



Hermantown Planning & Zoning Meeting – May 16, 2023

Because of attendance limitations at the regular meeting location due to the health pandemic, Hermantown's May 16, 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.



PLANNING & ZONING COMMISSION

Agenda
May 16, 2023
7:00 PM

1. ROLL CALL

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES

3A. April 18, 2023 regular meeting.

4. PUBLIC DISCUSSION – Public comment on any item not otherwise listed on the agenda.

5. PUBLIC HEARINGS

5A. An application for a Commercial Industrial Development Permit by Liechty International, LLC for the construction of a 6,000 square foot building used for assembly purposes. The property is located at 4861 Miller Trunk Highway and is located in a C, Commercial zoning district.

5B. An application for a Special Use Permit by Russ Bradley for the construction of a 672 square foot garage addition which would bring his accessory structure to 1512 square feet. The property is located at 3990 Ugstad Road and is located in a R-3, Residential zoning district.

5C. An application for a Special Use Permit by Trisha Crace for the construction of an 896 square foot single family home in a Natural Environment Shoreland Area. The property is located at 428x Birch Valley Road and is located in a R-1, Residential zoning district.

5D. 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



PLANNING & ZONING COMMISSION

April 18, 2023 Meeting Summary

7:00 PM

1. ROLL CALL

Members Present: Joe Peterson; Corey Kolquist, Valerie Ouellette; Samuel Clark; Buckley Simmons; Beth Wentzlaff; and Councilor John Geissler

Members Absent: Dante Tomassoni

Others Present: Eric Johnson, Community Development Director; Jon Fahning, 2485 Acorn Run, Victoria, MN; Stephanie & Bryan Gray, 4071 W Pioneer Rd., Duluth; Gary & Jeff Gilbert, 3850 Old Midway Rd.; and David Hokanson, 5057 W Arrowhead Rd.

2. APPROVAL OF AGENDA

Motion made by Corey Kolquist to approve the April 18, 2023 agenda as presented. Seconded by Valerie Ouellette. Motion carried.

3. APPROVAL OF MINUTES

Motion made by Valerie Ouellette to approve the March 21, 2023 minutes as presented. Seconded by Buckley Simmons. Motion carried.

4. PUBLIC DISCUSSION

None.

5. PUBLIC HEARING

5A. An application by JLG Enterprises for a Preliminary Plat for a 13 lot and 2 outlot subdivision located at the formerly addressed 3956 Stebner Road. The property is located in an R-3 zoning district.

Applicant, JLG Enterprises, is proposing to construct the fourth phase of the Peyton Acres development. In 2020, JLG proposed a preliminary plat of phase 1A and 1B for a total of 19 lots and 2 outlots. In June 2020, JLG submitted for a final plat for phase 1A which included six residential lots and 2 outlots over five existing parcels totaling 65.0 acres. The initial preliminary plat and final plat were both recommended for approval by the Planning Commission and were ultimately approved by the City Council.

The Applicant has proposed a multi-phase residential development of approximately 65 acres. To date, the Applicant has constructed the infrastructure (road base, watermain and sewermain for Phase 1A and 1B has received approval for Phase 1C infrastructure. Future additions to the subdivision will require an additional road connection on the eastern portion of the property

connecting to Oak Ridge Drive for public safety, road maintenance, and traffic improvements. In addition, the City will be requiring a right of way access to the adjoining +/- 100 acres to the east.

The Applicant is now bringing forward Phase 2A of the project consisting of 13 lots and two outlots. Outlot A contains the stormwater pond for this phase with Outlot B containing the remaining +/-21 acres.

Motion made by Corey Kolquist to approve the application JLG Enterprises for a Preliminary Plat for a 13 lot and 2 outlot subdivision located at the formerly addressed 3956 Stebner Road. Seconded by Buckley Simmons. Motion carried 6 to 0.

5B. An application by Pete Stauber for a Special Use Permit for the construction of a two-family home located at 5068 W Arrowhead Road. The property is located in an R-3 zoning district.

The applicant, Pete Stauber, owns adjacent properties of 5068 and 5078 W Arrowhead Road. The two parcels share a common driveway which has an existing easement which has been in place for many years. The purpose of the shared driveway was to avoid the existing drainage conveyance which runs across the NE corner of the 5078 parcel.

There is an existing single family home located on the 5068 parcel which will be removed prior to the construction of the proposed two-family home.

David Hokanson, 5057 W Arrowhead Rd., was concerned about the impact of any drainage.

Eric stated that there would not be any impact.

Motion made by Corey Kolquist to approve the application by Pete Stauber for a Special Use Permit for the construction of a two-family home located at 5068 W Arrowhead Road. Seconded by Buckley Simmons. Motion carried 6 to 0.

5C. An application by Pete Stauber for a Special Use Permit for grading and filling in a Recreational Shoreland District for the purpose of building a two-family home at 5068 W Arrowhead Road. The property is located in an R-3 zoning district.

The applicant, Pete Stauber, owns adjacent properties of 5068 and 5078 W Arrowhead Road. The two parcels share a common driveway which has an existing easement which has been in place for many years. The purpose of the shared driveway was to avoid the existing drainage conveyance which runs across the NE corner of the 5078 parcel.

There is an existing single family home located on the 5068 parcel which will be removed prior to the construction of the proposed two-family home.

Motion made by Samuel Clark to approve the application by Pete Stauber for a Special Use Permit for grading and filling in a Recreational Shoreland District for the purpose of building a two-family home at 5068 W Arrowhead Road. Seconded by Valerie Ouellette. Motion carried 6 to 0.

5D. An application by Pete Stauber for a Subdivision to create a 150-foot-wide parcel of 1.72 acres and a 6.29-acre lot accessed by way of a flag lot of 50-foot width at 5078 W Arrowhead Road. The property is located in an R-3 zoning district.

