROSE 877				
Brief Tax Description	Sect-35 Twp-119 Range-026 UNPLATTED LAND MONTROSE N100FT OF S500FT OF TH PRT OF SE1/4OF SW 1/4TH LIES1)E OF LN DRWN NLY AT R AGL TO S LN FR PT ON S LN568.41FT W FR SE COR2)LIES W OF E66FT OF SE1/4OF SW1/4				
	(Note: Not to be used on legal documents)				

Date created: 8/16/2019

Last Data Uploaded: 8/16/2019 4:44:25 AM

 Developed by  **Schneider**
GEOSPATIAL

CITY OF MONTROSE
NOTICE OF PUBLIC HEARING

Notice is hereby given that the Montrose Planning and Zoning Commission will hold a Public Hearing at 7:00 p.m. or as soon thereafter on Wednesday, August 21, 2019 at the Montrose Community Center, located at 200 Center Avenue South, for the purpose of considering the amendment of the City's Zoning Ordinance language surrounding Signs.

Notice is further given that any written or oral comments from citizens regarding the proposed Zoning Ordinance amendments will be heard at the Public Hearing. All interested persons are invited to attend the meeting and will be afforded the opportunity to speak on the applications during the Public Hearing.

Deb Boelter
Montrose City Clerk-Treasurer

Date of Posting: **Tuesday, August 6, 2019**

Date of Publication: **Thursday, August 8, 2019**



NORTHWEST ASSOCIATED CONSULTANTS, INC.

4150 Olson Memorial Highway, Ste. 320, Golden Valley, MN 55422
 Telephone: 763.957.1100 Website: www.nacplanning.com

TO:	Deb Boelter
FROM:	Myles Campbell
DATE:	8.14.19
RE:	Sign Ordinance Amendments
FILE NO:	273.02 – 19.03
PID:	N/A

BACKGROUND

Staff was directed to examine the city's existing sign ordinance after complaints were received from the US Highway 12 Steering Committee about the amount of temporary and portable signs along the corridor in Montrose. In addition to this area of review, staff also found a number of ordinance sections under what could be defined as content-based code, that is code that regulates on the basis of a sign's content versus its size, location or other physical characteristic.

When revising the code to remove these references to content, we are looking to bring it into compliance with recent federal court decisions. From the city's perspective we can regulate three primary characteristics of signs: time, manner and place. We can regulate the shape or design of the sign, how long or when it can be displayed, and where or in what parts of the city they will be allowed. Anything beyond these types of regulations begins to be problematic examples of content-based regulations.

Attached, Commissioners will find copies of a draft ordinance amendment, both a clean copy, as well as one showing the markup and changes from the current iteration of the ordinance. In addition, potential copies of both a temporary and permanent sign application are included for commissioners to review. The City currently lacks any application materials for signs, and these would be necessary to being able to enforce the ordinance however it ends up reading.

The following items are attached for reference:

- Exhibit A: Ordinance with Markup
- Exhibit B: Clean Ordinance
- Exhibit C: Sign Definitions with Markup
- Exhibit D: Montrose Temporary Sign Permit Application
- Exhibit E: Montrose Permanent Sign Permit Application

CHAPTER 1024

SIGNS

SECTION:

- 1024-1: Purpose
- 1024-2: Existing Signs and Non-Conforming Signs
- 1024-3: General Provisions
- 1024-4: Permitted and Prohibited Signs
- 1024-5: General District Regulations
- 1024-6: Special District Regulations
- 1024-7: Inspection
- 1024-8: Permit, Application, License, Variance, and City Council Approval
- 1024-9: Enforcement
- 1024-10: Violation a Misdemeanor

1024-1: PURPOSE: The purpose of this Ordinance is to establish minimum requirements, adopted to protect the public health, safety, morals, comfort and general welfare of the people of the City of Montrose, by providing regulations governing all signs, including but not limited to, the type, area, height, materials, construction, illumination, location and maintenance of all signs and sign structures in the City.

1024-2: EXISTING SIGNS AND NON-CONFORMING SIGNS:

- A. **Existing Signs.** Except for signs determined to create a public safety hazard due to ~~content or due to~~ disrepair and condition, or illegally established signs, all legally established signs existing upon the effective date of this Ordinance shall not be enlarged or reconstructed, but may be continued at the size and in the manner of operation existing upon such date.
- B. **Alterations.**
 - 1. A non-conforming sign may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:
 - a. The non-conforming sign is discontinued for a period exceeding one (1) year; or
 - b. The non-conforming sign is destroyed by fire or other peril to the extent of greater than fifty percent (50%) of its market value, and no permit has been applied for within one hundred eighty (180) days of when the non-conforming sign is damaged.

2. Any such permit is subject to reasonable conditions imposed by the City Council to mitigate the impact on adjacent properties.
- C. **Non-Conforming Sign Maintenance and Repair.** Nothing in this Ordinance shall be construed as relieving the owner or user of a legal non-conforming sign or owner of the property on which the legal non-conforming sign is located from the provisions of this Ordinance regarding safety, maintenance, and repair of signs; 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 non-conforming or the sign shall lose its legal non-conforming status.
 - D. **Non-Conforming Uses.** When the principal use of land is legally non-conforming, all existing or proposed signs in conjunction with that land, shall be considered conforming if they are in compliance with the sign provisions for the most restrictive zoning district in which the principal use is allowed.

1024-3: GENERAL PROVISIONS:

- A. The design and construction standards for signs, as set forth in the Uniform Building Code, as may be amended, are hereby adopted.
- B. The installation of electrical signs shall be subject to the State's Electrical Code. Electrical service to such sign shall be underground.
- C. Signs containing non-commercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.
- D. Signs shall not create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No private sign shall contain words which might be construed as traffic controls, such as "stop", "caution", "warning", unless the sign is intended to direct traffic on the premises.
- E. Signs and sign structures shall be properly maintained and kept in a safe condition. Sign or sign structures which are rotted, unsafe, deteriorated or defaced shall be repainted, repaired, or replaced by the licensee, owner or agent of the building upon which the sign stands.
- F. No sign shall be attached or be allowed to hang from any building until all necessary wall and roof attachments have been approved by the Building Official.

- G. No signs, guys, stays, or attachments shall be erected, placed or maintained on rocks, fences or trees nor interfere with any electric light, power, telephone or telegraph wires or the supports thereof.
- H. The use of search lights, banners, pennants and similar devices shall require a license. The license shall be valid for no more than fifteen (15) consecutive days. No more than two (2) licenses per business shall be granted during any twelve (12) month period.
- I. Illuminated signs shall be shielded to prevent lights from being directed at oncoming traffic in such brilliance that it impairs the vision of the drive. Nor shall such signs interfere with or obscure an official traffic sign or signal. This includes indoor signs which are visible from public streets.
- J. Except for legal, non-conforming portable signs existing prior to the effective date of this Ordinance, portable signs may not exceed thirty-two (32) square feet and may not be illuminated with any flashing device. Use of a portable sign shall require a license. The license shall be valid for no more than fifteen (15) consecutive days. No more than two (2) licenses per business shall be granted during any twelve (12) month period.
1. One sandwich board sign per business may be allowed in the business districts without a permit and without using the time period allotted for temporary, portable signs provided:
 - The sign is placed within fifteen (15) feet of the entrance of the business.
 - The sign shall be placed on private property and may be placed on a private sidewalk provided there is five (5) feet of clearance for pedestrians.
 - The sign may not obstruct safety, visibility, or traffic.
 - The sign shall be freestanding, not attached to any other structure or devise, not be illuminated, greater than 3 ½ feet in height, greater than 2 feet in width, or greater than 2 feet in depth.
 - The sign shall be only displayed during business hours.
- K. No sign or sign structure shall be closer to any lot line than a distance equal to one-half (1/2) the minimum required yard setback, or a minimum of 10-feet, whichever is less prohibitive. No sign shall be placed within any drainage or utility easement.
- L. Signs requiring licenses shall display in a conspicuous manner the license sticker or sticker number.
- M. No sign or sign structure shall be erected or maintained that prevents free ingress or egress from any door, window or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.

