

SECTION 37
SIGNS

Section:

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515-37-1: 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:

- A. 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.
- B. Maintain, enhance and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community.
- C. 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.
- D. Provide for fair and consistent enforcement of the sign regulations set for herein under the zoning authority of the City.

515-37-2: 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 for herein, is to:

- A. 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.
- B. 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.

- C. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means of having a lesser impact on the environment and the public health, safety and welfare.
- D. Provide for the enforcement of the provisions of this sign Ordinance.

515-37-3: 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.

515-37-4: Permit Required. No sign shall be erected, altered, improved, reconstructed, maintained or moved in the City without first securing a permit from the City:

- A. The content of the message or speech displayed on the building and/or sign shall not be reviewed or considered in determining whether to approve or deny a Sign Permit.
- B. Application for an Administrative Permit shall be filed by the property owner or designated agent with the City on forms to be provided by the City.
- C. Application for a permit shall contain the following information unless waived by the City:
 - 1. Names and addresses of the applicant owners of the sign and lot.
 - 2. Address at which any signs are to be erected.
 - 3. Lot, block and addition at which the signs are to be erected and the street on which they are to front.
 - 4. Type and size of sign (e.g., wall sign, pylon sign, monument sign).
 - 5. A site plan to scale showing the location of lot lines, building structures, parking areas, existing and proposed signs and any other physical features.
 - 6. Inventory of existing on site signage (size, height, location).
 - 7. Plans, location and specifications and method of construction and attachment to the buildings or placement method of the ground.

8. Copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and Ordinances of the City.
 9. Written consent of the owner or lessee of any site on which the sign is to be erected.
 10. Any Electrical Permit and/or Building Permit required and issued for the sign.
 11. A detailed description of any electronic or electrical components that are proposed to be added to the sign.
 12. Other information to demonstrate compliance with this and all other Ordinances of the City.
- D. The Sign Permit application shall be accompanied by a fee. Fees for the review and processing of Sign Permit applications shall be imposed in accordance with the fee schedule established by City Ordinance.
- E. The City shall notify the applicant, in writing, of an incomplete application within fifteen (15) days of the date of submission.
- F. The City shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, Ordinances and applicable performance standards set forth in this Ordinance within sixty (60) days of submission of a complete application pursuant to MN State Statutes Section 15.99. If the work that is authorized under a permit has not been completed within sixty (60) days after the date of issuance, the permit shall be null and void.
- G. All signs, including electric wiring, supporting structure, guy wires or chains, shall be properly maintained and kept in safe condition. A sign or sign structure which is deteriorated, unsafe, defaced or otherwise altered shall be repaired, repainted or replaced by the permit holder or property owner on which the sign is located.

515-37-5: Permit Not Required. The following signs shall not require a permit and are allowed in addition to those signs allowed by Section 515-37-10 of this Ordinance. These exemptions however shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with the provisions of this Ordinance or any other law or Ordinance regulating the same.

- A. The changing of the display surface on an existing sign.
- B. One (1) temporary off-premise sign on private property six (6) square feet or less in size, not to exceed three (3) feet in height in Residential Districts. Temporary signs shall be allowed for a period of seven (7) days.

