



AGENDA
City of Fergus Falls Planning Commission Meeting
August 26, 2024
5:15 PM in City Council Chambers

1. Call to Order
2. Approval of Agenda & Approval of Minutes from June 24, 2024
3. Public Hearing
 - a. C-2024-1: Richard Lahti – Conditional Use Permit for a detached accessory building (post-frame construction) in a residential district at 620 Broken Down Dam Road. Parcel ID: 71002990751000
4. Action Items
 - a. Accessory Dwelling Units (ADUs)
 - b. Sign Ordinance Updates
5. Discussion Items
 - a. Parking Minimums
6. Staff Updates
 - a. Shoreland Ordinance
 - b. Cannabis Business Zoning
7. Adjourn

If you have special needs for accommodations, please call 332-5436 or TDD 1-800-627-3529 (Minnesota Relay Service).

PLANNING COMMISSION MINUTES
June 24, 2024

The Fergus Falls Planning Commission held a regular meeting on June 24, 2024 in the Council Chambers of City Hall. Chair Kilde called the meeting to order at 5:40 PM. Present were Laurel Kilde, Sarah Duffy, Nate Kunde, and Ryan Fullerton. Absent were Paul Vukonich, Wayne Schuett, and Mike Walls. Staff present: Klara Beck and Jill Hanson. Others Present: Jason Schuetzle, Lance Johnson, Scott Kvamme, Rick & Roxane Thom.

APPROVAL OF AGENDA

Commissioner Fullerton moved to approve the agenda with a request to change the order of the public hearings. Seconded by Commissioner Kunde. Passed unanimously.

APPROVAL OF MINUTES

Commissioner Duffy made a motion to approve the minutes from May 28, 2024. Seconded by Commissioner Fullerton. Passed unanimously.

PUBLIC HEARINGS

6b. REQUEST BY JASON SCHUETZLE TO OBTAIN A VARIANCE TO ERECT AN ACCESSORY STRUCTURE IN ONE OF THE FRONT YARDS OF THE CORNER LOT AT 1224 GREENFIELD AVENUE IN AN R-1 ZONE.

Klara Beck presented the staff report for a variance request at 1224 Greenfield Avenue, an R-1 corner lot. The applicant seeks to build an accessory structure in one of the front yards. Zoning regulations require corner lots to have additional width for setbacks from both streets, meaning the property has two front yards. City code prohibits detached accessory buildings in required front yards, including both on corner lots. Due to the lot's shape and limited side and backyard space, the homeowner requests a variance to build a shed in the yard facing Opperman Lane. One supportive comment was received via email.

Chair Kilde opened the public hearing at **5:42 PM**. With no comments, she closed the hearing at **5:43 PM**.

Commissioner Fullerton motioned to recommend approval of the variance request, seconded by Commissioner Kunde. Motion passed.

6a. REQUEST BY KEY PROPERTY INVESTMENT LLC TO OBTAIN A VARIANCE TO REDUCE THE REQUIRED FRONT YARD SETBACK FROM 30 FEET TO 24 FEET ON THE CLEVELAND SIDE OF THE LOT AT 1022 CLEVELAND AVENUE IN AN R-2 ZONE.

Klara Beck presented the staff report for a variance request in the R-2 zone at 1022 Cleveland Avenue. The applicant plans to build a 34' x 56' three-bedroom home and seeks a variance to encroach 6 feet into the 30-foot front yard setback along Cleveland Ave due to the corner lot's constraints. The hill reduces visibility concerns, and granting the variance would allow the home to match the neighborhood's character and meet family living needs. No comments were received.

Chair Kilde opened the public hearing at **5:47 PM**. With no comments, she closed the hearing at **5:48 PM**.

Commissioner Duffy motioned to recommend approval of the variance request, seconded by Commissioner Fullerton. Motion passed.

DISCUSSION ITEMS

5a. SIGN ORDINANCE UPDATES

Community Development Manager Klara Beck opened the sign ordinance discussion, noting the revised ordinance had been reviewed at the previous meeting. The Planning Commission was given time between meetings to review and suggest any changes. Commissioner Duffy compared it to other cities' sign codes and felt it was a solid draft. The other members agreed and directed staff to forward the draft to the City Attorney.

STAFF UPDATES

6a. Cannabis Zoning

Klara Beck explained that at the June 17 City Council meeting, two versions of the proposed cannabis zoning ordinance were considered. The original restricted sales to B-6 zones and above, while the second allowed retail sales in B-3 zones with a conditional or interim use permit.

The Council remains divided on the issue. The original ordinance, focusing on B-6 sales, failed to pass. Unable to compromise on cannabis business locations, the Council referred the ordinance back to the Cannabis Committee. The committee plans to present new language at a Committee of the Whole meeting, with the Police Chief proposing interim use permits for the downtown area. There was discussion on interim use permits and their five-year duration. Concerns were raised about five years being too short for a new business to thrive.

