

#### MONTROSE PLANNING AND ZONING COMMISSION MEETING AGENDA

Wednesday, July 10, 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. June 19, 2019 Planning and Zoning Commission Meeting Minutes
- 6. Old Business
  - A. Discussion on Sign Ordinance Amendments
- 7. New Business
  - A. City Planner Updates
- 8. Next Meeting
  - A. Wednesday, August 21, 2019 to be held at the Montrose Community Center 7:00 p.m.
- 9. 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, June 19, 2019 7:00 P.M.

#### CALL TO ORDER

**Pursuant** to call and notice the Montrose Planning and Zoning Commission met in Regular Session on Wednesday, June 19, 2019 at 7:00 p.m.

Planning and Zoning Commission Chair, Ms. Tracy Gurneau, called the meeting to order at 7:00 p.m.

#### 2. ROLL CALL

Present: Commissioner Justin Emery

Commissioner Tracy Gurneau Commissioner Sylvia Henry Commissioner Barry Rhineberger City Council Liaison Lloyd Johnson

Absent:

Commissioner Mike Scanlon

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 June 19, 2019 Planning and Zoning Commission Meeting Agenda. Commissioner Emery seconded the motion. Motion carried 4-0.

#### 5. APPROVAL OF THE MINUTES

A. May 8, 2019 Planning and Zoning Commission Meeting

Commissioner Rhineberger motioned to approve the Planning and Zoning Commission Meeting minutes of May 8, 2019. Commissioner Henry seconded the motion. Motion carried 4-0.

#### 6. PUBLIC HEARING

- A. Consider Amendments to Chapter 1031 of the City of Montrose Zoning Code
  - Consider amendments to Chapter 1031: Alternative Energy Systems regarding the location and Regulations of commercial Solar Farms.

Commissioner Henry motioned to open the Public Hearing at 7:03 p.m. to consider amendments to Chapter 1031 of the City of Montrose Zoning Code. Commissioner Emery seconded the motion. Motion carried 4-0.

Ms. Catherine Neiberger, 125 Hill Street, addressed the Planning and Zoning Commission asking for clarification of the numbering for the proposed Ordinance amendments.

After evaluating the Ordinance, Mr. Myles Campbell noted that there was an error in the numbering of the existing Ordinance. He continued by stating that 1032.4 should read 1031.4. Mr. Campbell stated that the proposed Ordinance would be amended to reflect the correct numbering.

Commissioner Rhineberger stated that the proposed Ordinance amendments should read as, "SECTION 1031.4, 5.

Mr. Campbell stated that the numbering for the proposed Ordinance amendments should be SECTION 1031.4, 5 as stated by Commissioner Rhineberger. He continued by stating that he would make the aforementioned numbering change to the final Ordinance before it is presented to the City Council for their approval.

Ms. Neiberger than addressed the Planning and Zoning Commission regarding the difficulty of following the City's Comprehensive Plan. Mr. Campbell stated that any discussion regarding the Comprehensive Plan is outside of the scope of the Public Hearing.

Planning and Zoning Commission Chair, Ms. Tracy Gurneau asked for further comments from the general public. No comments were received.

Commissioner Emery motioned to close the Public Hearing at 7:10 p.m. Commissioner Henry seconded the motion. Motion carried 4-0.

Commissioner Rhineberger opened the Planning and Zoning Commission Meeting at 7:11 p.m. Commissioner Henry seconded the motion. Motion carried 4-0.

Council Member Johnson stated that he would like to see the trees to be a ten (10) feet minimum height for screening of a Solar Farm. Mr. Campbell stated that the proposed Ordinance amendment states that the screening options of fencing, landscaping or earthen berms "should provide screening to a minimum height of 8 feet." The Commission Members discussed and agreed to leave the Ordinance with the proposed language of "a minimum height of 8 feet."

Commissioner Rhineberger stated that the Planning and Zoning Commission and the City Council will evaluate all proposals to build a Solar Farm and the proposed language in the Ordinance allows either group to require screening that is higher than eight (8) feet.

