



Hermantown Planning & Zoning Meeting – January 18, 2023

Because of attendance limitations at the regular meeting location due to the health pandemic, Hermantown’s January 18, 2023, Planning & Zoning Meeting will be conducted both remotely and with limited access to Council Chambers.

The meeting will utilize the platform “Zoom,” which allows the public to view and/or hear the meeting from their phone or computer.

The 7:00 pm Planning & Zoning Meeting will be available at:

<https://us02web.zoom.us/j/89710487385?pwd=RFZYekswalBBNEluUjZXTXVQUEYydz09>

and/or by calling the number (312) 626-6799 and utilizing the meeting ID number of 897-1048-7385 and the passcode of 122771.

A few important tips regarding the Zoom platform:

- If your computer does not support audio, you can still watch the meeting on your computer and call in on your phone to hear the meeting
- It is a challenging situation for all of us, so grace and understanding are appreciated.

CITY OF HERMANTOWN
PLANNING & ZONING COMMISSION

Agenda
January 18, 2023
7:00 PM

1. **ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES**
 - 3A. December 20, 2022 regular meeting.
4. **PUBLIC DISCUSSION** – Public comment on any item not otherwise listed on the agenda.
5. **PUBLIC HEARINGS**
 - 5A. Zoning Ordinance text amendments by the City of Hermantown amending Chapter 14 – Signs and Ground Signs.
6. **CONTINUING BUSINESS**
7. **NEW BUSINESS**
8. **COMMUNICATIONS**
9. **COMMISSION MEMBER REPORTS**

Joe Peterson
Corey Kolquist
Valerie Ouellette
Samuel Clark
Beth Wentzlaff
Buckley Simmons
Dante Tomassoni
John Geissler

ADJOURN

CITY OF HERMANTOWN
PLANNING & ZONING COMMISSION
December 20, 2022 Meeting Summary
7:00 PM

1. ROLL CALL

Members Present: Joe Peterson; Corey Kolquist; Samuel Clark; Beth Wentzlaff; Buckley Simmons; Dante Tomassoni; and John Geissler

Members Absent: Valerie Ouellette

Others Present: Eric Johnson, Community Development Director; Paul & Kay Miller, 3326 Medin Rd.; Rob Miller, 4124 Peabody St.; and Kristi Mehrman, 4124 Peabody St.

2. APPROVAL OF AGENDA

Motion made by Dante Tomassoni to approve the December 20, 2022 agenda as presented. Seconded by Beth Wentzlaff. Motion carried.

3. APPROVAL OF MINUTES

Motion made by Buckley Simmons to approve the September 20, 2022 minutes as presented. Seconded by Corey Kolquist. Motion carried.

4. PUBLIC DISCUSSION

None.

5. PUBLIC HEARING

5A. An application by Evergreen Lawn Service for a Commercial Industrial Development Permit for the construction of an 8,400 square foot office building with 12 parking spaces. The property is located at 535x Rose Road and is located in a C, Commercial zoning district.

Eric Johnson, Community Development Director, provided a report for the proposed project with Rob Miller of Evergreen Lawn Service describing the typical operation of the business. Employees are typically at job sites for the majority of the day with time in the office being minimal.

John Geissler asked Eric if the parking lot surface needed to be a dust free surface. Eric said that he would verify. Per Section 520.06.2.2 of the Zoning Code: Any off-street parking lot for more than five vehicles shall be graded for proper drainage and surfaced so as to provide a durable and dustless surface.

Motion made by Beth Wentzlaff to approve the application by Evergreen Lawn Service for a Commercial Industrial Development Permit for the construction of an 8,400 square foot office building with 12 parking spaces. The property is located at 535x Rose Road and is located in a C, Commercial zoning district. Seconded by Samuel Clark. Motion carried 6 to 0.

6. CONTINUING BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

None.

9. COMMISSION MEMBER REPORTS

Joe Peterson – None

Corey Kolquist – None

Valerie Ouellette – Absent

Samuel Clark – None

Beth Wentzlaff – None

Buckley Simmons – None

Dante Tomassoni – None

John Geissler – Update on City Council

ADJOURN

Motion made by Samuel Clark to adjourn the meeting. Seconded by Corey Kolquist. Meeting adjourned at 7:15 pm.

Officiated by:

Transcribed by:

Joe Peterson, Chairman

Mary Melde, Administrative Assistant

5A. Zoning Text Amendment to Chapter 14 – Signs and Ground Signs

<u>Case No.:</u>	2023-01 Zoning Text Amendment to Chapter 14 – Signs and Ground Signs
<u>Staff Contact:</u>	Eric Johnson, Community Development Director
<u>Request:</u>	Recommend zoning ordinance text amendments to Chapter 14 – Signs and Ground Signs

REQUESTED ACTION

Recommend zoning ordinance text amendments to Chapter 14 – Signs and Ground Signs.

BACKGROUND

The Hermantown sign code is largely from Ordinance 76-01, which was passed in December of 1975. The sign code was updated in 2008. In the 47 years since the sign code was adopted and the 14 years since the chapter was updated, the City has made changes to its zoning code that impact the sign code. Namely, the city has added two new zone districts, the Hermantown Market Place (HM) and the Business/Light Manufacturing (BLM). There are also fees sprinkled throughout the sign code. The City now puts those fees in the fee resolution rather than embedding them in the code. This allows for an annual review of the fees and a more consistent fee scheme. Finally, the legal landscape for sign ordinances has changed. In 2015, the United States Supreme Court issued a decision in *Reed v. Town of Gilbert*, in which the standard of review for sign ordinances was heightened. The City wants to make sure that its sign code can withstand legal scrutiny. Ultimately, the purpose of this ordinance is to update and modernize the language of Chapter 14.

Changes to the Zoning text amendments include:

- Overall renumbering of sections;
- Updating Section 1405 – Definitions;
- Removing specific fees from Section 1415.06 and rather referencing the Fee Schedule;
- Adding language to Section 1425.03 allowing for Class C monument signs in lieu of freestanding sign(s);
- Identifying maximum square footage of Class C building signs;
- Adding language to Section 1430 – Non Conforming Signs to define violations;

ATTACHMENTS:

- Draft Chapter 14 Signs and Ground Signs – Mark-up version
- Draft Chapter 14 Signs and Ground Signs – Clean version

Ordinance No. ~~2022~~2023-__

The City Council of the City of Hermantown does ordain:

AN ORDINANCE AMENDING AND RESTATING CHAPTER 14, SIGNS AND GROUND SIGNS, OF THE HERMANTOWN CITY CODE

Section 1. Purpose and Intent. ~~The purpose of this ordinance is to establish update and modernize the language of the current Chapter 14 and to provide consistency of rules and regulations related to the installation and maintenance~~The Hermantown sign code is largely from Ordinance 76-01, which was passed in December of 1975. The sign code was updated in 2008. ~~In the 47 years since the sign code was adopted and the 14 years since the chapter was updated,~~ the City has made changes to its zoning code that impact the sign code. Namely, the city has added two new zone districts, the Hermantown Market Place (HM) and the Business/Light Manufacturing (BLM). There are also fees sprinkled throughout the sign code. The City now puts those fees in the fee resolution rather than embedding them in the code. This allows for an annual review of the fees and a more consistent fee scheme. Finally, the legal landscape for sign ordinances has changed. In 2015, the United States Supreme Court issued a decision in *Reed v. Town of Gilbert*, in which the standard of review for sign ordinances was heightened. The City wants to make sure that its sign code can withstand legal scrutiny. Ultimately, the purpose of this ordinance is to update and modernize the language of Chapter 14.

Section 2. Amendment to Chapter 14. Chapter 14, Signs and Ground Signs, is hereby amended and restated to read as shown on Exhibit A attached hereto.

Section 3. Amended and Inserted in the Code. After the ~~amendment~~restatement of Chapter 14 made by this ordinance becomes effective, it shall be inserted in the appropriate place in the Hermantown City Code.

Section 4. Effective Date. The provisions of this Ordinance shall be effective after adoption and immediately upon publication once in the official newspaper of the City of Hermantown.

Dated the _____ day of _____, ~~2022~~2023.

