

1001.08 SIGN REGULATIONS ²⁸

Subd 1. Findings, Purpose and Effect.

A. Findings: The City finds:

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 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.

B. Purpose and Intent: It is not the purpose or intent of this Section to regulate the message displayed on any sign; nor is it the purpose or intent of this Section 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 Section 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 this Section. The effect of this Section, 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 Section.
 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 administration and enforcement of the provisions of this Section.

Subd. 2. Severability. If any section, subsection, sentence, clause, or phrase of this Section is for any reason held to be invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this Section. The City Council hereby declares that it would have adopted the Section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Subd. 3. Permit Required. No sign shall be erected, altered, 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 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 Zoning Administrator 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. The address at which any signs are to be erected.
 3. The 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).
 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. Plans, location and specifications and method of construction and attachment to the buildings or placement method of the ground.
 7. 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.
 8. Written consent of the owner or lessee of any site on which the sign is to be erected.
 9. Any electrical permit required and issued for the sign.
 10. Other information to demonstrate compliance with this and all other ordinances of the City.
- C. The application shall be accompanied by a fee as established by City Council resolution. Applications for amending administrative permits shall be accompanied by a fee as established by Ordinance.
- D. The Zoning Administrator shall notify the applicant, in writing, of an incomplete application within fifteen (15) days of the date of submission.
- E. The Zoning Administrator shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this Chapter within sixty (60) days of submission of a complete application.

Subd. 4. Permit Not Required. The following signs shall not require a permit and are allowed in addition to those signs allowed by Sections 1001.08, Subd. 8 and Subd. 10 of this Chapter. 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 Section or any other law or ordinance regulating the same.

- A. 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 then directly on a building.
- B. Two (2) signs per property not to exceed four (4) square feet.
- C. One (1) sign not per property not to exceed nine (9) square feet.
- ³³D. All noncommercial signs of any size posted in any number from forty six (46) days before the state primary in a state 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.
- E. Signs of a public noncommercial nature including public notification signs, safety signs, traffic signs, direction to public facilities when erected by or on behalf of a public official or employee in the performance of official duty.

Subd. 5. Non-Conforming Signs and Uses:

- A. Nonconforming Signs: A nonconforming sign lawfully existing upon the effective date of this Section shall be regulated in accordance with Section 1001.04 of this Chapter.
- B. Nonconforming Uses: When the principal use of land is legally nonconforming under Section 1001.04 of this Chapter, all existing or proposed signs in conjunction with that land use shall be considered conforming if they are in compliance with the sign provisions for the most restrictive zoning district in which the principal use is allowed.

Subd. 6. Enforcement and Penalties:

- A. Inspection. All signs for which a permit is required shall be subject to inspection by the Zoning Administrator. The Zoning Administrator may order the removal of any sign that is not maintained in accordance with the maintenance provisions of this Section.
- B. This Section shall be administered and enforced by the Zoning Administrator. The Zoning Administrator may institute in the name of the City appropriate actions or proceedings against a violator.

- 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.
- D. Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any of the provisions of this Section shall, upon conviction thereof, be fined or penalized not more than the maximum levels established by the state for misdemeanor offenses.

Subd. 7. Substitution. The owner of any sign which is otherwise allowed by this Section 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.

Subd. 8. General Regulations.

- A. All signs are defined to be an accessory use.
- B. All freestanding signs shall be setback ten (10) feet from any property line and no sign may be located within a drainage and utility easement.
- C. The design and construction standards as set forth in chapter 4 of the 1997 edition of the uniform sign code as may be amended, are hereby adopted.
- D. The installation of electrical signs shall be subject to the state's electrical code. Electrical service to such sign shall be underground.
- 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 Zoning Administrator.
- F. 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.
- G. 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.