The property owner, Pete Stauber, owns three parcels of land; a 1.58 acre property with an existing single family home at 5058 W Arrowhead Road a 1.52 acre property associated with 5078 W Arrowhead Road and a 5.0 acre property which contains the single family home at 5078 W Arrowhead Road.

The property owner proposes to reconfigure the three lots into two lots. The reconfiguration will create a 150 foot wide lot of 1.72 acres (5068 W. Arrowhead Road) and a flag lot with a frontage of 58 feet and 6.29 acres (5078 W. Arrowhead Road). The purpose of the flag lot is to create a 150 foot wide parcel that meets the requirements of a two-family home on the 5068 W Arrowhead Road property.

Parcel A: $150' \times 500' = 23,000/43,560$ or 1.72 acres

Parcel B: $58' \times 500'$, $208' \times 124'$ and $333' \times 657' = 273,573/43,560$ sf. or 6.28 acres

The property owner intends to remove the existing single family home from the 5068 property and replace it with a two-family home. There is a shared driveway that accesses both the 5068 and 5078 with an existing easement which has been in place for a number of years. There is an existing water conveyance east of the existing driveway which was the rationale for the shared driveway. The existing home at 5078 and proposed two-family home at 5068 would continue to use the shared driveway.

Motion made by Corey Kolquist to approve the application by Pete Stauber for a Subdivision to create a 150-foot-wide parcel of 1.72 acres and a 6.29-acre lot accessed by way of a flag lot of 50-foot width at 5078 W Arrowhead Road. Seconded by Valerie Ouellette. Motion carried 6 to 0.

5E. An application by Five Star Storage for a Commercial Industrial Development Permit for the construction of a 24,000 square foot storage building (12,000 SF footprint x 2 stories) with associated stormwater improvements. The property is located at 4771 W Arrowhead Road and is located in a C, Commercial zoning district.

The applicant, Five Star Storage, is proposing to demolish an existing storage building on the property and replace it with the proposed 2 story, 24,000 square foot total climate controlled, storage building. The existing building is located in the middle of the property adjacent to the site's stormwater area. The existing building is 1 story and approximately 4,500 square feet in size.

The proposed storage building is located in the same location as the existing one, however the new building footprints expands in all 4 directions on the property. The existing stormwater area will be reduced in land area size but reconfigured and deepened in order to accommodate the stormwater requirements associated with this new building.

As part of the proposed site work, additional designated parking spaces and covered loading/drop-off area are associated with this work. The existing pavement adjacent to the proposed building will be regraded and repaved.

Motion made by Valerie Ouellette to approve the application by Five Star Storage for a Commercial Industrial Development Permit for the construction of a 24,000 square foot storage building (12,000 SF footprint x 2 stories) with associated stormwater improvements. The property is located at 4771 W Arrowhead Road. Seconded by Buckley Simmons. Motion carried 6 to 0.

5F. An application by Coffee Holdings, LLC (Jon Fahning) for a Commercial Industrial Development Permit for the construction of a 625 square foot drive-thru coffee shop with 12 parking spaces and 10 vehicle stacking. The property is located at 5106 Miller Trunk Highway and is located in a C, Commercial zoning district.

The applicant, Coffee Holdings, LLC (Jon Fahning) is proposing to subdivide the property into 2 lots; the existing golf cart sales and service facility on the eastern 1.1 acres and the proposed Caribou Coffee Cabin on the western 1.2 acres.

The property at 5106 Miller Trunk Highway is an existing golf cart sales and service facility. The property has access to Miller Trunk Highway and Lavaque Road.

The proposed Caribou Coffee Cabin site consists of a 625 square foot drive-thru only structure with a front patio for walk-up service. The building is located in order to maximize overvehicle and to avoid off site stacking along the southern public easement drive. The design provides for 10 vehicle stacking as well as a 12 space parking lot located south of the building. There is a large green space located in the SW corner of the site which may be used for stormwater treatment, should it be required.

The site is accessed from Miller Trunk Highway via a shared driveway entrance and from Lavaque Road via a public easement. The pavement surface along the shared driveway and public easement are in poor condition. The applicant has indicated that they will be contacting the adjoining property owners (Do North Pizza, Centricity Bank, Midwest Golf Cars) to discuss the pavement condition and possible remedies.

Motion made by Samuel Clark to approve the application by Coffee Holdings, LLC (Jon Fahning) for a Commercial Industrial Development Permit for the construction of a 625 square foot drive-thru coffee shop with 12 parking spaces and 10 vehicle stacking. The property is located at 5106 Miller Trunk Highway. Seconded by Beth Wentzlaff. Buckley Simmons abstained. Motion carried 5 to 0.

5G. Zoning Ordinance text amendments by the City of Hermantown amending Chapter 14 – Signs and Ground Signs.

This ordinance was initially discussed at the January 2023 Planning and Zoning meeting. Commission members had questions regarding multi-tenant and multi-story buildings and how those would be permitted. At the March 2023 meeting staff discussed buildings (single tenant and multi-tenant) having the ability to have signage on all four sides of the building. Discussion involved around utilizing a building linear footage as the basis for measurement or a square footage of wall surface.

Staff has looked at additional City ordinances as well as reviewed buildings within the City to ascertain their signage use. Based upon this information, staff is recommending the following:

- Road frontage building sides: 2 square feet/1 linear foot of building
- Secondary sides (not abutting a road): 1.25 square feet/1 linear foot of building

Multi-story buildings were also briefly discussed at the March 2023 meeting with staff being directed to review other City ordinances. In an effort to not over complicate the Hermantown ordinance, staff recommends the following for buildings greater than 1 story in height:

- Road frontage building sides, the least restrictive of the following:

1) 2 square feet/1 linear foot of building

OR

2) 6% of wall area

- Secondary sides (not abutting a road), the least restrictive of the following:

1) 1.25 square feet/1 linear foot of building

OR

2) 4% of wall area

This method allows for easy calculation of allowable sign area and does not get into a story by story allowance/calculation.

