



**Norwood Young America Planning Commission**  
**Tuesday, August 16, 2016**  
**Norwood Young America City Council Chambers, 310 Elm St. W.**  
**7:00 p.m.**

**AGENDA**

- |  |   |
|--|---|
| <b>Bill Grundahl</b>                     | 1. Call to Order<br>Pledge of Allegiance  |
| <b>Cassandra Kemp</b>                    | 2. Adoption of Agenda   |
| <b>JR Hoernemann</b>                     | 3. Approve Minutes – July 19, 2016 meeting  |
| <b>Mark Lagergren</b>                    | 4. Public Hearing<br>A. Ordinance to allow Accessory Solar Energy Systems                           |
| <b>Charlie Storms</b>                    | 5. Old Business<br>A. Ordinance allowing Accessory Solar Energy Systems<br>B. Sign Ordinance Review |
| <b>Craig Heher</b><br>Council<br>Liaison | 6. New Business<br>A. Storage Pods  |
|  | 7. July Building Permit Report  |
|  | 8. Commissioner's Reports   |
|  | 9. Adjourn  |

**UPCOMING EVENTS**

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|----------------------------|---|
| August 22 <sup>nd</sup>    | 6:30 p.m. – City Council Meeting                    |
| September 12 <sup>th</sup> | 6:30 p.m. – City Council Meeting                    |
| September 14 <sup>th</sup> | 6:30 p.m. – Economic Development Commission Meeting |
| September 20 <sup>th</sup> | 5:30 p.m. – Parks & Recreation Commission Meeting   |
| September 20 <sup>th</sup> | 7:00 p.m. – Planning Commission Meeting             |

*Norwood Young America  
Planning Commission Minutes  
July 19, 2016*

**Present:** Commissioners Bill Grundahl, Craig Heher, Cassandra Kemp, Mark Lagergren, JR Hoernemann and Charlie Storms.

**Absent:** None.

**Staff:** City Administrator Steve Helget and Planning Consultant Cynthia Smith Strack.

**1. Call to Order**

The meeting was called to order by Heher at 7:00 pm. All present stood for the Pledge of Allegiance.

**2. Adoption of Agenda**

Chairperson Heher introduced the agenda.

*Motion* – Moved by Lagergren, seconded by Grundahl with all in favor to approve the agenda as presented. Motion approved 6-0.

**3. Approval of Minutes from the Regular Meeting June 21, 2016.**

Heher introduced the minutes from the June 21, 2016 meeting.

*Motion* –Grundahl to approve June 21, 2016 meeting minutes. Second by Storms. With all in favor the minutes were approved 6-0.

**4. Public Hearing.**

A. Ordinance: Opt Out Temporary Family Health Care Dwelling Law.

Chairperson Heher opened the public hearing at 7:03 p.m. Strack provided an overview of the proposed Ordinance.

Strack stated that at the June meeting the Planning Commission discussed a law signed by Governor Dayton regarding temporary family health care dwellings. Cities are allowed to opt out of the law provided an Ordinance is approved and made effective by September 1, 2016. The PC called for a public hearing on an Ordinance to opt out of the law due to owners to comment on the ADU, (2) potential for ‘temporary’ to morph into semi-permanent, (3) limited definition of ‘relative’ included in the law, (4) aesthetic concerns, (5) life safety concerns of dwelling unit occupants during adverse weather conditions, (6) adequacy of sanitation services, (7) oversight and staff time required to

comply with, document, and follow up on temporary ADU, and (8) limited time allowance for review (i.e. 15 days).

The hearing notice was published and posted. No oral or written public comment received.

Heher no members of the public were present at meeting.

*Motion* – Grundahl motioned with a second by Lagergren to close the public hearing. Motion carried 6-0. Hearing closed at 7:05 p.m.

## **5. Old Business.**

### **A. Ordinance: Opt Out of Temporary Family Health Care Dwelling Law.**

Heher introduced the business discussion.

Strack reviewed the proposed Ordinance which will amend Chapter 12 of the Code by adding Section 1245.04, Subd. 3. The amendment will simply state the City is opting out of Minnesota Statutes Section 462.3593.

*Motion* – Motion by Lagergren, second by Kemp to recommend the City Council approve the Ordinance amendment. Motion carried 6-0.

### **B. Ordinance: Solar Accessory Uses.**

Chairperson Heher introduced the agenda item.

Strack explained the PC has been discussing solar energy systems as accessory uses in various zoning classifications following a request from a local business owner. At this time discussion is limited only to accessory uses as solar energy systems. At the May meeting the PC received input from a rooftop solar installation contractor. Patrick Wier and James Strommen from TruNorth Solar attended the PC meeting to discuss rooftop solar arrays. Following receipt of information from TruNorth, the PC requested staff draft language for consideration.

The draft language contemplates Rooftop and building integrated solar energy systems will be allowed in all zoning classifications, subject to the following:

- The solar energy system meets the definition of “Solar Energy System, Rooftop” and/or “Solar Energy System, Building Integrated as defined in Section 1245.10, Subd. 6.
- A maximum of one (1) solar energy system is allowed per lot.
- Rooftop solar energy system components:
  - Shall not exceed the maximum height allowed in the applicable zoning district.
  - Shall cover no more than eighty (80) percent of each side of the roof to which they are affixed.
  - Shall be setback at least one (1) foot from every roof edge, peak, ridge, and valley.
  - Shall not protrude above the roofline.

Commissioners discussed the aforementioned standard relating to rooflines and how the proposed standard would impact flat roofs. The PC reached consensus to delete “shall not protrude above the roofline” from the draft ordinance.

- Solar energy system components shall be placed to limit visibility from public rights-of-way provided that minimizing visibility shall still allow the owner to reasonably capture solar energy.
- Solar energy system components which visually impact buildings with local historic significance or character are discouraged.
- Glare from solar energy systems to adjacent or nearby properties shall be minimized. In the event there is a dispute regarding glare, the City may require the owner of the solar energy system produce a glare study. The Solar Glare Hazard Analysis Tool (SGHAT) or equivalent method may be used for the glare study.
- Solar energy system annual power output (kWh) shall be no more than one hundred twenty (120) percent of the total energy used by the lot or parcel over the previous year. The City, at its discretion, may allow an array designed to produce more than 120% of the energy used provided an interim use permit is issued.
- A building permit is required.

- An electrical permit is required.
- The proposed ordinance specifically prohibits wall mounted and ground mounted solar.
- The proposed ordinance provides for solar easements.

Kemp thanked Strack for including thorough definitions. Heher expressed support for the simple, plain language included in the draft ordinance.

Grundahl inquired as to whether or not the Commission may want to require a licensed contractor. Kemp inquired as to whether or not a licensed contractor was required under the building permit or electrical permit process. Grundahl noted the owner of a home may work on household projects without being a licensed contractor.

Storms inquired as to whether or not the Commission thought the Building Official's inspections were a measure of surety. Kemp responded in agreement with Storms. Grundahl noted on occasion there is unprofessional work.

Heher polled the PC regarding including a requirement for licensed contractors within the solar ordinance text. Kemp opined the language should remain as indicated. Storms agreed with Kemp.

Lagergren asked who typically performs electrical inspections. Grundahl noted a state inspector was assigned to a project. Lagergren inquired as to how soon inspections are scheduled. Grundahl noted state inspectors he works with respond quickly. Lagergren inquired as to how thoroughly the inspections were conducted. Grundahl opined some inspections are very thorough, some are not as thorough. Kemp noted none of the sample ordinances reviewed as background for the draft solar language required licensed solar installation contractors. Grundahl asked City Administrator Helget for input. Helget stated the City wasn't experiencing any problems with licensed contractors at this time. He suggested leaving the topic open and revisiting should problems arise in the future or if other cities began experiencing difficulties with solar contractors.

*Motion:* Storms motioned to call for a public hearing on draft accessory solar ordinance, Second by Lagergren. Motion carried 6-0.

## **6. New Business.**

### **A. Sign Code Review - Discussion**

Heher introduced the discussion item.