- H. The use of banners, pennants and similar devices shall be allowed subject to the following provisions:
1. The sign shall not exceed thirty-two (32) square feet.
 2. The sign shall not be illuminated with any flashing device.
 3. Not more than one banner, pennant or portable sign or similar device shall be displayed upon a property at any one time and shall be affixed to the principal building.
- I. The use of a temporary sign shall be allowed subject to the following provisions:
1. Commercial Speech:
 - a. The sign shall not exceed forty-eight (48) square feet.
 - b. The sign shall not be illuminated or include any flashing device.
 - c. Not more than one (1) temporary sign shall be displayed upon a property at any one time.
 - d. The sign shall not be defined as an off-premises sign as regulated by this section.
 - e. Display of a temporary portable sign shall be limited to not more than thirty (30) consecutive days and not more than one hundred and twenty (120) days per calendar year.
 2. Non-Commercial Speech:
 - a. The sign shall not exceed thirty-two (32) square feet.
 - b. The sign shall not be illuminated or include any flashing device.
 - c. Not more than one (1) temporary portable sign shall be displayed upon a property at any one time.
 - d. Display of a temporary portable sign shall be limited to not more than thirty (30) consecutive days and not more than ninety (90) days per calendar year. (Ordinance 12-02, June 12, 2012)
- J. The use of a temporary off-premises signs shall be allowed subject to the following provisions:

1. The sign must be located on a commercial or industrial zoned lot in a yard abutting an arterial or major collector street as designated by the Comprehensive Plan.
 2. The sign shall not exceed four (4) square feet.
 3. The sign shall not exceed a height of three (3) feet above grade.
 4. The sign shall not be illuminated or include any flashing device.
 5. Not more than one (1) temporary off-premises sign shall be displayed upon a property at any one time and the sign may only be displayed between the hours of 7:00 AM to 7:00 PM each day.
 6. A permit issued by the Zoning Administrator for the placement of a temporary off-premises sign shall be valid for thirty (30) days and may be renewed for successive thirty (30) day periods.
- K. 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.
- L. 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 (20) degrees unless the total area of both sides added together does not exceed the maximum allowable sign area for that district.
- M. Except for farm buildings, at least one address sign identifying the correct property number as assigned shall be required on each principal building in all districts. The number shall be at least three (3) inches in height.
- N. 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 or attached to windows, 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.

- O. 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.
- P. The area around freestanding signs shall be landscaped with plantings and maintained in such a manner to accent and enhance the sign while remaining sensitive to the natural features of the site.
- Q. Signs for motor fuel stations shall be regulated by the sign provisions for the zoning district in which the station is located, except that one (1) additional sign not to exceed thirty-two (32) square feet shall be allowed to display electronic or non-electronic text identifying current fuel prices in accordance with Minnesota State Statutes Section 239.751.
- R. Window signs shall not exceed twenty five (25) percent of the total area of the window in which they are displayed.
- S. Within the POC District and on commercial and industrial zoned properties with frontage to TH 55, changeable copy signs or electronic reader board space may be used separately or in combination on a sign shall not exceed fifty (50) percent of the allowable sign area, whichever is less. The message displayed on electronic reader board signs shall be depicted in one statement and not as scrolling, flashing or other flow of information not to change more than once every two (2) minutes.
- T. Multiple Occupancy Commercial And Industrial Buildings: When a single principal building is devoted to three (3) or more commercial or industrial uses, signs shall be allowed subject to review and approval of the Zoning Administrator based upon the following requirements:
 - 1. The maximum individual sign sizes for multiple occupancy buildings and individual businesses that may display a sign shall not exceed the maximum provisions in the same zoning district in Section 1001.08, Subd. 10 of this Chapter.
 - 2. Commercial retail, office, or mixed use multiple occupancy buildings may display a freestanding sign consistent with the applicable zoning district provisions in Section 1001.08, Subd. 10 of this Chapter.
 - 3. Individual tenants of a multiple occupancy building within a commercial or industrial zoning district shall not display separate wall, canopy, or marquee signs unless the tenant's business has an exclusive exterior entrance and subject to the following requirements:
 - a. The number of individual wall, canopy, or marquee signs shall be limited to one (1) per tenant space, except that not more than two

(2) signs may be displayed for the tenant of a corner suite or a suite that extends through the building thus having two exterior walls.

