

301 ZONING

302 REGULATION OF PARKING ON COMMERCIAL LOTS OR NEW CONSTRUCTION

303 REGULATIONS FOR LANDSCAPING

304 SIGNS

301 ZONING

301.010 **Intent and Purpose.** This Ordinance is adopted for the purpose of:

- (1) Protecting the public health, safety, morals, comfort, convenience and general welfare.
- (2) Dividing Willernie into zones and districts restricting and regulating therein, the location, and use of structures and land.
- (3) Promoting orderly development of the residential, business, recreational and public areas.
- (4) Providing adequate light, air, and convenience of access to property.
- (5) Limiting congestion in the public rights-of-way.
- (6) Preventing overcrowding of land and undue concentration of structures by regulating the use of land and buildings and the bulk of buildings in relation to the land and buildings surrounding them.
- (7) Providing for the compatibility of different land uses and the most appropriate use of land throughout the City of Willernie.
- (8) Conserving and developing natural resources, and maintaining a high standard of environmental quality.
- (9) Guiding wise development of shorelands of public water.
- (10) Preserving and enhancing the quality of surface water.
- (11) Providing for the administration of this Ordinance and amendments thereto.
- (12) Limiting disruption by, and frequency of rentals within the City.
- (13) Promoting the City's rural, residential character, and a sense of community and neighborhood throughout the City.

301.020 **Relationship to the Comprehensive Plan.** The administration, enforcement, and amendment of this Ordinance shall be consistent with the policies contained in the City's adopted Comprehensive Plan. In accordance with Minnesota Statutes, the City Council will not approve any rezoning or other changes in this Ordinance that are inconsistent with the City's Comprehensive Plan.

301.030 **Scope.**

A. **Jurisdiction.** This Ordinance shall apply to all the area inside the corporate limits of the City of Willernie, Minnesota.

B. **Compliance.** All buildings erected hereafter, all uses of land or buildings established hereafter, all structures, alterations or relocation of existing buildings occurring hereafter and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, uses or land shall be located. However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance, which has not by its terms expired prior to such effective date and provided that construction is begun before the permit's expiration and within one (1) year of its effective date and diligently pursued to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued; and further, may upon completion be occupied under a certificate of zoning compliance by the use for which originally designated, subject thereafter to the provision of this Ordinance relating to non-conformities.

301.040 **Severability.** Every section or subdivision of this Ordinance is declared separable from every other section or subdivision. If any section or subdivision is held to be invalid by competent authority, no other section or subdivision shall be invalidated by the action or decision.

301.050 **Districts.** The City of Willernie is divided into three distinct zoning Districts and an overlay district, the districts are as follows:

<u>ZONING DISTRICT</u>	<u>PERMITTED USES</u>
Residential:	Single-family residences, playgrounds, parks, churches, public libraries or museums.
Commercial I:	(a) All lawful retail businesses, including supermarkets. (b) Manufacture of baked goods, provided not more than five persons are employed in such business. (c) Department stores. (d) Establishments for the sale of china, floor covering, hardware, furniture, household goods and appliances, paint wallpaper, materials and objects of interior decorating. (e) Establishments for the sale of books, magazines, newspapers, tobacco products, drugs, flowers, gifts, music, photographic supplies, sporting goods, stationery and the like.

- (f) Eating places such as lunchrooms, restaurants and cafeterias, and places for the sale and consumption of soft drinks, juices ice cream and beverages of all kinds, but excluding “drive-in” establishments.
- (g) Service establishments such as barber or beauty shops; custom tailors; laundry agencies and shoe repair shops; pressing or tailoring shops; printing shops; radio and television stations; telephone exchanges and the like.
- (h) Business and professional offices and office buildings.
- (i) Office display or sales of a wholesale, jobbing or distributing establishment not specifically mentioned as permitted only in a less restricted district, in connection with which not more than 25% of the floor area of the building, or part thereof, occupied by said establishment is used for making, assembling, remodeling repairing, altering, refinishing its products or merchandise; and provided that:
 - (1) Any resulting cinders, dust, fumes, noise, odors, refuse matter, smoke, vapor or vibration is effectively confined to the premises.
 - (2) The ground floor premises facing upon and visible from a major street upon which the premises abut shall be used only for entrances, office or display.
- (j) Any other building, use or service similar to those hereinbefore listed in the type of services or goods sold, in the number of persons or vehicles to be attracted to the premises or in the effect upon adjacent areas.
- (k) Any accessory use customarily incident to a use authorize this Subdivision.

Permitted uses on Special Permits from the City Council. In the Residential and Commercial I Districts, the following buildings and uses and their accessory buildings and uses may be permitted only by special permits from the City Council, pursuant to the requirements of Section 1400 of this Code:

- (a) Multi-family homes.
- (b) Duplexes.

- (c) Twin homes.
- (d) Short-term or long-term rental homes.

The Council may impose conditions on a proposed special use that are reasonable to further the intent, purpose, and standards set forth in Section 301.010, and the terms in Section 1400. No single-family residences shall be allowed to convert to a multi-family home, rental, duplex, or twin home, without prior approval by the City Council.

In the Commercial I District, the following buildings and uses and their accessory buildings and uses may be permitted by special permits from the City Council. The Standards to be supplied in determining whether to issue a Special Use Permit shall be set forth in the Commercial II uses in section (d).

- (a) Manufacture of baked goods.
- (b) Carpet, bag and rug cleaning establishments.
- (c) Light assembly businesses.

COMMERCIAL II: All uses allowed in Commercial I District and the following uses:

- (a) Automotive sales, service and storage, including gasoline filling stations.
- (b) Amusement and recreational establishments such as armories, assembly halls, bowling alleys, dance halls, pool and billiard parlors, skating rinks and other social, sport or recreational centers operated as a business, provided the place or building in which it is operated is sufficiently sound-insulated to effectively confine the noise to the premises.
- (c) Self-service laundries and dry-cleaning establishments.
- (d) Light manufacturing uses will be allowed by Special Use Permit. In determining whether to issue a Special Use Permit, the Council may consider the following guidelines:
 1. Adequate parking for at least one vehicle per employee.
 2. No noise level which will interfere with the reasonable use of adjoining property.
 3. No noxious or offensive odors.

