



**CITY OF JORDAN  
PLANNING COMMISSION  
Regular Meeting Agenda**

**Tuesday, July 9, 2019  
6:30 P.M.**

City of Jordan Council Chambers  
116 First Street East, Jordan MN 55352

- 1.0 CALL TO ORDER
- 2.0 ADOPT AGENDA
- 3.0 APPROVAL OF MINUTES
  - A. June 11, 2019 Meeting Minutes
- 4.0 NEW BUSINESS
- 5.0 OLD BUSINESS
  - A. Signage Discussion
- 6.0 PLANNERS REPORT
  - A. General Updates
  - B. Next Meeting- August 13, 2019
- 7.0 CITY COUNCIL MEMBER UPDATE
- 8.0 COMMISSION MEMBER REPORT
- 9.0 ADJOURNMENT

**Contacts:**

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**MINUTES OF THE PROCEEDINGS  
OF THE PLANNING COMMISSION OF THE CITY OF JORDAN  
IN THE COUNTY OF SCOTT  
JUNE 11, 2019**

1.0 CALL TO ORDER

Present: Tom Sand, Jane Bohlman, Jesse Masloski, Bob Bergquist, Jeff Will, Robert Whipps, Brenda Lieske

Also Present: Lucinda Meyers, Senior Planner, Nathan Fuerst, Planner/Economic Development Specialist, Lauren Walburg, Planning Intern, Megan Pavek, Planning Intern

Meeting called to order at 6:28pm

2.0 ADOPT AGENDA

Motion by Bohlman, second Bergquist to adopt the agenda as presented. Vote all ayes. Motion carried.

3.0 APPROVAL OF MINUTES

A. May 14, 2019

Motion by Masloski, second Whipps to approve the meeting minutes as presented. Vote all ayes. Motion carried.

4.0 NEW BUSINESS

A. Parking Plan for Brewery Complex

Senior Planner Meyers presents Item 4A, parking plan for the brewery complex.

Bohlman asks about the building next door and whether they could use some of those parking spots. Meyers responds that it would require the owners to come to a joint parking plan, and that this is an option that could be explored further.

Sand questions if there is still a functioning business operating out of said building. Applicant, Kochlin states that she is unsure, but also says that when there are big festivals, everyone parks in their private spots. She states that she could talk to the owner of that building.

Bohlman asks how many seats the restaurant will hold. Kochlin states that the space is not very big and therefore the kitchen takes up much of the area. To efficiently utilize the space most of the business will be takeout. There will only be 4 tables in the restaurant. Will asks what the square footage is. Masloski helps determine that the

space is about 20 x 40.

Sand inquires about the concept; will it be a shared space? Kochlin states she will run the coffee shop in the morning and then it will switch to a restaurant for the remainder of the day. Sand inquires on whether the business will be open every day. Kochlin responds that it will be. Sand states that it is a needed amenity. Kochlin states it is too bad not to do the drive-through, but the space was just not there.

Lieske asks whether the gravel lot complies with the City code. Meyers states that the lot is private property and therefore maintained by the property owner. It is a legal non-conforming use. If the use is expanding, then the City does have the authority to require the paving of that lot.

Bergquist states that if it is not marked, people will park incorrectly. Sand inquires about whether the applicant has considered this issue. Kochlin states that paving is expensive, but she is thinking about perhaps doing posts or using a different alternative. Bergquist inquires about handicap spaces. Kochlin states that there is one handicap space on site.

Meyers states that the circulation proposed for the site is entering off of Highway 21, and exiting onto Mill Street. The stalls would need to be angled to allow for the drive lane behind it. Signage would be absolutely necessary to facilitate the traffic flow. There are a number of recommendations up for consideration.

Meyers asks if the Planning Commission is comfortable with the level of detail provided in the parking plan.

Whipps states that he would like to see more detail. Since the Church and Terwedo needed to get interim use permits for their parking lots, it would not be fair to accept this one. Meyers states that this is a separate subject because in both of those instances parking was the principal use.

Whipps states that we should require paving and adequate drainage. There is not adequate drainage on that site which is prone to flooding. Also, we do not know what is happening with the South House.

Meyers states that MnDOT needs to change their drainage, which is the underlying issue at that site. MnDOT is planning to do that work soon.