N. A freestanding sign or sign structure constructed so that the faces are not back to
 Montrose Zoning Ordinance

back, shall not have an angle separating the faces exceeding twenty (20) degrees unless the total area of both sides added together does not exceed the maximum allowable sign area for that district.

- O. Signs prohibited in residential districts shall be positioned so that the copy is not visible from residential uses or districts along adjoining side and rear yard property lines.
- P. Except for farm buildings, at least one (1) address sign identifying the correct property number, as assigned by the City, shall be required on each principal building in all districts. The address number shall be at least three (3) inches in height.

1024-4: PERMITTED AND PROHIBITED SIGNS:

A. Permitted Signs. The following signs are allowed without a permit:

1. Public Signs. Signs of a public, non-commercial nature, including safety signs, directional signs to public facilities, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when erected by or on behalf of a public official or employee in the performance of official duty.
2. Identification Signs. Identification signs not exceeding three (3) square feet.
3. Informational Signs. Informational signs not exceeding sixteen (16) square feet.
4. Directional Signs.
 - a. On-Premise Signs. On-premise signs shall not be larger than four (4) square feet. The number of signs shall not exceed four (4) unless approved by the Council.
 - b. Off-Premise Signs. Off-premise signs shall be limited to situations where access is confusing and traffic safety could be jeopardized or traffic could be inappropriately routed through residential streets. The size of the sign shall be approved by the Council and shall contain no advertising.
5. Integral Signs.
- ~~6. Campaign Signs. Campaign signs in agricultural, commercial, industrial, and institutional zones not exceeding eight (8) square feet, and in all residential zones not exceeding four (4) square feet. All noncommercial signs may be posted beginning 46 days before the state primary in a state or federal general election year until ten days following the general election. Campaign materials will contain the name and address of the person or organization preparing and disseminating the material. The sign shall contain the name and address of the person responsible for such sign, and that person shall be responsible for its removal. Such signs shall remain for no longer than seventy-five (75) days in any calendar year. The City shall have the right to remove and destroy signs not conforming to this Ordinance.~~
- ~~7.6. Holiday Signs. Signs or displays which contain or depict a message pertaining to a religious, national, state or local holiday and no other matter and which are displayed for a period not to exceed seventy-five (75) days in any calendar year.~~

- 9.7. ~~Construction Signs. A non-illuminated construction sign confined to the site of the construction, alteration or repair. During periods of construction, alteration, or repair, one or more additional signs shall be permitted on-site.~~ Such sign(s) shall be removed

within two (2) years of the date of issuance of the first building permit on the site or when the particular project is completed, whichever is sooner. One (1) sign shall be permitted for each street the project abuts. No sign may exceed thirty-two (32) square feet in the R-1 and R-2 Districts, or sixty-four (64) square feet in the UR, R-3, R-4, R-B, business, industrial and institutional districts.

10.8. "For Sale" and "To Rent" Signs. ~~"For sale" and "to rent" signs shall be~~
~~During the period of a property having space or units available for lease~~
~~or purchase, one or more additional signs shall be permitted on premise~~
~~subject to the following regulations-permitted subject to the following~~
~~regulations:~~

- a. Six (6) or Less Residential Dwelling Units. The following applies ~~to~~
~~the sale or rent of a single family residence or where~~ when six (6) or
less dwelling units (or lots for residential development) are for sale
or rent:
 - 1) No more than one (1) such sign per lot, except on a corner
lot, two (2) signs shall exceed sixteen (16) square feet in
area, or be illuminated.
 - 2) Each ~~such sign shall be devoted solely to the sale or rental~~
~~of the property being offered and~~ shall be removed
immediately upon the sale or rental of the property.
 - 3) Each sign shall be placed only upon the property offered for
sale or rent.
- b. Seven (7) or More Residential Dwelling Units. Where more than six
(6) dwelling lots (or lots for residential development purposes) are
offered for sale or rent by the same party, ~~signs advertising such~~
~~sale or rental may be constructed therefore in any district.~~ There
shall be permitted one (1) sign facing each public street provided
access to the property being offered. Each such sign shall not
exceed thirty-two (32) square feet in area; shall be located at least
one hundred (100) feet from any pre-existing home; and shall be
removed within one (1) year from the date of building permit
issuance, or when less than six (6) units remain for sale or rent,
whichever is less. Said sign shall fully comply with the setback
requirement for the zoning district in which the property is located.
- c. Commercial, Industrial or Institutional Property. In the event of the
sale or rental of commercial, industrial, or institutional property,
there shall be permitted one (1) sign facing each public street,
providing access to the property being offered. Each sign shall not
exceed sixty-four (64) square feet in area ~~and shall be devoted~~
~~solely to the sale or rental of the property being offered~~ and must be
removed immediately upon the sale or rental of the last property

offered at that location. Said sign may be located closer to the property line than fifty (50) percent of the setback required within the particular zoning district in which the property is located.

~~11. Rummage (Garage) Sale Signs. Rummage sale signs shall not be posted until the day before the sale and shall be removed within one (1) day after the end of the sale and shall not exceed six (6) square feet. Rummage sale signs shall not be located in any public right-of-way, or on utility poles or equipment. The City shall have the right to remove and destroy signs not conforming to this Ordinance.~~

12.9. Window Signs. Window signs shall not exceed fifty (50) percent of the total area of the window in which they are displayed.

B. **Prohibited Signs.** The following signs are prohibited:

~~1. All Off-Premise Signs not serving a directional purpose as described in section 1024-4, A-4. Advertising signs with the following exceptions:~~

~~a. Signs advertising non-profit organizations are permitted subject to the restrictions imposed within the zoning district in which the sign is located.~~

~~b.a. A real estate development sign advertising lots or property for sale may be located off premises by permit. The permit shall be renewable annually and conditioned upon documentation allowing such sign or structure by the property owner upon which it is to be located. The sign shall conform to the size restriction of signs imposed within the respective district in which the sign is located or a maximum of sixty-four (64) square feet each side, whichever is greater.~~

2. ~~Advertising or business s~~ Signs on or attached to equipment such as semi-truck trailers where signing is a principal use of the equipment on either a temporary or permanent basis.