4. Reasonable hours of operation so as not to interfere with the reasonable use of adjoining property.

The Council may impose conditions on a proposed special use that are reasonable to further the standards set forth above.

301.060 **Zoning Permit.** Permits are required to ensure conformance with the Zoning Ordinance. All permits require review and approval of a permit from the City Council or other Authorized Agent. A zoning permit is required for items such as driveways, fences, accessory structures under one hundred –twenty (120) square feet and the like.

A. **Permit Required.** Unless and until a zoning permit shall have been obtained from the City Council, the construction, reconstruction, or moving of any structure requiring a zoning permit shall not be commenced.

B. **Application for Zoning Permit.** Any application for a zoning permit where required by the City, which contains the information required by this Subdivision shall be deemed to be an application for a Zoning Permit.

a. **Application.** Every application for a zoning permit shall contain at least the following information and shall be accompanied by at least the following documents, unless any specifically required information or document is waived in by the City Clerk as not relevant or necessary to determine that all provision of this Ordinance have been met in a particular case:

- i. Boundary survey, prepared by a registered surveyor of an area including the property in question and one hundred (100) feet beyond its outer boundaries showing existing property lines and dimensions, platting and easements, buildings, street and railroad rights-of-way, utilities, topography, waterways, and ownership of all parcels.
- ii. A site plan indicating location, size and placement of proposed structures, parking and loading facilities, vehicular access and egress, or pedestrian walkways.
- iii. Exterior elevation drawings of the proposed structure which accurately indicate the height, size, design, and appearance of all elevations of the proposed structure, and a description of the construction and materials to be used.

C. **Issuance of Zoning Permit.** The City Clerk or other Authorized Agent shall refuse to issue a permit for the construction of any structure or building in which the construction or necessary grading incidental thereto shall obstruct any natural waterway, unless provision has been made to leave such natural

waterway open in a manner satisfactory to the City Engineer or other Authorized Agent.

D. Period of Validity.

- a. The work for which a zoning permit is issued shall commence within one hundred–eighty (180) days after the date thereof unless an extension request has been submitted and approved by the Building Inspector or other Authorized Agent. The work shall be completed within twelve (12) months from the date of permit issuance, unless a request for an extension has been submitted and approved by the Building Inspector or other Authorized Agent.
- b. A zoning permit shall become null and void twelve (12) months after the date on which it was issued unless within such period construction, reconstruction, remodeling or moving of a structure is commenced or a use is commenced, or unless a request for an extension has been submitted and approved by the Building Inspector or other Authorized Agent.

301.070 **Boundaries.** The boundaries of the districts as established by this Ordinance are shown on the map published herewith and made a part of this ordinance which is designated as the “Zoning District Map” which is properly approved and filed with the City Clerk. The district boundary lines on said map are intended to follow street right-of-way lines, street centerlines or lot lines unless such boundary line is otherwise indicated on the map. In the case of unsubdivided property or in any case where street or lot lines are not used as boundaries, the district boundary lines shall be determined by use of dimensions or the scale appearing on the map. All of the notations, references, and other information shown thereon shall have the same force and effect as if fully set forth herein and will hereby be made a part of this ordinance by reference and incorporated herein as if fully set forth herein at length.

301.080 **Minimum Lot Size.** The minimum lot size for residential or commercial lots not in the overlay district shall be 6,400 square feet with a minimum average width of 80 feet. In the overlay district the minimum lot size shall be 12,800 square feet.

301.090 **Subdivision.** No parcel of land consisting of less than 12,800 square feet in the overlay district or 6,400 square feet outside the overlay district may be subdivided without the approval of the City Council. A subdivision shall include any sale to a given buyer of less than the entire amount of adjoining property of an owner including splitting of an individual lot. The City Council shall not approve a proposed subdivision if it creates a parcel of land of less than the minimum lot size either as to the proposed or residual parcels unless a variance for lot size is granted.

301.010 **Setbacks.** All structures not in the overlay district shall be set back a minimum of 20 feet from any street, 5 feet from the rear lot line and five feet from any side yard lot line. Structures in the overlay district shall be set back in accordance with Ordinance 100 (Appendix “A”). All distances shall be measured from the nearest point of the building to the applicable property line or street.

301.011 **VARIANCE PROCEDURE.**

A. **Applicability.** The City Council, acting as the Board of Adjustments and Appeals, may authorize variances from the provisions of this Ordinance, except as otherwise specified in this Ordinance.

B. **Review Process.**

- a. **Initiation.** Initiation of a variance may be made upon application of the property owner or their designated agent.
- b. **Application Submittal.** A complete application shall be submitted to the City Clerk or other Authorized Agent, and should include:
- c. A description of the proposed use and how it varies from the applicable provisions of the Zoning Code;
- d. A legal description of the property, including plot and parcel number;
- e. A site plan showing the location and extent of the proposed building, parking, loading, access drives, landscaping and any other improvements;
- f. A statement of the applicant, referring to specific facts, describing the following:
 1. The exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which do not apply generally to land, buildings, or uses in the same zone classification;
 2. The practical difficulty to the applicant if the variance is not granted;
 3. Any other information required by the City Clerk, City Council, or other Authorized Agent.

C. **Staff Review.** The City Clerk or other Authorized Agent shall complete the following review tasks:

- a. Determine if the application is complete;
- b. Notice a public hearing;
- c. Review the application, considering the approval criteria, and prepare a report to the City Council with a recommendation for final action.

D. **City Council Final Action.** The City Council, acting as the Board of Adjustments and Appeals, shall complete the following tasks:

- a. Within sixty (60) days of the City’s receipt of a complete application, the City Council shall review the request and the approval criteria and

take action to approve, approve with conditions, or deny the request by 4/5ths vote of the Council, unless extended pursuant to Minnesota State Statute 15.99.

