

## **SECTION 549 - ZONING: SIGN REGULATIONS**

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**SECTION 549 - ZONING: SIGN REGULATIONS**  
**(ADDED, BILL NO. 2007-19)**

**549.01. Findings, purpose and effect.** Subdivision 1. Findings. The City hereby finds as follows:

- a) Signs have a direct impact on and relationship to the image of the community;
- b) Uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;
- c) The manner of installation, location and maintenance of signs has a substantial impact on the character and quality of the environment;
- d) Signs provide an important medium through which individuals may convey a variety of messages;
- e) Signs help citizens find their way to intended destinations;
- f) 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;
- g) Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare;
- h) Uncontrolled and unlimited signs, particularly portable 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
- i) The City's zoning regulations have, since as early as 1944, included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the City and its citizens from a proliferation of signs of a type, size, location and character that would have an adverse impact upon the aesthetics of the community and threaten its health, safety and welfare. The regulation of the physical characteristics of signs within the City has had a positive impact on traffic safety and the appearance of the community.

**Subd. 2. Purpose and intent.** It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign; nor is it the purpose or intent of this ordinance to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this ordinance is to:

- a) Regulate the number, location, size, type, illumination and other physical characteristics of signs within the City in order to promote the public health, safety and welfare;
- b) Maintain, enhance and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community;
- c) Improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics; and
- d) Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the City.

**Subd. 3. Effect.** A sign may be erected, mounted, displayed or maintained in the City if it is in conformance with the provisions of this ordinance. The effect of this ordinance, as more specifically set forth herein, is to:

- a) Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this sign ordinance;
- b) Allow signs which are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or unduly distract motorists;
- c) Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance;
- d) Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare; and
- e) Provide for the enforcement of the provisions of this sign ordinance.

**549.03. Severability.** If any section, subsection, sentence, clause, or phrase of this sign ordinance is for any reason held to be invalid, such invalidity shall not affect the validity or enforceability of the remaining portion of this sign ordinance. The City Council hereby declares that it would have adopted the sign ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, or phrases be declared invalid.

**549.05. Definitions.** Subdivision 1. The following words and phrases, when used in this Section 549 shall have the following meanings, unless the context clearly indicates otherwise. The definitions set forth in this Section 549.05 are in addition to the definitions set forth in Section 507.07, which shall apply to this Section 549, except that in the event of a conflict between the Sections, the definition in Section 549 shall apply.

**Subd. 2.** “Abandoned sign” – Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs that are present because of being legally established nonconforming signs or signs that have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

**Subd. 3.** “Awning” – A roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning that also projects over a door shall be counted as an awning.

**Subd. 4.** “Awning sign” – A sign or graphic printed on or in some fashion attached directly to the awning material.

**Subd. 5.** “Balloon sign” – A sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than 24 inches in diameter.

**Subd. 6.** “Banner” – A sign made of fabric or any non-rigid material with no enclosing framework.

**Subd. 7.** “Canopy” – A roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway.

**Subd. 8.** “Canopy sign” – Any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door or entrance. A canopy sign is not a marquee and is different from service station canopy signs that are governed by Section 534.07, Subd. 11 of this code.

**Subd. 9.** “Changeable message” – A message that is not permanently attached to the sign face but that is not a dynamic display.

**Subd. 10.** “Commercial speech” – Speech advertising a business, profession, commodity, service or entertainment.

**Subd. 11.** “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 or structural element 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.

**Subd. 12.** “Erect” – Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.

**Subd. 13.** “Freestanding sign” – Any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

**Subd. 14.** “Grade” – The average elevation or level of the centerline of the closest street which the sign abuts.

**Subd. 15.** “Height of sign” – The height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

**Subd. 16.** “Illuminated sign” – Any sign that contains an element designed to emanate artificial light internally or externally.

**Subd. 17.** “Legally established nonconforming sign” – Any sign and its support structure lawfully erected prior to the effective date of this ordinance which fails to conform to the requirements of this ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this section and which does not comply with this section shall be deemed to be a legal nonconforming sign. A sign that was unlawfully erected shall be deemed to be an illegal sign.

**Subd. 18.** “Marquee” – Any permanent roof-like structure projecting beyond a theater building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.

**Subd. 19.** “Marquee sign” – Any sign painted, mounted, constructed or attached in any manner, on a marquee.

**Subd. 20.** “Monument sign” – Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign.

**Subd. 21.** “Non-commercial speech” – Dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and information topics.

**Subd. 22.** “On-premise messages” – Identify or advertise an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

**Subd. 23.** “Outdoor advertising sign” – Any sign that is located outdoors and that advertises a product, business, service, event, or any other matter that is not available, or does not take place, on the same premises as the sign (off-premise sign). For the purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside such premises and any sign located or proposed to be located in an easement or other appurtenance shall be considered an outdoor advertising sign.

