

## **SECTION 12: SIGNS**

### **Subdivision 1: FINDINGS**

The City Council hereby finds as follows:

- A. Exterior signs have a substantial impact on the character and quality of the environment.
- B. Signs provide an important medium through which individuals may convey a variety of messages.
- C. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.
- D. The city's zoning regulations, and those of its predecessor entities, have historically included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the City and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the City has had a positive impact on traffic safety and the appearance of the community.

### **Subdivision 2: 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 ordinance 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 ordinance is to:

- A. 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.
- B. To establish standards which permit property owners the opportunity to identify and advertise themselves, goods, or services; to preserve and protect the value of land, buildings and landscapes and promote the attractiveness of the community; to ensure that signs in the City are not a safety hazard to lives and/or property; to eliminate confusion in locating goods, services and facilities, and to preserve order and to encourage business to erect permanent signs and discourage temporary and/or

portable signs.

- C. 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.
- D. Provide for fair and consistent enforcement of the sign regulations set for herein under the zoning authority of the City.

### **Subdivision 3: EFFECT**

A sign may be erected, mounted, displayed or maintained in the city if it is in conformance with the provisions of this ordinance. The effect of this ordinance, as more specifically set forth herein, is to:

- A. 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.
- B. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance.
- C. 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.
- D. Provide for the enforcement of the provisions of this sign ordinance.

### **Subdivision 4: SEVERABILITY**

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

### **Subdivision 5: PERMIT REQUIRED**

Except when exempted, no sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a permit from the city. The content of the message or speech displayed on the sign shall not be reviewed or

considered in determining whether to approve or deny a sign permit. Application for a permit shall be in writing addressed to the zoning administrator and shall contain the following information:

- A. Names, addresses and phone numbers of the applicant, owners of the sign and lot and the contact person from firm erecting signage;
- B. The address and the lot, block and addition at which any signs are to be erected;
- C. The street on which any signs are to front;
- D. A complete set of plans showing the necessary elevations, distances, size, location on lot and/or on building, all existing signage on the premises and details to fully and clearly represent the proposed sign request;
- E. Photographs of existing topography and any existing signage in the vicinity;
- F. A photo quality color rendering of all proposed signage showing its dimensions and describing materials, lettering, colors, illumination and support structure;
- G. The cost of the sign;
- H. Type of sign (i.e. wall sign, monument sign, etc.);
- I. Certification by applicant indicating the application complies with all requirements of the sign ordinance;
- J. If the proposed sign is along state trunk highway or interstate highway, the application shall be accompanied by proof that the applicant has obtained a permit from the state for the sign;
- K. Underwriter Laboratories label, if an electrical sign;
- L. If requested, engineering data showing the structure is designed to accommodate dead load and wind pressure, in any direction; and

The zoning administrator shall approve or deny the sign permit in an expedited manner no more than 60 days from the receipt of the complete application, including applicable fee. All permits not approved or denied within 60 days shall be deemed approved. If the permit is denied, the issuing authority shall prepare a

written notice of denial within 10 days its decision, describing the applicant's appeal rights, and send it by certified mail, return receipt requested, to the applicant.

### **Subdivision 6: FEES**

Sign permit fees are set by council resolution or ordinance each year, or as often as the City Council determines is necessary. Where work for which a permit is required by this Ordinance is started or proceeded with prior to obtaining a permit, the fee as provided by the City Council shall be doubled. Payment of such double fee shall neither relieve any persons from fully complying with the requirements of this Ordinance in the execution of the work nor from any other penalties prescribed herein. The City may assign a fee per sign for persons wishing to retrieve signs removed by City personnel as identified in the fee schedule. The City may also charge the costs of removal to the individual or enterprise responsible or property owner.

### **Subdivision 7: EXEMPTIONS**

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, including size, area and location restrictions.

