

MINNETONKA PLANNING COMMISSION
October 18, 2018

Brief Description	Ordinance repealing and replacing City Code 325, Sign Regulations
Recommendation	Recommend the city council adopt the ordinance

Introduction

Minnetonka's first sign ordinance was adopted in 1966 and was updated in its entirety in 1991. Twenty-five years later, in 2016, staff again proposed to update the entire ordinance. The update would occur in two phases.

Phase 1 was completed in response to a United States Supreme Court decision that all sign regulations must be content-neutral. Adopted in 2016, the first phase:

- *Removed content-based regulations from the ordinance.* The previous sign ordinance was largely based on a sign's content or wording. For example, in residential zoning districts, there were separate regulations for leasing, real estate, and construction signs. Several court cases have found constitutional issues with sign ordinances that include content-based standards. The 2015 United States Supreme Court decision struck down a sign ordinance involving "directional signs" as a content-based regulation. Content-based regulations are subject to higher judicial scrutiny under First Amendment analysis and are more vulnerable to legal challenge than are regulations based on size, location, and number.
- *Improved the organization and user-friendliness of the sign ordinance.* Because the city code is often downloaded and interpreted by others, it is important to make the ordinance easy to read and follow.

Phase 2 of the update is intended to focus on regulatory standards:

- *Update for current industry trends and standards.* Technology in the sign industry has changed significantly since the adoption of the 1991 sign ordinance. Additionally, staff has noticed changes in the branding and marketing goals of companies. Some examples of the branding changes include incorporating the logo into a company's trade name and adding trade slogans or catch phrases into signs. These changes impact the types, styles and design of signage.
- *Provide for more flexibility in the ordinance.* The existing ordinance has very limited flexibility. This has resulted in an increased number of variances and sign plans reviewed by the planning commission and city council. Additional flexibility is needed to recognize differing site characteristics and visibility needs, while maintaining community aesthetics and traffic safety.

Feedback and Outreach

Staff presented an overview of a draft of Phase 2 updates to the city council during an October 2017 study session. The council was generally supportive of the proposed revisions. Following the study session, outreach to the sign industry was conducted. The draft was provided to six sign contractors that regularly do work in the city. Two contractors provided responses. Below are excerpts from those respondents:

- “I have looked this over and I like the changes. It will make signs in Minnetonka much more impactful and beneficial for the community and the business owner. Thanks for taking a progressive stance and being willing to change as the needs of the community change. It is refreshing to see.”
- “...thank you for the opportunity to review and comment on the proposed sign ordinance draft. We do welcome changes to sign ordinances that make them more user friendly and reflective of the needs of businesses and residents. That said, while we see some positive changes in the draft you sent we also believe that Minnetonka will remain one of the more challenging cities in which to obtain sign permit approval.”

Process

The proposed ordinance replacement was introduced to the city council at the October 8, 2018 meeting. The city council referred the proposed repeal and replacement of the sign ordinance to the planning commission.

The planning commission will review the subject ordinance proposal and provide a recommendation to city council. The council will then make the final decision on the repeal and replacement of the ordinance.

Phase 2 Proposed Changes

Staff is proposing regulatory changes identified below.

- Definitions. The following types of signs have been added to the Definitions Section.
 - a. “Blade sign”(p. 2)
 - b. “Conditionally permitted uses” (p. 2)
 - c. “Feather flag” (p. 3)
 - d. “Monument Area (p. 3)
 - e. Changing “Multi-tenant Center” to “Multi-tenant building” (p. 3)
 - f. “Projecting Sign” (p. 4)
 - g. “Sandwich sign (p. 4)
- Permits, Procedure and Variances.
 - a. Remove section 325.04 (3)(a)(7). This section requires that the applicant provide the name of the licensed electrician who will make the final connections of an illuminated sign. (p. 6)
 - b. Amend section 325.04 (3)(b). This amendment changes the review time for sign permits from 10 days to 15 business days. (p. 6)
- General Regulations

- a. Prohibited feather flags and pennants. (p. 6) (See attached photo.)
 - b. Increased the changeable message size maximum from 30 percent to 50 percent (p. 9)
 - c. Font size requirement changed from a varying size requirement based on speed limits to a 4-inch minimum for all signs. (p. 9)
 - d. Increased dynamic display maximums from 30 percent to 50 percent. (p.11) (See attached)
 - e. Removed section 325.05 (11)(a)(5). This section prohibits wall signs from projecting more than 18 inches from the face of the building. (See attached photo.)
 - f. Removed section 325.05 (11)(a)(8). This section requires signs be constructed to withstand the following wind loads:
 - i. For solid signs, 30 pounds per square foot on the one face of the sign; and
 - ii. For other signs, 36 pounds per square foot of the total face area of the letters and other sign surface, or 10 pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.
- District Regulations
 - a. Residential Districts
 - i. Educational, religious, institutional or nursing homes uses redefined as conditionally-permitted principal uses. (p.16)
 - ii. Requirement added that non-commercial signage at least five feet from the edge of a public street, must not obstruct driver visibility at intersections and must be placed with the consent of the property owner. These changes are consistent with the standard for off-premise commercial signs. (p.17)
 - iii. Conditionally-permitted principal uses to be allowed temporary signage via permit (previously allowed only through city council approval). (p.17)
 - b. Office Districts
 - i. Buildings with multiple street frontages to be permitted a wall sign on each street frontage. (p.18)
 - ii. Maximum wall sign height to be based on the number of stories of the building. (p.18) (See attached photo.)
 - iii. Temporary signage times clarified. (p.19)
 - iv. Sandwich board signs added as a permitted temporary sign. (p.19) (See attached)
 - v. Requirement added that non-commercial signage at least five feet from the edge of a public street, must not obstruct driver visibility at intersections and must be placed with the consent of the property owner. These changes are consistent with the standard for off-premise commercial signs. Currently, non-commercial signage must be setback 10 feet off all property lines. (p.19)
 - c. Commercial Business and Industrial Districts
 - i. Combined B-2, B-3, and I-1 Districts into one signage section. (p.19)

- ii. Revised section to increase the allowed wall signage from one sign per multi-tenant leaseholder to one wall sign per exterior wall face, not to exceed two total signs. (p.20) (See attached photo.)
- iii. Projecting signage added as a permitted sign with regulations. (p.21) (See attached)
- iv. Sandwich signs added as a permitted temporary sign. (p.22) (See attached)
- v. Requirement added that non-commercial signage at least five feet from the edge of a public street, must not obstruct driver visibility at intersections and must be placed with the consent of the property owner. These changes are consistent with the standard for off-premise commercial signs. Currently, non-commercial signage must be set back 10 feet off all property lines. (p.22)

In an effort to efficiently relay information, many existing regulations were placed into tables and were reorganized within subsections to create more logical organization. These “rearrangements” are not expressed in the outline above, as the regulation or standard were generally not changed.

Staff Recommendation

Recommend the city council adopt the attached ordinance.

Originator: Drew Ingvalson, Planner
Through: Loren Gordon, AICP, City Planner

Ordinance No. 2018-

**An Ordinance amending the city's sign regulations; repealing
and replacing section 325 of the Minnetonka City Code**

The City of Minnetonka Ordains:

Section 1. Section 325 of the Minnetonka City Code, a copy of which is attached as Exhibit A, is repealed.

Section 2. The Minnetonka City Code is replaced by adding a new section 325, in the form of the attached Exhibit B.

Section 3. This ordinance is effective on the date of its adoption.

Adopted by the city council of the City of Minnetonka, Minnesota, on _____.

Brad Wiersum, Mayor

Attest:

David E. Maeda, City Clerk

Action on this Ordinance:

Date of introduction: Oct. 8, 2018

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on _____.

David E. Maeda, City Clerk

EXHIBIT A
Existing Sign Ordinance

SECTION 325. SIGN REGULATIONS

SECTION 325.01 PURPOSE AND FINDINGS

1. Purpose. The sign ordinance is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification. It is the intent of this section, to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs that meet the city's goals by authorizing:
 - a) permanent signs that establish a high standard of aesthetics;
 - b) signs that are compatible with their surroundings;
 - c) signs that are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or unduly distract motorists;
 - d) signs that are large enough to convey the intended message and to help citizens find their way to intended destinations;
 - e) signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;
 - f) permanent signs that give preference to the on-premise owner or occupant; and
 - g) temporary commercial signs and advertising displays that provide an opportunity for grand openings and occasional sales events while restricting signs that create continuous visual clutter and hazards at public right-of-way intersections.

2. Findings. The city of Minnetonka finds it is necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size and maintenance of signs be controlled. Further, the city finds:
 - a) permanent and temporary signs have a direct impact on and relationship to the image of the community;
 - b) the manner of installation, location and maintenance of signs affects the public health, safety, welfare and aesthetics of the community;
 - c) an opportunity for viable identification of community businesses and institutions must be established;
 - d) the safety of motorists, cyclists, pedestrians and other users of public streets and property is affected by the number, size, location and appearance of signs that unduly divert the attention of drivers;
 - e) installation of signs suspended from, projecting over, or placed on the tops of buildings, walks or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire-fighting and other emergency service;

- f) uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;
 - g) uncontrolled and unlimited signs, particularly temporary signs which are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information;
 - h) commercial signs are generally incompatible with residential uses and should be strictly limited in residential zoning districts; and
 - i) the right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location and number.
3. Severability. Every section, subdivision, clause or phrase of this section 325 is declared separable from every other section, subdivision, clause or phrase. If any such part is held to be invalid by competent authority, no other part shall be invalidated by such action or decision.

SECTION 325.02. DEFINITIONS.

1. **“Commercial sign”** - any sign that advertises or identifies a product, business, service, entertainment, or any other matter of a commercial nature, even though the matter may be related to a nonprofit organization.
2. **“Copy and graphic”** - the wording and other display messages such as logos or symbols on a sign.
3. **“Copy and graphic area”** - the area in square feet of the smallest four-sided figure which encloses the copy and graphic of a sign.
4. **“Dynamic display”** - any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.
5. **“Freestanding sign”** - a sign which is self-supporting and affixed to a frame structure not attached to a building.
6. **“Illumination, internal”** - a light source within the sign.
7. **“Illumination, external”** - a light source which is not internal to the sign.

8. **“Items of information”** - individual copy and graphic items situated in a manner which presents separate messages. An item of information can only be a name, an address, a logo, or geographic directions.
9. **“Limited tenant building”** - a commercial retail establishment or a group of commercial retail establishments with the designed occupancy of three or less tenants. It must have shared parking and a visual appearance as a contiguous structure which may or may not be planned, constructed or managed as a total entity. This includes single tenant retail structures.
10. **“Merchandise box”** - a sign which is affixed on or located adjacent to a gas pump and used to advertise services and goods.
11. **“Monument sign”** - a sign not supported by exposed posts or poles which is architecturally designed and located directly at grade where the base width dimension is 50% or more of the greatest width of the sign.
12. **“Multi-tenant center”** - a group of commercial retail establishments with a designed occupancy of four or more tenants with shared parking and visual appearance as a contiguous structure which may or may not be planned, constructed or managed as a total entity.
13. **“Non-commercial sign”** - any sign that is not a commercial sign, including but not limited to signs that convey messages concerning political, religious, social, ideological, public service and informational topics.
14. **“On-premise sign”** - a sign relating in its subject matter to, or which directs attention to, a business, person, activity, commodity, service or entertainment located on the site where the sign is installed.
15. **“Off-premise sign”** - a sign relating in its subject matter to, or that directs attention to, a business, person, activity, commodity, service, entertainment or any other matter that is not available, or does not take place, on the same premises as the sign. A discontinued sign is an off-premise sign.
16. **“Outdoor advertising sign”** – a permanent off-premise sign.
17. **“Permanent sign”** - any sign other than a temporary sign.
18. **“Portable sign”** - a sign with or without copy and graphic that is designed or intended to be moved or transported. Examples of portable signs are: A - or T - frame signs; sandwich signs; signs designed to be transported by trailer or on wheels; signs mounted on a vehicle for advertising purposes, when the vehicle is parked and visible from public right-of-way, except signs identifying a business when the vehicle is being used in the normal day-to-day operation of that business. A sign may be a portable sign even if it has wheels removed, was designed without wheels, or is attached temporarily or permanently to the ground, a structure, or other sign.
19. **“Private road open to public travel”** has the meaning given that term under the Manual of Uniform Traffic Control Devices.
20. **“Pylon sign”** - a sign supported by a post or posts so that the sign and supports are finished to grade by encasing the posts in a material consistent with the sign

and where the base width dimension is a minimum of 10% up to and including 50% of the greatest width of the sign.

21. **“Sign”** - any writing, pictorial presentation, number, illustration or decoration, flag, banner or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known. The term “sign” shall not be deemed to include: the terms “building” or “landscaping”, or any architectural embellishment of a building not intended to communicate information; works of art that do not convey commercial messages and that are painted on a building wall; flags that do not convey commercial messages; or any sign structure or device that is not visible from an adjacent street, property line or building on adjacent property.
22. **“Temporary sign”** - a sign constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended to be displayed for a limited period of time. This includes items such as banners, pennants, beacons, sandwich or curb signs, balloons or other air or gas filled figures.
23. **“Wall sign”** - a single faced sign attached to or erected against an exterior wall of a building with the face in a parallel plane to the plane of the building wall.

SECTION 325.03. CITATION; ADMINISTRATION AND ENFORCEMENT.

1. **Citation.**

This section 325 may be cited as the Minnetonka Sign Ordinance.