Strack stated the Planning Commission established goals for 2016 in December of last year. One of the goals is to review and update sign standards. A copy of existing signage standards is included in the PC packet for reference.

Strack reviewed the following observations:

- The sign code doesn't include a commercial/non-commercial speech substitution clause and definitions thereof. Failure to incorporate a substitution clause is problematic.
- The sign code identifies specific groups and/or organizations – churches, non-profits, festivals, etc. and specific standards. This approach has been deemed unlawful.
- In general, signage standards are generous and not subject to debate/variance.
- The number of directional signs and signs per building wall in the C-2 District have proved
- She finds the manufacturer's certificate required for illuminated signs is often difficult to secure for simple, internally lit signs.

Strack requested discussion regarding any particular standards Commissioner's viewed as in need of update and potential approach to code review.

Lagergren inquired as to next steps. Strack asked for input on whether the Commission preferred a wholesale, major update or a minor update. Kemp opined the code seemed complex at this time, she expressed an interest in reducing the volume of sign code and simplifying language.

Lagergren asked Helget how often inquiries for signs were received. Helget noted inquiries were not very common. Lagergren opined that part of reason the sign code was cumbersome is that standards per zoning classification are itemized.

Storms stated a minor update seemed appropriate. Kemp inquired as to how often the sign code is typically updated. Heher noted on an as needed basis.

Hoernemann stated several people had mentioned Kwik Trip directional signage is difficult to read. Strack noted that may be a result of sign number, size, and number of wall signs being restricted.

Heher recommended a minor update of the sign code. Strack will present a red-lined version at a future meeting.

Helget suggested the City Attorney review the redlined version as well.

## **7. Building Permit Report.**

The building permit report was acknowledged a total of twelve new home permits have been issued in 2016.

## **8. Commissioner's Reports**

Hoernemann opined the Family Dollar store is getting cleaned up; Helget noted there was one small hold up at the site – an electrical connection for irrigation needed to be installed. He noted the irrigation system had been inspected and sod could go in this week.

Grundahl commented on Jaguar Communication infrastructure installation.

Kemp reported on the City Council meeting.

Lagergren commented on Taste of NYA and Tour De Tonka.

Storms commented on a baseball tournament hosted by Cologne which is also utilizing the NYA ballpark. He noted the EDC is working on website.

Heher stated the Parks & Recreation Commission will meet July 28<sup>th</sup>.

Helget asked for a representative from the PC to present an update on 2016 goals; Grundahl volunteered. Helget announced an open house on a feasibility report for pedestrian crossing improvements to Highway 212.

## **9. Adjourn**

*Motion* – Grundahl, seconded by Storms with all in favor, the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

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*Steven Helget*  
Zoning Administrator



To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: August 16, 2016

Re: Public Hearing: Accessory Solar Energy Systems Ordinance

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### **BACKGROUND**

At the July meeting the PC called for a public hearing on a code amendment authorizing accessory solar energy systems. As you recall, the PC has been discussing solar energy systems as **accessory uses** in various zoning classifications following a request from a local business owner. At this time discussion is limited only to accessory uses as solar energy systems as principal uses was not favored by the City Council.

The proposed amendment, if approved, would add Section 1245.10 to Chapter 12 allowing rooftop and building integrated solar energy systems as accessory uses in all zoning classes in the City of NYC. Ground and wall mounted solar energy systems are prohibited. In addition to limiting the types of solar systems allowed, the proposed ordinance contemplates specific standards to limit the placement and size of solar systems, including:

- Only one SES is allowed per lot.
- Rooftop solar energy system components: (a) can't exceed maximum height in the zoning district, (b) can't cover more than 80% of each side of the roof to which they are affixed, and (c) must be set back at least one foot from every roof edge, peak, ridge, and valley.
- SES components are to be placed to limit visibility from public rights-of-way as long as minimizing visibility still allows the reasonable capture of solar energy.
- SES components that visually impact buildings with local historic significance or character are discouraged.
- Glare from solar energy systems to adjacent or nearby properties must be minimized. In the event there is a dispute regarding glare, the City may require the owner of the solar energy system produce a glare study.
- Solar energy system annual power output (kWh) shall be no more than one hundred twenty (120) percent of the total energy used by the lot or parcel over the previous year. The City, at its discretion, may allow an array designed to produce more than 120% of the energy used provided an interim use permit is issued.
- A building permit is required.
- An electrical permit is required.

Please find attached a sample ordinance for review.

**ACTION**

The PC is to hold the public hearing. Following public hearing a recommendation to the Council regarding the draft ordinance is kindly requested.

**CITY OF NORWOOD YOUNG AMERICA  
ORDINANCE NO. [REDACTED]**

**AN ORDINANCE ESTABLISHING SECTION 1245.10 OF THE CITY CODE  
RELATING TO ENERGY SYSTEMS.**

- I. THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS CHAPTER 12, OF THE CITY CODE SHALL BE AMENDED BY ADDING SECTION 1245.10 RELATING TO ENERGY SYSTEMS AS FOLLOWS:**

**1245.10 Energy Systems.**

**Subd. 1 Findings.** The City finds accessory solar energy systems, subject to certain standards, promote the public safety, health, and welfare by:

- A. Investing in abundant, clean, and renewable energy resources, and
- B. Reducing greenhouse gas emissions, and
- C. Promoting utility cost savings, and
- D. Creating access to community-based solar energy.

**Subd. 2 Purpose.** The purpose of this Subdivision is to allow for rooftop and building integrated solar energy systems as accessory uses in certain zoning classifications.

**Subd. 3 Solar Energy Systems As Accessory Uses.** Rooftop and building integrated solar energy systems are allowed in all zoning classifications, subject to the following:

- A. The solar energy system meets the definition of “Solar Energy System, Rooftop” and/or “Solar Energy System, Building Integrated as defined in Section 1245.10, Subd. 6.
- B. A maximum of one (1) solar energy system is allowed per lot.
- C. Rooftop solar energy system components:
  - 1. Shall not exceed the maximum height allowed in the applicable zoning district.
  - 2. Shall cover no more than eighty (80) percent of each side of the roof to which they are affixed.
  - 3. Shall be setback at least one (1) foot from every roof edge, peak, ridge, and valley.

- D. Solar energy system components shall be placed to limit visibility from public rights-of-way provided that minimizing visibility shall still allow the owner to reasonably capture solar energy.
- E. Solar energy system components which visually impact buildings with local historic significance or character are discouraged.
- F. Glare from solar energy systems to adjacent or nearby properties shall be minimized. In the event there is a dispute regarding glare, the City may require the owner of the solar energy system produce a glare study. The Solar Glare Hazard Analysis Tool (SGHAT) or equivalent method may be used for the glare study.
- G. Solar energy system annual power output (kWh) shall be no more than one hundred twenty (120) percent of the total energy used by the lot or parcel over the previous year. The City, at its discretion, may allow an array designed to produce more than 120% of the energy used provided an interim use permit is issued.
- H. A building permit is required.
- I. An electrical permit is required.

**Subd. 4 Prohibited Solar Energy Systems.** The following solar energy systems are prohibited:

- A. Ground mounted solar energy systems.
- B. Wall mounted solar energy systems.
- C. Solar energy systems which are not accessory to the use of the property. Accessory means they are clearly subordinate and incidental to the principal use of the subject property.
- D. Utility scale solar energy systems.

**Subd. 5 Solar Access Easements Allowed.** The City elects to allow solar easements to be filed consistent with Minnesota Statutes, Chapter 500.30, as may be amended from time to time. Owners of land or solar skyspace are responsible for negotiating, drafting, and executing solar easements. Solar easements shall be filed with the City and the Carver County Recorder's Office.

**Subd. 6 Definitions.** For the purpose of this Section, certain terms and words are defined as follows:

- A. Solar Easement means an easement that limits the height or location or both of permissible development on land on which the easement is placed in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to sunlight as defined in Minnesota Statutes Section 500.30, Subdivision 3 as may be

amended.

