

**City of Pine Island
Planning and Zoning Commission
Agenda**

Tuesday – April 10th 2012

7:00 PM

Second Floor – City Hall
250 South Main Street

- I. Roll Call
- II. Pledge of Allegiance.
- III. Minutes of March 13th, 2012
- IV. Review - Sec. 11.71 Sign Ordinance Update
- V. Adjourn.

City of Pine Island
Planning and Zoning Commission
Minutes
Tuesday, March 13th, 2012
7:00 PM – City Hall

Roll Call: Meeting called to order by Chairman Hames at 7:00 PM

Present: Roy Larson, Grant Friese, Ken Hames, Harlan Pahl, and Rod Steele.

Absent: T.J. Schutz.

Also present Neil Britton, John Anderson, Mike Fangman and Abraham Algadi.

Minutes of February 14th 2012. Motion by Grant second by Pahl approved 4-0-0.

Chapter 12 – Subdivision Regulation: Chairman Hames reopened the hearing from last month.

John Anderson went over the comments from Neil Britton. Commissioner Friese asked if the issue raised by Vince on the certificate of survey reference? John said that we will get to all the comments, we are not clear on the number of new issued raised given the volume of comments but we intend on going over all submitted comments tonight.

John: I'm fine with taking out the reference to certificate of survey. Elsewhere there is a reference to defining twin homes which is not in zoning code for the purpose of subdivision regulation. John stated that construction on an out lot should not be permitted since out lots by design are not generally fit due to their size, location, open space requirements, and/or services and access. Discussion followed on why the section does not allow construction on an outlet. John said that is why we have the minor sub definitions detailed so that they address this issue. (*out lot creation as a result of a minor subdivision that would later be used to seek a building permit*)

Mike Fangman: The information requested through minor sub is too much, in this case you might as well eliminate the minor subdivision all together.

Staff suggested that the minor subdivision is intended to keep a simpler option of subdividing the land available without having applicants (*normally residents and local businesses*) go through the entire platting process and be required to pay the higher platting and engineering fees.

Larson: We need to come together and with all due respect move the process along. Chairman Hames asked: Should we take it chapter by chapter and say yeah and nay or go through each specific comment?

Friese: I think there are no legal issues of concern here, and most of the items under discussion are technical and/or policy items in nature. We appreciate the comments from Vince. However, should move forward and give Vince a copy of the final documents since some of his comments will be incorporated in final form before formal adoption.

John: Vince's comments suggest deleting all the process defined 12.19 sub 3. John added that we need to keep that language in there. On the issues of data for preliminary plat for instance Vince is suggesting adding the language highlighted in his comments making the document even larger. City Engineer suggested 1" = 100' and you can vary from that depending on what level of detail you want on the preliminary plat.

Motion to close the public hearing by Friese and second by Harlan, Motion carried 4-0-0.

Motion by Larson and second by Friese to recommend approval of proposed amendments to Chapter 12 "Subdivision Regulations". Motion carried 4-0-0.

Pine Haven Community Plat:

Chairman Hames asked if there are any further comments or discussion on the proposed final plat. Staff stated that the comments shared with the City by utilities, Fire Department, City Engineer, and City Attorney were incorporated in the final document. The City Attorney is completing his title review and by the time the Plat move on to Council on the 20th, we would have everything in place.

Motion by Pahl and second City Friese to approve the "Pine Haven Community" final plat. Motion carried.

There being no more business to come before the Commission, meeting adjourned at 8:45 PM

Respectfully Submitted,

Abraham Algadi

SEC. 11.71 SIGNS.

Subd. 1 Purpose.

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

- A. Equitably distribute the privilege of using the public environs to communicate private information.
- B. Safeguard the public use and nature of the streets and sidewalks.
- C. Enhance the visual environment, of the City.

Subd. 2 Excluded Signs.

