



AGENDA – REGULAR MEETING
6:00 p.m., April 16, 2018

Planning Commission

- 1. CALL TO ORDER**
- 2. ROLL CALL (Quorum is 4)**
- 3. APPROVAL OF AGENDA (Unanimous additions required)**
- 4. APPROVAL OF MINUTES (Unanimous additions required)**
 - A. Planning Commission Minutes of March 19, 2018
- 5. PUBLIC COMMENTS**
- 6. PUBLIC HEARINGS**
- 7. OLD BUSINESS**
 - A. Consider Updates to Proposed Sign Ordinance
- 8. NEW BUSINESS**
- 9. REPORTS OR COMMENTS: Staff, Chair, & Commission Members**
 - A. Healthy Generations Age-Friendly Osseo Open House
- 10. ADJOURNMENT**

**OSSEO PLANNING COMMISSION MINUTES
REGULAR MEETING
March 19, 2018**

1. CALL TO ORDER

The regular meeting of the Osseo Planning Commission was called to order by Chair Plzak at 6:00 pm, Monday, March 19, 2018.

2. ROLL CALL

Present: Commission members Dee Bonn, Deanna Burke, Michael Corbett, Michael Olkives, Alden Webster, and Chair Barbara Plzak

Absent: Commission member Neil Lynch.

Others present: Harold E. Johnson, Kathy Goetsch, Scott Draisey, Ray Boeser, Kristine Brown, Eileen Emly, Dean Radzak, Paul Humiston, Jason Quilling, Trevor Gruys, Tonya Simpson, L. Brenny, Eric Hauge, Jennifer McLurcy, Jesse Dickinson, Larry Stelmach, City Planner Nancy Abts.

3. APPROVAL OF AGENDA

A motion was made by Bonn, seconded by Olkives, to approve the Agenda as presented. The motion carried 6-0.

4. APPROVAL OF MINUTES

A. Approve November 20, 2017, Minutes

A motion was made by Burke, seconded by Webster, to approve the November 20, 2017, minutes. The motion carried 6-0.

5. PUBLIC COMMENTS

Chair Plzak advised this is the time for public comments for items that are not on the agenda for tonight's meeting. There were no comments from the public.

6. PUBLIC HEARINGS

A. Consider Variance and Site Plan Approval for 617 North Oaks Drive

A motion was made by Bonn, seconded by Olkives, to open the Public Hearing. The motion carried 6-0.

Abts stated the property is located in the northeast quadrant of Osseo, east of 6th Avenue Northeast and south of 93rd Avenue/County Road 30. The 617 North Oaks Drive site holds two freestanding apartment buildings and two private garage buildings. Two other parcels, 625 and 624 North Oaks Drive, are under the same ownership and management. Previously known as Countryside Estates, the properties are now collectively called 6th Avenue Apartments. The analysis for granting a variance was reviewed with the Commission in detail.

Abts explained the current 2030 Comprehensive Plan guides this area for Stacked Residential uses. The plan guides the area for apartments two to four stories tall and a density of at least 16 units per acre. It is expected to expand housing options for people interested in living in a walkable environment and increase the local customer base for the downtown area. With 2.2 acres and a total of 40 units, the 617 North Oaks Drive parcel has a density of approximately 18 units per acre. There are no sidewalks along 6th Avenue NE or along the south side of 93rd Avenue near the project site. In this case:

- The variance does not seem to conflict with the Comprehensive Plan guidance for the site. The site density is already above the minimum for the guidance. Updates to the site plan could enhance the property's walkability and further support the guidance.
- Allowing an exception to the requirement to add curb and gutter to the parking area would not seem to conflict with the guidance for the district.

Abts reviewed the site plan for 617 North Oaks Drive and City requirements with the Commission. She stated because this project involves new construction and construction of a parking area, a site plan approval is required. Staff offered the following conditions for approval for the site plan:

1. The improvements shall match the site plan submitted for approval by the City Council;
2. If not included in the City Council Approval, an updated lighting plan shall be submitted and approved by staff prior to issuance of any building or grading permits;
3. If not included in the City Council Approval, an updated landscaping plan shall be submitted and approved by staff and may include two deciduous trees in lieu of the infiltration basin;
4. Any necessary payment for SAC charges must be made prior to issuance of any building permits;
5. The applicant shall obtain all necessary building and sign permits and pay all fees related to the proposed improvements;
6. Weeds and other vegetation shall be maintained at all times in accordance with Chapter 93.38 of the City Code;
7. All trash shall be stored within a properly-screened enclosure;
8. The site plan will be valid for one year following the date of approval, unless work begins toward completion within one year or the approval is renewed for a period of one year by the City Council.

Olkives asked if the proposed conditions were required for approval. Abts explained staff was recommending all conditions be followed in order for the site plan to be approved. She noted the conditions could be amended by the Planning Commission and the City Council before final approval.

Bonn questioned if there would be any curb and gutter replacement. Abts reported the proposal was that the area would remain as is and the new section of the parking lot would also not have curb and gutter.

Abts summarized comments she received from Tonya Simpson noting she was concerned with rental properties in Osseo. She discussed how housing affordability issues were being addressed by communities throughout the metro area.

Scott Draisey, 616 6th Avenue NE, Apartment #207, stated he has been an Osseo resident since 2003. He indicated he moved into an apartment to remain a resident in this community. He expressed concern with the fact he was being forced out of his apartment and requested the Commission to consider if this was morally right.

Harold E. Johnson, 12 6th Street NE, addressed the Commission not as a City Councilmember but as a citizen of Osseo since 1958. He expressed concern that a lot of long-time residents of Osseo are moving. He discussed how the community changes when properties turnover. He stated he had a problem with how the rental tenants were notified to vacate their apartments. He explained many had leases that ran through the transfer of ownership. Instead of honoring these leases, all current renters were placed on a month to month. He commented on how difficult it was to displace people in the winter months during the school year. He stated a considerable inconvenience was brought upon these residents. It was his hope the property owner would work with the remaining residents, especially those with children, to allow them to stay through the end of the school year.

Raymond Boeser, 616 6th Avenue NE, Apartment #303, stated he had lots of reports and emails regarding this situation. He indicated he had spoken to the Police Chief regarding vacation notices. He feared he would be facing retaliation if the new owner knew he had went to the police. He discussed how the new owner has failed to maintain his building, noting the laundry room did not function at all. He provided further comment on the dishonest people that were managing the building with the new owner and described how this had created an unmaintained and frustrating living environment.

Kristine Brown, 616 6th Avenue NE, Apartment #308, requested the Commission take into consideration the comments that are made by the residents. She indicated there were so many people that loved Osseo but believed the new building owner was uncaring. She commented she had a child in the Osseo School District and she requested she be allowed to remain in her apartment until the end of the school year. She encouraged the Commission to look at the new owner's history. She discussed how many people were being hurt by the new property owner and encouraged the Commission to consider providing the current tenants with another option.

Tonya Simpson, 616 6th Avenue NE, Apartment #106, explained she moved to Osseo from California in 2012 with her son. She stated she had hoped Osseo would be the community that her son would be raised in. She commented in 2015 she sent an email to the City Council asking for special needs street signs to be installed for her son and two signs were installed. She explained the City of Osseo had come through for her. She noted her son was autistic and has a sensory processing disorder. She explained the person who has purchased her building was not sensitive to this matter. She encouraged the Commission to review his history with the Better Business Bureau. She understood the new owner was an Osseo High School graduate, but did not appreciate the way he was treating the citizens of this community. She understood that in the end, this was a business transaction, but she had to believe there was a better way to manage the situation. She requested she have until June 30th or even longer, given the fact she had a special needs child. She discussed how the move would impact her son and explained she currently does not have a home. She reported her income does equate to three times the rent, as is required for those applying to lease at other properties and noted she was not given the option to move into an already renovated apartment. Rather, she was told she could not come back.

Eric Hauge, representative of HOMELine in Minnesota, explained his organization provides a free hotline to advise tenants of their legal rights. He stated the organization has served residents of Osseo for over 25 years and noted he has received numerous calls regarding this complex since August of 2017. He encouraged the City to continue to refer tenants to him.

