



AGENDA

City of Fergus Falls Planning Commission Meeting
Fergus Falls, MN
January 22, 2024

1. Call to order
2. Approval of Agenda
3. Approval of Minutes from December 5, 2023
4. New member welcome
5. Election of Officers
6. Action Item
 - a. Final Plat – **F-2024-1: Timber Cove**
7. Discussion Items
 - a) Sign ordinance updates
 - b) Hotel Language Update (if time permits)
8. Staff Updates
 - a. Discussion item(s) for future meetings:
 - i. Shoreland ordinance final updates (DNR)
 - ii. Parking minimums
 - iii. Nuisance ordinance sub-committee
9. Adjourn

**DRAFT PLANNING COMMISSION
MINUTES
December 5, 2023**

The Fergus Falls Planning Commission held a special meeting on December 5, 2023 in the Council Chambers of City Hall. Chair Kilde called the meeting to order at 5:15 PM. Members present were Laurel Kilde, Nate Kunde, Mike Walls, Wayne Schuett, Sarah Duffy, and Matt Pesek. Absent was Ryan Fullerton. Staff present were Klara Beck, Andrew Bremseth, Jason Schuetzle, and Jill Hanson.

Applicants present: Ann Hintz

Public present: Wendy & James Metcalf, Mary Ann Goese, Nik Korr, Mike Fletchall, Todd & Tammy Hinsverk, Stephanie Metzler, Andrew Yaggie, Matthew & Elizabeth Danielson.

APPROVAL OF AGENDA

Chair Kilde entertained a motion to approve the agenda. Motion to approve the agenda by Commissioner Kunde and seconded by Commissioner Schuett. Passed unanimously.

APPROVAL OF MINUTES

Commissioner Kunde made a motion to approve the minutes from August 28, 2023. It was seconded by Commissioner Schuett. Passed unanimously.

PUBLIC HEARINGS

4a. REQUEST BY FRANKLIN & STANLEY LLC (PROPERTY OWNER KASKA PROPERTIES LLC) TO OBTAIN A CONDITIONAL USE PERMIT TO ALLOW AN INDEPENDENT OUT-OF-HOSPITAL HOME-BIRTH MIDWIFERY PRACTICE IN AN R-2 RESIDENTIAL ZONE LOCATED AT 124 WEST ORIOLE DRIVE

Klara Beck, Community Development Manager, presented the staff report for the request of a Conditional Use Permit in an R-2 Residential Zone at 124 West Oriole Drive. The applicant, Ann Hintz, dba Franklin & Stanley LLC, is interested in purchasing the property to utilize 124 W Oriole Dr as an independent out-of-hospital home-birth midwifery practice. Klara explained that City Code allows for medical clinics and hospitals in R-1 zones and R-2 zones with a CUP. Klara stated that reasonable conditions may be added to the CUP for approval.

Klara stated that the property has in the past been a group home and assisted living facility and that there are other services operating in the area, including a childcare, group home, and chiropractor. 124 W Oriole Dr is currently vacant and listed for sale. Klara mentioned that the applicant owns a commercial building elsewhere in town and plans to use that site as the daily clinic for the midwife practice after it is remodeled. 124 W Oriole Dr would then be used solely for home births.

A notice of the public hearing was published in the Daily Journal and mailed to 42 property owners within 350' of the subject property. Staff received two phone calls from property owners within the 350' radius, both inquiring about the parking needs of the new use and with concerns about increased traffic in the neighborhood. Klara explained that the applicant did submit a summary document with answers to the questions. The document was added to the CUP application. Klara noted that the applicant would also be talking to emergency services to established protocols for the birthing practice.

Ann Hintz, 909 Fir Avenue, explained that she is a home birth midwife and would like to purchase the property at 124 West Oriole Dr to make it a birthing center. Ms. Hintz stated that she has lived in Fergus Falls for the last five years and currently does home births. Many of the families that use her services are rural families. This location would allow clients the opportunity for a home birth setting closer to a hospital.

Chair Kilde opened the public hearing at **5:22 PM**.

Jim Metcalf, 127 West Oriole Dr, stated that he has lived across from the property for many years and objected to the original application for a group home over 20 years ago. He has concerns about parking, traffic flow, and where the building sits relative to the property line. Mr. Metcalf mentioned there are already two group homes in the area and a business that repairs motorcycles.

Mr. Metcalf expressed concern that a decision had already been made in this case based on the staff report. City Administrator Andrew Bremseth explained that the staff report is simply a recommendation made by staff for discussion by the Planning Commission based on the facts of a case. The role of the PC is to hear the request and get public input before making their recommendation to the City Council, who makes the final decision. PC does not have to follow the staff request. Andrew explained that City Code states a CUP may be issued if the request meets the required criteria listed in code and is approved by the City Council. It was noted that fair conditions can be added to the CUP request.

Mr. Metcalf questioned the applicant's estimate that there could be 6-8 off-street parking spots available on the property. Wendy Metcalf, also of 127 West Oriole Dr, mentioned that a portion of the driveway is considered a sidewalk per City Code and cannot be used for parking vehicle. The applicant noted that she had made the 6-8 vehicle estimate without considering the City right of way. Ms. Hintz said she was planning to move a shed currently located on the driveway to create more parking, but without access to the right of way, her estimation of 6-8 off street parking spots may be wrong. Ms. Hintz suggested expanding the driveway to the front of the house to create more parking. Ms. Hintz stated that, normally, there would only be four or five vehicles parked on site: 2-3 for staff and 1-2 for clinic visitors.

There was some discussion about setbacks from the property line and it was noted that in an R-2 zone the setback for a house is five feet, but, per Building Official Jason Schuetzle, concrete for a driveway could go right to the property line. Jason also mentioned that the property lines shown on GIS are approximate and a survey should be done to locate the recorded property lines. It was noted the curb cut driveway access could not be widened to the street because it corresponds with the size of the garage doors. A concrete pad could be extended beyond the right of way, however.

Mr. Metcalf voiced concerns about allowing concrete in front of the house for additional parking. Jason Schuetzle stated that our City Code does not have ordinance language disallowing concrete in front of houses, but the concrete of a driveway should not extend beyond three garage stalls in width and another curb cut cannot be added to the site without approval by the City Engineer.

Ms. Metcalf had some questions about emergency vehicles having access to property if cars were parked out front. It was noted that there was street parking on both sides of the street in addition to parking on the site. Planning Commission members felt it would be unfair to restrict street parking for a taxpayer. The applicant also noted that, in her experience, most transports to the hospital are non-emergent, meaning if an emergency vehicle were called, it would likely arrive and leave without sirens or lights.

The staff report process was again questioned. Commissioner Duffy explained the process for the staff report and how the public hearing allows the public to ask question and voice concerns that help guide the PC on their recommendations. It was noted that the PC is only making a recommendation to the City Council, and the Council will make the final decision on the request.

Stephanie Metzler, 42252 County Hwy 35, Dent , explained that mothers to come house to give birth and normally leave 2-4 hours after giving birth.

Chair Kilde explained this business is an allowed use in this zone with a CUP if it meets the code criteria. If it does not meet the requirements, there are grounds to deny. If the business doesn't follow the conditions of a CUP, the CUP may

be revoked.

Mary Ann Goese, 114 Oriole Dr, stated that she lived next to 124 West Oriole Dr. She did not object to the use of the building as a birthing facility but was concerned by the suggested expansion of a concrete pad directly up to her property line to increase off-street parking, an aesthetic choice that may negatively affect the resale value of her home.

Mike Fletchall, 136 West Meadowlark Ln, has concerns about parking. He said that a business in a commercial zone would have parking requirements. Mr. Fletchall stated that he felt that in the proposed findings listed in the staff report, the application did not meet criteria #1 regarding safety or criteria #3 regarding the character of the neighborhood.

Andrew Yaggie, 1816 Deer Valley Rd, stated that similar businesses have been operating in the neighborhood for many years with no registered problems. The property is listed as a residential site on MLS.

Todd Hinsverk, 102 Oriole Dr, voiced concerns about an increase in traffic and the safety of the neighborhood children.

Ann Hintz stated her intent to be a good neighbor and maintain the character of the neighborhood.

Commissioner Kunde asked the neighbors what they would like to see done, and they replied that they would like to see the house become a single-family home. Ann Hintz replied that the house would go from 8 bedrooms to 4 bedrooms and reminded the commission that her goal is to renovate her commercial property for daily clinic use and only use the Oriole Dr property for home births.

Chair Kilde closed the public hearing at **6:15 PM** and brought it back to the PC for discussion.

Andrew Bremseth stated that the applicant may ask the City for an encroachment agreement for off-street parking on the driveway pad as an option, but it would need to be approved by the City Council.

The consensus among PC was that 124 West Oriole Dr was not built like a typical single-family home but is instead laid out for clinical use and is unlikely to ever become a single-family home. The PC felt the use of 124 West Oriole Dr as a birthing clinic would not adversely affect the neighborhood. The PC did not note compelling evidence demonstrating that previous uses had adversely affected the neighborhood beyond an increase in on-street parking, and the PC did not feel it was appropriate to restrict access to on-street parking for a taxpaying property. To maximize on-site parking, they instead suggest Council place a condition on the permit that the applicant provide five (5) off-street parking spots for employees and visitors within 9 months of receiving the CUP.

Ann Hintz stated they will need to get licensing from the State of MN to operate at this location and provide the State with a parking flow plan that meets the State requirements for approval. They plan to use the posts in the ground from the prior group home for signage. Chair Kilde mentioned that Ann would also need to follow the signage requirements of the City.

Commissioner Kunde made a motion to recommend approval of the request for a Conditional Use Permit to allow an independent out-of-hospital home-birth midwifery practice in an R-2 zone at 124 West Oriole Dr as requested by Ann Hintz, dba Franklin & Stanley LLC, with the following conditions:

1. The applicant must abide by all applicable building codes and laws (including City ordinances) during the build-out and operation of this facility and acquire and maintain any required licenses or permits.
2. The applicant will provide five (5) off-street parking spots for employees and visitors within 9 months of receiving the CUP to maximize on-site parking.

It was seconded by Commissioner Pesek. Passed unanimously.

Chair Kilde stated that the PC is just making a recommendation to the City Council. The City Council will be making the final decision on this CUP request at the City Council meeting on December 18, 2023 at 5:30 PM in the Council Chambers of City Hall.

STAFF UPDATES

None

The meeting adjourned at **6:55 PM**.

Klara Beck
Community Development Manager



Planning Commission Staff Report

To: City of Fergus Falls Planning Commission
Respectfully Submitted: Klara Beck, Community Development Manager
Date: January 17, 2024
Subject: F-2024-1

REQUESTED ACTION

Recommend approval of a final plat for a two-lot subdivision of Timber Cove Addition at 1151 Friberg Avenue as requested by the Fergus Falls Housing and Redevelopment Authority.

GENERAL INFORMATION

Applicant	Housing and Redevelopment Authority of Fergus Falls	Application Received	December 18, 2023
Property Owner	Housing and Redevelopment Authority of Fergus Falls DBA GARITZ GROVE LLC	PC Meeting to be held	January 22, 2024
Address	1151 Friberg Ave, Fergus Falls MN 56537 1161 Friberg Ave, Fergus Falls MN 56537	City Council Meeting	February 5, 2024
Parcel Number(s)	71002992140000 & 71002992141000	60 Day Expiration	February 16, 2024
Zoning	R-4		

BACKGROUND

Proposed Project

Early in 2019, Deb Sjostrom and Margaret Williams from Otter Tail County Human Services organized a meeting to discuss housing needs in Otter Tail County for residents experiencing mental illness/mental health crisis and substance abuse which can lead to evictions and homelessness. A group of local service providers began meeting regularly to discuss program coordination and needs of residents. Fergus Falls HRA partnered with Beyond Shelter early in 2020 to discuss a future development. A needs analysis for Permanent Supportive Housing was completed in April 2020 and the results provided needed direction for the size and location of a building. A successful application to Minnesota Housing and the Federal Home Loan Bank resulted in the funding for the project. Garitz Grove, a new 24-unit Permanent Supportive Housing project, will begin accepting residents early in 2024.

Site Information & Current Conditions

An application for a preliminary plat was submitted to the City of Fergus Falls by the Fergus Falls Housing and Redevelopment Authority (HRA) on May 28, 2021, to plat 1 parcel of land located at 1151 Friberg Avenue for a 24-unit multi-family structure for the purpose of permanent supportive housing. The property being platted is zoned R-4 (Multiple-Family Residence

District). The original parcel is 3.68 acres and includes the existing floorplan of the office of the HRA, associated driveway and parking lot for the office, and a gravel trail. The plat subdivides the existing parcel into two parcels. Parcel 71002992140000 now houses the HRA office. Parcel 71002992141000 (1161 Friberg Ave) contains the footprint of the multi-family structure now known as Garitz Grove.

A public hearing on the preliminary plat was conducted at the June 28, 2021, meeting of the Planning Commission. Comments on the preliminary plat were sought from staff in the Engineering Department and the Fire Department, and a copy of the public notice was also sent to the local office of the Minnesota Department of Natural Resources. Engineering stated that access to Friberg Avenue needs to be limited to one curb cut. The Fire Department stated the proposed parking lot configuration on Lot 2 was acceptable if the building was fully sprinklered (it is).

The Planning Commission voted to recommend approval of the preliminary plat to the City Council with the following condition: That the applicant shall work with the Engineering Department to resolve concerns with the proposed driveway on 71002992141000 connecting the parking lot and Friberg Avenue.

Since the meeting on June 28, 2021, Moore Engineering worked with the applicant and the City of Fergus Falls to prepare a final plat for review. The proposed driveway on Lot 2 connecting the parking lot to Friberg Avenue via the area on the plat marked "Existing Curb Cut/Access" was removed. The final plat also includes the location of a stormwater easement area and a bump-out for a shelter/ bike rack that was added to the site design but not considered in the preliminary plat.

Per MN Statutes 462.358 Subd. 3b, "Following preliminary approval, the applicant may request final approval by the municipality, and upon such request the municipality shall certify final approval within 60 days if the applicant has complied with all conditions and requirements of applicable regulations and all conditions and requirements upon which the preliminary approval is expressly conditioned either through performance or the execution of appropriate agreements assuring performance."

Adjacent Zoning

Adjacent Zoning is R-1 and R-4.

Adjacent Uses

Adjacent uses include the Fergus Falls Area Family YMCA, multi-family housing, HRA offices, and a church.

PROPOSED FINDINGS

§154.219 of the City Code states that plats shall be approved by the Planning Commission and the City Council as having fulfilled the requirements of the Subdivisions subchapter (§154.215 – §154.236). The following findings address these requirements.

