

AGENDA

1. ROLL CALL: Harris, Ralston Aoki, Allen, Montemayor, Carlson Weinberg
2. CONSIDERATION OF MINUTES
 - A. September 19, 2024 Planning Commission Minutes
3. NEW BUSINESS
 - A. 3505 Bottineau Boulevard Preliminary Plat Lot Subdivision and Public Hearing
4. OLD BUSINESS
 - A. 4227 40th Ave N Violation Appeal
5. OTHER BUSINESS
6. INFORMATION ONLY
7. ADJOURNMENT

MINUTES

ROLL CALL

Present: Harris, Allen, Weinberg
Absent: Julie Ralston-Aoki, Montemayor
Staff: Heather Rand, Community Development Director; Will Bucheger, Assistant Planner

CONSIDERATION OF MINUTES

A. Approve May 16th, 2024 Planning Commission Minutes

Commissioner Allen MOVED, seconded by Commissioner Weinberg to approve the meeting minutes for May 16, 2024. The vote was unanimous and the motion carried.

PUBLIC HEARINGS

A. Public Hearing to Discuss City Code Violation Appeal

Commissioner Weinberg MOVED, seconded by Commissioner Allen to open the public hearing. The vote was unanimous and the motion carried. The public hearing opened at 7:02pm.

Assistant Planner Bucheger presented the staff report on a zoning code violation appeal for a banner sign at 4227 40th Ave N. The property owner, Aaron McMenamy, received a violation for displaying a banner sign in a residential district. Staff interpret the zoning code to prohibit banner signs in residential districts. Mr. McMenamy appealed on the basis that the code language is vague.

Aaron McMenamy, appellant, stated he believes the code is vague and does not prohibit banner signs in residential areas as an exception. He put up the banner after being approached by a group opposed to the light rail project.

Resident Robert Papousek, 3904 Lakeland Ave N, stated the ordinance appears to be written for commercial signage, not residential properties. He believes it is a free speech issue and the homeowner should be allowed to display the sign.

Resident Greg Salyers, 3980 Lake Curve, neighbor of the appellant, asked the commission to allow the banner given that Mr. McMenamy's home will likely be taken for the light rail project.

Resident Jerry Blem, 2605 Parkview Blvd, expressed support for allowing the banner sign to remain.

Commissioner Allen MOVED, seconded by Commissioner Weinberg to close the public hearing at 7:24pm. The vote was unanimous and the motion carried.

After discussion, Commissioner Allen MOVED, seconded by Commissioner Weinberg, to table the item to the October 24, 2024, Planning Commission meeting to allow for staff review of all sign ordinance language pertaining to residential properties. The vote was unanimous and the motion carried. This item was tabled to October 24, 2024, Planning Commission meeting.

OLD BUSINESS

A. None

NEW BUSINESS

OTHER BUSINESS

Community Development Director Heather Rand introduced herself and provided background on her experience.

INFORMATION ONLY

ADJOURNMENT

Commissioner Allen MOVED, seconded by Commissioner Weinberg to adjourn the meeting. The vote was unanimous and the motion carried. The meeting adjourned at 8:15 pm.

ADMINISTRATIVE STAFF REPORT

APPLICANT: Jeff Westendorf, Westwood on behalf of Hy-Vee, Inc
CASE NO: Z24-5
ADDRESS: 3505 Bottineau Boulevard
PC DATE: October 24, 2024
APPLICATION DATE: August 30, 2024
PROCESSING DEADLINE: December 28, 2024

ACTION/REQUEST:

Hy-Vee Inc, the property owner of 3505 Bottineau Boulevard is desiring to split their 9.57 acre parcel into two lots. To accomplish this, they must apply for a Preliminary Plat Lot Subdivision per ordinance and then after receiving comments from Planning Commission and City Council, they will need to submit the subsequent Final Plat application for final approval. Their goal is to separate the gas station/convenience store from the Hy-Vee grocery store, so they have the ability to sell said gas station in the future if they wish. The property is zoned B-4, Community Business. The location is shown on **Attachment A**. Currently 3505 Bottineau Boulevard has two plats within it, *Robbinsdale Mall Second Addition* and *Robbinsdale Mall Third Addition*. This lot split would also replat the property into one plat, *Robbinsdale Mall Fourth Addition*.

BACKGROUND/ANALYSIS:

A survey showing the property with “Parcel A” as the current grocery store and the proposed new property “Parcel B” with the gas station/convenience store is included in **Attachment B**. The survey shows:

- The property “Parcel B” located Southeast of “Parcel A”. “Parcel B” is located on the corner of County Road 81 and 35th Ave N.
- “Parcel A” is 362,412 square feet and “Parcel B” is 65,230 square feet.
- The subject property appears to lie within Zone “X” according to FEMA Flood Insurance Rate Map Community.

The B-4 Community Business District has no minimum lot area or lot width.

Engineering has reviewed this application included their comments down below:

- The new plat should designate a 10’ drainage & utility easement around the entire, except for a portion of the east side.
- An easement should encompass all of Lot 1 from Robbinsdale Mall 3rd Addition plus more to the north. This will be a drainage & utility easement.
- Remove the notation on the south end of the plat that says 35th Ave. This is not a City street, it is an access road to the businesses.
- They may want to consider having an agreement between the two lots regarding the storm water storage system along with all the other utility crossings.

The applicant has made all the alterations requested by Engineering.

Proposed lot split line

The proposed lot split divides the parcels, separating the Hy-Vee grocery store and the gas station/convenience store from each other. The lot split will create two new property lines with a horizontal property line North of the proposed “Lot 2” at a distance of 211 feet and then a second vertical property line West of “Lot 2” at a distance of 257 feet connecting with the proposed Northern property line. This new lot will not extend beyond Lot 1, Block 1, *ROBBINSDALE THRID ADDITION*. No new construction or alterations to the physical properties are being proposed. Both properties will be platted as *Robbinsdale Fourth Addition Block 1* with two lots. Lot 1 will be composed of the grocery store and lot 2 will be the property containing the gas station.

Public Hearing:

Notice of this public hearing has been mailed to addresses 350 feet adjacent to the property, it has been included in our newspaper, and a notice has been posted in the lobby.

RECOMMENDATION:

1. Hold the public hearing.
2. Motion to recommend that the City Council approve the Preliminary Plat lot split of Lot 1, Block 1, *ROBBINSDALE MALL SECOND ADDITION*, according to the recorded plat thereof, Hennepin County, Minnesota and Lot 1, Block 1, *ROBBINSDALE THRID ADDITION*, according to the recorded plat thereof, Hennepin County, Minnesota creating *ROBBINSDALE FOURTH ADDITION* Lot 1 and 2, Block 1.

