

Day/Date: Tuesday, January 9, 2024

Time: 5:00 P.M.

Location: Council Chambers City Hall

PLEASE NOTE DATE & TIME

PLANNING COMMISSION

A G E N D A

Commission Members

Averill

Lee

Lindberg

Narverud

Nelson

Reiersen

Shaffer

Sjoberg

1. APPROVE AGENDA:

Motion by _____ Sec. by _____ To _____

2. MINUTES OF NOVEMBER 14, 2023, & DECEMBER 12, 2023 MEETING – SEE ENCLOSED:

Motion by _____ Sec. by _____ To _____

3. COUNCIL ACTIONS:

- NONE

4. CHALLENGER SIGN DISCUSSION:

- MEMO

5. SIGN SETBACKS IN C-2 (FRONTAGE ROADS) DISCUSSION:

- MEMO & CITY CODE

6. OTHER:

- OPEN SEAT

7. ADJOURNMENT:

Motion by _____ Sec. by _____ To _____

PLANNING COMMISSION
December 12, 2023 Meeting Minutes

Pursuant to due call and notice, the Thief River Falls Planning Commission met in the Thief River Falls City Council Chambers on Tuesday, December 12, 2023, at 5:00 P.M.

Board Members present: Averill, Narverud, Sjoberg.

Board Members absent: Lee, Lindberg, Nelson, Parker, Reiersen, Shaffer.

Others present: Sparby, Baker.

Sjoberg called the November 14, 2023, Planning Commission meeting to order.

Attendance was taken and a quorum was not present.

DISCUSSION

A short discussion was had by the members who were present. The discussion included the Challenger sign and sign ordinance language, and the Farmer's Grain dust complaints and thoughts on what steps could be taken. The discussion topics will be included during the January 9th Planning Commission meeting.

ADJOURNMENT:

The December 12, 2023, Planning Commission meeting was adjourned at 5:27 p.m.

PLANNING COMMISSION
November 14, 2023 Meeting Minutes

Pursuant to due call and notice, the Thief River Falls Planning Commission met in the Thief River Falls City Council Chambers on Tuesday, November 14, 2023, at 5:00 P.M. Board Members present: Averill, Lee, Lindberg, Narverud, Nelson, Parker, Reiersen, Sjoberg.

Others present: Sparby, Baker.

Guests present: Mike Lorensen, Rick Beier, Mark Borseth.

APPROVE AGENDA:

Sjoberg called the November 14, 2023, Planning Commission meeting to order. Lee approved the agenda; Reiersen seconded the motion.

APPROVE MINUTES OF OCTOBER 10, 2023 MEETING:

Nelson made a motion to approve the October 10, 2023, Planning Commission meeting minutes. Parker seconded the motion, which was carried unanimously.

COUNCIL ACTIONS

The city council approved the conditional use permits for Rise adult daycare & UPS. The city council also approved the rezoning for the former ODC building and the comprehensive plan update to reflect change.

APPOINT RICHARD BAKER AS PLANNING COMMISSION SECRETARY.

Narverud made a motion to appoint Richard Baker as the Planning Commission secretary. Lindberg seconded the motion, which carried unanimously.

HEARING FOR CITY CODE AMENDMENT – SOLAR ENGERGY SYSTEMS:

Baker presented information on the city code amendments relating to solar energy systems. The City of Thief River Falls was proactive and adopted a solar energy systems ordinance prior to the State of Minnesota enacting any state building codes regulating solar energy systems. The state's building code requires a roof pathway not to be less than three feet from a roof's edge and our city code states they cannot be less than five feet. We need to follow the Minnesota state building code as it supersedes any municipality code or ordinance, so our city code needs to be amended to reflect a three-foot setback from the edge of the roof rather than a five-foot setback. Lee made a motion to approve the code changes. Nelson seconded the motion, which carried. This will go before the City Council at the November 21st meeting.

HEARING FOR REPLATTING GREENWOOD CEMETERY:

Baker presented the information on replatting Greenwood Cemetery to account for the adjustments that were made to the alleyways between cemetery plots. This corrects the change that occurred to the original plat when some of the alleyways between burial plots were widened by the sexton during plotting of gravesites. Reiersen made a motion to approve the first reading of replatting of First Addition to South Greenwood Cemetery. Lindberg seconded the motion, which carried. This will go before the City Council at the November 21st meeting.

DISCUSSION ON CHALLENGER ELEMENTARY SCHOOL SIGN:

Challenger Elementary School erected an illuminated sign back in 2020 that was in the northeast corner of the school property - at Pennington Avenue and County Road 61. This sign was going to replace the

concrete monument sign that has been in place since the school opened. After discussing the illuminated sign back in 2020, the sign was too large, too high and ended up being lowered and placed in its final location, which was not next to the concrete monument sign but rather at the entrance/exit on the south side of the parking lot. After approving the final location, height and size of the sign, there was nothing written in the resolution that Challenger needed to remove the old monument sign and it remains today. Mike Lorensen spoke and stated that he doesn't have any issue with the sign staying, but he wants to ensure that the sign ordinances are being followed and rules are not changing from one request to the next.

The current sign ordinance allows for one sign per entrance. The city could require a conditional use permit to allow for more signs per entrance or change the sign ordinance based on lot size. After discussion, Sparby and staff will do some research and put together a recommendation to review at the next planning commission meeting.

OTHER:

None.

ADJOURNMENT:

Nelson made a motion to adjourn the meeting at 5:52 P.M. Shaffer seconded the motion, which carried.



City of Thief River Falls

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MEMORANDUM

TO: Planning Commission

FROM: Richard Baker
Community & Economic Development Director

DATE: December 12, 2023

SUBJECT: Challenger Elementary School Concrete Monument Sign

ISSUE: The question has been raised whether the old concrete monument sign that has been in place since the school opened meets the requirements in our sign ordinance.

ACTION: At the request of the Planning and Zoning Commission, the City Attorney, Delray Sparby reviewed the sign ordinance and concluded that the sign would probably be considered legal per section **152.087 EXCLUDED SIGNS** *The following shall be deemed to be excluded from the definition of "sign" as it applies to this Subchapter.*

Subchapter B Signs of a duly constituted government body, including traffic signs or similar regulatory devices, legal devices, or warnings at railroad crossings.