- b. The City may extend the time limit of this Subdivision before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days unless approved by the applicant.
- c. An applicant may by written notice to the City request an extension of the time limit under this Subdivision.
- d. Denial. If an application for a variance is denied by the City Council, the denial shall be accompanied by written findings setting forth the reasons for the denial in terms of the ways in which the proposed request fails to meet the standards and intent of this Ordinance.
- e. Expiration of Approval. Any variance granted by the city shall run with the land and shall be perpetual unless no building permit has been issued or substantial work performed on the project within one (1) year from the date of approval, in which case the variance shall be null and void. The City Council may extend the period for construction upon finding that the interest of the owners of neighboring properties will not be adversely affected by such extension. An extension of a variance approval for up to one (1) year may be granted by providing a written request to the City Council for their review and approval. The City Council may decline to grant an extension if there has been a change in circumstances affecting the property or if there are other reasons to justify the denial. Three (3) consecutive one – year extensions shall be conclusive proof that the development has not made adequate progress toward completion, and no further extensions shall be granted, except upon a variance from this provision.

E. **Approval Criteria.** No variance from the terms of this Ordinance shall be authorized unless the City Council finds failure to grant the variance will result in practical difficulties on the applicant. The burden of proof is on the applicant to show that all of the following criteria have been met:

- a. Because of the exceptional or extraordinary physical surroundings, shape or topographical conditions of the specific parcel of land involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the ordinance were to be carried out.
- b. The conditions upon which an application for a variance is based are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.
- c. The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of a parcel of land.

- d. The alleged practical difficulties are caused by this Ordinance and have not been created by any persons presently having an interest in the parcel of land.
- e. The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity of the parcel of land nor shall it alter the essential character of the neighboring lots and the locality.
- f. The proposed variance is in keeping with the spirit and intent of the Ordinance.
- g. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- h. The variance is consistent with the Comprehensive Plan.

F. **Appeal.** Any person or persons, any private or public board, or taxpayer of the City aggrieved by any decision of the City Council acting as the Board of Adjustments and Appeals shall have the right to seek review of the decision with a court of record in the manner provided by the laws of the State of Minnesota, as such statutes may be from time to time amended, supplemented or replaced.

301.012

REZONING.

A. **Applicability.**

a. General Applicability. The Zoning Map may be amended whenever the public necessity, convenience, general welfare, or good zoning practice require. Amendments may also be made to correct errors in the Zoning Map or to address changed or changing conditions in a specific area or within the city generally. All Zoning Map Amendments must be consistent with the Comprehensive Plan and the provisions of this Subdivision.

B. **Review Process.**

a. Initiation. A Zoning Map Amendment may be initiated by any of the following:

- 1) The property owner or their designated agent;
- 2) The City Council; or
- 3) The Zoning Administrator or other Authorized Agent.

b. Application Submittal. A complete application shall be submitted to the City Clerk or other Authorized Agent;

c. Staff Review. The City Clerk or other Authorized Agent shall complete the following review tasks:

- 1) Determine if the application is complete;
- 2) Notice a public hearing;

3) Review the application, considering the approval criteria and prepare a report to the City Council with a recommendation for final action.

d. City Council Final Action.

1) Within sixty (60) days of the City's receipt of a complete application, the City Council (considering the approval criteria) shall approve, approve with conditions, or deny the requested Ordinance amending the Zoning Map, unless extended pursuant to Minnesota State Statute 15.99: Time Deadline for Agency Action.

2) Approval, or approval with conditions, shall require a 4/5ths vote of the City Council, unless otherwise required by State Law.

3) Failure to deny a request within sixty (60) days of the receipt of a petition is approval of the request, unless extended pursuant to Minnesota State Statute 15.99: Time Deadline for Agency Action.

4) The City may extend the time limit of this Subdivision before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days unless approved by the applicant.

5) An applicant may by written notice to the City request an extension of the time limit under this Subdivision.

6) Denial. If an application for a zoning map amendment (rezoning) is denied by the City Council, the denial shall be accompanied by written findings setting forth the reasons for the denial in terms of the ways in which the proposed request fails to meet the standards and intent of this Ordinance.

C. **Approval Criteria for a Zoning Map Amendment.** In determining whether to approve, approve with conditions, or deny an application for a Zoning Map Amendment (rezoning), the following criteria shall be considered:

1. Criteria.

a. The Zoning Map Amendment is consistent with the Comprehensive Plan;

b. The Zoning Map Amendment promotes public health, safety, morals, and the general welfare, as well as efficiency and economy in the process of development;

c. The Zoning Map Amendment is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood; and

d. The property to be amended (rezoned) is suitable for the uses permitted by the Zoning District that would be applied by the proposed Zoning Map Amendment.

301.013 Zoning Ordinance Text Amendment.

A. Applicability. The text of the Zoning Ordinance may be amended whenever the public necessity, convenience, general health, safety or welfare, or good zoning practice require. Amendments may also be made to correct errors in the text of the Zoning Ordinance or to address changed or changing conditions affecting the City. All text amendments shall be consistent with the Comprehensive Plan.

B. Review Process.

1. Initiation. A text amendment may be initiated by any of the following:

- a. The City Council; or
- b. The property owner or their Authorized Agent.

2. Application Submittal. A complete application shall be submitted to the City Clerk or other Authorized Agent, and include the following:

- a. The Applicant's name and address;
- b. The precise wording of any proposed amendment to the text of this Ordinance; and
- c. In the event that the proposed amendment would change the zoning classification of any property:

(1) A legal description and street address of the property proposed to be re-classified;

(2) The name and address of the owner or owners of the said property;

(3) The present zoning classification and existing uses of the property proposed to be reclassified;

(4) The area of the property proposed to be reclassified, stated in square feet or acres, or fraction thereof;

(5) A map, drawn to scale, clearly showing the property proposed to be reclassified and its present zoning classification and existing uses, together with an abstractor's certificate with the names and addresses of the owners of land within three hundred and fifty (350) feet of the area proposed to be rezoned;

(6) A written statement of how the rezoning would fit in with the general zoning pattern of the neighborhood, and the zoning plan of the entire City;

(7) Proof of ownership of the property consisting of an Abstract of Title currently certified or a current Certificate of Title; and

(8) Such other information as the City Clerk or other Authorized Agent may require.

3. Staff Review. The City Clerk or other Authorized Agent shall complete the following review tasks:

- a. Determine if the application is complete;
- b. Notice a public hearing; and

c. Review the application, considering the approval criteria, and prepare a report with a recommendation for final action.

