

ORDINANCE NO. 462A, SECOND SERIES

AN ORDINANCE OF THE CITY OF HASTINGS, MINNESOTA AMENDING CHAPTER
10 LAND USE REGULATIONS OF THE HASTINGS CITY CODE HAVING TO DO WITH:

SEC. 10.02 DEFINITIONS AND SEC. 10.06 SIGN ORDINANCE

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

SEC. 10.02 DEFINITIONS AND SEC 10.06 SIGN ORDINANCE of the Hastings City code is amended by adding following text:

SECTION 10.02. DEFINITIONS.

The following terms, as used in this Chapter, shall have the meaning stated:

Accessory use or structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Antenna: Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Bed and breakfast: An owner or manager occupied dwelling in which a room or rooms are rented on a nightly basis for periods of less than a week. Meals may or may not be provided.

Bed and breakfast unit: A room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Buildable area: The portion of a lot remaining after required yards have been provided.

Commercial wireless telecommunications service: Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and

similar services that are marketed to the general public.

Conversion: The converting of any one-family dwelling to a multiple-family dwelling.

"Downtown" Overlay District: That area zoned C-3 bounded by the Mississippi River to the North, 4th Street to the South, Bailly Street to the East, and Eddy Street to the West.

Drive-in restaurant or refreshment stand: Any place or premises used for sale, dispensing, or servicing of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on site.

Dwelling, multiple-family: A residential building designed for two or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, single family: A detached residential dwelling unit other than a manufactured home, designed for and occupied by one family only.

Dwelling, two-family: A detached residential dwelling building containing two dwelling units.

Dwelling unit: A building or portion thereof constituting a independent housekeeping establishment for owner occupancy, rental or lease and separate from any other dwelling units that may be in the same structure and containing independent cooking and sleeping facilities.

Family: A group of individuals living under one roof.

Home occupation: An occupation conducted in a dwelling unit.

Loading space, off-street: Space logically and conveniently located for bulk pickups and deliveries.

Lot: A separate parcel, tract, or area of land undivided by any public street or approved private road, established by plat, metes and bounds subdivision, or as otherwise permitted by law, and occupied by or intended to be developed for and occupied by a principal building or group of such buildings and accessory buildings, or utilized for a principal use and uses accessory

thereto, including such open spaces and yards as are designed and arranged or required by this Ordinance for such building, use or development.

Lot-corner (corner lot): A lot at the intersection of two or more streets.

Lot frontage: The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sizes of a lot next to streets shall be considered frontage, and yards shall be provided as indicated under "yards" in this Section.

Lot-interior (interior lot): A lot other than a corner lot with only one frontage on a street.

Lot measurement: The depth of a lot shall be considered the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. Width of a lot shall be considered the distance between straight lines connecting the front lot width at setback.

Lot of record: A lot that is part of a plat recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of that has been so recorded.

Lot-through (through lot): A lot other than a corner lot with frontage on more than one street.

Manufactured Home (Mobile Home): A single family detached housing built to the National Manufactured Housing Construction and Safety Standards Act of 1974 or as may be amended.

Measured distances: That all distances expressed in feet shall be to the nearest tenth of a foot.

Motor vehicle impound lot: A facility for the temporary storage of motor vehicles, as defined by Minnesota Statutes Chapter 169. This definition does not include the storage of motor vehicles for salvaging, repairing, stripping, dismantling, sales or storage beyond time limits provided by ordinance.

Principle Structure: A structure in which is conducted the primary use of the lot.

Public Utility: Persons, corporations, or governments supplying gas, electric, transportation,

water, sewer, or land line telephone service to the general public. For the purpose of this ordinance, personal wireless service shall not be considered public utility uses, and are defined separately.

Public Safety Telecommunications Services: Licensed telecommunications systems used by local governments and all other public and private entities eligible under Part 90 of the FCC rules for public safety purposes including police, fire, emergency medical, highway maintenance, and forestry conservation radio service.

Residential Care Facility - Dependent: A residential facility licensed in accordance with Minnesota Rules Chapter 4655.0100, Subpart 8 now in effect, or as may be amended in the future, and used to provide full dependent care for aged or infirm persons who require nursing care and related services.

Residential Care Facility - Semi-independent: A state licensed residential facility for aged and/or disabled persons within which provides only personal or custodial care.

