

PART II - CODE OF ORDINANCES
Chapter 117 - ZONING AND SUBDIVISIONS
ARTICLE II. - ZONING
DIVISION 8. - SIGNS
Subdivision I. - In General

Subdivision I. - In General

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Sec. 117-457. - Purpose.

The purpose of this division is to protect and promote the general welfare, health, safety and order within the city through the establishment of a comprehensive and impartial series of standards, regulations and procedures governing the erection, use and/or display of devices, signs or symbols serving as a visual communicative media to persons situated within or upon public rights-of-way or properties. The provisions of this division are intended to encourage creativity, a reasonable degree of freedom of choice, an opportunity for effective communication and a sense of concern for the visual amenities on the part of those designing and displaying communicative media for the types regulated by this division, while at the same time assuring that the public health and welfare is not endangered.

(Code 1978, § 9.12.01; Ord. No. 94-02, 2-28-1994; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008)

Sec. 117-458. - Substitution clause.

The owner of any sign that is otherwise allowed by this division may substitute noncommercial speech in lieu of any other commercial speech or noncommercial speech. The owner of any sign that is otherwise allowed by this division may substitute commercial speech in lieu of any other commercial speech or noncommercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this division is to prevent any inadvertent favoring of commercial speech over noncommercial speech, favoring of noncommercial speech over commercial speech, favoring any particular commercial speech over any other commercial speech, or favoring of any particular noncommercial speech over any other noncommercial speech. This division prevails over any more specific provision to the contrary.

Sec. 117-459. - Variations.

Request for variations from the provisions of this division shall be processed by the applicant applying to the zoning administrator for a conditional use permit, which conditional use permit procedure shall be as prescribed in section 117-50.

(Code 1978, § 9.12.24; Ord. No. 94-02, 2-28-1994; Ord. No. 03-31, 9-15-2003; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008)

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Sec. 117-460. - Conflict.

If any portion of this division is found to be in conflict with any other provision of any zoning, building, fire, safety or health ordinance of the city, the provision that establishes the higher standard shall prevail.

(Code 1978, § 9.12.25; Ord. No. 94-02, 2-28-1994; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008)

Sec. 117-461. - Violations.

(a) When, in the opinion of the zoning administrator, a violation of this Code exists, the zoning administrator shall issue a written order to either the owner of the sign, or the owner of the property, or tenant leasing the property, on which the sign is placed. The order shall specify those sections of this Code involved, describe the violation and shall direct that the violation be corrected within five days from the date of the order, unless otherwise specified by the zoning administrator. If the violation is not corrected, the violation will be penalized through the administrative citation or removal, whichever is appropriate.

(b) If the zoning administrator or building official finds that a sign is abandoned or is structurally, or electrically defective, or in any way endangers the public, the zoning administrator or building official shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring repair or removal of the sign within 60 days of the date of the order.

(Code 1978, § 9.12.21; Ord. No. 94-02, 2-28-1994; Ord. No. 03-31, 9-15-2003; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008)

Sec. 117-462. - Removal of signs by the zoning administrator.

(a) The zoning administrator may cause the removal of any illegal sign, any sign remaining after a business permanently closes, or any sign not properly maintained in cases of emergency, or after failure to timely comply with written orders for removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner and owner of the property where the sign was located stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the zoning administrator together with an additional 50 percent for inspection and incidental costs.

(b) If the amount specified in the notice is not paid within 30 days after mailing of the notice, it shall become a lien against the parcel where the sign was located and shall be certified as an assessment against the property together with ten percent interest for collection in the same manner as the real estate taxes.

(c) The owner of the parcel upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the zoning administrator.

(d) In case of emergency, the zoning administrator or building official may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety as defined in the state building code.

(Code 1978, § 9.12.22; Ord. No. 94-02, 2-28-1994; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008)

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Sec. 117-463. - General restrictions.