- B. Solar Energy System means a device, combination of devices, or structural design feature, of which a substantial purpose is to provide for the collection, storage, use, and distribution of solar energy for electricity generation, space heating or cooling, or water heating.
- C. Solar Energy System, Building Integrated means an active solar energy system that is designed and fabricated as an integral part of a structure or structural component rather than a separate mechanical or mounted device.
- D. Solar Energy System, Ground Mounted means an solar energy system structurally mounted to the ground which is not roof mounted.
- E. Solar Energy System, Rooftop means an active solar energy system that is structurally mounted to a code-compliant roof of an existing building or structure.
- F. Solar Energy System, Wall-Mounted means an active solar energy system that is structurally mounted to a code-compliant wall of an existing building or structure.

**II. EFFECTIVE DATE: THIS ORDINANCE IS EFFECTIVE UPON ITS ADOPTION AND PUBLICATION AS PRESCRIBED BY LAW.**

Adopted by the City of Norwood Young America on the \_\_\_ day of \_\_\_\_\_, 2016.

Attest:

\_\_\_\_\_  
Tina Diedrick, Mayor

\_\_\_\_\_  
Steven Helget, City Administrator

Adopted:

Published:



TO: Planning Commission  
FROM: Steve Helget, City Administrator  
DATE: August 16, 2016  
SUBJECT: Sign Ordinance Review

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As directed by the Planning Commission at its July 19<sup>th</sup> regular meeting, the Signs section of the Zoning Code has been reviewed by the City Attorney and enclosed are their suggested changes.



## City Admin

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**From:** Kristin C. Nierengarten <Kristin.Nierengarten@raswlaw.com>  
**Sent:** Monday, August 08, 2016 8:57 AM  
**To:** City Admin; 'csmithstrack@gmail.com'  
**Cc:** Jay T. Squires  
**Subject:** NYA Sign Ordinance Revisions  
**Attachments:** 65925.docx

Steve and Cynthia:

I have attached our proposed revisions to Norwood Young America's sign ordinance. As a general overview, we made revisions geared toward enforceability and incorporated Cynthia's feedback about previous and potential issues with the ordinance as originally written.

The bulk of the revisions are meant to eliminate content-based regulations of signs in light of the recent U.S. Supreme Court decision, *Reed v. Town of Gilbert*, which came out last summer. In that case, the court determined that any sort of content-based regulation of signs is unconstitutional unless the government can satisfy a strict scrutiny test, which requires a showing that there is a compelling government interest for the content regulation and that the regulation is narrowly tailored to achieve that interest. Basically, the court said that government can't regulate signs based on the communicative intent or message of those signs except in very limited circumstances. There is some indication from this and other cases that concerns for safety can justify such content-based regulations. The court explained that sign parameters for size, location, material, lighting, etc. are allowed as long as they accomplish a substantial government interest, such as traffic safety and aesthetic interests, and are unrelated to the content of the signs. The attached document includes several comments explaining specific changes, highlighting remaining issues, and giving the City some issues to consider.

When you have time, please review this draft to determine whether it captures the City's intent and goals, and consider any problems that might arise in enforcing these regulations. After you and/or the planning commission have had a chance to review it, we can discuss any additional revisions or questions you may have and move forward from there.

Please do not hesitate to let us know if you would like to discuss this further.

 **Rupp, Anderson, Squires  
& Waldspurger, P.A.**

**Kristin C. Nierengarten**  
*Associate Attorney*  
333 South Seventh Street, Suite 2800  
Minneapolis, MN 55402  
**Office: (612) 436-4300**  
**Fax: (612) 436-4340**  
[www.raswlaw.com](http://www.raswlaw.com)

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## Section 1260 – Signs

**1260.01 Purpose and Intent.** The purpose of the sign ordinance is to establish regulations that govern the use, approval, construction, change, replacement, location and design of signs and related informational tools within the city. The sign ordinance is not intended to and does not restrict, limit, or control the content or message of signs. The sign ordinance has a number of specific purposes:

1. To encourage the effective use of signs as a means of communication.
2. To promote health, safety, and welfare by limiting hazardous or distracting signage.
3. To ensure and improve pedestrian and traffic safety.
4. To protect, conserve, and enhance property values.
5. To enhance the attractiveness and economic well being of Norwood Young America as a place to live and conduct business.
6. To encourage creative and well-designed signs that contribute in a positive way to the city's visual environment, express local character, and help develop a distinctive pedestrian image in the city.
7. To recognize that signs are a necessary form of communication and provide flexibility within the sign review and approval process to allow for unique circumstances.
8. To create a framework for a comprehensive and balanced system for sign regulation, to facilitate an easy and pleasant communication between people and their environment, and to avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and overall community appearance.
9. To encourage and, to the maximum extent feasible, require that all signs within the city be brought into compliance with the terms of the sign ordinance.

### 1260.02 Definitions

**Abandoned Sign:** A sign (including any structure whose primary function is to support such Sign) ~~whose~~ whose display surface remains blank for a period exceeding sixty (60) days; b) which pertains to a time, building, event or purpose that passed or ceased to apply more than sixty (60) days prior to the then applicable date; or c) that has remained for more than sixty (60) days after demolition of the building that it served.

**Address Sign:** A sign including postal identification numbers, whether written or in number form, and, optionally, the name of a building occupant.

**Advertising Sign:** ~~Also known as a "billboard", a sign, including the supporting sign structure, advertising a business, commodity, or service which is not located or performed on the premises on which the sign is located.~~

**Area Identification Sign:** ~~A freestanding sign, on the identified premises, which identifies the name of a neighborhood, residential subdivision, multiple residential complex, shopping center, industrial area, office complex, park or any combination of the above.~~

**Comment [KC#1]:** This provision could be problematic because it is specific to the content of the signs. There is a fairly good argument that this regulation is justified by safety issues because it allows traffic and pedestrians to more easily identify establishments, reducing the risk of accidents, and/or might aid emergency personnel in identifying businesses in need of assistance during times of emergency, but this might not be enough to warrant this specific content regulation. If the City is worried about this, one option is to simply allow one sign, not exceeding a certain size, to be displayed on each building or dwelling, without reference to the content. The City could require that it be affixed to the building or meet certain other content-neutral standards that would help address the intent of this regulation.

**Awning Sign:** A Sign permanently affixed to an awning providing a shelter or cover over the approach to any building entrance or shading a window area.

**Banner:** ~~A Temporary Sign made out of flexible paper, cloth or plastic-like material identifying: 1) a special, unique or limited event, service or product, 2) a sale of limited duration; or 3) a grand opening.~~

**Comment [KCN2]:** The Supreme Court states that signs promoting a one-time event may be subject to specific regulations, but those regulations should not specify the content of the sign. We modified the language in the Temporary Signs section below to address restrictions on banners without specifying content.

**Building Face:** That portion of any exterior elevation of a building or other structure extending from grade to the top of a wall and the entire width of that particular building or structure elevation.

~~**Campaign Sign:** A Temporary Sign promoting the candidacy of a person running for a government office, or promoting an issue to be voted on at a governmental election.~~

**Canopy and Marquee:** A roof-like structure projecting over the entrance to a building.

**Commercial Speech:** Speech advertising a business, profession, commodity, service, or entertainment.

**Comment [KCN3]:** The Supreme Court has signaled that commercial and non-commercial speech may be subject to different standards as long as commercial speech is not given priority.

**Development:** A commercial use of three or more principal structures with common characteristics, as determined by the City, or a platted residential use of twenty (20) or more lots with common characteristics, as determined by the City. Common characteristics may include shared access, similar architecture, single ownership or history or site plan review approval.

**Directional Sign:** A Sign erected on a property by the owner of such property solely for the purpose of guiding vehicular and pedestrian traffic, which does not contain any advertising commercial speech.

