

1202. Sign Code

§1202.010: GENERAL PROVISIONS:

Subd. 1 Findings, Purpose and Intent, 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'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 regulations of the physical characteristics of signs within the city have 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 forth 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 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 section.
 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 or when required by federal, state or local law.
 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 section.
- D. Severability: If any subsection, sentence, clause, or phrase of this section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this section. The city council hereby declares that it would have adopted this section in each subsection, sentence, or phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses, or phrases be declared invalid.
- E. Any sign not identified as permitted or allowed by this code is prohibited.

(Ordinance 16-8-Z, 2/28/17)

1202.020: DEFINITIONS:

Definitions: The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

A-FRAME SIGN: A movable freestanding sign hinged at the top, or attached in a way that forms a shape similar to the letter "A" when viewed from the side, also commonly known and referred to as a sandwich board or a springboard sign. Also called sandwich board signs. A-Frame signs are only allowed on a temporary basis and may not be used as permanent signage.

ABANDONED SIGN: Any sign and/or its supporting sign structure which has been removed or whose display surface remains blank for a period of one year or more. 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 year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Any sign within the city may be subject to the definition of abandonment, regardless of whether those signs are legal non-conforming uses or authorized pursuant to a conditional use permit or variance.

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, door, walk or the like.

AWNING SIGN: A building sign or graphic printed on or in some fashion attached directly to the awning material.

BANNER: A sign constructed of cloth, paper, plastic or other material upon which copy is written and supported fastened to buildings or other permanent structures and that is supported or anchored on two (2) or more edges or at three (3) or more corners. Banners also include such signs which are anchored along one edge, or two (2) corners, with weights installed that substantially reduce the reaction of the sign to wind. Banners are only allowed on a temporary basis and may not be used as permanent signage.

BILLBOARD: Any off-premises advertising sign in excess of 300 square feet designed to display posters or other composite graphic or dynamic advertisements for products and services sold elsewhere (Ref. Ord. 21-12-2052, 12/14/21).

BUILDING: Any structure intended for the shelter, support, or enclosure of persons, animals, or property of any kind; where separated by party walls without openings, each portion of such building is considered a separate building.

BUILDING SIGN: Any sign attached to or supported by any structure used or intended for supporting or sheltering any use or occupancy. Examples of building signs include roof signs and wall signs.

BUSINESS: Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.

CANOPY: A rooflike cover, often of plastic, metal, or glass on a support, which provides shelter over fuel dispensing stations or drive-thru facilities for banks.

CANOPY SIGN: A building sign or graphic printed or in some fashion attached to a canopy.

COMMERCIAL BUSINESS DISTRICTS: The B-1 thru B-6, LVMU, DBD, DCB, PZ & PZ-R zoning districts within the city as identified in the City's Zoning Code and on the city of White Bear Lake's official zoning map.

COMMERCIAL SPEECH. Speech advertising a business, profession, commodity, service or entertainment.

DIGITAL SIGN: An electronic sign limited to alpha-numeric display of one or two colors only. (Ref. Ord. 19-12-2038, 12/10/19)

DYNAMIC DISPLAY SIGN: A sign face which can be electronically or mechanically changed by remote or automatic means, excluding digital signs. (Ref. Ord. 19-12-2038, 12/10/19)

ELEVATION: The view of the side, front or rear of a given structure showing a structure's relative elevation from the ground and/or other structures.

ERECT: Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing, installing, engraving or any other way of bringing a sign into being or establishing.

EXTERIOR SIGN: A sign on the outside of a building, structure or outdoor display area.

FLAG: Any fabric or similar lightweight material attached at one edge or no more than two (2) corners of the material, 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 or text. If any dimension of a flag is more than three (3) times as long as any other dimension, it shall be regulated as a banner for the purposes of this section.

FLASHING SIGN: A directly or indirectly illuminated sign, which exhibits changing light or color effect by any means, so as to provide intermittent illumination, which includes the illusion of intermittent flashing light by means of animation, or any other mode of lighting, which may include but is not limited to zooming, twinkling, or sparkling.

FREESTANDING SIGN: Any sign, which has supporting framework that is anchored in the ground and which is independent from any building or other structure, such as a monument, pylon, or drive-thru sign. (Ref. Ord. 19-12-2038, 12/10/19)

FRONTAGE: The line of contact of a property with the public right of way or private streets.

GRADE: The final ground elevation after construction. Earth mounding for landscaping, berming and/or 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 feet (8').

HEIGHT OF SIGN: The height of the sign, for freestanding signs, shall be computed as the vertical distance measured from the base of the sign at normal grade to the top of the highest attached component of the sign. For signs attached to buildings, the height shall be measured from the lowest attached component of the sign to the highest attached component.

ILLUMINATED SIGN: Any sign illuminated by a source of light which is directly cast upon the exterior surface or face of the sign and intended to illuminate the sign by reflection or which is illuminated from within or behind the sign so as to reflect or emanate light through or around the sign.

INDUSTRIAL BUSINESS DISTRICTS: The BW, I-1 & I-2 zoning district within the city as identified in the City's Zoning Code and on the City of White Bear Lake's official zoning map.