Consultant Mark Borseth and I agree that they are authorized by statute, have taxing authority, and elected officials, so by definition, would meet the criteria of a duly constituted government body.

But, Mark and I both have concerns that this subchapter of our sign ordinance could, in essence, allow the school, or any other governmental entity to place as many, or any type and size of sign on their property.

RECOMMENDATION: To amend 152.087 Excluded Signs - Subsection B, to require a sign permit or conditional use permit for signs other than traffic signs or similar regulatory devices, legal devices, or warnings at railroad crossings. I am not sure of how this should be worded, and I am afraid if we include language that requires meeting the current city ordinance for sign requirements (height, location, size, etc.) it puts us back to square one of the current issue.

Thank you.

Encl: (1)

RB

§ 152.087 EXCLUDED SIGNS.

The following shall be deemed to be excluded from the definition of "sign" as it applies to this Subchapter:

- (A) Signs on the inside of windows and doors, provided they are not flashing signs;
- (B) Signs of a duly constituted governmental body, including traffic signs or similar regulatory devices, legal devices, or warnings at railroad crossings;
- (C) Publicly-owned memorial tablets or signs;
- (D) Signs required to be maintained by law or governmental order rule or regulation, provided that they do not exceed 48 square feet in sign surface area;
- (E) Signs displayed for the direction or convenience of the public, including signs which identify restrooms, location of public telephones, or public pedestrian entrances. The total sign surface area shall not exceed six square feet per sign on any premises and shall not contain any advertising or the name of the occupant or use;
- (F) Signs, provided that they do not exceed 48 square feet in sign surface area, relating to active construction projects;
- (G) Rummage or yard sale signs, provided that no person shall attach the signs to street name posts, traffic control signs posts, trees, or utility poles in or along any street right-of-way within the City and that no person shall attach the sign to any building, fence or wall, or other property of another person without having first obtained the consent of the owner of the property. The maximum time limit for display of the signs is five days in any 30 day period. The signs shall not exceed three square feet in sign surface area;
- (H) Gasoline price signs, provided they are attached to sign structure for other permitted signs or to pump island canopies and provided the total sign surface area of all such signs is equal to or less than the following for the applicable zoning district.

<u>Zoning District</u>	<u>Total Maximum Sign Surface Area in Square Feet</u>
C-1 Neighborhood Business District	6
C-2 General Business District	40
C-3 Central Business District	20
C-4 Downtown Fringe District	12



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MEMORANDUM

TO: Planning Commission

FROM: Richard Baker
Community/Economic Development Director

DATE: December 12, 2023

SUBJECT: Commercial Zoning District Signage

Mark had a list of several items that he wanted Planning & Zoning to look at to help clarify some zoning issues. One such agenda item was Commercial Zoning District Signage.

ISSUE:

From Mark Borseth.

Here is a follow up email summarizing the concerns I had with freestanding signs in a C-2 district. Signs follow accessory setback requirements in 152.031. However, in 152.095 along a frontage road the setback is stated as 6' from the interior edge of the frontage street. In a case where the commercial business is along a state highway and there is no frontage road it gets confusing on allowable placement. A recent case was the new Dairy Queen. We did allow it to be 6' minimum from the R/W to be consistent with the business sign at the original Dairy Queen and all the business's south along Highway 32 for consistency and in accordance with the code.

The question is should it be 6' from the R/W in any case or 6' from the interior edge of the frontage street. In most cases the R/W is only a foot or so from the interior edge of the frontage street. I have always enforced 6' from the R/W. In addition, the code allows a freestanding sign to project over a R/W by up to 8' but not over the traveled street.

RECOMMENDATION: With all of that being said, Mark was thinking that (3) could state***“freestanding signs shall be set back a minimum of six feet from the lot line, road right-of-way, or where adjacent to a frontage street, six feet from the interior edge of the frontage street.”***

(a) More than one adjoining business may be combined to obtain the required frontage for a freestanding sign, if the adjoining businesses jointly use the sign.

(b) The maximum distance the sign surface area may project over public rights-of-way shall be eight feet but may not extend over traveled streets.

(c) Freestanding signs located in a parking lot or adjacent to a driveway shall be surrounded by a landscaped or planted area five feet in all directions from the base of the sign.

(d) Where premises used for commercial or industrial use are within 100 feet of Residential or Agricultural Districts, freestanding signs located in that commercial or industrial use shall not exceed 25 feet in height. A freestanding sign must be set back from the lot line the same distance as structures in any Residential or Agricultural District facing the same public street and within 100 feet of the sign. This provision affects only freestanding signs on commercial and industrial premises on the same block and on the same street as a Residential or Agricultural District.

(3) *Yard requirements.* All signs, except directional and temporary signs, shall be subject to the same setback and yard requirements as all other permitted accessory uses. In the case of a corner lot, all signs, except directional and temporary signs, shall abide by the front yard setback for both sides abutting a public street. All directional, temporary, and freestanding signs shall be set back a minimum of six feet from the lot line or, where adjacent to a frontage street, six feet from the interior edge of the frontage street.

Thank you.

RB

SIGNS

§ 152.085 PURPOSE.

(A) Purpose.

(1) The sign regulations contained herein are intended to control the use of publicly-visible displays or graphics in order to:

(a) Equitably distribute the privilege of using the public environs to communicate information;

(b) Safeguard the public use and nature of the streets and sidewalks; and

(c) Enhance the visual environment of the City.

(2) As these or any regulations can only establish the mechanical limits of signage and not enforce a level of visual quality in sign design, anyone planning a sign is strongly encouraged to consider:

(a) The character of the proposed sign, not only in and of itself but also in terms of the effects such a sign will have upon the character of the surrounding area;

(b) The way in which the sign will be read and whether its character, configuration, location, and size are appropriate to its intended audience or whether a more appropriate sign could better serve its intended purpose and, at the same time, be less visually disruptive; and

(c) The character of the sign structure and whether that structure could be made an integral part of the sign rather than a separate and frequently distracting element.

§ 152.086 PERMITTED SIGNS; GENERALLY.

Signs are a permitted accessory use where allowed and where in compliance with:

(A) The general provisions of this Chapter and all amendments thereto;

(B) The performance standards of this Subchapter for the zoning districts in which the signs are located; and

(C) All applicable provisions of the Building Code of the City, as adopted, and all amendments thereto.