Olkives asked if Mr. Hauge has had other calls from tenants of this particular property owner in other locations. Mr. Hauge stated he has received calls from tenants in Minneapolis that were dealing with discrimination problems, as well as other tenants in other communities.

Paul Humiston, Paul Meyer Architects, introduced himself to the Commission and noted he drafted the plans before the City for the site plan. He explained the project that is being proposed would house a management office which would address some of the concerns that were expressed this evening. He thanked staff for providing the Commission with a thorough report and noted he supported the additional lighting, sidewalk and landscaping.

Mr. Boeser asked if he could speak again on behalf of his neighbors who were afraid to speak publicly. Plzak stated this would be allowed.

Mr. Boeser commented on the condition of the laundry room. He explained he had to wash his clothes in the bathroom tub or sink because he did not have a working laundry room. He stated this was a sad state of affairs. He expressed frustration that the new owner did not care about anyone but himself. He indicated he felt bad for the owner's daughter and the way she was raised.

Bonn requested Mr. Boeser end his comments at this time as he was attacking family members. Abts encouraged Mr. Boser to keep his comments focused on the property, the variance or the site plan.

Abts reported the Commission was considering zoning and land use matters this evening. She explained the way the City manages its rental licenses was another matter and this would have to be considered in another setting. She requested the Commission turn their attention back to the variance and site plan request.

Olkives stated the request before the Commission was a zoning issue.

Mr. Boser encouraged the Commission to consider how all of the tenants were being treated.

Plzak explained the Commission had no ability to rule over how the new owner ran his business, but rather the Planning Commission was a governing body considering matters related to City Code and Ordinances. Abts thanked the public for bringing voicing their concerns and noted these comments would be heard by the City Council. She reported the City did have resources in place to help with tenant rights and noted the City was planning to take a look at its rental license procedures in the future.

Olkives encouraged the residents in attendance to bring their comments and concerns to the next City Council meeting.

A motion was made by Webster, seconded by Bonn, to close the public hearing at 6:53 p.m. The motion carried 6-0.

A motion was made by Olkives, seconded by Bonn, to recommend approval of the variance request for 617 North Oaks Drive.

Olkives stated the Planning Commission was being asked to review zoning issues and could not tell a business operator how to run their business. He explained he was very disappointed to hear how the tenants were being treated in the community that he loves. He stated his heart went out to the tenants of this building.

Bonn commented she has been in property management for 35 years with Mortenson Construction. She believed this entire situation was done completely wrong and could have been done one building at a time from top to bottom to eliminate the displacement of these individuals.

The motion carried 5-1 (Webster opposed).

A motion was made by Olkives, seconded by Bonn, to recommend approval of the site-building plan 617 North Oaks Drive, subject to the following conditions:

- 1. The improvements shall match the site plan submitted for approval by the City Council;**
- 2. If not included in the City Council Approval, an updated lighting plan shall be submitted and approved by staff prior to issuance of any building or grading permits;**
- 3. If not included in the City Council Approval, an updated landscaping plan shall be submitted and approved by staff and may include two deciduous trees in lieu of the infiltration basin;**
- 4. Any necessary payment for SAC charges must be made prior to issuance of any building permits;**
- 5. The applicant shall obtain all necessary building and sign permits and pay all fees related to the proposed improvements;**
- 6. Weeds and other vegetation shall be maintained at all times in accordance with Chapter 93.38 of the City Code;**
- 7. All trash shall be stored within a properly-screened enclosure;**
- 8. The site plan will be valid for one year following the date of approval, unless work begins toward completion within one year or the approval is renewed for a period of one year by the City Council.**

The motion carried 5-1 (Webster opposed).

B. Consider Site Plan Approval for 340 Central Avenue

A motion was made by Webster, seconded by Burke, to open the Public Hearing. The motion carried 6-0.

Abts reviewed the site plan for 340 Central Avenue and the City requirements with the Commission. She stated because this project involves new construction and construction of a parking area, a site plan approval is required. She recommended the applicant consider user a chemical striper to clean the exterior of the building instead of sand blasting the aged brick. Staff reviewed the landscaping and stormwater management plan and offered the following conditions for approval for the site plan:

1. The improvements shall match the site plan submitted for approval by the City Council;
2. Any necessary payment for SAC charges must be made prior to issuance of any building permits;
3. The applicant shall obtain all necessary building and sign permits and pay all fees related to the proposed improvements;
4. Weeds and other vegetation shall be maintained at all times in accordance with Chapter 93.38 of the City Code;
5. All trash shall be stored within a properly-screened enclosure.
6. The site plan will be valid for one year following the date of approval, unless work begins toward completion within one year or the approval is renewed for a period of one year by the City Council.

Webster asked when the applicant would begin work on the building. Jesse Dickinson, applicant, stated he was anxious to get started and anticipated it would take nine months to a year to complete the renovation work.

A motion was made by Olkives, seconded by Webster, to close the public hearing at 7:12 p.m. The motion carried 6-0.

A motion was made by Olkives, seconded by Burke, to recommend approval of the site-building plan for 340 Central Avenue subject to the following conditions:

1. **The improvements shall match the site plan submitted for approval by the City Council;**
2. **Any necessary payment for SAC charges must be made prior to issuance of any building permits;**
3. **The applicant shall obtain all necessary building and sign permits and pay all fees related to the proposed improvements;**
4. **Weeds and other vegetation shall be maintained at all times in accordance with Chapter 93.38 of the City Code;**
5. **All trash shall be stored within a properly-screened enclosure.**
6. **The site plan will be valid for one year following the date of approval, unless work begins toward completion within one year or the approval is renewed for a period of one year by the City Council.**

The motion carried 6-0.

7. OLD BUSINESS

A. Consider Update to Proposed Sign Ordinance Regarding Feather Banners

Abts explained the most recent staff suggestion for feather banners would have allowed them up to 28 square feet (e.g., 4' x 7') and up to the maximum height for signs in the district (i.e., 8' in the CBD and 15' in C2 and M districts). They would be allowed at a rate of one per property or one per 100 linear feet of front foot, whichever is greater. With more information about the time needed to perceive and respond to signs, it might be necessary to increase the spacing.

Abts stated for County Road 81, appropriate spacing might be 150' if drivers are not expected to change lanes or move in response to a feather banner, or 550' if they are. For Central Avenue and Jefferson Highway, 100' might be appropriate if drivers will not change their travel due to a sign. If they are expected to change their driving after reading a sign, limiting the banners to one per block on Central Avenue, or one every 300' on Jefferson Highway, would be reasonable. Some cities also choose regulate the hours or number of days that these signs can be displayed. Osseo could consider these types of restrictions as well.

Plzak encouraged the City to engineer its codes to allow people to read and respond to the signs. In addition, she supported feather signs having a time limit on Central Avenue.

Corbett commented certain businesses could benefit from feather banners more than others.

Webster supported this item being tabled to a future meeting for further discussion.

A motion was made by Burke, seconded by Webster, to table action on the proposed restrictions for feather banners to a future Planning Commission meeting. The motion carried 4-2 (Olkives and Bonn opposed).

8. NEW BUSINESS

A. Consider Landscape Plan Modifications for 108 Broadway Street West

Abts explained the property owner of 108 Broadway Street West has requested the Landscape Bond collected in 2009 be returned. The landscape plan approved in 2009 has not been satisfactorily completed. Instead, the property owner requests approval of a modified landscape plan.

Abts reported the landscape plan submitted with the 2009 application indicated a total of 30 trees on the property: 3 Basswood, 22 Boxelder, 4 Juneberry, and 1 Elm. Landscaping requirements for the Manufacturing District include one tree for every 1,000 square feet of building. The 2009 project required 20 trees, and the plan at that time gave credit for several of the large Boxelders in meeting that requirement. However, Boxelders are among a handful of "prohibited species" that the City Code indicates cannot be used to meet landscaping requirements. In this updated plan, the City may consider whether to include or exclude Boxelders in the final tree calculations.