INTERIOR SIGN: A sign which is located within the interior of any building, or within an enclosed lobby or court of any building that are not visible from outside of the building.

ISSUING AUTHORITY: The City of White Bear Lake.

DRIVE-THRU SIGN: A sign located in close proximity to a drive thru lane located on the subject site.

MONUMENT 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 maximum height of 10 feet.

MULTI-TENANT BUILDING: A commercial or industrial building containing three (3) or more tenants.

MURAL: An image painted or applied on the exterior of a building wall(s) or other permanent structure and for which no more than five percent (5%) of the total area covered by the mural, or one hundred (100) square feet (whichever is less), consists of text.

NONCOMMERCIAL SPEECH: Speech not defined as commercial speech which includes, but is not limited to, speech concerning political, religious, social, ideological, public service and informational topics.

NONCONFORMING SIGN: A sign which is lawfully existing on the effective date hereof, but does not conform to this section.

OFF-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 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-premise sign.

PARAPET (WALL): That portion of a building wall that rises above the roof level.

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 to the ground. A sign mounted on a vehicle identifying a business when the vehicle is being used in the normal day to day operation of that business is not subject to the regulations set forth in this section.

PRINCIPAL BUILDING: The building in which the principal use of the property occurs. Buildings with multiple principal uses shall not constitute multiple principal buildings (i.e., 3 separate uses in a building is equal to 1 building). Storage buildings, garages, and other clearly accessory buildings shall not be considered principal buildings.

PRINCIPAL ENTRANCE: The main doorways, lobby, or access leading or entering into a building or structure.

PROJECTING SIGN: A sign which projects from and is supported by a wall of a building or structure.

PROPERTY: Any lot or parcel of land which has been legally created and has been assigned a separate parcel identification number.

PUBLIC ROAD RIGHT OF WAY: The right of way for a public roadway.

PUBLIC ZONING DISTRICT: The P - Public Facilities, zoning district within the City as identified in the city's zoning code and on the City of White Bear Lake's official zoning map.

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) more than 10' and with the area below the sign face open.

REGISTRATION: Signs which require registration shall be registered by providing the site address, point of contact, date to be installed and date to be removed to the Zoning Administrator.

RESIDENTIAL DISTRICTS: The R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-B & R-MH zoning districts within the city as identified in the city's zoning code on the city of White Bear Lake's official zoning map.

RESIDENTIAL PROPERTY: A piece of land or real estate, consisting of one or more lots or parcels, where a residential dwelling and its associated accessory buildings or structures are located.

ROOF: The exterior surface and its supporting structure on the top of a building or structure makeup of which conforms to the roof structures, roof construction and roof covering sections of the state building code.

ROOF SIGN: Any sign erected and constructed wholly on and above the roof or parapet of a building or structure, supported by the roof structure.

SANDWICH BOARD SIGN: See definition of A-frame sign.

SHIMMERING SIGNS: A sign which reflects an oscillating sometimes distorted visual image.

SIGN: Any letter, word or symbol, poster, picture, reading matter or representation in the nature of advertisement, announcement, message or visual communication, other than a "flag" or "mural" as defined in this section whether painted, posted, printed, affixed, engraved or constructed, including all associated brackets, braces, supports, wires, and structures, which is displayed for informational or communicative purposes.

SIGN FACE: The surface of a sign upon, against, or through which the message of the sign is exhibited.

SIGN STRUCTURE: Any structure including the base, poles, supports, uprights, bracing and framework which supports or is capable of supporting any sign.

SITE: A plot or parcel of land, or combination of contiguous lots or parcels of land, which are intended, designated, and/or approved to function as an integrated unit.

TEMPORARY SIGN: Any sign which is erected or displayed on a non-permanent basis for a limited period of time.

TOTAL SITE SIGNAGE: The maximum combined area of all signs allowed on a specific property or site.

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 degrees (60°) or greater with the horizontal plane.

WALL SIGN: Any building sign attached parallel to 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 sign surface.

WINDOW SIGN: A sign displayed in or on a window that is visible from outside of the building.

(Ordinance 16-8-Z, 2/28/17)

1202.030: ADMINISTRATION:**Subd. 1 Administration:**

- A. Permit Required: No sign whose highest attached part is greater than six feet (6') above the ground surface directly beneath the highest point, except as otherwise specified herein, shall be erected, altered, reconstructed, maintained or moved in the city without first securing a permit from the city. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Applications for a permit may be for specific signs or may be in the form of an overall signage plan for the property and shall be in writing addressed to the issuing authority on a form provided by the city. Permit applications shall be reviewed by city staff.

The issuing authority shall approve or deny the sign permit application in a manner consistent with the time lines required in Minnesota Statutes, Section 15.99, or successor statute.

- B. Permit Application: Required Information: Applications for a permit shall be on a form designated by the city. At a minimum, such application shall include the following items:
1. Names, addresses, and signatures of the applicant, owners of the sign, and fee owner of the property upon which the sign is to be erected;
 2. The address at which any signs are to be erected;
 3. The legal description of the property or site upon which the signs are to be erected and the street on which they are to front;
 4. A complete set of plans showing the necessary elevations, distances, size, location and details to fully and clearly represent the construction and placement of the signs;
 5. The cost of the sign;
 6. The type of sign (i.e. wall sign, monument, mural, etc.), installation details (i.e. raceway or individual mount), and style of illumination, if any;
 7. Footing and construction details, if a freestanding sign;
 8. If the proposed sign(s) is along a state trunk highway, county road, or interstate highway, the applicant may be required to provide proof that the applicant has obtained any necessary approvals from the responsible units of government for the sign(s).