It was agreed upon by the commission members that staff and the City Attorney will continue to look at window signage and will approach it again at a later time.

6. CONTINUING BUSINESS

Eric introduced to the members that HKGI will be working with staff related to the Hermantown Comprehensive Plan. Additional information along with an interactive map is currently on the City of Hermantown's webpage.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

None.

9. COMMISSION MEMBER REPORTS

Joe Peterson – None

Corey Kolquist – None

Valerie Ouellette – None

Samuel Clark – None

Beth Wentzlaff – None

Buckley Simmons – None

Dante Tomassoni – Absent

John Geissler – Asked Eric Johnson to check on Accurate Auto regarding issues of garbage and tires on their site. John advised the members of the new THC City Ordinance, and the licensing for the product.

ADJOURN

Motion made by Samuel Clark to adjourn the meeting. Seconded by Corey Kolquist. Meeting adjourned at 8:31pm.

Officiated by:

Transcribed by:

Joe Peterson, Chairman

Mary Melde, Administrative Assistant



5A. 4861 Miller Trunk Highway – Commercial Industrial Development Permit (CIDP)

- Applicant:** Liechty International LLC
- Case No.:** 2023-12-CIDP
- Staff Contact:** Eric Johnson, Community Development Director
- Request:** Approve a Commercial Industrial Development Permit with conditions for a 6,000 square foot assembly building.

RECOMMENDED ACTION:

Approve a Commercial Industrial Development Permit (CIDP) in order to construct a 6,000 square foot assembly building. The property is located at 4861 Miller Trunk Highway (395-0010-03495 and 395-0010-03345).

DESCRIPTION OF REQUEST:

The property at 4861 Miller Trunk Highway is an existing manufactured home sales business which has been in existence for decades. The business was purchased by Liechty International LLC in 2022 and site improvements have been discussed with the City. The first stage of site improvements is the proposed construction of a 6,000 square foot building for the assembly of building components into small cabins.

The applicant is proposing to utilize existing vacant property along the western property line in order to construct the proposed building and paved driving surface. There will also be stormwater improvements to the property for the new building.

SITE INFORMATION:

- Parcel Size:** +/-9.3 acres
- Legal Access:** 4861 Miller Trunk Highway
- Wetlands:** Yes, delineated fall 2022
- Existing Zoning:** C, Commercial
- Airport Overlay:** Zone 3, height restrictions only
- Shoreland Overlay:** N/A
- Comprehensive Plan:** Commercial

ZONING ANALYSIS:

Zoning District: C, Commercial		
Type	Required	Proposed
Min Lot Area	None	+/-9.3 acres

Lot Width	None	300 feet along Miller Trunk Hwy frontage road ROW
Front Yard	35 feet ROW	215 feet from Miller Trunk Hwy frontage road ROW
Rear Yard	40 feet	280 feet
Side Yard	10 feet	50 feet
Lot coverage	50%	2.0%
Maximum Building Height	65 feet	35 feet
Parking	Storage only – none required	8 spaces
Airport Safety Zone: 3		
Maximum Building Elevation	1580'	1402'

Stormwater Management

The new stormwater created by the impervious surface associated with the building will drain to a catch basin located south of the new building. This catch basin is connected to a bio-filtration basin located east of the proposed building by way of a 12” corrugated plastic pipe.

The bio-filtration basin connects to a small detention basin by way of a 12” corrugated plastic pipe with this basin connecting to a vegetated swale along the eastern property line by way of another 12” corrugated plastic pipe.

The applicant has submitted preliminary engineering plans locating the proposed stormwater treatment system and it’s proposed size. The applicant will need to submit final engineering plans and stormwater calculations in order to receive a MS4 Statement of Compliance Erosion Control Permit from the City Engineer before issuance of the Commercial Industrial Development Permit.

Access

The property is accessed from a frontage road along Miller Trunk Highway. There is an existing driveway to the property already in place with the applicant proposing to use the existing driveway for this building.

The proposed building will add approximately 7 additional vehicles to the property each day. These additional vehicles are for new employees with sales traffic projected to remain the same.

Utilities

The proposed building is proposed to be connected to City sanitary sewer and water. A 6” proposed sanitary sewer connection and a 6” water connection are proposed to this building from services located in the Miller Trunk Highway right of way. The applicant will need to secure permits from MN DOT for the purpose of working in the right of way to make these utility connections.

The applicant will need to provide final engineering drawings to the City for review and approval by the City Engineer. The applicant will also be responsible for all utility connection/availability fees.

Building Architecture

The proposed 6,000 square foot total building (60’ x 100’) is approximately 35 feet in height. The façade is comprised of metal standing seam panels with aluminum storefront windows on the south side of the building.

There are three proposed overhead doors located along the east side of the building and a 10' wide lean-to area on the west side of the building for storage of materials.

Sign permit will need to be applied for under a separate application with the City Building Official.

Wetlands

The property had a wetland delineation performed in the fall of 2022. There are remnant wetlands on the property but none of them are within the proposed area of work associated with the new building.