Abts commented the revised landscaping plan shows a total of 11 added trees: 6 Blue Spruce, 1 Armstrong Maple, 2 Red Maple, 1 Cherry, and 1 Crabapple. With the exception of the Red Maple, the indicated diameters for the Armstrong Maple, Cherry, and Crabapple are smaller than the 2 ½ inches in diameter required by Code. Some of the blue spruce indicated on the updated plan are located in a drainage easement along the northwest side of the driveway. Moving trees out of the easement was discussed during the 2009 approval. The current Public Works Director suggests that the trees be allowed to remain in the easement if the property owner signs an acknowledgement agreeing to be fully responsible for replacing them if work must be done in the easement area in the future. Some areas previously identified as being covered in sod have been replaced with gravel beds. It was noted the

applicant has also provided numerous ornamental shrubs. Staff recommended the following conditions be applied if the proposed modifications were approved:

1. The property owner shall agree to be full responsible for replacing items located in the easement along the west side of the driveway, if those items are affected by future utility work in the easement.
2. Weeds and other vegetation shall be maintained at all times in accordance with Chapter 93.38 of the City Code.
3. If further modifications to the site plan result in significant alterations, the applicant shall apply for an amended site plan through a public hearing.

Bonn asked if staff supported the new plan. Abts reported there were some areas that required further interpretation which required approval from the Commission and City Council.

Olkives requested staff review the changes within the plan. Abts noted the changes that were made to the plan by the applicant.

Bonn questioned how many trees short the plan would be if the boxelder trees were eliminated from consideration. Abts stated the applicant would be nine trees short.

Bonn inquired if the City would hold onto the landscape bond if it considers the applicant did not follow the City's landscaping requirements. Abts reported this was the case.

Bonn asked if nine trees could be planted in a City park instead of on the applicant's property. Abts commented City Ordinance would allow trees to be located in other locations.

Bonn supported the bond being returned if the applicant were to plant nine trees elsewhere in the community.

A motion was made by Olkives, seconded by Webster, to recommend approval of the Landscape Plan Modifications, subject to the conditions as follows:

1. **The property owner shall agree to be full responsible for replacing items located in the easement along the west side of the driveway, if those items are affected by future utility work in the easement.**
2. **Weeds and other vegetation shall be maintained at all times in accordance with Chapter 93.38 of the City Code.**
3. **If further modifications to the site plan result in significant alterations, the applicant shall apply for an amended site plan through a public hearing.**

The motion carried 6-0.

9. REPORTS OR COMMENTS: Staff, Chair & Commission Members

Abts explained the City hired a planning intern named Kyler McLachlan. She noted he would be assisting the City this summer while she was taking parental leave.

Abts commented on an upcoming meeting that would be held regarding the Blue Line Extension at the Brooklyn Park Library. She reported two meetings would be held, one on March 20th and the second on April 5th. She noted these meetings were open to residents of Osseo.

Abts noted a workshop would be held on Sunday, March 25th at the Osseo Community Orchard where those attending would be given information on fruit tree pruning. She noted the event would be held from 10:00 a.m. to 11:30 a.m.

Webster congratulated both Osseo and Maple Grove for making it to the Boys State Basketball Tournament.

Corbett reported the Annual Easter Egg Hunt would be held on Saturday, March 24th at noon at the Fire Station.

10. ADJOURNMENT

A motion was made by Bonn, seconded by Webster, to adjourn the meeting at 7:35 pm. The motion carried 6-0.

Respectfully submitted,

Heidi Guenther
TimeSaver Off Site Secretarial, Inc.



Osseo Planning Commission Meeting Item

Agenda Item: Consider Updates to Proposed Sign Ordinance

Meeting Date: April 19, 2018

Prepared by: Nancy Abts, City Planner

Attachments: Revised Draft Ordinance

Policy Consideration:

The Planning Commission should consider proposed updates to the draft Sign Ordinance that allow Feather Banners and other types of signs on a time-limited basis.

Previous Action or Discussion:

Following several months of discussion and review of preliminary changes, the Planning Commission first considered a draft sign ordinance on [July 17, 2017](#). A Public Hearing was also held at that meeting.

The following week, the City Council tabled a first reading of the ordinance on [July 24, 2017](#). Revisions have been ongoing and have included discussions at a City Council work session and at several Planning Commission meetings.

One topic of discussion has been Feather Banners. The Planning Commission discussed Feather Banners at their [March 19](#) and [November 20](#) meetings.

Background:

The City is considering an update to Osseo's sign code, part of the Zoning Ordinance. These changes will update the code in regards to recent legal changes. Changes will also better organize the sign code and facilitate code enforcement. The sign code has been added to, but not substantially revised, since it was adopted in 1994.

Summary of Updates

Staff considered several possible strategies for permitting Feather Banners. Our suggestion is to create a new "Class" of signs and allowing them only on a time-limited basis, with a special permit.

This suggestion builds on the existing CLASS A and CLASS B sign system. "CLASS C" includes signs that move, like Feather Banners and Inflated or Shimmering Signs. It also includes large Portable Signs (e.g., changeable copy signs on trailers). A set percentage of a site's total signage is allowed to be "CLASS C" signs. For most districts, the amount is 10% of all signage. (Most districts have a limited amount of signage allowed). For the Highway Commercial and Manufacturing Districts, the amount is 5%. (More signage is allowed in C-2 & M districts. Higher vehicle speeds in those areas make it harder for drivers to take in a lot of sign information safely.)

Treatment of “Temporary” Signs

In the present ordinance (adopted in 1994), banners, trailers, and similar devices are “Temporary Signs”. They are allowed under a temporary sign permit. Temporary permits are for a period of up to 10 days. Businesses can get these permits twice within any 12-month period (for 20 days total).

Under the proposed/draft ordinance, most types of Temporary Signs are “CLASS B” signs. Most are allowed without special permits at any time of year. The signs are allowed as long as they remain in good condition and don’t exceed the allowed sizes or total sign area.

The most recent revisions to the draft ordinance create a third type of “CLASS C” signs. This includes moving, dynamic, and obtrusive signs like Feather Banners and Inflated Signs. The overall square foot area of this class of sign is limited. They require special time-limited permits, like “Temporary” signs under the present ordinance. The proposed requirements allow up to 3, 1-week permits per calendar year (21 days total).

The suggested regulations are a compromise. They balance regulations that are easy to follow with ensuring good spacing between these signs. Limits are placed on the length and number of CLASS C permits for a property. The overall size/area of these signs is limited too. This doesn't guarantee commercial corridors are not ever full of Feather Banners or similar signs. (All businesses COULD choose to use their permits the same week.) But it does make it unlikely that a majority of businesses will chose to use their permits at the same time. It also limits the overall use of these types of signs, making sure they are for 'special occasions'.

Budget or Other Considerations:

Building permits and sign permits are not a profit-making stream for the city; permit fees must be in proportion to the cost of administering the regulations. Any changes to permit fees would be made as part of a change to the city’s fee schedule. Permits for CLASS C signs would likely be similar to current Temporary Sign permits.

Amendments to the Zoning Code require a public hearing before they are approved. A public hearing on this ordinance was held in July 2017.

City Goals Met By This Action:

5. Continue to give Staff the necessary tools to do their jobs effectively and efficiently
8. Update the City Code
14. Promote a healthy and high quality standard of living.

Options:

The Planning Commission may choose to ***make the following recommendation*** to the City Council:

1. Approve the revisions to the draft Sign Ordinance;
2. Approve the revisions to the draft Sign Ordinance with noted changes/as amended;
3. Deny the revisions to the draft Sign Ordinance;
4. Table action on this item for more information.

Recommendation/Action Requested:

Staff recommends the Planning Commission choose option 1) Approve the revisions to the draft Sign Ordinance.

Next Step:

The item will be placed on a subsequent City Council meeting for consideration and approval. Typically, a first reading and second reading of proposed ordinance amendments are scheduled. Under a 2017 law, the public is notified of proposed ordinance amendments at least 10 days before the City Council’s final vote on the matter is scheduled.

