

## **SECTION 8 SIGNS**

### **Subdivision 1: FINDINGS.**

1. Exterior signs have a substantial impact on the character and quality of the environment.
2. Signs provide an important medium through which individuals may convey a variety of messages.
3. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.
4. The city's zoning regulations have historically included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the City and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the City has had a positive impact on traffic safety and the appearance of the community.

### **Subdivision 2: PURPOSE AND INTENT.**

It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign; nor is it the purpose or intent of this ordinance to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this ordinance is to:

1. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety and welfare.

2. To establish standards which permit property owners the opportunity to identify and advertise themselves, goods, or services; to preserve and protect the value of land, buildings and landscapes and promote the attractiveness of the community; to ensure that signs in the City are not a safety hazard to lives and/or property; to eliminate confusion in locating goods, services and facilities, and to preserve order and to encourage business to erect permanent signs and discourage temporary and/or portable signs.
3. Improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics.
4. Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the City.

**Subdivision 3: EFFECT.**

A sign may be erected, mounted, displayed or maintained in the city if it is in conformance with the provisions of this ordinance. The effect of this ordinance, as more specifically set forth herein, is to:

1. Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this sign ordinance.
2. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance.
3. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the

environment and the public health, safety and welfare.

4. Provide for the enforcement of the provisions of this sign ordinance.

**Subdivision 4: SEVERABILITY.**

If any section, subsection, sentence, clause, or phrase of this Sign Ordinance is for any reason held to be invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this Sign Ordinance. The City Council hereby declares that it would have adopted the Sign Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

**Subdivision 5: DEFINITIONS.**

The following words and phrases, when used in this Section 8, shall have the following meanings, unless the context clearly indicates otherwise:

1. **ABANDONED:** A sign or sign structure which meets one of the following criteria:
  - A. the sign has not been used for signage for twelve (12) consecutive months;
  - B. the sign identifies, advertises or provides direction to a use, business, industry or service which has ceased existence for ninety (90) days or more; or
  - C. the sign remains after demolition of the principal structure; is deemed to be abandoned. Signs which are present because of being legally established nonconforming signs, or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

2. **AREA OF SIGN:** The area of a sign face enclosed in a frame or cabinet shall be determined on the basis of the outer dimensions of the frame or cabinet surrounding the sign face. Where the frame or cabinet is not in the shape of a rectangle, square, triangle, or circle, the sign face area shall be determined by enclosing the extreme limits of the frame or cabinet within a single continuous perimeter in a common geometric shape. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area. Double-faced (back-to-back) freestanding signs shall be considered as a single sign face for purposes of calculating allowable sign area only if the distance between each sign face does not exceed two (2) feet and the copy is identical on both faces. Standard formulas for common geometric shapes shall be used for computing sign area(s). Symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walls, awnings, free-standing structures, suspended by balloons, or kites or on persons, animals, or vehicles are considered a sign for purposes of in calculating the overall square footage. Nothing in the paragraph shall be interpreted to authorize any specific type of sign.
3. **AWNING:** A roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning which also projects over a door shall be counted as an awning. A canopy is considered an awning for purposes of this ordinance.
4. **AWNING SIGN:** A building sign or graphic printed on or in some fashion attached directly to the awning material.
5. **BILLBOARD:** A type of off-premise sign which is

larger than thirty-two (32) square feet.

6. **BUILDING SIGN:** Any sign attached or supported by any Building.
7. **COMMERCIAL SPEECH:** Speech advertising a business, profession, commodity, service or entertainment.
8. **ELEVATION:** The view of the side, front, or rear of a given structure(s).
9. **ERECT:** Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.
10. **FACADE:** The area of the walls that face the abutting public right-of-way.
11. **FLAG:** Any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.
12. **FLASHING SIGN:** A directly or indirectly illuminated sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling, or sparkling.
13. **FREESTANDING SIGN:** Any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.
14. **GRADE:** Grade shall be construed to be the average final ground elevation after construction within fifty

(50) feet of the sign. Earth mounding criteria for landscaping and screening is not part of the final grade for sign height computation.

