

**CITY OF MARSHALL
ORDINANCE 25-011**

**AN ORDINANCE AMENDING CHAPTER 86, ARTICLE I, SECTION 1
DEFINITIONS, AND ARTICLE VI, DIVISION 2 SIGNS**

The Common Council of the City of Marshall do ordain:

SECTION 1: AMENDMENT “Section 86-1 Definitions” of the Marshall Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 86-1 Definitions

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

- (a) Abutting or abuts means areas or lots whose boundaries at least touch one another at a single point, including areas or lots whose boundaries would touch but for an intervening alley.
- (b) Accessory building means a subordinate building which is located on the same lot as the ~~principal~~main use building and the use of which is listed as an accessory use and clearly incidental or supplementary to the use of the ~~principal~~main building.
- (c) Accessory equipment means any permanent exterior structure, except buildings, which is located either on the same lot as the ~~principal~~main use building or attached to any building on the lot and the use of which is clearly incidental or supplementary to the use of the ~~principal~~main building ~~such as for building service or building occupants' entertainment~~ including, but not limited to, TV antennas, AC units, solar panels, service tanks, children playgrounds, swimming pools, hot tubs, ~~sports~~basketball courts, and other similar items. For the purposes of this section, amateur radio antennas, flag and light poles, and up to two electric vehicle charging stations, are not considered accessory equipment.
- (d) Adult use means an amusement or entertainment distinguished or characterized by an emphasis on material depicting, describing, or relating to sexual activities or anatomical areas; or which feature strippers, exotic or topless dancing, male or female impersonators.
- (e) Alley means a public way ~~less than 30 feet in width~~ which provides secondary access to ~~abutting~~ properties.
- (f) Apartment means a dwelling unit located in an apartment building ~~suite of rooms which is designed for, intended for, or used as a residence for one or more individuals and equipped with bathing and cooking facilities. Apartment is usually intended for rent or lease.~~

- (g) *Apartment building* means a multiple family dwelling under single ownership~~three or more apartments grouped in one building under single ownership and/or containing common public space.~~
- (h) *Assisted living facility* means a state licensed multiple family dwelling~~building or part thereof consisting of individual dwelling units and~~ that includes common recreational spaces, a common dining room and food preparation areas where meals are served on a daily basis. Occupants are provided with personal care services because of age, disability or other reasons.~~Such facility is licensed by the state.~~
- (i) *Attic* means unfinished or partially finished space between the roof deck and the ceiling of the topmost story, and which can be accessed from below by attic access panel or pull-down ladder.
- (j) *Automobile wrecking.* See *junkyards.*
- (k) *Awning* means a roof-type architectural projection that is wholly supported by the building to which it is attached and which is comprised of a lightweight, rigid frame structure over which a fabric or other pliable covering is attached.
- (l) *Balcony* means an exterior ~~floor or~~ platform projecting from and supported by the building to which it is attached without additional independent support.
- (m) *Basement* means a habitable portion of a building located fully or partly underground;~~but having less than half of its floor-to-ceiling height above the average grade of the adjoining ground immediately below the main floor. This portion is not a completed structure and serves as a substructure or foundation for a building.~~
- (n) *Bed and breakfast facility* means any owner-occupied one-family dwelling ~~other than a hotel, motel, boardinghouse or lodginghouse~~ where the breakfast meal and lodging for compensation are provided for transient guests~~persons~~ pursuant to previous arrangements and where the owners serve as hosts.~~Such persons (guests) customarily shall have use of facility common areas such as living room, dining room, library, etc.~~
- (o) *Boarder* means a person, not a part of a housekeeping unit, who resides with that housekeeping unit on a permanent basis~~lives in a dwelling~~ with a special contract with the owner whereby the owner provides meals and lodging.
- ~~(p) *Boardinghouse or lodginghouse* means any dwelling other than a hotel or motel where meals, lodging or lodging and meals for compensation are provided for three or more persons who do not function as a household unit and who are semi-permanent in nature.~~
- (q) *Boulevard* means a portion of the street right-of-way located between the street and private property, unless a public sidewalk is present, in which case it is a portion located between the street and public sidewalk~~not occupied by pavement.~~
- (r) *Brewpub* means a small brewery that serves and sells its product on premises in addition to off-premises sales. For the purpose of this Chapter~~article~~, a brewpub is the same as taproom.
- (s) *Buildable area* means the portion of a lot remaining after required yards have been provided.
- (t) *Building* means any structure used for the shelter or enclosure of persons, animals, chattels or property of any kind, and fully enclosed with full height walls on all sides and roof on top~~including, for the purposes of this chapter, supporting structures for antennas, excepting guy wires installed not closer than one foot from the side or rear~~

~~lot lines. When any such structure is separated by party walls without openings, such portion of such buildings so separated shall be deemed a separate building.~~

- (u) Building addition means an extension or increase in floor area, number of stories or height of an existing building.
- (v) Building alteration (remodel) means any construction or renovation of an existing building other than addition or repair.
- (w) Building area means gross area of the main floor of a building contained between exterior surfaces of exterior walls, including all porches.
- (x) Building area, total, means the sum of the gross horizontal areas of all stories of a building measured within exterior surfaces of the exterior walls, and including basements.
- (y) Building Code means the current State Building Code.
- (z) Building height means the vertical distance from the average of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof edge or parapet for flat roofs; to the deck line of mansard roofs and to the mean height point between the top eaves line and the ridge or other highest roof point for gable, hip and gambrel roofs.
- (aa) Building official means the municipal building code official certified under Minnesota Statutes, § 326B.133, subd. 2 and 3 and designated by the city council, and who is authorized to enforce the State Building Code.
- (ab) Building repair means any maintenance work, including replacement of deteriorated finishes and broken equipment, and work to correct damage, including that caused by natural disasters or malfunctioning equipment, performed on an existing building to restore it to previous condition.
- (ac) Canopy means a roof-type architectural projection that is supported by the building to which it is attached and at the outer end by not less than one vertical support or a permanent independent roofed structure supported by two or more individual vertical supports.
- (ad) Carport means a canopy structure building serving as an automobile shelter and having one or more sides fully open.
- (ae) Comprehensive plan means a declaration of purposes, policies and programs for the development of the City for the future and adopted by the City Council as one document.
- (af) Condominium means an individually owned dwelling unit located in a multiple family dwelling; it may include an undivided interest in the common areas and facilities on the premises.
- (ag) Congregate living facility means a building or part thereof containing multiple sleeping units designed or used by permanent residents who share common sanitation or cooking facilities, or both, located in the building consisting of individual dwelling units with complete living facilities, including permanent provisions for living, sleeping, eating, cooking and sanitation, as well as a common dining room and food preparation areas where meals are served on a daily basis. Occupants are permanent residents of at least 55 years of age. Such facilities include convents, shelters, dormitories, and fraternity or sorority houses among others, but not nursing homes or

jails.

- (ah) Construction documents means written or graphic documents prepared or assembled for describing the design of, and providing other necessary information for, a project and required to obtain a permit for relevant work.
- (ai) Court means an open and uncovered unoccupied space bounded on three or more sides by the exterior walls of a building or buildings on the same lot.
- (aj) Crematorium means a building where dead bodies are burned to ashes.
- (ak) Curb level means the level of the established curb in front of the building measured at the center of such front. Where no curb level has been established, the city engineer shall establish such curb level or its equivalent for the purpose of this Chapter.
- (al) Day care facility means any facility, licensed by the State of Minnesota ~~commissioner of public welfare~~, public or private, which for gain or otherwise regularly provides ~~two~~one or more individuals with care, training, supervision, habilitation, rehabilitation or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the individual's own home. Day care facilities include, but are not limited to: family day care homes, group family day care homes, day care centers, nursery schools, daytime activity centers (D.A.C.-mentally retarded adults) and day services (adult activity programs). Nothing in this definition shall be construed to include mental health care centers, substance abuse treatment facilities, and any facility excluded by Minn. Stat. § 462.357, subd. 7.
- (am) Deck means an open exterior ~~floor or~~ platform supported on at least two opposing sides by an ~~adjacent~~ structure, building and/or posts or piers and elevated above grade more than six inches at any point.
- ~~(an) Depth of rear yard means the mean horizontal distance between the rear line of the building and the centerline of an alley, where an alley exists, or a rear lot line.~~
- (ao) Developer means the owner of the property, or a person or entity authorized in writing by the owner of the property ~~to~~of file the applications for the PUD or other land development and who will become the owner of the property prior to any development of the property.
- (ap) District, zoning, means a section of the city for which the regulations governing the height, area and use of buildings and premises, along with other supplemental requirements, ~~or building appearance~~ are the same.
- (aq) District, ~~D~~downtown, ~~district~~ means an area in the city characterized by lack of parking and reduced yards and shown on the city zoning map as an overlay district and generally described as limited by Sixth Street, Lyon Street, First Street and Saratoga Street.
- (ar) District, Heritage, means an area in the city characterized by older, mostly original, buildings comprising the core of the downtown district and shown on the city zoning map as an overlay district.
- (as) Drive-thru, drive-in, or drive-up means a business where customers drive through or into a specified place to complete a transaction from one's car, including obtaining and consuming food.
- (at) Dwelling means ~~any~~ building or portion of a building which is designed, intended, or used exclusively for permanent residential occupancy ~~purposes~~ by one or more