For the purposes of the permits, all of the parties required to sign under paragraph B.1 of this section shall be considered joint applicants. All requirements of this section, including the ongoing maintenance for any sign erected within the city, shall be the joint and severable responsibility of the applicant(s).

- C. Permit Exemptions: The following signs shall be exempt from the permit application requirements of this section. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and ongoing maintenance, and its compliance with the provisions of this section or any other law or ordinance relating to maintenance, repair and removal.
1. Individual signs not exceeding one-half (0.5) square feet in any zoning district. Such signage shall not be counted against any overall square footage requirement applicable to a property.
 2. Individual signs, in any zoning district, which are:
 - a. Located no closer than one hundred feet (100') to the edge or curb of any road within a public roadway right of way; and
 - b. Not greater than six (6) feet in height, three (3) square feet in size and with any letters or numbers not greater than six inches (6") in height; or
 - c. Not greater than six (6) feet in height, six (6) square feet in size and with any letters or numbers not greater than three inches (3") in height.
 3. Signs erected within a public road right of way that are approved by the appropriate governmental agency with authority over the right of way.
 4. The changing of the display surface or sign face on a previously approved and erected sign when such change or replacement would be consistent with a previously issued permit or a sign considered to be a legal nonconformity and would not require compliance with applicable building codes, unless such sign has been deemed abandoned.
 5. Flags, subject to the following (any flags in excess of these amounts shall be regulated as a sign):
 - a. Public, Commercial and Industrial zoned properties: 150 square feet
 - b. Residential zoned properties: 40 square feet
 6. Interior signs.
 7. Signs which are integrally attached to or part of:
 - a. Waste roll-offs, dumpsters, garbage cans, vending or dispensing machines, portable storage units or other similar equipment owned and maintained by a commercial business for the purpose of waste collection or temporary storage;

- b. Personal property or motor vehicles such as, but not limited to, passenger vehicles, snowmobiles, all-terrain vehicles, trucks, semi-tractors and trailers, recreational vehicles, fish houses, boats, boat lifts, and trailers;
 - c. Construction materials or equipment.
 8. Signs which are affixed on city owned property.
 9. Murals located on a building used primarily for commercial or industrial purposes which are maintained by the property owner or his/her designee.
 10. Signs which are affixed on property owned by a county, state or federal governmental body or a public school district unless specifically prohibited by this section.
 11. Signs required by law.
 12. Headstones, gravestones, grave markers or other similar signs attached to, or adjacent to, a burial plot, columbarium, mausoleum or the like.
 13. Temporary Banners.
 - a. In Open Space or Residential districts, for all legal non-residential uses, banners may be erected for no more than thirty (30) days at a time, with no more than ninety (90) display days per property per calendar year. Said banner shall not exceed thirty-two (32) square feet in area. Only one (1) banner shall be displayed on the property at any given time and each banner display will count for a minimum of seven (7) days. The banner must be registered with the Zoning Administrator in order to insure compliances, but no permit is required.
 - b. In Commercial and Industrial business districts, properties without dynamic display signs may have up to four (4) banners permitted per property per calendar year, but not to exceed sixty (60) consecutive days for any one banner and not more than one (1) banner at a time for single tenant buildings. The total number of banner display days shall not exceed more than one hundred twenty (120) days per calendar year. Each banner displayed on the site on any given day will be counted as a banner display day. A sign permit is not required, but all banners must be registered with the Zoning Administrator to insure compliance. A banner shall not count towards the building or properties' maximum allowable sign area. Banners shall be a maximum of thirty-two (32) square feet in area, and shall be attached to a building or other permanent structure. For multi-tenant buildings where each tenant has a separate entrance and the property does not have a dynamic display sign, each tenant is permitted up to three (3) banner signs per calendar year, not to exceed sixty (60) consecutive days per banner or ninety (90) banner display days total per calendar year. No more than two (2) banners shall be displayed at any given time. For properties with dynamic display areas incorporated into the sign, temporary banners are prohibited.