- (a) *Address sign.* One address sign shall be required per main building in all districts.
- (b) *Bench sign.* Bench signs shall be permitted only at bus stops.
- (c) *Ground sign.* A ground sign shall not project higher than 25 feet as measured from base of sign or grade of the nearest adjacent roadway, whichever is lower. Any ground sign within 50 feet of any intersection of street right-of-way lines and/or driveway entrances shall have a minimum vertical clearance of 12 feet above the centerline of the pavement unless it can be shown that it can comply with subsections (e)(2)a and b of this section.
- (d) *Canopies or marquees.* Canopies and marquees shall be considered to be an integral part of the structure to which they are an accessory. Signs may be attached to a canopy or marquee, but such structures shall not be considered as part of the wall area and thus shall not warrant additional sign area.
- (e) *Location.*
- (1) No sign other than governmental signs shall be erected or temporarily placed within any street or public right-of-way or upon any public easement.
 - (2) A permit for a sign to be located within 50 feet of any street or highway regulatory or warning sign, or any traffic sign or signal, or of any crossroad or crosswalk, will not be issued unless:
 - a. The sign will not interfere with the ability of drivers and pedestrians to see any street or highway sign, or any traffic sign or signal, or any crossroad or crosswalk; and
 - b. The sign will not distract drivers nor offer any confusion to any street or highway, sign, or any traffic sign or signal.
 - (3) A sign shall not be located so as to extend over any lot line or within 15 feet of any point of vehicular access from a parcel to a public roadway.
- (f) *Dynamic display and illumination.*
- (1) Based on findings conducted by scientific studies, the city finds that dynamic displays should be allowed on signs with appropriate regulation in order to minimize their proliferation and their potential threats to public safety.
 - (2) Regulations. Dynamic displays on signs are subject to the following conditions:
 - a. Size. No dynamic display shall exceed 35 percent of the actual copy and graphic area of a sign. The remainder of the sign must not have the capability to have dynamic displays, even if not used. Only one dynamic display area is permitted on a sign face. On-premise signs may include dynamic displays. Dynamic display signs shall not exceed the size allowed by this Chapter. Dynamic displays are not in addition to the size allowed for static signs.
 - b. Frequency of display change. A dynamic display may not change more often than once every three seconds, and no part of the display may include flashing or scrolling text, and no part of the display may flash or scroll at any time. The images display must be static, and the transition from one display to another must be instantaneous without special effects. The dynamic display shall not be allowed to project full-motion video. Subtle transition animations

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shall be allowed.

c. **Brightness.** No sign may be brighter than is necessary for clear and adequate visibility, or that it interferes with the effectiveness of a traffic sign or signal, or that it distracts a driver from motor vehicle operation.

d. **Troubleshooting.** Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The display must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this section.

(g) ***Institutional and recreational identification sign.*** One wall and/or ground sign shall be permitted to identify the civic, philanthropic, educational, public or religious organization or recreational use occupying the parcel. There shall not be more than one ground sign for each parcel. The gross surface area of a ground sign shall not exceed 100 square feet for each exposed face nor exceed an aggregate gross surface area of 200 square feet. Such facilities having more than one point of entrance or street frontage may erect secondary identification signs not to exceed 50 square feet for each exposed face at the additional entrance points or street frontages.

(h) ***Institutional attraction boards.*** There shall not be more than one institutional attraction board for each principal building and it may be either wall or ground type or constructed as a part of the institutional identification sign. The gross surface area of an attraction board shall not exceed 50 square feet for each exposed face nor exceed an aggregate gross surface area of 100 square feet. An attraction board shall not be located so as to extend over any lot line or within 15 feet of any point of vehicular access from any parcel to a public roadway. Attraction boards shall not exceed 15 feet in height as measured from the base of the sign or building to which the sign is to be affixed or the grade of the nearest adjacent roadway, whichever is higher.