1. The final plat contains the required information of the subdivision ordinance. [§154.226]
The Community Development Manager and Engineering Department reviewed the plat and find it contains the technical information required. Criteria met.
2. The final plat complies with any modifications and/or conditions required by the City Council as part of preliminary plat approval.
The preliminary plat contained an unapproved curb cut, which has been removed in the final plat. The final plat also includes additional square footage for a shelter/ bike rack and indicates a stormwater easement area. Criteria met.
3. The final plat conforms to the subdivision ordinance requirements and underlying zoning district(s) requirements as it relates to lots, blocks, streets and alleys. [§154.227 - §154.229]
The plat meets all the requirements for a final plat for the R-4 zone, which includes requirements for multi-family housing. Criteria met.
4. The area to be subdivided is serviced by the required infrastructure improvements as defined in §154.232(B).
Public water and sanitary sewer exist within the plat area. The plat, utilities and easements have been reviewed by the city engineer and have been deemed acceptable at this time. Criteria met.
5. The subdivision is suitable for the proposed use and will not be detrimental to health, safety, and general welfare of future residents or the community. [§154.220]
The configuration of the new multi-family building is harmonious with the adjacent multi-family housing also built and managed by the HRA. Criteria met.

RECOMMENDED ACTION

Recommend approval without changes or conditions of a final plat for a two-lot subdivision of Timber Cove Addition at 1151 Friberg Avenue as requested by the Fergus Falls Housing and Redevelopment Authority.

ATTACHMENTS

1. Context Map
2. Zoning Map
3. Preliminary Plat
4. Application & Supporting Materials



Perks Coffee & Tea (Fir Location)

Fergus Falls Area Family YMCA

Garitz Grove Apartments

Goldenwood

Grace United Methodist Church

Cardinal Homes

Christine House

Twin Oaks Condominium Association

Timber Pl

Foothill

Somerset Rd

E Fir Ave

E Fir Ave

E Fir Ave

E Fir Ave

E Fir Ave

E Fir Ave

E Cherry Ave

E Cherry Ave

E Beech Ave

Mitchell Pl

Mitchell Pl

Mitchell Pl

Sunset Dr

Sunset Dr

Sunset Dr

Otter Trail Scenic Byway

Otter Trail Scenic Byway

Somerset Rd

Somerset Rd

Springen Ave

Circle Ln



1:3,600

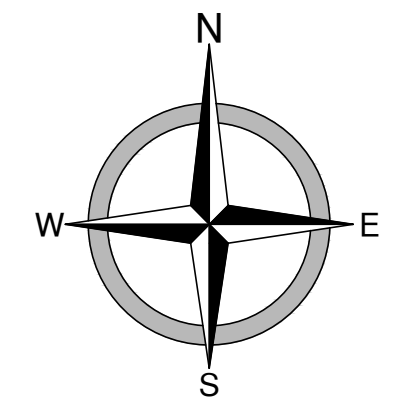
1151 Friberg Ave Zoning Map

This map has been compiled from information on file at the City of Fergus Falls Engineering Department. The City of Fergus Falls makes no representation and assumes no liability for errors, omissions, or inaccuracies contained on this map. This map should not be used for boundary survey information.

FILE LOCATION: R:\Projects\210001218001\218001\SURVEY\DRAWINGS\21800 Prelim Plat.dwg

CERTIFICATE OF SURVEY

PART OF TRACT B
 REGISTERED LAND SURVEY No. 7
 IN THE NW 1/4-NE 1/4
 SECTION 35-133-43
 CITY OF FERGUS FALLS
 OTTER TAIL COUNTY, MINNESOTA



0 30
 Scale in Feet

BASIS OF BEARING: REGISTERED
 LAND SURVEY No. 7

LEGEND

- IRON MONUMENT SET AND MARKED WITH LAND SURVEYOR NO. 43807
- FOUND IRON MONUMENT
- ⊙ FLAG POLE
- ⊙ GAS METER
- ⊙ POWER POLE
- ⊙ LIGHT POLE
- ⊙ AIR CONDENSER
- ⊙ ELECTRICAL PEDESTAL
- ⊙ UTILITY PEDESTAL
- ⊙ COMMUNICATION MANHOLE
- ⊙ SANITARY SEWER MANHOLE
- ⊙ SANITARY SEWER CLEAN OUT
- ⊙ HYDRANT
- ⊙ GATE VALVE
- ⊙ CURB STOP
- ⊙ STORM SEWER MANHOLE
- ⊙ CATCH BASIN
- - - CONTOUR LINE
- - - EDGE OF TREES
- - - GAS MAIN LINE
- - - ELECTRICAL LINE
- - - FIBER OPTIC LINE
- - - SANITARY SEWER LINE
- - - WATER MAIN LINE
- - - STORM SEWER LINE
- ▨ BUILDING
- ▨ BITUMINOUS
- ▨ CONCRETE
- ▨ GRAVEL
- ▨ LANDSCAPING
- DECIDUOUS TREE
- CONIFEROUS TREE

CERTIFICATION

I hereby certify that this survey, specification, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Christopher D. Hoyer
 Christopher D. Hoyer, Minnesota License No. 43807
 Date signed: May 26, 2021

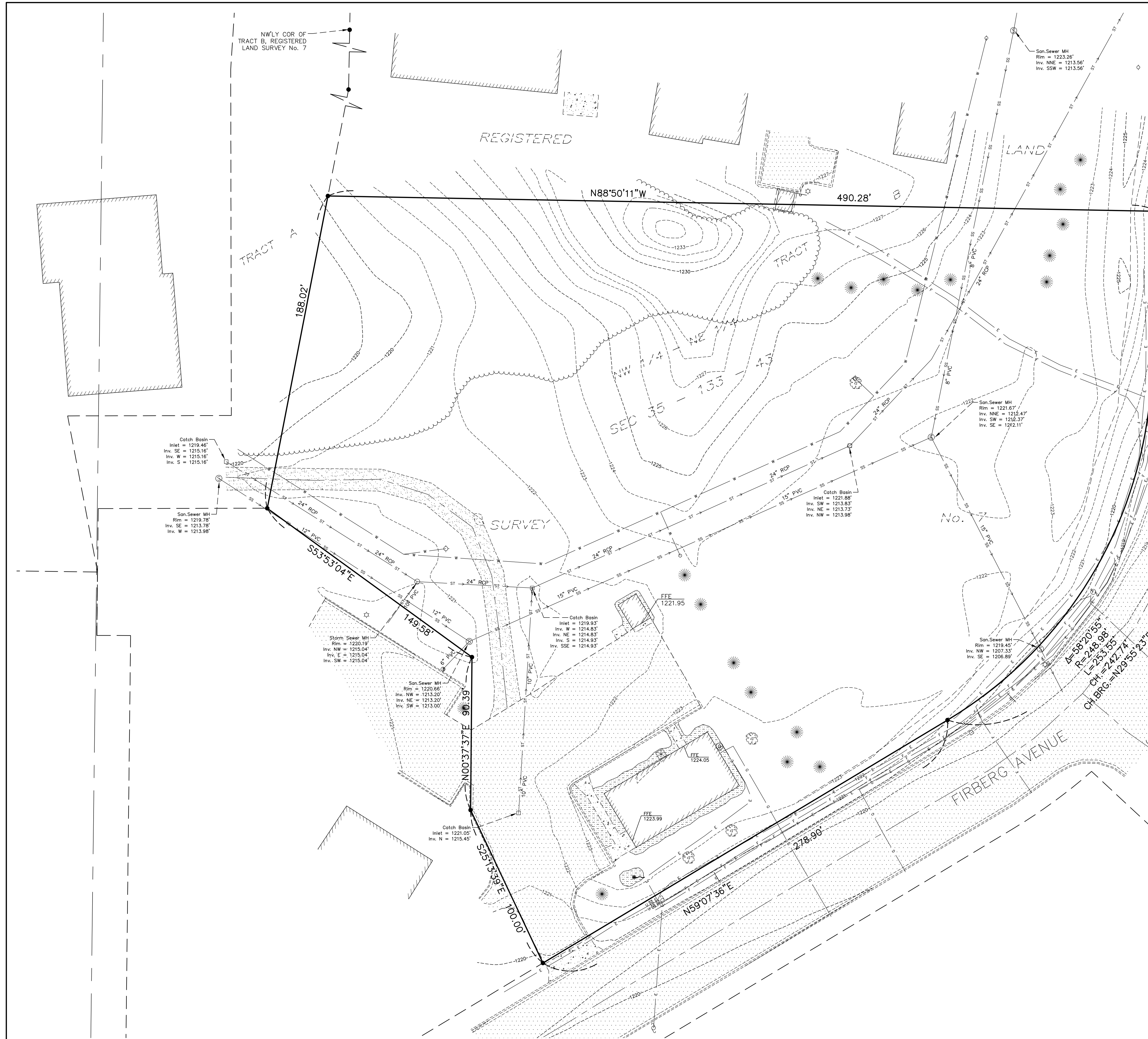
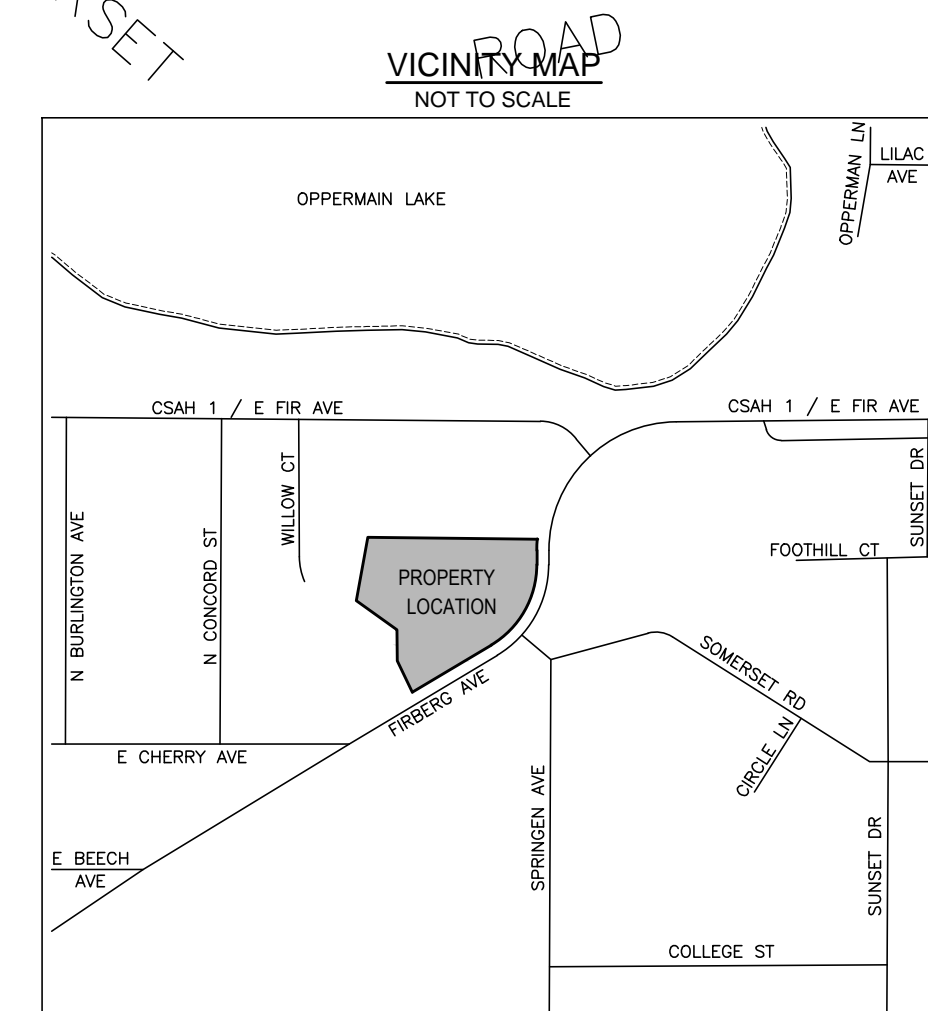
CERTIFICATE OF SURVEY

CLIENT: FERGUS FALLS HRA
 MIKEL OLSON
 1151 FRIBERG AVE
 FERGUS FALLS, MN

SURVEYED PROPERTY ADDRESS:
 1151 FRIBERG AVE
 FERGUS FALLS, MN

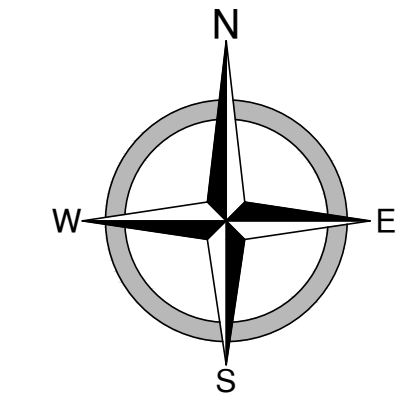


DRAWN ON:	05.25.21	PROJECT NO.	21800
DRAWN BY:	LFB		
CHECKED BY:	CDH		
PROJECT MANAGER:	CDH		
FIELD BOOK:	--		V-101
PAGE:	--		
DATE OF FIELDWORK:	03.25.21		
REVISED:	--		SHEET 1 OF 1



PRELIMINARY PLAT OF TIMBER COVE ADDITION

PART OF TRACT B
REGISTERED LAND SURVEY No. 7
IN THE NW 1/4-NE 1/4
SECTION 35-133-43
PARCEL ID NO. 71002991637000
CITY OF FERGUS FALLS
OTTER TAIL COUNTY, MINNESOTA



Scale in Feet
0 30

BASIS OF BEARING: REGISTERED
LAND SURVEY No. 7
DATE PREPARED: 5/18/21

LEGEND

- IRON MONUMENT SET AND MARKED WITH LAND SURVEYOR NO. 43807
- FOUND IRON MONUMENT
- SETBACK LINE
- FUTURE BUILDING
- FUTURE PARKING/ROAD

PROPERTY ZONING: R-4

LOT 1
LOT AREA: 100,155 sq.ft.
EXISTING BUILDINGS: 2839 sq.ft.
BUILDING COVERAGE: 3%

LOT 2
LOT AREA: 60,356 sq.ft.
PROPOSED BUILDING: 9000 sq.ft.
24 UNITS/3 STORY STRUCTURE
BUILDING COVERAGE: 15%
SQ FEET REQUIRED PER UNIT: 2200 (300 SQ.FT. ALLOWANCE PROPERTY ON THOROUGHFARE)
24*2200=52,800 sq.ft. MINIMUM LOT AREA REQUIRED
FLOOR AREA RATIO: 9000/60,356 = 0.45
PROPOSED PARKING STALLS: 24UNITS*1.5=36 STALLS

