

ORDINANCE NO. 2008-1, SECOND SERIES

AN ORDINANCE OF THE CITY OF HASTINGS, MINNESOTA AMENDING
CHAPTER 10 OF THE HASTINGS CITY CODE PERTAINING TO SIGNS

BE IT ORDAINED by the City Council of the City of Hastings as follows:

Chapter 155 of the Hastings City Code is hereby amended as follows:

155.08 SIGNS.

(A) *General provisions.*

~~_____ (a) Establish standards that would permit businesses in the city a reasonable and equitable opportunity to advertise;~~

~~_____ (b) Preserve and promote civic beauty and not allow signs that would detract from this purpose because of unusual size, shape, height, location, condition, or illumination;~~

~~_____ (c) Ensure that signs shall not create a safety hazard; and~~

~~_____ (d) Preserve and protect the value of land and buildings and also preserve and protect landscapes.~~

(1) Purpose. Findings, Purpose and Effect

a. Findings. The city council hereby finds as follows:

i. Exterior signs have a substantial impact on the character and quality of the environment.

ii. Signs provide an important medium through which individuals may convey a variety of messages.

iii. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.

iv. The city's zoning regulations have, historically included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the city and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the city has had a positive impact on traffic safety and the appearance of the community.

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

i. 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.

ii. Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.

iii. 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.

iv. Provide for fair and consistent enforcement of the sign regulations set for herein under the zoning authority of the city.

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

i. Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this sign ordinance.

ii. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance.

iii. 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.

iv. Provide for the enforcement of the provisions of this sign ordinance.

(2) *Definitions.* See § 155.02.

(3) *Generally.* The following are minimum requirements.

(a) All signs shall be erected or installed according to state building and electrical codes. Furthermore, all electrical signs shall require underground wiring.

(b) All signs/sign structures shall be maintained in safe and orderly condition with the areas around them kept free from debris, bushes, high grass/weeds, or anything else that would be a nuisance.

(c) Address signs that are clearly legible from the street which access is gained shall be required for each principal structure, except in non-sewered areas where addresses shall be affixed and visible from both sides of the mailbox and/or a separate structure visible from the access or street.

(d) Illuminated signs shall be designed so as not to be obtrusive to adjacent property or to passing motorists on private or public rights-of-way.

(e) Except as otherwise regulated herein, the minimum setback from property lines for all signs may be zero feet provided that no portion of the sign extends into public right-of-way. At no time shall a sign be permitted to extend into a Minnesota Department of Transportation right-of-way. Signs above 30 inches in height may not be placed within the vision triangle, which is measured by 25 feet in either direction of an intersection at the edge of the street, or within any easement.

(f) signs permitted by this section shall be designed and constructed to resist wind and seismic forces as specified in the 1982 Uniform Sign Code.

(g) *Roof Signs.* To provide reasonable flexibility in respect to the sign regulations set forth in this section, the City Council may approve an application for a roof sign where an exception would be consistent with the intent of these regulations, in cases where the applicant demonstrates practical difficulties in using a wall sign or freestanding sign. However, no roof sign shall exceed in size the district requirements for freestanding signs. If the City Council approves a roof sign, the area of the roof sign may be subtracted from the allowable freestanding and/or wall signage allowed for the property and/or building.

(h) Portable signs are allowed in all commercial districts, except within the ~~Downtown Overlay District~~ Core District or East 2nd Street Historic District, in addition to permanent signs, only by temporary permit issued by the Planning Department according to provisions established under division (E) below. Portable signs may not exceed 32 square feet in size or 6 feet in height. The length of permits for portable signs shall be either 15 or 30 days. Permits for portable signs may be obtained for no more than 60 days per legal parcel per year. Only 1 portable sign per legal parcel may be permitted at a time. Portable signs may not be situated within any public street right-of-way or easement. Portable sign permit fees shall be established by resolution of City Council.

(B) *Prohibited signs and sign structures.*

(1) No sign shall be located within or over a public right-of-way unless otherwise specifically permitted by this section or the City Council.

(2) No illuminated flashing or revolving signs shall be permitted with the exception of Electronic Graphic Display signs and movie theaters, time and temperature provided the signs are designed so as not to be obtrusive to adjacent property or to passing motorists on private or public rights-of-way. Furthermore, movie theaters with illuminated flashing or revolving signs shall use light bulbs that are 25 watts or less and shall not be operated between 12:00 a.m. and 6:00 a.m.

(3) No sign shall be erected or maintained in a way that obstructs, obscures, or otherwise physically interferes with an official traffic sign, signal/device, or driver's view of approaching, merging, or intersecting traffic.

