

City of Brooklyn Park Planning Commission Staff Report

Agenda Item:	5.1	Meeting Date:	March 13, 2024
Agenda Section:	Public Hearing	Originating Department:	Community Development
Resolution:		Prepared By:	Erin McDermott, Associate Planner Amber Turnquest, Principal Planner
Ordinance:	X		
Attachments:	5	Presented By:	Erin McDermott, Associate Planner Amber Turnquest, Principal Planner
Item:	Code Text Amendment: Minor revisions for consistency and legal sufficiency to Chapter 150: Signs.		

Proposed Actions:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2024_____AMENDING CHAPTER 150 OF THE BROOKLYN PARK CODE FOR CONSISTENCY WITH THE BROOKLYN PARK 2040 COMPREHENSIVE PLAN.

Staff Recommendation:

Staff recommends approval of the proposed ordinance changes.

Overview:

The Brooklyn Park City Council (Council) adopted the Brooklyn Park 2025 community plan in February 2017. Roughly 1,000 participants supported this yearlong effort which captured resident and staff input and documented the City’s goals. That process involved many public engagement sessions to understand the vision that Brooklyn Park residents had for the city as it grows and changes, including a visioning session in 2016, public open house in 2017, mailed notices, door knocking, and surveys sent to residents. Building upon that work, the Brooklyn Park Planning Commission held a public hearing in 2018 over a two month period in March and April on the 2040 Comprehensive Plan (2040 Plan). The Council voted on the final draft on May 29, 2018, with the comment period closing on October 26, 2018. The 2040 Plan was approved for submission to the Metropolitan Council (Met Council) for final review on December 10, 2018.

The 2040 Plan looked at the entire community with an emphasis on special planning areas. The City identified a need to address community-wide issues and desires, redevelopment and reinvestment in the older parts of the community, sustainability of new development, and to create a “community of the whole”.

The City Council adopted the 2040 Comprehensive Plan on March 30th, 2020. State law requires that official controls – the Zoning Code – be updated within 9 months of Plan adoption. The consultant firm, WSB, who worked on the 2040 Plan was retained to work on the Zoning Code Update. The challenges associated with the COVID-19 pandemic, staff turnover in the Planning Division, and the 2023 development moratorium all contributed to a delay in completing this work.

Staff is using this opportunity to make minor, technical updates the entire Land Usage Title of the Brooklyn Park Code of Ordinance. Title XV includes four chapters, which are listed below with a highlight of the changes:

Chapter 150 Signs

Technical changes that clarify regulations in zoning districts and the City’s attorney is reviewing for conformance with statute and current case law.

Chapter 151 Subdivisions

Technical changes to update referenced information.

Chapter 152 Zoning Code

Incorporation of the principles identified with the 2040 Plan that WSB identified and worked closely with City Staff, Planning Commissioners, and City Council to update. The bulk of the work that WSB completed was to bring the Zoning Code into compliance with the 2040 Plan. A limited number of changes are being made outside of those that have already had extensive review and discussion during the 2020 working period.

Chapter 153 Stormwater Management

Technical changes to update referenced information.

Summary of Changes:

Section	Title	Summary of Changes
150.01	Short title	Updated for consistency across LU chapters
150.02	Purpose and Intent	Grammar, and the addition of a severability clause
150.03	Definitions	Updated for consistency across LU chapters
150.04	General Provisions Applicable to All Zoning Districts	Grammar, and added Minnesota Building Code requirement. Removed content restrictions per legal recommendation. Added projecting signs as permitted with size requirements.
150.05	Prohibited Signs	Removed prohibition from projecting signs.
150.06	Temporary Signs	Removed content restrictions per legal recommendation. Added clarification to requirements for enforcement purposes at the request of the Environmental Health Division.
150.08	Variances	Updated for consistency across LU chapters, all variances are governed by MN Statute and must be processed consistently.
150.09	Sign Application	Technical changes for consistency
150.10	Bond and License	Technical changes for consistency
150.11	Construction Standards	Removed specific Building Code citation, replacing with a broader citation to reduce the need for future amendments.
150.13	Enforcement	Technical changes for consistency
150.14	Violations	Technical changes for consistency
150.15	Right of Appeal	Technical changes for consistency
150.25	R-1, R-2, R-3 and R4 Residential Districts	Updated name of section and zoning district references to reflect the residential districts that will exist once Chapter 152 is amended.
150.26	Multiple Residential Districts	Updated name of section and zoning district references to reflect the residential districts that will exist once Chapter 152 is amended.
150.29	BP Business Park and I General Industrial Districts	Technical changes for consistency
150.30	PCDD Planned Community Development District and PUD Planned Unit Development District	Struck to reflect the districts that will exist once Chapter 152 is amended.

150.32

Highway Overlay

Struck to reflect the districts that will exist once Chapter 152 is amended.

Alternatives to Consider:

1. Approve the amendments as presented.
2. Approve the amendments with modifications.
3. Decline to approve the amendments.

Budgetary/Fiscal Issues:

Not applicable.

Attachments:

- A. Redline Changes
- B. Technical Changes Document
- C. Supporting Documents
- D. Resident Comments
- E. Summary Ordinance

Chapter 150: Signs

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 § 150.25 R-1, R-2, R-2A, R-2B, R-3, R-3A, R-4 AND R-4A RESIDENTIAL DISTRICTS 2019

 § 150.26 R-5, R-6 AND R-7 MULTIPLE RESIDENTIAL DISTRICTS 2120

 § 150.27 B-1 OFFICE PARK DISTRICT 2221

 § 150.28 B-2 NEIGHBORHOOD RETAIL BUSINESS DISTRICT, B-3 GENERAL BUSINESS DISTRICT, AND B-4 VEHICLE SALES AND SHOWROOM DISTRICT 2322

 § 150.29 BP BUSINESS PARK AND I GENERAL INDUSTRIAL DISTRICTS 2423

 § 150.31 PI PUBLIC INSTITUTIONAL DISTRICT 2726

 § 150.33 TRANSIT ORIENTED DEVELOPMENT (TOD) AND MIXED-USE DISTRICT 2928

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11 ~~§ 150.25 R-1, R-2, R-2A, R-2B, R-3, R-3A, R-4 AND R-4A RESIDENTIAL DISTRICTS AND~~

12 ~~AREAS GUIDED FOR LOW- AND MEDIUM-DENSITY RESIDENTIAL IN THE PLANNED~~

13 ~~COMMUNITY DEVELOPMENT DISTRICT AND PLANNED UNIT DEVELOPMENT DISTRICT.~~

14 ~~..... 19~~

15 ~~§ 150.26 R-5, R-6 AND R-7 MULTIPLE RESIDENTIAL DISTRICTS AND AREAS GUIDED~~

16 ~~FOR HIGH-DENSITY RESIDENTIAL IN THE PLANNED COMMUNITY DEVELOPMENT~~

17 ~~DISTRICT AND PLANNED UNIT DEVELOPMENT DISTRICT..... 20~~

18 ~~§ 150.27 B-1 OFFICE PARK DISTRICT. 21~~

19 ~~§ 150.28 B-2 NEIGHBORHOOD RETAIL BUSINESS DISTRICT, B-3 GENERAL BUSINESS~~

20 ~~DISTRICT, AND B-4 VEHICLE SALES AND SHOWROOM DISTRICT..... 22~~

21 ~~§ 150.29 BP BUSINESS PARK AND I GENERAL INDUSTRIAL DISTRICTS..... 23~~

22 ~~§ 150.30 PCDD PLANNED COMMUNITY DEVELOPMENT DISTRICT AND PUD PLANNED~~

23 ~~UNIT DEVELOPMENT DISTRICT 25~~

24 ~~§ 150.31 PI PUBLIC INSTITUTIONAL DISTRICT..... 27~~

25 ~~§ 150.32 HIGHWAY OVERLAY..... 28~~

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ARTICLE 1. ADMINISTRATION

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§ 150.01 SHORT TITLE.

31 This chapter may hereafter be known and cited as the ~~“Sign Ordinance.”~~ “Brooklyn Park Sign

32 Code”.

33 ('72 Code, § 356:00) (Ord. 1988-602(A), passed 8-22-88)

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§ 150.02 PURPOSE AND INTENT.

37 (A) This chapter is established to protect and promote the health, safety, general welfare and

38 order within the City of Brooklyn Park through the establishment of a comprehensive and

39 impartial series of standards, regulations and procedures governing the type, numbers, size,

40 structure, location, height, lighting, erection, maintenance, use and/or display of devices, signs

41 or symbols serving as a visual communicative media to persons situated within or upon public

1 ~~right-of-ways~~rights-of-way or properties.

2 (B) The provisions of this chapter are intended to establish an opportunity for effective
3 communication, and a sense of concern for visual amenities on the part of those designing,
4 displaying or otherwise utilizing needed communicative media of the types regulated by this
5 chapter; while at the same time, assuring that the public is not endangered, annoyed or
6 distracted by the unsafe, disorderly, indiscriminate or unnecessary use of such communicative
7 media.

8 (C) The City’s Sign Code is not intended to, and does not restrict speech on the basis of its
9 content, viewpoint or message. Any provision in this Code that permits speech by reason of the
10 type of sign, identity of the sign user or otherwise, shall permit any type of speech or message
11 on the sign. No part of this Code shall be construed to favor commercial speech over non-
12 commercial speech. To the extent that any provision of this Code is ambiguous, the term shall
13 be interpreted to not regulate on the basis of speech content and the interpretation resulting in
14 the least restriction on the content of the sign message shall prevail.

15 ('72 Code, § 356:05) (Ord. 1988-602(A), passed 8-22-88)

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18 **§ 150.03 DEFINITIONS.**

19 For the purpose of this chapter, the following definitions apply unless the context clearly
20 indicates or requires a different meaning. The singular number includes the plural and the plural
21 includes the singular. The present tense includes the past and future tenses and the future the
22 present. The word “must” is mandatory and the word “may” is permissive. The masculine
23 gender includes the feminine and neuter genders. Whenever a word or term defined hereinafter
24 appears in the text of this chapter, its meaning is construed as set forth in such definition
25 thereof. All measured distances must be expressed in feet and inches.

26 ADVERTISEMENT. Displayed information that calls public attention to a business, product,
27 service, political or non-profit organization, idea, or event.

28 ADMINISTRATOR. The officer charged by the City Manager with the administration and
29 enforcement of this chapter.

30 ALTERATION. This refers to any alteration to a sign excluding routine maintenance, painting,
31 or change of copy of an existing sign.

32 AREA IDENTIFICATION SIGN. A sign which identifies a development such as a shopping
33 center consisting of three or more separate business concerns, a singular free-standing
34 commercial or institutional building 50,000 square feet or larger, an industrial building in excess
35 of 100,000 square feet, an industrial area, an office or institutional complex consisting of three
36 or more buildings or any combination of the above. An area identification sign must not contain
37 advertisement, except on a reader board.

38 AWNING. A temporary roof like structure or cover which projects from the wall of a building or
39 projects over any entrance and can be retracted, folded or collapsed against the face of a
40 supporting building.

41 BANNER. Refers to temporary sign such as used to announce open houses, grand openings
42 or special announcements or sales.

43 BENCH SIGN. A sign which is affixed to or painted on a bench, such as at a public transit
44 terminal or stop.

45 BILLBOARD SIGN. A sign which is erected and used for the purpose of selling or leasing
46 advertising space or for the purpose of selling goods and/or services other than those offered on

1 the premises.

2 BUILDING. Any structure having a roof which may provide shelter or enclosure for persons,
3 animals or chattel, and when the structure is divided by party walls without openings, each
4 portion of such building so separated is deemed a separate building.

5 BUILDING FACADE. That area of any exterior elevation of a building extending from grade to
6 the top of the exterior wall and the entire width of the building elevation, including parapets,
7 awnings, canopies, mansards or other appendages or architectural treatments to the wall. The
8 facade does not include flat roof sections of multi-level buildings nor the shingled faces of hip
9 roofs or gable roofs.

10 CANOPY/WALKWAY. A permanent roof-like structure or cover which projects from the wall of
11 a building, or projects over any entrance or walkway.

12 CANOPY/VEHICULAR SERVICE. A permanent roof-like structure, either attached or
13 detached from a permitted building, designed to provide cover for off-street vehicle service
14 areas, (such as gasoline station pump islands, drive-in establishments, truck loading berths, and
15 the like).

16 CITY CODE. The 1972 Ordinance Code of the City of Brooklyn Park, as amended from time to
17 time. Also referred to as the Code of Ordinances. This sign ordinance is a part of the City Code.

18 CONSTRUCTION SIGN. A sign placed at a construction site identifying the project or the
19 name of the architect, engineer, contractor, developer, financier or other involved parties.

20 DIRECTIONAL SIGNS. A sign which bears only directional arrows or information on location
21 plus the address and/or name of a business, institution, or other use activity, provided the
22 primary message and purpose is to provide directional information.

23 ~~DISTRICT. Refers to a specific zoning district as defined in the Brooklyn Park Zoning~~
24 ~~Ordinance, Chapter 152.~~

25 DWELLING. A building of one or more portions thereof occupied or intended to be occupied
26 for residential purposes; but not including rooms in motels, hotels, nursing ~~homes~~,
27 boarding houses, trailers, tents, cabins or trailer coaches.

28 DWELLING UNIT. A single-family dwelling.

29 EVENT. For the purposes of this chapter, an event is defined as an organized function, which
30 occurs on two consecutive weekends or over a period of no more than ten consecutive days,
31 that serves to advertise and/or promote a non-profit agency or organization as defined by the
32 State of Minnesota. Section 150.06(A)(1) regulates those events that use banners or mobile
33 reader boards.

34 FEATHER FLAG. A free-standing, temporary sign constructed of a singular vertical pole, tube,
35 or post supporting one edge of a single sheet of weather resistant cloth, vinyl, or similar material
36 printed with advertising, graphics, or other messages on each opposing side, incorporating
37 movement only as provided by surrounding winds or other unassisted ambient air movement.

38 FLASHING SIGN. A sign which contains rotating, flashing, or intermittent lights, animation, or
39 exhibits noticeable changes in color, intensity, texture, shape, pattern or light intensity.

40 FREE-STANDING SIGN. Any stationary, self-supporting sign not affixed to any other structure
41 and supported by a pole(s). A reader board or electronic message center may be attached to
42 the free-standing sign structure, but the reader board must not exceed 30% of the area
43 containing the sign copy. The reader board must be included in calculating the allowable sign
44 square foot area as required in the individual district.

45 GOVERNMENTAL SIGN. A sign which, is erected by a governmental unit for the purpose of

1 identification, direction, and/or guiding traffic.

2 GRADE. The main elevation of curb along public street frontage closest to the sign to which
3 reference is made, or center line of street-if no curb is available.

4 HOME OCCUPATION SIGN. A sign directing attention to a home occupation as defined in the
5 [city's zoning ordinance Zoning Code](#), Chapter 152.

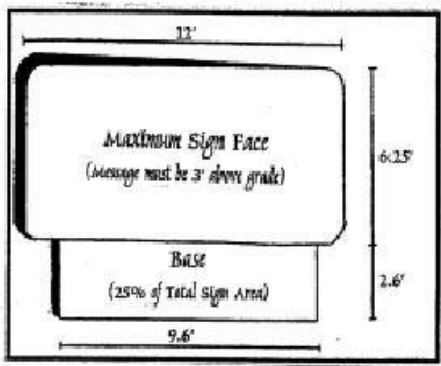
6 IDENTIFICATION SIGN (NAME PLATE). Any sign which states the name and/or address of
7 the business or occupant of the lot or building where the sign is placed or may be a directory
8 listing the names, addresses and/or businesses of occupants. IDENTIFICATION SIGNS must
9 contain no advertisement.

10 ILLUMINATED SIGN. Any sign which is designed to be and/or is lighted by an artificial light
11 source either directed upon it or illuminated from an interior source. All illuminated signs must
12 have light sources shielded to confine direct illumination to the face area of the sign.

13 INSTITUTIONAL SIGN. A sign and/or reader board which identifies the name and other
14 characteristics of an institutional use located within any zoning district and allowed by [the](#)
15 [zoning eCode](#). Institutional signs must not contain advertisement (examples: churches,
16 schools, sanitariums, hospitals, government buildings, nursing homes).

17 INTEGRAL SIGN. A sign carrying the name of a building, its date of erection, monumental
18 citations, commemorative tablets and the like when carved into stone, concrete or similar
19 material or made of bronze, aluminum or other permanent type of construction and made an
20 integral part of the building walls.

21 MONUMENT SIGN. A sign which is attached to or supported by a monument structure which
22 bears entirely on the ground, extending horizontally for a minimum of 80% of the entire length of
23 the sign face. The sign base must be constructed of any one or combination of the following
24 materials: brick, stone, decorative masonry, plastic, aluminum, colored metals, or decay
25 resistive wood. The base and supporting material must constitute at least 25% of the total
26 allowable sign square footage. A reader board or electronic message center may be attached to
27 the monument sign but must not exceed 30% of the area. The sign copy, reader board or
28 message must have a minimum clearance of three feet above grade. The area containing sign
29 copy, including reader board, and the area of the monument structure itself must be combined
30 for determining the total square footage and height. A sign attached to a retaining wall is
31 considered to be a monument sign provided the message or copy does not exceed the
32 allowable sign area as specified for the applicable zoning district, and all other provisions for a
33 monument sign are met.
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37 An example of a 100 square foot monument sign.