Whipps states that not knowing what is happening with the South House is problematic because if we approve this plan and leave no parking for the South House, it could raise a future issue. Will asks if the gentleman that bought the South House is responsible for his own parking.

Whipps asks if the plan includes the South House.

Meyers states that we should consider a few conditions for approval, one of the conditions being in regards to joint parking and the need for covenants that run with the land. A joint parking arrangement would need to be in place for the three parcels, which does not include the South House. The only option for the new property owner is to obtain an easement to use the existing access from Highway 21 across the Brewery property.

Will inquired that if the easement is granted, where would the parking for the South House be located? Will it be all on site, or will it be on the neighboring lot. Meyers responds that we do not know what is going to be on that site.

Whipps states that we would have to spot zone for a residential use, because that is in the C2.

Will inquires about a garage, and whether there is enough space on the South House property. Will states that he is combining these topics because the South House may further complicate the brewery complex parking issue.

Meyers states in either event there are no parking spaces available south of the brewery complex. If there is an eventual arrangement between the applicant and the buyer, there will be an easement and perhaps the carving out of parking spaces.

Whipps inquires whether there are easements already in place that the city attorney has seen. Meyers recommends that easements be drawn up, and that there would need to be an amendment to the parking plan for any changes.

Whipps states that if this parking plan is approved, and there is not further expansion, the city is stuck with a gravel lot.

Sand inquires how solid the sale is of the South House. Kochlin states that the house is closing a week from Friday. Whipps asks whether there is parking required for the South House currently. Sand says that the new owner needs to figure out parking on his property. Whipps says that the new owner will need parking on his site, which will create pressure on this plan.

Bohlman inquires how many stalls the Chinese restaurant requires. Meyers states that it is the same as the coffee shop because it is a class 3 restaurant. Bohlman states that there are 42 spaces over on Water Street near that restaurant and they could be utilized.

Will inquires whether the brewery complex is considered downtown, and whether it is treated the same as downtown businesses. Meyers states that this is unique because this parcel is not in the downtown, and near Mill Street which is a residential area, and Broadway Street which provides no parking in front of the business. Will states

that if we compare this business to the arcade, the brewery complex actually has more parking.

Sand states that he has the same concern that the parking lot will always be gravel. He wants that condition in writing. The parking spaces will work themselves out, but the condition to pave needs to be addressed. Will asks who else has a paved lot. Meyers states the City, St. Johns, and the Post Office.

Sand states that it should be our goal to have all lots paved. Meyers inquires about the preferred time frame for this to occur. Sand states that two years would make sense to be in line with the other Interim Use Permits.

Meyers states that we need to determine if we are satisfied with the detail provided in this application.

Whipps states we need to have the engineer and the city attorney look at the plan. There are still a lot of questions about MnDOT, the South House, and other related factors. Whipps states this plan is going to come back to the commission because there are so many questions. Whipps suggests tabling the issue and reassessing it after we have more answers.

Meyers states that perhaps we could wait until MnDOT provides their feedback. Whipps states that easements should also be drafted and reviewed by the city attorney.

Meyers states that we could wait for MnDOT to respond because the property owner will likely need permission from MnDOT for signage. The concern would be that MnDOT could have issues with the parking plan.

Lieske inquires why we are trying to solve all of these issues and perhaps we should just see what MnDOT says.

Kochlin states that she is concerned about opening the coffee shop, and that she was planning to open soon and would be open to not providing parking on site if necessary.

Sand inquires whether we need a motion.

Whipps inquires about the city engineer recommendation.

Meyers states that the city engineer needs something produced by an engineer to review the plan.

Kochlin states that we should just go off the 401 building and whether that would be an option. Meyers states that it would need a parking plan and would then come back to the Planning Commission in July.

Meyers discusses the conditions in the staff report.

Meyers states that the seventh condition would be that the entire lot is improved to city code standards within 2 years of approving the parking plan.

Sand asks what is not addressed in the conditions.

Whipps states that he is not an engineer, but if the engineer states that he needs more detail to assess the plan we should honor that request. He states he is less worried about MnDOT.

Bergquist states that there are a lot of unanswered questions.

Sand states that the question is with the seven provisions, and asks whether anyone would like to make a motion with the seven conditions.

Will states that he would like to make a motion, but would like to double-check the information.

Masloski states that he would not like to see parking on Mill Street because it is so narrow. Whipps inquires whether that street has parking restrictions in the winter. Will states that he does not think it does because those houses do not have off street parking.