§ 152.087 EXCLUDED SIGNS.

The following shall be deemed to be excluded from the definition of "sign" as it applies to this Subchapter:

- (A) Signs on the inside of windows and doors, provided they are not flashing signs;
- (B) Signs of a duly constituted governmental body, including traffic signs or similar regulatory devices, legal devices, or warnings at railroad crossings;
- (C) Publicly-owned memorial tablets or signs;
- (D) Signs required to be maintained by law or governmental order rule or regulation, provided that they do not exceed 48 square feet in sign surface area;
- (E) Signs displayed for the direction or convenience of the public, including signs which identify restrooms, location of public telephones, or public pedestrian entrances. The total sign surface area shall not exceed six square feet per sign on any premises and shall not contain any advertising or the name of the occupant or use;
- (F) Signs, provided that they do not exceed 48 square feet in sign surface area, relating to active construction projects;
- (G) Rummage or yard sale signs, provided that no person shall attach the signs to street name posts, traffic control signs posts, trees, or utility poles in or along any street right-of-way within the City and that no person shall attach the sign to any building, fence or wall, or other property of another person without having first obtained the consent of the owner of the property. The maximum time limit for display of the signs is five days in any 30 day period. The signs shall not exceed three square feet in sign surface area;
- (H) Gasoline price signs, provided they are attached to sign structure for other permitted signs or to pump island canopies and provided the total sign surface area of all such signs is equal to or less than the following for the applicable zoning district.

<i>Zoning District</i>	<i>Total Maximum Sign Surface Area in Square Feet</i>
C-1 Neighborhood Business District	6
C-2 General Business District	40
C-3 Central Business District	20
C-4 Downtown Fringe District	12

(I) Message board signs, provided they are attached to sign structure for other permitted freestanding signs and provided the total sign surface area of such a sign is equal to or less than the following for the applicable zoning district.

<u>Zoning District</u>	<u>Total Maximum Sign Surface Area in Square Feet</u>
PR Park and Recreation District	40
C-2 General Business District	40
C-3 Central Business District	30
C-4 Downtown Fringe District	24
I-1 Light Industrial District	40
I-2 General Industrial District	40

(1) Message board signs may not be erected to circumvent the intent of this Subchapter or the maximum sizes permitted for business and identification signs and may be used to advertise or direct attention only to:

(a) A commodity, entertainment, product, or service sold or offered upon the premises where the sign is located or to which it is attached; or

(b) Any bona fide bazaar, carnival, fair, festival, horse show, or similar event when conducted by a public agency or for the benefit of any civic or charitable cause;

(2) Only one message board sign shall be permitted in accordance with this Division (I) for a business, lot, or shopping center; or

(3) Businesses which elect to erect a message board sign as an excluded sign, in accordance with this Division (I), shall be prohibited from displaying temporary mobile signs, in accordance with § 152.092.

(J) Political campaign signs of any size may be posted from August 1 in a state general election year until ten days following the state general election. In nonstate general election years, political campaign signs may be posted from August 1 in an election year until ten days following the election. Every campaign sign shall contain the name and address of persons responsible for the sign and those persons shall be responsible for its removal. If the signs are not removed within ten days following the election, the City shall have the right to remove and destroy the signs and assess a fee of \$1 per sign to the responsible persons.

(K) Static signs and banners adorning fences located in permitted outdoor recreational facilities, provided that they are placed with the intent to be primarily viewed internal to the play field area and are not placed so as to orient a direct commercial message toward an adjacent public road right-of-way.

(Ord. No.118, 3rd Series – adopted 01/02/2019)

§ 152.088 MEASUREMENT OF SIGN SURFACE AREA.

Sign surface area shall be measured as follows:

(A) Attached, projecting, and suspended signs.

(1) The area of an attached sign where the sign consists of letters, numerals, or symbols painted on or affixed to a wall shall be the entire area within a single continuous perimeter enclosing the extreme limits of the message delineated by the letters, numerals, or symbols.

(2) The area of an attached, projecting, or suspended sign where the letters, numerals, or symbols are on a sign surface which is affixed or hung to a structure shall be the total area of the affixed or hung surfaces.

(B) Freestanding signs. The area of a freestanding sign shall be the sum total of the areas of all surfaces, excluding sign structures, unless the structures bear sign copy or are internally illuminated, visible from the public right-of-way or other area from which the sign is intended to be viewed. Only one display face, the largest, shall be measured in computing total sign area where the sign faces are arranged to be viewed one at a time.

§ 152.089 CALCULATION OF ALLOWABLE SIGN SURFACE AREA.

(A) Calculation to determine the allowable sign surface area for buildings on interior lots shall be based on the gross silhouette area of the front building wall as viewed from the front lot line.

(B) Calculation to determine the allowable sign surface area for buildings on corner lots or on interior lots with a sidewall abutting a parking lot, which parking lot has a minimum frontage of 50 feet, shall be based on the gross silhouette area of the front building wall as viewed from the front lot line. On corner lots, the front building wall shall be either:

- (1) The building wall fronting on the street providing major access;
- (2) The building wall on which the main structure entrance is located; or,

(3) In cases where the front building wall cannot be determined by either method, the Zoning Administrator shall designate the front building wall.

(C) Calculation to determine the allowable sign surface area for buildings which provide a secondary public entrance into the rear of the building and which rear entrance provides access to a public alley, parking lot, or street on the rear of the building shall be based on the gross silhouette area of the rear building wall as viewed from the rear lot line.

(D) A building which has more than two separately owned and operated businesses conducted within its perimeter shall be allowed one sign for each such business. The total permitted sign surface area for the building shall be increased by 20 square feet for each separately owned and operated business in excess of two. The total permitted sign surface area for buildings with more than one separately owned and operated business shall be calculated in accordance with Divisions (A) through (C) of this Section and in accordance with § 152.095.

§ 152.090 SIGN PERMITS.

(A) *Permit required.* A Sign Permit shall be obtained prior to altering, erecting, or placing or relocating any sign within the City.

(B) *Application.* Application for a Sign Permit shall be made to the Building Official on an application provided by the Building Official. The permit may be issued by the Building Official upon payment of the required fee and completion of other requirements.