38 MOTION SIGN. Any sign which revolves, rotates, has any moving parts or gives the illusion of

1 motion, electronically or otherwise.

2 NON-CONFORMING SIGN. A sign which was lawfully constructed prior to the time of the
3 passage of this chapter or amendment thereto, but which does not conform with the regulations
4 of this chapter.

5 NON-PROFIT ORGANIZATION. An incorporated organization organized under the laws of the
6 state for civic, fraternal, social, or business purposes, for intellectual improvement, or for the
7 promotion of sports, a congressionally chartered veterans' organization, or religious institution.
8 For the purposes of this chapter, this definition includes the governments of the City of Brooklyn
9 Park, Hennepin County, State of Minnesota, United States of America, and any school district
10 within the city limits.

11 OFF-SITE DIRECTIONAL SIGN. A sign that is located on the same pole and beneath an
12 existing street name sign for the purpose of providing directional information for a public or
13 institutional use that is located on a local street. The City Engineer may determine whether a
14 sign or signs are warranted to direct traffic in this manner on a case by case basis. No more
15 than one off-site directional sign may be located on a single pole, the sign must have same
16 color, size and font as the accompanying street name sign and must contain only the name of
17 the use and a directional arrow and must be constructed and maintained by the city at the
18 expense of the benefitting property.

19 PEDESTRIAN SIGN. A temporary sign, which is constructed of durable materials and is
20 designed to be readily moved from one location to another (ex. sandwich board sign or any item
21 containing a message). For purposes of this chapter, any sign mounted to, or conveyed by
22 means of, a vehicle shall not be considered a pedestrian sign.

23 PENNANT. Attention getting devices (such as streamers) constructed of paper, cloth, plastic
24 or similar materials, (excluding banners and flags).

25 PERMANENT SIGN. Any sign which is not a temporary sign.

26 PORTABLE SIGN. A temporary sign and/or reader board so designed as to be movable from
27 one location to another and which is not permanently attached to the ground, or any permanent
28 structure.

29 PRODUCT IDENTIFICATION SIGNS. A sign that is not necessary to identify a business and
30 identifies a product or service either sold on or off the premises on which the sign is located.

31 PROJECTING SIGN. A sign, other than a wall sign, which is affixed to a building and which
32 has sign faces extending perpendicular from the building wall.

33 READER BOARD (ELECTRONIC MESSAGE CENTER). That portion of the sign used for
34 removable or electronically changeable graphics, letters, and/or numbers to convey messages.

35 REAL ESTATE SIGN. A business sign placed upon a property advertising that particular
36 property for sale, rent or lease.

37 RESIDENTIAL DEVELOPMENT SIGN. A sign that identifies the name of a neighborhood, a
38 residential subdivision, or a multiple residential complex.

39 ROOF SIGN. Any sign which is erected, constructed or attached wholly or in part upon or
40 above the roof of a building.

41 RUMMAGE OR GARAGE SALE. The infrequent, temporary display and sale of used personal
42 property by a tenant or owner on the tenant's or owner's residential premises.

43 SEARCHLIGHT. An apparatus containing a source of light and a reflector that projects the
44 light produced in a concentrated, far-reaching beam for the purpose of advertisement.

45 SETBACK. The minimum horizontal distance from the closest part of a sign to the property

1 line, or public street easement or right-of-way.

2 SIGN. Any structure, device, advertisement, or visual representation intended to advertise,
3 identify, or communicate information, or attract the attention of the public for any purpose; and
4 without prejudice to the generality of the foregoing includes: any symbols, letters, figures,
5 illustrations, or wall graphics painted or otherwise affixed to a building or structure.

6 SIGN AREA. That area measured within the perimeter lines of the sign which bears the
7 advertisement; or in the case of messages, figures, or symbols, including those attached directly
8 to any part of a building. That area which is included in the smallest rectangle which can be
9 made to circumscribe the message, figure, or symbol displayed for the purpose of
10 advertisement. The specified maximum sign area for a free-standing or monument sign refers to
11 a single facing and not to the aggregate area of both faces. The sign area for a monument sign
12 includes the sign structure.

13 SIGN, MAXIMUM HEIGHT OF. The vertical distance measured from grade or other reference
14 elevation as herein specified to the upper limit of such a sign.

15 SIGN, MINIMUM HEIGHT OF. The vertical distance measured from grade or other reference
16 elevation as herein specified to the lower limit of such sign.

17 SIGN STRUCTURE. The base, supports, uprights, bracing and framework for a sign including
18 the sign area.

19 STREET. Refers to a public highway, road, or thoroughfare which affords the principal means
20 of access to adjacent lots.

21 STREET FRONTAGE. The linear length in feet of the property line adjacent to public street(s).
22 An interior lot has one street frontage and a corner lot has two street frontages.

23 TEMPORARY SIGN. Any sign which is erected or displayed with or without a permit for a
24 specified period of time (such as banners, portable signs, searchlights, window signs, and the
25 like).

26 UNLAWFUL SIGN. A sign which exists prior to or after the passage of this chapter or
27 amendments thereto, which does not conform with the regulations of this chapter and is not an
28 existing legal, or is not a legal nonconforming sign, or is not a sign erected with a sign permit, is
29 an unlawful sign.

30 WALL. The building facade area that defines the front of the building. The front is the
31 continuous line of a building that connects side wall to side wall and faces one public right-of-
32 way. For a multi-tenant building on a corner lot, the front is the continuous line of a building
33 which faces either a public right-of-way or a private road in a planned unit development.

34 WALL SIGN. A sign with permanent lettering which is affixed to the exterior wall of a building
35 and has a sign face which is parallel to the building wall. A wall sign must not project more than
36 12 inches from the surface to which it is attached, nor may it extend beyond the top of the
37 building wall.

38 WALL GRAPHICS. A graphic design or decorative mural not intended for identification or
39 advertising purposes, which is painted directly on or affixed to an exterior wall surface.

40 WINDOW SIGN. A temporary sign affixed to the interior of a window in view of the general
41 public. This does not include merchandise that is for sale and on display.

42 [ZONING DISTRICT. Refers to a specific zoning district as defined in the Brooklyn Park Zoning](#)
43 [Code, Chapter 152.](#)

44 ('72 Code, §§ 356:10 - 356:15) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed
45 5-11-92; Am. Ord. 1994-766, passed - -94; Am. Ord. 1999-900, passed 5-24-99; Am. Ord.

1 1999-914, passed - -99; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2000-939, passed 11-
2 13-00; Am. Ord. 2003-1002, passed 8-25-03; Am. Ord. 2004-1026, passed 12-13-04; Am. Ord.
3 2012-1152, passed 10-22-12; Am. Ord. 2014-1165, passed 2-3-14; Am. Ord. 2014-1186,
4 passed 12-15-14)

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§ 150.04 GENERAL PROVISIONS APPLICABLE TO ALL ZONING DISTRICTS.

8 (A) Nothing in this chapter will be interpreted as authorizing the erection or construction of
9 any sign not permissible under the ~~zoning or building ordinances~~Zoning Code of the city, or
10 Minnesota Building Code.

11 (B) All electrical signs, temporary or permanent, are subject to the State Electrical Code and
12 approval of the Electrical Inspector.

13 (C) No sign other than bench signs at public transit stops and governmental traffic safety or
14 roadway information signs and off-site directional signs as defined in § 150.03 may be
15 permanently or temporarily erected within any street right-of-way or upon any public easement.

16 (D) Directional signs are permitted in all districts provided the directional signs are located on
17 the property referred to by the sign or within a planned unit development. The area of such
18 signs must not exceed ten square feet per sign face for a single tenant building or 20 square
19 feet per sign face for a multiple tenant building or a multi-building complex. Such signs must not
20 have more than two sign faces. Maximum sign height for free-standing or monument-type
21 directional signs is six feet above grade.

22 (E) It is unlawful to park any vehicle or trailer on a public right-of-way or public property or on
23 private property so as to be visible from a public right-of-way, which has attached thereto or
24 located thereon any sign or advertising device for the basic purpose of directing people to a
25 business or activity located on the same or nearby property or any other premises.

26 (F) Businesses that utilize permanent, legal outdoor sales, (such as lumber yards, nurseries,
27 and the like) are allowed generic product identification signs for customer convenience, and to
28 assist in traffic movement. These signs must not exceed 36 square feet in area, nor exceed
29 eight feet in height, and may be illuminated. These signs are allowed for orientation information
30 purposes only and must not be visible from public streets. These product identification signs
31 must be setback 100 feet or more from all public streets.

32 (G) If a free-standing sign or monument sign is constructed so that the faces are not
33 constructed so as to be back to back, the total area of all sides added together must not exceed
34 the maximum allowable sign area for the district.

35 (H) Architectural building extensions such as awnings or canopies, other than vehicular
36 service canopies, primarily built as shelter for entrances or for aesthetic purposes, are allowed
37 to display signage. These signs are considered as wall signs for the purpose of determination of
38 the maximum allowable sign area.

39 (I) Vehicular service canopy signs are ~~limited to a business logo and/or graphic design~~ not to
40 exceed ten percent of each canopy face area or ten square feet on each canopy face,
41 whichever is smaller. Service station canopy signs are restricted to two faces of the canopy and
42 must not be located above or below the canopy area.

43 (J) Service stations may advertise gasoline prices on reader boards attached to a permitted
44 free-standing sign or attached to canopy supports. If attached to the canopy supports, these
45 signs must be no larger than 15 square feet in area. In no case may a free-standing sign be
46 constructed for the sole purpose of advertising prices. Service stations may have gas pump
47 topper signs ~~advertising products for sale on the premises~~, not to exceed two square feet per
48 gas pump.

1 (K) No sign except bench signs and billboards, may in its entirety, separately advertise a
2 product, commodity, service, or contain other miscellaneous language that is not directly related
3 to the business name, except as allowed by § 150.06(B)(5)(h).

4 (L) A product identification sign may be integrated into a permitted free-standing, monument
5 or wall business sign and will be included as part of the maximum allowable sign area. Product
6 identification sign area must not exceed ten percent of the maximum allowable sign area.

7 (M) Buildings, premises or lots are not allowed to have pennants, pinwheels, or other
8 attention attracting devices, or temporary signs except in, accordance with § 150.06 of this
9 chapter.

10 (N) One flagpole may be erected for each 100 feet of street frontage, not to exceed a total of
11 three flagpoles. Height of the poles must not exceed the building height regulations, as specified
12 by the Zoning ordinance Code for the district where the poles are located, and flag length must
13 not exceed 25% of the pole height, and no more than two flags per pole are permitted.

14 (O) It is unlawful for a sign permitted by this chapter, by reason of its location, color intensity,
15 to create hazard to the safe, efficient movement of vehicular or pedestrian traffic. A private sign
16 must not contain alarming words which might be construed as traffic controls, such as “stop,”
17 “caution,” “warning,” and the like, unless such sign is intended to direct traffic on the premises.

18 (P) A sign must not contain any indecent or offensive picture or written matter.

19 (Q) State and federal government agencies and their political subdivisions are exempt from
20 the provisions of the sign ordinance except for setback requirements.

21 (R) All sign permits for multiple tenant buildings require the signature of the property owner
22 or the property owner's agent.

23 (S) Projecting signs are permitted in all districts provided the projecting signs are located on
24 the property referred to by the sign or within a planned unit development. The area of such
25 signs must not exceed ten square feet per sign face for a single tenant building or 20 square
26 feet per sign face for a multiple tenant building or a multi-building complex. Such signs must not
27 have more than two sign faces. Minimum sign height for projecting signs is eight feet above
28 grade. The area of the projecting sign faces are to be included in the total area of signs placed
29 on a single façade when the total area of signage on that façade is limited in area.

30 ('72 Code, § 356:20) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92;
31 Am. Ord. 2000-939, passed 11-13-00; Am. Ord. 2014-1165, passed 2-3-14) Penalty, see §
32 10.99
33

34
35 **§ 150.05 PROHIBITED SIGNS.**

36 The following signs are specifically prohibited in all districts:

37 (A) Motion signs - exempted are temporary search lights and permanent electronic message
38 center signs which only display time and/or temperature information or have a message that
39 does not change more frequently than once every sixty seconds.

40 (B) Flashing signs except electronic motion signs as exempted above.

41 (C) Roof signs - signs installed above the building facade.

42 ~~(D) Projecting signs.~~

43 (E) Signs which have more than two sign faces.

44 (F) Signs which are attached to trees, fences, utility poles or other such permanent supports,

1 not specifically intended as sign structures.

2 (G) Signs painted directly on building walls. Exempted are non-commercial non-lettered wall
3 graphics in accordance with § 150.03 of this chapter.

4 (H) Wall signs are not permitted on any building wall facing an abutting residential property
5 or properties, unless separated by a city street or highway right-of-way.

6 (I) Signs affixed to the exterior side of windows, except addresses and other minor
7 directional information.

8 (J) Billboards in the T.H. 610 Corridor as delineated in the T.H. 610 Corridor Plan.

9 (K) Portable reader board signs unless specifically allowed in other sections of this code.

10 ('72 Code, § 356:25) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92;
11 Am. Ord. 1994-766, passed 9-12-94; Am. Ord. 1999-900, passed 5-24-99; Am. Ord. 2010-1121,
12 passed 12-6-10; Am. Ord. 2017-1227, passed 12-4-17) Penalty, see § 10.99
13

14
15 **§ 150.06 TEMPORARY SIGNS.**

16 (A) Multi-family apartment, commercial, industrial, organization, and institutional users in all
17 zoning districts. The following sections concern temporary signs in all zoning districts. The signs
18 are regulated according to the requirements set forth below:

19 (1) Temporary banner ~~advertisement~~ signs. Temporary advertisement banner signs in the
20 form of durable, weather resistant banners, may be erected with a sign permit, provided:

21 (a) A temporary sign permit is necessary for all signs identified in this section.

22 (b) Minimum setbacks: All temporary ~~advertisement~~ signs in the form of banners and
23 feather flags must be set back at least 10 feet from all property lines and may in no case be
24 permitted within the 30 foot clear-view triangle at public or private streets or driveway
25 intersections.

26 (c) The total area of all temporary signs in the form of banners must not exceed 200
27 square feet.

28 (d) Banners are allowed to be displayed on existing fences, accessory buildings, and
29 principle building facades providing they meet the setback requirements.

30 (e) In a multi-tenant structure the banner must not exceed the width of the front of the
31 space to be occupied or 200 square feet, whichever is less.

32 (f) Businesses possessing a valid and current temporary sign permit may display for that
33 allotted time period (in addition to the permitted banner), up to three feather flags for advertising
34 purposes. Feather flags must be less than or equal to 15 feet in height, displayed on the
35 property where the permit holding business is located, may not impede vehicle or pedestrian
36 traffic, and are not allowed to be displayed in a public right-of-way or other prohibited areas.

37 (2) Permit required. Each business concern or organization is allowed a maximum of three
38 permits in a calendar year, except temporary non-profit organization events which are allowed
39 an unlimited number of permits. Each permit for a banner will be for 30 consecutive days.
40 Permit fee is set by the City Council. No temporary sign permit will be issued to any business,
41 institution, or organization found guilty of violating the provisions of the temporary sign code
42 more than once in a calendar year for the period of one year from the second occurrence.

43 (a) Exceptions:

(i) - grand opening banner. A business must receive a one-time permit at no cost to place a "grand opening" banner for 60 consecutive days from the opening date. The banner must follow size and setbacks described in the section above. This permit will not count towards the three allotted annual permits.

(3)-(ii) Window signs. Window sign area must not exceed 25% of the total area of the window(s) located on the wall face in which it is displayed. No permit is required for signs located on the inside of windows or for interior store displays.

~~(4) Flashing or rotating signs prohibited. Flashing or rotating signs or lights are not permitted on temporary signs. However, search lights may be used on site for four days for the calendar year.~~

~~(5)-(iii) Itinerant produce sales signs. Vendors who have received permits to operate at the Brooklyn Park Farmers' Market, are allowed one sign without a permit. That sign must be no larger than 16 square feet in size and be located no more than five feet of the merchant's stand, table, vehicle, or the like. No permit is required for signs associated with a farmer's market that has been approved in accordance with the Zoning Code. and Signs -can only be displayed the day and time of the sale. This sign limitation does not include small price signs, less than one-half square foot in size, located on or near the produce. The signs must be removed from the site at the end of each sale day.~~

~~(6) (iv) Pedestrian signs. Each business is allowed one pedestrian sign not to exceed 10 square feet on each of two sides displayed outside only during regular business hours. Pedestrian signs must be located within 20 feet of a customer entrance to the building in which the business is located in, but must not block pedestrian walkways. Pedestrian signs must be located on the same parcel as the business and must not be located within the public right-of-way.~~

~~(3) Flashing or rotating signs prohibited. Flashing or rotating signs or lights are not permitted on temporary signs. However, search lights may be used on site for four days for the calendar year.~~

(B) All zoning districts. The following sections concern temporary campaign signs, temporary construction signs, temporary real estate signs, temporary non-profit organization event signs, and temporary residential garage and/or rummage sale signs in all zoning districts, and the signs are regulated according to the requirements set forth below:

(1) Temporary campaign signs. Temporary campaign signs posted by a candidate for public office or by a person or group promoting a political issue or a political candidate may be erected subject to the following:

(a) Signs must not exceed sizes authorized by state statute for state general elections.