The PC reaffirmed its support for its original recommendation to the Council:

- Allow cannabis retail sales in B-3 zones. If further permitting is required, permit sales with a conditional use permit.
- Permit cannabis retail, microbusinesses, and mezzobusinesses in B-6 zones.
- Establish 250-foot buffer zones around treatment centers, schools (e.g., Lincoln School), and daycares.
- Permit cannabis cultivation in R-A or industrial zones and cannabis manufacturing in industrial zones.

A motion to support the original recommendation was made by Commissioner Fullerton and seconded by Commissioner Kunde. The motion passed.

July 22 is the next schedule meeting.

The meeting adjourned at **6:07 PM**.

Community Development Director



Planning Commission Staff Report

To: City of Fergus Falls Planning Commission
Respectfully Submitted: Klara Beck, Community Development Director
Date: August 22, 2024
Subject: CUP-1-2024

REQUESTED ACTION

Approve a Conditional Use Permit to allow a detached accessory building constructed by post frame in a residential district at 620 Broken Down Dam Rd (PID 71002990751000).

GENERAL INFORMATION

Applicant	RICHARD LAHTI	Planning Commission Hearing	August 26, 2024
Property Owner	RICHARD LAHTI	City Council Meeting	September 3, 2024
Address	620 BROKEN DOWN DAM RD	Application Date	August 15, 2024
Parcel Number(s)	71002990751000	60-Day Expiration Date	October 14, 2024
Zoning	R-A		

BACKGROUND

Site Information & Current Conditions

The site is zoned residential agricultural. There is a home on the property along with accompanying agricultural buildings. The project intends to replace a dilapidated barn.

Adjacent Zoning

All adjacent zoning is designated as R-A (Residential Agricultural).

Adjacent Uses

The adjacent uses include other residential agricultural property, a city park (Broken Down Dam), and a solar farm.

Proposed Project

The proposed project involves replacing a dilapidated barn with a new detached accessory building constructed by post frame.

Public Notification & Comments

CUP-1-2024

Notice was placed in the newspaper on August 17, 2024 and information sent to landowners within 350 ft of the project site. As of Thursday, August 22, no public comments were received regarding the project.

PROPOSED FINDINGS

§154.019(D) of the City Code states the Planning Commission shall recommend a conditional use permit and the Council may issue conditional use permits if it finds that the use at the proposed location meets the following criteria:

1. Will not be detrimental to or endanger the public health, safety, or general welfare of the neighborhood or the city.
The site is located in a predominantly agricultural area and adjacent to a solar farm, the size of which would stymie much other residential development in the area. Moreover, the building is required to be engineered to meet Minnesota construction standards, ensuring structural integrity. These factors support that the project will blend with the existing land uses without posing risk to the neighborhood or the city. **Criteria Met.**
2. Will be harmonious with the general and applicable specific objectives of the comprehensive plan and code provisions.
The city does not have a comprehensive plan.
3. Will be designed, constructed, operated and maintained so as to be compatible or similar in an architectural and landscape appearance with the existing or intended character of the general vicinity and will not change the essential character of that area, nor substantially diminish or impair property values within the neighborhood.
The proposed detached accessory building will be compatible with the existing agricultural character of the area. The post frame construction is common in agricultural settings. The proposed structure will additionally be replacing a dilapidated barn, arguably improving property values by removing a blighted structure. **Criteria Met.**
4. Will be served adequately by existing (or those proposed in the project) essential public facilities and services, including streets, police and fire protection, drainage, structures, refuse disposal, water and sewer systems and schools.
The building is replacing a dilapidated structure. No new utilities required. **Criteria Met.**
5. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be hazardous or detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
The accessory building is agricultural in use and will house permitted animals. **Criteria Met.**
6. Will have vehicular ingress and egress to the property which does not create traffic congestion or interfere with traffic on surrounding public streets.
Vehicular ingress and egress is existing. The building is for private use. **Criteria Met.**

CUP-1-2024

7. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

No landscaping will change. The area is screened by trees. **Criteria Met.**

RECOMMENDED ACTION

Approve a Conditional Use Permit to allow a detached accessory building constructed by post frame in a residential district at 620 Broken Down Dam Rd (PID 71002990751000).