2. **Administration and enforcement.**

Administration and enforcement of this section 325 is governed by section 300.03.

SECTION 325.04. PERMITS, PROCEDURE AND VARIANCES.

3. **Permit not required.**

The following signs do not require a permit but must meet the regulations in this section:

- a) Signs required or allowed by section 325.05, subd. 3.
- b) Temporary signs in residential districts as allowed by section 325.06, subd. 1(d)(1).

4. **Permit required.**

- a) No person may erect or install any of the following signs without first obtaining a permit from the community development director or designee:

- b) All permanent signs permitted in section 325.06 require a sign permit. The permit must be received prior to installation of the sign. The permit and inspection fee for all permanent signs is specified in city code section 710.
- c) All temporary signs permitted in section 325.06, subdivision 8 require a temporary sign permit. The permit and inspection fee for permitted signs, banners, search lights, or inflatable advertising devices is specified in city code section 710.

5. Permit procedure.

- a) Application for a permit must be on a form provided by the city and must include the following information:
 - 1) name and address of the owner of the sign;
 - 2) street address or location of the property on which the sign is to be located, along with the name and address of the property owner;
 - 3) the type of sign as defined in this section;
 - 4) site plan showing the location of the proposed sign;
 - 5) specifications and scale drawings showing the materials, design, dimensions, structural supports, method of attachment and electrical components of the sign;
 - 6) plan showing the location and size of all existing signs located on the same premises upon city request;
 - 7) name of licensed electrician who will make the final connection of an illuminated sign; and
 - 8) sign permit fee as specified in city code section 710.
- b) The community development director or designee must approve or deny a sign permit application within 10 days after a complete application is submitted. A decision must be made in writing and must be mailed or electronically delivered to the applicant at the address or email address provided in the application. If a permit is denied, the reason must be stated in writing.
- c) An applicant may appeal a denial by submitting a request in writing within 10 days after the decision was mailed or electronically delivered. The appeal must be scheduled for planning commission review as soon as practicable, but no later than 30 days after the appeal was submitted. The applicant may appeal a planning commission denial by submitting a request in writing within 10 days after the decision. The appeal must be scheduled for city council review as soon as practicable, but no later than 30 days after the appeal was submitted. All review of a sign permit application must be based solely on whether the application complies with city ordinances.

6. **Variances.**

A variance from the regulations in this section requires a separate application, according to the procedures in section 300.07 of this code. The fee for application for variance from this section or approval of a sign plan for a development is specified in city code section 710.

7. **Permit expiration.**

A sign permit becomes null and void if the sign is not installed within 180 days after issuance of the permit, and a new application must be submitted.

SECTION 325.05 GENERAL REGULATIONS.

1. **Scope.** The regulations in this section 325.05 apply to signs in all zoning districts.

2. **Prohibited Signs.**

- a) Signs are prohibited in all districts unless authorized under this section 325.
- b) Portable signs are prohibited in all districts, except for temporary traffic control devices in temporary traffic control zones as required by the Manual on Uniform Traffic Control Devices.
- c) Signs designed to resemble official traffic control devices are prohibited in all districts, except signs that are used to control traffic on private property.
- d) abandoned signs;
- e) blank signs;
- f) merchandise boxes or signs not affixed to a principal structure excluding signs permitted in subdivision 8(d);
- g) permanent off-premises signs are not permitted in any zoning district.

3. **Permitted signs.**

The following signs are required or permitted in every zoning district:

- a) The owner of any property with an assigned street address must mark its property with the street address numerals, so that emergency services providers can easily identify the address from the public street. The identification may be on the curb or on the principal building of the property. The size and location of the identifying numerals must be proportional to the size of the building and the distance from the street to the building. In cases where the building is not located within view of the public street, or where the building is located more than 150 feet from the public street, the identifier must be located on the mailbox or other suitable device that is visible from the street.

- b) Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state.
- c) Permanent and temporary signs required by law or ordinance for regulatory/notification purposes.
- d) Permanent freestanding signs are permitted on properties with more than 20 parking spaces, provided the signs comply with the requirements in Table 325.1:

Table 325.1 Parking lot signs	
Maximum sign area	7 sq. ft.
Maximum height	6 ft.
Location requirement	Within 5 feet of drive aisles in parking lots and located in proximity to the change in direction.
Numerical limit	1 sign for each 60 degree change in direction of the drive isle.

- e) Temporary off-premise commercial signs are permitted in all districts, provided the signs comply with the following :
 - 1) must be at least 5 feet from the edge of a public street and must not obstruct driver visibility at intersections;
 - 2) may not be on the right-of-way of county and state roads and municipal state-aid streets;
 - 3) are limited to one per parcel of property as defined in subdivision 9 below for the same topic, location, event, or matter;
 - 4) may only be displayed between 6:00 a.m. on a Thursday and 6:00 p.m. on the following Sunday; and
 - 5) must be no larger than 3 square feet in area and no higher than 6 feet above the ground to which it is attached.
- f) In all districts, any sign authorized in this chapter is allowed to contain noncommercial copy in lieu of any other copy. For new signs posted with a noncommercial message, the sign fee is waived until such time as the sign is converted to contain a commercial message.

4. **Location requirements.**

- a) Signs may not be located on property without the permission of the property owner. For signs located in public right-of-way as allowed under subdivision 3(e)

of this section 325.05, the permission of the immediately adjacent property owner must be obtained.

- b) Unless specifically noted otherwise, all signs must maintain a 10 foot setback from all lot lines. The city may require a greater or lesser setback because of public safety reasons which may include the following conditions: vehicle sight distance, distance from intersection, designation of adjacent right-of-way.
- c) Signs may not be mounted on a roof surface and may not project above the roof line of a structure if either attached to the structure or cantilevered over the structure.
- d) Signs may not be attached to trees or utility poles.
- e) Signs may not be located within public right-of-way except for official traffic control devices and those allowed by section 3(e) of this section 325.05;
- f) Signs attached to fences;
- g) Signs may not be located so as to obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets in a manner that presents a hazard to public safety;
- h) Signs may not be located so as to obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any structure;

5. Approved sign plans.

The city may enforce, in the same manner as the requirements of this section, the terms of a sign plan or sign covenants which it has approved. Any violation of an approved sign plan or sign covenants is a misdemeanor.

6. Changeable messages.

A message that is not permanently attached to the sign face but that is not a dynamic display may occupy no more than 35 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to change messages even if not used.

7. Font size.

Every line of copy and graphics in a sign must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more.

8. Sign illumination.

- a) All illuminated signs must meet the following standards:
 - 1) External illumination on signs must be directed so that the illumination does not interfere with safe traffic operations;

- 2) Externally illuminated signs must not be directly oriented to any residential district;
 - 3) No sign may be brighter than is necessary for clear and adequate visibility.
 - 4) No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.
 - 5) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.
- b) The person owning or controlling the sign must adjust the sign to meet the brightness standards in accordance with the city's instructions. The adjustment must be made immediately upon notice of non-compliance from the city. The person owning or controlling the sign may appeal the city's determination through the following appeal procedure:
- 1) After making the adjustment required by the city, the person owning or controlling the sign may appeal the city's determination by delivering a written appeal to the city clerk within 10 days after the city's non-compliance notice. The written appeal must include the name of a person unrelated to the person and business making the appeal, who will serve on the appeal panel.
 - 2) Within five business days after receiving the appeal, the city must name a person who is not an official or employee of the city to serve on the appeal panel. Within five business days after the city names its representative, the city's representative must contact the sign owner's representative, and the two of them must appoint a third member to the panel, who has no relationship to either party.
 - 3) The appeal panel may develop its own rules of procedure, but it must hold a hearing within five business days after the third member is appointed. The city and the sign owner must be given the opportunity to present testimony, and the panel may hold the hearing, or a portion of it, at the sign location. The panel must issue its decision on what level of brightness is needed to meet the brightness standards within five business days after the hearing commences. The decision will be binding on both parties.
- c) All signs installed after June 25, 2007 that will have illumination by a means other than natural light must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions. These signs must also be equipped with a means to immediately turn off the display or lighting if it malfunctions, and the sign owner or operator must immediately turn off the sign or lighting when notified by the city that it is not complying with the standards in this section.

9. Outdoor advertising displays.

Outdoor advertising signs which exist as of March 13, 1991 are nonconforming signs. A permanent outdoor advertising sign is a principal use of property. No permitted or conditionally permitted use or any part of such use may be located on the same parcel of property as such a sign. The parcel on which such a sign is located may not be subdivided to segregate the sign from the remaining property. For the purposes of this paragraph, "parcel of property" means any property for which one property identification number has been issued by the county, or all contiguous property in common ownership as of October 15, 1997, whichever is greater.

10. **Dynamic Displays.**

- a) Findings. Studies show that there is a correlation between dynamic displays on signs and the distraction of highway drivers. Distraction can lead to traffic accidents. Drivers can be distracted not only by a changing message, but also by knowing that the sign has a changing message. Drivers may watch a sign waiting for the next change to occur. Drivers are also distracted by messages that do not tell the full story in one look. People have a natural desire to see the end of the story and will continue to look at the sign in order to wait for the end. Additionally, drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Finally, drivers are generally more distracted by messages that are too small to be clearly seen or that contain more than a simple message. Time and temperature signs appear to be an exception to these concerns because the messages are short, easily absorbed, and become inaccurate without frequent changes.

Despite these public safety concerns, there is merit to allowing new technologies to easily update messages. Except as prohibited by state or federal law, sign owners should have the opportunity to use these technologies with certain restrictions. The restrictions are intended to minimize potential driver distraction and to minimize proliferation in residential districts where signs can adversely impact residential character.

Local spacing requirements could interfere with the equal opportunity to use such technologies and are not included. Without those requirements, however, there is the potential for numerous dynamic displays to exist along any roadway. If more than one dynamic display can be seen from a given location on a road, the minimum display time becomes critical. If the display time is too short, a driver could be subjected to a view that appears to have constant movement. This impact would obviously be compounded in a corridor with multiple signs. If dynamic displays become pervasive and there are no meaningful limitations on each sign's ability to change frequently, drivers may be subjected to an unsafe degree of distraction and sensory overload. Therefore, a longer display time is appropriate.

A constant message is typically needed on a sign so that the public can use it to identify and find an intended destination. Changing messages detract from this way-finding purpose and could adversely affect driving conduct through last-second lane changes, stops, or turns, which could result in traffic accidents. Accordingly, dynamic displays generally should not be allowed to occupy the entire copy and graphic area of a sign.

In conclusion, the city finds that dynamic displays should be allowed on signs but with significant controls to minimize their proliferation and their potential threats to public safety.

- b) Regulations. Dynamic displays on signs are allowed subject to the following conditions:
- 1) Dynamic displays are allowed only on monument and pylon signs for conditionally permitted uses in residential districts and for all uses in other districts. Dynamic displays may occupy no more than 35 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only one, contiguous dynamic display area is allowed on a sign face;
 - 2) A dynamic display may not change or move more often than once every 20 minutes, except one for which changes are necessary to correct hour-and-minute, date, or temperature information. Time, date, or temperature information is considered one dynamic display and may not be included as a component of any other dynamic display. A display of time, date, or temperature must remain for at least 20 minutes before changing to a different display, but the time, date, or temperature information itself may change no more often than once every three seconds;
 - 3) The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects;
 - 4) The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign;
 - 5) Every line of copy and graphics in a dynamic display must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more. If there is insufficient room for copy and graphics of this size in the area allowed under clause 1 above, then no dynamic display is allowed;
 - 6) Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays 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 ordinance;
- 7) Dynamic displays must comply with the brightness standards contained in subdivision 15;
 - 8) Dynamic displays existing on June 25, 2007 must comply with the operational standards listed above. An existing dynamic display that does not meet the structural requirements in clause 1 may continue as a non-conforming development subject to section 300.29. An existing dynamic display that cannot meet the minimum size requirement in clause 5 must use the largest size possible for one line of copy to fit in the available space.
- c) Incentives. Outdoor advertising signs do not need to serve the same way-finding function as do on-premises signs. Further, outdoor advertising signs are no longer allowed in the city, and there is no potential that they will proliferate. Finally, outdoor advertising signs are in themselves distracting and their removal serves public safety. The city is extremely limited in its ability to cause the removal of those signs. This clause is intended to provide incentives for the voluntary and uncompensated removal of outdoor advertising signs in certain settings. This removal results in an overall advancement of one or more of the goals set forth in this section that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate outdoor advertising services that would otherwise remain distributed throughout the community.
- 1) A person may obtain a permit for an enhanced dynamic display on one face of an outdoor advertising sign if the following requirements are met:
 - (a) The applicant agrees in writing to permanently remove, within 15 days after issuance of the permit, at least two other faces of an outdoor advertising sign in the city that are owned or leased by the applicant, each of which must satisfy the criteria of parts (b) through (d) of this subsection. This removal must include the complete removal of the structure and foundation supporting each sign face. The applicant must agree that the city may remove the sign if the applicant does not timely do so, and the application must be accompanied by a cash deposit or letter of credit acceptable to the city attorney sufficient to pay the city's costs for that removal. The applicant must also agree that it is removing the sign voluntarily and that it has no right to compensation for the removed sign under any law.
 - (b) The city has not previously issued an enhanced dynamic display permit based on the removal of the particular faces relied upon in this permit application.
 - (c) Each removed sign has a copy and graphic area of at least 288 square feet and satisfies two or more of the following additional criteria:

- (1) The removed sign is located adjacent to a highway with more than two regular lanes and with a general speed limit of 45 miles per hour or greater, but that does not have restrictions on access equivalent to those of an interstate highway;
 - (2) All or a substantial portion of the structure for the removed sign was constructed before 1975 and has not been substantially improved;
 - (3) The removed sign is located in a noncommercial zoning district;
 - (4) The removed sign is located in a special planning area designated in the 1999 comprehensive plan; or
 - (5) The removed copy and graphic area is equal to or greater than the area of the copy and graphic area for which the enhanced dynamic display permit is sought.
- (d) If the removed sign face is one for which a state permit is required by state law, the applicant must surrender its permit to the state upon removal of the sign. The sign that is the subject of the enhanced dynamic display permit cannot begin to operate until proof is provided to the city that the state permit has been surrendered.
- (e) The applicant must agree in writing that no dynamic displays will ever be used on one additional outdoor advertising sign that has a copy and graphic area of at least 288 square feet in size. This agreement will be binding on the applicant and all future owners of the sign. If the sign is subsequently removed or destroyed and not replaced, the holder of the enhanced dynamic display permit is not required to substitute a different sign for the one that no longer exists.
- 2) If the applicant complies with the permit requirements noted above, the city will issue an enhanced dynamic display permit for the designated outdoor advertising sign. This permit will allow a dynamic display to occupy 100 percent of the potential copy and graphic area and to change no more frequently than once every eight seconds. The designated sign must meet all other requirements of this ordinance.