**CITY OF OSSEO
HENNEPIN COUNTY**

**AN ORDINANCE AMENDING CHAPTER 153
OF THE CITY CODE RELATED TO SIGN REGULATIONS**

THE CITY COUNCIL OF THE CITY OF OSSEO HEREBY ORDAINS:

Section 1. Sections 153.090 through 153.097 of the Osseo City Code are hereby amended by deleting the existing sections and replacing them as follows:

153.090 GENERAL PROVISIONS

(A) *Findings.* The city council hereby finds as follows:

- (1) Signs provide an important medium through which individuals may convey a variety of messages
- (2) Exterior signs have a substantial impact on the character and quality of the environment.
- (3) Signs can create traffic hazards, aesthetic concerns, and detriments to property values, thereby threatening the public health, safety, and welfare.
- (4) The city's zoning regulations include the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the city and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact the aesthetics of the community and threaten its health, safety and welfare. The regulation of the physical characteristics of signs within the city has a positive impact on traffic safety and the appearance of the community.

(B) *Purpose and Intent:* It is not the purpose or intent of this section to regulate the message displayed on any sign, except as provided for in Section 3.B.10 nor is it the purpose or intent of this section to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this section is to:

- (1) Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety and welfare.

- (2) Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.
 - (3) Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees and the city's goals of public safety and aesthetics.
 - (4) Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the city.
- (C) *Effect:* A sign may be erected, mounted, displayed or maintained in the city if it is in conformance with the provisions of these regulations. The effect of this section, as more specifically set forth herein, is to:
- (1) Allow a wide variety of sign types in non-residential zones, and a more limited variety of signs in residential zones, subject to the standards set forth in this section.
 - (2) Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this section or when required by federal, state or local law.
 - (3) Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.
 - (4) Provide for the enforcement of the provisions of this section.
- (D) *Severability:* If any subsection, sentence, clause, or phrase of this section is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section. The city council hereby declares that it would have adopted this section in each subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses, or phrases be declared invalid.

153.091 DEFINITIONS

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

ABANDONED SIGN: Any sign and/or its supporting sign structure which has been removed or whose display surface remains blank for a period of one year or more, or any sign which has been erected in violation of the City Code. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Any sign meeting this definition shall be considered abandoned even if the sign is legally non-conforming or authorized pursuant to a conditional use permit or variance.

ANIMATED SIGN: A sign that has any visible moving part, flashing or oscillating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, oscillate or visibly alter in appearance in a manner that is not permitted by these regulations. Animated signs do not inherently include electronic message display signs, although it is possible that electronic message display signs be used or programmed as animated signs.

ATTACHED SIGN: Any sign that lacks a supporting framework and is therefore attached or anchored to any building or other structure; any sign that is not a FREESTANDING SIGN.

AWNING: A rooflike cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment and which projects from a wall or roof of a structure primarily over a window, walk or the like. Any part of an awning, which also projects over a door, shall be counted as an awning.

AWNING SIGN: A sign printed on or in some fashion attached directly to the awning material.

BANNER: A sign constructed of cloth, paper, plastic or other material upon which copy is written and supported either between poles or fastened to buildings or other structures and that is supported or anchored on two (2) or more edges or at three (3) or more corners. Banners also include such signs which are supported by an internal frame or are anchored along one edge, or two (2) corners, with weights or supports installed that substantially reduce the reaction of the sign to wind.

BENCH SIGN: A sign located on any part of the surface of a bench or a similar type of outdoor furniture or seating, usually placed on or adjacent to a public right of way.

BUILDING: Any structure intended for the shelter, support, or enclosure of persons, animals, or property of any kind; where separated by party walls without openings, each portion of such structure is considered a separate building.

BUILDING SIGN: Any sign attached to or supported by any building.

BUSINESS: Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.

CENTRAL BUSINESS DISTRICT: The CBD zoning district within the city as identified in the city’s zoning code and on the city of Osseo’s official zoning map.

CLASS A SIGNAGE: Durable and permanent signs, including:
Any sign that requires a building or electrical permit to install; and
Signs constructed from wood, plastic, metal, concrete, or other durable, weather-proof materials, with a weather-proof display area; and not otherwise specified as CLASS B or CLASS C signs.

Deleted: Class

CLASS B SIGNAGE: Non-durable, impermanent signs including:
DEMOUNTABLE LETTER SIGNS;
MOVEABLE SIGNS;
BANNERS;
Other signs not constructed from durable, weather-proof materials; and
Other signs, which, due to design, material, and installation method are temporary in nature. This includes signs not displayed or intended to be displayed for a length of 30 days or longer.

Deleted: Portable signs;¶

Deleted: Pennant signs;¶
Inflated signs;¶

CLASS C SIGNAGE: Obtrusive, impermanent, moving, or otherwise dynamic signs including:
INFLATED SIGNS;
FEATHER BANNERS;
PENNANT SIGNS;
PORTABLE SIGNS; and
SHIMMERING SIGNS; but
excluding INTERIOR SIGNS of all types.

COMMERCIAL SPEECH: Speech advertising a business, profession, commodity, service or entertainment.

CUMULATIVE MAXIMUM SIGN AREA (CMSA): The total maximum sign area which is allowed on any individual property within the City, and for the proportion of Class A, Class B, and Class C signs as herein defined. Regardless of the allowance for signage in any Class, no property with a NONCONFORMING SIGN may exceed its overall CUMULATIVE MAXIMUM SIGN AREA.

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DEMOUNTABLE LETTER SIGN: A sign with individual letters, numbers, and symbols, but not entire words or phrases, which may be manually removed and replaced on a track or other mounting hardware on the sign. Also commonly known and referred to as a Changeable Letter Sign or Arrow Sign, although a Demountable Letter sign need not include an arrow.

DISPLAY SURFACE: The area of an electronic message display made available by the sign structure for the purpose of displaying the advertising or other commercial or noncommercial message.

ELECTRICAL SIGN: A sign that is powered by electricity.

ELECTRONIC MESSAGE DISPLAY (EMD): A single sign with up to two faces, capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means.

ERECT: Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing, engraving or any other way of bringing a sign into being or establishment.

EXTERIOR SIGN: A sign located on the outside of a building, structure or outdoor display area or located on the interior of a building but which is primarily intended to be viewed from the exterior of the building.

FEATHER BANNER: A type of elongated banner and freestanding temporary sign typically made of a flexible fabric or similar material attached to a long rigid pole in the general shape of a feather, teardrop, or similar shape, not to exceed twenty-eight (28) square feet in total area. The definition includes functionally similar display devices. Also commonly known and referred to as a “banana banner” or “teardrop banner”.

FLAG: Any fabric or similar lightweight material attached at one edge or no more than two (2) corners of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices or text. If any dimension of a flag is more than three (3) times as long as any other dimension, it shall be regulated as a banner for the purposes of this section.

FLASHING SIGN: A type of ANIMATED SIGN. A directly or indirectly illuminated sign which exhibits changing light or color effect by any means so as to provide intermittent illumination or which includes the illusion of intermittent flashing light by means of animation or any other mode of lighting, which may include but is not limited to zooming, twinkling, or sparkling.

FREESTANDING SIGN: Any sign which has supporting framework that is placed on or anchored in the ground and which is independent from any building or other structure.

FRONT FOOT: The measurement of the frontage of a PROPERTY abutting a public street. In cases where a PROPERTY abuts multiple public streets, the longest side will be used in determining the front foot for a lot.

FRONTAGE: The line of contact of a property with the public right of way or private street.

GRADE: The final ground elevation surrounding the base of a structure or sign. Earth mounding for landscaping, berming and/or screening is not part of the final grade for sign height computation.

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Commented [NA1]: Realizing some properties actually front 3 or 4 streets.

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HEIGHT OF SIGN: For freestanding signs, the height of the sign shall be the vertical distance measured from the base of the sign at average grade to the top of the highest attached component of the sign. For signs attached to buildings, the height shall be the vertical distance from the lowest attached component of the sign to the highest attached component.

HIGHWAY COMMERCIAL DISTRICTS: The C2-NORTH (C2-N) and C2-SOUTH (C2-S) zoning districts within the city as identified in the city's zoning code and on the city of Osseo's official zoning map.

ILLUMINATED SIGN: Any sign illuminated by a source of light which is directly cast upon the exterior surface or face of the sign and intended to illuminate the sign by reflection or which is illuminated from within or behind the sign so as to reflect or emanate light through the sign.