15. **HEIGHT OF SIGN:** The height of the sign shall be computed as the vertical distance measured from the highest attached component of the sign to either the grade or the top of the nearest curb of the street on which the sign fronts, whichever is greatest.
16. **ILLUMINATED SIGN:** Any sign which contains an element designed to emanate artificial light internally or externally.
17. **IMPROVED LOT:** A lot or site that is not an unimproved lot.
18. **LEGALLY ESTABLISHED NONCONFORMING SIGN:** Any sign and its support structure lawfully erected prior to the effective date of this ordinance which fails to conform to the requirements of this ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this ordinance and which does not comply with this ordinance shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.
19. **LOT:** The entire parcel of land serving as the site of a principal use, and containing all principal and accessory buildings, structures or uses. For purposes of this ordinance, individual property designations such as tax parcel, platted lot or metes and bounds descriptions shall not define the boundaries of each lot. If any portion of a use or structure used to identify the amount or type of regulation under this ordinance occupies a tax parcel, platted lot or metes and bounds description, the entire tax parcel, platted lot or metes and bounds described property shall be included in the "lot".

20. **MARQUEE:** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.
21. **MARQUEE SIGN:** Any building sign painted, mounted, constructed or attached in any manner, on a marquee.
22. **MULTIPLE USE SITE:** Any site which has more than one (1) tenant, and each tenant has a separate ground level exterior public entrance.
23. **NON-COMMERCIAL SPEECH:** Dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.
24. **OFF-PREMISE SIGN:** A sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. For purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside such lot and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.
25. **OWNER:** In the case of a lot, the legal owner of the lot as officially recorded by Benton County, and including fee owners, contract for deed purchasers and ground lessees. In the case of a sign, the owner of the sign including any lessees. An owner of a lot shall be ultimately responsible for compliance with this ordinance for any signs erected on its property.
26. **PORTABLE SIGN:** Any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign

may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.

27. **PUBLIC NOTICES:** Official notices posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents.
28. **PUBLIC RIGHT-OF-WAY:** The entire right-of-way of any public roadway and/or sidewalk. Also includes any publicly owned or operated property.
29. **PYLON SIGN:** Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.
30. **RESIDENTIAL DISTRICT:** Any district zoned for residential uses.
31. **ROADWAY:** Any street, road, highway, cartway or alley, whether publicly or privately maintained. Roadway does not include driveways or parking lots.
32. **ROOF:** The exterior surface and its supporting structure on the top of a building or structure. The structural make-up of which conforms to the roof structures, roof construction and roof covering sections of the Uniform Building Code.
33. **ROOF LINE:** The upper-most edge of the roof or in the case of an extended facade or parapet, the upper-most height of said facade.
34. **ROOF SIGN:** Any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.



35. **ROOF SIGN, INTEGRAL:** Any building sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the highest portion of the roof and so that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.
36. **ROTATING SIGN:** A sign or portion of a sign which turns about on an axis.
37. **SHIMMERING SIGNS:** A sign which reflects an oscillating sometimes distorted visual image.
38. **SIDEWALK:** Any public or quasi-public pedestrian walkway.
39. **SIGN:** Any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes and intended to be viewed by the public. A sign in which the message is discernible from outside of the lot or from the exterior of a building and more than ten (10) feet away is presumed to be intended to be viewed by pedestrian or vehicular traffic. Public notices shall not be a sign for purposes of this ordinance.
40. **SIGN FACE:** The surface of the sign upon, against, or through which the message of the sign is exhibited.
41. **SIGN STRUCTURE:** Any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.
42. **SITE:** A parcel or combination of contiguous parcels

which are intended, designated, and/or approved to function as an integrated unit.

43. **TEMPORARY SIGN:** A sign erected without a permanent structure or support, or which is designed to be displayed for temporary duration. "Black signs," banners, balloons, open house signs and special event announcements are examples of temporary signs.
44. **TOTAL SITE SIGNAGE:** The maximum permitted combined area of all freestanding and wall identification signs allowed on a specific property.
45. **UNIMPROVED LOT:** A lot or site without any improvements erected on it, except any sign structures, and is not put to any other regular or sporadic use.
46. **VISIBLE:** Capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.
47. **WALL:** Any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of sixty (60) degrees or greater with the horizontal plane.
48. **WALL SIGN:** Any building sign attached parallel to, but within two (2) feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.
49. **WINDOW SIGN:** Any building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

The definitions set forth in this section are in addition to the definitions set forth in SECTION 4, RULES AND DEFINITIONS, which shall apply, except that in the event of a conflict, the definition in SECTION 4 shall apply.