(b) Pursuant to M.S. § 211B.045, campaign signs may be posted 46 days before the state primary in a state general election year until ten days following the state general election.

(c) Minimum setbacks: There is no setback requirement; however, these signs must not be erected on the public right-of-way, on public property or in the public street intersection 30 foot clear-view triangle.

(d) Maximum height of signs: No temporary campaign sign may exceed 12 feet above grade.

(2) Temporary construction sign. One temporary identification sign may be installed upon a construction site denoting the names of involved parties provided:

(a) Sign area must not exceed 100 square feet.

1 (b) Sign must be removed within two years after issuance of first building permit or upon
2 issuance of a certificate of occupancy, whichever is sooner.

3 (c) Minimum setbacks: These signs must comply with setback requirements of
4 subdivision (B)(1)(c) of this section. Signs must be erected only on the property where work is
5 being done.

6 (d) Maximum height of signs: No temporary construction sign may exceed 12 feet above
7 grade.

8 (3) Temporary real estate signs.

9 (a) Free-standing sign. A temporary free-standing sign for the purpose of selling or
10 leasing individual lots, parcels, homes or buildings may be erected provided:

11 1. Sign area must not exceed six square feet for residential property and 20 square feet
12 for non-residential property.

13 2. Sign must be removed within seven days following the closing of a sale or lease of
14 the property.

15 3. Minimum setbacks: There is no setback requirement; however, these signs must not
16 be erected on the public right-of-way nor in the public street intersection 30 foot clear- view
17 triangle. Sign must be erected only on the property being sold or leased.

18 4. Maximum height of signs: No temporary freestanding real estate sign may exceed
19 eight feet above grade.

20 5. Banners, streamers, pennants, balloons, directional signs, and the like, may be
21 erected for two 21-day periods per year to coincide with the spring "Preview of Homes" and the
22 fall "Parade of Homes."

23 6. Temporary open house and/or directional signs: Temporary open house and/or
24 directional signs may be placed in public view no earlier than 9:00 a.m. on the actual day of the
25 open house and must be removed no later than 9:00 p.m. on the same day. Only one sign per
26 intersection is allowed for each open house. Placement of open house directional signs should
27 not block pedestrian or bicycle pathways or sidewalks. Signs must not be placed within the 30
28 foot clear view triangle at public street intersections. Open house directional signs may not be
29 attached to federal, state, county or city sign posts. The signs may not be placed on center
30 medians or street islands or within four feet of the roadway surface.

31 (b) Area identification sign. A temporary area identification sign for the sale or lease of
32 residential projects of two or more dwelling units or lots, and for non-residential projects, may be
33 erected provided:

34 1. Sign area must not exceed 100 square feet.

35 2. Such sign must be removed when the project is 80% sold or leased.

36 3. Minimum setbacks: All temporary real estate area identification signs must be set
37 back at least 25 feet from all property lines. Sign must be erected only on the property being
38 sold or leased.

39 4. Maximum height of sign: No temporary real estate area identification sign may
40 exceed eight feet above grade.

41 (4) Temporary residential garage and/or rummage sale signs.

42 (a) Sign area must not exceed four square feet.

43 (b) Signs must be erected for no longer than four days and must be removed by the

1 owner immediately following this time. Signs which remain in place for more than four days are
2 deemed litter. The beginning and end date of sale, and address of the sale must be prominently
3 displayed on every sign erected.

4 (c) Minimum setbacks: There is no setback requirement; however, these signs must not
5 be erected in the public right-of-way, on public property, or in the public street intersection 30
6 foot clear-view triangle. Signs may be erected on private properties other than the property
7 where the sale is conducted.

8 (d) Maximum height of signs: No temporary residential garage and/or rummage sale sign
9 may exceed six feet above grade.

10 (5) Temporary non-profit organization event signs.

11 (a) Signs must not exceed eight square feet per sign face.

12 (b) An unlimited number of signs are allowed per event, but must be located as follows:

- 13 1. No more than one sign per event may be located on a single parcel, and
- 14 2. No more than four signs per event may be located in a single street intersection.

15 (c) A map or list of addresses designating the specific sites of each sign must be kept by
16 the applicant.

17 (d) Signs must not be posted in excess of 15 days prior to the event and must be
18 removed no later than two days following the final date of the event. The promoting
19 organization, location and date(s) of the event must be prominently placed on each sign.

20 (e) Minimum setbacks: There is no setback requirement; however, these signs must not
21 be erected on the public right-of-way, on public property, or in the public street intersection 30
22 foot clear-view triangle.

23 (f) Maximum height of signs: A temporary non-profit organizational event sign must not
24 exceed six feet in height above grade.

25 (g) A portable reader board must not be used off the premises from which the event is
26 being held nor may this type of advertising precede or exceed the actual dates of the event. A
27 portable reader board must not be used on public property. An on-site reader board must not
28 exceed 32 square feet. These signs must be set back 15 feet from all property lines but not
29 within the 30 foot clear-view triangle of entrances or public street intersections.

30 (h) A non-profit organization may display messages directly related to their organization
31 on the reader board of any lawful sign with the permission of the sign owner.

32 (6) Temporary roadside agricultural products advertisement signs. Temporary
33 advertisement signs may be erected with a sign permit, provided:

34 (a) Signs advertise agricultural products grown on the property in compliance with this
35 chapter of the City Code.

36 (b) Maximum size: Signs may not exceed 16 square feet in area per sign face. No more
37 than three signs are allowed, per property, and only two of which may be permitted off the site
38 where the agricultural products is grown. For all off-site signs, written permission from the
39 property owner of the proposed sign location shall be submitted with the sign application.

40 (c) Signs are allowed to be posted for a period of time not to exceed three months. The
41 specific time period requested must be specified in the permit application.

42 (d) Minimum setbacks: There is no setback requirement; however, these signs may not
43 be erected on the public right-of-way, on public property, or in the clear view triangle as defined

1 in this chapter of the City Code.

2 (e) Maximum height of signs: No temporary roadside agricultural products advertisement
3 sign may exceed eight feet in height above grade.

4 ('72 Code, § 356.35) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1990-657(A), passed 8-27-
5 90; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 1997-848, passed 6-9-97; Am. Ord. 2000-
6 933, passed 10-9-00; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2004-1026, passed 12-
7 13-04; Am. Ord. 2012-1147, passed 8-20-12; Am. Ord. 2012-1152, passed 10-22-12; Am. Ord.
8 2014-1165, passed 2-3-14) Penalty, see § 10.99

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§ 150.07 NON-CONFORMING SIGNS.

12 (A) Any lawfully constructed non-conforming or any legal sign existing upon the effective
13 date of this chapter may be maintained and continued at the size and in the manner of operation
14 existing upon such date except as hereinafter specified.

15 (B) Upon adoption of this chapter, a non-conforming sign must not be:

16 (1) Changed to another non-conforming sign.

17 (2) Structurally altered or moved except to bring such nonconforming sign into
18 conformance with this chapter.

19 (3) Expanded or enlarged.

20 (4) Repaired or otherwise rehabilitated after damage or deterioration of more than 50%,
21 except to bring into conformance with this chapter.

22 (C) Notwithstanding the foregoing divisions of this section, all signs which are made non-
23 conforming by this sign ordinance, must be brought into conformance, on a sign-by-sign basis,
24 at the time that a sign face or copy is changed or altered except for routine maintenance as
25 required by this chapter. Billboard signs must be brought into conformance at the time that the
26 main structure is removed and must follow the provisions of § 150.29(F).

27 (D) Temporary signs as provided in § 150.06 are not entitled to non-conforming status. Such
28 signs must be brought into compliance with § 150.06 as directed by the sign enforcement office,
29 or it may be summarily removed from display by the enforcement officer.

30 ('72 Code, § 356:40) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92)
31 Penalty, see § 10.99

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§ 150.08 VARIANCES.

35 (A) Purpose. Pursuant to Minn. Stat. Sec. 462.357, subd. 6, as it may be amended from time
36 to time, the City Council, acting as a Board of Appeals and Adjustments, may issue
37 variances from the provisions of this zoning code. A variance is a modification or variation of
38 the provisions of this zoning code as applied to a specific piece of property.

39 (B) Review Standards.

40 (1) Variances shall only be permitted:

41 (a) When they are in harmony with the general purposes and intent of the ordinance.

42 (b) When the variances are consistent with the Comprehensive Plan.

43 (2) Variances may be granted when the applicant for the variance establishes that there are
44 practical difficulties in complying with the zoning ordinance. "Practical difficulties," as
45 used in connection with the granting of a variance, means that:

46 (a) The property owner proposes to use the property in a reasonable manner not

permitted by the zoning ordinance.

(b) The plight of the landowner is due to circumstances unique to the property not created by the landowner.

(c) The variance, if granted, will not alter the essential character of the locality.

(d) Economic considerations alone do not constitute practical difficulties.

(C) Conditions. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. No building permit may be issued except in compliance with the conditions of the variance.

~~(A) Any request for a variance to the sign ordinance must follow the same procedure as outlined in the zoning code.~~

~~—(B) (1) In considering all variance requests and in taking subsequent action, the Planning Commission and the City Council must make a finding showing that all of the following conditions exist:~~

~~—(a) There are special conditions or circumstances affecting the property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of the applicant's land.~~

~~—(b) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.~~

~~—(c) The granting of the variance will not be detrimental to the public welfare or injurious to the other property in the area in which the property is situated and will not have an adverse effect upon traffic or traffic safety.~~

~~—(2) In making an application for a variance, the petitioner must state in writing why the petitioner believes the above conditions exist. Upon granting a variance, the Council may attach those conditions it deems desirable or necessary to protect the public interest.~~

('72 Code, § 356.45) (Ord. 1988-602(A), passed 8-22-88)

§ 150.09 SIGN APPLICATION.

(A) Permits required. Except as specifically provided by this chapter, it is unlawful for any person to erect, alter, or relocate within the city any sign, without first obtaining a permit(s) from the Sign ~~Ordinance Code~~ Administrator and making payment of the fee required. Application for permits must be made upon application forms provided by the City of Brooklyn Park and must be accompanied by:

(1) A site plan drawn to scale based on and accompanied by a certificate of survey, or on a certificate of survey, showing the relation of the sign to the nearest buildings, private and public streets, right-of-ways and property lines.

(2) Sign plans, specifications and methods of construction.

(3) A copy of structural calculations and details showing the structure is designed for live and dead loads including wind velocity in the amount required by all ordinances of the city. Electrical permits will be required by the State Board of Electricity.

(B) Permit issued if application in order. It is the duty of the Sign ~~Ordinance Code~~ Administrator, upon the filing of the application for a permit, to examine such plans and specifications and other data, and the premises upon which the sign is proposed to be erected, and if it appears that the proposed structure is in compliance with all other laws and ordinances of Brooklyn Park, the Sign Code Administrator must then issue the permit. If the work authorized

1 under a permit has not been completed within 90 days after the date of issuance, the permit will
2 become null and void.

3 (C) Permit fees. Every applicant, before being granted a permit hereunder, must pay to the
4 city the permit fee for each sign regulated by this code in an amount as established by the fee
5 resolution, set forth in the Appendix to this code.

6 (D) Permit revocable at any time. All rights and privileges acquired by obtaining a permit
7 under the provisions of this chapter or any amendment thereto are mere licenses, revocable for
8 cause at any time by the Council, and all such permits must contain this provision.

9 ('72 Code, § 356.50) (Ord. 1988-602(A), passed 8-22-88)

11
12 **§ 150.10 BOND AND LICENSE.**

13 (A) It is unlawful to engage in the business of erecting signs, and no person is entitled to a
14 permit to erect a sign under this chapter unless licensed to do so by the City of Brooklyn Park,
15 except as provided in division (B) of this section. Such license may be granted on written
16 application accompanied by an annual license fee in the amount set by the Council, to the Sign
17 Ordinance Code Administrator in such form as the Sign Code Administrator prescribes. The
18 license may be terminated by the Council at any time for cause. No license will take effect until
19 the licensee files with the city a bond with corporate surety in a form approved by the City
20 Attorney in the penal sum of \$2,000, conditioned that the licensee will pay all permit fees
21 required under this chapter, pay any fines imposed upon the licensee for violation thereof, will
22 conform to all of the provisions of this chapter, and will indemnify and hold the city, its officers
23 and agents harmless from any damage or claim resulting from or related to the erection or
24 maintenance of any sign in the city by the licenses.

25 (B) Bonding and licensing requirements are not required of a property owner(s) erecting
26 signs on their own property. All other provisions of this chapter apply.

27 ('72 Code, § 356.55) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92)
28 Penalty, see § 10.99

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31 **§ 150.11 CONSTRUCTION STANDARDS.**

32 The design and construction standards for signs and sign structures as set forth in Chapter 4
33 of the 1997 Edition of the Uniform Sign Code the Minnesota Building Code as amended from
34 time to time are adopted by reference, a copy of which is on file and on record with the City
35 Clerk.

36 ('72 Code, § 356.60) (Ord. 1988-602(A), passed 8-22-88) Penalty, see § 10.99

38
39 **§ 150.12 PERMIT AND FEE EXEMPTIONS.**

40 The exemptions permitted by this section apply only to the requirement of a permit and/or fee,
41 and are not construed as relieving the installer of the sign, or the owner of the property upon
42 which the sign is located, from conforming with the other provisions of this chapter:

43 (A) Temporary signs erected by non-profit organizations must obtain a permit but are
44 exempted from any fee.

45 (B) No permit or fee is required for the following:

1 (1) Temporary signs displayed in accordance with § 150.06(A)(2), (B)(1), (B)(2), (B)(3),
2 (B)(4) and (B)(5).

3 (2) Integral signs.

4 (3) Residential identification (name plate) signs.

5 (4) Directional signs.

6 (5) Signs which are located completely on the interior of a building and not visible from the
7 outside of the building.

8 ('72 Code, § 356.65) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92)

9 **§ 150.13 ENFORCEMENT.**

10 (A) Unsafe, non-maintained and unlawful signs.

11 (1) If the Sign Ordinance-Code Administrator finds that any permanent sign regulated
12 herein is unsafe, ~~or~~ insecure, or adversely affects the health safety and general welfare of the
13 public, or has been constructed or erected or is being maintained in violation of the provisions of
14 this chapter; the Sign Code A administrator must give written notice by mail to the permittee
15 thereof.

16 (2) If the permittee fails to remove or alter the structure so as to comply with the standards
17 herein set forth within 14 days after the mailing notice, the sign or other advertising structure
18 may be removed or altered at the expense of the permittee or owner of the property upon which
19 it is located or legal action may be taken to force compliance with this chapter. The Sign
20 ordinance-Code Administrator must refuse to approve and the City of Brooklyn Park must refuse
21 to issue a permit to any permittee or owner who refuses to pay costs so assessed.

22 (3) The Sign Ordinance-Code Administrator may cause any sign or other advertising
23 structure which is a safety hazard to persons to be removed summarily and without notice. The
24 Sign Ordinance-Code Administrator may cause any temporary sign erected not in conformance
25 with the sign ordinance to be removed summarily and without notice or legal action may be
26 taken to force compliance with this chapter.

27 (B) Painting required. The owner of any sign as defined and regulated by this chapter is
28 required to have the sign and sign structure properly painted upon order of the Sign Ordinance
29 Code Administrator. It is the intent of this provision that the sign appearance does not create a
30 blighting influence upon the neighborhood where the sign is located.

31 (C) Wood supports to be decay resistive. All posts, anchors and bracing of wood must be
32 decay resistive or approved wood preventative treated to protect them from physical or
33 aesthetic deterioration.

34 (D) Premises to be kept free of weeds, and the like. All the premises surrounding signs must
35 be maintained by the owner thereof in a clean, sanitary and inoffensive manner and free and
36 clear of all obnoxious substances, rubbish and weeds.

37 ('72 Code, § 356.70) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92;
38 Am. Ord. 1997-848, passed 6-9-97) Penalty, see § 10.99

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40
41 **§ 150.14 VIOLATIONS.**

42 (A) If the Sign Ordinance-Code Administrator finds any permanent sign in violation of the
43 terms of this chapter, a written notice will be issued to the owner, and/or possessor (tenant in
44 possession, operator or manager of the premises on which the sign is located), specifying the
45 violation and allowing the time period specified in § 150.13(A) above in which to correct or

1 remove the violation. After the expiration of the time period specified by written notice, if the
2 violation is not corrected or discontinued, the owner and/or possessor of the property will be
3 guilty of a misdemeanor, and each day of violation after the initial time period as specified by
4 written notice constitutes a separate offense.

