

## <sup>11</sup> SECTION 27 - SIGNS

### Subsection 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.

Subsection 2. Definitions.

Abandoned Sign. Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of six (6) months or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be 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. Signs for which permit fees have not been paid shall be classified as abandoned.

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.

Awning Sign. A building sign or graphic printed on or in some fashion attached directly to the awning material.

Balloon Sign. A sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than twenty-four (24) inches in diameter.

Banner. A sign constructed of a strip of durable fabric or material on which a message is printed.

Billboard. See off-premises sign.

Building Sign. Any sign attached or supported by any building.

Canopy. A roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over an entrance or window.

Canopy Sign. Any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over an entrance or window. A canopy sign is not a marquee and is different from a canopy and related signage over a fuel station service area.

Changeable Copy Sign. A sign or portion thereof that has a reader board for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects not consisting of an illumination device and may be changed or rearranged manually or mechanically

with characters, illustrations, letters or numbers that can be changed or rearranged without altering the face or surface of the sign structure.

Commercial Speech. Speech advertising a business, profession, commodity, service or entertainment.

Directional Sign. A sign designed to guide or direct pedestrian or vehicular traffic to an area, place or convenience and may include incidental graphics such as trade names and trademarks.

Dynamic Display Sign. A sign or portion thereof that displays electronic information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area. Such signs include computer programmable, microprocessor controlled electronic displays. Such signs include projected images or messages with these characteristics onto buildings or objects.

Electronic Changeable Copy Sign. See Dynamic Display Sign.

Elevation. The view of the side, front, or rear of a given structure(s).

Elevation Area. The area of all walls that face any lot line.

Erect. Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.

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.

Flashing Sign. A directly or indirectly illuminated sign or portion thereof that exhibits changing light or color effect by any means, so as to provide intermittent illumination that changes light intensity in sudden transitory bursts and creates the illusion of intermittent flashing light by streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling or sparkling.

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.

Grade. Grade shall be construed to be the final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for sign height computation.

Ground Sign. Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding eight (8) feet.

Height of Sign. The height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

Illuminated Sign. Any sign which contains an element designed to emanate artificial light internally or externally.

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.

Marquee Sign. Any building sign painted, mounted, constructed or attached in any manner, on a marquee.

Multi-Vision Sign. Any sign composed in whole or part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows on a single sign structure the display at any given time one of two (2) or more images.

Multiple Tenant Site. Any site which has more than one (1) tenant, and each tenant has a separate ground level exterior public entrance.

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.

Off-Premises Sign. A commercial speech 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-premises sign.

Official Sign. 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.

On-Premise Sign. A commercial speech sign which directs the attention of the public to a business activity conducted, or product sold or offered at a location on the same lot where such sign is located.

Owner. In the case of a lot, the legal owner of the lot as officially recorded by Rice 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.

Pennants. A sign constructed of a durable fabric which may or may not contain a printed message.

Pole Sign. See Pylon Sign.

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. A temporary sign.

Projecting Sign. Any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two (2) feet beyond the surface of such building or wall face.

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.

Public Street Right-of-Way. The entire right-of-way of any public street.

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.

Residential District. Any district zoned for residential uses.

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 International Building Code.

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.

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.

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.

Rotating Sign. A sign or portion of a sign which turns about on an axis.

Shimmering Sign. A sign which reflects an oscillating sometimes distorted visual image.

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.

Sign Face. The surface of the sign upon, against, or through which the message of the sign is exhibited.

Sign Structure. Any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

Site. A lot or combination of contiguous lots which are intended, designated, and/or approved to function as an integrated unit.

Suspended Sign. Any building sign that is suspended from the underside of a horizontal plane surface and is connected to this surface.

Time and Temperature Sign. A sign that displays only current time and temperature information.

Total Site Signage. The maximum permitted combined area of all signs allowed on a specific lot.

Video Display Sign. See Dynamic Display Sign.

Visibility Triangle. The visibility triangle shall be determined as follows; starting at the intersection of the property lines along the intersecting streets, measure away from the point of intersection a distance of thirty (30) feet along both property lines. Connect these points with an imaginary line. The visibility triangle shall be the triangle defined by the two property lines and the imaginary line.

Visible. Capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.

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.

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.

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.

Subsection 3. 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. 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.

Subsection 4. Severability. If any section, subsection, sentence, clause, or phrase of this Sign Ordinance is for any reason held to be invalid, such decision shall not affect the validity 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.