Mayor

ATTEST:

City Clerk

Adopted: _____

Published: _____

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EXHIBIT A

Section 1400 -- Purpose, Findings and Severability

~~1400.01 Purpose, Generally. It is the purpose of this chapter. The sign ordinance is intended to create the legal language and mechanism for a establish a comprehensive and balanced system of standards, regulations sign regulation that accommodates the need for a well-maintained, safe, and attractive community, and procedures governing the erection, use the need for effective communications including business identification. It is the intent of this chapter, to promote the health, safety, general welfare, aesthetics, and display image of all advertising street graphics and symbols used to facilitate visual communication of products and services in the community by regulating signs that are intended to communicate to the public, and to use signs that meet the City of Hermantown. Hermantown's goals by authorizing:~~

~~(Ord. 76-01, passed 12-31-1975)~~

~~1400.01.01. Permanent signs that establish a high standard of aesthetics;~~

~~1400.02 Authorization of Devices. With this purpose in mind, it is the intention of this chapter to authorize all visual communicative devices which:~~

~~1400.01.02.1. Are Signs that are compatible with their surroundings;~~

~~1400.02.2. Are appropriate to the type of activity to which they pertain;~~

~~1400.02.3. Are safely located with respect to vehicular and pedestrian traffic;~~

~~1400.01.03. Signs that are designed, constructed, installed, and maintained in a manner that does not adversely impact public safety or unduly distract motorists;~~

~~1400.01.04. Signs that are large enough to convey the intended message~~

~~1400.02.4. Will preserve and to help citizens find their way to intended destinations;~~

~~1400.01.05. Signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;~~

~~1400.01.06. Permanent signs that give preference to the on-premise owner or occupant; and~~

~~1400.01.07. Temporary signs and advertising displays that provide an opportunity for grand openings and special events while restricting signs that create continuous visual clutter and hazards at public right-of-way intersections.~~

~~1400.02 Findings. The City of Hermantown finds it necessary for the promotion and preservation of the public health, safety, welfare, and aesthetics of the community that the construction, location, area and community as a whole; and size, and maintenance of signs be controlled. Further, the City finds:~~

1400.02.01. Permanent and temporary signs have a direct impact on and relationship to the image of the community;

1400.02.02. The manner of installation, location, and maintenance of signs affects the public health, safety, welfare, and aesthetics of the community;

~~1400.02.5. Will protect the value of land.~~03. An opportunity for viable identification of community businesses and institutions must be established;

1400.02.04. The safety of motorists, cyclists, pedestrians, and other users of public streets and property are affected by the number, size, location, and appearance of signs that unduly divert the attention of drivers;

1400.02.05. Installation of signs suspended from, projecting over, or placed on the tops of buildings and landscapes, walks or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire-fighting and other emergency services;

~~(Ord. 76-01, passed 12-31-1975)~~

1400.02.06. Uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;

1400.02.07. Uncontrolled and unlimited signs, particularly temporary signs that are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information;

1400.02.08. Commercial speech signs are generally incompatible with residential uses and should be strictly limited in residential zoning districts; and

1400.02.09. The right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location, and number.

1400.03. Severability. In the event any section, subsection, sentence, or word of this chapter is declared and adjudged to be invalidated or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this chapter, which shall remain in full force and effect as if such portion so declared or adjudged unconstitutional were not originally part of this chapter.

Section 1405 – Definitions

1405.01- Definitions. Unless the context clearly indicates otherwise, the following terms shall have the meaning set forth herein in connection with the application of this chapter and as used elsewhere in these Zoning Regulations:

1405.01.1. “Abandoned sign” means a sign which becomes vacant or unoccupied for a period of six (6) months or more, or a sign which pertains to an event, time or purpose which no longer applies, or a sign which no longer correctly directs a person or advertises a product or activity. A

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sign which applies to a business ~~temporarily~~ suspended because of a change of ownership or management of such business shall not be deemed to be an “abandoned sign” unless the property on which the sign is located remains vacant for a period of more than six ~~months~~ (6) months. A sign remaining after demolition of a principal structure shall be deemed to be abandoned.

1405.01.2. “Address sign” means a sign identifying street address only, either written or numerical.

1405.01.3. “Area identification sign” means a freestanding ~~on-premises~~ sign ~~which~~ that identifies a residential subdivision, a multiple residential complex of five or more units, a shopping center ~~or complex consisting of three or more separate business concerns~~, an industrial ~~complex or park, or area~~, an office ~~building consisting of three or more separate business concerns and located on the contiguous property complex, or any combination thereof.~~

1405.01.4. “Banners and pennants” means advertising or attention getting devices which resemble flags, or streamers and similar devices and are made of ~~paper, cloth or plastic~~ lightweight materials ~~and mounted to be moved by atmospheric conditions.~~

1405.01.5. “Business sign” means a sign which identifies a business, product, service or commodity sold or conducted on the premises where such sign is located.

1405.01.6. “Changeable Message Sign (CMS).” ~~Any sign, display or device which changes the message or copy on the sign by means of electronic rotation or panels or slats.~~

1405.01.7. “Changing sign (automatic)” means a sign, including an electrically controlled public service information sign, message center or reader board, where different automatic messages of an informative or commercial nature of interest to the public are shown. ~~The following are examples of this type of sign:~~

1405.01.7.1. “Message center sign” means any sign which contains a changing message within the copy area that remains on for a specified period of time and not on for a specified period of time.

1405.01.7.

1405.01.7.2. “Public service information sign” means any sign intended primarily to promote messages of general interest to the community such as time, temperature, date, events, news and the like.

1405.01.7.3. “Reader board sign” means any sign which contains a traveling message, usually in a horizontal manner. The characters of the message remain constant and do not change in hue or intensity, as they travel across the copy area of the sign.

1405.01.8. “Construction sign” means a sign used at a construction site for identification purposes.

1405.01.98. “Electronic Sign (ES).” ~~A)~~ Means a sign, display or device that changes the message copy on the sign by means of light emitting diodes (LED’S), video display, fiber optics, light bulbs or other illumination devices ~~with~~ within the display area.

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1405.01.109. “Flashing sign” means any illuminated sign which, when operated, does not maintain a uniform light intensity or color at all times. ~~A changing sign (automatic) shall not be considered a “flashing sign.”~~

1405.01.10.~~1405.01.11.~~ “Freestanding sign” means a sign ~~which~~not affixed to any other structure. ~~A sign that~~ is either attached directly to the ground or is on pylons, posts or ~~walls and is completely independent uprights, not attached to or forming part~~ of ~~any~~ building ~~or other structures on the property upon which it is located.~~

1405.01.11.~~1405.01.12.~~ “Governmental sign” means a sign erected by a local or other unit of government which is used to identify a public building or area, or to direct traffic or to otherwise inform the public.

1405.01.1312. “Illuminated sign” means any sign which depends upon any artificial light source either directed at the sign or as an integral component of the sign.

1405.01.1413. “Informational/directional sign” means a sign which has the purpose of informing or directing visitors, employees or delivery vehicles on the premises of a business. Such signs shall not contain any advertising messages.

1405.01.14. “Monument sign” means a freestanding sign that contains a solid or enclosed base no less than two thirds the width of the sign face and where the sign support post is not visible.

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1405.01.15. “Non-conforming sign” means any advertising device or sign which was ~~designed, converted or adopted for a use prior~~lawfully erected and maintained and which fails to ~~the adoption of provisions prohibiting such advertising device or sign in such location~~conform to all the applicable regulations and restrictions.

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1405.01.16. “On-premises sign” means any sign used to direct the attention to a business, service or commodity conducted upon the premises on which the sign is located and/or which refers to goods or services produced, offered for sale or obtained on such premises.

1405.01.17. ~~“Outdoor advertising”~~“Off-premises sign” means a sign, including all supporting structures, poles and supports which directs the attention of the general public to a business, product, service or commodity which is conducted, sold or offered other than on the premises on which the sign is located.

1405.01.18. “Political campaign sign” means signs, posters or banners which pertain to an upcoming election of a candidate and/or political issue.

1405.01.19. “Portable sign” means a sign which is not affixed permanently to the premises on which it is located and is moveable on the premises or from one location to another.

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1405.01.20. “Real estate sign” means a sign affixed to a business or lot which advertises the premises on which it is located for sale, lease or rental.

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1405.01.21. “Roof sign” means any sign which is permanently attached to the roof of a building that extends above the roof of the building to which it is attached.

1405.01.2222. “Sign” means the use of any letter, symbol, art, device or reading matter, either non-illuminated or illuminated, which is visible by the public, is located upon public or private property and is used to direct the public attention to any business, product, service, commodity or profession located either on or off the premises on which the sign is located. This definition does not include official notices issued by any court or public office or officer in the performance of a public duty and traffic control signs.

1405.01.23. “Sign area” means the area within a single continuous perimeter enclosing the extreme limits of the actual sign surface or, in the case of letters, numerals or symbols attached to a building, the area is included in the smallest continuous perimeter enclosing the letters, numerals or symbols- (Ord. 76-01, passed 12-31-1975; Am. Ord. 2008-01, passed 3-17-2008), but does not include supports or bracing unless they are part of the message or sign face. Window signs affixed to a windowpane are calculated as individual letters or logos as long as the film around the perimeter of the letters or logos is transparent.

Section 1410 – General Provisions

1410.01 Construction and Maintenance.

1410.01.1. All signs shall be constructed in a safe manner so that no sign shall endanger persons or property.

1410.01.2. All signs shall be maintained and repaired as necessary to prevent the sign from endangering persons or property. All parts and supports shall be properly painted. Any sign or sign structure that is rotted or unsafe, deteriorated, defaced or otherwise altered, shall be repainted, or repaired or replaced by the licensee, owner or agent of the owner of the property from which the sign stands.

1410.01.3. The City shall allow for replacement of structural members or footing(s) that have deteriorated to a point of affecting the safety and/or general appearance of ~~the~~ a conforming sign.