3. Motion signs and flashing signs, except time and temperature signs and barber poles.

4. Projecting signs except as provided for in Section 1024-6 of this Ordinance.

5. Roof signs, except that a ~~business~~ sign may be placed on the fascia or marquee of a building in Commercial, Institutional and Industrial zoning districts, and provided:

a. The sign does not extend above the highest elevation of the building, excluding chimneys.

- b. The sign is thoroughly secured and anchored to the frames of the building over when they are constructed and erected.
 - c. No portion of the sign extends beyond the periphery of the roof.
6. ~~Business-s~~Signs which advertise an activity, business, product or service no longer produced or conducted on the premises upon which the sign is located. Where the owner or lessor of the premises is seeking a new tenant, such signs may remain in place for not more than thirty (30) days from the date of vacancy.

1024-5: GENERAL DISTRICT REGULATIONS:

A. UR, R-1, and R-2 Districts.

- 1. Residential Area Identification. Only one (1) sign for each area. Sign area may not exceed thirty-two (32) square feet with a maximum height of eight (8) feet for freestanding signs.

B. R-3, R-4, and R-B Districts.

- 1. Residential Area Identification. Only one (1) sign for each area. Sign area may not exceed sixty-four (64) square feet with a maximum height of ten (10) feet for freestanding signs.
- 2. Single or Double Occupancy Multiple Family or Business Sign. The total sign area may not exceed ten (10) percent of the total front building facade, except that both front and side facades may be counted on a corner lot. Signs chosen to comprise the total sign area shall be consistent with the following provisions:
 - a. Freestanding. Not more than one (1) freestanding sign. Sign area may not exceed sixty-four (64) square feet with a maximum height of ten (10) feet.
 - b. Wall, Canopy or Marquee. Not more than one (1) wall, canopy or marquee sign per building. However, on corner lots, two (2) such signs are allowed, one (1) per street frontage. Individual sign area may not exceed sixty-four (64) square feet.

C. B-1 and B-2 Districts.

1. Area Identification. Only one (1) sign. Sign area may not exceed one hundred (100) square feet with a maximum height of twenty-five (25) feet for freestanding signs.
2. Single or Double Occupancy Business Sign. The total sign area may not exceed two hundred fifty (250) square feet or fifteen (15) percent of the total front building facade, whichever is less. In calculating building facade, both front and side facades may be counted on a corner lot. Signs chosen to comprise the total sign area shall be consistent with the following provisions:
 - a. Freestanding. Not more than one (1) sign. Sign area may not exceed a maximum height of twenty-five (25) feet.
 - b. Wall, Canopy or Marquee. Not more than one (1) wall, canopy or marquee sign per building. However, on corner lots, two (2) such signs are allowed, one (1) per street frontage. Individual sign area for the second wall sign shall not be calculated in the maximum for the property, but shall be limited so as not to exceed one hundred (100) square feet.

D. I-1 and I-2 Districts.

1. Area Identification. Only one (1) sign. Sign area may not exceed one hundred (100) square feet with a maximum height of ten (10) feet for freestanding signs.
2. Single or Double Occupancy Business Sign. The total sign area may not exceed fifteen (15) percent of the front building facade, except that both front and side facades may be counted on a corner lot. Signs chosen to comprise the total sign area shall be consistent with the following provisions:
 - a. Freestanding. Not more than one (1) sign. Sign area may not exceed one hundred (100) square feet with a maximum height of ten (10) feet.
 - b. Wall, Canopy or Marquee. Not more than one (1) wall, canopy or marquee sign per building. However, on corner lots, two (2) such signs are allowed, one (1) per street frontage. Individual sign area may not exceed one hundred (100) square feet.

- E. Institutional Districts.** ~~Except as provided for in Section 1-24-6 of this Ordinance, o~~ Only one (1) sign per principal use. Sign area may not exceed sixty-

four (64) square feet with a maximum height of ten (10) feet for freestanding signs.

1. For lots of five (5) acres or more, an identification sign not larger than ninety-six (96) square feet may be permitted upon approval of a permit by the City Council.

- F. **PUD, Planned Unit Development District.** In a PUD District, signing restrictions shall be based upon the individual uses and structures contained in the complex. Signs shall be in compliance with the restrictions applied in the most restrictive zoning district in which the use is allowed.

1024-6: SPECIAL DISTRICT REGULATIONS:

- A. **Motor Fuel Stations.** Signs for motor fuel stations shall be regulated by the single occupancy business structure sign provisions for the zoning district in which the station is located. In addition, motor fuel stations may also display signs which identify current fuel prices and car wash facilities. Such signs shall be limited to a maximum size of sixteen (16) square feet and a maximum height of ten (10) feet each.
- B. **Wall, Canopy or Marquee Signs in Business, Industrial, and Institutional Zoning Districts.** Where freestanding signs are not used and where principal structures have a front yard setback in excess of that which is required under the applicable zoning district regulations, the maximum property signage percentage limitation or maximum square feet restriction may be increased one (1) percent for every five (5) feet of additional setback beyond the zoning district front yard setback requirement. This increase shall be limited to a twenty-five (25) percent maximum and shall be applied only to signs located in the year for which the calculation was made.
- C. **Multiple Occupancy Business and Industrial Buildings.** When a single principal building is devoted to four (4) or more businesses, or industrial uses, a comprehensive sign plan for the entire structure shall be submitted and shall be of sufficient scope and detail to permit a determination as to whether or not the plan is consistent with the following regulations. The plan shall be subject to the approval of the Council. No permit shall be issued for an individual use except upon a determination that it is consistent with the approved comprehensive sign plan.
1. The maximum individual sign sizes for multiple occupancy structures and individual uses which may display signs shall not exceed the maximum provisions for single or double occupancy structures in the same zoning district. The bonus provided in Section 1024-6.B of this Ordinance shall not apply in calculating maximum sign size.
 2. Multiple occupancy structures may display an area identification sign

consistent with the applicable district provisions of Section 1024-5 of this

Ordinance. Individual freestanding signs identifying the tenants' business shall not be displayed.

3. Except as provided in Section 1024-6.C.4 of this Ordinance, individual tenants of multiple occupancy structures shall not display separate business signs unless the tenants' business has an exclusive exterior entrance. The number of signs shall be limited to one (1) per entrance, and each sign shall be limited to the maximum wall size sign permitted in the district. The signs shall be located only on exterior walls which are directly related to the use being identified.
4. In any multiple occupancy structure ~~qualifying as a shopping center~~, directory signs shall be permitted for each common public entrance. Each directory sign area shall not exceed a total of fifty (50) square feet and shall be located within fifty (50) feet of the common public entrance being served. The size of individual ~~business~~ identification signing within the directory shall be established during the site plan review process. Attention shall be given to the possible number of tenant or occupancy bays which may be served by the common public entrance for which the directory sign is intended.

D. **Shopping Centers and Industrial Parks Containing More Than Twenty (20) Acres.** Where shopping center facilities or industrial parks cover more than twenty (20) acres of land, two (2) area identification signs may be displayed in accordance with the maximum sign size provisions per area identification sign of the applicable zoning district. Additional signs may be displayed subject to approval of the City Council.