SUMMARY AND RECOMMENDATION:

Staff recommends approval of the Commercial Industrial Development Permit based on the findings set forth in the Staff report, subject to the following conditions:

1. The applicant is seeking to construct a 6,000 square foot total assembly building. The applicant will need to supply final site engineering and architectural plans prior to the issuance of the Commercial Industrial Development Permit (CIDP).
2. The proposal meets the requirements of Section 520, "C, Commercial" of the Hermantown Zoning Ordinance.
3. The proposal meets the requirements of Chapter 8, "Commercial-Industrial Development Permits" of the Hermantown Zoning Ordinance.
4. Prior to issuance of the CIDP, the applicant shall submit final Stormwater and Erosion and Sediment Control Plans and computations as well as receive a MS4 Statement of Compliance from the City Engineer.
5. The applicant shall sign a consent form assenting to all conditions of this approval.
6. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

ATTACHMENTS:

- Site Location Map
- Proposed Site Plan
- Proposed Building Elevations

Location Map



PROJECT DATA

LEGAL DESCRIPTION: Northeast Quarter of the Southwest Quarter of Section 12, Township 50 North, Range 15 West. See Alta for full description

	EXISTING (SF)	PROPOSED (SF)
OVERALL SITE AREA	9.28 AC 404,515	404,515
WETLANDS	14,937	14,937
BUILDING AREA	2,897	8,925
IMPERVIOUS AREA	51,085	70,763
GREEN SPACE	320,533	304,435

ZONING INFORMATION

	EXISTING	PROPOSED
ZONING	C	C
FRONT SETBACK (FT)	MIN 35 REQ	~175
INT. SIDE SETBACK (FT)	MIN 10 REQ	10
COR. SIDE SETBACK (FT)	MIN 35 REQ	N/A
REAR SETBACK (FT)	MIN 40 REQ	40
BUILDING HEIGHT (FT)	65	35
LOT AREA (SF)	N/A	N/A
LOT WIDTH MIN. (FT)	N/A	N/A
% LOT BLDG COVERAGE	50%	75%
OPEN SPACE	N/A	N/A

ZONING – OVERLAY DISTRICTS

NATURAL RESOURCES OVERLAY	
WETLANDS	14,937
FLOOD PLAIN TYPES	N/A
SHORELAND CLASS	N/A
STORM WATER MANAGEMENT	< 1 ACRE
AIRPORT OVERLAY	C
HISTORICAL RESOURCES OVERLAY	N/A
SHORELAN OVERLAY	N/A

PERMITS

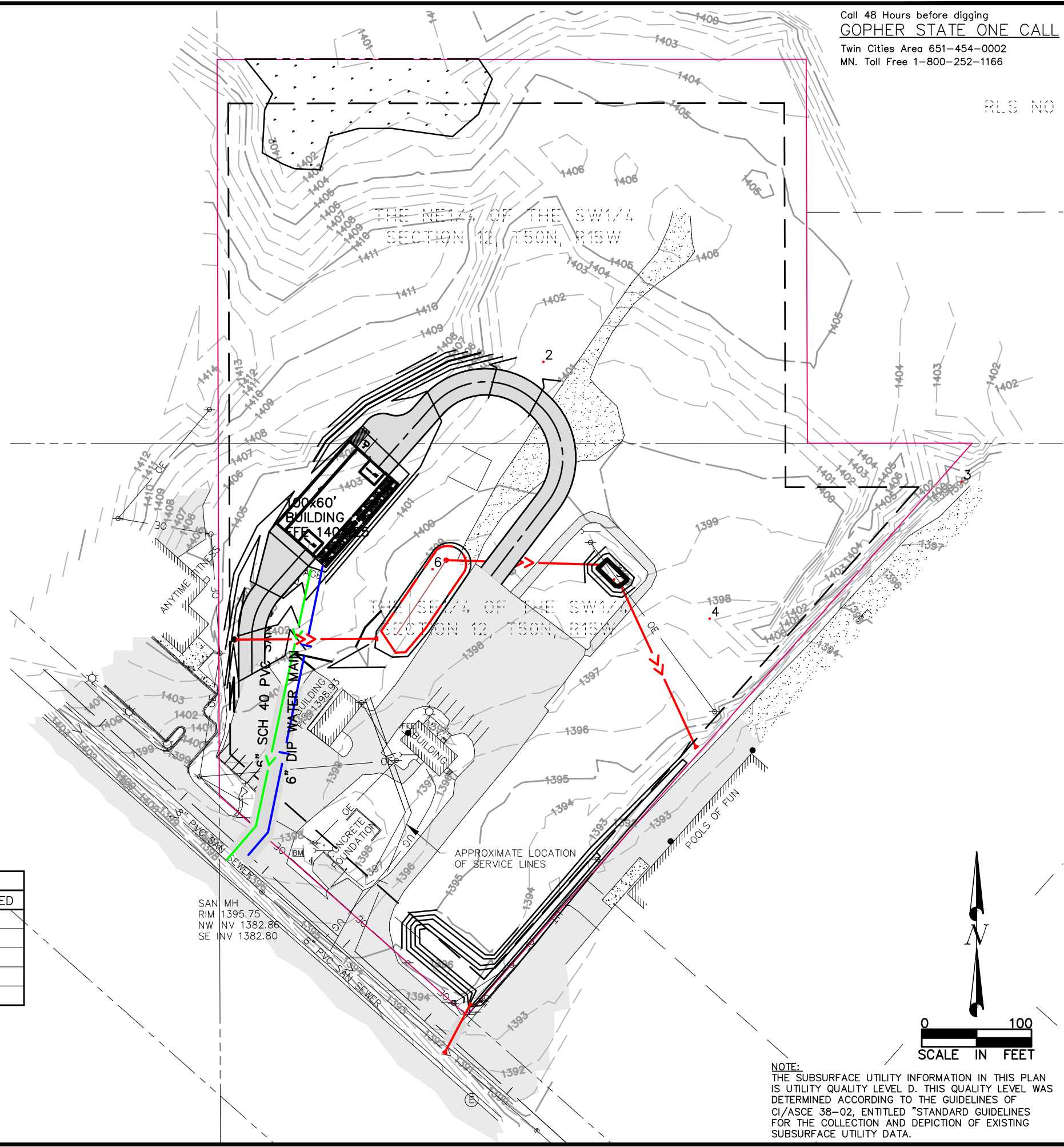
BUILDING PERMIT	CITY OF HERMANTOWN
ZONING PERMIT	COMMERCIAL ASSEMBLY BUILDING
PLUMBING PERMIT	MN DEPT OF LABOR
SWPPP	MS4 STATEMENT OF COMPLIANCE
ACCESS PERMIT	COMMON USE AGREEMENT
SIGN PERMIT	CITY OF HERMANTOWN
FENCING PERMIT	CITY OF HERMANTOWN
OTHER PERMIT(S)	TBD; SWPPP