Subsection 5. Administration and Enforcement.

(A) Application Submission Requirements. No sign or structure shall be erected, constructed, altered, rebuilt or relocated until a permit has first been issued by the Zoning Administrator, except as provided for in Subsection 5 (G) of this Section. The following information for a sign permit shall be supplied on an application for a sign permit:

- (1) Name, address and telephone number of person making application.
- (2) Name, address and telephone number of person owning sign.
- (3) The name, address telephone number and signature of the person owning the property upon which the sign is to be located.
- (4) A site plan to scale showing the location of lot lines, building structures, parking areas, existing and proposed signs.
- (5) A scaled elevation showing the height and width of the front of the building.

- (6) An accurately dimensioned drawing of the sign indicating the following: support system, sign material, dimensions and height, size of the lettering, and content of the message on the sign.
  - (7) Plans, location and specifications and method of construction and attachment to the buildings or placement method in the ground.
  - (8) Landscape and lighting plans for area around signs.
  - (9) Written consent of the owner or lessee of any site on which the sign is to be erected.
  - (10) Any electrical permit required and issued for the sign.
  - (11) Future maintenance plans.
  - (12) Sign value.
  - (13) The applicant shall certify that the application is in full compliance with this Ordinance and all other applicable provisions of the City Code.
- (B) Application Processing and Action.
- (1) 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 Ordinance and/or the City Code.
  - (2) Upon receipt of a complete application, the Zoning Administrator shall review and comment upon application and shall either:
    - (a) Issue the sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of this Ordinance and the City Code.
    - (b) 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 Ordinance and the City Code.
  - (3) In case of a rejection, the Zoning Administrator shall notify the applicant in writing specifying the reasons for rejection or inconsistencies with this Ordinance and/or the City Code .
  - (4) If the work authorized under a permit has not been initiated within one year after the date of issuance, the permit shall be null and void.

- (C) Fees. Fees for the review and processing of sign permit applications shall be imposed in accordance with the schedule established by Chapter 101.02 of the City Code.
- (D) Inspection. All signs shall be subject to inspection by the Zoning Administrator and/or Building Official upon installation to insure compliance with plans.
- (E) 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 Ordinance. 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.
- (F) Violations. Violations of this section is a misdemeanor. Each day that the violation continues is a separate offense.
- (G) Exemptions, No Permit Required. The following signs shall not require a permit. 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.
  - (1) The changing of the display surface of any permitted sign structure.
  - (2) Signs two (2) square feet or less in size.
  - (3) One sign per property in residential districts that is six (6) square feet or less in size and no more than eight (8) feet in height.
  - (4) All noncommercial signs of any size posted in any number from August 1 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 in accordance with Minnesota State Statutes Section 211B.045.
  - (5) Window signs are allowed; however, visibility and public safety shall not be compromised.

- (6) 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.
- (7) One sign shall be allowed per street frontage when a building is offered for sale or lease, in non-residential areas or where the parcel of land exceeds ten (10) acres; no sign shall exceed sixty four (64) square feet in area or ten (10) feet in height.
- (8) Banners, pennants and similar devices if no more than twenty-five (25) percent of total area allowed for signs and if such signs are changed at least every sixty (60) days. All signs must be well secured.
- (9) Portable signs less than six (6) square feet on public sidewalks in the Downtown Commercial (B-1) and Hester Street Business (HSB) Districts.

Subsection 6. General Provisions.

- (A) Except as provided for by this Section, all signs shall be defined as an accessory use.
- (B) No signs, other than those of governmental jurisdictions, shall be permitted within public right-of-way or roadway easements.
- (C) Setbacks. No sign or sign structure, unless otherwise regulated by this Section, shall be closer to any right of way than five (5) feet, unless a conditional use permit is granted for placement less than this. On corner lots, no sign shall be located between two and a half (2½) feet and eight (8) feet of ground level within the visibility triangle or within twenty (20) feet of a non-single family residential access drive.
- (D) No sign shall be placed within any drainage or utility easement.
- (E) No signs, guys, stays or attachments shall be erected, placed or maintained on 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.
- (F) 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.
- (G) 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.
- (H) The installation of electrical signs shall be subject to the State's Electrical Code. Electrical service to such sign shall be underground.
- (I) Illuminated signs shall be shielded to prevent lights from being directed upward into the sky, 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. Lighting for all outdoor signs shall be turned off by 10:00 pm within residential districts.
- (J) Landscaping shall be in conformance to general performance standards described in Section 4 of this Ordinance..