ATTACHMENTS

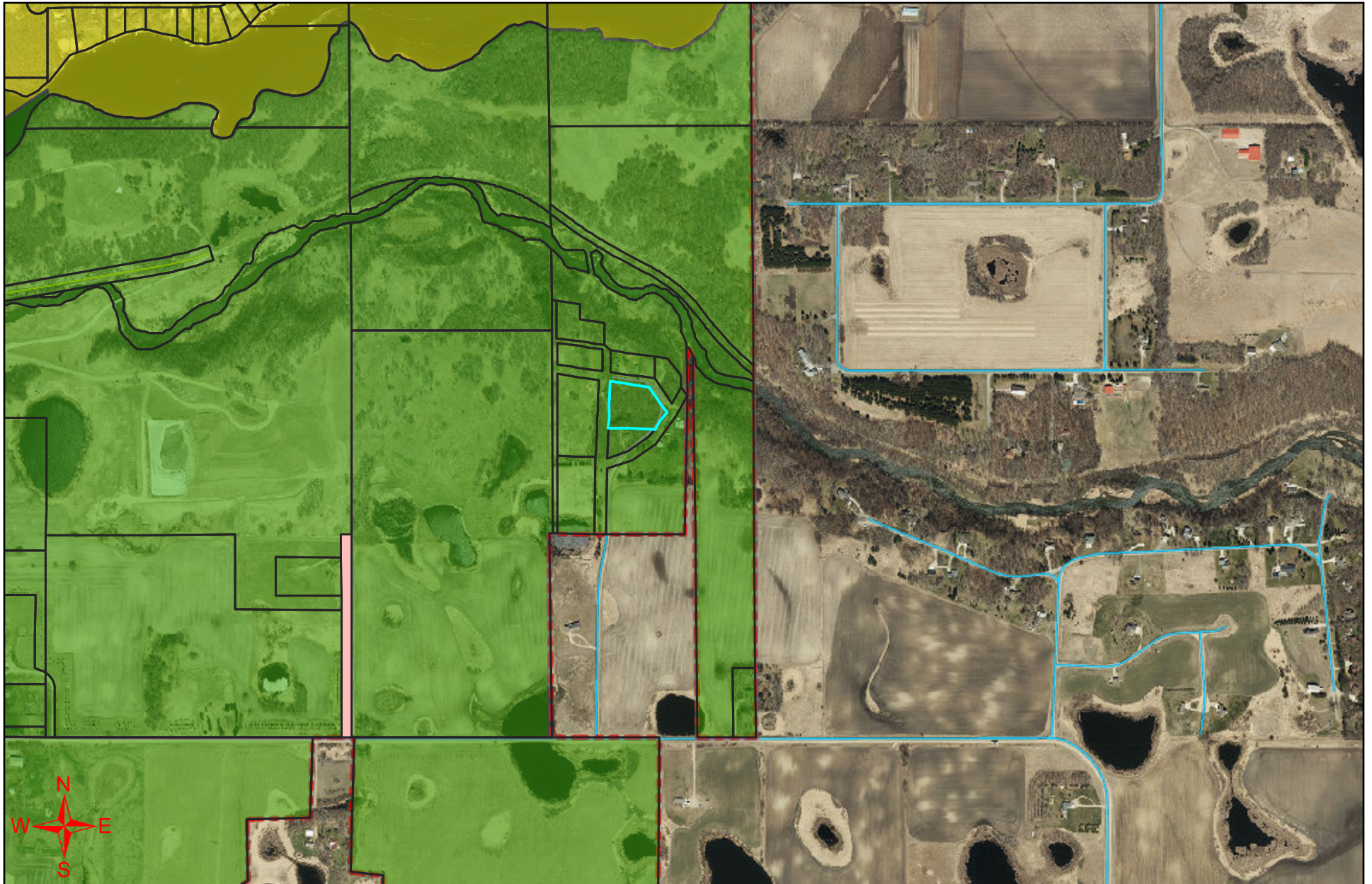
1. Context Map
2. Zoning Map
3. Application & Supporting Materials



0.035 0.175 0 0.035 mi

Not a legal document. For Reference Use Only. Accuracy is not guaranteed.





1:10,560

Zoning 71002990751000

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.



112 West Washington Avenue

Fergus Falls, MN 56537

Phone: 218-332-5434

e-mail: planning@ci.fergus-falls.mn.us

www.ci.fergus-falls.mn.us

Conditional Use Permit

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: _____

Last name: Lahti First name: Richard

Address: 620 Broken Down Dam Road City/State/Zip: Fergus Falls, MN 56537

Phone number: 218-731-5910 (cell) Email address: thelahtis@charter.net

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: Residential/Agricultural

5. Statement of Intent: Briefly describe what will be done on or with the property requiring the conditional use approval.

Removal of existing (collapsing) storage structure. A 24'x32'x12' (sidewall height) building with steel siding will be constructed on the same site on 5' deep footings. This building should not be easily visible from any direction except an aerial view as trees and/or the primary residence hide it on most sides and it is set back 180' or more in all directions from the property lines. Morton is a national, premier post-frame builder.

(4) Will be served adequately by existing (or those proposed in the project) essential public facilities and services, including streets, police and fire protection, drainage, structures, refuse disposal, water and sewer systems and schools?

Yes.

(5) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be hazardous or detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors?