Attachment A



Hennepin County Property Map

Date: 10/16/2024



PARCEL ID: 0802924220030

OWNER NAME: Hy-Vee Inc

PARCEL ADDRESS: 3505 Bottineau Blvd,
Robbinsdale MN 55422

PARCEL AREA: 9.57 acres, 416,810 sq ft

A-T-B: Both

SALE PRICE: \$3,811,746

SALE DATE: 11/2016

SALE CODE: Vacant Land

ASSESSED 2023, PAYABLE 2024

PROPERTY TYPE: Commercial-Preferred

HOMESTEAD: Non-Homestead

MARKET VALUE: \$12,065,000

TAX TOTAL: \$385,678.48

ASSESSED 2024, PAYABLE 2025

PROPERTY TYPE: Commercial

HOMESTEAD: Non-Homestead

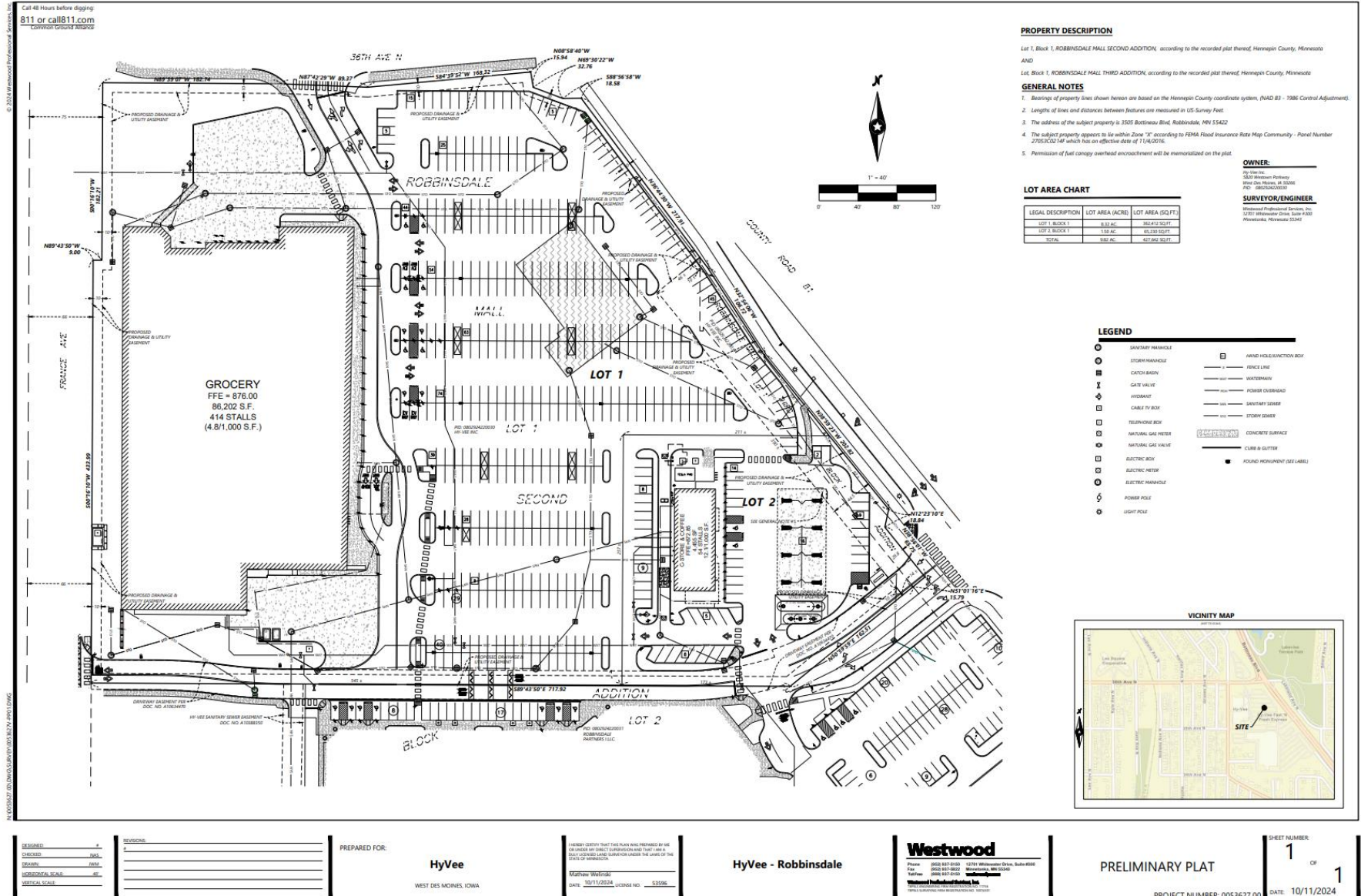
MARKET VALUE: \$12,065,000

Comments:

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

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COUNTY 2024

Attachment B



ADMINISTRATIVE STAFF REPORT

APPLICANT: Aaron McMenamy
CASE NO: Z24-6
ADDRESS: 4227 40th Ave N
PC DATE: October 24, 2024
APPLICATION DATE: August 14, 2024
PROCESSING DEADLINE: N/A

ACTION/REQUEST:

This agenda item was tabled at the 9/19/2024 Planning Commission meeting to which a public hearing was held. The requested action at this meeting is to remove agenda item from table and continue to consider a formal appeal against a city issued code violation letter received by the property owner at their address of 4227 40th Ave N. The violation letter sent to the applicant was in response to a large banner sign installed on the applicants fence that is displayed facing County Road 81. The location is shown in **Attachments A & B.**

BACKGROUND/ANALYSIS:

On July 29th, 2024, city staff noticed a large banner sign being displayed at 4227 40th Ave N on the side of a wooden fence facing County Road 81. City staff in response prepared a violation letter and sent it out to the property owner on August 2nd, 2024, asking for its removal stating that city code language does not allow banner signs in Residential Zoning Districts. The violation letter is shown in **Attachment C.**

On August 9th, 2024, property owner Aaron McMenamy appeared at City Hall and inquired on the appeal process of the city code violation he received. Mr. McMenamy wished to appeal his violation on the grounds that the code language is vague and does not outright state that Residential Zoning Districts cannot have banner signs, but instead he views the language, as only affecting Business Zoning Districts in their requirement to receive a temporary permit for a banner sign. He was given the city appeal application and formally submitted it back to staff with his written narrative and required payment. The application was seen as fully complete on August 14th, 2024.

On September 19th, 2024, a Planning Commission meeting was held discussing the appeal made by the applicant Aaron McMenamy. A public hearing was held on the item and members of the audience came forward to discuss their concerns with the violation Mr. McMenamy received. After closing the public hearing and further discussions, the Planning Commission voted to table the item to the next Planning Commission meeting scheduled on October 24th, 2024. The Planning Commissioners chose to table the item with a request that staff provide additional information complete on signs in residential areas per city code regulations. Staff has attached the sign ordinance to this report in **Attachment D** and highlighted areas discussing signs in residential districts.

Per code section **410.09 Zoning District provisions** Residential Zoning Districts are not allowed to erect signs except those provided in subsection **410.11 Special Provisions**, which banners are a part of. You can view the banner sign in **Attachment C** within the violation letter and noted as follows:

410.11. Special provisions.

Subd. 1. The signs described in this subsection are permitted in all zoning districts and are exempt from the provisions of Section 410.09. These signs remain subject to the specified restrictions noted in each subsection.

Subd. 12. Banners. Banners may be displayed in any B, R-B or DD district or public right-of-way subject to the following conditions:

- a) Banner(s) may be displayed on up to 30 different days annually by administrative permit provided the banner is maintained in good repair, not faded or torn. The permit and permit application must include banner locations.
Permitted banners shall be attached to building walls, canopies or parapets. In no case may banners extend above a roof line. Permitted banners shall be no larger than 50 square feet.
- b) Banners may be authorized by the City Council for a time period exceeding 30 days.
- c) A banner may be displayed at an off-site location or right-of-way with approval by the City Council for a period not exceeding ten days provided:
 - 1. The banners must be securely fastened to buildings, structures or fences in conformance with subdivision 13(a) of this code.
 - 2. The banners must be individually approved for specific locations.
 - 3. There may be no more than one banner per location.
 - 4. Banners shall be no larger than 50 square feet.
 - 5. Off-premises advertising signs are not permitted.