- c. In the Public zoning district, Temporary banners are permitted for properties without dynamic display signs for up to sixty (60) days. A sign permit is not required, but all banners must be registered with the Zoning Administrator to insure compliance.
14. Temporary Sandwich Boards. Sandwich board signs are permitted in the B-1 through B-6, DCB and P zoning districts only, subject to the following requirements:
 - a. One (1) sandwich board sign is permitted per business.
 - b. The maximum size permitted is six (6) square feet per side.
 - c. The sign shall be professionally painted and maintained in a neat and readable manner.
 - d. Signs shall be placed on private property only.
 - e. Signs shall not be staked into the ground.
 - f. Signs shall not obstruct vehicular or pedestrian traffic or visibility and shall not create a safety hazard.
 - g. Signs shall not be lighted and shall not utilize noise amplifiers.
 - h. In the B-5, Central Business District only, sandwich boards may be placed on public sidewalks, directly in front of the business being advertised.
 - i. Properties which have a dynamic display sign may not display sandwich board signs.
 - j. Signs may be displayed only during hours of operation.
 15. Temporary Window Signs. In Commercial and Industrial business districts only, such signs shall be neatly displayed, attached to either surface of the window displayed upon or displayed in a window within three (3) feet of the glass, but shall obscure no more than fifty percent (50%) of the total square footage of such windows. Total window coverage of both temporary and permanent window signs shall not exceed more than seventy-five percent (75%) of the total square footage of such windows. Temporary signs shall be allowed for a maximum of ninety (90) days per each twelve (12) month period. A sign permit is not required, but all temporary window signs must be registered with the Zoning Administrator to insure compliance.

- D. Fees: Sign permit fees shall be established by resolution/ordinance of the city council.

Any person, firm or corporation who either erects or has erected on his property any sign governed by this ordinance prior to a permit being issued shall pay an additional administrative fee.

- E. Repairs: Any sign located in the city which may now be or hereafter become out of order, rotten or unsafe, and every sign which shall hereafter be erected, altered, resurfaced, reconstructed or moved contrary to the provisions of this section, shall be removed or otherwise properly secured in accordance with the terms of this section by the owners thereof or by the owners of the grounds on which said sign shall stand, upon receipt of proper notice so to do, given by the issuing authority.
- F. Removal: Signs which may be or may hereafter become rotted, unsafe or unsightly shall be repaired or removed by the owner or lessee of the property upon which the sign stands upon reasonable notice by the city. The owner, lessee or manager of any sign that contacts the ground and the owner of the land on which the same is located shall keep grass, weeds and other growth cut and shall remove all debris and rubbish from the area beneath the sign. If the owner, lessee or manager of the property fails to act in accordance with this paragraph, such failure to act shall constitute a public nuisance, and the city may seek injunctive relief through a motion for summary enforcement, or obtain an administrative search and seizure warrant for removal of the sign in question. All costs incurred for removal may be charged to the owner of the sign and/or property owner and if unpaid, certified to the Ramsey County auditor as a lien against the property on which the sign was located.
- G. Legal non-conforming signs: An existing sign which has previously been issued a sign permit by the City and which conformed with the prior provisions of this code, shall be considered a legal non-conforming sign and may continue to be displayed.

State Statute 462.357 allows for nonconforming uses destroyed by fire or other peril to the extent of greater than 50% of its market value to be rebuilt to former extent, so long as a building permit is applied for within 180 days of when the property was damaged.

- H. Lapse of Permit: Any sign for which a permit is issued shall be erected and in place within six (6) months from a date of such permission, or the permit shall automatically become void and a new permit must be applied for pursuant to the provisions of this ordinance.

Subd. 2 General Provisions:

- A. General: Except as hereinafter provided, no signs shall be erected or maintained at any angle to a building or structure which extends over the street or highway. No sign shall be erected or maintained at any angle to a building or structure which sign shall extend more than four feet (4') over the sidewalk and shall be a minimum of eight feet (8') from the ground.

- B. Size: No individual sign shall exceed three hundred (300) square feet in area other than billboards which are regulated in §1202.040. Subd.2.G.
- C. Signs which utilize electricity must be installed in accordance with the current electrical code and all necessary electrical and building permits must be obtained prior to placement. Exposed wiring or conduit shall not be allowed.
- D. Prohibited Signs: The following signs are prohibited:
1. 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 signal, 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, roadway, intersection or any railroad sign or signal.
 2. Changeable copy message signs that comprise more than 70% of a sign.
 3. Roof signs.
 4. Signs painted, attached, engraved, etched or in any other manner affixed to public utility poles, bridges, towers, streetlights, or similar public structures, or to trees, rocks or other natural features.
 5. Off-premises signs, other than billboards which are regulated in §1202.040. Subd.2.G.
 6. Flashing signs.
 7. Shimmering signs.
 8. Portable signs, except A-frame signs as otherwise provided herein.
- E. Area: The area within the frame shall be used to calculate the square footage, 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 formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof. Symbols, pictures, wording, figures or other forms of graphics painted on or attached to walls, awnings, freestanding structures, or free standing structures are considered a sign and are included in calculating the overall square footage. The area of a sign with more than one visible sign face will be calculated as the sum of the area of each sign face divided by the number of sign faces.
- F. Illumination: External illumination for signs shall be constructed and maintained so that the source of light is not visible from the public right of way or residential property. Illuminated signs are subject to Zoning Code Sections 1202.080, Subd.1 a and b, and 1302.030, Subd.9, requiring all illumination of signs to be constant and steady and for all illuminated signs to be arranged such that light is deflected away from any adjoining residential area or public street.

- G. Retroactive Effect: This section shall apply to all sign applications applied for but not yet issued prior to the date of enactment.
- H. Noncommercial Speech: Notwithstanding any other provisions of this section, the noncommercial speech exemption provided by Minnesota statutes section 211B.045 (or successor statute) is hereby incorporated by reference, which shall also include the period of time thirteen (13) weeks prior to any election until ten (10) days following the election.