Residential Senior Facility - independent: A residential facility in which at least one resident per dwelling unit is 55 or older. The dwelling units must be self-contained and physically accessible to aged persons.

Roof Line: That line in which an exterior wall surface of a building structure departs from a vertical plane.

Senior/Disabled Citizen Dwelling Unit: Is defined pursuant to Section 10.12, Subd. 3B(1).

Service Station: A retail station for servicing motor vehicles especially with gasoline, oil and other accessories.

Shopping Center: A group of commercial retail establishments with multiple tenants that share parking and have a visual appearance as a contiguous structure that may or may not be planned, constructed or managed as a total entity.

Sign: Any letter work, symbol, model, printed, projected or affixed device, poster, picture, reading matter, or other representation in the nature of an advertisement, announcement,

direction or informative device including structural and compound parts that is located outdoors and is larger than one square foot in area.

Banners: Attention getting devices that resemble flags and are of a paper, cloth or plastic like consistency.

Construction Sign: Any sign that displays information regarding the construction or development of the site in which it is displayed.

Directional Sign: A sign that serves primarily to direct traffic to the location of a place, area or activity.

Flag: A rectangular piece of fabric of distinctive design mounted on a pole used as a symbol (as a nation), signaling device (nautical), or attention getting device (advertising).

Freestanding Sign: A sign that is self supporting and affixed to a frame structure, not attached to a building.

Grade of Sign: The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the sign and a line 10 feet from the sign.

Sign Height: The height of a sign shall be measured from the grade of the sign.

Identification Sign: A sign that displays only the name, address and title of an occupant or the name and address of a building or development.

Sign Illumination: A light source within or directed at the sign.

Monument Sign: any freestanding sign with it's sign face mounted on the ground or mounted on a base at least as wide as the sign.

Non-conforming Sign: Any sign that does not conform to the regulations of this ordinance.

Off-Premise Sign: Any sign which advertises anything other than the business located on the same lot.

Permanent Sign: Any sign other than a temporary sign.

Portable Sign: A sign so designed as to be movable from one location to another that is not permanently attached to the ground, sales display device or structure.

Projecting Sign: Any sign affixed to an outside exterior wall or soffit of any building and is not parallel to the plane of the wall or soffit.

Public Sign: Any sign display intended primarily to promote items of general interest to the community such as time, temperature, date, atmospheric conditions, news, etc. This does not include any information that would be related to the products or services at the display site.

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

Roof Line: That line at which an exterior wall surface of a building structure departs from a vertical plane.

Roof Sign: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Shopping Center Area Identification Sign: A freestanding sign used to identify single tenant or multi-tenant buildings.

Sign Area: That area within the marginal lines or extreme outside edge of the surface that bears the advertisement, or in the case of messages, figures or symbols attached directly to any part of a building, that area included in the smallest rectangle that can be made to circumscribe any message, figure or symbol displayed thereon. For a sign with not more than two back-to-back faces, only the area of one side is computed in determining the sign area.

Temporary Sign: Any sign used only temporarily and is not permanently mounted.

Traffic Sign: A sign erected by a governmental agency for guiding vehicular traffic and providing information to motorists.

Wall Sign: A sign affixed to the exterior wall, mansard roof or soffit of a building that is parallel to the building wall. A wall sign does not project more than twelve (12) inches from the surface to which it is attached, or extend beyond the top of the parapet wall.

Special use: A use that would not be appropriate generally or without restriction throughout the zoning district but, if controlled as to number, area, location, or relation to the neighborhood, would not detract from the public health, safety and welfare. Special uses may be permitted in a zoning district if specific provision for such special uses is made in this Zoning Ordinance.

Street right-of-way: The line dividing privately owned property from property dedicated or conveyed for public use.

Structure: Anything constructed or erected with a fixed location on the ground. Among other things, structures include buildings, manufactured homes and fences.

Tower: Any ground mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

Tower, Multi-User: A tower designed for the antennas of more than one commercial wireless telecommunications service provider or governmental agency.

Tower, Single-User: A tower designed for only the antennas of a single user.

Travel trailer: A vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes.

Variance: A modification from the literal requirements of this ordinance.

Yard: A required open space on a lot adjoining a lot line, containing only landscaping or other uses and structures provided by this zoning ordinance.

Yard, front: A yard extending along the full width of a front line between side lot lines and from the front lot line to the front building line in depth.