Whipps states that he has concerns about the snow ordinance and also having no parking for the residents that live there. Meyers responds that if there was signage that suggested parking on Broadway, it could help prevent Mill Street parking.

Kochlin states that she will do whatever is necessary.

Bergquist states that this is primarily carry-out, so perhaps having less parking spaces will not be an issue because vehicles will not be there for an extended period of time.

Whipps states that the applicant still needs approval from MnDOT, and asks whether that is realistic to receive in a month. Meyers states that she does not need approval from MnDOT for the parking plan, only for the signage that would need to be located in MnDOT right-of-way.

Motion Lieske, second Bergquist to accept parking plan with the six contingencies in the staff report, and the additional condition that the parking lot be paved within 2 years per city code. Vote all ayes. Motion carried.

## 5.0 OLD BUSINESS

### A. Signage Discussion

Planner/Economic Development Specialist Fuerst presents item regarding signage discussion and specifically signs painted on buildings. Planner Fuerst reviews the background of previous planning commission meetings, the discussion had up to this point, and the current code language. Planner Fuerst discusses example language and

options that could help to regulate these types of signs. Staff is looking for guidance regarding what the language should be.

Whipps states that he would like the commission to think about tabling permits until we come to a resolution on this issue. It does not need to be a formal moratorium.

Lieske states that she likes the clarity of the maintenance language that Planner Fuerst presented.

Whipps states that he would like the code to include language about old signs painted over with the same color, or sandblasting. The city should move away from gray blocks painted over signs.

Masloski states that language should require removal of paint and not specify sandblasting.

Bohlman inquires about the difference between commercial and non-commercial speech. Whipps states that the Pickled Pig is commercial, not a mural.

Fuerst inquires whether staff should look into code language that prohibits painted signs, or code language that explores maintenance.

Sand states that he likes painted signs, so perhaps maintenance. He suggests looking at limiting painted signs to the C2.

Fuerst states that currently murals are allowed in all districts, so we could look at limits and also limits on commercial or non-commercial speech.

Whipps states that we have historic brick buildings that should be preserved, but if there are no limits we could have every building painted in the downtown. There is a concern about enforcing maintenance on painted signs and preserving the aesthetic of the downtown area.

Whipps states that another concern is the percentage of the facade that is allowed to be signage.

Lieske inquires about the direction staff is looking for. Fuerst clarifies that staff is looking for direction on maintenance versus prohibiting wall signs for code language.

Sand states that we allowed the Pickled Pig and the Winery to have painted signs recently, and Pekarna's is grandfathered in.

Will states that the concern is that we should not put a mechanism in place to penalize owners of painted signs if they are maintaining them. Sand states that existing painted

signs would be grandfathered in. Will states that if there is a change of use, the sign would need to be painted, but not for a change of ownership.

Bohlman states that if someone bought the Pickled Pig, they would likely not keep the sign. Whipps states that they would if the name stayed the same and many new owners choose to keep the same name. There is concern that the number of painted signs would increase and conflict with the goals of the downtown master plan. These goals focus on preserving the downtown and the historic buildings.

Bergquist stated that in the photos at the history center there are painted signs on the buildings, so this is a part of historic Jordan.

Sand said that we need to decide what direction to go, whether we should allow painted signs and put conditions on them or not allow painted signs.

Whipps states that we could do a CUP and set whatever conditions we want on that CUP.

Will states that obsolete signs should be addressed with language other than code enforcement through the zoning administrator.

Masloski states that if we could have a review of painted signs the CUP would be a good idea.

Fuerst states that the staff will look into allowance of painted signs with a CUP, language about removal and perhaps limiting painted signs to commercial areas.

Whipps also states that the color palette should be addressed in future discussion and how it applies to painted signs and asks whether we should be more stringent.

## 6.0 PLANNERS REPORT

### A. General Updates

Meyers states that Caribou Coffee plan has received approval. The CDA application is in the process of development agreement and development review. The application will then go to the City Council. The Pickled Pig received EDA funds for facade improvement. Sand inquires about the color. Meyers states that it will be a burnt red, and will match the color palette. Meyers introduces Nathan and Megan. Goodbye to Lauren

### B. Next Meeting- July 9, 2019

## 7.0 CITY COUNCIL MEMBER UPDATE

Whipps states that it is exciting that there is potentially a buyer for the South House and that we should be prepared for the new buyer to come to the Planning Commission

8.0 COMMISSION MEMBER REPORT

Lieske inquires about the Pieper property, and whether it is being developed.