- ~~persons~~ human beings either permanently or transiently.
- (au) *Dwelling, multiple family*, means a building or a portion of a building ~~containing designed use by~~ more than two ~~dwelling units~~ families.
- (av) *Dwelling, one-family*, means a building designed, intended, or used for permanent residential occupancy ~~use~~ exclusively by one ~~family~~ housekeeping unit, and providing complete independent living facilities, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (aw) *Dwelling, two-family*, means a building containing two dwelling units ~~designed for use by two families.~~
- (ax) *Dwelling unit* means a self-contained portion of a building , intended, or used for permanent residential occupancy exclusively by one housekeeping unit and providing complete, independent living facilities ~~for one or more individuals~~, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (ay) *Earth sheltered building* means a building constructed so that 50 percent or more of the completed structure is covered with earth. An earth sheltered building is a complete structure that does not serve just as a foundation or substructure for aboveground construction. A partially completed building shall not be considered earth sheltered.
- (az) *Easement* means a strip of land granted by a property owner ~~for the use of a strip of land~~ for the purpose of constructing and maintaining an access drive and/or utilities, public or private, including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage courses, and gas lines.
- (ba) *Façade, or Building Elevation* means the ~~at entire portion of any~~ exterior elevation of a building exposed to public view extending from the grade to the top of the highest roof edge or parapet wall of a building with a flat roof or the bottom of the highest eaves line of a building with a gambrel, mansard, gable, or hip roof, and the entire width of the building within its outmost vertical planes ~~elevation.~~
- ~~(bb) *Family* means any number of individuals related by blood, marriage or adoption living together on the premises as a single housekeeping unit.~~
- (bc) *Farming* means the cultivation of the soil or keeping farm animals, including ~~and~~ all related incidental activities, for commercial purposes ~~incident thereto.~~
- ~~(bd) *Final development plan* means a final development plan based upon the preliminary development plan and presented by a PUD applicant as provided in section 86-140 and including the requirements set forth in that section.~~
- ~~(be) *Floor area* means the sum of the gross horizontal areas of the all floors of a building measured from the exterior walls, including basements and attached accessory buildings.~~
- (bf) *Floor, main*, means the lowest building level above grade.
- (bg) *Footprint* means the area of the land covered by a building's foundation.
- (bh) *Frontage* means that boundary of a lot that abuts a public or private street or, ~~a private road~~ for the signage area calculations, the length of such boundary.
- (bi) *Free standing furnace* means a furnace or burner designed and intended and/or used for the burning of wood or other fuel sources, that is located outside of a structure for which it is intended to provide heat.
- (bj) *Garage, private*, means a garage for storage of non-commercial power-driven vehicles

- belonging to property owners or tenants only and which is erected as an accessory building or is attached to the principal use building.
- (bk) *Garage, public*, means any premises except those described as a private garage, used for the storage or care of power-driven vehicles, or where any such vehicles are equipped for operation, repair or kept for remuneration, hire or sale.
- (bl) *Garage sale (rummage sale, yard sale)* means any display and sale of used personal property conducted on residential premises by the occupant(s) of such property or on a parking lot of a community center, church, school, etc. by members of those institutions.
- (bm) *Gazebo* means a roofed accessory building partially open on all sides, typically used for relation or entertainment.
- (bn) *Home occupation* means any occupation or business of a service or shop character; ~~except family day care~~; conducted from the person's residence ~~and~~ but which is clearly secondary to the ~~principal~~ main use of the premises as a dwelling. For the purpose of this Chapter, family day care is not considered home occupation.
- (bo) *Hotel or motel* means ~~any~~ building or portion of a building where lodging is offered to transient ~~(less than 30 days)~~ guests for compensation and in which there are more than ~~two~~ five sleeping ~~units~~ rooms with no cooking facilities in an individual room.
- (bp) *Housekeeping unit* means all persons residing together on the premises ~~within a dwelling unit~~ whose relationship includes a substantial amount of social interaction including the sharing of housekeeping responsibilities and expenses.
- (bq) *Impervious surface* means ~~that portion of a parcel or lot which has~~ a surface covering which does not permit water to percolate into the natural soil.
- ~~(br) *Interim use* means a temporary use of property until a particular date, until the occurrence of a particular event, or until the use is no longer allowed by zoning regulations.~~
- (bs) *Junk or refuse* means any scrap, waste, reclaimable material, or debris, whether or not stored or used in conjunction with dismantling, processing, salvaging, storing, baling, disposal, or other use or disposition. "Junk" includes, but is not limited to, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood, and lumber.
- (bt) *Junkyard* means open land ~~or buildings~~ where waste, discarded or salvaged materials, and products are brought, sold, exchanged, stored, cleaned, packed, disassembled, processed or handled; such materials and products ~~which~~ includes, but are ~~is~~ not limited to: scrap metal, rags, paper, rubber products, glass products, lumber products and products from ~~for~~ wrecking, disassembling and/or crushing of automobiles and other vehicles.
- (bu) *Landing* means a platform at the top or bottom of a stair or a flight of stairs or in front of a door.
- (bv) *Lot or plot* means one unit of a recorded plat or subdivision or, if not a part of a plat, defined by meets and bounds, occupied or to be occupied by buildings, including as a minimum such open spaces as are required under this ~~C~~ hapter and having at least one frontage ~~on a public right-of-way~~ or a ~~traveled or used~~ recorded public access.
- (bw) *Lot area* means the land area within the lot lines.
- (bx) *Lot, corner* means a lot situated at the junction of and fronting on two or more

adjoining streets. For the purpose of this definition, a curved street changing direction by more than 60 degrees shall be considered two adjoining streets.

- (by) *Lot depth* means the average~~mean~~ distance between the front and rear lot lines; ~~in most cases;~~ it may be approximated as a distance between center points of the front and rear lot lines. For the purposes of this definition, the front lot line of ~~a two-street~~ the corner lot is the line opposite to the chosen rear ~~lot line, yard~~ and the front lot line of a ~~three-street~~ corner lot is the middle one. For a double frontage lot, lot depth means the average distance between opposite front lot lines.
- (bz) *Lot, double frontage*, means an interior lot having frontage on two not adjoining streets.
- (ca) *Lot, flag*, means a lot with narrow or no frontage on the ~~street~~public right-of-way where vehicular access is provided to the lot by means of a narrow portion of a lot or an access easement.
- (cb) *Lot, interior*, means a lot other than a corner lot.
- (cc) *Lot lines* means the lines bounding a lot and separating it from other lots ~~and~~or public right-of-ways.
- (cd) *Lot line, front*, means a lot line abutting a ~~street~~dedicated public right-of-way except ~~alleys~~ or any other access way that provides the only site access.
- (ce) *Lot line, side*, means any lot line adjacent to the front lot line, except two-street corner lots, where one of the lot lines adjacent to the front lot line shall be designated a rear lot line ~~other than a front or rear lot line.~~
- (cf) *Lot line, rear*, means any lot line other than a front or side lot line and which is usually directly opposite the front lot line. ~~A lot may have only one rear lot line.~~
- (cg) *Lot, substandard*, means any lot which does not meet the minimum size requirements~~lot area, length, depth, width~~ or other ~~dimensional~~ standards of this Chapter, including, but not limited to, setbacks and access requirements ~~section.~~
- (ch) *Lot width* means the distance between end points of side lot lines at their intersection with the front lot line measured along the front lot line. For the purposes of this definition, the front lot line of a double frontage lot is the access side one.
- ~~(ci) *Lot width, average*, means the distance between side lot lines measured at a point halfway between front and rear lot lines.~~
- (cj) *Manufactured home* means a structure, ~~not affixed to or part of real estate;~~ transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in it. A recreational vehicle or trailer is not a manufactured home.
- (ck) *Manufactured home park* means any site, lot, field or tract of land upon which two or more occupied, manufactured homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, ~~tent, vehicle~~ or enclosure used or intended for use as an accessory for~~part of the equipment of~~ such manufactured home park.
- (cl) *Marquee* means a flat roofed structure that is wholly supported by the building to

which it is attached.