E. **Highway Area Directional Signs.** Within the area immediately adjacent to U.S. 12, directional signs indicating business identification and access routing signs may be allowed by approval of the City Council. Such signs shall be in compliance with the maximum sign size provisions of the district.

~~F. **Schools, Athletic Complexes or Other Public or Semi-Public Institutions.**~~

- ~~1. For such facilities occupying an area of five (5) acres or more, an identification sign not larger than ninety-six (96) square feet may be permitted upon approval of a permit by the City Council.~~
- ~~2. Temporary signs, banners and displays for church, school, institutional or civic events are permitted but must be located on property owned or controlled by the church, school, institution, or civic organization and may be displayed only during a period commencing sixty (60) days prior to the scheduled event and ending three (3) days after closing date of said scheduled event.~~

G.F. Projecting Signs. Such signs, including those projecting into the public right-of-way, may be allowed by a permit approved by the Council in the B-1 Zoning District, provided that:

1. The sign conforms to the uniform character and design guidelines established for the area.
2. The owner assumes all liability for such signs.
3. The signs conform to the size and height limitations of the respective district.

1024-7: INSPECTION: All signs for which a permit is required shall be subject to inspection by the Building Official. The Building Official may order the removal of any sign that is not maintained in accordance with the maintenance provisions of this Ordinance.

1024-8: PERMIT, APPLICATION, LICENSE, VARIANCE, AND CITY COUNCIL APPROVAL:

A. **Permit Requirement.** Except as provided in Section 1024-4 of this Ordinance, it is unlawful for any person to erect, construct, alter, rebuild or relocate any sign or structure until a permit has first been issued by the City.

~~B. **Sign Application.** For all signs other than those described in Section 1024-4 A, Permitted Signs, a permanent or temporary sign application will need to be filed with the city prior to erection of the sign in question. The requirements and materials for both the temporary and permanent sign applications can be found at City Hall, or online at the City's website. The following information for a sign license shall be supplied by an applicant if requested by the City:~~

- ~~1. Name, address and telephone number of person making application.~~
- ~~2. Name, address and telephone number of person owning sign.~~
- ~~3. A site plan to scale showing the location of lot lines, building structures, parking areas, existing and proposed signs and any other physical features.~~
- ~~4. Plans, location and specifications and method of construction and attachment to the buildings or placement method in the ground.~~
- ~~5. Copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and City Code provisions.~~
- ~~6. Written consent of the owner or lessee of any site on which the sign is to be~~

| erected.

~~7. Any electrical permit required and issued for the sign.~~

~~8.B. Such other information as the City shall require to show full compliance with this and all other laws and City Code provisions.~~

C. **License Issued if Application is in Order.** The Building Official, upon the filing of an application for a license, shall examine such plans, specifications and other data and the premises upon which it is proposed to erect the sign. If it appears that the proposed structure is in compliance with all requirements of this Ordinance and all other laws and City Code provisions, the license shall be issued. If the work authorized under a license has not been completed within sixty (60) days after the date of issuance, the license shall be null and void.

~~D. **City Council Approval.** When this Ordinance requires Council approval for a sign, the application shall be processed in accordance with the procedural and substantive requirements of the Zoning Ordinance for a conditional use permit.~~

E.D. **Variances.** The City Council, acting as the Board of Adjustment and Appeals, may, upon application, grant a variance from the terms of this Ordinance. The request for a variance shall be processed in accordance with the procedural and substantive requirements of Section 1007 of this Ordinance.

F.E. **Fees.** Fees for the review and processing of temporary and permanent sign license applications, as well as ~~and~~ variance requests shall be imposed in accordance with the fee schedule established by City Council resolution.

1024-9: ENFORCEMENT: This Ordinance shall be administered and enforced by the Building Official. The Building Official may institute, in the name of the City, appropriate actions or proceedings against a violator.

1024-10: VIOLATION A MISDEMEANOR: Every person violates a section, subdivision, paragraph, or provision of this Ordinance when he or she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

CHAPTER 1024

SIGNS

SECTION:

- 1024-1: Purpose
- 1024-2: Existing Signs and Non-Conforming Signs
- 1024-3: General Provisions
- 1024-4: Permitted and Prohibited Signs
- 1024-5: General District Regulations
- 1024-6: Special District Regulations
- 1024-7: Inspection
- 1024-8: Permit, Application, License, Variance, and City Council Approval
- 1024-9: Enforcement
- 1024-10: Violation a Misdemeanor

1024-1: PURPOSE: The purpose of this Ordinance is to establish minimum requirements, adopted to protect the public health, safety, morals, comfort and general welfare of the people of the City of Montrose, by providing regulations governing all signs, including but not limited to, the type, area, height, materials, construction, illumination, location and maintenance of all signs and sign structures in the City.

1024-2: EXISTING SIGNS AND NON-CONFORMING SIGNS:

- A. **Existing Signs.** Except for signs determined to create a public safety hazard due to disrepair and condition, or illegally established signs, all legally established signs existing upon the effective date of this Ordinance shall not be enlarged or reconstructed, but may be continued at the size and in the manner of operation existing upon such date.
- B. **Alterations.**
 - 1. A non-conforming sign may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:
 - a. The non-conforming sign is discontinued for a period exceeding one (1) year; or
 - b. The non-conforming sign is destroyed by fire or other peril to the extent of greater than fifty percent (50%) of its market value, and no permit has been applied for within one hundred eighty (180) days of when the non-conforming sign is damaged.

2. Any such permit is subject to reasonable conditions imposed by the City Council to mitigate the impact on adjacent properties.
- C. **Non-Conforming Sign Maintenance and Repair.** Nothing in this Ordinance shall be construed as relieving the owner or user of a legal non-conforming sign or owner of the property on which the legal non-conforming sign is located from the provisions of this Ordinance regarding safety, maintenance, and repair of signs; 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 non-conforming or the sign shall lose its legal non-conforming status.
 - D. **Non-Conforming Uses.** When the principal use of land is legally non-conforming, all existing or proposed signs in conjunction with that land, shall be considered conforming if they are in compliance with the sign provisions for the most restrictive zoning district in which the principal use is allowed.

1024-3: GENERAL PROVISIONS:

- A. The design and construction standards for signs, as set forth in the Uniform Building Code, as may be amended, are hereby adopted.
- B. The installation of electrical signs shall be subject to the State's Electrical Code. Electrical service to such sign shall be underground.
- C. Signs containing non-commercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.
- D. Signs shall not create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No private sign shall contain words which might be construed as traffic controls, such as "stop", "caution", "warning", unless the sign is intended to direct traffic on the premises.
- E. Signs and sign structures shall be properly maintained and kept in a safe condition. Sign or sign structures which are rotted, unsafe, deteriorated or defaced shall be repainted, repaired, or replaced by the licensee, owner or agent of the building upon which the sign stands.
- F. No sign shall be attached or be allowed to hang from any building until all necessary wall and roof attachments have been approved by the Building Official.