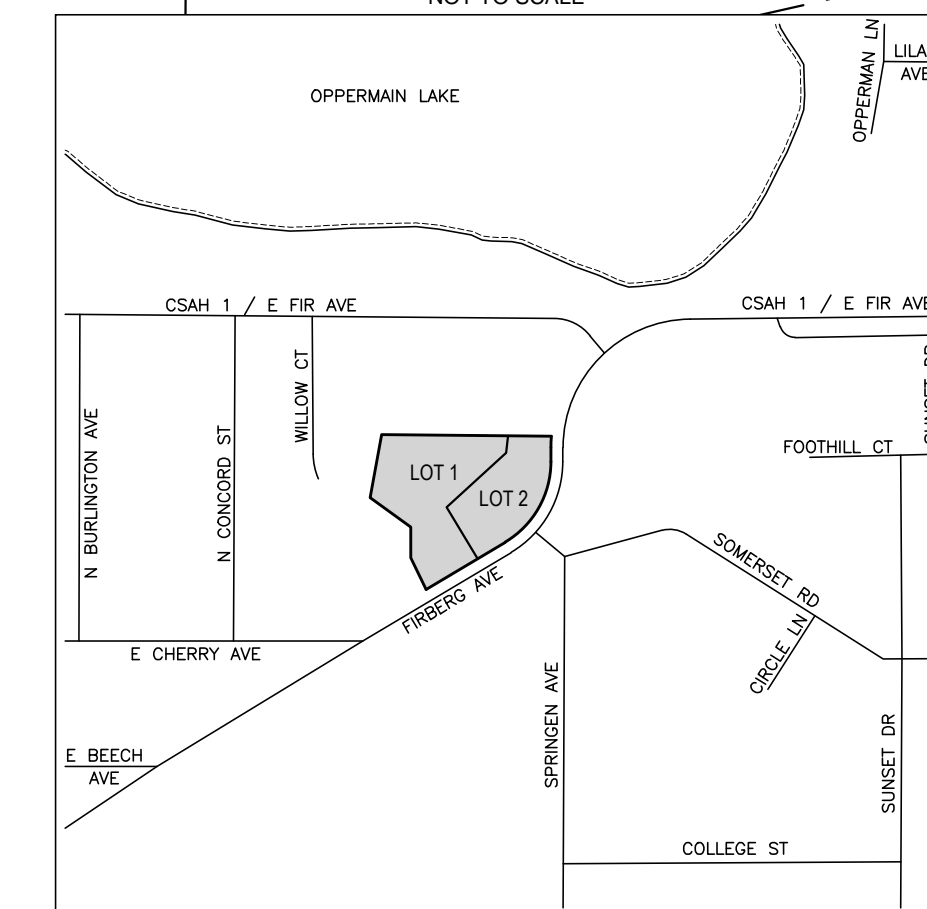
TOTAL PLAT AREA: 3.685 ACRES
ADDRESS: 1151 FIRBERG AVE

TRACT DESCRIPTION:

All that part of Tract B, REGISTERED LAND SURVEY NO. 7, on file and of record in the Office of the Registrar, Otter Tail County, Minnesota lying southerly of the following described line:

Commencing at the northwest corner of said Tract B; thence South 01 degree 09 minutes 49 seconds West, record bearing, along the westerly line of said Tract B for a distance of 150.00 feet; thence South 11 degrees 05 minutes 47 seconds West along said westerly line for a distance of 152.28 feet to the point of beginning of the line to be described; thence South 88 degrees 50 minutes 11 seconds East for a distance of 490.28 feet to the easterly line of said Tract B and said line there terminates, containing 160,511 square feet, more or less.

VICINITY MAP NOT TO SCALE



CERTIFICATION

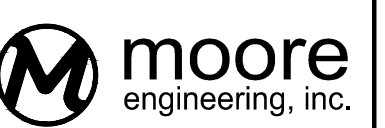
I hereby certify that this survey, specification, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Christopher D. Heyer
Christopher D. Heyer, Minnesota License No. 43807

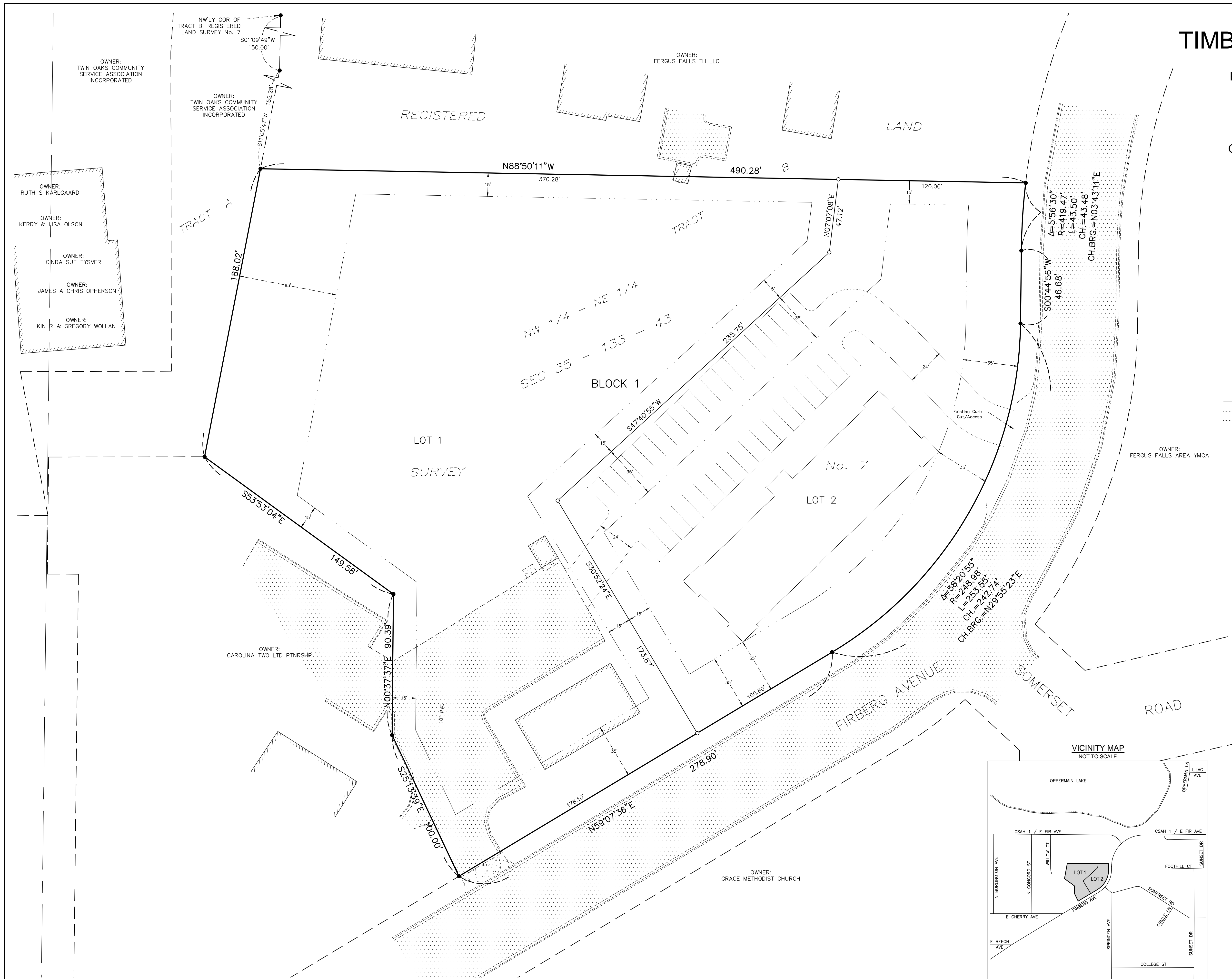
Date signed: May 26, 2021

SURVEYOR: Chris Heyer
Moore Engineering, Inc
1808 E. Fir Ave.
Fergus Falls, MN

DEVELOPER: Fergus Falls HRA
Mikel Olson - Executive Director
1151 Firberg Ave
Fergus Falls, MN



PROJ. NO.
21800
SHEET 1 OF 1



PRELIMINARY PLAN NOT FOR CONSTRUCTION

24 - PLEX FERGUS FALLS, MN

ARCHITECTURAL (11x17 SHEETS)

- A-0 COVER SHEET
- A-1 SITE PLAN
- A-2 EXTERIOR ELEVATIONS
- A-3 FLOOR PLANS
- A-4 UNIT PLAN TYPE 'A'
- A-5 UNIT PLAN TYPE 'B'
- A-6 UNIT PLAN TYPE 'B CORNER'
- A-7 CROSS SECTION

CONTACT INFORMATION

ARCHITECT
PRAIRIE DESIGN STUDIO
601 SHEYENNE ST., HORACE, ND 58047
PHONE: (701) 282-2850
PROJECT MANAGER: CHELSEY JOHNSON

PROJECT INFORMATION

GENERAL	NEW CONSTRUCTION OF 24 APARTMENT UNITS AND 1ST FLOOR OFFICE SPACE. WOOD CONSTRUCTION.
CONSTRUCTION TYPE	TYPE V - A
OCCUPANCY	APARTMENT 'R-2' AND OFFICE SPACE 'B'
SPRINKLERED	YES
TABULAR BUILDING AREA PER FLOOR	'B' - 18,000 S.F. 'R-2' - 12,000 S.F.
ALLOWABLE AREA INCREASES	
AREA INCREASE DUE TO FRONTAGE	If = $(314/494)30/30$ If = 64%
AREA INCREASE DUE TO SPRINKLER PROTECTION	Is = 200%
2015 MN BUILDING CODE EQ. 5-1 $A_a = A_t + [A_t \times I_f] + [A_t \times I_s]$	$A_a = 18,000 + [18,000 \times 0.64] + [18,000 \times 2]$ A_a FOR 'B' = 65,520 S.F. PER STORY $A_a = 12,000 + [12,000 \times 0.64] + [12,000 \times 2]$ A_a FOR 'R-2' = 43,680 S.F. PER STORY
TOTAL BUILDING SQUARE FOOTAGE	1ST FLOOR 'B': 9,174 (14% OF ALLOWED) 2ND FLOOR 'R-2': 9,258 (22% OF ALLOWED) 3RD FLOOR 'R-2': 9,258 (22% OF ALLOWED) TOTAL BUILDING AREA 27,690 S.F.
MAX. NO. OF STORIES	3 (4 IF AUTOMATIC SPRINKLER SYSTEM)
ACTUAL NO. OF STORIES	3
ALLOWABLE HEIGHT ABOVE GRADE	50' (60' IF AUTOMATIC SPRINKLER SYSTEM)
ACTUAL HEIGHT	38'
AREA SEPARATIONS	NO
OCCUPANCY SEPARATIONS	YES - 1 HOUR BETWEEN 'B' AND 'R-2'
CORRIDOR RATING	'B' NO RATING REQUIRED 'R-2' 1/2 HOUR

DATE	03 - 31 - 20
PROJECT NO.	181801
COMPUTER NO.	181801P1
DRAWN BY	CMJ

REVISIONS	DATE

DATE _____ REG. NO. _____
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR CONTRACT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.








PRAIRIE DESIGN STUDIO
601 SHEYENNE ST., HORACE, ND 58047 / 701-282-2850

24 - PLEX
FERGUS FALLS, MN

FERGUS FALLS HOUSING AUTHORITY
FERGUS FALLS, MN

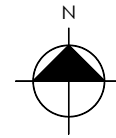
A-0

NOTE: THIS DRAWING IS COPYRIGHTED AND SHALL NOT BE REPRODUCED WITHOUT ARCHITECT'S WRITTEN PERMISSION.

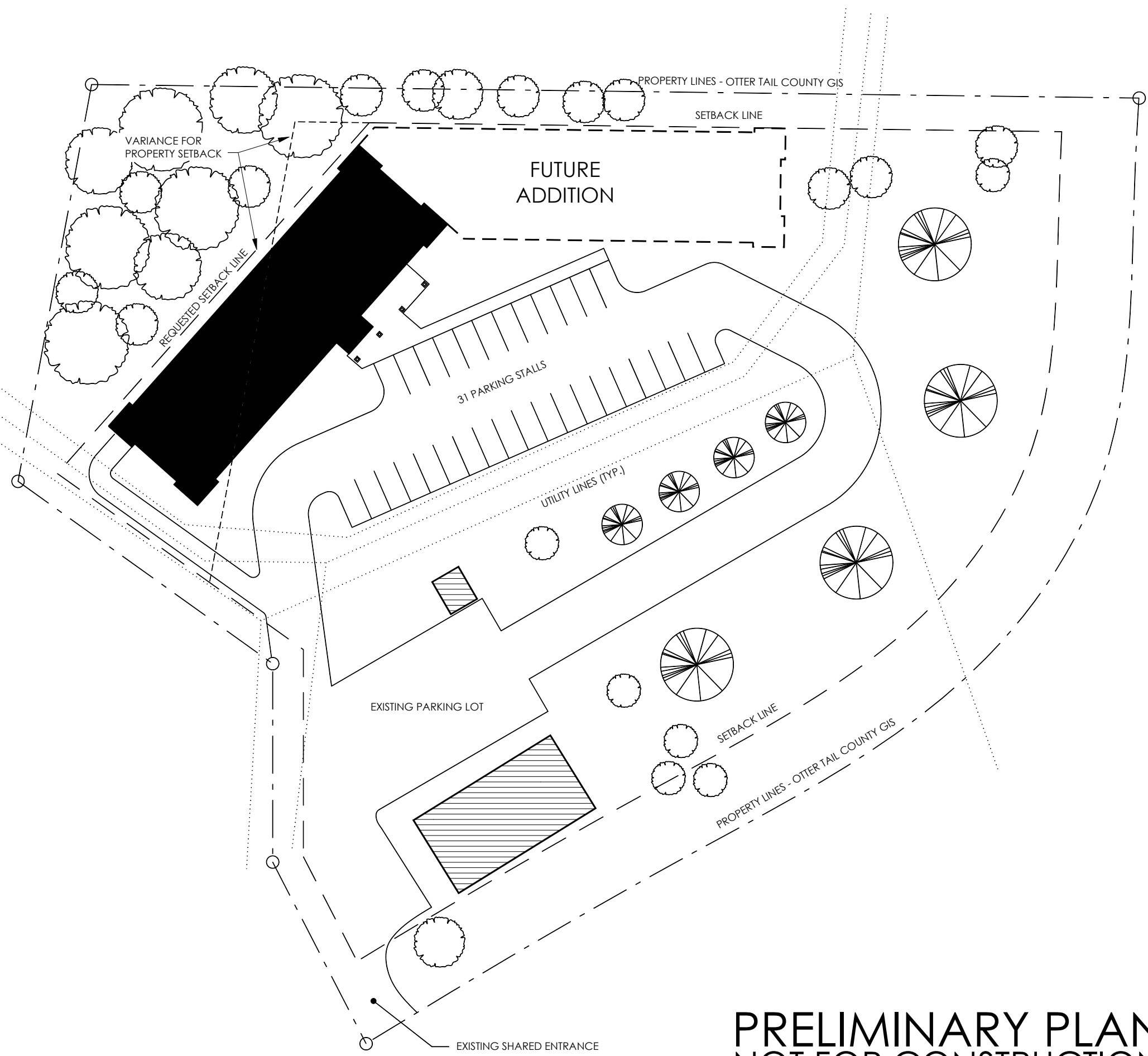
KEY	
	PROPERTY LINE
	SETBACK LINE
	UTILITY LINE
	EXISTING STRUCTURE
	PROPOSED STRUCTURE
	EXISTING TREE
	NEW TREE

SITE LAYOUT

1" = 50'-0"



DISCLAIMER:
 THE INFORMATION ON THE SITE PLAN WAS TAKEN FROM THE
 WEB. PRAIRIE DESIGN DOES NOT TAKE RESPONSIBILITY FOR
 THE ACCURACY OF THIS INFORMATION. THESE DRAWINGS ARE FOR
 PRELIMINARY PLANNING PURPOSES AND A CIVIL ENGINEER MUST BE
 HIRED TO COMPLETE THE PROJECT.