It will NOT.

(6) Will have vehicular ingress and egress to the property which does not create traffic congestion or interfere with traffic on surrounding public streets?

It will NOT create congestion or interfere with traffic or streets.

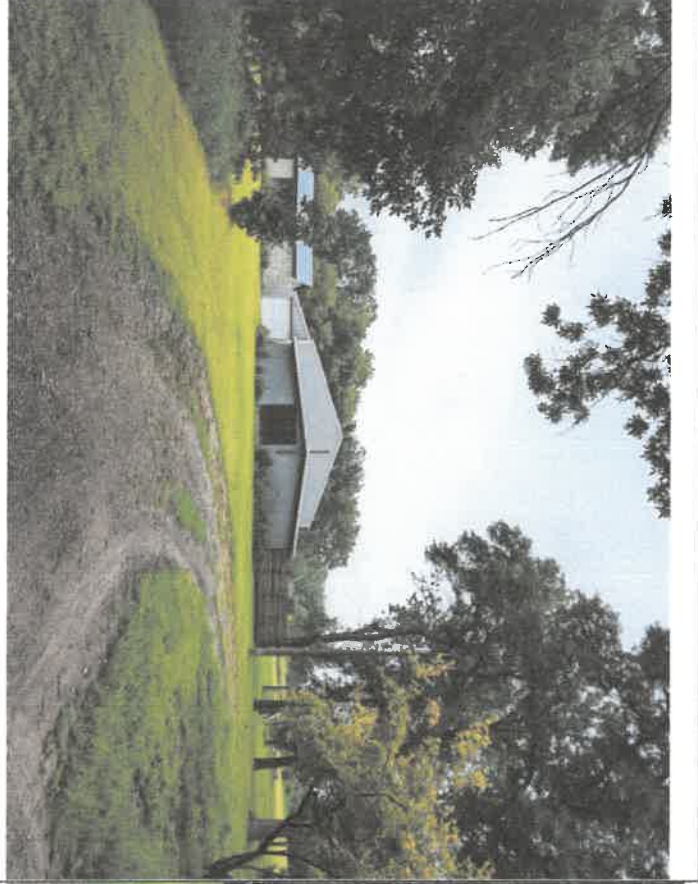
(7) Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance?

It will NOT.

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: Richard Lalithi Date: 8-15-2024
Applicant: Richard Lalithi Date: 8-15-2024

Neighbors have metal storage buildings, 49.7MW of solar panels, outdoor tanks, etc. It is congruent with the neighborhood aesthetic.



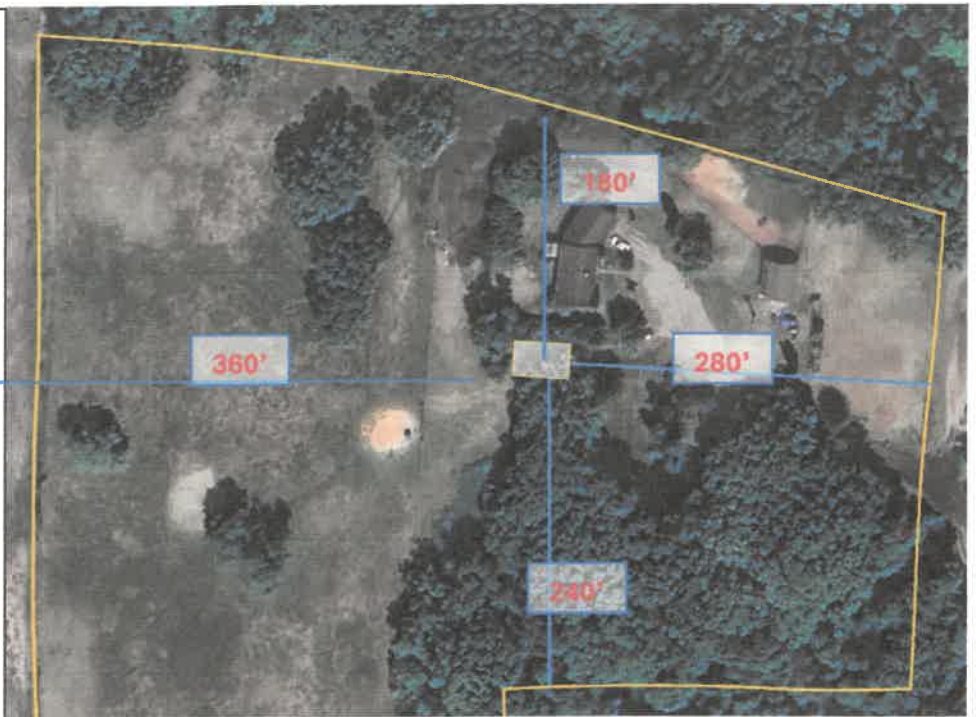
The building will be located 30' south of the main residence. It is set back approximately 280' from the east property boundary, 240' from the south boundary, 360' from the west boundary and 180' from the north boundary.