4. City Council Final Action.

a. Within sixty (60) days of the City's receipt of a complete application, the City Council (considering the approval criteria) shall approve, approve with conditions, or deny the requested Ordinance amending the Ordinance Text, unless extended pursuant to Minnesota State Statute 15.99: Time Deadline for Agency Action.

b. Approval, or approval with conditions, shall require a 4/5ths vote of the City Council.

c. Failure to deny a request within sixty (60) days of the receipt of a petition is approval of the request, unless extended pursuant to Minnesota State Statute 15.99: Time Deadline for Agency Action.

d. The City may extend the time limit of this Subdivision before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days unless approved by the applicant.

e. An applicant may, by written notice to the City, request an extension of the time limit under this Subdivision.

f. Denial. If an application for a zoning ordinance text amendment is denied by the City Council, the denial shall be accompanied by written findings setting forth the reasons for the denial in terms of the ways the proposed request fails to meet the standards and intent of this Ordinance.

C. Approval Criteria. In determining whether to approve, approve with conditions, or deny an application for a text amendment to the Zoning Ordinance, the following criteria shall be considered:

- (1) The text amendment is consistent with the Comprehensive Plan;
- (2) The text amendment promotes public health, safety, morals, and the general welfare, as well as efficiency and economy in the process of development;
- (3) The text amendment is compatible with the present zoning and conforming use of the property and the character of the neighborhoods, existing conditions and the conservation of property values, as well as the direction of building development to the best advantage of the entire City and for the uses to which the property affected is being devoted at the time.

302: REGULATION OF PARKING ON COMMERCIAL LOTS OR NEW CONSTRUCTION

Section 302 Purpose

The purpose of this ordinance is to provide minimal reasonable regulations as to parking requirements for new construction or new commercial uses within the City of Willernie.

Section 302.01

- A. **Required Parking.** Off-street parking areas of sufficient size to provide for patrons, customers, suppliers, visitors and employees shall be

provided on the premises of each use. Subsection M designates the minimum number of parking spaces that are required to be provided and maintained at the time any new use or structure is occupied, or any existing use or structure is enlarged or increased in capacity.

For uses not specifically listed in this Ordinance, uses for which a specific number of spaces have not been defined, or for joint parking facilities serving two or more different uses, the City Council shall determine the number of spaces to be required by utilizing the requirements of the most similar use listed below.

- B. **Existing Spaces.** Off-street parking facilities existing at the effective date of this Ordinance shall not subsequently be reduced to an amount less than that required under this Ordinance for a similar new building or use. Off street parking facilities provided to comply with the provisions of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance. Such required parking or loading space shall not be used for storage of goods or storage of vehicles that are inoperable or for sale or rent.

- C. **Size.** Each parking space shall contain a minimum area of not less than 180 square feet excluding access drives, a width of not less than 9 feet, and a depth of not less than 20 feet. Each space shall be adequately served by access drives of not more than 24 feet in width at the property line for residential lots and not more than 32 feet in width for commercial and industrial properties. all loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles it is designed to serve.

- D. **Lighting.** Any lighting used to illuminate off-street parking shall be dark sky lighting and indirect or diffuse and shall not be directed upon the public right-of-way or upon nearby or adjacent properties.

- E. **Accessory Locations.** Parking spaces may be located on a lot other than that containing the principal use upon the approval of the City Council.

- F. **Surfacing.** Any off-street parking lot for more than five vehicles shall be graded for proper drainage and shall be surfaced with bituminous or concrete and shall have case in place curbing.

- G. **Location.** No off-street parking shall be located within thirty feet of any street right-of-way or within five feet of any interior property line except as provided through access drives.

- H. **Site Plan.** Any application for a building permit or for a certificate of occupancy shall include a site plan or plot plan drawn to scale in dimensioned showing off-street parking and loading space to be provided in compliance with this Ordinance.
- I. **Screening.** When a parking area designed for five spaces or more abuts a more restrictive zoning district, a fence, not over five feet in height, shall be erected along adjacent property lines and grass or planting shall occupy the space between the curb and property line.
- J. **Signs.** No signs shall be located in any parking area except as necessary for orderly operation of traffic movement and such sign shall not be a part of the permitted advertising space.
- K. **Access.** All off-street parking spaces shall have access off driveways and not directly off the public street.
- L. **Maintenance of Off-Street Parking Space.** It shall be the responsibility of the owner of the principal use, uses and or building to maintain, in a neat and adequate manner, the parking space access way, landscaping and required fences.

M. Schedule of Parking Requirements for New Construction or New Commercial Uses.*

USE	PARKING SPACES REQUIRED
Single Family House	2 per dwelling unit
Two Family House; Townhouse; Multiple Family Dwellings	2.5 per dwelling unit; one of which must be enclosed
Churches, Auditoriums and Mortuaries	1 per 4 seats in principal assembly room
Schools	1 per classroom plus 1 additional for every 30 students
Private Club or Lodge	1 per 4 members 1 per 4 seats
Theater, Medical, Dental & Animal Clinics	5 per doctor, dentist, veterinarian plus 1 additional employee
Hospital and Rest Homes	1 per 3 beds and 1 for each 2 employees on the maximum working shift
Hotel/Motel	1 per rental unit plus 1 per employee
Professional Offices and Business Services	1 for every 250 sq. ft. of floor space
Motor Fuel Station	4 for each service stall
Retail Stores	1 for every 200 sq. ft. of floor space
Furniture Store, Appliance and Auto Sales	1 for every 400 sq. ft. of floor space
Eating/Drinking Places & Personal Services Establishments	1 for every 100 sq. ft. of floor space

Bowling Alleys	5 for each alley
Recreational Assembly Places; e.g. Dance Halls, Night Clubs	1 for every 50 sq. ft. of floor space
Drive-In Food Establishments	1 for every 15 sq. ft. of floor space
Manufacturing	1 space for each 350 sq. ft. of floor area, plus 1 space for each company vehicle not stored inside a building.
Warehousing- Wholesale	That space which is only used for office space shall comply with office space requirement and 1 space per each 1000 ft. of floor area, plus 1 space for each employee on the maximum shift, plus 1 space for each company vehicle if not stored inside a building. Proof of parking shall be shown on site plans to provide a minimum of one parking space for each 500 square feet of floor space so that adequate parking is provided in the event a more labor intensive use is installed.