Yard side: A yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or without either a front or rear yards, to the front or rear lot lines. Side-yard width shall be measured at right angles to side lines of the lot.

Yard, rear: A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear-yard depth shall be measured at right angles to the rear line of the lot.

Yard, special: A yard behind any required yard next to a public street, required to perform the same functions as a side or rear yard, but next to a lot line so placed or oriented that neither the term "side" nor "rear" yard clearly applies. In such cases, the administrative official shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures areas thereon.

Zero lot line: The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

Source: Ordinance No. 417, Second Series

Effective Date: October 20, 1997

SECTION 10.08 SIGN ORDINANCE

SUBD. 1. GENERAL PROVISIONS.

- a. Purpose: The purpose of these provisions is to:

1. Establish standards that would permit businesses in the city a reasonable and equitable opportunity to advertise.
 2. 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.
 3. Insure that signs shall not create a safety hazard.
 4. Preserve and protect the value of land and buildings and also preserve and protect landscapes.
- b. Definitions: See Section 10.02 (DEFINITIONS).
- c. General: The following are minimum requirements:
1. All signs shall be erected or installed according to state building and electrical codes. Furthermore, all electrical signs shall require underground wiring.
 2. 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.
 3. Address signs that are clearly legible from the street which access is gained shall be required for each principal structure, except in nonsewered 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.
 4. Illuminated signs shall be designed so as not to be obtrusive to adjacent property or to passing motorists on private or public right of ways.
 5. 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.
 6. Signs permitted by this section shall be designed and constructed to resist wind and seismic forces as specified in the 1982 Uniform Sign Code.
 7. 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.
 8. Portable signs are allowed in all commercial districts, except within the Downtown Overlay District, in addition to permanent signs, only by temporary permit issued by the Community Development Division according to provisions established under Subdivision 5 of this Section.

Portable signs may not exceed 32 square feet in size or six 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 one 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. Temporary sign permit fees shall be established by resolution of City Council.

SUBD 2. PROHIBITED SIGNS AND SIGN STRUCTURES.

- a. No sign shall be located within or over a public right of way unless otherwise specifically permitted by this section or the City Council.
- b. No illuminated flashing or revolving signs shall be permitted except movie theaters, time and temperature provided such signs are designed so as not to be obtrusive to adjacent property or to passing motorists on private or public right of ways. 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 midnight and 6:00 a.m.
- c. No sign shall be erected or maintained in a way that obstructs, obscures or otherwise physically interfere with an official traffic sign, signal/device or driver's view of approaching, merging or intersecting traffic.
- d. No sign shall be erected or maintained which imitates or resembles any official traffic sign, signal or device. Furthermore, no sign shall contain such wording including, but not limited to, "stop," "warning" or "caution" which may be confused with traffic signing or controls unless such signs are approved by the City.
- e. 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.
- f. No sign shall be made of paper, cardboard or similar material and attached directly to a building.
- g. No sign/structure shall be placed that will obstruct safe access to doors, windows or fire escapes.
- h. No sign shall be supported by guy wires.
- i. 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 Subd. 1, of this section.
- j. No off-premise signs permitted.
- k. Any sign not expressly permitted by the provisions of Section 10.08.

SUBD 3. SIGNS PERMITTED WITHOUT A PERMIT.

- a. Traffic signs as approved by the Public Works Director.
- b. Public signs as approved by the City of Hastings.

- ~~e. On-site directional signs in commercial, industrial and public institution zoning districts for directing vehicular or pedestrian traffic in a safe and convenient manner, provided the sign does not advertise or list the name of a business.~~
- d. Election/campaign signs on private property provided such 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.
 - e. Real estate, lease and rental signs not more than 15 square feet for residentially zoned property and 32 square feet for nonresidentially zoned property provided only one sign per street frontage upon which the property to be sold or leased abuts.
 - f. Open house signs no larger than five 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. Said signs may be placed in the city boulevard area on the same day of the open house and only during the open house.
 - g. One temporary, on-site construction sign for a residential development provided a final plat has been filed. Said 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, said sign shall be removed when 90 percent of single family or 75 percent of multiple family lots are sold.
 - h. One temporary, on-site construction sign for a commercial, industrial or public institution development provided a building permit has been issued. Such 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 seven days.
 - i. Name plate signs displaying only the name or address of the owner not to exceed two square feet.
 - j. Garage/rummage sale signs on private property not to exceed four square feet in size and to be removed the same day the sale ends.
 - k. No trespass/no hunting and similar signs not to exceed two square feet in size may be placed on private property.
 - l. Ribbons, banners, pennants, and similar devices are allowed in commercial, industrial and public institution districts. Such devices are intended to be temporary and if they become torn, discolored or in any way damaged to modify their original appearance, said devices shall be removed.
 - m. Temporary holiday signs or displays relating noncommercial messages associated with national,

state or local holidays or festivals.

