

**ORDINANCE NO. 2019-12
CITY OF MONTROSE
COUNTY OF WRIGHT
STATE OF MINNESOTA**

**AN ORDINANCE AMENDMENT TO CHAPTER 1024 OF THE ZONING ORDINANCE
OF THE CITY OF MONTROSE, RELATED TO SIGNS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE THAT THE
FOLLOWING CHAPTER AND SECTIONS OF THE ZONING ORDINANCE ARE
AMENDED TO READ AS FOLLOWS:**

Section 1. Chapter 1024 is amended as follows:

**CHAPTER 1024
SIGNS**

SECTION:

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

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

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

- A. **Existing Signs.** Except for signs determined to create a public safety hazard due to disrepair and condition, or illegally established signs, all legally established signs existing upon the effective date of this Ordinance shall not be enlarged or reconstructed, but may be continued at the size and in the manner of operation existing upon such date.

B. Alterations.

1. A non-conforming sign may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:
 - a. The non-conforming sign is discontinued for a period exceeding one (1) year; or
 - b. The non-conforming sign is destroyed by fire or other peril to the extent of greater than fifty percent (50%) of its market value, and no permit has been applied for within one hundred eighty (180) days of when the non-conforming sign is damaged.
2. Any such permit is subject to reasonable conditions imposed by the City Council to mitigate the impact on adjacent properties.

C. Non-Conforming Sign Maintenance and Repair. Nothing in this Ordinance shall be construed as relieving the owner or user of a legal non-conforming sign or owner of the property on which the legal non-conforming sign is located from the provisions of this Ordinance regarding safety, maintenance, and repair of signs; provided, however, that any repainting, cleaning, and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more non-conforming or the sign shall lose its legal non-conforming status.

D. Non-Conforming Uses. When the principal use of land is legally non-conforming, all existing or proposed signs in conjunction with that land, shall be considered conforming if they are in compliance with the sign provisions for the most restrictive zoning district in which the principal use is allowed.

1024-3: GENERAL PROVISIONS:

- A. The design and construction standards for signs, as set forth in the Uniform Building Code, as may be amended, are hereby adopted.
- B. The installation of electrical signs shall be subject to the State's Electrical Code. Electrical service to such sign shall be underground.
- C. Signs containing non-commercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.
- D. Signs shall not create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No private sign shall contain words which might be construed as

traffic controls, such as "stop", "caution", "warning", unless the sign is intended to direct traffic on the premises.

- E. Signs and sign structures shall be properly maintained and kept in a safe condition. Sign or sign structures which are rotted, unsafe, deteriorated or defaced shall be repainted, repaired, or replaced by the licensee, owner or agent of the building upon which the sign stands.
 - F. No sign shall be attached or be allowed to hang from any building until all necessary wall and roof attachments have been approved by the Building Official.
 - G. No signs, guys, stays, or attachments shall be erected, placed or maintained on rocks, fences or trees nor interfere with any electric light, power, telephone or telegraph wires or the supports thereof.
 - H. The use of search lights, banners, pennants and similar devices shall require a license. The license shall be valid for no more than fifteen (15) consecutive days. No more than two (2) licenses per business shall be granted during any twelve (12) month period.
 - I. Illuminated signs shall be shielded to prevent lights from being directed at oncoming traffic in such brilliance that it impairs the vision of the drive. Nor shall such signs interfere with or obscure an official traffic sign or signal. This includes indoor signs which are visible from public streets.
 - J. Except for legal, non-conforming portable signs existing prior to the effective date of this Ordinance, portable signs may not exceed thirty-two (32) square feet and may not be illuminated with any flashing device. Use of a portable sign shall require the completion of a temporary sign permit application. The applicant will then receive a 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 applicant shall be granted during any twelve (12) month period.
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- 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.
- 7. Construction Signs. 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. During the period of a property having space or units available for lease or purchase, one or more additional signs shall be permitted on premise subject to the following regulations:
 - a. Six (6) or Less Residential Dwelling Units. The following applies when

six (6) or less dwelling units (or lots for residential development) are for sale or rent:

- 1) No more than one (1) such sign per lot; except on a corner lot, two (2) signs shall be permitted.
- 2) In no case shall a sign exceed sixteen (16) square feet in area or be illuminated.
- 3) Each sign shall be removed immediately upon the sale or rental of the property.
- 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, There shall be permitted one (1) sign facing each public street provided access to the property being offered. Each such sign shall not exceed thirty-two (32) square feet in area; shall be located at least one hundred (100) feet from any pre-existing home; and shall be removed within one (1) year from the date of building permit issuance, or when less than six (6) units remain for sale or rent, whichever is less. Said sign shall fully comply with the setback requirement for the zoning district in which the property is located.

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

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.

2. Signs on or attached to equipment such as semi- truck trailers where signing is a principal use of the equipment on either a temporary or permanent basis.
3. Except for commercial zoning districts, motion signs and flashing signs are prohibited; except time and temperature signs and barber poles are permitted.
4. Projecting signs except as provided for in Section 1024-6 of this Ordinance.
5. Roof signs, except that a sign may be placed on the facia or marquee of a building in Commercial, Institutional and Industrial zoning districts provided:
 - a. The sign does not extend above the highest elevation of the building, excluding chimneys.
 - b. The sign is thoroughly secured and anchored to the frames of the building over when they are constructed and erected.
 - c. No portion of the sign extends beyond the periphery of the roof.
6. Signs which advertise 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 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 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 height may not exceed a maximum 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 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.** 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. **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.

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

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.

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.

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

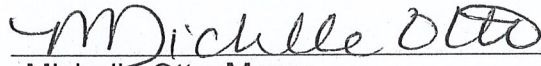
1024-9: ENFORCEMENT: This Ordinance shall be administered and enforced by the Building Official. The Building Official may institute, in the name of the City, appropriate actions or proceedings against a violator, including but not limited to those described in Chapter 25: Administrative Enforcement 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.

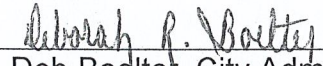
Section 2. This ordinance shall be effective immediately upon its passage and publication.

ADOPTED this 12th day of November 2019, by the City Council of the City of Montrose.


Michelle Otto, Mayor

Moved by: Council Member Kirby
Moynagh
Seconded by: Council Member Ben Kuehl

ATTEST:


Deb Boelter, City Administrator

Published:
Zoning Ordinance Updated:

Thursday, November 28, 2019