The building is steel sided, 24'x32', 12' sidewalls, with a 12' wide sliding door opening and one entry door.

It will be set on a 5' deep columns.

It may eventually have electric but no water.

It will be a single story, and used to store a tractor and implements and maybe a boat/rv. 2 existing buildings will be demolished and removed.



CITY ADMINISTRATOR'S OFFICE
Fergus Falls, Minnesota 56537

Receipt # 234946

Receipt Date August 15, 2024

Received From RICHARD LAHTI

Amount \$350.00
Check

Fund	Account	Description	Amount
101	32270 000	CONDITIONAL USE PERMIT	350.00

City of Fergus Falls
Received By NGAINES

§ 154.002 DEFINITIONS.

ACCESSORY BUILDING OR USE. A subordinate building or portion of the main building, or subordinate use which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building.

Add: ACCESSORY DWELLING UNIT. A dwelling unit that is secondary to a principal one-family dwelling, within or attached to the one-family dwelling or in a detached accessory building on the same zoning lot.

§ 154.091 ACCESSORY BUILDINGS.

(A) (1) Accessory building attached to main building. If an accessory building is attached to the main building, it shall be made structurally a part of the main building (sharing a common wall or roof) and shall comply in all respects with the requirements of this chapter applicable to the main building.

(2) Exception for existing accessory buildings in residential districts. The established setbacks for an existing accessory building that is going to be structurally attached to the **primary residential** building do not prevent an accessory building from being structurally attached to a **primary residential** building in a residential zone and shall be considered in compliance with the setback requirements in this chapter.

(B) Placement on lot. A detached accessory building shall not be located in any required front yard, including both required front yards on a corner lot (excluding alley ways). If a parcel is located in shoreland, and a riparian lot, accessory buildings may be located in the front yard, but must meet all primary structure setbacks.

(C) Accessory building setbacks.

(1) Lot line setback. A detached accessory building must have a side or rear lot line setback of not less than five feet in the R-A and R-1, Residence Districts, and three feet in the R-2, R-3, and R-4, Residence Districts.

(2) Setback from main building. An accessory building, unless attached to and made a part of the main building, shall not be closer than five feet to the main building, except as otherwise provided in this chapter.

(D) Accessory building height. Detached accessory buildings shall not exceed 19 feet in height or the height of the primary structure, whichever is greater.

(E) Accessory building size **and unit size.**

(1) The maximum size of detached accessory buildings (individually or combined), as measured by the footprint of the building, shall be no greater than 5,000 square feet in the R-A zone, and no greater than 10% of the total lot size in all other residential R districts.

(2) For Accessory Dwelling Units (ADUs), the total floor area of each accessory unit must not exceed eight hundred (800) square feet or seventy-five (75) percent of the floor area of the primary residential building, whichever is greater.

(F) Accessory building façade. A detached accessory building shall have matching or better façade and materials than the primary structure.

(G) Timing of construction. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building, unless permitted at the same time as the primary structure.

(H) Conditional use permit required. Detached accessory buildings constructed by post frame construction (pole buildings shall be allowed in the residential R districts by conditional use permit only).

(I) Accessory Dwelling Units (ADUs).

(1) **Number of Accessory Units:** Only one (1) accessory dwelling unit is permitted per one-family dwelling on a zoning lot.

(2) **Ownership:** Primary residential buildings must be owner-occupied. Accessory dwelling units must not be sold separately from the primary residential building and may not be a separate tax parcel.

(3) **Detached or Attached:** The accessory dwelling unit may be detached from the one-family dwelling or attached if the development retains at least fifty (50) percent of the floor area of an existing principal residential structure on the lot.

(4) **Unit Occupancy:** The occupancy of the accessory dwelling unit must not exceed the number of occupants as specified in the definition of family in § 154.002 DEFINITIONS.

(5) **Unit Size:** The total floor area of each accessory unit must not exceed eight hundred (800) square feet or seventy-five (75) percent of the floor area of the primary residential building, whichever is greater.

(6) **Access and Entrances:** (a) A walkway must be provided from an abutting public street or alley to the primary entrance of the accessory dwelling unit. (b) Exterior stairways for upper floor units are permitted for fire safety but must not be located on the front of the building and must be built of durable materials matching the finish of the primary structure or accessory building.

(7) **Compliance with Regulations:** All accessory dwelling units must comply with city, local, regional, state, and federal regulations.

(8) **Registration Required:** Accessory dwelling units must be registered as rental properties if let for rent in accordance with the provisions outlined in CHAPTER 117: RENTAL UNITS of the City Code pertaining to Rental Dwelling Registration.