Council Member Johnson shared his concerns about the existing Solar Farm not paying the Alternative Urban Areawide Review (AUAR) Fee of \$500.00 per acre.

Commissioner Rhineberger stated that the Planning and Zoning Commission is currently discussing the proposed amendments to the Solar Energy Systems (SES) Ordinance and not the existing Solar Farm.

Commissioner Rhineberger motioned to recommend that the City Council approve the amendments to Chapter 1031 of the City of Montrose's Zoning Code as presented with the changes to the numbering as discussed. Commissioner Henry seconded the motion. Motion carried 4-0.

#### 7. NO OLD BUSINESS.

#### 8. NEW BUSINESS

A. Discussion on Necessary Sign Ordinance Amendments

Mr. Campbell stated that City staff was directed to examine the City's existing Sign Ordinance after concerns 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 this presents an issue for the City, as content-based Code can be construed by courts as limiting an individual's first amendment right to free speech. This is especially true since the year

2015 Supreme Court decision in Reed versus Town of Gilbert. This decision broadened what could be construed as an unconstitutional restriction on freedom of speech.

City staff believes it is in the City's best interests to revise its Code to be more content-neutral overall to avoid potential legal challenges. A few examples of what this revision has looked like with previous client communities, and what this revision itself could look like, have been attached, as well as a memo on the topic from the League of Minnesota Cities. In addition, the Planning Staff will be working closely with the City's Attorney to confirm that the changes being made are in compliance with Minnesota State Statutes and regulations.

Mr. Campbell presented the following items for reference:

- > Exhibit A: Existing Sign Ordinance
- > Exhibit B: League Memo: Sign Ordinances and the First Amendment
- Exhibit C: Saint Francis Sign Ordinance Revision
- > Exhibit D: St. Paul Park Sign Ordinance Revision

Mr. Campbell stated that sandwich board signs are a low-cost and convenient way for businesses to advertise onsite. However, they currently exist in a gray area within the City's Code as they are not directly mentioned by name; but, could probably fall under the category of portable signs. Portable signs are meant to be temporary or seasonal and operate under a fifteen-day (15-day) license. This is done since the portable signs are not affixed to the ground and can pose risks to surrounding private property in cases of storms, tornadoes, and other sever weather events. In addition, portable signs can be up to thirty-two (32) square feet and have no unique setback requirements from the general regulations.

Mr. Campbell continued by stating that sandwich board signs are similar but distinct from this description of portable signs. In other communities, the typical standard for a sandwich board sign is that they be permitted without a 15-day license period; but, that they must only be left out on display during regular business hours, and must otherwise be stored inside. Additionally, rather than just having a setback requirement of half the minimum required district setback from the lot line, most ordinances also require sandwich board signs to be placed no further than fifteen (15) feet from the entrance of the business.

Mr. Campbell stated that staff believes adding a new definition for sandwich board signs to Chapter 1002, and these regulations to the general provisions section of Chapter 1024 would allow for the continued use of sandwich board signs by local businesses; but, in a way that limits their impact on the U.S. Highway 12 corridor aesthetics.

Commissioner Gurneau asked staff if the City currently requires business and/or organizations that use sandwich board signs to come and get a permit from the City. Ms. Boelter stated no. She continued by stating that after the Sign Ordinance is updated, Mr. Campbell will work with City staff to develop an application for permitting signage.

Mr. Campbell stated that the City of Montrose has a number of instances in which it permits, exempts, and/or prohibits a sign not based on its shape, size or location; but, on the sign's content. Over a number of court cases decided at the Federal level, certain instances of content-based Code have been determined to be unconstitutional on the grounds that it may prohibit an individual's right to free speech. Mr. Campbell presented the following example from the City's Sign Ordinance in the prohibited signs section of the Code:

- B. Prohibited Signs. The following signs are prohibited:
- 1. Advertising signs with the following exceptions:

a. ...

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.