1410.01.4. Such repairs shall not alter the size or height of the existing sign and shall use similar materials whenever possible; provided, however, that the sign owner may request to improve the appearance of a sign or reduce its required maintenance by ~~replacing~~ submitting a sign permit application to replace specific components with other materials. An example of such improvement would be the replacement of a multi-pole sign base with a single column. Such repairs are subject to design and architectural review by the Building Official.

1410.01.5. Any such improvements would be limited by the height and size restrictions of this chapter.

~~(Ord. 76-01, passed 12-31-1975)~~

1410.02 Construction Codes.

All signs shall be constructed in accordance with all applicable building and electrical codes.

~~(Ord. 76-01, passed 12-31-1975)~~

~~**1410.03 Designation of Ownership.** Every freestanding sign shall be plainly marked with the name and address of the owner of such sign.~~

~~(Ord. 76-01, passed 12-31-1975)~~

~~**1410.04 Abandoned Signs.** The 1410.03 Application of Regulations and Substitution Clause. This section shall apply to the location, erection, and maintenance of signs in all zoning districts within the City of Hermantown. The owner of any sign that is otherwise allowed by this chapter may substitute non-commercial sign copy or message without any additional approval or permitting subject to the operational standards set forth herein. The purpose of this provision is to prevent any inadvertent favoring of commercial speech or message over non-commercial speech or message. This provision prevails over any more specific provision to the contrary.~~

~~**1410.04 Abandoned Signs.** Abandoned signs are prohibited. In addition to all other remedies, the City shall have the remedies and shall follow the procedures set forth in M.S. Sections Minnesota Statute § 463.15 et seq., as it may be amended from time to time, with respect to any signs deemed abandoned under this chapter.~~

~~(Ord. 76-01, passed 12-31-1975)~~

Section 1415 – Permits

~~**1415.01 Required.** Except as otherwise specifically authorized, no No sign shall be located, erected, moved, reconstructed, extended, enlarged or structurally altered within the City until a sign permit has been issued by the City of Hermantown, unless specifically waived within this chapter. No sign permit shall be issued for a sign not in conformity with the regulations applicable to such sign; provided, however, that nothing herein. The content of the sign shall not be construed reviewed or considered in determining whether to require approve or deny a sign permit to change or alter advertising messages on any sign.~~

~~(Ord. 76-01, passed 12-31-1975).~~

1415.02 Exceptions. A sign permit shall not be required for the following classes of signs:

1415.02.1. Class A signs;

1415.02.2. Class B signs;

1415.02.3. One Class C sign that is not larger than six square feet and is not freestanding;

1415.02.4. Class E signs; and ~~1415.02.5. Class F signs.~~

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1415.02.5. Class F signs. ~~(Ord. 76-01, passed 12-31-1975)~~

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1415.03 Application. Application for a sign permit shall be made to the ~~Zoning Officer~~Building Official. The application shall contain the following information: the proposed location of the sign to be erected; its size expressed in terms of square feet of display area, using vertical and horizontal dimensions; the type of construction; the name and address of the owner of the sign and the person, firm or corporation that shall be responsible for the erection and maintenance thereof; a complete set of plans showing the necessary elevations, distances, size and details to fully and clearly represent the construction and place of the sign, and the name and address of the property owner of the land upon which it is to be erected. The ~~Zoning Officer~~Building Official may prescribe such suitable regulations, consistent with the provisions of this code, concerning the form and contents of all applications as he or she may deem necessary or advisable. All applications for permits shall be accompanied by ~~a diagram or plan~~design and ~~elevation~~engineering information, as may be requested by the ~~Zoning Officer~~Building Official.

~~(Ord. 76-01, passed 12-31-1975)~~

1415.04 Issuance of Permits by ~~Zoning Officer~~Building Official.

1415.04.1. The ~~Zoning Officer~~Building Official shall consider all applications for sign permits in accordance with the provisions of this chapter.

1415.04.2. Prior to issuing a sign permit for any sign, the ~~Zoning Officer~~Building Official shall determine that the applicant shall have fully complied with the regulations of this chapter.

~~(Ord. 76-01, passed 12-31-1975)~~

1415.05 Duration of Permit. Any sign permit issued by the ~~Zoning Officer~~Building Official under this chapter shall be valid for a period of 12 months from the date of issuance. If the construction of the sign is not completed within 12 months from the date of its issuance, the sign permit shall be void and the site for which the permit was sought shall be returned to the conditions it was in prior to the issuance of such sign permit.

~~(Ord. 76-01, passed 12-31-1975)~~

1415.06 Fees. An application for a sign permit shall be accompanied by the fee specified in the following schedule:

Class A:	No fee required	
Class B:	No fee required	
Class C (freestanding):	Up to 50 sq. ft.	\$110.00 <u>See fee schedule</u>

	Over 50 sq. ft.	\$110.00 See fee schedule
Other Class C:	Up to 25 sq. ft.	\$60.00 See fee schedule
	Over 25 sq. ft.	\$110.00 See fee schedule
Class D:	Up to 100 sq. ft.	\$110.00 See fee schedule
	Over 100 sq. ft.	\$110.00 See fee schedule
Class E:	No fee required	
Class F:	No fee required	
Class G (temporary):		\$25.00 See fee schedule

1415.06.1. No application will be considered unless and until the required fee set forth in the fee schedule has been paid by the applicant to the City Clerk. ~~\$25~~

~~1415.06.2. Any fee paid to the City Clerk shall be refunded if the applicant withdraws his or her application prior to the consideration of it by the Zoning Officer.~~

~~(Ord. 76-01, passed 12-31-1975)~~

1415.07 Building Permit. In addition to the sign permit required by this chapter, a building permit must be obtained from the Building Official of the City of Hermantown prior to the construction of any sign when the construction activity is of such a nature that a building permit is required under the Hermantown Building Code.

~~(Ord. 76-01, passed 12-31-1975)~~

Section 1420 – Prohibited Sign Characteristics ~~of Signs~~

1420.01 Imitation of Other Devices. No sign shall resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices.

~~(Ord. 76-01, passed 12-31-1975; Am. Ord. 2008-01, passed 3-17-2008)~~

1420.02 Visibility of Official Signs. No sign shall be so located so as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.

~~(Ord. 76-01, passed 12-31-1975; Am. Ord. 2008-01, passed 3-17-2008)~~

1420.03 Obstruction of Exit Routes. No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window or fire escape, and no sign shall be attached to a standpipe or fire escape.

~~(Ord. 76-01, passed 12-31-1975; Am. Ord. 2008-01, passed 3-17-2008)~~

1420.04 Moving Parts, Other Prohibited Sign Characteristics. ~~No sign shall~~ animated signs and signs in the right-of-way except as provided by law. No signs on trees, shrubs, or public utility poles. ~~No signs that are structurally unsafe or abandoned. No signs that contain any rotating or moving parts.~~

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~~(Ord. 76-01, passed 12-31-1975; Am. Ord. 2008-01, passed 3-17-2008)~~ or consist of pennants, ribbons, streamers, strings of lights, spinners or similar devices. No sidewalk decals, search lights and signs not otherwise listed as permitted.

1420.05 Morality of Material. No sign shall display any obscene, indecent or immoral matter as further defined by Minnesota Statute § 617.241.

~~(Ord. 76-01, passed 12-31-1975; Am. Ord. 2008-01, passed 3-17-2008)~~

1420.06 Danger to Traffic. No sign shall display any material which may cause danger to traffic. Included are signs which contain the words “stop,” “go slow,” “caution,” “danger,” “warning” or similar words.

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~~(Ord. 76-01, passed 12-31-1975; Am. Ord. 2008-01, passed 3-17-2008)~~

1420.07 Flashing Lights. No flashing sign shall be erected which contains, includes or is illuminated by any flashing light or lights, except those giving public service information.

~~(Ord. 76-01, passed 12-31-1975; Am. Ord. 2008-01, passed 3-17-2008)~~

1420.08 Shielding Required. No sign shall be erected or maintained which is not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of any highway or street of such intensity or brilliance so as to cause glare or impair the vision of the operator of any motor vehicle. Further, all signs shall be constructed so as to prevent beams or rays of light from being directed at any portion of a building or residence.

~~(Ord. 76-01, passed 12-31-1975; Am. Ord. 2008-01, passed 3-17-2008)~~

1420.09 Height Limitations. No sign shall exceed the lesser of (1) maximum height limitation for the zone district in which it is located; or (2) the maximum height limitation set forth in Section 1425 of this chapter. The measurement for either height limitation shall be made from the site of the support structure or at the nearest roadway, whichever is higher.

~~(Ord. 76-01, passed 12-31-1975; Am. Ord. 2008-01, passed 3-17-2008)~~

1420.10 Rotation and movement. No sign shall be erected which involves rapid rotation of the structure or any part thereof, with the exception of Class C and Class D signs that are ~~CMS and E~~ Electronic signs as defined in Section 1405.