(i) ***Pennants.*** The use of pennants is permitted in any commercial district provided the pennants are securely anchored and maintained in good repair, including replacement or removal when weather damage is evident. The zoning administrator, or his designee, shall have the authority to identify and notify property owners and/or occupants of the parcel on which the pennants have been determined to be in violation of this Code. Failure to remove or replace the pennants within ten days of notification shall be sufficient cause for the zoning administrator or his designee to remove said pennants. The property owner shall be billed for all costs incurred by the city in administering this subdivision.

(j) ***Banners.*** The use of banners is permitted in any commercial district as permanent wall signage provided the banner is securely anchored and maintained in good repair, including replacement or removal when weather damage is evident. The square footage dedicated to banners is limited to 50 percent of the total square footage allowance for wall signs. Facilities choosing to utilize wall banners in addition to other permanent wall signage shall be required to obtain a separate sign permit for the maximum square footage allowed for banners and payment of the permanent sign fee.

(k) ***Flags.*** The display of flags shall be permitted in all districts. However, the total square footage area of any flags used as advertising copy or as attention getting devices for commercial purposes shall be considered as permanent signage and counted towards the total allowable sign area permitted by this section for the parcel on which the flag is displayed. Flag height is restricted to 25 feet.

(l) ***Directional signs.*** Directional or instructional signs are restricted to on-site direction and instruction,

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with the exception of governmental signs, temporary real estate signs and public event signs, and shall not exceed four square feet in size. Such signs shall only provide direction or instruction to guide persons to facilities intended to serve the public.

(m) *Maintenance.*

(1) The surface and structure of all signs must be kept refinished as necessary to prevent the sign surface from becoming unkempt in appearance. The zoning administrator shall use the following guidelines to determine if the sign is unkempt: evidence of rust, peeling paint, structural damage, message damage, and/or weathering.

(2) When any sign for which a permit is required is removed, the zoning administrator shall be notified and the entire sign and its components shall be removed.

(3) The permit owner shall be responsible for all of the requirements of this section, including the liability for expense of removal and maintenance incurred by the city.

(n) *Sign content.* No sign shall contain obscene images or statements in violation of Minn. Stats. § 617.241.

(Code 1978, § 9.12.03; Ord. No. 94-02, 2-28-1994; Ord. No. 03-31, 9-15-2003; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008)

Sec. 117-464. - Prohibited signs.

(a) *"A" frame or sandwich board signs.* "A" frame or sandwich board signs are prohibited.

(b) *Advertising device signs.* Advertising device signs are prohibited except as provided for in section 117-465

(c) *Whirling devices, searchlights, streamers, balloons and other gas-filled figures.* Whirling devices, searchlights, streamers, balloons, and other gas filled figures, are prohibited except as a temporary sign as provided for in section 117-465

(d) *Flashing or scrolling signs, devices or lights.* Flashing signs, devices, or lights are not permitted in any district except as provided for in section 117-463(f).

(e) *Portable signs.* Portable signs are prohibited except as temporary signs as provided for in section 117-465

(f) *Projecting signs.* No projecting sign shall be permitted in any district.

(g) *Roof signs.* Roof signs are prohibited in any zoning district.

(h) *Signs on parked vehicles.* Signs painted or mounted on or attached to vehicles, trailers or equipment where the apparent primary purpose of the vehicle or equipment is to display said sign are prohibited. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle, trailer and/or any other type of mobile equipment.

(i) *Signs on trees and utility poles.* Signs which are attached or otherwise affixed to trees or other vegetation or utility poles are prohibited.

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(j) *Signs painted on walls.* Signs painted on an exterior wall, fascia, parapet or a chimney of a building or on a fence are prohibited.

(k) *Signs which imitate traffic control devices.* Signs which imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic control sign, signal, or other device are prohibited.

(l) *Billboards.* No billboards shall be permitted in any zoning district of the city, except as otherwise provided in this Division and except that off-premise signs may be located on adjacent parcels or at shared entrances. Shared entrances shall be encumbered by a recordable easement, filed with the Anoka County Recorder. If a sign is placed on an adjacent parcel, it requires approval from the parcel owner and counts against the allowable signage for the parcel it is located.