Staff interprets the code language above as a means of regulating banner signs within Business Districts, to allow them the opportunity to advertise themselves for temporary occasions. Staff does not interpret this code language as a means for citizens within Residential Zoning Districts the ability to display banner signs. City staff feel that since language is not stated allowing banner signs in Residential Districts, this appeal should be denied allowing the code enforcement process to continue.

RECOMMENDATION:

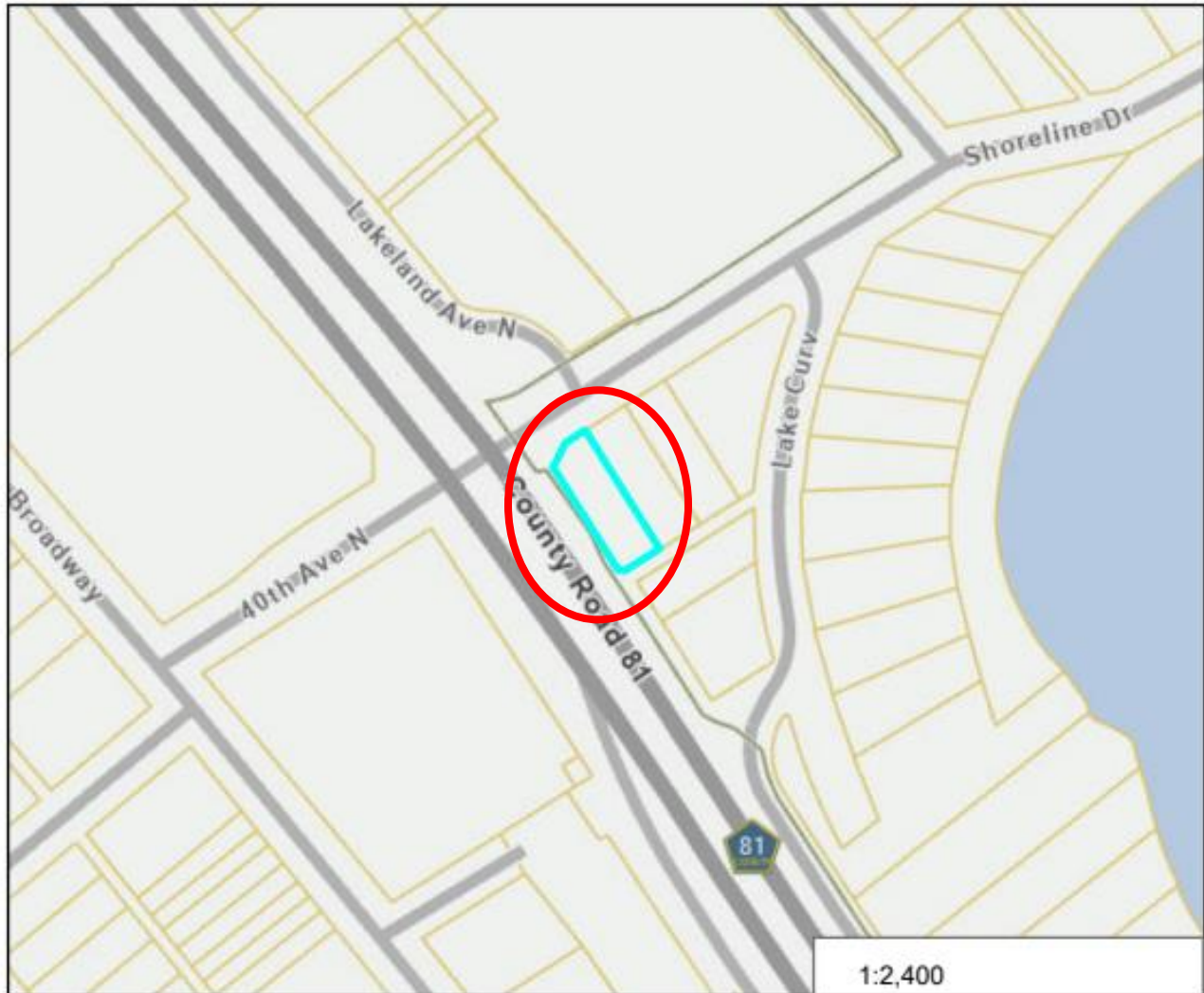
Motion to recommend that the City Council disapprove the appeal request to City Zoning Code Section 410.11 Subd. 12 and to allow the code enforcement violation to continue against the property owner of 4227 40th Ave N so that the banner sign may be removed.

