

SECTION 37

⁵⁴ **SIGN REGULATIONS**

Section

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20-37-1: **FINDINGS, PURPOSE AND EFFECT:**

A. **Findings.** The City Council hereby finds as follows:

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 Code has 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 the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of physical characteristics of signs within the City has had a positive impact on traffic safety and the overall appearance of the community.

B. **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 article 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 article 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. Maintain, enhance and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community.
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 for herein under the zoning authority of the City.

C. **Effect.** A sign may be erected, mounted, displayed or maintained in the City if it is in conformance with the provisions of these regulations. The effect of this sign 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 zoning districts, subject to the standards set forth in 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.

20-37-2: **SUBSTITUTION CLAUSE:** 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. 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.

20-37-3: **GENERAL PROVISIONS:**

- A. No signs, other than those of governmental jurisdictions, shall be permitted within public right-of-way or roadway easements.

- B. No sign or sign structure, unless otherwise regulated by this Section, shall be closer to any lot line than ten (10) feet. On corner lots, no sign shall be located within the visibility triangle required by Section 20-16-8 of this Chapter.
- C. No sign shall be placed within any drainage or utility easement.
- D. No signs, guys, stays or attachments shall be erected, placed or maintained on rocks, fences, or trees, nor interfere with any electric light, power, telephone or telegraph wires or the supports thereof, with the exception of signs necessary for security, or to preserve public safety, as determined by the City Council.
- E. No sign shall be attached or be allowed to hang from any building until all necessary wall and roof attachments have been approved by the City Building Official.
- F. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress of any building or structure.
- G. The installation of electrical signs shall be subject to the State's Electrical Code. Electrical service to such sign shall be underground.
- H. Illuminated signs shall comply with Section 20-16-10 of this Chapter and shall be shielded to prevent lights from being directed onto residential property, or at oncoming traffic in such brilliance that it impairs the vision of the driver. Nor shall such signs interfere with or obscure an official traffic sign or signal. This includes indoor signs which are visible from public streets and highways.
- I. Landscaping that accompanies signage must be approved by the Zoning Administrator with regards to installation, design and maintenance.
- J. Signs and sign structures shall be properly maintained and kept in a safe condition. Sign or sign structures which are rotted, unsafe, deteriorated or defaced, as determined by the City Building Official or Zoning Administrator, shall be removed, repainted, repaired, or replaced by the permit holder, owner or agent of the property upon which the sign stands.
- K. The owner, lessee or manager of any ground sign and the owner of the land on which the same is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which a sign is located.

20-37-4: **PERMITTED AND PROHIBITED SIGNS:**

- A. Permitted Signs. The following signs are allowed without issuance of a sign permit as provided for by Section 20-37-6.A of this Chapter:

1. In addition to the signs allowed by Section 20-37-4 of this Section, two (2) signs not exceeding sixteen (16) square feet shall be allowed per lot.
2. Campaign Signs. Notwithstanding any other provisions of the sign ordinance, all signs of any size containing non-commercial speech may be posted from August 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, in accordance with Minnesota State Statutes Section 211B.045.
3. Window signs shall be allowed subject to the sign area allowances of the respective zoning districts provided that the sign not exceed twenty-five (25) percent of the total area of the window in which they are displayed.
4. Any Signs in the public interest, erected by, or on the order of, public officers in the performance of their public duty, such as directional signs, regulatory signs, warning signs, and informational signs and all warning signs posted by public utilities whether or not such signs are in the public rights-of-way.

B. Prohibited Signs. The following signs are prohibited:

1. Off-premises signs.
2. Motion signs except as allowed by Minnesota Statutes Section 173.16, Subd. 3.
3. No private sign shall be erected that resembles any official marker or sign erected of a governmental agency or shall display such words as "stop" or "danger" unless so specified by this Chapter or the City Code.
4. Projecting Signs.
5. Roof Signs.
6. Signs on or attached to equipment such as vehicles, semi-truck trailers or other portable trailers where signing is a principal use of the equipment on either a temporary or permanent basis.

20-37-5: **ZONING DISTRICT REGULATIONS:**

A. Agricultural Zoning Districts as defined by Section 20-50-1 of this Chapter.

1. All signs as outlined in Section 20-37-4.A of this Section.
2. One (1) sign provided that:
 - a. The area of the sign shall not exceed sixty-four (64) square feet.

maximum height of twenty (20) feet, except that for signs within the Freeway Corridor District, the sign area shall not exceed two hundred (200) square feet each side with a maximum height of fifty (50) feet.