INFLATED SIGN: A sign consisting of a bag made of lightweight material supported by helium, hot or pressurized air, which is secured to the ground or a structure in some fashion, and which is greater than eighteen inches (18") in diameter.

INTERIOR SIGN: A sign which is located within the interior of any building or within an enclosed lobby or court of any building and which is primarily intended to be viewed from the interior of the building.

MANUFACTURING AND INDUSTRIAL DISTRICT: The M zoning district within the city as identified in the city's zoning code and on the city of Osseo's official zoning map.

MONUMENT SIGN: Any freestanding sign with its sign face mounted on the ground or mounted on a base, subject to height limitations of the zoning district in which it is located.

MOVEABLE SIGN: A temporary sign, made of vinyl, paper, cloth or fabric, corrugated plastic, cardboard, plywood or similar material including signs with wood or wire framing, posts or stakes, supported by the ground but not permanently attached to the ground, which can be regularly moved from a location at periodic intervals, and which has a total height not exceeding four feet (4') and a total area not exceeding six (6) square feet. The term includes SANDWICH BOARD SIGNS and FEATHER BANNERS. The term does not include BANNERS. A MOVABLE SIGN is not considered to be a PORTABLE SIGN.

MULTIPLE TENANT SITE: any site which has more than one (1) tenant, and each tenant has a separate ground level exterior public entrance.

MURAL: An image painted or applied on the exterior of a building wall or other permanent structure and for which no more than five percent (5%) of the total area covered by the mural, or one hundred (100) square feet (whichever is less), consists of text.

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Commented [NA2]: I added this definition because there gets to be a fair amount of confusion around who is responsible for signage at Multiple Tenant Sites. This should be addressed.

NONCOMMERCIAL SPEECH: Speech not defined as commercial speech which includes, but is not limited to, speech concerning political, religious, social, ideological, public service, and informational topics.

NONCONFORMING SIGN: A sign which was lawful at the time of its construction but does not now conform to this section.

OFF-PREMISE SIGN: A commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same property or zoning lot where such sign is located.

OVERHANG SIGN: A sign that overhangs sidewalk rights-of-way a maximum of one and one-half feet (1.5'), with a minimum clearance of eight feet (8') between the bottom of the overhang sign and the sidewalk surface.

PENNANTS: Pieces of cloth, paper, plastic or similar material intended to be individually supported or attached to each other by means of rope, string or other material and intended to be hung on buildings or other structures or between poles, and do not include any written material, graphic, or other form of copy.

PENNANT SIGN: A display of PENNANTS on one PROPERTY that exceed the sizes specified by Section 3.A.3.(e).

Deleted: collective

PORTABLE SIGN: Any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground. A sign mounted on a vehicle identifying a business when the vehicle is being used in the normal day to day operation of that business is not subject to the regulations set forth in this section, provided the vehicle in operable condition, carrying a current, valid license tag, and the vehicle does not remain parked at the same location for 48 continuous hours. BANNERS, MOVABLE SIGNS, PENANTS, PENANT SIGNS, and SANDWICH BOARD SIGNS shall not be considered PORTABLE SIGNS for the purpose of this ordinance.

PRINCIPAL BUILDING: The building in which the principal use of the property or site occurs. Buildings with multiple principal uses shall not constitute multiple principal buildings but shall be considered a single building. Storage buildings, garages, and other clearly accessory buildings shall not be considered principal buildings.

PRINCIPAL ENTRANCE: The main public doorways, lobby, or access leading or entering into a building or structure. A PROPERTY with multiple principal buildings or a building with multiple tenants may have more than one principal entrance.

PROPERTY: Any lot or parcel of land which has been legally created and has been assigned a separate parcel identification number. If a lot or parcel of land falls under the provisions of § 153.131 (B), all the lands involved shall constitute a single PROPERTY.

Commented [NA3]: Deals with nonconforming lots of record

PUBLIC RIGHT OF WAY: The right of way for a public roadway, sidewalk, or alley.

PYLON SIGN: Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) more than eight feet (8') and with the area below the sign face open.

RESIDENTIAL DISTRICT: The R-1 and R-2 zoning districts within the city as identified in the city's zoning code and on the city of Osseo's official zoning map.

RESIDENTIAL PROPERTY: Real property, consisting of one or more lots or parcels, on which a residential dwelling and/or any of its associated accessory buildings or structures are located.

ROOF: The exterior surface and its supporting structure on the top of a building or structure, the makeup of which conforms to the roof structures, roof construction and roof covering sections of the state building code.

ROOF SIGN: Any sign erected and constructed wholly on or above the roof or parapet of a building or structure and which is supported by the roof structure.

SANDWICH BOARD SIGN: A type of MOVEABLE SIGN that is freestanding, self-supporting sign hinged at the top, or attached in a way that forms a shape similar to the letter "A" when viewed from the side, also commonly known and referred to as an A-frame sign or a Springboard sign.

SEASONAL, HOLIDAY, AND FESTIVE DECORATION: "Holiday" or "festive" shall mean a calendar date or dates associated with a specific event or season, including, but not limited to, New Year's Day, Martin Luther King, Jr. Day, Valentine's Day, Passover, Holi, Ramadan, Easter, Memorial Day, Independence Day, Labor Day, Halloween, Thanksgiving, Hanukah, Christmas, Kwanza; "decoration" shall mean ornaments, figures, statutes, inflatable characters, seasonal lighting, and related products that are placed on a property for a temporary period in of time in observance of a holiday or festival.

SETBACK, FRONT: The minimum horizontal distance permitted between the property line abutting the public right-of-way or private street and a structure on the premises. In instances in which a property fronts on more than one street, front setbacks are required on all street frontages.

SETBACK, REAR: The minimum horizontal distance permitted between the property line opposite the front of the lot and a structure on the premises.

SETBACK, SIDE: The minimum horizontal distance permitted between the property line on a side of the lot and a structure on the premises.

SHIMMERING SIGN: A type of ANIMATED SIGN which reflects an oscillating or sometimes distorted visual image.

SIGN: Any letter, word or symbol, poster, picture, reading matter, or representation in the nature of advertisement, announcement, message or visual communication, other than a "flag" or "mural" as defined in this section whether painted, posted, printed, affixed, engraved or constructed, including all associated brackets, braces, supports, wires, and structures, which is displayed for informational or communicative purposes. This definition shall also include flags that exceed the sizes specified by Section 3.A.3.(e). The definition of sign in this section supersedes any other definition of sign contained in the city's zoning code.

SIGN FACE: The surface of a sign upon, against, or through which the message of the sign is exhibited.

SITE: A plot or parcel of land, or combination of contiguous lots or parcels of land, which are intended, designated, and/or approved to function as an integrated unit.

STRUCTURE: Any physical element which has been constructed and which is capable of supporting a sign. Structures include, but are not limited to, buildings, fences, poles, and posts.

TOTAL SITE SIGNAGE: The maximum combined area of all signs allowed on a specific property or site.

VISIBLE: Capable of being seen by a person of normal visual acuity, whether legible or not, without visual aid.

WALL: Any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of sixty degrees (60°) or greater with the horizontal plane.

WALL SIGN: Any building sign attached parallel to, painted on the surface of, or erected on and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

WINDOW SIGN: A sign affixed to or inside of a window in view of the general public. This does not include merchandise on display.

153.092 ADMINISTRATION

(A) Administration

(1) *Permit Required:* No CLASS C sign, nor any sign whose highest attached part is greater than six feet (6') above the grade directly beneath the highest point, nor any sign exceeding six square feet in SIGN FACE area, except as otherwise specified herein, shall be erected, altered, reconstructed, maintained or moved into or within the city without first securing a sign permit from the city. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit, except to determine whether it is an off-premise sign based on its location. Applications for a permit may be for specific signs or may be in the form of an overall signage plan for the property. They shall be in writing on a form provided by the city. Permit applications shall be reviewed by the zoning administrator, or their designee.

The zoning administrator, or their designee, shall approve or deny the sign permit application in a manner consistent with the timelines required in Minnesota Statutes, Section 15.99, or successor statute.