Meyers states that the city does not have any applications at this time.

Lieske states that there is a large demographic looking for single-level homes which would help to keep people in Jordan.

Bergquist discusses the recent class he attended for planning commissioners and states that the information from staff was more informative than the class. It is helpful to have the verbiage.

9.0 ADJOURNMENT

Motion by Whipps, second by Masloski to adjourn at 8:26pm.

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Tanya Velishek, Mayor

ATTEST:

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Tom Nikunen  
City Administrator



**DATE:** July 9, 2019  
**TO:** Chair Sand and Planning Commission Members  
**FROM:** Nathan Fuerst  
 Planner/Economic Development Specialist

**AGENDA ITEM:** 5 A. Signage Discussion – Signs Painted on Buildings

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**ACTION REQUESTED:** The Planning Commission is asked to discuss its position on the regulation of signs painted on buildings.

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**BACKGROUND:**

The Planning Commission directed staff to draft code language further clarifying policies regarding signage painted on buildings in the City. Discussion from the Commission’s last regular meeting on June 11, 2019 is summarized and draft alternatives are offered.

**Planning Commission Discussion June 11, 2019, Regular Meeting**

The commission received a memo detailing previous discussions regarding painted signage and example code language. Commissioners debated whether to allow painted signage at all, or whether to expand and clarify language regarding the placement and maintenance of such signage.

Commission Action

Commissioners guided Staff to create language that would constrain commercial speech to the C-2 area and to create more strict standards about which signs can be located where.

**Effects of Paint on Brick Façades**

After contacting a building owner in the Downtown area regarding Painted Signage, Staff learned that paint may cause long term damage to brick façades. Staff verified this information with the State of Minnesota’s Historic Preservation Office. Painting brick façades may cause damage to the underlying brick over time by trapping in moisture and subjecting the underlying brick to freeze-thaw, deteriorating the wall over time.

The Brick Industry Association’s “Technical Notes 6” states the following about paint:

*Paint for application to brick masonry walls should be durable, easy to apply and have good adhesive characteristics. It should be porous if applied on exterior masonry, thereby permitting the wall to breathe and preventing the trapping of free moisture behind the paint film.*

Alternatives B & C would reduce the application of paint in the City’s historic core to only where paint already exists or has been previously approved.

**Requiring a Conditional Use Permit**

Staff discussed the possibility of requiring a Conditional Use Permit (CUP) for a commercial mural. A CUP would add expense and time for those looking to paint a commercial mural. The

only other city in the area that allows mural signs is Shakopee, which also requires a CUP, but provides no guidance on conditions.

The following are possible conditions of a Conditional Use Permit:

- *Paint.* High quality exterior paint must be used in the painting of a commercial mural. If part or all of the commercial mural is to cover brick, Vapor-Permeable paint must be used.
- *Repainting.* The sign must be repainted after a period of no more than every 5 years.
- *Obsolete Sign.* Should the sign become obsolete, the owner, agent, or person having beneficial use of the commercial mural is responsible for matching the area covered by the sign with the surrounding façade or for complete removal so that none of the commercial mural remains.
- The proposed commercial mural shall comply with any other relevant provisions of the zoning code or any design standards manual for the applicable zoning district.

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**DISCUSSION:**

Staff has included three different alternatives of code language for the Planning Commission’s consideration.

All three alternatives will reflect guidance from the Planning Commission and introduce the following:

- Clarification of language regarding sign maintenance by adding a provision about unsightly signs
- Provides definition for Unsightly Signs
- Differentiates Murals from Commercial Murals
- Provides definition for Commercial Murals

**Alternative A – Restricting Commercial Murals**

This alternative restricts commercial murals to the Central Business and Highway Commercial Districts through a Conditional Use Permit.

An example of this language is provided in Exhibit A.

**Alternative B – Disallowing Commercial Murals**

This alternative does not permit new commercial murals in any district.

An example of this language is provided in Exhibit B.

**Alternative C – Disallowing New Commercial Murals**

This alternative would continue to allow new commercial murals to be painted ONLY where surfaces are already painted.

An example of this language is provided in Exhibit C.