- (cm) *Nonconforming* means a use or a structure lawfully in existence on April 6, 1964, or on the effective date of amendments to this Chapter, and not conforming to the current regulations for the zoning district in which it is situated.
- (cn) Occupancy, permanent, means residential occupancy other than transient.
- (co) Occupancy, transient, means residential occupancy not exceeding 30 days or by a person who has permanent residency elsewhere.
- (cp) *Outlot* means a tract of land, included in a plat, which is smaller than the minimum size permitted for lots and which is thereby declared unbuildable until combined through platting with additional land; or, a parcel of land which is included in a plat and which is at least double the minimum size and which is thereby subject to future platting prior to development; or a parcel of land which is included in a plat and which is designated for public or private open space, right-of-way, utilities or other similar purposes.
- (cq) Owner means any person, agent, firm or corporation having a legal or equitable interest in the property.
- (cr) *Patio* means a flat structure made of concrete, brick, wood, or other building materials, elevated above adjacent grade with a height of six inches or less from ground level from at any point of the structure, and not attached to a building.
- (cs) Pergola means a structure forming a shaded area and made of vertical posts or pillars that usually support cross beams and a sturdy open lattice.
- (ct) Permit means an official document issued by the City that authorizes performance of a specific activity.
- (cu) *Pollinator gardens, or natural landscapes*, means intentionally designed and managed gardens that contain non-native plants or native species that are listed as pollinator-friendly plants by the State of Minnesota Board of Water and Soil Resources (MNBWSR) or one of MNBWSR's partner organizations with the maximum height of vegetation not to exceed fifteen inches; pollinator gardens may not include any noxious weeds or turf-grass lawns left unattended for the purpose of returning to a natural state, and shall be maintained to remove all unintended vegetation and cut at least once annually between April 15 and July 15 to a height no greater than fifteen(15) inches.
- (cv) Porch, four season, or sunroom means a heated room with the glazing exceeding 40 percent of the exterior wall area.
- (cw) Porch, open, means a roofed deck surrounded by walls not higher than 42 inches, with or without window screens above.
- (cx) Porch, three-season, means an unheated room with the glazing exceeding 40 percent of the exterior wall area.
- (cy) *Prefabricated building* means ~~any building intended for use, and~~ regulated by ~~the zoning ordinance and the State Building Code, as a one- or two-family dwelling or an accessory building,~~ which is constructed, in full or in sections, off the building site, for installation, or assembly and installation, on the building site on the permanent foundation.
- ~~(ez) Preliminary development plan means a formal development plan in preliminary form presented by a PUD applicant as provided in section 86-140 and including the requirements set forth in that section.~~

- ~~(da) *Property* means all land included within the PUD.~~
- (db) *PUD (planned unit development)* means a special zoning district which may include single or mixed uses; and one or more lots or parcels, where one or more of the zoning or subdivision regulations, except use regulations, may be waived or altered ~~intended~~ to create a more flexible, creative and efficient approach to the use of land and which is subject to the procedures, standards and regulations contained in this ~~Chapter~~ article.
- (dc) *PUD agreement* means the agreement to be entered into between the developer and the city to incorporate all term, requirements and conditions of the PUD approval.
- (dd) *Recreational vehicle* means a vehicle, motorized or towed, that is build on a single chassis and is designed for recreational, travel, or seasonal camping use. For the purposes of this Chapter, the term recreational vehicle shall be synonymous with the term fifth wheel, travel trailer, camper or motor coach/home.
- (de) *Residential facility* means
- (1) Any facility, licensed by the Department of Health and Human Service with the State of Minnesota public or private, which for gain or otherwise regularly provides one or more individuals with a 24-hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason cannot be furnished in the individual's own home. Residential facilities include, but are not limited to: state institutions under the control of the State of Minnesota, foster homes, residential treatment centers, maternity shelters, group homes, residential programs, licensed sober houses, or schools for handicapped children. Nothing in this definition shall be construed to include any facility excluded by Minn. Stat. § 462.357, subd. 7.
 - (2) Any communal living facility, which, for gain or otherwise, provides one or more persons with education, support, or rehabilitation related to a disability recognized under the Fair Housing Act and which, because of the benefits of communal living, furthers their rehabilitation and access to housing, including sober houses operating in compliance with state law.
- (df) *Right-of-way* means a~~the~~ publicly owned strip of land covered, or intended to be covered, by a public roadway or other vehicle or pedestrian path, including ~~and~~ adjacent land, which is dedicated, designated or reserved for public use.
- (dg) *Roomer* means a person, not a part of a housekeeping unit, who rents a single room and resides with that housekeeping unit on a permanent basis ~~in a dwelling~~ with no right to cooking privileges or facilities ~~except occasional meals~~ and no special contract for food.
- (dh) *Self-storage warehouse (ministorage)* means a building subdivided~~constructed~~ into compartments of 500 square feet or less each, which are rented to individuals on a monthly basis for storage of personal property.
- (di) *Setback* means the distance between the property line and the building on a lot. ~~*Shopping center* means a group of businesses occupying a common building or immediately adjacent buildings and having common private mall areas, parking areas, access, signage and other facilities.~~
- ~~(dj) *Sign* means a name, identification, description, display, illustration, device or lettered~~

figure or pictorial symbol which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public, and which directs attention to a product, place, activity, person, institution or business and is displayed for the purpose of communicating a specific message.

- (dk) *Sign, abandoned*, means any sign remaining without a message or whose display surface remains blank for a period of six months or more, or any sign pertaining to a time, event or purpose which no longer applies, or any sign remaining after demolition of a principal structure, or any sign applicable to a discontinued business unless evidence is provided that a business is temporarily suspended due to a change in ownership or management.
- (dl) *Sign, advertising*, means a sign which directs attention to a business, commodity, service, activity or entertainment not conducted, sold or offered upon the premises where such sign is located. An advertising sign is the same as a billboard.
- (dm) *Sign alteration* means any change, reconstruction, relocation or enlargement of a sign, or of any of its component parts. Routine maintenance, the changing of movable parts of signs which are designed for such changes, the repainting of sign copy and display matter, and replacement of a sign facing with the same size facing shall not be deemed to be an alteration within the context of this chapter.
- (dn) *Sign, banner*, means a temporary sign made of fabric, cloth, canvas, plastic sheathing or any other flexible non-rigid material with no enclosing framework temporarily mounted to a building, structure, or the ground at two or more edges.
- (do) *Sign, balloon*, means a temporary sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than 24 inches in diameter.
- (dp) *Sign, business*, means a sign which directs attention to a business or profession or to a commodity, service or entertainment sold or offered upon the premises where such a sign is located.
- (dq) *Sign, construction*, means a temporary sign identifying an architect, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located.
- (dr) *Sign, directional*, means a sign erected on private property for the purpose of directing pedestrian or vehicular traffic onto or about the property upon which such sign is located, including signs marking entrances and exits, circulation direction, parking areas, and pickup and delivery areas, which does not display advertising copy.
- (ds) *Sign, double-face*, means a sign which has a message on opposite sides of a single structural component or is a spherical sign. The single structural component is counted as one sign.
- (dt) *Sign, dynamic display*, means any sign in which display portion of a sign appears to have movement or that appears to change and which is caused by any method other than physically removing and replacing the sign or its components. This includes, among other types, electronic graphic display sign having a programmable display that has the capability to present text and/or symbolic imagery in motion and in a variety of colors, or any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink", incandescent bulbs, or any other method or

technology that allows a sign face to present a series of images or displays.