(Ordinance 16-8-Z, 2/28/17)

1202.040: REGULATIONS BY ZONING DISTRICT:

Subd. 1 Open Space and Residential Districts: Within the O, R-1 thru R-7, RB and R-MH zoning districts, nonexempt signs are allowed as follows:

- A. Wall Signs. For nonresidential uses only, one wall sign is permitted per property of up to forty (40) square feet. For residential apartment complexes of nine (9) or more units, one wall sign or one canopy or awning sign of up to ten (10) square feet is permitted on the main building. Wall signs may only be halo-lit, externally illuminated or non-illuminated. An awning sign counts as a wall sign.
- B. Freestanding Monument Signs. One monument sign is permitted per property or development, whichever is more restrictive, in residential districts for residential subdivisions and multi-family developments of nine (9) or more units, and for all legal nonresidential uses. Monument signs shall be a maximum of twenty-five (25) square feet per side, or thirty-five (35) square feet per side for properties over one (1) acre in size. Said sign shall be a maximum of six (6) feet in height, measured from ground grade, and shall be set back at least ten (10) feet from all property lines. The sign shall be designed to be architecturally compatible with the building or project, and shall be landscaped around the base of the sign. Monument signs in residential zoning districts may be lit internally provided that portions of the sign not devoted to changeable messaging consists of white or light-colored lettering with a dark, un-lit background. All internally illuminated signs shall be light-colored lettering with dark, unlit background.
- C. Changeable Copy Message Boards. For all legal nonresidential uses, changeable copy message boards are limited to no more than seventy percent (70%) of the total square footage of the sign.
- D. All Other Signs. Within any Open Space or Residential zoning district, additional nonexempt signs, such as home occupation, directional, garage sale, real estate and construction signs, are allowed as follows:
 - 1. Maximum height of any sign: Four feet (4').
 - 2. Maximum sign area for a single sign: Eight (8) square feet.
 - 3. Cumulative maximum sign area per property or site: Twenty four (24) square feet.
- E. Prohibited Signs. The following types of signs are not permitted in Open Space and Residential zoning districts:
 - A-frame signs.
 - Dynamic Display signs.
 - Flag signs.
 - Murals.
 - Portable signs.
 - Roof signs.
 - Shimmering signs.
 - Temporary displays.
 - Window signs.

Subd. 2 Commercial and Industrial Districts: Within the B-1 thru B-6, LVMU, DCB, DBD, B-W, I-1, I-2, P-Z and PZ-R zoning districts, nonexempt signs are allowed as follows:

A. Wall Signs.

1. Single Tenant Buildings. For single tenant buildings, wall signs are permitted on the front, side or rear of a building, except that wall signs may not face abutting residential property on the side or rear of a building. Wall signs may cover a maximum of ten percent (10%) of the gross wall area of the main or front building wall, and may cover a maximum of five percent (5%) of the gross wall area of the side and/or rear building walls. Up to two (2) signs may be placed on each building facade. In no case shall the total square footage of all wall signs exceed the sign area maximums stated below:

<u>S.F. of building:</u>	<u>Maximum sign area for building:</u>
Under 5,000 s.f.	80 s.f.
5,000-10,000 s.f.	100 s.f.
10,001-20,000 s.f.	150 s.f.
Over 20,000 s.f.	200 s.f.

2. Multi-Tenant Buildings. For multi-tenant buildings each tenant having a private entrance is permitted one (1) wall sign a minimum of 30 square feet in area. The sign may be a maximum of seven percent (7%) of the exterior wall area pertaining to that tenant, and shall be displayed on that wall area. In Industrial zoning districts, the maximum size of the sign shall be 80 square feet.

For end cap tenants where a side elevation faces a street, a secondary wall sign is permitted on the side elevation not to exceed 3.5% of that wall area or 30 square feet. All tenant signs shall have a consistent display format and be constructed of similar materials. For multi-tenant buildings where all tenants share a common entrance, two (2) building identification signs are permitted: one (1) monument sign (see below) and one (1) wall sign up to thirty-five (35) square feet.

The type, materials, design and colors of signs to be permitted on the building must be coordinated to ensure a consistent display format across the building. Each sign subsequently erected on the property must conform to the established display format or receive special approval from the Zoning Administrator.

3. Canopy Signs. Signs located on the canopies of gas stations or other business canopies shall be considered wall signs, and shall count towards the overall maximum wall sign area allowed in subsection A.1, above. Businesses with canopies are allowed not more than two (2) permanent signs on the canopy. Signs located on a canopy shall not occupy more than twenty percent (20%) of the canopy face on which the sign is located.