**Subdivision 6: PERMIT REQUIRED.**

Except as provided below, no sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a permit from the city. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

**Subdivision 7: EXEMPTIONS FROM SIGN PERMIT.**

The following signs shall not require either a sign permit or a temporary sign permit. However, all signs must comply with the provisions of this ordinance or any other law or ordinance regulating the sign, including size, area and location restrictions of the sign and the lot. A sign erected or placed pursuant to this subdivision which is not in compliance may be removed by the City without advance notice.

1. The changing of the display surface on a painted or printed sign only. This exemption, however, shall apply only to poster replacement and/or on-site changes involving sign painting elsewhere than directly on a building.
2. Permanent on-premise signs up to four (4) square feet in area located in an R-1 or R-2 district or up to thirty-two (32) square feet in all other districts. This sign must comply with the aggregate area limits of the zoning district.
3. Temporary on-premises signs up to twelve (12) square feet in area located in an R-1 or R-2 district or up to thirty-two (32) square feet in all other districts. This sign must comply with the aggregate area limits of the zoning district.

4. Temporary off-premises signs up to four (4) square feet in area and less than three (3) feet in height providing solely directional information to the traveling public in a clear manner. It is the intent of this provision to provide improved public safety by providing assistance to the public in locating special events and locations. This sign must be removed within seventy-two (72) hours of erection, and no same or similar sign may not be placed anywhere in the City for thirty (30) days. This sign shall be exempt from the aggregate area limits of zoning districts.
5. Governmental signs, including but not limited to, traffic control and other regulatory purpose signs, street signs, informational signs, danger signs, and railroad crossing signs.
6. A building identification sign up to two (2) square feet which includes only the address and occupant identification information for emergency response or postal mail delivery. This sign shall be exempt from the aggregate area limits of zoning districts.
7. Any public sign (directional, safety, danger, trespassing, traffic, warning or public information) whose primary purpose is to communicate community events erected by, or on the order of, a duly constituted public office of City, County, State or Federal governments in pursuance of their public duties and provided signs are erected by or on order of a public officer or employee in the performance of official duty.
8. Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible material.
9. Window signs, provided that no more than half ( $\frac{1}{2}$ ) of any individual window pane is covered with signs or

painting.

10. A single flagpole containing no more than two (2) flags, provided that such flags shall not exceed one-half ( $\frac{1}{2}$ ) square feet in area for each lineal foot of lot frontage, or sixty (60) square feet, whichever is less, and shall not be flown from a flagpole more than thirty-five (35) feet in length. This sign shall be exempt from the aggregate area limits of zoning districts.
11. Decorative lighting meeting this Ordinance's other requirements.

### **Subdivision 8: TEMPORARY SIGN PERMIT.**

An applicant may secure a temporary sign permit by meeting the following requirements:

1. Sign will only be displayed for thirty (30) days or less, the sign has not been previously displayed in the City during the past three (3) months, and the lot has not received two or more temporary permits within the past twelve (12) months.
2. Sign may only be located on the property of the applicant.
3. Signs shall not exceed thirty-six (36) square feet and shall be less than eight (8) feet in height.
4. Notwithstanding Subdivision 7(1), with this permitted temporary sign, the lot or premises will not exceed the maximum aggregate sign area allowed.
5. Signs shall be affixed to a support structure in a weather resistant (wind, rain, snow, etc.) manner. Signs which do not remain affixed shall be immediately removed or re-secured.

6. Signs shall comply with all setback and side yard requirements for other structures, except where specifically noted herein, and be located on private property.
7. There shall be no more than one (1) temporary sign per lot at any one time.
8. Sign must be removed by the expiration date of the permit.
9. Sign shall not have any electrical, mechanical or moving parts used in its operation as a sign.
10. Sign may not be directly illuminated.

The City may remove any temporary sign for failure to comply with any of these provisions without notice to the sign owner.

**Subdivision 9: REGULAR SIGN PERMIT APPLICATION.**

Application for a permit shall be on a form created by the Building Official, or in the absence of such a form, shall be in writing, addressed to the Building Official and shall contain the following information:

1. Names, addresses and phone numbers of the applicant, owner of the sign and lot and the contact person from firm erecting signage;
2. The address at which any signs are to be erected;
3. The legal description of the property on which the application applies;
4. The street on which any signs are to front;
5. A complete set of plans showing the necessary elevations, distances, size, location on lot and/or on building, all existing signage on the premises and details to fully and clearly represent the proposed sign

- request;
6. Photographs of existing topography and any existing signage in the vicinity;
  7. A photo quality color rendering of all proposed signage showing its dimensions and describing materials, lettering, colors, illumination and support structure;
  8. The cost of the sign;
  9. Type of sign (i.e. wall sign, etc.);
  10. Certification by applicant indicating the application complies with all requirements of the sign ordinance;
  11. If the proposed sign is along state trunk highway or interstate highway, the application shall be accompanied by proof that the applicant has obtained a permit from the state for the sign;
  12. Underwriter Laboratories label, if an electrical sign; and
  13. If requested, engineering data showing the structure is designed to accommodate dead load and wind pressure, in any direction.

