



PLANNING COMMISSION MEETING
Thursday, September 10, 2015
7:00 PM

- 1. CALL TO ORDER - ROLL CALL – ADOPT AGENDA**

- 2. MINUTES**

August 11, 2015 Planning Commission Meeting (pages 1-4)

- 3. PUBLIC HEARINGS**
 - a. None

- 4. OTHER BUSINESS**
 - a. Sign Code Update Discussion (pages 5-42)
 - b. Update on Finken Sales Lot (verbal report)

- 5. ADJOURNMENT**



ALBERTVILLE PLANNING COMMISSION

Tuesday, August 11, 2015

DRAFT MINUTES

ALBERTVILLE CITY HALL

7:00 PM

1. CALL TO ORDER – ROLL CALL – ADOPT AGENDA

Chair Klecker called the meeting to order at 7:00 p.m.

Brixius conducted roll call.

Present: Chair Klecker and Commissioners Dominick and Lindberg

Absent: Commissioners Barthel and Edgren

Others Present: City Planner Alan Brixius

Motioned by Dominick, seconded by Lindberg, to approve the agenda as presented. Ayes: Klecker, Dominick, and Lindberg. Nays: None. Absent: Barthel and Edgren. MOTION DECLARED CARRIED.

2. MINUTES

Motioned by Dominick, seconded by Klecker, to approve the July 14, 2015 Planning Commission meeting minutes as presented. Ayes: Klecker, Dominick, and Lindberg. Nays: None. Absent: Barthel and Edgren. MOTION DECLARED CARRIED.

3. PUBLIC HEARINGS

A. Public Hearing to Consider an Amendment to Reduce Setbacks for Side Yards Abutting the Street in the R-1A and R-2 Zoning Districts from Thirty (30) Feet to Twenty (20) Feet

Klecker opened the public hearing.

Brixius stated there is a request from Brad and Meghan Lawlinger to reduce the side yard setbacks for properties abutting a street. They would like to build a larger garage but are limited by the thirty foot setback and in order to accommodate the request, the setback would need to be at twenty. He reported that staff reviewed the request and felt it would not impact public utilities or negatively impact nearby properties.

Brixius stated that in the R-1 and R-3 zoning districts, the side yard setback is twenty feet. The intent of the side yard setback is to maintain low density single family development and staff felt that if the twenty yard side yard is suitable in other residential zoning districts, it would also be appropriate in the R-1A and R-2 districts. Staff also felt this amendment would allow additional property owners to reinvest in their lots. This is also consistent with the goals outlined in the 2012 Visioning Study.

Klecker inquired how the amendment would affect fence placement. Brixius stated that front and side yard fences can be no higher than four feet. Brixius indicated there would be no impact to traffic.

Lindberg inquired about the size of the current garage. Brixius stated they would need to comply with the 1,000 square feet limit. Lawinger (Brad) indicated it is currently a three car garage.

Lawinger stated he has looked at other options for additional space and this seems to be the best option to fit his needs.

Motioned by Dominick, seconded by Lindberg, to close the public hearing. Ayes: Klecker, Dominick, and Lindberg. Nays: None. Absent: Barthel and Edgren. MOTION DECLARED CARRIED.

Motioned by Dominick, seconded by Klecker, to recommend approval to the City Council to reduce setbacks for side yards abutting the street in the R-1A and R-2 Zoning Districts from thirty (30) feet to twenty (20) feet. Ayes: Klecker, Dominick, and Lindberg. Nays: None. Absent: Barthel and Edgren. MOTION DECLARED CARRIED.

3. OTHER BUSINESS

A. Finken Water Request

Brixius reported that Finken would like to display for sale six to ten high quality storage sheds at the property north of the Shoppes of Prairie Run. He stated this item was previously brought to a City Council meeting to see if this is an option the Council was willing to consider and the Council asked for the Planning Commission to review the request and give their feedback to the Council. Brixius reported that sales of the sheds would occur inside of the current space occupied by Finken Water in the shopping center. He stated the current zoning of the property is B-2 Neighborhood Business and does not allow outdoor sales lots. Sheds do not qualify under the current definition of temporary outdoor seasonal sales.

Brixius stated items for discussion are as follows:

- Is this an appropriate use of the site?
- Should the definition of temporary outdoor seasonal sales be expanded to include sheds?
- Should sales be allowed on vacant properties? And if so, how should they be regulated?

Brixius stated that temporary seasonal sales currently must be on developed lots, cannot be in the right-of-way, cannot be located on a landscaped surface and must be on an asphalt or concrete

surface. He stated that allowing temporary seasonal sales on vacant lots may impact other vacant lots along CSAH 19.

Brixius stated the Commission should consider performance standards such as surfacing, size, and parking. He reported that the area does have an established curb cut and access to the location. Brixius stated that maintenance may also need to be addressed.

Dominick inquired what the hard surfacing requirements would be for Finken. Brixius stated that if held to the current performance standards, Finken would need to pave the sales area. He stated they would want to ensure that patrons are not walking through mud or brush. An option would be to place crushed rock instead.

Klecker inquired if temporary seasonal sales would specifically list sheds and what would happen if the type of sales changed. He also had concerns that temporary sales would become permanent. Brixius replied through the temporary seasonal sales permitting process, they are limited to two (2), sixty (60) day permits in a year. Dominick stated that would allow 120 days of sales and he felt sheds could be sold for a longer period of time. Brixius stated that Finken would like to sell from April to October which is a longer time period than is currently allowed.

Brixius indicated they could add this use as an interim use within the district and provide a sunset date or they could keep it as part of the temporary seasonal sales permitting process which would allow the City to monitor performance standards and provides an expiration date. Hudson inquired if they could expand the definition of temporary seasonal sales to accommodate sheds and then review the permit every sixty (60) days thereby eliminating the restriction of only two (2) permits per year. He stated that it could lead to perpetual sales, but also the City recourse if the sales become an issue. Klecker felt this could lead to issues. Dominick stated the permit could be discretionary. Brixius felt that it is best to have criteria that must be met in order to receive the permit. Discretionary decisions to withhold a permit would not be recommended as there is no standard to hold the applicant to.

Brixius stated that it seems the Commission is open to sales on vacant lots and this would allow Finken to have an interim business use on the property as they wait for it to develop. He stated they can allow the use also through a conditional use permit that would allow the use for a number of years. He stated there may be concerns if there are other requests that do not have an onsite landlord.

Lindberg inquired how many vacant properties would be affected if they were to change the current definitions or standards. Brixius stated that it could possibly affect a handful of vacant B-2 properties and the B-2A, which is north of the freeway.

Hudson felt there wasn't much in the way of opposition to the request from the City Council's comments at the last meeting. However, he felt there are property owners who wish to utilize their property and the only thing standing in the way is the City. Brixius stated that the Finken site is unique as they have a paved parking lot and an on-site sales office and that it would be nice to find a solution for the Finken request before opening up the opportunity to the remainder of the community.

The Commission discussed possible requirements future applicants must meet to make sure their site stays attractive and up to standard. The Commission discussed giving Finken a trial this year and if it works well, come back with the appropriate changes. Brixius stated that he can contact Finken to see if they can meet the current performance standards.

B. September Planning Commission Meeting Date

Brixius stated that due to the Labor Day holiday, the City Council meeting falls on the same date as the regularly scheduled Planning Commission meeting date.

The Commission changed the meeting date to Thursday, September 10, 2015. Lindberg asked staff to check with the other members of the Commission if that date works for them. Brixius stated he will check with them and plans to bring the sign code review to that meeting.

4. ADJOURNMENT

Motioned by Lindberg, seconded by Dominick, to adjourn the meeting at 7:52 p.m. Ayes: Klecker, Dominick, and Lindberg. Nays: None. Absent: Barthel and Edgren. MOTION DECLARED CARRIED.

Respectfully submitted,

Kimberly A. Olson, City Clerk



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MEMORANDUM

TO: Adam Nafstad
FROM: Alan Brixius
DATE: September 3, 2015
RE: Albertville – Sign Code Update
FILE NO: 163.18

The Albertville Planning Commission has been charged with an update of the Albertville City Code. The attached outline is intended to be a discussion document to allow the Planning Commission to understand the issues related to sign regulations and suggestions to improve the ordinance. The outline is not complete in that we have left out the administrative section (permits, enforcement, variance) for later discussions. Our intent is to conduct a quick overview of the code and then discuss the Planning Commission suggestions for addressing the City's sign issues and opportunities.

c: Kim Olson
Maeghan Becker
Paul Heins
Mike Couri

SIGN REGULATIONS OUTLINE

Sign Regulations Purpose Statement

Definitions

General Provisions

- Building Code Requirements
- Illumination Standards
- Sign Location / Setbacks
- Sign Conditions
- Sign Height Provisions

Permitted Sign Without a Permit

- Government Signs
- Address Numbers
- Political Campaign Signs
- Non-Commercial Opinion Signs
- Holiday Displays
- Construction Signs
- Real Estate For Sale / For Rent Signs / Open Houses
- Flags and Memorials
- Garage Sale Signs
- Window Signs
- Directional Signs

Prohibited Signs

- Signs That Mimic Traffic Control Devices
- Signs That Obstruct Traffic Visibility
- Motion of Flashing Signs
- Signs Mounted on Trees, Utility Poles, etc.
- Signs Mounted on Vehicles or Trailers

Non-Conforming Signs Provisions

This section will reflect State Statutes for the treatment of non-conforming structures.