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

- A. Any sign with an area of one square foot or less.
- B. Signs on store windows, but in no case shall exceed twenty five percent (25%) of the window area.
- C. Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal devices, or washings at railroad crossings.
- D. Publicly owned memorial tablets or signs.
- E. Signs required to be maintained by law or governmental order, rule or regulation; provided, that they do not exceed forty-eight (48) square feet.
- F. Signs directing traffic on private property, but bearing no advertising matter.
- G. Signs displayed for the direction or convenience of the public, including signs which identify rest rooms, location of public telephones, public entrances, freight entrances, or the like, with a total surface area not to exceed six square feet per sign on any lot or parcel.
- H. Signs not exceeding forty-eight (48) square feet in area relating to active construction projects.
- I. Yard sale signs; provided that no person shall attach in any way posters, notices or advertisements to utility poles, meter posts, or trees in or along any street right-of-way within the **City, town;** and that no person shall put up any notice upon any building, wall or fence or other property of another person without having first obtained the consent of the owner of such property. The maximum time limit for all yard sale or garage sale signs is ten consecutive days.
- J. Gasoline price signs; provided the total area of such signs is less than twelve (12) square feet.
- K. At gasoline stations, up to two advertising signs of less than twenty (20) square feet each, which are located at least ten feet from the property boundary.
- L. Temporary signs, provided they conform to Subdivision 6 of this section.

Subd. 3 Measurement of Sign Area.

Sign area shall be calculated as follows:

A. Attached and Suspended Signs.

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

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

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

Subd. 4 Sign Permits.

A. No sign that was not in existence or "in place" on September 27, 1996, shall hereafter be displayed, nor shall any existing sign be enlarged, relocated, changed or modified until a zoning permit for the same has been obtained in accordance with this section and all other applicable regulations. Maintenance, repair or restoration of non-conforming signs must be in accordance with Subdivision 8 of this section and require a permit.

B. Every application for such permit shall include the exact area, size, structure, design and location proposed for the sign.

Subd. 5 Prohibited Signs.

The following signs shall not be allowed:

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

B. A sign which displays flashing or intermittent lights or lights of changing degrees or intensity unless each interval in the cycle is five seconds or more and the sign does not constitute a traffic hazard.

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

D. A sign in a public right-of-way that in any way interferes with normal or emergency use of that right-of-way. Any sign allowed in a public right-of-way may be ordered removed by the City Administrator upon thirty (30) days notice if the normal or emergency use of that right-of-way is changed to require its removal.

E. A sign or illumination that causes any direct glare into or upon a public right-of-way or building other than the building to which the sign is intended.

F. A sign that violates any provision of any State law or Federal law relative to outdoor advertising.

G. Any advertising sign located within six hundred feet (600') of any interchange or intersection at grade, or any interstate, freeway or highway, to the nearest point of said intersection right-of-way.

H. Moving signs, except revolving signs, pennants, streamers, as provided in Subdivision 6, below, and A-frames, small balloons, string lights, strip lighting outlining structures and used to attract attention for commercial purposes.

I. Signs attached or mounted on abandoned, unlicensed, or inoperative vehicles.

Subd. 6 Temporary Signs.

A. Regardless of the status of conformity of all other on-premise signs, two temporary signs shall be allowed in all C-1, C-2, C-3, AG A-1 I-1, I-2, BP, RR, PI and POS districts, provided the following:

1. Each sign is less than twenty (20) square feet in area;
2. Each sign is an attached on-premise sign;
3. That such signs are displayed no more than fourteen (14) consecutive days;
4. That no establishment may display a temporary sign more than four (4) times per calendar year.

B. The establishment wishing to display such sign shall contact the office of the Zoning Administrator prior to displaying, to give notice of the intent, and the period during which the sign will be displayed. No permit is required.

Subd. 7 Non-Conforming Signs.

A. **Generally.** In cases where signs existing as a non-conforming use on property exceed the total allowable sign area, no additional signs shall be permitted for an establishment. If the size or configuration of the parcel or building is changed, signs of the resulting properties shall be required to conform to the sign regulations applicable to the newly created parcel or parcels at the time such change becomes effective.

B. **Maintenance.** All non-conforming signs shall be maintained and repainted and shall not be maintained in such manner as to increase the degree of non-conformity. A non-conforming sign may be repaired provided it is not damaged in excess of fifty percent (50%) of its replacement value. Such damaged sign may not be expanded or relocated. It may not be reconstructed or moved without being made to comply in all respects with the provisions of this section. In cases where a "marquee" non-conforming sign exists with plexiglass faces, these faces may be changed if damaged or if the sign message is desired to be changed.

Subd. 8 Damaged or Unsafe Signs.