**PRELIMINARY PLAN
 NOT FOR CONSTRUCTION**

DATE	04 - 28 - 20
PROJECT NO.	181801
COMPUTER NO.	181801P1
DRAWN BY	CMJ

REVISIONS	DATE

HEREBY CERTIFY THAT THE PLAN, SPECIFICATION, OR
 DRAWING IS MY OWN WORK, OR WAS MADE UNDER MY
 SUPERVISION, AND THAT I AM A DULY LICENSED
 ARCHITECT UNDER THE LAWS OF THE STATE OF
 MINNESOTA.
 NAME: STOKES REG. NO. _____
 DATE: _____

PRAIRIE DESIGN
 STUDIO
 601 SHEYENNE ST., HORACE, ND 58047 / 701-282-2850

24 - PLEX
 FERGUS FALLS, MN

**FERGUS FALLS
 HOUSING AUTHORITY**
 FERGUS FALLS, MN

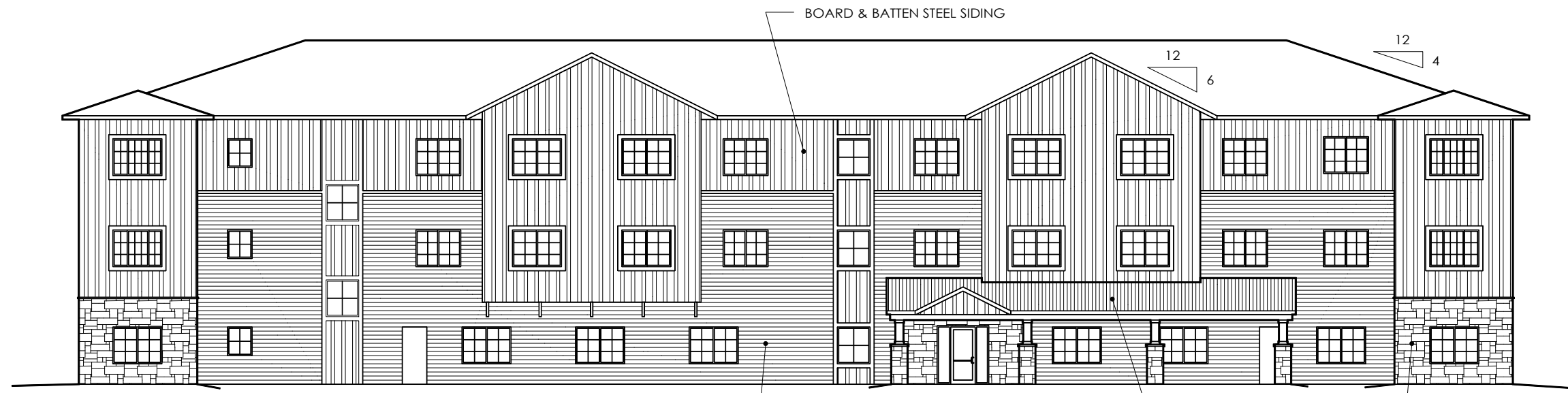
NOTE: THIS DRAWING IS COPYRIGHTED AND SHALL NOT BE REPRODUCED WITHOUT ARCHITECT'S WRITTEN PERMISSION.

DATE	04 - 22 - 20
PROJECT NO.	181801
COMPUTER NO.	181801P1
DRAWN BY	CMJ
REVISIONS	
DATE	

PRairie DESIGN STUDIO
601 SHEYENNE ST., HORACE, ND 58047 / 701-282-2850

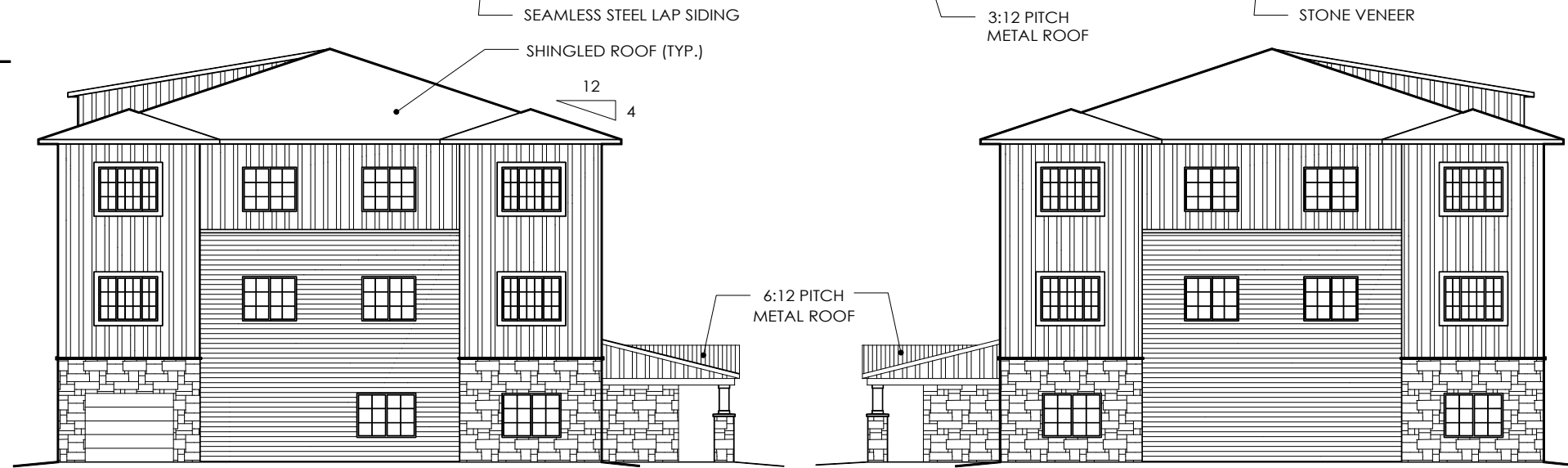
24 - PLEX
FERGUS FALLS, MN

FERGUS FALLS HOUSING AUTHORITY
FERGUS FALLS, MN



SOUTH ELEVATION

1" = 16'-0"

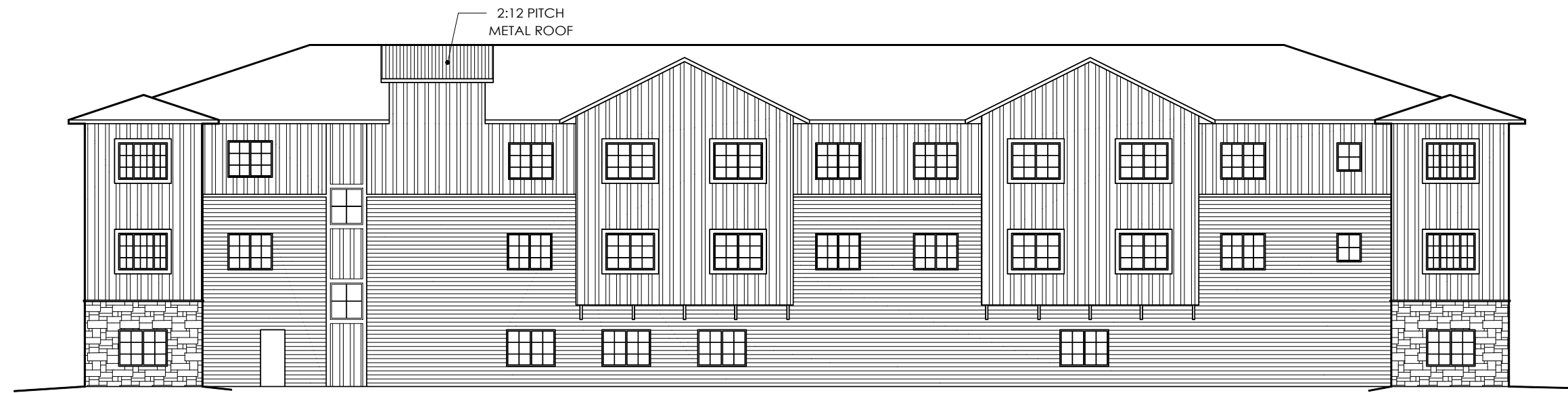


WEST ELEVATION

1" = 16'-0"

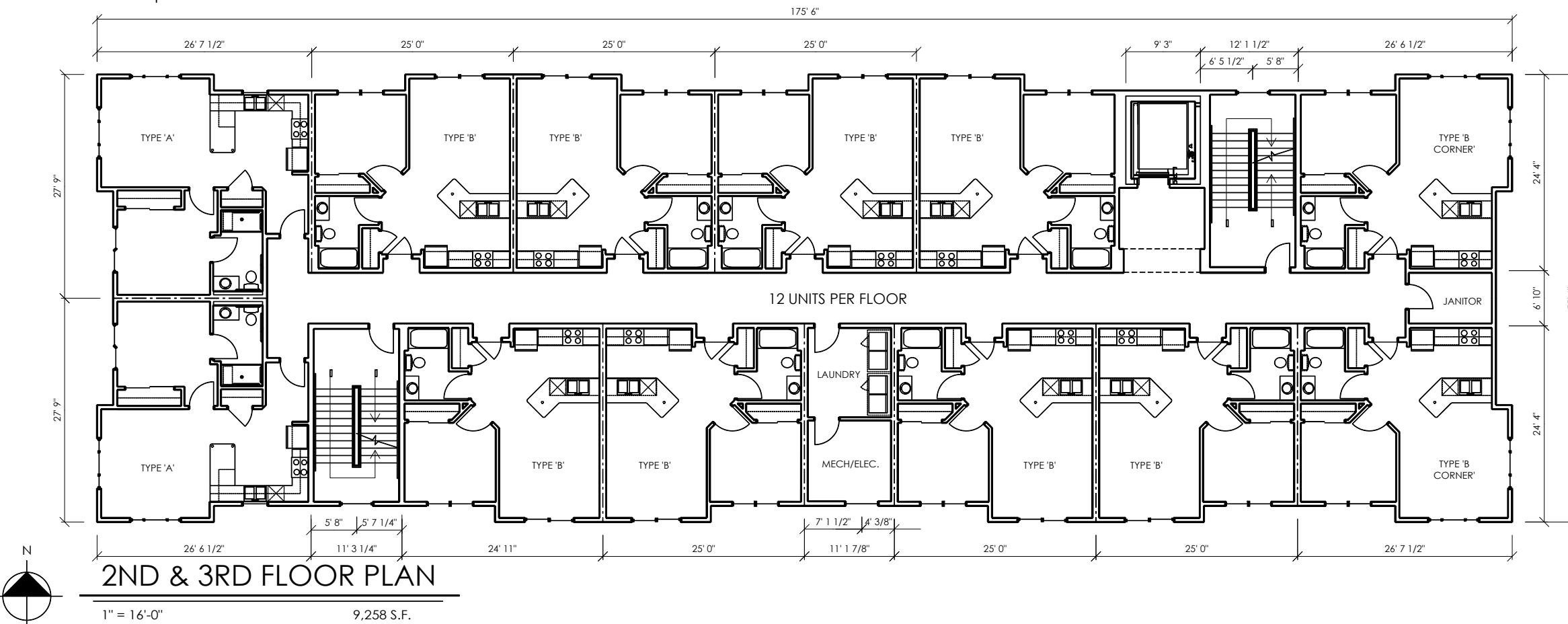
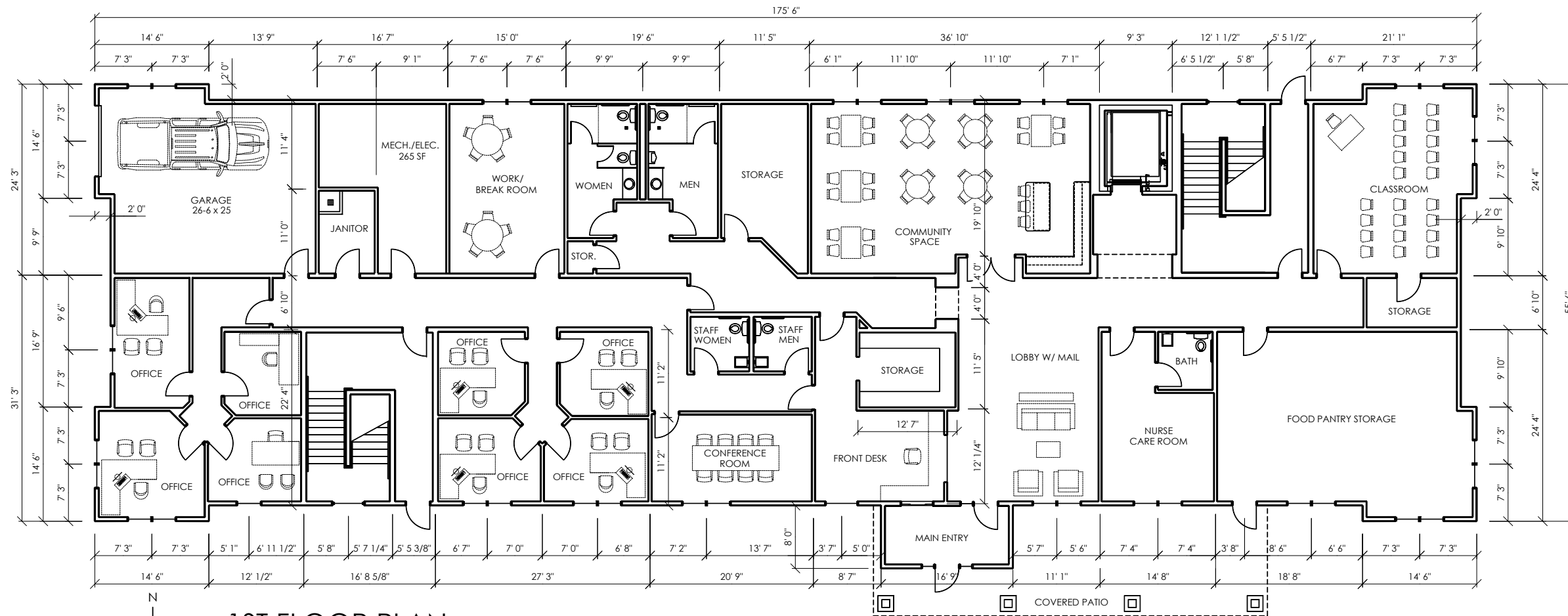
EAST ELEVATION

1" = 16'-0"



NORTH ELEVATION

1" = 16'-0"



PRELIMINARY PLAN
NOT FOR CONSTRUCTION

DATE	04 - 22 - 20
PROJECT NO.	181801
COMPUTER NO.	181801P1
DRAWN BY	CMJ

REVISIONS	
DATE	

HEREBY CERTIFYING THAT THE DESIGNATION OF REGISTERED PROFESSIONAL ARCHITECT IS MY DIRECT SUPERVISION, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