Nothing in this section shall be construed or considered to exempt signs or structures from permit requirements contained in the Minnesota State Building Code.

(2) *Permit Application: Required Information:* Applications for a sign permit shall, at a minimum, include the following items:

- (a) Names, addresses, and signatures of the applicant, owners of the sign, and fee owner of the property upon which the sign is to be erected;
- (b) The address at which any sign is to be erected;
- (c) The legal description and Property Identification Number of the property or site upon which the signs are to be erected and the street on which it fronts;
- (d) A complete set of plans showing the necessary elevations, distances, size, and details to fully and clearly represent the construction and placement of the sign and existing signs on the property;
- (e) All materials and information required to be provided to the city pursuant to the Minnesota State Building Code, if applicable;
- (f) The value of the sign;
- (g) The dimensions of the structure upon which the sign will be affixed, including a site drawing showing the scale of the structure;

(h) The type of sign (i.e. wall sign, monument, mural, etc.); and

(i) If the proposed sign is along a state trunk highway, county road, or interstate highway, the applicant may be required to provide proof that the applicant has obtained any necessary approvals from the responsible units of government for the sign.

(j) If the application includes CLASS C signage, the dates the permit will be in effect.

For the purposes of the permit, all of the parties required to sign under paragraph a of this section shall be considered joint applicants. All requirements of this section, including the ongoing maintenance for any sign erected within the city, shall be the joint and severable responsibility of the applicant(s).

(3) *Permit Exemptions:* Except for those signs considered CLASS C signage, the following signs shall be exempt from the permit application requirements of this section. These exemptions, however, shall not be construed as relieving the owner of the sign from responsibility for its erection and ongoing maintenance, and its compliance with the provisions of this section, or any other law or ordinance relating to maintenance, repair and removal. The following signs are exempt from the requirement of obtaining a permit:

Deleted: T

(a) Individual signs not exceeding one-half (0.5) square feet in any zoning district. Such signage shall not be counted against any overall square footage requirement applicable to a property.

(b) Individual signs in the R-1, R-2, CBD, C2-N, C2-S, and M zoning districts, or located on public property with the approval of the appropriate public agency or body, which are:

- 1) Not greater than three (3) square feet in size and with any letters or numbers not greater than six inches (6") in height; or
- 2) Not greater than six (6) square feet in size and with any letters or numbers not greater than three inches (3") in height.

(c) Signs erected within a public right of way that are approved by the appropriate governmental agency with authority over the right of way. Such signage shall not be counted against any overall square footage requirement applicable to a property.

(d) The changing of the display surface or sign face on a previously approved and erected sign or complete replacement of a sign when such change or replacement would be consistent with a previously issued permit or a sign considered to be a legal nonconformity and would not require compliance with applicable building codes, unless such sign is an ABANDONED SIGN pursuant to the terms of this Ordinance.

(e) FLAGS and PENNANTS, subject to the following (any flags in excess of these amounts shall be regulated as a sign):

Zoning District	Maximum Size, Any 1 Flag or Display of Pennants	Maximum Size, Cumulative Per Site
CBD	250 square feet	300 square feet
C2-N, C2-S, M	250 square feet	600 square feet
R-1, R-2	40 square feet	50 square feet
PI	No Max	No Max

(f) INTERIOR SIGNS.

(g) Signs which do not meet the exemptions provided in a., b., or f., and are integrally attached to or part of:

1. Waste roll-offs, dumpsters, garbage cans, portable storage units or other similar equipment owned and maintained by a commercial business for the purpose of waste collection or temporary storage; or
2. Construction materials or equipment; or

(h) Personal property or motor vehicles such as, but not limited to, passenger vehicles, snowmobiles, all-terrain vehicles, trucks, semi-tractors and trailers, recreational vehicles, fish houses, boats, boat lifts, and trailers; when the vehicle or personal property is being used in the normal day to day operation of that business, provided the vehicle in operable condition, carrying a current, valid license tag, and the vehicle does not remain parked at the same location for 48 continuous hours.

(i) Signs which are affixed on city-owned property or equipment, which have been approved by the city council or the zoning administrator, or their designee.

Commented [NA4]: Since we otherwise define "property" as real estate, I wanted to clarify that light poles, vehicles, etc. may also qualify for an exemption.

(j) Signs which are affixed on property owned by a county, state or federal governmental body or a public school district unless specifically prohibited by this section.

(k) Signs required by law.

(l) Headstones, gravestones, grave markers or other similar signs attached to, or adjacent to, a burial plot, columbarium, mausoleum or the like.

(j) SEASONAL, HOLIDAY, OR FESTIVE DECORATION in residential districts.

(4) *Fees:* Sign permit fees shall be established by resolution or ordinance of the city council.

(5) *Repairs and Removal:* The display surfaces of all signs shall be kept neatly painted or posted at all times. Every sign and the immediate surrounding premises shall be maintained by the owner or lessee of the property in a clean, sanitary, and inoffensive condition and free and clear of all obnoxious substances, rubbish, and weeds. Signs which may be or may hereafter become rotted, unsafe, or unsightly shall be repaired or removed by the owner or lessee of the property upon which the sign stands upon reasonable notice by the city. Any sign which is not removed upon notice provided for under this section shall be subject to the removal provisions under 153.094 (C) (3) of this Code.

(8) *Expiration:* A sign permit shall expire if the work has not been substantially initiated within the timeframe established in § 153.149 (E) of the City Code.

(7) *Revocation:* The zoning administrator or designee is hereby authorized and empowered to revoke any permit upon failure of the holder to comply with any provision of this Code or with the terms of the permit at time of its issuance.

(8) *Permits for CLASS C Signage:* CLASS C sign permits shall be available with the following restrictions:

(a) Permits shall be available at the frequency of three (3) permits per PROPERTY in any calendar year.

(b) Permits shall be valid for seven (7) or fewer consecutive calendar days.

Commented [NA5]: This section says:

(E) *Expiration of building permit.*

(1) If the work described in any building permit has not begun within 90 days from the date of issuance thereof, the permit shall expire; it shall be cancelled by the Zoning Officer, and written notice thereof shall be given to the persons affected.

(2) If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, or if no work has been done on the building for 90 days, the permit shall expire and be canceled by the Zoning Officer, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

I believe the state building code allows 6 months; if so, we should probably update that section of code. Or, we could re-write this section.

Commented [NA6]: Based loosely on current restrictions for temporary signs (§ 153.09 (G)).

Commented [NA7]: Currently can have up to 2 @ 10-day permits in any 12 month period. Week-long permits and per calendar year are easier to administer.

(c) Proof of permit shall be prominently displayed during the period of its validity.

(B) *General Provisions.*

(1) *Size:* No individual sign shall exceed one hundred and fifty (150) square feet in area. All signs on the property shall be included in the square footage measurement with the exception of signs otherwise exempted by this section.

(2) *Placement:*

(a) MOVEABLE SIGNS, including SANDWICH BOARD signs and FEATHER BANNERS, shall not be placed in the public right-of-way, except as an outside display area allowed by § 153.054 of the Code of Ordinances. MOVEABLE SIGNS shall not be permanently affixed to any structure, and MOVEABLE SIGNS in the right-of-way may only be displayed during the hours that the principal use is open for business.

Deleted: There shall be no more than one Moveable Sign placed per principal building.

(b) WINDOW SIGNS shall not be placed so as to occupy more than 25% of the window space of the frontage displaying the sign(s).

(3) *Regulations:*

(a) General: Except as hereinafter provided, no sign shall be erected or maintained at any angle to a building or structure which extends over a property line; or street, alley, sidewalk, highway, utility easement, or other public property.

1. OVERHANG SIGNS. Buildings that are permitted to be constructed with no setback from property lines are permitted to have mounted signs that overhang sidewalk rights-of-way a maximum of one and one-half feet (1.5'), with a minimum clearance of eight feet (8') between the bottom of the overhang sign and the sidewalk surface.

(b) ELECTRONIC MESSAGE DISPLAY (EMD) signs. Properties where an EMD is permitted may only construct or modify an EMD under a Conditional Use Permit identifying the EMD as an approved Conditioned Use.