General District Standards

<u>DISTRICT</u>	<u>USE</u>
A-1, A-2	Agriculture
R-1A, R-1, R-2, R-3	Low Density Single Family
R-4, R-5, R-6, R-7, R-8, RMH	Medium and High Density
B-1, B-2, B-3, B-4	Commercial
I-1, I-2	Industrial
P/I	Public/Institutional

Currently, Albertville Sign Regulations do not specifically address agricultural or residential districts. We must look at the sign needs of the residential properties and the non-residential conditional uses in these districts (i.e., golf courses).

Within the commercial districts, we would like to address the following sign options:

- Double Frontage Lots
- Pedestrian Blade Signs (similar to Outlet Mall)
- Projecting Signs

The Sign Regulations do not address the Public/Institutional Zoning District. This will be addresses with this ordinance review.

Special Sign Standards

Within this section, we would include the following:

- Signs for Gas Stations
- Temporary Signs (Special Events)
- Temporary Off-Premise Signs
- Dynamic Signs (we would like to change the illumination standards)
- For Sale / For Rent Signs
- Billboards
- Comprehensive Sign Plans

Administration

- Permit Requirements
- Variances
- Enforcement Penalties

Through this review process, we can also address other sign issues identified by City staff, Planning Commissioners and City Council members. To facilitate the Sign Regulations review, we would propose the following steps:

1. Take the current regulations and re-organize it under the aforementioned format.
2. Proposed/new language would be introduced into the draft regulations in a highlighted fashion for ease of review.
3. Work sessions with the Planning Commission to ensure that the sign regulations language is acceptable and comprehensive in addressing local sign issues.
4. Through the Planning Commission work sessions, staff will provide ancillary information (i.e., approved comprehensive sign plans, photos of signs, sample

regulations) to assist the Planning Commission in their review of the Sign Regulations.

5. A joint City Council/Planning Commission session to present the initial draft regulations to ensure that the proposed changes can be supported by both the Planning Commission and City Council.
6. Publication and public hearing on the Sign Regulations by the Planning Commission to garner public opinion. The City may wish to forward copies of the draft regulations to commercial and industrial property owners prior to the public hearing.
7. Council review at a City Council meeting for final adoption.

**ALBERTVILLE SIGN CODE
CHAPTER 7
WORK OUTLINE**

10-7-1: PURPOSE:

The purpose of this chapter is to establish regulations governing advertising and business signs in the city. These regulations are intended to permit an efficient, effective and aesthetic means to communicate using on and off premises signage while recognizing the need to maintain an attractive and appealing appearance in the community, including appearance along streets and property used for commercial, industrial and public development and the air space above and between such development. (Amended Ord. 1987-3, 10-19-1987)

Staff Comment: The purpose statement of any code is important to define the intent of the regulations. In looking at the current language, staff would propose the following replacement language to expand and explain the reasons for some sign regulations.

10-7-1: PURPOSE AND INTENT:

A. Purpose. This section is established to protect and promote health, safety, general welfare and order within the City of Albertville through the establishment of a comprehensive and impartial series of standards, regulations and procedures governing the type, number, size, structure, location, height, lighting, erection, use and/or display of devices, signs or symbols serving as a visual communication media to persons situated within or upon public rights-of-way or properties. The provisions of this Section are intended to encourage opportunity for effective, orderly communication by reducing annoyances, confusion and hazards resulting from unnecessary and/or indiscriminate use of communication facilities.

B. Objectives.

1. To establish standards which permit businesses a reasonable and equitable opportunity to advertise.
2. To preserve and promote civic beauty and prohibit signs which would detract from this objective because of number, size, shape, height, location, condition, cluttering or illumination.
3. To insure that signs do not create safety hazards.
4. To preserve and protect property values.

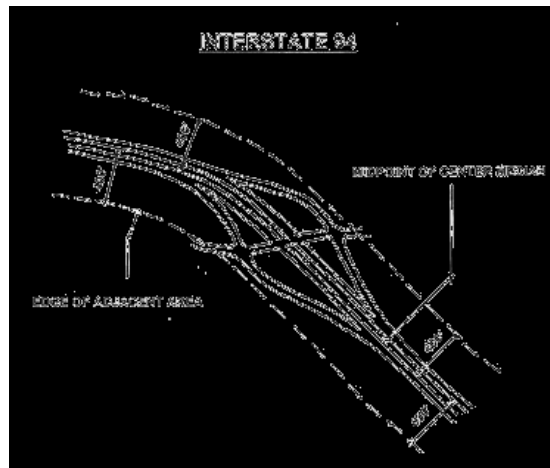
10-7-2: DEFINITIONS:

For the purpose of this chapter, the terms defined in this section shall have the meanings herein given them:

- * **ACCESSORY SIGN:** A sign which is necessary for the use of the property, contains no advertising information, does not exceed ten (10) square feet in area, and is utilized for matters pertaining to directions, parking, emergencies, and matters of similar nature.

ADJACENT AREA: For the purpose of section 10-7-6 of this chapter, adjacent area shall be defined as a strip of land that is immediately adjacent and parallel to Interstate 94 through Albertville and meets both of the following criteria:

- A. The adjacent area shall only include land parcels or lots that directly abut the Interstate 94 right of way, or city owned right of way intended for future interstate access improvements, otherwise known as CSAH 19/Interstate 94 and CSAH 37/Interstate 94 interchange improvements. Parcels acquired solely for drainage and utility or ponding purposes shall not be considered an adjacent area. Parcels that do not directly abut the aforementioned rights of way are not within the adjacent area.
- B. The adjacent area shall be limited to a strip of land four hundred feet (400') in width measured from the midpoint of the center median between the opposing traffic lanes of Interstate 94 and extending out either sides of Interstate 94 (see graphic below).



ADVERTISING AREA OR SIGN AREA: That portion of the advertising face of an advertising device or business sign which includes the border and trim thereof, but excludes the base and apron supports and other structural members. If an advertising device or business sign is constructed so that the faces are not constructed back to back, the angle shall not exceed ninety degrees (90°). If said angle is greater than ninety degrees (90°), the total area of both sides added together shall not exceed the maximum allowable advertising device or business sign area.

* **ADVERTISING DEVICE:** Any billboard, sign, notice, poster, display, or other device visible to and primarily intended to advertise and inform or to attract, or which does attract, the attention of operators and occupants of motor vehicles and shall include any structure erected primarily for use in connection with the display of any such device and all lighting or other attachments used in connection therewith except "Star City" signs erected under Minnesota statutes section 173.085.

BANNERS: Any attention getting devices which resemble flags and are of a paper, cloth or plastic or plastic-like consistency.

* **BUSINESS SIGN:** Any sign which identifies a business or group of businesses, either retail or wholesale, or any sign which identifies a profession or is used in the identification or promotion of any principal commodity or services, including entertainment, offered or sold upon the premises where such sign is located, and including, but not limited to, wall signs and ground signs. A "For Sale", "For Lease", or "Information" sign shall also be deemed a "business sign". In order to be considered a "business sign" rather than an "advertising device", all the gross surface area of the sign must pertain to the major function or name of the business, or the trade names of primary products or goods manufactured or sold on the premises.

CHANGEABLE COPY SIGN: A sign or portion thereof that has a reader board for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects not consisting of an illumination device and may be changed or rearranged manually or mechanically with characters, illustrations, letters or numbers that can be changed or rearranged without altering the face or surface of the sign structure. Changeable copy signs shall also include the following:

Changeable Copy Sign, Electronic: A sign or portion thereof that displays electronic, non-pictorial text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or objects. Electronic changeable copy signs do not include official signs.

Electronic Graphic Display Sign: A sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs 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. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects.

Video Display Sign: A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames that gives the illusion of motion, including, but not limited to, the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

COUNTY STATE AID HIGHWAYS OR CSAH: A road that is established, located, constructed, reconstructed, improved and maintained as a public highway by the county and is so designated a county state aid road.

DOUBLE FACE SIGN: A sign displaying information on both sides.

ERECT: To construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way to bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance of an outdoor advertising structure or device.

FLASHING SIGN: A directly or indirectly illuminated sign or portion thereof that exhibits changing light or color effect by any means, so as to provide intermittent illumination that changes light intensity in sudden transitory bursts and creates the illusion of intermittent flashing light by streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling or sparkling.

* GARAGE SALE SIGN: A temporary removable sign displayed with the intention of identifying the address, directions, and date of a sale of household items at a private residence.

GRADE OF SIGN: The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the sign and a line ten feet (10') from the sign.

GROUND SIGN: A sign placed upon or supported by the ground independently of the main building or structure on the property. Signs on accessory structures shall be considered "ground signs".

* IDENTIFICATION SIGN: A sign which bears the name or address of the occupant of the building.