~~(Ord. 2008-01, passed 3-17-2008)~~

1420.11 Prohibitions for Class C and Class D signs. The following prohibitions are applicable to Class C and Class D signs that are ~~CMS and E~~Electronic signs ~~as defined in Section 1405:~~

1420.11.1. The sign must be separated from other ~~changeable message signs and~~ electronic signs by at least ~~100~~200 feet;

1420.11.2. Orientation. In all districts, the sign must be oriented so that no portion of the sign face is visible from a park that is over one acre in area and contains improvements for recreational use, which park is within 150 feet of the sign, or no portion of the sign face is visible from a school which is within 150 feet of the sign;

1420.11.3. All ~~CMS and E~~Electronic signs must have an automatic dimmer control which produces a distinct illumination change from a higher allowed illumination level to a lower allowed level for the time period between one half hour before sunset and one-half hour after sunset. ~~The applicant must demonstrate the automatic dimming capability of the sign before the permit for the sign may be issued to applicant;~~Luminance is limited to a maximum of 5,000 nits during the day and 300 nits during nighttime hours.

1420.11.4. Duration. Any image or message or portion thereof displayed on a Class C or D sign shall have a minimum duration of ~~eight~~ten seconds and shall be static display. Transition time must be no longer than two seconds. ~~Any image or message or portion thereof displayed on a Class C sign shall have a minimum duration of one second and shall be static display. Transition time must be no longer than two seconds;~~

1420.11.5. Default mechanism. ~~CMS and E~~Electronic signs shall contain a default design that will freeze the design in one position if a malfunction occurs;

1420.11.6. Audio or pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited.

~~(Ord. 2008-01, passed 3-17-2008)~~

Section 1425 – Classification of Signs

1425.01 Class A Signs. Class A signs are subject to the following conditions.

1425.01.1. Location. Class A signs shall be allowed in any zone district in the City of Hermantown as required by the governing body having jurisdiction, including but not limited to the City of Hermantown, St. Louis County Highway Department, and State of Minnesota Highway Department.

1425.01.2. Type. Class A signs shall be limited to governmental signs.

1425.01.3. Size. As required.

1425.01.4. Height. As required.

1425.01.5. Spacing. As required.

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1425.01.6. Specifications. None.

1425.01.7. Lighting. No requirements. ~~**1425.01.8. Setback.** No requirements.~~

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~~**1425.01.8. Setback.** No requirements. (Ord. 76-01, passed 12-31-1975)~~

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1425.02 Class B Signs. Class B signs are signs which are used to inform the general public in a non-advertising message, except for real estate signs advertising the sale or lease of property; and sponsorship signs for parks, ballfields, and trails. Class B signs are subject to the following conditions:

1425.02.1. Location. Class B signs shall be allowed in all zone districts of the City of Hermantown.

1425.02.2. Type. Class B signs shall be limited to informational/directional signs, address signs, house of worship signs, warning signs and similar signs.

1425.02.3. Size. All Class B signs shall be not greater than six square feet in sign area.

1425.02.4. Height. Not greater than ten feet.

1425.02.5. Spacing. No requirement.

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1425.02.6. Specifications. None.

1425.02.7. Lighting. No requirements.

1425.02.8. Setback. No requirement.

1425.02.9. Hiring Signs. Signs indicating that opportunities are available for employment (~~“hiring signs”~~) at the property upon which the signs are located are Class B signs. Hiring signs are subject to the following limitations and requirements:

1425.02.9.1. Size. Hiring signs shall not be larger than 64 square feet.

1425.02.9.2. Height. Hiring signs shall not be more than ten feet in height.

1425.02.9.3. Time Limitation. Hiring signs shall not be placed on the property for more than 90 days during any consecutive 180 calendar days.

1425.02.9.4. Other Class B Restrictions Apply. Except as modified by this 1425.02.9, all of the requirements for Class B signs shall be applicable to hiring signs.

~~(Ord. 76-01, passed 12-31-1975)~~

1425.03 Class C Signs. Class C signs are on-premises signs that advertise a business, product, service, commodity or profession located on the same premises as the sign. Class C signs are subject to the following conditions:

1425.03.1. Location. Class C signs shall be allowed only on property that is zoned Commercial (C), Office/Light Industrial (C-1), Adult Use (C-1A), Business/Light Industrial (BLM), Hermantown Marketplace (HM) and Industrial (M-1) or (M-2). Class C signs advertising the business, product, service, commodity or profession shall be located only on the frontage of the project site. No Class C sign shall be allowed within 50 feet of a Class D sign.

1425.03.2. Type. Class C signs shall be limited to area identification signs, business signs, changing signs (automatic), freestanding signs, monument signs, illuminated signs, informational/directional signs, on-premises signs and roof signs.

1425.03.3. Size.

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1425.03.3.1. One Class C freestanding sign with a maximum square footage sign area of 100 square feet shall be allowed on all project sites having 200 feet of road frontage or less.

1425.03.3.2. One Class C freestanding sign with a maximum square footage sign area of 200 square feet or two Class C freestanding signs with a maximum square footage sign area of 100 square feet shall be allowed on all project sites having frontage of greater than 200 feet and less than 500 feet of road frontage.

1425.03.3.3. One Class C freestanding sign with a maximum square footage sign area of 300 square feet or three Class C freestanding signs with a maximum square footage sign area of 100 square feet shall be allowed on all project sites having 500 feet of road frontage or more.

1425.03.3.4. ## One Class C monument sign with a maximum square footage sign area of 140 square feet and less than 14 feet high in lieu of a the one Class C freestanding sign allowed above.

1425.03.3.5. All square footage surface area requirements shall include border and exclude structural supports. All other on-premises signs on the frontage of the site upon which the business, product, service, commodity or profession is located, shall be limited to signs attached to the walls, fascia or painted on the surface of the building.

1425.03.3.56. The maximum sign area of such signs shall be two square feet for every one lineal front foot of the principal building on such premises- up to a maximum of 350 square feet. No attached sign shall project more than three feet beyond a building when attached thereto or be higher than the top roofline. For purposes of calculating the area of a freestanding sign, back-to-back or "V" type construction sign, only one face of such sign shall be considered.

1425.03.3.67. The road frontage shall be determined by the roadway immediately bordering the project site. Where the project site is bordered by two or more roadways the roadway with the greatest frontage shall be utilized.

1425.03.4. Height. The maximum height of any Class C freestanding sign shall not exceed 35 feet.

1425.03.5. Spacing. No Class C freestanding sign shall be closer than 50 feet to any other Class C freestanding sign.

1425.03.6. Lighting. Class C signs may be illuminated. Illumination of signs shall not be of a flashing, moving or intermittent type. Changing signs (automatic) are permitted.

1425.03.7. Specifications. None.

1425.03.8. Setback. Class C freestanding signs shall maintain a side yard setback equal to the height of the sign structure.

1425.03.9. Tenant Signs.

1425.03.9.1. A sign program plan shall be required for all new commercial, office and industrial centers consisting of three or more tenant spaces. The program sign plan shall be filed with the project application to construct the center and shall be processed concurrently with the project application. ~~The purpose of the program shall be to integrate signs with building and landscaping design to form a unified architectural statement.~~ zoning application.

1425.03.9.2. This shall be achieved by:

1425.03.9.2.1. Using the same type of cabinet supports or method of mounting for signs and the same type of construction material for components, such as sign copy, cabinets, returns and supports;

1425.03.9.2.2. Using the same form of illumination of the signs; and/or

1425.03.9.2.3. For wall signs, specifying uniform sign positioning for both anchor tenants and minor tenants.

~~(Ord. 76-01, passed 12-31-1975)~~

1425.04 Class D Signs.

1425.04.1. Class D signs are off-premises signs which direct the attention of the general public to a business, product, service or commodity which is conducted, sold or offered other than on the premises on which the sign is located.

1425.04.2. Class D signs are subject to the following conditions:

1425.04.2.1. Location. Class D signs shall be allowed only on property which is zoned Commercial (C), Office/Light Industrial (C-1), Adult Use (C-1A), Business/Light Manufacturing (BLM) or Industrial (M-1) and (M-2).

1425.04.2.-2. Type. Class D signs shall be limited to ~~outdoor advertising off-premises~~ signs.

1425.04.2.3. Size. The maximum sign area for any one face of a Class D sign shall not exceed 390 square feet, excluding border, trim, structural supports and extensions. Such maximum size limitation shall apply to each face of a sign structure. Class D signs may be placed back-to-back or in a “V” type construction (not to exceed 45 degrees) but not more than one display is allowed on each face of a sign structure. For purposes of calculating the area of a back-to-back or “V” type construction sign, however, only one face of such sign shall be considered.

1425.04.2.4. Height. The maximum height of any Class D sign shall not exceed 35 feet.

1425.04.2.5. Spacing. No Class D sign may be closer than ~~5,000~~500 feet to any other Class D sign. This provision does not prohibit back-to-back or “V” type construction of Class D signs. The actual distance between Class D signs, measured in a straight line, shall be utilized in determining compliance with this requirement.

1425.04.2.6. Specifications. The Class D sign structure shall be metal only. Display panels and borders may, however, be constructed or finished in wood. All Class D signs shall be constructed on a single freestanding, self-supporting pole.

1425.04.2.7. Lighting. Class D signs may be illuminated. Illumination of signs shall not be of a flashing, moving or intermittent type. ~~Changing signs (automatic) are permitted.~~

1425.04.2.8. Setback. All Class D signs must be set back from the edge of the right-of-way bordering the front of the parcel of property upon which such sign is proposed to be located at least a distance equal to the height of such Class D sign. All Class D signs must be set back from the property lines other than the property line bordering the right-of-way described in the preceding sentence (sides and rear) of the parcel of property upon which such sign is proposed to be located at least a distance of 100 feet.