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Deleted: display

(c) SANDWICH BOARD SIGNS. The number of sandwich board signs is limited to one per principal entrance.

(4) *Electrical Signs:* Electrical signs must be installed in accordance with the current electrical code and all necessary electrical and building permits must be obtained prior to placement.

(5) *Prohibited Signs:* The following signs are prohibited signs in all districts and areas within the city:

(a) Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic or which, in the discretion of the zoning administrator, hides from view or interferes with the effectiveness of any official traffic control device, roadway, intersection or any railroad sign or signal. This section does not include signs, signals, marking, or devices which are installed and maintained by or under agreement with a unit of government.

(b) ABANDONED SIGNS.

(c) ROOF SIGNS.

(d) Signs painted, attached, engraved, etched or in any other manner affixed to public utility poles, bridges, towers, streetlights, or similar public structures except as otherwise provided herein.

(e) Any sign larger than 3 square feet which is animated, or which moves or rotates, including ANIMATED SIGNS and FLASHING SIGNS, but excluding CLASS C Signage as permitted by this chapter.

Deleted: any sign

Deleted: , and SHIMMERING SIGNS

(6) *Setbacks:* FREESTANDING SIGNS shall conform to building setback regulations for the zoning district in which the signs are located, except as otherwise specified in this section. Setbacks shall be measured to the outermost portion of the sign:

	R-1	R-2	CBD	C2-N, C2-S, M	PI
Front yard setback	1'	5'	2'	10'	0'
Side yard setback	10'	5'	2'	5'	0'
Rear yard setback	10'	5'	2'	5'	0'
Rear / side yard setback abutting R district	n/a	10'	10'	10'	10'

(7) *Area:* The area within the frame shall be used to calculate the square footage except that the width of a frame exceeding six inches (6") shall constitute sign face, and if such letters or graphics be mounted directly on a wall or fascia or in such way as to be without a frame, the dimensions for calculating the square footage shall be the area extending six inches (6") beyond the periphery formed around such letters or graphics in a plane figure bounded by

straight lines connecting the outermost points thereof, unless exact dimensions can be provided by the applicant. Symbols, pictures, wording, figures or other forms of graphics painted on or attached to walls, awnings, freestanding structures, or suspended by balloons or inflated signs are considered a sign and are included in calculating the overall square footage. The area of a sign with more than one visible sign face will be calculated as the sum of the area of each sign face divided by two (2).

(8) *Illumination*: External illumination for signs shall be constructed and maintained so that the source of light is not visible from the public right of way or residential property.

(9) *Retroactive Effect*: This section shall apply to all sign applications made but not yet issued prior to its effective date.

(10) *Noncommercial Speech*: Notwithstanding any other provisions of this section, the noncommercial speech exemption provided by Minnesota Statutes, Section 211B.045 (or successor statute) is hereby incorporated by reference.

153.093 ZONING DISTRICT RULES

(A) *Specific Regulations By Zoning District:*

(1) *Residential District R-1*: Within the R-1 zoning district, nonexempt signs are allowed as follows:

- (a) Maximum sign area for a single sign: Eight (8) square feet.
- (b) CUMULATIVE MAXIMUM SIGN AREA for all nonexempt signs: Sixteen (16) square feet.
- (c) Maximum proportion of CUMULATIVE MAXIMUM SIGN AREA allocable to CLASS A, B, or C signs: 100%.
- (d) Maximum height of sign: six feet (6').
- (e) The following types of signs are prohibited in the R-1 zoning district:
 - AWNING SIGNS.
 - BENCH SIGNS.
 - INFLATED SIGNS.
 - ELECTRONIC MESSAGE DISPLAY SIGNS.
 - ILLUMINATED SIGNS, except where specifically allowed.

OFF-PREMISE SIGNS.

PENNANT SIGNS

PORTABLE SIGNS.

PYLON SIGNS.

Signs prohibited in all zoning districts.

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(2) *Residential District – R-2:* Within the R-2 zoning district, nonexempt signs are allowed as follows:

(a) Within thirty feet (30') of a traveled public road right of way: One sign up to thirty two (32) square feet in size, which may be externally illuminated, with a maximum height of seven feet (7'). Properties which front upon more than 1 street may have up to 1 such sign per street frontage; and

(b) For all other signs not allowed under subsection 2a of this section:

1. Maximum height of sign: six feet (6').
2. Maximum sign area for a single sign: Eight (8) square feet.
3. Cumulative maximum sign area per property or site: 100 square feet.

(c) Maximum proportion of CUMULATIVE MAXIMUM SIGN AREA allocable to CLASS B signs: 70%.

Deleted: Maximum proportion of CUMULATIVE MAXIMUM SIGN AREA allocable to CLASS signs: 75%.

(d) Maximum proportion of CUMULATIVE MAXIMUM SIGN AREA allocable to CLASS C signs: 10%.

(e) The following types of signs are prohibited in the R-2 zoning district:

ELECTRONIC MESSAGE DISPLAY SIGNS.

ILLUMINATED SIGNS, except where specifically allowed.

OFF-PREMISE SIGNS.

PENNANT SIGNS.

PYLON SIGNS.

Signs prohibited in all zoning districts.

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INFLATED SIGNS.

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(3) *Permitted Nonresidential uses in Residential Districts:* Within any residential zoning district, where a property contains a legal nonresidential use authorized by issuance of a conditional use permit, nonexempt signs are allowed as follows:

Residential Zoning Districts	Maximum Sign Area of a Single Sign	Maximum Height of a Sign	Cumulative Maximum Sign Area of all	<u>Maximum Percentage of CMSA Allocable</u>	<u>Maximum Percentage of CMSA Allocable</u>	Maximum Percentage of Deleted: Cumulative Maximum Sign Area Allocable
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			Nonexempt Signs^	<u>to CLASS A Signs</u>	<u>to CLASS B Signs</u>	<u>to CLASS C Signs</u>
R-1; R-2	32 square feet	8'	100 square feet	<u>90%</u>	<u>50%</u>	Deleted: 75

(a) Within thirty feet (30') of a traveled public road right of way: One sign which may be externally illuminated. Properties which front upon more than 1 street may have up to 1 such sign per street frontage.; and

(b) For all other signs not allowed under subsection 3a of this section: No signs which are specifically prohibited in the R-1 zoning district may be erected upon a property that contains a legal nonresidential institutional use as outlined in this section.

(4) *Central Business District*: Within the central business zoning district, nonexempt signs are allowed on developed lots as follows:

Central Business Zoning District	Maximum Sign Area of a Single Sign*	Maximum Height of a Sign	Cumulative Maximum Sign Area of all Nonexempt Signs**, ^	<u>Maximum Percentage of CMSA Allocable to Class A Signs</u>	<u>Maximum Percentage of CMSA Allocable to Class B Signs</u>	Maximum Percentage of CMSA Allocable to Class <u>C</u> Signs
CBD	<u>50 square feet</u>	8'	2 sq. ft. per linear FRONT FOOT	<u>70%</u>	<u>20%</u>	Deleted: Cumulative Maximum Sign Area Deleted: 75 Deleted: 25

*, ** The maximum sign area of a single sign may not be larger than the cumulative maximum sign area of all nonexempt signs. This includes instances where the cumulative maximum sign area calculation prohibits any single sign from meeting the maximum sign area, in which case, the more restrictive requirement limiting total cumulative sign area shall apply.

The following types of signs are prohibited in the central business zoning district:

ELECTRONIC MESSAGE DISPLAY signs on developed properties that do not have a Conditional Use Permit allowing an EMD as an approved Conditional Use accessory to the property's principal use.

OFF-PREMISE SIGNS.

PORTABLE SIGNS.

PYLON SIGNS.

Signs prohibited in all zoning districts.