*Floor space shall mean the gross floor area of the specific use. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.

Section 302.02 PARKED VEHICLE REGULATIONS

302.021

Brakes Applied or Engine in Gear. No person shall leave any motor vehicle unattended without the emergency brake applied or with the motor vehicle in gear or running.

302.022

One-way-roadway. Persons may park a vehicle with the left-hand wheels adjacent to and within twelve (12) inches of the left-hand curb of a one-way street.

302.023

Sidewalks. No person shall drive or park any vehicle upon any sidewalk or within the

intersection of any streets.

302.024

Time Limit. No person may place, park, permit to remain, store or leave any vehicle in any one location upon any City street for more than seventy-two (72) hours. For the purposes of this Section, a vehicle moved to another location within one hundred (100) feet of the first location is deemed to have remained stationary.

302.025

Immovable Motor Vehicles. No person shall leave any motor vehicle parked upon any street in the City with the wheels chained, locked, or fastened in such manner that such motor vehicle cannot easily be moved in case of necessity or emergency. A person may lock his or her motor vehicle provided the vehicle can be moved by hand.

302.026

Restricted Parking Violation is a Petty Misdemeanor. Any violation of the restricted parking ordinance provisions of this Section 302.02 shall constitute a petty misdemeanor violation as defined by Minnesota Statutes section 609.02, and shall incur a \$25.00 fine per occurrence within a twenty-four (24) hour period.

303: REGULATIONS FOR LANDSCAPING

Section 303: Purpose

The purpose of this Ordinance is to provide minimal reasonable regulations as to landscaping requirements for new construction or new commercial uses within the City of Willernie.

Section 303.010:

A. Landscaping.

Intent:

i) It is the policy of the City of Willernie to preserve its significant natural resources as a complement to existing and future urbanization. In particular, steep slopes, very steep slopes, woodlands, wetlands and drainage ways shall be preserved in their natural state for their functional and ecological value as well as for their positive impact upon proximate urban development.

In addition to preservation of existing woodland areas, it is the policy of the City to require significant landscaping/planting in open or disturbed areas as a normal part of land development. Specific requirements shall be as set forth in this Section.

ii) **Landscape Plan Required:** A landscape plan shall be provided for all new residential or commercial construction and change of commercial uses within the City of Willernie. The applicant for a building permit

shall submit a landscape plan prepared by a landscape architect, nursery designer or other qualified person in accordance with the provisions of this Section.

The landscape plan shall include the following information:

- a. **General.** Name and address of developer/owner; name and address of landscape architect, designer, date of preparation; date of description of all revisions; name of project or development.
 - b. **Site Plan.** A scale drawing of the site based upon a survey of property lines within indication of scale and north point; name and right-of-way of propose streets; location of all proposed utility easements and rights-of-way; location of existing proposed buildings; parking areas; water bodies; proposed sidewalks.
 - c. **Landscape Plan.** A scale drawing of proposed landscaping for the site with indication of scale and north point; delineation of both sodded and seeded area; location and identification of proposed landscape or man-made material used to provide screening from adjacent and neighboring properties; location and identification of all planting (trees, shrubs, flowers, ground cover, etc.) existing trees and shrubbery to remain; details of fences, retaining walls, berms and other landscape improvements; identification of plant material used; and location and details of irrigation systems.
- iii) **General Requirements, All Districts:**
- a. **Required Landscaping:** All disturbed areas of developed lots which are not devoted to off-street parking, loading and driving areas, sidewalks, patios, gardens and similar uses, shall be landscaped with grass, ground cover, trees, shrubs or other ornamental landscape material.

304: SIGNS

304.010 FINDINGS, PURPOSE AND EFFECT

- A. **Findings.** The City Council hereby finds as follows:
- 1) Exterior signs have a substantial impact on the character and quality of the environment.
 - 2) Signs provide an important medium through which individuals may convey a variety of messages.

- 3) Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety, and welfare.
- 4) The city's zoning regulations have included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the city and its citizens from a proliferation of signs of a type, size, location, and character that would adversely impact upon the aesthetics of the community and threaten the health, safety, and welfare of the community. The regulation of the physical characteristics of signs within the city has had a positive impact on traffic safety and the appearance of the community.

B. **Purpose and intent.** It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign; nor is it the purpose or intent of this article to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this article is to:

- 1) Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety, and welfare.
- 2) Maintain, enhance, and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.
- 3) Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees and the city's goals of public safety and aesthetics.
- 4) Provide for fair and consistent enforcement of the sign regulations sets forth herein under the zoning authority of the city.

C. **Effect.** A sign may be erected, mounted, displayed or maintained in the city if it is in conformance with the provisions of these regulations. The effect of this sign ordinance, as more specifically set forth herein, is to:

- 1) Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this sign ordinance.
- 2) Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance.

- 3) Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety, and welfare.
- 4) Provide for the enforcement of the provisions of this sign ordinance.

304.020 SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Sign Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Sign Ordinance. The City Council hereby declares that it would have adopted the Sign Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

304.030 DEFINITIONS

The following words and terms, when used in this Sign Ordinance, shall have the following meanings, unless the context clearly indicates otherwise:

- 1) **Abandoned Sign.** Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of sixty (60) days or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit, or a variance shall also be subject to the definition of abandoned sign.
- 2) **Awning.** A roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning which also projects over a door shall be counted as an awning.
- 3) **Awning sign.** A building sign or graphic printed on or in some fashion attached directly to the awning material.
- 4) **Building.** Any structure used or intended for supporting or sheltering any use or occupancy.
- 5) **Building sign.** Any sign attached or supported by any structure used or intended for supporting or sheltering any use or occupancy.
- 6) **Cabinet sign.** Any wall sign that is not of channel or individually mounted letter construction.

