

AGENDA
MEETING OF THE MARSHALL PLANNING COMMISSION
WEDNESDAY – SEPTEMBER 14, 2022
COUNCIL CHAMBERS – CITY HALL
5:30 P.M.

- 1) *Call to Order*
- 2) *Consider the approval of the minutes of the July 13, 2022, regular meeting of the Marshall Planning Commission.*
- 3) *Ordinance Amendment to Section 86-165 relating to Structures in Residential Districts.*
- 4) *Ordinance Amendment to Section 86-180 to 86-187 relating to Signs.*
- 5) *Other Business*
- 6) *Adjourn*

--UNAPPROVED --

**MINUTES OF THE
MARSHALL PLANNING COMMISSION MEETING
July 13, 2022**

MEMBERS PRESENT: Doom, Schroeder, Lee, Deutz, and Muchlinski

MEMBERS ABSENT: Dennis Simpson

OTHERS PRESENT: Bob Byrnes and Jason Anderson

1. The meeting was called to order by Chairperson Lee. She asked for the approval of the minutes of the June 8, 2022, regular meeting of the Marshall Planning Commission. Doom MADE A MOTION, SECOND BY Schroeder, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION.
2. Anderson explained that this is a request by the Owners, Mynor Noe Garcia and Dora Leticia Ramirez, to build a house at 905 West Main Street. The fire destroyed original house at that location about two years ago, but the foundation walls are still there, and the current owner wants to build a house on the existing foundation. This area is zoned B-3 General Business District and single-family residences are not a permitted use. Therefore, all houses along West Main Street are non-conforming uses. Ordinance allows to rebuild non-conforming uses within 180 days of their destruction so this variance will be extending that term to two years. Additionally, the setback for existing foundation is 25 feet rather than required 35 feet off Main Street, which is a thoroughfare. Approval of a variance request requires a presentation of practical difficulties which means, by Ordinance definition, that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance, the predicament of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. In this case, the owner wants to build a house on the existing foundation, which is reasonable, the foundation wall location is existing, and surrounding structures are all single-family houses with 25 feet setbacks, which, taken together, may constitute practical difficulties as defined in the Ordinance and be a basis for granting a variance. Recommend approval to the City Council of the request by Mynor Noe Garcia and Dora Leticia Ramirez for a Variance Adjustment Permit to rebuild a nonconforming structure with reduced front yard. Deutz asked when the fire happened. Mynor Garcia said it was for sale and they just purchased it. Anderson added the fire was about 2 years ago. Schroeder said she would like to see it rebuilt versus an empty lot. Muchlinski agreed. Doom said where Garcia's deck will be is in line with all the other houses. Doom MADE A MOTION, SECOND BY Muchlinski to close the public hearing. ALL VOTED IN FAVOR OF THE MOTION. Doom MADE A MOTION, SECOND BY Schroeder to recommend to City Council to approve the request by Mynor Noe Garcia and Dora Leticia Ramirez for a Variance Adjustment Permit to rebuild a nonconforming structure with reduced front yard. ALL VOTED IN FAVOR OF THE MOTION
3. Chairperson Lee asked for updates on the comprehensive plan. Anderson advised that the plan is moving along right now working on implementation. Schroeder said the next meeting they will get to review the comprehensive plan. There was a lot of focus on community partners and housing. The need for housing and finding homes for people coming to town. Anderson said it is getting close and exciting. Some implementation items may be specific and some more vague. Schroeder added that they discussed some timelines that are based on the need.
4. In other business Byrnes added that the council appointed new Planning Commission member. They had groundbreaking on block 11. Went over that there will be about 26 one-bedroom apartments. Jessie Dehn, Assistant City Engineer's last day is July 29th. Deutz asked about the old Helena plant if that is getting cleaned up. Byrnes said that they have gone out of business. The Quonset building is and has been in the flight zone. Went over several location that have been acquired locations that are in the flight zone. The City does have a purchase agreement that has been in place since 2019. In the agreement is the requirement for the cleanup of the site. A conversation was held on everything involved in the cleanup.
5. Since there was no old business, A MOTION WAS MADE BY Muchlinski, SECOND BY Deutz to adjourn the meeting. ALL VOTED IN FAVOR. Chairperson Lee declared the meeting adjourned.

Respectfully submitted,
Chris DeVos, Recording Secretary



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Wednesday, September 14, 2022
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Ordinance Amendment to Chapter 86, Article VI-1, Section 86-165 Structures in Residential Districts.
Background Information:	The current ordinance prohibits exterior finishes with exposed fasteners on non-accessory structures in all residential districts to avoid industrial looking buildings and protect the values of the properties. However, it appears that those fasteners on low slope roofs (with less than 4 in 12 pitch) are practically not visible. Considering that metal roofs with exposed fasteners may be a practical alternative to shingles in this situation, it would be reasonable to allow it.
Fiscal Impact:	None.
Alternative/ Variations:	None recommended.
Recommendation:	Staff recommends the recommendation to the City Council approving the revisions amending Sec. 86-165 Structures in Residential Districts to allow exposed fasteners on low slope roofs.