- (K) 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.
- (L) 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.
- (M) Except for farm buildings, at least one sign identifying the correct property number as assigned by Rice County shall be required on each principal building in all districts. The number shall be at least three (3) inches in height.
- (N) Existing off premise signs greater than two (2) square feet erected prior to the effective date of this ordinance are an allowed use subject to the following requirements:
  - (1) The sign is defined as a principal use of the property upon which it is located. No approval shall be granted for a another principal use on any portion of a property being platted or otherwise being subdivided when one of the principal uses on any portion of the subject property is a billboard allowed by this section.
  - (2) The area of the sign shall not exceed three hundred (300) square feet.
  - (3) The structure shall not exceed twenty-five (25) feet in height.
  - (4) Annual permits are required for all off premises signs. Off premise signs must be removed as a condition of construction of another principal use upon the property or platting or subdivision approval for the land on which it is located. Signs for which permit fees have not been paid shall be classified as abandoned and removed as directed by the Zoning Administrator.
- (O) Temporary Portable Signs. Portable signs require an annual permit. The annual permit allows up to six (6) display periods over twelve (12) months. Each display period shall not exceed more than Twenty-one (21) consecutive days. The following standards apply to the display of portable signs:
  - (1) Sign contains no flashing lights.
  - (2) Sign is not located in the right-of-way.
  - (3) Sign area is thirty-two (32) square feet or less, including any device the sign is attached to.
  - (4) Sign is well maintained.
  - (5) Sign area is within the allowed area for the property. Applicant must complete application demonstrating compliance with area requirements.

- (6) Decision on annual permit renewal shall be based on compliance with performance standards.
- (P) Dynamic display signs are allowed only on free standing signs for conditionally permitted uses in residential districts and for all uses in other districts. Such signs may occupy no more than thirty-five (35) percent of the allowed area for freestanding signs. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only one (1) contiguous dynamic display area is allowed on a sign face; all such signs must meet the following performance standards.
- (1) The size and location of the sign shall be consistent with all other requirements of the sign ordinance.
  - (2) The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display shall not blink, flash, rotate, scroll, change in illumination intensity, or otherwise change in outward appearance, except when the electronic message or display is changed to another message or display.
  - (3) The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display for on-site advertising signs shall not change at intervals less than eight seconds.
  - (4) The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display for off-site advertising signs shall not change at intervals less than twenty minutes.
  - (5) The transition of the electronic image or message shall be immediate, no fade in or fade out.
  - (6) All electronic messaging signs must be equipped with a default mechanism that will stop the messaging or freeze the image in one position when a malfunction in electronic programming occurs.
  - (7) Electronic messaging signs must not exceed a maximum illumination of five thousand (5,000) nits (candelas per square meter) during daylight hours and a maximum illumination of five hundred (500) nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.
  - (8) Electronic messaging signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half (½) hour before sunset and one half (½) hour after sunrise.
  - (9) Audio speakers are not allowed with any electronic messaging sign, except as provided in below.
  - (10) Any form of pyrotechnics is prohibited in association with an electronic messaging sign.

- (11) Permitted electronic messaging signs, not facing public roads or residential properties and used in drive-through restaurants, gasoline stations, and similar establishments serving motorists, shall be exempt from Subsection 6 (P)1-10 provided the electronic messaging sign area does not exceed eight (8) inches in height or four (4) feet in width or extend more than five (5) feet above the ground. Audio speakers used in connection with signs permitted in this subsection shall not be audible beyond the property on which the sign is located or one hundred fifty (150) feet, whichever is less.
- (Q) **Time And Temperature Sign:** Within commercial and industrial zoning districts, an area not to exceed sixteen (16) square feet within a freestanding or wall sign shall be allowed for display of an electronic time and temperature sign subject to the sign provisions for the zoning district in which the sign is located.
- (R) **Projecting Signs:** 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 over any vehicular drive aisle or traveled portion of a public or private street and except in the B-1 Downtown Business district may not project over a public right of way.
  - (3) The area of the projecting sign is not more than fifty (50) percent of the maximum allowed sign area for the respective zoning district except for the B-1 Downtown Business district.
- (S) **Multiple Occupancy Commercial and Industrial District Buildings:** When a single principal building is devoted to two (2) or more commercial or industrial principal uses, individual tenant signs shall be allowed subject to review and approval of the Zoning Administrator based upon the following requirements:
- (1) The cumulative area for all individual signs shall not exceed the maximum provisions for the zoning district in Subsection 9 of this Section.
  - (2) Commercial retail, office, or mixed use multiple occupancy buildings may display a freestanding sign consistent with the applicable zoning district provisions in Subsection 9 of this Section.
  - (3) Individual tenants of a multiple occupancy building 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 per tenant space, except that up to two (2) signs may be displayed for the tenant of a corner suite or a suite that extends through the building thus having two (2) exterior walls.
    - (b) Each sign shall be limited to the maximum wall sign size permitted in the applicable zoning district provisions in Subsection 9 of this Section.