The Zoning Administrator shall require the immediate repair or removal of any sign(s) or sign structure(s) which has been damaged or has deteriorated so as to become a public hazard. Such sign(s) or sign structure(s) may be restored to their original condition within thirty (30) days of written notice, or owner(s)/tenant(s) will be ordered to remove the sign(s) or eliminate hazardous condition(s). If the subject sign(s) are nonconforming, such restoration shall be in accordance with Subdivision 7 of this section.

Subd. 9 Non-Conforming Sign Removal.

Upon vacating premises, a tenant, or in tenant’s absence, the owner, shall remove all non-conforming signs, sign supports and attendant hardware, within thirty (30)(days from the day the premises is vacated.

Subd. 10 Conforming Sign Removal.

All conforming signs, sign supports, and attendant hardware not used by a new tenant or new owner shall be removed by new owner(s)/tenant(s) within three months of the premises being vacated.

Subd. 11 Permitted Signs. –Generally.

Signs shall be permitted which are in accordance with:

- A. The general provisions of this section.
- B. The district sign regulations of this section for the district in which such signs are located.
- C. All applicable provisions of the Building Code as adopted, and all amendments thereto.
- D. All applicable County and State regulations.

Subd. 12 (AG) (A-1) - Agriculture District.

- A. The following shall apply:

Permitted Signs	Permit Required	Maximum Size Square Feet
Business	Yes	100
Home Occupation	Yes	4
Directional	Yes	2
Temporary	See Subdivision 6	100
Agricultural Product	Yes	100
Real Estate	Yes	20
Identification	Yes	30
Public Service	Yes	30

B. Location. No sign shall be placed on the property line or public right-of-way. On corner lots all signs must be located at least five feet from the property line.

C. Height Limitation. No sign shall exceed thirty-five feet (35') in height, nor shall any attached sign extend above the height of the building to which it is attached.

D. Special Sign Regulations. No signs shall be permitted except on the premises being advertised.

E. Temporary Signs. Temporary signs, subject to review by the Zoning Administrator according to Subdivision 6 of this section.

Subd. 13 (R-1, R-2, R-3 and R-4) - Residential Districts.

A. The following shall apply in the R-1, R-2, R-3 and R-4 Residential Districts:

<u>Permitted Signs</u>	<u>Permit Required</u>	<u>Maximum Size Square Feet</u>
Real Estate	No	6
Identification	Yes	50
Directional	Yes	2
Home Occupation	Yes	4
Temporary	See Subdivision 6	2
Public Service	Yes	20
Professional	Yes	15

B. Location. No sign shall be placed on the property line or public right-of-way. On corner lots all signs must be located at least five feet from the property line.

C. Height Limitation. No sign shall exceed eight feet in height.

D. Special Sign Regulations. Home occupation signs must be attached signs.

E. Lighting. Unshielded light sources shall not be directly visible from surrounding properties and all lighting shall be subdued.

F. Temporary Signs. Temporary signs, subject to review by the Zoning Administrator according to Subdivision 6 of this section.

Subd. 14 (C-1) - Central Business District.

A. The following shall apply:

<u>Permitted Signs</u>	<u>Permit Required</u>	<u>Maximum Size Square Feet of Total Sign Area</u>
Real Estate	No	All attached frontage signs shall not exceed 100 square feet; the sign
Business	Yes	height shall not exceed 50% of the total sign width; the width
Identification	Yes	of a sign shall not exceed the width of the building frontage;
Temporary	No	signs on building sides or rear shall not exceed 50% of all
Directional	Yes	frontage restrictions. Free standing signs shall not exceed a
Public Service	Yes	maximum height of 16 feet and a maximum of 75 square feet.
		20

B. Location. No sign shall be placed on the property line or public right-of-way. On corner lots all signs must be located at least five feet from the property line.

C. Height Limitation. No freestanding sign shall exceed sixteen feet (16') in height, nor shall any attached sign extend above the height of the building to which it is attached.

D. Minimum Freestanding Sign Clearance. No freestanding sign shall be less than nine feet (9'), measured from ground level to the lowest edge of said sign.

E. Number of Signs Permitted. Excluding public service signs, a maximum of two (2) signs except a corner lot occupied by a single establishment shall be allowed up to three (3) signs, as defined herein.

F. Projected Signs. Shall not exceed twenty-four 24 square feet in size, and no less than eight feet (8') from the ground level to the lowest edge of said sign.

