

..Title

AN ORDINANCE AMENDING SECTION 50-27.2 ENFORCEMENT, 50-27.3 DESIGN AND CONSTRUCTION STANDARDS, AND 50-27.7 SIGN TYPES.

..Body

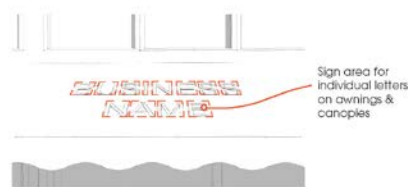
CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-27.2 of the Duluth City Code, 1959, as amended, be amended as follows:

50-27.2 Enforcement.

- A. No sign permit shall be required for the types of signs shown in Table 50-27-1, but each such sign shall be required to comply with the provisions of this Section 50-27. Any sign placed on public property or within a public right-of-way or public easement without authorization or without a required sign permit can be removed without notice. Such signs will be held by the city for ~~30~~ 10 days. The owner of the sign may reclaim the sign within such period, subject to any fines imposed by the city. If not reclaimed, the city may destroy the sign following expiration of the ~~30~~ 10 day period;
- B. If a sign is constructed illegally, either without a required permit or in violation of this section or previous sign regulations, the city may serve notice to the property owner that such sign must be removed or the violation corrected within ~~30~~ 10 days. If the sign is not removed or the violation corrected within the ~~30~~ 10 day period, the city may remove the sign at the property owner's expense. An extension of this ~~30~~ 10 day period may be granted per Section 50-37.1.O (*Appeals*) of this Chapter, and must be applied for prior to expiration of the initial ~~30~~ 10 day period.

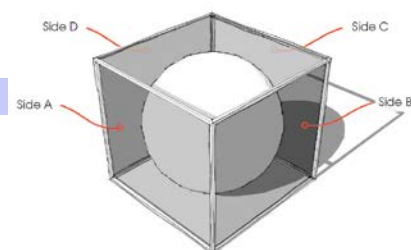


Section 2. That Section 50-27.3 of the Duluth City Code, 1959, as amended, be amended as follows:

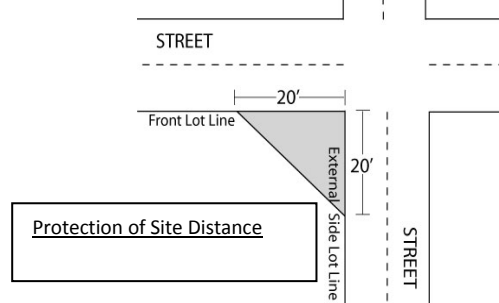
50-27.3 Design and construction standards.

All signs constructed, erected, modified or altered must comply with the provisions of this Section and the requirements of the City Code.

- A. Prohibited sign location.



1. No sign may be erected in a location that violates the Minnesota State Building Code, Minnesota State Fire Code or other regulations;
2. No sign, other than that placed by agencies of government or a sign whose placement is authorized by this Section or the city, may be erected in the public right-of-way or on public property;
3. Signs located on public right-of-ways or on/in public or private skywalks must comply with Chapter 44A of the City Charter;
4. No sign may be erected on private property without prior consent of the property owner;
5. No sign may be erected in violation of the view obstruction provisions of Section 50-25.2.M (*Protection of site distance*) with the exception of a freestanding pole sign, if permitted in the district, with a diameter no greater than one foot and where the sign face is mounted a minimum of eight feet above grade. No sign can be erected that obstructs free and clear vision of any street, intersection, parking lot ingress or egress, or driveway;



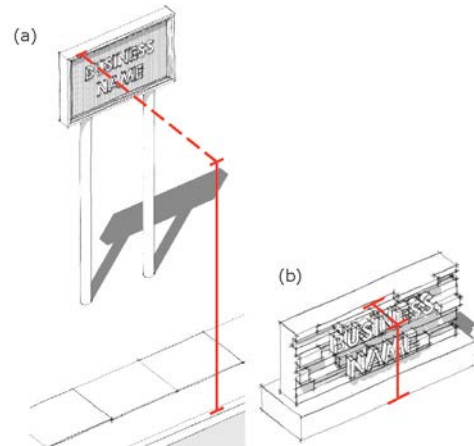
6. No sign may be erected in a manner that obstructs access to fire escapes, any ingress or egress, or standpipes;
7. No sign may be erected on the exterior of a building to cover any windows or doors;
8. Signs on lots adjacent to state or county highways shall conform to the respective setbacks and other standards of the state and county highway departments;
9. Freestanding monument signs shall not be located closer than three feet from the lot line;
10. The supporting pole of a freestanding pole sign shall be setback from the lot line a minimum of three feet, but the sign itself may be up to the lot line. No part of a freestanding pole sign may encroach on a public right-of-way;