- (du) *Sign, electronic-graphic display*, means any sign or portion thereof that displays electronic, static or moving images, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, re-pixelization or dissolve modes. These signs include computer programmable, microprocessor controlled electronic or digital displays and projected images or messages with these characteristics onto buildings or other objects.
- (dv) *Sign, flag*, means any fabric or similar lightweight piece of material attached at one end of the material, usually to a staff or pole but possibly to the underside of a roof structure, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.
- (dw) *Sign, flashing*, means any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use.
- (dx) *Sign, flat*, means a sign mounted parallel to the building surface and projecting no more than 18 inches.
- (dy) *Sign, freestanding*, means a permanent non-movable sign supported upon the ground by poles, pylons, braces, foundation, solid base or any other structure and not attached to any building.
- (dz) *Sign, ground*, means a freestanding sign with the sign face mounted on the ground or solid base or on the poles or pylon if the bottom edge of the sign display area is eight feet or less above the ground elevation at the base of the sign.
- (ea) *Sign, holiday decoration*, means temporary signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local or religious holiday.
- (eb) *Sign, illuminated*, means any sign which has characters, letters, figures, designs or outlines illuminated by external electric lights or by electric lights or luminous tubes as a part of the sign.
- (ec) *Sign, incidental*, means a small sign, emblem, or decal less than two square feet in area placed on the exterior of a building, or attached to a freestanding structure on the premises, and informing the public.
- (ed) *Sign, integral*, means a sign carrying the name of a building, its date of erection, monumental citations, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure.
- (ee) *Sign, multiple-face*, means a sign containing three or more faces. Each face shall be counted separately toward the maximum allowable sign area.
- (ef) *Sign, nameplate*, means any sign which states the name or address, or both, but nothing else, of the business or occupant of the lot where the sign is placed.
- (eg) *Sign, political*, means a temporary sign used in connection with a local, state or national election or referendum.
- (eh) *Sign, portable advertising*, means all signs that are not permanently affixed to a

~~building or foundation structure, intended for temporary placement on sidewalk or anywhere on the lot and designed to be moved easily, and used for business promotion.~~

- ~~(ei) Sign, private sales or event, means a temporary sign advertising private sales of personal property such as house sales, garage sales, and the like or private not-for-profit events such as picnics, carnivals, bazaars, game nights, art fairs, and craft shows or any charity fundraising.~~
- ~~(ej) Sign, projecting, means a sign mounted perpendicular to the building surface.~~
- ~~(ek) Sign, public, means a sign of a public, non-commercial nature, to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when signs are erected by or on order of a public officer or employee in the performance of official duty.~~
- ~~(el) Sign, pylon, means a freestanding sign erected upon a pole, post or other similar support so that the bottom edge of the sign display area is more than eight feet above the ground elevation at the base of the sign.~~
- ~~(em) Sign, real estate, means a temporary sign advertising the real estate upon which the sign is located being for rent, lease or sale.~~
- ~~(en) Sign, roof, means a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the roof line of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.~~
- ~~(eo) Sign, rotating or moving, means a sign which revolves or rotates on its axis by mechanical means or has otherwise moving parts.~~
- ~~(ep) Sign, surface area of, means the entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface, or in the case of letters, symbols, etc., not mounted on a common background, the area shall consist of the area within the continuous outside perimeter of each individual letter, symbol etc. It does not include any structural elements outside the limits of such sign and not forming an integral part of the display. Only one side of a double-face or V-type sign structure shall be used in computing total surface area.~~
- ~~(eq) Sign, temporary transportable advertising, means all signs that are not permanently affixed to a building or foundation structure, mounted on wheels or supporting structure for the purpose of mobility.~~
- ~~(er) Sign, window, means a sign attached to, placed upon, or painted on the interior of a window or mounted on the inside within the exterior wall thickness in the window opening and that is visible from the exterior of the building.~~
- ~~(es) Sketch plan means an informal development plan presented by a PUD applicant as provided in section 86-140.~~
- (et) Sleeping unit means a room or a suite of rooms designed, intended, or used for permanent or transient occupancy and providing facilities for sleeping; it may also provide facilities for living, eating, and limited cooking. Such rooms that are part of a dwelling unit are not considered sleeping units.
- (eu) Solar energy collector means any device or system and associated facilities that convert~~relying upon~~ direct solar energy to electricity~~that is employed in the collection~~

- ~~of solar energy for heating and/or cooling of a structure, building or water.~~
- (ev) ~~Solar energy system means any solar collector or other solar device or any structural design of a building whose primary purpose is to collect, convert or store solar energy for useful purposes including heating and cooling of buildings, domestic water heating, electric power generation, and other energy using processes.~~
- (ew) Stacking lane means a waiting area for drivers who remain in their vehicles awaiting service at a drive through establishment.
- (ex) Staff development review committee~~shall be~~means a group of people appointed by the city administrator ~~and will~~to conduct a review of all development plans for any PUD. The committee shall include the city engineer, zoning administrator, and any other members of the city staff or city consultants as appropriate.
- (ey) Story means a portion of a building included between the upper surface of a building floor and the upper surface of the floor or bottom surface of the roof above and located entirely above ground.
- (ez) Story, half, means a finished~~that~~ portion of a building under a gable, hip or gambrel roof, the wall plates of which, on at least two opposite exterior walls, are not more than two feet above the floor of such story, or, if not at exterior wall, not more than five feet above the story floor, and which is accessed through a permanent stair.
- (fa) Street means a~~public~~roadway set aside for public vehicular traffic regardless of size or designation but excluding access and roadway easements and alleys as defined therein and driveways serving only one parcel of land. Streets may be public or private.
- (fb) Structural alterations means any change in the supporting members of a building such as bearing walls, columns, beams or girders.
- (fc) Structure means anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground.
- (fd) Tent means an independent temporary canopy structure, with or without side covers, constructed of fabric or other pliable material and supported by a lightweight, rigid frame.
- (fe) Thoroughfare means a major public roadway set aside for heavy continuous vehicular traffic through the city and designated as such on the city zoning map.
- (ff) Townhouse means three or more one-family dwellings under separate ownership constructed as a group of attached units in which each unit extends from the foundation to roof and has exterior walls on at least two sides.
- (fg) Use means the purpose for which land or premises or a building thereon is designated, arranged or intended, or for which it is or may be occupied or maintained.
- (fh) Use, accessory, means a use occurring along with, and related to, the principal use in the same lot and occupying more than ten percent but less than 25 percent of the principal building total area or a separate accessory building.
- (fi) Use, conditional, means a use not normally permitted in a particular zoning district, but which may be allowed under certain conditions by the City Council action.
- (fj) Use, incidental, means a use occurring along with, and related to, the principal use in the same lot and occupying ten percent or less of the principal building total area. Incidental use shall not be considered in determination of the zoning district placement.
- (fk) Use, interim, means a use not normally permitted in a particular zoning district, but

which may be temporarily allowed by the City Council action until a particular date, until the occurrence of a particular event, or until the use is no longer allowed.

- (fi) Use, mixed, means a single building containing more than one type of ~~land~~ use or a single development of more than one building and use, where different types of ~~land~~ uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.
- (fm) Use, permitted, means a use formally allowed in a particular zoning district.
- (fn) Use, principal, means the main use of the property occupying at least 75 percent of the building area and determining the zoning district placement.
- (fo) Variance means a modification ~~or variation~~ of the provisions of this Chapter as applied to a specific ~~piece of~~ property, which may be allowed under certain conditions by the City Council action ~~except that modification in the allowable uses within a district shall not be considered a variance.~~
- (fp) Wind energy conversion systems (WECS) means any device or system, such as a wind charger, windmill, or wind turbine and associated facilities that converts wind energy to electricityal energy. ~~This definition includes any device used to convert wind power to other forms of energy such as mechanical or heat.~~
- (fq) Yard means an open unoccupied, except for accessory building or structures, space lying between any lot line ~~of the lot~~ and the nearest ~~line of the~~ wall or other vertical structural support of a principal use building.
- (fr) Yard, front, means a yard extending across the front of the lot between the lot side lines ~~and lying between the front line of the lot and the nearest line of the building.~~
- (fs) Yard, rear, means an yard open space unoccupied except for accessory buildings on the same lot with a building, extending across the rear of the lot between the lot side lines ~~and lying between the rear lines of the building and the rear line of the lot.~~
- (ft) Yard, rear, depth of, means the average distance between the rear line of the building and rear lot line.
- (fu) Yard, required, means the minimum yard required in a particular zoning district.
- (fv) Yard, side, means an yard open unoccupied space between the building and the side line of the lot, and extending along the side lot lines between ~~from~~ the front lot line and ~~to~~ the rear lot line.