- A. The changing of the display surface on a painted or printed sign only. This exemption, however, shall apply only to poster replacement and/or on-site changes involving sign painting elsewhere than directly on a building.
- B. One sign up to sixteen (16) square feet in size per lot.
- C. Governmental signs, including but not limited to, traffic control and other regulatory purpose signs, street signs, informational signs, danger signs, and railroad crossing signs.
- D. Any public sign (directional, safety, danger, trespassing, traffic, warning or public information) whose primary purpose is to communicate community events erected by, or on the order of, a duly constituted public office of City, County, State or Federal governments in pursuance of their public duties and provided signs are erected by or on order of a public officer or employee in the performance of official duty.
- E. Memorial signs or tablets, names of buildings and date of erection, when

cut into any masonry surface or when constructed of bronze or other incombustible material.

- F. Window signs, provided that no more than half of an individual window is covered with signs or painting.
- G. Flags of the United States, the state, the City, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed 60 square feet in area and shall not be flown from a pole more than 40 feet in length. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulations as such.
- H. Decorative lighting meeting this entire Ordinance's other requirements.

Unless otherwise noted, no such sign shall be placed on fences, trees or other vegetation, public street/traffic signs, utility poles or City/public property. Signs in violation of this Subdivision may be removed by City personnel at their discretion, without advance notice to the sign owner.

#### **Subdivision 8: TEMPORARY OR PORTABLE SIGNS**

Portable, off-premises signs, and signs otherwise allowed, may secure a temporary sign permit by meeting the following requirements:

- A. Sign will only be displayed for one (1) week or less, the sign has not been previously displayed in the City during the past three (3) months, and the lot has not received three (3) or more temporary permits within the past twelve (12) months.
- B. Signs shall not exceed thirty-two (32) square feet.
- C. With the temporary sign, the lot or premises will not exceed the maximum aggregate sign area allowed.
- D. Signs shall be affixed to a structure in a weather resistant (wind, rain, snow, etc.) manner. Signs which do not remain affixed shall be immediately removed or re-secured.
- E. Signs shall maintain a ten (10) foot setback from all property lines and be located on private property.

- F. There shall be no more than two (2) temporary signs per lot at any one time.
- G. Sign must be removed by the expiration date of the permit.

The Zoning/City Administrator may waive those application requirements of Subdivision 6 not applicable for a temporary or portable sign. The Zoning/City Administrator or his/her designee may remove any temporary sign for failure to comply with any of these provisions without notice to the sign owner.

### **Subdivision 9: GENERAL REQUIREMENTS**

- A. Extension from Building. Except as specifically provided herein, no signs shall be erected or maintained at any angle to a building or structure which sign extends or projects over the sidewalk, street or highway. No sign which is erected or maintained flat against any building or structure shall extend or project more than fifteen inches over the sidewalk, street or highway. The provisions of this subsection do not prohibit the erection and maintenance of awning, canopy or marquee signs, pursuant to Subdivision 13.
- B. Height. The top of a sign, including its superstructure, if any, shall be no higher than the roof of the building to which such sign may be attached or 22 feet, whichever height is less. Freestanding Signs, including any superstructure, shall not exceed an overall height of 22 feet, and shall be located on land in an area which is landscaped or if such land is part of an approved parking area, it shall be surfaced or paved as required in the zoning code. In addition to other applicable regulations of this Ordinance, no freestanding sign shall exceed fifteen (15) feet in height at the base of the sign.
- C. Electronic Variable Message Signs. The preferred sign type relating to the electronic message sign is a monument type. If the EVM is displayed in a pylon sign type said sign shall include a landscaped base wherein planter boxes, shrubs, flowers, etc. are preferred. Electronic message signs may be allowed under applicable provisions of this Ordinance provided that:
  - 1. The message does not change more than once in six (6) seconds, excluding time and temperature;
  - 2. The sign shall be at least fifty (50) feet from any residential district or use;
  - 3. The variable message sign shall not exceed twenty-five (25) percent of the maximum allowable aggregate sign area for the use

to which it pertains;

4. The following modes of displaying the message shall be permitted, all other modes are prohibited:
    - a. Fade in/fade out
    - b. Left to right or right to left
    - c. Top to bottom or bottom to top
  5. Modes which cause the message to flash are prohibited;
  6. The sign may only be used to promote activities, products, or services pertaining to the subject property; time and temperature; or other public service oriented messages;
  7. Landscaping shall be provided around the base of the monument sign.
- D. Number of sign facings. A Sign may not contain more than two (2) surface facings or areas facing the public right-of-way.
- E. Notwithstanding any other provision of this ordinance, no sign shall exceed 250 square feet in area.