11. Sign construction and maintenance.

All signs must conform to the following standards.

- a) Construction specifications. All permanent signs must be constructed in accordance with the following:
 - 1) the Minnesota state building code;
 - 2) all electric signs must be approved and labeled as conforming to the standards of the Underwriters' Laboratories, Inc., the United States bureau of standards or other similar institutions of recognized standing. All illuminating elements must be kept in satisfactory working condition or immediately repaired or replaced. Signs that are partly illuminated must meet all electrical requirements for the portion that is illuminated;

- 3) all permanent freestanding signs must have self-supporting structures erected on and permanently attached to concrete foundations;
 - 4) for wall signs, the wall must be designed for and have sufficient strength to support the sign;
 - 5) wall signs must be mounted parallel to the building and may not project more than 18 inches from the face of the building;
 - 6) signs may not be painted on the wall of a building;
 - 7) Unless otherwise specified in this section, the maximum angle permitted between faces of a double face freestanding sign is 45 degrees; and
 - 8) signs must be constructed to withstand the following wind loads:
 - (a) for solid signs, 30 pounds per square foot on one face of the sign; and
 - (b) for other signs, 36 pounds per square foot of the total face area of the letters and other sign surface, or 10 pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.
- b) Sign maintenance and repair. All signs must be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, cleaning and other items required for maintenance of the sign. Vegetation around, in front of, behind, and underneath the base of ground signs for distance of 10 feet must be neatly trimmed and free of weeds. Rubbish or debris under or near the sign that would constitute a fire or health hazard must be removed.

12. Removal of Abandoned Signs, Signs in Disrepair and Signs Located in Public Right-of-Way.

- a) Abandoned signs and signs in disrepair. An abandoned sign or sign in disrepair is prohibited and shall be removed by the owner of the premises within 30 days after notification. If compliance with the provisions of this section is not achieved within 30 days, the city may remove the sign as a public nuisance by following the procedure as specified in section 1120.045 of the municipal code of ordinances. If an abandoned sign remains in good condition and without holes or other evidence of disrepair or damage, the sign shall not be considered as abandoned for a period of one year.
- b) Signs on public property or within public right-of-way: The city may at any time and without notice impound signs which have been installed on public property or within public right-of-way or easement. The sign owner may retrieve the signs according to the following:
 - 1) a fee must be paid to the city as established in city code section 710. For each subsequent impoundment in a calendar year, the specified fee shall be doubled;

- 2) the sign may be retrieved from a designated impound area during routine business hours and within 15 days from the date of impounding. After 15 days, the city will dispose of the sign; and
- 3) the city may not be held liable for any damage to impounded signs.

13. **Nonconforming Signs.**

Any sign that complied with all applicable laws and ordinances at that time that it was erected but that has been or is made nonconforming due to a subsequently enacted amendment of this city code is governed by section 300.29.

SECTION 325.06. DISTRICT REGULATIONS.

1. **Residential Districts.**

Within residential zoning districts, signs are permitted as provided in this subsection. Except as expressly permitted in this subsection, commercial signs are not allowed:

- a) Permanent wall signs:
 - 1) for each single family or multi-family residential structure, one wall sign not to exceed 2 square feet in area;
 - 2) for each educational, religious, public or private institution, or nursing home property one wall mounted sign that complies with the requirements in Table 325.5:
- b) Permanent monument signs:
 - 1) Low density residential: or each single family subdivision containing at least 6 lots and each two family subdivision containing a potential for at least 12 dwellings, one or two monument style signs, provided the signs meet the requirements in Table 325.5. A neighborhood or homeowner's association must be responsible for perpetual maintenance of the sign.
 - 2) Medium and high density residential: for each medium or high density residential development, one or two monument style signs, provided the signs meet the requirements in Table 325.5. The sign must be perpetually maintained by a homeowner's association or responsible property owners.
 - 3) Educational, religious and public institution signs: for each educational, religious, public or private institution, and nursing home property, one monument sign, provided it complies with the requirements in Table 325.5.
 - 4) Public and private parks: for each public or private park property, one monument sign, provided it complies with the requirements in Table 325.5
- c) Permanent pylon signs:

One pylon sign is allowed per athletic playing field with structured seating capacity for 2000 or fewer people, or one or more pylon signs per athletic playing field with structured seating capacity for greater than 2000 people; provided, that sign(s) must meet the requirements in Table 325.5.
- d) Temporary signs.

- 1) Within all residential zoning districts, temporary noncommercial signage is permitted provided it meets the requirements of Table 325.5.
- 2) Within all residential zoning districts, on-premises commercial signage is permitted on properties where new construction activity is taking place, provided the signs comply with the requirements in Table 325.2:

Table 325.2: Temporary signage for development properties -325.06(1)(d)(1)	
Property type	Low density with at least four lots under development; medium or high density
Sign type	Pylon
Numerical limit	One per development project number, according to the records of the community development department
Maximum sign area	32 square feet
Maximum height	8 feet, but if sign width does not exceed 4 feet, then 12 feet
Maximum duration	Low density –when building permits have been issued for 90 percent of the lots
	Medium and high density – 18 months after building permit issuance or 7 days after issuance of certificate of occupancy for last building, whichever is sooner
Other requirement	Signage under this provision is in lieu of all other permanent or temporary signage on the property

- 3) One temporary on-premises commercial sign is permitted on a low or medium density residential property that is for lease or sale, subject to the requirements in Table 325.3.

Table 325.3. Temporary signage per 325.06(1)(d)(3)	
Sign type	Freestanding
Maximum area	6 square feet
Maximum height	6 feet
Maximum duration	Seven days after property is no longer for lease or sale

- 4) One temporary on-premises commercial sign is permitted on a medium or high density residential property that is for lease or sale, subject to the requirements in Table 325.4; except, that no temporary sign is allowed if the graphic area of a permanent monument sign, as allowed under subdivision 1(b)(2) of this section, is increased as allowed by Table 325.5.

Sign type: choice of one:	Freestanding	Banner attached to wall
Maximum area	32 square feet	60 square feet
Maximum height	12 feet, unless width exceeds 4 feet, then 8 ft.	30 ft.
Maximum duration	12 months after issuance of certificate of occupancy for last building	12 months after issuance of certificate of occupancy for last building

- 5) The city council may approve temporary on-premises signs on public or institutional property. The first approval for a site may allow only one use of the sign for a specified duration. Subsequent approvals for the same type of sign may allow recurring use of the sign for limited durations over a period of up to 5 years.

Sign type	Max. Area Sign Structure	Max. Graphic Area	Max. Height	Illumi-nation	Other
Permanent wall sign –residential use 325.06(1)(a)(1)	2 sq ft	2 sq ft	1 ft	External only	
Permanent wall sign – educational, religious, institutional or nursing home use 325.06(1)(a)(2)	Lesser of 50 sq ft or 10% of wall on which sign is located	Lesser of 50 sq ft or 10% of wall on which sign is located	Individual letters not more than 24 in.	External only	

Table 325.5: Residential District Requirements

Sign type	Max. Area Sign Structure	Max. Graphic Area	Max. Height	Illumination	Other
Permanent monument sign – low density residential use 325.06(1)(b)(1)	75 sq. ft per entrance	30 sq. ft. per entrance	6 ft.	External only	Must be in dedicated permanent sign easement Must be at primary entrance(s) May be single or double-faced. If double, must be parallel.
Permanent monument sign – medium and high density residential use 325.06(1)(b)(2)	100 sq. ft. per entrance	36 sq. ft. per entrance	8 ft.	External only if adjacent to or across a public right-of-way from low-density residential	Must be at primary entrance(s) May be single or double-faced. If double, must be parallel. Maximum size may be increased to 45 square feet for one sign, but see 325.06(1)(d)(4)(temp. sign reg)(no temporary sign allowed)
Permanent monument sign – educational, religious, institutional or nursing home use 325.06(1)(b)(3)	75 sq. ft.	30 sq. ft.	8 ft.	Internal or external; light source may not be exposed	
Permanent monument sign – public or park use 325.06(1)(b)(4)	32 sq. ft.	32 sq. ft.	8 ft.	Internal or external; light source may not be exposed Hours of 6 am to 10 pm only	May be single or double-faced. If double, must be parallel
Permanent sign – athletic field use with structured	410 sq. ft. per sign face	410 sq. ft. per sign face	35	Internally illuminated	

Table 325.5: Residential District Requirements					
Sign type	Max. Area Sign Structure	Max. Graphic Area	Max. Height	Illumination	Other
seating for 2000 or fewer people 325.06(1)(c)					
Permanent sign – athletic field use with structured seating for more than 2000 people 325.06(1)(c)	500 sq. ft. per sign face; 1000 sq. ft. aggregate	500 sq. ft. per sign face; 1000 sq. ft. aggregate	35	Internally illuminated	
Temporary freestanding noncommercial signs –any residential use 325.06(1)(d)(1)	6 square feet per sign; 18 square feet aggregate per property	6 square feet per sign; 18 square feet aggregate per property	3 ft.	None	

2. Office Business District Sign Regulations.

Within the B-1, office business district, signs are permitted according to the following standards:

- a) Permanent monument signs: one permanent monument sign is permitted per development, provided the sign complies with the requirements of Table 325.6.
- b) Permanent wall signs: one permanent wall sign per building, either individually mounted letter type (option 1) or wall mounted type (option 2), except as provided in Table 325.6. Signs must meet the requirements in Table 325.6.

Table 325.6: Office Business District Sign Requirements					
Sign type	Max. Area Sign Structure	Max. Graphic Area	Max. Height	Illumination	Other
Permanent monument sign – adjacent ROW is less than 100 ft in width	72	36 sq. ft.	15 ft.	Internal or external	Limit of three items of information per copy and graphic area

Table 325.6: Office Business District Sign Requirements						
Sign type		Max. Area Sign Structure	Max. Graphic Area	Max. Height	Illumination	Other
						External light fixtures and sources must be screened from view
Permanent monument sign – adjacent ROW is 100 ft. or more in width		100	50 sq. ft.	15 ft.	Internal or external	Limit of three items of information per copy and graphic area External light fixtures and sources must be screened from view
Permanent wall sign Must select Option 1 or Option 2	Op. 1		The greater of 50 sq. ft. or 25 % of length of building where sign is located	24 in. copy height 36 in. logo height	Internal only, if mounted above first floor; internal or external if mounted on first floor; no exposed light sources or fixtures on external lights	Individually mounted letters only Properties with more than one street frontage may have one sign per building facing each frontage
	Op. 2	30 sq. ft. aggregate			Internal or external; no exposed light sources or fixtures on external lights	Must be mounted within first floor elevation If more than one primary entrance, one sign allowed per entrance, subject to aggregate square foot limitation

3. Limited and General Business Sign Regulations.

Within the B-2 and B-3 business districts, the following signs are permitted:

- a) Permanent freestanding signs. Except as provided in Table 325.9, one freestanding sign is permitted per development. Signs must meet the requirements in Table 325.7 and Table 325.9.

Table 325.7 Freestanding Sign Size Limitations				
principal structure (gross square feet)	pylon		monument	
	Max. height	Max. sign size (sq. ft.)	Max. height	Max. copy & graphic (sq. ft.)
greater than 400,000	30'	200	21'	100
100,000 - 400,000	24'	100	21'	100
20,000 - 100,000	18'	80	18'	80
less than 20,000	15'	60	15'	60
building with multiple screen theater	30'	200	21'	100

- b) Permanent wall signs.
- 1) Multi-tenant wall signs. One permanent wall sign is permitted per tenant space, and must be located no closer than two feet from any lease line. Signs must meet the requirements in Table 325.8 and Table 325.9.
 - 2) Limited tenant wall signs. One permanent wall sign is permitted per exterior wall face on limited tenant buildings, subject to the limitations in Table 325.8 and Table 325.9.

Table 325.8 Wall Sign Size Limitations		
Principal Structure Size (Gross Sq. Ft.)	Individual Wall Sign Calculation	Total Wall Signage for Property
100,000 - 400,000 sq. ft.	200 sq. ft. or 10 percent of wall face, whichever is less	300 sq. ft.
20,000 - 100,000 sq. ft.	150 sq. ft. or 10 percent of wall face, whichever is less	240 sq. ft.
less than 20,000 sq. ft.	100 sq. ft. or 15 percent of wall face, whichever is less	150 sq. ft.