Mr. Campbell stated that this piece of language is content-based Code because it is specifically allowing for just real estate advertising to be allowed off-premise. If a business owner wanted to advertise their restaurant, or a billboard company wanted to put up an advertisement for a new outlet mall coming soon, they wouldn't be allowed to do so. It's legally allowed to prohibit off-premise signs at large, since that ordinance is based on location of signs; but, this is a content-based exemption to that prohibition.

Mr. Campbell stated that other examples that have been found by the courts to constitute "content-based" Sign Code is regulating and referring to political signs, ideological signs, holiday signs, and etcetera. From the year 2015 Reed versus Town of Gilbert decision, a two-step analysis was created to determine what constitutes content-based Code.

- 1. Does the ordinance's actual language refer to the content or the message of the sign?
- 2. If not, then does evidence exist that shows the city adopted the regulation specifically because of disagreement (or agreement) with the message expressed by the sign?

Mr. Campbell stated that while its best practice to draft as content-neutral language as possible, there may be cases where the City sees a need in regulating the content of a sign. In such an instance, there needs to be proof that such a regulation is being done strictly in the interest of the public welfare, and not because of a favoritism of one message over another. For example, the City does have regulations over signs which contain directional information; but, this is done in order to ensure the sign does not impact the safe flow and location of vehicle traffic. However, if the City only allowed commercial businesses to use off-premise directional signs, versus a religious or non-profit group, there would arise the issue of a content-based Code which impeded a person's right to free speech.

Mr. Campbell stated that the City's current Sign Ordinance is not compliant with the aforementioned two-step analysis.

The Commission Members discussed the current signage that is located along U.S. Highway 12; namely, the LGI Homes' signs.

Commissioner Rhineberger stated that he would like City staff to look at where the LGI Homes' and similar signage fit into the City's Building Code.

Mr. Campbell stated that while City staff was initially directed with updating the Sign Ordinance surrounding signs along U.S. Highway 12, it is important to make broader revisions to the sign ordinance to bring it into compliance with State and Federal rules surrounding how a Local Government can and cannot regulate the content of its signs. This process will utilize previous cases of revision as a starting point but will also involve close collaboration with the City's Attorney and the Planning and Zoning Commission in order to ensure that the end result is not only legally sound; but, something that works for the City's purposes.

#### B. City Planner

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.

#### 9. NEXT MEETING

A. Wednesday, July 10, 2019 to be held at the Montrose Community Center – 7:00 p.m.

#### 10. ADJOURNMENT

Commissioner Henry motioned to the adjourn the Planning and Zoning Commission Meeting at 7:47 p.m. Commissioner Rhineberger seconded the motion. Motion carried 4-0.

Tracy Gurneau Chair City of Montrose

ATTEST:

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



### 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:	7.7.19
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.

The City Planner and attorney have taken a preliminary look through the ordinance language, and have identified instances of content-based code, identified potential language for sandwich board signs, and has begun to explore how to revamp the permitting system to see more active use in the future.

### The following items are attached for reference:

Exhibit A: Existing Sign Ordinance w/ content based markup

Exhibit B: Albertville Sign Permit Applications

### **Content-Neutral Code**

Attached to this memo is a copy of the existing code with sections highlighted that specifically reference the content of a sign in its regulations allowing or prohibiting them. There are three colors for coding purposes:

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 state statute and will be updated to match the exact language of the statute.

This is just the first pass through of the ordinance, just because something is highlighted as yellow, does not mean that changes can't be made to improve the language, or similarly that something highlighted as green can't be reworked in such a way that is more narrowly defined, or which effect is accomplished by form or location based regulation.

The highlights are meant to give 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 ordinance. 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.

# Sandwich Board Signs

The following is a proposed set of 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 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.

Additionally, a new definition for this sign type shall be added to Chapter 1002, section 1002-2: Definitions.

# Permitting and Enforcement

Another major issue that was raise during the previous planning 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 doers 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 permit for all types of signs, or one for permanent signs, and one 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.