**Subd. 24.** “Owner” – In the case of a lot, the legal owner of the lot as officially recorded by Hennepin County, and including fee owners, contract for deed purchasers and ground lessees. In the case of a sign, the owner of the sign including any lessees.

**Subd. 25.** “Portable sign” – A sign with or without copy and graphic that is designed or intended to be moved or transported. By way of example and not by limitation, portable signs include:

- a) A- or T- frame signs;
- b) Sandwich board signs;
- c) Signs designed to be transported by trailer or on wheels;
- d) 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.

**Subd. 26.** “Projecting sign” – Any sign which is affixed to a building or wall in such a manner that its leading edge extends more than 12 inches beyond the surface or such building or wall face.

**Subd. 27.** “Public right-of-way” – Public right-of-way has the meaning given it by Minnesota Statutes, Section 237.162, Subdivision 3.

**Subd. 28.** “Pylon sign” – Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

**Subd. 29.** “Roof sign” – A sign located above the eave or parapet wall of a building and/or located within the projected roof area.

**Subd. 30.** “Scoreboard Panel” – A non-illuminated sign which is affixed to an electric scoreboard at an outdoor sports arena or complex.

**Subd. 31.** “Sign” – Any letter, word or symbol, poster picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.

**Subd. 32.** “Sign area” – The area shall be the area of the smallest rectangle enclosing the extreme limits of the actual sign surface excluding structural elements outside the limits of such sign which do not form an integral part of the display; or in the case of wall signs, figures, symbols, canopy or awning signs, the sign area shall be the area of the smallest rectangle that encloses the sign message or logo. For multi-face signs, the area shall include the maximum number of single display surfaces visible from any ground position at one time.

**Subd. 33.** “Sign face” – The surface of the sign upon, against, or through which the message of the sign is exhibited.

**Subd. 34.** “Sign structure” – Any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

**Subd. 35.** “Site” – A lot or combination of contiguous lots that are intended, designated, and/or approved to function as an integrated unit.

**Subd. 36.** “Stringer” – A line of string, rope, cording or an equivalent to which is attached a number of pennants, balloons, propellers, banners or similar devices.

**Subd. 37.** “Visible” – Capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.

**Subd. 38.** “Wall” – Any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of 60 degrees or greater with the horizontal plane.

**Subd. 39.** “Wall sign” – Any sign attached parallel to, but within two (2) feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

**Subd. 40.** “Window sign” – Any building sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

**549.07. Permit required.** Subdivision 1. No sign shall be installed, constructed, erected, altered, revised, reconstructed or relocated in the City without first obtaining a permit and license from the City. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

**Subd. 2. Application.** Application shall be made on forms provided by the City. The form shall include the following information:

- a) The name, address and telephone number of the applicant;
- b) The name, address and telephone number of the person, firm, corporation or other organization erecting the sign;
- c) The name, address, telephone number and written consent of the property owner on which the sign is to be erected;
- d) Site plans indicating the exact location of the sign on the site including its position relative to buildings, structures, streets and property lines;
- e) Two copies of sign plans and specifications with the following information:
  - i. Number of sign faces;
  - ii. Sign colors and construction materials;
  - iii. Sign dimensions;
  - iv. Type, direction, location and intensity of illumination and name of electrical contractor;
  - v. Method of attachment to building or ground; and
  - vi. Stress sheets and calculations showing that the structure is designed to meet the dead load and wind pressure requirements of the Building Code.

- f) If the proposed sign is along interstate highway, the application shall be accompanied by proof that the applicant has obtained a permit from the State for the sign.

**Subd. 3. Review.** The City shall approve or deny the sign permit application within the time period required by State law. If the permit is denied, the issuing authority shall prepare a written notice of denial within 15 days of its decision, describing the applicant's appeal right under Section 547.05, and send it by certified mail, return receipt requested, to the applicant.

**Subd. 4. Additional permits.**

- a) Electrical signs must be installed in accordance with the current electrical code and a separate permit from the building official must be obtained prior to placement; and
- b) Building permits (as required) must be obtained from the building official prior to placement.

**549.09. Exemptions.** The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same, unless otherwise noted: (Amended, Bill No. 2008-16)

- a) The changing of a changeable message as defined in Subsection 549.05 or a dynamic display message.
- b) The changing of the display surface on a painted or printed sign only. This exemption, however, shall apply only to poster replacement and/or on-site changes involving sign painting elsewhere than directly on a building;
- c) Signs six (6) square feet or less in size;
- d) Window signs;
- e) Street identification numbers / address signs;
- f) Bench signs complying with Subsection 805.19, Subd. 4 of the City Code;
- g) Signs on vehicles when the vehicle is being used in the normal day-to-day operation of that business as described in Subsection 549.05, Subd. 30; and
- h) Traffic signs and/or signs erected by public officials in performance of official duties for the purpose of traffic control and public safety. Traffic signs are also exempt from size, setback and dynamic display regulations.