Table 325.9 Limited and General Business District Sign Requirements						
Sign type		Max. Area Sign Structure	Max. Graphic Area	Max. Height	Illumination	Other
Permanent freestanding sign	Hotel		60 sq. ft.	15 ft.		One monument sign per development,

Table 325.9 Limited and General Business District Sign Requirements						
Sign type		Max. Area Sign Structure	Max. Graphic Area	Max. Height	Illumination	Other
						except hotel with frontage and access on 2 arterial streets may have 2 monument signs
	Property with Drive-Thru	50 sq. ft.	N/A	8 ft.	Internal	Allowed in addition to sign under "Other" below Single-faced only
	Other	Monument area cannot exceed 1.5 times allowed copy and graphic area	See Table 325.7	See Table 325.7	Either; no exposed light sources or fixtures on external lights	Signs may be single or double faced One sign per development except: For multi-tenant building or limited tenant building with more than 100,000 gross sq. ft. and with 2 or more access points, one monument sign allowed at primary access and second monument allowed at second access; height and graphic limits for second monument are 50% of those in Table 325.7
Permanent wall sign	Hotel			36 in. per letter	Internal	Individually mounted letter-type sign only One sign per development, except 2 nd sign on 2 nd wall allowed if neither sign is directly oriented

Table 325.9 Limited and General Business District Sign Requirements					
Sign type	Max. Area Sign Structure	Max. Graphic Area	Max. Height	Illumination	Other
					toward low density residential property Variances to letter height considered based on proportional relationship to mass and height of building
Multi-tenant	See Table 325.8	See Table 325.8	36 in.	Internal for individual letters	Individually mounted letters required unless all wall signs are incorporated into architecture of structure and of similar design Must be installed within 26-in. high horizontal band of uniform background
Limited tenant	See Table 325.8	See Table 325.8			

c) Permanent on-premises sign: In addition to, or as a modification of, of the signs allowed by paragraphs (a) and (b) above, one of the following options is allowed, provided, that any property with signage allowed under this paragraph (c) is not allowed to have temporary signage under subdivision 5(3) of this section 305.06.

1) Option 1:

- a. the principal freestanding sign shall be architecturally designed to accommodate a leasing message within the perimeter of the monument or pylon sign;
- b. the leasing message cannot exceed that of the identification monument or pylon message;
- c. leasing message is in addition to potential monument or pylon copy and graphic area; and the maximum size of the permanent freestanding sign permitted under paragraph (a) above may be increased as provided in Table 325.10.

Table 325.10	
Principal Structure Gross Square Footage	Additional Square Feet
less than 20,000	15 square feet
20,000 - 100,000	20 square feet
greater than 100,000	25 square feet

- 2) Option 2: in addition to the permanent freestanding sign allowed under paragraph (a) above, one additional permanent freestanding sign is allowed, provided it complies with the following standards:
- a. setback 5 feet from all property lines;
 - b. 8 foot maximum height and 6 foot maximum width; and
 - c. maximum size of sign permitted is determined by the gross square footage of the principal structure as provided in Table 325.11:

Table 325.11	
Principal Structure Gross Square Footage	Sign Area
less than 20,000	12 square feet
20,000 - 100,000	16 square feet
greater than 100,000	18 square feet

- 3) Option 3: in addition to the permanent freestanding sign allowed under paragraph (a) above, a permanent wall mounted sign or banner is allowed, provided it complies with the following standards:
- a. buildings two stories or under:
 - (1) one wall sign;
 - (2) directly anchored to the building wall; and
 - (3) maximum size of sign permitted is determined by the gross square footage of the principal structure as provided in Table 325.12:

Table 325.12	
Principal Structure Gross Square Footage	Sign Area
less than 20,000	12 square feet

20,000 - 100,000	16 square feet
greater than 100,000	18 square feet

- b. buildings three stories or higher:
- (1) 30 square feet maximum area;
 - (2) directly anchored to the building wall; and
 - (3) displayed on the building's third story or any higher story.
 - (4) signs up to 32 square feet in size will be permitted without time limit instead of option 2 or 3 if the standards in either a. or b. are met:
 - a. business or industrial development directly abuts a street with posted speed limit of 55 m.p.h. or greater; or
 - b. the principal structure is greater than four stories.
 - c. If a property qualifies for a 32 square foot sign under a. or b. and also has a second frontage on a designated collector or arterial road, option 2 or 3 as found above is also permitted.
- 4. Industrial Sign Regulations.**
- Within the I-1 industrial district permanent signs which comply with the following standards are permitted:
- a) Monument sign. One permanent monument sign is permitted per property. The property owner must elect from one of two options in Table 325.13, and the sign must meet the requirements for the selected option.
 - b) Permanent signage per tenant space. For multi-tenant buildings that do not have a monument sign under option 2 of Table 325.13, additional permanent signage is permitted as provided in this subdivision 4(b). The signs must meet the requirements of Table 325.13. The building owner or a representative must designate a sign design for the tenant spaces. The designation will be recorded by the city and kept on record for the property. Each sign on the property must conform to the designated sign option, and all signs must be uniform in material, color, style, illumination and placement. Changes to the sign designation may be made upon request, and approved administratively if all signs located on the site are brought into conformance with the requested sign plan modification. The planning commission must review sign plan changes if nonconforming signs are created.
 - c) Permanent signage for single-tenant buildings: for single tenant buildings, one or more permanent wall signs are allowed per building, subject to the requirements in Table 325.13.
 - d) Permanent on-premises sign: In addition to, or as a modification of, of the signs allowed by paragraphs (a), (b) and (c) above, one of the sign options allowed in section 325.06(3)(c) is allowed in the industrial district, provided, that any

property with signage allowed under this paragraph (d) is not allowed to have temporary signage under subdivision 5(3) of this section 305.06.

Table 325.13 Industrial District Sign Requirements						
Sign type		Max. Area Sign Structure	Max. Graphic Area	Max. Height	Illumi-nation	Other
Permanent monument sign per property	Option 1	90 sq. ft.	60 sq. ft.	10 ft.		
	Option 2	120 sq. ft	85 sq. ft.	10 ft.		Allowed for properties with multi-tenant buildings only. If this option is selected, permanent per-tenant-space signs are not allowed. Option is not available in areas designated for mixed use on the comprehensive guide plan
Multi-tenant buildings: signs per tenant space:	Option A: monument or pylon		9 sq. ft.	6 ft.		One at each tenant's primary building entrance Maximum width of 5 feet Single faced Positioned parallel to parking lot sidewalk or perpendicular to tenant walkway
	Option B: wall sign		12 ft.	4 ft.		One at each tenant's primary building entrance Max. distance of 8 ft from ground to top edge of sign
	Option C: Individually mounted letters			18 in.		One at each tenant's primary entrance No more than 2 ft from tenant's exterior lease lines

Table 325.13 Industrial District Sign Requirements						
Sign type		Max. Area Sign Structure	Max. Graphic Area	Max. Height	Illumination	Other
						Must be installed within 18-in. high horizontal band of uniform background
Single-tenant buildings:	Wall-mounted individual letters		5% of building face on which sign is located or 150 sq. ft., whichever is less			One per building

5. Business and Industrial Temporary Sign Regulations.

Within business and industrial districts, temporary on-premises commercial signs are permitted as follows:

- a) Banners not to exceed 30 square feet according to the following:
 - 1) maximum 30 day display period to coincide with the grand opening of a business;
 - 2) a business may display a banner on two occasions per calendar year with a maximum 10 day display period for each occasion;
- b) Search lights or inflatable advertising devices are permitted as follows: one for each development, a maximum of two occasions per calendar year with each occasion not to exceed three days; and
- c) Stringers, and pennants are not permitted.
- d) Temporary on-premises commercial signage is permitted on vacant properties where new construction activity is taking place, provided the signs comply with the requirements in Table 325.14.

Table 325.14 Temporary Signs During Construction	
Sign type	Pylon
Numerical limit	One per development project number, according to the records of the community development department; One additional sign if the property is over 3 acres in size with frontage on 2

Table 325.14 Temporary Signs During Construction	
	or more designated collector or arterial streets
Maximum sign area	32 square feet
Maximum height	12 feet
Maximum duration	7 days after issuance of certificate of occupancy for building

- e) Temporary on-premises commercial signage is permitted on improved properties that are for lease or sale, provided the signs comply with the requirements in Table 325.15.

Table 325.15 Temporary Signs on Properties for Lease or Sale	
Sign type	Freestanding or wall
Numerical limit	One per property One additional sign if the property is over 3 acres in size with frontage on 2 or more designated collector or arterial streets
Maximum sign area	32 square feet
Maximum height	12 feet
Maximum duration	

6. Planned Unit Development Districts

Permanent and temporary signs in planned unit development districts are regulated according to the standards for the corresponding land use and zoning category as stated in this chapter 3. A sign plan with differing requirements may be approved by the city. Factors that will be used in determining if an individual P.U.D./P.I.D. sign plan will be considered include the following:

- a) The development includes a high rise (greater than 3 story) structure;
- b) the development includes multiple structures and/or substantial site area;
- c) the development includes mixed uses;
- d) a sign plan is uniquely adapted to address the visibility needs of a development while remaining consistent with the intent of this section to direct high quality signage; and

- e) the sign plan includes permanent sign covenants which can be enforced by the city.

Exhibit B
Proposed Sign Ordinance

SECTION 325. SIGN REGULATIONS

SECTION 325.01 PURPOSE AND FINDINGS

1. Purpose. The sign ordinance is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification. It is the intent of this section, to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs that meet the city's goals by authorizing:
 - a) permanent signs that establish a high standard of aesthetics;
 - b) signs that are compatible with their surroundings;
 - c) signs that are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or unduly distract motorists;
 - d) signs that are large enough to convey the intended message and to help citizens find their way to intended destinations;
 - e) signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;
 - f) permanent signs that give preference to the on-premise owner or occupant; and
 - g) temporary commercial signs and advertising displays that provide an opportunity for grand openings and occasional sales events while restricting signs that create continuous visual clutter and hazards at public right-of-way intersections.

2. Findings. The city of Minnetonka finds it is necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size and maintenance of signs be controlled. Further, the city finds:
 - a) permanent and temporary signs have a direct impact on and relationship to the image of the community;
 - b) the manner of installation, location and maintenance of signs affects the public health, safety, welfare and aesthetics of the community;
 - c) an opportunity for viable identification of community businesses and institutions must be established;

- d) the safety of motorists, cyclists, pedestrians and other users of public streets and property is affected by the number, size, location and appearance of signs that unduly divert the attention of drivers;
 - e) installation of signs suspended from, projecting over, or placed on the tops of buildings, walks or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire-fighting and other emergency service;
 - f) uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;
 - g) uncontrolled and unlimited signs, particularly temporary signs which are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information;
 - h) commercial signs are generally incompatible with residential uses and should be strictly limited in residential zoning districts; and
 - i) the right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location and number.
3. Severability. Every section, subdivision, clause or phrase of this section 325 is declared separable from every other section, subdivision, clause or phrase. If any such part is held to be invalid by competent authority, no other part shall be invalidated by such action or decision.

SECTION 325.02. DEFINITIONS.

- 1. **“Blade sign”** – see “projecting sign.”
- 2. **“Commercial sign”** - any sign that advertises or identifies a product, business, service, entertainment, or any other matter of a commercial nature, even though the matter may be related to a nonprofit organization.
- 3. **“Conditionally permitted uses”** – within residential districts, educational institutions and facilities, religious institutions and facilities, public buildings or facilities, public or private nursing homes, and commercial nurseries.
- 4. **“Copy and graphic”** - the wording and other display messages such as logos or symbols on a sign.
- 5. **“Copy and graphic area”** - the area in square feet of the smallest four-sided figure which encloses the copy and graphic of a sign.
- 6. **“Dynamic display”** - any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing

the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

7. **"Feather flag"** – a freestanding, temporary sign constructed of a vertical pole, tube or post supporting one edge of a sheet of cloth, vinyl or similar material.
8. **"Freestanding sign"** - a sign which is self-supporting and affixed to a frame structure not attached to a building.
9. **"Illumination, internal"** - a light source within the sign.
10. **"Illumination, external"** - a light source which is not internal to the sign.
11. **"Items of information"** - individual copy and graphic items situated in a manner which presents separate messages. An item of information can only be a name, an address, a logo, or geographic directions.
12. **"Limited tenant building"** - a commercial retail establishment or a group of commercial retail establishments with the designed occupancy of three or less tenants. It must have shared parking and a visual appearance of a contiguous structure, which may or may not be planned, constructed or managed as a total entity. This includes single tenant retail structures.
13. **"Merchandise box"** - a sign which is affixed on or located adjacent to a gas pump and used to advertise services and goods.
14. **"Monument sign"** - a sign not supported by exposed posts or poles which is architecturally designed and located directly at grade where the base width dimension is 50% or more of the greatest width of the sign.
15. **"Monument area"** - the area in square feet of an entire monument sign structure, including copy and graphic area.
16. **"Multi-tenant building"** - a building with a designed occupancy of four or more tenants with shared parking and visual appearance as a contiguous structure, which may or may not be planned, constructed or managed as a total entity.
17. **"Non-commercial sign"** - any sign that is not a commercial sign, including but not limited to signs that convey messages concerning political, religious, social, ideological, public service and informational topics.