Attachment A



Hennepin County Property Map

Date: 9/10/2024



PARCEL ID: 0602924140096

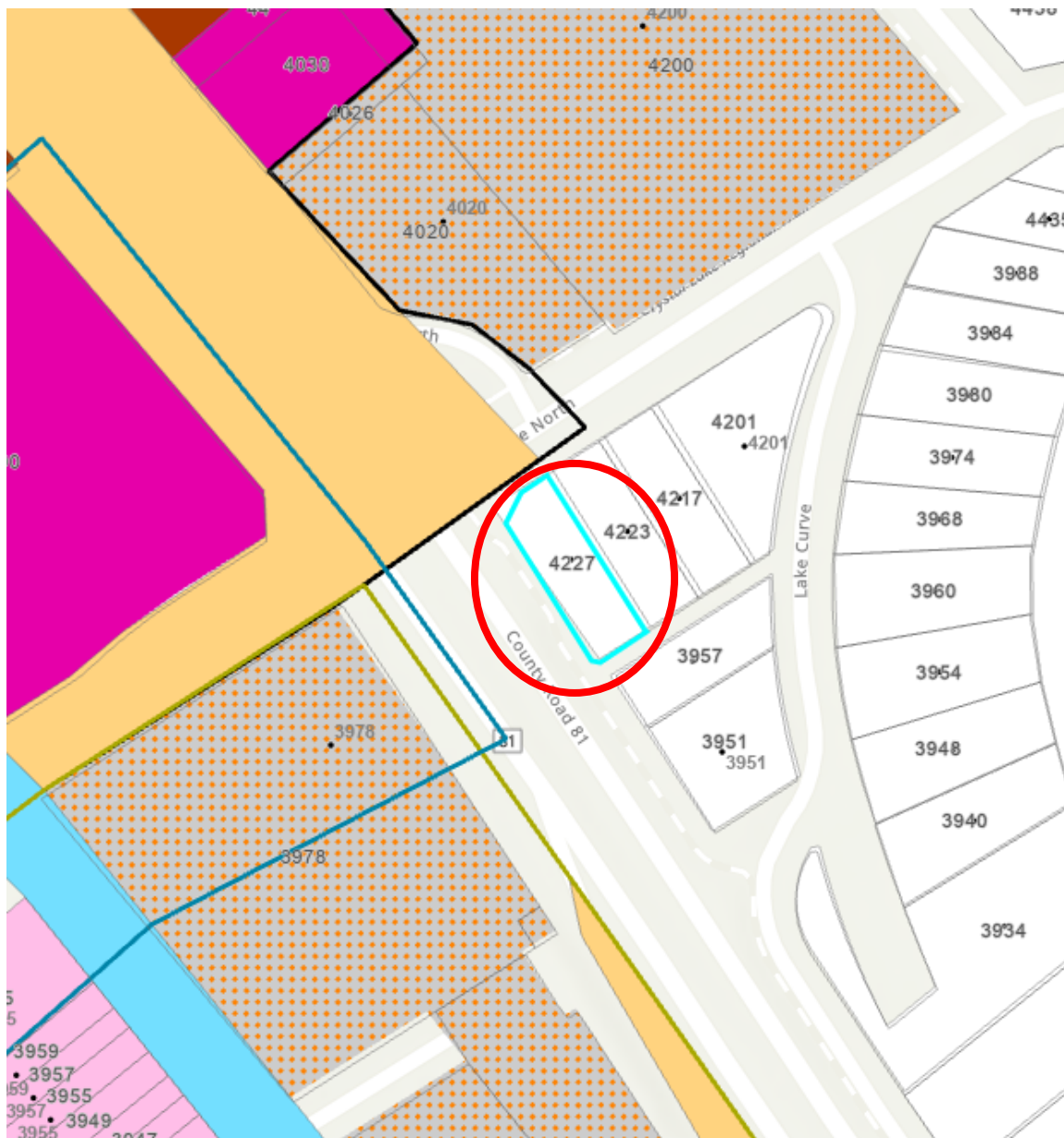
OWNER NAME: Aaron Mcmenamy

PARCEL ADDRESS: 4227 40th Ave N, Robbinsdale MN 55422

PARCEL AREA: 0.17 acres, 7,304 sq ft

Comments:

Attachment B



- R1 - Single Family Residential
- R2 - Single and Two Family Residential
- R3 - Medium Density Residential
- RB - Residential/Business
- PF - Public Facilities
- B1 - Neighborhood Business
- B2 - Limited Community Business
- B3 - Highway Commercial
- B4 - Community Business
- BW - Business Warehousing
- DD1 - Downtown District
- DD2 - Downtown District

Attachment C

City of Robbinsdale



Complaint # EN24-0395

Community Development Department – Code Enforcement Division

4100 Lakeview Ave N, Robbinsdale, MN 55422 ♦ Phone 763-531-1269 ♦ Fax 763-531-1200 ♦ roce@ci.robbinsdale.mn.us

FIRST NOTICE OF CITY CODE VIOLATION

Date: August 02, 2024

Premises in Violation: 4227 40TH AVE N

Responsible Party: AARON MCMENAMY

Name(s): AARON MCMENAMY

Address: 4227 40TH AVE N

ROBBINSDALE, MN 55422

**An inspection of the above premises revealed violation(s) of the following Robbinsdale City Code:
See attached photo (if applicable)**

Uncorrected

410.11 SPECIAL PROVISIONS SUBD. 12. BANNERS MAY BE DISPLAYED IN ANY B, R-B OR DD DISTRICT OR PUBLIC RIGHT-OF-WAY SUBJECT TO THE FOLLOWING CONDITIONS: (ADDED, ORD. NO. 09-10)

Comment: You have a banner displayed on your fence toward the highway. Banners are not allowed within R-1 Zoning Districts which your property is a part of. Banners are only allowed within Business, Residential-Business or Downtown Zoning Districts. Please remove the banner from your fence to be code compliant.

The above violation(s) must be correct no later than: 8/16/2024

Failure to correct the violation or to make arrangements satisfactory to the city to achieve compliance with the ordinance *may result* in a Citation Level I-V ranging from \$50 - \$400 and doubling with each citation.

If you have questions concerning these violations, or you believe there is an error regarding this violation, contact the Housing/Code Enforcement Inspector at 763-531-1269 or at ROCE@CI.ROBBINSDALE.MN.US.

Robbinsdale City Code 425.35. Appeals. Subdivision 1. Right of appeal: Any person aggrieved by a compliance order may appeal the compliance order to the City Council. Such appeals must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee in cash or cashier's check, and must be filed with the City Clerk within ten (10) business days after service of the compliance order.

City of Robbinsdale
Housing/Code Enforcement
ROCE@CI.ROBBINSDALE.MN.US



Attachment D

Section 410 - Signs

410.01. Title.

This section may be referred to as the Robbinsdale sign ordinance.

410.03. Purpose.

This section is adopted to protect and promote the public health, safety, and general welfare. It is the intent of this section to protect and preserve the integrity of residential areas, to reduce traffic and safety hazards, to promote an aesthetically pleasing environment, to promote equity in sign communication, and to otherwise implement the goals, objectives, and policies of the comprehensive municipal plan by the application of uniform regulations and exterior signage. It is not the intent of this section to impose content-based restrictions on signs within the city. (Amended, Ord. No. 20-12)

410.05. Definitions.

Subdivision 1. For the purposes of this section the terms defined in this subsection have the meanings given to them. Where a question arises regarding the definition of a term not defined herein, the definition of the term has the meaning given by the zoning code. (Appendix A)

Subd. 2. "Advertising sign" means a sign that is used to advertise business, professions, uses, products, goods, or services (including entertainment) not related to the premises at which the sign is located.

Subd. 3. "District" means a zoning district established and defined by the zoning code. (Amended, Ord. No. 20-12)

Subd. 4. "Enforcement officer" means an individual appointed by the city manager responsible for administering and enforcing this section.

Subd. 5. "Establishment" means any of the following:

- (a) A distinct business entity situated as the sole occupant of a single structure.
- (b) A distinct business entity, with a separate exterior entrance, located in a separate structure attached to other structures by common walls or facade, or attached by means of an enclosed arcade.
- (c) A distinct business entity contained within a multiple tenant structure, possessing a single, common entrance for all establishments, or
- (d) A distinct business entity contained within a single structure, not separated by walls or other physical barriers, where the business entity is made distinct by its existence as a separate leasehold, by its operation by separate entrepreneurs, or by its singularity of purpose.

Subd. 6. "Exempt sign" means a sign that is designated as being exempt from requirements of 410.09 and described in 410.11. (Added, Ord. No. 20-12)

Subd. 7. "Flashing sign" means a sign illuminated by lights that are varied in intensity or color and that is capable of rapidly changing copy or images in intervals of less than one hour; the term does not include time and temperature or electronic message center signs governed by subsection 410.07. (Amended, Ord. No. 07-07)

Subd. 8. "Exterior sign" means a sign which is erected exterior to a structure. The term does not include signs erected interior to a structure in such a manner as to be visible from the exterior.

Subd. 9. "Free-standing sign" means a stationary or portable self-supporting sign.

Subd. 10. "Ground elevation" means the average curb elevation along the street frontage upon which a free-standing sign is to be erected, or a roof or wall sign is to face.

Subd. 11. Non-conforming sign means any of the following:

- (a) Legal - means a sign lawfully in existence that does not conform with the provisions of this section; and
- (b) Illegal - means a sign that does not conform to the provisions of this section.