**549.11. Fees.** The application for a sign permit shall be accompanied by the fee provided in Appendix D of the City Code. The fee required in this paragraph is separate from and in addition to any other fees required by this code.

**549.13. Variances.** Requests for a variance from the requirements of this section shall be processed by the Board of Adjustments and Appeals in accordance with Section 547.05.

**549.15. Violations.** Violation of this section is a misdemeanor. Each day that the violation continues is a separate offense.

**549.17. Enforcement.** Employees of the Inspections Division of the Department of Public Safety and additional persons designated by the Director are hereby authorized to enforce the provisions of this section in the manner provided in Subsection 115.11 of the City Code.

**549.19. Retroactive effect.** This sign ordinance shall apply to all sign applications applied for and/or pending prior to its enactment.

**549.21. General regulations.** Subd. 1. The following regulations shall apply to all signs permitted in all districts.

**Subd. 2. Signs prohibited.**

- a) Any sign located, designed or maintained in a manner which is likely to cause confusion or interfere with the visibility of traffic signs, traffic control devices, crossroads, driveways or crosswalks;
- b) Roof signs;
- c) Portable signs;
- d) Searchlights, beacons, strobe lights or other illuminated signs emitting a beam consisting of a collection or concentration of rays of light;
- e) Outdoor advertising signs;
- f) Stringers;
- g) Balloon signs; and
- h) Abandoned signs.

**Subd. 3. Required wall signs.** One wall sign containing the street address of the building is required on each building or portion of a building with a separate address. The sign must be of sufficient size and located to be clearly visible from the street on which the address is assigned. These signs do not reduce permitted sign area.

**Subd. 4. Banners.** Banners, where permitted, are subject to the following standards:

- a) Banners shall be attached to a structure, shall be strongly constructed, and shall be securely attached to their supports;
- b) Banners shall be removed (including all framework and supports) as soon as damaged or torn;
- c) There shall be no more than one banner on any building frontage; and
- d) Due to the construction methods of banners and their tendency toward damage, no banner may be displayed for more than 28 days.

**Subd. 5. Setbacks.** Unless specifically noted otherwise, all signs shall maintain a 5-foot setback from all lot lines. The City may require a greater or lesser setback because of public safety reasons that may include the following conditions: vehicle sight distance, distance from intersection, designation of adjacent right-of-way.

**Subd. 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.

**Subd. 7. Illumination.** External illumination for signs shall be so constructed and maintained that the source of light is not visible from the public right-of-way or residential property.

**Subd. 8. Non-commercial speech.** Any non-commercial message may be substituted for any commercial message on any sign allowed under this Code, subject to the same regulations applicable to such signs. Notwithstanding any provisions of this section to the contrary, all noncommercial signs of any size may be posted in a general election year from a date that is 46 days prior to the state primary election until 10 days following the state election. (Amended Bill No.2010-5)

**Subd. 9. Maintenance.** All signs shall be maintained in a safe, presentable and good state of repair 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 monument signs for a distance of 10 feet shall be neatly trimmed and free of weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

**549.23. Permitted signs by district.**

**Subd. 1. Residential Districts.**

- a) Within residential zoning districts, freestanding signs are permitted as follows:

<b>District</b>	<b>Maximum sign area of single sign</b>	<b>Maximum height</b>	<b>Total area of all freestanding signs</b>
R, R-1, MR-1	6 square feet	6 feet	12 square feet
MR-2, MR-3	24 square feet	8 feet	36 square feet
Non-residential	50 square feet	25 feet	100 square feet

- b) Within residential zoning districts, wall signs are permitted as follows:

<b>District</b>	<b>Maximum sign area of single sign</b>
R, R-1, MR-1	Not permitted except as required by Section 549.21, Subd. 3.
MR-2, MR-3	10 percent of total wall area of the wall to which sign is attached
Non-residential	15 percent of the total wall area of the wall to which sign is attached

- c) Within residential zoning districts, the following types of signs are prohibited:

- i. Dynamic displays, except for non-residential uses; and
- ii. Marquee signs; and
- iii. Any sign not expressly permitted by this subdivision is prohibited in residential districts.

- d) Scoreboards for public parks and public or private schools are permitted as follows:

- i. One scoreboard not exceeding 18 feet in height or 100 square feet in surface area is allowed per playing field, not including fields used only for practice; and
- ii. Commercial or non-commercial speech shall be permitted on the scoreboard as follows:
  1. Commercial and non-commercial messages shall not comprise more than 25 percent of the area of the scoreboard; and
  2. Commercial and non-commercial messages shall not be illuminated.