(Code 1976, § 11.04; Ord. No. 404 2nd series, § 1, 11-16-1998; Ord. No. 410 2nd series, § 1, 2-16-1999; Ord. No. 443, § 2, 11-6-2000; Ord. No. 472, § 1, 1-7-2002; Ord. No. 512 2nd series, 3-1-2004; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 609 2nd series, § 1, 4-28-2009; Ord. No. 615 2nd series, § 3, 10-27-2009; Ord. No. 619 2nd series, § 1, 6-8-2010; Ord. No. 655 2nd series, § 1, 5-22-2012; Ord. No. 656 2nd series, § 1, 5-22-2012; Ord. No. 681 2nd series, § 1, 9-24-2013; Ord. No. 746 2nd series, § 1, 11-26-2019)

Cross reference(s)—Definitions generally, § 1-2.

SECTION 2: **AMENDMENT** “DIVISION 86-VI-2 SIGNS” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

DIVISION 86-VI-2 SIGN REGULATIONS

SECTION 3: **AMEND IN ITS ENTIRETY** “Section 86-181 Compliance” of the Marshall Municipal Code is hereby *amended in its entirety* as follows:

AMEND IN ITS ENTIRETY

Section 86-180 Purpose And Findings

- (a) Purpose. The sign ordinance is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification. It is the intent of this section to promote health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs that meet the city's goals by authorizing:
 - (1) permanent signs that establish a high standard of aesthetics;
 - (2) signs that are compatible with their surroundings;
 - (3) signs that are designed, constructed, installed, and maintained in a manner that does not adversely impact public safety or unduly distract motorists;
 - (4) signs that are large enough to convey the intended message and to help citizens find their way to intended destinations;
 - (5) signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;
 - (6) permanent signs that give preference to the on-premises owner or occupant; and
 - (7) temporary signs that provide an opportunity for grand openings and special events while managing visual clutter and restricting hazards at public right-of-way intersections.
- (b) Findings. The city of Marshall finds it is necessary for the promotion and preservation of the public health, safety, welfare, and aesthetics of the community that the construction, location, size, and maintenance of signs be controlled. Further, the city finds:
 - (1) permanent and temporary signs have a direct impact on and relationship to the image of the community;
 - (2) the manner of installation, location, and maintenance of signs affects the

- public health, safety, welfare, and aesthetics of the community;
- (3) an opportunity for viable identification of community businesses and institutions must be established;
 - (4) the safety of motorists, cyclists, pedestrians, and other users of public streets and property is affected by the number, size, location and appearance of signs that unduly divert the attention of drivers;
 - (5) installation of signs suspended from, projecting over, or placed on the tops of buildings, walks or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire-fighting and other emergency service;
 - (6) uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;
 - (7) uncontrolled and unlimited signs, particularly temporary signs which are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard for drivers and pedestrians and also adversely impacts a logical flow of information;
 - (8) commercial signs are generally incompatible with residential uses and should be strictly limited in residence zoning districts; and
 - (9) the right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location and number.
- (c) Severability. Every section, subdivision, clause, or phrase of Division 2 is declared separable from every other section, subdivision, clause, or phrase. If any such part is held to be invalid by competent authority, no other part shall be invalidated by such action or decision

(Code 1976, § 11.19(1))

SECTION 4: **ADOPTION** “Section 86-181 Definitions” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 86-181 Definitions(*Added*)

- (a) *Abandoned Sign* means a sign remaining without a message for a period of six months or more, or pertaining to a time, event, location, or purpose, including a discontinued business (unless evidence is provided that a business is temporarily suspended due to a

change in ownership or management), which no longer applies, or remaining after demolition of a principal structure.

- (b) *Alteration* means any change, reconstruction, relocation or enlargement of a sign, but shall not include routine maintenance, painting or change of facing or wording on an existing sign.
- (c) *Awning Sign* means a sign or graphic woven into, printed on, or otherwise permanently attached to the awning material.
- (d) *Balloon* means a temporary sign consisting of a bag made of lightweight material supported by hot or pressurized air or helium inside.
- (e) *Banner* means a temporary sign made of paper, fabric, cloth, canvas, plastic sheathing or any other flexible non-rigid material with no enclosing framework, and mounted to stay flat. One banner per property that gets reinstalled repeatedly in the same location for same purpose with the same size for less than 30 days each time and all banners placed inside sign cabinets shall be considered permanent flat signs.
- (f) *Cluster Sign* means several flat signs that identify multiple establishments in a building grouped together in one location on that building, and that are of the same size and generally similar appearance.
- (g) *Commercial Sign* means any sign that is used to advertise or identifies a product, business, service, profession, commodity, entertainment or any other matter of a commercial nature.
- (h) *District* means a City zoning district, as defined in the City's zoning ordinance.
- (i) *Directional Sign* means a sign erected for the single purpose of directing pedestrian or vehicular traffic onto or about the property upon which such sign is located, including menu boards and signs marking entrances and exits, circulation direction, parking areas, and pickup and delivery areas. Business name and logo shall not occupy more than 25 percent of such sign area or be greater than 5 square feet.
- (j) *Double-face Sign* means a sign that has images or text on opposite parallel or near parallel (less than 15 degrees) sides mounted not more than 24 inches apart on a single structural component, or a spherical sign. Only one side shall be counted toward the total permitted sign surface area.
- (k) *Dynamic Display* means any sign or characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.
- (l) *Electronic Graphic Display Sign* means any sign or portion thereof that displays electronic static or moving images, with or without text information, defined by a

(LEDs), fiber optics, or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, re-pixelization or dissolve modes. These signs include computer programmable, microprocessor controlled electronic or digital displays and projected images or messages with these characteristics onto buildings or other objects.

- (m) *Feather Sign* means a temporary sign with a rounded top edge supported by a continuation of a ground-mounted staff or pole bent accordingly and with a height much greater than the width.
- (n) *Flashing Sign* means a directly or indirectly illuminated sign or portion thereof that exhibits changing light or color effect by any means, so as to provide intermittent illumination that changes light intensity in sudden transitory bursts and creates the illusion of intermittent flashing light by streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling, or sparkling with an interval between flashes of less than eight seconds.
- (o) *Flag* means any fabric or similar flexible lightweight piece of material attached at one edge or two points, usually to a pole, but possibly to the underside of a roof structure or a horizontal bar, so as to allow free movement of the material by atmospheric changes.
- (p) *Flat Sign* means a permanent sign mounted on a building or its elements parallel to its vertical or near-vertical (less than 15 degrees off vertical plane) surface and projecting no more than 18 inches off that surface.
- (q) *Freestanding Sign* means a permanent, non-movable sign supported upon the ground by poles, pylons, braces, foundation, solid base or any other permanent structure and not attached to any building.
- (r) *Gas Pump Sign* means a sign factory painted or mounted on a side or top of an operational gas pump.
- (s) *Government Sign* means a sign that is erected and owned by a governmental unit on the public property or right of way.
- (t) *Ground Sign* means a freestanding sign erected on the ground or solid base or mounted on the pole(s) or pylon(s) so that the bottom edge of the sign display area is eight feet or less above the point of contact with the ground.
- (u) *Height of Sign* means maximum vertical distance from the point of contact with the ground to the highest point of the sign.
- (v) *Illumination, internal* means a light source within the sign.
- (w) *Illumination, external* means a light source which is not internal to the sign.
- (x) *Integral Sign* means a sign which is made an integral part of the building structure.
- (y) *Multi-faced Sign* means a sign containing two or more non-parallel faces located at least 24 inches apart on at least one end and mounted on a single structural component. Each face shall be counted separately toward the maximum allowable sign surface area.
- (z) *Non-commercial Sign* means signs that are not commercial in nature, which include, but may not be limited to, expression of politics, religion, public services or ideologies.