4. Awning Signs. Awning signs shall be considered wall signs and shall count towards the overall maximum wall sign area allowed in subsection A.1 above.
5. Permanent Window Signs. Signs may cover a maximum of thirty-three (33%) of plate glass windows. All permanent window signs must be professionally made and neatly displayed. All permanent window signs shall count towards the percentage of wall area coverage for that wall.
6. Painted signs. Painted signs are allowed in the B-5 – Central Business and DCB – Diversified Central Business districts only, when located on the side or rear of a block, brick or stucco building. All painted signs shall count towards the percentage of wall area coverage for that wall.
7. Projecting Signs. In the B-5 and LVMU Zoning Districts only, signs may project over the public sidewalk or pedestrian right-of-way, subject to the following criteria:
 - a. Only one sign per business.
 - b. The maximum size of each sign shall be nine (9) square feet per side.
 - c. The sign shall not exceed three (3) feet in length on any side.
 - d. The sign shall have the general appearance and style compatible with existing signs, and must be constructed of similar materials, i.e., wood, iron, steel. No plastic or internally illuminated signs are permitted.
 - e. Projecting signs and supports shall extend no more than four (4) feet beyond the walls of the buildings to which they are attached, and shall not extend beyond the public sidewalk. Such signs shall be at least one (1) foot from the wall of the building to which they are attached, and shall be at least two (2) feet from any curb line.
 - f. The sign shall be a minimum of eight (8) feet above grade, and a maximum of fifteen (15) feet above grade.
 - g. Sign support strength. All projecting signs shall comply with the requirements of the Minnesota State Building Code.

B. Freestanding Monument Signs.

1. Except for in the B-1 district and portions of the B-5 District, in all commercial and industrial districts one monument sign shall be permitted per property or development. Such sign shall be a maximum of thirty-five (35) square feet per side. The sign shall be architecturally compatible with the principal building, with a brick, masonry or similar base, and shall be a maximum of ten (10) feet high and shall be set back from all property lines and driveways a minimum of ten (10) feet.

Landscaping consisting of a mulched shrub and perennial bed shall be installed around the base of the sign, with a landscaping plan to be approved by City staff. No monument signs are permitted in the B-1 district. In the B-5 district, one monument sign, meeting the above-mentioned criteria shall be permitted only on those parcels having a minimum of one-hundred fifty (150) lineal feet of frontage along the Highway 61 right-of-way.

2. In the B-2, B-3 and B-4 districts only, for multi-tenant buildings where each tenant has a private entrance, the one monument-style sign allowed in subsection B.1 above may be a maximum of one hundred (100) square feet per side and fifteen (15) feet in height. The same setbacks and all other requirements of subsection B.1, above, shall apply.
3. Properties in the B-2, B-3, B-4, DBD, PZ, I-1, I-2 and BW zoning districts may incorporate a dynamic display type sign into a freestanding monument sign subject to the following requirements:
 - a. Duration. The image or any portion thereof must have a minimum duration of 5 minutes and must be a static display. No portion of the image may flash, scroll, change color, imitate movement in any manner, or otherwise meet the characteristics of a flashing sign.
 - b. Transition. When the image or any portion thereof changes, the change sequence must be accomplished by means of instantaneous re-pixelization. The image may not change in a manner or by a method characterized by motion or which depicts action or a special effect to imitate movement (such as fades or bursts).
 - c. Brightness. The brightness of the sign may not at any time exceed 0.3 foot candles above ambient light levels as measured from fifty (50) feet from the sign's face. The sign must be equipped with automatic dimming technology or other mechanism that automatically adjusts the sign's illumination level based on ambient light conditions.
 - d. Display. The text and images displayed must be complete in themselves, without continuation in content to the next image or text or to any other signs.
 - e. Malfunction. The sign must be designed and equipped with a means to immediately discontinue the display (i.e., shut down) if a malfunction occurs.
 - f. Spacing. The sign must be at least 100 feet from the nearest dwelling unit unless the sign is not visible from said dwelling unit.
 - g. Size. The digital display portion or a digital sign may be incorporated into a freestanding monument sign, but are limited to no more than 70% of the total square footage of the sign or 25 square feet (per side), whichever is less. Digital signs may not be used as wall signage and must comply with all criteria required of a dynamic display sign, except spacing and resolution. Properties with digital signs may still display approved temporary banners and sandwich board signs. (Ref. Ord. 19-12-2038, 12/10/19)

- h. Design. All dynamic displays shall be designed to be an integral part of the overall monument sign; including frame color, materials, etc. and in no case may the dynamic display be wider or taller than the remaining portion of monument sign. Only one dynamic display area is allowed per sign face.
 - i. Resolution. The spacing between the bulbs (otherwise known as the “true pixel pitch” of the sign) shall not exceed 12 millimeters. Full color displays are permitted. Signs that use “virtual”, “shared pixel” or “optimized” LEDs are specifically prohibited.
 - j. Acknowledgement. Prior to the issuance of a sign permit for a dynamic sign, each property owner must sign an acknowledgement indicating agreement to comply with these standards.
 - k. Other. Audio speakers or any audio component is prohibited. The sign may not emit any sound or odor. The sign must be part of the State of Minnesota’s public safety alert system.
 - l. Enforcement. All outstanding code compliance issues must be resolved before a permit for a dynamic display sign may be approved. Upon installation of a freestanding dynamic display sign, the property owner acknowledges that the property may no longer display any temporary banners, or sandwich board signs. All window signs must comply with the sign code, both permanent and temporary. The person owning or controlling the sign must adjust the sign to meet the standards of this code or turn the sign off within one business day of notice of non-compliance by the City. Once the issue has been corrected, the owner/operator shall notify the City prior to turning the sign back on.
- C. Changeable Copy Message Boards. Changeable copy message boards are permitted as part of a permanent wall or monument, but may not be on the same sign as a dynamic display sign and are limited to comprising no more than seventy percent (70%) of the total square footage of the sign.
- D. Freestanding Pylon Signs. Freestanding pylon signs are allowed in the B-W, I-1, and I-2 zoning districts only subject to the following requirements:
- 1. The property must be adjacent to a federal highway.
 - 2. The sign must be oriented towards and no more than thirty (30) feet from the federal highway right-of-way.
 - 3. Maximum of one hundred twenty (120) square feet per side.
 - 4. Twenty-five (25) foot height maximum as measured from ground grade.