1425.04.2.9. Prohibited on Property with Other Uses. No Class D sign shall be allowed on a parcel of property on which there is an existing use-

~~(Ord. 76-01, passed 12-31-1975) (vacant lots only). If new construction takes place on the previously vacant parcel of property, the sign shall become non-conforming.~~

1425.05 Class E Signs.

1425.05.1. Class E signs are signs which are erected by a business or individual which are not intended to be permanent.

1425.05.2. Class E signs are subject to the following conditions:

1425.05.2.1. **Location.** Class E signs shall be allowed in all zone districts of the City of Hermantown.

1425.05.2.2. **Type.** Class E signs shall be limited to construction signs and real estate signs.

1425.05.2.3. **Size.** The maximum square footage for Class E signs shall be limited to 100 square feet of sign area.

1425.05.2.4. **Height.** The maximum height for all Class E signs not attached to buildings shall not exceed 10 feet.

1425.05.2.5. **Time Limitation.** Class E signs shall be permitted for the following time periods:

1425.05.2.5.1. **Construction signs** -- until substantial completion of building; and

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1425.05.2.5.2. **Real estate signs** -- until the sale or lease or rental of the property.

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1425.05.2.6. **Specifications.** None.

1425.05.2.7. **Spacing.** No requirements.

1425.05.2.8. **Lighting.** No requirements.

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1425.05.2.9. **Setback.** No requirement.

~~(Ord. 76-01, passed 12-31-1975)~~

1425.06 Class F Signs.

1425.06.1. Class F signs are political campaign signs, posters or banners which pertain to an upcoming election of a candidate and/or political issue. Class F signs shall not include ~~outdoor advertising off-premises~~ signs rented by political candidates or in connection with a political issue.

1425.06.2. Class F signs are subject to the following conditions:

1425.06.~~13~~. **Location.** Class F signs shall be allowed in all zone districts within the City of Hermantown.

1425.06.~~24~~. **Type.** Class F signs shall be limited to political campaign signs.

1425.06.~~35~~. **Size.** The maximum square footage of Class F signs shall be as follows:

<i>Zone</i>	<i>Area</i>
-------------	-------------

Residential and Suburban Zones	10 square feet
All other zones	25 square feet

1425.06.46. Height. The maximum height of a Class F sign shall be 10 feet. ~~1425.06.5. Setback. None required.~~

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1425.06.7. Setback. None required.

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1425.06.8. Special Regulations.

1425.06.68.1. Class F signs may not be placed upon any right-of-way or on any publicly owned property, any public utility pole or on any private property without the consent of the owner or occupant of such property.

1425.06.68.2. Class F signs may not be placed so as to constitute a hazard to any person or property.

1425.06.68.3. Class F signs may not be placed in any location earlier than 3060 days prior to an election and they shall not be allowed to remain in location more than ten days after the election at which the political issue advertised is decided or candidacy advertised is determined.

~~1425.06.6.4. If any Class F sign is found, placed, attached or allowed to remain in violation of any section of this chapter and the identity of the person who placed or attached such sign cannot be determined, the person, corporation or other legal entity represented by the sign shall be held prima facie responsible for such violation.~~

~~1425.06.7. 1425.06.9. Specifications.~~ None.

1425.06.810. Spacing. No requirements.

1425.06.911. Lighting. No requirements.

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~~(Ord. 76-01, passed 12-31-1975).~~ **1425.07 Class G Signs.**

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1425.07.1. Class G signs are signs which are erected and maintained by a business or individual and not permanently affixed to the premises which it is located.

1425.07.2. Class G signs are subject to the following performance standards:

1425.07.2.1. Location. Class G signs shall be allowed in all districts which are zoned Commercial (C), Office/Light Industrial (C-1), Adult Use (C-1A), Business/Light Manufacturing (BLM), Hermantown Marketplace (HM) and Industrial (M-1) or (M2).

1425.07.2.2. Type. Class G signs shall be limited to banners and pennants and portable signs. Temporary signs may not be any fluorescent color on a black background.

1425.07.2.3. Size. The maximum total square footage for Class G signs shall be 150 square feet.

1425.07.2.4. Height. The maximum height for all Class G signs not attached to buildings shall not exceed 15 feet.

1425.07.2.5. Time Limitation. Class G signs shall be allowed by permit for a period of time not to exceed 30 consecutive days in any 180-day period.

1425.07.2.6. Specifications. None.

1425.07.2.7. Spacing. No requirements.

1425.07.2.8. Lighting. No requirements.

1425.07.2.9. Setback. No requirements.

1425.07.2.910. Setback. No requirements.

~~1425.07.2.10.~~

~~1425.07.2.11. Fee.~~ No fee required, ~~except for approved deviations from performance standards. Fee for permit application form is \$20.~~

~~1425.07.2.12.~~

~~1425.07.2.11. Special Regulations.~~

~~1425.07.2.112.1~~ Signs shall not be painted on fences, rocks or similar structures or features, nor shall paper or similar signs be attached directly to a building wall or utility pole by an adhesive or mechanical fastener or otherwise.

~~1425.07.2.112.2.~~ Garage sale signs, family event signs, open house signs and auction signs are permitted, provided such signs are placed no more than one day prior to and one day after said event. Such signs must comply with all other applicable rules, ordinances and regulations.

~~(Ord. 76-01, passed 12-31-1975)~~

Section 1430 – Non-Conforming Signs and Violations

1430.01 Non-Conforming Signs. The provision of Chapter 9 hereof shall be applicable to nonconforming signs, subject to applicable state law.

~~(Ord. 76-01, passed 12-31-1975)~~**1430.02 Violations.** Violation of this chapter is a misdemeanor. Each day that the violation continues is a separate offense. The Building Official is empowered to enforce the provisions of this chapter. The Building Official shall cause the removal of any sign that endangers the public safety such as abandoned, dangerous, or electronically or structurally defective or a sign for which no permit has been issued or a sign which obstructs or interferes with

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the public right-of-way. A notice of violation shall be mailed to the sign holder or property owner citing the violation. If the violation is not corrected within ten (10) days, the City may remove the sign. No notice is required to be provided to the holder of a temporary sign not meeting the requirements of this chapter. The cost of sign removal may be charged or assessed against the property which the sign was displayed.

Section 1435 – Setbacks

1435.01 Setbacks. The setback requirements for structures established by Chapter 5 of this code shall not be applicable to signs. The setbacks set forth in this chapter shall be applicable to signs.

~~(Ord. 76-01, passed 12-31-1975)~~

Section 1440 – Floodplain, Wetland and Shoreland Regulations

1440.01 Floodplain, Wetland and Shoreland Regulations. Notwithstanding anything to the contrary contained in this Chapter 14, the regulations established by Chapter 15 hereof for Shoreland, Wetland and Floodplain Districts shall be applicable to signs.

~~(Ord. 76-01, passed 12-31-1975)~~

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Ordinance No. 2023-__

The City Council of the City of Hermantown does ordain:

AN ORDINANCE AMENDING AND RESTATING CHAPTER 14, SIGNS AND GROUND SIGNS, OF THE HERMANTOWN CITY CODE

Section 1. Purpose and Intent. The Hermantown sign code is largely from Ordinance 76-01, which was passed in December of 1975. The sign code was updated in 2008. In the 47 years since the sign code was adopted and the 14 years since the chapter was updated, the City has made changes to its zoning code that impact the sign code. Namely, the city has added two new zone districts, the Hermantown Market Place (HM) and the Business/Light Manufacturing (BLM). There are also fees sprinkled throughout the sign code. The City now puts those fees in the fee resolution rather than embedding them in the code. This allows for an annual review of the fees and a more consistent fee scheme. Finally, the legal landscape for sign ordinances has changed. In 2015, the United States Supreme Court issued a decision in *Reed v. Town of Gilbert*, in which the standard of review for sign ordinances was heightened. The City wants to make sure that its sign code can withstand legal scrutiny. Ultimately, the purpose of this ordinance is to update and modernize the language of Chapter 14.

Section 2. Amendment to Chapter 14. Chapter 14, Signs and Ground Signs, is hereby amended and restated to read as shown on Exhibit A attached hereto.

Section 3. Amended and Inserted in the Code. After the restatement of Chapter 14 made by this ordinance becomes effective, it shall be inserted in the appropriate place in the Hermantown City Code.

Section 4. Effective Date. The provisions of this Ordinance shall be effective after adoption and immediately upon publication once in the official newspaper of the City of Hermantown.

Dated the _____ day of _____, 2023.