Section 86-165 Structures In Residential Districts

For all permitted non-accessory structures in the R-1, R-2, R-3 and R-4 Districts, the following shall apply:

- (a) Such structures shall comply with all applicable zoning regulations for the zone in which they are located and with all applicable state statutes and codes.
- (b) A building permit and any other required permits shall be obtained for such structures.
- (c) No such structures shall have a footprint of less than 800 square feet, not including an attached garage, unless such garage has habitable space above.
- (d) No such structures shall have a dimension of less than 24 feet at its narrowest point, as measured from faces of exterior walls, in any direction, except entries, porches, and similar attachments.
- (e) Any such structure shall be placed on permanent building code compliant foundation that is continuous around the entire perimeter of the building except for decks, porches, or similar attached structures or rooms constituting less than 25 percent of the building footprint area.
- (f) Any such structure shall have exterior wall finish materials extend down to foundation or within 12 inches above grade, whichever is less. Wainscoting, if used, shall be minimum of 36 inches high.
- (g) Any such structure shall have a sloped roof with at least 3/12 pitch over at least half of the building; a flat roof is permitted over entire buildings larger than 1,200 square feet in footprint or taller than two stories.
- (h) No such structure shall use materials with exposed fasteners as an exterior finish, except roofs with slope less than 4 in 12.
- (i) In R-1 one family residence district, direct and independent connection to city utilities shall be required for each such structure and no exterior fuel tanks shall be allowed, except one tank, 50 gallons or less, properly located and screened, may be permitted.
- (j) In R-1 one-family residence district, not more than one such structure may be built on a single lot.
- (k) Nothing in this article shall prevent the regulation of uses of property by means of restrictive covenants.

(Code 1976, § 11.19(5); Ord. No. 732 2nd Series, § 1, 1-8-2019)

State law reference(s)—Manufactured home park to be conditional use in any district allowing buildings used or intended to be used by two or more families, Minn. Stat. § 462.357, subd. 1b.



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Wednesday, September 14, 2022
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Sign Ordinance Amendment – Chapter 86, Article 86-VI-2-Signs, Sec. 86-180 to 86-187.
Background Information:	<p>Current City Sign Ordinance was adopted in 1976 and has practically not been amended ever since. It is therefore outdated in not covering many newer sign types and applications, thus creating ambiguity, restrictive in allowed sign area, and difficult to follow. Considering the above reason, staff suggests completely revising the Sign Ordinance as presented.</p> <p>The revised Ordinance includes all existing sign related definitions that will be moved out of the Chapter definition section (Sec. 86-1) in order to have all sign related information in one place. The new ordinance also expands a list of signs not requiring a sign permit and includes requirements for LED signs. Additionally, the new Ordinance slightly increases maximum allowed signage area and also gives additional allowances for properties located on extra large lots and/or facing divided highway.</p> <p>In general, the City's new sign ordinance is less restrictive than sign ordinances of comparable cities and allows for more signage than average. To simplify Ordinance understanding, a summary spreadsheet is attached. Also, staff has created a spreadsheet for signage area calculations that takes into account all ordinance provisions.</p>
Fiscal Impact:	None.
Alternative/ Variations:	None recommended.
Recommendation:	Staff recommends the recommendation to the City Council approving the revisions and Division VI-2 Signs in its entirety.

DIVISION 2. - SIGNS

Sec. 86-1810. - Findings, Objective, and Compliance.

- (a) Regulating the location, size, placement, and physical characteristics of signs is necessary to enable the public to locate goods, services, and facilities and to receive a wide variety of other messages, commercial and noncommercial, without difficulty and confusion. It is recognized that signs serve an important function and, therefore, reasonable and adequate display of signs is permitted under the provisions of this Division. At the same time, this Division recognizes that there is a definite need to regulate the display of signs as signs utilize the visual element of the public right-of-way to bring messages to the public.
- (b) The objective of this Division is to protect the health, safety and public welfare through restricting signs and lights that will increase the probability of traffic congestion and accidents by distracting attention or obstructing vision; reducing conflict among signs and lights and between public and private information systems; preserving and protecting property values and civic beauty by not allowing signs that detract from this objective due to excessive size, height, number, visual impact, undesirable location, maintenance, spacing or illumination; enhancing the economy and the business and industry of the City by promoting the reasonable, orderly, and effective display of signs and encouraging increased communication with the public; establishing standards that will permit businesses a reasonable and equitable opportunity to advertise, but will avoid excessive visual competition among sign displays; and promoting signs that are compatible with their surroundings and appropriate to the type of activity to which they pertain.
- (c) All signs hereafter erected or maintained, except official ~~traffic and street signs~~ public signs, US flags, and temporary decorative banners mounted on street poles and approved by the street superintendent, shall conform with the provisions of this Division and any other provisions of the City Code or regulations of the City.

(Code 1976, § 11.19(1))

Sec. 86-181. Definitions.

- (a) The following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- Sign means a name, identification, description, display, illustration, device or lettered figure or pictorial symbol which is affixed to or represented directly or indirectly upon a building, structure or land in view from the public right of way or private street, and which directs attention to a product, place, activity, person, institution or business and is displayed for the purpose of communicating a specific message.
- Sign, abandoned, means a sign remaining without a message for a period of six months or more, or pertaining to a time, event or purpose which no longer applies, or remaining after demolition of a principal structure, or applicable to a discontinued business unless evidence is provided that a business is temporarily suspended due to a change in ownership or management.
- Sign, advertising, means a sign which exclusively directs attention to a business, commodity, service, activity or entertainment not conducted, sold or offered upon, or displays a message unrelated to, the premises where such sign is located, provided the above purpose is the sole reason for the sign's existence.
- Sign alteration means any change, reconstruction, relocation or enlargement of a sign, or of any of its component parts. Routine maintenance, the changing of movable parts of signs which are designed for such changes, the repainting of sign copy and display matter, and replacement of a sign

facing with the same size facing shall not be deemed to be an alteration within the context of this Chapter.