#### **Subdivision 10: CONSTRUCTION STANDARDS**

All signs shall be designed, constructed and maintained in accordance with the following standards:

- A. Signs shall be consistent and harmonious with the architectural style of the subject and surrounding properties.
- B. The size and style of graphics, its scale, proportion, design, material and texture as well as the size and style of the letter shall relate to the building to which it refers and/or is attached and with the property and with the district that surrounds it.
- C. The architecture of the building should allow for specific locations for signs and signage should be limited to those areas.
- D. Signs should be an integral part of the design of storefront alterations and new constructions. Signs should not obscure architectural elements of structures.
- E. The design and alignment of signs on multiple use buildings shall be coordinated so as to achieve a unified appearance.

- F. All signs shall comply with applicable provisions of any applicable Building Code and Electrical Code. Freestanding signs are considered structures and shall meet requirements of the Building Code, including inspection by the Building Inspector.
- G. Unless otherwise noted all signs shall be constructed of permanent materials and shall be permanently attached. Signs constructed with high-quality, natural materials such as stone, glass, wood, brick and similar materials are preferred.
- H. Unless stated otherwise in this ordinance, permanent signs shall be setback at least ten (10) feet from all property lines. The City may require a greater setback because of public safety reasons that may include, but not be limited to, the following concerns: vehicle sight-distances, distance from an intersection, or function of the adjoining right-of-way.
- I. All signs shall contain current information. Outdated signs or signs outdated with information shall be removed by the property owner.
- J. Painting, repainting, cleaning, and normal maintenance and repair of a sign or sign structure is required to protect the sign and prevent its deterioration and maintain its neat appearance. Such maintenance is allowed without permit unless a structural change is made.
- K. All signs shall be maintained in good condition and areas within six (6) feet around the sign shall be kept free from debris, high weeds and from anything else that would constitute a nuisance.
- L. Electrical signs may not be powered by overhead wiring.

#### **Subdivision 11: UNAUTHORIZED SIGNS**

The following signs are unauthorized signs and are prohibited by this Section:

- A. Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal.
- B. Off-premise signs, except as provided in Subdivision 9.
- C. Signs in Public Right-of-Way. Signs erected or temporarily placed within any street right-of-way or upon public lands or easements or other public right-of-ways (except for governmental Signs) except as this Section

specifically provides or the City Council approves. The City may grant a permit to locate Signs or decorations on, over or within the right-of-way for a specified period of time in its discretion.

- D. Signs Obstructing Ingress or Egress. A Sign or Sign structure erected or maintained that prevents free ingress or egress from any door, window, fire escape, stairway or other opening.
- E. Fire Escapes. A Sign or Sign structure attached to a standpipe or fire escape.
- F. Abandoned Signs. Such signs shall be removed within thirty (30) days after written notice from the City.
- G. Traffic Obstruction. Any Sign that obstructs the vision of drivers or pedestrians or detracts from the visibility of any official traffic control device.
- H. Flashing Signs. Any Sign displaying any moving parts, illuminated with any flashing or intermittent lights, or any animated Sign, except Electronic Variable Message Signs in B-1 Central Business and B-2 General Business Districts.
- I. Roof Mounted Signs. Signs erected, constructed or attached wholly or in part upon or over a building's roof, including without limitation Signs that project over the building's eave line.
- J. Temporary/Portable Signs. Except as permitted by a temporary sign permit.
- K. Signs on Rocks, Trees or Fences. Signs painted, attached or in any other manner affixed to trees, rocks, or similar natural surfaces, or attached to public utility poles, bridges, towers, or similar public structures.
- L. Power Line Obstruction. Signs that will interfere with any electric light, power, telephone wires or their supports.
- M. Signs supported by guy wires.
- N. Hot air or gas-filled balloons;
- O. Bench signs or signs affixed to amenities such as trash receptacles etc.
- P. Illuminated signs in which light is directed onto adjacent property or public

streets. This includes search lights and beacons, and all methods of attracting attention by directing light radiation away from a sign surface.