(C) *Permit fee.* The fee for a Sign Permit shall be established by the City Council by resolution and changed from time to time.

(D) *Exemptions.* A Sign Permit is not required for the following:

- (1) Excluded signs as specified in § 152.087;
- (2) Direction and real estate signs. Real estate signs must be removed within 14 days after sale or rental of real estate;
- (3) Home occupation signs or signs approved as part of a Building Permit or a Conditional Use Permit for which payment of other fees are required;
- (4) Identification and public service signs with a sign surface area of not more than 24 square feet;
- (5) Nonconforming signs in place prior to the effective date of this Subchapter which may be maintained or parts of the copy changed, provided that the maintenance or change of parts of the copy does not alter the sign surface area, height, or number of items of information displayed, subject to § 152.093; and
- (6) Every sign which requires a permit to be erected or placed after the effective date of this Subchapter shall have visibly displayed thereon an adhesive strip issued with the sign permit showing the sign permit number and the date of the issuance of the permit.

§ 152.091 PROHIBITED SIGNS.

The following signs shall not be allowed:

(A) A sign which copies or imitates or in anyway approximates an official highway or traffic control sign or carries the words "STOP" or "DANGER" or any sign which obscures a sign displayed by public authority for the purpose of giving traffic instruction or direction or other public information;

(C) A sign which obstructs any window or door opening used as a means of egress, free passage from one part of a roof to any other part thereof, or a sign which interferes with an opening required for legal ventilation;

(D) A sign in a public right-of-way;

(E) A sign or illumination that causes any direct glare into or upon any building other than the building to which the sign may be accessory;

(F) Motion signs, "A-frames," balloons, string lights, strip lighting outlining structures, and signs attached or mounted on abandoned, inoperative, or unlicensed vehicles;

(G) Suspended or projecting signs which swing or can be moved, rocked, or swayed by wind or other physical means;

(H) Projecting signs which extend more than 18 inches from the building structure to which it is mounted;

(I) Parasitic signs;

(J) Roof signs; and

(K) Pennants and streamers, except as provided in § 152.092(D).

§ 152.092 TEMPORARY SIGNS.

Regardless of the status or conformity of all other on-premise signs in zoning districts where permitted, one temporary sign shall be allowed, provided:

(A) The sign surface area is less than 33 square feet and the sign is in compliance with § 152.095;

(B) The sign is displayed no more than 20 consecutive days with a minimum interval of 20 days between displays;

(C) Businesses which elect to erect a message board sign as an excluded sign, in accordance with §152.087, shall be prohibited from displaying temporary mobile signs; and

(D) Pennants and streamers may be displayed no more than 60 consecutive days with a minimum interval of 20 days between displays.

§ 152.093 NONCONFORMING SIGNS.

(A) Except as specifically provided in this Chapter, any nonconforming sign lawfully existing on the effective date of this Subchapter may be continued at the size and in the manner existing upon such date. A nonconforming sign shall not be:

- (1) Changed to another nonconforming sign;
- (2) Structurally altered except to comply with the provisions of this Chapter;
- (3) Expanded;
- (4) Re-established after 60 days of non-use; and
- (5) Re-established after damage of more than 50% of the sign's replacement cost.

(B) Within 365 days of vacating the premises, the tenant or, in tenant's absence, the owner, shall remove all nonconforming signs and sign structure.

§ 152.094 CONFORMING SIGN REMOVAL.

All conforming signs and sign structures not used by a tenant or owner shall be removed by the owner of the premises after 365 days of nonuse.

§ 152.095 PERFORMANCE STANDARDS IN ZONING DISTRICTS.

(A) *Flood Plain (FP), Agriculture District (AG), and Park and Recreation District (PR)*. The following shall apply in Flood Plain, Agricultural, and Park and Recreation Districts:

<i>Permitted Signs</i>	<i>Permit Required</i>	<i>Maximum Sign Surface Area in Square Feet</i>
Agricultural product	Yes	20
Business	Yes	30
Directional	No	4
Home occupation	Yes	3
Identification	Yes	30
Public service	Yes	30
Real estate	No	20

(1) ***Yard requirements.*** All signs, except directional signs, shall be subject to the same setback and yard requirements as all other permitted accessory uses. All directional signs, except attached directional signs, shall be set back a minimum of two feet from the lot line.

(2) ***Height limitation.*** No sign shall exceed eight feet in height, except as provided in Subsection (5)(b)1 in this Division, nor shall any attached sign extend higher than one foot below the roof line.

(3) ***Lighting.*** Illuminated signs shall be permitted only as a conditional use.

(4) ***Identification signs.***

(a) Identification signs shall be limited to one per principal entrance.

(b) Freestanding identification signs shall be landscaped around the base of the sign.

(5) ***Special sign regulations.***

(a) Business signs for surface water-oriented commercial uses placed in accordance with § 152.114(F)(1) shall be permitted in the Flood Plain and Park and Recreation Districts only.

(b) Freestanding identification signs whose sole purpose is to display the name of the City shall be permitted adjacent to arterial streets and highways within the Agricultural Districts under the following conditions:

1. Maximum height shall be 20 feet, and the sign surface area shall not exceed 200 square feet;

2. The signs shall not be located within 500 feet of Residential Districts;

- 3. No two such signs shall lie closer to one another than 1,500 feet, measured in all directions;
- 4. The signs shall meet the setback requirements of the zoning district in which they are located;
- 5. The signs shall be landscaped along the base; and
- 6. Up to 20% of the sign surface area may be used to display the insignia or name of any nonprofit organizations and educational institutions sponsoring the sign.

(c) Free standing identification signs whose purpose is to display the name of the City or a City Facility shall be permitted adjacent to arterial streets and highways within the Park and Recreation Districts (PR) under the following conditions:

- 1. Maximum sign height shall be 26 feet, and maximum sign surface area shall be 100 square feet;
- 2. The signs shall be set back not less than ten feet from the lot line or highway right-of-way line, whichever is the furthest from the traveled street;
- 3. The signs shall be landscaped along the base;
- 4. The sign surface may be used to display an event;
- 5. The sign surface area may be used to display the insignia or name of any nonprofit organizations and educational institutions sponsoring the sign; and
- 6. The signs may be illuminated if the illumination does not reflect into any homes located in the Residential Districts.