A. Sign dimension measurement methodology.

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;

- (b) 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;
- (c) 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;
- (d) Window signs printed on a transparent film and affixed to the interior or exterior of a windowpane are calculated as individual letters or logos, provided that the portion of the transparent film around the perimeter of the individual letters or logos maintains 100 percent transparency of the window. Transparency is defined as both the ability to view into the interior of the establishment from the outside and to view the outside from the interior of the establishment through the same area;
- (e) 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;
- (f) 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;
- (g) Necessary supports or uprights on which the sign is erected are not included in the sign area computation.



2. General measurement of sign height.

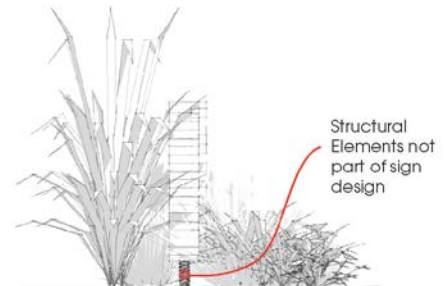
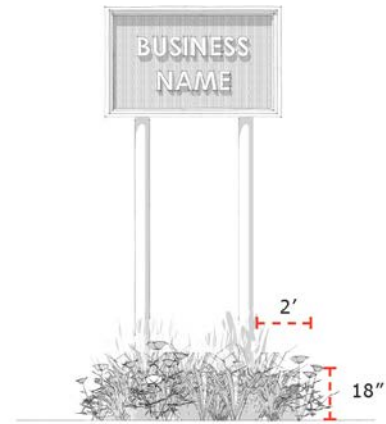
- (a) Pole sign height is measured from the grade to the uppermost point of the sign. Grade is established by the elevation of the back of curb or, if no curb exists, from the edge of pavement at

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;

B. Construction standards.

1. Supports and braces must be designed as an integral part of the overall sign design and hidden from public view to the extent technically feasible;
2. All signs attached to a building must be installed and maintained so that wall penetrations are watertight and the structure does not exceed allowable stresses of supporting materials;
3. All signs must be designed and constructed in accordance with Minnesota State Building and Fire codes. Marquee structures must be approved by the city engineer and building safety department;
4. Glass forming any part of a sign must be safety glass;
5. All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to or superimposed upon any sign must be safely and securely built into or attached to the sign structure;
6. Audio components are prohibited on any sign, with the exception of menuboards;
7. Any form of pyrotechnics is prohibited;



C. Electrical wiring.

1. All electrical fixtures, devices, circuits, conduits, raceways or apparatus used to illuminate, move or project any sign must be installed and maintained in accordance with Minnesota State Building Code, including the National Electrical Code. Electrical permits are required for sign installation in accordance with the Minnesota State Building Code;

2. Conduits and other components of a sign illumination system must be designed as an integral part of the overall sign structure and hidden from public view to the extent technically feasible;

D. Permit identification.

Every sign must include an identification of the permit number and name of sign installer either painted on the sign or by the application of a metallic sticker. The information must be visible from the ground with the exception of signs mounted seven or more feet above grade;

E. Required landscaping.

All freestanding signs, except in lots zoned I-G and I-W, must be landscaped at the base of the sign in accordance with the following:

1. Freestanding signs must be landscaped with small shrubs a minimum of 18 inches in height at planting, spaced appropriately based on mature height and spread to provide continuous screening of sign base once shrubs have reached maturity. The remainder of the landscape area must be planted with perennials, turf or other live groundcover;
2. Landscape must extend a minimum of two feet from the sign base on all sides. If this two foot area extends into the right-of-way, landscape is not required within the right-of-way area. All landscape must be maintained in good condition, and free and clear of rubbish and weeds. Landscape around the base of a sign is included in the total amount of landscape required on a site, if applicable;
3. There is no requirement regarding the mature height of landscape, though landscape must be tailored to the scale of the sign. Landscape may be trimmed and maintained along the sign base to maintain visibility of the sign face;
4. When a monument sign is designed as a single structure where the pediment is constructed of similar or complimentary materials as the sign, and no structural elements that are not related to such overall design of the sign are visible, no landscape is required;

F. Required sign maintenance.

1. All signs must be maintained in a safe, neat and orderly condition and appearance, and must be repainted or otherwise maintained by the property owner to prevent corrosion or deterioration caused by the weather, age or any other condition;
2. All signs must be maintained to prevent any kind of safety hazard, including faulty sign structures, a fire hazard or an electrical shock hazard;
3. All unused sign hardware or wiring that is visible from the right-of-way must be removed;
4. If a sign is maintained in an unsafe or insecure condition, the city will give written notice to the property owner. If property owner fails

G. Noncommercial messages.

H. Permit identification.

Section 3. That Section 50-27.7 of the Duluth City Code, 1959, as amended, be amended as follows:

A. General regulation.
The following types of signs require a zoning permit before they can be erected on a site. Table 50-27-4: Sign Types – Permit Required: District and Use Permissions describes which sign types are permitted in each district. In many districts, multiple sign types for the same development may be permitted.