Deleted: Electronic message display signs. ¶
INFLATED SIGNS. ¶

(5) *Highway Commercial and Manufacturing and Industrial Districts:* Within the highway commercial and manufacturing zoning districts, nonexempt signs are allowed on developed lots as follows:

Highway Commercial & Manufacturing Zoning Districts	Maximum Sign Area of a Single Sign*	Maximum Height of a Sign	Cumulative Maximum Sign Area of all Nonexempt Signs**, ^	<u>Maximum Percentage of CMSA Allocable to Class A Signs</u>	Maximum Percentage of CMSA Allocable to Class B Signs	<u>Maximum Percentage Allocable to Class C Signs</u>
C2-N, C2-S, M	150 square feet	15'	4 sq. ft. per linear FRONT FOOT	70%	25%	

Deleted: Cumulative Maximum Sign Area

Deleted: 200

Deleted: 50

*, ** The maximum sign area of a single sign may not be larger than the cumulative maximum sign area of all nonexempt signs. This includes instances where the cumulative maximum sign area calculation prohibits any single sign from meeting the maximum sign area, in which case, the more restrictive requirement limiting total cumulative sign area shall apply.

The following types of signs are prohibited in the C2-N, C2-S, & M zoning districts:

ELECTRONIC MESSAGE DISPLAY SIGNS on developed properties that do not have a Conditional Use Permit allowing an EMD as an approved Conditional Use accessory to the property's principal use.

OFF-PREMISE SIGNS.

Signs prohibited in all zoning districts.

(6) *Public Institution (PI) District:* Within the PI zoning district, nonexempt signs are allowed on developed lots as follows:

Public Institution Zoning District	Maximum Sign Area of a Single Sign	Maximum Height of a Sign	Cumulative Maximum Sign Area of all Nonexempt Signs^	<u>Maximum Percentage of CMSA Allocable to Class A Signs</u>	<u>Maximum Percentage of CMSA Allocable to Class B Signs</u>	Maximum Percentage of CN Allocable to Class B Signs
PI	300 square feet	25'	10% of lot area	100%	50%	10%

Deleted: Cumulative Maximum Sign Area

Deleted: 100

The following types of signs are prohibited in PI zoning districts:

AWNING SIGNS.

BENCH SIGNS.

Signs prohibited in all zoning districts.

(7) *Undeveloped lots in CBD, C2-N, C2-S, and M districts:* Within the specified non-residential districts, nonexempt signs are allowed on undeveloped lots as follows:

Non-residential Zoning Districts	Maximum Sign Area of a Single Sign	Maximum Height of a Sign	Cumulative Maximum Sign Area of all Nonexempt Signs^	<u>Maximum Percentage of CMSA Allocable to Class A Signs</u>	<u>Maximum Percentage of CMSA Allocable to Class B Signs</u>	Maximum Percentage of C Allocable to Class B Signs
CBD, C2-N, C2-S, M, PI	40 square feet	8'	40 square feet	<u>25%</u>	<u>75%</u>	0%

Deleted: Cumulative Maximum Sign Area

~~0%~~ **Deleted:** 100

The following types of signs are prohibited on undeveloped lots in the specified zoning districts:

Deleted: non-residential

AWNING SIGNS.

BENCH SIGNS.

ELECTRONIC MESSAGE DISPLAY SIGNS.

INFLATED SIGNS.

OFF-PREMISE SIGNS.

PORTABLE SIGNS.

PENNANT SIGNS.

Signs prohibited in all zoning districts.

153.094 MISCELLANEOUS PROVISIONS

(A) *Noncommercial speech:*

(1) *Substitution Clause:* The owner of any sign which is otherwise allowed by this section may substitute noncommercial copy in lieu of any other noncommercial or commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision prevails over any more specific provision to the contrary.

(B) *Nonconforming signs:*

(1) NONCONFORMING SIGNS shall be treated like other nonconforming uses as provided in § 153.130 of the city code, or as otherwise specified in state statute.

(C) *Process and Enforcement:*

(1) *Administration:* Provisions of this section shall be administered and enforced by the zoning administrator or their designee, who may have other municipal duties. Their duties shall include, but not be limited to:

(a) Determine whether all sign permit applications comply with the terms of this section.

(b) Conduct site inspections to determine compliance with the terms of this section.

(2) *Variances:* Any request for variation from the provisions of this chapter shall be brought under the terms of § 153.150 of the city code and applicable Minnesota state law.

(3) *Appeals:* Any appeal to a decision made under this chapter shall be brought under the terms of § 153.147 of the city code.

(4) *Unlawful Signs:* Signs placed upon public property, or within the public right of way, or in violation of the terms of this section, shall be immediately determined to be abandoned under this section. Abandoned signs shall be subject to removal by the city. Upon removal, the zoning administrator, or their designee, shall mark the date of removal of the sign and hold it for 45 days at the city's offices. The owner of the sign may collect the sign from the city's offices at any point during that time. If the sign is not retrieved within 45 days, the city may destroy the sign.

Deleted: 3

(D) *Violations*

(1) *Violations; Separate Offense:* Each day that the violation continues shall constitute a separate offense. Violations of this ordinance shall be deemed a misdemeanor.

Section 2. This ordinance shall take effect and be in force from and after its passage and publication according to law.

Adopted by the City Council this ____ day of _____, 2017.

ATTEST:

Mayor

City Clerk

First reading: _____, 2018

Second reading and adoption: _____, 2018

Published: _____, 2018, *Osseo-Maple Grove Press*

Appendix C: District Sign Regulations							
Zoning District	Maximum Sign Area of a Single Sign ¹	Maximum Height of a Single Sign	Cumulative Maximum Area (CMSA) of All Nonexempt Signs ^{2, 3}	<u>Maximum Percentage of CMSA Allocable to CLASS A Signs</u>	Maximum Percentage of CMSA Allocable to CLASS B Signs	<u>Maximum Percentage of CMSA Allocable to CLASS C Signs</u>	Prohibited Signs
R-1*	8 square feet	6 feet	16 square feet	<u>100%</u>	100%	<u>100%</u>	Awning signs. Bench signs. Electronic message display signs. Inflated signs. Illuminated signs, except where specifically allowed. Off-Premise signs. Portable signs. Pylon signs. Signs prohibited in all zoning districts.
R-2*	8 square feet (and, one sign of up to 32 sq. ft. within 30’ of a traveled public road right of way)	6 feet	100 square feet	<u>100%</u>	70%	<u>10%</u>	Electronic message display signs. Inflated signs. Illuminated signs, except where specifically allowed. Off-Premise Signs. Pennant signs. Portable signs. Pylon signs. Signs prohibited in all zoning districts.
*Legal Nonresidential Use in R Districts	32 square feet	8 feet	100 square feet	<u>90%</u>	50%	<u>10%</u>	<i>No signs which are specifically prohibited in the R-1 zoning district may be erected upon a property that contains a legal nonresidential use in a residential district</i>
CBD^	50 square feet	8 feet	2 sq. ft. per linear FRONT FOOT	<u>70%</u>	20%	<u>10%</u>	Inflated signs. Off-Premise signs. Portable signs. Pylon signs. Signs prohibited in all zoning districts.
C2-N, C2-S, M^	150 square feet	15 feet	4 sq. ft. per linear FRONT FOOT	<u>75%</u>	25%	<u>5%</u>	Off-Premise signs. Signs prohibited in all zoning districts.
PI^	150 square feet	15 feet	5% of lot area	<u>100%</u>	50%	<u>10%</u>	Bench signs. Signs prohibited in all zoning districts.
^Undeveloped Lots in non-residential districts	40 square feet	8 feet	40 square feet	<u>25%</u>	75%	<u>0%</u>	Attached signs. Awning signs. Bench signs. Building signs. Electronic message display signs. Inflated signs. Illuminated signs. Off-Premise signs. Pennant signs. Portable signs. Signs prohibited in all zoning districts.
					^{1, 2} The maximum sign area of a single sign may not be larger than the CMSA of all nonexempt signs or freestanding signs. This includes instances where the cumulative maximum or freestanding sign area calculation prohibits any single sign from meeting the in which case, the more restrictive requirement limiting total cumulative sign area shall apply.		

Healthy Generations

Age-Friendly Osseo

Open House

All ages welcome!



Learn about
ongoing public
health initiatives

Tell us what you
need to live a
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Hennepin County Public
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Free food & raffle prizes!

Hosted by:



With support from:



Hennepin County
Public Health



Wednesday, April 18 | 5:00-6:30 pm

Osseo Community Center - Room A

Come any time!