(B) *Residential Districts (R-1, R-2, R-3, and R-4)*. The following shall apply in Residential Districts:

<i>Permitted Signs</i>	<i>Permit Required</i>	<i>Maximum Sign Surface Area in Square Feet</i>
Directional	No	4
Home occupation	Yes	3
Identification	Yes	30
Public service	Yes	24
Real estate	No	6

(1) *Yard requirements.* All signs, except directional signs, shall be subject to the same setback and yard requirements as all other permitted accessory uses. All directional signs, except attached directional signs, shall be set back a minimum of two feet from the lot line.

(2) *Height limitation.* No sign shall exceed eight feet in height, nor shall any attached sign extend higher than one foot below the roof line.

(3) *Lighting.* Illuminated signs shall be permitted only as a conditional use.

(4) *Identification signs.*

(a) Identification signs shall be limited to one per principal entrance.

(b) Freestanding identification signs shall be landscaped around the base of the sign.

(5) *Special sign regulations.*

(a) Free standing identification signs whose sole purpose is to display the name of the City shall be permitted adjacent to arterial streets and highways within the Residential Districts under the following conditions:

1. Maximum sign height shall be six feet, and maximum sign surface area shall be 50 square feet;

2. The signs shall be set back not less than ten feet from the lot line or highway right-of-way line, whichever is the furthest from the traveled street;

3. The signs shall be landscaped along the base;

4. Up to 20% of the sign surface area may be used to display the insignia or name of any nonprofit organizations and educational institutions sponsoring the sign; and,

5. The signs may be illuminated if the illumination does not reflect into any homes located in Residential Districts.

(C) Neighborhood Business District (C-1). The following shall apply in Neighborhood Business Districts.

<i>Permitted Signs</i>	<i>Permit Required</i>	<i>Maximum Sign Surface Area in Square Feet</i>
Business	Yes	50
Directional	No	4
Identification	Yes	30
Public service	Yes	24
Real estate	No	20
Temporary	Yes	32

(1) Business sign requirements. Except as provided below, within C-1 Districts only one attached wall sign, or two attached wall signs if on a corner lot, shall be permitted, and the sign(s) shall not project more than 18 inches from the face of the wall.

(2) Yard requirements. All signs, except directional and temporary signs, shall be subject to the same setback and yard requirements as all other permitted accessory uses. All directional and temporary signs shall be set back a minimum of four feet from the lot line.

(3) Height limitation. Except for freestanding business signs, no sign shall exceed eight feet in height nor shall any attached sign extend higher than one foot below the roof line.

(4) Identification signs.

(a) Identification signs shall be limited to one per principal entrance.

(b) Freestanding identification signs shall be landscaped around the base of the sign.

(5) Freestanding business sign requirements.

(a) Only one freestanding sign is permitted per business.

(b) A business must have a minimum frontage of 75 feet in order to have a freestanding business sign. More than one adjoining business may be combined to obtain the required frontage for a freestanding business sign, if the adjoining businesses jointly use the sign.

(c) The maximum sign surface area shall be 50 square feet.

(d) The maximum sign height shall be 16 feet.

(e) The vertical distance between the ground surface and the bottom of the sign surface area shall be not less than nine feet.

(f) The maximum distance the sign surface area may project over public rights-of-way shall be eight feet but may not extend over traveled streets.

(g) The sign post shall be set back not less than two feet from the lot line.

(D) General Business District (C-2). The following shall apply in General Business Districts.

<i>Permitted Signs</i>	<i>Permit Required</i>	<i>Maximum Sign Surface Area in Square Feet</i>
Business	Yes	See Subsections (1), (2) and (6)
Directional	No	24
Identification	Yes	See Subsections (1), (2) and (6)
Public service	Yes	24
Real estate	No	32
Temporary	Yes	32

(Ord. No. 99, 3rd Series – adopted 04/4/17)

(1) Business and identification sign requirements; general. Within the C-2 Districts there shall be two options for business and identification signs.

(a) Option A. Only attached wall signs shall be allowed. The maximum number of signs on any principal building shall be two, including existing signs. The maximum combined sign surface area of both signs shall be 300 square feet or 20% of the gross silhouette area of the front building wall, whichever is less. Where the principal building is on a corner lot facing two public streets, the maximum number of wall signs on the principal building shall be three, including existing signs. The sign surface area of the third sign shall not exceed 100 square feet, and the maximum combined sign surface area of all signs shall be 350 square feet or 25% of the gross silhouette area of the front building wall, whichever is less. No more than two attached signs shall be placed on any one front or side wall. For buildings with single walls exceeding 10,000 square feet, the sign surface area may be up to 2% of the single wall area, but shall not exceed 500 square feet.

(b) Option B. The following sign types may be utilized: attached, freestanding, projecting, and suspended. The maximum number of signs shall be two, including existing signs. Only one freestanding sign shall be permitted. The maximum sign surface area of any attached, projecting, or suspended sign shall be 200 square feet or 13% of the gross silhouette area of the front building wall, whichever is less. Where the principal building is on a corner lot facing two public streets, a third sign, which shall be a projecting sign attached to the side wall of the principal building, shall be permitted. The maximum sign surface area of this third sign shall be 100 square feet or ten percent of the gross

silhouette area of the front building wall, whichever is less. No more than two attached signs shall be placed on any one front or side wall. For buildings with single walls exceeding 10,000 square feet, the sign surface area may be up to 2% of the single wall area, but shall not exceed 500 square feet.

(c) Additional.

1. In addition to Options A and B, buildings which provide a secondary public entrance into the rear of the building and which rear entrance provides access to a public alley, parking lot, or street shall be permitted one additional projecting sign attached to the rear building wall. The maximum sign surface area of this sign shall be 100 square feet or seven and one-half percent of the gross silhouette area of the rear building wall, whichever is less.

2. In addition to Options A and B, buildings with an interior sidewall abutting a parking lot, which parking lot has a minimum frontage of 100 feet, shall be permitted one additional projecting sign attached to the wall facing the parking lot. The maximum sign surface area of this sign shall be 50 square feet or seven and one-half percent of the gross silhouette area of the front building wall, whichever is less.