G. Freestanding Signs. On lots with public street right-of-way frontage of between one hundred feet (100') and one hundred and fifty feet (150'), and a building setback of at least fifteen feet (15'), one (1) freestanding sign will be allowed.

H. Temporary Signs. Temporary signs, subject to review by the Zoning Administrator, according to Subdivision 6 of this section.

I. Special Sign Regulations for Gasoline Service Stations. Gasoline service stations are allowed a total area of signs not to exceed one hundred and thirty (130) square feet and the following types of signs:

1. Freestanding Signs for Service Stations. In addition to Subparagraph G, above, a service station or a parcel with at least two hundred feet (200') of street frontage shall be permitted one freestanding sign not to exceed sixteen feet (16') in height nor exceed seventy-five (75) square feet in area. Such sign posts/support structure shall be located five feet (5') or more from any street right-of-way. However, no sign copy shall extend into the public right-of-way.

Subd. 15 (C-2 & C-3) - Highway & Neighborhood Commercial Districts.

A. The following shall apply:

<u>Permitted Signs</u>	<u>Permit Required</u>	<u>Maximum Size Square Feet of Total Sign Area</u>
Real Estate	No	15
Business	Yes	Total attached sign area shall not exceed 2.5 times the width of the building frontage or 100 square feet, whichever is less.
Identification	Yes	
Temporary	No	
Directional	No	
Public Service	Yes	30

1. Freestanding Sign. Only one freestanding business sign is permitted per establishment with maximum height of thirty-five feet (35'), maximum size of two hundred (200) square feet, and minimum setback of five feet (5') from public right-of-way.

B. Number of Signs Permitted. Excluding public service signs, a maximum of three (3) signs per establishment shall be allowed as defined herein.

C. Special Sign Regulations. All signs must be attached signs with the following exceptions:

1. Identification Signs. Freestanding group identification signs announcing the name of churches, social organizations, and the time and place of meetings of civic clubs shall be permitted at the major entrances to the City. Such free-standing signs shall not exceed thirty feet (30') in height nor fifty (50) square feet in total area. Groupings of signs along the entrance routes to the City shall be designed as an integrated unit, shall be landscaped and shall follow location requirements set forth above.

D. Required Frontage. More than one (1) business may advertise on the same sign in shopping centers, subject to the limitations set forth in this subdivision.

Subd. 16 (I-1, I-2 & BP) - Industrial and Business Park Districts.

A. The following shall apply: ~~in the Industrial District:~~

<u>Permitted Signs</u>	<u>Permit Required</u>	<u>Maximum Size Square Feet of Total Sign Area</u>
Real Estate	No	A maximum of one square foot of sign area for each linear front feet of lot, not to exceed a Maximum of 150 square feet of sign area.
Business	Yes	
Advertising	Yes	

However, if the sign is affixed flat against the building and does not extend above or beyond the dimensions of the building, then a maximum of two (2) square feet of sign area for each one and one-half (1 1/2) linear front feet of lot not to exceed a maximum of four hundred and fifty (450) square feet of sign area shall be allowed.

Temporary	No	
Identification	Yes	
Public Service	Yes	50

B. Location. All freestanding signs shall be five feet (5') or more from any street right-of-way.

C. Height Limitations. No sign shall exceed thirty-five feet (35') in height. Unless the sign is affixed flat against the building and does not extend above or beyond the dimensions of the building, subject to the limitations in this Subdivision.

D. Number of Signs Permitted. Excluding public service signs, a maximum of three (3) signs per building shall be allowed as defined herein.

E. Special Sign Regulations. All signs must be attached signs with the following exceptions:

1. Freestanding Signs. Uses permitted in this district may also erect one freestanding sign. Such freestanding sign shall not exceed thirty-five feet (35') in height nor one hundred and fifty (150) square feet in area.

2. Industrial Parks. An industrial park in this district shall be permitted one freestanding identification sign. Such freestanding identification sign may list the names of the tenants as

well as the name of the industrial area, its owners and developer. Such sign shall not exceed thirty-five feet (35') in height nor one hundred and fifty (150) square feet in area. Such signs shall follow location requirements set forth above.