- (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).
- (e) 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.

(T) Roof signs shall not exceed thirty-five (35) feet in height as measured from the ground.

Subsection 7. Area Measurement.

- (A) 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, freestanding 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.
- (B) Multi-Faced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.

Subsection 8. Prohibited Signs.

- (A) All off-premises signs greater than two (2) square feet in area such as billboards except as allowed by Subsection 6 (N) of this Ordinance.
- (B) 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.
- (C) Signs painted, attached or in any other manner affixed to trees, or similar natural surfaces, or attached to public utility poles, bridges, towers, or similar public structures.
- (D) All signs over four hundred forty (440) square feet in area, except within the P/OS District (water tower signs).
- (E) Balloon signs.
- (F) Flashing signs.
- (G) Multi-vision signs.
- (H) Rotating signs.
- (I) Shimmering signs.
- (J) Content classified as "obscene" as defined by Minnesota Statutes section 617.241.

Subsection 9. District Regulations.

- (A) Within all residential districts, the following regulations apply:
  - (1) All signs as outlined in Subsection 5 (G) of this Section.
  - (2) Except for the uses specified in Subsection 9 (A) (3) of this Section, one 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.
    - (c) The following signs are not permitted: awning, canopy, marquee, pole, pylon and internally illuminated signs.
  - (3) Public or private educational, recreational, park or community facilities, and religious institutions such as churches, chapels, temples and synagogues shall be allowed the following signs:

- (a) The maximum area of all signs allowed for such uses shall be determined on the basis of the following criteria:

<u>Site Area</u>	<u>Maximum Area For All Signs</u>
0.0 acres to 5.0 acres	32 square feet
5.1 acres to 10.0 acres	64 square feet
10.1 acres to 15.0 acres	96 square feet
15.1 acres to 25.0 acres	128 square feet
25.0 acres or larger	160 square feet

- (b) One sign shall be allowed for each principal use upon a site that is less than twenty five (25) acres with the total area not to exceed the maximum allowed per site.
- (c) Two (2) signs shall be allowed for each principal use upon a site that is twenty five (25) acres or larger with the total area of all signs not to exceed the maximum allowed per site.
- (d) Freestanding signs shall be limited to a maximum height of eight (8) feet.

(B) Within the B-1 Downtown Commercial District, the following regulations apply:

- (1) All signs as outlined in Subsection 5.G of this Section.
- (2) Total Area of Signs: The total area of all signs displayed on a lot shall not exceed ten (10) percent of the gross area of the effective building facade fronting on not more than two (2) public streets. Effective building facade includes an area up to the height of the eave line or top of parapet, not to exceed twenty (20) feet.
- (3) Freestanding Sign: One sign is allowed per lot. The area of a freestanding sign may not exceed sixteen (16) square feet each side with a maximum height of ten (10) feet.

(C) Within the B-2 Highway Commercial District, the following regulations apply:

- (1) All signs as outlined in Subsection 5.G of this Section.
- (2) Total Area of Signs: The total area of all signs displayed on a lot shall not exceed fifteen (15) percent of the gross area of the effective building facade fronting on not more than two (2) public streets. Effective building facade includes an area up to the height of the eave line or top of parapet, not to exceed twenty (20) feet.
- (3) Freestanding Sign: One 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 (20) feet. For signs in the B-2 District within two hundred fifty (250) feet of the west

side of TH 3, sign height shall be measured from the centerline of the pavement of TH 3.

(4) Wall, Canopy, or Marquee Signs – Single Occupancy Buildings:

(a) Not more than one sign shall be permitted, except:

1. In the case of a corner lot, through lot or facing a parking lot where wall signs may be installed on up to two (2) facades fronting a public street.
2. In the case of a building or tenant space exceeding a gross floor area of forty five thousand (45,000) square feet, additional wall signs shall be allowed on one facade fronting a public street.