(d) Combined sign area. If a front yard setback of the principal building is in excess of 149 feet or if the front principal building wall is in excess of 100 feet wide, the maximum combined sign surface area of both wall signs under Option A shall be up to 20% of the gross silhouette area of the front building wall, and the maximum sign surface area of the wall sign in Option B shall be up to 13.5% of the gross silhouette area of the front building wall. In neither case shall the maximum square footage apply, only percentage of gross silhouette area.

(2) Freestanding business and identification sign requirements. Only one freestanding sign is permitted per business, planned shopping center, or institution. Businesses are eligible for those freestanding signs listed in their street classification in the following table.

<i>Street Classification</i>	<i>Street Speed Limit</i>	<i>Minimum Frontage (ft.)</i>	<i>Maximum Sign Surface Area (sq. ft.)</i>	<i>Maximum Height (ft.)</i>
Local street	0-30	75	50	16
	30-45	75	50	16
Collector	0-30	75	50	16
	31-45	100	70	18
	46-55	150	85	20
Arterial	0-30	75	50	20
	31-45	150	100	26
	46-54	200	125	30
Highway	55+	300	200	32

(a) More than one adjoining business may be combined to obtain the required frontage for a freestanding sign, if the adjoining businesses jointly use the sign.

(b) The maximum distance the sign surface area may project over public rights-of-way shall be eight feet but may not extend over traveled streets.

(c) Freestanding signs located in a parking lot or adjacent to a driveway shall be surrounded by a landscaped or planted area five feet in all directions from the base of the sign.

(d) Where premises used for commercial or industrial use are within 100 feet of Residential or Agricultural Districts, freestanding signs located in that commercial or industrial use shall not exceed 25 feet in height. A freestanding sign must be set back from the lot line the same distance as structures in any Residential or Agricultural District facing the same public street and within 100 feet of the sign. This provision affects only freestanding signs on commercial and industrial premises on the same block and on the same street as a Residential or Agricultural District.

(3) *Yard requirements.* All signs, except directional and temporary signs, shall be subject to the same setback and yard requirements as all other permitted accessory uses. In the case of a corner lot, all signs, except directional and temporary signs, shall abide by the front yard setback for both sides abutting a public street. All directional, temporary, and freestanding signs shall be set back a minimum of six feet from the lot line or, where adjacent to a frontage street, six feet from the interior edge of the frontage street.

(4) *Height limitations.* No attached sign shall exceed eight feet in height nor shall any attached sign extend higher than the roof line. (Ord. No. 104, 3rd Series – adopted 03/6/18)

(5) *Canopy, marquee, and suspended signs.* Signs suspended from the bottom of a canopy or marquee shall not exceed 30 square feet of sign surface area. The bottom of the suspended signs shall be a minimum vertical distance of eight feet from the ground surface. Canopies and marquees, whether signed or not, and suspended signs shall be a minimum horizontal distance of two feet from the street pavement.

(6) *Special sign regulations.*

(a) Freestanding identification signs whose sole purpose is to display the name of the City shall be permitted adjacent to arterial streets in accordance with this Chapter.

(b) Public service banners suspended over arterial streets may exceed the 24 square feet maximum sign surface area indicated in the table but shall not exceed 48 square feet.

(c) In addition to signage permitted in Subsections (a) and (b) above, gasoline service stations may place lettering and/or logos on pump island canopies. Regardless of the number of pump island canopies on the site, no more than three canopy faces may be signed. The maximum sign surface area of this signage shall not exceed 75 square feet for each canopy face. These signs shall not protrude above or below the canopy.

(E) *Central Business District (C-3)*. The following shall apply in the Central Business District.

<i>Permitted Signs</i>	<i>Permit Required</i>	<i>Maximum Sign Surface Area in Square Feet</i>
Business	Yes	See Subsections (1), (2) and (6)
Directional	No	4
Identification	Yes	See Subsections (1), (2) and (6)
Public service	Yes	24
Real estate	No	32
Temporary	Yes	32

(1) *Business and identification sign requirements; general*. Within the C-3 District there shall be two options for business and identification signs.

(a) *Option A*. Only attached wall signs shall be allowed. The maximum number of signs on any principal building shall be two, including existing signs. The maximum combined sign surface area of both signs shall be 200 square feet or 15% of the gross silhouette area of the front building wall, whichever is less. Where the principal building is on a corner lot facing two public streets, the maximum number of wall signs on the principal building shall be three, including existing signs. The sign surface area of the third sign shall not exceed 75 square feet and the maximum combined sign surface area of all signs shall be 240 square feet or 20% of the gross silhouette area of the front building wall, whichever is less. No more than two attached signs shall be placed on any one front or side wall.

(b) *Option B*. The following sign types may be utilized: attached, freestanding, projecting, and suspended. The maximum number of signs shall be two, including existing signs. Only one freestanding sign shall be permitted. The maximum sign surface area of any attached, projecting, or suspended sign shall be 130 square feet or ten percent of the gross silhouette area of the front building wall, whichever is less. Where the principal building is on a corner lot facing two public streets, a third sign, which shall be a projecting sign attached to the side wall of the principal building, shall be permitted. The maximum sign surface area of this third sign shall be 65 square feet or ten percent of the gross silhouette area of the front building wall, whichever is less. No more than two attached signs shall be placed on any one front or side wall.

(c) *Additional*.

1. In addition to options A and B, buildings which provide a secondary public entrance into the rear of the building and which rear entrance provides access to a public alley, parking lot, or street shall be permitted one additional projecting sign attached to the rear building wall. The

maximum sign surface area of this sign shall be 50 square feet or seven and one-half percent of the gross silhouette area of the rear building wall, whichever is less.

2. In addition to Options A and B, buildings with an interior sidewall abutting a parking lot, which parking lot has a minimum frontage of 50 feet, shall be permitted one additional projecting sign attached to the wall facing the parking lot. The maximum sign surface area of this sign shall be 50 square feet or seven and one-half percent of the gross silhouette area of the front building wall, whichever is less.

(2) *Freestanding business and identification sign requirements.* Only one freestanding sign is permitted per business, planned shopping center or institution. Businesses are eligible if the business has a minimum frontage of 75 feet and the sign surface area can be no larger than 50 square feet and the maximum height of the sign is 20 feet.