ILLUMINATED SIGN: A sign which has characters, letters, figures, designs or outlines illuminated by electric lights or tubes, or by other artificial light directed to the sign or by internal illumination.

INTERSTATE HIGHWAY: Any highway at any time officially designated as a part of the national system of interstate and defense highways by the commissioner of transportation and approved by the appropriate authority of the federal government.

LOGO: Any letter, character, or symbol used to represent an entire word or group of words denoting the name, trade or purpose of any business.

MAINTAIN: To allow to exist.

- * **MODEL HOME SIGN:** A temporary removable sign displayed with the intention of identifying address, direction, and date of showing for model homes as part of an approved subdivision in Albertville.

MOVING SIGN: A sign which revolves, rotates, has any moving parts, or gives the illusion of motion.

MULTIVISION SIGN: Any sign composed in whole or part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows on a single sign structure the display at any given time one of two (2) or more images.

OFF PREMISES SIGNS: A commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. For purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside such lot and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off premises sign.

ON PREMISES SIGNS: A sign that is located on property that is the premises, property or site of the use identified or advertised in the sign.

- * **OPEN HOUSE SIGN:** A temporary removable sign display with the intention of identifying an address, direction, and date of an open house showing of a single-family house or dwelling unit that is for sale.

PORTABLE SIGN: A moveable sign not fixed to a building or the ground (i.e., pulled on a trailer vehicle).

PROJECTING SIGN: A sign which is affixed to a building and which projects from the building wall a distance greater than twelve inches (12").

PUBLIC NOTICES: Official notices posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents.

PYLON SIGN: A freestanding sign erected upon no more than two (2) pedestals, posts or shafts.

READER BOARD SIGN: A sign with separate inset letters and symbols or changeable copy which can be easily removed and which are periodically changed.

* REAL ESTATE SIGN: A sign intended to aid in the sale, rental or lease of real property.

ROOF SIGN: A sign which is located above the eaves or coping line.

ROTATING SIGN: A sign or portion of a sign which in any physical part or in total turns about on an axis, rotates, revolves or is otherwise in motion, including, without limitation, a multivision sign.

SHIMMERING SIGN: A sign which reflects an oscillating, sometimes distorted, visual image.

SIGN: A name, identification, description, display, illustration, structure, or device which is affixed to, or painted, or represented directly or indirectly upon a building or other outdoor surface or a piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business.

SIGN SETBACK: The shortest distance between the property or public right of way line and the surface or main supporting structure of a sign.

SIGN STRUCTURE: The supports, foundations, uprights, bracing and framework for a sign, including the sign area.

TEMPORARY SIGN: A sign which is erected for a limited time and/or special purpose.

WALL SIGN: A sign which is affixed to the exterior wall of a building and which does not project more than twelve inches (12") from the surface to which it is attached.

WINDOW SIGN: A sign affixed to a window or located inside a window surface legible to the general public. (Amended Ord. 1987-3, 10-19-1987; amd. Ord. 2004-09, 11-15-2004; Ord. 2007-08, 8-20-2007; Ord. 2014-06, 10-20-2014)

Staff Comment: With the recent Supreme Court case Reed Vs. Griffen, the Court has struck down a city zoning ordinance that regulated or differentiated signs by content. Each of Albertville's sign definitions that is marked with an asterisk is a sign defined by its content. These definitions should be removed or redefined. The challenge for the Planning Commission and City Council will be to establish content neutral regulations that accommodate signs that are appropriate in the community while not resulting in negative signs.

10-7-3: GENERAL PROVISIONS:

All signs hereafter painted, constructed, erected, remodeled, relocated or expanded shall comply with the following standards:

- A. Application Of Building And Electrical Codes: All signs shall be wired to conform to the electrical code of the state of Minnesota. Sign structures shall be designed to provide a thirty (30) psf snow load and a thirty (30) psf wind pressure.
- B. Maintenance Requirements: All signs, including electrical wiring, supporting structures, guywires or chains, shall be properly maintained and kept in a safe condition. The owner of any sign shall be required to have properly painted, at least once every three (3) years, all parts and supports of the said sign, unless the same are galvanized or otherwise treated to prevent corrosion.
- C. Illuminated Signs: Signs shall be shaded wherever necessary to avoid casting bright light upon property located in any residential district or upon any public street or park. Any illuminated sign located on a lot adjacent to, within five hundred feet (500') of, or across the street from any single-family residential district, which sign is visible from such single-family residential district, shall not be illuminated at any time between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M., when the use is not open for business.
- D. Glare: In all districts, any lighting used to illuminate an off street parking area, yard or other structure shall be arranged to deflect light away from any adjoining residential zone or from the public streets. Direct or sky reflected glare, where from floodlights or from high temperature processes such as welding or combustion, shall not be directed into any other property. The source of light shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or right of way. Any light or combination of lights which cast light on residential property shall not exceed four-tenths (0.4) foot-candle (meter reading), as measured from the residential property. Any light or combination of lights which cast light on a public street shall not exceed one foot-candle as measured from the centerline of the street. (Amended Ord. 1987-3, 10-19-1987)
- E. Identifiable Address: Every principal building shall be identified with an address containing the street number(s), which shall be readable from the nearest adjacent roadway serving the premises. The size of the numbering shall not exceed the size standards in section 10-5-2 of this title. (Amended Ord. 1987-3, 10-19-1987; amd. 2005 Code)
- F. Off Premises Signs:
 - 1. Except for government signs and signs identified in subsections Q, R and S of this section, no signs may be erected or temporarily placed within a street right of way, public lands, easements, or rights of way.

2. The following off premises advertising signs are permitted:
 - a. Signs regulated by section 10-7-6 of this chapter.
 - b. Off premises advertising signs within ballparks or stadiums provided they are not visible from the perimeter of the property.
 - c. Off premises temporary and portable signs of nonprofit or charitable organizations per subsection G6 of this section. (Ord. 2011-09, 8-15-2011)

Staff Comment: Staff recommends that provision F, above be replaced with the following sign location and setback language:

F. Sign Location/Setbacks.

- 1. No signs other than governmental signs shall be erected or placed within a street right-of-way, upon public lands or rights-of-way.**
 - 2. No freestanding sign structure shall be closer than five (5) feet from any property line. When the bottom of the sign face of a freestanding sign is fifteen (15) feet or higher above grade, the sign face may extend into the setback no closer than one (1) foot from the property line. No sign shall be placed within any drainage or public easement.**
 - 3. Except for off-premise signs allowed in other sections of this Ordinance, all signs must be located on the same lot as the person, firm, business, product, or building being identified.**
 - 4. On all corner lots, signs shall not be permitted within twenty (20) feet of any corner formed by the intersection of two (2) streets. The twenty (20) feet shall be in the form of a triangle with two (2) sides formed by the property lines and the third side formed by a straight line connecting the two (2) twenty (20) foot points on each side of the corner. A sign may be extended into the triangular area provided that:**
 - a. The clearance above the street grade is more than eight (8) feet.**
 - b. No part of the sign structure encroaches in the triangular area at an elevation less than eight (8) feet above street grade.**
- G. Banners, Pennants, Streamers, Strings Of Lights, Searchlights:** No banner, pennant, streamer, string of lights, searchlight, or any other similar sign shall be permitted, except as provided in section 10-7-9 of this chapter. Banner signs will be permitted as temporary signage as regulated by subsection G of this section and subsection 10-7-8A of this chapter. (Ord. 2005-04, 7-5-2005)
- H. Projecting Signs:** No projecting sign shall be permitted unless it is at least eight feet (8') aboveground.

Staff Comment: The City may allow projecting signs over the sidewalk (public right-of-way) in the B-4, General Business District if they do not encroach within two feet of back of street curb and do not interfere with utilities or street signs.

Staff Comment: Provision I below is suggested general provision language to control location and use of off-site advertising.

I. All signs shall be accessory uses within the designated zoning district and shall be directly related to the principal use of the property on which it is located. Only off-premise signs and billboards, allowed under Section 10-7- shall be an exception to this provision.

Staff Comment: We will need to examine how we address real estate signs and signs on vacant property to have these signs remain content neutral but still provide for some opportunity to advertise land that is for sale.

Staff Comment: Staff recommends the following two provisions be added to this general provisions section:

N. Sign Height.

1. All height restrictions on signs shall include height of sign structure and be measured from the lot grade or in the case of inflatable device from its mounting surface to its highest point.

2. The top edge of any wall or building mounted sign or object intended as an attention attracting device shall not extend above the roof line, parapet, mansard or façade of a building adjacent to the sign or object.

O. A freestanding sign or sign structure constructed so that the faces are not back to back shall not have an angle separating the faces exceeding twenty (20) degrees unless the total area of both sides added together does not exceed the maximum allowable sign area for that district.

10-7-4: PERMITTED SIGNS WITHOUT A PERMIT:

Current Language – Section 10-7-5.G:

2. Exemptions From Permit Requirements:

a. The following types of signs are exempt from the permit requirements and from the regulations of this section; except, that they shall be set back from the street right of way line a distance of at least one-half ($\frac{1}{2}$) of the minimum setback specified in the district regulations: (Amended Ord. 1987-3, 10-19-1987)

Staff Comment: We would recommend eliminating this provision and relying on the location and setback criteria of the General Provisions. This change will establish single, uniform setbacks for all freestanding signs.

