



**MONTROSE
PLANNING AND ZONING COMMISSION MEETING
AGENDA**

Wednesday, October 9, 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. September 11, 2019 Planning and Zoning Commission Meeting Minutes
6. Old Business
 - A. Consider Amendments to Chapter 1024 of the City of Montrose Zoning Code
 - Consider Amendments to Chapter 1024: Sign Ordinance
7. New Business
 - A. City Planner Updates
8. Next Meeting
 - A. Wednesday, November 13, 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, September 11, 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, September 11, 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 Tracy Gurneau
 Commissioner Justin Emery
 Commissioner Sylvia Henry
 Commissioner Barry Rhineberger
 Commissioner Mike Scanlon
 City Council Liaison Lloyd Johnson

Staff Present: Ms. Deborah Boelter, City Administrator
 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 September 11, 2019 Planning and Zoning Commission Meeting Agenda. Commissioner Rhineberger seconded the motion. Motion carried 5-0.

5. APPROVAL OF THE MINUTES

A. August 21, 2019 Planning and Zoning Commission Meeting

Commissioner Scanlon motioned to approve the Planning and Zoning Commission Meeting minutes of August 21, 2019. Commissioner Henry seconded the motion. Motion carried 5-0.

6. PUBLIC HEARING - Continued

A. Consider Amendments To Chapter 1024 of the City of Montrose Zoning Code

Commissioner Gurneau closed the Planning and Zoning Commission Meeting at 7:02 p.m. and opened the Public Hearing at 7:02 p.m.

City Planner, Mr. Myles Campbell gave an overview of the Ordinance language that was changed due to comments received during the Public Hearing at the August 21, 2019 Planning and Zoning Commission Meeting. The changes included:

- Taking out the word "Business Signs" and changing it to "Signs" and/or "Identification Signs."
- Removal of content-based language.
- Regulation of "Off-Premise" Signs.
- Administrative Enforcement of the Code.
- Language around the "Sandwich Board Signs."

Commissioner Rhineberger asked for clarification in regards to the *Garage and/or Rummage Sale Signs*.

Commissioner Rhineberger shared his concerns about the process of applying for the installation of *Garage and/or Rummage Sale Signs*. He recommended that they be exempt from the Ordinance and that City staff just watch for the length of time that they are displayed and remove them after the weekend is over or after they have been up for an extended period of time.

Ms. Boelter stated that the City Council has asked staff to make code enforcement a priority and without any specific regulations and/or requirements in the Ordinance when it comes to *Garage and/or Rummage Sale Signs*, it makes it difficult to remove these types of *Signs*.

Commissioner Scanlon was in agreement with Commissioner Rhineberger's recommendation.

Commissioner Gurneau stated that if *Garage and/or Rummage Sale Signs* are still being displayed on Monday mornings, they should be removed by City staff.

Commissioner Rhineberger stated that the only problem with removing *Garage and/or Rummage Sale Signs* after the weekend is that the Ordinance cannot specify "*Garage and/or Rummage Sale Signs*." He continued by stating that the Ordinance must say "Temporary Signs" and *Garage and/or Rummage Sale Signs* would fall under the regulations and requirement of a temporary sign.

Commissioner Rhineberger recommended that the Ordinance specifies a certain size for a temporary sign, and a certain number of days that it can be displayed, and then remove the installation of a *Garage and/or Rummage Sale Sign* from the application process.

The Planning and Zoning Commission discussed the idea of allowing a certain number of days that the temporary signs could be displayed.

Ms. Boelter stated that the reason staff is advocating for residents and/or business owners to fill out an application for temporary signs is because then they have specific dates that the signs will be displayed and if the sign is up longer than allowed by the application, City staff can remove the sign.

Commissioner Gurneau stated that from discussions and comments that she has heard from the general public is that if an application process is implemented for temporary signs, residents and/or business owners are not going to come to City Hall and fill out an application.

Ms. Boelter stated that if that is the case, then the temporary signs that are not permitted by an application would be removed by City staff.

Mr. Campbell stated that in some communities, the owner of the temporary sign has been required to put their name and address on the sign to help City staff monitor temporary signage and the length of time it can be displayed.