5 (B) It is unlawful to display any temporary sign in violation of the terms of this chapter. The
6 owner, and or possessor (tenant in possession, operator, or manager of the premises on which
7 the sign is located) of the property is guilty of a misdemeanor and each day of the violation
8 constitutes a separate offense.

9 ('72 Code, § 356.75) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1997-848, passed 6-9-97)
10 Penalty, see § 10.99

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13 **§ 150.15 RIGHT OF APPEAL.**

14 When it is alleged by any person to whom a compliance order is directed that such
15 compliance order is based upon erroneous interpretation of this chapter, or upon a
16 misstatement or mistake of fact, the person may appeal the compliance order to a Board of
17 Appeals and Adjustments as established in the Zoning Code portion of the Ceity Ceode. The
18 Board as an advisory body must forward their recommendation to the City Council. Such
19 appeals must be in writing, must specify the grounds for the appeal, must be accompanied by a
20 filing fee as designated by the City Council in cash or cashier's check, and must be filed with the
21 compliance official within five business days after service of the compliance order. The filing of
22 an appeal stays all proceedings in furtherance of the action appealed unless such a stay would
23 cause imminent peril to life, health or property.

24 ('72 Code, § 356.76) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92)

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28 **ARTICLE 2. DISTRICT REGULATIONS**

29

30 **~~§ 150.25 R-1, R-2, R-2A, R-2B, R-3, R-3A, R-4 AND R-4A RESIDENTIAL DISTRICTS AND AREAS~~**
31 **~~GUIDED FOR LOW- AND MEDIUM-DENSITY RESIDENTIAL IN THE PLANNED COMMUNITY~~**
32 **~~DEVELOPMENT DISTRICT AND PLANNED UNIT DEVELOPMENT DISTRICT.~~**

33 The following provisions concern signs in the R-1, R-2, ~~R-2A, R-2B~~, R-3, ~~R-3A, R-4~~ and R-4A
34 Residential Districts ~~and area guided for low- and medium-density residential in the Planned~~
35 ~~Community Development District and Planned Unit Development District~~, and said signs are
36 regulated according to the requirements set forth below:

37 (A) Identification signs (name plate). One free-standing or wall sign/name plate per dwelling
38 unit, not greater than two square feet in area, indicating the name and/or address of the
39 occupant. A sign must not be constructed so as to have more than two surfaces.

40 (B) Institutional signs. Institutional uses which do not meet the criteria stated in § 150.03 of
41 this chapter for area identification signs, are allowed only one monument sign per street
42 frontage. Such sign must not exceed 60 square feet in area.

43 (C) Residential development signs. These signs shall be reviewed and approved as part of a
44 preliminary plat, site plan review, conditional use permit, or development plan application. Sign
45 area shall be determined by the text copy area only and be limited to 60 square feet per
46 structure face.

1 (D) Home occupation signs. One non-illuminated sign with a maximum square footage of two
2 feet for each dwelling unit wherein a permitted home occupation exists.

3 (E) Minimum setbacks. A sign must not be erected in the public right-of-way. For divisions
4 (A) and (B) of this section, signs must be set back at least 15 feet from front property lines, at
5 least ten feet from side and rear property lines and at least 15 feet from the property lines of
6 corner lots. For division (C) signs, no setback is required. For division (D) of this section, signs
7 must be set back at least 20 feet from front property lines. All signs must allow for an
8 unobstructed view of traffic at intersections of streets or driveways.

9 (F) Maximum height of signs. For signs described in divisions (A) and (D) of this section, no
10 sign may exceed six feet above grade. For signs described in divisions (B) and (C) of this
11 section, no sign may exceed ten feet above grade.

12 (G) Residential development signs. Signs must be constructed of durable materials.
13 Residential development signs may be placed in median islands, roundabouts, or cul-de-sac
14 islands provided that the island is a separate platted lot privately owned and maintained by a
15 homeowners association, management company, or the like, and approved through the
16 preliminary plat, site plan review, or conditional use permit application.

17 ('72 Code, § 356.30(1)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-
18 92; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2003-1002, passed 8-25-03) Penalty, see §
19 10.99

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21
22 ~~§ 150.26 R-5, R-6 AND R-7 MULTIPLE RESIDENTIAL DISTRICTS AND AREAS GUIDED FOR~~
23 ~~HIGH-DENSITY RESIDENTIAL IN THE PLANNED COMMUNITY DEVELOPMENT DISTRICT AND~~
24 ~~PLANNED UNIT DEVELOPMENT DISTRICT.~~

25 The following sections concern signs in the ~~R-5, R-6, and R-7~~ Multiple Residential Districts
26 and areas guided for high-density residential development ~~in the Planned Community~~
27 ~~Development District and Planned Unit Development District~~, and said signs are regulated
28 according to the requirements set forth below:

29 (A) Identification signs (name plate). One wall sign/name plate per institution or multiple
30 residential building, not to exceed six square feet in area, or one wall sign/name plate per
31 dwelling unit where separate entrances occur, not to exceed two square feet in area.

32 (B) Institutional signs. Institutional uses which do not meet the criteria stated in § 150.03 of
33 this chapter for area identification signs, are allowed only one monument sign per street
34 frontage, not to exceed 60 square feet in area.

35 (C) Residential development signs. These signs shall be reviewed and approved as part of a
36 preliminary plat, site plan review, conditional use permit, or development plan application. Sign
37 area shall be determined by the text copy area only and be limited to 60 square feet per
38 structure face.

39 (D) Minimum setbacks. For division (B) of this section, monument signs must be set back at
40 least 15 feet from front property lines and at least ten feet from side and rear property lines. On
41 corner lots, all monument signs must be set back at least 15 feet from front and side corner
42 property lines. All signs must be set back a minimum of three feet from driveways to edge of
43 sign, and a 30 foot clear-view triangle must be maintained at public street intersections. All signs
44 must allow for an unobstructed view of traffic at intersections of streets or driveways.

45 (E) Maximum height of signs. For division (B) of this section, no sign may exceed eight feet
46 above grade. For division (C) of this section, no sign may exceed ten feet above grade.

47 (F) Residential development signs. Signs must be constructed of durable materials.
48 Residential development signs may be placed in median islands, roundabouts, or cul-de-sac

1 islands provided that the island is a separate platted lot privately owned and maintained by a
2 homeowners association, management company, or the like, and approved through the
3 preliminary plat, site plan review, or conditional use permit application.

4 ('72 Code, § 356.30(2)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-69, passed 5-11-92;
5 Am. Ord. 2003-1002, passed 8-25-03) Penalty, see § 10.99
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7
8 **§ 150.27 B-1 OFFICE PARK DISTRICT.**

9 The following sections concern signs in the B-1 Office Park District, and said signs are
10 regulated according to the requirements set forth below:

11 (A) In B-1 Districts, a business property may erect only signs described in subdivisions (1)
12 and (3) below, or in subdivisions (1) and (4) below, or in subdivision (2) and (3) below, or in
13 subdivisions (2) and (4) below, or in subdivision (5) unless modified by a planned unit
14 development.

15 (1) Free-standing or monument sign. One free-standing sign, not to exceed 75 square feet
16 in area, or one monument sign not to exceed 120 square feet.

17 (2) Area identification sign. One free-standing or monument sign per development, as
18 described by § 150.03 of this chapter not to exceed 100 square feet in area.

19 (3) Wall signs. One and two story, single or multiple tenant buildings: Signs attached to two
20 walls, immediately adjacent to a public street or the parking lot which serves customers of the
21 site, not to exceed ten percent of the building facade to which the signs are attached.

22 (4) Wall signs. Multiple story buildings (three or more stories).

23 (a) Identification signs: One identification sign per building facade identifying the name
24 and/or address of the building, not to exceed ten percent in area of the building facade to which
25 it is attached or 300 square feet, whichever is less. The measured area is that building facade
26 above the second story.

27 (b) In addition to the identification signs described above in subdivision (a), wall signs
28 may be attached to only one wall not to exceed ten percent of the building facade to which it is
29 attached and must be located on the first story. The measured area is that building facade of the
30 first and second story.

31 (5) Three wall signs. Wall signs are allowed on up to three walls only when immediately
32 adjacent to a public street or the parking lot that serves customers of the site, subject to City
33 Manager approval. The wall signs on each wall must individually conform to the area limitations
34 defined in subdivisions (3) or (4) of this division.

35 (B) Institutional signs. Institutional uses which do not meet the criteria stated in § 150.03 of
36 this chapter for area identification signs, are allowed only one monument sign with reader board
37 per street frontage. The sign and reader board must not exceed 60 square feet in area.

38 (C) Minimum setbacks. Free-standing signs must be set back at least 25 feet from the front
39 property line and at least ten feet from side and rear property lines; monument signs must be
40 set back at least 15 feet from the front property line and at least ten feet from side and rear
41 property lines. On corner lots, all monument signs must be set back at least 15 feet from front
42 and side corner property lines, and all free-standing signs must be set back at least 25 feet from
43 all front and side corner property lines. All signs must be set back a minimum of three feet from
44 driveways to edge of sign, and a 30 foot clear-view triangle must be maintained at public street
45 intersections.

46 (D) Maximum height of signs. Signs described in divisions (A)(1), (A)(2) and (B) of this

1 section may not exceed 15 feet above grade for monument signs and 25 feet above grade for
2 free-standing signs.

3 (E) Minimum height of signs. Free-standing signs must have a minimum height of seven feet
4 from grade to the bottom of sign.

5 ('72 Code, § 356.30(3)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-
6 92; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2003-1002, passed 8-25-03; Am. Ord.
7 2014-1186, passed 12-15-14) Penalty, see § 10.99

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10 **§ 150.28 B-2 NEIGHBORHOOD RETAIL BUSINESS DISTRICT, B-3 GENERAL BUSINESS**
11 **DISTRICT, AND B-4 VEHICLE SALES AND SHOWROOM DISTRICT.**

12 The following sections concern signs in the B-2 Neighborhood Retail Business District and in
13 the B-3 General Business District, and said signs are regulated according to the requirements
14 set forth below:

15 (A) In B-2 and B-3 Districts, a business property may erect only signs described in
16 subdivisions (1) and (3) below, or in subdivisions (1) and (4) below, or in subdivisions (2) and (3)
17 below, or in subdivisions (2) and (4) below, or (5) below, unless modified by a planned unit
18 development.

19 (1) Free-standing or monument sign. One free-standing sign not to exceed 100 square feet
20 in area, or one monument sign not to exceed 120 square feet in area.

21 (2) Area identification sign. One free-standing or monument per development, as described
22 by § 150.03 of this chapter not to exceed 320 square feet in area.

23 (3) Wall signs. One and two story, single or multiple tenant buildings: Signs attached to two
24 walls immediately adjacent to a public street or the parking lot which serves customers of the
25 site, not to exceed ten percent of the building facade to which the signs are attached.

26 (4) Wall signs. Multiple story buildings (three or more stories):

27 (a) Identification signs: One identification sign per building facade identifying the name
28 and/or address of the building, not to exceed ten percent in area of the building facade to which
29 it is attached or 300 square feet, whichever is less. The measured area is that building facade
30 above the second story.

31 (b) In addition to the identification signs described above in subdivision (a), wall signs
32 must be attached to only one wall, not to exceed ten percent of the building facade to which the
33 signs are attached and must be located on the first story. The measured area is that building
34 facade of the first and second story.

35 (5) Three wall signs. Wall signs are allowed on up to three walls only when immediately
36 adjacent to a public street or the parking lot that serves customers of the site, subject to City
37 Manager approval. The wall signs on each wall must individually conform to the area limitations
38 defined in subdivisions (3) or (4) of this division.

39 (B) Institutional signs. Institutional uses which do not meet the criteria stated in § 150.03 of
40 this chapter for area identification signs are allowed only one monument sign with reader board
41 per street frontage. The sign and reader board must not exceed 60 square feet in area.

42 (C) Minimum setbacks. Free-standing signs must be set back at least 25 feet from the front
43 property line and at least ten feet from side and rear property lines; monument signs must be
44 set back at least 15 feet from the front property line and at least ten feet from side and rear
45 property lines. On corner lots, all monument signs must be set back at least 15 feet from front
46 and side corner property lines, and all free-standing signs must be set back at least 25 feet from

1 all front and side corner property lines. All signs must be set back a minimum of three feet from
2 driveways to edge of sign, and a 30 foot clear-view triangle must be maintained at public street
3 intersections.

4 (D) Maximum height of signs. Signs described in division (A)(1), (A)(2) and (B) of this section
5 may not exceed 15 feet above grade for monument signs and 25 feet above grade for free-
6 standing signs.

7 (E) Minimum height of signs. Free-standing signs must have a minimum height of seven feet
8 from grade to the bottom of sign.

9 ('72 Code, § 356.30(4)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-
10 92; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2003-1002, passed 8-25-03; Am. Ord.
11 2014-1186, passed 12-15-14) Penalty, see § 10.99

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14 **§ 150.29 BP BUSINESS PARK AND I GENERAL INDUSTRIAL DISTRICTS.**

15 The following sections concern signs in the BP Business Park District and I General Industrial
16 District, and said signs are regulated according to the requirements set forth below:

17 (A) In BP and I Districts, a business property may erect only signs described in subdivisions
18 (1) and (3) below, or in subdivisions (1) and (4) below, or in subdivisions (2) and (3) below, or in
19 subdivisions (2) and (4) below, or subdivision (5) below unless modified by a planned unit
20 development.

21 (1) Free-standing or monument sign. One free-standing sign, not to exceed 100 square
22 feet in area, or one monument sign not to exceed 120 square feet.

23 (2) Area identification sign. One free-standing or monument sign per development, as
24 described by § 150.03 of this chapter not to exceed 220 square feet in area.

25 (3) Wall signs. One and two story buildings, single or multiple tenant buildings: Signs
26 attached to two walls, not to exceed ten percent of the building facades to which the signs are
27 attached.

28 (4) Wall signs. Multiple story buildings (three or more stories).

29 (a) Identification signs: One identification sign per building facade identifying the name
30 and/or address of the building, not to exceed ten percent in area of the building facade to which
31 it is attached or 300 square feet, whichever is less. The measured area is that building facade
32 above the second story.

33 (b) In addition to the identification signs described above in subdivision (a), wall signs
34 must be attached to only one wall not to exceed ten percent of the building facade to which it is
35 attached and must be located on the first story. The measured area is that building facade of the
36 first and second story.

37 (5) Three wall signs. Wall signs are allowed on only three walls only when immediately
38 adjacent to a public street or the parking lot that serves customers of the site, subject to City
39 Manager approval. The wall signs on each wall must individually conform to the area limitations
40 defined in subdivisions (3) or (4) of this section.

41 (B) Institutional signs. Institutional uses which do not meet the criteria stated in § 150.03 of
42 this chapter for area identification signs are allowed only one monument sign and/or reader
43 board per street frontage. The sign and reader board must not exceed 60 square feet in area.

44 (C) Minimum setbacks. For subdivisions (A)(1) and (A)(2) of this section, free-standing signs
45 must be set back 25 feet from the front property line and ten feet from side and rear property
46 lines; monument signs must be set back at least 15 feet from the front property lines and ten

1 feet from side and rear property lines. For division (B) of this section, signs must be set back at
2 least 15 feet from the front property line and at least ten feet from side and rear property lines.
3 On corner lots, all free-standing signs must be set back at least 30 feet from all property lines,
4 and all monument signs must be set back at least 15 feet from all property lines. All signs must
5 be set back a minimum of three feet from driveways to edge of sign, and a 30 foot clear-view
6 triangle must be maintained at public street intersections.

7 (D) Maximum height of signs. For signs described in subdivisions (A)(1) and (A)(2) of this
8 section, signs may not exceed 15 feet above grade for monument signs and 25 feet above
9 grade for free-standing signs. For signs described in division (B) of this section, no sign may
10 exceed 15 feet above grade.

11 (E) Minimum height of signs. Free-standing signs must have a minimum height of seven feet
12 from grade to the bottom of sign.

13 (F) Billboard signs. Billboard signs are allowed in the I District by conditional use permit as
14 provided by the ~~city Zzoning ordinance Code~~. A billboard sign must be the principal use on the
15 lot on which it is located. The lot must meet the minimum lot requirements for the I District in
16 accordance with the ~~zoning Zoning Ceode~~. A billboard must not be erected within 300 feet of
17 any Residential District. A billboard must not be located within a 1,320 foot radius of an existing
18 or approved billboard. ~~A billboard must not be located in the T.H. 610 Corridor or Highway~~
19 ~~Overlay area as delineated in the T.H. 610 Corridor Plan and the zoning code.~~

20 (1) Sign area. Billboard signs must not exceed one square foot of sign area for each lineal
21 foot of street frontage nor may sign area exceed 300 square feet on any side. On corner lots or
22 lots with more than one street frontage, only one street frontage will be considered in
23 determining the sign area. Signs must have no more than two sides.

24 (2) Minimum setbacks. Billboard signs must be set back at least 50 feet from front and rear
25 property lines and at least 25 feet from side property lines.

26 (3) Maximum height of signs. Billboard signs may not exceed 25 feet above grade.

27 (4) Minimum height of signs. Billboard signs must have a minimum height of 12 feet from
28 grade to the bottom of the sign.