MARK STOKES REG. NO. 18222856

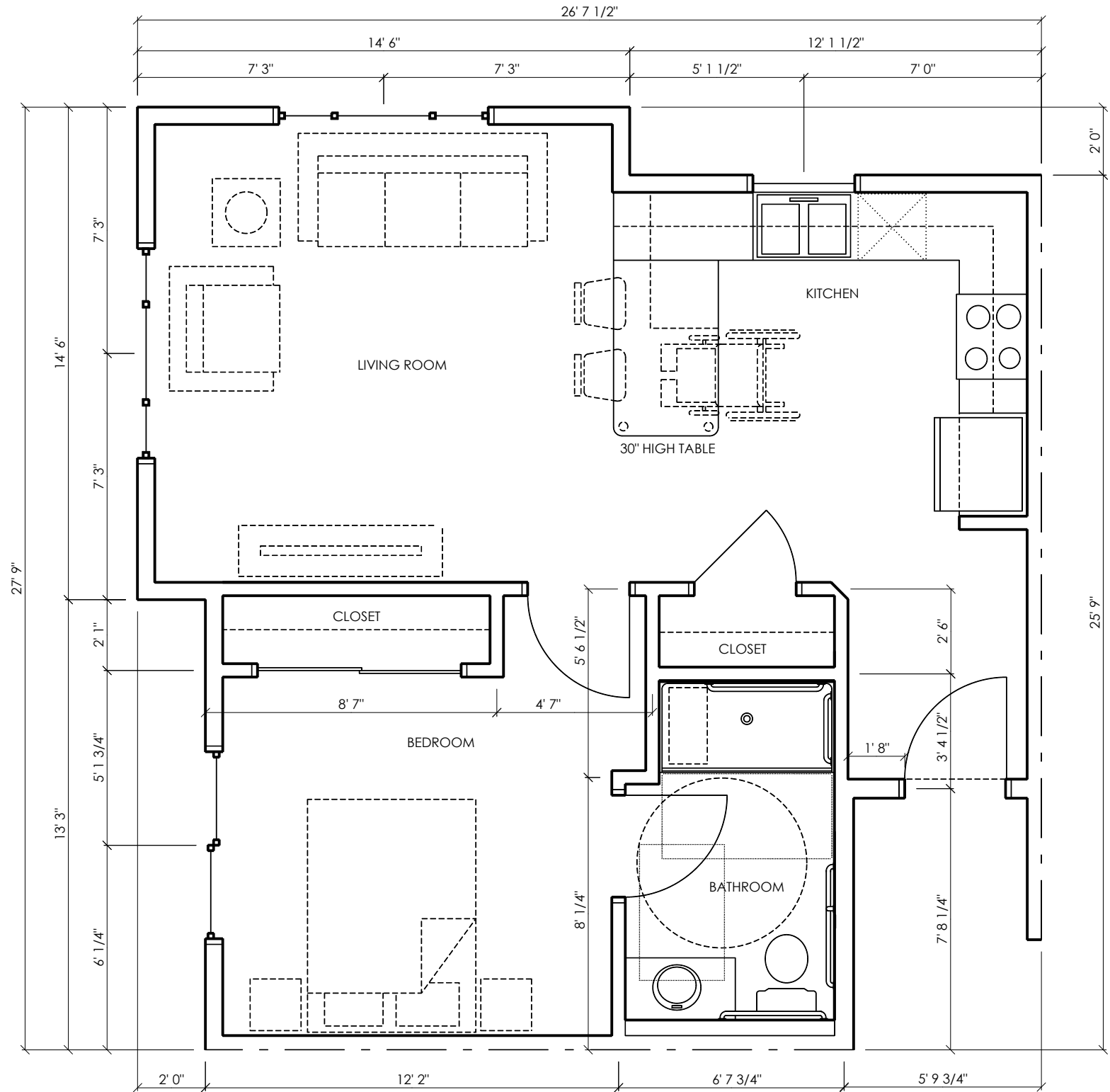
PRAIRIE DESIGN
STUDIO
601 SHEYENNE ST., HORACE, ND 58047 / 701-822-2856

24 - PLEX
FERGUS FALLS, MN

FERGUS FALLS HOUSING AUTHORITY
FERGUS FALLS, MN

A-3

NOTE: THIS DRAWING IS COPYRIGHTED AND SHALL NOT BE REPRODUCED WITHOUT ARCHITECT'S WRITTEN PERMISSION.



UNIT TYPE 'A'

1/4" = 1'-0" 643 S.F.

**PRELIMINARY PLAN
NOT FOR CONSTRUCTION**

DATE	04 - 29 - 20
PROJECT NO.	181801
COMPUTER NO.	181801P1
DRAWN BY	CMJ

REVISIONS	DATE

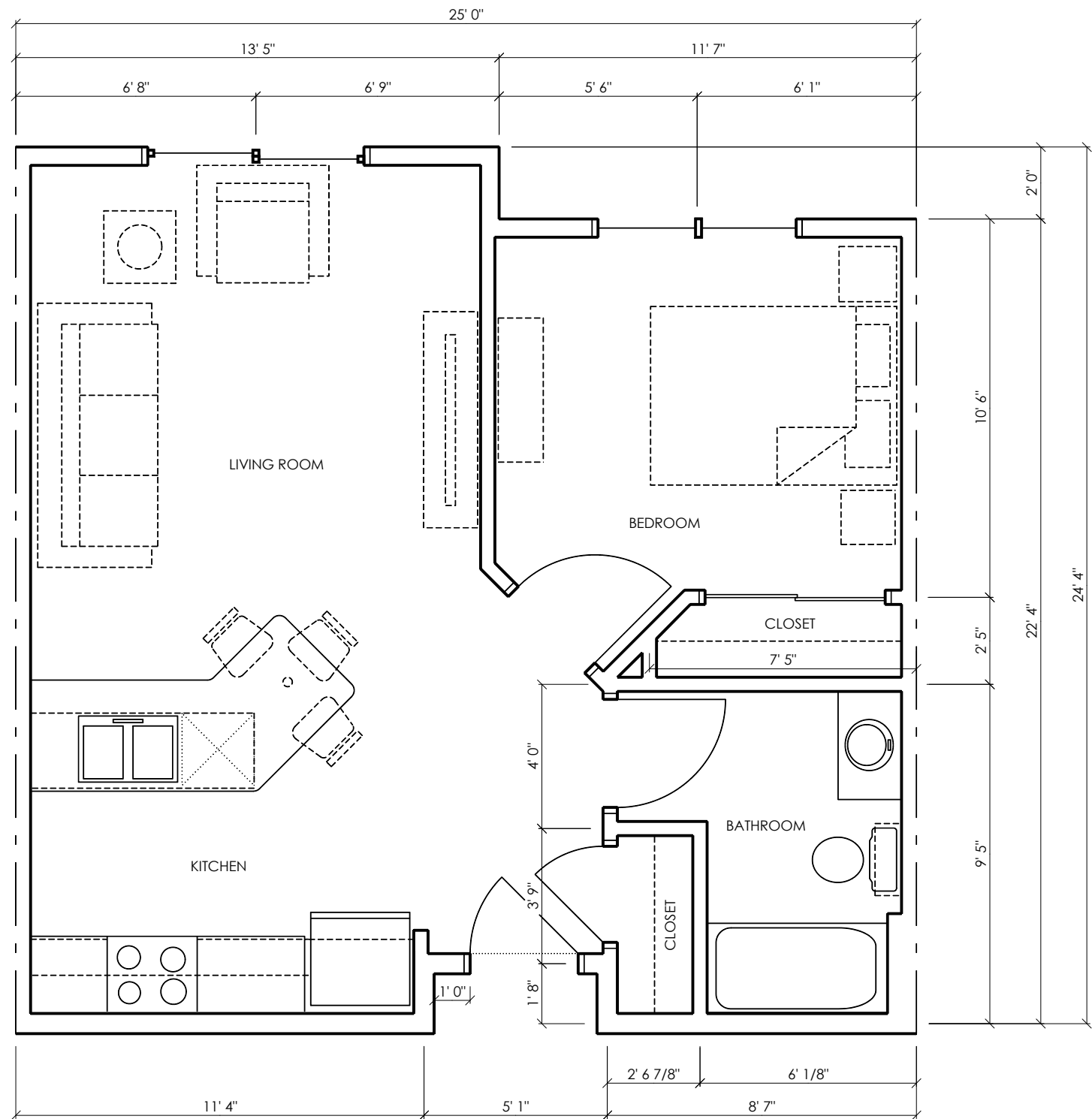
HEREBY CERTIFY THAT THE PLAN SPECIFICATION OR DESIGN PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.
 DATE: _____ REG. NO. _____

PRAIRIE DESIGN
STUDIO
601 SHEYENNE ST., HORACE, ND 58047 / 701-282-2850

24 - PLEX
FERGUS FALLS, MN

FERGUS FALLS HOUSING AUTHORITY
FERGUS FALLS, MN

NOTE: THIS DRAWING IS COPYRIGHTED AND SHALL NOT BE REPRODUCED WITHOUT ARCHITECT'S WRITTEN PERMISSION.



UNIT TYPE 'B'

1/4" = 1'-0" 575 S.F.