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**FISCAL IMPACT:** None

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**STAFF RECOMMENDATION:** Staff recommends that the Planning Commission make a motion to recommend Alternative A, B, or C to the City Council for a first reading at the City Council’s regular meeting on Monday, July 15, 2019.

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**ATTACHMENTS:**

- Exhibit A
- Exhibit B
- Exhibit C

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**PLANNING COMMISSION ACTION:**

Motion: \_\_\_\_\_

Second: \_\_\_\_\_

Approved: \_\_\_\_\_

Disapproved:

Tabled:

Other: \_\_\_\_\_

\_\_\_\_\_

## Exhibit A – Restricting Commercial Murals

### § 154.244 GENERAL PROVISIONS.

Signs that are not prohibited signs are a permitted accessory use in all districts, subject to the following regulations and the standards set forth in [TABLE A SIGN HEIGHT AND AREA REQUIREMENTS](#).

(A) All signs along state and federal highways shall conform to state and federal sign regulations.

(B) Sign maintenance.

(1) *Painting*. The owner of any sign shall be required to have such a sign properly painted including all parts and supports of the sign, unless such parts or supports are galvanized or otherwise treated to prevent rust. This shall also apply to murals [and commercial murals](#).

(2) *Area around signs*. The owner, or lessee, of any sign or the owner of the land on which the sign is located shall keep the grass, weeds or other growth cut and the area between the sign and the street and the area within 6 feet from the ends of the sign, free from refuse.

(3) *Obsolete signs*. Any sign which no longer advertises a bona fide business conducted or a product sold shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or land upon which the sign may be found, within 10 days after written notice from the Zoning Administrator.

(4) *Unsafe or dangerous signs*. Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety shall be ~~considered a public nuisance and shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or land upon which the sign is located, within 10 days after written notification from the Zoning Administrator.~~ [repaired or removed by the owner, agent, or person having beneficial use of the building, structure or land on which the sign is located. Unsafe signs must be repaired or removed within twenty-four \(24\) hours after notification.](#)

[\(5\) \*Unsightly signs\*. Signs considered unsightly must be repaired or removed within fifteen \(15\) days of notification.](#)

[\(a\) \*Removing Murals\*. Removal, in the case of murals or commercial murals, shall mean a complete repainting of the background on which the mural or commercial mural was painted, or a complete removal of all paint to reveal an exterior finish compatible with surrounding surfaces, so that no part of the sign is any longer recognizable.](#)

(C) Murals are permitted in all districts.

(D) Parking areas. Signs shall not be placed in or restrict access to required parking spaces or loading berths.

(E) Sign as a structure. A sign is a structure or a part of a structure for the purpose of applying yard regulations.

(F) Symbols, statues, sculptures and integrated architectural features on buildings may be illuminated provided the direct source of light is not visible from the public right-of-way or adjacent residential property.

(G) Freestanding signs. Not more than 1 commercial-content based free standing sign shall be permitted on an individual street frontage on a lot.

(H) Flags may be displayed upon a lot. Flag pole height must comply with the height regulations of the applicable zoning district. No more than 3 flags shall be displayed in a residential district.

(I) No sign shall have more than 2 faces.  
(Ord. 2013-05, passed 5-20-2013, [Am. Ord. 2019-07, passed 7-15- 2016](#))

## § 154.248 SPECIAL PROVISIONS.

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(H) Commercial murals. Commercial murals are limited to the Central Business and Highway Commercial Districts and require a Conditional Use Permit subject to the following conditions:

(1) Paint. High quality exterior paint must be used in the painting or repainting of a commercial mural. If part or all of the commercial mural is to cover brick, Vapor-Permeable paint must be used.

(2) Repainting. The sign must be repainted after a period no greater than every 5 years.

(3) Obsolete Sign. Should the sign become obsolete, the owner, agent, or person having beneficial use of the commercial mural is responsible for matching the area covered by the sign with the surrounding façade or for complete removal so that none of the commercial mural remains.

(4) The proposed commercial mural shall comply with any other relevant provisions of the zoning code or any design standards manual for the applicable zoning district.

## § 154.259 DEFINITIONS.

...

**Mural.** Any mosaic, painting, or graphic art or combination thereof, not containing a commercial message, which is applied to a building.

**Commercial Mural.** Any mosaic, painting, or graphic art or combination thereof applied to a building containing a commercial message advertising or promoting any business, product, activity, or service.