- * A. A temporary real estate sign not exceeding thirty two (32) square feet in area in a commercial or industrial district and nine (9) square feet in area in a residential, multiple-family, or agricultural district pertaining only to the sale, rental or lease of the premises upon which displayed.
- * B. An "identification sign", as defined in section 10-7-2 of this chapter, not exceeding six (6) square feet in area.
- * C. A business sign in the multiple-family residential districts not exceeding twelve (12) square feet in area and pertaining to the identification of the multiple-family residential project. (Amended Ord. 1987-3, 10-19-1987; amd. 2005 Code)
- * D. A temporary political sign in regard to a candidate or an election.
- * E. A temporary construction sign not exceeding thirty two (32) square feet in area in multiple-family, agricultural, commercial, and industrial districts during construction, which identifies the project and the contractors or subcontractors.
- F. Signs erected by the city.
- G. Flags or emblems of national, federal or state government, or a subdivision thereof, displayed on private property.
- * H. Small signs, not exceeding two (2) square feet in area, displayed on private property for the convenience of the public, including directional or identification signs for restrooms, freight entrances, garage and rummage sales and the like. Garage and rummage sale signs shall show, clearly printed, the name and address of the person erecting the sign, or responsible for the same. Said signs shall not be erected more than five (5) days before or maintained more than one day after the sale to which the sign relates.
- * I. Garage Sale Signs: In all districts, garage sale signs shall be permitted subject to the following:
 - 1. Such signs shall not exceed four (4) square feet in area or a height of three feet (3').
 - 2. Such signs shall clearly show the dates of the event and the address of the event. Off premises garage sale signs shall be permitted to advertise only those garage sales for homes within the city.
 - 3. Such signs shall be set back a minimum of ten feet (10') from the back of street curb or street surface.

4. Such signs shall not be located on public municipal property or upon property owned by the school district.
5. No signs shall be posted on utility poles, fences, or trees.
6. No signs shall be posted on vehicles or trailers located within the street right of way.
7. Posting of garage sale signs shall be permitted five (5) days prior to the sale, and such signs shall be removed one day after the garage sale is completed.
8. Any sign in violation of this subsection may be removed and disposed of by the city.

* J. Open House Signs: Open house signs shall be permitted subject to the following conditions:

1. Such signs shall not exceed four (4) square feet in area or three feet (3') in height.
2. Such signs shall be set back a minimum of ten feet (10') from the back of curb or street surface.
3. Such signs shall not be located on municipal property or upon property owned by the school district.
4. No signs shall be posted on utility poles, fences, or trees.
5. No signs shall be posted on vehicles or trailers located within the street right of way.
6. Open house signs may be posted only during the open house event and shall be removed upon completion of the open house. Off premises open house signs shall be permitted to advertise homes for sale within the city only.
7. Any sign found to be in violation of this subsection may be removed and disposed of by the city.
8. The city may hold open house signs and charge a fee established by city resolution to the sign owner for its return.

* K. Model Home Directional Signs: Model home directional signs shall be permitted subject to the following conditions:

1. The model home directional sign is limited to advertising model homes in an approved subdivision in the city.

2. Such signs shall not exceed four (4) square feet in area or three feet (3') in height.
 3. Such signs shall be set back a minimum of ten feet (10') from the back of curb or street surface and must not obstruct driver visibility at an intersection.
 4. No signs shall be posted on utility poles, fences, or trees.
 5. No signs shall be posted on vehicles or trailers located within the street right of way.
 6. Model home directional signs may only be displayed between Friday at six o'clock (6:00) P.M. to Monday at eight o'clock (8:00) A.M.
 7. No more than one model home sign per real estate listing/address may be displayed at any intersection.
 8. Any sign found to be in violation of this subsection may be removed and disposed of by the city.
 9. The city may hold model home signs and charge a fee established by city resolution to the sign owner for its return. (Ord. 2004-09, 11-15-2004)
- L. The following types of signs are exempt from the permit fee but shall obtain a permit: Signs permitted by subsections 10-7-10C1, C2 and D2 of this chapter.
- M. The following types of signs are exempt from the permit requirement but must comply with all the other regulations of this section: Signs permitted by subsections 10-7-10A, D1 and D3 of this chapter. (Amended Ord. 1987-3, 10-19-1987)

Staff Comment: The current code identifies the signs allowed without permit and are identified by context description. Based on current case law, the City Attorney has indicated that we will need to examine and address these types of signs without the content description. Some examples of these may be:

1. Active projects with building permits may have one temporary sign not to exceed thirty-two (32) square feet in area and eight feet in height. Said sign must be removed upon completion of the project.
2. In residential districts, one freestanding sign per property not to exceed four (4) square feet in area or three (3) feet in height. This language would replace the garage sale, open house, and model home provisions.
3. Political signs will be revised to follow State Statutes for campaigns.

10-7-5: PROHIBITED SIGNS:

- A. Flashing Or Moving Signs: No flashing signs, rotating or moving signs, animated signs, signs with moving lights, or creating the illusion of movement shall be permitted.
- B. Painted Wall Signs: No business or advertising sign which is painted directly upon a wall surface shall be permitted. (Amended Ord. 1987-3, 10-19-1987)
- C. Obsolete And Off Premises Signs: No sign shall be permitted which advertises a business which is not being presently conducted on the premises on which the sign is located, except advertising devices, as provided for in section 10-7-6 of this chapter, and except any privately owned recreational establishment having a gross open space area within the city greater than eighty (80) acres, where such open space is an integral part of the business, may have one directional sign not to exceed thirty two (32) square feet in size identifying the name of the establishment with one directional arrow. Said sign shall be in conformance with this chapter. Said directional sign shall not be erected or maintained in the city except on property abutting a county road. (Amended Ord. 1987-3, 10-19-1987; amd. 2005 Code)
- D. Signs Obstructing Accessways Or Windows: No sign shall physically obstruct any required accessway or window in such a manner as to create a safety hazard.
- E. Signs On Unimproved Property: No sign shall be located on property unimproved with a building except a sign advertising the premises for sale or lease which meets the standards of subsection 10-7-5G2 of this chapter, or in case of advertising devices, section 10-7-6 of this chapter.
- F. Signs Obstructing Traffic: No exterior sign or sign located in the interior of a building but visible through a window shall be maintained at any location where, by reason of its position, size, shape or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic control sign, signal or device, or where it may interfere with, mislead or confuse traffic. (Amended Ord. 1987-3, 10-19-1987)
- G. Signs on trees or shrubs, or which are painted or drawn upon rocks or natural features, or on public utility poles.
- H. Signs which are structurally unsafe, in disrepair, or are abandoned.
- I. Roof signs located directly on a building roof or projecting over or from a building roof.
- J. Signs mounted on vehicles or trailers.

Staff Comment: The aforementioned prohibited signs are fairly standard among cities and will require little changes if the Planning Commission determines them to be acceptable.

10-7-6: NON-CONFORMING ADVERTISING DEVICES:

- A. The following are nonconforming advertising devices:
 - 1. Devices prohibited by subsection C of this section.
 - 2. All other devices not prohibited that do not conform to the provisions of this chapter.

- B. A nonconforming advertising device may not be:
 - 1. Structurally altered, except to bring it into compliance with the provisions of this chapter.
 - 2. Expanded.
 - 3. Reestablished after its removal for thirty (30) days.
 - 4. Reestablished after damage of more than fifty percent (50%) of advertising device replacement cost, except to bring it into compliance. (Amended Ord. 1987-3, 10-19-1987)

Staff Comment: We would recommend replacing the aforementioned section with the following provisions to bring into conformance with State Statutes pertaining to non-conforming uses and structures.

10-7-6: NON-CONFORMING SIGNS:

- A. The following are non-conforming signs:
 - 1. Prohibited signs.
 - 2. All other signs not prohibited that do not conform to the provisions of this code.

- B. General provisions governing non-conforming signs:
 - 1. A non-conforming sign lawfully existing upon the effective date of this ordinance may be continued at the size and in the manner existing upon such date.
 - 2. Non-Conforming Sign Maintenance and Repair. Nothing in this code shall be construed as relieving the owner or user of a legal non-conforming sign or other of the property on which the legal non-conforming sign is located from the provisions of this ordinance regarding safety, maintenance, and repair of signs, provided however, that any repainting, cleaning, and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which

makes it more non-conforming or the sign shall lose its legal non-conforming status.

3. If at any time a non-conforming sign shall be damaged or destroyed to the extent of more than fifty percent (50%) of its fair market value, said value to be determined by the City, it may be re-established to its prior size and form, but not expanded, if the property owner applies for a signed building permit within one hundred eighty (180) days of the damage event. If no signed building permit is applied for within the specified time period, then without further action by the Council, the sign shall be subject to all the regulations specified by this code for the district in which such land and buildings are located. Any sign which is damaged to an extent of less than fifty percent (50%) of its fair market value may be restored to its former extent if it is reconstructed within twelve (12) months after the date of said damage. Estimate of the extent of damage or destruction shall be made by the Building Official.