PARKING LOT

	REQUIRED	PROPOSED
SPACES PER BLDG SF	1/EMPLOYEE AT MAX SHIFT (7)	7
SIZES	MIN 9'x17'	9'x18'
AISLES	90 DEG; 2-WAY TRAFFIC = 24'	+24'
SNOW STORAGE	N/A	N/A
HANDICAP STALLS	MIN 1/25 SPACES	1

NOTE:
ANY PUBLIC UTILITIES SHOWN ON THIS PLAN ARE ONLY APPROXIMATE IN DEPTH AND LOCATION AND MUST BE VERIFIED BY THE CONTRACTOR.

OTHER UTILITIES MAY EXIST AND IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN THE LOCATION OF SUCH.



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Land Surveying
Site Development

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Hibbing, MN 55746
(218) 262-5528

5670 Miller Trunk Hwy
Duluth, MN 55811
(218) 720-6219

www.jpjeng.com

LIECHY HOMES
ASSEMBLY BUILDING
HERMANTOWN, MINNESOTA

OVERALL SITE PLAN

REVISION DATE:	DESCRIPTION:

SURVEYED	JAR
DESIGNED	
DRAWN	AJG/
CHECKED	

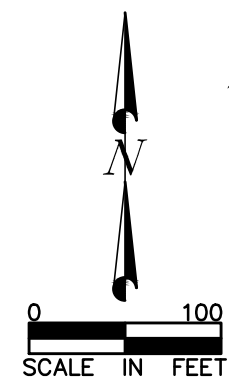
I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.

PRELIMINARY

JOHN P. JAMNICK, P.E.

DATE 04-14-23 LIC. NO. 19907

22-093 PROJECT NO. C2.1



NOTE:
THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."

Apr 14, 2023 9:07am T:\Liechty Homes\22-093 Assembly Bldg_Hermantown.dwg 300\22-093bc.dwg

5B. Special Use Permit Application to construct a 672 square foot addition to an existing 840 square foot accessory building (1,512 square feet total) in an R-3 zoning district

<u>Applicant:</u>	Russ Bradley
<u>Case No.:</u>	2023-13-SUP
<u>Staff Contact:</u>	Eric Johnson, Community Development Director
<u>Request:</u>	Special Use Permit for a 672 square foot addition to an existing 840 square foot accessory building (1,512 square feet total) in a R-3 zoning district

RECOMMENDED ACTION:

Staff recommends that the Planning Commission recommend approval of the proposed Special Use Permit for the construction of a 672 square foot addition to an existing 840 square foot accessory building (1,512 square feet total) for City Council consideration subject to the attached conditions.

SITE DATA

Address:	3990 Ugstad Road
Comprehensive Plan:	Residential
Zoning:	R-3, Residential
Lot Size:	4.2 acres
Wetlands:	None per the National Wetland Inventory
Shoreland Overlay:	No
Airport Zoning:	N/A

DESCRIPTION OF REQUEST:

Requested is a Special Use Permit to allow construction of a 672 square foot addition to an existing 840 square foot accessory structure bringing the structure to 1,512 square feet total. Since the accessory structure will be greater than 1,200 square feet in size, a Special Use Permit per Section 515.03.1 of the Zoning Ordinance is required.

BACKGROUND:

Accessory structures over 1,200 square feet in size are permitted only with a Special Use Permit in the R-3, Residential Zoning District. The applicant is requesting allow construct a 672 square foot addition to an existing 840 square foot accessory structure bringing the structure to 1,512 square feet total. The accessory building would be 24 feet by 28 feet in size, with 8-foot sidewalls. The overall height of the proposed building is approximately 13 feet. The construction type would be slab-on-grade, with steel siding and roof. The building will be used to house the applicant's personal belongings. No business activity or residential living is proposed/allowed as part of this use.

The applicant owns the 4.2 acre property at 3990 Ugstad Road with the lot dimensions being approximately 136’ x 1330’. The proposed accessory structure is approximately 80 feet from the nearest neighboring structure and approximately 268 feet from Ugstad Road.

Section 515.06.5 of the Zoning Ordinance lists the dimensional requirements for accessory structures in excess of 1,200 square feet. They are:

Table 1. Dimensional requirements for accessory structures in excess of 1,200 square feet	R-3 Requirement	Provided
Minimum depth of front yard from R.O.W.	Equal to or greater than the building line of the primary structure	268 feet – Ugstad Road
Minimum side yard setback	Equal to the height of the accessory structure	20 feet
Minimum rear yard setback	40 feet	950 feet
Minimum setback from primary structure	10 feet	100 feet
Maximum building height	35 feet	13 feet
Maximum sidewall height	14 feet	8 feet

The accessory structure as proposed either meets or exceeds these requirements.

There are several requirements that must be satisfied in order to qualify for a Special Use Permit, from Section 725 “Governing Criteria” of the Zoning Ordinance.

1. *Is the development compatible with development permitted under the general provisions of the Zoning Ordinance for lands in its vicinity?*
 This area of the City is characterized by large lot, single family homes, the majority of which are setback greater than 50’ from the Ugstad Road right of way. The Zoning Ordinance allows for 35% lot coverage for structures on a property. With the 672 square foot addition, the property would be at approximately 2.4%.

2. *Is the proposed use injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in its vicinity?*
 The proposed accessory structure will not impact adjacent properties or the community in general. The accessory structure will allow the owner to improve their property by providing storage for vehicles and personal property.