3. Identification Signs. Freestanding group identification signs announcing the name of churches, social organizations, and the time and place of meetings of civic clubs shall be permitted at the major entrances of the City. Such freestanding signs shall not exceed thirty feet (30') in height nor fifty (50) square feet in total area. Groupings of signs along the entrance routes to the City shall be designed as an integrated unit and shall be landscape

4. Freestanding Advertising Signs. Freestanding advertising signs shall be allowed in this district provided not more than one sign is allowed per establishment. These signs preclude the use of freestanding business signs of any future business/industry locating on such parcel. Such freestanding advertising sign shall not be allowed if present use of property already has a freestanding sign on such parcel.

Subd. 17 (RR) - Regional Recreational District.

A. The following shall apply:

Permitted Signs	Permit Required	Maximum Size Square Feet of Total Sign Area
Real Estate	No	A maximum of one square foot of sign area for each linear front
Business	Yes	feet of lot, not to exceed a
Advertising	Yes	Maximum of 150 square feet of sign area.

However, if the sign is affixed flat against the building and does not extend above or beyond the dimensions of the building, then a maximum of two (2) square feet of sign area for each one and one-half (1 1/2) linear front feet of lot not to exceed a maximum of four hundred and fifty 450 square feet of sign area shall be allowed.

Temporary	No	
Identification	Yes	
Public Service	Yes	50

B. Number of Signs Permitted. Excluding public service signs, One sign is allowed per lot, except that one additional sign shall be allowed when there is more than one (1) entrance from a major collector or arterial street.

C. Height Limitations. No sign shall exceed thirty-five feet (35') in height. Unless the sign is affixed flat against the building and does not extend above or beyond the dimensions of the building, subject to the limitations in this Subdivision.

D. Freestanding Signs. Uses permitted in this district may erect one (1) freestanding sign. Such freestanding sign shall not exceed one hundred (100) square feet in area and the sign shall be a monument type with a maximum height not to exceed ten feet (10').

1. Location. All freestanding signs shall be five feet (5') or more from any street right-of-way.

E. Changeable Copy Signs.

1. Within the allowed area of a freestanding sign, a maximum of forty (40) square feet of non-electronic changeable copy shall be allowed per frontage to a major collector or arterial street.

2. Wall, Canopy, Or Marquee Signs:

a. For single occupancy buildings, not more than one sign shall be allowed on one facade fronting a public street, except in the case of a corner lot or through lot where one additional one hundred (100) square foot wall sign may be installed on a second facade fronting a public street.

b. Additional signs not to exceed forty eight (48) square feet shall be allowed for each building entrance.

Subd. 21 (PI) - Public/Institutional District.

A. The following shall apply:

Permitted Signs	Permit Required	Maximum Size Square Feet of Total Sign Area
Real Estate	No	A maximum of one square foot of sign area for each linear front feet of lot, not to exceed a Maximum of 100 square feet of sign area.
Business	Yes	
Advertising	Yes	

However, if the sign is affixed flat against the building and does not extend above or beyond the dimensions of the building, then a maximum of two square feet of sign area for each one and one-half linear front feet of lot not to exceed a maximum of four hundred and fifty (450) square feet of sign area shall be allowed.

Temporary	No	
Identification	Yes	
Public Service	Yes	50

B. Number of Signs Permitted. Excluding public service signs, One sign is allowed per lot, except that one additional sign shall be allowed when there is more than one entrance from a major collector or arterial street.

C. Height Limitations. No sign shall exceed thirty-five feet (35') in height. Unless the sign is affixed flat against the building and does not extend above or beyond the dimensions of the building, subject to the limitations in this Subdivision.

D. Freestanding Signs. Uses permitted in this district may erect one (1) freestanding sign. Such freestanding sign shall not exceed one hundred (100) square feet in area and the sign shall be a monument type with a maximum height not to exceed ten feet (10').

1. **Location.** All freestanding signs shall be five feet (5') or more from any street right-of-way.

E. Changeable Copy Signs.

1. Within the allowed area of a freestanding sign, a maximum of forty (40) square feet of non-electronic changeable copy shall be allowed per frontage to a major collector or arterial street.

2. Wall, Canopy, Or Marquee Signs:

a. For single occupancy buildings, not more than one sign shall be allowed on one facade fronting a public street, except in the case of a corner lot or through lot where one additional one hundred (100) square foot wall sign may be installed on a second facade fronting a public street.

b. Additional signs not to exceed forty eight (48) square feet shall be allowed for each building entrance.