- G. No signs, guys, stays, or attachments shall be erected, placed or maintained on rocks, fences or trees nor interfere with any electric light, power, telephone or telegraph wires or the supports thereof.
- H. The use of search lights, banners, pennants and similar devices shall require a license. The license shall be valid for no more than fifteen (15) consecutive days. No more than two (2) licenses per business shall be granted during any twelve (12) month period.
- I. Illuminated signs shall be shielded to prevent lights from being directed at oncoming traffic in such brilliance that it impairs the vision of the drive. Nor shall such signs interfere with or obscure an official traffic sign or signal. This includes indoor signs which are visible from public streets.
- J. Except for legal, non-conforming portable signs existing prior to the effective date of this Ordinance, portable signs may not exceed thirty-two (32) square feet and may not be illuminated with any flashing device. Use of a portable sign shall require a license. The license shall be valid for no more than fifteen (15) consecutive days. No more than two (2) licenses per business shall be granted during any twelve (12) month period.
 - 1. One sandwich board sign per business may be allowed in the business districts without a permit and without using the time period allotted for temporary, portable signs provided:
 - a. The sign is placed within fifteen (15) feet of the entrance of the business.
 - b. The sign shall be placed on private property and may be placed on a private sidewalk provided there is five (5) feet of clearance for pedestrians.
 - c. The sign may not obstruct safety, visibility, or traffic.
 - d. The sign shall be freestanding, not attached to any other structure or devise, not be illuminated, greater than 3 ½ feet in height, greater than 2 feet in width, or greater than 2 feet in depth.
 - e. The sign shall be only displayed during business hours.
- K. No sign or sign structure shall be closer to any lot line than a distance equal to one-half (1/2) the minimum required yard setback, or a minimum of 10-feet, whichever is less prohibitive. No sign shall be placed within any drainage or utility easement.
- L. Signs requiring licenses shall display in a conspicuous manner the license sticker or sticker number.
- M. No sign or sign structure shall be erected or maintained that prevents free ingress or egress from any door, window or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.

- N. A freestanding sign or sign structure constructed so that the faces are not back to back, shall not have an angle separating the faces exceeding twenty (20) degrees unless the total area of both sides added together does not exceed the maximum allowable sign area for that district.
- O. Signs prohibited in residential districts shall be positioned so that the copy is not visible from residential uses or districts along adjoining side and rear yard property lines.
- P. Except for farm buildings, at least one (1) address sign identifying the correct property number, as assigned by the City, shall be required on each principal building in all districts. The address number shall be at least three (3) inches in height.

1024-4: PERMITTED AND PROHIBITED SIGNS:

- A. **Permitted Signs.** The following signs are allowed without a permit:
 - 1. **Public Signs.** Signs of a public, non-commercial nature, including safety signs, directional signs to public facilities, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when erected by or on behalf of a public official or employee in the performance of official duty.
 - 2. **Identification Signs.** Identification signs not exceeding three (3) square feet.
 - 3. **Informational Signs.** Informational signs not exceeding sixteen (16) square feet.
 - 4. **Directional Signs.**
 - a. **On-Premise Signs.** On-premise signs shall not be larger than four (4) square feet. The number of signs shall not exceed four (4) unless approved by the Council.
 - b. **Off-Premise Signs.** Off-premise signs shall be limited to situations where access is confusing and traffic safety could be jeopardized or traffic could be inappropriately routed through residential streets. The size of the sign shall be approved by the Council and shall contain no advertising.
 - 5. **Integral Signs.**
 - 6. **Campaign Signs.** Campaign signs in agricultural, commercial, industrial,

and institutional zones not exceeding eight (8) square feet, and in all residential zones not exceeding four (4) square feet. All noncommercial signs may be posted beginning 46 days before the state primary in a state or federal general election year until ten days following the general election. Campaign materials will contain the name and address of the person or organization preparing and disseminating the material.

7. During periods of construction, alteration, or repair, one or more additional signs shall be permitted on-site. Such sign(s) shall be removed within two (2) years of the date of issuance of the first building permit on the site or when the particular project is completed, whichever is sooner. One (1) sign shall be permitted for each street the project abuts. No sign may exceed thirty-two (32) square feet in the R-1 and R-2 Districts, or sixty-four (64) square feet in the UR, R-3, R-4, R-B, business, industrial and institutional districts.
8. During the period of a property having space or units available for lease or purchase, one or more additional signs shall be permitted on premise subject to the following regulations:
 - a. Six (6) or Less Residential Dwelling Units. The following applies when six (6) or less dwelling units (or lots for residential development) are for sale or rent:
 - 1) No more than one (1) such sign per lot, except on a corner lot, two (2) signs shall exceed sixteen (16) square feet in area, or be illuminated.
 - 2) Each shall be removed immediately upon the sale or rental of the property.
 - 3) Each sign shall be placed only upon the property offered for sale or rent.
 - b. Seven (7) or More Residential Dwelling Units. Where more than six (6) dwelling lots (or lots for residential development purposes) are offered for sale or rent by the same party.. There shall be permitted one (1) sign facing each public street provided access to the property being offered. Each such sign shall not exceed thirty-two (32) square feet in area; shall be located at least one hundred (100) feet from any pre-existing home; and shall be removed within one (1) year from the date of building permit issuance, or when less than six (6) units remain for sale or rent, whichever is less. Said sign shall fully comply with the setback requirement for the zoning district in which the property is located.

- c. Commercial, Industrial or Institutional Property. In the event of the sale or rental of commercial, industrial, or institutional property, there shall be permitted one (1) sign facing each public street, providing access to the property being offered. Each sign shall not exceed sixty-four (64) square feet in area and must be removed immediately upon the sale or rental of the last property offered at that location. Said sign may be located closer to the property line than fifty (50) percent of the setback required within the particular zoning district in which the property is located.
9. Window Signs. Window signs shall not exceed fifty (50) percent of the total area of the window in which they are displayed.

B. Prohibited Signs. The following signs are prohibited:

- a. All Off-Premise Signs not serving a directional purpose as described in section 1024-4, A-4.
- 2. Signs on or attached to equipment such as semi- truck trailers where signing is a principal use of the equipment on either a temporary or permanent basis.
 - 3. Motion signs and flashing signs, except time and temperature signs and barber poles.
 - 4. Projecting signs except as provided for in Section 1024-6 of this Ordinance.
 - 5. Roof signs, except that a sign may be placed on the fascia or marquee of a building in Commercial, Institutional and Industrial zoning districts, provided:
 - a. The sign does not extend above the highest elevation of the building, excluding chimneys.
 - b. The sign is thoroughly secured and anchored to the frames of the building over when they are constructed and erected.
 - c. No portion of the sign extends beyond the periphery of the roof.
 - 6. Signs which advertise an activity, business, product or service no longer produced or conducted on the premises upon which the sign is located. Where the owner or lessor of the premises is seeking a new tenant, such signs may remain in place for not more than thirty (30) days from the date of vacancy.

1024-5: GENERAL DISTRICT REGULATIONS:

A. UR, R-1, and R-2 Districts.

1. Residential Area Identification. Only one (1) sign for each area. Sign area may not exceed thirty-two (32) square feet with a maximum height of eight (8) feet for freestanding signs.