3. *Is the use consistent with the Comprehensive Plan and the spirit and intent of the Zoning Ordinance?*
 The proposed accessory structure is consistent with Comprehensive Plan recommendations for residential areas of the City. The Zoning Ordinance allows for up to 35% lot coverage for structures with the proposed property being at 2.4% coverage after the construction of the

proposed accessory structure addition. The proposed use meets the performance standards set in Section 515.06.5 regulating accessory structures in excess of 1,200 square feet.

4. *Will the use result in a random pattern of development, or cause negative fiscal and environmental effects upon the community?*

This area of the City is characterized by large lot, single family homes, the majority of which are setback greater than 50' from the Ugstad Road right of way. The Zoning Ordinance allows for 35% lot coverage for structures on a property. With the 672 square foot addition, the property would be at approximately 2.4%.

5. *Are there other criteria of the Zoning Ordinance that should be considered?*

No.

Wetlands

There are no existing wetlands per the National Wetland Inventory.

Summary

The applicant meets the requirements for a Special Use Permit. Staff recommends a motion to recommend approval of the application to the City Council, subject to included conditions.

Recommendation

Staff recommends approval of the Special Use Permit subject to the following conditions:

1. The approval is for a 672 square foot addition to an existing 840 square foot accessory structure bringing the structure to 1,512 square feet total on the property at 3990 Ugstad Road.
2. The proposed accessory structure shall meet all setback requirements for Accessory Structures in the R-3 Zoning District.
3. The proposed accessory structure location is depicted on the approved site plan. If approved by the Community Development Director, the accessory structure may be placed in other locations on the site.
4. Erosion control measures shall be utilized and remain in place throughout the construction period and shall not be removed until vegetation is established on the site.
5. Accessory structures shall not be utilized for any use or activity not otherwise allowed in the zone district in which such accessory building is to be located.
6. No business activity/residential living is allowed/permitted in association with the accessory structure approval.
7. The applicant shall sign a consent form assenting to all conditions of this approval.
8. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

Attachments

- Location Map
- Site Plan
- Building Elevation

Location Map





HOUSE

≈ 100'

28'

24'

28'

20'

240'

PROPOSED
ADDITION

EXISTING
28x30
GARAGE

Water Flow

CULVERT
UNDER
DRIVEWAY

WATER
FLOW

CULVERT
UNDER
DRIVEWAY

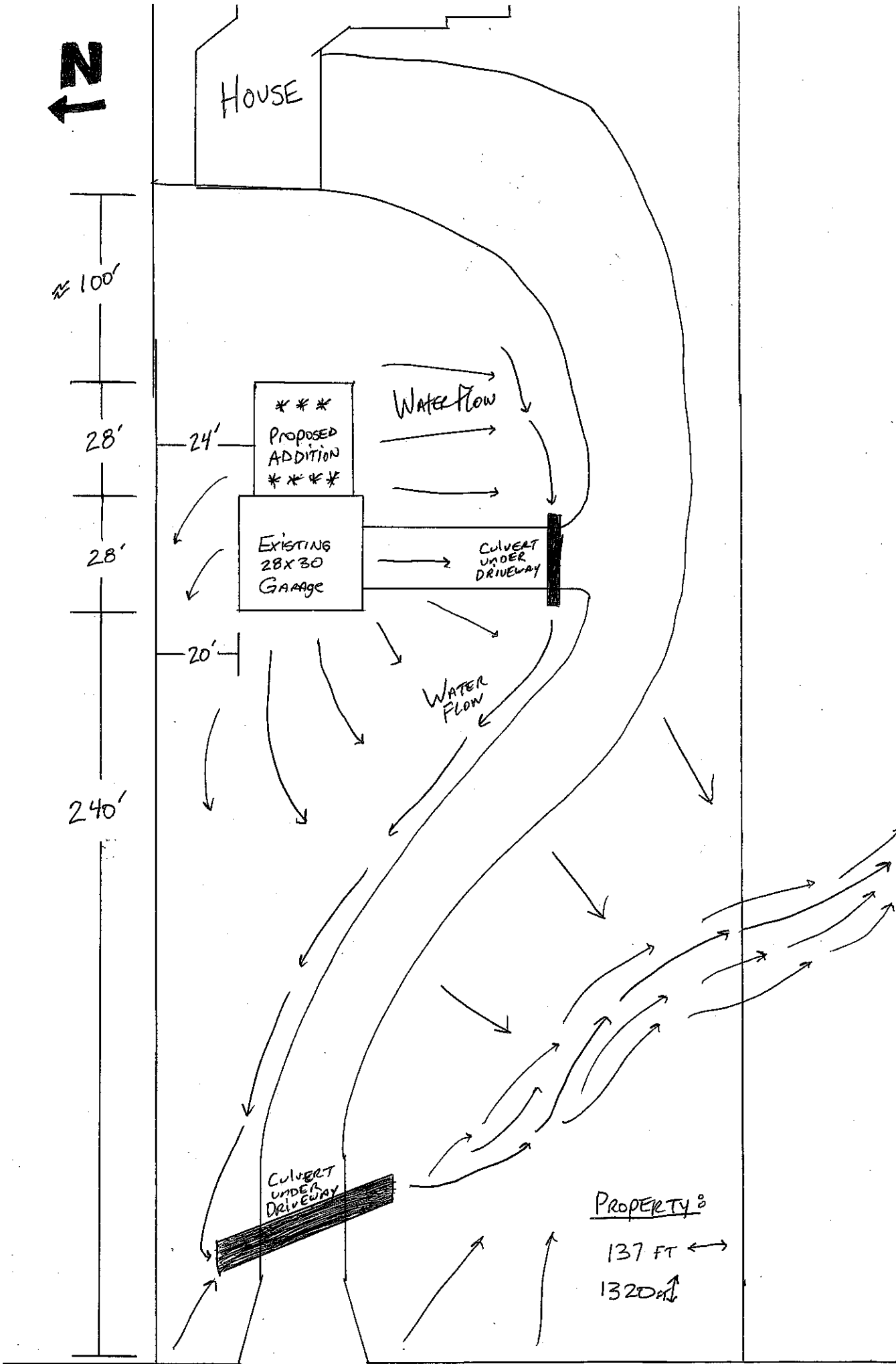
PROPERTY:

137 FT ←

1320 ft ↑

3990

UGSTAD RD





5C. 428x Birch Valley Road– Special Use Permit - Filling and grading within a Natural Environment Shoreland Overlay Zone

Applicant: Trisha Crace

Case No.: 2023-14 SUP

Staff Contact: Eric Johnson, Community Development Director

Request: Issue a special use permit for filling and grading within a Natural Environment Shoreland Overlay for construction of a single family home and associated driveway

RECOMMENDED ACTION:

Approve a Special Use Permit for filling and grading within a Natural Environment Shoreland Overlay Zone.

DESCRIPTION OF REQUEST:

The applicant desires to build a single family residence on a property at 428x Birch Valley Road. The proposed single family home and driveway are within a Natural Environment Shoreland Area and will require filling and grading within an approximately 1,200 square feet area of disturbance.

SITE INFORMATION:

Parcel Size: 1.72 acres
Legal Access: 428x Birch Valley Road
Wetlands: None per the National Wetland Inventory
Existing Zoning: R-1, Residential
Airport Overlay: None
Shoreland Overlay: Yes – Natural Environment Shoreland
Comprehensive Plan: Residential

BACKGROUND

The applicant owns a vacant property at 428x Birch Valley Road and is looking to construct an 2,944 square foot home and related driveway. The proposed work is on the western edge of a Natural Environment Shoreland Area and is expected to impact approximately 1,200 square feet of shoreland area.

Wetlands

Per the National Wetland Inventory (NWI) there are no wetlands associated with the property.

Shoreland Area

Approximately half of the property is located within a Natural Environment Shoreland Area and is subject to the requirements of the City's Shoreland Ordinance as it pertains to grading a filling within a shoreland area.

Special Use Permit

The Special Use Permit is for filling and grading within a Shoreland zone. There are general conditions for all SUPs. Staff finds the following in regard to the criteria for Special Use Permits in the Zoning Ordinance:

No special use permit shall be approved unless positive findings are made with respect to each and every one of the following criteria:

- 1. The proposed development is likely to be compatible with development permitted under the general provisions of this chapter on substantially all land in the vicinity of the proposed development;**

The proposed use is compatible with development within the vicinity which is characterized by low and medium density residential and residential compatible uses.

- 2. The proposed use will not be injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in the immediate vicinity of the proposed development;**

Conditions placed on the SUP to minimize the clearing and grading within the shoreland area meet the intent of the zoning ordinance to protect natural resources. The development of a single family residence is an allowed use within the R-1 zoning district.

- 3. The proposed use is consistent with the overall Hermantown Comprehensive Plan and with the spirit and intent of the provisions of this chapter;**

The property is within an area marked for residential development on the Hermantown Comprehensive Plan. The purpose of the Shoreland Overlay Zone is to protect public waterways. Impervious surface caps are included to prevent excessive runoff from constructed surfaces and the proposed impervious surface is below maximum limits.

- 4. The proposed use will not result in a random pattern of development with little contiguity to existing programmed development and will not cause negative fiscal and environmental effects upon the community.**

The proposed use is similar to uses of nearby properties in density and style.

5. **Other criteria required to be considered under the provisions of this code for any special use permit.**

The applicant will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2.

Findings of Fact and Recommendations

Staff recommends approval of the special use application to construct a single family dwelling in a Natural Environment Shoreland Area, subject to the following:

1. The approval is for a Special Use Permit for filling and grading in a Natural Environment Shoreland area for the purpose of constructing a single family structure. The Community Development Director may approve minor variations to filling and grading as long as the variations do not result in any wetland impacts.
2. The City will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2 including, but not limited to:
 - a. The smallest amount of bare ground is exposed for as short a time as feasible;
 - b. Temporary groundcover, such as mulch, is used, and permanent groundcover, such as sod, is planted;
 - c. Adequate methods to prevent erosion and trap sediment are employed;
 - d. Fill is stabilized to accepted engineering standards;
 - e. Adequate methods are employed to reduce the runoff and/or flow of water on or over the affected shoreland so that the grading, filling or alteration of the natural topography does not contribute to downstream flooding;
 - f. Adequate methods are employed to preserve water quality so that the grading, filling or alteration of the natural topography will not detrimentally affect the quality of the public waters of the City of Hermantown;
 - g. Adequate methods are employed for the preservation or establishment of local vegetation that provides wildlife habitat and screening; and
 - h. Fill used will consist of suitable material free from toxic pollutants in other than trace quantities.
3. The applicant shall sign a consent form assenting to all conditions of this approval.
4. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