18. **“On-premise sign”** - a sign relating in its subject matter to, or which directs attention to, a business, person, activity, commodity, service or entertainment located on the site where the sign is installed.
19. **“Off-premise sign”** - a sign relating in its subject matter to, or that directs attention to, a business, person, activity, commodity, service, entertainment or any other matter that is not available, or does not take place, on the same premises as the sign. A discontinued sign is an off-premise sign.
20. **“Outdoor advertising sign”** – a permanent off-premise sign.
21. **“Permanent sign”** - any sign other than a temporary sign.
22. **“Portable sign”** - a sign with or without copy and graphic that is designed or intended to be moved or transported. Examples of portable signs are: A - or T - frame signs; sandwich signs; signs designed to be transported by trailer or on wheels; signs mounted on a vehicle for advertising purposes, when the vehicle is parked and visible from public right-of-way, except signs identifying a business when the vehicle is being used in the normal day-to-day operation of that business. A sign may be a portable sign even if it has wheels removed, was designed without wheels, or is attached temporarily or permanently to the ground, a structure, or other sign.
23. **“Private road open to public travel”** has the meaning given that term under the Manual of Uniform Traffic Control Devices.
24. **“Projecting sign”** – a sign which extends perpendicularly beyond a wall face more than 18-inches.
25. **“Pylon sign”** - a sign supported by a post or posts so that the sign and supports are finished to grade by encasing the posts in a material consistent with the sign and where the base width dimension is a minimum of 10% up to and including 50% of the greatest width of the sign.
26. **“Sandwich sign”** – a freestanding temporary sign, typically A-shaped, with two visible sides that is placed near the main entrance to a building.
27. **“Sign”** - any writing, pictorial presentation, number, illustration or decoration, flag, banner or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known. The term “sign” shall not be deemed to include: the terms “building” or “landscaping”, or any architectural embellishment of a building not intended to communicate information; works of art that do not convey commercial messages and that are painted on a building wall; flags that do not convey commercial messages; or any sign structure or device that is not visible from an adjacent street, property line or building on adjacent property.
28. **“Temporary sign”** - a sign constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended to be displayed for a limited period of time. This includes items such as banners, pennants, beacons, sandwich or curb signs, balloons or other air or gas filled figures.

29. **“Wall sign”** - a single faced sign attached to or erected against an exterior wall of a building with the face in a parallel plane to the plane of the building wall.

SECTION 325.03. CITATION; ADMINISTRATION AND ENFORCEMENT.

1. **Citation.** This section 325 may be cited as the Minnetonka Sign Ordinance.
2. **Administration and enforcement.** Administration and enforcement of this section 325 is governed by section 300.03.

SECTION 325.04. PERMITS, PROCEDURE AND VARIANCES.

1. **Permit not required.** The following signs do not require a permit but must meet the regulations in this section:
 - a) Signs required or allowed by section 325.05, subd. 3.
 - b) Temporary signs in residential districts as allowed by section 325.06, subd. 1(d)(1).
2. **Permit required.**
 - a) No person may erect or install any of the following signs without first obtaining a permit from the community development director or designee:
 - b) All permanent signs permitted in section 325.06 require a sign permit, unless specifically noted otherwise. The permit must be received prior to installation of the sign. The permit and inspection fee for all permanent signs is specified in city code section 710.
 - c) All temporary signs permitted in section 325.06, require a temporary sign permit, unless specifically noted otherwise. The permit and inspection fee for permitted signs, banners, search lights, or inflatable advertising devices is specified in city code section 710.
3. **Permit procedure.**
 - a) Application for a permit must be on a form provided by the city and must include the following information:
 - 1) name and address of the owner of the sign;
 - 2) street address or location of the property on which the sign is to be located, along with the name and address of the property owner;
 - 3) the type of sign as defined in this section;
 - 4) site plan showing the location of the proposed sign;

- 5) specifications and scale drawings showing the materials, design, dimensions, structural supports, method of attachment and electrical components of the sign;
 - 6) plan showing the location and size of all existing signs located on the same premises upon city request;
 - 7) sign permit fee as specified in city code section 710.
- b) The community development director or designee must approve or deny a sign permit application within 15 business days after a complete application is submitted. A decision must be made in writing and must be mailed or electronically delivered to the applicant at the address or email address provided in the application. If a permit is denied, the reason must be stated in writing.
 - c) An applicant may appeal a denial by submitting a request in writing within 10 days after the decision was mailed or electronically delivered. The appeal must be scheduled for planning commission review as soon as practicable, but no later than 30 days after the appeal was submitted. The applicant may appeal a planning commission denial by submitting a request in writing within 10 days after the decision. The appeal must be scheduled for city council review as soon as practicable, but no later than 30 days after the appeal was submitted. All review of a sign permit application must be based solely on whether the application complies with city ordinances.
4. **Variances.** A variance from the regulations in this section requires a separate application, according to the procedures in section 300.07 of this code. The fee for application for variance from this section or approval of a sign plan for a development is specified in city code section 710.
 5. **Permit expiration.** A sign permit becomes null and void if the sign is not installed within 180 days after issuance of the permit, and a new application must be submitted.

SECTION 325.05 GENERAL REGULATIONS.

1. **Scope.** The regulations in this section 325.05 apply to signs in all zoning districts.
2. **Prohibited Signs.** The following signs are prohibited in all districts.
 - a) Signs not specifically authorized under this section 325.
 - b) Portable signs, except for temporary traffic control devices in temporary traffic control zones as required by the Manual on Uniform Traffic Control Devices or portable signs specifically permitted in section 325.06.
 - c) Feather flags and pennants;
 - d) Signs designed to resemble official traffic control devices are prohibited in all districts, except signs that are used to control traffic on private property.

- e) Abandoned signs;
- f) Blank signs;
- g) Merchandise boxes or signs not affixed to a principal structure excluding signs permitted in subdivision 8(d);
- h) Permanent off-premises signs.

3. **Permitted signs.** The following signs are required or permitted in every zoning district:

- a) An assigned street address marking its property with the street address numerals is required, so that emergency services providers can easily identify the address from the public street. The identification may be on the curb or on the principal building of the property. The size and location of the identifying numerals must be proportional to the size of the building and the distance from the street to the building. In cases where the building is not located within view of the public street, or where the building is located more than 150 feet from the public street, the identifier must be located on the mailbox or other suitable device that is visible from the street.
- b) Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state.
- c) Permanent and temporary signs required by law or ordinance for regulatory/notification purposes.
- d) Permanent freestanding signs on properties with more than 20 parking spaces, provided the signs comply with the requirements in Table 325.1:

Table 325.1 Parking Lot Signs*	
Maximum sign area	7 sq. ft.
Maximum height	6 ft.
Location requirement	Within 5 ft. of drive aisles in parking lots and located in proximity to the change in direction.
Numerical limit	1 sign for each 60 degree change in direction of the drive isle.
*Advertisement (Logos or business names) are not permitted. Sign permit not required.	

- e) Temporary off-premise commercial signs are permitted in all districts, provided the signs comply with the following:
 - 1) must be at least 5 feet from the edge of a public street and must not obstruct driver visibility at intersections;
 - 2) may not be on the right-of-way of county and state roads and municipal state-aid streets;

- 3) are limited to one per parcel of property as defined in subdivision 9 below for the same topic, location, event, or matter;
- 4) may only be displayed between 6:00 a.m. on a Thursday and 6:00 p.m. on the following Sunday; and
- 5) must be no larger than 3 square feet in area and no higher than 6 feet above the ground to which it is attached.
- f) In all districts, any sign authorized in this chapter is allowed to contain noncommercial copy in lieu of any other copy. For new signs posted with a noncommercial message, the sign fee is waived until such time as the sign is converted to contain a commercial message.

4. **Location requirements.**

- a) Signs may not be located on property without the permission of the property owner. For signs located in public right-of-way as allowed under subdivision 3(e) of this section 325.05, the permission of the immediately adjacent property owner must be obtained.
- b) Unless specifically noted otherwise, all signs must maintain a 10-foot setback from all lot lines. The city may require a greater or lesser setback because of public safety reasons which may include the following conditions: vehicle sight distance, distance from intersection, designation of adjacent right-of-way.
- c) Signs may not be mounted on a roof surface and may not project above the roof line of a structure if either attached to the structure or cantilevered over the structure.
- d) Signs may not be attached to trees or utility poles.
- e) Signs may not be located within public right-of-way except for official traffic control devices and those allowed by section 3(e) of this section 325.05;
- f) Signs may not be attached to fences;
- g) Signs may not be located so as to obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets in a manner that presents a hazard to public safety;
- h) Signs may not be located so as to obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any structure;

5. **Approved sign plans.** The city may enforce, in the same manner as the requirements of this section, the terms of a sign plan or sign covenants which it has approved. Any violation of an approved sign plan or sign covenants is a misdemeanor.

6. **Changeable messages.** A message that is not permanently attached to the sign face but that is not a dynamic display may occupy no more than 50 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to change messages even if not used.
7. **Font size.** Every line of copy and graphics in a sign must be at least four inches in height.
8. **Sign illumination.**
 - a) All illuminated signs must meet the following standards:
 - 1) External illumination on signs must be directed so that the illumination does not interfere with safe traffic operations;
 - 2) Illuminated signs must not be directly oriented to any residential district;
 - 3) No sign may be brighter than is necessary for clear and adequate visibility.
 - 4) No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.
 - 5) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.
 - b) The person owning or controlling the sign must adjust the sign to meet the brightness standards in accordance with the city's instructions. The adjustment must be made immediately upon notice of non-compliance from the city. The person owning or controlling the sign may appeal the city's determination through the following appeal procedure:
 - 1) After making the adjustment required by the city, the person owning or controlling the sign may appeal the city's determination by delivering a written appeal to the city clerk within 10 days after the city's non-compliance notice. The written appeal must include the name of a person unrelated to the person and business making the appeal, who will serve on the appeal panel.
 - 2) Within five business days after receiving the appeal, the city must name a person who is not an official or employee of the city to serve on the appeal panel. Within five business days after the city names its representative, the city's representative must contact the sign owner's representative, and the two of them must appoint a third member to the panel, who has no relationship to either party.

- 3) The appeal panel may develop its own rules of procedure, but it must hold a hearing within five business days after the third member is appointed. The city and the sign owner must be given the opportunity to present testimony, and the panel may hold the hearing, or a portion of it, at the sign location. The panel must issue its decision on what level of brightness is needed to meet the brightness standards within five business days after the hearing commences. The decision will be binding on both parties.
- c) All signs installed after June 25, 2007 that will have illumination by a means other than natural light must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions. These signs must also be equipped with a means to immediately turn off the display or lighting if it malfunctions, and the sign owner or operator must immediately turn off the sign or lighting when notified by the city that it is not complying with the standards in this section.

9. **Outdoor advertising displays.**

Outdoor advertising signs which exist as of March 13, 1991 are nonconforming signs. A permanent outdoor advertising sign is a principal use of property. No permitted or conditionally permitted use or any part of such use may be located on the same parcel of property as such a sign. The parcel on which such a sign is located may not be subdivided to segregate the sign from the remaining property. For the purposes of this paragraph, "parcel of property" means any property for which one property identification number has been issued by the county, or all contiguous property in common ownership as of October 15, 1997, whichever is greater.

10. **Dynamic Displays.**

- a) Findings. Studies show that there is a correlation between dynamic displays on signs and the distraction of highway drivers. Distraction can lead to traffic accidents. Drivers can be distracted not only by a changing message, but also by knowing that the sign has a changing message. Drivers may watch a sign waiting for the next change to occur. Drivers are also distracted by messages that do not tell the full story in one look. People have a natural desire to see the end of the story and will continue to look at the sign in order to wait for the end. Additionally, drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Finally, drivers are generally more distracted by messages that are too small to be clearly seen or that contain more than a simple message. Time and temperature signs appear to be an exception to these concerns because the messages are short, easily absorbed, and become inaccurate without frequent changes.

Despite these public safety concerns, there is merit to allowing new technologies to easily update messages. Except as prohibited by state or federal law, sign owners should have the opportunity to use these technologies with certain restrictions. The restrictions are intended to minimize potential driver distraction

and to minimize proliferation in residential districts where signs can adversely impact residential character.

Local spacing requirements could interfere with the equal opportunity to use such technologies and are not included. Without those requirements, however, there is the potential for numerous dynamic displays to exist along any roadway. If more than one dynamic display can be seen from a given location on a road, the minimum display time becomes critical. If the display time is too short, a driver could be subjected to a view that appears to have constant movement. This impact would obviously be compounded in a corridor with multiple signs. If dynamic displays become pervasive and there are no meaningful limitations on each sign's ability to change frequently, drivers may be subjected to an unsafe degree of distraction and sensory overload. Therefore, a longer display time is appropriate.

A constant message is typically needed on a sign so that the public can use it to identify and find an intended destination. Changing messages detract from this way-finding purpose and could adversely affect driving conduct through last-second lane changes, stops, or turns, which could result in traffic accidents. Accordingly, dynamic displays generally should not be allowed to occupy the entire copy and graphic area of a sign.

In conclusion, the city finds that dynamic displays should be allowed on signs but with significant controls to minimize their proliferation and their potential threats to public safety.