4. Wall, Canopy, or Marquee. Wall, canopy, or marquee signs shall be permitted on one facade fronting a public street, except in the case of a corner lot or through lot where wall signs may be installed on two facades fronting a public street. The area of individual signs shall not exceed one hundred (100) square feet, except that for signs within the Freeway Corridor Districts, the area of signs installed on the facade of a principal building fronting to a principal arterial roadway shall not exceed two hundred (200) square feet.
5. Multiple Principal Buildings and Multiple Tenant Buildings. When property is developed with two (2) or more principal buildings on one property or a principal building has more than (2) tenants each with an exclusive exterior entrance, signs shall be allowed subject to review and approval of the Zoning Administrator based upon the following requirements:
 - a. A comprehensive sign plan is submitted that includes all of the following information:
 - (1) A site plan to scale showing the location of lot lines, buildings, structures, parking areas, existing and proposed signs and any other physical features of the area included within the proposed comprehensive sign plan.
 - (2) Elevations to scale of buildings included within the comprehensive sign plan including the location of existing or proposed wall, canopy or marquee signs.
 - (3) To scale plans for all existing and proposed signs of any type included within the comprehensive sign plan indicating area, dimensions, height, materials, colors and means of illumination (if any).
 - (4) No permit shall be issued for a new or replacement sign for an individual use except upon a determination by the Zoning Administrator that it is consistent with the approved comprehensive sign plan for the site.
 - b. One temporary sign as provided for by Section 20-37-4.C.6 of this Section shall be allowed for each tenant provided that only one (1) such sign per property is displayed at any time.
6. In addition to the signs allowed by Section 20-37-4.C.1 through 5 of this sub-section, one (1) sign shall be allowed subject to the following provisions:

- a. The area of the sign shall not exceed thirty-two (32) square feet.
 - b. Freestanding signs shall not exceed a maximum height of eight (8) feet.
 - c. The sign shall be displayed for not more than twenty-one (21) days within one (1) calendar year, except by interim use permit.
- D. Institutional Zoning Districts as defined by Section 20-50-1 of this Chapter.
- 1. All signs as outlined in Section 20-37-4.A of this Section.
 - 2. Not more than one (1) double-sided freestanding sign. Sign area may not exceed one hundred (100) square feet each side with a maximum height of twenty (20) feet.
 - 3. Wall, canopy, or marquee signs shall be permitted on any facade fronting a public street. There shall be no limit as to the area of individual signs.
 - 4. In addition to the signs allowed by Section 20-37-4.D.1 through 4 of this sub-section, one (1) sign shall be allowed subject to the following provisions:
 - a. The area of the sign shall not exceed thirty-two (32) square feet.
 - b. Freestanding signs shall not exceed a maximum height of eight (8) feet.
 - c. The sign shall be displayed for not more than twenty-one (21) days within one (1) calendar year, except by interim use permit.

20-37-6: **SPECIAL USE REGULATIONS:**

- A. Area Identification Signs. Signs at the entrance to an area or subdivision from collector or arterial street defined by the Otsego Comprehensive Plan shall be allowed provided that:
- 1. Not more than one (1) sign shall be allowed at each entrance from a collector or arterial street.
 - 2. Area:
 - a. For agricultural and residential districts, the area of each sign shall not exceed thirty-two (32) square feet.

- b. For business, industrial or institutional districts, the area of each sign shall not exceed two hundred (200) square feet.
3. Height.
 - a. For agricultural and residential districts, the maximum height of each sign shall be eight (8) feet.
 - b. For business, industrial and institutional districts, the maximum height of each sign shall be twelve (12) feet.
4. Signs shall be located on outlots of sufficient size and area to accommodate said structure. An association or other form of deed restriction and ownership deemed acceptable by the City Council and involving all the properties within the designated area shall be required, which shall own and be responsible for the upkeep, perpetual maintenance, taxes, insurance, utilities and other costs associated with the sign(s) and the outlot upon which it is located. The association rules or by-laws, or similar legal document, shall specify how the aforementioned sign responsibilities will be delegated and paid for. Such legal document shall be subject to the review and approval of the City Attorney.
5. Outlots for signs shall be considered and planned for at the time of preliminary plat application and be included in the final plat. The subdivision development contract between the City and the developer shall specify the designated use of the outlot, its ownership and the respective responsibilities regarding the outlot.
6. The outlot 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 to City Council review and comment.
7. The design and construction of area identification signs shall be done with the highest 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 to City Council review and approval.
8. 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 the 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.