- 7) **Canopy**. A roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway.
- 8) **Canopy sign**. Any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door or entrance. A canopy sign is not a marquee and is different from service area canopy signs.
- 9) **Changeable copy sign**. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Changeable copy signs do not include signs upon which characters, letters, or illustrations change or rearrange only once in 24-hour period.
- 10) **Commercial speech**. Speech advertising a business, profession, commodity, service, or entertainment.
- 11) **Elevation**. The view of the side, front, or rear of a given structure(s).
- 12) **Elevation area**. The area of all walls that face any lot line.
- 13) **Erect**. Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing, or any other way of bringing into being or establishing.
- 14) **Flag**. Any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.
- 15) **Flashing sign**. A directly or indirectly illuminated sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling, or sparkling.
- 16) **Free Standing Sign**. A sign which stands on the ground and is not attached to a building.
- 17) **Frontage**. The line of contact of a property with the public right-of-way.
- 18) **Grade**. Grade shall be construed to be the final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for sign height computation.
- 19) **Height of sign**. The height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.
- 20) **Interior sign**. A sign which is located within the interior of any building, or within an enclosed lobby or court of any building.

- 21) **Issuing authority.** The City of Willernie City Council.
- 22) **Legally established nonconforming sign.** Any sign and its support structure lawfully erected prior to the effective date of this ordinance which fails to conform to the requirements of this ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this ordinance and which does not comply with this ordinance shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.
- 23) **Multiple tenant site.** Any site which has more than one (1) tenant, and each tenant has a separate ground level exterior public entrance.
- 24) **Non-commercial speech.** Dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.
- 25) **Off-premise sign.** A commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same premises where such business sign is located. For purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.
- 26) **On-premise messages.** Identify or advertise an establishment, person, activity, goods, products or services located on the premises where the sign is installed.
- 27) **Pole sign.** See Pylon Sign.
- 28) **Portable sign.** Any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.
- 29) **Principal building.** The building in which the principal primary use of the lot is conducted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.
- 30) **Projecting sign.** Any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two (2) feet beyond the surface of such building or wall face.
- 31) **Property owner.** Legal owner of property as recorded by Washington County.
- 32) **Public notices.** Official notices posted by public officers, employees, or their agents in the performance of their duties, or as directed by such officers, employees, or agents.

- 33) **Public street right-of-way.** The planned right-of-way for a public street.
- 34) **Pylon sign.** Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.
- 35) **Residential district.** Any district zoned for residential uses.
- 36) **Roof sign.** Any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
- 37) **Rotating sign.** A sign or portion of a sign which turns about on an axis.
- 38) **Setback, front.** The minimum horizontal distance permitted between the public right-of-way and a structure on the premises. In instances in which a property fronts on more than one (1) street, front setbacks are required on all street frontages.
- 39) **Setback, rear.** The minimum horizontal distance permitted between the property line opposite the principal street frontage and a structure on the premises.
- 40) **Setback, side.** The minimum horizontal distance permitted between the side lot line and a structure on the premises.
- 41) **Sign.** Any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.
- 42) **Sign face.** The surface of the sign upon, against, or through which the message of the sign is exhibited.
- 43) **Sign structure.** Any structure including the supports, uprights, bracing and the framework which supports or is capable of supporting any sign.
- 44) **Site.** A plot or parcel of land, or combination of contiguous lots or parcels of land, which are intended, designated, and/or approved to function as an integrated unit.
- 45) **Stringer.** A line of string, rope, cording, or an equivalent to which is attached a number of pennants.
- 46) **Suspended sign.** Any building sign that is suspended from the underside of a horizontal plane surface and is connected to this surface.
- 47) **Total site signage.** The maximum permitted combined area of all freestanding and wall identification signs allowed on a specific property.

- 48) **Visible.** Capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.
- 49) **Wall.** Any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of sixty (60) degrees or greater with the horizontal plane.
- 50) **Wall sign.** Any building sign attached parallel to, but within two (2) feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such all or building, and which displays only one (1) sign surface.
- 51) **Window sign.** Any building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

304.040

SIGNS IN THE COMMERCIAL DISTRICT(S)

A. The following signs are allowed in the Commercial Districts:

- 1) **Wall sign.** The sign area shall have a maximum allowable area of fifteen percent (15%) of the building wall upon which the sign is located.
- 2) **Ground sign.** The City Council can grant a special use permit pursuant to the conditions described in Subsection D, below to allow for the use of a ground sign. The sign shall have a maximum allowable area of fifty (50) square feet and not extend more than fifteen (15) feet above the ground.
- 3) **Projecting sign.** The sign shall provide adequate clear space between the sign and pedestrian traffic and street activity. No projecting sign shall extend more than five feet into the public right-of-way, nor be lower than eight (8) feet above the public sidewalk. The sign shall be no greater than eight (8) square feet in area. The City Council can grant a special use permit pursuant to the conditions described in Subsection D below to allow a maximum sign area of fifteen percent (15%) of the building wall upon which the sign is projected from.
- 4) **Portable Menu Board Sign.** The sign is allowed without a permit provided it meets the following conditions:
 - 1) A portable menu board sign is permitted to occupy the public or private sidewalk area within five (5) feet of the entryway to the subject business, provided that such sign allows for a minimum clearance of four (4) feet along the sidewalk to facilitate pedestrian circulation.
 - 2) The size and content of the display message shall relate to pedestrians and not be designed to convey information to vehicular traffic.
 - 3) No electrical connections can be used with the portable menus board sign.
 - 4) Sign display is only permitted during the business hours of the subject business.

- 5) The sign may be no greater than five (5) feet in height and no greater than six (6) square feet in area.
- 5) Awning and Canopy Sign. Awning and canopy signs as described in the standard provisions of 304.150.
- 6) Painted Wall Sign. The City Council can grant a special use permit pursuant to the conditions described in Subsection D below to allow for the use of a painted wall sign. The sign shall have a maximum allowable area of fifteen percent (15%) of the building wall upon which the sign is located. A painted wall sign must be maintained in a neat and clean condition, having no chipping or peeling paint.
- 7) Roof Sign. The City Council can grant a conditional use permit pursuant to the conditions described in Subsection D below to allow for the use of a roof sign. The sign shall have a maximum allowable area of fifty (50) square feet and a maximum height of eight (8) feet above the roof. The top of a sign cannot extend higher than thirty-five (35) feet above the average grade measured at the front of the building.
- 8) Electronic Display Sign. The City Council can grant a conditional use permit pursuant to the conditions described in Subsection D below to allow for the use of an electronic display sign. The electronic display portion of the sign shall be no greater than eight (8) square feet in area. The sign cannot contain moving sections or flashing lights.
- 9) Other signs. All other signs allowed without a permit as described in the Code.