(4) No sign shall be erected or maintained which imitates or resembles any official traffic sign, signal, or device. Furthermore, no sign shall contain the wording including, but not limited to, "stop," "warning," or "caution" which may be confused with traffic signing or controls unless the signs are approved by the city.

(5) No sign shall be painted or placed on a ~~fence~~, utility pole, tree, or other like structure except those signs that provide public information concerning a school, city, county, state, or federal event.

(6) No sign shall be made of ~~paper, cardboard, or similar~~ any non-durable material and attached directly to a building.

(7) No sign/structure shall be placed that will obstruct safe access to doors, windows, or fire escapes.

(8) No sign shall be supported by guy wires.

(9) No sign shall be placed on a rooftop or project above the roof line when attached to a structure except as may be permitted by the City Council under division (A) above.

(10) Any sign not expressly permitted by the provisions of this section.

(11) Video display signs.

(C) *Signs permitted without a permit.*

(1) Traffic signs as approved by the Public Works Director;

(2) Public signs as approved by the City of Hastings;

(3) ~~Election/campaign signs on private property provided the signs are posted no sooner than 100 days before a city, school, county, state, or federal election and removed within 10 days following an election. No election signs shall be affixed to utility poles; deleted in its entirety~~

(4) ~~Real estate, lease, and rental signs not more than 15 square feet for residentially zoned property and 32 square feet for non-residentially zoned property provided only 1 sign per street frontage upon which the property to be sold or leased abuts; deleted in its entirety~~

(5) ~~Open house signs no larger than 5 square feet that state that a particular~~

~~home, commercial, industrial, or public institutional structure will be open for public inspection for a limited number of hours on a specific day. The signs may be placed in the city boulevard area on the same day of the open house and only during the open house; deleted in its entirety~~

- (6) One temporary, on-site construction sign for a residential development provided a final plat has been filed. The sign shall not exceed 100 square feet in size, 10 feet in height and must be located on a vacant lot or lot with a model home within the subdivision at least 10 feet from the nearest property line. Furthermore, the sign shall be removed when 90% of single-family or 75% of multiple-family lots are sold. Construction trailers may be placed in close proximity to support construction of the site. Placement and/or use of the trailers solely for advertising shall be prohibited
- (7) One temporary, on-site construction sign for a commercial, industrial, or public institution development, provided a building permit has been issued. The sign shall not exceed 100 square feet in size, 10 feet in height and shall be removed before any building in the project is occupied. Where a building permit or certificate of occupancy is not required for a construction project including, but not limited to, landscaping projects, one on-site sign not to exceed 25 square feet in size and 10 feet in height may be allowed up to 7 days. Construction trailers may be placed in close proximity to support construction of the site. Placement and/or use of the trailers solely for advertising shall be prohibited;
- (8) ~~Name plate signs displaying only the name or address of the owner not to exceed 2 square feet; deleted in its entirety~~
- (9) ~~Garage/rummage sale signs on private property not to exceed 4 square feet in size and to be removed the same day the sale ends; deleted in its entirety~~
- (10) ~~No trespass/no hunting and similar signs not to exceed 2 square feet in size may be placed on private property; deleted in its entirety~~
- (11) One temporary, on-site construction sign ~~for a~~ in a commercial, industrial, or public institution development, provided a building permit has been issued. The sign shall not exceed 100 square feet in size, 10 feet in height and shall be removed before any building in the project is occupied. Where a building permit or certificate of occupancy is not required for a construction project including, but not limited to, landscaping projects, one on-site sign not to exceed 25 square feet in size and 10 feet in height may be allowed up to 7 days. Construction trailers may be placed in close proximity to support construction of the site. Placement and/or use of the trailers solely for advertising shall be prohibited;
- (12) ~~Temporary holiday signs or displays relating noncommercial messages associated with national, state, or local holidays or festivals; deleted in its entirety~~
- (13) ~~One temporary seasonal farm products sales sign not to exceed 32 square feet in size; and deleted in its entirety~~

- (14) ~~Flags or insignia of any government. deleted in its entirety~~
- (15) Signs six (6) square feet or less in size per visible side on residential properties provided that signs identifying home occupations must comply with the signage restrictions set forth in Hastings Code Section 155.07(D);
- (16) Notwithstanding any other provisions of this Sign Ordinance, all signs of any size containing non-commercial speech may be posted from August 1 in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election;

(D) *Signs requiring a permit.*

~~(1) Generally. Unless otherwise noted, the following regulations apply to all zoning districts.~~