10-7-7: GENERAL DISTRICT REGULATIONS:

Staff Comment: The following sections outline the allowable signage by zoning district. Residential Signs – the current Sign Code addresses residential signs as follows:

- D. Accessory Signs For Residential Uses: All accessory signs for residential uses shall be set back from the street right of way line a distance at least one-half ($\frac{1}{2}$) of the required minimum setback specified in the district regulations under this subsection which may be located anywhere in the front setback area for that district. Accessory signs for residential use shall not be permitted except in compliance with the following regulations: Nameplate, directional and identification signs shall be permitted subject to the following regulations:
 1. Dwelling Units: For each dwelling unit (single-family, two-family, or townhouse), there shall be permitted one nameplate not exceeding two (2) square feet in area indicating the name and/or address of the occupant.
 2. Apartment Development: For each apartment development, there shall be permitted one identification sign or two (2) signs on corner lots, each facing a separate street, each not exceeding forty (40) square feet in area located near the main entrances to the building or complex of buildings, containing the name of the owner or manager thereof, and the phone number of the manager or owner thereof. In addition, each building with an apartment development with a separate address shall be identified by a separate sign not exceeding five (5) square feet in area with letters of a size and color to clearly identify the individual building.
 3. Remodeling: In connection with the construction or remodeling of a building, there shall be permitted one sign not exceeding twenty five (25) square feet in area indicating the names of any or all of the architects,

engineers and contractors engaged in the construction; on corner lots, two (2) such signs, one facing each street, shall be permitted. All signs permitted under this subsection D3 shall be removed by the person or persons erecting the same not longer than two (2) weeks after final inspection by the building official of the structure indicated, or two (2) years, whichever is less. (Amended Ord. 1987-3, 10-19-1987)

Staff Comment: In beginning the preparation of the General District Regulations, we need to examine the types of signs that may be appropriate within the various zoning districts.

Low Density Residential Districts:

- A-1, Agricultural Rural District
- A-2, Agricultural Transitional District
- R-1A, Residential Low Density Single Family District
- R-1, Residential Single Family District
- R-2, Residential Single Family and Two Family District
- R-3, Residential Single Family and Two Family District

These districts are typically low density residential districts, however, within these districts, the A-1 and A-2 also allow for some commercial uses (stables, kennels), and golf courses. In looking at these districts, the following signs can be anticipated:

Signs Without Permit:

1. Address Signs
2. Political Signs
3. Flags
4. Real Estate Signs / For Sale or Rent
5. Garage Sale Signs
6. Construction Project Signs

Signs Requiring Permit:

1. Allowed residential/agricultural business signs – walls signs and freestanding signs
2. Neighborhood Identification Signs

Medium and High Density Districts:

- R-4, Residential Two Family, Townhouse, Quadraminium, and Low Density Multiple Family District
- R-5, Residential Medium Density Multiple Family District
- R-6, Residential High Density District
- R-7, Residential Special Purpose High Density District
- R-8, Residential Mixed Housing District
- R-MH, Manufactured Housing Residential District

These districts are limited to medium and high density residential housing. The following signs are typical of these residential districts:

Signs Without a Permit:

1. Address Signs
2. Political Signs
3. Flags
4. Real Estate Signs / For Sale or Rent
5. Garage Sales
6. Construction Project Signs

Signs Requiring Permit:

1. Neighborhood Identification Sign
2. Apartment Identification Sign – wall signs and freestanding signs

Business/Industrial Districts:

- B-2, Limited Business District
- B-2A, Special Business District
- B-3, Highway Commercial District
- B-4, General Business District
- B-W, Business-Warehousing District
- I-1, Limited Industrial District
- I-2, General Industrial District

Currently, the Albertville City Code addresses both commercial and industrial uses with the following language:

10-7-8: PERMITTED BUSINESS SIGNS: No business sign or accessory sign to any business or industrial use shall be permitted, except in compliance with the following regulations:

A. Signs Accessory To Single Occupancy Commercial Or Community Store Uses: No business sign or accessory sign to any commercial or community store use shall be permitted, except in compliance with the following regulations:

1. Wall Signs:

a. Area: The total wall sign area (including window, awning, and canopy signs) for any building shall not exceed fifteen percent (15%) of the building walls (including windows and doors) fronting on a public street right of way.

Staff Comment: The 15% of front façade is a generous number. Typically, the permanent wall signs do not reach this total allowance.

b. Number: The total number of signs may not exceed two (2) signs per building walls fronting on a public street right of way. One wall sign may be a changeable message board including changeable readerboard/changeable banner (nondynamic) that is framed to define its perimeter.

- c. Location: Wall signs shall be located on that side of the building or tenant bay facing the street right of way. Signs may be placed on that side of a building or tenant bay not facing a street right of way provided that no sign is located on that side of the building where the lot directly abuts a residential zoning district.

Staff Comment: With regard to the number and location of signs, we may discuss alternative wall sign locations that may capture desirable sight lines to the building.

- d. Type And Construction:
 - (1) Illuminated Signs: Wall signs shall be by shielded illumination, shielded silhouette lighting or shielded spotlighting, but not any lighting where the light source itself is visible or exposed on the face or sides of the characters.
 - (2) Clearance To Grade: Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine feet (9'). Accessory lighting fixtures attached to a nonmetal frame sign shall maintain a clearance of nine feet (9') to ground. In the event a metal sign structure or accessory fixture herein described is grounded by the use of a grounding conductor run with the circuit conductors, and said structure or fixture is also grounded by being bonded to a grounding electrode at the sign site, no clearance to grade shall be mandatory.
 - (3) Neon Signs: Wall signs may be gaseous tube or may be illuminated by interior means of lighting of an intensity to prevent excessive glare and shall comply with the regulations established in section 10-7-7 of this chapter.

2. Directional and/or Delivery Wall Signs:

- a. Location: Signs of directional and/or delivery purposes may be placed on any wall.
- b. Size: The total area of all directional and/or delivery signs shall not exceed nine (9) square feet. The total area of directional and/or delivery signs shall be counted towards the area requirement in subsection A1a of this section.
- c. Number: No more than one directional and/or delivery sign per building wall. (Ord. 2011-004, 2-7-2011)

Staff Comment: To avoid being content specific, the City may need to look at new language for directional signs.

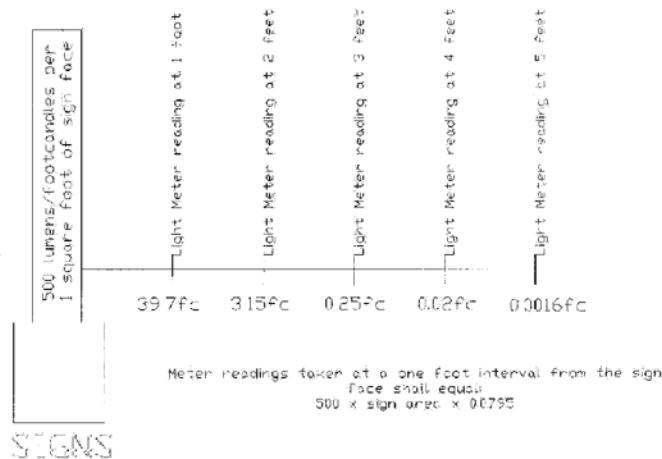
3. Ground Signs:

- a. Not more than one ground sign shall be permitted on any lot. The total area of such sign shall be based on the lot width where the sign is to be placed up to a maximum area. For each one hundred (100) linear feet of width, sixty (60) square feet of signage shall be permitted (lot width/100 x 60) up to a maximum of two hundred fifty (250) square feet. (Ord. 2004-21, 12-20-2004)
- b. Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine feet (9'). Accessory lighting fixtures attached to a nonmetal frame sign shall maintain a clearance of nine feet (9') to ground. In the event that a metal sign structure or accessory fixture herein described is grounded by the use of a grounding conductor run with the circuit conductors, and said structure or fixture is also grounded by being bonded to a grounding electrode at the sign site, no clearance to grade shall be mandatory.
- c. No metal ground sign shall be located within eight feet (8') vertically and four feet (4') horizontally of electric wires or conductors in free air carrying more than forty eight (48) volts, whether or not such wires or conductors are insulated or otherwise protected.
- d. No ground sign shall exceed thirty feet (30') in height.
- e. The level at which the sign control system applies is determined by the street classification, as outlined herein, which directly abuts the subject property.
- f. Actual sign height is determined by the grade of the road from which the sign gains its principal exposure.
- g. Sign area for ground signs applies to only one face of a two (2) faced ground sign, or two (2) faces of a four (4) faced sign, etc.
- h. No ground sign shall be located closer to any property line than ten feet (10'). (Amended Ord. 1987-3, 10-19-1987)
- i. Commercial lots having one hundred feet (100') in width immediately adjacent to and along Interstate Highway 94 (excluding any intervening street or railroad right of way) shall be allowed the following:
 - (1) One freestanding pylon sign not to exceed fifty feet (50') in height. Sign area shall be determined by subsection A3a of this section.