- 5. Ten (10) foot setback from all property lines.
 - 6. The design of the sign must be architecturally compatible with the building or property and shall not detract from surrounding properties.
 - 7. Only one (1) pylon sign per property is permitted.
 - 8. A dynamic display sign component may not be added to the pylon sign.
- E. Drive Thru Signs. One sign is allowed per drive-through lane, not to exceed thirty-two (32) square feet in area. Said sign may be freestanding or a wall sign. If freestanding, the sign shall be a maximum of six (6) feet in height and shall be set back from all property lines at least ten (10) feet. Up to 100% of a drive-thru sign may be a dynamic display style face and must otherwise comply with all criteria required of a dynamic display sign, except spacing and resolution. Drive thru signs are not permitted in the B-5, Central Business District. (Ref. Ord. 19-12-2038, 12/10/19)
- F. All Other Signs: Within any Commercial or Industrial zoning district, additional nonexempt signs are allowed as follows:

Sign Type	Maximum Size per Sign	Maximum Total Sign Area	Maximum Sign Height
Temporary*	50 square feet	100 square feet	10 feet
Permanent	10 square feet	30 square feet	6 feet

*Only allowed on properties which have an active building permit until the issuance of a certificate of occupancy, or properties containing a legal temporary sales lot.

- G. Billboards: Billboards shall be permitted with a Conditional Use Permit in accordance with the procedures outlines in Code Section 1301.050.
- 1. Maximum Number in City.
 - a. The maximum number of billboards allowed in the City will be the number of billboards currently existing and in use in the City as of the date of June 1, 2019.
 - b. Existing billboard signs may be upgraded and modernized to the most current technology for either a static or dynamic sign face(s), or relocated, subject to the general requirements listed in this Section.
 - 2. General Requirements:
 - a. Billboards may be erected on properties adjacent to Interstate Highways 35E and 694 and only allowed in Zoning Districts I-1, 1-2, BW, B-3, B-4, and PZ.
 - b. The minimum setback of any portion of a billboard sign to an interstate highway right-of-way is ten (10) feet and the maximum distance from an interstate highway right-of-way is 150 feet.
 - c. The maximum allowable area of any sign face, whether a single sign face or each face of a back-to-back or V-shaped signs, shall not exceed 700 square feet per sign face.

- d. The maximum allowable height of any billboard is 50 feet, or at a height above any physical barrier subject to the review and approval of a height variance by the City.
 - e. The minimum allowable distance as measured along the centerline of I-35E and I-694 is 1300 feet to the nearest billboard within the City and 1300 feet to nearest residential zoned property.
 - f. Any upgrade, modernization, or relocation of an existing billboard shall be limited to a billboard containing two sign faces that may be static or dynamic.
 - g. All visible sign support columns shall be concealed with an approved architectural treatment primarily consisting of natural stone, brick, or approved masonry materials.
 - h. No portion of any billboard shall occupy air space above any building or parking spaces.
 - i. No billboard may display any moving parts, nor shall it be illuminated with any flashing or intermittent lights.
3. Additional requirements for dynamic billboards:
- a. The image or any portion thereof must have a minimum duration of eight (8) seconds and must be a static display. No portion of the image may flash, scroll, change color, imitate movement in any manner, or otherwise meet the characteristics of a flashing sign.
 - b. The image must have a change sequence accomplished by means of instantaneous re-pixelization. The image may not change in a manner or by a method characterized by motion or which depicts actions, or a special effect to imitate movement (such as fades or bursts).
 - c. The sign image must contain a complete message and not be continued to a subsequent image.
 - d. The sign shall not exceed a maximum brightness of 0.3 footcandles with automatic dimmer control.
 - e. The sign resolution shall not exceed a maximum 25 mm pixel pitch.
 - f. Dynamic signs must provide to the City a minimum of five hours (2,250 eight (8) second spots) per month per enhanced dynamic display sign in the City for community and public service messages at such times as shall be equitably scheduled throughout the day by the City. (Ref. Ord. 21-12-2052, 12/14/2021)
- H. Prohibited Signs: The following types of signs are not permitted in commercial or industrial zoning districts:

Flashing signs.
Portable signs.
Roof sign.
Shimmering signs.
Temporary Displays.