TABLE 50-27-4: SIGN TYPES – PERMIT REQUIRED: DISTRICT AND USE PERMISSIONS																								
KEY (REFERENCE TABLE 50-19.8 FOR USES)																								
1 : Residential Uses												3: Commercial Uses												
1A: Multi-Family Dwelling Only												4: Industrial Uses												
2 : Public, Institutional and Civic Uses																								
NOTE: Accessory uses are subject to the home occupation sign standards																								
	R-C	RR-1	RR-2	R-1	R-2	R-P	MU-N	MU-C	MU-I	MU-B	MU-W	MU-P	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9	I-G	I-W	P-1
A-Frame Sign							3	3			3	3	3	3	3	3	3	3	3	3				2

[illegible]

¹ Billboards are permitted on any lot within the noted districts, whether developed or undeveloped, unless such lot is developed for a one-family or two-family dwelling.

² Filling station uses in any district are permitted to display fuel prices by an electronic message component, and are subject to the restrictions of that section. Electronic message signs are not allowed in the Historic Canal Park area as identified in UDC Section 50-27.8.C. Electronic message signs are allowed in the Entertainment District area as identified in UDC Section 50-27.8.B.

B. A-frame signs.

A-frame signs are permitted as indicated in Table 50-27-4, subject to the following regulations.

1. A-frame signs are limited to six square feet in area per side and four feet in height. The use of A-frame signs is limited to business hours only and may not be displayed for more than 16 hours in a 24 hour period. Signs must be stored indoors at all other times;
2. An A-frame sign must be placed on the property where the business is located and within ten feet of the primary entrance of the business or on the right-of-way in front of property. A-frame signs must provide an unobstructed sidewalk width of at least five feet for pedestrian passage and must not interfere with pedestrian traffic or violate standards of accessibility as required by the ADA or other accessibility codes;
3. The permit applicant must provide and maintain in force a certificate of insurance, in a form approved by the city, that evidences that the applicant has in force insurance in the minimum amounts required by the city for bodily injuries or property damage in any one year protecting such person or organization and the City against liability for injuries or damages resulting from the placement of such objects or materials in the public right-of-way. Proof of insurance must be renewed on an annual basis;

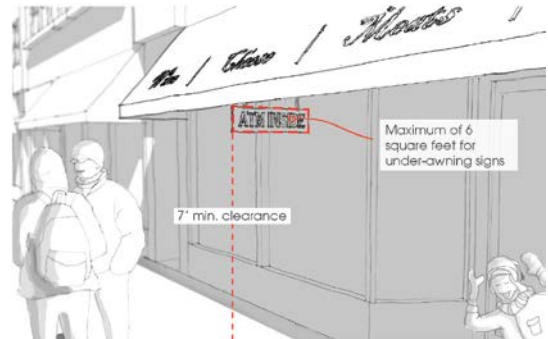
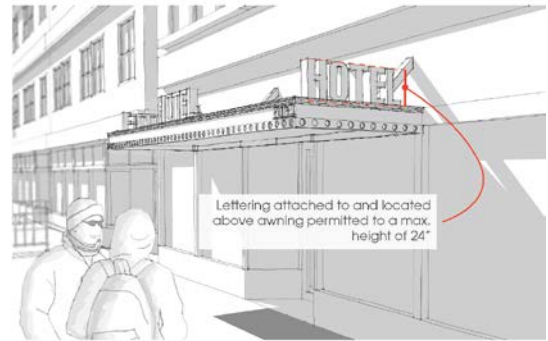
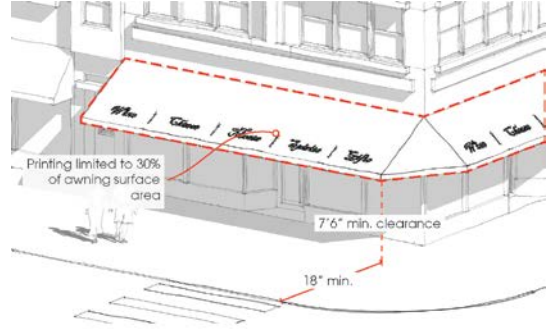
C. Awning.