**Subdivision 10: TEMPORARY SIGN PERMIT APPLICATION.**

An application for a permit pursuant to Subdivision 8 shall be on a form created by the Building Official, or in the absence of such a form, shall be in writing, addressed to the Building Official and shall contain the following information:

1. Names, addresses and phone numbers of the owner of the sign;
2. The address at which any signs are to be erected;
3. The street on which any signs are to front;

4. A sketch of the property, including buildings and other structures, the approximate location of the sign and distance from property lines, driveways and public right-of-ways;
5. A description of the signage including its dimensions and describing materials, lettering, colors, and support structure;
6. The cost of the sign;
7. Type of sign (i.e. wall sign, etc.);
8. Certification by applicant indicating the application complies with all requirements of the sign ordinance; and,
9. If requested, an applicant shall provide:
  - A. engineering or technical data showing the structure is designed to accommodate dead load and wind pressure, in any direction;
  - B. permission from the property owner to erect the sign; and
  - C. evidence the sign has received any required permits for county or state highways.

### **Subdivision 11: FEES.**

Sign permit fees are set by council resolution or ordinance each year, or as often as the City Council determines is necessary. The Council may establish fees based on the type of permit, the cost of the sign and the location of the sign. The Council may not establish fees based on the content or message of the sign. Where work for which a permit is required by this Ordinance is started or proceeded



with prior to obtaining a permit, the fee as provided by the City Council shall be doubled. Payment of such double fee shall neither relieve any persons from fully complying with the requirements of this Ordinance in the execution of the work nor from any other penalties prescribed herein. The City may assign a fee per sign for persons wishing to retrieve signs removed by City personnel as identified in the fee schedule. The City may also charge the costs of removal to the individual or enterprise responsible or property owner. In all cases, any additional City Expenditures shall be paid by the applicant, enterprise responsible or property owner(s) as regulated by Section 5, Subdivision 13.

### **Subdivision 12: APPLICATION TIME LINE.**

The building official shall approve or deny the sign permit in an expedited manner no more than sixty (60) days from the receipt of the complete application, including applicable fee. All permits not approved or denied within sixty (60) days shall be deemed approved unless this period is extended pursuant to Minn. Stat. § 15.99. If the permit is denied, the issuing authority shall prepare a written notice of denial within ten (10) days of its decision, describing the applicant's appeal rights, and send it by certified mail, return receipt requested, to the applicant.

### **Subdivision 13: GENERAL REQUIREMENTS.**

1. Extension into Right-of-Way. Except as specifically provided, no sign shall be erected so that it extends or projects over a sidewalk, alley, street or highway. A sign which is erected or maintained flat against any building or structure may extend or project no more than fifteen (15) inches into the sidewalk or roadway. The provisions of this subsection do not prohibit the erection and maintenance of awnings or awning signs.
2. Clearance for Sidewalks. No less than eight (8) feet of clearance for sidewalks shall be provided between the highest point of the sidewalk and the lowest point of a sign extending over said sidewalk.

3. Clearance for Roadways. No less than fourteen (14) feet of clearance for roadways shall be provided between the highest point of the roadway or curb and the lowest point of a sign extending over, or within three (3) feet of said roadway.
4. Height. Unless otherwise provided, the top of a sign, including its superstructure, if any, shall be no higher than the roof of the building to which such sign may be attached or twenty-two (22) feet, whichever height is less. Freestanding Signs, including any superstructure, shall not exceed an overall height of twenty-five (25) feet.
5. Landscaping. All Freestanding Signs shall be located on land in an area which is landscaped or if such land is part of an approved parking area, it shall be surfaced or paved as required in the zoning code.
6. Variable Message Signs. Electronic message signs shall comply with the following:
  - A. the message does not change more than once every eight (8) seconds;
  - B. the sign shall be at least fifty (50) feet from any residential district or use;
  - C. the variable message sign shall not exceed twenty-five (25) percent of the maximum allowable aggregate sign area for the use to which it pertains;
  - D. the following modes of displaying the message shall be permitted, all other modes are prohibited:
    - i) fade in/fade out
    - ii) left to right or right to left