29 (5) Sign illumination. Billboard sign illumination must meet the requirements of § 150.03 of
30 this chapter.

31 ('72 Code, § 356.30(5)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-
32 92; Am. Ord. 1994-766, passed 9-12-94; Am. Ord. 1999-914, passed 11- -99; Am. Ord. 2000-
33 935, passed 11-13-00; Am. Ord. 2010-1117, passed 9-7-10;. Am. Ord. 2014-1186, passed 12-
34 15-14) Penalty, see § 10.99
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36
37 ~~§ 150.30 PCDD PLANNED COMMUNITY DEVELOPMENT DISTRICT AND PUD PLANNED UNIT~~
38 ~~DEVELOPMENT DISTRICT.~~

39 ~~—The following sections concern signs in the PCDD Planned Community Development District,~~
40 ~~and the PUD Planned Unit Development District, and said signs are regulated according to the~~
41 ~~requirements set forth below:~~

42 ~~—(A) In the PCDD or PUD Districts, a property used for single family, two family, residential~~
43 ~~townhouse or apartment use may erect only signs as allowed by § 150.25 and § 150.26 of this~~
44 ~~chapter, as established for Residential Districts.~~

45 ~~—(B) In PCDD and PUD Districts, a property used for other than single family, two family,~~
46 ~~residential townhouse or apartment use may erect only signs described in subdivisions (1) and~~
47 ~~(3) below, or in subdivisions (1) and (4) below, or in subdivisions (2) and (3) below, or in~~

subdivisions (2) and (4) below, or in subdivision (5) below unless modified by a General Plan of Development or a planned unit development.

~~—(1) Monument sign. One monument sign, not to exceed 120 square feet in area.~~

~~—(2) Area identification sign. One free-standing or monument sign per development, as described by § 150.03 of this chapter not to exceed 220 square feet in area.~~

~~—(3) Wall signs. One and two story, single or multiple tenant buildings: Signs attached to two walls immediately adjacent to a public street or the parking lot which serves customers of the site, not to exceed ten percent of the building facade to which the signs are attached.~~

~~—(4) Wall signs. Multiple story buildings (three or more stories):~~

~~—(a) Identification signs: One identification sign per building facade identifying the name and/or address of the building, not to exceed ten percent in area of the building facade to which it is attached or 300 square feet, whichever is less. The measured area is that building facade above the second story.~~

~~—(b) In addition to the identification signs described above in subdivision (a), wall signs may be attached to only one wall not to exceed ten percent of the building facade to which the signs are attached and must be located on the first story. The measured area is that building facade of the first and second story.~~

~~—(5) Three wall signs. Wall signs are allowed on up to three walls only when immediately adjacent to a public street or the parking lot that serves customers of the site, subject to City Manager approval. The wall signs on each wall must individually conform to the area limitations defined in subdivisions (3) or (4) of this division.~~

~~—(C) Institutional signs. Institutional uses which do not meet the criteria stated in § 150.03 of this chapter for area identification signs are allowed only one monument sign and/or reader board per street frontage. The sign and reader board must not exceed 60 square feet in area.~~

~~—(D) Minimum setbacks.~~

~~—(1) For subdivision (B)(1) of this section, monument signs must be set back at least 15 feet from the front property line and at least ten feet from side and rear property lines. For subdivision (B)(2) of this section, free-standing signs must be set back at least 30 feet from all property lines, and monument signs must be set back at least 15 feet from all property lines. For division (C) of this section, signs must be set back at least 15 feet from front property line and at least ten feet from side and rear property lines.~~

~~—(2) On corner lots, all free-standing signs must be set back at least 30 feet from all property lines, and all monument signs must be set back at least 15 feet from all property lines. All signs must be set back a minimum of three feet from driveways to edge of sign, and a 30 foot clear-view triangle must be maintained at public street intersections.~~

~~—(E) Maximum height of signs. For signs described in subdivision (B)(1) of this section, no sign may exceed 15 feet above grade. For signs described in subdivision (B)(2) of this section, no free-standing sign may exceed 25 feet above grade and no monument sign may exceed 15 feet above grade. For signs described in division (C) of this section, no sign may exceed 15 feet above grade.~~

~~—(F) Minimum height of signs. Free-standing signs must have a minimum height of seven feet from grade to the bottom of sign.~~

~~(’72 Code, § 356.30(6)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2003-1002, passed 8-25-03; Am. Ord. 2014-1186, passed 12-15-14) Penalty, see § 10.99~~

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§ 150.31 PI PUBLIC INSTITUTIONAL DISTRICT.

The following sections concern signs in the PI Public Institutional District, and said signs are regulated according to the requirements set forth below:

(A) In PI Districts, a property may erect only signs described in subdivisions (1) and (3) below, or in subdivisions (1) and (4) below, or in subdivisions (2) and (3) below, or in subdivisions (2) and (4) below, or subdivision (5) below unless modified by a conditional use permit.

(1) Free-standing or monument sign. One freestanding sign, not to exceed 50 square feet in area, or one monument sign not to exceed 120 square feet.

(2) Area identification sign. One free-standing sign or monument sign per development, as described by § 150.03 of this chapter not to exceed 320 square feet in area.

(3) Wall signs. One and two story, single or multiple tenant buildings: Signs attached to one wall not to exceed ten percent of the building facade to which the signs are attached.

(4) Wall signs. Multiple story buildings (three or more stories):

(a) Identification signs: One identification sign per building facade identifying the name and/or address of the building, not to exceed ten percent in area of the building facade to which it is attached or 300 square feet, whichever is less. The measured area is that building facade above the second story.

(b) In addition to the identification signs described above in subdivision (a), wall signs may be attached to only one wall, not to exceed ten percent of the building facade to which the signs are attached and must be located on the first story. The measured area is that building facade of the first and second story.

(5) Two wall signs. Wall signs are allowed on only two walls. The wall signs on each wall must individually conform to the area limitations, defined in subdivisions (3) or (4) of this division.

(B) Minimum setbacks. For subdivisions (A)(1) and (A)(2) of this section, all signs must be set back at least 15 feet from the front property line and at least ten feet from side and rear property lines. On corner lots, all signs must be set back at least 15 feet from all property lines. All signs must be set back a minimum of three feet from driveways to edge of sign, and a 30 foot clear-view triangle must be maintained at public street intersections.

(C) Maximum height of signs. For signs described in subdivision (A)(1) of this section, no sign may exceed 20 feet above grade. For signs described in subdivision (A)(2) of this section, no sign may exceed 25 feet above grade.

(D) Minimum height of signs. Free-standing signs must have a minimum height of seven feet from grade to the bottom of sign.

('72 Code, § 356.30(7)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2014-1186, passed 12-15-14) Penalty, see § 10.99

§ 150.32 HIGHWAY OVERLAY.

~~The following provisions concern signs in the Highway Overlay area, and the signs are regulated according to the requirements set forth below. In the Highway Overlay, properties may erect only signs described in divisions (A), and (C) below, or in divisions (A) and (D) below, or in divisions (B) and (C) below, or in divisions (B) and (D) or in division (E) below unless modified~~

1 by a Development Plan.

2 ~~—(A) Monument sign. One monument sign, not to exceed 100 square feet in area.~~

3 ~~—(1) Minimum setbacks. Monument signs must be setback at least 15 feet from the property~~
4 ~~lines adjacent to public rights-of-way, at least ten feet from side and rear property lines, at least~~
5 ~~three feet from driveways to the edge of sign, and must maintain a 30-foot clear-view triangle at~~
6 ~~public street intersections.~~

7 ~~—(2) Maximum height of signs. No sign may exceed 15 feet above grade.~~

8 ~~—(3) Design and materials. Monument bases must be constructed of the same materials as~~
9 ~~the principal building.~~

10 ~~—(B) Area identification sign. One monument sign per development, as described by § 150.03,~~
11 ~~not to exceed 220 square feet in area.~~

12 ~~—(1) Minimum setbacks. Signs must be setback at least 15 feet from the property lines~~
13 ~~adjacent to public rights-of-way, at least ten feet from side and rear property lines, at least three~~
14 ~~feet from driveways to the edge of sign, and must maintain a 30-foot clear-view triangle at public~~
15 ~~street intersections.~~

16 ~~—(2) Maximum height of signs. No sign may exceed 15 feet above grade.~~

17 ~~—(3) Design and materials. Monument bases must be constructed of the same materials as~~
18 ~~the principal building.~~

19 ~~—(C) Wall signs. Signs attached to only one wall, not to exceed 10% of the building facade to~~
20 ~~which the signs are attached.~~

21 ~~—(D) Wall signs. Multiple-story buildings (three or more stories).~~

22 ~~—(1) Identification signs. One identification sign per building facade identifying the name~~
23 ~~and/or address of the building, not to exceed 10% in area of the building facade to which it is~~
24 ~~attached or 300 square feet, whichever is less. The measured area is that building facade~~
25 ~~above the second story.~~

26 ~~—(2) In addition to the identification signs described above, wall signs may be attached to~~
27 ~~only one wall not to exceed 10% of the building facade to which the signs are attached and~~
28 ~~must be located on the first story. The measured area is that building facade of the first and~~
29 ~~second story.~~

30 ~~—(E) Two wall signs. Wall signs are allowed on only two walls. The wall signs on each wall~~
31 ~~must individually conform to the area limitations defined in division (B) above.~~

32 ~~(Ord. 1999-914, passed 11-99)~~

33
34 **§ 150.33 TRANSIT ORIENTED DEVELOPMENT (TOD) AND MIXED-USE**
35 **DISTRICT.**

36
37 (A) In the TOD or MU Districts, a property used for single-family, two-family, residential
38 townhouse or apartment use may erect only signs as allowed by § 150.25 and §
39 150.26 of this chapter, as established for Residential Districts.

40 (B) In TOD and MU Districts, a business property may erect only signs described in
41 subdivisions (1) and (3) below, or in subdivisions (1) and (4) below, or in subdivisions (2)
42 and (3) below, or in subdivisions (2) and (4) below, or (5) below, unless modified through

1 the approval of a sign plan at the time of Site Plan Review as approved by City Council.

2 (1) *Monument sign.* One monument sign not to exceed 120 square feet in area.

3 (2) *Area identification sign.* One monument per development, as described by §
4 150.03 of this chapter not to exceed 320 square feet in area.

5 (3) *Wall signs.* One and two story, single or multiple tenant buildings: Signs attached to
6 two walls immediately adjacent to a public street or the parking lot which serves
7 customers of the site, not to exceed ten percent of the building facade to which the
8 signs are attached.

9 (4) *Wall signs.* Multiple story buildings (three or more stories):

10 (a) Identification signs: One identification sign per building facade
11 identifying the name and/or address of the building, not to exceed ten
12 percent in area of the building facade to which it is attached or 300
13 square feet, whichever is less. The measured area is that building
14 facade above the second story.

15 (b) In addition to the identification signs described above in subdivision
16 (a), wall signs must be attached to only one wall, not to exceed ten
17 percent of the building facade to which the signs are attached and
18 must be located on the first story. The measured area is that building
19 facade of the first and second story.

20 (5) *Three wall signs.* Wall signs are allowed on up to three walls only when
21 immediately adjacent to a public street or the parking lot that serves customers
22 of the site, subject to City Manager approval. The wall signs on each wall must
23 individually conform to the area limitations defined in subdivisions (3) or (4) of
24 this division.

25 (C) *Institutional signs.* Institutional uses which do not meet the criteria stated in § 150.03
26 of this chapter for area identification signs are allowed only one monument sign with
27 reader board per street frontage. The sign and reader board must not exceed 60
28 square feet in area.

29 (D) *Minimum setbacks.* Monument signs must be set back at least 1 foot from the front
30 property line and at least ten feet from side and rear property lines. On corner lots, all
31 monument signs must be set back at least 15 feet from front and side corner property
32 lines. All signs must be set back a minimum of three feet from driveways to edge of sign,
33 and a 30 foot clear- view triangle must be maintained at public street intersections.

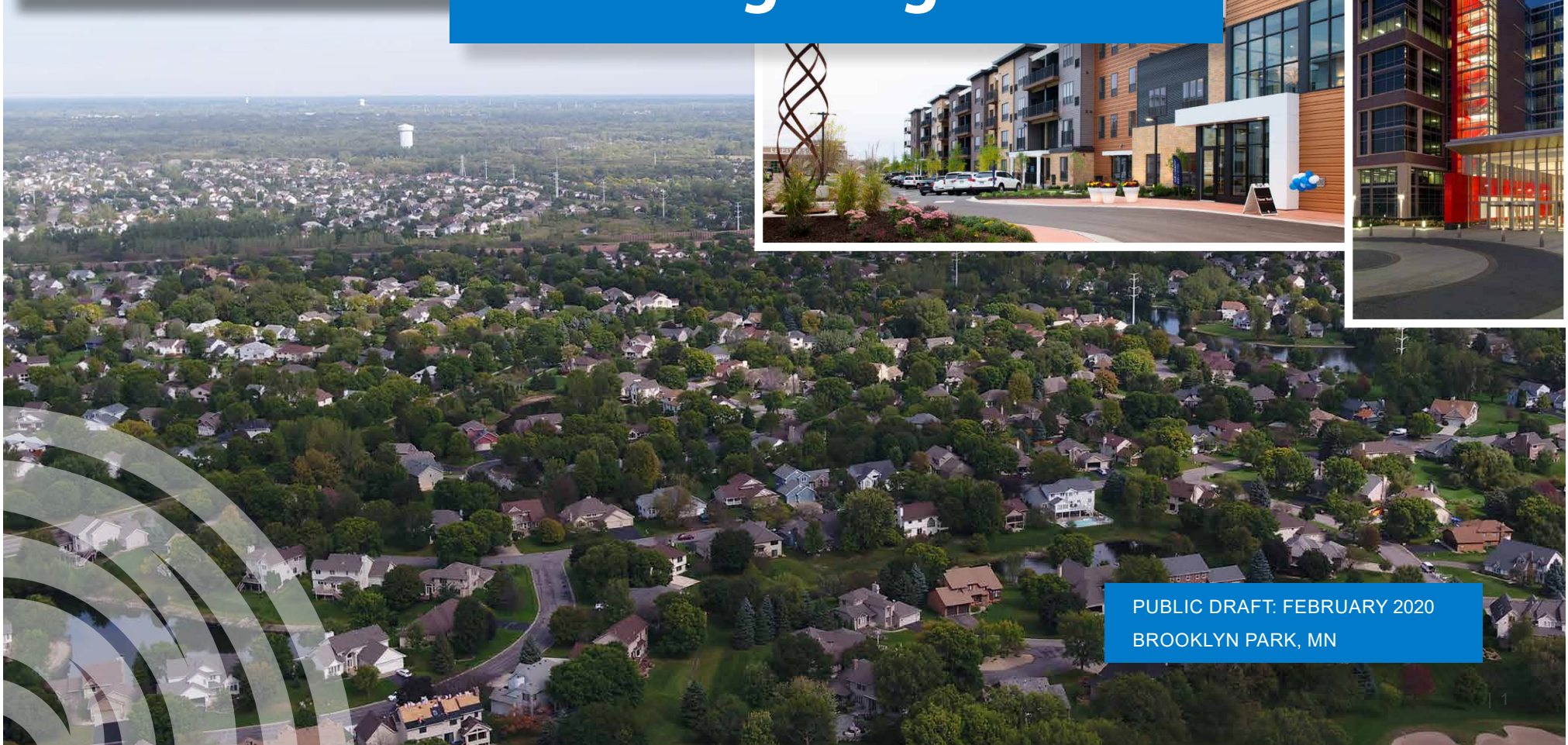
34 (E) *Maximum height of signs.* Signs described in division (A)(1), (A)(2) and (B) of this section
35 may not exceed 8 feet above grade for monument signs.

5.1B - TECHNICAL CHANGES

Section	Title	Summary of Changes
150.01	Short title	Updated for consistency across LU chapters
150.02	Purpose and Intent	Grammar, and the addition of a severability clause
150.03	Definitions	Updated for consistency across LU chapters
150.04	General Provisions Applicable to All Zoning Districts	Grammar, and added Minnesota Building Code requirement. Removed content restrictions per legal recommendation. Added projecting signs as permitted with size requirements.
150.05	Prohibited Signs	Removed prohibition from projecting signs.
150.06	Temporary Signs	Removed content restrictions per legal recommendation. Added clarification to requirements for enforcement purposes at the request of the Environmental Health Division.
150.08	Variances	Updated for consistency across LU chapters, all variances are governed by MN Statute and must be processed consistently.
150.09	Sign Application	Technical changes for consistency
150.10	Bond and License	Technical changes for consistency
150.11	Construction Standards	Removed specific Building Code citation, replacing with a broader citation to reduce the need for future amendments.
150.13	Enforcement	Technical changes for consistency
150.14	Violations	Technical changes for consistency
150.15	Right of Appeal	Technical changes for consistency
150.25	R-1, R-2, R-3 and R4 Residential Districts	Updated name of section and zoning district references to reflect the residential districts that will exist once Chapter 152 is amended.
150.26	Multiple Residential Districts	Updated name of section and zoning district references to reflect the residential districts that will exist once Chapter 152 is amended.
150.29	BP Business Park and I General Industrial Districts	Technical changes for consistency
150.30	PCDD Planned Community Development District and PUD Planned Unit Development District	Struck to reflect the districts that will exist once Chapter 152 is amended.
150.32	Highway Overlay	Struck to reflect the districts that will exist once Chapter 152 is amended.