- Q. Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety, must be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure or land upon which the sign is located.

### **Subdivision 12: CANOPIES, MARQUEES AND FIXED AWNINGS**

Canopies, marquees and fixed awnings are an integral part of the structure to which they are attached. They are allowed in the Business Districts if they meet following requirements and the applicable square footage requirements:

- A. An awning, canopy or marquee may not project into the public right-of-way more than six (6) feet over a public sidewalk;
- B. Awnings, canopies or marquees may have no part of the structure other than supports nearer the ground surface than eight (8) feet above the ground and not impeding pedestrians' free and complete use of the sidewalk;
- C. The architectural style of the awning, canopy or marquee shall be consistent with the building being served;
- D. Awnings, canopies or marquees built over the public right-of-way must be included in a liability insurance policy holding the city free of all responsibility.
- E. Awnings and Canopies Signs. One (1) awning and one (1) canopy sign per tenant or occupant, provided:
  - 1. The gross surface of an awning or canopy sign may not exceed 50% of the gross surface area of the smallest face of the awning or canopy to which the sign is to be affixed.
  - 2. The sign may not project higher than the top of the awning or canopy or below the awning or canopy.
  - 3. Canopy and awning signage area shall be included in the calculation for determining the total aggregate signage area permitted on a property.
  - 4. The awning/canopy sign shall not exceed twenty-five (25) percent

of the maximum allowable aggregate sign area for the use to which it pertains.

- F. Marquee Signs. A building with a marquee may erect a marquee sign, provided:
  - 1. The sign may not project higher than the top of the marquee or below the marquee.
  - 2. Marquee signage area shall be included in the calculation for determining the total aggregate signage area permitted on a property.

**Subdivision 13: SIGN STANDARDS FOR SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICTS (R-1/R-2)**

Except as provided in Section 12, all signs must comply with the requirements of the underlying zoning district.

- A. Permitted signage. Except as included below, all sign types are prohibited. No signs may have moving parts, rotate, be illuminated, shimmer or otherwise reflect or direct light. The following sign types are permitted:
  - 1. Freestanding signs (including monument and pole/pylon),
  - 2. Wall signs, and
  - 3. Window signs.
- B. Maximum sign area. No sign or combinations thereof may exceed sixteen (16) square feet of aggregate sign area per lot.
- C. Maximum height. No sign may have a height greater than eight (8) feet.
- D. Minimum setback. Signs shall maintain a ten (10) foot setback from all property lines and be located on private property.

**Subdivision 14: SIGN STANDARDS FOR MULTI-FAMILY DISTRICTS (R-3)**

Except as provided in Section 12, all signs must comply with the requirements of the underlying zoning district.

- A. Permitted signage. Except as included below, all sign types are prohibited. The following sign types are permitted:
  - 1. Monument signs.
- B. Maximum sign area.
  - 1. Maximum aggregate area for lot. No more than sixty-four (64) square feet per apartment complex or one monument sign per vehicle entrance, whichever is greater.
  - 2. Maximum sign area of Monument Signs. No more than thirty-two (32) square feet.
- C. Maximum height of freestanding signs. No more than eight (8) feet.
- D. Minimum setback. Signs shall maintain a ten (10) foot setback from all property lines and be located on private property.
- E. Other. Signage shall compliment exterior finish of principal structure on the lot and blend into the neighborhood. Landscaping around monument sign is required.

**Subdivision 15: SIGN STANDARDS FOR CENTRAL BUSINESS DISTRICT (B-1)**

Except as provided in Section 12, all signs must comply with the requirements of the underlying zoning district.