Mayor

ATTEST:

City Clerk

Adopted: _____

Published: _____

Effective Date: _____

EXHIBIT A

Section 1400 – Purpose, Findings and Severability

1400.01 Purpose. The sign ordinance is intended to establish a comprehensive and balanced system of sign regulation that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification. It is the intent of this chapter, to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs that meet the City of Hermantown’s goals by authorizing:

1400.01.01. Permanent signs that establish a high standard of aesthetics;

1400.01.02. Signs that are compatible with their surroundings;

1400.01.03. Signs that are designed, constructed, installed, and maintained in a manner that does not adversely impact public safety or unduly distract motorists;

1400.01.04. Signs that are large enough to convey the intended message and to help citizens find their way to intended destinations;

1400.01.05. Signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;

1400.01.06. Permanent signs that give preference to the on-premise owner or occupant; and

1400.01.07. Temporary signs and advertising displays that provide an opportunity for grand openings and special events while restricting signs that create continuous visual clutter and hazards at public right-of-way intersections.

1400.02 Findings. The City of Hermantown finds it necessary for the promotion and preservation of the public health, safety, welfare, and aesthetics of the community that the construction, location, size, and maintenance of signs be controlled. Further, the City finds:

1400.02.01. Permanent and temporary signs have a direct impact on and relationship to the image of the community;

1400.02.02. The manner of installation, location, and maintenance of signs affects the public health, safety, welfare, and aesthetics of the community;

1400.02.03. An opportunity for viable identification of community businesses and institutions must be established;

1400.02.04. The safety of motorists, cyclists, pedestrians, and other users of public streets and property are affected by the number, size, location, and appearance of signs that unduly divert the attention of drivers;

1400.02.05. Installation of signs suspended from, projecting over, or placed on the tops of buildings, walks or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire-fighting and other emergency services;

1400.02.06. Uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;

1400.02.07. Uncontrolled and unlimited signs, particularly temporary signs that are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information;

1400.02.08. Commercial speech signs are generally incompatible with residential uses and should be strictly limited in residential zoning districts; and

1400.02.09. The right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location, and number.

1400.03. Severability. In the event any section, subsection, sentence, or word of this chapter is declared and adjudged to be invalidated or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this chapter, which shall remain in full force and effect as if such portion so declared or adjudged unconstitutional were not originally part of this chapter.

Section 1405 – Definitions

1405.01 Definitions. Unless the context clearly indicates otherwise, the following terms shall have the meaning set forth herein in connection with the application of this chapter and as used elsewhere in these Zoning Regulations:

1405.01.1. “Abandoned sign” means a sign which becomes vacant or unoccupied for a period of six (6) months or more, or a sign which pertains to an event, time or purpose which no longer applies, or a sign which no longer correctly directs a person or advertises a product or activity. A sign which applies to a business suspended because of a change of ownership or management of such business shall not be deemed to be an “abandoned sign” unless the property on which the sign is located remains vacant for a period of more than six (6) months. A sign remaining after demolition of a principal structure shall be deemed to be abandoned.

1405.01.2. “Address sign” means a sign identifying street address only, either written or numerical.

1405.01.3. “Area identification sign” means a freestanding sign that identifies a residential subdivision, a multiple residential complex, a shopping center, an industrial area, an office complex, or any combination thereof.

1405.01.4. “Banners and pennants” means advertising or attention getting devices which resemble flags, or streamers and similar devices and are made of lightweight materials and mounted to be moved by atmospheric conditions.

1405.01.5. “Business sign” means a sign which identifies a business, product, service or commodity sold or conducted on the premises where such sign is located.

1405.01.6. “Changing sign (automatic)” means a sign, including an electrically controlled public service information sign, message center or reader board, where different automatic messages of an informative or commercial nature of interest to the public are shown.

1405.01.7. “Construction sign” means a sign used at a construction site for identification purposes.

1405.01.8. “Electronic Sign (ES)” Means a sign, display or device that changes the message copy on the sign by means of light emitting diodes (LED’S), video display, fiber optics, light bulbs or other illumination devices within the display area.

1405.01.9. “Flashing sign” means any illuminated sign which, when operated, does not maintain a uniform light intensity or color at all times.

1405.01.10. “Freestanding sign” means a sign not affixed to any other structure. A sign that is either attached directly to the ground or is on pylons, posts or uprights, not attached to or forming part of a building.

1405.01.11. “Governmental sign” means a sign erected by a local or other unit of government which is used to identify a public building or area, or to direct traffic or to otherwise inform the public.

1405.01.12. “Illuminated sign” means any sign which depends upon any artificial light source either directed at the sign or as an integral component of the sign.

1405.01.13. “Informational/directional sign” means a sign which has the purpose of informing or directing visitors, employees or delivery vehicles on the premises of a business. Such signs shall not contain any advertising messages.

1405.01.14. “Monument sign” means a freestanding sign that contains a solid or enclosed base no less than two thirds the width of the sign face and where the sign support post is not visible.

1405.01.15. “Non-conforming sign” means any advertising device or sign which was lawfully erected and maintained and which fails to conform to all the applicable regulations and restrictions.

1405.01.16. “On-premises sign” means any sign used to direct the attention to a business, service or commodity conducted upon the premises on which the sign is located and/or which refers to goods or services produced, offered for sale or obtained on such premises.

1405.01.17. “Off-premises sign” means a sign, including all supporting structures, poles and supports which directs the attention of the general public to a business, product, service or commodity which is conducted, sold or offered other than on the premises on which the sign is located.

1405.01.18. “Political campaign sign” means signs, posters or banners which pertain to an upcoming election of a candidate and/or political issue.

1405.01.19. “Portable sign” means a sign which is not affixed permanently to the premises on which it is located and is moveable on the premises or from one location to another.

1405.01.20. “Real estate sign” means a sign affixed to a business or lot which advertises the premises on which it is located for sale, lease or rental.

1405.01.21. “Roof sign” means any sign which is permanently attached to the roof of a building that extends above the roof of the building to which it is attached.

1405.01.222. “Sign” means the use of any letter, symbol, art, device or reading matter, either non-illuminated or illuminated, which is visible by the public, is located upon public or private property and is used to direct the public attention to any business, product, service, commodity or profession located either on or off the premises on which the sign is located. This definition does not include official notices issued by any court or public office or officer in the performance of a public duty and traffic control signs.

1405.01.23. “Sign area” means the area within a single continuous perimeter enclosing the extreme limits of the actual sign surface or, in the case of letters, numerals or symbols attached to a building, the area is included in the smallest continuous perimeter enclosing the letters, numerals or symbols, but does not include supports or bracing unless they are part of the message or sign face. Window signs affixed to a windowpane are calculated as individual letters or logos as long as the film around the perimeter of the letters or logos is transparent.

Section 1410 – General Provisions

1410.01 Construction and Maintenance.

1410.01.1. All signs shall be constructed in a safe manner so that no sign shall endanger persons or property.

1410.01.2. All signs shall be maintained and repaired as necessary to prevent the sign from endangering persons or property. All parts and supports shall be properly painted. Any sign or sign structure that is rotted or unsafe, deteriorated, defaced or otherwise altered, shall be repainted, or repaired or replaced by the licensee, owner or agent of the owner of the property from which the sign stands.

1410.01.3. The City shall allow for replacement of structural members or footing(s) that have deteriorated to a point of affecting the safety and/or general appearance of a conforming sign.

1410.01.4. Such repairs shall not alter the size or height of the existing sign and shall use similar materials whenever possible; provided, however, that the sign owner may request to improve the appearance of a sign or reduce its required maintenance by submitting a sign permit application to replace specific components with other materials. An example of such improvement would be the replacement of a multi-pole sign base with a single column. Such repairs are subject to design and architectural review by the Building Official.

1410.01.5. Any such improvements would be limited by the height and size restrictions of this chapter.

1410.02 Construction Codes. All signs shall be constructed in accordance with all applicable building and electrical codes.

1410.03 Application of Regulations and Substitution Clause. This section shall apply to the location, erection, and maintenance of signs in all zoning districts within the City of Hermantown. The owner of any sign that is otherwise allowed by this chapter may substitute non-commercial sign copy or message without any additional approval or permitting subject to the operational standards set forth herein. The purpose of this provision is to prevent any inadvertent favoring of commercial speech or message over non-commercial speech or message. This provision prevails over any more specific provision to the contrary.

1410.04 Abandoned Signs. Abandoned signs are prohibited. In addition to all other remedies, the City shall have the remedies and shall follow the procedures set forth in Minnesota Statute § 463.15 et seq., as it may be amended from time to time, with respect to any signs deemed abandoned under this chapter.

Section 1415 – Permits

1415.01 Required. No sign shall be located, erected, moved, reconstructed, extended, enlarged or structurally altered within the City until a sign permit has been issued by the City of Hermantown, unless specifically waived within this chapter. No sign permit shall be issued for a sign not in conformity with the regulations applicable to such sign. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

1415.02 Exceptions. A sign permit shall not be required for the following classes of signs:

1415.02.1. Class A signs;

1415.02.2. Class B signs;

1415.02.3. One Class C sign that is not larger than six square feet and is not freestanding;

1415.02.4. Class E signs; and

1415.02.5. Class F signs.

1415.03 Application. Application for a sign permit shall be made to the Building Official. The application shall contain the following information: the proposed location of the sign to be erected; its size expressed in terms of square feet of display area, using vertical and horizontal dimensions; the type of construction; the name and address of the owner of the sign and the person, firm or corporation that shall be responsible for the erection and maintenance thereof; a complete set of plans showing the necessary elevations, distances, size and details to fully and clearly represent the construction and place of the sign, and the name and address of the property owner of the land upon which it is to be erected. The Building Official may prescribe such suitable regulations, consistent with the provisions of this code, concerning the form and contents of all applications as he or she may deem necessary or advisable. All applications for permits shall be accompanied by design and engineering information, as may be requested by the Building Official.