**Comment [KCN4]:** This is a content-based regulation, but it may be justified by concerns of safety and traffic flow.

**Dynamic Sign:** A Sign or portion thereof that appears to have movement or that appears to change using any method other than a person physically removing and replacing the Sign or its components. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

**Freestanding Sign:** A Sign which is placed in the ground and not affixed to any part of any structure.

**Government Sign:** A Sign which is erected or maintained by a governmental unit.

**Illuminated Sign:** A Sign or portion thereof that: 1) incorporates an artificial light source as part of the Sign including, but not limited to, a Sign with LED lights, neon lights or an interior light; or 2) a Sign that has an artificial light source directed upon it.

**Institutional Sign:** A Sign or bulletin board, which identified the name and other characteristics of a public or private institution (i.e. church or school) on the site where the sign is located.

**Marquee Sign:** A Sign that is permanently attached to a marquee.

**Monument Sign:** Any one-sided or two-sided free-standing Sign with its entire Sign Area mounted on the ground or mounted on a base at least eighty percent (80%) as wide as the Sign Area.

**Mural:** A work of graphic art painted or applied to a wall of a building or other structure which contains no ~~advertising or logos~~commercial speech.

**Non-Commercial Speech:** Dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service, and informational topics.

**Nonconforming Sign:** A Sign lawfully existing prior to the adoption of this ordinance but that does not conform to the newly enacted requirements of the ordinance.

**Off-Site Sign:** A sign, including the supporting sign structure, advertising a business, commodity, or service which is not located or performed on the premises on which the sign is located; commonly known as a "billboard."

**Portable Sign:** A Sign designed to move from one location to another, not permanently attached to the ground or any other surface.

**Promotional Devices:** Promotional devices, including air inflated devices, Banners exceeding forty (40) square feet in area, non-mechanical whirling devices, spotlights, or any Sign resembling the same.

**Pylon Sign:** Any free-standing sign supported by a column-like structure, posts or poles set firmly in or below the ground surface.

**Real Estate Sign:** Any sign pertaining to the sale, lease or rental of land or buildings.

**Roof Sign:** A Sign erected or painted upon or above a roof or parapet of a building.

**Scoreboard:** A sign associated with displayed at an athletic field that includes information and/or statistics pertinent to an on-site game or activity and also includes any sponsor or identification panels and in conjunction with the activities occurring at the athletic field.

**Shielded Light Source:** Shall have the meaning associated with the nature of the light source, as follows: 1) For an artificial light source directing light upon a Sign, Shield Light Source shall mean a light source diffused or directed so as to eliminate glare and housed to prevent damage or danger. 2) For light source located within a Sign, Shielded Light Source

**Comment [KC5]:** The City does not have to use this terminology, but this term is a bit more intuitive to the reader than "Advertising Sign." The Supreme Court has indicated that different regulations for on-premises and off-premises signs are permitted.

**Comment [KC6]:** "Promotional" carries a connotation of content. Because this term is only used in one section, you may be able to eliminate it, as proposed in these revisions (also see the Temporary Signs section below). Alternatively, the City could rename this to something without a content implication.

shall mean a light source shielded with a translucent material of sufficient opacity to prevent the visibility of the light source. 3) For a light source designed to directly display a message (e.g. LED and neon lighting), Shielded Light Source means a light source specifically designed by its manufacturer for outdoor use.

**Sidewalk Sign:** A temporary, freestanding, Portable Sign placed at ground level, with no moving parts or flashing lights, displayed on a public or private sidewalk adjacent to and directly in front of a business ~~to advertise the business hours of operation, an event, or a promotion.~~

**Sign:** Any letter, symbol, device, poster, picture, statuary, reading matter or representation in the nature of any advertisement, announcement, message, or visual communication, whether painted, pasted, printed, affixed or constructed, which is displayed outdoors for informational or communicative purposes.

**Sign Area:** The entire area within a continuous perimeter enclosing the extreme limits of the Sign message and background. However, such perimeter shall not include any structural elements lying outside of such sign and not forming an integral part of the Sign. The area of a Sign within a continuous perimeter shall be computed by means of the smallest circle, rectangle or triangle that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the building façade against which it is placed.

**Special Events Sign:** ~~—A Temporary Sign erected by a civic or other non-profit organization to promote or identify a fund raiser, festival, tournament, or other non-commercial one-time or annual event; examples of which are Stiftungsfest, Music in the Park, Relay for Life, and the Carver County Fair, displayed before or during a one-time, special, or annual event or a holiday.~~

**Temporary Sign:** A Sign ~~placed~~ displayed for a specific purpose that is of concurrent with a specific event or occurrence for a limited time duration, after which the Sign is to be removed, which does not necessarily meet the structural requirements for a permanent sign.

**Wall Sign:** Any Sign which is affixed to the wall of any building or structure.

**1260.03 Jurisdiction.** No sign permit shall be issued for any lot, tenant, or development after the effective date of and which is not in substantial conformity with the provisions of these regulations. Nor shall any sign, except as hereinafter specified, be erected, substantially improved, converted, enlarged, moved, or structurally altered without conforming with the provisions of these regulations. The lawful use of a sign existing at the time of the enactment of this chapter may be continued although such use may not conform to the regulations herein. For those signs permitted before the adoption of these regulations, such signs shall be classified and governed as "permitted nonconforming" structures under this Chapter.

**Comment [KC97]:** This changes the definition pretty dramatically, broadening who may display these signs and when they may be displayed. As written, though, this definition was too specific about who could display signs and for what purposes, arguably regulating the content of the speech by controlling the speaker and subject, and also by requiring these signs to identify or promote the event. As revised, there is a risk that someone will display this type of sign, during an event, that has nothing to do with the event. If the City is concerned about this, we can work to tailor this language further.

**1260.04 Permit Required.** Except as herein exempted, no person firm or corporation shall maintain, install, erect, relocate or modify any sign in the City without first obtaining a permit therefore. The fee for the permit shall be based on the ~~state~~ city chart of fees as adopted by the City Council ~~by Ordinance~~ from time to time, and shall be determined by the Building Inspector.

The permit application shall include ~~the following information:~~

Two sets of plans drawn to scale that show in sufficient detail the following:

- A. The proposed location and its relationship to the other principal buildings on the lot and on adjacent properties.
- B. The size and height of the sign.
- C. The elevation of the centerline of the roadway upon which the sign is oriented, when applicable.
- D. Material of the sign and supporting pole.
- E. Drawing of any landscaping or other base upon which the sign will be placed. Including the height or increase in elevation resulting from the base or landscaping.
- F. Any other information required by the Building Inspector to accurately review the application for conformance to the code. Including but not limited to a certified land survey.

**1260.05 Registration Required.** Those signs permitted within this section, not requiring a permit which must be registered with the City, shall include the following information.

- A. Name of the person or company responsible for the sign.
- B. Address of the responsible party.
- C. Number of signs and their location(s).
- D. Dates signs will be posted.
- E. Description of the sign including the size, height and copy of any text or graphics shown on the sign.

**1260.06 Variance.** A variance may be sought from this regulation in accordance with the variance procedure outline in Section 1210.04 of this Chapter.

**1260.07 Maintenance and Continuation.** All signs shall be constructed in such manner and of such material as to be safe and substantial. The exposed backs of all signs and sign structures shall be painted a neutral color. Signs determined by the Zoning Administrator to be in a state of disrepair shall be considered a nuisance pursuant to Chapter 6 of the City Code. Any Abandoned Sign or Sign sign hereafter existing which ~~that~~ no longer advertises or identifies a bona-fide business ~~conducted in operation, or~~ a service rendered, or a product sold shall be taken down and removed by the owner, agent or person having the beneficial use and/or control of the buildings or structure upon which the sign may be found. Any sign found to be in violation of this Section shall be enforced in the same manner as described in Chapter 6, Section 610- General Abatement Procedures.

**1260.08 General Provisions Applicable to All Districts.**

**Subd. 1. Prohibited Signs.** The following signs are prohibited in all districts:

**Comment [KC8]:** This is a content-based regulation, which could arguably be justified by safety issues surrounding elimination of confusion by drivers and emergency personnel or potentially aesthetic considerations. This same issue arises in the definition of "Abandoned Sign." The City should consider whether there's a different and feasible way to achieve the same result, such as by annual permitting or by imposing annual maintenance requirements, under the assumption that someone with an outdated sign would not take those steps.