iii) top to bottom or bottom to top,  
and

E. modes which cause the message to flash  
are prohibited;

7. Number of sign facings. A sign may not contain more than two (2) surface facings or areas facing the public right-of-way.
8. Area. Notwithstanding any other provision of this ordinance, no sign shall exceed three hundred (300) square feet in area.
9. Setback. Signs shall comply with all setback and side yard requirements for other structures, except where specifically noted herein, and be located on private property.

#### **Subdivision 14: CONSTRUCTION STANDARDS.**

All signs shall be designed, constructed and maintained in accordance with the following standards:

1. Signs shall be consistent and harmonious with the architectural style of the subject and surrounding properties.
2. The size and style of graphics, its scale, proportion, design, material and texture as well as the size and style of the letter shall relate to the building to which it refers and/or is attached and with the property and with the district that surrounds it.
3. The architecture of the building should allow for specific locations for signs and signage should be limited to those areas.
4. Signs should be an integral part of the design of storefront alterations and new constructions. Signs

should not obscure architectural elements of structures.

5. The design and alignment of signs on multiple use buildings shall be coordinated so as to achieve a unified appearance.
6. All signs shall comply with applicable provisions of any applicable Building Code and Electrical Code. Freestanding signs are considered structures and shall meet requirements of the Building Code, including inspection by the Building Inspector.
7. Unless otherwise noted all signs shall be constructed of permanent materials and shall be permanently attached. Signs constructed with high-quality, natural materials such as stone, glass, wood, brick and similar materials are preferred.
8. All signs shall contain current information. Outdated signs, or signs with outdated information, shall be removed by the property owner.
9. Painting, repainting, cleaning, and normal maintenance and repair of a sign or sign structure is required to protect the sign and prevent its deterioration and maintain its neat appearance. Such maintenance is allowed without permit unless a structural change is made.
10. All signs shall be maintained in good condition and areas within six (6) feet around the sign shall be kept free from debris, high weeds and anything else that would constitute a nuisance.
11. Electrical signs may not be powered by overhead wiring.

**Subdivision 15: UNAUTHORIZED SIGNS.**

The following signs are unauthorized signs and are prohibited by

this Section:

1. Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal.
2. Signs in Public Right-of-Way. Signs erected or temporarily placed within any street right-of-way or upon public lands or easements or other public right-of-ways except as this ordinance specifically provides or as subject to a license or franchise of the City. The City may allow signs or decorations on, over or within the right-of-way for a specified period of time, in its discretion.
3. Signs Obstructing Ingress or Egress. A sign or sign structure erected or maintained that prevents free ingress or egress from any door, window, fire escape, stairway or other opening.
4. Fire Escapes. A sign or sign structure attached to a standpipe or fire escape.
5. Abandoned Signs. Such signs shall be removed within thirty (30) days after written notice from the City.
6. Traffic Obstruction. Any sign that obstructs the vision of drivers or pedestrians or detracts from the visibility of any official traffic control device.
7. Flashing and Moving Signs. Except where specifically permitted, any Sign displaying any moving parts, rotating, illuminated with any flashing or intermittent lights, or any animated sign.
8. Temporary or Portable Signs. Except as permitted by a temporary sign permit, or as exempted by Subdivision 7.
9. Signs on Rocks, Trees or Fences or Public Structures. Signs painted, attached or in any other manner affixed

to trees, rocks, or similar natural surfaces, or on street/traffic signs, utility poles, bridges, towers or similar public structures.

10. Bench signs or signs affixed to amenities such as trash receptacles etc., located in the public right-of-way, unless subject to a license or franchise of the City.
11. Illuminated signs in which light is directed onto adjacent property or public streets. Search lights and beacons, and all methods of attracting attention by directing light radiation away from a sign surface, are also prohibited, except where specifically permitted.
12. Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety, must be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure or land upon which the sign is located.

#### **Subdivision 16: SIGN STANDARDS FOR RESIDENTIAL DISTRICTS.**

In Residential Districts, signs must comply with the following provisions.