1415.04 Issuance of Permits by Building Official.

1415.04.1. The Building Official shall consider all applications for sign permits in accordance with the provisions of this chapter.

1415.04.2. Prior to issuing a sign permit for any sign, the Building Official shall determine that the applicant shall have fully complied with the regulations of this chapter.

1415.05 Duration of Permit. Any sign permit issued by the Building Official under this chapter shall be valid for a period of 12 months from the date of issuance. If the construction of the sign is not completed within 12 months from the date of its issuance, the sign permit shall be void and the site for which the permit was sought shall be returned to the conditions it was in prior to the issuance of such sign permit.

1415.06 Fees. An application for a sign permit shall be accompanied by the fee specified in the following schedule:

Class A:	No fee required	
Class B:	No fee required	
Class C (freestanding):	Up to 50 sq. ft.	See fee schedule
	Over 50 sq. ft.	See fee schedule
Other Class C:	Up to 25 sq. ft.	See fee schedule
	Over 25 sq. ft.	See fee schedule
Class D:	Up to 100 sq. ft.	See fee schedule
	Over 100 sq. ft.	See fee schedule
Class E:	No fee required	
Class F:	No fee required	
Class G (temporary):		See fee schedule

1415.06.1. No application will be considered unless and until the required fee set forth in the fee schedule has been paid by the applicant to the City Clerk.

1415.07 Building Permit. In addition to the sign permit required by this chapter, a building permit must be obtained from the Building Official of the City of Hermantown prior to the construction of any sign when the construction activity is of such a nature that a building permit is required under the Hermantown Building Code.

Section 1420 – Prohibited Sign Characteristics

1420.01 Imitation of Other Devices. No sign shall resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices.

1420.02 Visibility of Official Signs. No sign shall be so located so as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.

1420.03 Obstruction of Exit Routes. No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window or fire escape, and no sign shall be attached to a standpipe or fire escape.

1420.04 Other Prohibited Sign Characteristics. No animated signs and signs in the right-of-way except as provided by law. No signs on trees, shrubs, or public utility poles. No signs that are structurally unsafe or abandoned. No signs that contain or consist of pennants, ribbons, streamers, strings of lights, spinners or similar devices. No sidewalk decals, search lights and signs not otherwise listed as permitted.

1420.05 Morality of Material. No sign shall display any obscene, indecent or immoral matter as further defined by Minnesota Statute § 617.241.

1420.06 Danger to Traffic. No sign shall display any material which may cause danger to traffic. Included are signs which contain the words “stop,” “go slow,” “caution,” “danger,” “warning” or similar words.

1420.07 Flashing Lights. No flashing sign shall be erected which contains, includes or is illuminated by any flashing light or lights, except those giving public service information.

1420.08 Shielding Required. No sign shall be erected or maintained which is not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of any highway or street of such intensity or brilliance so as to cause glare or impair the vision of the operator of any motor vehicle. Further, all signs shall be constructed so as to prevent beams or rays of light from being directed at any portion of a building or residence.

1420.09 Height Limitations. No sign shall exceed the lesser of (1) maximum height limitation for the zone district in which it is located; or (2) the maximum height limitation set forth in Section

1425 of this chapter. The measurement for either height limitation shall be made from the site of the support structure or at the nearest roadway, whichever is higher.

1420.10 Rotation and movement. No sign shall be erected which involves rapid rotation of the structure or any part thereof, with the exception of Class C and Class D signs that are electronic signs.

1420.11 Prohibitions for Class C and Class D signs. The following prohibitions are applicable to Class C and Class D signs that are electronic signs:

1420.11.1. The sign must be separated from other electronic signs by at least 200 feet;

1420.11.2. Orientation. In all districts, the sign must be oriented so that no portion of the sign face is visible from a park that is over one acre in area and contains improvements for recreational use, which park is within 150 feet of the sign, or no portion of the sign face is visible from a school which is within 150 feet of the sign;

1420.11.3. All electronic signs must have an automatic dimmer control which produces a distinct illumination change from a higher allowed illumination level to a lower allowed level for the time period between one half hour before sunset and one-half hour after sunset. Luminance is limited to a maximum of 5,000 nits during the day and 300 nits during nighttime hours.

1420.11.4. Duration. Any image or message or portion thereof displayed on a Class C or D sign shall have a minimum duration of ten seconds and shall be static display. Transition time must be no longer than two seconds.

1420.11.5. Default mechanism. Electronic signs shall contain a default design that will freeze the design in one position if a malfunction occurs;

1420.11.6. Audio or pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited.

Section 1425 – Classification of Signs

1425.01 Class A Signs. Class A signs are subject to the following conditions.

1425.01.1. Location. Class A signs shall be allowed in any zone district in the City of Hermantown as required by the governing body having jurisdiction, including but not limited to the City of Hermantown, St. Louis County Highway Department, and State of Minnesota Highway Department.

1425.01.2. Type. Class A signs shall be limited to governmental signs.

1425.01.3. Size. As required.

1425.01.4. Height. As required.

1425.01.5. Spacing. As required.

1425.01.6. Specifications. None.

1425.01.7. Lighting. No requirements.

1425.01.8. Setback. No requirements.

1425.02 Class B Signs. Class B signs are signs which are used to inform the general public in a non-advertising message, except for real estate signs advertising the sale or lease of property and sponsorship signs for parks, ballfields, and trails. Class B signs are subject to the following conditions:

1425.02.1. Location. Class B signs shall be allowed in all zone districts of the City of Hermantown.

1425.02.2. Type. Class B signs shall be limited to informational/directional signs, address signs, house of worship signs, warning signs and similar signs.

1425.02.3. Size. All Class B signs shall be not greater than six square feet in sign area.

1425.02.4. Height. Not greater than ten feet.

1425.02.5. Spacing. No requirement.

1425.02.6. Specifications. None.

1425.02.7. Lighting. No requirements.

1425.02.8. Setback. No requirement.

1425.02.9. Hiring Signs. Signs indicating that opportunities are available for employment at the property upon which the signs are located are Class B signs. Hiring signs are subject to the following limitations and requirements:

1425.02.9.1. Size. Hiring signs shall not be larger than 64 square feet.

1425.02.9.2. Height. Hiring signs shall not be more than ten feet in height.

1425.02.9.3. Time Limitation. Hiring signs shall not be placed on the property for more than 90 days during any consecutive 180 calendar days.

1425.02.9.4. Other Class B Restrictions Apply. Except as modified by this 1425.02.9, all of the requirements for Class B signs shall be applicable to hiring signs.

1425.03 Class C Signs. Class C signs are on-premises signs that advertise a business, product, service, commodity or profession located on the same premises as the sign. Class C signs are subject to the following conditions:

1425.03.1. Location. Class C signs shall be allowed only on property that is zoned Commercial (C), Office/Light Industrial (C-1), Adult Use (C-1A), Business/Light Industrial (BLM), Hermantown Marketplace (HM) and Industrial (M-1) or (M-2). Class C signs advertising the business, product, service, commodity or profession shall be located only on the frontage of the project site. No Class C sign shall be allowed within 50 feet of a Class D sign.

1425.03.2. Type. Class C signs shall be limited to area identification signs, business signs, changing signs (automatic), freestanding signs, monument signs, illuminated signs, informational/directional signs, on-premises signs and roof signs.

1425.03.3. Size.

1425.03.3.1. One Class C freestanding sign with a maximum square footage sign area of 100 square feet shall be allowed on all project sites having 200 feet of road frontage or less.

1425.03.3.2. One Class C freestanding sign with a maximum square footage sign area of 200 square feet or two Class C freestanding signs with a maximum square footage sign area of 100 square feet shall be allowed on all project sites having frontage of greater than 200 feet and less than 500 feet of road frontage.

1425.03.3.3. One Class C freestanding sign with a maximum square footage sign area of 300 square feet or three Class C freestanding signs with a maximum square footage sign area of 100 square feet shall be allowed on all project sites having 500 feet of road frontage or more.

1425.03.3.4. ## One Class C monument sign with a maximum square footage sign area of 140 square feet and less than 14 feet high in lieu of a the one Class C freestanding sign allowed above.

1425.03.3.5. All square footage surface area requirements shall include border and exclude structural supports. All other on-premises signs on the frontage of the site upon which the business, product, service, commodity or profession is located, shall be limited to signs attached to the walls, fascia or painted on the surface of the building.

1425.03.3.6. The maximum sign area of such signs shall be two square feet for every one lineal front foot of the principal building on such premises up to a maximum of 350 square feet. No attached sign shall project more than three feet beyond a building when attached thereto or be higher than the top roofline. For purposes of calculating the area of a freestanding sign, back-to-back or "V" type construction sign, only one face of such sign shall be considered.