Awnings without printing, with the exception of a street address number (number only), are considered an architectural feature and are not regulated by this Section. This Section regulates awning signs, which are used to identify a use by name or logo, the goods or services offered on-site, and similar sign information. Awning signs are permitted as indicated in Table 50-27-4, subject to the following regulations:

1. Awning signs must maintain a minimum vertical clearance of seven feet six inches (7' 6");
2. Awning signs must be located a minimum of 18 inches from the back of curb;
3. Awning signs must comply with Minnesota State Building and Fire codes, including provisions for encroachment into the public right-of-way, structural requirements, sprinkler protections and similar

regulations;

4. Awning signs must be made of a durable, weather-resistant material like canvas, canvas-like material, nylon, vinyl-coated fabric or metal. Solid, flat-roofed awnings may also be made out of finished wood, wood and plastic composites, metal or metal cladding, stucco or EIFS;
5. Printing on any awning sign is limited to 30 percent of the surface area;
6. Awning signs are permitted lettering attached to and located above the top of a solid awning to a maximum height of 24 inches. Signs mounted to solid, flat roofed awnings are limited to individually-mounted letters with internal illumination (if illuminated) or a sign board with external illumination – no internally illuminated cabinet signs;
7. Awning signs may illuminate the printed area of the awning with gooseneck or similar external illumination. Back-lit awnings are prohibited;
8. Under-awning signs are permitted subject to the following:
 - (a) Under-awning signs must be attached to the underside of an awning. Under-awning signs must not project beyond the awning;
 - (b) Under-awning signs must maintain a minimum vertical clearance of seven feet;
 - (c) A maximum of one under-awning sign is permitted per business establishment with frontage on the street where the awning is mounted;
 - (d) Each under awning sign is limited to a maximum of six square feet;

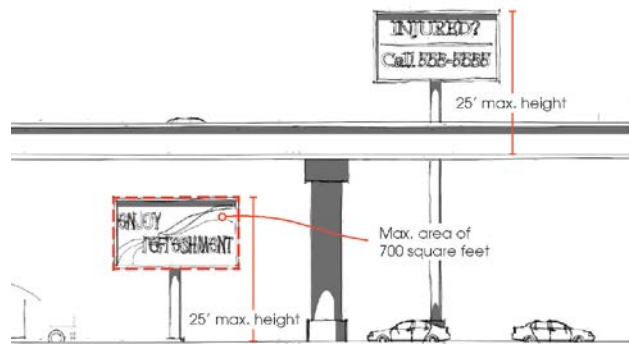
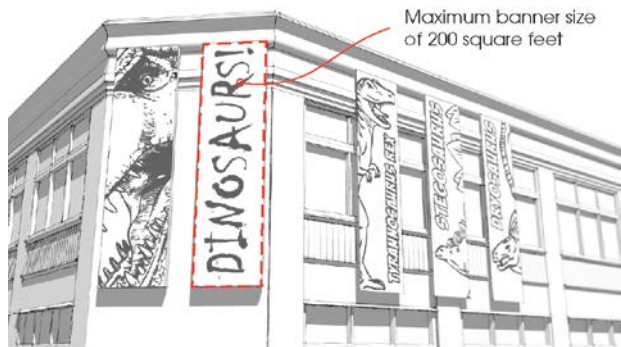


- (e) Under-awning signs must be securely fixed to the awning with metal supports;
- (f) Under-awning signs must be made of wood, metal or plastic;
- 9. A sign permit is required for recovering or resurfacing an existing awning;

D. Exhibition banners.

Exhibition banners are intended to be used in conjunction with a special exhibit for an educational facility, government building, museum, library or art gallery, or religious assembly. Exhibition banners are permitted for events and exhibitions as indicated in Table 50-27-4, subject to the following regulations:

1. Each use is permitted up to six exhibition banners during one display period. The display period is defined as the combined period of 30 days prior to the opening of the exhibit, the run of the exhibit, and for 14 days following the close of the exhibit. In no event may the display of exhibition banners exceed four months in any calendar year;
2. Exhibition banners must be made of a durable, weather-resistant material like canvas, nylon or vinyl-coated fabric;
3. Each exhibition banner is limited to a maximum sign area of 200 square feet;
4. Exhibition banners must be securely and tautly attached to the wall of the structure and no exhibition banner may be located higher than the roofline;