Commissioner Gurneau asked for public comment. The following individuals addressed the Planning and Zoning Commission:

- ❖ Ms. Deb Kowalke, 602 – 1st Street North, shared her concerns regarding having to pay for a permit for a temporary sign because she has garage sales a several different occasions. She continued by stating that organizations; such as, boy scouts, girls scout and other non-profits should not have to pay to advertise events and/or activities that they are sponsoring.

Commissioner Gurneau asked Mr. Campbell if the fee for temporary signs for non-profits can be waived. Mr. Campbell stated that the Planning and Zoning Commission can discuss waiving the fee for non-profits.

- ❖ Mr. Terry Vanderbeek, 644 – 36th Street South West, stated that he is with the Buffalo Fire Department and President of the Montrose Days Committee. He continued by stating that any temporary signs that the Montrose Fire Department and the Montrose Days Committee put up for their events and activities are going to be up for thirty (30) days. Mr. Vanderbeek was concerned

about how the City can fine the Montrose Fire Department or the Montrose Days Committee for a sign violation when the work they do is for the Montrose Community.

Mr. Vanderbeek shared his concerns about the City staff removing their signs for this year's Montrose Days Celebration. Ms. Boelter stated that City staff did not remove the Montrose Days Celebration signs. Mr. Vanderbeek stated that he talked to the Minnesota Department of Transportation (MN DOT) and they stated that their employees did not remove the signs.

Mr. Campbell asked Mr. Vanderbeek what type of signs they put up, what they are for and what they say. Mr. Vanderbeek went through the list of events and activities that the Montrose Fire Department advertises on temporary signs.

- ❖ Mr. Brian Oswald, 231 Buffalo Avenue North, asked if the City Council's *Campaign Signs* are going to be regulated. He asked if the Planning and Zoning Commission is going to take into consideration the placement of realty signage. He continued by asking about the regulation of the utility locate flags that are installed in the ground to locate utility sources. Commissioner Scanlon stated that the utility flags are a safety issue.

Commissioner Gurneau stated that *Campaign Signs* are addressed in the proposed Ordinance amendments.

Commissioner Scanlon stated that the reason the Planning and Zoning Commission is reviewing the City's Sign Ordinance is because the City is trying to regulate the placement and removal of signs.

Commissioner Rhineberger stated that Montrose Streetscape Committee has some concerns of the placement of some of the temporary signage and would like to find a way to clean it up. He continued by stating that any signs that are removed from the City or Wright County's right-of-way can be removed; because, it is illegal for anyone to place signs in the City's or County's right-of-way.

Ms. Boelter stated that MN DOT employees will remove signs on United States (U.S.) Highway Twelve (12) if they impede sight lines for traffic.

Mr. Oswald stated that when the Montrose Days Celebration signs were removed, he contacted MN DOT representatives in the Saint (St.) Paul, Minnesota Office and they said they did not have the Montrose Days Celebration signs.

Ms. Boelter stated that the City of Montrose is under the direction of MN DOT's District Three (3) Office located in Saint (St.) Cloud, Minnesota.

- ❖ Ms. Bru Ploog, 707 Brook Circle West, shared her concerns regarding having residents and/or business owners fill out an application for *Garage and/or Rummage Sale Signs*. She continued by stating that the Planning and Zoning Commission has so many other important items and issues to be discussing other than *Garage and/or Rummage Sale Signs*. She continued by stating that it is stupid for the Planning and Zoning Commission to be spending this much time on the Sign Ordinance. Ms. Ploog stated that there are so many other issues that affect the health and safety of the City's residents that the Planning and Zoning Commission should be addressing.

Ms. Bru Ploog shared her concerns about residents not knowing about the Planning and Zoning Commission's Public Hearing to discuss amendments to the Sign Ordinance.