Subd. 12. "Message center sign" means a sign that is remotely programmable to change copy or messages, and which is equal to less than one-half of the available wall or ground sign in which it is included, and which, in no case, is larger than 25 square feet. The sign may include letters or numbers, but it cannot create the effect of movement, or change messages in intervals of less than one hour except that public transit message center signs may change messages more frequently. Examples of message center signs include signs which display scheduled worship services, events in churches, gasoline prices or movie marquees information. A message center sign's light intensity shall be limited to one-foot-candle as measured anywhere on any abutting parcel or right-of-way. (Added, Ord. No. 07-07) (Amended, Ord. 14-08)

Subd. 13. "Off-site directional sign" means a sign directing visitors to a specific property but not located on the said property. (Added, Ord. No. 01-06)

Subd. 14. "Roof sign" means a sign mounted on a building roof. A sign mounted on a roof in such a manner that it extends more than one foot below eave height or the top of a parapet wall is both a roof sign and a wall sign for the purposes of applying the provisions of subsection 410.09. (Amended, Ord. No. 07-07)

Subd. 15. "Shingle sign" means a three-dimensional sign that projects from the front of a building façade over a sidewalk, but not over a street or alley. Generally, the sign is perpendicular to the plane of the building façade. (Added, Ord. No. 07-07)

Subd. 16. "Sign" means letters, words, symbols, poster, billboard, picture, device, reading matter, or representation in the nature of an advertisement, announcement, message, or visual communication whether painted, printed, posted, affixed, digital, video, constructed, or displayed for purposes of information or communication: the term includes structural supports, uprights, bracing, and framework and architectural or graphic features that are intrinsically associated with a particular product, good, service, business, firm, corporation, or profession. (Amended, Ord. No. 07-07)

Subd. 17. "Sign area" means the physical area of a sign constituted of the face upon which the advertisement is borne. In the case of signs constituted of individual figures, symbols, or components attached directly to a building wall or other integral construction feature of a building, sign area is that area included in the smallest square or rectangular geometric figure that can be drawn to circumscribe the entire message or communication. The permitted sign area for a sign applies to the area of each individual face when a sign displays no more than two faces. When a sign displays more than two faces, the maximum area of each sign face may not exceed the amount determined by multiplying the stipulated sign area by two and dividing by the total number of sign faces proposed. (Amended, Ord. No. 07-07)

Subd. 18. "Sign face" means a separate planar or curved surface created by a sign upon which an advertisement is borne: when a sign is constituted of more than one planar surface bearing advertising, separate planar surfaces intersecting at greater than 160 degrees interior angle constitute a single face. (Amended, Ord. No. 07-07)

Subd. 19. "Teardrop banner" means a free-standing fabric banner attached to a ground mounted frame or pole that causes the banner to remain taut in the absence of wind. (Added, Ord. No. 16-11; Amended, Ord. No. 20-12)

Subd. 20. "Wall sign" means a sign that is affixed to the wall of a building, including signs attached to windows, doors, marquees, canopies, or parapet walls: a sign affixed to a wall in such a manner that it extends more than one foot above eave height or the top of a parapet wall is both a wall sign and a roof sign for the purposes of applying the provisions of section 410.09 of this section. (Amended, Ord. No. 07-07)

410.07. General provisions.

Subdivision 1. Permit required.

Except as provided in subsection 410.11 and 410.29, all exterior signs proposed to be erected in the city require a permit. The permit number and date of the permitted sign's erection must be prominently displayed on the sign structure. (Amended, Ord. No. 20-12)

Subd. 2. Construction.

A sign may not be attached to or supported by rocks, fences, trees, or utility poles. A sign may not be erected so as to interfere with utility wires or supports thereof. Signs must be constructed in conformance with the 1997 edition of the Uniform Sign Code promulgated by the International Conference of Building Officials which is adopted by reference. Electric signs must conform with the electrical code and require an electrical permit. (Amended, Ord. No. 07-07; Amended Ord. No. 20-12)

Subd. 3. Motion.

A sign may not display any moving parts. Signs, except barber poles, may not rotate. A sign may not be subject to visible movement from normal wind pressure.

Subd. 4. Illumination.

A sign may not be illuminated by flashing or intermittent lights. Electronically or electrically-controlled time and temperature signs and message centers that display changing copy by means of a lamp bank of relatively constant light intensity are exempt from this subdivision, however, such message center signs may not flash, blink, flicker or exhibit rapidly changing information, or create the effect of movement. Light from illuminated signs must be shielded to prevent direct reflection onto adjacent private property or a public right-of-way. A sign may not be illuminated in such a manner as to imitate an official traffic control device, nor may the intensity of illumination of a sign obstruct the visibility of an official traffic control device. Incandescent light bulbs utilized for illumination of signs are limited to a maximum of 20 watts per bulb when mounted on the exterior of a sign. Signs located on property abutting residential property, except time and temperature signs and public transit message center signs, may not be illuminated between the hours of 11 o'clock p.m. and six o'clock a.m. The provisions of this subdivision apply to an interior sign visible from the exterior, the provisions of subsection 410.05, subdivision 8 notwithstanding. (Amended, Ord. No. 07-01, Ord. No. 14-08)

Subd. 5. Projection.

A wall sign may not project more than 18 inches from the surface to which it is affixed. A sign, except for wall signs possessing a maximum projection of 18 inches or affixed to a canopy or marquee, may not project over public right-of-way or a public or private access route (sidewalk, etc.). A sign that projects over public right-of-way or public or private access routes must be located a minimum of eight feet above surface grade. Shingle signs are exempt from this section. (Amended, Ord. No. 07-07)

Subd. 6. Height.

A wall sign may not exceed the building eave in height. A roof sign may not be erected the top of which measures more than 30 feet in height when measured from ground elevation. A free-standing sign may not exceed 30 feet in height when measured from ground elevation.

Subd. 7. Setback and placement.

Except for traffic control or traffic directional signs, signs in the B- 1, B-2, B-3, B-4, and B-W zoning districts must be located behind the required front building setback in the district in which the premises are located. **Except for traffic control or traffic directional signs, signs in the R- 1, R-2, R-3, and R-B zoning districts must be located not closer than five feet from a property line.** A wall sign possessing a maximum projection of 18 inches will not be considered as encroachment on any required setback. A free-standing sign may not be erected within 15 feet of a street intersection, as measured from the street surfaces. No sign, except that of a governmental agency, may be erected or placed in a public right-of- way without the approval of the city council. Signs may not be placed in such a manner as to create a hazard to public health or safety, nor may a sign by reason of its placement obstruct the visibility of any traffic control device. A sign may not be placed so as to prevent free egress from or access to any door, window, or fire escape. A sign may not be affixed to any stand pipe or fire escape or be placed so as to obscure emergency equipment or information (e.g. fire extinguishers, fire hoses, first aid kits, alarms, emergency procedures, etc.), or to obstruct a fire lane. (Amended, Ord. No. 20-12)

Subd. 8. Number of faces and sign area.

A single sign may display any number of faces. The permitted sign area applies to the area of each individual face when a sign displays no more than two faces. When a sign displays more than two faces, the maximum area of each sign face may not exceed the amount determined by multiplying the stipulated sign area by two and dividing by the total number of sign faces proposed; i.e., $a = 2x \div y$ where "a" represents the maximum area of an individual sign face, "x" represents the maximum permitted area of the sign, and "y" represents the total number of faces proposed for a given sign.

Subd. 9. Obscene material.

A sign may not display material determined to be obscene, as defined by law.

Subd. 10. Maintenance and repair.

Signs must be properly maintained and kept in a safe state of repair. Signs must be maintained free of peeling or chipping paint or rust. A sign structure that is determined to be rotted, deteriorated, defaced, or otherwise hazardous must be repaired or replaced by the owner of the sign upon written notification by the enforcement officer.

410.09. Zoning district provisions.

Subdivision 1. Residential districts.

Except as provided for in subsection 410.11 special provisions, signs may not be erected in the R-1, R-2, or R-3 residential zoning districts. (Amended, Ord. No. 07-07)

Subd. 2. Residential-business district.