- (aa) *On-premises Sign* means a sign that is not off-premises.
- (ab) *Off-premises Sign* means a sign exclusively advertising a business, person, activity, goods, products, or services not located on the site, or on an adjacent site, or within 200 feet of where the sign is installed. Permanent off-premises signs shall be considered a “use” as defined in Section 86-1 and regulated accordingly as “exterior structures”. Temporary off-premises signs shall not be permitted.
- (ac) *Permanent Sign* means any sign other than a temporary sign.
- (ad) *Portable Sign* means any temporary sign which is manifestly designed to be transported or easily moved, 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 to the ground since this characteristic is based on the design of the sign.
- (ae) *Projecting Sign* means a sign mounted on a building or its elements, including below canopies or awning, perpendicular to its surface, with or without additional ground support or a sign mounted parallel to the building surface but projecting more than 18 inches.
- (af) *Pylon Sign* means a freestanding sign mounted on one or more individual pylon(s), pole(s), post(s) or other similar support(s) so that the bottom edge of the sign display area is more than eight feet above the point of contact with the ground surface.
- (ag) *Roof Sign* means a sign, except flags, mounted on a building or the building’s elements and projecting above the roof edge or parapet line of a building or marquee with a flat roof or the eave line of a building, awning or canopy with a gambrel, gable, mansard or hip roof.
- (ah) *Rotating or Moving Sign* means a sign which revolves or rotates on its axis by mechanical means or has otherwise physical moving parts.
- (ai) *Sandwich Sign* means a portable sign, typically A-shaped, with two visible sides spread apart that is placed near the main entrance to a building or on a sidewalk.
- (aj) *Sign* means any writing, pictorial presentation, number, illustration or decoration, flag, banner or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known. For the purpose of this Section, the term "sign" shall not be deemed to include: the terms "building" or "landscaping", or any architectural embellishment of a building not intended to communicate information; building addresses required by the ordinance; works of art; or any sign structure or device that is not visible from an adjacent street, property line or building on adjacent property.
- (ak) *Surface Area* means the entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface. In the case of flat signs consisting of individual not overlapping letters and symbols, not located within clearly defined sign border or frame and mounted on a common background, the surface area shall consist of the combined areas within the continuous outside perimeter of each individual letter, symbol, provided those outside perimeters do not overlap. Graphic striping, patterns, and color bands backgrounds shall not be included in surface area computations unless

located within clearly defined sign border or frame. Sign Clusters shall be considered one sign when calculating the relevant surface area for the sign cluster. Surface area shall not include any clearly defined structural elements outside the limits of such sign and not forming an integral part of the display. Only one side of a double-face sign structure shall be used in computing total surface area. The area of a spherical sign shall be calculated as the area of a circle with 25 percent reduction; the area of a cylindrical sign shall be calculated as the area of a rectangle with 20 percent reduction.

- (al) *Temporary Sign* means a sign not permanently affixed to a building or foundation structure and intended for temporary, even if repeated, use due to the temporary nature of the sign message or low durability of sign materials.
- (am) *Utility Box Sign* means a sign painted on or attached to the side surface of any utility box.
- (an) *Window Sign* means a sign attached to, placed upon or painted on the interior of a window outward facing, or mounted on the inside within the exterior wall thickness in the window opening and intended for viewing from the exterior of the building.
- (ao) *Zoning Administrator* means the zoning administrator of the City or a person designated as such by the City Administrator.

Additional definitions as applicable may be found in Section 86-1 Definitions.

SECTION 5: **AMEND IN ITS ENTIRETY** “Section 86-182 Permits” of the Marshall Municipal Code is hereby *amended in its entirety* as follows:

AMEND IN ITS ENTIRETY

Section 86-182 Citation; Administration and Enforcement

- (a) *Citation*. This division may be cited as the Marshall Sign Ordinance.
- (b) Administration and enforcement. Pursuant to Section Chapter 1, Section 1-8 of the Marshall Code, the City Administrator, or their delegee as Zoning Administrator, is empowered to enforce the provisions of this Ordinance as necessary to carry out the purpose of this Ordinance. The City Administrator, or their delegee as Zoning Administrator, may cause to be removed any sign that endangers the public safety, such as an abandoned, dangerous, or electrically or structurally defective sign or a sign for which no permit has been issued or a sign which obstructs or interferes with the public right-of-way. A notice of violation shall be mailed to the sign holder citing the violation. If the violation is not corrected within ten (10) days, the City shall have the authority to remove the sign or impose a fine pursuant to Article 2-VII. No notice is required to be provided to the holder of a temporary sign listed in 86-184, subd. (b) of this Section in violation of this Code, and the Public Works Director, Chief of Police or Zoning Administrator, or their designees are hereby expressly authorized to

immediately remove and impound such a temporary sign, the costs of which removal and impoundment may result in an administrative fine against the owner of the site on which the sign was displayed. The sign owner may retrieve the sign during normal business hours from the City within 15 days from the date of impounding. After 15 days, the city will dispose of the sign; and the city may not be held liable for any damage to impounded signs.

(Code 1976, § 11.19(1)(F))

SECTION 6: **AMENDMENT** “Section 86-183 General Restrictions” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 86-183 Permits and Procedure

In all districts, any sign authorized under this Chapter is allowed to contain noncommercial copy in lieu of other copy.

- (a) Permit not required. The following signs do not require a permit but must meet the regulations in this Section and Section 86-184:
 - (1) Traffic control devices erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in the State of Minnesota.
 - (2) Signs required by law or ordinance for regulatory, notification, or safety purposes.
 - (3) Signs with a surface area that does not exceed two (2) square feet.
 - (4) Directional signs.
 - (5) Signs located on gas pumps.
 - (6) Utility box signs.
 - (7) Flags mounted on a roof or a wall.
 - (8) Government signs.
 - (9) Integral signs.
 - (10) All temporary signs.
 - (11) Awning signs or canopy mounted signs located on the vertical edges and consisting of separate letters.
 - (12) Window signs.
 - (13) Signs allowed pursuant to Minnesota Statutes Section 211B.045.
- (b) Permit required. Other than in subsection (a) above, no sign shall be installed or placed without first obtaining a sign permit from the City. No permitted sign shall be altered in size, location or type without reapplying for a sign permit from the City.

- (1) Permit procedure. Sign permit applications shall be handled in the same manner as building permits.
 - (2) Fee. Except as modified by this subdivision, applications must be accompanied by payment of the fee as established by the City, to cover the city's costs in processing the application, the investigation and administering the provisions of this section. The application fee is nonrefundable.
 - (3) Application for a permit must be on a form provided by the city and must include the following information:
 - a. name and address of the owner of the sign;
 - b. street address or location of the property on which the sign is to be located, along with the name and address of the property owner;
 - c. the type of sign as defined in this section;
 - d. site plan showing the location of the proposed sign;
 - e. specifications and scale drawings showing the materials, design, dimensions, structural supports, method of attachment and electrical components of the sign; drawings for freestanding and projecting signs shall be certified by a structural engineer licensed in the State of Minnesota.
 - f. plan showing the location and size of all existing signs located on the same premises upon city request;
 - g. sign permit fee as set in the same manner as building permits pursuant to section 18-23.
 - (4) The City Administrator or their designee serving as Zoning Administrator shall approve or deny a sign permit application within 30 business days after a complete application is submitted. A decision must be made in writing and must be mailed or electronically delivered to the applicant at the address or email address provided in the application. If a permit is denied, the reason must be stated in writing.
 - (5) An applicant may appeal a denial by submitting a request in writing within 10 days after the decision was mailed or electronically delivered. The appeal must be scheduled for planning commission review as soon as as practicable but no later than 30 days after the appeal was submitted. The applicant may appeal a planning commission denial by submitting a request in writing within 10 days after the decision. The appeal must be scheduled for city council review as soon practicable, but no later than 30 days after the appeal was submitted. All reviews of a sign permit application must be based solely on whether the application complies with city ordinances.
-
- (c) Permit expiration. A sign permit becomes null and void if the is notis notisshallnot installed within 180 days after issuance of the permit, and a new application must be submitted.
 - (d) When applicable, no sign permit shall be issued unless an Ordinance compliant

building address is present or will be installed as a part of proposed work.