- C. All non-commercial speech signs of any size posted in any number from August 1 in a State general election year until ten (10) days following general election, and thirteen (13) weeks prior to any special election until ten (10) days following the special election, subject to the following:
1. Signs shall comply with the fair campaign practices act contained in Minnesota State Statutes Section 211B.045.
 2. No such sign shall be located within one hundred (100) feet of any polling site.
 3. Signs must be removed by the person responsible within ten (10) days following an election.
 4. Signs shall be located on private property with permission of the property owner.
 5. Signs are not permitted in the public right-of-way or within the sight visibility triangle.
 6. The City shall have the right to remove and destroy all signs not conforming to this subsection.
- D. Signs located within the public right-of-way are regulated by Chapter VIII of the City Code.
- E. Official signs.
- F. Flags or emblems of a National, Federal or State government or memorial signs thereof, displayed on private property
- G. Except for temporary signs in 517-37 9 G, one (1) on-premise temporary sign shall be allowed per street frontage when a property is offered for sale or lease, provided that:
1. Within the R (residential) districts, no sign shall exceed twelve (12) square feet in area and six (6) feet in height for single family, two family, townhouse, and quadraminium units; or thirty-two (32) square feet in area or eight (8) feet in height for multi-family or public and semi-public uses.
 2. Within non-residential districts, thirty-two (32) square feet is allowed if less than ten (10) acres.
 3. Within all other zoning districts and in those cases where a parcel of land exceeds ten (10) acres, regardless of its zoning, no sign shall exceed sixty-four (64) square feet in area or ten (10) feet in height.
 4. Directional and information signs for parking areas, loading areas, and for buildings or locations on a site subject to the following conditions:

- A. Individual signs shall not exceed six (6) square feet in area.
 - B. Signs may not be located in a public right-of-way.
5. Banners, pennants, inflatable signs, sandwich boards, "A" frame signs and the like.

515-37-6: Prohibited Signs. The following signs are prohibited:

- A. 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 signs, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.
- B. All signs over three hundred (300) square feet in area.
- C. All off-premises signs greater than six (6) square feet in area.
- D. Changeable copy signs, except as specifically allowed by Section 515-37-10.
- E. Content classified as "obscene" as defined by Minnesota State Statutes Section 617.241.
- F. Flashing or rotating signs.
- G. Signs painted, attached or in any other manner affixed to trees or similar natural surfaces, or attached to utility poles, bridges, towers, or similar public structures.

515-37-7: Violations. Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any of the provisions of this Ordinance shall, upon conviction thereof, be guilty of a petty misdemeanor. Persons violating this Section may be fined in addition to other penalties for Ordinance violations allowed by this Ordinance. Any sign violation of this Section may be subject to immediate removal by the City, at the expense of the owner, without notice to the property owner or owner of the sign if different than the property owner. Each day that the violation continues is a separate offense.

- A. This Ordinance shall be administered and enforced by City staff. Any City staff person may institute in the name of the City appropriate actions or proceedings against a violator.
- B. Inspection. All signs for which a permit is required shall be subject to inspection by City staff.

- C. The City reserves the right to require the removal at the owner's expense of any sign when the requirements of this Section are not completely followed and adhered to, or if a sign is not properly maintained or falls into a state of disrepair. The City shall not have any obligation or liability to replace any sign when removed by the City.

515-37-8: Substitution. The owner of any sign which is otherwise allowed by this sign Ordinance may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. Conversion back to commercial copy is permitted as allowed in each zoning district. 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 message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

515-37-9: General Regulations.

- A. All freestanding and monument signs shall be set back three (3) feet from any property line and outside of the site visibility triangle. No portion of the sign shall extend into the public right-of-way or an easement.
- B. Wall signs may extend no more than twenty-four (24) inches from the building façade and may encroach into the public right-of-way where there is a zero building setback.
- C. The installation of electrical signs shall be subject to the State Electrical Code. Electrical service to a freestanding sign shall be underground.
- D. No sign shall be attached or be allowed to hang from any building until all necessary wall attachments have been approved by the City Building Official.
- E. No signs, guys, stays or attachments shall be erected, placed or maintained on trees nor interfere with any electric light, power, telephone or telegraph wires or the supports thereof.
- F. Illuminated signs shall be shielded to prevent lights from being directed at oncoming traffic in such brilliance that it impairs the vision of the driver and may not interfere with or obscure traffic signs or signals. Lighting may not illuminate any adjacent properties, buildings, or streets.
- G. Portable signs which are designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed are permitted within B-4, B-5 B-6 and industrial zones subject to the following:
 - 1. A Sign Permit is issued for the sign that shall require a non-refundable fee as set by Ordinance, together with a bond or cash deposit is issued for the sign.