- A. Permitted signage. Except as included below, all sign types are prohibited. The following sign types are permitted:
  - 1. One Monument sign,
  - 2. Wall signs,
  - 3. One Projecting signs,
  - 4. Window signs,
  - 5. Awning and canopy signs, and
  - 6. Sandwich board signs.
- B. Maximum sign area.

1. Maximum aggregate area for lot.
    - a. Single entity occupant property – One (1) square foot per lineal front foot or ten percent (10%) of front facade, whichever is greater.
    - b. Multiple entity occupant property – One (1) square foot per lineal front foot or fifteen (15%) of front façade, whichever is greater.
  2. Maximum sign area of Window Signs. Not to exceed twenty percent (20%) of the window area.
- C. Maximum height of freestanding signs. No more than eight (8) feet.
- D. Minimum setback. Signs shall comply with the setback requirements of Section 20, except that side yard setbacks shall be ten (10) feet.
- E. Design Standards for B-1 Central Business District. The following standards pertain to signs within the B-1 Central Business District and are in addition to other standards contained herein:
1. The City finds that the unique character, aesthetics and history of the Downtown and Central Business District are valid public resources to preserve, and wishes to balance the needs of property owners and the maintenance of this valuable aesthetic and historical quality, to minimize visual confusion, clutter and distraction and guarantee a well-planned design for the City's traditional business district.
  2. Signs shall be architecturally compatible with the style, composition, materials, colors and details of the building to which it relates and other signs on other buildings within the B-1 District.
  3. Signage should be simple and while advertising the use of the structure, the signage should not overshadow or dominate the character of the structure.
  4. If a sign is illuminated, the illumination must be directed toward and limited to the sign's surface. The light source may not shine upon any part of a residence or roadway or in any way distract or obstruct traffic. All displays must be shielded to prevent any light to be directed at oncoming traffic in such brilliance as to impair any

driver's vision. No device may be illuminated to interfere with or obscure indoor signs that are visible from public streets. Illuminated signs may not give off any intermittent, rotating, concentrated or direction beam, or flashing light of any kind. Signs capable of being lit in the evening must limit the view of such lights from motorists and pedestrians.

5. The overall design of all signage including the mounting framework shall relate to the design of the principal building on the property. For buildings without a recognizable style, the sign shall adopt the decorative features of the building, utilizing the same materials and colors.
6. Projecting signs are limited to areas directly adjacent to Broadway Street and must comply with the following:
  - a. The projecting sign does not extend beyond the first floor of the building.
  - b. No less than ten feet of clearance is provided between the highest point of the sidewalk and the lowest point of the projecting sign.
  - c. Cumulative projecting sign area is not greater than twelve square feet and maximum sign width not greater than three feet.
  - d. Maximum distance between a projecting sign and the building face doesn't exceed one foot.
7. Sandwich Board Signs are limited to areas directly adjacent to Broadway Street and must comply with the following:
  - a. No more than one sandwich board sign per business shall be allowed.
  - b. The sandwich board sign does not exceed 36" in height or 30" in width.
  - c. The sign is displayed only during store hours.
  - d. The sign does not require any form of electricity or display lights or moving parts.

- e. That such signs do not block driveways, entryways or pedestrian accesses, do not significantly occlude the sidewalk and/or do not impact sightlines/view at street intersections.
- f. The sign is made of superior quality, weather/wind resistant materials.
- g. The sign is not affixed to the sidewalk, other signage or temporary or permanent structure.
- h. A valid sign permit is secured from the zoning/city administrator and/or his/her designee.
- i. The sign owner provides proof of liability insurance listing the City as an additional insured and holding the City harmless.

**Subdivision 16: SIGN STANDARDS FOR GENERAL BUSINESS DISTRICT (B-2)**

Except as provided in Section 12, all signs must comply with the requirements of the underlying zoning district.