(Code 1976, § 11.19(1)(A))

SECTION 7: AMENDMENT “Section 86-184 Permitted Signs In Residence Districts” of the Marshall Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 86-184 General Regulations

- (a) Scope. The regulations in this section 86-184 apply to signs in all zoning districts.
- (b) Prohibited Sign. The following signs are considered dangerous and prohibited in all districts. Signs
 - (1) Which purport to be or resemble an official traffic control device, sign, signal, railroad sign or signal; or which hide from view or interferes in any material degree with the effectiveness of any traffic control device, sign, signal, railroad sign or signal, or which obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic within visibility triangles. This includes signs higher than three (3) feet installed within visibility triangles.
 - (2) Which prominently display the word "stop" or "danger" unless necessary for real warning or as traffic control.
 - (3) Which contains statements, words, or pictures of an obscene nature.
 - (4) Which are placed on any public right-of-way or recorded easement, except as otherwise provided or allowed by city code or state law, including Minn. Stat § 211B.045, or otherwise approved by council pursuant to Section 62-9 of the Marshall Code, and sandwich signs placed on sidewalks in the Downtown District in those instances when a clear five-foot-wide passage on that same sidewalk exists at the point of sign location.
 - (5) Which are placed on private land without the consent of the owner thereof.
 - (6) Which are attached to trees, shrubs, or which are painted or drawn upon rocks or natural features; which are affixed to utility poles, flagpoles, and pylons supporting another sign, except government signs.
 - (7) Which give off intermittent or rotating light beams or produce flashing, pulsating or moving lights or images.
 - (8) Which are structurally unsafe, in disrepair or abandoned.
 - (9) Which have dynamic displays unless otherwise allowed herein. All displays shall be shielded to prevent any light to be directed at oncoming traffic in such

brilliance as to impair the vision of any driver. No device shall be illuminated in such a manner as to interfere with or obscure any official traffic signs or signal. Any illumination of a sign shall not shine directly upon any part of a residence.

- (10) Which protrude over roadways, alleys, access easements, driveways, parking, or any other vehicular traffic areas.
 - (11) Roof signs.
 - (12) Freestanding banners except those installed in conjunction with city-wide special events.
- (c) Size, time and location requirements. Signs shall meet the applicable requirements in this Section and under the table incorporated by reference herein, unless otherwise exempted from regulation. If requirements contradict each other, the most stringent one shall apply:
- (1) Signs may not be located on property without the permission of the property owner.
 - (2) Unless specifically required otherwise, all ground signs must maintain a minimum 5-foot setback from all lot lines. The city engineer may require a greater setback because of public safety reasons which may include the following conditions: vehicle sight distance, distance from intersection, or designation of adjacent right-of-way.
 - (3) All signs shall comply with side and rear yard setback requirements.
 - (4) Except for Temporary Signs located on active construction sites surrounded by temporary fence, signs may not be attached to fences.
 - (5) Signs may not be located so as to obstruct any door, fire escape, stairway or opening intended to provide light, air, ingress, or egress for any structure.
 - (6) A single window sign per glass pane is permitted; multiple signs within a single pane may be permitted if they are coordinated and neatly and symmetrically placed; neon tube signs, signs consisting of individual letter less than six (6) inches in height, and transparent glass film signs are always permitted. Window signs greater than 10 square feet shall be counted towards flat wall sign allowance for façade.
 - (7) Temporary Signs shall not be installed for more than fourteen (14) consecutive calendar days and, in no instance, more than a cumulative sixty (60) calendar days in any one calendar year. As an exception, sandwich signs under six (6) feet in surface area and installed in the Downtown district do not have time limitation provided they are removed nightly.
 - (8) Balloon and Feather Signs shall not exceed fifteen (15) feet in height. Balloon Signs must be ground mounted and must not utilize tether lines or tie-downs in a manner which risks the health or safety of the public.
 - (9) Flag Signs shall not exceed forty (40) feet in height unless limited otherwise. The bottom edge of Flag Signs mounted on a horizontal bar or projecting more than twenty-four (24) inches from the mounting poles shall provide a minimum vertical clearance of eight (8) feet above ground.

- (10) Temporary signs located at construction sites shall be installed no more than seven days (7) prior to construction commencement, provided a valid permit is issued for construction.
- (11) Unless otherwise provided in the Section, Temporary Signs shall not exceed six (6) feet in height and shall not be illuminated or have moving parts. Temporary Signs left unattended shall be attached to the wall, anchored to the ground or weighted down to be able to withstand 90 mile per hour wind. No temporary signs shall be placed upon the required parking space or access drive.
- (12) All Freestanding Signs or other Sign protruding above dedicated paved walking surfaces shall provide a minimum vertical clearance of more than eight (8) feet above ground. Projecting signs in the Downtown District may protrude over pedestrian sidewalk no more than six (6) feet or two thirds of sidewalk width, whatever is less.
- (13) Signs in the Heritage District shall also comply with Section 86-287 of the Marshall City Code.
- (14) All signs with electrical components, temporary or permanent, are subject to the State Electrical Code and approval of the Electrical Inspector.
- (15) Installation of full-size objects as elements mounted on a sign may be allowed by a conditional use permit in all commercial, mixed, and industrial districts.
- (d) Electronic Graphic Display signs. Electronic Graphic Display (EGD) signs shall be subject to the following requirements:
 - (1) EGD signs, except signs used as Off-premises Signs, shall not exceed 40 percent of permitted sign surface area or 60 square feet, whichever is less, in all classes of business or industrial districts, and 60 percent of permitted sign surface area in all classes of residence districts. The remainder of the sign must not have the capability to change messages even if not used.
 - (2) EGD signs shall display only static images for intervals of at least six (6) seconds per image, except plain text on low-resolution signs may be allowed to scroll. The image change shall be accomplished by means of instantaneous re-pixelization. Fading, dissolving, scrolling, traveling, or any transition that creates the illusion of movement is prohibited. Intervals between successive displays shall be less than 0.5 seconds. Only one image or message may be displayed at a time and images utilizing split screens are prohibited.
 - (3) EGD signs shall have an automatic dimmer control that detects ambient light and automatically adjusts the sign's brightness in direct correlation with natural ambient light conditions for all times during the day. Maximum brightness level at any time shall not exceed 0.3 foot-candles (3 lux) above ambient light as measured from a of ten times the square root of the sign area measured in square feet. Maximum luminance of the sign shall not exceed 6,000 nits during daylight hours and 500 nits at night (1 Nit as the approximate equivalent of 3.426 ANSI Lumens).

- (4) EGD signs displays shall be able to freeze an image in one position if a malfunction occurs and shall also have a mechanism to discontinue the display if the sign malfunctions for longer than one hour.
- (e) Sign construction and maintenance.
 - (1) Construction specifications.
 - a. all permanent signs must be constructed in accordance with the Minnesota state building code; and
 - b. signs shall not be painted on the wall of a building or structure; however, a sign may be painted on a water tower or a grain elevator.
 - (2) Sign maintenance and repair. All signs must be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, cleaning and other items required for maintenance of the sign. Vegetation around, in front of, behind, and underneath the base of ground signs for distance of ten (10) feet must be neatly trimmed and free of weeds. Rubbish or debris under or near the sign that would constitute a fire or health hazard must be removed.
 - (3) Removal of Abandoned Signs, Signs in Disrepair.
 - a. Abandoned signs and signs in disrepair. An abandoned sign or sign in disrepair is prohibited and shall be removed by the owner of the premises within 30 days after notification for permanent signs and seven days after notification for temporary signs. If compliance with the provisions of this section is not achieved within 30 days, the city may remove the sign as a public nuisance or impose an administrative fine. If an abandoned permanent sign remains in good condition and without holes or other evidence of disrepair or damage, the sign shall not be considered as abandoned for a period of six months.
 - (4) Nonconforming Signs.
 - a. Any permanent sign that complied with all applicable laws and ordinances at the time it was erected but since has been or is made nonconforming due to a subsequently enacted amendment of this city code is considered a legal nonconforming sign. Any permanent sign that was installed without a permit shall be brought into compliance by applying for a permit within 30 days after notification.