- A. Signs in, upon, or projecting into any public right-of-way or easement, excepting Government Signs.
- B. Signs containing statements, words, or pictures of an obscene, indecent, or immoral character, or such as would offend public morals or decency~~containing any indecent or offensive material.~~
- C. Any type of sign painted, attached, or in any manner affixed to trees, rocks, or similar natural surfaces.
- D. Roof Signs.
- E. Signs which interfere with the ability of vehicle operators or pedestrians to see traffic signs or signals, or which impedes the vision of traffic by vehicle operators or pedestrians.
- F. Signs that contain or are an imitation of an official traffic sign or signal or include the terms "stop", "look", "caution", "danger", "warning" or similar words, phrases, symbols, or characters in such a manner as to interfere with, mislead or confuse motorists.
- G. Signs which obstruct any window, door, fire escape or opening intended to provide ingress or egress to any structure or building.
- H. Portable Signs, except for sidewalk signs expressly permitted within.
- I. Any Sign not in conformance with these regulations, other than a Non-Conforming Sign.
- J. Any other Sign not expressly permitted by the provisions of these regulations.

**Comment [KCN9]:** This provision and section F contain content-based regulations, though they arguably be justified by interests of health, safety, and welfare.

**Subd. 2, Illuminated Signs.** ~~The following standards apply to Illuminated Signs:~~

Each Illuminated Sign shall:

- A. Have a Shielded Light Source;
- ~~B. Not exceed a maximum light intensity of 5000 nits (candelas per square meter) during daylight hours and a maximum light intensity of 500 nits between dusk to dawn as measured from the sign's face at maximum brightness. 5 foot-candles at each property line;~~
- ~~B.C. Not cause beams or rays of light to be directed at any portion of the road or of such intensity or brilliance as to cause glare or impair vision of a driver of any motor vehicle; and~~
- ~~C.D. Be equipped with (i) an automatic dimmer control to produce the illumination change required by Section 1260.08, Subd. 2, ~~A, 2.A.2,~~ above and (ii) a means to immediately turn off the display or lighting if the Illuminated Sign malfunctions.~~
- ~~D. Prior to the issuance of a sign permit, the applicant shall provide a written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified in Section 1260.08, Subd. 2, A, 2 above.~~

**Comment [KCN10]:** The City should ensure that it has some way to measure this to make sure it is actually enforceable.

~~**Subd. 3 Promotional Devices.** Promotional Devices are prohibited except when used in conjunction with a grand opening (the initial commencement of business). For a grand opening, Promotional Devices shall be allowed for a period of one week.~~

~~Subd. 4 Campaign Signs. Campaign Signs shall be regulated by the laws of the State of Minnesota, as amended from time to time. All Campaign Signs must be removed within seven (7) days following the date of the election. In the event the signs are not removed within seven (7) days, the city may remove the signs at the expense of the sign or property owner. No permit or registration is required for this type of sign.~~

**Subd. 53. Address Signs.** To aid emergency personnel, postal delivery, and the navigation of traffic, ~~o~~One address sign shall be required per residential and commercial building in all districts. No permit or registration is required.

**Subd. 64. Scoreboards.** One scoreboard up to 450 square feet per playing field, located in a public or private park, shall be permitted.

**Subd. 75. Temporary Signs.** The following regulations apply to Temporary Signs within the City. If they are not removed by the date specified, the signs may be taken down by the City and the cost of removal charged to the sign's owner or registrant.

A. Signs Containing Non-Commercial Speech. Subject to Minnesota Statute Section 211B.045, as it may be amended from time to time, and notwithstanding the other provisions contained in this Section 1260, Signs containing Non-Commercial Speech may be posted beginning forty six (46) days before a primary election in a general election year until ten (10) days following the general election. No permit or registration is required for this type of sign.

A.B. Banners. Banners may be ~~permitted~~ displayed for one-time or special events for up to forty-five (45) days. Banners may be up to forty (40) square feet in area. They must be registered with the City under the guidelines established in this chapter and removed within five (5) business days of the closing date listed on the registration permit.

C. Grand Openings. Air inflated devices, Banners exceeding forty (40) square feet in area, non-mechanical whirling devices, spotlights, or any Sign resembling the same may be permitted for a period of one (1) week in conjunction with a grand opening, meaning the initial commencement of a business. Such signs are prohibited at all other times.

B.D. Special Events Signs. Special Event Signs may be permitted with the following conditions:

1. Non-residential property: ~~Such~~ Special Event Signs may be erected and maintained on non-residential property for a period not to exceed thirty (30) days prior to the date of the event and shall be removed within five (5) business days following the event.
2. The City of Norwood-Young America may place Special Event Signs within the public right-of-way, subject to the same restrictions as set forth above. Residential property: Special Event Signs, not exceeding four (4) square feet, may be erected on residential property for a period not to exceed five (5) days and shall be removed within one (1) day following the event.

C.E. Real Estate Signs Property for Sale or Lease. A Temporary Real Estate Sign Sign may be placed upon property in any District for the purpose of advertising the lease

**Comment [KCN11]:** See comment 1 on definition of Address Sign above. Including the rationale for this requirement, may bolster the City's argument in favor of controlling content under these limited circumstances.

**Comment [KCN12]:** This section is tricky. The Supreme Court allows the City to impose time restrictions on one-time or special events signs as long as the signs do not discriminate based on topic or subject. The City can't state what is allowed to be contained on the sign, but limits on when the sign can be posted are subject to a lower standard of review by the court. That said, there are a couple of risks with this subdivision, even as revised: (1) the courts could consider these regulations to be arbitrary (meaning without a valid reason based on the health, safety, or general welfare of the community) or backhanded attempts to regulate content because they relate to very specific events and (2) the City would not be able to prevent signs with content completely unrelated to the special event, construction, or sale from being displayed within these parameters, since regulations must be content-neutral. If the City is worried about these risks, it could simply allow one sign of a certain size or type (which could vary based on zoning district or other parameters) to be displayed for a period that would likely address its goals and/or it could require a permit for all temporary signs, which is a hoop that people inclined to abuse these provisions might not be willing to jump the ... [1]

**Comment [KCN13]:** This provision basically suspends the City's sign ordinance when it comes to non-commercial signs during an election year. Under state law, non-commercial signs of any size and number may be posted during this window around an election (though certain location restrictions may still be applied, like the prohibition on posting such signs in the public right-of-way). Ten days after the election, the City may begin enforcing its sign ordinance with respect to these signs again, but per ... [2]

**Comment [KCN14]:** Because this provision states "in conjunction with," it arguably is not regulating the content of any of these signs. Keep in mind that the City cannot require that these devices promote the business or prohibit them from promoting something other than the new business.

**Comment [KCN15]:** This provision is risky because it gives the City discretion to pick and choose which special events it is willing to promote and the City will have to consider the content of the sign before agreeing to display it. We would suggest eliminating this language, but if the City would like to keep this option available, we would recommend further tailoring of the language.

**Comment [KCN16]:** This provision is in lieu of the Garage Sale Signs section, which seems to be too specific to not be considered a content-based regulation. Consider whether this is enough time for display of the sign to fit the City's other purposes of allowing people to promote events for civic/non-profit groups.

~~or sale of the property upon which it is placed while it is for sale or for lease. Only one (1) Sign shall be permitted per street frontage with the following conditions:~~

1. Each such Sign shall be removed within seven (7) days following the date of leasing or sale.
2. The maximum Sign Area for each such Sign is as follows:
  - a. R-1, R-2, R-3, T-A Districts- nine (9) square feet
  - b. R-4, RC-1 Districts- eighteen (18) square feet
  - c. Commercial and Industrial Districts- thirty-two (32) square feet
3. No such Sign shall exceed eight (8) feet in height.
4. Subdivision developments which have more than two (2) sites remaining available may ~~advertise the development with~~place one Sign at each entry point. Such signs shall not be greater than ~~thirty two (32)~~ square feet and not to exceed eight (8) feet in height.