- A. Permitted signage. Except as included below, all sign types are prohibited. The following sign types are permitted:
  - 1. One Freestanding sign per lot, and
  - 2. Wall signs.
- B. Maximum sign area.
  - 1. Maximum aggregate area for lot.
    - a. Single entity occupant property – One (1) square foot per lineal front foot.
    - b. Multiple entity occupant property – One and a quarter (1.25) square feet per lineal front foot.
  - 2. Maximum sign area of Wall signs. Not to exceed fifteen percent (15%) of the area of the façade to which it is affixed.
  - 3. Maximum sign area of Freestanding signs.

- a. If facing Trunk Highway 23 – One hundred-fifty (150) square feet.
  - b. If facing other arterial or collector street – One hundred-twenty-five (125) square feet.
  - c. If facing local street – One hundred (100) square feet.
- C. Maximum height of freestanding signs.
  - 1. If facing Trunk Highway 23 – Twenty-two (22) feet.
  - 2. If facing other arterial or collector street – Twenty (20) feet.
  - 3. If facing local street – Eighteen (18) feet.
- D. Minimum setback. Signs shall maintain a ten (10) foot setback from all property lines and be located on private property.
- E. Design Standards for Properties with Highway/Freeway Visibility. The following standards pertain to signs within the B-2 General Business District which are visible from T.H. 23. These standards are in addition to other standards contained herein.
  - 1. The City wishes to balance the need to direct persons and provide commercial/industrial establishments with opportunities for the employment of useful signage; and, to minimize visual confusion, clutter and distraction within commercial and business park districts. The standards contained in this subdivision relate to signs on parcels adjacent to or visible from principal arterials, minor arterials and collector streets.
  - 2. Signs shall employ superior-quality, permanent materials. Natural materials such as wood, brick, stone, glass, etc are highly encouraged.
  - 3. Signs shall be architecturally compatible with the style, composition, materials, color and details of the building to which it relates and other structures within the applicable zoning classification.
  - 4. Signage should be simple and non-obtrusive and, while advertising the use of the structure it should not overshadow or dominate the character of the structure.

5. The use of natural color palettes in freestanding signage is highly desired.
6. All freestanding signs shall employ landscaping that is aesthetically pleasing and complimentary to the quality of uses within the area.

**Subdivision 17: SIGN STANDARDS FOR INDUSTRIAL DISTRICTS (I-1/I-2)**

Except as provided in Section 12, all signs must comply with the requirements of the underlying zoning district.

- A. Permitted signage. Except as included below, all sign types are prohibited. The following sign types are permitted:
  1. One Freestanding sign per lot, and
  2. Wall signs,
- B. Maximum sign area.
  1. Maximum aggregate area for lot.
    - a. Single entity occupant property – One (1) square foot per lineal front foot.
    - b. Multiple entity occupant property – One and a half (1.5) square feet per lineal front foot.
  2. Maximum sign area of Wall Signs. Not to exceed fifteen percent (15%) of the area of the façade to which it is affixed.
  3. Maximum sign area of Freestanding signs.
    - a. If facing Trunk Highway 23 – One hundred-twenty-five (125) square feet.
    - b. If facing other arterial or collector street – One hundred (100) square feet.
    - c. If facing local street – Seventy-five (75) square feet.
- C. Maximum height of freestanding signs.
  1. If facing Trunk Highway 23 – Twenty (20) feet.

2. If facing other arterial or collector street – Eighteen (18) feet.
  3. If facing local street – Sixteen (16) feet.
- D. Minimum setback. Signs shall maintain a ten (10) foot setback from all property lines and be located on private property.
- E. Design Standards for Properties with Highway/Freeway Visibility. The following standards pertain to signs within the Industrial District which are visible from T.H. 23. These standards are in addition to other standards contained herein.
1. The City wishes to balance the need to direct persons and provide commercial/industrial establishments with opportunities for the employment of useful signage; and, to minimize visual confusion, clutter and distraction within commercial and business park districts. The standards contained in this subdivision relate to signs on parcels adjacent to or visible from principal arterials, minor arterials and collector streets.
  2. Signs shall employ superior-quality, permanent materials. Natural materials such as wood, brick, stone, glass, etc are highly encouraged.
  3. Signs shall be architecturally compatible with the style, composition, materials, color and details of the building to which it relates and other structures within the applicable zoning classification.
  4. Signage should be simple and non-obtrusive and, while advertising the use of the structure it should not overshadow or dominate the character of the structure.
  5. The use of natural color palettes in freestanding signage is highly desired.
  6. All freestanding signs shall employ landscaping that is aesthetically pleasing and complimentary to the quality of uses within the area.