- b) Regulations. Dynamic displays on signs are allowed subject to the following conditions:
- 1) Dynamic displays are allowed only on monument and pylon signs for conditionally permitted uses in residential districts and for all uses in other districts. Dynamic displays may occupy no more than 50 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only one, contiguous dynamic display area is allowed on a sign face;
 - 2) A dynamic display may not change or move more often than once every 20 minutes, except one for which changes are necessary to correct hour-and-minute, date, or temperature information. Time, date, or temperature information is considered one dynamic display and may not be included as a component of any other dynamic display. A display of time, date, or temperature must remain for at least 20 minutes before changing to a different display, but the time, date, or temperature information itself may change no more often than once every three seconds;
 - 3) The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects;

- 4) The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign;
 - 5) Every line of copy and graphics in a dynamic display must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more. If there is insufficient room for copy and graphics of this size in the area allowed under clause 1 above, then no dynamic display is allowed;
 - 6) Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays 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 ordinance;
 - 7) Dynamic displays must comply with the brightness standards contained in subdivision 15;
 - 8) Dynamic displays existing on June 25, 2007 must comply with the operational standards listed above. An existing dynamic display that does not meet the structural requirements in clause 1 may continue as a non-conforming development subject to section 300.29. An existing dynamic display that cannot meet the minimum size requirement in clause 5 must use the largest size possible for one line of copy to fit in the available space.
- c) Incentives. Outdoor advertising signs do not need to serve the same way-finding function as do on-premises signs. Further, outdoor advertising signs are no longer allowed in the city, and there is no potential that they will proliferate. Finally, outdoor advertising signs are in themselves distracting and their removal serves public safety. The city is extremely limited in its ability to cause the removal of those signs. This clause is intended to provide incentives for the voluntary and uncompensated removal of outdoor advertising signs in certain settings. This removal results in an overall advancement of one or more of the goals set forth in this section that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate outdoor advertising services that would otherwise remain distributed throughout the community.
- 1) A person may obtain a permit 1) for an enhanced dynamic display on one face of an outdoor advertising sign if the following requirements are met:
 - a. The applicant agrees in writing to permanently remove, within 15 days after issuance of the permit, at least two other faces of an outdoor advertising sign in the city that are owned or leased by the applicant, each of which must satisfy the criteria of parts (b) through (d) of this subsection. This removal must include the

complete removal of the structure and foundation supporting each sign face. The applicant must agree that the city may remove the sign if the applicant does not timely do so, and the application must be accompanied by a cash deposit or letter of credit acceptable to the city attorney sufficient to pay the city's costs for that removal. The applicant must also agree that it is removing the sign voluntarily and that it has no right to compensation for the removed sign under any law.

- b. The city has not previously issued an enhanced dynamic display permit based on the removal of the particular faces relied upon in this permit application.
- c. Each removed sign has a copy and graphic area of at least 288 square feet and satisfies two or more of the following additional criteria:
 - 1. The removed sign is located adjacent to a highway with more than two regular lanes and with a general speed limit of 45 miles per hour or greater, but that does not have restrictions on access equivalent to those of an interstate highway;
 - 2. All or a substantial portion of the structure for the removed sign was constructed before 1975 and has not been substantially improved;
 - 3. The removed sign is located in a noncommercial zoning district;
 - 4. The removed sign is located in a special planning area designated in the 1999 comprehensive plan; or
 - 5. The removed copy and graphic area is equal to or greater than the area of the copy and graphic area for which the enhanced dynamic display permit is sought.
- d. If the removed sign face is one for which a state permit is required by state law, the applicant must surrendered its permit to the state upon removal of the sign. The sign that is the subject of the enhanced dynamic display permit cannot begin to operate until proof is provided to the city that the state permit has been surrendered.
- e. The applicant must agree in writing that no dynamic displays will ever be used on one additional outdoor advertising sign that has a copy and graphic area of at least 288 square feet in size. This agreement will be binding on the applicant and all future owners of the sign. If the sign is subsequently removed or destroyed and not

replaced, the holder of the enhanced dynamic display permit is not required to substitute a different sign for the one that no longer exists.

- 2) If the applicant complies with the permit requirements noted above, the city will issue an enhanced dynamic display permit for the designated outdoor advertising sign. This permit will allow a dynamic display to occupy 100 percent of the potential copy and graphic area and to change no more frequently than once every eight seconds. The designated sign must meet all other requirements of this ordinance.

11. **Sign construction and maintenance.** All signs must conform to the following standards.

- a) Construction specifications. All permanent signs must be constructed in accordance with the following:
 - 1) the Minnesota state building code;
 - 2) all electric signs must be approved and labeled as conforming to the standards of the Underwriters' Laboratories, Inc., the United States bureau of standards or other similar institutions of recognized standing. All illuminating elements must be kept in satisfactory working condition or immediately repaired or replaced. Signs that are partly illuminated must meet all electrical requirements for the portion that is illuminated;
 - 3) all permanent freestanding signs must have self-supporting structures erected on and permanently attached to concrete foundations;
 - 4) for wall signs, the wall must be designed for and have sufficient strength to support the sign;
 - 5) signs may not be painted on the wall of a building; and
 - 6) Unless otherwise specified in this section, the maximum angle permitted between faces of a double face freestanding sign is 45 degrees.
- b) Sign maintenance and repair. All signs must be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, cleaning and other items required for maintenance of the sign. Vegetation around, in front of, behind, and underneath the base of ground signs for distance of 10 feet must be neatly trimmed and free of weeds. Rubbish or debris under or near the sign that would constitute a fire or health hazard must be removed.

12. **Removal of Abandoned Signs, Signs in Disrepair and Signs Located in Public Right-of-Way.**

- a) Abandoned signs and signs in disrepair. An abandoned sign or sign in disrepair is prohibited and shall be removed by the owner of the premises within 30 days

after notification. If compliance with the provisions of this section is not achieved within 30 days, the city may remove the sign as a public nuisance by following the procedure as specified in section 1120.045 of the municipal code of ordinances. If an abandoned sign remains in good condition and without holes or other evidence of disrepair or damage, the sign shall not be considered as abandoned for a period of one year.

- b) Signs on public property or within public right-of-way: The city may at any time and without notice may impound signs that have been installed on public property or within public right-of-way or easement. The sign owner may retrieve the signs according to the following:
 - 1) a fee must be paid to the city as established in city code section 710. For each subsequent impoundment in a calendar year, the specified fee shall be doubled;
 - 2) the sign may be retrieved from a designated impound area during routine business hours and within 15 days from the date of impounding. After 15 days, the city will dispose of the sign; and
 - 3) the city may not be held liable for any damage to impounded signs.

- 13. **Nonconforming Signs.** Any sign that complied with all applicable laws and ordinances at that time that it was erected but that has been or is made nonconforming due to a subsequently enacted amendment of this city code is governed by section 300.29.

SECTION 325.06. DISTRICT REGULATIONS.

- 1. **Residential Districts.** Within residential zoning districts, signs are permitted as provided in this subsection. Except as expressly permitted in this subsection, commercial signs are not allowed:
 - a) Permanent signs, must comply with Table 325.2. In addition, :
 - 1) One wall sign is permitted per building.
 - 2) One freestanding sign is permitted per development. Sign may be single or double-faced. The sign must be perpetually maintained by a homeowners association or responsible property owner.
 - 3) Internal illumination is not allowed if a sign faces low-density residential properties. External illumination may not include exposed light sources.

Table 325.2 Permanent Signs in Residential Districts					
Property Type	Max. Area	Max. Copy and Graphic Area	Max. Height	Illumination Type*	Other
Permanent Wall Signs					
Any Residential use***	2 sq. ft.	2 sq. ft.	1 ft.	External only	
Conditionally permitted principal use	50 sq. ft. or 10% of the wall in which the sign is located, whichever is less	50 sq. ft. or 10% of the wall in which the sign is located, whichever is less	2 ft.	Internal or External	
Permanent Freestanding Signs					
Low density Residential**	75 sq. ft. per entrance	30 sq. ft. per entrance	6 ft.	External	Must be located at primary entrance(s), two signs permitted per development
Medium/High density Residential	100 sq. ft. per entrance	36 sq. ft. per entrance	8 ft.	Internal or External	Must be located at primary entrance(s), two signs permitted per development
Conditionally Permitted Use, except for public buildings and parks	75 sq. ft.	30 sq. ft.	6 ft.	Internal or External	
Public Building and Park	32 sq. ft.	32 sq. ft.	8 ft.	Internal or External	Hours of illumination: 6 am to 10 pm only
Athletic Field, with structured seating for 2000 or fewer people	410 sq. ft. per sign face	410 sq. ft. per sign face	35 ft.	Internal only	
Athletic Field, with structured seating for more than 2000 people	500 sq. ft. per Sign face 1000 sq. ft. aggregate	500 sq. ft. per sign face 1000 sq. ft. aggregate	35 ft.	Internal only	
<p>* Internal illumination is not allowed when a sign faces low-density residential properties. External illumination may not include exposed light sources.</p> <p>** Allowed only for single-family developments of at least 6 lots and two-family development with at least 12 dwelling units.</p> <p>*** Sign permit not required.</p>					

- b) Temporary non-commercial signs, must comply with Table 325.3. Temporary signs may not be illuminated.

Property Type	Sign type	Max. Number of Signs	Max Area	Max Height	Duration of Display
Any residential use*/**	Banner or freestanding	3	6 sq. ft. per sign 18 sq. ft. aggregate per property	3	N/A
<p>* Signs must be located at least five feet from the edge of a public street, must not obstruct driver visibility at intersections and must be placed with the consent of the property owner.</p> <p>** Sign permit not required.</p>					

- c) Temporary commercial signs must comply with Table 325.4. Temporary signs may not be illuminated.

Property Type	Sign Type	Max. Number of Signs	Max. Area	Max. Height	Display Duration
Development Properties					
Low-Density*/**	Freestanding	1 per development	32 sq. ft.	8 ft.	Must be removed When building permits have been issued for 90% of lots
Medium/High Density**					Must be removed 18 months after a building permit has been issued
For Sale or Lease Properties					
Low/Medium Density**	Freestanding	1 per property	6 sq. ft.	6 ft.	Must be removed 7 days after a property is no longer for sale or lease
High Density**	Freestanding	1 per property	32 sq. ft.	8 ft.	Must be removed 12 months after issuance of a certificate of occupancy for the last building
	Banner attached to wall	1 per property	60 sq. ft.	N/A	
General Commercial Signage					
Conditionally Permitted Principal Use	Banner	1 per property	30 sq. ft.	N/A	two occasions per calendar year for a maximum of 10 day display for each occasion
<p>* Allowed for low-density developments with at least four lots under development.</p> <p>** Sign permit not required.</p>					

2. **Office District Sign Regulations.** Within the B-1, office business district, signs are permitted according to the following standards:

- a) Permanent Signs.

- 1) Permanent monument signs: One monument sign is permitted per development provided the sign complies with the requirements of Table 325.5. In addition,
 - a. Signs may be single or double-faced
 - b. Signs may be internally or externally illuminated, except internal illumination is not allowed if a sign faces low-density residential properties. External illumination may not include exposed light sources.

- 2) Permanent wall signs: One permanent wall sign is permitted per building, except that buildings with frontage on more than one public street are allowed one wall sign facing each frontage. Signs must comply with the requirements of Table 325.5. In addition:
 - a. Signs must be comprised of individually dimensioned letters, unless all wall signs are incorporated into architecture of structure and of similar design.
 - b. Signs may be internally illuminated or backlit, except illumination is not allowed if a sign faces low-density residential properties.

Table 325.5 Permanent Signs in Office District			
Sign type	Max. Monument Area	Max. Copy and Graphic Area	Max. Height
Permanent monument sign – adjacent ROW is less than 100 ft in width	72	36 sq. ft.	15 ft.
Permanent monument sign – adjacent ROW is 100 ft. or more in width	100	50 sq. ft.	15 ft.
Permanent wall sign	N/A	Maximum wall sign height x 25% of length of building where sign is located	36 inches for one and two story buildings 48 inches for three and four story buildings 60 inches for five or more story buildings

- b) Temporary Signs. On-premise signs must comply with the requirements of Table 325.6. Signs may not be illuminated.

Table 325.6 Temporary On-Premise Signs, Office Districts

Property Type	Sign Type	Max. Number of Signs	Max. Area	Max. Height	Display Duration
Vacant Properties, During Construction*	Freestanding	1 if property is 3 acres or less, 2 signs if property is over 3 acres in size	32 sq. ft.	12 ft.	Must be removed 7 days after issuance of a certificate of occupancy
Improved Properties, For Sale or Lease*	Freestanding or Wall				Only while property is for sale or lease space is available
General Temporary Signs	Banners	1 sign per tenant	30 sq. ft.	N/A	Max. 30 day period to coincide with grand opening Max. 2 occasions per calendar years with each occasion not to exceed 10 days
	Sandwich Signs**/**/**	1 per tenant	12 sq. ft.	4	Allowed during business hours, but must be removed at closing
	Search Light or Inflatable***	1 per development	N/A	NA	Max. 2 occasions per calendar year with each occasion not to exceed 3 days
	Non-commercial banner or freestanding sign*/****	3 per property	6 sq. ft. per sign, 18 sq. ft. aggregate per property	3 ft.	N/A

* Sign permit not required.

**Sign must be located directly in front the tenant space the sign is associated with and must not reduce sidewalk area to less than 4 ft. in width.

*** Sign must be located on the ground.

**** Signs must be located at least five feet from the edge of a public street, must not obstruct driver visibility at intersections and must be placed with the consent of the property owner.