Brooklyn Park

Zoning Diagnosis



PUBLIC DRAFT: FEBRUARY 2020
BROOKLYN PARK, MN

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1

Introduction



Introduction

The City of Brooklyn Park is a growing, dynamic, and diverse community. It is unique in the Twin Cities in that it is a majority minority suburb. It has the density of an urban center along with the vacant greenfields of the urban fringe. There is a history of development in “nodes” or places to be, each providing a different mix of services, shopping, dining and entertainment. The City has stated a commitment to racial equity, being age friendly and accessible to all. Light rail transit is coming to five station areas in the City. Each of these characteristics is tied to the zoning ordinance, which regulates all growth, development and redevelopment in the City.

The first and most important job of the zoning ordinance is to protect the health, safety and welfare of the City’s residents, business owners, and visitors. The main way zoning does this is by implementing the goals and policies set forth in the Comprehensive Plan. Brooklyn Park’s 2040 Comprehensive Plan lays out a bold vision for the future of housing, employment, economic development, and transportation. Policies in each of these areas require changes to the zoning ordinance which enable the types of change envisioned.

During this zoning diagnosis, we examine the current ordinance to determine where there are conflicts; where zoning may be an obstacle for the type of development the City wants; and where there is outdated language that needs to be updated.

Cities use zoning to guide development of privately-owned land to ensure the land is used in a way that promotes both the best use of that land and the prosperity, health, and welfare of its residents. Cities derive the authority to zone from Minnesota and United States supreme court cases and from the Municipal Planning Act found in Minnesota Statutes. The Municipal Planning Act establishes a consistent and comprehensive procedure for adopting, amending, and implementing a zoning ordinance.

While zoning is a primary way for communities to impact the built environment, it is important to understand what zoning can and cannot do.

WHAT ZONING CAN DO:

- Allow the type of development envisioned in the Comprehensive Plan
- Describe what uses are permitted and where
- Establish the parameters for development related to:
 - Lot size, width, depth
 - Setbacks or build-to lines
 - Building coverage
 - Building height minimums and maximums
 - Landscaping requirements
 - Parking minimums and maximums
 - Design standards



WHAT ZONING CAN'T DO:

- Guarantee development
- Take away allowed uses
- Preempt state and federal law
- Act as a building code
- Control behavior

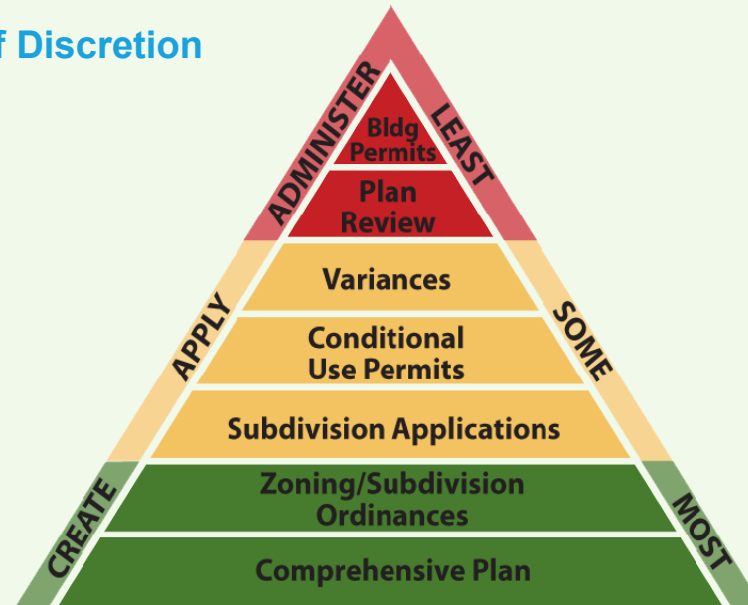


Introduction

The limits to zoning are steeped in history and documented in case law. When creating, adopting and amending land use plans and zoning ordinances, a city is making law by exercising its so-called “legislative” authority. The city council creates new plans and laws (ordinances) for the entire community to advance its health, safety, and welfare. When acting legislatively, the council has broad discretion. In contrast, when applying existing plans and laws, a city council is exercising so-called “quasi-judicial” authority. It is limited to determining the facts of a specific request, and then applying those facts to the relevant law. A city council has less discretion when acting quasi-judicially.

It can be helpful to visualize this as a “**pyramid of discretion**” that shows cities have greater discretion when making land use decisions and policies at the base of the triangle, and less as decision-making moves up the pyramid. Discretion is greatest when officials are creating and drafting the comprehensive plan and writing the zoning code and the least when administering those plans and codes, such as when reviewing a building permit for compliance with the dimensional requirements of the zoning district.

Pyramid of Discretion



Source: League of Minnesota Cities

When acting legislatively, such as with this update to the zoning ordinance, a city can engage in broad policy discussions, and sort through competing views about what plans and laws would be in the best interest of the city. Although not everyone may be on board with the outcome, the more public participation in the planning (comprehensive plan) and law-making (zoning code update) stage, the better the understanding among the public of why the city has put a plan or law in place.

The zoning ordinance begins with a purpose statement which outlines the community’s reasons for adopting the ordinance. The purpose statement links the rules and regulations listed in the ordinance to the community’s values, plans, and goals. What follows is a side-by-side comparison of Brooklyn Park’s current purpose statement and that for the City of Duluth, MN. Duluth’s purpose statement clearly conveys its values and goals. This update is an opportunity for Brooklyn Park to be clear about the type of development it intends to promote with its ordinance.

Introduction

Brooklyn Park

The intent of this chapter is to protect the public health, safety, and general welfare of Brooklyn Park and its people through the establishment of minimum regulations governing the development and use of property within the city. Such regulations are established to:

- a. Implement the Comprehensive Plan;
- b. Promote orderly development and redevelopment;
- c. Provide adequate light, air and convenience of access to property;
- d. Prevent congestion in the public right-of-way;
- e. Prevent overcrowding of land and undue concentration of structures and population by regulating land, building, setbacks, and density of development;
- f. Provide for the compatibility of different land uses, and protect from incompatible uses;
- g. Provide for the administration of this chapter and any amendments;
- h. Prescribe penalties for violation of such regulations;
- i. Define powers and duties of the City Staff, the Planning Commission, and the City Council in relation to this chapter.

Duluth

The purpose of this unified development chapter is to protect public health, safety, and welfare and to implement the goals and objectives of the comprehensive land use plan using those authorities over the development, redevelopment, use, and occupancy of land and structures, and over the protection of the environment, granted to the city by the state. This general purpose includes, but is not limited to, the following:

- a. To provide for more sustainable development within the city by reducing carbon emissions, vehicle miles traveled, energy consumption, and water consumption, and by encouraging production of renewable energy and food production;
- b. To control or eliminate soil erosion and sedimentation within the city;
- c. To protect and enhance the city's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry;
- d. To enhance the visual and aesthetic character, diversity and interest of the city;
- e. To promote the use and preservation of historic landmarks and districts for the educational and general welfare of the

people of the city;

- f. To regulate erection and maintenance of signs in the city in order that signs might fulfill their necessary and useful function in such a way to preserve the public welfare and safety;
- g. To preserve the integrity of residential areas and the character and dignity of public structures, parks and other open spaces;
- h. To enhance property values and the general appearance and natural beauty of the city;
- i. To protect the public investment in streets and highways;
- j. To establish a comprehensive system of sign controls governing the display, design, construction, installation and maintenance of signs and to promote the orderly and effective display of outdoor advertising;
- k. To promote, preserve, and enhance the water resources and environment within the city and protect them from adverse effects caused by poorly sited or incompatible development in wetlands, shorelands and floodplains.

2

Executive Summary



Executive Summary

Brooklyn Park's last major zoning update was in 2000. Since then, there have been several minor updates to address changes in state statute and current case law. Meanwhile, the City's development pattern changed considerably. The zoning ordinance has yielded an auto-centric and segregated commercial development pattern. It also limits housing choices and creates lifestyle requirements for single-family housing, such as basements, garages, and storage space. These standards have a direct impact on the cost of every unit built. These commercial and housing prescriptions do not promote or enable the type of community that the City wants to be according to the goals in the Comprehensive Plan. In this diagnosis we discuss updates needed to the ordinance to reflect the desired vision for the City.

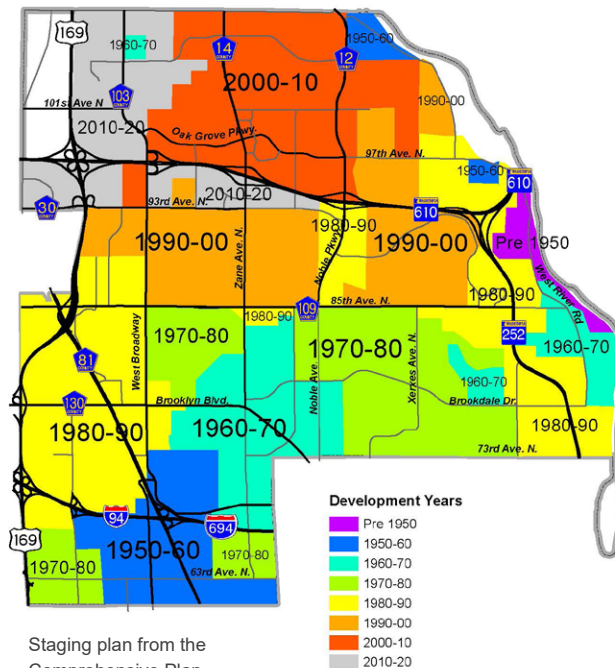
As part of the City's 2040 Comprehensive Plan public engagement effort, the community identified what it wants to be like in the year 2025. This is articulated through goals. These goals have been used to define the project values for this zoning update. How does the current code measure up to the goals? The goals serve as standards against which we judge our work.

Simply put, Brooklyn Park is a thriving community inspiring pride where opportunities exist for all. We have identified important key words from each goal that can be reflected through the City's zoning and subdivision ordinances.

Brooklyn Park is:



1. A united and welcoming community, strengthened by our diversity



What it looks like:

- We have **connected neighbors** who understand and celebrate our unique **cultures**.
- Brooklyn Park is unified with a strong positive **identity** and image.
- Our community's activities, events and services are inclusive, multi-cultural, and **accessible**.
- We have places and spaces for diverse communities to **gather**.
- Residents of **every age** contribute to our community.

Executive Summary



2. Beautiful spaces and quality infrastructure make Brooklyn Park a unique destination

What it looks like:

- Modern **transportation options** (drive, ride, walk, bike) connect people to education, jobs, and recreation.
- Quality **recreation** and **park** amenities inspire activity for all ages and interests.
- Our rich **diversity** is showcased through our vibrant music, arts, food, entertainment, and cultural scene.
- **Attractive key corridors, corners, and city centers** create destinations that meet community needs.
- Quality and **well-maintained** housing for all ages and incomes are integrated throughout the community.



3. A balanced economic environment that empowers businesses and people to **thrive**.

What it looks like:

- People of all ages and backgrounds enjoy **financial stability**.
- Residents and visitors support an **abundance** of retail stores, restaurants, and entertainment venues.
- Our **business environment inspires** private investment and job growth for the purpose of increasing the tax base.
- Businesses and organizations of **all types, sizes** and specialties start, stay and grow here. (e.g. local networks and resources support businesses)
- We are a leader in **environmental sustainability**, benefiting our economy and community.

Executive Summary



4. People of all ages have what they need to feel **healthy** and **safe**

What it looks like:

- Neighborhoods are empowered and supported by strengthened positive **relationships with police**.
- **Youth are engaged** in positive and quality experiences.
- Aging adults have services and amenities to thrive and **age in place**.
- Everyone has access to quality healthy **food options**.
- People have access to quality **medical** and emergency care.



5. Partnerships that **increase** racial and economic **equity** empower residents and neighborhoods to prosper.

What it looks like:

- Each resident has **access** to the **training** and **support** needed to **get** and **keep** a **living wage** job. (e.g. Job skills training, **childcare**)
- Each student graduates high school with a pathway to college or career. (e.g. Pre-k, rec programs, BrookLynk)
- Aging neighborhoods and commercial centers are **revitalized** through continuous investment.
- The community provides necessary **supports** and **services** for community members to overcome life challenges such as hunger, mental illness, and homelessness.

Executive Summary



6. Effective and engaging government recognized as a leader.

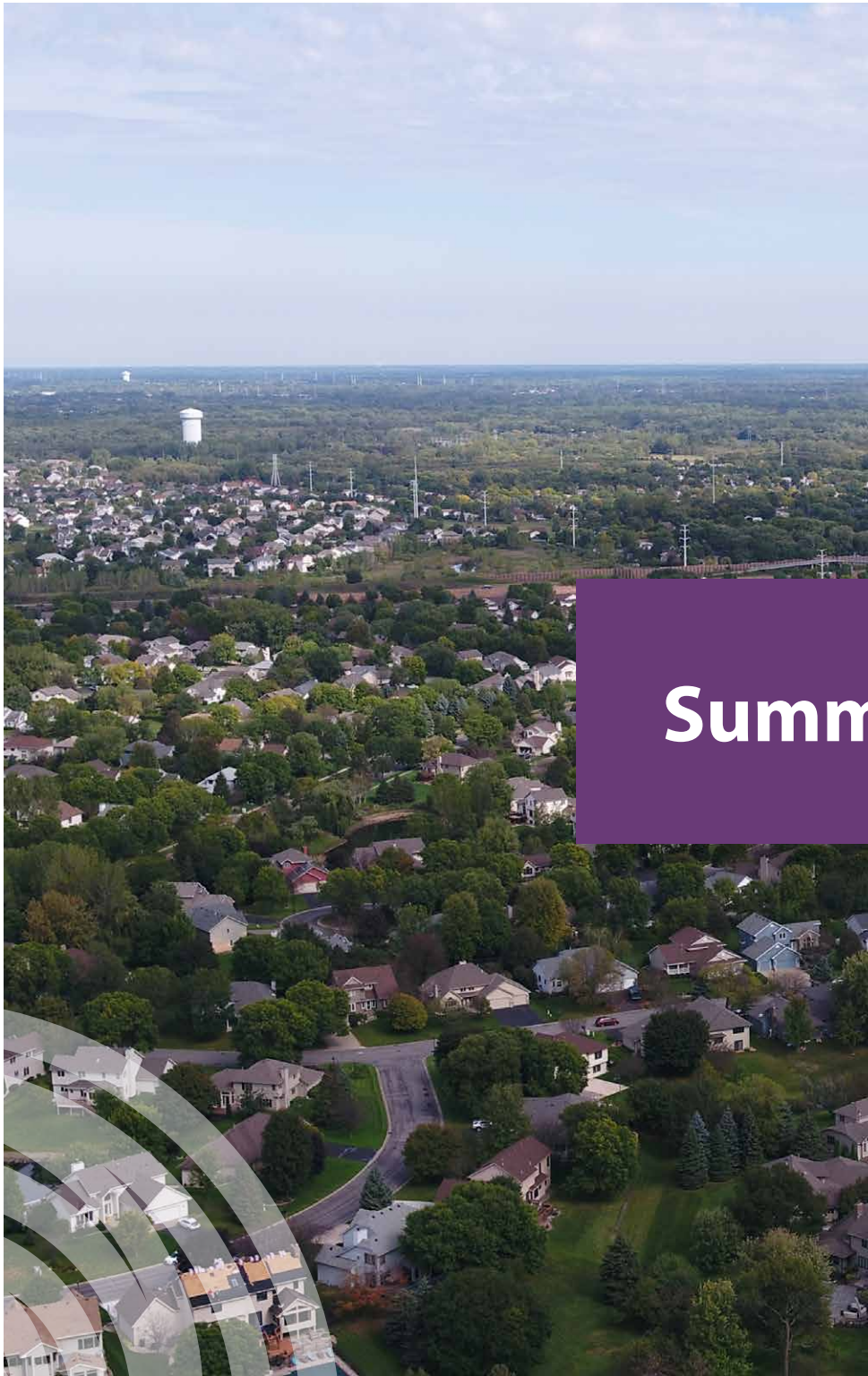
What it looks like:

- The City provides **quality services** at a **reasonable cost**.
- Elected **officials**, commissions, and city staff reflect the **diversity of the community** and are **culturally competent**.
- City information is **clear, accessible**, and delivered in ways that **meet the community's needs**.
- City laws are **understandable, equitably enforced, and relevant** to the community.
- The City is well-managed and recognized as a **great place to work**.



3

Summary of Key Findings



Summary of Key Findings

Brooklyn Park's current ordinance does not reflect the goal of providing regulations that are responsive to the community's needs, accessible, and clear. The issues to be addressed with this update fall into four broad categories: **substance; procedures; organization and maintenance; and policies.**

Substance.