2. In the event the sign is not removed within two (2) business days of the permit expiration date, the bond or cash deposit shall be forfeited as a penalty.
 3. Permits shall be for periods not to exceed sixty (60) consecutive days of each ninety (90) calendar day period for one premises, or a total of one hundred twenty (120) days in a calendar year.
 4. One (1) temporary sign is allowed on the premises at one time.
 5. Temporary signs permitted by Subsection 515-37-5 of this Ordinance shall be exempt from the requirements of this Section.
- H. No sign or sign structure shall be erected or maintained that prevents free ingress or egress from any door, window or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
- I. A freestanding sign or sign structure constructed so that the faces are not back-to-back, shall not have an angle separating the faces exceeding twenty degrees (20°) unless the total area of both sides added together does not exceed the maximum allowable sign area for that district.
- J. The area within the frame of a sign shall be used to calculate the square footage except that the width of a frame exceeding twelve (12) inches shall constitute sign face, and if such letters or graphics be mounted directly on a wall or fascia or in such way as to be without a frame the dimensions for calculating the square footage shall be the area extending six (6) inches beyond the periphery formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof. Each surface utilized to display a message or to attract attention shall be measured as a separate sign and shall be calculated in the overall square footage. Symbols, flags, pictures, wording, figures or other forms of graphics painted on walls, awnings, free-standing structures, suspended by balloons, or kites or on persons, animals, or vehicles are considered a sign and are included in calculating the overall square footage.
- K. The top of a wall sign, including its superstructure, if any, shall be no higher than the top of the roof of the building to which such sign may be attached.
- L. Projecting signs may be allowed in commercial districts provided that:
1. There is a minimum of eight (8) feet of clearance under the base of the sign to the ground below.
 2. The sign does not project more than five (5) feet beyond the wall to which it is mounted, may not project over any vehicular drive aisle or traveled portion of a public or private street and may not project over a public right-of-way except within the B-3 District.

3. The area of the projecting sign is not more than fifty (50) percent of the maximum area allowed for an individual wall sign in the respective zoning district in Sections 515-37-10.B and 515-37-10.C of this Ordinance.
- M. Roof signs shall be allowed in commercial and industrial districts provided that:
1. The height of the sign shall not exceed the height of the roof.
 2. The sign design shall be consistent with the building character and integrated into the building architecture.
- N. Signs are not allowed to encroach into or over MnDOT right-of-way.

515-37-10: District Regulations. In addition to the signs allowed by Section 515-37-5 of this Ordinance, the following signs shall be allowed within the specific Zoning Districts:

- A. Non residential uses within the R-A, R-R, R-1, R-2, R-3, R-4 and R-5 Districts.
1. Except for the uses specified in Section 515-37-5 of this Ordinance, one (1) sign shall be allowed per parcel provided that:
 - a. The total area of the sign shall not exceed thirty-two (32) square feet.
 - b. A freestanding sign shall be limited to a maximum height of six (6) feet.
 2. Signs shall be allowed for a subdivision or multiple family development of five (5) or more lots or dwelling units provided that:
 - a. One (1) sign shall be allowed at each street entrance. Entrances less than one hundred (100) feet apart are not permitted individual entrance signs.
 - b. The area of each sign shall not exceed twenty-four (24) square feet.
 - c. Freestanding signs shall be limited to a maximum height of six (6) feet.
 - d. Illumination of the sign shall be as regulated in Section 515-37-9.F of this Ordinance.
 - e. For sign(s) requiring regular long-term maintenance, the sign(s) shall be located on common space of sufficient size and area to accommodate said structure. The property owner or association shall be responsible for maintenance of the sign.