Sign, banner, means a temporary sign made of fabric, cloth, canvas, plastic sheathing or any other flexible non-rigid material with no enclosing framework mounted on the outside of a building or structure, or on the ground and supported at two or more edges or more than two points.

Sign, balloon, means a temporary sign consisting of a bag made of lightweight material supported by hot or pressurized air or helium inside.

Sign, billboard, means an advertising sign.

Sign, business, means a sign which directs attention to a business, including non-commercial uses and institutions, or profession or to a commodity, service or entertainment sold or offered upon the premises where such a sign is located.

Sign, cluster, means several flat nameplate signs identifying multiple businesses in a building grouped together in one location on that building.

Sign, construction, means a temporary sign depicting or advertising future building or business, or identifying an architect, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located.

Sign, directional, means a sign erected for the purpose of directing pedestrian or vehicular traffic onto or about the property upon which such sign is located, including drive-through menu boards and signs marking entrances and exits, circulation direction, parking areas, and pickup and delivery areas. Directional signs shall not include any unrelated information except business name and logo, which shall not occupy more than 25 percent of the sign area.

Sign, double-face, means a sign which has a message on opposite parallel or near parallel (less than 15 degrees) sides mounted not more than 18 inches apart on a single structural component or is a spherical sign. Only one side shall be counted toward the total permitted sign surface area.

Sign, dynamic display, means any sign in which display portion of a sign appears to have movement or that appears to change, and which is caused by any method other than manually removing and replacing the sign components, such as lettering. This includes, among other types, electronic graphic display sign having a programmable display that has the capability to present text and/or symbolic imagery in motion and in a variety of colors, or any display that incorporates multiple narrow shifting panels that in combination create a larger image, conveyor belts, incandescent bulbs, or any other method or technology that allows a sign face to present a series of images or displays.

Sign, electronic graphic display, means any sign or portion thereof that displays electronic static or moving images, with or without text information, defined by a number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, re-pixelization or dissolve modes. These signs include computer programmable, microprocessor controlled electronic or digital displays and projected images or messages with these characteristics onto buildings or other objects.

Sign, flag, means any fabric or similar flexible lightweight piece of material attached at one edge or two points, usually to a pole, but possibly to the underside of a roof structure or a horizontal bar, so as to allow free movement of the material by atmospheric changes. In case of a windfeather flag, the piece of material is continuously supported on two or more sides. Flags are not considered freestanding or projecting signs.

Sign, flashing, means any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use.

Sign, flat, means a sign mounted on a building or its elements parallel to its vertical or near-vertical (less than 15 degrees off vertical plane) surface and projecting no more than 18 inches off that surface.

Sign, freestanding, means a permanent non-movable sign supported upon the ground by poles, pylons, braces, foundation, solid base or any other permanent structure and not attached to any building.

Sign, gas pump, means a sign factory painted or mounted on a side or top of an operational gas pump.

Sign, ground, means a freestanding sign erected on the ground or solid base or mounted on the pole(s) or pylon(s) so that the bottom edge of the sign display area is eight feet or less above the point of contact with the ground.

Sign, height of, means maximum vertical distance from the point of contact with the ground to the highest point of a freestanding sign, flagpole, or temporary sign.

Sign, holiday decoration, means temporary signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local or religious holiday, legally recognized by the US or Minnesota state government.

Sign, illuminated, means a sign which has characters, letters, figures, designs or outlines illuminated by external or internal electric lights, or, in a neon sign, luminous tubes installed as a part of the sign. An electronic graphic display sign is not considered an illuminated sign.

Sign, incidental, means a small sign, emblem, or decal less than two square feet in area placed on the exterior of a building, or attached to a freestanding structure on the premises, and informing or warning the public of permitted or prohibited actions, such as 'No dumping' or 'No trespassing'. Incidental signs also include private memorial plaques and temporary personal celebrations signs.

Sign, integral, means a sign carrying the name of a building, its date of erection, monumental citations, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the building structure.

Sign, multiple-face, means a sign containing two or more non-parallel faces mounted on a single structural component. Each face shall be counted separately toward the maximum allowable sign surface area.

Sign, nameplate, means a sign which states the name or address, or both, but nothing else, except logo, of the business or occupant of the lot where the sign is placed.

Sign, political, means a temporary sign used in connection with a local, state or national election or referendum; expressing a political, or what is widely considered political, opinion; or calling for any public actions, unless a message or opinion is directly related to activity or business conducted on premises. A legal advertising sign displaying a political message is not considered a political sign.

Sign, private sales or event, means a temporary sign advertising private sales of personal property such as garage sales or a car for sale, and the like or private not-for-profit events such as an open house, picnics, carnivals, bazaars, game nights, art fairs, and craft shows or any charity fundraising.

Sign, projecting, means a sign mounted on a building or its elements perpendicular to its surface with or without additional ground support or a sign mounted parallel to the building surface but projecting more than 18 inches.

Sign, public, means a sign of a public, non-commercial nature, including, but not limited to, safety signs, danger signs, traffic signs, street name signs, city name signs, signs indicating scenic or historical points of interest, public memorial plaques and the like, erected by or on order of a public officer or employee in the performance of official duty, or required by law.

Sign, pylon, means a freestanding sign mounted on one or more individual pylon(s), pole(s), post(s) or other similar support(s) so that the bottom edge of the sign display area is more than eight feet above the point of contact with the ground.

Sign, real estate, means a temporary sign advertising the real estate upon which the sign is located being for rent, lease or sale.

Sign, roof, means a sign, except flag signs, mounted on a building or its elements and projecting above the roof edge or parapet line of a building or marquee with a flat roof or the eave line of a building, awning or canopy with a gambrel, gable, mansard or hip roof.