On the topic of fees, no direct dollar amount references will be made in the 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.

For the permit applications themselves, Staff would recommend splitting these into two separate documents for ease of use by residents/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/faster application and review process for temporary permits, we should see an increase in applications. Attached for reference are the temporary and permanent sign applications for Albertville, based upon a template NAC has used in other communities. The requirements can be revised in either, and any changes the commissioners are interested in can be incorporated. Additionally, if there is interest in creating an informational packet similar to with parking pads, this can also be drawn up for review.

#### **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.
- 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.

#### 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.
- 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

Montrose Zoning Ordinance

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:
    - 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.
    - 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.
    - 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.

- 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:
  - 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 facia 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.
- 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.

- 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.
- 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.
- 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.
  - 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.
  - 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.
  - 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.



5959 Main Ave NE, P.O. Box 9 Albertville, MN 55301-0009 763.497.3384 Fax 763. 497.3210 www.ci.albertville.mn.us

## TEMPORARY SIGN PERMIT APPLICATION

Date Received:	
Date Paid: Check/Cash/CC:	
Permit #:  Expire Date:	
Please print or type all information. Property signature below or letter of approval submitted wi	owners' approval is required for temporary signs by
www.ci.albertville.mn.us.	
Applicant's Name	_Address
	Email
	StateZip
Applicant is (please check one): ☐ Owner	
Address of Temporary 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 14 days per property - up to four consecutive permits

Type of Sign Reque	ested (Check all that a	pply):						
☐ On Premise ☐ Off Premise ☐ Charitable Organization								
Business/Developm	nent/Organization Nan	ne:						
Location of Sign on Property: (MUST INCLUDE SITE PLAN OR AERIAL PHOTO)								
Verbiage on sign:								
Length of Permit:		No. Permits Alrea	dy Issued this Year:					
			e Footage					
Terms and Condition	ons:							
(1) notice of a sign subsequent violatio permit or the provis six (6) months follows a sign of the provision of the province of the process of the province of the province of the process of the province	violation of the Albert ns or repeat offenses vions of the Albertville wing notice of violation to be processed if incomplete to the processed incomplete t	eville Sign Code, the City shall vithout additional notice. Fail of Sign Code will be grounds from the same same and the same same same same same same same sam	which is to the best of my rized agent for the above ag state and local laws and will entioned penalties for permit re, I hereby agree that the City					
I hereby confirm th	at I have read and agre	ee to the previously stated ten	ms and conditions:					
Signature of Applic	eant		Date					
Building Official S	ignature		Date Approved					
www.ci.albertville.mn.		City of Albertville PO Box 9 5959 Main Ave. NE	Phone 763.497.3384 Fax 763.497.3210					

5959 Main Ave. NE Albertville, MN 55301



# BUILDING PERMIT APPLICATION

5959 Main Avenue Albertville, MN 55301

Phone: 763-497-3384 Fax 763-497-3210

Date Received	l
Date Notified	
Date Paid	
Ck, Cash, CC	
Permit #	

Site Address: Business Name:				BUILDING PERMIT FEES
The Applicant is: Owner	Contractor	Tenant		Permit
Legal Description:				Surcharge
		Lot Block _		Plan Check
Owner: Name	Address			I Engineering (site)
City			·	I Mechanical
Phone (H)				Fireplace (s)
	(''')	(C)		Plumbing
Contractor: Company Name		License #		I S&W
Address				Water Meter
Contact Person		5t		City WAC
Phone: (W)		(Fax)		JP WAC
Architect:	(C)	(rax)		
Name	Address			
City				Storm Water
				License Check
Phone (W)	(C)	(Fax)		Other
Type of Work:  New Construction Residential  New Construction Commercial  Tenant Finish	☐ Garage/Shed ☐ F	Reside/Reroof Fir	nish Bsmt	TOTAL
				Type of Const.
Description of Work:				Use of Bldg
				Occupancy Group
Size of Structure:  Length	Total Square	Footage: t Floor		Occupancy Load
Width	Sec	ond Floor	_	Zoning
Height	Bas Gar	ement age		Code Used
Estimated Valuation of Work:			-5301	
hereby apply for the above consideration and ompliance with City Ordinance and Policy Rec	declare that the information and n quirements and are complete and c	naterials submitted with this accurate to the best of my kn	application are in nowledge.	Are Fire Sprinklers Required?  Yes No
understand that all City incurred professional esponsibility of the property owner and/or app applicant, the property owner acknowledges an or a special assessment against the property. Ju written authorization by the owner to make app	licant and should be promptly pai d agrees to be responsible for the f the property fee owner is not the	d. If payment is not received unpaid fee halance either by	d from the v direct payment	Fire Dept.  City Engineer  Date Approve
Applicants Signature	Applicants Pr	inted Name	Date	City Planner
				Public Works
				I dolle Wolks
Approved by Building Official	Value Appro	ved Date	2	