- f. One (1) wall sign up to sixteen (16) square feet is permitted for each multifamily development.
 - g. The area around the sign shall be landscaped in such a manner to accent and enhance the sign while remaining sensitive to the natural features of the site. Detailed site and landscape plans shall be included with each sign permit application and shall be subject approval by City staff.
 - h. The design and construction of area identification signs shall be done with the highest commercial quality materials and workmanship to keep maintenance and upkeep costs to a minimum and to minimize the potential for vandalism. Area identification signs are to be aesthetically pleasing when designed and constructed. The sign shall be compatible with nearby structures in the area. Detailed construction plans and a materials list shall be included with each Sign Permit application and shall be subject approval by City staff.
3. Additional signs shall be allowed upon approval of a Final Plat for a subdivision having not less than five (5) lots provided that:
- a. One (1) sign shall be allowed per project or subdivision or one (1) sign for each frontage to a public street, whichever is greater.
 - b. The area of the sign shall not exceed thirty-two (32) square feet.
 - c. Freestanding signs shall be limited to a maximum height of eight (8) feet.
 - d. The sign shall not be displayed for a period to exceed twenty-four (24) months from the date a permit is issued for the sign or until building permits have been issued for eighty-five (85) percent of the lots or dwelling units within the subdivision, whichever is less restrictive.
4. Government buildings and structures, public, quasi-public or private recreation buildings, public parks and recreation areas, public and private educational institutions limited to accredited elementary, middle, senior high schools, or colleges and universities, and places of worship shall be allowed the following signs:
- a. Not more than two (2) wall signs shall be permitted on the front wall. The combined total area of such sign or signs shall not exceed the lesser of fifteen (15) percent of the area of the front face (including doors and windows).
 - b. For each principal building on a lot, there shall not be more than one (1) freestanding monument sign except on a corner lot where two signs, one facing each street, shall be permitted. No such signs shall exceed one

hundred (100) square feet in area. Monument signs may not exceed twelve (12) feet in height. The monument sign may include a changeable copy sign as part of the allowable sign area.

- 1) The changeable copy sign may be a wall, freestanding, or monument sign. The changeable copy sign area shall be counted as part of the total sign area allowed within a respective Zoning District.
- 2) No more than one (1) changeable copy sign per parcel.
- 3) A dimmer switch shall be installed which limits illumination brilliance of the sign during night time hours to no more than five hundred (500) lumens. Night time hours shall be considered to be from dusk to dawn.
- 4) Minimum height of the sign shall be eight (8) feet as measured from grade to the bottom of the sign.

c. Temporary signage is subject to the provisions of Sections 515-37-5 and 515-37-9 of this Ordinance.

B. Within the B-1 District the following additional regulations shall apply:

1. All residential use regulations in accordance with Section 515-37-10.A.
2. Each parcel shall be allowed one (1) wall sign up to two (2) square feet in area and one (1) freestanding sign up to twelve (12) square feet in area.
3. The height of a freestanding sign shall not exceed six (6) feet.

C. Within the B-2, B-3, B-4, B-5, B-6, I-1 and I-2 Districts the following additional regulations shall apply:

1. The total area of building signs displayed on a parcel shall not exceed fifteen (15) percent of the building façade on which the sign is to be located fronting not more than two (2) public streets.
2. A one hundred (100) square foot sign up to twenty-five (25) feet tall is permitted for a parcel with street frontage of one hundred (100) feet or less.
 - a. In B-4, B-5 and B-6 zoning districts, one (1) square foot of sign area may be added to the permitted one hundred (100) square foot sign area for each one (1) foot of street frontage over one hundred (100) feet. A sign up to three hundred (300) square feet is permitted.