(1) Permit Required. Except for signs specifically allowed by this Sign Ordinance without a permit, no signs shall be erected, altered, reconstructed, maintained or moved in the City without first securing a permit from the City. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Sign applications are available from the Planning Department. The Applicant shall include sign dimensions, height, colors, construction materials, method of anchoring, and location. A sketch or photograph of the proposed sign and a site plan that adequately illustrates the location of the sign is required. In addition, the application shall include the location and size of all other signs at the subject property/development. Once a completed sign application is filed with the Planning Department, City Staff shall review the plans and specifications for the proposed sign(s). If the proposed sign meets Ordinance requirements, the Building Code and all other laws and ordinances of the City, a signed permit will be approved. The required fee as established by Resolution of the City Council shall be paid to the City before issuance of a signed permit. Unless otherwise noted, the following regulations apply to all zoning districts.

(a) One monument sign for each principal structure, unified development, or legal parcel, whichever is more restrictive. Lots adjacent to more than 1 street may have 1 sign per street frontage. In no case shall secondary signs exceed 50 square feet in size or 6 feet in height.

(b) Wall canopy, projecting or marquee; except as otherwise noted, the amount of signage permitted is based on the wall to which the sign will be attached. Sign heights shall not exceed the top of the parapet wall or, if there is no parapet wall, sign height shall not exceed height of eaves.

(c) *On-site directional signs.* To direct vehicular and pedestrian traffic in a safe and convenient manner, directional signs are permitted, provided the sign does not exceed the sizes indicated in the table in division (D)(1)(d) below. The number and location of directional signs will be determined through sign permit review.

(d) Electronic Graphic Display Signs must meet the following requirements:

1. *Allowable zoning districts.* Electronic graphic display signs may only be located in the C-1, C-2, C-3, C-4, P-I, and O-1 Zoning Districts. Electronic graphic display signs shall be prohibited in all other zoning districts and the East 2nd Street Historic District.
2. *Setback from residential.* The leading edge of the sign must be a minimum distance of 60 feet from an abutting residential district.
3. *Dimmer control.* Electronic graphic display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the period between one half-hour before sunset and one half-hour after sunrise.
4. *Use.* Electronic graphic display signs may only be used in combination with freestanding signage and may not constitute more than 25 percent of the Monument Sign Face Size as regulated in Figure 1. If a sign is being refaced, no more than the existing size of signage may be replaced with an electronic sign.
5. *Flashing.* The messages on an electronic graphic display sign may change at a rate of no less than 6 seconds. No flashing shall be allowed.

(e) The table below illustrates the allowed amounts of signage permitted in the various districts.

		<i>Zoning Districts</i>				
		<i>A, R, PI</i>	<i>C-1, O-1</i>	<i>C-2</i>	<i>I-1, I-2</i>	<i>DC</i>
Monument	Maximum Height	5 feet	6 feet	6 feet	6 feet	N/A
	Sign Face Size	50 square feet	50 square feet	50 square feet	50 square feet	N/A
	Cap Height (max.)	8 inches	8 inches	8 inches	8 inches	N/A
Wall	Maximum Size	Greater of 40 square feet or 5% of wall area				See division (D)(8) below
Projecting	Clearance	N/A	8 feet	8 feet	N/A	8 feet

		<i>Zoning Districts</i>				
		<i>A, R, PI</i>	<i>C-1, O-1</i>	<i>C-2</i>	<i>I-1, I-2</i>	<i>DC</i>
	Maximum Distance from Building	N/A	4 feet	4 feet	N/A	2.5 feet
Directionals	Maximum Height	4 feet	4 feet	4 feet	4 feet	N/A
	Maximum Size	-	2 square feet	2 square feet	2 square feet	N/A

		<i>Zoning Districts</i>				
		<i>C-3</i>		<i>C-4</i>		
		<i>Single Occupant</i>	<i>Multiple Occupants</i>	<i>Single - under 100,000 square feet</i>	<i>Single - over 100,000 square feet</i>	<i>Multiple Occupant Building</i>
Monument	Maximum Height	6 feet	10 feet	6 feet	15 feet	20 feet
	Sign Face Size	50 square feet	100 square feet	50 square feet	75 square feet	100 square feet
	Cap Height (max.)	8 inches	12 inches	8 inches	18 inches	24 inches
Wall	Maximum Size	Greater of 40 square feet or 5% of wall area				
Projecting	Clearance	8 feet	8 feet	8 feet	8 feet	8 feet
	Maximum Distance from Building	4 feet	4 feet	4 feet	4 feet	4 feet
Directionals	Maximum Height	4 feet	4 feet	4 feet	4 feet	4 feet
	Maximum Size	2 square feet	2 square feet	2 square feet	2 square feet	2 square feet

(2) *A, R, and PI Districts.*

(a) Residential developments with 6 or more single-family or multiple-family dwelling units may have 1 monument identification sign per the sized indicated in the table in division (D)(1)(e).