~~D.F. Identification Signs Construction. One Temporary identification sign setting forth the name of a construction project, project architects, contractors and financing agencies Sign may be installed at a construction site in any district for the period of the construction only with~~subject to the following conditions:

1. The Sign must be registered with the City under the guidelines established in this chapter.
2. The Sign shall be removed within five (5) days of the closing listed on the registration permit or end of construction period, whichever is sooner.
3. No such Sign shall exceed twenty-four (24) square feet or eight (8) feet in height.

~~E. Garage Sale Signs. Garage Sale Signs shall be removed within one (1) day after the end of the sale and shall have a Sign Area of four (4) square feet or less. The City shall have the right to remove and destroy Signs not conforming to the provisions of this Chapter.~~

**Subd. 7-6. Advertising Sign Off-Site Signs.** ~~Advertising Sign Off-Site Signs~~ are permitted in the C-2, B-1 and I-1 Districts, on properties with frontage on Highway 212 or Highway 5 only. ~~Advertising Off-Site Signs Signs~~ must conform to the following standards:

- A. ~~Advertising Off-Site Signs signs~~ which face the same general direction shall be 2640 feet apart measured down the centerline of the road from which the signs are to be seen. ~~Advertising Off-Site Signs signs~~ with ~~advertising the sign face~~ facing the same direction, but on either side of the road, shall be 2640 feet apart measured down the centerline of the road.
- B. Only one ~~advertising Off-Site Sign sign~~ per lot shall be permitted.
- C. No ~~outdoor advertising Off-Site Sign sign~~ shall be closer than 100 feet from any other ~~free-standing Freestanding Ssign~~ on the same side of the street.
- D. Back to ~~Back-back~~ signs are permissible. A back to back sign shall constitute one ~~advertising Off-Site Signsign~~.
- E. V-type construction is not permitted.
- F. The maximum area for any one sign facing shall be 300 square feet inclusive of border and trim but excluding the base or apron, supports and other structural members.

- G. The maximum size limitations shall apply to each facing of a sign structure with one display to each facing not exceeding the maximum sign area.
- H. No ~~outdoor-advertising-Off-Site Sign sign~~ shall be established closer than 15 feet from the right-of-way line. No portion of any ~~outdoor-advertising-signOff-Site Sign~~ may be placed on, or extend over the right-of-way line of any street or highway.
- I. No ~~outdoor-advertising-Off-Site Sign sign~~ or part thereof shall be located on any property without the written consent of the owner, holder, lessee, agent or trustees.
- J. No ~~outdoor-advertising-signOff-Site Sign~~ shall exceed 30 feet in overall height above the ground level. Ground level shall be regarded as the average elevation of the natural ground on which the sign is located.
- K. All ~~outdoor-advertising-signOff-Site Signs~~ must be equipped with a steel monopole, be painted in an earth tone color and have appropriate landscaping. —(Amended by Ord. 140, 2-26-2001)

**Subd. 8.7. Dynamic Signs.** Dynamic Signs may be permitted with the following conditions:

- A. Dynamic displays are permitted as follows:
  - 1. R-1, R-2, R-3 and R-4 Districts— only on monument signs for conditionally permitted uses. Dynamic displays may occupy no more than 35 percent of the Monument Sign Area.
  - 2. C-2 District:- on monument and pylon signs for any permitted or conditionally permitted use, occupying up to 35 percent of the Sign Area, and on permitted ~~Advertising-SignOff-Site Signs~~, occupying up to 100 percent of the Sign Area.
  - 3. B-1 and I-1 Districts:- only on monument and pylon signs for any permitted or conditionally permitted use, occupying up to 35 percent of the Sign Area, and on permitted ~~Advertising-SignOff-Site Signs~~, occupying up to 100 percent of the Sign Area.
- B. Dynamic displays may not change or move more often than the following, except one for which changes are necessary to correct hour-and minute, date, or temperature information:

| Speed Limit | Maximum number of changes   |
|-------------|-----------------------------|
| 25-34       | Once every two (2) minutes  |
| 35-54       | Once every five (5) minutes |
| 55 and over | Once every ten (10) minutes |

- C. Time, date, or temperature information is considered one dynamic display and may not be included as a component of any other dynamic display.
- D. A display of time, date, or temperature must remain for at least the minimal allowable display time for the district in which it is located before changing to a different display, but the time, date, or temperature information itself may change no more often than once every three (3) seconds.
- E. The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects.
- F,G. The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.

**Comment [KCN17]:** Regulations specific to time, date, and temperature displays in sections B, C, and D are content-based regulations. The City may be able to justify subjecting them to different standards because (1) they will be less distracting to driver and (2) they provide important public information, but the City may want to consider eliminating these distinctions unless it is confident in its justification for treating this content differently.

G.H. Every line of copy and graphics in a dynamic display must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour and 15 inches on a road with a speed limit of 55 miles per hour or more.

H.I. Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the City that it is not complying with the standards of this ordinance.

I.J. Dynamic displays must comply with the brightness standards contained in ~~Subd. 2 of this Section 1260.08, Subd. 2.~~

**Subd. 98. Interior Building Signs.** Unless specifically named in this ordinance, signs which are located ~~on-in~~ the interior of a building shall be exempt from the provisions of this ordinance.

~~Subd. 10. Public Signs. The City may exempt a public sign from the permitting and size standards of this ordinance. (Amended by Ord. 114, 7-27-1998)~~

**1260.09 District Regulations.** Signs herein designated shall be permitted in each specified District and shall conform as to size, location, and character according to the requirements herein set forth.

**Subd. 1 Residential District (R-1, R-2 and R-3) Regulations.** The following signs are permitted within the residential districts.

A. Address Sign: One sign not to exceed two (2) square feet in area for each dwelling unit.

~~B. Monument Signs: One Monument Sign per street frontage, not to exceed two (2) Monument Signs, shall be permitted for a church, public institution, day-care center, nursing home, apartment building or recreational facility for each lot and development entrance located on a collector or arterial roadway. Such Sign shall not exceed forty-eight (48) square feet in area and shall not exceed twelve (12) feet in width and six (6) feet in height. No Sign shall be placed closer than five (5) feet to any public right-of-way.~~

~~C.B. Area Identification Signs: A residential subdivision of twenty (20) or more acres shall be permitted a maximum of two (2) Monument Signs. All other residential subdivisions shall be permitted one (1) Monument Sign. The Sign Area of each such Sign shall not exceed forty-eight (48) square feet. The dimensions of each such Sign shall not exceed twelve (12) feet in width and six (6) feet in height. Such Signs shall be located near the main entrances of the subdivision and shall be limited to one (1) Sign per intersection.~~

D.C. Directional Signs: Directional Signs for non-single-family uses are allowed up to three (3) per lot. The Sign Area of each such Sign shall not exceed four (4) square feet or four (4) feet in height.

**Comment [KC18]:** What constitutes a "public sign"? The City may want to either define this term or eliminate this provision, since it appears to give the City discretion to change the rules for certain signs based on their content. This may be justifiable if the City intends this provision to be specific to signs necessary for health, safety, traffic flow, or something similar, but without more detail, this provision appears problematic.

**Comment [KC19]:** Allowing only certain types of businesses/property uses to have these signs could be viewed as a way of regulating the content of speech. At the same time, allowing all properties on such roads to have monument signs, as is the case with this proposed language, could result in a clutter of signs. If the City is concerned about this, it could also impose a requirement based on street frontage. This sort of provision could also be used if the City is worried about certain properties in these districts not being allowed monument signs because they are not located on these types of roads.

**Comment [KC20]:** We removed this section because section B likely addresses these signs if not and the City want to provide for signs at the entrance of subdivisions, consider renaming this section to remove reference to "Area Identification Sign," which implies the content of the sign.