- b. Parcels in B-4, B-5 and B-6 zoning districts with more than three hundred (300) feet of street frontage may have one (1) additional sign for each additional three hundred (300) feet of street frontage. Signs shall be located at least three hundred (300) feet apart.
 - c. Sign area for parcels permitted more than one (1) sign is equal to the total feet of street frontage. If more than one (1) sign is used, the total sign area allowed shall be distributed between permitted signs.
 - d. Each sign shall be three hundred (300) feet apart and each sign may not exceed three hundred (300) square feet in area.
 - e. Signs shall be located on the street frontage for which its sign area is determined.
3. Wall, Canopy and Marquee Signs. Wall, canopy or marquee signs may occupy up to fifteen (15) percent of a building façade fronting a public street or alley. Up to an additional sixteen (16) square feet may be used for awning signs.
 4. Awning or canopy signs. Letters may be painted or otherwise affixed to any permissible awning or canopy as follows:
 - a. One sign per canopy fascia fronting onto a public street.
 - b. Be within the physical dimensions of the awnings or canopy fascia.
 5. Accessory signs to gas sales in conjunction with automobile service stations or convenience stores are permitted provided that:
 - a. Gasoline and price sign. One (1) sign (single or double faced) per frontage on a public street, suitable for apprising persons of the total sign price per gallon. The area of such price sign shall not exceed sixteen (16) square feet on either side. Each such sign shall be affixed to the standard of a ground sign or light fixture, and shall state the total price. No sign posting an incomplete price or less than the total sales price is permitted.
 - b. Signs denoting operating instructions associated with self service gas facilities including gas pump, air supply and car washes are exempt from the maximum sign area standards of this Subsection.
 6. Changeable copy signage.
 - a. The changeable copy sign may be a wall, freestanding, or monument sign. The changeable copy sign area shall counted as part of the total sign area allowed within a respective Zoning District.

- b. No more than one (1) changeable copy sign per parcel.
 - c. A dimmer switch shall be installed which limits illumination brilliance of the sign during night time hours to no more than five hundred (500) lumens. Night time hours shall be considered to be from dusk to dawn.
 - d. Minimum height of the sign shall be eight (8) feet as measured from grade to the bottom of the sign.
7. In addition to the freestanding sign allowed by this Section 515-37-10.C.2, convenience food uses with drive through facilities may display additional signs, provided that:
- a. Not more than one (1) sign is allowed.
 - b. The sign shall be single sided with an area not to exceed fifty (50) square feet.
 - c. The height of the sign shall not exceed six (6) feet including its base or pole measured from grade to the top of the structure.
 - d. The sign shall not encroach into any principal building setback and shall be located directly adjacent to the drive through aisle and oriented in such a manner so that the sign provides information to the drive through patrons only and does not impair site visibility or obstruct circulation.

D. Multiple Occupancy Commercial and Industrial Buildings including Business/Commercial Centers:

- 1. Except as provided for in this Subsection, individual tenants of a multiple occupancy building within a commercial or industrial zoning district may display separate wall, canopy or marquee signs when a tenant's business has an exclusive exterior entrance subject to the following requirements:
 - a. The number of wall signs shall be limited to one (1) per tenant space, except one (1) sign per exterior wall may be displayed for the tenant of a corner suite or a suite that extends through a building this having two (2) exterior walls facing a public right of way.
 - b. The total area of all wall signs shall not exceed fifteen (15) percent of the tenant bay.
 - c. Signs shall be located on the exterior wall of the tenant space to which the Sign Permit is issued, but are not required to face a public street.
- 2. In addition to wall and free standing signs, canopy and marquee signs are allowed provided that:

- a. Occupy up to an additional sixteen (16) square feet on a building façade fronting a public street or alley.
- b. Letters are painted or otherwise affixed to any permissible awning or canopy as follows:
 - 1) One (1) sign per canopy fascia fronting onto a street.
 - 2) Be within the physical dimensions of the awnings or canopy fascia.
3. Business/Commercial Centers may erect one (1) free standing sign per street frontage, not to exceed two (2) freestanding signs per site (single or double faced).
4. Changeable copy signs are allowed in accordance with Section 515-38-10.C.6 of this Ordinance.

515-37-11: Non-Conforming Signs. A nonconforming sign lawfully existing upon the effective date of this Section shall be regulated in accordance with Section 15 of this Ordinance.