- b. Each wall, canopy or marquee sign shall be limited to an area not to exceed sixty four (64) square feet.
- c. The sign shall be located only on the exterior wall of the tenant space to which the sign permit is issued, but are not required to face a public street.
- d. 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).
- f. No permit shall be issued for a new or replacement sign for an individual tenant except upon a determination by the Zoning Administrator that it is consistent with the approved comprehensive sign plan.

³³U. No sign shall be erected within the public right-of-way except for those signs for such uses and of such area, height and construction at locations as may be approved by the City Council as owner of said public right-of-way.

Subd. 9. 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.

- ³³B. All signs over one hundred twenty (120) square feet in area, except within the POC District or as allowed by Section 1001.08, Subd. 8.U of this Chapter.
- C. Off-premises signs, except those allowed by Section 1001.08, Subd. 8.J, I and U of this Chapter. (Ordinance 02-12, adopted June 12, 2012)
- D. Signs painted, attached or in any other manner affixed to trees, rocks, or similar natural surfaces, or attached to public utility poles, bridges, towers, or similar public structures.
- E. Flashing signs.
- F. Electronic changeable text, except as specifically allowed by this Chapter.
- G. Rotating signs.
- H. Shimmering signs.
- I. Roof signs.
- J. Balloon signs.

Subd. 10. District Regulations. In addition to the signs allowed by Sections 1001.04, Subd. 4 and 1001.08. Subd 6 of this Chapter, the following signs shall be allowed within the specific Zoning Districts:

- A. Within the A-R District, the following additional regulations apply:
 - 1. One (1) sign shall be allowed provided that:
 - a. The area of the sign shall not exceed thirty two (32) square feet.
 - b. Freestanding signs shall be limited to a maximum height of eight (8) feet.
- B. Within the R-1, R-2, R-3 and R-4 Districts, the following additional regulations apply:
 - 1. One (1) sign shall be allowed provided that:
 - a. The area of the sign shall not exceed sixteen (16) square feet.
 - b. Freestanding signs shall be limited to a maximum height of eight (8) feet.

2. In addition to the sign allowed by Section 1001.08, Subd. 10.B.1 of this Chapter, signs shall be allowed for a subdivision having not less than five (5) lots or dwelling units at its entrance from a major collector or arterial street defined by the Transportation Plan provided that:
 - a. Not more than one (1) sign shall be allowed at each entrance from a major collector or arterial street.
 - b. The area of each sign shall not exceed thirty two (32) square feet.
 - c. Freestanding signs shall be limited to a maximum height of eight (8) feet.
 - d. For sign(s) requiring regular long-term maintenance, the sign(s) shall be located on separate or common space outlots of sufficient size and area to accommodate said structure:
 - 1) An association or other form of deed restriction and ownership deemed acceptable by the Zoning Administrator and involving all the properties within the subdivision 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.
 - 2) The association rules or by-laws, or similar legal document, shall specify how the aforementioned sign responsibilities will be delegated and paid for.
 - 3) Separate or common space 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(s), its ownership and the respective responsibilities regarding the outlot.
 - f. 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 the Zoning Administrator.
 - g. The design and construction of the sign 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. The sign is 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 the Zoning Administrator.

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 major collector or arterial 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.

C. Within the C-O and C-1 Districts, the following additional regulations shall apply:

1. The total area of all signs displayed on a lot shall not exceed ten (10) percent of the total building façade fronting not more than two (2) public streets.
2. Freestanding Sign. Except for lots with frontage to TH 55, no freestanding signs shall be allowed within the C-O District. One (1) sign is allowed per lot with frontage to TH 55 within the C-O District and all lots within the C-1 District. The area of a freestanding sign may not exceed sixty-four (64) square feet each side with a maximum height of twenty (20) feet.
3. Wall, Canopy, or Marquee Signs. Not more than one (1) wall, canopy, or marquee signs shall be permitted on one (1) facade fronting a public street, except in the case of a corner lot or through lot where wall signs may be installed on two (2) facades fronting a public street. The area of individual signs shall not exceed sixty four (64) square feet.
4. In addition to the sign area allowances established by Section 1001.08, Subd. 10.C.1 of this Chapter, a sign shall be allowed for a subdivision having not less than three (3) lots or principal buildings at its entrance

from a major collector or arterial street defined by the Transportation Plan provided that:

- a. Not more than one (1) sign shall be allowed at each entrance from a major collector or arterial street.
 - b. The area of each sign shall not exceed thirty two (32) square feet.
 - c. Freestanding signs shall be limited to a maximum height of sixteen (16) feet.
 - d. The sign(s) shall be located to accommodate said sign and related landscaping to meet all setback requirements. If the sign(s) are to be located on outlots, the outlots shall be designated on the preliminary plat and detailed plans for the area identification signs shall be submitted with the final plat.
 - e. The area around the sign(s) 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 review and approval of the Zoning Administrator.
 - f. The design and construction of the sign(s) 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. The 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 the review and approval of the Zoning Administrator.
5. Additional signs shall be allowed upon approval of a final plat for a subdivision having not less than three (3) lots or approval of site and building plans for one (1) lot by the Zoning Administrator provided that:
- a. One (1) sign shall be allowed per project or subdivision or one (1) sign for each frontage to a major collector or arterial 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 months (24) months from the date a permit is issued for the sign or until occupancy permits have been issued for eighty-five (85) percent of the tenant spaces within the development, whichever is less restrictive.

D. Within the C-2, C-3 and I-1 Districts the following additional regulations shall apply:

1. The total area of all signs displayed on a lot shall not exceed fifteen (15) percent of the total building façade fronting not more than two (2) public streets.
2. Freestanding Sign. One (1) sign is allowed per lot. The area of a freestanding sign may not exceed one hundred twenty (120) square feet each side with a maximum height of twenty four (24) feet.
3. Wall, Canopy, or Marquee Signs. Not more than one (1) wall, canopy, or marquee signs shall be permitted on one (1) facade fronting a public street, except in the case of a corner lot or through lot where wall signs may be installed on two (2) facades fronting a public street. The area of individual signs shall not exceed one hundred (100) square feet.
4. In addition to the sign area allowances established by Section 1001.08, Subd. 10.D.1 of this Chapter, a sign shall be allowed for a subdivision having not less than three (3) lots or principal buildings at its entrance from a major collector or arterial street defined by the Transportation Plan provided that:
 - a. Not more than one (1) sign shall be allowed at each entrance from a major collector or arterial street.
 - b. The area of each sign shall not exceed sixty four (64) square feet.
 - c. Freestanding signs shall be limited to a maximum height of twenty four (24) feet.
 - d. The sign(s) shall be located to accommodate said sign and related landscaping to meet all setback requirements. If the sign(s) are to be located on outlots, the outlots shall be designated on the preliminary plat and detailed plans for the area identification signs shall be submitted with the final plat.
 - e. 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 to review and approval of the Zoning Administrator.

- f. The design and construction of the sign 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. The 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 the review and approval of the Zoning Administrator.
5. Additional signs shall be allowed upon approval of a final plat for a subdivision having not less than three (3) lots or approval of site and building plans for one (1) lot by the Zoning Administrator provided that:
 - a. One (1) sign shall be allowed per project or subdivision or one (1) sign for each frontage to a major collector or arterial street, whichever is greater.
 - b. The area of the sign shall not exceed sixty four (64) 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 months (24) months from the date a permit is issued for the sign or until occupancy permits have been issued for eighty-five (85) percent of the tenant spaces within the development, whichever is less restrictive.
- G. Within the POC District the following additional regulations shall apply:
1. Freestanding Sign. One (1) sign is allowed per lot. The area of a freestanding sign may not exceed one hundred (100) square feet each side with a maximum height of twenty four (24) feet.
 2. Wall, Canopy, or Marquee Signs. Not more than one (1) wall, canopy, or marquee signs shall be permitted on one (1) facade fronting a public street, except in the case of a corner lot or through lot where wall signs may be installed on two (2) facades fronting a public street. The area of individual signs shall not be limited.
- H. In a Planned Unit Development district, signing restrictions shall be based upon the individual uses and structures contained in the complex. Signs shall be in

compliance with the restrictions applied in the most restrictive zoning district in which the use is allowed.