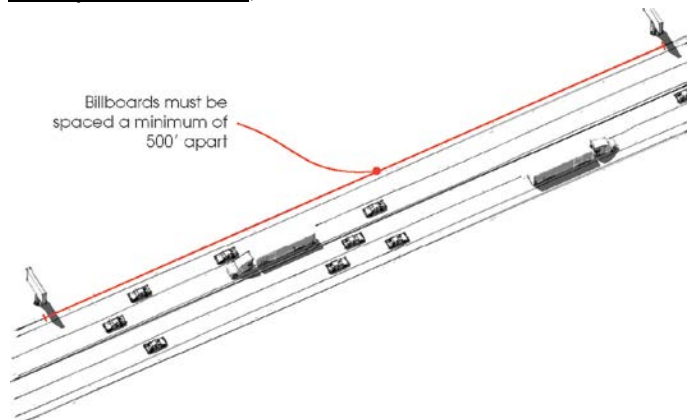
E. Billboard.

The following types of signs require a zoning permit before they can be erected on a site;

1. Billboards are permitted as indicated in Table 50-27-4 subject to the following regulations. However, billboards are only permitted in the MU-B and I-G districts with the use of an exception credit (Section 50-38.7). Billboards are also further restricted by the requirements of Minnesota State Statute Section 173.08, Subdivision 2, as

amended from time to time;

2. The maximum sign area for a billboard is 700 square feet;
3. Billboards adjacent to on-grade roadways are limited to a maximum height of 25 feet. Billboards adjacent to grade separated/elevated roadways are permitted to measure the 25 foot height from the roadbed crown to the tallest projection of the structure. This measurement is taken at a perpendicular angle between the grade separated/elevated roadway and the sign location;
4. Billboards may only be mounted as freestanding pole signs. However, when an exception credit is used, billboards may be wall-mounted and are limited to the wall sign area allowed for that district;
5. Billboards are required to be spaced 500 feet apart, subject to the following:
 - (a) Billboards located along Interstate Highway No. 35 and Interstate Highway No. 535 must be spaced 800 feet apart, unless erected under an exception credit in which case only the 500 foot spacing is required;
 - (b) Spacing is measured along the nearest edge of the right-of-way pavement to which the billboard is displayed and between points directly opposite the center of the billboard;
 - (c) Spacing requirements apply only to billboards located on the same side of the same highway;
 - (d) Multi-faced or back-to-back billboards, up to a maximum of a five foot separation between sign faces, are considered one billboard. Multi-faced or back-to-back electronic billboards are considered two separate billboards for the purposes of exception credits;



6. Electronic billboards are permitted only in the MU-C, MU-B, and I-G districts. Electronic billboards are also subject to the additional following regulations:
 - (a) An electronic billboard may only be erected if one of the following criteria is met:
 - (i) The electronic billboard is constructed using exception

- credits. The number of exception credits, in square footage, must equal three times the square footage of the electronic billboard to be constructed;
- (ii) Nonconforming billboards of a total square footage are removed in an amount equal to three times the square footage of the electronic billboard to be constructed;
 - (b) Each message displayed on an electronic billboard must be static or depicted for a minimum of ~~eight~~ twenty seconds. Any scrolling, flashing or movement of the message is prohibited;
 - (c) The maximum brightness of an electronic billboard is limited to 5,000 nits or 464 candelas per square foot during daylight hours, and 500 nits or 46 candelas per square foot between dusk to dawn. The billboard must have an automatic dimmer control that produces a distinct illumination change from a higher allowed illumination level to a lower allowed level for the time period between one-half hour before sunset and one-half hour after sunrise;
7. No off-premises sign or billboard in excess of 60 square feet shall be erected or maintained in any area shown on the maps in Exhibit 50-27.8-1;
8. A billboards is only allowed as an accessory use on a property that has a legal conforming principle use and principle structure;

Section 4. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: _____, 2016)

..Statement of Purpose

STATEMENT OF PURPOSE: This ordinance implements text amendments to chapter 50 of the City Code, known as the Unified Development Chapter (UDC).

The text amendment reduces the length of time that nuisance signs need to be held by city staff prior to disposal, adds a graphic related to sight triangles at intersections, allows an additional signage type in the MU-I district, and clarifies development standards for billboards.

The proposed changes were discussed at a published public hearing on April 12 and May 24, 2016. At the June 14, 2016, regular meeting, the Duluth planning commission made a motion to recommend that the city council approve the recommended amendments to UDC. The vote passed with a vote of 6 yeas, 0 nays and 0 abstentions.

Action Deadline: Not Applicable

PL: 16-031