- B. Motor Fuel Station. Signs for motor fuel stations shall be regulated by the sign provisions for the zoning district in which the station is located, except that a sign not to exceed thirty-two (32) square feet shall be allowed to display current fuel prices in accordance with Minnesota State Statutes Section 239.751.
- C. Planned Unit Development District. Within a planned unit development district as defined by Section 20-50-1 of this Chapter, sign allowances shall be based upon the individual uses and structures within the development in compliance with the standards applied for the conventional zoning district where such uses are allowed.

20-37-7: **PERMITS REQUIRED, INSPECTION AND REMOVAL:**

- A. Except as provided in Section 20-37-4.A, no sign or structure shall be erected, constructed, altered, rebuilt or relocated until a permit has first been issued by the Zoning Administrator.
 - 1. Sign Application. The following information for a sign permit shall be supplied by an applicant upon submission of a sign permit application:
 - a. Name, address and telephone number of person making application.
 - b. Name, address and telephone number of person owning sign.
 - c. The name, address telephone number and signature of the person owning the property upon which the sign is to be located.
 - d. A site plan to scale showing the location of lot lines, building structures, parking areas, existing and proposed signs and any other physical features.
 - e. Plans, location and specifications and method of construction and attachment to the buildings or placement method in the ground.
 - f. Landscape plans for area around signs.
 - g. Written consent of the owner or lessee of any site on which the sign is to be erected.
 - h. Any electrical permit required and issued for the sign.
 - i. Future maintenance plans.

- j. Sign value.
 - k. The applicant shall certify that the application is in full compliance with this Chapter and all other applicable provisions of the City Code.
2. Application Processing and Action.
- a. Within fifteen (15) working days of receiving an application for a sign permit, the Zoning Administrator shall review it for completeness. If the application is complete, it shall then be processed. If the Zoning Administrator finds that it is incomplete, the Zoning Administrator shall, within such fifteen (15) working day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this Chapter and/or the City Code.
 - b. Upon receipt of a complete application, the Zoning Administrator shall review and comment upon application and shall either:
 - 1. Issue the sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of this Chapter and the City Code.
 - 2. Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this Chapter and the City Code.
 - c. In case of a rejection, the Building Official shall specify in the rejection the Section or Sections of this Chapter and/or the City Code with which the sign(s) is inconsistent.
 - d. If the work authorized under a permit has not been initiated within sixty (60) days after the date of issuance, the permit shall be null and void.
3. Fees. Fees for the review and processing of sign permit applications shall be imposed in accordance with the schedule established by Section 2-4-1 of the City Code.
- B. Inspection. All signs shall be subject to inspection by the Zoning Administrator and/or Building Official.
- C. Removal of Signs.
- 1. The Zoning Administrator and/or Building Official shall order the removal of any illegal non-conforming sign erected or maintained in violation of this Chapter. Notice in writing shall be given by the City to the owner of such

sign, or of the building, structure or property on which such sign is located, to remove the sign or to bring it into compliance with the provisions of this Section within fifteen (15) days from the date of said notice.

2. Upon failure to remove the sign or to comply with this notice, the City may remove the sign. Any costs of removal incurred by the City shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes and all costs shall be assessed against the property.
3. The Zoning Administrator and/or Building Official may order the immediate removal of any sign without notice, which is in violation of the following:
 - a. Signs located within the public right-of-way.
 - b. Temporary signs that have exceeded the time limits allowed in this Section.
 - c. The condition of the sign is such as to present an immediate threat to the safety of the public.

20-37-8: **NON-CONFORMING SIGNS AND USES:**

- A. Non-Conforming Signs. Any non-conforming on-premise sign lawfully existing upon the effective date of this Section may be continued at the size and in the manner existing upon such date, subject to the following provisions:
 1. Maintenance and Repair. Nothing in this Section shall be construed as relieving the owner or user of a legal non-conforming sign or owner of the property on which the legal non-conforming sign is located from the provisions of this Section regarding safety, maintenance, and repair of signs, provided that any repainting, cleaning, and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more non-conforming or the sign shall lose its legal non-conforming status. Illegal, non-conforming signs shall be removed by the property owner within ten (10) days of notice from the City.
 2. Prohibited Alterations. A non-conforming sign may not be:
 - a. Structurally altered except to bring it into compliance with the provisions of this Section.
 - b. Enlarged.
 - c. Re-established after its removal or discontinuance.

- d. Repaired or otherwise restored, unless the damage is to less than fifty (50) percent of sign structure value as determined by the Zoning Administrator.
 - e. Replaced (Applies to structure only and not message).
- B. Non-Conforming Uses. When the principal use of land is legally non-conforming under this Chapter, all existing or proposed signs in conjunction with that land, unless otherwise provided for by this Chapter or the City Code, shall be considered conforming if they are in compliance with the sign provisions for the zoning district in which the principal use is allowed.