- (2) One freestanding monument sign at the site entrance not to exceed sixty (60) square feet in sign area or twelve feet (12') in height.
- (3) Lots containing an off premises advertising device shall only be allowed one freestanding sign not to exceed fifty feet (50') in height. (Ord. 2007-14, 10-1-2007)

j. In business districts, ground signs shall have a background which is dark in color in contrast to the sign lettering or message which is light in color to create a sufficient contrast and be clearly legible. No ground signs with lightly colored backgrounds shall be permitted unless the following conditions are met:

- (1) Illumination of the sign does not exceed five hundred (500) lumens per square foot of sign face. Certification from the sign manufacturer shall be provided stating that full illumination of the sign will not exceed five hundred (500) lumens per square foot at the sign face.



Staff Comment: The aforementioned illumination standard is difficult to understand and implement. Staff is recommending the following alternative language:

- (1) All dynamic signs shall be equipped with automatic dimming devices. Light case upon adjacent rights-of-way (as measured from the curb line) or residential zoning districts (as measured from the property line) shall not exceed five-tenths (0.5) footcandles (meter reading) above ambient light.
- (2) The sign does not exceed thirty feet (30').
- (3) The sign is located three hundred feet (300') from all residential property lines. (Ord. 2007-01, 3-19-2007)

4. Roof Signs: No part of any sign shall be maintained that projects into the airspace over the roof of any building or structure.
5. Awning Or Canopy Signs: Letters may be painted or otherwise affixed to any permissible awning or canopy, subject to the following regulations:
 - a. Lettering or letters shall not project above, below or beyond the physical dimensions of the awning or canopy.
 - b. Lettering or letters shall not be larger from top to bottom than twelve inches (12").
 - c. Lettering or letters shall not denote other than the name and address of the business conducted therein and/or a product or products produced or sold or service rendered therein.
 - d. Lettering or letters shall be included in calculating the maximum sign area of the permissible wall sign. (Amended Ord. 1987-3, 10-19-1987)
6. Changeable Copy Signs: One electronic changeable copy sign shall be allowed per site in the above listed districts with the following restrictions:
 - a. The changeable copy sign shall not exceed a maximum of twenty five percent (25%) of the allowable sign area or exceed forty (40) square feet, whichever is less, for a freestanding or wall sign.
 - b. Changeable copy signs occurring on freestanding signs shall not be higher than twenty feet (20').

Staff Comment: With the changing technology associated with dynamic signs, the City may consider removing the size and height limitations of these signs.

- c. The images and messages displayed on changeable copy signs must be static, and the transition from one static display to another must be instantaneous without any special effects with the exception of a scrolling monochromatic message on a single color dark background.
- d. A changeable copy sign may change its message no more than once every eight (8) seconds.
- e. No changeable copy signs shall be closer than three hundred feet (300') from any residential zoning district unless they are screened from the adjoining residential property, or they are limited to operation between six o'clock (6:00) A.M. and eleven o'clock (11:00) P.M.
- f. Illumination does not exceed five hundred (500) lumens per square foot of sign face.

- g. Certification from the sign manufacturer shall be provided stating that full illumination of the sign will not exceed five hundred (500) lumens per square foot at the sign face.
- h. Changeable copy signs shall not be permitted as window signs. (Ord. 2007-08, 8-20-2007)

B. Automobile Service Station Signs: The following regulations apply to signs for automobile service stations, notwithstanding which zoning district in which the station is located:

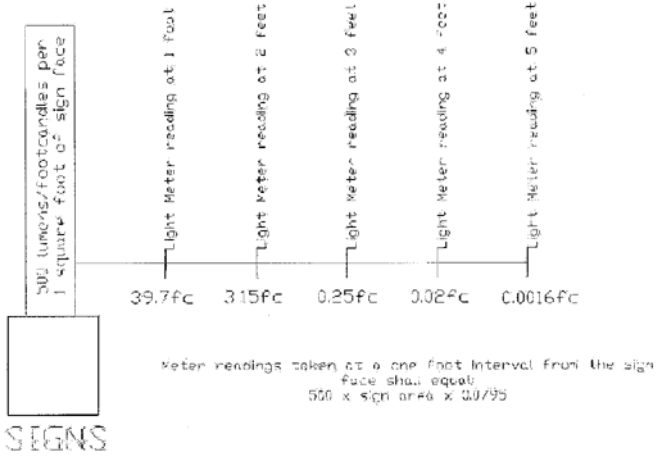
- 1. Racks for the orderly display of cans of engine oil for convenience in dispensing said oil may be located on or at the ends of pump islands. (Limit of 2 to each island.)
- 2. Two (2) open portable tire racks (not more than 7 feet in height, including signs, and 6 feet in length) on casters for the purpose of displaying new tire casing shall be permitted for each gasoline or tire service station. (Amended Ord. 1987-3, 10-19-1987)
- 3. Portable signs, placards, pennants, streamers, flags (except the U.S. flag), revolving placards and all other signs not specifically permitted in this subsection are prohibited. (Ord. 2006-06, 3-6-2006)
- 4. One sign (single or double faced) per frontage on a public street, suitable for apprising persons of the total sale price per gallon. The area of such price sign shall not exceed eighty (80) square feet on either side. Each such sign shall be affixed to the standard of a ground sign or light fixture, and shall state the total price. No sign posting an incomplete price or less than the total sales price is permitted.
- 5. The wall sign shall not exceed eighty (80) square feet.
- 6. The ground sign (or pylon sign where applicable) shall not exceed one hundred twenty five (125) square feet.

Staff Comment: The aforementioned size restriction should be consistent with the 15% front façade of the building. The Planning Commission should discuss and give direction on canopy illumination and signage as it relates to other signs allowed for the site.

- 7. One reader board not to exceed thirty two (32) square feet.
- 8. The ground sign shall not exceed thirty feet (30') in height. (Amended Ord. 1987-3, 10-19-1987)
- 9. In business districts, ground signs shall have a background which is dark in color in contrast to the sign lettering or message which is light in color to create a sufficient contrast and be clearly legible. No ground signs with

lightly colored backgrounds shall be permitted unless the following conditions are met:

- a. Illumination of the sign does not exceed five hundred (500) lumens per square foot of sign face. Certification from the sign manufacturer shall be provided stating that full illumination of the sign will not exceed five hundred (500) lumens per square foot at the sign face.



- b. The sign height does not exceed thirty feet (30').
 - c. The sign is located three hundred feet (300') from all residential property lines. (Ord. 2007-01, 3-19-2007)
10. One electronic changeable copy sign shall be allowed per site in the above listed districts with the following restrictions:
- a. The changeable copy sign shall not exceed a maximum of twenty five percent (25%) of the allowable sign area or exceed forty (40) square feet, whichever is less, for a freestanding or wall sign.
 - b. Changeable copy signs occurring on freestanding signs shall not be higher than twenty feet (20').
 - c. The images and messages displayed on changeable copy signs must be static, and the transition from one static display to another must be instantaneous without any special effects with the exception of a scrolling monochromatic message on a single color dark background.
 - d. A changeable copy sign may change its message no more than once every eight (8) seconds.
 - e. No changeable copy signs shall be closer than three hundred feet (300') from any residential zoning district unless they are screened from the adjoining residential property, or they are limited to operation between six o'clock (6:00) A.M. and eleven o'clock (11:00) P.M.

- f. Illumination does not exceed five hundred (500) lumens per square foot of sign face.
- g. Certification from the sign manufacturer shall be provided stating that full illumination of the sign will not exceed five hundred (500) lumens per square foot at the sign face.
- h. Changeable copy signs shall not be permitted as window signs. (Ord. 2007-08, 8-20-2007)

Staff Comment: Industrial Buildings:

C. Signs Accessory To Single Occupancy Industrial Uses: No business sign or accessory sign to any industrial use shall be permitted, except in compliance with the following regulations: (Amended Ord. 1987-3, 10-19-1987)

1. Signage On Walls Abutting A Public Right Of Way:

- a. Signage placed on a wall abutting a public right of way shall not exceed two hundred (200) square feet or ten percent (10%) of the wall area (including windows and doors), whichever is less.
- b. Signage placed on a wall abutting a public right of way, if illuminated, shall be by shielded illumination, shielded silhouette lighting, or shielded spotlighting but not any lighting where the light source itself is visible or exposed on the face or sides of the characters. (Ord. 2008-007, 9-2-2008)
- c. Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine feet (9'). Accessory lighting fixtures attached to a nonmetal frame sign shall maintain a clearance of nine feet (9') to ground. In the event a metal sign structure or accessory fixture herein described is grounded by the use of a grounding conductor run with the circuit conductors, and said structure or fixture is also grounded by being bonded to a grounding electrode at the sign site, no clearance to grade shall be mandatory. (Amended Ord. 1987-3, 10-19-1987)
- d. Signage placed on a wall abutting a public right of way may be gaseous tube or may be illuminated by interior means of lighting of an intensity to prevent excessive glare and shall comply with the regulations established in section 10-7-7 of this chapter.