B. R-3, R-4, and R-B Districts.

1. Residential Area Identification. Only one (1) sign for each area. Sign area may not exceed sixty-four (64) square feet with a maximum height of ten (10) feet for freestanding signs.
2. Single or Double Occupancy Multiple Family or Business Sign. The total sign area may not exceed ten (10) percent of the total front building facade, except that both front and side facades may be counted on a corner lot. Signs chosen to comprise the total sign area shall be consistent with the following provisions:
 - a. Freestanding. Not more than one (1) freestanding sign. Sign area may not exceed sixty-four (64) square feet with a maximum height of ten (10) feet.
 - b. Wall, Canopy or Marquee. Not more than one (1) wall, canopy or marquee sign per building. However, on corner lots, two (2) such signs are allowed, one (1) per street frontage. Individual sign area may not exceed sixty-four (64) square feet.

C. B-1 and B-2 Districts.

1. Area Identification. Only one (1) sign. Sign area may not exceed one hundred (100) square feet with a maximum height of twenty-five (25) feet for freestanding signs.
2. Single or Double Occupancy Business Sign. The total sign area may not exceed two hundred fifty (250) square feet or fifteen (15) percent of the total front building facade, whichever is less. In calculating building facade, both front and side facades may be counted on a corner lot. Signs chosen to comprise the total sign area shall be consistent with the following provisions:
 - a. Freestanding. Not more than one (1) sign. Sign area may not exceed a maximum height of twenty-five (25) feet.

- b. Wall, Canopy or Marquee. Not more than one (1) wall, canopy or marquee sign per building. However, on corner lots, two (2) such signs are allowed, one (1) per street frontage. Individual sign area for the second wall sign shall not be calculated in the maximum for the property, but shall be limited so as not to exceed one hundred (100) square feet.

D. I-1 and I-2 Districts.

- 1. Area Identification. Only one (1) sign. Sign area may not exceed one hundred (100) square feet with a maximum height of ten (10) feet for freestanding signs.
- 2. Single or Double Occupancy Business Sign. The total sign area may not exceed fifteen (15) percent of the front building facade, except that both front and side facades may be counted on a corner lot. Signs chosen to comprise the total sign area shall be consistent with the following provisions:
 - a. Freestanding. Not more than one (1) sign. Sign area may not exceed one hundred (100) square feet with a maximum height of ten (10) feet.
 - b. Wall, Canopy or Marquee. Not more than one (1) wall, canopy or marquee sign per building. However, on corner lots, two (2) such signs are allowed, one (1) per street frontage. Individual sign area may not exceed one hundred (100) square feet.

E. Institutional Districts. Only one (1) sign per principal use. Sign area may not exceed sixty-four (64) square feet with a maximum height of ten (10) feet for freestanding signs.

- 1. For lots of five (5) acres or more, an identification sign not larger than ninety-six (96) square feet may be permitted upon approval of a permit by the City Council.

F. PUD, Planned Unit Development District. In a PUD District, signing restrictions shall be based upon the individual uses and structures contained in the complex. Signs shall be in compliance with the restrictions applied in the most restrictive zoning district in which the use is allowed.

1024-6: SPECIAL DISTRICT REGULATIONS:

- A. **Motor Fuel Stations.** Signs for motor fuel stations shall be regulated by the single occupancy business structure sign provisions for the zoning district in

which the station is located. In addition, motor fuel stations may also display signs which identify current fuel prices and car wash facilities. Such signs shall be limited to a maximum size of sixteen (16) square feet and a maximum height of ten (10) feet each.

- B. **Wall, Canopy or Marquee Signs in Business, Industrial, and Institutional Zoning Districts.** Where freestanding signs are not used and where principal structures have a front yard setback in excess of that which is required under the applicable zoning district regulations, the maximum property signage percentage limitation or maximum square feet restriction may be increased one (1) percent for every five (5) feet of additional setback beyond the zoning district front yard setback requirement. This increase shall be limited to a twenty-five (25) percent maximum and shall be applied only to signs located in the year for which the calculation was made.
- C. **Multiple Occupancy Business and Industrial Buildings.** When a single principal building is devoted to four (4) or more businesses, or industrial uses, a comprehensive sign plan for the entire structure shall be submitted and shall be of sufficient scope and detail to permit a determination as to whether or not the plan is consistent with the following regulations. The plan shall be subject to the approval of the Council. No permit shall be issued for an individual use except upon a determination that it is consistent with the approved comprehensive sign plan.
1. The maximum individual sign sizes for multiple occupancy structures and individual uses which may display signs shall not exceed the maximum provisions for single or double occupancy structures in the same zoning district. The bonus provided in Section 1024-6.B of this Ordinance shall not apply in calculating maximum sign size.
 2. Multiple occupancy structures may display an area identification sign consistent with the applicable district provisions of Section 1024-5 of this ordinance. Individual freestanding signs identifying the tenants' business shall not be displayed.
 3. Except as provided in Section 1024-6.C.4 of this Ordinance, individual tenants of multiple occupancy structures shall not display separate business signs unless the tenants' business has an exclusive exterior entrance. The number of signs shall be limited to one (1) per entrance, and each sign shall be limited to the maximum wall size sign permitted in the district. The signs shall be located only on exterior walls which are directly related to the use being identified.
 4. In any multiple occupancy structure, directory signs shall be permitted for each common public entrance. Each directory sign area shall not exceed a total of fifty (50) square feet and shall be located within fifty (50) feet of the

common public entrance being served. The size of individual identification signing within the directory shall be established during the site plan review process. Attention shall be given to the possible number of tenant or occupancy bays which may be served by the common public entrance for which the directory sign is intended.

- D. **Shopping Centers and Industrial Parks Containing More Than Twenty (20) Acres.** Where shopping center facilities or industrial parks cover more than twenty (20) acres of land, two (2) area identification signs may be displayed in accordance with the maximum sign size provisions per area identification sign of the applicable zoning district. Additional signs may be displayed subject to approval of the City Council.
- E. **Highway Area Directional Signs.** Within the area immediately adjacent to U.S. 12, directional signs indicating business identification and access routing signs may be allowed by approval of the City Council. Such signs shall be in compliance with the maximum sign size provisions of the district.
- F. **Projecting Signs.** Such signs, including those projecting into the public right-of-way, may be allowed by a permit approved by the Council in the B-1 Zoning District, provided that:
 - 1. The sign conforms to the uniform character and design guidelines established for the area.
 - 2. The owner assumes all liability for such signs.
 - 3. The signs conform to the size and height limitations of the respective district.

1024-7: INSPECTION: All signs for which a permit is required shall be subject to inspection by the Building Official. The Building Official may order the removal of any sign that is not maintained in accordance with the maintenance provisions of this Ordinance.

1024-8: PERMIT, APPLICATION, LICENSE, VARIANCE, AND CITY COUNCIL APPROVAL:

- A. **Permit Requirement.** Except as provided in Section 1024-4 of this Ordinance, it is unlawful for any person to erect, construct, alter, rebuild or relocate any sign or structure until a permit has first been issued by the City.
- B. **Sign Application.** For all signs other than those described in Section 1024-4 A, Permitted Signs, a permanent or temporary sign application will need to be filed

with the city prior to erection of the sign in question. The requirements and materials for both the temporary and permanent sign applications can be found at City Hall, or online at the City's website.