B. Temporary signs. Each business in the Commercial District(s) shall be allowed to display one (1) temporary sign. However, the City Council must first approve a sign plan that shows the general design of the temporary sign, indicates the proposed placement of the temporary sign, and states the allowable period that the temporary sign can be displayed. The temporary sign must be removed once the allowable period has expired. Another temporary sign may be erected after the sign has been removed as per the City Council approved sign plan. If the replacement temporary sign is consistent with the City Council approved sign plan, no additional City Council action or sign permit is required to display the replacement temporary sign. A temporary sign cannot exceed thirty-two (32) square feet in area. The City Council may permit a business to display two (2) temporary signs at one time under special use permit procedures. Refer to Subsection D below for conditions to be considered when reviewing a sign plan for temporary signs or when considering a conditional use permit to display two (2) temporary signs at one time.

C. Maximum Number of Total Allowable Area of Signs. No more than two (2) permanent signs identifying any one business should be displayed. However, no more than one (1) permanent sign per business may be displayed on a building façade. The total aggregate area of all signs per lot shall be limited to two (2) square feet per linear foot of lot frontage.

D. **Conditions.** Conditions to be considered when reviewing a special use permit for signs in the Commercial District(s) include, but are not limited to, the following:

- 1) The sign does not impair the integrity of the district and the pedestrian – oriented character of the district.
- 2) The sign does not obstruct driver vision, or is noxious, annoying, or hazardous because of method of lighting, illumination, reflection, or location.
- 3) The sign is harmonious with the building and site for which it is associated.
- 4) The sign is harmonious with the buildings and grounds adjacent to it.
- 5) The use conforms to the District and use provisions and all general regulations of this Code.

E. **Conditional Use Permit for Adjustment to Standards.** In cases where extraordinary limitations are imposed on a lot due to topography, unusually lot shape, placement of existing structures, and similar conditions, adjustments in the standard regulations will be made by issuance of a conditional use permit.

304.050 PERMIT REQUIRED

No sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a permit from the city. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Application for a permit shall be in writing addressed to the issuing authority and shall contain the following information:

- a. names and addresses of the owners of the display structure and property;
- b. the address at which any signs are to be erected;
- c. the lot, block and addition at which the signs are to be erected and the street on which they are to front;
- d. a complete set of plans showing the necessary elevations, distances, size and details to fully and clearly represent the construction and place of the signs;
- e. the cost of the sign;
- f. type of sign (i.e. wall sign, roof sign, etc.);
- g. certification by applicant indicating the application complies with all requirements of the sign ordinance; and
- h. if the proposed sign is along a road otherwise regulated by the State or County, and the regulatory body requires a permit, the application shall be accompanied by proof that the applicant has obtained a permit from the state for the sign.

The issuing authority shall approve or deny the sign permit in an expedited manner no more than 60 days from the receipt of the complete application, including applicable fee. All permits not approved or denied within 60 days shall be deemed approved. If the permit is denied, the issuing authority shall prepare a written notice of within 10 days its decision, describing the applicant's appeal rights under Section 525.15, and send it by certified mail, return receipt requested, to the applicant.

304.060 **EXEMPTIONS.**

The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same.

- a. The changing of the display surface on a painted or printed sign only. This exemption, however, shall apply only to poster replacement and/or on-site changes involving sign painting elsewhere than directly on a building.
- b. Signs six (6) square feet or less in size.

304.070 **FEES**

Permit fees are as adopted by resolution of the City Council and shall accompany the permit application.

304.080 **REPAIRS**

Any sign located in the city which may now be or hereafter become out of order, rotten or unsafe, and every sign which shall hereafter be erected, altered, resurfaced, reconstructed or moved contrary to the provisions of this section, shall be removed or otherwise properly secured in accordance with the terms of this section by the owners thereof or by the owners of the grounds on which said sign shall stand, upon receipt of proper notice to do so, given by the issuing authority. No rotten or other unsafe sign shall be repaired or rebuilt except in accordance with the provisions of this section and upon a permit issued by the issuing authority.

304.090 **REMOVAL**

In the event of the failure of the owner or person, company or corporation having control of any sign, or the owner of the ground on which the sign is located, to remove or repair said sign within 60 days after the use is terminated, a notice shall be given and the sign may be removed by the city at the expense of the owner or manager of the sign, or the owner of the ground upon which the sign stands.

304.100 **VIOLATIONS**

Violation of this section is a misdemeanor. Each day that the violation continues is a separate offense.

304.110 SIZE

No sign shall exceed 100 square feet in area.

304.120 UNAUTHORIZED SIGNS

The following signs are unauthorized signs, except under the conditions which may be imposed pursuant to Signs in Commercial District(s), as provided herein:

- a. Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.
- b. All off-premise signs displayed when the business or activity is not open or occurring.
- c. Signs painted, attached or in any other manner affixed to trees, rocks, or similar natural surfaces, or attached to public utility poles, bridges, towers, or similar public structures.
- d. Portable signs displayed when the business or activity is not open or occurring.
- e. Changeable copy signs.
- f. Abandoned signs.
- g. Advertising signs.
- h. Flashing signs.
- i. Motion signs. No signs are allowed which contain moving sections or intermittent or flashing lights, except for intermittent display of time and temperature.
- j. Painted wall signs actually painted on the permanent exterior wall surface.
- k. Permanent pennants.
- l. Posted bills or signs placed on public right-of-way or any improvement within the public right-of-way.
- m. Roof signs.

- n. Signs which obstruct traffic visibility. No signs shall be erected or maintained in such place and manner as obstructs driver vision, or is noxious, annoying or hazardous because of method or lighting, illumination, reflection or location.
- o. Signs on parked vehicles. Signs affixed to vehicles and/or trailers which are parked on a public right-of-way, public property, private property so as to be visible from a public right-of-way, where the apparent purpose is to advertise a product or direct people to an activity located on the same or a nearby property shall be prohibited. Signs affixed to vehicles where the sign is incidental to the use of the vehicle are not prohibited.
- p. Signs within the public right-of-way. Signs shall not be permitted within the public right-of-way or easements reserved by the City except for governmental signs installed by the City of Willernie.