- n. One temporary seasonal farm products sales sign not to exceed 32 square feet in size.
- o. Flags or insignia of any government.

SUBD 4. SIGNS REQUIRING A PERMIT.

a. "A", "R" and "P-I" Districts:

- 1. One monument identification sign not to exceed 50 square feet in size or five feet in height for residential developments with six or more single family or multiple family dwelling units.
- 2. One monument identification sign not to exceed 50 square feet in size or five feet in height for each church, public or parochial school, hospital and residential care facility. Such sign shall be solely for the purpose of displaying the name of the institution and its activities or services.

b. C-1 and O-1 Districts:

- 1. One free-standing monument sign for each principal structure or legal parcel, whichever is more restrictive, not to exceed 50 square feet in size or ~~20~~ 6 feet in height.
- 2. ~~Wall signs not to exceed 10 percent of the wall area that the sign(s) is to be placed. Wall, Canopy, or Marquee. Total sign area on any one side of a building may not exceed five percent (5%) of the building façade on which the sign is erected, or forty (40) square feet, whichever is greater. Sign height 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. C-2 District:

- 1. One free-standing monument sign for each principle structure or legal parcel, whichever is more restrictive, however, lots adjacent to more than one street may have one (1) sign per street frontage. Signs shall not to exceed 100 50 square feet in size or 20 6 feet in height.
- 2. Additional free-standing monument signs permitted for Automobile Dealerships:
 - i. One freestanding monument sign not to exceed ~~100~~ 50 square feet or ~~20~~ 6 feet in height for advertisement of sale of preowned automobiles.
 - ii. One freestanding monument sign not to exceed ~~100~~ 50 square feet or ~~20~~ 6 feet in height for each additional new automobile product line (automobile make) sold on the premises.

3. ~~Wall signs not to exceed 20 percent of the wall area that the sign(s) is to be placed. Wall, Canopy, or Marquee. Total sign area on any one side of a building may not exceed five percent (5%) of the building façade on which the sign is erected, or forty (40) square feet, whichever is greater. Sign height shall not exceed the top of the parapet wall or, if there is no parapet wall, sign height shall not exceed height of eaves.~~

d. C-3, and C-4 and C-5 Districts:

1. ~~One free standing sign for each principal structure, unified development or legal parcel, whichever is more restrictive, not to exceed 100 square feet in size or 20 feet in height except the "Downtown" Overlay District, and except buildings over 20,000 square feet in size.~~
2. ~~Wall signs not to exceed 20 percent of the wall area that the sign(s) is to be placed except the "Downtown" Overlay District.~~
3. ~~One free standing sign for each building over 20,000 square feet in size not to exceed 125 square feet in size or 20 feet in height.~~
4. ~~One free standing sign for each building over 30,000 square feet in size not to exceed 150 square feet in size or 20 feet in height.~~
3. ~~One area identification sign per shopping center more than 100,000 square feet not to exceed 150 square feet in size or 30 feet in height that shall identify the center, only, not advertise the businesses therein and may include up to four (4) businesses within the shopping center.~~

1. Single Occupant Building

- A. One monument sign for each principal structure, unified development or legal parcel, whichever is more restrictive, however, lots adjacent to more than one street may have one (1) sign per street frontage. Signs shall not exceed fifty (50) square feet in area per sign with a maximum height of six (6) feet.
- B. Wall, Canopy, or Marquee – Total sign area on any side of a building may not exceed five (5) percent of the building façade on which the sign is erected, or forty (40) square feet, whichever is greater. Sign height shall not exceed the top of parapet wall or, if there is no parapet wall, sign height shall not exceed height of eaves.

1. Multiple Occupant Building

- A. Area identification. One (1) monument sign may be erected on a lot. The sign shall not exceed one hundred (100) square feet in area nor be higher than ten (10) feet. Monument signs may include the name of the development and up to four (4) tenants of the development.