1425.03.3.7. The road frontage shall be determined by the roadway immediately bordering the project site. Where the project site is bordered by two or more roadways the roadway with the greatest frontage shall be utilized.

1425.03.4. Height. The maximum height of any Class C freestanding sign shall not exceed 35 feet.

1425.03.5. Spacing. No Class C freestanding sign shall be closer than 50 feet to any other Class C freestanding sign.

1425.03.6. Lighting. Class C signs may be illuminated. Illumination of signs shall not be of a flashing, moving or intermittent type. Changing signs (automatic) are permitted.

1425.03.7. Specifications. None.

1425.03.8. Setback. Class C freestanding signs shall maintain a side yard setback equal to the height of the sign structure.

1425.03.9. Tenant Signs.

1425.03.9.1. A sign plan shall be required for all new commercial, office and industrial centers consisting of three or more tenant spaces. The sign plan shall be filed with the project application to construct the center and shall be processed concurrently with the project zoning application.

1425.03.9.2. This shall be achieved by:

1425.03.9.2.1. Using the same type of cabinet supports or method of mounting for signs and the same type of construction material for components, such as sign copy, cabinets, returns and supports;

1425.03.9.2.2. Using the same form of illumination of the signs; and/or

1425.03.9.2.3. For wall signs, specifying uniform sign positioning for both anchor tenants and minor tenants.

1425.04 Class D Signs.

1425.04.1. Class D signs are off-premises signs which direct the attention of the general public to a business, product, service or commodity which is conducted, sold or offered other than on the premises on which the sign is located.

1425.04.2. Class D signs are subject to the following conditions:

1425.04.2.1. Location. Class D signs shall be allowed only on property which is zoned Commercial (C), Office/Light Industrial (C-1), Adult Use (C-1A), Business/Light Manufacturing (BLM) or Industrial (M-1) and (M-2).

1425.04.2.2. Type. Class D signs shall be limited to off-premises signs.

1425.04.2.3. Size. The maximum sign area for any one face of a Class D sign shall not exceed 390 square feet, excluding border, trim, structural supports and extensions. Such maximum size limitation shall apply to each face of a sign structure. Class D signs may be placed back-to-back or in a “V” type construction (not to exceed 45 degrees) but not more than one display is allowed on each face of a sign structure. For purposes of calculating the area of a back-to-back or “V” type construction sign, however, only one face of such sign shall be considered.

1425.04.2.4. Height. The maximum height of any Class D sign shall not exceed 35 feet.

1425.04.2.5. Spacing. No Class D sign may be closer than 500 feet to any other Class D sign. This provision does not prohibit back-to-back or “V” type construction of Class D signs. The actual distance between Class D signs, measured in a straight line, shall be utilized in determining compliance with this requirement.

1425.04.2.6. Specifications. The Class D sign structure shall be metal only. Display panels and borders may, however, be constructed or finished in wood. All Class D signs shall be constructed on a single freestanding, self-supporting pole.

1425.04.2.7. Lighting. Class D signs may be illuminated. Illumination of signs shall not be of a flashing, moving or intermittent type.

1425.04.2.8. Setback. All Class D signs must be set back from the edge of the right-of-way bordering the front of the parcel of property upon which such sign is proposed to be located at least a distance equal to the height of such Class D sign. All Class D signs must be set back from the property lines other than the property line bordering the right-of-way described in the preceding sentence (sides and rear) of the parcel of property upon which such sign is proposed to be located at least a distance of 100 feet.

1425.04.2.9. Prohibited on Property with Other Uses. No Class D sign shall be allowed on a parcel of property on which there is an existing use (vacant lots only). If new construction takes place on the previously vacant parcel of property, the sign shall become non-conforming.

1425.05 Class E Signs.

1425.05.1. Class E signs are signs which are erected by a business or individual which are not intended to be permanent.

1425.05.2. Class E signs are subject to the following conditions:

1425.05.2.1. Location. Class E signs shall be allowed in all zone districts of the City of Hermantown.

1425.05.2.2. Type. Class E signs shall be limited to construction signs and real estate signs.

1425.05.2.3. Size. The maximum square footage for Class E signs shall be limited to 100 square feet of sign area.

1425.05.2.4. Height. The maximum height for all Class E signs not attached to buildings shall not exceed 10 feet.

1425.05.2.5. Time Limitation. Class E signs shall be permitted for the following time periods:

1425.05.2.5.1. Construction signs – until substantial completion of building; and

1425.05.2.5.2. Real estate signs – until the sale or lease or rental of the property.

1425.05.2.6. Specifications. None.

1425.05.2.7. Spacing. No requirements.

1425.05.2.8. Lighting. No requirements.

1425.05.2.9. Setback. No requirement.

1425.06 Class F Signs.

1425.06.1. Class F signs are political campaign signs, posters or banners which pertain to an upcoming election of a candidate and/or political issue. Class F signs shall not include off-premises signs rented by political candidates or in connection with a political issue.

1425.06.2. Class F signs are subject to the following conditions:

1425.06.3. Location. Class F signs shall be allowed in all zone districts within the City of Hermantown.

1425.06.4. Type. Class F signs shall be limited to political campaign signs.

1425.06.5. Size. The maximum square footage of Class F signs shall be as follows:

<i>Zone</i>	<i>Area</i>
Residential and Suburban Zones	10 square feet
All other zones	25 square feet

1425.06.6. Height. The maximum height of a Class F sign shall be 10 feet.

1425.06.7. Setback. None required.

1425.06.8. Special Regulations.

1425.06.8.1. Class F signs may not be placed upon any right-of-way or on any publicly owned property, any public utility pole or on any private property without the consent of the owner or occupant of such property.

1425.06.8.2. Class F signs may not be placed so as to constitute a hazard to any person or property.

1425.06.8.3. Class F signs may not be placed in any location earlier than 60 days prior to an election and they shall not be allowed to remain in location more than ten days after the election at which the political issue advertised is decided or candidacy advertised is determined.

1425.06.9. Specifications. None.

1425.06.10. Spacing. No requirements.

1425.06.11. Lighting. No requirements.

1425.07 Class G Signs.

1425.07.1. Class G signs are signs which are erected and maintained by a business or individual and not permanently affixed to the premises which it is located.

1425.07.2. Class G signs are subject to the following performance standards:

1425.07.2.1. Location. Class G signs shall be allowed in all districts which are zoned Commercial (C), Office/Light Industrial (C-1), Adult Use (C-1A), Business/Light Manufacturing (BLM), Hermantown Marketplace (HM) and Industrial (M-1) or (M2).

1425.07.2.2. Type. Class G signs shall be limited to banners and pennants and portable signs. Temporary signs may not be any fluorescent color on a black background.

1425.07.2.3. Size. The maximum total square footage for Class G signs shall be 150 square feet.

1425.07.2.4. Height. The maximum height for all Class G signs not attached to buildings shall not exceed 15 feet.

1425.07.2.5. Time Limitation. Class G signs shall be allowed by permit for a period of time not to exceed 30 consecutive days in any 180-day period.

1425.07.2.6. Specifications. None.

1425.07.2.7. Spacing. No requirements.

1425.07.2.8. Lighting. No requirements.

1425.07.2.9. Setback. No requirements.

1425.07.2.10. Setback. No requirements.

1425.07.2.11. Fee. No fee required

1425.07.2.12. Special Regulations.

1425.07.2.12.1 Signs shall not be painted on fences, rocks or similar structures or features, nor shall paper or similar signs be attached directly to a building wall or utility pole by an adhesive or mechanical fastener or otherwise.

1425.07.2.12.2. Garage sale signs, family event signs, open house signs and auction signs are permitted, provided such signs are placed no more than one day prior to and one day after said event. Such signs must comply with all other applicable rules, ordinances and regulations.

Section 1430 – Non-Conforming Signs and Violations

1430.01 Non-Conforming Signs. The provision of Chapter 9 hereof shall be applicable to nonconforming signs, subject to applicable state law.

1430.02 Violations. Violation of this chapter is a misdemeanor. Each day that the violation continues is a separate offense. The Building Official is empowered to enforce the provisions of this chapter. The Building Official shall cause the removal of any sign that endangers the public safety such as abandoned, dangerous, or electronically or structurally defective or a sign for which no permit has been issued or a sign which obstructs or interferes with the public right-of-way. A notice of violation shall be mailed to the sign holder or property owner citing the violation. If the violation is not corrected within ten (10) days, the City may remove the sign. No notice is required to be provided to the holder of a temporary sign not meeting the requirements of this chapter. The cost of sign removal may be charged or assessed against the property which the sign was displayed.

Section 1435 – Setbacks

1435.01 Setbacks. The setback requirements for structures established by Chapter 5 of this code shall not be applicable to signs. The setbacks set forth in this chapter shall be applicable to signs.

Section 1440 – Floodplain, Wetland and Shoreland Regulations

1440.01 Floodplain, Wetland and Shoreland Regulations. Notwithstanding anything to the contrary contained in this Chapter 14, the regulations established by Chapter 15 hereof for Shoreland, Wetland and Floodplain Districts shall be applicable to signs.