304.130 SETBACKS

A) **Yards.** Signs shall conform to building yard regulations for the zoning district in which the signs are located except as otherwise specified in this Section.

Commercial I	
Front Yard	10'
Side Yard	5'
Rear Yard	5'
Commercial II	
Front Yard	1'
Side Yard	0'
Rear Yard	10'
Residential	
Front Yard	5'
Side Yard	5'
Rear Yard	5'

304.140 AREA

The area within the frame shall be used to calculate the square footage except that the width of a frame exceeding 12 inches shall constitute sign face, and if such letters or graphics be mounted directly on a wall or fascia or in such way as to be without a frame the dimensions for calculating the square footage shall be the area extending six inches beyond the periphery formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof. Each surface utilized to display a message or to attract attention shall be measured as a separate sign and shall be calculated in the overall square footage. Symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walls, awnings, free-standing structures, suspended by balloons, or kites or on persons, animals, or vehicles are considered a sign and are included in calculating the overall square footage.

304.150 **CANOPIES, MARQUEES, AND FIXED AWNINGS**

Canopies, marquees and fixed awnings are an integral part of the structure to which they are attached. They are allowed in the Commercial Districts if they meet following requirements and the applicable square footage requirements.

- a. an awning, canopy or marquee may not project into the public right-of-way nearer than 30 inches to the street curb or curb line;
- b. awnings, canopies or marquees may have no part of the structure other than supports nearer the ground surface than seven feet;
- c. the architectural style of the awning, canopy or marquee may be consistent with the building being served;
- d. awnings, canopies or marquees projecting into the required yards may not be enclosed except with a transparent material permitting through vision; and
- e. awnings, canopies or marquees built over the public right-of-way must be included in a liability insurance policy holding the city free of all responsibility.

304.160 **ILLUMINATION**

External illumination for signs shall be so constructed and maintained that the source of light is not visible from the public right-of-way or residential property.

304.170 **HEIGHT**

The top of a sign, including its superstructure, if any, shall be no higher than the roof of the building to which such sign may be attached or 35 feet above ground level, whichever height is less; except that the height of any changeable sign which is attached to or an integral part of a functional structure, such as a water tower, smoke stack, radio or TV transmitting tower, beacon or similar structure shall be no higher than such structure. Signs, including any superstructure standing or erected free of any building or other structure, shall not exceed an overall height of 35 feet from ground level and shall be located on land in an area which is landscaped or if such land is part of an approved parking area, it shall be surfaced or paved as required in the zoning code.

304.180 **RETROACTIVE EFFECT**

This sign ordinance shall apply to all sign applications applied for and/or pending prior to its enactment.

304.190 **NON-COMMERCIAL SPEECH**

Notwithstanding any other provisions of this sign ordinance, all signs of any size containing Non-Commercial Speech may be posted from August 1 in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election.

304.200 **PERMITTED SIGNS BY DISTRICT**

A) Within residential zoning districts, signs are permitted as follows:

<u>District</u>	<u>Maximum sign area of single sign</u>	<u>Total area of all signs</u>
Residential	8 square feet per surface	16 square feet

B) The following types of signs are not permitted in residential zoning districts:

1. Awning signs;
2. Canopy signs;
3. Flashing signs;
4. Marquee signs;
5. Pole signs; and
6. Pylon signs.

304.210 **NON-CONFORMING USES**

It is recognized that signs exist within the zoning districts which were lawful before this sign ordinance was enacted, which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. It is the intent of this sign ordinance that nonconforming signs shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this sign ordinance to permit legal nonconforming signs existing on the effective date of this sign ordinance, or amendments thereto, to continue as legal nonconforming signs provided such signs are safe, are maintained so as not to be unsightly, and have not been abandoned or removed subject to the following provisions:

- a. No sign shall be enlarged or altered in a way which increases its nonconformity.
- b. Should such sign or sign structure be destroyed by any means to an extent greater than fifty (50) percent of its replacement cost and no building permit has been applied for within 180 days of when the property was damaged, it shall not be reconstructed except in conformity with the provisions of this ordinance.

- c. Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
- d. No existing sign devoted to a use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, extended or moved except in changing the sign to a sign permitted in the zoning district in which is it located.
- e. When a structure loses its nonconforming status, all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be repainted in a neutral color or a color which will harmonize with the structure.

304.220 SUBSTITUTION CLAUSE

The owner of any sign which is otherwise allowed by this sign ordinance may substitute noncommercial copy in lieu of any other commercial or non-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 non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

304.230 STRUCTURAL REGULATIONS AND MAINTENANCE

- A. **Material.** All permanent signs shall be constructed of permanent materials versus temporary materials. Examples of permanent materials are brick, concrete, steel, aluminum, treated lumber, etc. Temporary materials are considered to be plywood, untreated wood products, etc.
- B. **Area Around Sign.** The owner or lessee of any sign, or owner of the land on which the sign is located shall keep the grass, weeds or other growth cut and the area free from refuse between the sign and the street and also for a distance of six (6) feet behind and at the ends of said sign.
- C. **Condition.** All signs must be maintained in a neat and clean condition, having no chipping or peeling paint, faded letters, or deteriorating backboards.
- D. **Construction and Erection of Signs.** All signs shall be constructed and erected in a quality manner of sound and sufficient materials so as to ensure the safety of the public and in accordance with all reasonable standards employed by professional sign makers.
- E. **Electrical Under Grounding.** All free-standing signs shall have underground electrical wiring in compliance with the building and electrical codes.
- F. **Unsafe and Unlawful Signs.** If the City Building Official shall find that any sign regulated herein is unsafe or loose, or has been constructed or erected in violation

of the safety or structural provisions of this section, the official shall give written notice to the permittee. If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth within thirty (30) days after such notice, such sign may be removed or altered to comply by the building inspector at the expense of the permittee or owner of the property upon which it is located or the inspector may cite the owner or permittee for violations of this code. No permit shall be issued to any applicant for a sign which is an immediate peril to person or property, such signs shall be subject to removal without notice.