- ❖ Ms. April Herzog, 4671 County Road Twelve (12) SW, shared her concerns about how the City is going to regulate the garage sale signs that are installed within City limits by individuals that live in Marysville Township or areas outside of the City limits. She continued by stating that the number of garage sale signs that an individual installs would be difficult to limit; because, people put up signs in several locations to direct people to their property for the garage sale they are having. Ms. Herzog recommended that the Ordinance require that a resident's and/or business owner's address and telephone number be written on the back of the sign to help City staff regulate the timeframe that the sign is displayed.

Commissioner Rhineberger stated that he does not disagree with the comments received during the Public Hearing and that is why he is recommending that the Ordinance contain language that exempts temporary signs of a certain size. He continued by stating that the language should state that a temporary sign is only allowed to be displayed for a certain period of time. Commissioner Rhineberger stated that tracking the length of time that a temporary sign has been displayed may be problematic for City staff; but, if staff notices that a sign has been up for an extended period of time, it is required by the Ordinance that it be removed.

Commissioner Rhineberger stated that changes to Minnesota State Statutes and Case Law are what brought the need for the City's Sign Ordinance to be evaluated by the Planning and Zoning Commission and to bring it into compliance with Minnesota State Statutes and Case Law.

Commissioner Rhineberger stated that he would like to see the Sign Ordinance regulate signs by their size and the amount of time they can be displayed. He continued by stating that the Planning and Zoning Commission needs to define what "temporary" means in regards to signage.

Mr. Campbell stated that the majority of concern seems to be in regards to the small, temporary signs.

Commissioner Rhineberger recommended that the Sign Ordinance piggy-back on the regulations for *Campaign Signs* and that any sign that is up for more than forty-six (46) days is not a temporary sign.

Commissioner Gurneau stated that the Planning and Zoning Commission needs to include language in the Ordinance that gives the City staff the right to remove signs. She continued by stating that the Commission is not trying to overregulate the residents and business owners in regards to temporary signs. Commissioner Gurneau stated that the goal is to protect everyone in the City and make it easier for staff to remove temporary signs that have been left standing for an extended period of time. She continued by stating that there are several temporary signs that have been left standing and it is not aesthetically appealing as people travel through the City of Montrose. Commissioner Gurneau stated that the Ordinance should include language that sets a timeframe for how long temporary signs can be displayed.

Commissioner Gurneau reiterated that the Planning and Zoning Commission is reviewing the Sign Ordinance not because it is meaningless and a waste of time; but, because the Commission is trying to protect the City and the City staff when it comes to the removal of temporary signs that have been displayed for an extended period of time.

Ms. Bru Ploog stated that there is a lot of other issues that the Planning and Zoning Commission should be looking at to make the aesthetics of the City more appealing.

Commissioner Gurneau stated that the Sign Ordinance was brought to the Planning and Zoning Commission for review upon recommendation of the City's Montrose Streetscape Committee; so, they had no choice but to review the language, regulations and requirements of the Ordinance.

Commissioner Scanlon stated that in the past, the City of White Bear Lake, Minnesota did not have an updated Sign Ordinance; and as a result, their City ended up being sued for millions of dollars. He continued by stating that the Planning and Zoning Commission is reviewing the Sign Ordinance to bring it into compliance with Minnesota State Statutes and Case Law to protect the City of Montrose and the City staff.

Commissioner Gurneau stated that she has been listening to the concerns of Montrose residents when it comes to the Sign Ordinance. She continued by stating that the Planning and Zoning Commission is not reviewing the Ordinance to waste people's time; but, to protect the City of Montrose and its staff.

Commissioner Rhineberger stated that in regards to the Montrose Fire Department's signs, if the City of Montrose requires its businesses to obtain a *Sign Permit*, the Montrose Fire Department would be required to obtain one as well. He continued by stating that there is already some concerns in the Montrose Community that organizations are not treated equally.

Commissioner Gurneau stated that the City just needs to know how long an organization's sign is going to be displayed; so, the City is asking them to complete an application to assist staff in monitoring the timeframe that the sign will be present.

Commissioner Scanlon stated that the City cannot differentiate between the various organizations, profit and non-profit; so, to protect themselves, the City would need all organizations to obtain a *Sign Permit*.

Mr. Roy Henry, 600 Nelson Boulevard, addressed the Planning and Zoning Commission and talked about the issue he had when his *Campaign Signs* were removed and taken by MN DOT employees.