Except as provided for in subsection 410.11 signs erected in the R-B residential district must comply with the following:

(a) Type.

An establishment may erect wall signs or freestanding signs, or combinations thereof as regulated by clauses (b) and (c). (Amended, Ord. No. 07-07)

(b) Number.

An establishment may erect any number of wall signs provided that the total area of all wall signs erected along any one building wall may not exceed the total permitted area established by clause (c). An establishment may also erect a maximum of one free-standing sign along each building wall. For the purposes of this section building walls lying upon the same planar surface or parallel planar surfaces facing the same direction are considered one wall; and building walls lying upon separate planar surfaces but intersecting at greater than 160 degrees interior angle are considered one wall. (Amended, Ord. No. 07-07)

(c) Size.

(1) The cumulative area of wall signs erected on one building wall may not exceed 25 square feet plus one square foot of area for each additional one foot that the required sign setback is exceeded, up to a maximum of 50 square feet of sign area.

(2) The maximum size of a free-standing sign is 25 square feet of sign area plus one square foot of sign area for each additional one foot that the building wall, or street frontage, if greater, along which the sign is erected exceeds 50 feet in length, up to a maximum of 50 square feet of sign area. (Amended, Ord. No. 07-07)

(3) The total area of all signs erected upon and along an individual building wall may not exceed 75 square feet. (Amended, Ord. No. 07-07)

Subd. 3. Business districts.

Except as provided for in subsection 410.11 signs erected in the B-1, B- 2, B-3, B-4, and B-W zoning districts must comply

with the following:

(a) Type.

An establishment may erect wall signs or free-standing signs, or combinations thereof as regulated by clauses (b) and (c). (Amended, Ord. No. 07-07)

(b) Number.

An establishment may erect any number of wall signs provided that the total area of all wall signs does not exceed the total permitted area established by clause (c). An establishment may erect a maximum of one free-standing sign along each building wall. Building walls lying upon the same planar surface or parallel planar surfaces facing the same direction are considered one wall; and building walls lying upon separate planar surfaces but intersecting at greater than 160 degrees interior angle are considered one wall. (Amended, Ord. No. 07-07)

(c) Size.

(1) The cumulative area of all wall signs erected on one building wall may not exceed 50 square feet plus one square foot of area for each additional one foot that the required sign set back is exceeded, up to a maximum of 100 square feet of sign area.

(2) The maximum size of a shingle sign is six square feet and there shall be a minimum of ten feet clearance between the sign and the sidewalk. (Amended, Ord. No. 07-07)

(3) The maximum size of a free-standing sign is 50 square feet of sign area plus one square foot of sign area for each additional one foot that the building wall, or street frontage if greater, along which the sign is erected exceeds 50 feet in length, up to a maximum of 100 square feet of sign area.

(4) The total area of all signs erected upon and along an individual building wall may not exceed 150 square feet.

410.11. Special provisions.

Subdivision 1. The signs described in this subsection are permitted in all zoning districts and are exempt from the provisions of Section 410.09. These signs remain subject to the specified restrictions noted in each subsection. (Amended, Ord. No. 20-12)

Subd. 2. Safety, warning, and hazard signs.

Signs required by the Minnesota Occupational Safety and Health Administration (OSHA), or its federal counterpart, are exempt signs. Such signs must conform to the size and placement standards established by OSHA, or if no standards have been adopted, then the sign shall conform to size and placement specifications of the enforcement officer. Such signs are not included in the maximum number of signs allowed under subsection 410.09. (Amended, Ord. No. 20-12)

Subd. 3. Signs of ten square feet or less in area provided that placement of such signs is limited to one such sign for each street frontage from which either a principal or service entrance to the building is provided. Such signs are not included in the maximum number of signs allowed under subsection 410.09. (Amended, Ord. No. 20-12)

Subd. 4. Signs located within buildings or interior common space within multiple tenant structures, except for window signs regulated elsewhere in this code. (Amended, Ord. No. 20-12)

Subd. 5. Signs which are integrally attached to or part of: (Amended, Ord. No. 20-12)

(1) Waste roll-offs, dumpsters, garbage cans, portable storage units or other similar equipment owned and maintained by a commercial business for the purpose of waste collection or temporary storage; and (Added, Ord. No. 20-12)

(2) Personal property or motor vehicles such as, but not limited to, passenger vehicles, snowmobiles, all-terrain vehicles, trucks, semi-tractors and trailers, recreational vehicles, fish houses, boats, boat lifts, and trailers; and (Added, Ord. No. 20-12)

(3) Construction materials or equipment; and (Added, Ord. No. 20-12)

(4) Provided that none of these signs include off-site advertising. (Added, Ord. No. 20-12)

Subd. 6. Signs which are affixed on city owned property, which have been approved by the city council or the city manager. Such sign may include signs affixed to ballpark fences by a sponsoring entity. (Amended, Ord. 05-01; Ord. 05-09; Ord. 10-14; Ord. No. 20-12)

Subd. 7. Signs which are affixed on property owned by a county, state or federal governmental body, or a public school district, unless specifically prohibited by this section. (Amended, Ord. No. 20-12)

Subd. 8. Signs required by law. (Amended, Ord. No. 20-12)

Subd. 9. Signs erected within a public right-of-way that are approved by the appropriate governmental agency with authority over the right-of-way. (Amended, Ord. No. 20-12)

Subd. 10. Historic plaques.

Historic plaques, building names or dates, placed by recognized historical agencies, provided such signs shall not be

placed or maintained in the public right-of-way without City Council approval, shall not be illuminated, and shall not exceed ten (10) square feet in area. Such signs are exempt from the maximum number of signs allowed under subsection 410.09. (Amended, Ord. No. 20- 12)

Subd. 11. Portable signs, pennants; temporary permits.

A sign of a portable nature, pennant, teardrop banner or similar sign may not be erected in any zoning district, except by temporary permit issued by the building department as outlined in subsection 410.29. temporary permits are valid for a period not to exceed ten days. A temporary permit for a sign may not be renewed more than twice. Temporary permits for a portable sign, pennant, teardrop banner, etc. may not be issued to the same premises for the same type of sign more than three times in any 12 month period. For the purpose of this subsection a renewal constitutes a separate permit and each separate sign represents a separate permit request. Teardrop banners are not allowed in the DD-1, DD-2 or other properties within the downtown architectural design guidelines overlay district. The signs are not included in the maximum number or maximum permitted sign area allowed under subsection 410.09, but such signs are otherwise subject to all restrictions applied under that subsection. A temporary permit application must include a site plan showing the proposed location of the sign and its proximity to property lines, sidewalks, driveways and other features as needed for review by staff. A temporary sign permit request may be denied by city staff if: (Amended, Ord. Nos. 90-18, Sec. 2; 09-10; 16- 11; 20-12)

- (a) The proposed location interferes with a visibility triangle as described in Section 510.25; (Amended, Ord. No. 16-11)
- (b) The proposed sign occupies required parking or a fire lane; (Amended, Ord. No. 16-11)
- (c) The proposed sign is located in public right-of-way; or (Amended, Ord. No. 16-11)
- (d) Strong winds or other forces could bend the sign into an adjacent right-of-way. (Amended, Ord. No. 16-11)

Exceptions: A temporary sign of five square feet or less approved by the City Council for a period not exceeding ten days. Such signs may be placed on an off-site private or public location with the permission of the property owner or agency. This exemption does not apply to off-site advertising signs. (Added, Ord. No. 09-10; Amended, Ord. No. 20-12)

Subd. 12. Banners.