ATTACHMENTS

- Location Map
- Proposed Site Plan
- Shoreland Overlay Map

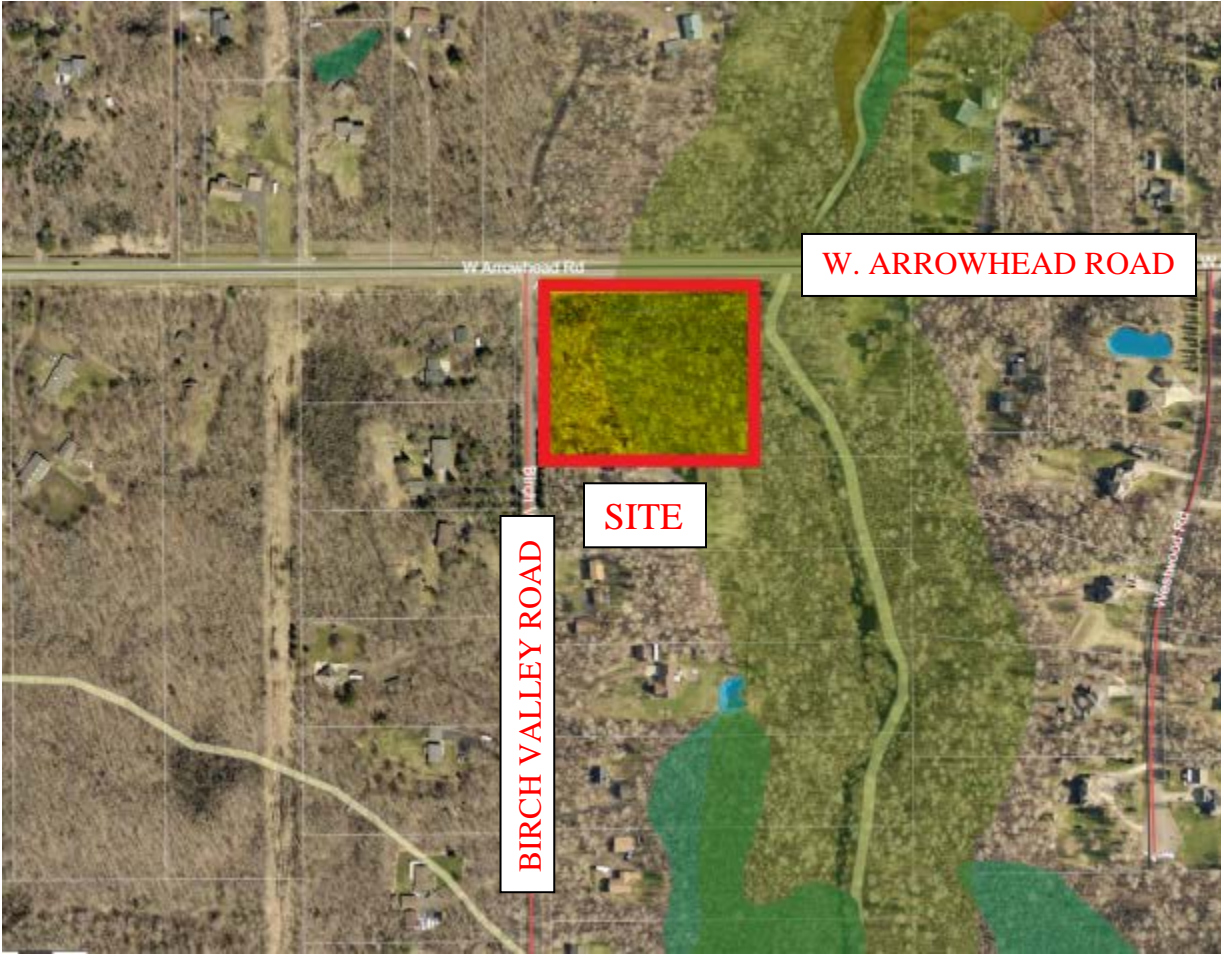
Location Map





House/Attached Garage 32x92'

Shoreland Map



5D. 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.

This ordinance was initially discussed at the January 2023 Planning and Zoning meeting. Commission members had questions regarding multi-tenant and multi-story buildings and how those would be permitted. At the March 2023 meeting staff discussed buildings (single tenant and multi-tenant) having the ability to have signage on all four sides of the building. Discussion involved around utilizing a building linear footage as the basis for measurement or a square footage of wall surface.

The consensus was to utilize a linear foot measurement basis with the building signs which directly abut a road classified as frontage and the remaining sides classified as secondary. Discussion further ensued regarding what a reasonable square footage per linear footage number allowance was.

Wall signage was discussed at the April 2023 Planning and Zoning meeting with the following code changes discussed:

Single Story Buildings

- Road frontage building sides: 2 square feet/1 linear foot of building
- Secondary sides (not abutting a road): 1.25 square feet/1 linear foot of building

Multi-story Buildings

- Road frontage building sides, the least restrictive of the following:
 - 1) 2 square feet/1 linear foot of buildingOR
 - 2) 6% of wall area

- Secondary sides (not abutting a road), the least restrictive of the following:
 - 1) 1.25 square feet/1 linear foot of buildingOR
 - 2) 4% of wall area

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 ~~anya~~ 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 locationconform 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. Single story buildings.

1425.03.3.6.1. Road frontage building sides: 2 square feet/1 linear foot of building.

1425.03.3.6.2. Secondary sides (not abutting a road): 1.25 square feet/1 linear foot of building.

1425.03.3.57. Multi-story buildings.

1425.03.3.7.1. Road frontage building sides, the least restrictive of the following: 1) 2 square feet/1 linear foot of building OR 2) 6% of wall area

1425.03.3.7.2 Secondary sides (not abutting a road), the least restrictive of the following: 1) 1.25 square feet/1 linear foot of building OR 2) 4% of wall area

1425.03.3.8 ~~The maximum sign area of such signs shall be two square feet for every one linear front foot of the principal building on such premises.~~ 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.

1425.03.3.69. 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.**

1425.07.2.12.1 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.

~~(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 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.

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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. Single story buildings.

1425.03.3.6.1. Road frontage building sides: 2 square feet/1 linear foot of building.

1425.03.3.6.2. Secondary sides (not abutting a road): 1.25 square feet/1 linear foot of building.

1425.03.3.7. Multi-story buildings.

1425.03.3.7.1. Road frontage building sides, the least restrictive of the following: 1) 2 square feet/1 linear foot of building OR 2) 6% of wall area

1425.03.3.7.2 Secondary sides (not abutting a road), the least restrictive of the following: 1) 1.25 square feet/1 linear foot of building OR 2) 4% of wall area

1425.03.3.8 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.

1425.03.3.9. 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.