The impetus for this update is the Brooklyn Park 2040 Comprehensive Plan. The City has a bold vision that necessitates revisions to its regulatory tools to enable and promote the build out of the City according to this vision. The comprehensive plan and recently adopted mixed-income housing policies advance the City as an equitable, united, and welcoming community. The current code is too

conventional, restrictive, and complex to successfully partner with residents, businesses, and the development community to realize this vision.

The American Planning Association's Planning for Equity Policy Guide defines equity as "just and fair inclusion into a society in which all can participate, prosper, and reach their full potential." (APA 2019) Broadly, we suggest the City address equity through zoning by focusing more on neighborhood building and the

supportive function of zoning than the use-separating function of zoning. Land use regulations have direct and measurable impacts on household affordability and choice. There are three broad categories where we identify areas of inequity in the City's planning and zoning, but a lack of housing choice is perhaps the most critical category to address.

Residential: Brooklyn Park is a thriving community with a diverse population with diverse housing preferences and needs. Minimum lot size and unit size and width become arbitrary in mature communities where new and redevelopment often occur on (what have become) nonconforming lots. The code's requirements for basements, garages, and storage space impose costly lifestyle requirements on by-right development. Single family housing is the prevailing unit type allowed by the code, with 7 of 10 residential districts being single-family districts. Limiting housing choice is not consistent with the City's vision. Additional unit types should be considered in single family districts. "Missing Middle" housing is discussed later. What follows are examples of unit types that would blend seamlessly in a single-family zoning district and could be allowed by-right, with performance (design) standards.



Example of Stacked Duplex



This structure could be a duplex (side by side or stacked) or quadplex



This structure is a 5-unit multiplex but could be a single-family home, or anything in between.

Summary of Key Findings

Commercial: The standards for commercial development are auto centric. Commercial uses are segregated from each other and are separated from sidewalks and residential uses. The code promotes isolating commercial uses in some districts and in some, few commercial uses are allowed, or none are allowed by-right. While the purpose statement and design standards are clear and could support by-right development, there are no permitted uses in the Town Center Zoning District. All uses require approval of a Conditional Use Permit. The auto-centric and segregating nature of the commercial standards are inconsistent with the goal of creating vibrant commercial and mixed-use nodes and make it difficult to access jobs and local businesses as well as placing barriers on starting a business in Brooklyn Park.

Public Realm: The Comprehensive Plan and the City's goals talk extensively about welcoming, abundant, and accessible public spaces for all. The transit station area plans do a wonderful job of addressing the public realm. Existing commercial nodes will require retrofit to achieve such public spaces. Retrofitting existing nodes with streetscape amenities, robust crosswalks, context sensitive pocket parks, and achieving parking lot landscaping on private property will require participation by the City, landowners with new or redevelopment, and public-private partnerships.

Procedures.

Procedures are needed to support development of the residential, commercial, and public realm envisioned in the 2040 Comprehensive Plan and outlined in the City's goals. Through its procedures, the City engages private landowners in community building. Procedures should provide a clear and efficient path to enable the type of development the community envisions. The uses and form of development the City wishes to promote should be allowed by-right, by-right with performance

standards, or by approval from the City Council using a process that is transparent, reliable and efficient; where approval criterion are directly related to encouraging the development clearly defined in the ordinance. The more uses allowed by-right or by-right with performance standards the better. The code currently relies on conditional use permits (CUP) and application of the Planned Community Development District (PCDD) zoning designation to regulate uses and enable a desired form of development. Often, the uses

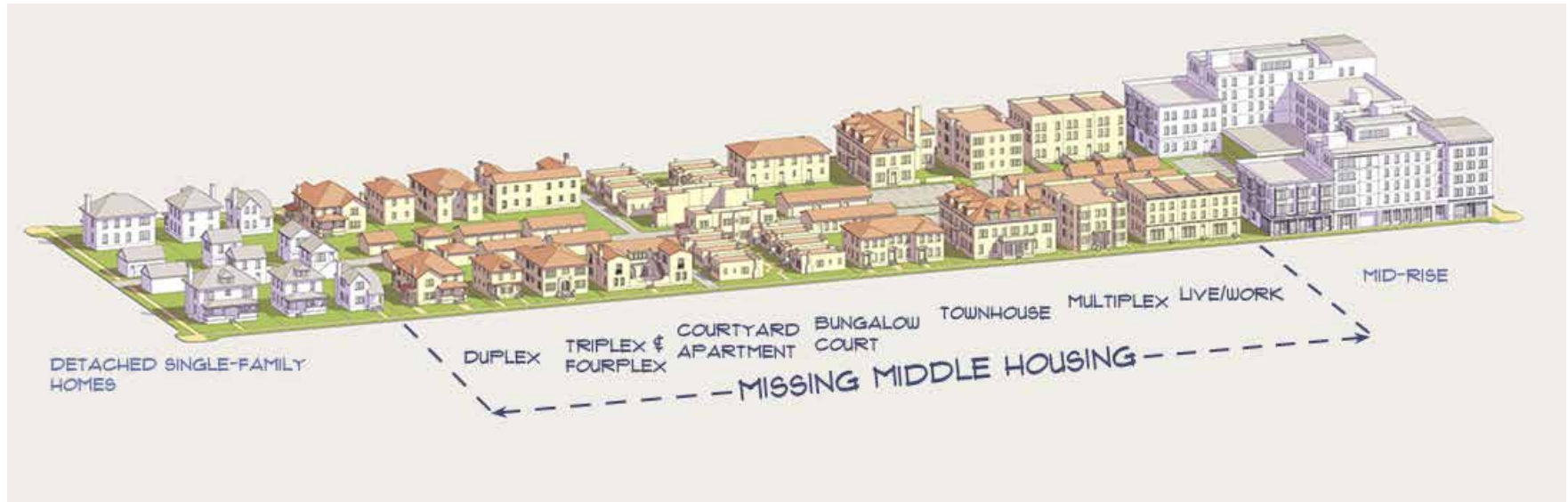
and desired development could be achieved by-right with performance standards or with fewer approvals.

Organization and Maintenance.

The code could be improved through maintenance alone. Consolidation of districts, modernization of uses and use tables, updates to reflect recent court cases, and elimination of unnecessary and repetitive provisions would result in a satisfactory code refresh but would not meet the City's goals. Brooklyn Park has a goal of being an effective

and engaging government that is recognized as a leader in this regard. To that end, city information should be clear, accessible, and delivered in ways that meet the community's needs. City laws should be understandable, equitably enforced, and relevant to the community. We will address sections from the code from which variances are frequently sought. Land use regulations should be consolidated into one document that is made easy to find and easy use on the City's website.

Summary of Key Findings



Policy Considerations.

In addition to changes related to the land use chapter of the comprehensive plans, there are policies in other chapters with zoning implications. Before finalizing the work plan, we are seeking direction on these policy matters. Major examples that would require changes to the zoning ordinance include:

Expanding Housing Choice. With the changes in the post-World War II

development patterns came changes in both the development and financial lending systems. These changes lent themselves to models of development that were narrowly focused and targeted to individual markets, such as single-family homes on large lots, large apartment complexes, commercial strip centers, and indoor malls. Each was developed and placed in isolation in contrast to the older patterns of neighborhoods where single-family, multifamily, and commercial were more

integrated and mixed. The art of both mixing these kinds of development and building smaller lower- and middle-density housing types were lost.

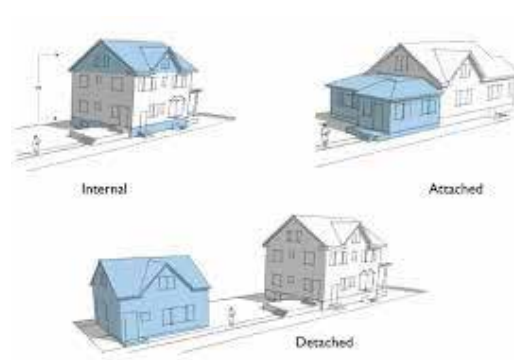
These “Missing Middle” housing types continue to provide a range of housing choices in scale with nearby single-family residential uses and provide a residential intensity that help support neighborhood centers. Existing in between single-family development and higher intensity and mixed-use residential development, the Missing

Middle housing types provide the housing that is needed and desired by a broader range of age groups and the full spectrum of income levels. Providing a full range of housing options is critical to the prosperity of Brooklyn Park’s residents and employers.

Summary of Key Findings

A place to start to increase housing choice and affordability within the current single-family zoning structure is Accessory Dwelling Units. An accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as single-family home. ADUs provide an opportunity to house a family member, gain additional income, and provide attainable housing for others. ADUs go by many different names throughout the country, including accessory apartments, secondary suites, mother-in-law suites, and granny flats. ADUs can be converted portions of existing homes, additions to new or existing homes, or new stand-alone accessory structures or converted portions of existing stand-alone accessory structures. ADU ordinances often address lot size, unit placement, parking, and design criteria. The zoning code specifies the allowed ADU types. Examples include:

- an apartment over the garage;
- a small living quarters on a separate foundation in the backyard;
- a space within the primary residence with a separate entrance; or
- a space within the primary residence using the same entrance as the homeowners.



Example of Accessory Dwelling Unit Types



Attached Below Garage Conversion Above Garage



Detached



Attached to Primary Dwelling



Interior to Primary Dwelling



Attached to Accessory Structure

Summary of Key Findings

Mixed-Income Housing Policy. To further the housing goals of the 2040 Comprehensive Plan and Brooklyn Park 2025, the City of Brooklyn Park has adopted a policy to create and preserve affordable housing opportunities. The City recognizes the need to provide affordable housing to households of a broad range of income levels in order to support a diverse population and to provide housing for those who live or work in the City. The requirements are intended to provide a structure for participation by both the public and private sector in the production of mixed-income housing developments across the city. Specifically, affordable rental housing is to be required when 10 or more residential units are developed and receive:

- i. A Comprehensive Plan amendment;
- ii. A zoning code or map amendment;
- iii. Approval of a PUD; or
- iv. Financial assistance from the City or Economic Development Authority (EDA)

Developers may choose from the following:

Options	Minimum Number of Affordable Units Required	Minimum Affordability Standard
1	At least 5% of total project units	Affordable for households at 30% Area Median Income (AMI)
2	At least 10% of total project units	Affordable for households at 50% Area Median Income (AMI)
3	At least 15% of total projects units	Affordable for households at 60% Area Median Income (AMI)

Additional terms include, but are not limited to:

- I. An affordability term of at least 20 years.
- II. The ability to provide units or enable the provision of affordable units off-site. The ordinance should include details and options for meeting the requirement off-site
- III. The City may grant incentives to developments providing affordable housing, such as relief from specific zoning provisions. Would these incentives be written into the zoning district or considered as part of a development agreement?
- IV. The City may grant a minimum 10% density bonus for the provision of affordable rental housing units. Would this density bonus be written into the zoning district or considered as part of a development agreement?

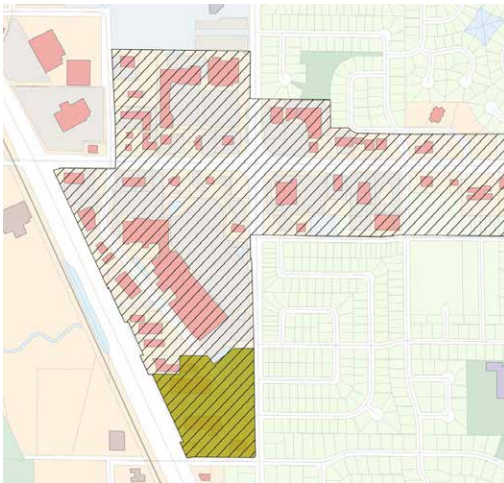
Summary of Key Findings

Transit Oriented Development. One major change in the development pattern of the City since the last comprehensive plan is the planned introduction of light rail service at several station areas in the western part of the City. Station Area Plans are included in the Comprehensive Plan and the City has done some work establishing a Transit Oriented Zoning Overlay District. Most of the recommendations in the station area plans have been incorporated into the TOD Overlay, but there are a few outstanding items which are included in the work plan. We seek direction on which components of the station area plans should be built by developers, which will be built by the City, and which would be appropriate for a public-private partnership.

Economic Development. The Comprehensive Plan sets a goal of 50,000 jobs by 2040 (25,000 exist as of 2017). It is important to be able to understand how land use translates to jobs. The City should consider establishing an employment density ratio. Currently, the City has an overall employment density of 2.4 employees per thousand sq ft. Generally, the following accepted ratios would assist in monitoring progress toward achieving the goal.

- i. Office – 5 jobs per 1,000 sq ft
- ii. Industrial 2 jobs per 1,000 sq ft
- iii. Institutional – 5 jobs per 1,000 sq ft
- iv. Commercial – 4 jobs per 1,000 sq ft
- v. Medical – 4 jobs per 1,000 sq ft

For example, a 3,000 sq ft commercial space would yield 12 jobs; a 125,000 sq ft office building would yield 625 jobs; and a 20,000 sq ft industrial space would yield 40 jobs. If the goal is simply to increase the number of jobs in the City of Brooklyn Park, institutional and office uses would be best. However, these may have the greatest impacts on traffic and the lowest benefit to the City's tax base. The vibrant mixed-use community envisioned in the Comprehensive Plan and Brooklyn Park 2025 enable all of these uses and so the impact of one use would likely be offset by another use.



Transit Oriented Development Overlay



Oak Grove Station

4

Work Plan



Work Plan

The work of a zoning code update involves a broad, strategic look at the code, relative to the planning framework in which the update is taking place, as well as a detailed look to address common issues with zoning codes. The planning framework includes the existing conditions in Brooklyn Park as well as the 2040 Comprehensive Plan, Brooklyn Park 2025 and the current land use regulations (the City Code sections to be included with this update). With that in mind, we start with broad recommendations to modernize the code and then move on to necessary and suggested updates to the code and zoning map to realize the vision for the City of Brooklyn Park. Fundamental to realizing the vision for the City will be addressing the policy issues described above and adding them to this work plan. As we draft zoning updates, we will provide a range of options to address the policies through zoning.

Compliance with the Comprehensive Plan. We have identified code changes necessary for compliance with the Comprehensive Plan. The Metropolitan Council requires that all official controls be updated within nine months of the Plan's adoption. The zoning ordinance must incorporate the tools to enable private development to meet the City's vision. Some of the key changes that need to be made include:

- a. Ensure densities in all residential districts meet densities prescribed in the comp plan
- b. Ensure districts reflect the Future Land Use Plan designation
- c. Create a mechanism for tracking the mix of uses (as a percentage of area or floor area) as a whole where allowed/required districtwide.
- d. Enable affordable housing and senior housing near transit
- e. Require pedestrian connection to transit in high density housing and commercial areas.
- f. Modify the zoning near station areas to meet minimum density requirement of 20 units per acre

- g. Create a Mixed-Use district reflecting the Mixed-Use designation on the Future Land Use Plan

Per direction from the Metropolitan Council, cities will not be required to proactively rezone property so that it is in compliance with the Future Land Use map of the comprehensive plan. However, there may be some general changes the City wishes to consider at this time. For example, the City should consider whether changes should be made to the following areas.

- i. Areas North and west of 610/169 to be rezoned for mixed use
- ii. Parcels just north of 94 and east of 169 to be rezoned for mixed use
- iii. B2 parcel to the south of 610, west of 169 to be rezoned for mixed use

Ease of Use. To make administering the ordinance easier, there are several districts that we recommend for consolidation, as they are nearly identical. During the consolidation process, it is important to take inventory of the existing conditions in these areas to make sure that the new districts reflect the existing character and development patterns.

- a. Consider consolidation of single-family residential districts (R-2 through R3A). This would consolidate five zoning designations into one, with no change to the purpose (single-family detached residential) and land use guidance (low density residential).
- b. Consider consolidation of multi-family residential districts (R5-R7). The primary difference between these designations is that R5 does not allow for more than two stories. This form of development can be achieved other ways within the current ordinance. The R6 and R7 designations both call for multi-story development in areas guided for high density residential development.