Banners may be displayed in any B, R-B or DD district or public right-of-way subject to the following conditions: (Added, Ord. No. 09-10)

(a) A banner(s) may be displayed on up to 30 different days annually by administrative permit provided the banner is maintained in good repair, not faded or torn. The permit and permit application must include banner locations. Permitted banners shall be attached to building walls, canopies or parapets. In no case may banners extend above a roof line. Permitted banners shall be no larger than 50 square feet. (Added, Ord. No. 09-10; Amended Ord. No. 20-12)

(b) Banners may be authorized by the City Council for a time period exceeding 30 days. (Added, Ord. No. 09-10)

(c) A banner may be displayed at an off-site location or right-of-way with approval by the City Council for a period not exceeding ten days provided: (Added, Ord. No. 09-10; Amended Ord. No. 20-12)

(1) The banners must be securely fastened to buildings, structures or fences in conformance with subdivision 13(a) of this code; (Added, Ord. No. 09-10)

(2) The banners must be individually approved for specific locations; (Added, Ord. No. 09-10)

(3) There may be no more than one banner per location; (Added, Ord. No. 09-10)

(4) Banners shall be no larger than 50 square feet; and (Added, Ord. No. 09-10)

(5) Off-premises advertising signs are not permitted. (Added, Ord. No. 20-12)

Subd. 13. Street spanning community event banners.

Community event banners may be displayed spanning the West Broadway public right-of-way between the south edge of 41st Avenue North and the north edge of 42nd Avenue North subject to the following conditions: (Added, Ord. No. 11-09)

(a) A banner promoting a noncommercial, community-wide event open to the general public may be displayed on a City-owned banner wire spanning West Broadway with approval by the City Council; and (Added, Ord. No. 11-09)

(b) Banners may only be authorized for City special events, City partnership events and "not for profit organizations" that are promoting a public event of substantial community-wide interest; and (Added, Ord. No. 11-09)

(c) All banners must conform to administrative guidelines prepared by the City Manager and adopted and amended by Council resolution including, but not limited to the following: (Added, Ord. No. 11-09)

- (1) Application process;
- (2) Banner material and size specifications;
- (3) Design and content approval process;
- (4) Scheduling and conflict resolution;

(5) Exceptions; and

(Added, Ord. No. 11-09)

(d) Cost/fees/procedures: (Added, Ord. No. 11-09)

(1) A banner application and banner policy and procedure form must be obtained from the City Clerk's office and completed by the party making the request and returned to the City Clerk's office no less than 30 days prior to the date requested to hang the banner; (Added, Ord. No. 11-09)

(2) A diagram showing the exact text and artwork for the banner must be included with the application; (Added, Ord. No. 11-09)

(3) The fee for the banner installation and any insurance requirement shall be set by Appendix B; (Added, Ord. No. 11-09)

(4) All approved banners must be delivered to the police/fire building by noon the Friday prior to the Monday hang date. Late fees shall be set by Appendix B. (Added, Ord. No. 11-09)

(5) Banners must be picked up from the police/fire building within seven days after the display week(s). The City assumes no responsibility for banners and any banners left more than one week may be discarded; and (Added, Ord. No. 11-09)

(e) City staff has the authority to refuse the placement of cross-street banners which, because of previous use, are in poor condition; and (Added, Ord. No. 11-09)

(f) City staff may remove any banner in the event that it becomes a danger to public safety, due to banner deterioration, storms, high winds, etc. (Added, Ord. No. 11-09)

(Deleted, Ord. No. 20-12)

410.13. Multiple tenant structures.

Subdivision 1. General rule.

Structures containing multiple tenants or establishments or structures connected to other structures must conform to the provisions of this subsection, in addition to the applicable district provisions contained in subsection 410.09.

Subd. 2. Structures with common entrance.

Establishments contained within a multiple tenant structure, for which a common exterior entrance for all tenants is provided, are collectively limited to the same types, numbers, and sizes of signs permitted for an establishment contained in a single tenant structure.

Subd. 3. Structures connected by common walls or facade.

Establishments contained within structures connected to other structures by means of common walls or a common facade but each possessing a separate exterior entrance, may display the same number, sizes, and types of signs that would be permitted for establishments contained within separate structures. In the case of establishments contained in shopping centers, each establishment may erect only wall signs and roof signs in conformance with the applicable district provisions. However, one free-standing sign to serve the entire center may be erected along each building wall of the shopping center. The maximum size of such free-standing sign is 50 square feet of sign area plus one square foot of sign area for each additional one foot that the building wall, or street frontage if greater, along which the sign is to be erected exceeds 50 feet in length, up to a maximum of 200 square feet of sign area. Establishments located in structures connected by common walls or a common facade shall only be permitted to have individual wall signs when all of the wall signs on the structure are consistent in design, materials and character. Individual wall signs may be placed on a sign raceway comprised of individual block letters or script, and may include a logo, located on a plane parallel to the sign raceway. Said letters and logo may be interior illuminated. Signs that do not conform to the above, must be compliant with a sign policy adopted for the shopping center that is approved by the City Council. In the case where proposed signs do not conform with the aforementioned requirements, and if the shopping center does not have an integrated sign policy that has been approved by the City Council, then each establishment's sign must be approved by the City Council. For the purpose of this section a "shopping center" means a commercial area (i) planned and developed as an integrated whole with an undivided or unsegregated parking area serving the entire center, or (ii) advertised or promoted as a shopping center. (Amended, Ord. No. 12-06)

410.15. Public service facility signs.

Signs provided in conjunction with a public service facility are exempt from the requirements of section 410.09. Public service facilities include, but are not limited to, the provision of benches and trash receptacles for public use on public or private property. The provision of signs in conjunction with such public service facility requires the approval of the city council. The city council, in approving such signs, may stipulate conditions it deems necessary to insure consistency with the purpose and intent of this section. The city council may revoke the approval of such signs for cause. The total sign area of signs placed in conjunction with any individual public service facility may not exceed a total of 12 square feet. The signs are not included in the maximum number of signs allowed under subsection 410.09. (Amended, Ord. No. 07-07)

410.17. Off-site directional signs.

Off-site directional signs surrounded predominately by R-1 and R-2 zoned property may be permitted within the city. A maximum of two sites for the installation of such an off-site sign shall be permitted provided that the site is located in the public right-of-way, or on private property immediately adjacent to a collector, arterial, or minor arterial road. Each site may contain a single or double-faced sign. Double-faced signs means two signs placed back to back on a single pole. Approval of the proposed sign(s) and its/their location(s) must be obtained from the governing transportation jurisdiction or property owner and the city. Such sign(s) shall be designed and maintained per section 841.07. No sign permit shall be required. However, a fee will be charged for installation, review and approval. City approval shall include approval of a license pursuant to section 841 of the city code. No more than two off-site directional signs are allowed for any property. (Added, Ord. No. 01-06; Amended, Ord. No. 02-11; Ord. No. 07-07; Ord. No. 20-12)

410.19. Non-conforming uses.

A legal non-conforming use may display signs in conformance with the provisions for the most restrictive district in which the use may be permitted by the zoning code.