Commissioner Gurneau stated that *Campaign Signs* are not regulated by the City of Montrose, they are regulated by the State of Minnesota.

City Council Member Johnson shared his concerns about residents being able to get a *Sign Permit* for their garage sale signs when they are having a garage sale on Saturday and/or Sunday; because, City Hall is closed on Friday afternoon.

Commissioner Scanlon stated that the Planning and Zoning Commission has decided not to require residents to get a *Sign Permit* for garage sale signs.

Commissioner Gurneau stated that a garage sale would be considered a temporary sign and the discussion of the Planning and Zoning Commission has been that if a garage sale sign is up for an extended period time, it would be allowed to be removed by City staff.

Commissioner Rhineberger stated that the Ordinance cannot be specific to *Garage and/or Rummage Sale Signs*. He continued by stating that temporary signs have to be regulated by size and the number of days they can be displayed.

Mr. Campbell stated that it is his understanding from the Planning and Zoning Commission discussion that they would not like to require a *Sign Permit* for temporary signs; but instead, regulate temporary signs in accordance with their size and the length of time they can be displayed.

The Commission Members discussed and were in agreement with Mr. Campbell's assessment.

Ms. Deb Kowalke, 602 – 1st Street North, again addressed the Planning and Zoning Commission stating that every year her garage sale signs are removed. Commissioner Rhineberger asked Ms. Kowalke where she places her garage sale signs. He continued by stating that if Ms. Kowalke is placing her signs in the City or Wright County's right-of-way, City and/or County staff have the right to remove it.

Commissioner Rhineberger asked Mr. Campbell what the next step would be. He continued by asking if the Public Hearing needs to be continued to the October, 2019 Planning and Zoning Commission Meeting. The Commission and staff discussed and were in agreement that the Public Hearing does not need to be extended to the October, 2019 Meeting.

Commissioner Rhineberger asked if Mr. Campbell will prepare an amended draft of the Sign Ordinance with the directives of the Planning and Zoning Commission and present it for review at the October, 2019 Meeting. Mr. Campbell stated yes.

Mr. Campbell asked the Planning and Zoning Commission for specific direction on what amendments they would like included in the Sign Ordinance.

Commissioner Rhineberger stated that he would like temporary signs to be defined by a certain size and that the Ordinance has language allowing the City staff to remove a temporary sign that has been in place for a certain number of days.

The Commission Members discussed and directed Mr. Campbell to amend the Sign Ordinance with the following:

- Create an exemption for temporary signs that will be out for five (5) or less days.
- Create a maximum of fifteen (15) days for any temporary sign in a calendar year.

- Define that the temporary sign is three (3) square feet or less.
- The City has the right to remove any sign that's not in compliance.
- Allow for signs to be up longer than five (5) days consecutively or fifteen (15) days a year by issuance of a *Temporary Sign Permit*.

Commissioner Gurneau closed the Public Hearing at 7:53 p.m. and opened the Planning and Zoning Commission Meeting at 7:54 p.m.

7. NO OLD BUSINESS.

8. NEW BUSINESS

A. City Planner Updates

Ms. Boelter stated that Mr. Myles Campbell has taken a new position with the City of Golden Valley, Minnesota.

Ms. Boelter stated that Mr. Ryan Grittman will be the new City Planner for the City of Montrose. She continued by referencing Mr. Grittman's resume that she distributed to the Planning and Zoning Commission Members.

Mr. Campbell gave a brief overview of the City of Montrose's Planning and Zoning items that will be continued by Mr. Grittman.

B. Planning and Zoning Commission Meeting Day

Ms. Boelter stated that Mr. Grittman has a prior commitment to another city that he works for and cannot make the third (3rd) Wednesday of the month for the City of Montrose's Planning and Zoning Commission Meetings.

Ms. Boelter asked the Planning and Zoning Commission Members if they would be willing to change the City's Planning and Zoning Commission Meeting to the second (2nd) Wednesday of each month. The Commissioners discussed and were in agreement to move the City of Montrose's Planning and Zoning Commission Meetings to the 2nd Wednesday of each month.