Sign, rotating or moving, means a sign which revolves or rotates on its axis by mechanical means or has otherwise physically moving parts.

Sign, surface area of, means the entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface. In the case of flat signs consisting of individual not overlapping letters, symbols, etc., not located within clearly defined sign border or frame and mounted on a common background, the surface area shall consist of the combined areas within the continuous outside perimeter of each individual letter, symbol, etc., provided those outside perimeters do not overlap; graphic striping, patterns, and color bands backgrounds shall not be included in surface area computations unless located within clearly defined sign border or frame. Surface area shall not include any clearly defined structural elements outside the limits of such sign and not forming an integral part of the display. Only one side of a double-face sign structure shall be used in computing total surface area. The area of a spherical sign shall be calculated as the area of a circle.

Sign, total adjusted sign surface area of, means the sum of all surface areas of individual signs located on the property calculated with all applicable reductions.

Sign, total permitted sign surface area of, means maximum sign surface area for the property calculated based on the property frontage with all applicable increases.

Sign, temporary, means a sign not permanently affixed to a building or foundation structure and intended for temporary, even if repeated, use due to the temporary nature of the sign message or low durability of sign materials. Temporary signs cannot be installed for longer than 90 consecutive days.

Sign, transportable advertising, means a temporary sign not permanently affixed to a building or foundation structure, mounted on wheels, legs, poles or any other freestanding supporting structure integral with the sign for the purpose of easy mobility and removal, and intended for temporary placement on sidewalk or anywhere on the lot for promotion of a business located on the same property.

Sign, vehicular, means a sign painted on, attached to, or placed in, a vehicle or trailer; this category excludes professionally painted or decal signs listing only business name, contact information, motto, logo, and license number.

Sign, windfeather, means a type of a temporary flag sign.

Sign, window, means a sign attached to, placed upon, or painted on the interior of a window or mounted on the inside within the exterior wall thickness in the window opening and intended for viewing from the exterior of the building.

Sec. 86-182. - Permits.

- (a) *Required.* No sign shall be constructed without first obtaining a sign permit from the City. The following signs are exempted from the permit requirements:

(1) Public signs.

(2) Signs located in the right of way and approved by the City Council.

(3) Public art projects.

(4) Individual flat nameplate signs not exceeding one square foot in surface area and additional nameplate signs installed within a sign cluster with an issued sign permit.

(5) Incidental signs.

(6) Directional signs not exceeding five (5) square feet in surface area and six (6) feet in height.

(7) Gas pump signs and utility box signs.

(8) Integral signs.

(9) ~~temporary~~ Real estate, help wanted, building lease or sale signs and ~~temporary~~ construction contractors, signs.

(10) Temporary flag and balloon signs and permanent roof or wall mounted flag signs not exceeding six (6) square feet in surface area; all US and Minnesota flags.

(11) Private sales or event signs.

(12) Temporary banner signs not exceeding 24 square feet in surface area and installed for not more than 14 days in a calendar year.

(13) Marquee, awning and canopy mounted signs located on the vertical edges and consisting of separate not overlapping letters less than six (6) inches in height; awning and canopy signs not exceeding five (5) square feet in surface area and factory printed or embroidered on a newly installed fabric or vinyl cover.

(14) Transportable advertising signs not exceeding five (5) square feet in surface area and removed nightly; any transportable advertising sign installed for less than 14 days in a calendar year.

(15) Holiday decorations.

(16) Window signs consisting of separate not overlapping letters less than four (4) inches in height, neon signs, and individual signs covering less than 20 percent of a glass pane in a window or door and not exceeding five (5) square feet in surface area.

(17) Vehicular signs.

(18) Any temporary sign installed for two days or less in a calendar year.

(19) Political signs ~~as regulated in this division are exempted from these requirements.~~

(20) Sign maintenance work, including replacement of a sign facing.

- (b) *Application.* Sign permit applications shall be the same as for building permits. Fees for sign permits will be the same as for building permits, the schedule adopted and based on the valuation of construction, ~~except that signs defined in this division as temporary transportable advertising signs shall be charged the minimum fee.~~ Required construction documents fully describing new signage and providing information about existing signage shall accompany a sign permit application.
- (c) *Non-conforming signs.* Any non-conforming sign found to be contrary to this Division provisions shall be removed or brought into compliances through a sign permit application process, or a variance permit shall be applied for within 60 days of this Ordinance adoption. This subparagraph does not apply to existing freestanding signs that may continue as non-conforming in accordance with other provisions of Zoning Ordinance.

(Code 1976, § 11.19(1)(F))

Sec. 86-183. - General restrictions.

The following regulations shall apply to all signs permitted in all districts:

- (1) Field pPainted signs on buildings and other structures, except water towers and grain elevators, are prohibited. Murals and similar art projects may be permitted if approved by the City Council.
- (2) Illuminated, dynamic display or electronic graphic display signs giving off intermittent or rotating light beams, or producing flashing, pulsating or quickly changing images, defined as images changing every six (6) seconds or less, are prohibited shall not be permitted in any district. All flashing signs are prohibited.