**PRELIMINARY PLAN
NOT FOR CONSTRUCTION**

DATE	04 - 22 - 20
PROJECT NO.	181801
COMPUTER NO.	181801P1
DRAWN BY	CMJ

REVISIONS	
DATE	

I HEREBY CERTIFY THAT THE PLAN SPECIFICATION OR DESIGN PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

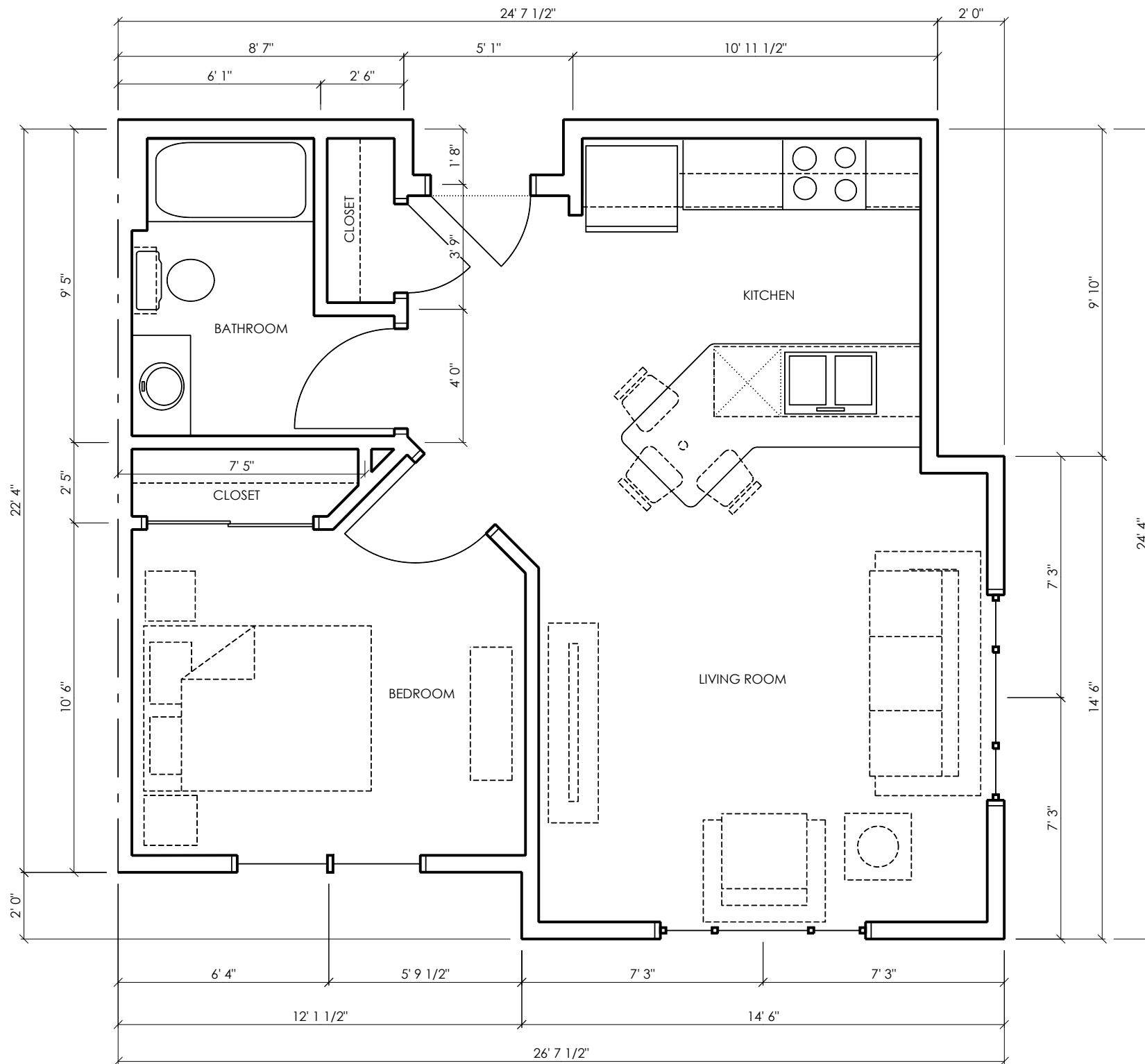
DATE _____ REG. NO. _____
TAMR. STOKES

PRAIRIE DESIGN
STUDIO
601 SHEYENNE ST., HORACE, ND 58047 / 701-282-2850

24 - PLEX
FERGUS FALLS, MN

FERGUS FALLS HOUSING AUTHORITY
FERGUS FALLS, MN

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UNIT TYPE B - CORNER

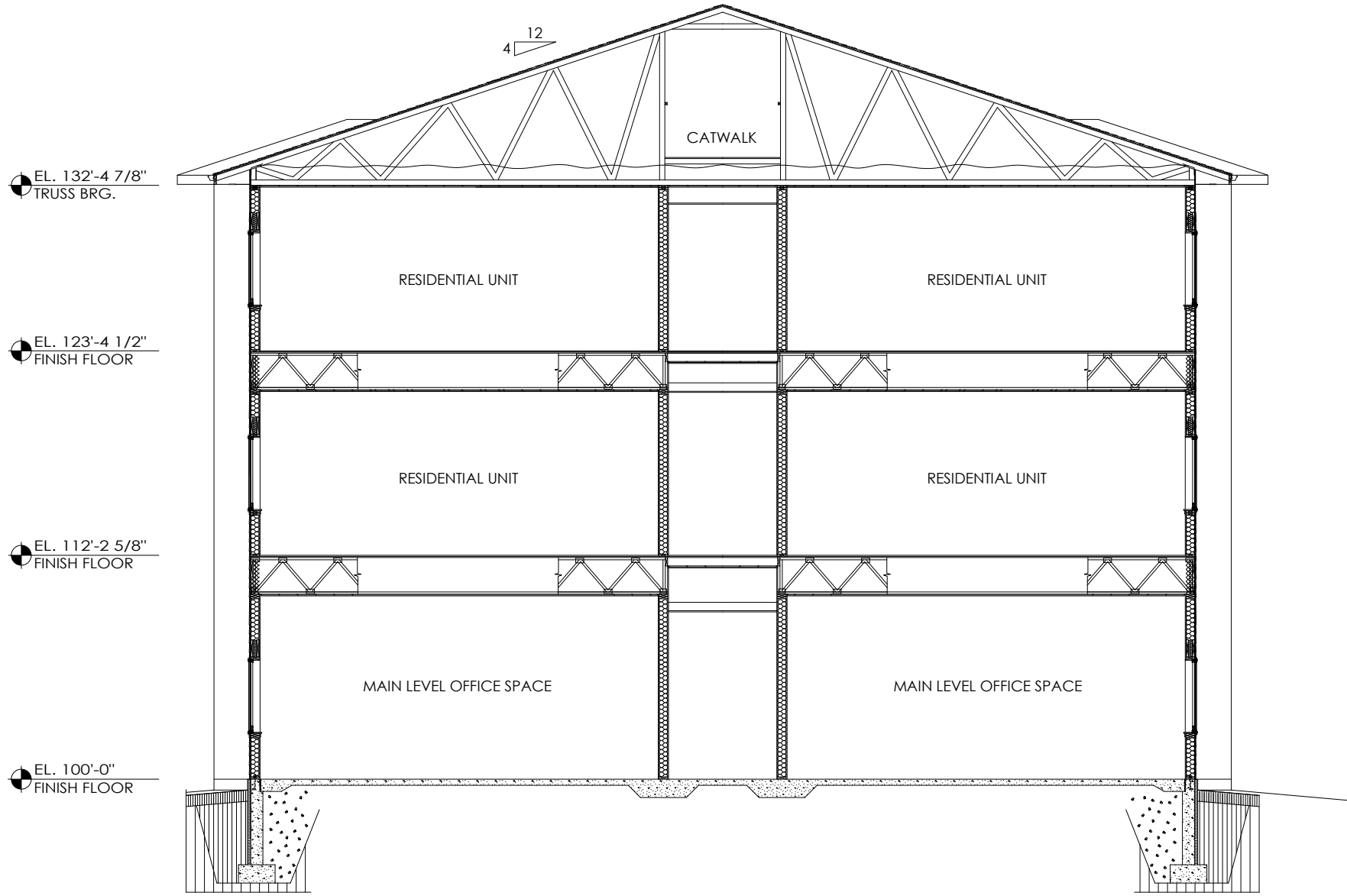
1/4" = 1'-0"

602 S.F.

**PRELIMINARY PLAN
NOT FOR CONSTRUCTION**

FERGUS FALLS HOUSING AUTHORITY FERGUS FALLS, MN	24 - PLEX FERGUS FALLS, MN	PRAIRIE DESIGN STUDIO 601 SHEYENNE ST., HORACE, ND 58047 / 701-282-2850	REVISIONS DATE	DATE 04 - 22 - 20
			PROJECT NO. 181801	PROJECT NO. 181801
NOTE: THIS DRAWING IS COPYRIGHTED AND SHALL NOT BE REPRODUCED WITHOUT ARCHITECT'S WRITTEN PERMISSION.		ARCHITECT UNDER THE LAWS OF THE STATE OF I AM A DUTY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF DATE REG. NO.	COMPUTER NO. 181801P1	DRAWN BY CMJ
A-6				

PRELIMINARY PLAN NOT FOR CONSTRUCTION



CROSS SECTION

1/8"=1'-0"

DATE	03 - 31 - 20
PROJECT NO.	181801
COMPUTER NO.	181801P1
DRAWN BY	CMJ

REVISIONS	DATE

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR
 CONTRACT WAS PREPARED BY ME OR UNDER MY
 SUPERVISION, AND THAT I AM A DULY LICENSED
 ARCHITECT UNDER THE LAWS OF THE STATE OF
 MINNESOTA.
 DATE _____ REG. NO. _____

PRAIRIE DESIGN
 STUDIO
 601 SHEYENNE ST., HORACE, ND 58047 / 701-282-2850

24 - PLEX
 FERGUS FALLS, MN

FERGUS FALLS
 HOUSING AUTHORITY
 FERGUS FALLS, MN

A-7

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112 West Washington Avenue

Fergus Falls, MN 56537

Phone: 218-332-5434

e-mail: building.zoning@ci.fergus-falls.mn.us

www.ci.fergus-falls.mn.us

Preliminary Plat Application

Application fee should be made payable to The City of Fergus Falls upon submittal of completed application. Please complete the application by typing or printing in ink. Use additional paper if necessary.

1. Property Owner Information:

Company name: Housing + Redevelopment Authority of Fergus Falls

Last name: OLSON First name: MIKEL

Address: 1151 FRIZZELL AVE City/State/Zip: Fergus Falls, MN 56537

Phone number: 218-739-3249 Email address: MIKEL@FERGUSFALLS.HRA.MN

2. Applicant Information: (if different from above)

Company name: _____

Last name: _____ First name: _____

Address: _____ City/State/Zip: _____

Phone number: _____ Email address: _____

3. Address(es) of Property Involved: (if different from above)

4. Zoning Designation: R4

5. Comprehensive Plan Designation: _____

6. Statement of Intent: Describe the properties to be combined or created as a part of this Preliminary Plat application and indicate whether a variance, zoning change, and/or Conditional Use Permit will be required for the proposed parcels or the intended use.

THE HRA OFFICE IS LOCATED AT 1151 FRIZZELL AVE, PARCEL # 71002991637000, A SUCCESSFUL APPLICATION TO MHFA TO CREATE 24 UNITS OF PERMANENT SUBSIDIZED HOUSING NECESSITATES THE CREATION OF A SEPARATE PARCEL FOR THIS DEVELOPMENT.

7. Additional Required Information:

a. Legal Description and PIN: Provide the Parcel Identification Number(s) and the complete legal description(s) of the property involved.

b. Written Narrative: The written narrative should address whether the parcels affected by the proposed plat would comply with all of the applicable code requirements.

c. Proposed Plans: Including but not limited to the proposed plat, a topographic survey, landscape plan, grading and drainage plan, exterior building elevation drawings, and other information may also be required if deemed necessary by the Planning commission. Please provide 1 full size copy of all plans in both electronic format (preferably PDF) and printed format.

8. Signature(s): By signing below, you attest that the information above and attached is true and correct to the best of your knowledge.

Property Owner: FERRIS FALLS H2A Date: 6/1/2021

Applicant: [Signature] Date: 6/1/2021

7. a. PARCEL ID 71002991637000 LOCATED IN SECTION 35.133.45
IN FERRIS FALLS, OTTER TAIL COUNTY, MAI

b. SEE ATTACHED PRELIMINARY PLAT

c. SEE ATTACHED PRELIMINARY PLANS



112 West Washington Avenue

Fergus Falls, MN 56537

Phone: 218-332-5434

e-mail: building.zoning@ci.fergus-falls.mn.us

www.ci.fergus-falls.mn.us

Final Plat Application

Application fee should be made payable to The City of Fergus Falls upon submittal of completed application. Please complete the application by typing or printing in ink. Use additional paper if necessary.

1. Property Owner Information:

Company name: HOUSING + DEVELOPMENT AUTHORITY OF FERGUS FALLS

Last name: OLSON First name: MIKEL B.

Address: 1157 FRIBERG AVE City/State/Zip: FERGUS FALLS, MN 56537

Phone number: 218-739-3249 Email address: MIKELC.FERGUSFALLSHRA.COM

2. Applicant Information: (if different from above)

Company name: _____

Last name: _____ First name: _____

Address: _____ City/State/Zip: _____

Phone number: _____ Email address: _____

3. Address(es) of Property Involved: (if different from above)

4. Zoning Designation: R4

5. Comprehensive Plan Designation: _____

6. Changes from Preliminary Plat: Make note of any differences in property boundaries, easements, etc. from what was originally proposed in the Preliminary Plat application.

A SHELTER WAS BUILT OUTSIDE OF ORIGINAL PLAT AND THE STORM WATER
RETENTION AREA IS BEING ADDED AS A DRAINAGE EASEMENT. FERGUS
FALLS HRA OWNS THE PROPERTY IMPACTED BY THE CHANGES.

7. Additional Required Information:

a. Legal Description and PIN: Provide the Parcel Identification Number(s) and the complete legal description(s) of the property involved.

b. Written Narrative: The written narrative should address whether the parcels affected by the proposed plat would comply with all of the applicable code requirements.

c. Proposed Plans: In addition to the proposed plat, a topographic survey, landscape plan, grading and drainage plan, exterior building elevation drawings, and other information may also be required if deemed necessary by the Planning commission. Please provide 1 full size copy of all plans in both electronic format (preferably PDF) and printed format.

8. Signature(s): By signing below, you attest that the information above and attached is true and correct to the best of your knowledge.

Property Owner: FERLUS FALLS HZA Date: 12/18/2023
Applicant: [Signature] Date: 12/18/2023

PARCEL # 71002992141000

TOWNSHIP : 133

SECTION : 35

RANGE : 043

BUILDING ADDRESS: 1161 FRIBERG AVE.

REGISTERED LAND SURVEY NO. _____
 IN TIMBER COVE ADDITION
 CITY OF FERGUS FALLS
 OTTER TAIL COUNTY, MINNESOTA

I Christopher D. Heyer, a Minnesota Licensed Professional Land Surveyor, hereby certify that in accordance with provisions of Minnesota Statutes, Section 508A.47, I have surveyed the following described property:

All of TIMBER COVE ADDITION according to the recorded plat thereof, on file and of record in the office of the Registrar of Titles, Otter Tail County, Minnesota.

I hereby certify that this Registered Land Survey was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota and that this Registered Land Survey is a correct representation of said parcel of land.

Dated this ____ day of _____, 2023.

PRELIMINARY

Christopher D. Heyer, Licensed Professional Land Surveyor
 Minnesota Registration Number 43807

State of Hawaii)
)SS
 County of Hawaii)

The foregoing Surveyor's Certificate was acknowledged before me this ____ day of _____, 2023, by Christopher D. Heyer, Professional Land Surveyor, Minnesota License Number 43807.

Name: _____
 My commission expires _____

Document Date: _____ Number of Pages: 1

Name: _____, Third Circuit
 Document Description: Registered Land Survey

Name: _____ Date _____

At a regular meeting of the City Council of the City of Fergus Falls, Minnesota, on the ____ day of _____, 2023, this Registered Land Survey was duly approved.

Ben Schierer, Mayor

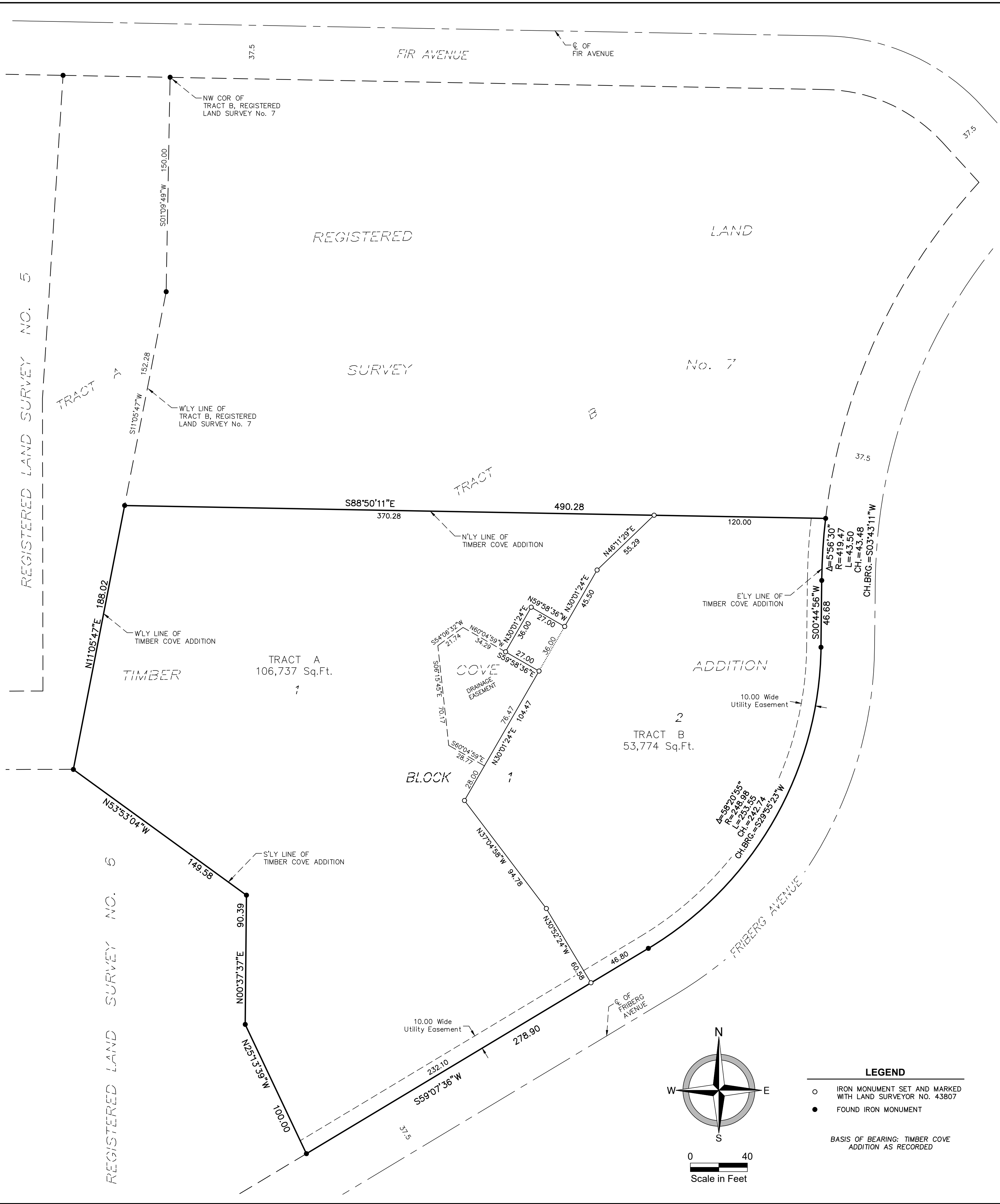
Andrew Bermseth, City Administrator

Pursuant to Minnesota Statutes, Section 508.47, Subd. 4, taxes payable in the year 20__ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this ____ day of _____, 20__.

Wayne Stien, County Auditor-Treasurer
 Otter Tail County, Minnesota

I hereby certify that this Registered Land Survey No. _____ was filed in this office this ____ day of _____, 20__ at ____ o'clock ____ M. as Document Number _____
 Certificate(s): _____

Lynn Larson, Registrar of Titles
 Otter Tail County, Minnesota



- LEGEND**
- IRON MONUMENT SET AND MARKED WITH LAND SURVEYOR NO. 43807
 - FOUND IRON MONUMENT

BASIS OF BEARING: TIMBER COVE ADDITION AS RECORDED

SIGNS

§ 154.170 GENERALLY.