- C. **License Issued if Application is in Order.** The Building Official, upon the filing of an application for a license, shall examine such plans, specifications and other data and the premises upon which it is proposed to erect the sign. If it appears that the proposed structure is in compliance with all requirements of this Ordinance and all other laws and City Code provisions, the license shall be issued. If the work authorized under a license has not been completed within sixty (60) days after the date of issuance, the license shall be null and void.
- D. **Variances.** The City Council, acting as the Board of Adjustment and Appeals, may, upon application, grant a variance from the terms of this Ordinance. The request for a variance shall be processed in accordance with the procedural and substantive requirements of Section 1007 of this Ordinance.
- E. **Fees.** Fees for the review and processing of temporary and permanent sign license applications, as well as variance requests shall be imposed in accordance with the fee schedule established by City Council resolution.

1024-9: ENFORCEMENT: This Ordinance shall be administered and enforced by the Building Official. The Building Official may institute, in the name of the City, appropriate actions or proceedings against a violator.

1024-10: VIOLATION A MISDEMEANOR: Every person violates a section, subdivision, paragraph, or provision of this Ordinance when he or she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

CHAPTER 1002

RULES AND DEFINITIONS

1002-2: **DEFINITIONS:** The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined:

SIGN RELATED:

~~A. Advertising Sign. A sign used to advertise products, goods or services not exclusively related to the premise on which the sign is located.~~

B.A. Address Sign. A sign communicating only a street address.

C.B. Alteration. Any major alteration to a sign excluding routine maintenance, painting or change of copy.

D.C. Area Identification Sign. A freestanding sign identifying the name of a single or two-family residential subdivision consisting of twenty (20) or more lots; a residential planned unit development; a multiple residential complex consisting of three (3) or more independent operations; a single business consisting of three (3) or more separate structures; a manufactured home park; or any integrated combination of the above. The sign shall only identify an area, complex or development and shall not, unless approved by the City Council, contain the name of individual owners or tenants. The sign may not contain advertising.

E.D. Awning. A temporary hood or cover projecting from the wall of a building, and which can be retracted, folded or collapsed against the face of a supporting building.

F.E. Banner. An attention getting device which resembles a flag and is of a paper, cloth or plastic-like consistency.

G.F. Bench Sign. A sign affixed to a bench such as at a bus stop.

~~H.G. Billboard. An advertising sign.~~

I.H. Building Facade. That portion of the exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

~~J.I. Business Sign. Sign identifying a business or group of businesses, either retail~~

~~or wholesale, or any sign identifying a profession or 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.~~

K.J. Campaign Sign. A temporary sign promoting the candidacy of a person running for governmental office, or promoting an issue to be voted on at a governmental election.

L.K. Canopy Sign. Message or identification affixed to a canopy or marquee that provides a shelter or cover over this approach to any building entrance.

~~M. Construction Sign. A sign at a construction site identifying the project or the name of the architect, engineer, contractor, financier, or other involved parties.~~

N.L. Directional Sign. A sign erected with the address and/or name of a business, institution, church or other use or activity plus directional arrows or information on location.

O.M. Directory Sign. An exterior informational wall sign identifying the names of businesses served by a common public entrance in a shopping center or office building.

P.N. Flashing Sign. An illuminated sign upon which the artificial light is not kept constant in terms of intensity or color when the sign is illuminated.

Q.O. Freestanding Sign. Self-supported sign not affixed to another structure.

R.P. Identification Sign. A sign which identifies the business, owner, manager, resident or address of the premises where the sign is located and which contains no other material.

S.Q. Illuminated Sign. A sign illuminated by an artificial light source either directed upon it or illuminated from an interior source.

T.R. Informational Sign. Any sign giving information to employees, visitors or delivery vehicles, but containing no advertising or identification. Gas price and menu board signs are informational signs and shall not be included in calculating the size limitations imposed within the respective zoning district.

~~U.S. Institutional Sign. A sign identifying the name and other characteristics of a public or semi-public institution on the premises where the sign is located.~~

V.T. Integral Sign. 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.

W.U. Marquee. A canopy.

~~X.V.~~ Menu Board. A sign containing a food price list for restaurant customers, but containing no advertising or identification.

~~Y.W.~~ Motion Sign. Any sign which revolves, rotates, has moving parts or gives the illusion of motion.

~~Z.X.~~ Non-Profit Organization. A corporation formed under Minnesota Statutes, Chapter 317, a church or community or civic group.

AA. Parapet. A low wall which is located on a roof of a building.

BB. Portable Sign. A sign designed to be movable from one location to another and which is not permanently attached to the ground, sales display device, or structure.

CC. Projecting Sign. A sign, other than a wall sign, which is affixed to a building and perpendicular from the building wall.

DD. Public Entrance. Passage or opening which affords entry and access to the general public.

EE. Public Entrance, Common. A public entrance providing access for the use and benefit of two (2) or more tenants or building occupants.

FF. Reader Board. A sign with an electronic changing message.

~~GG. Real Estate Sign. A business sign placed upon property advertising that particular property for sale or rent.~~

HH. Roof Line. The top of the coping or, when the building has a pitched roof, the intersection of the outside wall with the roof.

II. Roof Sign. Sign erected, constructed or attached wholly or in part upon or over the roof of a building.

JJ. Sign. Use of words, numerals, figures, devices or trade marks by which anything is made known such as individuals, firms, professionals, businesses, services or products and which is visible to the general public.

KK. Sign Area. The area within the marginal lines of the surface of a sign which bears the advertisement or, in the case of messages, figures or symbols attached directly to a building or sign structure, that area which is included in the smallest rectangle or series of geometric figures used to circumscribe the message, figure or symbol displayed thereon.

LL. Sign, Maximum Height of. The vertical distance from the grade to the top of the sign.

- MM. Sign Structure. The supports, uprights, bracing and framework for a sign including the sign area.
- NN. Street Frontage. The proximity of a parcel of land to one (1) or more streets. An interior lot has one (1) street frontage and a corner lot has two (2) or more frontages.
- OO. Temporary Sign. A sign erected or displayed for a specified period of time.
- PP. Wall Sign. A sign affixed to the exterior wall of a building and which is parallel to the building wall. A wall sign does not project more than twelve (12) inches from the surface to which it is attached, nor extend beyond the top of the parapet wall.
- QQ. Wall Graphics. A sign painted directly on an exterior wall.
- RR. Window Sign. A sign affixed to or inside of a window in view of the general public. This does not include merchandise on display.



311 Buffalo Avenue South, P.O. Box 25
 Montrose, MN 55363
 763-575-7422 Fax 763-675-3032
<https://montrose-mn.com/>

TEMPORARY SIGN PERMIT APPLICATION

Date Received: _____
 Date Notified: _____
 Date Paid: _____ Check/Cash/CC: _____
 Permit #: _____
 Expire Date: _____

Please print or type all information. Property owners' approval is required for temporary signs by signature below or letter of approval submitted with application.

Please review the Montrose Sign Ordinance which can be found on the City's website at
<https://montrose-mn.com/>.