Subd. 22 (POS) - Parks and Open Space District.

A. The following shall apply:

<u>Permitted Signs</u>	<u>Permit Required</u>	<u>Maximum Size Square Feet of Total Sign Area</u>
Real Estate	No	A maximum of one square foot of sign area for each linear front
Business	Yes	feet of lot, not to exceed a
Advertising	Yes	Maximum of 100 square feet of sign area.

However, if the sign is affixed flat against the building and does not extend above or beyond the dimensions of the building, then a maximum of two square feet of sign area for each one and one-half linear front feet of lot not to exceed a maximum of four hundred and fifty (450) square feet of sign area shall be allowed.

Temporary	No	
Identification	Yes	
Public Service	Yes	50

B. Number of Signs Permitted. Excluding public service signs, One sign is allowed per lot, except that one additional sign shall be allowed when there is more than one entrance from a major collector or arterial street.

C. Height Limitations. No sign shall exceed thirty-five (35') in height. Unless the sign is affixed flat against the building and does not extend above or beyond the dimensions of the building, subject to the limitations in this Subdivision.

D. Freestanding Signs. Uses permitted in this district may erect one (1) freestanding sign. Such freestanding sign shall not exceed one hundred (100) square feet in area and the sign shall be a monument type with a maximum height not to exceed ten feet (10').

1. **Location.** All freestanding signs shall be five feet (5') or more from any street right-of-way.

E. Changeable Copy Signs.

1. Within the allowed area of a freestanding sign, a maximum of forty (40) square feet of non-electronic changeable copy shall be allowed per frontage to a major collector or arterial street.

2. Wall, Canopy, Or Marquee Signs:

a. For single occupancy buildings, not more than one sign shall be allowed on one facade fronting a public street, except in the case of a corner lot or through lot where one additional one hundred (100) square foot wall sign may be installed on a second facade fronting a public street.

b. Additional signs not to exceed forty eight (48) square feet shall be allowed for each building entrance.

Subd. 23 Violation.

A violation of any provision of this section by an owner, occupant or any other person constitutes a misdemeanor punishable by a fine not more than seven hundred dollars (\$700.00) or imprisonment for not more than ninety (90) days, or both. Each day a violation exists constitutes a separate offense.

Subd. 24 Repealer.

All ordinances or City Code provisions in conflict with these provisions are hereby repealed.

Subd. 25 Validity.

In case any provision of this section is held invalid by a court of competent jurisdiction, invalidity shall extend only to the provision affected and other provisions of this section shall continue in full force and effect.

Subd. 26 Applications.

All applications for permits shall be made to the Zoning Administrator on a form prescribed by the City. The Zoning Administrator shall enforce the provisions of this section and grant all permits issued hereunder. Any person aggrieved by the decision of the Zoning Administrator shall have the right to file an appeal with the Planning Commission, which shall review the application, hear all evidence pertaining thereto as it deems fit and proper under the circumstances and either grant or deny the permit accordingly. All appeals to the Planning Commission shall be made within ten days after the decision in writing is made by the Zoning Administrator.

Subd. 27 Permits.

All sign and billboard permits issued under the provisions of this section and of section 11.72 shall expire within one year from the date of issue, unless applicant submits for a six (6) months extension in writing prior to the expiration date.

SEC. 11.72 BILLBOARDS.

Subd. 1 Purpose.

The purpose of this section is to establish regulations governing all billboards in the City. The billboard regulations are intended to permit an efficient, effective and aesthetic means to communicate using off-premise 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, institutional and public development and the air space above and between such development. These regulations are intended to permit adequate signage for effective communication while minimizing or preventing visual clutter and visual pollution which can be caused by this signage.

Subd. 2 Definitions.

The terms "advertising sign" or "billboards" or posters and bulletins sometimes referred to as off-premises signs, painted or printed posters and painted or printed bulletins shall mean a sign which is erected and in use for the purpose of selling advertising space or which advertises products, events, goods or services, any part of which is not exclusively related to the premises on which the sign(s) is located.

Subd. 3 General Provisions.