1. Maximum sign area. No sign or combinations thereof may exceed twelve (12) square feet of aggregate sign area per lot.
2. Maximum height. No sign may have a height greater than six (6) feet.
3. Except building identification signs, as provided by Subdivision 7(6), no sign may be directly illuminated between the hours of 10:00 pm and 7:00 am.

#### **Subdivision 17: SIGN STANDARDS FOR CENTRAL BUSINESS DISTRICT.**

In Central Business Districts (B-1), signs must comply with the following provisions.

1. Freestanding menu boards for drive-thru businesses are exempt from freestanding sign total aggregate area calculations but are subject to permitting and other zoning requirements.
2. Aggregate Area for Freestanding Signs. Except as provided below, the sign area for all signs located on a parcel or lot shall not exceed the lesser of:
  - A. one (1) square foot for each lineal foot of lot frontage;
  - B. fifteen (15) percent of the front façade of the buildings; or
  - C. ninety (90) square feet.
3. Hanging Signs. Hanging signs are allowed in the B-1 District, provided:
  - A. each sign is no more than twenty (20) square feet, not including minimal supports;
  - B. the lot or parcel may only contain one hanging sign for every fifty (50) feet of street frontage, however, multiple messages may be included on one sign;
  - C. the sign may only be attached to a building's street facing façade, and only if that surface is within fifteen (15) feet of the street or sidewalk right-of-way; and
  - D. the sign must comply with Subdivision 13(4).
4. Aggregate Area for Wall and Canopy Signs. Except as

provided below, the sign area for all wall and canopy signs located on a parcel or lot may not exceed fifteen (15) percent of the front façade or fifty (50) square feet, whichever is less.

5. Property adjacent with frontage on two or more streets. For purposes of applying this Subdivision, each façade fronting a street shall be considered independently. However, the aggregate limit of ninety (90) square feet shall apply to all signs on the lot or parcel.
6. Temporary off-premises signs. Signs allowed by Subdivision 7(4) are not calculated in the aggregate area. All other temporary and permanent signs must be accounted for in this limit.
7. Maximum height of freestanding signs. Twenty-two (22) feet.
8. Additional setback requirements. No sign may be erected within fifty (50) feet of any abutting residential district, if visible from such district in normal leaf-on conditions.

### **Subdivision 18: SIGN STANDARDS FOR HIGHWAY BUSINESS AND INDUSTRIAL DISTRICTS.**

In Highway Business and Industrial Zoning Districts (B-2, I-1 and I-2), signs must comply with the following provisions.

1. Freestanding menu boards for drive-thru businesses are exempt from freestanding sign total aggregate area calculations but are subject to permitting and other zoning requirements.
2. Aggregate Area for Freestanding Signs. Except as provided below, the sign area for all freestanding signs located on a parcel or lot shall not exceed the lesser of one (1) square foot for each lineal foot of lot frontage or ninety (90) square feet.



3. Property adjacent to a highway. For a property zoned a B-2 Zoning District and immediately adjacent to State Highway 23 and State Highway 25, the aggregate limit for freestanding signs shall not exceed the lesser of one (1) square foot for each lineal foot of lot frontage or one hundred twenty 120 square feet.
4. Aggregate Area for Wall and Canopy Signs. Except as provided below, the sign area for all for wall and canopy signs located on a parcel or lot shall not exceed fifteen (15) percent of the front façade.
5. Property adjacent with frontage on two or more streets. For property zoned B-2 Zoning District, and for purposes of applying the aggregate limit for wall and canopy signs, each façade fronting a street shall be allowed wall or canopy signs equal to fifteen (15) percent of that front façade.
6. Temporary off-premises signs. Signs allowed by Subdivision 7(4) are not calculated in the aggregate area. All other temporary and permanent signs must be accounted for in this limit.
7. Maximum height of freestanding signs. Twenty-five (25) feet.
8. Additional setback requirements. No sign may be erected within fifty (50) feet of any abutting residential district, if visible from such district in normal leaf-on conditions.