(a) More than one adjoining business may be combined to obtain the required frontage for a freestanding sign, if the adjoining businesses jointly use the sign.

(b) The vertical distance between the ground surface and the bottom of the sign surface area shall be either less than two feet or more than 12 feet.

(c) The maximum distance the sign surface area may project over public rights-of-way shall be eight feet but may not extend over traveled streets.

(d) Where premises used for commercial or industrial use are within 100 feet of residential or agricultural districts, freestanding signs located in that commercial or industrial use shall not exceed 25 feet in height. A freestanding sign must be set back from the lot line the same distance as structures in any residential or agricultural district facing the same public street and within 100 feet of the sign. This provision affects only freestanding signs on commercial and industrial premises on the same block and on the same street as a residential or agricultural district.

(3) *Yard requirements.* All signs shall abide by the setback requirements for the C-3 District, except for canopy, marquee, and suspended signs which shall be in accordance with Subsection (5) below, and:

(a) Attached projecting business and identification signs may project not more than 18 inches over public rights-of-way; and

(b) Directional signs in the rear yard shall be set back not less than four feet from the rear lot line.

(4) **Height limitations.** No attached sign shall exceed eight feet in height nor shall any attached sign extend higher than one foot below the roof line.

(5) **Canopy, marquee, and suspended signs.** Within the C-3 District, signs suspended from the bottom of a canopy or marquee shall not exceed 15 square feet of sign surface area. The bottom of the suspended signs shall be a minimum vertical distance of eight feet from the ground surface. Canopies and marquees, whether signed or not, and suspended signs shall be a minimum horizontal distance of two feet from the traveled street.

(6) **Special sign regulations.**

(a) Public service banners suspended over arterial streets may exceed the 24 square feet maximum sign surface area indicated in the table but shall not exceed 48 square feet.

(b) In addition to signage permitted in Subsection (a), gasoline service stations may place lettering and/or logos on pump island canopies. Regardless of the number of pump island canopies on the site, no more than three canopy faces may be signed. The maximum sign surface area of this signage shall not exceed 75 square feet for each canopy face. These signs shall not protrude above or below the canopy.

(F) **Downtown Fringe District (C-4).** The following shall apply in the Downtown Fringe District.

<i>Permitted Signs</i>	<i>Permit Required</i>	<i>Maximum Sign Surface Area in Square Feet</i>
Business	Yes	50
Directional	No	4
Identification	Yes	50
Public service	Yes	24
Real estate	No	20
Temporary	Yes	32

(1) **Business sign requirements.** Except as provided below, within the C-4 Districts, only one attached wall sign, or two wall signs if on a corner lot, shall be permitted, and the sign(s) shall not project more than 18 inches from the face of the wall.

(2) **Yard requirements.** All signs, except directional, temporary, and freestanding signs, shall be subject to the same setback and yard requirements as all other permitted accessory uses. All directional, temporary, freestanding, and identification signs shall be set back a minimum of four feet from the lot line.

(3) **Height limitation.** Except for freestanding business signs, no sign shall exceed eight feet in height nor shall any attached sign extend higher than one foot below the roofline.

(4) **Special sign regulations.** Public service banners suspended over arterial streets may exceed the 24 square feet maximum sign surface area indicated in the table but shall not exceed 48 square feet.

(5) **Identification signs.**

(a) Identification signs shall be limited to one per principal entrance.

(b) Freestanding identification signs shall be landscaped around the base of the sign.

(6) **Freestanding business sign requirements.**

(a) Only one freestanding sign is permitted per business.

(b) A business must have a minimum frontage of 75 feet in order to have a freestanding business sign. More than one adjoining business may be combined to obtain the required frontage for a freestanding business sign, if the adjoining businesses jointly use the sign.

(c) The maximum sign surface area shall be 50 square feet.

(d) The maximum sign height shall be 16 feet.

(e) The vertical distance between the ground surface and the bottom of the sign surface area shall be not less than nine feet.

(f) The maximum distance the sign surface area may project over public rights-of-way shall be eight feet but may not extend over traveled streets.

(g) The sign post shall be set back not less than two feet from the lot line.

(G) Light Industrial District (I-1) and General Industrial District (I-2). The following shall apply in both Industrial Districts.

<i>Permitted Signs</i>	<i>Permit Required</i>	<i>Maximum Sign Surface Area in Square Feet</i>
Advertising	Yes	300
Business	Yes	See Subsection (1)
Directional	No	32
Identification	Yes	See Subsection (1)
Public service	Yes	24
Real estate	No	32
Temporary	Yes	32

(Ord. No. 109, 3rd Series – adopted 05/1/18)

(1) Business and identification sign requirements; general. Within the Industrial Districts there shall be two options for business and identification signs which shall be in accordance with Section 152.095(D)(1).

(2) Freestanding business and identification sign requirements. Freestanding business and identification signs shall be permitted adjacent to all classifications of streets within the Industrial Districts under the following conditions:

(a) The premises on which such freestanding signs are located shall have a minimum width of 250 feet measured at the front building line. If the premises does not meet this frontage requirement, the provisions of Section 152.095(D)(2) shall apply;

(b) The signs shall be in accordance with Section 152.095(D)(2) when located within 150 feet of a Zoning District other than I-1 or I-2;

(c) The maximum sign surface area shall not exceed 200 square feet;

(d) The maximum height for a pylon-type business or identification sign shall be 25 feet. The maximum height for a ground-billboard-type business or identification sign shall be 15 feet;

(e) There shall be a minimum distance, measured in all directions, of 300 feet between freestanding business and identification signs;

(f) Ground-billboard-type freestanding business or identification signs shall be surrounded by a landscaped or planted area five feet in all directions from the base of the sign, and the landscaping and planting shall be maintained; and,

(g) Only one freestanding sign of any type, other than directional or public service signs, shall be permitted on any one premises.

(3) *Yard requirements.* All signs shall be subject to the same setback yard requirements as all other permitted accessory uses with the following exceptions:

(a) Freestanding business and identification signs shall be set back not less than 25 feet from the front lot line; and,

(b) Freestanding directional, public service, real estate, and temporary signs shall be set back not less than six feet from the front lot line.