ORDINANCE NO. 60, EIGHTH SERIES

**AN ORDINANCE OF THE CITY OF FERGUS
FALLS, MINNESOTA, AMENDING CITY CODE
CHAPTER 154.002, DEFINITIONS, BY ADDING
ACCESSORY DWELLING UNIT AND AMENDING
CITY CODE CHAPTER 154.091, ACCESSORY
BUILDINGS.**

THE CITY OF FERGUS FALLS DOES ORDAIN:

Section 1. Amendment. Fergus Falls City Code Chapter 154.002, Definitions, is hereby amended by adding the following definition:

ACCESSORY DWELLING UNIT. A dwelling unit that is secondary to a principal one-family dwelling, within or attached to the one-family dwelling or in a detached accessory building on the same zoning lot.

Section 2. Amendment. Fergus Falls City Code Chapter 154.091, Accessory Buildings, is hereby amended to read as follows:

§154.091 ACCESSORY BUILDINGS.

(A) (1) *Accessory building attached to main building.* If an accessory building is attached to the main building, it shall be made structurally a part of the main building (sharing a common wall or roof) and shall comply in all respects with the requirements of this chapter applicable to the main building.

(2) *Exception for existing accessory buildings in residential districts.* The established setbacks for an existing accessory building that is going to be structurally attached to the primary residential building do not prevent an accessory building from being structurally attached to a primary residential building in a residential zone and shall be considered in compliance with the setback requirements in this chapter.

(B) *Placement on lot.* A detached accessory building shall not be located in any required front yard, including both required front yards on a corner lot (excluding alley ways). If a parcel is located in shoreland, and a riparian lot, accessory buildings may be located in the front yard, but must meet all primary structure setbacks.

(C) *Accessory building setbacks.*

(2) *Setback from main building.* An accessory building, unless attached to and made a part of the main building, shall not be closer than five feet to the main building, except as otherwise provided in this chapter.

(D) *Accessory building height.* Detached accessory buildings shall not exceed 19 feet in height or the height of the primary structure, whichever is greater.

(E) *Accessory building size and unit size.*

(1) The maximum size of detached accessory buildings (individually or combined), as measured by the footprint of the building, shall be no greater than 5,000 square feet in the R-A zone, and no greater than 10% of the total lot size in all other residential R districts.

(2) For Accessory Dwelling Units (ADUs), the total floor area of each accessory unit must not exceed eight hundred (800) square feet or seventy-five (75) percent of the floor area of the primary residential building, whichever is greater.

(F) *Accessory building façade.* A detached accessory building shall have matching or better façade and materials than the primary structure.

(G) *Timing of construction.* No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building, unless permitted at the same time as the primary structure.

(H) *Conditional use permit required.* Detached accessory buildings constructed by post frame construction (pole buildings shall be allowed in the residential R districts by conditional use permit only).

(I) *Accessory Dwelling Units (ADUs).*

(1) *Number of Accessory Units:* Only one (1) accessory dwelling unit is permitted per one-family dwelling on a zoning lot.

(2) *Ownership:* Primary residential buildings must be owner-occupied. Accessory dwelling units must not be sold separately from the primary residential building and may not be a separate tax parcel.

(3) *Detached or Attached:* The accessory dwelling unit may be detached from the one-family dwelling or attached if the development retains at least fifty (50) percent of the floor area of an existing principal residential structure on the lot.

(4) *Unit Occupancy:* The occupancy of the accessory dwelling unit must not exceed the number of occupants as specified in the definition of family in § 154.002 DEFINITIONS.

(4) *Unit Occupancy*: The occupancy of the accessory dwelling unit must not exceed the number of occupants as specified in the definition of family in § 154.002 DEFINITIONS.

(5) *Unit Size*: The total floor area of each accessory unit must not exceed eight hundred (800) square feet or seventy-five (75) percent of the floor area of the primary residential building, whichever is greater.

(6) *Access and Entrances*: (a) A walkway must be provided from an abutting public street or alley to the primary entrance of the accessory dwelling unit. (b) Exterior stairways for upper floor units are permitted for fire safety but must not be located on the front of the building and must be built of durable materials matching the finish of the primary structure or accessory building.

(7) *Compliance with Regulations*: All accessory dwelling units must comply with city, local, regional, state, and federal regulations.

(8) *Registration Required*: Accessory dwelling units must be registered as rental properties if let for rent in accordance with the provisions outlined in CHAPTER 117: RENTAL UNITS of the City Code pertaining to Rental Dwelling Registration.

Section 3. Summary Publication. Pursuant to Minn. Stat. §412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance.

AN ORDINANCE OF THE CITY OF FERGUS FALLS, MINNESOTA, AMENDING CITY CODE CHAPTER 154.002, DEFINITIONS, BY ADDING ACCESSORY DWELLING UNIT AND AMENDING CITY CODE CHAPTER 154.091, ACCESSORY BUILDINGS.