### **Subdivision 19: SIGN STANDARDS FOR OFF-PREMISES SIGNS.**

1. In addition to signs allowed pursuant to Subdivision 7(4), off premises signs are conditional use in B-1, B-2, I-1 and I-2 Zoning Districts, and must also obtain a sign permit. They are subject to the following limitations:

- a. Must be wholly located within one hundred (100) feet of State Highway 23 or State Highway 25 right-of-way.
  - b. No part of the sign may be constructed:
    - i. upon or over any public right-of-way, or
    - ii. Lower than eight (8) feet high.
  - c. Maximum sign area shall be thirty-two (32) square feet.
  - d. Maximum height is fifty (50) feet.
  - e. Must be located at least one hundred (100) feet from the right-of-way of a street intersection.
  - f. Must be located at least two hundred (200) feet from any R-1 or R-2 Zoning District.
  - g. Must be located at least five hundred (500) feet from another off-premises sign.
  - h. May include no more than two sign faces.
  - i. May not be an accessory use to another permitted, conditional, or interim use, and may not be constructed on a lot or parcel that is otherwise developed.
2. Billboards or off-premises signs larger than thirty-two (32) square feet are prohibited in all zoning districts.

**Subdivision 20: NON-CONFORMING SIGNS: COMPLIANCE.**

It is recognized that signs exist within the zoning districts which were lawful before this sign ordinance was enacted, but will be prohibited under the terms of this section. It is the intent of this sign ordinance that nonconforming signs shall not be enlarged upon or expanded, nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this sign ordinance to permit legal nonconforming signs existing on the effective date of this sign ordinance to continue as legal nonconforming signs provided such signs are safe, are maintained so as not to be unsightly, and have not been abandoned or removed, subject to the following provisions:

1. No sign shall be enlarged or altered in a way which increases its nonconformity.
2. If the use of the nonconforming sign or sign structure is discontinued for a period of one (1) year, the sign or sign structure shall not be reconstructed or used except in conformity with the provisions of this ordinance.
3. Should such nonconforming sign or sign structure be damaged or structure be destroyed by any means to an extent greater than fifty (50) percent of its market value and all required permits for its reconstruction have not been applied for within one hundred eighty (180) days of when the sign or sign structure was damaged, it shall not be reconstructed or used except in conformity with the provisions of this ordinance.
4. Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
5. No existing sign devoted to a use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, expanded or moved except in changing the sign to a sign permitted in the zoning district in which is it located.
6. When a building loses its nonconforming status all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be repainted in a neutral color or a color which will harmonize with the structure.

**Subdivision 21: VIOLATIONS.**

Violation of this section is a violation as a misdemeanor, and enforced under Section 25. Each day that the violation continues is a separate offense.

## **Subdivision 22: NON-COMMERCIAL SPEECH.**

Notwithstanding any other provisions of this sign ordinance, all signs of any size containing Non-Commercial Speech may be posted from August 1 in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election. No permit shall be required for a sign placed pursuant to this subdivision. These signs shall be subject to any applicable restrictions on campaigning in and around polling places.

## **Subdivision 23: SUBSTITUTION CLAUSE.**

The owner of any sign which is otherwise allowed by this sign ordinance may substitute non-commercial speech in lieu of any other commercial speech or non-commercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial speech over any other non-commercial speech. This provision prevails over any more specific provision to the contrary.

## **Subdivision 24: EFFECTIVE DATE.**

This ordinance shall be effective immediately upon its passage and publication.

Section 8, Subdivision 3, paragraph 2 and paragraph 2(B) of the Zoning Ordinance Number 319 was amended by Ordinance Number 337, adopted August 5, 2003 and published August 12, 2003.

Subdivision 3(3)(C) was amended by Ordinance Number 379 Interim Sign Ordinance, passed November 20, 2007 and effective November 27, 2007. (Page 61-A)

Section 8 Signs was amended and replaced in its entirety by Ordinance Number 383, passed April 1, 2008 and published May 6, 2008.

Section 8 Signs, Subdivision 11 – Fees, was amended by adding a new last sentence Ordinance Number 414, passed and adopted November 5, 2013 and published November 12, 2013.

Section 8 Signs, Subdivision 5 – Definitions, #31 Roof, was amended by Ordinance Number 418, passed and adopted November 18, 2014 and published November 25, 2014.

Section 8 Signs, Subdivision 5 – Definitions, #5 Billboard, was added and Subdivision 19 was repealed and replaced in its entirety by Ordinance Number 442, passed and adopted March 5, 2019 and published March 12, 2019.

Section 8 Signs, Subdivision 17 – Sign Standards for Central Business District, #1 Freestanding Menu Boards, was added; Subdivision 18 – Sign Standards For Highway Business and Industrial Districts #1 Freestanding Menu Boards, was added by Ordinance Number 454, passed and adopted March 2, 2021 and published March 9, 2021.