Received Stamp



### City of Albertville 5959 Main Ave, P.O. Box 9 Albertville, MN 55301-0009 763-497-3384, ext 103 Fax: 763-497-3210

# 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:				
Applicant City:				
Applicants Phone:		Email:		
Applicant is (please check one)	□ Owner	□ Contractor	□ Other	
Property Owner's Name		Ownow	s Signature * Required	
Street Address		Phone 1	Number	
City		State	Zip Code	
Sign Contractor's Name		Telepho	one Number	
Street Address		Email		
City		State	Zip Code	
Class of Work: ☐ New	□ Addition	☐ Alteration	☐ Repair ☐ Demolition	
*Please complete the following tw	o pages to provi	de the necessary in	formation for a complete sign permit	

review.

Sign Types	Sign Faces	Sign Frames	Sign Supports	Class
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

Illun	iinated
Yes	S
* Se	ee 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.

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

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 <u>graphic scale</u> and should indicate the location of both <u>existing</u> and <u>proposed</u> 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.	developme	cannot exceed 15% of th nt, or 10% of the building sions: (See Exhibit A &	g façade for industrial development	nting on a public street for commercial . Provide the building façade or tenan
	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 He	eight	_(feet) = Total sign a	rea	(square feet)			
2.	Provide wall sign construction details illustrating wall mounting methods.								
3.	3. Identify the number and area (square feet) of existing wall signs on each building façade.								
Groun	ıd Sign I	Information:							
1.	Provide an illustration of the proposed ground sign showing:								
	<ul><li>a. The dimension of the total sign surface. Identify number of sign faces.</li><li>b. Detail on the height and dimensions of the support structure or sign base.</li><li>c. Total sign height.</li></ul>								
2.	Provide	e ground sign const	ruction detail	s identifying sign mat	erial and colo	or.			
*Illum	ination	Information:							
1.	Identify	e a detailed descript y electrical connecti t exceed 500 lumen	ons, method:	ectrical components the sof illumination, and foot.	nat are proposelectricity need	sed with a build eded. Demonst	ing or ground sign. rate that illumination		
2.	Verify	that the sign will be	wired to con	nform to the electrical	code of the s	tate of Minneso	ta.		
Chang	geable C	opy Sign Informat	ion:						
1.	Provide will be	e all required wall omounted).	r ground sign	n information listed at	oove (dependi	ng on where ch	angeable copy sign		
2.	Provide	e all required illumi	nation inforn	nation listed above.					
3.	Provide	e a site plan showin	g sign location	on and setback from n	earest residen	tial zoning distr	rict.		
4.	Indicat	e ratio/percentage o	f changeable	copy sign in compari	son to total w	vall or ground si	gn face area.		
5.	Identif	y length of time on	message cha	nge intervals.					
Applic	ants Sign	nature			Date				
Buildir	ng Offici	ial Signature			Date				
* Mon Stan	al Appro nument & ding Sig LY unles	& Free ons		orks Supervisor * er Superintendent *	Date Route	ed App	proved		