2. Signage On Walls Not Abutting A Public Right Of Way: A sign or signs shall be permitted on those walls not abutting a public right of way of any principal building, subject to the following regulations:

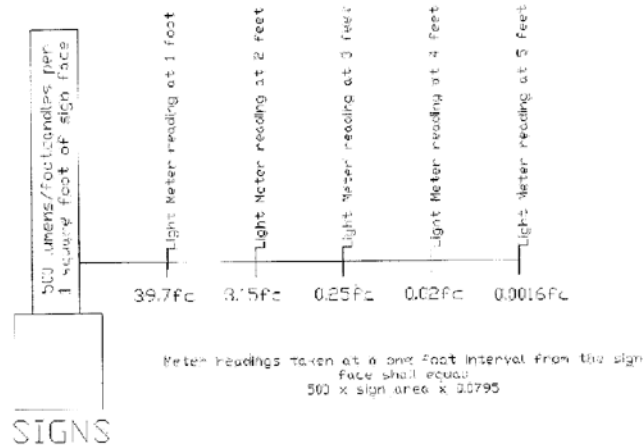
- a. Signage placed on a wall not abutting a public right of way, other than a sign provided in subsection C2c of this section, shall be of directional and/or delivery purpose only.
- b. The total area of each sign or signs shall not exceed nine (9) square feet per access door.

- c. Notwithstanding subsection C2a of this section, if the main entrance/exit to a particular use in the principal building opens on a wall not abutting a public right of way, the applicant shall be permitted to sign the walls not abutting a public right of way in accordance with the provision of subsection C1 of this section. (Ord. 2008-007, 9-2-2008)

3. Ground Signs:

- a. There shall be not more than one ground sign along each public street from which access is available for the parcel. The total area of such ground sign shall not exceed two hundred (200) square feet each side.
- b. Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine feet (9'). Accessory lighting fixtures attached to a nonmetal frame sign shall maintain a clearance of nine feet (9') to ground. In the event that a metal sign structure or accessory fixture herein described is grounded by the use of a grounding conductor run with the circuit conductors, and said structure or fixture is also grounded by being bonded to a grounding electrode at the sign site, no clearance to grade shall be mandatory.
- c. No metal ground sign shall be located within eight feet (8') vertically and four feet (4') horizontally of electric wires or conductors in free air carrying more than forty eight (48) volts, whether or not such wires or conductors are insulated or otherwise protected.
- d. No ground sign shall exceed thirty feet (30') in height.
- e. The level at which the sign control system applies is determined by the street classification, as outlined herein, which directly abuts the subject property.
- f. Actual sign height is determined by the grade of the road from which the sign gains its principal exposure.
- g. Sign area for ground signs applies to only one face of a two (2) faced ground sign, or two (2) faces of a four (4) faced sign, etc.
- h. No ground sign shall be located closer to any property line than ten feet (10').
- i. In lieu of a ground sign, one pylon sign shall be permitted on any lot in an industrial district, subject to the regulations in subsections C3b through C3h of this section, inclusive. (Amended Ord. 1987-3, 10-19-1987)
- j. In industrial districts, ground signs shall have a background which is dark in color in contrast to the sign lettering or message which is light in color to create a sufficient contrast and be clearly legible. No ground signs with lightly colored backgrounds shall be permitted unless the following conditions are met:

- (1) Illumination of the sign does not exceed five hundred (500) lumens per square foot of sign face. Certification from the sign manufacturer shall be provided stating that full illumination of the sign will not exceed five hundred (500) lumens per square foot at the sign face.

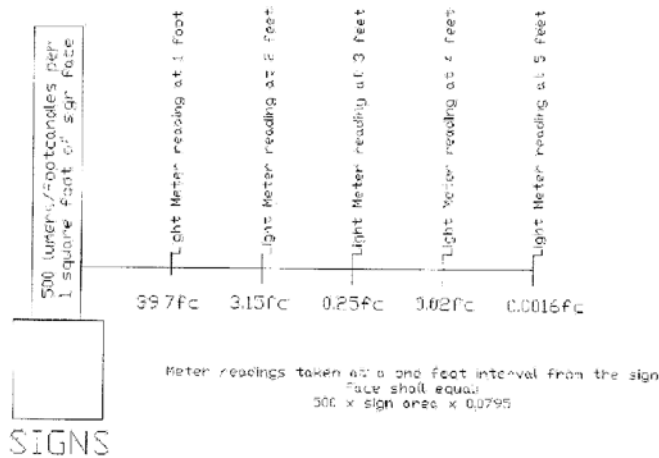


- (2) The sign height does not exceed thirty feet (30').
 - (3) The sign is located three hundred feet (300') from all residential property lines. (Ord. 2007-01, 3-19-2007)
4. Roof Signs: No part of any sign shall be maintained that projects into the airspace over the roof of any building or structure.
 5. Awning Or Canopy Signs: Letters may be painted or otherwise affixed to any permissible awning or canopy subject to the following regulations:
 - a. Lettering or letters shall not project above, below or beyond the physical dimensions of the awning or canopy.
 - b. Lettering or letters shall not be larger from top to bottom than twelve inches (12").
 - c. Lettering or letters shall not denote other than the name and address of the business conducted therein and/or a product or products produced or sold or service rendered therein.
 - d. Lettering or letters shall be included in calculating the maximum sign area of the permissible wall sign. (Amended Ord. 1987-3, 10-19-1987)
 6. Signage For Single Occupancy Building Containing Mixed Use Industrial/Retail: Industrial buildings that contain a showroom for retail sales may apply for a conditional use permit for the following signage provided that:

- a. The building has received a CUP for retail sales in the I-1 district per appendix A, section 4600.4 of this code.
 - b. Not more than two (2) signs shall be permitted on the front wall of any principal building. The total area of two (2) signs shall not exceed ten percent (10%) of the wall area.
 - c. The building front where the wall signs are installed have visual exposure to Interstate 94.
 - d. Two (2) additional wall signs may be permitted in lieu of the site having a freestanding ground sign with the total area for all front wall signs not exceeding ten percent (10%) of the wall area. (Ord. 2006-12, 8-7-2006)
7. Changeable Copy Signs: One electronic changeable copy sign shall be allowed per site in the above listed districts with the following restrictions:
- a. The changeable copy sign shall not exceed a maximum of twenty five percent (25%) of the allowable sign area or exceed forty (40) square feet, whichever is less, for a freestanding or wall sign.
 - b. Changeable copy signs occurring on freestanding signs shall not be higher than twenty feet (20').
 - c. The images and messages displayed on changeable copy signs must be static, and the transition from one static display to another must be instantaneous without any special effects with the exception of a scrolling monochromatic message on a single color dark background.
 - d. A changeable copy sign may change its message no more than once every eight (8) seconds.
 - e. No changeable copy signs shall be closer than three hundred feet (300') from any residential zoning district unless they are screened from the adjoining residential property, or they are limited to operation between six o'clock (6:00) A.M. and eleven o'clock (11:00) P.M.
 - f. Illumination does not exceed five hundred (500) lumens per square foot of sign face.
 - g. Certification from the sign manufacturer shall be provided stating that full illumination of the sign will not exceed five hundred (500) lumens per square foot at the sign face.
 - h. Changeable copy signs shall not be permitted as window signs. (Ord. 2007-08, 8-20-2007)
- D. Accessory Signs For Multiple Occupancy, Commercial And Industrial Uses, Including Shopping Centers:
- 1. Sign Plan:
 - a. When a single principal building is devoted to two (2) or more businesses, or industrial uses, a comprehensive sign plan for the entire building or shopping center shall be submitted and shall be of

frontage (single or double faced) to be used as an identification sign for the shopping center. Signs for individual businesses within the shopping center may not exceed two hundred (200) square feet in area, nor thirty feet (30') in height and must be set back a minimum of twenty feet (20') from all property lines. (Amended Ord. 1987-3, 10-19-1987; amd. by 2005 Code; Ord. 2008-007, 9-2-2008)

- b. Multiple occupancy structures, other than shopping centers, or shopping centers having four (4) or less separate and distinct occupancies, may erect ground signs in accordance with the provisions of subsection A3 of this section and may identify each separate and distinct occupancy on said ground sign. (Amended Ord. 1987-3, 10-19-1987; amd. Ord. 2008-007, 9-2-2008)
- c. In business or industrial districts, ground signs shall have a background which is dark in color in contrast to the sign lettering or message which is light in color to create a sufficient contrast and be clearly legible. No ground signs with lightly colored backgrounds shall be permitted unless the following conditions are met:
 - (1) Illumination of the sign does not exceed five hundred (500) lumens per square foot of sign face. Certification from the sign manufacturer shall be provided stating that full illumination of the sign will not exceed five hundred (500) lumens per square foot at the sign face.