**Subd. 2 Multiple Family Residential District (R-4) Regulations.** The following signs are permitted within the Multiple Family Residential District:

- A. Address Sign: One sign not to exceed four (4) square feet in area for each building.
- B. Monument and Wall Signs: ~~Each lot and development entrance located on a collector or arterial roadway shall be permitted one Monument Sign per street frontage, not to exceed two (2) Monument Signs. shall be permitted for a church, public institution, daycare center, nursing home, apartment building or recreational facility. Each lot located on a local roadway shall be permitted one Monument Sign.~~ Such Sign shall not exceed forty-eight (48) square feet in area and shall not exceed twelve (12) feet in width and six (6) feet in height. No Sign shall be placed closer than five (5) feet to any public right-of-way. In addition to any Monument Sign, one Wall Sign shall be permitted on each Building Face, not to exceed two Wall Signs per Building. The Sign Area of each such Wall Sign shall not exceed 5% of the Building Face on which it is located. *(Amended by Ord. 216; 8-24-2009)*

~~Area Identification Signs: A residential subdivision of twenty (20) or more acres shall be permitted a maximum of two (2) Monument Signs. All other permitted and conditional uses shall be permitted one (1) Monument Sign, except for those listed in Subd. 2.B. above. The Sign Area of each such Sign shall not exceed forty-eight (48) square feet. The dimensions of each such Sign shall not exceed twelve (12) feet in width and six (6) feet in height. Such Signs shall be located near the main entrances of the development and shall be limited to one (1) Sign per intersection. In addition to any Monument Sign, one Wall Sign shall be permitted on each Building Face, not to exceed two Wall Signs per Building. The Sign Area of each such Wall Sign shall not exceed 5% of the Building Face on which it is located.~~

**Comment [KCN21]:** Added language to Section B, above, about all uses on other roadways being allowed one Monument Sign to address this allowance. Please confirm that Section B as revised covers the full intent of this section.

- C. Directional Signs: Directional Signs are allowed up to three (3) per lot. The Sign Area of each such Sign shall not exceed four (4) square feet or four (4) feet in height.

**Subd. 3 Downtown Districts (C-3) Regulations.** The following signs are permitted within the Downtown Districts.

- A. Address Sign: One sign not to exceed four (4) square feet in area for each building.
- B. Monument Signs: Where a building does not cover the full area of the property, one Monument Sign is allowed per lot. The Sign Area of any such Monument Sign shall not exceed thirty-two (32) square feet and shall not exceed ten (10) feet in width or six (6) feet in height.
- C. Wall Signs: One Wall Sign shall be permitted per Building Face, not to exceed two Wall Signs per building. For multi-tenant buildings, one Wall Sign per tenant is allowed provided that the Building Face coverage limitation set forth below is met.
  - 1. A maximum of 10% of the Building Face may be used for a Wall Sign.
  - 2. Signs shall not project above the roof level.
- D. Sidewalk Signs: Sidewalk Signs shall be permitted on the premises of a business, provided the following provisions are followed:
  - 1. Only one sidewalk sign per business is allowed.
  - 2. Signs shall be displayed during business hours only.

3. Maximum allowable sign size, including the frame and support structure, shall not exceed 6-square feet. Two sides of the sign may contain graphics and/or text. The maximum depth or spread of the sign shall not exceed 2 feet.
  4. Quality of said signs shall be of professional craftsmanship only.
  5. Signs shall not create any hazards or interfere with pedestrian or vehicular traffic.
  6. Signs shall be placed only on the business property or on sidewalks directly abutting the business property. —(Amended by Ord. 172; 11/28/2005)
- E. **Awning Signs:** One Awning Sign is allowed per lot, provided the Sign Area does not exceed eight (8) square feet. The Sign Area of any Awning Sign shall reduce, square foot for square foot, the Sign Area of any permitted Wall Signs on the same building face. Awnings shall have a minimum clearance of eight (8) feet above a public sidewalk or right-of-way and be an integral part of the awning, not projecting above or below the vertical awning face.

**Subd. 4 C-2, B-1 and I-1 Regulations.** The following uses are permitted within the C-2, B-1 and I-1 Districts.

- A. **Address Sign:** One sign not to exceed four (4) square feet in area for each building.
- B. **Monument Signs:** One Monument Sign facing each street frontage may be permitted per lot and development entrance. The Sign Area of any such Monument Sign shall not exceed sixty (60) square feet and shall not exceed twelve (12) feet in width or six (6) feet in height, except when adjacent to a major arterial. The total area of any such Monument Sign facing a major arterial shall not exceed eighty (80) square feet and shall not exceed fifteen (15) feet in width and eight (8) feet in height. No Monument Sign shall be placed closer than five (5) feet to any public right-of-way line. For multi-tenant buildings, one Monument Sign per lot is allowed. The Sign Area of each such Monument Sign shall not exceed eighty (80) square feet, with a maximum Sign Area of forty (40) square feet per tenant, except when adjacent to a major arterial. The total area of any such multi-tenant Sign facing a major arterial shall not exceed one hundred (100) square feet, with a maximum Sign Area of fifty (50) square feet per tenant.
- C. **Wall Signs:** One Wall Sign shall be permitted per Building Face, not to exceed two Wall Signs per building. For multi-tenant buildings, one Wall Sign per tenant is allowed provided that the Building Face coverage limitation set forth below is met.
  1. A maximum of 10% of the Building Face may be used for a Wall Sign.
  2. Signs shall not project above the roof level.
- ~~D. **Area Identification Signs:** One Area Identification Sign per development entrance is allowed. The Sign Area of each such Sign shall not exceed sixty (60) square feet and shall not exceed fifteen (15) feet in width and six (6) feet in height. No Area Identification Sign shall be placed closer than five (5) feet to any public right-of-way line. The Area Identification Sign shall only identify the name of the business or industrial park.~~
- E.D. **Pylon Signs:** One Pylon Sign facing each street frontage may be permitted per lot. The Sign Area of any such Sign shall not exceed forty-eight (48) square feet and shall not exceed twelve (12) feet in width or six (6) feet in height, except when adjacent to a major arterial. The total area of any such Pylon Sign facing a major arterial shall not

exceed sixty (60) square feet and shall not exceed fifteen (15) feet in width and eight (8) feet in height. No Pylon Sign shall be placed closer than five (5) feet to any public right-of-way line. For multi-tenant buildings, one Pylon Sign per lot is allowed. The Sign Area of each such Sign shall not exceed sixty (60) square feet, with a maximum Sign Area of thirty (30) square feet per tenant, except when adjacent to a major arterial. The total area of any such multi-tenant Sign facing a major arterial shall not exceed eighty (80) square feet, with a maximum Sign Area of forty (40) square feet per tenant. The height of any Pylon Sign shall not exceed thirty (30) as measured from the elevation of the centerline of the roadway upon which the sign is orientated. The maximum actual sign height shall be no more than forty (40) feet. The sign shall not be raised up by use of a natural or manmade material so as to create a base for the placement of the sign resulting in a height greater than thirty (30) feet as measured from the elevation of the centerline of the roadway.

F.E. Directional Signs: ~~Each lot is permitted up to four (4) Directional Signs per driveway or vehicle entrance onto the property lot are permitted.~~ The Sign Area of each such Sign shall not exceed four (4) square feet or four (4) feet in height.

1260.10 Substitution Clause. The owner of any Sign that is otherwise allowed under this Section may substitute Non-Commercial Speech for any other Commercial or Non-Commercial Speech without any additional approval or permitting, notwithstanding any provision to the contrary.

1260.11 Severability. If any part, clause, provision, or portion of this Section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Section shall not be affected thereby.

**Comment [KCN22]:** Because directional signs are meant specifically to aid the flow of traffic, it might make sense to allow for more directional signs based on how traffic accesses a property. Using this as a multiplier for the number of signs does not require that the signs be placed at the entrance and may help address issues that have arisen in the past where certain properties would benefit more signage.