3. **Commercial Business and Industrial Sign Regulations.** Within the B-2, B-3 and I-1 districts, the following signs are permitted:

a) Permanent signs.

- 1) Freestanding signs. Signs must comply with requirements of Table 325.7. In addition,
 - a. One freestanding sign is allowed per development, except that a second sign is allowed for properties with drive-thru windows.
 - b. Signs may be single or double-faced.
 - c. Signs may be internally or externally illuminated, except internal illumination is not allowed if a sign faces low-density residential properties. External illumination may not include exposed light sources.

Table 325.7 Permanent Freestanding Signs in the Commercial Business and Industrial Districts					
	Pylon Sign		Monument Sign		
Principal Structure (gross square feet)	Max. height	Max. sign size	Max. height	Max. copy & graphic	Max. monument area
greater than 400,000	30 ft.	200 sq. ft.	21 ft.	100 sq. ft.	150 sq. ft.
100,000 - 400,000*	24 ft.	100 sq. ft.	21 ft.	100 sq. ft.	150 sq. ft.
20,000 - 100,000	18 ft.	80 sq. ft.	18 ft.	80 sq. ft.	120 sq. ft.
less than 20,000	15 ft.	60 sq. ft.	15 ft.	60 sq. ft.	90 sq. ft.
building with multiple screen theater	30 ft.	200 sq. ft.	21 ft.	100 sq. ft.	150 sq. ft.
Second Sign for properties with drive-thru	8 ft.	50 sq. ft.	8 ft.	50 sq. ft.	50 sq. ft.

*For multi-tenant building or limited tenant building with more than 100,000 gross sq. ft. and with 2 or more access points, one monument sign allowed at primary access and second monument allowed at second access; height and graphic limits for second monument are 50% of those in outlined in this table.

- 2) Permanent Wall Signs:
 - a. Limited tenant wall signs. Signs must comply with the requirements in Table 325.8. In addition,
 1. One permanent wall sign is permitted per exterior wall face.
 2. Signs must be comprised of individually dimensioned letters, unless all wall signs are incorporated into the architecture of structure and of similar design.

3. Signs may be internally illuminated or backlit, except illumination is not allowed if a sign faces low-density residential properties.

Table 325.8 Wall Signs, Limited Tenant Building		
Principal Structure Size (Gross Sq. Ft.)	Individual Wall Sign Calculation	Total Wall Signage for Property
100,000 - 400,000 sq. ft.	200 sq. ft. or 10 percent of wall face, whichever is less	300 sq. ft.
20,000 - 100,000 sq. ft.	150 sq. ft. or 10 percent of wall face, whichever is less	240 sq. ft.
less than 20,000 sq. ft.	100 sq. ft. or 15 percent of wall face, whichever is less	150 sq. ft.

- b. Multi-tenant wall signs. Each tenant is permitted one wall sign per tenant exterior wall face, but no more than two total signs. For example, a tenant that occupies a corner or endcap space is allowed two wall signs, whereas a tenant that occupies an interior space is allowed one wall sign. Signage size is regulated under Table 325.9. In addition,
 1. Signs may be located no closer than 2 feet from any lease line.
 2. Signs may be internally illuminated or backlit, except internal illumination is not allowed when a sign faces low-density residential properties.

Table 325.9 Wall Signs, Multi-tenant buildings		
	Max. Height	Max. Copy and Graphic Area
Horizontal-mounted signs	36 inches for graphic 26 inches for copy	Defined by maximum allowed height and lease lines*
Projecting sign	Must not project above the roofline of building and provide for no less than 8 feet of clearance between the lowest portion of the sign and the grade below.	

* Signs may not project out from the face of the building by more than 48 inches.

- b) Temporary Signs. On-premise signs must comply with Table 325.10. Signs may not be illuminated.

Table 325.10 Temporary On-Premise Signs, Commercial and Industrial Districts					
Property Type	Sign Type	Max. Number of Signs	Max. Area	Max. Height	Display Duration
Vacant Properties, During Construction*	Freestanding	1 if property is 3 acres or less 2 signs if property is over 3 acres in size	32 sq. ft.	12 ft.	Must be removed 7 days after issuance of a certificate of occupancy
Improved Properties, For Sale or Lease*	Freestanding or Wall				Only while property is for sale or lease space is available
General Temporary Signs	Banners	1 sign per tenant	30 sq. ft.	N/A	Max. 30 day period to coincide with grand opening Max. 2 occasions per calendar years with each occasion not to exceed 10 days
	Sandwich Signs**/**/**	1 per tenant	12 sq. ft.	4	Allowed during business hours, but must be removed at closing
	Search Light or Inflatable***	1 per development	N/A	NA	Max. 2 occasions per calendar year with each occasion not to exceed 3 days
	Non-commercial banner or freestanding sign**/**	3 per property	6 sq. ft. per sign, 18 sq. ft. aggregate per property	3 ft.	N/A

* Sign permit not required.

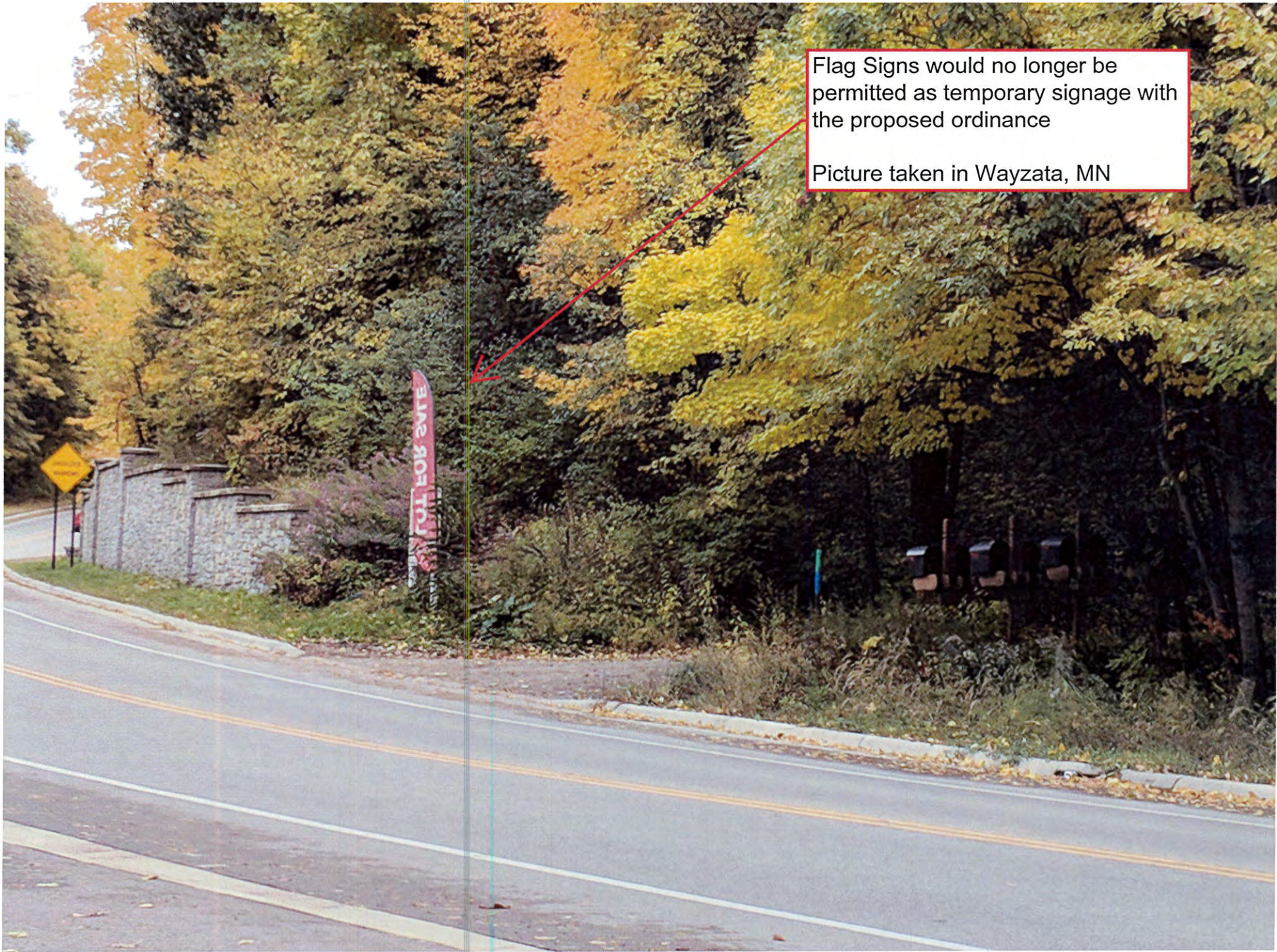
**Sign must be located directly in front the tenant space the sign is associated with and must not reduce sidewalk area to less than 4 ft. in width

*** Sign must be located on the ground.

**** Signs must be located at least five feet from the edge of a public street, must not obstruct driver visibility at intersections and must be placed with the consent of the property owner.

4. **Planned Unit Development Districts.** Permanent and temporary signs in planned unit development and planned I-394 districts are regulated according to the standards for the corresponding land use and zoning category as stated in this chapter 3. A sign plan with differing requirements may be approved by the city. Factors that will be used in determining if an individual P.U.D./P.I.D. sign plan will be considered include the following:

- a) The development includes a high rise (greater than 3 story) structure;
- b) the development includes multiple structures and/or substantial site area;
- c) the development includes mixed uses;
- d) a sign plan is uniquely adapted to address the visibility needs of a development while remaining consistent with the intent of this section to direct high quality signage; and
- e) the sign plan includes permanent sign covenants which can be enforced by the city.



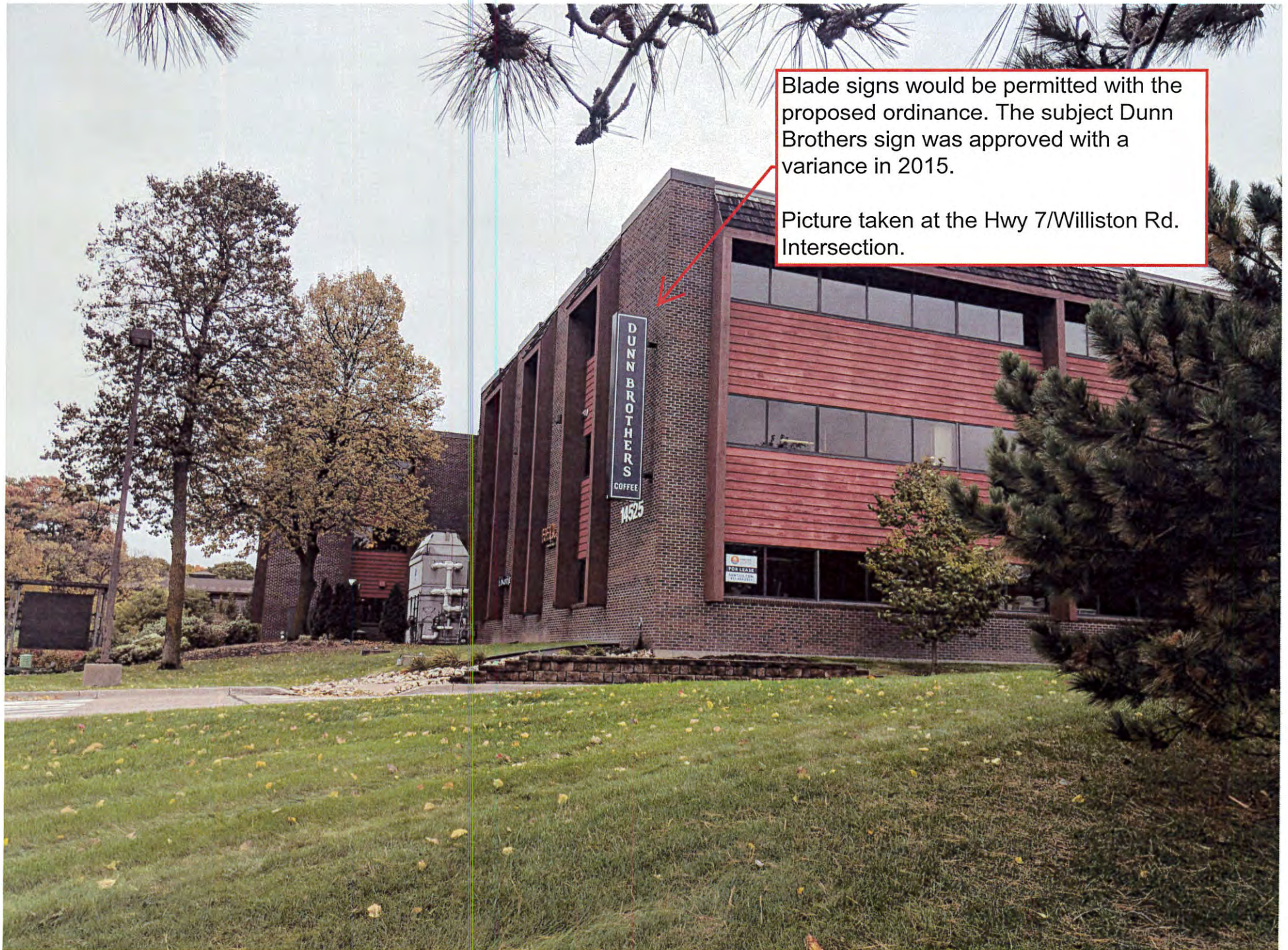
Flag Signs would no longer be permitted as temporary signage with the proposed ordinance

Picture taken in Wayzata, MN

Dynamic Sign Area would be increased from 30% to 50% of the copy and graphic area with the proposed sign ordinance

Picture taken at Delton Ave./Old Excelsior Blvd. Intersection





Blade signs would be permitted with the proposed ordinance. The subject Dunn Brothers sign was approved with a variance in 2015.