(4) *Height limitations.* Except as provided in Subsection (G)(2) and in Subsection (6), no attached sign shall exceed eight feet in height nor shall any attached sign extend higher than one foot below the roof line.

(5) *Canopy, marquees, and suspended signs.* Within the Industrial Districts, signs suspended from the bottom of a canopy or marquee shall not exceed 30 square feet of sign surface area. The bottom of the suspended signs shall be a minimum vertical distance of eight feet from the ground surface. Canopies and marquees, whether signed or not, and suspended signs shall be a minimum horizontal distance of two feet from the traveled street.

(6) *Freestanding advertising signs.* Freestanding advertising signs shall be permitted adjacent to arterial streets and highways within the Industrial Districts under the following conditions:

(a) The maximum height for a pylon type advertising sign shall be 30 feet. The maximum height for a ground-billboard-type advertising sign shall be 20 feet;

(b) The signs shall not be located within 750 feet of Residential or Commercial Districts;

(c) There shall be a minimum distance, measured in all directions, of 1,500 feet between freestanding advertising signs;

(d) Freestanding advertising signs of a ground-billboard-type shall be landscaped along the base and the landscaping shall be maintained; and,

(e) Only one freestanding sign of any type shall be permitted on any one premises.

(7) *Special sign regulations.* Public service banners suspended over arterial streets may exceed the 24 square feet maximum sign surface area indicated in the table but shall not exceed 48 square feet.

§ 152.096 MAINTENANCE OF SIGNS.

All signs shall be maintained. The Building Official shall have the authority to order the painting, repair, or removal of signs which are not maintained, which are abandoned or which constitute physical hazard to the public safety. If the sign is nonconforming, restoration shall be in accordance with § 152.093.

§ 152.097 DYNAMIC DISPLAY SIGNS.

A. Dynamic Displays: Dynamic Display signs, where specifically allowed by this Ordinance, shall comply with the following requirements.

(1) Brightness: LED dynamic displays shall be adjusted to a night time brightness setting of no more than 20 percent of their maximum brightness setting, but in no event shall they exceed 0.3 footcandles over ambient lighting conditions when measured with an illuminance meter when measured at the recommended distance, based upon the Dynamic Display illuminated sign size. LED dynamic displays may operate at up to 100 percent of their maximum brightness during the day time. Incandescent dynamic displays shall be adjusted to the night time brightness setting of no more than 60 percent of their maximum brightness setting, but in no event shall they exceed 0.3 footcandles over ambient lighting conditions when measured with an illuminance meter when measured at the recommended distance, based upon the Dynamic Display illuminated sign size. Incandescent dynamic displays may operate at up to 100 percent of their maximum brightness during the day time. Constant night time displays of bright or “hot colors” such as complete red or white display background shall be prohibited. All dynamic displays shall be equipped with a night time manufacturer auto dim feature and operated according to manufacturer night intensity specifications and as required herein. Legal non-conforming dynamic displays without a manufacturer auto dim feature shall comply with this requirement to the extent feasible within the limits of the dynamic display’s programming.

(2) Brightness measurement: No Dynamic Display shall exceed a brightness level at night of 0.3 foot candles above ambient light as measured using a footcandle illuminance meter at a preset distance depending on the sign area, measured as follows:

SIGN AREA VERSUS MEASUREMENT DISTANCE

AREA OF SIGN sq. ft.	MEASUREMENT Distance (ft.)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100
110	105
120	110
130	114
140	118
150	122
160	126
170	130
180	134
190	138
200	141
220	148
240	155
260	161
280	167
300	173

** For signs with an area in square feet other than those specifically listed on the table (i.e. 12 sq. ft., etc), the measurement distance may be calculated with the following formula:*

$$\text{Measurement Distance} = \sqrt{\text{Area of Sign Sq. Ft.} \times 100}$$

(3) Time/Duration: Minimum frame hold display time duration shall not be less than ten seconds. There shall be no animation, motion, blinking, scrolling, rotating, oscillating, or other apparent flashing or movement on any dynamic display during the night time. There shall be no scrolling or flashing during the daytime. Display change shall be instantaneous.

(4) Dynamic Displays shall be permitted in certain zoning districts on free standing and monument signs or as a wall sign, as specified by this Ordinance.

(5) Maximum number: There shall be no more than one Dynamic Display sign permitted per property.

(6) Spacing from residential uses: No Dynamic Display shall be located within 100 feet of a residential district. The distance shall be measured based upon a horizontal line beginning at the nearest residential property line and the leading edge of the Dynamic Display, or viewing radius of 45 degrees, whichever is closer. A church located in a residential zone may be allowed a Dynamic Display, subject to the spacing requirements, as applied to the nearest adjacent residential property line.

Amended Ordinance 112, 3rd Series (07/03/2018)

(7) The City shall have the right to place conditions on any Dynamic Display located within 50 feet of an official traffic control signal to prevent interference or confusion with the official traffic control signal. The distance shall be measured based upon a horizontal line beginning at the leading edge of the Dynamic Display and any portion of the official traffic control signal.

SHORELAND MANAGEMENT

§ 152.110 STATUTORY AUTHORIZATION AND POLICY.

(A) **Authorization.** This Subchapter is adopted pursuant to the authorization and policies contained in M.S. Chapter 103, Minn. Rules, Parts 6120.2500 through 6120.3900 and the planning and zoning enabling legislation in M.S. Chapter 462.

(B) **Policy.** The uncontrolled use of shorelands of the City affects the public health, safety, and general welfare not only by contributing to pollution of public waters but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety, and welfare to provide for the wise subdivision, use and development of the shorelands of public waters and, thus, preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is recognized by the City.

§ 152.111 JURISDICTION; COMPLIANCE.

(A) **Jurisdiction.** The provisions of this Section shall apply to the shorelands of the public water bodies as classified in § 152.113. Pursuant to Minn. Rules, Parts 6120.2500 through 6120.3900, no lake, pond, or flowage less than ten acres in size need be regulated in the City's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this Section.

(B) **Compliance.** The use of any shoreland of public waters; the size and shape of lots; the use, size, type, and location of structures on lots; the installation and maintenance of water supply and waste treatment systems; the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this Section and other applicable regulations.

Amended Ordinance 81, 3rd Series (10/6/2015)