Work Plan

Existing Zoning Districts

Zoning District		Description
R-1	Urban Reserve	Allows for the orderly phasing and development of land until city services, including sanitary sewer, storm sewer, and water, are extended into the area; Typically requires significant amounts of open land area such as athletic and cultural facilities, country clubs, government buildings, educational uses, and land reclamation; Short-term agriculture uses and very low density residential uses and those accessory uses customarily incidental to them.
R-2	Detached Single-Family Estate	Large lot detached single-family dwellings
R-2B	Detached Single-Family Residential	Detached single-family dwellings
R-3	Detached Single-Family Residential	Detached single-family dwellings
R-3A	Detached Single-Family Residential	Detached single-family dwellings
R-4	Detached Single and Attached Two-Family Residential	Detached single and attached two-family dwellings
R-4A	Townhouse	Low or medium density attached residential dwellings
R-4B	Detached Single Family	Low or medium density single family homes within association-maintained communities
R-5	Multiple Family Residential	Two story multiple family structures
R-6	Multiple Family Residential	Multiple family dwellings over two stories
R-7	Multiple Family Residential	Multiple family dwellings
B-1	Office Park	Office uses, with other accessory retail and service uses offered on site to serve the primary use or their employees
B-2	Neighborhood Retail Business	Commercial or mixed use development centers for retail sales and services that serve the adjacent neighborhoods and to preserve and protect the general character of the adjacent areas.
B-3	General Business	Centralized areas for commercial or mixed use development that have a community or regional customer base in that they generally draw customers from farther away than the adjacent neighborhoods
B-4	Vehicle Sales and Showroom	Vehicle sales businesses that draw from a regional customer base and has outdoor storage, display and/or sales of vehicles and/or recreational equipment

Work Plan

Existing Zoning Districts

Zoning District		Description
BP	Business Park	Office, commercial, industrial, or mixed use that enhance the city's tax base, have few customers coming to the site, but may have a large employee base, involve manufacturing, warehousing, office uses, and other accessory retail and service uses offered on site to service the primary use or their employees.
I	General Industrial	Warehousing and industrial uses that may present negative off-site impacts to adjacent properties and are potentially environmentally sensitive due to the characteristics of the use of the property, and/or have an extensive amount of outdoor storage requirements.
PCDD	Planned Community Development District	Designed for use where the general areas contain a unique physical or recreational feature or require detailed, coordinated planning efforts to achieve specific goals.
PUB	Planned Unit Development	Development that is in compliance with the land use designation that allows innovation in development standards.
TC	Town Center	High quality, comprehensively designed commercial and residential neighborhoods with developments designed to promote walking, bicycling and transit use.
CD	Conservancy	Valuable environmental qualities which are to be preserved as park or open space amenities and to prevent the over-crowding of land, to avoid undue concentration of population, a specific public purpose, and/or alleviate the burden of development from environmentally sensitive lands.
PI	Public Institution	Public buildings, uses and needs that otherwise may not fit into other zoning districts because of their specialized land use needs and public purpose.
VR	Village Redevelopment	Implement the goals and objectives of the Village Redevelopment Plan and to define strategies and design standards for the implementation of the Plan. The district is intended to promote creative and efficient use of land within the Redevelopment District by providing flexibility in design and to allow mixed land uses while encouraging compact and pedestrian oriented development

Work Plan

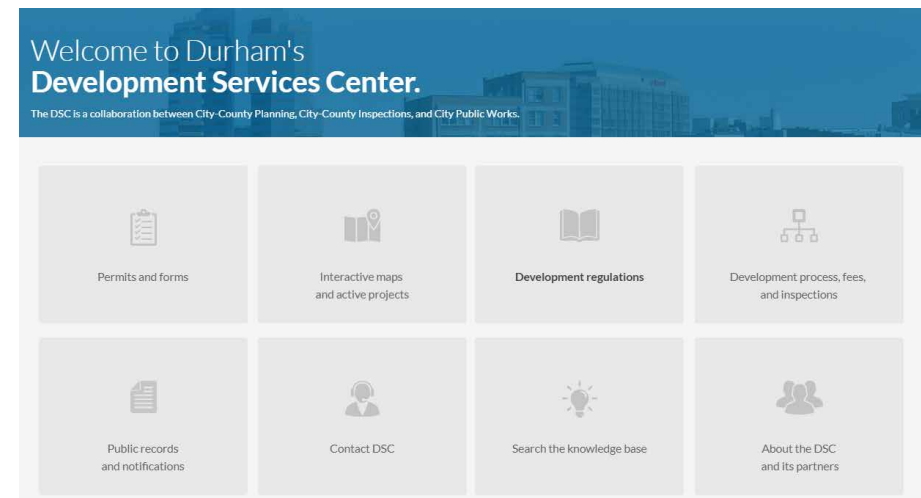
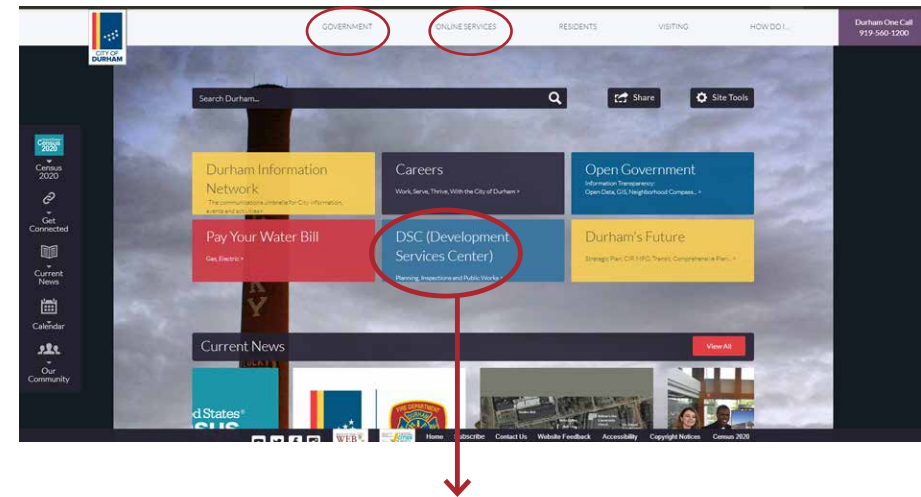
Maintenance. Federal and state law relating to zoning and land use are consistently changing and this update provides an opportunity to ensure compliance with changes to laws such as:

- a. Federal Telecommunications Act
- b. Fair Housing Act Amendments
- c. Americans with Disabilities Act
- d. Religious Land Use and Institutionalized Persons Act
- e. In 2011 MN Statute changed regarding the threshold for obtaining a variance. The threshold had been the requirement to demonstrate that the code represented an undue hardship but that changed to practical difficulty. Both standards are currently referenced in the ordinance.

Accessibility of the Code. Brooklyn Park has a goal of being an effective and engaging government that is recognized as a leader in this regard. City information should be clear, accessible, and delivered in ways that meet the community's needs. City laws should be understandable, equitably enforced, and relevant to the community.

- a. On-line Presence. Successful engagement with planning and zoning customers outside of City Hall requires an on-line experience that is reflective of the way online searches are conducted today. From the homepage of the City's website, it should be clear how to find the planning department or find planning and zoning information. Getting from the homepage to the planning department should only take one click. The City's website should enable developers, potential residents, and prospective businesses to buy into the City's vision. What follows is an example of this "one click" approach.

Sample Website



Work Plan

- b. **Ineffective Digital Code.** A digital zoning code should be a tool to improve the usability and clarity of the code. A zoning code update is an opportunity to address outdated and unrefined formatting and user interface that is unclear and does not enable effective engagement with government. There can be a tension between the hosting website for the City Code and the city's goals for their on-line presence. Resolving this tension may require a more comprehensive departmental webpage where the desired information is presented in a context sensitive and user-friendly manner.

Unified Development Code. We recommend consolidating the City regulations governing land use and development into a Unified Development Code (UDC). The UDC is the official body of rules and regulations to guide land use and development. It is a document in which traditional zoning and subdivision regulations are combined with other desired city regulations such as design guidelines and water management. It serves as a local policy instrument in implementing the City's land use plans and goals.

We have created an outline of a UDC for the City of Brooklyn Park which can be viewed on the next page.

Work Plan

Proposed Unified Development Code Structure

Article 1. General Provisions

Article 2. Zoning Districts

Article 3. Permitted Uses

- A. Permitted Use Table
- B. Use Specific/ Performance Standards

Article 4. Development Standards

- A. Dimensional Standards
- B. Building Form Standards
- C. Connectivity and Circulation
- D. Parking and Loading
- E. Landscaping
- F. Screening and Fences
- G. Signs*
- H. Stormwater Management*
- I. Sustainability Standards
- J. Design Standards
- K. Exterior Lighting
- L. Housing and Property Maintenance Code*
- M. Plat Design*
- N. Maintenance and Operating Standards

Article 5. Administration and Procedures

- A. Summary Table (new feature)
- B. Reviewers and Decision-Makers (new feature)
- C. Review and Approval Procedures
 - a. Comprehensive Plan adoption or amendment
 - b. UDC Text or zoning map amendment
 - c. Subdivision plat approval or amendment*
 - d. Vacation of Street*
 - e. Variance (sign, lot, structure)
 - f. Conditional use
 - g. Interim use
 - h. Temporary use
 - i. Site plan
 - j. Administrative Review
 - k. Zoning permit
 - l. Building permit*
 - m. Certificate of occupancy*
 - n. Accessory home share permit (Airbnb)
- D. Nonconformities
- E. Enforcement and Penalties

Article 6. Definitions

- A. Rules of Constructions
- B. Definitions

Appendix: Zoning Map

Work Plan

What follows is a typical approach to addressing uses and establishing districts in a Unified Development Code.

1. Analyze and consolidate zoning districts
2. Create a use table based on broad use categories and use-specific performance or design standards for the use whether by-right or conditional use permit.
 - a. Residential Use Categories. For each subcategory, provide its characteristics, accessory uses, examples, and exceptions.
 - i. Group living
 - ii. Household living
 - b. Commercial Use Categories. For each possible subcategory, provide its characteristics, accessory uses, examples, and exceptions.
 - i. Commercial Outdoor Recreation
 - ii. Commercial Parking
 - iii. Quick Vehicle Servicing
 - iv. Major Event Entertainment
 - v. Office
 - vi. Retail Sales and Service
 - vii. Self-Service Storage
 - viii. Vehicle Repair
 - c. Industrial Use Categories. For each possible subcategory, provide its characteristics, accessory uses, examples, and exceptions.
 - i. Bulk Fossil Fuel Terminal
 - ii. Industrial Services
 - iii. Manufacturing and Production
 - iv. Railroad Yards
 - v. Warehouse and Freight Movement
 - vi. Waste Related
 - vii. Wholesale Sales
 - viii. Enable medical device and technologies, biosciences, precision manufacturing, R&D facilities, and professional offices (employment-focused uses)
 - d. Institutional Use Categories. For each possible subcategory, provide its characteristics, accessory uses, examples, and exceptions.
 - i. Basic Utilities
 - ii. Colleges
 - iii. Community Services
 - iv. Daycare
 - v. Medical Centers
 - vi. Parks and Open Areas
 - vii. Religious Institutions
 - viii. Schools
 - e. Mixed Use
 - i. Check Town Center district for appropriate allowable uses and densities to match future land use map in the vicinity of Zane and 610
 - ii. Include allowance for mixed use in the neighborhood retail (B2) district (or rewrite this district as a mixed-use district)
 - f. Transit Oriented Development

Work Plan

- i. Density / activity: right now, there are no minimum density or FAR requirements
 - 1. Recommended 20 units/acre for any residential
 - 2. Target 40-75+ units/acre
 - 3. Min. activity threshold 7,000 residents, jobs or students within station areas (min. FAR?)
- ii. Density / activity: right now, there are no minimum density or FAR requirements
 - 1. Add crosswalk requirements (one mention of mid-block crossings in TOD-G District) – safe crossings
 - 2. Require interior connections / pedestrian improvements on private property (i.e.- through parking lots, to building entrances)
 - 3. Require pedestrian connections to public non-motorized network
 - 4. Include requirements for short- and long-term bicycle storage
 - 5. Consideration/incentives for public art?
 - 6. Consider restrictions on first floor residential in TOD-C?
 - 7. Require vehicular access in rear lanes, alleys or side streets (some of this is in there now)
- iii. Parking
 - 1. Include reduced parking ratios for all uses in the TOD districts (there is currently an allowance for a 10% reduction in required parking within ¼ mile of a transit stop, but this needs to be revised and made more specific)
 - 2. Also, in general, consider allowing for parking reductions in other circumstances outside of the PUD process (such as shared uses, presentation of demand information, provision of car sharing spaces, proximity to on-street public parking or parking structures and others)
 - 3. Incentivize structured parking
- g. Other Possible Use Categories. For each subcategory, provide its characteristics, accessory uses, examples, and exceptions.
 - i. Agriculture
 - ii. Aviation and Surface Passenger Terminals
 - iii. Detention Facilities
 - iv. Mining
 - v. Radio Frequency Transmission Facilities
 - vi. Rail Lines and Utility Corridors
 - vii. Enable solar energy systems

Matt Hayes-Regan

From: Matt Hayes-Regan
Sent: Thursday, February 29, 2024 10:28 AM
To: RICHARD HARTFIEL
Cc: Planning
Subject: RE: Question.

Hi Richard,

Thank you for your e-mail. In reviewing the calendar, I can confirm that the public hearing for the updates to the Land Use Code is Wednesday, March 13 at 7:00 pm. The public hearing will be held at the Planning Commission Regular Meeting (held the second Wednesday of the month) here at City Hall in council chambers.

Please let us know if you have any other questions or need additional information.

Thank you,

Matt Hayes-Regan (*he/him/his*)
Planning Program Assistant
763-493-8056



5200 85th Avenue N, Brooklyn Park, MN 55443

From: RICHARD HARTFIEL <dchartfiel@msn.com>
Sent: Thursday, February 29, 2024 10:14 AM
To: Planning <planning@brooklynpark.org>
Subject: Question.

Is the Public hearing for March on Tuesday the 13th or Wednesday the 14th .
The days & dates don't line up
Thank You

Matt Hayes-Regan

From: Matt Hayes-Regan
Sent: Thursday, February 29, 2024 8:57 AM
To: Rich Xiong
Cc: Planning
Subject: RE: Land Use and Zoning Changes

Hi Rich,

Thanks for your e-mail. That's a good question. Each public hearing will consider different sections of the Land Use Code. A breakdown of the Land Use Sections that we anticipate using the Planning Commission Regular Meetings for include:

- **March 13 Regular Planning Commission Meeting**

Chapter 150 Signs
Chapter 151 Subdivisions
Chapter 153 Stormwater
Chapter 152, Article 1 Administration
Chapter 152, Article 2 Zoning Districts

- **April 10 Regular Planning Commission Meeting**

Chapter 152, Article 3 Standards, Section 1 Land Use Performance Standards

- **May 8 Regular Planning Commission Meeting**

Chapter 152, Article 3 Standards, Section 2 Development Standards

The agendas for each of the Regular Meetings will be posted on the City's website by the end of business on the Friday prior to a given meeting. You will be able to review the agendas via the link below.

[Planning Commission Agendas and Minutes](#)

Know we are available if you have any questions or comments about the updates to the Land Use Code.

Matt Hayes-Regan (*he/him/his*)
Planning Program Assistant
763-493-8056



5200 85th Avenue N, Brooklyn Park, MN 55443

From: Rich Xiong <rxiong12@yahoo.com>
Sent: Thursday, February 29, 2024 12:36 AM

To: Planning <planning@brooklynpark.org>

Subject: Fw: Land Use and Zoning Changes

Will each public hearing be identical?

Rich

----- Forwarded Message -----

From: City of Brooklyn Park <brooklynpark@public.govdelivery.com>

To: "rxiong12@yahoo.com" <rxiong12@yahoo.com>

Sent: Wednesday, February 28, 2024 at 09:46:08 AM CST

Subject: Land Use and Zoning Changes



Land Use and Zoning Changes



Learn about how Brooklyn Park is updating its land use plan

Brooklyn Park is evolving rapidly, experiencing substantial growth and development since our last major zoning update in 2000. To better align with our evolving vision and community goals, the City is making changes to our zoning regulations and land use policies.

Your feedback is invaluable to us as we navigate these changes:

1. **Learn more** on our [website](#) and submit comments and suggestions online
2. **Attend the Public Hearing:** Join us at the Brooklyn Park Planning Commission Public Hearing to voice your opinions in person.

Public Hearing Dates

- **Wednesday, March 13, 7:00 PM**
- **Wednesday, April 10, 7:00 PM**
- **Wednesday, May 8, 7:00 PM**

Location

- **City Hall, 5200 85th Avenue**

At the public hearing, you'll have the opportunity to engage directly with City staff and Planning Commission members who are leading the initial phase of this process.

In the coming months, City Council members will deliberate on the proposed changes and vote to approve a final set of land use and zoning rules for Brooklyn Park. Your input at this critical juncture will help shape the future of our city for generations to come.

Questions?

Planning Team
planning@brooklynpark.org
763-493-8057

If you need this information in another language or format or disability accommodations, email access@brooklynpark.org or call 763-424-8000.

Si usted necesita esta información en español: 763-424-8000

Yog xav tau kev pab, thov hu rau 763-424-8000 lawv mam li nrhiav ib tus neeg txhais lus rau koj



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5.1E - PROPOSED SUMMARY ORDINANCE

The City Council has determined that pursuant to its City Charter, Ordinance #2024-_____ should be published in summary form.

SUMMARY OF ORDINANCE #2024-_____

ORDINANCE AMENDING CHAPTER 150 OF THE BROOKLYN PARK CITY CODE
PERTAINING TO _____

Ordinance #2024-_____, amends Chapter 150, Pertaining
_____.

Changes to §150
[Placeholder]

This summary of Ordinance #2024-_____ has been approved by the City Council on June ____, 2024 and the City Council has determined that the title and text of the summary clearly informs the public of the intent and effect of the ordinance. A printed copy of the full text of the ordinance is available for public inspection in the office of the City Clerk.

ATTEST:

HOLLIES WINSTON, MAYOR

DEVIN MONTERO, CITY CLERK

Approved as to Form by City Attorney
Passed on First Reading: _____
Passed on Second Reading: _____
Summary Published in Official Newspaper: _____