Subd. 3 Public Zoning District: Within the P, Public Facilities, zoning district, nonexempt signs are allowed as follows:

- A. Wall Signs. One wall sign shall be permitted per building facade. The total area of all wall signs shall be a maximum of ten percent (10%) of the total area of the main wall.
- B. Freestanding Monument Signs. For properties less than one acre in size, one monument sign shall be permitted per development. Said sign shall be a maximum of thirty-five (35) square feet per side and ten (10) feet in height. Properties greater than one (1) acre in area shall be allowed one (1) monument sign up to fifty (50) square feet per side and ten (10) feet high. Properties 20 acres in size or greater shall be allowed two monuments signs, one thirty-five (35) square foot sign and one fifty (50) square foot sign.

Such signs shall be designed to reflect the architectural character of the building or property, and shall be landscaped around the base of the sign. Signs shall be set back at least ten (10) feet from all property lines. A dynamic display sign may be incorporated into the freestanding sign. The dynamic display portion of a sign shall not comprise more than 70% of the sign face, not to exceed 25 square feet. If a sign contains a dynamic display, it shall meet all the standards of Section 1020.040.B.2.c, above.

- C. Changeable Copy Message Boards. Changeable copy message boards are permitted as part of a permanent freestanding sign or wall sign, but are limited to comprising no more than seventy percent (70%) of the total square footage of any sign.
- D. All Other Signs: Additional nonexempt signs are allowed as follows:
 - 1. Maximum height of any sign: Ten feet (10')
 - 2. Maximum sign area for a single sign: Ten (10) square feet.
 - 3. Cumulative maximum sign area per property or site: Thirty (30) square feet.
- E. Billboard Signs: Billboards shall be permitted with a Conditional Use Permit in accordance with the procedures outlines in Code Section 1301.050.
 - a. General Requirements:
 - a. Billboards may be erected on properties adjacent to Interstate Highway 35E and 694 and only allowed in Zoning Districts I-1, I-2, BW, B-3, B-4, and PZ.
 - b. The minimum setback of any portion of a billboard sign to an interstate highway right-of-way is ten (10) feet and the maximum distance from an interstate highway right-of-way is 150 feet.
 - c. The maximum allowable area of any sign face, whether a single sign face or each face of a back-to-back or V-shaped signs, shall not exceed 700 square feet per sign face.
 - d. The maximum allowable height of any billboard is 50 feet, or at a height above any physical barrier subject to the review and approval of a height variance by the City.
 - e. The minimum allowable distance as measured along the centerline of I-35E and I-694 is 1300 feet to the nearest billboard within the City and 1300 feet to nearest residential zoned property.

- f. Any upgrade, modernization, or relocation of an existing billboard shall be limited to a billboard containing two sign faces that may be static or dynamic, and shall include a single pole with brick, stone or similar masonry material at the base of the billboard.
 - g. All visible sign support columns shall be concealed with an approved architectural treatment primarily consisting of natural stone, brick, or approved masonry materials.
 - h. No portion of any billboard shall occupy air space above any building or parking spaces.
 - i. No billboard may display any moving parts, nor shall it be illuminated with any flashing or intermittent lights.
2. Additional requirements for dynamic billboards:
- a. The image or any portion thereof must have a minimum duration of eight (8) seconds and must be a static display. No portion of the image may flash, scroll, change color, imitate movement in any manner, or otherwise meet the characteristics of a flashing sign.
 - b. The image must have a change sequence accomplished by means of instantaneous re-pixelization. The image may not change in a manner or by a method characterized by motion or which depicts actions, or a special effect to imitate movement (such as fades or bursts).
 - c. The sign image must contain a complete message and not be continued to a subsequent image.
 - d. The sign shall not exceed a maximum brightness of 0.3 footcandles with automatic dimmer control.
 - e. The sign resolution shall not exceed a maximum 25 mm pixel pitch.
 - f. Dynamic signs must provide to the City a minimum of five hours (2,250 eight (8) second spots) per month per enhanced dynamic display sign in the City for community and public service messages at such times as shall be equitably scheduled throughout the day by the City. (Ref. Ord. 21-12-2052, 12/14/2021)
- F. Prohibited Signs: The following types of signs are not permitted in the Public zoning district:
- Flashing signs.
 - Portable signs.
 - Roof sign.
 - Shimmering signs.

(Ordinance 16-8-Z, 2/28/17)

1202.050: MISCELLANEOUS PROVISIONS:**Subd. 1 Noncommercial Speech:**

- A. Substitution Clause: The owner of any sign which is otherwise allowed by this section may substitute noncommercial copy in lieu of any other commercial or noncommercial 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 noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. The provision prevails over any more specific provision to the contrary.

Subd. 2 Enforcement:

- A. Administration: Provisions of this section shall be administered and enforced by the zoning administrator or their designee, who shall be appointed by the city council, and may have other municipal duties. Their duties shall include, but not be limited to:
1. Determine that all sign permits comply with the terms of this section.
 2. Conduct site inspections to determine compliance with the terms of this section.
 3. Receive, file and forward all applications for appeals, variances, or other matters to the designated official bodies.
- B. Appeals: Any appeal to a decision made under this chapter shall be brought under the terms of Section 10-3-3 of the city code.

Subd. 3 Violations:

- A. Violations; Separate Offense. Each day that the violation continues shall constitute a separate offense. Violations of this ordinance shall be deemed a misdemeanor.

(Ordinance 16-8-Z, 2/28/17)