(b) The area of individual signs shall not exceed one hundred (100) square feet, except for buildings or tenant spaces exceeding a gross floor area of forty five thousand (45,000) square feet:

1. The area of one individual sign shall not exceed four hundred forty (440) square feet. If a second sign is allowed by Subsection 9.C.4.a.1. of this Section, the area of the second individual sign shall not exceed two hundred (200) square feet.
2. The total area of all secondary wall signs allowed by Subsection 9.C.4.a.2. of this section shall not exceed one hundred forty four (144) square feet and the area of any one secondary wall sign shall not exceed seventy two (72) square feet.

<sup>13</sup> (5) Adjoining Properties: Adjoining properties with a common lot line may each locate a sign on one freestanding structure to be located on either property. Such signs shall be classified as on-premises signs. Each sign may exceed the allowed area for a freestanding sign by twenty (20) percent without affecting the maximum area allowed for the individual property, and be up to twenty-five (25) feet in height provided that:

- (a) The maximum number of signs displayed on a single structure is two (2) signs.
- (b) No additional freestanding signs shall be displayed on the individual properties.
- (c) An agreement addressing construction, maintenance, and repair responsibilities and trespass rights is established and filed with the Rice County recorder against the titles of the two (2) properties involved in the co-located freestanding sign structure. Amendment or cancellation of the agreement shall be allowed only upon written approval by the zoning administrator.
- (d) A second freestanding sign may be allowed per Section 27, Subd. 9(C)(5) upon approval of an interim use permit, provided that (a) through (c) above are complied with, in addition to the following:

1. The second freestanding sign shall be located no less than two hundred (200) feet from any existing freestanding sign on the two adjoining sites.
2. The combined total area of the two adjoining properties is no less than ten (10) acres.

(D) Within all industrial districts, the following regulations apply:

- (1) All signs as outlined in Subsection 5.G of this Section.
- (2) Total Area of Signs: The total area of all signs displayed on a lot shall not exceed fifteen (15) percent of the gross area of the effective building facade fronting on not more than two (2) public streets. Effective building façade includes an area up to the height of the eave line or top of parapet, not to exceed twenty (20) feet.
- (3) Freestanding Sign: One 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 ten (10) feet.
- (4) Wall, Canopy, Or Marquee Sign: For single occupancy buildings, not more than one wall, canopy, or marquee sign 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 (2) facades fronting a public street. The area of individual signs shall not exceed one hundred (100) square feet.

(E) Within the P-OS Public-Open Space District, the following regulations apply:

- (1) All signs as outlined in Subsection 5.G of this Section.
- (2) Total Area of Signs: The area of signs shall not be limited.
- (3) Freestanding Sign: One 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 (20) feet.
- (4) Wall, Canopy, Or Marquee Sign: For single occupancy buildings, not more than one wall, canopy, or marquee sign 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 (2) facades fronting a public street. The area of individual signs shall not be limited.
- (5) Portable Sign: A portable sign shall be allowed subject to the following provisions:
  - (a) The sign shall not exceed thirty two (32) square feet.
  - (b) The sign shall not be illuminated with any flashing device.

- (c) Not more than one (1) banner, pennant or similar device shall be displayed upon a property at any one time.
- (F) Within a planned unit development overlay 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.

Subsection 10. Subdivision Regulations.

- (A) Signs at the entrance to an area or subdivision from collector or arterial street defined by the Dundas 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 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 one hundred (100) square feet.
  - (3) Height.
    - (a) For residential districts, the maximum height of each sign shall be eight (8) feet.
    - (b) For commercial districts, the maximum height of each sign shall be twenty (20) feet.
    - (c) For industrial districts, the maximum height of each sign shall be ten (10) 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) Additional signs shall be allowed upon approval of a final plat for a subdivision having five (5) or more lots provided that:
- (1) One sign shall be allowed per project or subdivision or one sign for each frontage to a major collector or arterial street, whichever is greater.
  - (2) The area of the sign shall not exceed thirty two (32) square feet.
  - (3) Freestanding signs shall be limited to a maximum height of eight (8) feet.
  - (4) 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.

Subsection 11. Non-Conforming Signs.

- (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 Ordinance, all existing or proposed signs in conjunction with that land, unless otherwise provided for by this Ordinance 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.