B. Occupant Identification. Sign area may not exceed five (5) percent of the building façade on which the sign is erected, or forty (40) square feet, whichever is greater. For purposes of calculating area, the building itself shall be used. The building façade of the leasehold shall not include the area of any canopy.

I. Wall signs shall be erected within the leasehold and their width shall not extend to any point less than one (1) foot from the leasehold boundary.

II. Sign height shall not exceed the top of parapet wall or, of there is no parapet wall, sign height shall not exceed height of eaves.

3. 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 four (4) feet in height and two (2) square feet in size. The number and location of directional signs will be determined through sign permit review.

c. C-4 Districts:

1. Single Occupant Building

A. Under 100,000 square feet - One monument sign for each principal structure, unified development or legal parcel, whichever is more restrictive, however, lots adjacent to more than one street may have one (1) sign per street frontage. Signs shall not exceed fifty (50) square feet in area per sign with a maximum height of six (6) feet.

B. Over 100,000 square feet – One monument sign for each principal structure, unified development or legal parcel, whichever is more restrictive, however, lots adjacent to more than one street may have one (1) sign per street frontage. Primary sign shall not exceed seventy-five (75) square feet in area per sign with a maximum height of fifteen (15) feet, and a secondary street frontage sign shall not exceed fifty (50) square feet in area per sign with a maximum height of six (6) feet.

C. Wall, Canopy, or Marquee – Total sign area on any side of a building may not exceed five (5) percent of the building façade on which the sign is erected, or forty (40) square feet, whichever is greater. Sign height shall not exceed the top of parapet wall or, if there is no parapet wall, sign height shall not exceed height of eaves.

1. Multiple Occupant Building

A. One monument sign for each principal structure, unified development or legal parcel, whichever is more restrictive, however, lots adjacent to more than one street may have one (1) sign per street frontage. Primary sign shall not exceed one hundred (100) square feet in area per sign with a maximum height of twenty (20) feet, and a secondary street

frontage sign shall not exceed fifty (50) square feet in area per sign with a maximum height of six (6) feet. Monument signs may include the name of the development and up to four (4) tenants of the development.

B. Occupant Identification. Sign area may not exceed five (5) percent of the building façade on which the sign is erected, or forty (40) square feet, whichever is greater. For purposes of calculating area, the building itself shall be used. The building façade of the leasehold shall not include the area of any canopy.

I. Wall signs shall be erected within the leasehold and their width shall not extend to any point less than one (1) foot from the leasehold boundary.

II. Sign height shall not exceed the top of parapet wall or, of there is no parapet wall, sign height shall not exceed height of eaves.

1. Movie theatres. The primary wall sign may not exceed ten (10) percent of the building façade on which the sign is erected. Secondary signs on the other building facades may not exceed five (5) percent of the building façade on which the sign is erected, or forty (40) square feet, whichever is greater.

4. 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 four (4) feet in height and two (2) square feet in size. The number and location of directional signs will be determined through sign permit review.

e. I-1 and I-2 Districts:

1. One free standing monument sign for each principal structure or legal parcel, whichever is more restrictive, not to exceed ~~100~~ 50 square feet in size and ~~20~~ 6 feet in height.

2. ~~Wall signs not to exceed 20 percent of the wall area that the sign(s) is to be placed. Wall, Canopy, or Marquee – Total sign area on any side of a building may not exceed five (5) percent of the building façade on which the sign is erected, or forty (40) square feet, whichever is greater. Sign height shall not exceed the top of parapet wall or, if there is no parapet wall, sign height shall not exceed height of eaves.~~

3. On-site directional signs for directing vehicular or pedestrian traffic in a safe and convenient manner are permitted provided the sign does not exceed four (4) feet in height and two (2) square feet in size. The number and location will be determined through sign permit review.

f. "Downtown" Overlay District:

1. The "Downtown" Overlay District as established in this ordinance has a unique and historic character. 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 the Sign Section that this character be preserved. To accomplish this objective all permanent signage within the "Downtown" Overlay District shall comply with the following requirements and guidelines:
 - a. Wall signs not to exceed two square feet per linear foot of building frontage. The size of a sign should be appropriate to the building.
 - b. Signs should not cover up the traditional design elements of a building as identified in the following sketch:
 - c. 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.
 - d. 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.
 - e. 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.
 - f. Plastic, aluminum and black 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.
 - g. Signage shall be permitted on canvas or treated cloth awnings where they are compatible with the age of the building and character of "Downtown".
 - h. Projecting signs are permitted within the East 2nd Street Historic District upon approval of the Heritage Preservation Commission. The signs must conform with the following:
 1. Minimum height above grade is eight (8) feet. Maximum height above grade is 11' for the sign, and 12' for the bracket.
 2. Sign may not project more than two and one-half (2.5) feet from the face of the building.
 3. Total sign face may not exceed six (6) square feet.
 4. Materials must be wood and/or metal. Plastic signs are not permitted.
 5. Projecting signs may not be lit, internally or externally.
 6. Plans must be submitted to show how the sign will be anchored to the building and masonry.
 7. Only one projecting sign permitted per business or building.

8. Signs must be advertising a specific business name, not a generic product.
9. The sign area of the projecting sign comes off the total signage allowed for the building under the Downtown Overlay District requirements.

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2. All signs to be constructed within the "Downtown" Overlay District on properties that are designated as Heritage Preservation Sites or are in a Historic District are subject to approval by the Heritage Preservation Commission.
3. Freestanding signs are prohibited in the "Downtown" Overlay District.

SUBD 5. PERMIT REQUIREMENTS.

- a. 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.
 1. Sign applications are available from the Community Development Division. The applicant shall include sign dimensions, height, colors, construction materials, method of anchoring, content, and location. A sketch or photograph of the proposed sign is required and a site plan that adequately illustrates the location of the sign. In addition, the application shall include the location and size of all other signs at the subject property/development.
 2. Once a completed sign application is filed with the Community Development Division, 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.
 3. The required fee as established by resolution of the City Council shall be paid to the City before issuance of a sign permit.

SUBD 6. NONCONFORMING AND ILLEGAL SIGNS.

- a. Any sign legally existing on the effective date of this ordinance that does not conform to the requirements set forth in this ordinance 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 ordinance. Furthermore, nonconforming signs are subject to the provisions contained at Section 10.06.
- b. Any sign that is violation of this ordinance shall be removed or altered to comply with this section.
- c. Maintenance of existing signs, including the replacement of faceplates of the same size, shall be permitted on non-conforming signs.

SECTION 10.26. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof. _____

PASSED AND ADOPTED by the Hastings City Council on this _____ day of _____ 2001.

Michael D. Werner, Mayor

ATTEST:

Melanie Mesko, Administrative Assistant/ City Clerk

I HEREBY CERTIFY that the above is a true and correct copy of an ordinance presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the _____ of _____, 2001, as disclosed by the records of the City of Hastings on file and of record in the office.

Melanie Mesko, Administrative Assistant/ City Clerk

(SEAL)

This instrument drafted by:
City of Hastings
101 4th ST.
Hastings, MN 55033

**Hastings, Minnesota
September 4, 2001**

The City Council of the City of Hastings, Minnesota met in a regular meeting on Tuesday, September 4, 2001 at 7:00 p.m. in the City Hall Council Chambers, 101 4th Street East, Hastings, Minnesota

Members Present: Councilmembers Hazlet, Hicks, Schultz, Moratzka, Riveness & Yandrasits
Mayor Werner

Members Absent: None

Staff Members Present: David Osberg, City Administrator
Shawn Moynihan, City Attorney;
Matt Weiland, Planning Director;
Tom Montgomery, Public Works Director;
Marty McNamara, Parks & Recreation Director
Melanie Mesko, Administrative Assistant/City Clerk

Approval of Minutes

Mayor Werner asked if there were any corrections or additions to the minutes of the regular meeting of August 20, 2001. Hearing none, the minutes were approved as presented.

Council Items to be Considered

Moved by Councilmember Hicks, seconded by Councilmember Riveness to remove Item 3 of the Consent Agenda.
7 Ayes; Nays, None.

Consent Agenda

Moved by Councilmember Hicks, seconded by Councilmember Riveness, to approve the Consent Agenda as amended.
7 Ayes; Nays, None.
Copy of resolutions on file.

1. Pay All Bills As Audited
2. Approve Application for One-Day Gambling Permit for Hastings Hockey Boosters—December 5, 2001 at the Hastings Civic Arena
3. Removed
4. Mainstreet Festival Street Closing
5. 2001 Budget Adjustments
6. Industrial Park Land Sale—Forpack Final Approval
7. Industrial Park Land Sale—Hastings Gymnastics Academy Final Approval

Award Contract—Ice Resurfacers for Civic Arena

Moved by Councilmember Riveness, seconded by Councilmember Yandrasits to award the contract for a new ice resurfer to R&R Specialties in the amount of \$62,036.25.