410.21. Discontinuance of uses.

Signs must be removed by the property owner within seven days of the discontinuance of the use, establishment, produce, or service. (Amended, Ord. No. 20-12)

410.23. Non-conforming signs.

Any premises determined to be non-conforming regarding the maximum number of signs permitted to be displayed, may erect no additional signs requiring a permit under subsection 410.07 unless it first reduces the existing total number of signs on the premises by an amount equal to the number of new signs proposed for erection. (Ed. note: All non-conforming signs were to have been made conforming by December 31, 1983 or the subject of a variance after that date.) (Amended, Ord. No. 20-12)

410.25. Expansion of non-conforming signs - special permit. (Added, Ord. No. 90-18, Sec. 1)

Subdivision 1. Permit.

Notwithstanding the provisions of subsections 410.15 and 410.23, the city council may issue a special permit to permit the expansion of a non-conforming sign if it finds any of the following requirements have been satisfied: (Amended, Ord. No. 07-07)

(a) The sign for which the special permit is requested is non-conforming by reason of subsection 410.15. (Amended, Ord. No. 07-07)

(b) At the time the sign was made non-conforming it was located upon property which was then zoned community business district B-4. (Amended, Ord. No. 07-07)

(c) The proposed expansion involves only the addition of one additional sign face to the back of the existing sign. (Amended, Ord. No. 07-07)

(d) The additional sign structure shall be no larger in any dimension than the existing sign structure, and shall not extend beyond the rectangular sign face of either sign. (Amended, Ord. No. 07-07)

(e) The additional sign shall be located parallel to the existing sign and each sign shall substantially shield the back of the other from public view; or

(f) The additional sign will not be detrimental to the public health, safety or welfare, nor will it detract from the general aesthetic appearance of the area.

Subd. 2. Permit fee.

Fees are set by Appendix B.

Subd. 3. Conditions.

The city council may place conditions upon the permit which it deems to be appropriate under the circumstances.

Subd. 4. Effect of special permit on non-conformity.

The special permit is intended only to permit the expansion of a legal non-conforming sign. Following issuance of the special permit, the existing sign and its expansion will be deemed lawful. (Amended Ord. No. 20-12)

Subd. 5. Other permits and licenses.

The special permit is in addition to all other permits, licenses and approvals required under this code for the erection of signs. (Amended Ord. No. 20-12)

410.27. Building addresses.

Structures fronting upon a public or private right-of-way must at all times conspicuously display the address number of the subject premises. If the structure also abuts an alley, building numbers must also be attached in a conspicuous location to the alley side of the structure. If a garage or similar accessory building obstructs the view of the main structure from the alley, the building numbers for the structure must be placed in a conspicuous location on the garage or accessory building.

Address numbers are issued by the enforcement officer or upon the request of the owner of the subject premises. No address number may be changed except upon the order or approval of the enforcement officer. Upon notification of a change in address number for a structure, the owner thereof must immediately replace the posted address number with the correct new number. The enforcement officer must maintain a permanent, public record of all issued address numbers. Address numbers must measure a minimum of four inches in height and may not exceed one foot in height. When address numbers are proposed to exceed one foot in height, the address numbers are considered as an exterior sign subject to applicable regulations of this section. For address numbers measuring less than one foot in height no sign permit is required. (Amended Ord. No. 20-12)

410.29. Sign permits.

Subdivision 1. Portable signs, pennants, and banners require a temporary permit as provided in subsection 410.11, subdivision 12. (Amended, Ord. No. 90-18, Sec. 3; Deleted, Ord. No. 20-12)

The owner of a sign may change the display surface or sign face on a previously approved and erected sign or complete replacement of a sign when such change or replacement would be consistent with a previously issued sign permit or a sign considered to be a legal nonconformity and would not require compliance with applicable building codes, unless such sign has been deemed abandoned. (Added, Ord. No. 20-12)

Subd. 2. Application.

Application for a regular sign permit, special sign permit, or temporary sign permit is made to the enforcement officer upon an approved application form, accompanied by required supporting information and fees. (Amended, Ord. No. 90-18, Sec. 3)

Subd. 3. Fees.

Fees are set by Appendix B.

410.31. Sign hanger license.

Subdivision 1. License required.

A person engaged in the business or occupation of sign hanging or repair may not install, reconstruct, alter, repair, or remove an exterior sign requiring a permit without first having obtained a license.

Subd. 2. License application.

Application for a sign hanger's license is filed with the city clerk upon an approved application form, accompanied by required supporting information and fees.

Subd. 3. License validity.

Sign hanger licenses expire annually on December 31. Licenses will not be issued to a minor. Licenses are not transferable.

Subd. 4. License fee.

The annual fee for a sign hanger's license is fixed by Appendix B. A license application will not be accepted nor a license issued unless the fee is paid. The license fee may not be prorated.

Subd. 5. Insurance required.

The applicant must provide a certificate of insurance with the city with public liability insurance of not less than \$1,000,000 combined single limit issued by an insurance company authorized to do business in the state of Minnesota. Application for the license is made to the city council and the license will be granted upon proof of the applicant's qualifications conditioned upon compliance with this chapter. The annual license fee is fixed by Appendix B. Licenses expire annually on December 31. Licenses are issued by the city clerk. Licenses are not transferable. The annual license fee is paid to the city clerk at the time of filing the application. License fees may not be prorated. (Amended, Ord. No. 03-22)

410.33. Variances, amendments, appeals.

Variances from the literal provisions of this section and appeals from administrative decisions made under this section are made pursuant to the provisions of section 535 of the zoning code (Appendix A to this code) except that amendments are approved by a majority vote of the city council.

410.35. Miscellaneous provisions.

Subdivision 1. Substitution Clause.

The owner of any sign which is otherwise allowed by this section may substitute noncommercial copy in lieu of any other noncommercial or commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision prevails over any more specific provision to the contrary. (Added, Ord. No. 20-12)

Subd. 2. Process and enforcement.

(a) Administration: Provisions of this section shall be administered and enforced by the city manager. Their duties shall

include: (Added, Ord. No. 20-12)

(1) Determining whether all sign permit applications comply with the terms of this section. (Added, Ord. No. 20-12)

(2) Conducting site inspections to determine compliance with the terms of this inspection. (Added, Ord. No. 20-12)

(b) Unlawful signs.

Signs placed upon public property, or within the public right-of-way, or in violation of the terms of this section, shall be immediately determined to be abandoned under this section. Abandoned signs shall be subject to removal by the city. Upon removal, the city manager, or their designee, shall mark the date of removal of the sign and hold it for 30 days at the city's offices. The owner of the sign may collect the sign from the city's offices at any point during that time. If the sign is not retrieved within 30 days, the city may destroy the sign. (Added, Ord. No. 20-12)

(c) Violations.

(1) Violations; separate offence.

Each day that the violation continues shall constitute a separate offense. Violations of this ordinance shall be deemed a misdemeanor and subject to legal action including, but not limited to, Administrative Penalties as described in Section 117 of the city code. (Added, Ord. No. 20-12)

410.37. Severability.

The provisions of this section are severable from one another. If any section, subsection, sentence, clause, or phrase of this section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this section. The city council hereby declares that it would have adopted each section, subsection, sentence, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases were to be declared invalid. (Added, Ord. No. 20-12)

410.39. Elections.

All non-commercial signs of any size may be posted in any number from 46 days before the state primary in a state general election year until ten days following general election, and 13 weeks prior to any special election until ten days following the special election, consistent with Minnesota Statutes, section 211B.045. Sign installation shall comply with the Fair Campaign Practices Act contained in Minnesota Statutes, chapter 211B. (Added, Ord. No. 20-12)