...

**Sign.** Any written message, pictorial presentation, number, illustration, decoration, flag, banner or other device that is used to announce, direct attention to, identify, advertise or otherwise make anything known. The term **SIGN** shall not include landscaping or the architectural embellishment of a building not intended to communicate information. For purposes of maintenance or removal, the term **SIGN** shall also include frames and support structure.

...

**Unsightly Sign.** A condition in which the sign has deteriorated to the point where at least one-fourth (1/4) of the surface area of the name, identification, description, display, illustration or other symbol is no longer clearly recognizable at a distance of twenty (20) feet; or where paint is peeling, chipping or flaking from the structure surface; or where the sign has developed significant rust, corrosion, rotting or other deterioration in the physical appearance, or is so faded that it is not clearly recognizable at a distance of twenty (20) feet; or where an illuminated electrical sign is no longer in proper working order.

...

(Ord. 2013-05, passed 5-20-2013; [Am. Ord. 2019-07, passed 7-15-2016](#))

## Exhibit B – Disallowing Commercial Murals

### § 154.244 GENERAL PROVISIONS.

Signs that are not prohibited signs are a permitted accessory use in all districts, subject to the following regulations and the standards set forth in [TABLE A SIGN HEIGHT AND AREA REQUIREMENTS](#).

(A) All signs along state and federal highways shall conform to state and federal sign regulations.

(B) Sign maintenance.

(1) *Painting*. The owner of any sign shall be required to have such a sign properly painted including all parts and supports of the sign, unless such parts or supports are galvanized or otherwise treated to prevent rust. This shall also apply to murals [and commercial murals](#).

(2) *Area around signs*. The owner, or lessee, of any sign or the owner of the land on which the sign is located shall keep the grass, weeds or other growth cut and the area between the sign and the street and the area within 6 feet from the ends of the sign, free from refuse.

(3) *Obsolete signs*. Any sign which no longer advertises a bona fide business conducted or a product sold shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or land upon which the sign may be found, within 10 days after written notice from the Zoning Administrator.

(4) *Unsafe or dangerous signs*. Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety shall be ~~considered a public nuisance and shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or land upon which the sign is located, within 10 days after written notification from the Zoning Administrator.~~ [repaired or removed by the owner, agent, or person having beneficial use of the building, structure or land on which the sign is located. Unsafe signs must be repaired or removed within twenty-four \(24\) hours after notification.](#)

[\(5\) \*Unightly signs\*. Signs considered unightly must be repaired or removed within fifteen \(15\) days of notification.](#)

[\(a\) \*Removing Murals\*. Removal, in the case of murals or commercial murals, shall mean a complete repainting of the background on which the mural or commercial mural was painted, or a complete removal of all paint to reveal an exterior finish compatible with surrounding surfaces, so that no part of the sign is any longer recognizable.](#)

(C) Murals are permitted in all districts. [Commercial Murals are not permitted in any zoning district.](#)

(D) Parking areas. Signs shall not be placed in or restrict access to required parking spaces or loading berths.

(E) Sign as a structure. A sign is a structure or a part of a structure for the purpose of applying yard regulations.

(F) Symbols, statues, sculptures and integrated architectural features on buildings may be illuminated provided the direct source of light is not visible from the public right-of-way or adjacent residential property.

(G) Freestanding signs. Not more than 1 commercial-content based free standing sign shall be permitted on an individual street frontage on a lot.

(H) Flags may be displayed upon a lot. Flag pole height must comply with the height regulations of the applicable zoning district. No more than 3 flags shall be displayed in a residential district.

(I) No sign shall have more than 2 faces.  
(Ord. 2013-05, passed 5-20-2013, [Am. Ord. 2019-07, passed 7-15- 2016](#))

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[Commercial Mural. Any mosaic, painting, or graphic art or combination thereof applied to a building containing a commercial message advertising or promoting any business, product, activity, service, interest or entertainment.](#)

...

**Sign.** Any written message, pictorial presentation, number, illustration, decoration, flag, banner or other device that is used to announce, direct attention to, identify, advertise or otherwise make anything known. The term **SIGN** shall not include landscaping or the architectural embellishment of a building not intended to communicate information. For purposes of maintenance or removal, the term **SIGN** shall also include frames and support structure.

...