All signs hereafter erected or maintained, except official, traffic and street signs, shall conform with the provisions of this subchapter and any other ordinances or regulations of the city.

(2002 Code, § 7.40) (Ord. 324, effective 11-20-1965; Ord. 106, Second Series, effective 3-15-1977; Ord. 156, Second Series, effective 1-1-1979; Ord. 9, Third Series, effective 7-15-1979; Ord. 123, Sixth Series, effective 8-26-2010; Ord. 146, Sixth Series, effective 5-25-2013; Ord. 150, Sixth Series, effective 7-20-2013; Ord. 14, Seventh Series, effective 9-20-2014) Penalty, see § 154.999

154.171. Findings, purpose and effect.

- A. *Findings.* The city council hereby finds as follows:
1. Exterior signs have a substantial impact on the character and quality of the environment.
 2. Signs provide an important medium through which individuals may convey a variety of messages.
 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 have, since as early as 1965, 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 article 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:
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 for herein under the zoning authority of the city.

Chapter 154: Zoning and
Subdivisions
§ 154.170- § 154.177

- C. *Effect.* A sign may be erected, mounted, displayed, or maintained in the city if it is in conformance with the provisions of this article. The effect of this article, as more specifically set forth herein, is to:
1. 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 article.
 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 article.
 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 article.

§ 154.172. Severability.

If any section, subsection, sentence, clause, or phrase of this article is for any reason held to be invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this article. The city council hereby declares that it would have adopted this article in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

§ 154.173. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Abandoned sign means any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one year or more, or any sign which that~~ pertains to a time, event or the purpose which no longer applies, shall be deemed to have been abandoned. ~~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 unless the display surface and/ or its supporting sign structure are maintained without reference to the purpose of the previous structure. Signs which are present because of being legally established non-conforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of the term "abandoned sign."

Awning means a roof-like 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 means a building sign or graphic printed on or in some fashion attached directly to the awning material.

Balloon sign means a sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than 24 inches in diameter.

Chapter 154: Zoning and
Subdivisions
§ 154.170- § 154.177

Banner means a temporary sign constructed of a non-rigid material.

Billboard or electronic billboard means a large outdoor board for displaying advertisements.

Building sign means any sign attached or supported by any building.

Cabinet sign means any wall sign that is not of channel or individually mounted letter construction.

Campaign sign means any sign that contains the name of, image of, or any message regarding a candidate in any election or that contains a message or identification of an issue in any election. Campaign signs are also considered non-commercial language.

Canopy means a roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway.

Canopy sign means any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door or entrance. A canopy sign is not a marquee and is different from service area canopy signs.

Changeable copy sign means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Changeable copy signs do not include signs upon which characters, letters or illustrations change or rearrange only once in a 24-hour period.

Commercial speech means speech advertising a business, profession, commodity, service or entertainment.

Elevation means the view of the side, front, or rear of a given structures.

Electronic message center (EMC) means a sign that can display words, symbols, figures or images that can be electronically changed by remote or automatic means for on-site promotional purposes and/ or to promote non-commercial messages.

Elevation area means the area of all walls that face any lot line.

Erect means activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.

Feather sign means a temporary sign constructed of cloth, canvas, plastic fabric, or similar lightweight, non-rigid material and supported by a single vertical pole mounted into the ground or on a portable structure.

Flag means any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

Flashing sign means a directly or indirectly illuminated sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. The term "flashing sign" also means any mode of lighting which resembles zooming, twinkling, or sparkling.

Freestanding sign means 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.

Chapter 154: Zoning and
Subdivisions
§ 154.170- § 154.177

Grade shall be construed to be the final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for sign height computation.

Ground sign means any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding eight feet.

Height of sign means the height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

Illuminated sign means any sign which contains an element designed to emanate artificial light internally or externally.

Interior sign means a sign which is located within the interior of any building, or within an enclosed lobby or court of any building, and a sign for and located within the inner or outer body, court or entrance of any theater.

Marquee means any permanent roof-like structure projecting beyond a theater building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.

Marquee sign means any building sign painted, mounted, constructed or attached in any manner, on a marquee.

Menu board sign means a sign erected as part of a drive-through facility used to display and order products and services available through a drive-through business.

Monument sign means any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a height exceeding eight feet.

Multiple tenant site means any site which has more than one tenant, and each tenant has a separate ground level exterior public entrance.

Non-commercial speech means dissemination of messages not classified as commercial speech, which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics. [See also "campaign signs".](#)

Non-conforming sign means any sign and its support structure lawfully erected prior to the effective date of this chapter which fails to conform to the requirements of this chapter. A sign which was erected in accordance with a variance granted prior to the adoption of the ordinance from which this chapter is derived and which does not comply with this chapter shall be deemed to be a legal non-conforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

Off-premises sign means 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 lot where such sign is located. For the purposes of this article, easements and other appurtenances shall be considered to be outside such lot and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premises sign.

Chapter 154: Zoning and
Subdivisions
§ 154.170- § 154.177

On-premises messages means identify or advertise an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

Owner means, in the case of a lot, the legal owner of the lot as officially recorded by the county, and including fee owners, contract for deed purchasers and ground lessees. The term "owner" means, in the case of a sign, the owner of the sign, including any lessees.

Pole sign. See *Pylon sign*.

Portable sign means 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 since this characteristic is based on the design of such a sign.

Porte cochere means a roofed structure or roof-like cover, extending from the entrance of a building and which provides shelter over a doorway.

Projecting sign means any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two feet beyond the surface of such building or wall face.

Public notices mean official notices posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents.

Public street right-of-way, or *right-of-way*, means the entire right-of-way of any public street.

Pylon sign means any freestanding sign which has its supportive structures anchored in the ground and which has a sign face elevated aboveground level by poles or beams and with the area below the sign face open.

Residential district means any district zoned for residential uses.

Roof means the exterior surface and its supporting structure on the top of a building or structure. The structural make-up of which conforms to the roof structures, roof construction and roof covering sections of the Uniform Building Code.

Roof line means the upper-most edge of the roof or in the case of an extended facade or parapet, the upper-most height of said facade.

Roof sign means any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Roof sign, integral, means any building sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the highest portion of the roof and so that no part of the sign is separated from the rest of the roof by a space of more than six inches.

Rotating or moving sign means a sign or portion of a sign which turns about on an axis.

Sandwich board signs are freestanding "A" frame-style signs with two faces or sides.

Shimmering sign means a sign which reflects an oscillating, sometimes distorted visual image.

Chapter 154: Zoning and
Subdivisions
§ 154.170- § 154.177

Sign means any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.

Sign face means the surface of the sign upon, against, or through which the message of the sign is exhibited.

Sign structure means any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

Site means a lot or combination of contiguous lots which are intended, designated, and/or approved to function as an integrated unit.

Stringer means a line of string, rope, cording, or an equivalent to which is attached a number of pennants.

Suspended sign means any building sign that is suspended from the underside of a horizontal plane surface and is connected to this surface.

Unightly means the sign or its structure have not been maintained in order to prevent their deterioration due to weather, rot, or other damaging conditions, or are not free from loose or broken materials ~~or any matter or thing determined by the Code Enforcement Officer to constitute a failure to conform to external, generally accepted community standards.~~

Visible means capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.

Wall means any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of 60 degrees or greater with the horizontal plane.

Wall sign means any building sign attached parallel to, but within two feet of a wall, painted on the wall surface of, or erected 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 means any building sign, pictures, symbol, or combination thereof designed to communicate information about an activity, business, commodity, event, sale, or service that is placed upon the windowpanes or glass and is visible from the exterior of the window. This includes the glass of a glass door.

§ 154.174. Permit required.

No sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a permit from the city. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Application for a permit shall be in writing addressed to the zoning administrator and shall contain the following information:

1. Names, address, and signature of the applicant;
2. Name, address, and signature of the property owner, if different than applicant;

Chapter 154: Zoning and
Subdivisions
§ 154.170- § 154.177

3. Contractor;
4. The address at which any signs are to be erected;
5. The property zoning designation;
6. A complete set of plans showing the necessary elevations, distances, size and details to fully and clearly represent the construction and placement of the signs;
7. Type of sign (i.e., wall sign, monument sign, etc.); and
8. Certification by applicant indicating the application complies with all requirements of this article; and.
- ~~9. If the proposed sign is along state trunk highway or interstate highway, the application shall be accompanied by proof that the applicant has obtained a permit from the state for the sign, if required.~~

The zoning administrator shall approve or deny the sign permit in an expedited manner no more than 30 days from the receipt of the complete application, including applicable fee. All permits not approved or denied within 30 days shall be deemed approved. If the permit is denied, the issuing authority shall prepare a written notice of denial describing the reasons for denial within ten days of its decision.

§ 154.175. Exemptions.

The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this article or any other law or ordinance regulating the same.

1. The changing of the display surface on a painted or printed sign only. ~~This exemption, however, shall apply only to poster replacement and/or on site changes involving sign painting elsewhere than directly on a building.~~
2. Any sign required by federal, state, or local law or a public utility company.
3. Any sign inside a building, ~~not attached to a window or door.~~
4. Works of art with no commercial message.
5. Temporary lost/ found pet signs provided the lost/ found sign shall include the date of original posting and are only allowed for thirty days.
6. "No trespassing", "no hunting", "no fishing" or "no loitering" or similar sign which do not exceed ~~one square two (2) feet by three (3) feet foot~~ in area.
7. Menu board signs as an accessory use to a restaurant with a drive-thru window.
8. Sandwich board signs shall be allowed within all business zoning districts subject to the following regulations:
 - ~~• One (1) sandwich board sign is permitted per site entry or one per tenant for multi-tenant sites.~~
 - Sandwich board signs shall be placed only on the business property or be located within ten feet of the business entry.
 - Sandwich board signs shall be located so as to maintain a minimum four (4) foot pedestrian walkway unless additional setback is necessary due to high-volume pedestrian traffic as determined by the zoning administrator, except that, in the area bounded by Cavour Avenue on the north, Whitford and Friberg Avenues on the east, Washington Avenue on the south, and Vine Street on the west, sandwich boards may be placed on public sidewalks directly in front of the business being advertised. The owner of a property on which the sandwich sign is to be located in the public right-of-way will agree to hold harmless the City of Fergus Falls in case of any occurrence leading to liability claims including, without limitation, bodily injury, death and property damage.
 - Sandwich board signs shall not block driveways, entryways, parking spaces and pedestrian

Chapter 154: Zoning and
Subdivisions
§ 154.170- § 154.177

accesses, create a safety hazard or obstruct vehicular/pedestrian traffic visibility.

- Sandwich board signs shall only be displayed during the hours when the business is open to the public.
- Sandwich board signs shall be professionally painted and/or made of superior quality weather and wind resistant materials. Signs shall not be illuminated or contain electronic moving parts.

~~7-9.~~ Flags and flagpoles, provided that there shall not be more than two flags on a flagpole at any time and no flag or flagpole on any residential lot shall bear a commercial message.

~~8-10.~~ Garage sale signs, provided signs are in compliance with *Chapter 118: Garage and Rummage Sales*.

~~11.~~ Non-commercial signs when permanently or seasonally installed in a residential zone.

~~9-12.~~ Campaign signs. All signs of any size containing the name of, image of, or any message regarding a candidate in any election or that contains a message or identification of an issue in any election may be posted in any number from 46 days before the state primary in a state general election year until ten (10) days following the general election in accordance with M.S. § 211B.045. All such signs or posters shall be confined to private property. No such sign or poster shall be within any polling place or within 100 feet of the building in which any polling place is situated on the date of any public election held within the city.

§ 154.178. Electrical signs.

Electrical signs must be installed in accordance with the current electrical code and a separate permit from the building official must be obtained prior to placement.

§ 154.179. Unauthorized signs.

Commented [KB1]: Sent to Rolf for review

The following signs are unauthorized signs and are prohibited by this section:

1. 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 hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.
2. ~~All off premises signs, excluding billboards.~~
3. Signs painted, attached or in any other manner affixed to trees, rocks, or similar natural surfaces, or attached to public utility poles, bridges, towers, or similar public structures.

§ 154.180. Computation Methods.

1. General measurement of sign area. Sign area is measured as follows:

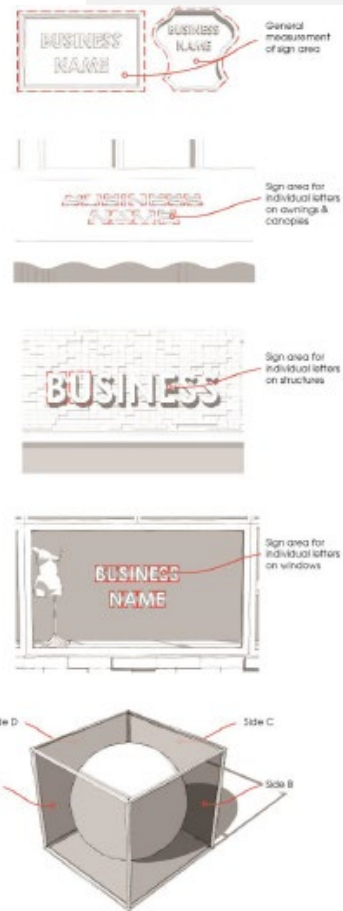
- (a) For signs on a background, the entire area of the framework or background of the sign face or background used to differentiate the sign from the structure against which it is placed. Sign area does not include any supports or bracing, unless such framework or bracing is part of the message or sign face; For signs consisting of freestanding letters or logos, the sign area is calculated as the total area of each square, circle, rectangle or triangle, or combination thereof, that encompasses each individual letter or logo. Sign area does not include any supporting framework or bracing, unless such framework or bracing is part of the message or sign face;
- (b) For awning and canopy signs, the sign area is the printed area of the awning or canopy, calculated as the total area of each square, circle, rectangle or triangle, or combination thereof, that encompasses each individual letter or logo.
- (c) The sign area of a three-dimensional, free-form or sculptural (non-planar) sign is calculated as 50 percent of the sum of the area of the four vertical sides of the smallest cube that will encompass the sign;
- (d) If a sign has two or more faces, the area of all faces is included in determining the area of the sign, unless the two sign faces are placed back-to-back and are no more than two feet apart. In such case, the sign area is calculated as the area of one face. If the two faces are unequal in area, the area of the larger face is used to calculate sign area;
- (e) Necessary supports or uprights on which the sign is erected are not included in the sign area computation.

2. General measurement of sign height:

- (a) Pole sign height is measured from the grade to the uppermost point of the sign. Grade is established by the elevation of the back of curb or, if no curb exists, from the edge of pavement at the center of the abutting street frontage where the sign will be erected. The pole sign height may also be measured from the natural slope of the lot where the sign will be erected;
- (b) Monument sign height is measured from the existing lowest point of the ground where the monument sign is to be installed to the uppermost point of a sign;

§ 154.181. Canopies, marquees and fixed awnings.