(b) Churches, public or private schools, hospitals, and residential care facilities are permitted 1 monument identification for the purpose of displaying the name of the institution and its activities or services.

(c) On-site directional signs are permitted for churches, public or private schools, hospitals, residential care facilities, or government/public institutions.

(d) One monument identification sign not to exceed 50 square feet in size or 5 feet in height for any commercial or institutional use within the PI Zoning District. Lots adjacent to more than 1 street may have 1 sign per street frontage. (Am. Ord. 553, 2nd Series, passed 5-15-2006)

(3) *C-1 and O-1 Districts.*

(a) Signs as permitted per division (D)(1) above.

(b) Lots adjacent to more than 1 street may have 1 sign per street frontage. In no case shall secondary signs exceed 50 square feet in size or 6 feet in height.

(4) *C-2 District.*

(a) Signs as permitted per division (D)(1) above.

(b) Lots adjacent to more than 1 street may have 1 sign per street frontage. In no case shall secondary signs exceed 50 square feet in size or 6 feet in height.

(c) Additional monument signs permitted for automobile dealerships:

1. One monument sign not to exceed 50 square feet or 6 feet in height for advertisement of sale of pre-owned automobiles; and

2. One monument sign not to exceed 50 square feet or 6 feet in height for each additional new automobile product line (automobile make) sold on the premises.

(5) *C-3 District.*

(a) Signs as permitted per division (D)(1) above.

(b) Lots adjacent to more than 1 street may have 1 sign per street frontage. In no case shall secondary signs exceed 50 square feet in size or 6 feet in height.

(c) Those properties located within the East 2nd Street Historic District are subject to the regulations of division (D)(8) below.

(6) *C-4 Districts.*

(a) Signs as permitted per division (D)(1) above.

(b) Lots adjacent to more than 1 street may have 1 sign per street frontage. In no case shall secondary signs exceed 50 square feet in size or 6 feet in height.

(c) For movie theatres, the primary wall sign may not exceed 10% of the building facade on which the sign is erected. Secondary signs on the other building facades may not exceed 5% of the building facade on which the sign is erected, or 40 square feet, whichever is greater.

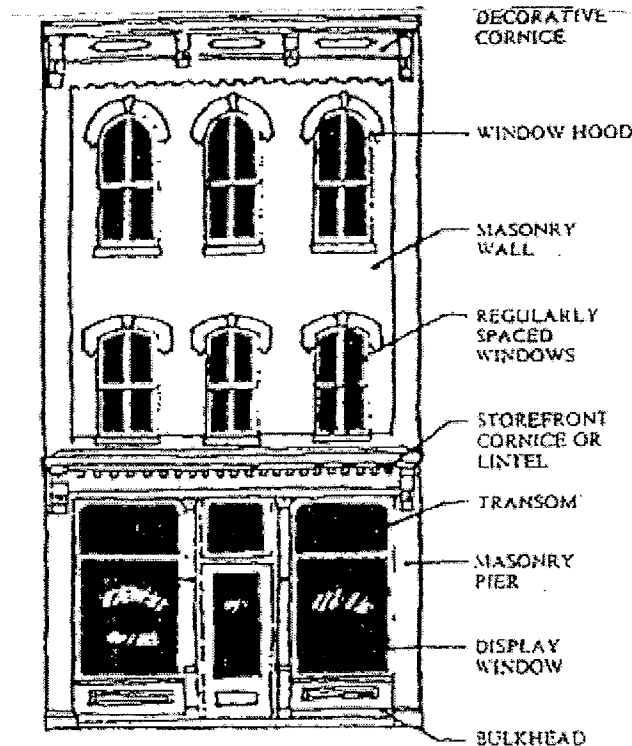
(7) *I-1 and I-2 Districts.* Signs as permitted per division (D)(1) above.

(8) *DC Downtown Core and East 2nd Street Historic District.*

(a) Downtown Hastings is a remarkably intact and compact example of commercial architecture from the 1860's to the 1920's. This historic character is considered an important asset of Downtown and, therefore, it is the intent of this section that this character be preserved. To accomplish this objective, all permanent signage within the East 2nd Street Historic District or on property zoned DC Downtown Core shall comply with the following requirements and guidelines.

1. Wall signs not to exceed 2 square feet per linear foot of building frontage. The size of a sign should be appropriate to the building.