Section 4. Effective date. The effective date of this ordinance shall be the _____ day of _____, 2024.

THIS ORDINANCE was introduced on the _____ day of _____ 2024, and adopted by the City Council of the City of Fergus Falls, Minnesota, on the _____ day of _____, 2024, by the following vote:

AYES:

ATTEST:

APPROVED:

City Administrator

Mayor

Published in the Fergus Falls Daily Journal on _____.

barb/acityoffergusfalls/ords/8thseries/Ord60

ORDINANCE NO. 62, EIGHTH SERIES

**AN ORDINANCE OF THE CITY OF FERGUS
FALLS, MINNESOTA, AMENDING CITY CODE
CHAPTER 154.170 THROUGH 154.177 ENTITLED
SIGNS.**

THE CITY OF FERGUS FALLS DOES ORDAIN:

Section 1. Amendment. Fergus Falls City Code Chapter 154.170 through 154.177 entitled Signs is hereby amended as follows:

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 forth herein under the zoning authority of the city.
- C. *Effect.* A sign may be erected, mounted, displayed, or maintained in the city if it is in conformance with the provisions of 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. Any sign that pertains to a time, event or purpose which no longer applies shall be deemed to have been abandoned. 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.

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

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

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. A sign which allows characters, letters, or illustrations to be changed without altering the sign.

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.

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.

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 or 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 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.

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 see ground sign.

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.

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.

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 or such building or wall face.

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.

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.

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.

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.

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

Unsightly 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.

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

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 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.

§154.175 UNAUTHORIZED SIGNS.

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. 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.

§154.176 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 is calculated as sign area, including any material or color forming 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:

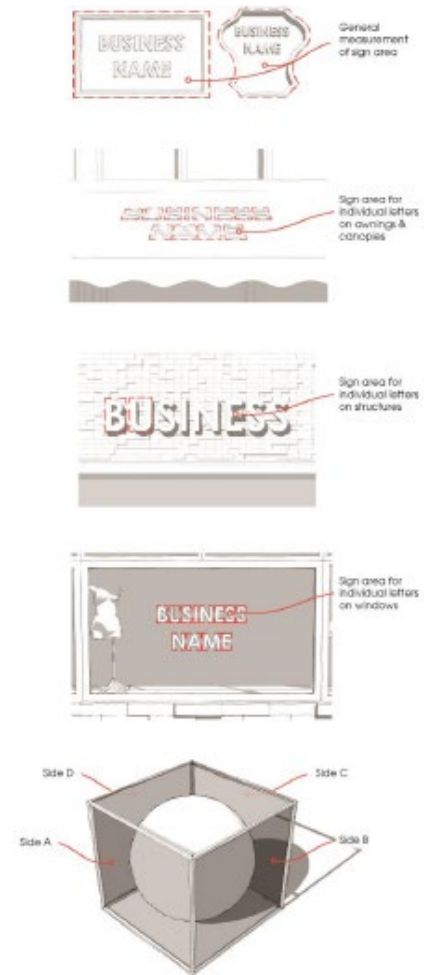
a) Pole sign height is measured from the grade to the uppermost point of the sign. Grade is established by the elevation of the back of curb or, if no curb exists, from the edge of pavement at the center of the abutting street frontage where the sign will be erected. The pole sign height may also be 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.

§154.177 SIGNS ON CANOPIES, MARQUEES AND FIXED AWNINGS.

No marquee, awning, canopy, or similar architectural element shall be used for advertising purposes except as specifically provided in this section.

- No wood, paper, cloth, or temporary sign shall be hung or attached to any



such architectural element.

- Canopies, marquees, and fixed awnings containing signage must comply with all dimensional restrictions and placement requirements outlined for awnings, canopies, and marquees in section §154.176 COMPUTATION METHODS.

The provisions of this subsection do not prohibit 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.

§ 154.178 SIGNS IN R-A, R-1, R-2, R-3, R-4 AND R-5 DISTRICTS. **Replaces §154.171**

In all classes of residence districts, the following regulations shall apply to signs:

See TABLE: SIGNS IN R-A, R-1, R-2, R-3, R-4 AND R-5 DISTRICTS

(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

§ 154.179 SIGNS IN B-1 B-2, B-3, B-4 B-5 AND B-6 DISTRICTS.

(A) In all classes of business districts, the following regulations shall apply to signs:

See TABLE: SIGNS IN B-1 B-2, B-3, B-4 B-5 AND B-6 DISTRICTS

§ 154.182 SIGNS IN I-1 AND I-2 DISTRICTS.