**Subd. 2. Commercial, Mixed-Use Neighborhood, Mixed-Use Community, Mixed-Use Regional, and Industrial Districts.**

- a) Within commercial, mixed-use neighborhood, mixed-use community, mixed-use regional, and industrial zoning districts, freestanding signs are permitted as follows:

<b>District</b>	<b>Maximum sign area of single sign</b>	<b>Maximum height</b>	<b>Total area of all freestanding signs</b>
SO, C-1, MU-N	60 square feet per surface	15 feet	2 square feet per foot of lot frontage
C-2, MU-C	200 square feet per surface	27 feet	4 square feet per foot of lot frontage
I, MU-R	250 square feet per surface	27 feet	4 square feet per foot of lot frontage

- b) Within commercial, mixed-use neighborhood, mixed-use community, mixed-use regional, and industrial zoning districts, wall signs may not exceed 15 percent of the total wall area of the wall to which sign is attached.
- c) Window signs that do not exceed 30 percent of the window area;
- d) Canopies, marquees, projecting signs and fixed awnings that are an integral part of the structure to which they are attached are allowed in the Commercial, Mixed-Use and Industrial districts if they meet the following requirements:
- i. An awning, canopy, marquee or projecting sign may not project into the public right-of-way;
  - ii. Awnings, canopies, marquees and projecting signs may have no part of the structure other than supports nearer the ground surface than seven feet;
  - iii. The architectural style on the awning, canopy or marquee must be consistent with the building being served;
  - iv. For the purposes of size limitation calculations, awning, canopy, marquee and projecting signs shall be counted as wall signs; and
  - v. Awnings, canopies or marquees projecting into required yards may not be enclosed.
- e) Any sign not expressly permitted by this subdivision is prohibited in commercial, mixed-use and industrial districts.

**Subd. 3. Planned unit developments.** Only the signs shown on the approved PUD plan shall be permitted.

**549.25. Dynamic Displays.** Subdivision 1. 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 change.

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 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.

**Subd. 2. Regulations.** Dynamic displays on signs are allowed subject to the following conditions:

- a) Dynamic displays are allowed only on monument and pylon signs for non-residential uses in the 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, and must be contiguous to static copy and graphic area. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only one (1) contiguous dynamic display area is allowed on a sign face. (Amended, Bill No. 2010-4)
- b) Only one dynamic display is permitted on any individual site.
- c) A dynamic display may not change or move more often than once every 60 seconds, except one for which changes are necessary to correct hour-and-minute, date, or temperature information. Time, date or temperature information is considered one (1) 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 60 seconds before changing to a different display, but the time, date, or temperature information itself may change no more often than once every 3 seconds; (Amended, Bill No. 2008-16)
- d) The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects;
- e) 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;
- f) Repealed, Bill No. 2008-16.
- g) 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;
- h) Dynamic displays must comply with the brightness standards contained in subdivision 3 below; and

- i) Dynamic displays existing on the effective date of this ordinance must comply with the operational standards listed above. An existing dynamic display that does not meet the structural requirements in clause a) may continue as a non-conforming structure subject to Section 509.25. An existing dynamic display that cannot meet the minimum size requirements of clause e) must use the largest size possible for one line of copy to fit in the available space.

**Subd. 3. Brightness standards.**

- a) All dynamic displays must meet the following brightness standards in addition to any other requirements of this code.
  - i. No sign may be brighter than is necessary for clear and adequate visibility;
  - ii. 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;
  - iii. 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 appeal procedure set forth in Section 547.05 of this code.
- c) All signs installed after December 22, 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.

**549.27. Non-conforming signs.** Subdivision 1. In addition to the standards established by Section 509.23, the following shall apply to non-conforming signs:

**Subd. 2. Relocation.** Any legally non-conforming sign may be relocated, subject to compliance with the other provisions of this Code and subject to the limitations hereinafter contained, to another location provided that such alternate location is first approved by the Council. The Council may approve relocation if it finds that the relocation will lessen any adverse impact of the sign upon traffic safety and aesthetics. If a conforming location is available, the Council shall not approve relocation to a non-conforming location.

**Subd. 3. Incentives regarding outdoor advertising displays.** Outdoor advertising signs do not need to serve the same way-finding function as do on-premise 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.

- a) 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:
  - i. The applicant agrees in writing to permanently remove, within 15 days after issuance of the permit, at least 2 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 ii through iv of this subsection. This removal must include the complete removal of the structure and the foundation supporting each sign face. The applicant must agree that the City may remove the sign if the applicant does not do so within the time frame agreed upon by the applicant and the City, 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;
  - ii. 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;
  - iii. 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 that 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 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.
- iv. 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.
- b) 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.