**Comment [KCN23]:** In general, there is nothing in this ordinance that would inherently favor commercial or non-commercial speech, since most provisions are content-neutral and any content-based regulations tend to allow for non-commercial speech, but this provision makes clear that the copy of a sign can be changed outside the permitting process as long as it is non-commercial.

This section is tricky. The Supreme Court allows the City to impose time restrictions on one-time or special events signs as long as the signs do not discriminate based on topic or subject. The City can't state what is allowed to be contained on the sign, but limits on *when* the sign can be posted are subject to a lower standard of review by the court. That said, there are a couple of risks with this subdivision, even as revised: (1) the courts could consider these regulations to be arbitrary (meaning without a valid reason based on the health, safety, or general welfare of the community) or backhanded attempts to regulate content because they relate to very specific events and (2) the City would not be able to prevent signs with content completely unrelated to the special event, construction, or sale from being displayed within these parameters, since regulations must be content-neutral. If the City is worried about these risks, it could simply allow one sign of a certain size or type (which could vary based on zoning district or other parameters) to be displayed for a period that would likely address its goals and/or it could require a permit for all temporary signs, which is a hoop that people inclined to abuse these provisions might not be willing to jump through. If the City would prefer to go this route, we can propose language. Note that the language specific to non-commercial signs during the election season should be included in this ordinance either way.

This provision basically suspends the City's sign ordinance when it comes to non-commercial signs during an election year. Under state law, non-commercial signs of any size and number may be posted during this window around an election (though certain location restrictions may still be applied, like the prohibition on posting such signs in the public right-of-way). Ten days after the election, the City may begin enforcing its sign ordinance with respect to these signs again, but people will still be allowed to post signs with non-commercial speech at all times, as long as they meet the requirements of this ordinance.



To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: August 16, 2016

Re: Storage Pods

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#### **BACKGROUND**

The City has received an inquiry from Dan Drevlow. Mr. Drevlow wants to move a storage pod onto his property (there is no address for this parcel) it is a vacant lot behind Pour House.

Drevlow has a storage shed near the empty lot that needs repairs, he would like to move a storage pod in, transfer items from the shed to the pod, repair the shed, and remove the pod. He estimates he will need the pod for one (1) year. The proposed pod size is 8X8X20.



Attached please find a copy of our accessory structure standards. At this time storage pods are not allowed because they do not meeting the required architectural standards for accessory structures. The storage pod is to be located on site for more than 180 days so it doesn't meet the definition of a temporary structure under the building code. At this time the Code doesn't include language relating to temporary structures. A potential path to allowing temporary placement of storage pods is through a code amendment allowing temporary structures under an administrative permit.

I invited Mr. Drevlow to the meeting for input from the Planning Commission with potential discussion of drafting Code language regarding temporary structures.

#### **ACTION**

Discussion and comment is kindly requested.



**1245.04 Accessory Structures**

**Subd. 1 Purpose.** The intent of this section is to establish the minimum regulations for accessory structures in order to protect the public health, safety and welfare; to protect use areas; to promote orderly development; to provide adequate light, air, and convenience of access to property; to provide for compatibility of different uses; to prevent overcrowding of land and undue concentration of structures.

**Subd. 2 General Provisions.**

- A. *Setbacks.* Detached accessory structures shall be located in the side or rear buildable lot area subject to meeting the setback requirements. Unenclosed Decks, Porches, and Patios are permissible in the front yard subject to meeting the setback requirements.
- B. *Aggregate Coverage Limitation.* In the R-1, R-2, R-3, R-4 and RC-1 Districts, the sum of the building area of all garages, utility buildings and other detached accessory structures shall not exceed a total of:

| Lot Area<br>(in square feet) | Maximum Total Floor Area of all<br>Accessory Structures* | Maximum Number of<br>Detached Accessory<br>Structures |
|------------------------------|--|---|
| 10500 and smaller            | 1,000 square feet  | Two   |
| 10,501 to 21,780             | 1,200 square feet  | Two   |
| 21,781 to 43,560             | 1,400 square feet  | Two   |
| 43,561 and larger            | 1,600 square feet  | Two, unless variance granted                          |

- (1) Subject to maximum lot coverage limit contained in the underlying zoning district.
- (2) Commercial, industrial, or business buildings and structures for a use accessory to the principal use shall not exceed thirty (30) percent of the gross floor area of the principal use.
- (3) At no time shall the ground floor area of a detached residential accessory structure within an R-1, R-2, R-3, R-4, or RC-1 District exceed forty (40) percent of the combined ground floor area of the principal and accessory structure.
- (4) Notwithstanding the provisions of Section 1245.04, Subd. 2(B)(2) or Section 1245.04, Subd 2 (B)(3) of the City Code, Single-family residential properties located in the C-3 (Downtown) and C-2 (General Business) Districts shall be allowed one (1) accessory structure up to 1,000 square feet in gross floor area.
- C. *Design characteristics.* Detached accessory structures shall be constructed of material similar to the principal structure, and in character with the surrounding built environment. Design characteristics shall include, but not be limited to, the following:
  - 1. Roof type (e.g. gabled, hipped, mansard), roof orientation, and roof pitch
  - 2. Eave, overhang depth, and fascia/soffit type and appearance.
  - 3. Exterior building material, and,
  - 4. Exterior color.
- D. *Minimum Roof Pitch.* The minimum accessory structure roof pitch shall be 4:12ths.
- E. *Prohibited Roof Types.* Rolled roofs and mono-sloped roofs are prohibited
- F. *Prohibited Exterior Materials.* Galvanized and unpainted metal are prohibited as exterior building materials.
- G. *Exceptions.* Agricultural buildings on agricultural lots shall be exempt from this Section.

- H. *Attachment Required.* In cases where an accessory building is attached to the principal structure, it shall be made structurally part of the principal structure and shall comply in all respects with the requirements for principal structures.
- I. *Principal Structure Required.* No accessory structure or building shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- J. *Front Yard Placement Prohibited.* No accessory structure shall be placed in the front yard.
- K. *Structures 120 Square Feet or Less.* Structures sized 120 square feet or less are exempt from this Section, except those standards relating to required setbacks and number of total detached structures allowed.
- L. *Accessory Structures Must Be Subordinate Structures.* Detached accessory structures shall be clearly and reasonably subordinate to the principal structure in terms of height, footprint, and total square footage.
- M. *Maximum Height.* Sidewall height for detached accessory structures may not exceed ten (10) feet. Total detached accessory structure height may not exceed eighteen (18) feet as measured from the ground level to the highest point of the roof. Where these standards conflict with other standards, the strictest rule shall apply.
- N. *Setbacks.* Setbacks established in the underlying zoning district classification shall apply as indicated for accessory structures.

(Amended by Ord. 258; 2-23-2015)

**Subd. 3 Opt-Out of Minnesota Statutes, Section 462.3593 as may be amended from time to time.** Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Norwood Young America, Minnesota opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

## 1245.05 Fences

**Subd. 1 Building Permit Required.** No fence, except temporary fencing, shall be constructed without a building permit. The application shall be accompanied by a plot plan clearly describing the type, location, and method of anchoring the fence.

**Subd. 2 Setbacks.** Boundary line fences shall be located at least one (1) foot from the property line, except as provided for in Subd. 4 and 5 of this Section. The persons, firms or corporations constructing or causing the construction of such fence shall be responsible for maintaining that part of their property between fence and property line. City staff shall require any applicant for a fence permit to establish the boundary lines of his property by a certificate of survey thereof to be made by any registered land surveyor or by showing the accurate stake markers of the surveyed lot.

**Subd. 3 Fencing Conformity.** Fencing in all districts shall conform to the following:

- A. Fences in all districts shall be maintained so that the exposed outer/inner surface shall be uniformly painted or stained in a neat and aesthetically acceptable condition.
- B. The side of the fence considered to be the face (finished side as opposed to structural supports) shall face abutting property.
- C. No fence shall be permitted on a public right-of-way or boulevard area.
- D. No fence shall be erected on a corner lot that will obstruct or impede the clear view of an intersection by approaching traffic.