A. A billboard is a structure or part of a structure for the purpose of applying yard regulations, except that billboards and their superstructures may extend into the required yard areas a distance not to exceed eighteen inches (18"), and billboards cannot be placed on the front or side walls of buildings.

B. Flashing signs on billboards are not permitted in any district.

C. Illuminated signs or devices giving off an intermittent steady or rotating beam consisting of a collection or concentration of rays of light shall not be permitted in any district. This includes, but is not limited to, search lights, beacons, strobe lights and the like.

D. No billboard shall be placed on a rooftop.

E. Changing billboards are prohibited except those signs which display only any one of a combination of the following: time, temperature and stock market indices.

F. Maintenance. All billboards and their components shall be kept in good repair in a safe, neat, clean and attractive condition. Signs in good repair are not corroded, do not have deteriorated paint or finished surfaces nor do they have loose members, broken parts, or similar deterioration.

Subd. 4 Regulations.

The following regulations shall apply to billboards, painted bulletins, painted posters and similar off-premises signs:

A. Billboards are permitted in the following zoning districts: C-2, I-1, **I-2 and BP districts** ~~and I-4~~. Billboards are prohibited in all other zoning districts.

B. Billboards may be located only on ~~Frank~~ **US** Highway 52.

C. No billboards may be located within three hundred feet (300') of an existing residential use or the ~~residential zoning districts R-1, R-2, R-3~~ and **R-4 residential zoning districts**, and C-1 **Central Business District**.

D. No billboards may be located within one thousand five hundred feet (1,500') of another billboard on either side of public right-of-way.

E. Distance requirements under this section shall be measured from the point of the billboard closest to the reference point along a straight line parallel to the ground level to the reference point. Reference point means the lot line of the residential use in the residential zone or other billboard for which distance requirements apply under this section.

F. All billboards constructed shall comply with setback requirements specified for structures under provisions of ~~the zoning~~ Chapter 11 **Land Use Regulation (Zoning)** of the City Code.

G. Billboards must be freestanding and are prohibited on rooftops, walls or structures.

H. The maximum sizes for billboards, including all extensions, are ~~450 square feet along County roads, and~~ seven hundred and fifty (750) square feet along US Highway 52.

I. The maximum height for billboards shall be no more than thirty-five (35'), including extensions, as measured from ground level to the highest point of billboard.

Subd. 5 Non-Conforming Billboards.

A. All existing billboards, painted bulletins, painted posters and similar off-premises signs which are not in conformance with the provisions of this section are subject to the following requirements:

1. A sign permit for a billboard shall not be issued for new construction on a lot where there is already a non-conforming billboard unless that existing billboard is removed and a new billboard is made to conform with the requirements of this section.

2. Billboards which have been destroyed or damaged, or in need of maintenance or repair, and the cost of such repair exceeds fifty percent (50%) of the market replacement value of such billboard, must be removed or made to conform with the requirements of this section.

3. The owner of a non-conforming billboard who wishes to replace it, modify it, or undertake any work requiring a sign permit for it must first obtain a special permit which may be granted only if the following conditions are met:

a. The non-conforming billboard cannot physically be made to conform with the requirements of this section or the billboard is non-conforming due to location in certain zoning districts; and

b. Items 1 and 2, above, do not apply; and

c. The new or modified billboard is at the same or another allowed location; and

d. The new or modified billboard is brought into greater conformance with the requirements of this section.

B. In determining greater conformance as a condition for granting a special permit, the new billboard must meet or exceed the following percentages of conformance otherwise required for at least four of the five following standards:

Category	Existing (2)	New (2)
	<u>Location</u>	<u>Location</u>
Spacing between signs	75%	75%
Setback	67%	80%
Size	100%	100%
Height (1)	100%	100%
Distance from residence	67%	75%

(1) Location means the legal lot of description of record.

C. In no event may the new billboard meet a percentage of compliance for any of the categories listed above that is less the percentage of compliance of the existing billboard. If a permit is granted under this provision, the existing non-conforming billboard must be totally removed prior to construction of the new billboard.

Subd. 6 Permits.

A. All sign and billboard permits issued under the provisions of this section and of section 11.71 shall expire within one (1) year from the date of issue, unless applicant submits for a six (6) months extension in writing prior to the expiration date.

B. Owner/tenant/contractor and/or other authorized personnel are required to obtain a building permit prior to the construction/installation of any billboard.