### **Subdivision 18: MASTER SIGNAGE PLAN REQUIRED**

- A. A master signage plan shall be included in any non-residential

development plan, site or plot plan and/or non-residential planned unit development with more than one individual business or tenant. No permit shall be issued for an individual sign requiring a permit in a commercial and/or industrial zoning district where more than one business or industry will be located until a master signage plan has been approved by the City.

- B. The owner/agent shall submit a master signage plan containing the following information:
  - 1. A scaled site plan showing location of buildings, parking lots, driveways and landscaped areas and an accurate indication on the site plan of the proposed location of present and future signs of any type, whether requiring a permit or not.
  - 2. Scaled color drawings clearly showing location of sign on building elevation.
  - 3. Computation of the maximum total sign area, the maximum area for individual signs and the height of signs.
- C. The maximum numbers of signs affixed to a building by each business within the building shall be controlled by the master signage plan.
- D. Other provisions of the plan may contain such other restrictions as the owner of the development or building may reasonably determine.
- E. The plan shall be signed by all owners or their authorized agents in such form as required by the City or as a part of applicable and active restrictive covenants.
- F. A master signage plan may be amended by filing administratively a new master signage plan that conforms to all requirements of this Ordinance.
- G. After approval of a master signage plan, no sign shall be erected, placed, painted or maintained, except in conformance with approved master signage plan and such plan may be enforced in the same way as provisions of this Ordinance. In case of any conflict between the provisions of such a plan and this code, the code shall govern.

### **Subdivision 19: NON-CONFORMING SIGNS: COMPLIANCE**

It is recognized that signs exist within the zoning districts which were lawful before this sign ordinance was enacted, but will be prohibited under the terms of

this section. It is the intent of this sign ordinance that nonconforming signs shall not be enlarged upon or expanded , nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this sign ordinance to permit legal nonconforming signs existing on the effective date of this sign ordinance to continue as legal nonconforming signs provided such signs are safe, are maintained so as not to be unsightly, and have not been abandoned or removed subject to the following provisions:

- A. No sign shall be enlarged or altered in a way which increases its nonconformity.
- B. If the use of the nonconforming sign or sign structure is discontinued for a period of one year, the sign or sign structure shall not be reconstructed or used except in conformity with the provisions of this ordinance.
- C. Should such nonconforming sign or sign structure be damaged or structure be destroyed by any means to an extent greater than fifty (50) percent of its market value and all required permits for its reconstruction have not been applied for within 180 days of when the sign or sign structure was damaged, it shall not be reconstructed or used except in conformity with the provisions of this ordinance.
- D. Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
- E. No existing sign devoted to a use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, expanded or moved except in changing the sign to a sign permitted in the zoning district in which is it located.
- F. When a building loses its nonconforming status all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be repainted in a neutral color or a color which will harmonize with the structure.

The provisions of this subdivision are in addition to the definitions set forth in Section 14, which shall apply, except that in the event of a conflict, the provisions in this paragraph shall apply.

### **Subdivision 20: VIOLATIONS**

Violation of this section is a violation as a misdemeanor, and enforced under Section 31. Each day that the violation continues is a separate offense.

### **Subdivision 21: NON-COMMERCIAL SPEECH**

Notwithstanding any other provisions of this sign ordinance, all signs of any size containing Non-Commercial Speech may be posted from August 1 in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election. These signs shall be subject to any applicable restrictions on campaigning in and around polling places.

### **Subdivision 22: SUBSTITUTION CLAUSE**

The owner of any sign which is otherwise allowed by this sign ordinance may substitute non-commercial speech in lieu of any other commercial speech or non-commercial speech. 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 speech over any other non-commercial speech. This provision prevails over any more specific provision to the contrary.