(Code 1978, § 9.12.04; Ord. No. 94-02, 2-28-1994; Ord. No. 03-31, 9-15-2003; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008)

Sec. 117-465. - Temporary signs.

(a) Temporary signs are defined as signs which are erected or displayed for a limited period of time and not affixed to a state building code approved structure. A sign is considered temporary if it is not intended to remain on the property permanently and has not received a permanent sign permit and/or is not intended to be constructed per the state building code.

(1) *Duration.* Temporary signs shall be permitted for up to six weeks per year per parcel, or per business on multitenant business parcels. The six-week limit may be extended up to four weeks if there have been no sign violations in the past year by the entity who erects the sign.

(2) *Location.* Temporary signs must be located fully on private property, with the permission of the property owner. The city will remove any signs in the public right-of-way, or erected without permission from the property owner.

(3) *Number.* All properties are limited to two temporary signs per parcel. In locations where there are multiple businesses on one parcel (a multitenant facility), three signs are permitted.

(4) *Size.* Temporary signs shall be limited to 50 square feet in size.

(5) *Dynamic display.* Temporary signs may consist of dynamic display, provided all standards of Section 117-463 Subd. (f) are complied with.

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(6) *Permits and fees.* All temporary signs shall be required to obtain a temporary sign permit. The temporary sign permit application shall specify the exact times and dates the temporary sign is to be erected, the size of the sign, the location of the sign, contact information, and other information deemed necessary by the zoning administrator to determine that the temporary sign is erected within applicable code. The Temporary Sign Permit shall be clearly displayed on the temporary sign. The fee for the temporary sign permit shall be established by ordinance as part of the rates and charges. The fee shall only be collected for the first permit per parcel or per business in a multi-tenant facility. The provisions of this division apply to all temporary signs, and appropriate penalties for violations will be assessed, as outlined in section 117-461

A. *Exemptions from temporary sign Permit.* Signs less than 15 square feet in size and all temporary signs in residential districts (R-1 Residential, R-2 Residential, R-3 Residential) are exempt from temporary sign permitting requirements.

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(b) Balloons, gas filled figures, streamers, whirling devices and revolving searchlights or any such attention-getting device that is not specifically a sign may be permitted up to four weeks per year, for one week at a time.

(Code 1978, § 9.12.05; Ord. No. 94-02, 2-28-1994; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008; Ord. No. 10-11, § 2, 7-27-2010)

Secs. 117-466 – Other Temporary Signs

(a) *Real Estate Signs.* One temporary real estate sign constructed of durable materials located on the premises is permitted for sale or lease of building or vacant lot for each street frontage. Real Estate Signs are limited to the following maximum sizes:

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(1) *Residential Districts.* Real Estate Signs may not exceed 32 square feet in residentially zoned districts.

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(2) *Commercial and Employment Districts.* Real Estate Signs may not exceed 64 square feet in commercially or employment zoned districts. Real Estate Signs erected on walls of buildings may not exceed 15% of the front façade of said structure.

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(b) *Construction Signs.* One temporary construction sign constructed of durable materials located on the premises is permitted on each street frontage of a development under construction.

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Secs. 117-467 – Unified Development Signs

(a) *General provisions.* A unified development is a development that consists of multiple parcels of similar zoning district and bound by major roadways consisting of arterial or collector designation or higher. Signs for multi-tenant commercial and employment developments may be erected to include off-premise copy under the following conditions:

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(1) The sign must identify the development at the top of the sign and may include provisions for individual users within the development.

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(2) The sign must be located within 500 feet of the development and may not be separated from the development by an arterial road.

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(43) The sign must not exceed 250 square feet per face (500 square feet aggregate) and 30 feet in height.

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(54) The sign may include dynamic display not to exceed 100 square feet per face (200 square feet aggregate).

(65) The sign will not be included in the total signage permitted for the property in which it is located.

(76) The general location of area identification signs for commercial and employment districts must be approved by the Planning Commission as part of a Master Sign Plan approved as part of site plan approval.

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117-468—117-483. - Reserved.