7 Ayes; Nays, none.

Public Hearing—New Assessment Ordinance

Mayor Werner opened the public hearing at 7:03 p.m. City Attorney Moynihan stated that he included some suggested changes to the language of the proposed ordinance. Hearing no further comments, the public hearing was closed at 7:04 p.m.

Approve Second Reading of New Assessment Ordinance

Moved by Councilmember Yandrasits, seconded by Councilmember Moratzka to approve the new assessment ordinance as presented, with the City Attorney's changes.

7 Ayes; Nays, none.

Public Hearing—Zoning Code Amendment: Sign Ordinance Revisions

Mayor Werner opened the public hearing at 7:05 p.m.

Deb Zeien, who has an office at 2137 Vermillion Street, stated concern of vandalism to signs with a six-foot height restriction.

In a fax read by Planning Director Weiland, Jerry Fair stated that he felt that the 5% wall signage limit is a hardship to multi-tenant buildings.

Hearing no further comments, the public hearing was closed at 7:09 p.m.

Zoning Code Amendment: Sign Ordinance Revisions

Moved by Councilmember Yandrasits, seconded by Councilmember Riveness to approve the final reading for the sign ordinance revisions.

7 Ayes; Nays, none.

Table Item—Site Plan for Tom Thumb

Moved by Councilmember Moratzka, seconded by Councilmember Hazlet to table the site plan consideration for Tom Thumb to the September 17, 2001 meeting.

7 Ayes; Nays, none.

First Reading & Schedule Public Hearing—Rezoning Featherstone Road (A: Agriculture to R-3: Medium High Density Residence)

Moved by Councilmember Riveness, seconded by Councilmember Moratzka to approve the first reading and order a public hearing for September 19, 2001.

7 Ayes; Nays, none.

Site Plan—Sunset Homes (Century South)

Planning Director Weiland stated that the Planning Commission recommended approval of the site plan at its August 27, 2001 meeting with the five conditions outlined in the Planner's August 29, 2001 report.

Moved by Councilmember Schultz, seconded by Councilmember Moratzka to approve the site plan as presented.

7 Ayes; Nays, none.

Site Plan—River Street

Planning Director Weiland stated that the Planning Commission recommended approval of the site plan at its August 27, 2001 meeting with the five conditions outlined in the Planner's August 29, 2001 report.

Moved by Councilmember Riveness, seconded by Councilmember Hazlet to approve the site plan as presented with the conditions listed in the August 29, 2001 Planner's report.
7 Ayes; Nays, none.

Variance (Non-Conforming Building)—2020 Forest Street

Planning Director Weiland stated that the Planning Commission recommended approval of the variance at its August 27, 2001 meeting with the four conditions outlined in the Planner's August 28, 2001 report.

Moved by Councilmember Moratzka, seconded by Councilmember Hicks to approve the variance request as presented.
7 Ayes; Nays, none.

Variance (Accessory Structures)—115 17th Street West

Planning Director Weiland stated that the Planning Commission recommended approval of the site plan at its August 27, 2001 meeting with the three conditions outlined in the Planner's August 21, 2001 report.

Moved by Councilmember Yandrasits, seconded by Councilmember Riveness to approve the variance as presented with the conditions in the Planners report.
7 Ayes; Nays, none.

Development Agreement--Riverdale

Moved by Councilmember Schultz, seconded by Councilmember Hazlet to table this item.
7 Ayes; Nays, none.

Preliminary Plat/Master Plan—Dakota Summit

Final Plat—Dakota Summit

Site Plan—Wal-Mart


Moved by Councilmember Moratzka, seconded by Councilmember Schultz to table these items to a Special City Council meeting to be held on Monday, September 10, 2001 at 7:00 p.m. An open house to answer questions and look at proposed plans was also set at 5:00 p.m. on September 10, 2001.
7 Ayes; Nays, none.

Adjournment

Moved by Councilmember Moratzka, seconded by Councilmember Riveness to adjourn the meeting at 8:29 p.m.
7 Ayes; Nays, None.



Mayor

ATTEST 

City Clerk