Canopies, marquees and fixed awnings are an integral part of the structure to which they are attached. They are allowed in the Business and Industrial Districts if they meet following requirements and the applicable square footage requirements:



Chapter 154: Zoning and
Subdivisions
§ 154.170- § 154.177

1. Awnings, canopies or marquees may not project into the public right-of-way nearer than 30 inches to the street curb or curb line;
2. Awnings, canopies or marquees may have no part of the structure other than supports nearer the ground surface than seven feet;
3. The architectural style of the awning, canopy or marquee may be consistent with the building being served;
4. Awnings, canopies or marquees projecting into the required yards may not be enclosed except with a transparent material permitting through vision; and
5. Awnings, canopies or marquees built over the public right-of-way must be included in a liability insurance policy holding the city free of all responsibility.

The provisions of this subsection do not prohibit:

1. The erection and maintenance of signs, either illuminated or not illuminated, which are on the sides of a marquee which is firmly attached to and a part of a theatre, providing such signs are an integral part of the marquee and do not project above or below the marquee; or
2. The erection and maintenance of signs, not illuminated, which are attached to the marquee and which do not project more than 16 inches above the marquee.

§ 154.182. Window signage.

Window signs displaying commercial speech, both temporary and permanent, do not require a permit. The area of window signage shall not be included in the calculation of square footage limitations specified in the appropriate zoning districts. Window signs shall be well maintained. Window signs will be removed within 30 days following cessation of on-site business activities.

§ 154.186. GENERAL PROVISIONS.

The following regulations shall apply to all signs hereinafter permitted in all districts.

- A. Except as provided in the following regulations, commercial signs shall not be permitted within the public right-of-way or easements, except that the Council may grant special permits for temporary signs and decorations to be strung across the right-of-way.
- B. Signs painted on a building shall be governed by the square footage limitations specified in the appropriate zoning districts. These shall be repainted when required and be kept in good condition and shall be repainted, removed or painted out when in the opinion of the Council they are not so maintained.
- C. No sign shall project more than four feet over a public right-of-way, except where located on the edge or face of marquees or awnings and except where hanging below a covered walk or marquee, in which case the sign may extend to the outer edge of the covered walk or marquee. Any sign projecting over a public right-of-way must be at least eight feet above the walk or ground grade line.
- D. No signs shall project more than 24 inches across a required front or side yard, except as allowed in this section, and except:
 - (1) In B-2, B-5 and B-6, Business Districts, signs shall not be subject to front yard requirements;

Chapter 154: Zoning and
Subdivisions
§ 154.170- § 154.177

- (2) In all classes of residence districts signs may not be located closer than 15 feet of any property line that abuts any of the classes of residence districts;
 - (3) In an I-1, Planned Industrial District, signs may not be located in any front yard or in any side yard or rear yard that abuts any of the classes of residence districts, and in no instance shall signs be located within 15 feet of a front, side or rear property line; and
 - (4) In an I-2, General Industrial District, signs may not be located within 15 feet of any property line that abuts any of the classes of residence districts.
- E. No sign, excluding window signs, shall be permitted to obstruct any window, door, fire escape stairway or opening intended to provide light, air, ingress or egress for any building or structure.
- F. The owner, lessee or manager of the ground sign, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which sign is located.
- G. Signs which may be or may hereafter become rotted, unsafe or unsightly shall be repaired or removed by the sign owner or owner of the property upon which the sign stands upon notice of the Code Enforcement Officer.
- H. External illumination for signs shall be so constructed and maintained that the source of light is not visible from the public right-of-way or residential property.
- (1) Where a sign is illuminated, the source of light shall not be directed into any part of a residence or into any of the classes of residence districts.

§ 154.187. Permitted signs by district.

- A. Residential Districts.
- (1) Within Residential Zoning Districts R-1, R-2, R-3 and R-4, signs are allowed as follows:
 - (2) No more than 15 feet in height or less than two feet off the ground.
 - (3) Signs may be placed in any front yard.
 - (4) **INSERT TABLE**
 - (5) The following types of signs are not permitted in Residential Zoning Districts:
 - i. Balloon signs;
 - ii. Billboards;
 - iii. Electronic message center (EMC);
 - iv. Flashing signs;
 - v. Marquee signs;
 - vi. Pole signs;
 - vii. Pylon signs; and
 - viii. Shimmering signs.
 - (6) **OR INSERT TABLE HERE**
- B. Business Districts.
- C. Industrial Districts.

§ 154.188. Electronic Message Centers (EMCs).

Building and zoning staff shall approve a permit for an electronic message center sign if all applicable regulations pertaining to the sign on which they are placed are satisfied, including but not limited to

Chapter 154: Zoning and
Subdivisions
§ 154.170- § 154.177

placement, anchoring, location, and height. The permit fee for staff review shall be established by the City Council. Building and zoning staff shall ensure that the following limitations are met:

- ~~A.~~ One electronic message center sign shall be permitted per property.
- ~~A.~~ The sign must be located on the site of the use identified or advertised by the sign. Sign may also be used to promote non-commercial messages.
- ~~B.~~
- ~~B.~~ The use of flashing, blinking, and strobing shall be specifically prohibited on all electronic message center signs.
- ~~C.~~ Multiple electronic message center signs on a single property may be permitted by conditional use permit only.
- ~~D.~~ Electronic message center signs shall be permitted in non-residential zoning districts.
- ~~E.~~ Electronic message center signs may be located within 400 feet of or within a residential zoning district by conditional use permit only, subject to the following:
 - (1) Electronic signs must be positioned so as to limit their impact on adjacent residential uses. At a minimum, such signs shall be positioned perpendicular to the adjacent public right-of-way.
 - (2) The applicant agrees to turn off the electronic message center sign between the hours of 11:00 p.m. and 6:00 a.m. unless the applicant can demonstrate that the sign in question will not be visible from any residentially zoned property; and
 - (3) The Planning Commission may require additional restrictions on the usage of the sign so as to minimize potential impacts on adjacent residential properties.
- ~~F.~~ All electronic message center signs, regardless of the zoning district in which they are placed, shall come equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions.
- ~~G.~~ Message brightness must not exceed 0.3 foot-candles over ambient light, as measured using a foot candle meter from the following distances:
 - (1) For signs with a nominal face size of 12 feet by 25 feet, from 150 feet;
 - (2) For signs with a nominal face size of ten feet, six inches, by 36 feet, from 200 feet; and
 - (3) For signs with a nominal face size of 14 feet by 48 feet, from 250 feet; and
 - (4) The sign must not cause beams or rays of light to be directed at the traveled way if the light is of such intensity or brilliance as to cause glare that impairs the vision of the driver of a motor vehicle, or interfere with any driver's operation of a motor vehicle.The brightness measurement must be conducted at least 30 minutes after sunset or at least 30 minutes before sunrise.
- ~~H.~~ The use of traffic signal and/or emergency vehicle signal colors may be prohibited on an electronic message center if land use, road proximity or terrain consideration indicate a potential problem.
- ~~I.~~ EMCs shall not exceed the maximum sign area of a single sign as detailed in 154.187 - Permitted Signs by District, for the applicable zoning district in which the sign is placed. Each site can have only one EMC and that sign can have only one dynamic display.
- ~~K.~~ All EMCs shall be equipped with a means to immediately discontinue the display if it malfunctions. The owner of a dynamic sign must immediately cease operation of their sign when notified by the city that it fails to comply with the standards of this chapter. The dynamic sign

Chapter 154: Zoning and Subdivisions
 § 154.170- § 154.177

shall remain inoperable until such time that the owner demonstrates to the city that the device is in satisfactory working condition and conforms to the standards of this chapter.

§ 154.189. Billboards, including electronic billboards.

Building and zoning staff shall approve a permit for a billboard if all applicable regulations are satisfied. The permit fee for staff review shall be established by the City Council. Building and zoning staff shall ensure that the following limitations are met:

1. Billboards shall not be a permitted use in all classes of residence districts.
2. Billboards shall not be a permitted use in B-1, Limited Business Districts.
3. No billboard shall project higher than 15 feet above the height of the building or 55 feet above average grade, whichever is greater.

District	Billboards
B-2, B-3, and B-4 Business Districts; I-1, I-2, and I-3 Industrial Districts	<ul style="list-style-type: none"> • No billboards shall be erected closer than 800 feet to any existing billboard on the same side of the road except back-to-back. • The structure may not contain more than two signs per facing nor exceed 55 feet in total length. • No billboard may be erected within 100 feet of an adjoining residential district. • The signs may be illuminated.
B-5 and B-6 Shopping Center Business District	<ul style="list-style-type: none"> • Billboards shall not be erected within a developed integrated shopping center property.

§ 154.190. Temporary and Seasonal Signs and Community Event Signage.

All temporary and seasonal signs, including, but not limited to, signs related to community events, hereafter erected or maintained, shall conform with the provisions of this section.

1. TEMPORARY SIGNS and SEASONAL SIGNS are those signs which identify a special, unique, or limited activity, service, product or sale of limited duration and are those signs that are not affixed to a permanent structure and are removed immediately after the event it is advertising.

(4) Temporary signs identifying an engineer, architect, contractor or product engaged in or used in the construction of a building; provided, the signs shall not exceed 96 square feet each in surface area, and are no more than 15 feet in height or less than two feet above ground; and, provided, the signs are removed prior to occupancy of the building. The signs may be placed in any front yard, but in no case may they be placed in any side yard. The signs shall not be illuminated.

- a. Temporary signs and seasonal signs include, but are not limited to, sandwich-board signs, banner signs, feathers, freestanding changeable text signs, or signs affixed to a vehicle or trailer or any other similar sign as determined by the Zoning Administrator.
- b. Temporary and seasonal signage may be related to community, non-profit, religious, and school district or youth-related events, including farmers markets, concerts, or any other similar events as determined by the Zoning Administrator or their designee(s).

Commented [KB2]: No signs in ROW? Limit signs to 2 parks & limit # of signs?

Commented [c3]: Definition of community event?

Commented [c4]: Definition: temp signage 120 days no more than 30 days before event; no more than 3 days after

Chapter 154: Zoning and
Subdivisions

§ 154.170- § 154.177

- c. Temporary signs may be erected and maintained for a period of not more than thirty (30) days and shall be removed within three (3) days of the cessation of the activity, service, project or sale.
 - d. Seasonal signs may be erected and maintained for a period of not more than one hundred twenty (120) days and shall be removed within three (3) days of the cessation of the activity.
 - e. Temporary and seasonal signs shall be professionally painted and/or made of superior quality weather and wind resistant materials. Signs shall not be illuminated or contain electronic moving parts.
 - f. Temporary and seasonal signs shall be anchored or temporarily affixed in a manner to prevent being blown away or blown over.
 - g. A temporary or seasonal sign shall not be larger than forty (40) square feet in gross service area for each exposed face area, nor more than six (6) feet in height above grade.
 - h. A temporary or seasonal sign is to be located in the front yard of the lot and shall not extend over any property line or be placed within 15 feet of any driveway access to a public street. No temporary or seasonal sign placed within 100 feet of an area zoned for residential use, described as R-A, R-1, R-2, R-3 and R-4, may have blinking, flashing, rotating or fluttering lights or other illuminating device that has a change in intensity, brightness or color.
 - i. All temporary and seasonal signs must be kept in good repair and in a proper state of maintenance. If the city determines a sign is in need of repair, the city may, after written notice, remove the sign and issue an administrative fine.
 - j. Temporary or seasonal signs which have been placed within any portion of any right-of-way may be confiscated after written notification by any city employee or agent under the direction of the city's Code Enforcement Officer. Signs may be recovered by the owner upon payment of an administrative fine.
 - k. The erection of temporary or seasonal signs shall be exempt from the requirements (licensed sign hanger) of §§ 114.20 through 114.23 of this code of ordinances, as amended.
2. Community events. The city may determine that a temporary sign is for a community-wide event or a non-profit event. Temporary signs advertising a community-wide event or sponsored by a non-profit agency may be located in the Van Dyk and Triangle Parks with the permission of the City Administrator's office. The temporary signs may be located in the park for a maximum of 14 days. The number of signs allowed in each park shall be two (2) at any one time.

§ 154.191. Non-conforming signs; compliance.

Chapter 154: Zoning and
Subdivisions
§ 154.170- § 154.177

It is recognized that signs exist within the zoning districts which were lawful before this article was enacted but will be prohibited under the terms of this section. It is the intent of this article that non-conforming signs shall not be enlarged upon or expanded, nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this article to permit legal non-conforming signs existing on the effective date of the ordinance from which this article is derived to continue as legal non-conforming signs provided such signs are safe, are maintained so as not to be unsightly, and have not been abandoned or removed. Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved, subject to the following provisions:

- ~~1. No sign shall be enlarged or altered in a way which increases its nonconformity.~~
- ~~2. If the use of the non-conforming sign or sign structure is discontinued for a period of one year, the sign or sign structure shall not be reconstructed or used except in conformity with the provisions of this article.~~
- ~~3. Should such non-conforming sign or sign structure be damaged or structure be destroyed by any means to an extent greater than 50 percent of its market value and all required permits for its reconstruction have not been applied for within 180 days of when the sign or sign structure was damaged, it shall not be reconstructed or used except in conformity with the provisions of this article.~~
- ~~4. Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.~~
- ~~5. No existing sign devoted to a use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, expanded or moved except in changing the sign to a sign permitted in the zoning district in which is it located.~~

~~Remedy: When a sign loses its non-conforming status, all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be repainted in a neutral color or a color which will harmonize with the structure.~~

§ 154.192. Substitution clause.

The owner of any sign which is otherwise allowed by this article may substitute non-commercial speech in lieu of any other commercial speech or non-commercial speech. 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 speech over any other non-commercial speech. This provision prevails over any more specific provision to the contrary.

§ 154.176. Violations.

Violation of this section is a misdemeanor. Each day that the violation continues is a separate offense.



Planning Commission Memo

Page 1 of 1

Meeting Date:

January 22, 2024- Planning Commission

Subject:

§ 154.002 Hotel Definition

Recommendation:

Recommend to City Council an update to the definition of "hotel" in City Code § 154.002.

Background/Key Points:

§ 154.002 DEFINITIONS in City Code states the definition of hotel:

HOTEL. Any building or portion thereof where sleeping accommodations are offered to the public for compensation on a transient basis in six or more rooms licensed under Minnesota Statutes Chapter 157. "Transient" shall mean the hotel is not the sole residence of the guest(s) and occupancy shall be limited to less than three hundred sixty-five (365) consecutive days. **Hotels must have a reception desk staffed at all hours** and conduct regular housekeeping services of guest rooms. A hotel may also include "extended stay" guest rooms which must contain a complete kitchen equipped with a full-sized refrigerator, built-in cooking facilities, microwave, sink, cooking utensils, dishes and cutlery. Hotels are therefore distinct from apartment buildings, boarding houses, or lodging houses as defined in this Chapter.

The highlighted portion has been brought to the attention of city staff by 2 different local developers working on hotels. Technology now exists that makes the staffing of a desk 24/7 unnecessary. City staff suggest removing the language stating "hotels must have a reception desk staffed at all hours" to allow hotels to utilize the latest booking and check-in technology as part of their business operations.

Originating Department:

Community Development

Respectfully Submitted:

Klara Beck