2. Signs should not cover up the traditional design elements of a building as identified in the following sketch. When feasible, signage shall be at traditional locations, including: painted inside the windows, door pane or transom pane; flush on the storefront cornice or lintel; letters painted or attached directly on the cornice or lintel; mounted flush between the lintel and second floor windows.



3. The style, colors, lettering, and materials of the sign should reflect the age of the building. Examples may be found in old photographs and surviving signs.

4. Contrast between a dark background and light lettering, or vice versa, is more important than size. The lettering style should be chosen for its legibility.

5. Plastic, aluminum, and back lit signs are not usually appropriate

on older buildings because of their materials, colors, size, and style of lettering. The content and logo of corporate and product signs can be transferred to more traditional materials and styles of sign.

6. Signage shall be permitted on canvas or treated cloth awnings where they are compatible with the age of the building and character of Downtown.

7. Projecting signs must conform to the following.

a. Minimum height above grade is 8 feet. Maximum height above grade is 11 feet for the sign, and 12 feet for the bracket.

b. Sign may not project more than 2 and 1/2 feet from the face of the building.

c. Total sign face may not exceed 6 square feet.

d. Materials must be wood and/or metal. Plastic signs are not permitted.

e. Projecting signs may not be lit, internally or externally.

f. Plans must be submitted to show how the sign will be anchored to the building and masonry.

g. Only 1 projecting sign permitted per business.

h. Signs must be advertising a specific business name, not a generic product.

i. The sign area of the projecting sign comes off the total signage allowed for the building under these requirements.

(b) All signs proposed to be constructed on properties that are designated as Heritage Preservation Sites or are in a Historic District are subject to approval by the Heritage Preservation Commission.

(c) Freestanding signs are prohibited in the East 2nd Street Historic District or on properties zoned DC Downtown Core.

(E) *Permit requirements*

(1) Except as otherwise provided in this section, no sign or structure shall be erected, constructed, altered, rebuilt, or relocated until a permit has been issued by the city.

(2) Sign applications are available from the Planning Department. The applicant shall include sign dimensions, height, colors, construction materials, and method of anchoring, ~~content, and location.~~ ~~A sketch or photograph of the proposed sign is required and a~~ A site plan that adequately illustrates the location of the sign is required. In addition, the application shall include the location and size of all other signs at the subject property/development.

(3) Once a completed sign application is filed with the Planning Department,

staff shall review the plans and specifications for the proposed sign(s). If the proposed sign(s) meets ordinance requirements, the building code and all other laws and ordinances of the city, a sign permit will be approved.

(4) The required fee as established by resolution of the City Council shall be paid to the city before issuance of a sign permit.

(5)

(F) *Nonconforming and illegal signs.*

(1) Any sign legally existing on the effective date of this section that does not conform to the requirements set forth in this section shall become a nonconforming use and/or structure. Except as otherwise provided in this section, nonconforming signs shall be allowed to continue, but shall not be rebuilt, relocated, replaced, or altered without being brought into compliance with all the requirements of this section. Furthermore, nonconforming signs are subject to the provisions contained at § 155.06.

(2) Any sign that is in violation of this section shall be removed or altered to comply with this section.

(3) Maintenance of existing signs, including the replacement of faceplates of the same size, shall be permitted on nonconforming signs.

(4) Temporary ribbons, banners, pennants, and similar devices that are in use as of the adoption of this section must comply with the provisions of division (C)(11) above.

(Prior Code, § 10.08) (Am. Ord. 485, passed 2-3-2003; Am. Ord. 541, passed 10-17-2005) Penalty, see § 10.99

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

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

(G) Substitution Clause. The owner of any sign which is otherwise allowed by this sign ordinance may substitute non-commercial copy in lieu of any commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent


favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

Council member Slavik moved a second to this resolution, and upon being put to a vote it was unanimously adopted by all Council members present.

Adopted by the Hastings City Council on January 7th, 2008, by the following vote:

Ayes: Councilmembers Alongi, Hazlet, Hollenbeck, Schultz, Slavik,
Nays: None and Mayor Hicks
Absent: Councilmember Riveness

ATTEST:


Paul J. Hicks, Mayor


Melanie Mesko Lee, City Clerk

(City Seal)

I HEREBY CERTIFY that the above is a true and correct copy of the resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 7th day of January, 2008, as disclosed by the records of the City of Hastings on file and of record in the office.


Melanie Mesko Lee, City Clerk

(SEAL)

This instrument drafted by:
City of Hastings (KSB)
101 4th St. East
Hastings, MN 55033