(A) In all classes of industrial districts, the following regulations shall apply to signs:

SIGNS IN I-1 AND I-2 DISTRICTS	Area Maximums	Illumination
Front Signs	2 square feet per linear foot of lot frontage; or 15% of building (front) facing area, or 75 square feet (whichever is greater)	Allowed
Rear Signs	2 square feet per linear foot of rear lot line, or 15% of building (rear) facing area, or 75 square feet (whichever is greater)	Allowed
Side Signs	One-third of 2 square feet per linear foot of side lot line, or one-third of 15% of building (side) area (whichever is greater)	Allowed
Signs on Roof, Covered Walk, or Marquee	Area maximums set above for front, rear, or side. Signs hanging below must be at least 8 feet from walk or ground grade line and not exceed 6 square feet.	Allowed
Rotating and Flashing Signs	Permitted by conditional use permit only	-

(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

§154.18X BILLBOARDS.

District	Regulations for Billboards
B-1 Business	Billboards not permitted.
B-2, B-3, and B-4 Business Districts; B-5 and B-6 Shopping Center Business District; I-1, I-2, and I-3 Industrial Districts	No billboards shall be erected closer than 400 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. Billboards may be illuminated.

§154.183 TEMPORARY SIGNS AND COMMUNITY EVENTS.

All temporary signs, including those related to community events, hereafter erected or maintained, shall conform with the provisions of this section.

1. **TEMPORARY SIGNS** are those signs which identify a special, unique, or limited activity, service, product, or sale of limited duration and are not affixed to a permanent structure and are removed immediately after the event they advertise.
 - a) Temporary signs may be erected not more than thirty (30) days before an event, maintained for a period of not more than 120 days, and shall be removed within three (3) days of the cessation of the activity, service, project, or sale.
 - b) Temporary signs include 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.
 - c) Temporary signage may be used to identify individuals or products involved in the construction of a building or 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 designees.
 - d) Temporary 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.
 - e) Temporary signs shall be anchored or temporarily affixed in a manner to prevent being blown away or blown over.
 - f) A temporary 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.
 - g) A temporary 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 sign placed within 100 feet of an area zoned for residential use may have blinking, flashing, rotating, or fluttering lights or other illuminating devices that have a change in intensity, brightness, or color.
 - h) All temporary 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.

- i) Temporary signs which have been placed within any portion of any right-of-way may be confiscated under the direction of the city's Code Enforcement Officer.
 - j) The erection of temporary signs shall be exempt from the requirements 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.

§154.184 ELECTRONIC MESSAGE CENTERS (EMCs)

Limitations:

- One electronic message center sign per property is permitted and may promote non-commercial messages as well. A double-sided configuration will be considered a single sign when applicable.
- Flashing, blinking, and strobing features are prohibited.
- Multiple electronic message center signs on a single property require a conditional use permit.
- EMCs are permitted only in non-residential zoning districts.
- EMCs may be located within 400 feet of or within a residential zoning district under specific conditions, including positioning, operating hours, and additional restrictions as determined by the Planning Commission.
- Automatic dimming technology is required to adjust brightness based on ambient light conditions.
- Message brightness must not exceed specified foot-candle levels at certain distances, and light should not cause glare or impair drivers' vision.
- Prohibition of traffic signal and/or emergency vehicle signal colors if potential problems are identified.
- EMCs must not exceed the maximum sign area for the applicable zoning district and are limited to one dynamic display per sign.
- EMCs must have a mechanism to immediately discontinue the display in case of malfunction, and owners must cease operation until compliance is restored.

These regulations aim to ensure that EMCs are installed and operated responsibly, considering their impact on the surrounding environment and community.

154.185 GENERAL PROVISIONS. **Replaces §154.176**

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;
 - (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.

154.186 PERMIT REQUIRED Replaces §154.177

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;
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.

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.

§154.187 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.
2. Any sign required by federal, state, or local law or a public utility company.
3. Any sign inside a building.
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 two (2) feet by three (3) feet 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 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.
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.
 10. Garage sale signs, provided signs are in compliance with *Chapter 118: Garage and Rummage Sales*.
 11. Non-commercial signs when permanently or temporarily installed in a residential zone.
 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.
 13. Window signs displaying commercial speech, both temporary and permanent. 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.

Section 2. Summary Publication. Pursuant to Minn. Stat. §412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance.

**AN ORDINANCE OF THE CITY OF FERGUS
FALLS, MINNESOTA, AMENDING CITY CODE
CHAPTER 154.170 THROUGH 154.177 ENTITLED
SIGNS.**

Section 3. Effective date. The effective date of this ordinance shall be the
_____ day of _____, 2024.

THIS ORDINANCE was introduced on the _____ day of _____
2024, and adopted by the City Council of the City of Fergus Falls, Minnesota, on the
_____ day of _____, 2024, by the following vote:

AYES:

NAYS:

ATTEST:

APPROVED:

City Administrator

Mayor

Published in the Fergus Falls Daily Journal on _____.

barb/acityoffergusfalls/ords/8thseries/Ord62