- (3) Permanent signs placed upon, or protruding over, public sidewalks or public right of way shall be subject to the approval of the council in accordance with Section 62-9, except projecting signs in the Downtown District protruding no more than six (6) feet or two thirds of sidewalk width, whatever is less.
- (4) No sign shall ~~be placed that~~ resembles any official marker or traffic sign erected by a governmental agency, ~~or display such words as "stop" or "danger."~~ for advertising rather than actual warning purpose, or otherwise interfere with traffic or any other safety regulation.
- (5) No sign shall ~~be permitted to~~ obstruct any window, door, fire escape, stairway or opening required by the Building Code intended to provide light, air, ingress or egress for any building or structure, as determined by the building official.
- (6) Window signs ~~restricted to 25 percent of window surface~~ covering over 60 percent of individual glass panes shall be considered flat signs for total permitted sign surface area calculations. Multiple signs within, and single signs covering between 20 and 60 percent of, individual glass panes are prohibited, except neon tube signs, signs consisting of individual letters less than four (4) inches in height, and a single Open/Closed/Welcome/Work Hours sign, provided it does not exceed two (2) square feet in surface area ~~letter size restricted to a six-inch height.~~
- (7) The owner, ~~lessee or manager~~ of a freestanding ground sign, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the property lot on which the sign is located.
- (8) All Advertising signs, business signs and nameplate signs, including their structural supports and visible back sides, which ~~are~~ may be or may hereafter become unsafe or unsightly shall be repaired or removed by the owner, or owner of the property upon which the sign stands, ~~upon notice of the council.~~
- (9) ~~Roof top mounted~~ signs and signs mounted on fences are prohibited. Construction signs may be installed on a temporary fence around construction site.
- (10) Where a sign is illuminated, the source of light shall not shine directly upon any part of a residence or into any of the classes of residence districts.
- (11) Abandoned signs shall be removed within 30 days of becoming abandoned except freestanding sign structures are permitted to remain if business names and all messages are removed, provided a principal building remains intact on site.
- (12) Handwritten signs and paper and cardboard signs, except political and private sales or event signs, are prohibited. Signs containing foul language are prohibited.
- (13) No signs, except temporary banners, shall be attached to a vertical pylon of another sign, flagpole, utility pole or similar vertical structures; no signs, permanent or temporary, shall be attached to trees or bushes.
- (14) Vehicular signs shall advertise exclusively a business located on the same property; a vehicle with a sign shall be street legal, operational, placed on paved surface, and have current registration. Vehicular signs shall not be utilized for more than 14 consecutive days and 60 days in a calendar year.
- (15) No ground or temporary signs higher than three (3) feet shall be installed within visibility triangles at street intersections. No permanent signs shall be installed within recorded easements. Ground signs exceeding 80 square feet in surface area shall not be placed less than three (3) feet to the front property line.
- (16) Temporary banner signs shall not be installed for more than 14 consecutive days and 60 days in a calendar year; these terms may be extended to no more than 90 consecutive days by an Interim Use Permit. Banners shall not be installed as freestanding signs. Building mounted banner signs frequently reinstalled for repeated events or promotions may be regulated as permanent flat signs, provided they are always installed in the same location, are of the same size, and each replacement banner is displayed for no more than 14 consecutive days with at

least 30 days in between; this provision is limited to one such sign per building. Temporary banner signs installed as real estate signs, help wanted signs, construction signs, and private sales and event signs shall meet respective term limit requirements for these signs.

- (17) Transportable advertising signs, except those not exceeding five (5) square feet in surface area, shall not be installed for more than 14 consecutive days and 60 days in a calendar year; these terms may be extended to no more than 90 consecutive days by an Interim Use Permit. Transportable advertising signs frequently reinstalled for repeated events or promotions may be regulated as permanent freestanding signs, provided they are always installed in the same location, are of the same size, and are not displayed for more than 14 consecutive days with at least 30 days in between; this provision is limited to one such sign per building.
- (18) Balloon signs shall not be installed for more than 14 consecutive days and 60 days in a calendar year. Balloon signs shall not exceed 15 feet in height and shall not project more than six (6) feet above the roof line of the nearest building. Balloon signs shall be ground mounted and shall not utilize any cabling, tether lines or tie-downs.
- (19) Temporary flag signs shall not be installed for more than 14 consecutive days and 60 days in a calendar year. Temporary flag signs shall not exceed 15 feet in height. Windfeathers flag signs shall be permitted as temporary signs only. Flag signs, except US flags, shall not project more than six (6) feet above the roof line of the nearest building. The bottom edge of flag signs mounted on a horizontal bar or projecting more than 24 inches from their mounting poles shall provide a minimum vertical clearance of eight (8) feet above ground.
- (20) Private sales or event signs shall be installed no more than seven (7) days prior to advertised sales or event and removed the next day after it ends.
- (21) Construction signs shall be installed no more than seven days (7) prior to construction commencement, provided a valid permit is issued for construction, and removed within seven (7) days after construction ends, as determined by City staff.
- (22) Holiday decoration signs shall be installed no more than 30 days prior to a holiday and removed within seven (7) days after the holiday ends.
- (23) Real estate signs, except new subdivision development signs, shall be removed within seven (7) days after completion of the sale transaction or the next day after the rent and lease transaction; a 'sold' tab shall be added within one day of the sale transaction. New subdivision development signs shall be removed when 75 percent of the subdivision lots are occupied. Help wanted signs shall be removed on the new hire starting date.
- (24) No temporary sign height, except flag and balloon signs, shall exceed six (6) feet. No temporary signs shall be illuminated or have moving parts. No temporary signs shall be placed upon required parking space or access drive. No temporary signs shall be placed within public right of way, except transportable advertising signs not exceeding five (5) square feet in surface area may be placed on sidewalks within the Downtown District, provided at least five-foot-wide clear passage remains unobstructed. City staff reserves the right to remove all temporary signs installed in violation of this Division, including both location and time violations.
- (25) All pylon and projecting signs installation shall be reviewed and approved by a licensed structural engineer. All temporary signs left unattended shall be attached to the wall, anchored to the ground, or weighted down to be able to withstand 90 miles per hour wind.
- (26) All ground and projecting signs protruding above walking surfaces shall provide a minimum vertical clearance of eight (8) feet above ground. No sign shall protrude over roadways, alleys, access easements, driveways, parking, or any other vehicular traffic areas.
- (27) For all temporary signs, consecutive number of days term limitations shall apply to individual signs; all yearly term limitations shall apply to entire properties meaning that all temporary signs of the same category installed on the property within a year shall be counted as one sign for the term determination.