- (2) The sign height does not exceed thirty feet (30').
- (3) The sign is located three hundred feet (300') from all residential property lines. (Ord. 2007-01, 3-19-2007; amd. Ord. 2008-007, 9-2-2008)

6. Changeable Copy Signs: One electronic changeable copy sign shall be allowed per site in the above listed districts with the following restrictions:

- a. The changeable copy sign shall not exceed a maximum of twenty five percent (25%) of the allowable sign area or exceed forty (40) square feet, whichever is less, for a freestanding or wall sign.
- b. Changeable copy signs occurring on freestanding signs shall not be higher than twenty feet (20').
- c. The images and messages displayed on changeable copy signs must be static, and the transition from one static display to another must be instantaneous without any special effects with the exception of a scrolling monochromatic message on a single color dark background.
- d. A changeable copy sign may change its message no more than once every eight (8) seconds.
- e. No changeable copy signs shall be closer than three hundred feet (300') from any residential zoning district unless they are screened from the adjoining residential property, or they are limited to operation between six o'clock (6:00) A.M. and eleven o'clock (11:00) P.M.
- f. Illumination does not exceed five hundred (500) lumens per square foot of sign face.
- g. Certification from the sign manufacturer shall be provided stating that full illumination of the sign will not exceed five hundred (500) lumens per square foot at the sign face.
- h. Changeable copy signs shall not be permitted as window signs.
- i. Changeable copy signs shall be for area identification signs only and shall not be for individual tenant freestanding or wall signs. (Ord. 2007-08, 8-20-2007; amd. Ord. 2008-007, 9-2-2008)

Staff Comment: Based on review of the business and industrial sign regulations, staff offers the following suggestions:

1. The Sign Code will separate the business and industrial sign regulations by zoning district for ease of reference.
2. In examining the allowable signs on a building, we want the Planning Commission and Council to recognize what may be allowed on a building (i.e., wall signs, readerboards, window signs, awning signage, and temporary banners).
3. The wall sign locations may be more flexible. Currently, signs must face a public street, however, sidewalk locations may offer greater visibility to businesses along a major roadway (i.e., Prairie Run Café, Kramer Hobby Shop).
4. The City may wish to allow single tenant buildings to pursue a comprehensive sign plan to gain some flexibility in sign locations and numbers.
5. For multiple tenant buildings, we will examine the current shopping center and planned unit developments and attempt to outline the type of appropriate signs for the larger center and individual tenants.

Staff Comment: Under specialty signs, the code includes the following regulations:

10-7-10: SPECIAL SIGN STANDARDS:

The following signs are permitted subject to the special standards and provisions contained after each specific sign situation as contained hereafter and the provisions of sections 10-7-5 and 10-7-7 of this chapter:

A. "For Sale" And "To Rent" Signs:

1. Single-Family Residence Or Six Or Less Dwelling Units: For sale or rental of a single-family residence or where six (6) or less dwelling units (or lots for residential development) are for sale or rent, there shall be no more than one such sign per lot, except on a corner lot, two (2) signs, one facing each street, shall be permitted. No such sign shall exceed six (6) square feet in area, and no such sign shall be illuminated. Each such sign must be devoted solely to the sale or rental of the property being offered and must be removed immediately upon the sale or rental of the property. Each sign must be placed only upon the property offered for sale or rent.
2. More Than Six Dwellings (Or Lots For Residential Development Purposes): Where more than six (6) dwelling units (or lots for residential development purposes) are offered for sale or rental by the same party, signs advertising such sale or rental may be constructed therefor in any district. There shall be permitted one sign facing each public street providing access to the property being offered. Each such sign shall not exceed forty (40) square feet in area; shall be located at least one hundred thirty feet (130') from any preexisting home; and shall be removed within one year from the date of building permit issuance, or when less than six (6) units remain for sale or rent, whichever is less. Said sign shall fully comply with the setback requirement for the zoning district in which the property is located.
3. Industrial Or Commercial Property Sale Or Rental:
 - a. In the event of an industrial or commercial sale or rental of real property, there shall be permitted one sign facing each public street which abuts the property being offered. Each sign shall not exceed seventy five (75) square feet in area and must be devoted solely to the sale or rental of the property being offered and must be removed immediately upon the sale or rental of the last property offered at that location. Said sign may not be located closer to the property line than fifty percent (50%) of the setback required within the particular zoning district in which the property is located.
 - b. To promote the sale or rental of industrial or commercial property located within three hundred feet (300') of the interstate, one sign facing the interstate shall be permitted at a size of up to one

hundred (100) square feet in area. In addition to the interstate oriented sign, one additional sign shall be permitted at a size not to exceed seventy five (75) square feet that may face the public street(s) which abut(s) the property. Both signs must be devoted solely to the sale or rental of the property being offered and must promote economic development consistent with the comprehensive land use plan. Said sign may not be located closer to the property line than fifty percent (50%) of the setback required within the particular zoning district in which the property is located.

- c. Sale or rental signs in excess of the size provisions in subsections A3a and A3b of this section may be allowed by conditional use permit for a period of one year. At the end of the one year period, the sign must be removed or the conditional use permit renewed. Such renewal shall be requested in writing and filed with the zoning administrator at least thirty (30) days before the expiration of the conditional use permit. There shall be no charge for filing of such petition; except, that where a conditional use permit has been allowed to expire or less than thirty (30) days remains within which to file for extension, the applicant must make application for a new conditional use permit and pay the appropriate fees and public hearing costs.

Staff Comment: The aforementioned signs are content specific which may require the City to examine alternative language to achieve the same purpose for these signs.

- B. Accessory Signs For Parking Areas: Accessory signs for parking areas are permitted, subject to the following regulations:
 1. There shall not be more than one sign per lot; except, that on a corner lot, two (2) signs, one facing each street, shall be permitted. No such sign shall exceed twenty (20) square feet in area. Such signs shall be set back from the street line a distance at least one-half ($1/2$) of the minimum setback requirements but shall be located at least one foot (1') behind the lot line.
 2. One sign designating the condition of use shall be permitted at each entrance to a parking area; each such sign shall be limited to a maximum area of nine (9) square feet; such signs are exempt from minimum setback requirements; except, that they must be located at least one foot (1') behind the lot line.

Staff Comment: In review of this provision, we do not believe it serves any purpose and should be removed.

- C. Signs For Churches, Schools Or Nonprofit Institutions: Signs for churches, schools or nonprofit institutions are allowed, subject to the following regulations:

1. Permitted Signs: Individually or in combination, wall, ground, and/or pylon signs shall be allowed for building, property and/or use identification.
2. Size: The maximum size of signing area allowed for such uses shall be determined on the basis of site area according to the following schedule:

Up to 5 acres	96 square feet
5.1 to 25 acres	128 square feet
25.1 acres and above	160 square feet

3. Height: The maximum height of sign structures shall be determined on the basis of site size according to the following schedule:

Up to 15 acres	8.0 feet
15.1 acres and above	17.5 feet

4. Message Boards: Readerboard (message) space, either electronic or nonelectronic, shall not exceed a total of thirty percent (30%) of the signing permitted or constructed for any one sign structure.
5. Temporary Signs: Temporary signs, banners and displays for church, school, institutional or civic events are permitted but must be located on property owned or controlled by the church, school, institution, or civic organization and may be displayed only during a period commencing thirty (30) days prior to the scheduled event and ending three (3) days after the closing date of said scheduled event.

Staff Comment: This should be moved into the general district standards under Public/Institutional Zoning District. The regulations should be expanded to accommodate wall signs. Temporary signs should fall under a different ordinance section.

- D. Accessory Signs For Residential Uses: All accessory signs for residential uses shall be set back from the street right of way line a distance at least one-half ($\frac{1}{2}$) of the required minimum setback specified in the district regulations under this subsection which may be located anywhere in the front setback area for that district. Accessory signs for residential use shall not be permitted except in compliance with the following regulations: Nameplate, directional and identification signs shall be permitted subject to the following regulations:

1. Dwelling Units: For each dwelling unit (single-family, two-family, or townhouse), there shall be permitted one nameplate not exceeding two (2) square feet in area indicating the name and/or address of the occupant.
2. Apartment Development: For each apartment development, there shall be permitted one identification sign or two (2) signs on corner lots, each

facing a separate street, each not exceeding forty (40) square feet in area located near the main entrances to the building or complex of buildings, containing the name of the owner or manager thereof, and the phone number of the manager or owner thereof. In addition, each building with an apartment development with a separate address shall be identified by a separate sign not exceeding five (5) square feet in area with letters of a size and color to clearly identify the individual building.

3. Remodeling: In connection with the construction or remodeling of a building, there shall be permitted one sign not exceeding twenty five (25) square feet in area indicating the names of any or all of the architects, engineers and contractors engaged in the construction; on corner lots, two (2) such signs, one facing each street, shall be permitted. All signs permitted under this subsection D3 shall be removed by the person or persons erecting the same not longer than two (2) weeks after final inspection by the building official of the structure indicated, or two (2) years, whichever is less. (Amended Ord. 1987-3, 10-19-1987)

Staff Comment: The aforementioned residential signs will be moved to the general district standards.

Other Special Sign Requirements: This section of the code shall be expanded to address the following signs:

1. Advertising Devices (Billboards)
2. Temporary Signs
 - a. On-Premise
 - b. Off-Premise
 - c. Special Event/Grand Opening
 - d. Size by District
3. Gas Sale Signs