(Code 1976, § 11.19(1)(B); Ord. No. 387 2nd series, § 1, 1-20-1998)

SECTION 8: **AMEND IN ITS ENTIRETY** “Section 86-185 Permitted Signs In Business Districts” of the Marshall Municipal Code is hereby *amended in its entirety* as follows:

AMEND IN ITS ENTIRETY

Section 86-185 District Regulations

The Zoning District specific sign requirements are listed in Table 86-185

[Table 86-185 Sign Limitations by Zoning Districts](#)

Zoning district	A - agricultural district ²¹	P-1 and P-2 ²²	P-3 and P-4 ²³	B-1, B-2, B-3, I-1, and I-2	D-1
Use	Ag use	Non-ag use	Flex use	Flex use	Flex use
Sign type	Sign type	Sign type	Sign type	Sign type	Sign type
Permanent freestanding ²⁴	(1)24-6 ²⁵	(1)24-20+(2)24-6	(1)24-3 ²⁶	(1)24-3 ²⁶	(1)24-3 ²⁶
Permanent projecting ^{25,26}	NP	NP	NP	NP	NP
Permanent flat (wall)	NP	NP	NP	NP	NP
Temp freestanding (portable) ^{11,13,28}	(1)12-3	(1)24-6	(1)12-3	(1)12-3	(1)12-3
Temporary wall (banner) ^{11,13,28}	NP	NP	NP	NP	NP
Awning ^{29,30}	NP	NP	NP	NP	NP
Billboard ^{31,32,33}	NP	NP	NP	NP	NP
Directional ³⁴	NP	NP	NP	NP	NP
Feather ^{35,36}	NP	NP	NP	NP	NP
Flag wall ³⁷	(1)12-6	NP	(1)12-6	(1)12-6	(1)12-6
Flag stand ³⁸	(1)24-15	(2)24-20	(1)24-10 ²	(1)24-10 ²	(1)24-10 ²
Gas pump ³⁹	NP	NP	NP	NP	NP
Utility box ⁴⁰	NP	NP	NP	NP	NP
Window ⁴¹	NP	NP	NP	NP	NP

NP - not permitted; () - either - or; e - each (for multiple signs); () number of signs is limited by total square footage; IL - individual letters only, 6 inches high maximum

Legend: (number of signs permitted)maximum size of a sign-maximum height of a sign; example: (1) 12-6 - one sign only, 12' 6" maximum, not higher than 6 feet

Note: Off-premise signs (advertising signs or billboards) are not a part of the sign ordinance and regulated as "use" and require a conditional use permit

- plus (1)24-6 for new subdivisions with more than 10 recent parcels
- 15 feet for a dwelling group of more than 4 units
- two (2) for double frontage lots (one per frontage)
- percentage of primary use building facade area; for double frontage and corner lots, each facade shall be considered separately
- plus (1)12-6 for a dwelling group of more than 4 units
- whichever is less
- per-manufactured park entrance plus one (1)12-6 per occupied lot
- per-occupied lot
- (a) - two (2) signs for double frontage lots (one per frontage, one 120 SF and another 60 SF) and for corner lots or lots with total frontage over 600 feet (one 120 SF and another 60 SF), provided distance between signs is at least 2/3 of the frontage length;
- (b) - two (2) signs for lots with two or more different principal use buildings (120 SF and 60 SF) or one sign 150 SF; for strip mall buildings, single sign area may be increased to 150 SF;
- (c) - for lots with frontage greater than 400 ft, single sign area may be increased to 150 SF, provided it is located at least 1/3 of the frontage length from each corner;
- (d) - 120 SF size limit shall be reduced to 80 SF for lots with frontage less than 100 feet and for ground sign lower than 20 feet;
- (e) - pylons sign areas may be increased by 25 percent for divided highway frontage and for signs located more than 20 feet above ground (cumulatively); height may be increased by 5 feet for divided highway frontage
- shall not project over public right of way, except in downtown, they can project up to six feet or two-thirds of sidewalk width, whatever is less) or any driving area
- non-commercial signs posted during elections are governed by the State statutes 21B.045
- one window sign are also permitted; real estate signs per permit must be coordinated and neatly and symmetrically placed; neon tube signs and transparent glass flow signs are always permitted; must be oriented towards flat wall sign allowance for a facade
- no permit required
- a banner shall be considered a permanent flat sign if installed within a sign cabinet or if always installed in the same location and replaced every 30 days
- awning signs must be pre-printed or embossed on canopy or awning material only
- bottom edge of all freestanding and projecting signs, and flags projecting more than 24 inches must be 8 feet minimum above dedicated paved walking surface. All ground signs shall maintain 5-foot setbacks.
- balloon signs must be ground mounted and may not utilize cabling, tie-downs or tether lines
- all temporary signs are limited to 6 feet height, unless indicated otherwise, and no more than 14 consecutive days and total 60 days in a year per property, unless installed on active construction site or on property listed for sale or lease
- unobstructed signs in downtown may be installed for any number of days provided they are removed nightly and allow for foot wide passage
- additional (1)5% for alley facade
- plus (1) additional sign per each five acres of lot area over 10 acres
- multi-faced signs, rotating and moving signs, and use of real objects on signs are prohibited
- one sign may be 35 SF and 10 ft high
- three banner signs are permitted on temporary fences around active construction sites (one continuous banner of unlimited length and 6 feet high is also permitted as an alternative)

(Code 1976, § 11.19(1)(C); Ord. No. 411 2nd series, § 1, 2-16-1999)

SECTION 9: REPEAL “Section 86-186 Permitted Signs In Industrial Districts” of the Marshall Municipal Code is hereby *repealed* as follows:

REPEAL

Section 86-186 Permitted Signs In Industrial Districts (*Repealed*)

In I-1 and I-2 industrial districts, business signs, nameplate signs, advertising and billboards are permitted, subject to the following regulations:

- ~~(a) Signs as permitted and regulated in section 86-185(2).~~
- ~~(b) Advertising signs may be permitted by conditional use permit in industrial districts, provided that sign structures shall be limited to not more than one for a lot of 100-foot frontage or less and to only one per each additional 100 feet of additional lot frontage. Such structure shall not contain more than two signs per facing nor exceed 55 feet in total length. No advertising sign shall be erected within 100 feet of an adjoining residential district.~~
- ~~(c) Signs as permitted and regulated in section 86-185(4).~~

~~(Code 1976, § 11.19(1)(D))~~

SECTION 10: **REPEAL** “Section 86-187 Temporary Transportable Advertising Signs” of the Marshall Municipal Code is hereby *repealed* as follows:

R E P E A L

~~Section 86-187 Temporary Transportable Advertising Signs (Repealed)~~

~~All signs that are not permanently affixed to a building or foundation structure, mounted on wheels or supporting structure for the purpose of mobility, shall conform to the provisions of this division and any other provisions of the city Code or regulations of the city.~~

- ~~(a) No temporary transportable advertising sign shall be permitted in any of the classes of residence districts.~~
- ~~(b) All signs shall conform to the general sign provisions of this division.~~
- ~~(c) Temporary transportable advertising sign area shall not exceed the permitted sign surface area as regulated by this division. These signs shall be considered as freestanding signs for the purposes of this division.~~
- ~~(d) No temporary transportable advertising sign shall exceed 48 square feet of sign area, exclusive of wheels and standards.~~
- ~~(e) Building permits for temporary transportable advertising signs shall be required and will be issued for a maximum period of 30 days per year.~~
- ~~(f) No temporary transportable sign shall be placed on public property or right-of-way.~~
- ~~(g) No sign shall be permitted to obstruct the visibility of traffic at intersections or private approaches as determined by the city engineer.~~
- ~~(h) Signs shall be constructed of wood, metal or plastic, designed and anchored to resist 25 pounds/square foot horizontal wind pressure loads and stresses.~~

~~(Code 1976, § 11.19(1)(E))~~

SECTION 11: **EFFECTIVE DATE** This Ordinance shall take effect after its passage and summary publication.

PASSED AND ADOPTED BY THE CITY OF MARSHALL COMMON COUNCIL

_____.

Presiding Officer

Attest

Robert Byrnes, Mayor, City of
Marshall

Steven Anderson, City Clerk, City of
Marshall