[Unsightly Sign. A condition in which the sign has deteriorated to the point where at least one-fourth \(¼\) of the surface area of the name, identification, description, display, illustration or other symbol is no longer clearly recognizable at a distance of twenty \(20\) feet; or where paint is peeling, chipping or flaking from the structure surface; or where the sign has developed significant rust, corrosion, rotting or other deterioration in the physical appearance, or is so faded that it is not clearly recognizable at a distance of twenty \(20\) feet; or where an illuminated electrical sign is no longer in proper working order.](#)

...

(Ord. 2013-05, passed 5-20-2013; [Am. Ord. 2019-07, passed 7-15- 2016](#))

## Exhibit C – Disallowing New Commercial Murals

### § 154.244 GENERAL PROVISIONS.

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(A) All signs along state and federal highways shall conform to state and federal sign regulations.

(B) Sign maintenance.

(1) *Painting*. The owner of any sign shall be required to have such a sign properly painted including all parts and supports of the sign, unless such parts or supports are galvanized or otherwise treated to prevent rust. This shall also apply to murals [and commercial murals](#).

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(3) *Obsolete signs*. Any sign which no longer advertises a bona fide business conducted or a product sold shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or land upon which the sign may be found, within 10 days after written notice from the Zoning Administrator.

(4) *Unsafe or dangerous signs*. Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety shall be ~~considered a public nuisance and shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or land upon which the sign is located, within 10 days after written notification from the Zoning Administrator.~~ [repaired or removed by the owner, agent, or person having beneficial use of the building, structure or land on which the sign is located. Unsafe signs must be repaired or removed within twenty-four \(24\) hours after notification.](#)

[\(5\) \*Unsightly signs\*. Signs considered unsightly must be repaired or removed within fifteen \(15\) days of notification.](#)

[\(a\) \*Removing Murals\*. Removal, in the case of murals or commercial murals, shall mean a complete repainting of the background on which the mural or commercial mural was painted, or a complete removal of all paint to reveal an exterior finish compatible with surrounding surfaces, so that no part of the sign is any longer recognizable.](#)

(C) Murals are permitted in all districts. [Commercial Murals are only permitted in the Central Business District where façade surfaces are already painted.](#)

(D) Parking areas. Signs shall not be placed in or restrict access to required parking spaces or loading berths.

(E) Sign as a structure. A sign is a structure or a part of a structure for the purpose of applying yard regulations.

(F) Symbols, statues, sculptures and integrated architectural features on buildings may be illuminated provided the direct source of light is not visible from the public right-of-way or adjacent residential property.

(G) Freestanding signs. Not more than 1 commercial-content based free standing sign shall be permitted on an individual street frontage on a lot.

(H) Flags may be displayed upon a lot. Flag pole height must comply with the height regulations of the applicable zoning district. No more than 3 flags shall be displayed in a residential district.

(I) No sign shall have more than 2 faces.  
(Ord. 2013-05, passed 5-20-2013, [Am. Ord. 2019-07, passed 7-15- 2016](#))

## § 154.259 DEFINITIONS.

...

**Mural.** Any mosaic, painting, or graphic art or combination thereof, [not containing a commercial message](#), which is applied to a building.

[Commercial Mural. Any mosaic, painting, or graphic art or combination thereof applied to a building containing a commercial message advertising or promoting any business, product, activity, service, interest or entertainment.](#)

...

**Sign.** Any written message, pictorial presentation, number, illustration, decoration, flag, banner or other device that is used to announce, direct attention to, identify, advertise or otherwise make anything known. The term **SIGN** shall not include landscaping or the architectural embellishment of a building not intended to communicate information. For purposes of maintenance or removal, the term **SIGN** shall also include frames and support structure.

...

[Unsightly Sign. A condition in which the sign has deteriorated to the point where at least one-fourth \(¼\) of the surface area of the name, identification, description, display, illustration or other symbol is no longer clearly recognizable at a distance of twenty \(20\) feet; or where paint is peeling, chipping or flaking from the structure surface; or where the sign has developed significant rust, corrosion, rotting or other deterioration in the physical appearance, or is so faded that it is not clearly recognizable at a distance of twenty \(20\) feet; or where an illuminated electrical sign is no longer in proper working order.](#)

...

(Ord. 2013-05, passed 5-20-2013; [Am. Ord. 2019-07, passed 7-15- 2016](#))