Picture taken at the Hwy 7/Williston Rd. Intersection.

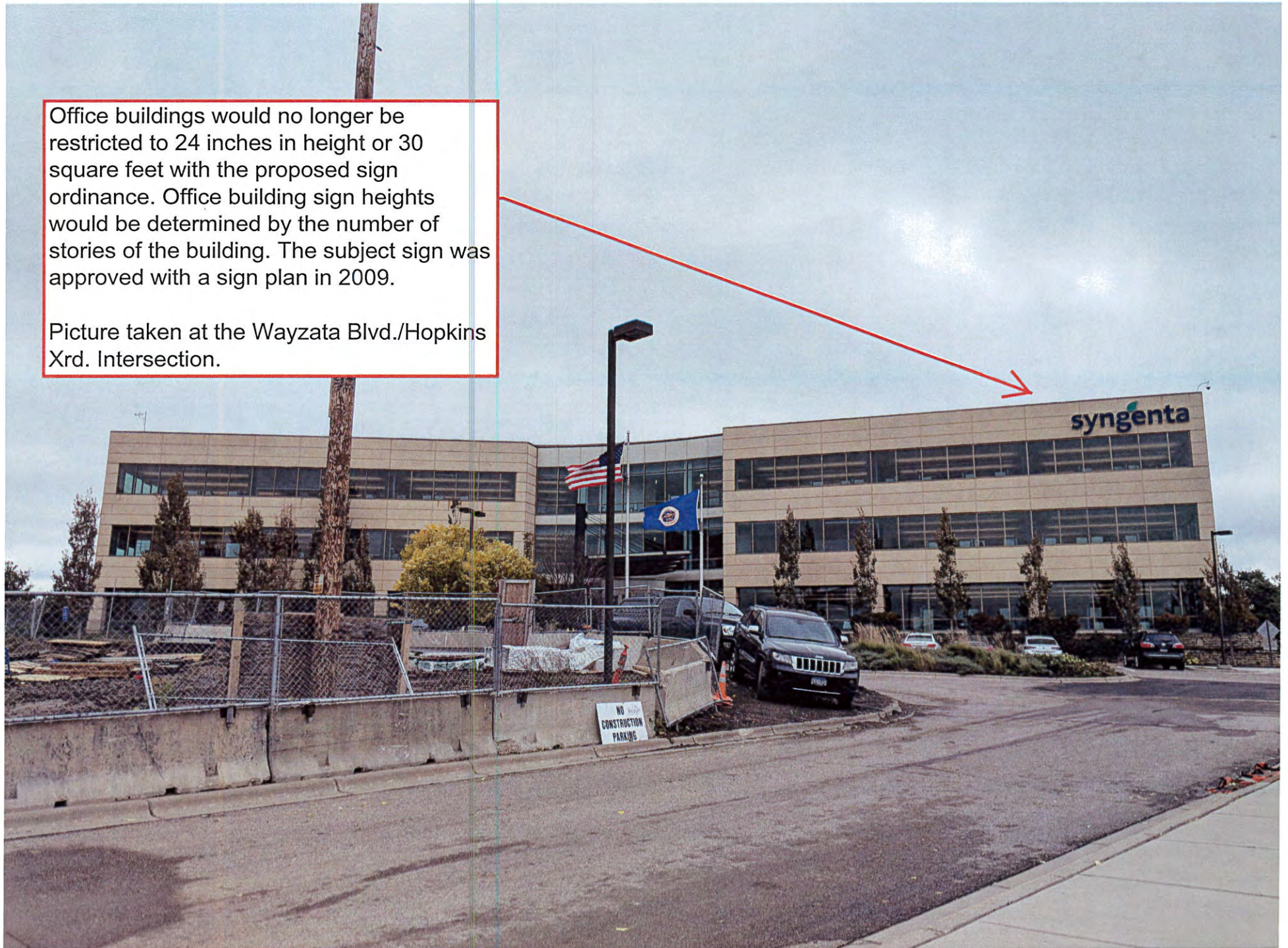
Blade signs would be permitted with the proposed ordinance. The subject Caribou Coffee sign was approved with a variance in 2016.

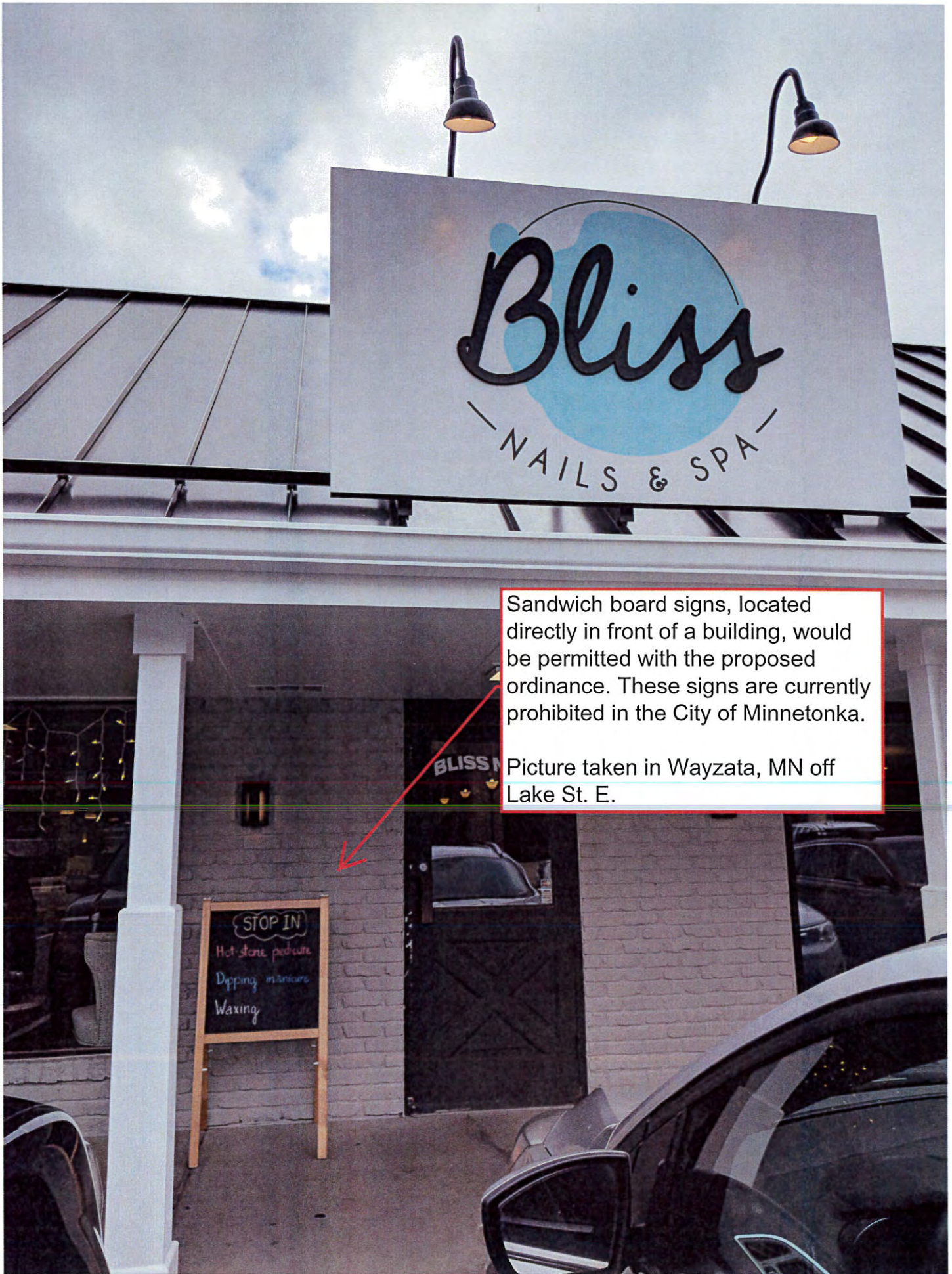
Picture taken at Plymouth Rd/ Cartway Ln. Intersection.



Office buildings would no longer be restricted to 24 inches in height or 30 square feet with the proposed sign ordinance. Office building sign heights would be determined by the number of stories of the building. The subject sign was approved with a sign plan in 2009.

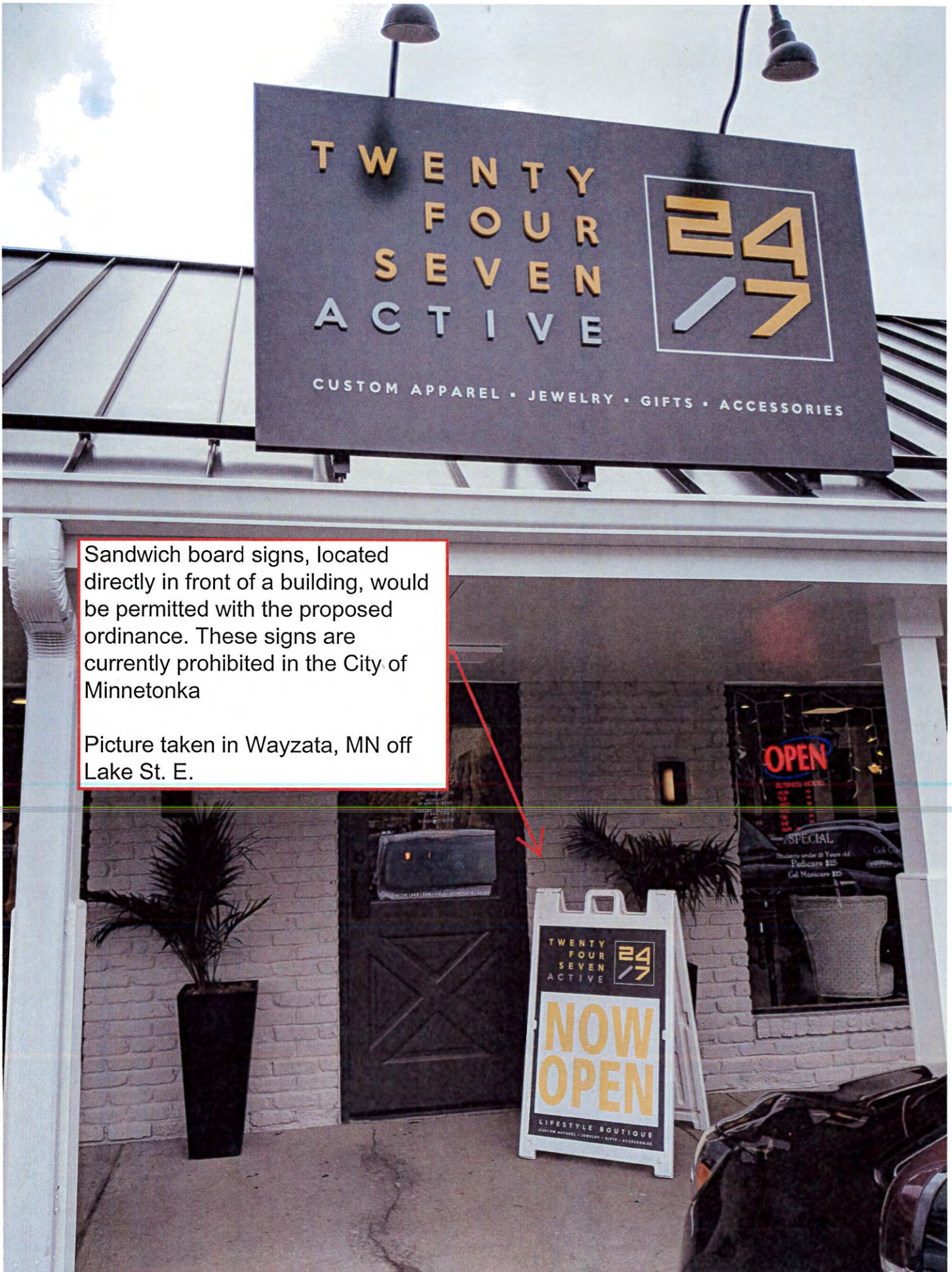
Picture taken at the Wayzata Blvd./Hopkins Xrd. Intersection.





Sandwich board signs, located directly in front of a building, would be permitted with the proposed ordinance. These signs are currently prohibited in the City of Minnetonka.

Picture taken in Wayzata, MN off Lake St. E.



Sandwich board signs, located directly in front of a building, would be permitted with the proposed ordinance. These signs are currently prohibited in the City of Minnetonka

Picture taken in Wayzata, MN off Lake St. E.

Multi-tenant building businesses that front multiple roadways would be permitted more than one sign with the proposed ordinance. The subject TCF signage was approved during the site plan review process in 2016.

Picture taken at the Plymouth Rd./
Cartway Ln. Intersection.



View from Baker Rd.

Multi-tenant building businesses that front multiple roadways would be permitted more than one sign with the proposed ordinance. The subject signage was approved with a variance in 2012.

Picture taken at the Baker Rd./
Culligan Way Intersection.



View from Culligan Way

Multi-tenant building businesses that front multiple roadways would be permitted more than one sign with the proposed ordinance. The subject signage was approved with a variance in 2012.

Picture taken at the Baker Rd./ Culligan Way Intersection.