- (28) Signs falling into two or more different categories shall meet all applicable requirements unless permitted otherwise.
- (29) Sign clusters shall be considered one sign for surface area calculation purposes. All individual signs within a cluster shall be coordinated and look alike.
- (30) Signs located within the Heritage District shall meet requirements of Section 86-287 in addition to this Division requirements.
- (31) All signs connected to electrical grid shall meet requirements of the current National Electric Code. All signs located along State highways and county roads shall meet State and County requirements if applicable.
- (32) No sign permit shall be issued unless an Ordinance compliant flat nameplate sign identifying the building address is present or will be installed as a part of an issued permit work.
- (33) Electronic Graphic Display (EGD) signs shall be subject to the following requirements:
- a. EGD signs shall not exceed 30 percent of total permitted sign surface area or 50 square feet, whichever is less, in all classes of business or industrial districts, and 50 percent of permitted sign surface area in all classes of residence districts.
 - b. EGD signs shall display only static images for intervals of at least six (6) seconds per image, except plain text on low-resolution signs may be allowed to scroll. The image change shall be accomplished by means of instantaneous repixelization. Fading, dissolving, scrolling, traveling, or any transition that creates the illusion of movement is prohibited. Intervals between successive displays shall be less than 0.5 seconds
 - c. EGD signs shall have an automatic dimmer control that detects ambient light and automatically adjusts the sign's brightness in direct correlation with natural ambient light conditions for all times during the day. Maximum brightness level at any time shall not exceed 0.3 foot-candles (3 lux) above ambient light as measured from a preset distance depending on sign size; this distance, in feet, shall be ten times the square root of the sign area measured in square feet. Maximum luminance of the sign shall not exceed 6,000 nits during daylight hours and 500 nits at night.
 - d. EGD signs displays shall be able to freeze an image in one position if a malfunction occurs and shall also have a mechanism to discontinue the display if the sign malfunctions for longer than one hour.

(Code 1976, § 11.19(1)(A))

Sec. 86-184. - Permitted signs in residence and agricultural districts.

In all classes of residence districts and in agricultural district, no signs, ~~business sign, nameplate sign or advertising sign~~ shall be erected, except the following:

- (1) OneA unilluminated flat nameplate sign, or professional nameplate sign, identifying the name of the owner or occupant of a building, or dwelling unit, provided that the surface area does and one flat nameplate sign identifying the building address not exceeding one two square footfeet each in surface area. Such nameplate must not bear the name or symbol of a product or service.
- (2) OneA temporary real estate sign pertaining to the lease, sale or rent of a building or property, provided that such sign shall not exceed ing three (3) 12 square feet in surface area and shall not be illuminated, except two such signs not exceeding 24 square feet in surface area each are permitted in multi-family residence districts and for all non-residential properties.

- (3) ~~Temporary Real estate~~ signs advertising a new subdivision development. Each subdivision or development shall be allowed ~~two~~one signs ~~not to exceed~~ing ~~48~~75 square feet in surface area ~~each and no more than 15 feet in height.~~
- (4) ~~No more than two Temporary unilluminated construction~~ signs ~~identifying an engineer, architect, contractor or product engaged in or used in the construction of a building, provided that such signs shall not exceed~~ing 12 square feet each in surface area, ~~and are no more than 15 feet in height, each in surface area, and are no more than 15 feet in height and provided that such signs are removed prior to occupancy of the building.~~
- (5) One ~~freestanding business identification~~ sign, ~~not to exceed~~ing 320 square feet in ~~surface~~ area ~~and one flat business sign not exceeding 48 square feet in surface area, for non-residential the following uses: church, school, hospital, sanitarium, club, library or similar uses.~~ Such signs shall be solely for the purpose of displaying the name ~~and/or logo~~ of the institution and its activities or services. ~~It may be illuminated but not flashing. Non-residential uses occupying more than five (5) acres and having public right of way frontage over 600 feet may have two such freestanding signs plus one more sign for lots with frontage over 1,200 feet; an area of each sign facing a divided highway may be increased by 50 percent.~~
- (6) One ~~freestanding~~ nameplate sign for a dwelling group of ~~four~~five (4) or more units not exceeding 326 square feet in surface area. Such signs may indicate the names and addresses of the buildings ~~and or it may be~~ a directory for occupants.
- (7) ~~Not more than two d~~Directional signs ~~not exceeding five (5) square feet in surface area each and six (6) feet in height placed~~ in any parking area ~~as~~ necessary for the orderly movement of traffic, ~~provided that such sign shall not be used as advertising space and shall not be illuminated in multi-family residence districts and all non-residential properties. Uses occupying more than five (5) acres may have four (4) such signs with 10 square feet in surface area each and two more signs for every additional five (5) acres or fraction thereof over initial 10 acres.~~
- (8) One ~~freestanding nameplate identification~~ sign, not exceeding 32 square feet in surface area ~~or 20 feet in height~~ for a manufactured home park ~~in a manufactured home park district.~~
- (9) One flag sign, temporary or permanent, except windfeathers, not exceeding 6 square feet in surface area, except the flag surface area may be increased to 24 square feet in multi-family residence districts and all non-residential properties.
- (10) Holiday decoration signs.
- (11) No more than two incidental signs not exceeding three (3) feet in height. Uses occupying more than five (5) acres may have four (4) such signs with five (5) square feet in surface area each and six (6) feet in height, and two more signs for every additional five (5) acres or fraction thereof over initial 10 acres.
- (12) No more than two private sales or event signs not exceeding three (3) square feet in surface area each except this may be increased to 12 square feet each for non-residential non-commercial properties.
- (13) Unless further restricted by other provisions of this Section, no permanent freestanding sign height shall exceed 10 feet except flag signs and business signs may have a height of 15 feet.
- (14) Banner signs, except building mounted real estate rent or lease ones; balloon signs; transportable advertising signs; dynamic display signs, except digital graphic display ones; multiple-face signs; political signs installed outside of election campaign time window as defined in the State Statutes; vehicular signs; window signs; utility box signs; and rotating or moving signs are prohibited.