Applicant's Name _____ Address _____

Applicant's Cell Phone _____ Email _____

Applicant City _____ State _____ Zip _____

Applicant is (please check one): ☐ Owner ☐ Contractor ☐ Other

Address of Temporary Sign Location _____

PID# of Sign Location _____

PRINTED Property Owner's Name _____

Signature of Owner (Required) _____

Street Address _____

Property Owner's Phone _____

City _____

State _____

Zip _____

Sign Contractor's Name _____

Phone Number _____

Street Address _____

Email _____

City _____

State _____

Zip _____

Permit Cost: \$ 35.00 per 15 days per property - up to two consecutive permitsType of Sign Requested (*Check all that apply*):☐ On Premise☐ Business/Development/Organization Name: _____Location of Sign on Property: (***MUST INCLUDE SITE PLAN OR AERIAL PHOTO***)

Verbiage on sign:

Length of Permit: _____

No. Permits Already Issued this Year: _____

Width: _____ X Height: _____ = Total Square Footage _____

Terms and Conditions:

Signs erected without a permit or in violation of the City's ordinance may be subject to immediate removal and/or be subject to an administrative fine per Chapter 6 of the Albertville City Code. After one (1) notice of a sign violation of the Albertville Sign Code, the City shall levy administrative fines for subsequent violations or repeat offenses without additional notice. Failure to abide by the approved permit or the provisions of the Albertville Sign Code will be grounds for denial of additional permits for six (6) months following notice of violation.

Sign Permits will not be processed if incomplete.

I hereby certify that I have furnished information on this application, which is to the best of my knowledge true and correct. I also certify that I am the owner or authorized agent for the above mentioned property and that all construction will conform to all existing state and local laws and will proceed in accordance with submitted plans. I am aware of the aforementioned penalties for permit violation and that this permit can be revoked for just cause. Furthermore, I hereby agree that the City Official or a designee may enter upon the property to perform needed inspections.

I hereby confirm that I have read and agree to the previously stated terms and conditions:

Signature of Applicant_____
Date_____
Building Official Signature_____
Date Approved



City of Montrose
 311 Buffalo Avenue South, P.O. Box 25
 Montrose, MN 55363
 Phone: 763-575-7422 Fax: 763-675-3032
<https://montrose-mn.com>

Received Stamp

PERMANENT SIGN PERMIT APPLICATION

Please print or type all information. Complete all applicable items on both pages. **A Building Permit Application must accompany each Permanent Sign Permit Application.** Property Owners/Landlords Approval is required for Permanent Signs by signature below or letter of approval submitted with application.

Property Address: _____

PID#: _____

Applicant Name: _____ Address: _____

Applicant City: _____ State _____ Zip _____

Applicants Phone: _____ Email: _____

Applicant is (please check one) ☐ Owner ☐ Contractor ☐ Other

Property Owner's Name _____

Owners Signature * Required

Street Address _____

Phone Number _____

City _____

State _____ Zip Code _____

Sign Contractor's Name _____

Telephone Number _____

Street Address _____

Email _____

City _____

State _____ Zip Code _____

Class of Work: ☐ New ☐ Addition ☐ Alteration ☐ Repair ☐ Demolition

*Please complete the following two pages to provide the necessary information for a complete sign permit review.

<i>Sign Types</i>	<i>Sign Faces</i>	<i>Sign Frames</i>	<i>Sign Supports</i>	<i>Class</i>
Wall	Plastic	Plastic	Plastic	Business
Freestanding	Metal	Metal	Metal	Nameplate
Temporary	Aluminum	Aluminum	Aluminum	Advertising
Billboard	Steel	Steel	Steel	Directional
Monument	Plastic	Wood	Footings	Nameplate

<i>Illuminated</i>
Yes ____ * See below
No ____

Note: Please complete the following section by indicating the terms listed above in the columns provided for each sign. If more columns are needed, use an additional form.

	<i>Sample</i>	Sign 1	Sign 2	Sign 3
Type	<i>Wall</i>			
Quantity	<i>1</i>			
Face	<i>Plastic</i>			
Frame	<i>Plastic</i>			
Support	<i>Building</i>			
Class	<i>Business</i>			
Illuminated	<i>NO</i>			
Length	<i>4 feet</i>			
Width	<i>4 feet</i>			
Square Feet	<i>16 square feet</i>			

In addition, sign permit applications must be submitted with the following information in order to be processed and reviewed for City approval:

Site Location:

1. **For ground signs**, provide a survey or aerial photo showing the proposed sign site. The survey or aerial photo should provide a graphic scale and should indicate the location of both existing and proposed signs relative to lot lines, buildings, structures, etc..
2. **For building signs (wall, window, blade, etc.)**, identify on which building façades (east, west, front, side, etc.) signs will be placed, and provide a scaled graphic of each affected building façade, with both existing and proposed signs indicated.
3. If the sign is associated with a multiple tenant building indicate the location of the tenant bay within the site via description or site map. Specify name of commercial development & location.

Building Information:

1. Wall signs cannot exceed 15% of the building façade or tenant bay fronting on a public street for commercial development, or industrial development. Provide the building façade or tenant bay dimensions: **(See Exhibit A & B)**

Width _____ (feet) x Height _____ (feet) = Total wall surface _____ (square feet)

Wall Sign Information:

1. Provide an illustration of the proposed sign showing the signs size:

Width _____ (feet) x Height _____ (feet) = Total sign area _____ (square feet)

2. Provide wall sign construction details illustrating wall mounting methods.
3. Identify the number and area (square feet) of existing wall signs on each building façade.

Ground Sign Information:

1. Provide an illustration of the proposed ground sign showing:
 - a. The dimension of the total sign surface. Identify number of sign faces.
 - b. Detail on the height and dimensions of the support structure or sign base.
 - c. Total sign height.
2. Provide ground sign construction details identifying sign material and color.

***Illumination Information:**

1. Provide a detailed description of any electrical components that are proposed with a building or ground sign. Identify electrical connections, methods of illumination, and electricity needed. Demonstrate that illumination will not exceed 500 lumens per square foot.
2. Verify that the sign will be wired to conform to the electrical code of the state of Minnesota.

Changeable Copy Sign Information:

1. Provide all required wall or ground sign information listed above (depending on where changeable copy sign will be mounted).
2. Provide all required illumination information listed above.
3. Provide a site plan showing sign location and setback from nearest residential zoning district.
4. Indicate ratio/percentage of changeable copy sign in comparison to total wall or ground sign face area.
5. Identify length of time on message change intervals.

Applicants Signature

Date

Building Official Signature

Date

Special Approvals:

** Monument & Free
Standing Signs
ONLY unless noted*

	Date Routed	Approved
Building Official	_____	_____
Public Works Supervisor *	_____	_____
Wastewater Superintendent *	_____	_____
City Engineer *	_____	_____
Other	_____	_____



Planning and Zoning Commission Meeting

SPECIAL NOTICE

**MONTROSE PLANNING AND ZONING
COMMISSION MEETING SCHEDULED
FOR:**

Wednesday, September 18, 2019

HAS BEEN RESCHEDULED TO:

Wednesday, September 11, 2019

7:00 P.M.

**Montrose Community Center
200 Center Avenue South**