Commissioner Rhineberger motioned to move the Wednesday, October 16, 2019 Planning and Zoning Commission Meeting to Wednesday, October 9, 2019. Commissioner Scanlon seconded the motion. Motion carried 5-0.

Commissioner Rhineberger motioned to permanently reschedule the Planning and Zoning Commission Meetings from the third (3rd) Wednesday of each month to the second (2nd) Wednesday of each month. Commissioner Emery seconded the motion. Motion carried 5-0.

9. NEXT MEETING

A. Wednesday, October 9, 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 8:05 p.m. Commissioner Scanlon seconded the motion. Motion carried 5-0.

Tracy Gurneau
Chair
City of Montrose

ATTEST:

Deborah R. Boelter, CMC
City Administrator
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: Ryan Grittman
 DATE: October 1, 2019
 RE: Sign Ordinance Updates
 FILE NO: 273.02 - 19.03

BACKGROUND

At the September Planning Commission Meeting, Staff was directed to update the draft sign ordinance to create the following:

- Create an exemption for temporary signs that will be out for five or less days.
- Create a maximum of 15 days for any temp sign in a calendar year.
- Define that the temporary sign is three square feet or less.
- The City has the right to remove any sign that's not in compliance.
- Allow for signs to be up longer than five days consecutively or 15 days a year by issuance of a temporary sign permit.

The following items are attached for reference:

Exhibit A: Draft ordinance with updates from the September Planning Commission Meeting

ANALYSIS

Staff is open to discuss the size of temporary signs that do not require a permit. The size of a standard poster board is can up to six square feet while a typical garage sale sign that can be purchased at a hardware store will be around one square foot in size. The draft ordinance is currently written to allow up to three square feet (432 square inches). All changes from the last meeting have been highlighted in red text on the draft ordinance. It should be noted that section 1024.4-A-9-a. has been updated to correct a typo and is not related to the temporary sign section.

RECOMMENDATION

The Planning Commission should review the attached ordinance and make a recommendation to the City Council if the ordinance fits the City's needs. If the Planning Commission would like to see additional changes, then action can be tabled until the November Planning Commission Meeting.

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 of 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 completion of a temporary sign permit application. The applicant will then receive a ~~the~~ license, which shall be valid for no more than fifteen (15) consecutive days. This sign may be on or off premise. No more than two (2) licenses per ~~business~~ applicant shall be granted during any twelve (12) month period.
 - 1. One sandwich board sign per property may be allowed in the B-1 and B-2 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, and shall not be illuminated.
 - e. The sign shall be no greater than 3 ½ feet in height, no greater than 2 feet in width, and no greater than 2 feet in depth.
 - f. 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. The sign shall contain the name and address of the person responsible for such sign, and the 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 the 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. ~~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.~~
8. Temporary signs not exceeding three (3) square feet and placed for five (5) days or less do not require a sign application if the following requirements are met:
 - a. No sign shall be displayed for longer than five (5) days without a permit. The City reserves the right to remove and destroy such signs if not removed by the owner of the sign or owner of the property after five (5) days.
 - b. No sign shall be displayed for more than fifteen (15) days in one (1) calendar year without a permit.
9. ~~"For Sale" and "To Rent" Signs. "For sale" and "to rent" signs shall be permitted subject to the following regulations: 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.~~

1) No more than one (1) such sign per lot; except on a corner lot, two (2) signs shall be permitted.

2) In no case shall a sign exceed sixteen (16) square feet in area or be illuminated.

~~2) 3) 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) 4) 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.~~

~~44.10.~~ 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. Temporary or portable off premise signs may be considered by the Zoning Administrator, and will be subject to the regulations in Section 1024-3, J.~~

~~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 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 Signs which advertise an activity, product or service~~ a historic use 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~~ Identification 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 Identification 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 height 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~~ Identification 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.

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. A. **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. B. **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 identification 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. C. 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. D. 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. E. 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. ~~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. G. **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, including but not limited to those described in Chapter 25: Administrative Enforcement of the City Code.

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.