(Code 1976, § 11.19(1)(B); Ord. No. 387 2nd series, § 1, 1-20-1998)

Sec. 86-185. - Permitted signs in business and industrial districts.

In all classes of business and industrial districts, ~~business signs and nameplate~~ signs are permitted as follows, ~~subject to the following regulations~~:

- (1) Signs as permitted and regulated in section 86-184, subsections (1), (5), (6), (7), and (9), except total permitted sign surface area shall be calculated in accordance with subparagraph (4) of this Section and sign height in accordance with subparagraph (5) of this Section; the number of permitted signs shall be determined by the total permitted sign surface area. Construction, real estate, political, and private sales or event signs shall not exceed 32 square feet in surface area each and 72 square feet total on the property. The number of incidental signs is not limited, and they may be up to six (6) feet in height. Temporary windfeather flag signs are permitted.
- (2) Up to four help wanted signs not exceeding 32 square feet in surface area each and 72 square feet total on the property; one vehicular sign; one utility box sign not exceeding five (5) square feet in surface area; one gas pump top sign and two side signs not exceeding five (5) square feet in surface area each per gas pump; window signs as described in Section 183 (6), and no more than two balloon signs.
- (3) Temporary building mounted banner signs not exceeding 80 square feet in surface area total, except banner signs installed as real estate signs, help wanted signs, construction signs, and private sales and event signs shall meet respective size limit requirements for these signs; one transportable advertising sign not exceeding 48 square feet in surface area on the property.
- (24) Sign sSurface area:

- a. The total permitted sign surface area of all ~~projecting and/or freestanding business~~ signs on a lot shall ~~be not exceed~~ the sum of two square feet per lineal foot of frontage for the initial 20 feet of ~~its length~~frontage, plus one square foot per lineal foot of frontage for ~~length~~lot frontage between 20 and 40 ~~lineal~~ feet, plus one-half square foot per lineal foot of frontage for length between 40 and 100 feet, plus one-fourth square foot per lineal foot of frontage ~~of lots for length~~ over 100 feet ~~of frontage~~, but shall not exceed ~~180~~65 total square feet of sign surface area. ~~For any shopping center district, the total square feet of sign area shall not exceed 250. For two streets. In the case of corner lots, the sum of the longer least dimension width of such a corner lot, plus one-third of another dimension the length, shall be considered the frontage length for purposes total permitted sign surface area calculations of this chapter. The total adjusted sign surface area shall not exceed the total permitted sign surface area for the property.~~
- b. For total adjusted sign surface area calculations, The total surface of all flat business signs attached to a building may exceed the limitations of surface area of projecting and/or freestanding business signs by 75 percent or less, but shall not exceed 288 square feet total sign surface area. For shopping center districts the total square feet of sign area shall not exceed 437. The total surface area of a combination of projecting freestanding signs and flat signs shall be 165 square feet and 250 square feet for a shopping center district by considering each square foot of flat business signs and flag signs shall be considered as being equivalent to 0.507 of a square foot. Window signs covering entire windows shall have additional 20 percent reduction.
- c. For total adjusted sign surface area calculations, each sign surface area ~~Also, the above maximum total surface sign areas of freestanding, projecting and flat signs, or their combination, may be reduced~~ increased by 0.~~355~~355 percent ~~of their area~~ for each foot of distance that the front edge of the sign is placed away from the nearest property line, with a maximum reduction ~~increase~~ of sign surface area not to exceed 500.5 percent ~~of one-half of the average lot depth. In the downtown district, where lots have a public alley frontage, the total surface area may be increased by 50 percent, but shall not exceed the preceding base surface area on any one frontage. Such increase shall not exceed the 165~~

~~square-foot maximum sign.~~ Each flat, pylon and flag sign surface area may be further reduced by one percent for each foot of sign bottom location above ground over 15 feet.

