

**CITY OF DELANO
COUNTY OF WRIGHT
STATE OF MINNESOTA**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE CITY'S ZONING ORDINANCE
TO ACCOMMODATE "DYNAMIC" SIGNS**

Section 1. Section 51.01, Subd. B.2 of the Delano Zoning Ordinance (Definitions) is hereby amended to add the following sign-related definitions:

Animation. The rapid display of images used to create an illusion of movement, a special effect, or scene.

Flashing. A sudden and momentary emission of artificial light or color effect. Prohibited flashing signs shall include signs which are displayed as continuous solid messages for less time than required by this Ordinance.

Frame Effects. Visual transitions from one display or scene to another rather than a direct frame switch. Frame effects include fading or dissolving the frame, wiping one frame over another and flipping the frame.

Sign, Dynamic. A sign or portion thereof that displays movement or that appears to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display or structural element and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method of technology that allows the sign face to present a series of images or displays.

Video Display: A visual representation that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames that gives the illusion of motion, including, but not limited to, the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video displays include projected images or messages with these characteristics onto buildings or other objects.

Section 2. Section 51.03. Subd. N.5.a.1 (R-A through R-3 Residential Districts Sign Regulations) is hereby amended to add the following:

- b) Freestanding. Allowed only as an accessory to public or semi-public recreational buildings and neighborhood community centers, public and private educational institutions and religious institutions. Such signs shall not be illuminated between the hours of 11:00 pm and 6:00 am. Sign area may not exceed fifty (50) square feet with a maximum height of twenty (20) feet. Such signs shall be subject to the additional requirements of Subd. N.7.e of this Section.

Section 3. Section 51.03. Subd. N.5.a.2 (R-4 and R-5 Residential District Sign Regulations) is hereby amended to add the following:

- b) Freestanding. Allowed only as an accessory to public or semi-public recreational buildings and neighborhood community centers, public and private educational institutions and religious institutions. Such signs shall not be illuminated between the hours of 11:00 pm and 6:00 am. Sign area may not exceed fifty (50) square feet with a maximum height of twenty (20) feet. Such signs shall be subject to the additional requirements of Subd. N.7.e of this Section.

Section 4. Section 51.03. Subd. N.5.a.3.b (R-B, Residential Business District Sign Regulations) is hereby amended to read as follows:

- b) Business Sign. Except for home occupations, only one (1) sign as an accessory to a permitted or conditional use. Sign area may not exceed thirty-two (32) square feet with a maximum height of six (6) feet for freestanding signs. Freestanding dynamic business signs shall be subject to the additional requirements of Subd. N.7.e of this Section.

Section 5. Section 51.03. Subd. N.5.a.4.b (B-1 District Sign Regulations) is hereby amended to read as follows:

- b) Single or Double Occupancy Business Signs. The total sign area for the subject property may not exceed fifteen (15) percent of the total front building façade except both front and side facades may be counted on a corner lot. Signs chosen to comprise the total sign area shall be consistent with the following provisions:

- (1) Each lot will be allowed one (1) pylon, freestanding or monument sign and two (2) wall signs total.
- (2) Freestanding. Sign area may not exceed fifty (50) square feet with a maximum height of twenty (20) feet. Freestanding dynamic signs shall be allowed in the B-1 District subject to the additional requirements of Subd. N.7.e of this Section.
- (3) Wall, Canopy, or Marquee. Individual sign area may not exceed fifteen (15) percent of the total front building façade.

Section 6. Section 2. Section 51.03. Subd. N.5.a.5.b (B-2 through B-W, I-1 and I-2 District Sign Regulations) is hereby amended to read as follows:

- b) Single or Double Occupancy Business Sign. The total sign area may not exceed fifteen (15) percent of the total front building façade. In calculating building façade, both front and side facades may be counted on a corner lot. Signs chosen to comprise the total sign area shall be consistent with the following provisions:
 - (1) Each lot will be allowed one (1) freestanding sign and two (2) wall signs total. An additional wall sign may be approved by the City Council in the B-4 District if a freestanding sign is not used.
 - (2) Freestanding. Sign structure may not exceed a maximum height of thirty (30) feet and maximum area of one hundred (100) square feet. Freestanding dynamic signs shall be allowed in B-2 and B-3 Districts and are subject to the additional requirements of Subd. N.7.e of this Section. Dynamic signs are expressly prohibited in the City's B-4, B-W, I-1 and I-2 Districts
 - (3) Wall or Marquee. Individual sign area may not exceed fifteen (15) percent of the total front building façade.

Section 7. Section 2. Section 51.03. Subd. N.7 (Special Sign Regulations) is hereby amended to add the following:

e. Dynamic Signs. Based on studies related to the use of dynamic signs and driver distraction, the City finds that dynamic signs, as defined by this Ordinance, have a unique potential to create driver distraction, a major cause of traffic crashes. As a result, the City has adopted special regulations that relate to such signs. These regulations shall apply to all proposed dynamic signage in the City, whether new or existing, conforming or non-conforming at the time of adoption of this Ordinance.

1. Dynamic signs shall only be allowed as freestanding signs. Dynamic wall signs are expressly prohibited.
2. Freestanding dynamic signs shall be subject to the same area, height and setback requirements as other permitted freestanding business signs in the district except that no dynamic display sign shall be located within fifty (50) feet of a residential zoning district.
3. No more than one (1) dynamic sign shall be allowed per property.
4. Dynamic signs shall have messages that change instantaneously and do not fade, dissolve, blink or appear to simulate motion in any way. The use of frame effects, video display and flashing components (signs), as defined by this Ordinance, is prohibited. Prohibited flashing signs shall include signs which are displayed as continuous solid messages for less time than required by the Section.
5. No dynamic sign display within a Residential or B-1 District shall change more than one (1) time per one (3) second period. No dynamic sign display within a B-2 or B-3 District shall change more than one (1) time per one (1) second period.
6. All dynamic signs shall be equipped with automatic dimming devices. Light cast upon adjacent rights-of-way (as measured from the curb line) or residential zoning districts (as measured from the property line) shall not exceed three-tenths (0.3) footcandles (meter reading).
7. Dynamic displays shall be designed to freeze the display in the event of malfunction, and the owner shall discontinue the display immediately upon malfunction, or upon notice from the City that the display violates the City's regulations.
8. Where access to the Minnesota Amber Alert technology is available, all applicants for freestanding sign licenses employing electronic dynamic sign technology shall display

such messages as they are made available by the Minnesota Department of Public Safety or other responsible agency. License applicants shall be required to submit information from the State of Minnesota documenting the availability, or non-availability, of such access as part of their license application.

Section 8. Effective Date. This ordinance shall be in full force and effect immediately following its passage and publication.

ADOPTED by the Mayor and City Council of Delano, Minnesota this _____ day of _____ 2010.

Joe McDonald, Mayor

ATTEST:

Marlene E. Kittock, Clerk/Treasurer