- d. For double frontage lots, the total permitted sign surface area shall be based on the longer frontage; the total permitted sign surface area for such lots may be increased by 75 percent provided that no street receives signage in excess of total sign surface area calculated without such increase and the shorter frontage is at least 75 percent of the longer one. For three or more streets corner lots, the total permitted sign surface area shall be based on two adjacent sides providing the greater outcome; the total permitted sign surface area for such lots may be increased by 50 percent provided that no street receives signage in excess of total sign surface area calculated without such increase and the shortest frontage is at least 75 percent of the longest one. For lots open to an alley at the back, the total permitted sign surface area may be increased by 50 percent provided that neither street nor alley receives signage in excess of total sign surface area calculated without such increase. For the purpose of this subparagraph, signs with a face visible from a street shall be considered belonging to such street frontage.
 - e. For lots with calculated frontage over 600 feet, the total permitted sign surface area may be increased by 50 percent provided that no 600 feet of frontage receive signage in excess of total sign surface area calculated without such increase. For lots with more than one main use buildings, the total permitted sign surface area may be increased by 25 percent provided that no building receives signage in excess of total sign surface area calculated without such increase. For lots facing a divided highway, the total permitted sign surface area may be increased by 25 percent provided all increase is distributed along such highway. For the purpose of this subparagraph, all building mounted signs visible from a street shall be considered belonging to any and all 600-foot-long frontage segments of such street and all freestanding signs shall be considered belonging to any and all buildings on site.
 - f. The total permitted sign surface area increases listed in subparagraphs d. and e. and total adjusted sign area reductions listed in subparagraphs b. and c. are cumulative.
 - g. Two or more lots occupied by one building shall be considered one lot for frontage determination to be used for total permitted sign surface area calculations.
 - h. Flat signs, including temporary building mounted banner signs, shall not cover more than 20 percent of a building façade. Building mounted banner signs shall not cover more than 10 percent of a building façade.
 - i. Temporary signs mounted on buildings shall be considered flat signs and all other temporary signs shall be considered freestanding signs for total adjusted sign surface area calculations. The surface area of all temporary signs on a lot, except signs exempted from sign permit requirements, shall be included, with appropriate reductions, into total adjusted sign surface area calculations. Temporary building mounted banner signs may be installed in excess of the total permitted sign surface area, provided this excess, without any reductions, is less than 25 percent. The actual surface area, without any reductions, of all temporary signs on a lot shall not, at any given time, exceed 25 percent of total permitted sign surface area for the property.
 - j. Individual flat signs not exceeding five (5) square feet in surface area and individual freestanding signs not exceeding two (2) square feet in surface area and three (3) feet in height, and signs exempted from sign permit requirements per Section 86-182 (a) shall not be considered for total adjusted sign surface area calculations.
- (54) No freestanding sign shall ~~be project~~ higher than 2530 feet except this height may be increased to 30 feet on lots with computed frontage over 60 feet~~above the average grade of the building line; except that~~ this height may be further increased by 0.1 feet for each foot of distance that the

front edge of the sign is placed away from the front property line; with a maximum increase of permissible height not to exceed ten feet. For lots facing a divided highway, the sign height may be increased by another five feet. Permanent flag signs may be 50 percent higher than otherwise permitted above.

- (63) Advertising signs may be permitted by a conditional use permit ~~in business districts~~, provided that sign structures shall be limited to ~~not more than one~~ for a lot with a minimum of 100~~200~~-foot frontage ~~or less~~ and to only one per each additional 2~~4~~00 feet of additional lot frontage. Such structure shall not contain more than two signs per facing nor exceed 55 feet in total length and 45 feet in total height. No advertising sign shall be erected within 2~~4~~00 feet of an ~~adjoining~~ residential district. An advertising sign installed on a lot adjacent to, or within 500 feet from, an advertised business may be regulated as a business sign within the property where it is installed.

(7) Using real objects, such as cars, appliances, etc. as parts of a sign may be permitted by a conditional use permit only.

(Code 1976, § 11.19(1)(C); Ord. No. 411 2nd series, § 1, 2-16-1999)

~~Sec. 86-186. Permitted signs in industrial districts.~~

~~In I-1 and I-2 industrial districts, business signs, nameplate signs, advertising and billboards are permitted, subject to the following regulations:~~

- ~~(1) Signs as permitted and regulated in section 86-185(2).~~
- ~~(2) Advertising signs may be permitted by conditional use permit in industrial districts, provided that sign structures shall be limited to not more than one for a lot of 100-foot frontage or less and to only one per each additional 100 feet of additional lot frontage. Such structure shall not contain more than two signs per facing nor exceed 55 feet in total length. No advertising sign shall be erected within 100 feet of an adjoining residential district.~~
- ~~(3) Signs as permitted and regulated in section 86-185(4).~~

(Code 1976, § 11.19(1)(D))

~~Sec. 86-187. Temporary transportable advertising signs.~~

~~All signs that are not permanently affixed to a building or foundation structure, mounted on wheels or supporting structure for the purpose of mobility, shall conform to the provisions of this division and any other provisions of the city Code or regulations of the city.~~

- ~~(1) No temporary transportable advertising sign shall be permitted in any of the classes of residence districts.~~
- ~~(2) All signs shall conform to the general sign provisions of this division.~~
- ~~(3) Temporary transportable advertising sign area shall not exceed the permitted sign surface area as regulated by this division. These signs shall be considered as freestanding signs for the purposes of this division.~~
- ~~(4) No temporary transportable advertising sign shall exceed 48 square feet of sign area, exclusive of wheels and standards.~~
- ~~(5) Building permits for temporary transportable advertising signs shall be required and will be issued for a maximum period of 30 days per year.~~
- ~~(6) No temporary transportable sign shall be placed on public property or right-of-way.~~

- ~~(7) No sign shall be permitted to obstruct the visibility of traffic at intersections or private approaches as determined by the city engineer.~~
- ~~(8) Signs shall be constructed of wood, metal or plastic, designed and anchored to resist 25 pounds/square foot horizontal wind pressure loads and stresses.~~

(Code 1976, § 11.19(1)(E))

Secs. ~~86-187~~ ~~86-188~~—86-200. - Reserved.

[illegible]