

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. 23-###

**AN ORDINANCE AMENDING MULTIPLE SECTIONS OF
CHAPTERS 150 AND 153 OF THE WEST ST. PAUL CITY CODE
REGARDING REGULATIONS FOR SIGNS AND MURALS**

The City of West Saint Paul does ordain:

SECTION 1. AMENDMENT. West St. Paul City Code Chapter 150 is hereby amended as follows:

§ 150.105 POLICY; RELATION TO ZONING.

- (A) *Purpose.* The purpose of this subchapter is to regulate the construction and erection of signs in the city.
- (B) *Zoning Code; comprehensive regulations.* The provisions of this subchapter will be applied to complement the provisions of §§ 153.430 through 153.438.
- (C) *Definitions.* The terms used in this subchapter have the meanings given them by § 153.431.
- (D) *Conflicting definitions.* When doubt exists as to the meaning of a term in this subchapter or the proper interpretation of the provisions of this subchapter in conjunction with the relevant provisions of the Zoning Code (Chapter 153), the question will be resolved by the Planning Commission acting as the Committee of Adjustments under § 31.02.

§ 150.106 REQUIRED PERMITS.

Unless otherwise provided in City Code, nNo person shall erect, alter, reconstruct or move any sign within the city without first obtaining a permit issued by the Building Official pursuant to §§ 32.15 through 32.20.

- (A) *Application for permit.* In addition to the information required in §§ 32.15 through 32.20, any application for a sign-related permit must contain the following information:
 - (1) Location of the building, structure or lot to which or upon which the sign is to be attached or erected;
 - (2) Position and size of the sign and sign structure in relation to nearby buildings or structures;
 - (3) Two blueprints or ~~ink~~-drawings of the plans and specifications and method of construction and attachment of the sign and any sign structure to the building or ground;
 - (4) One copy of stress sheets and calculations signed by a structural engineer showing that the sign structure is designed for dead load and wind pressure in any direction in the amount required by the Building Code;
 - (5) Name of the person erecting the sign structure;
 - (6) Whether an electrical permit is required for the sign; and
 - (7) Any other information the Building Official may require to ensure the sign fully complies with the requirements of this chapter. The Building Official may waive items in divisions (A)(3) and (A)(4) above.

(B) *Illuminated signs.*

- (1) The application for a permit for the erection or alteration of a sign in which electrical wiring and connections are to be used must be submitted to the Electrical Inspector.
- (2) The Electrical Inspector shall examine the plans and specifications regarding all wiring and connections to determine if the proposed sign complies with the State Building Code, and will approve the permit if the plans and specifications comply with the Building Code, or deny the application if the plans and specifications do not comply with the Building Code.
- (3) This action of the Electrical Inspector must be taken prior to submission of the application to the Building Official for final approval or denial of the permit.

§ 150.107 EXCEPTIONS.

No permit is required for the erection, alteration, reconstruction, maintenance or movement of the following signs (the signs must still comply with the remaining provisions of this chapter):

- (A) Building markers.;
- (B) Noncommercial flags.;
- (C) Official or public notices issued by a court or governmental agency.;
- (D) ~~Signs six square feet or less in gross area located on property used as a residential use and located in an R District;~~Unless stated otherwise in this code, one temporary sign in a R District that does not exceed ten (10) square feet in area. If there are multiple temporary signs in a R District, then the cumulative area of all those signs shall not exceed ten (10) square feet. No sign allowed under this exception shall stand taller in height than 36 inches above grade.
- (E) Directional signs, defined as a sign which serves primarily to direct traffic to the location of a place, area or activity, such as “enter” and “exit” signs, provided the signs have a maximum height of no more than six feet, utilize a majority of the sign area for the directional message, and are no more than six square feet in size; ~~and.~~
- (F) Signs on bus shelters.

§ 150.108 UNSAFE SIGNS.

If the Building Official or Zoning Administrator finds that any sign is an unsafe sign, as defined in § 153.431, the sign shall be removed. If the owner fails to remove the sign, it shall be declared a public nuisance, and is subject to abatement and assessment as provided in Chapter 94.

§ 150.109 CONDITIONS OF PERMIT.

- (A) *Maintenance of signs.* The owner of any sign must have the sign and all parts and supports of the sign properly maintained at all times.
- (B) *Wind pressure and dead load.* All signs must be designed and constructed to meet the current Building Code with respect to wind pressure and dead loads.
- (C) *Obstruction of doors, windows or fire escapes.* No sign shall be erected, altered, reconstructed, maintained or moved in such a manner as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

- (D) *Traffic hazards.* No sign shall be erected at the intersection of any street, or right-of-way or within 20 feet of an intersection that obstructs free and clear vision of any pedestrian or motorist; or at any location where, by reason of its position, shape or color, it may interfere with, obstruct the view of, mislead or confuse pedestrian or vehicular traffic.
- (E) *Surface of signs.* All signs that are constructed adjacent to or within ten feet of a street, must have a smooth surface and no nails, tacks or wires are permitted to protrude from the sign, except electrical reflectors and devices that may extend over the top and in front of the sign structure.
- (F) *Goose neck reflectors.* Goose neck reflectors and lights will be permitted on awning, canopy or monument signs provided that the reflectors are adjusted to concentrate the illumination upon the face of the sign to prevent glare upon the street or adjacent property.
- (G) *Spotlights and floodlights.* No sign that is wholly or partially illuminated by floodlights or spotlights may extend over public property. Monument signs may be lighted by spotlights or floodlights directed at the sign face, but spotlights or floodlights directed away from the sign face are prohibited.
- (H) *Obscene matter.* A person may not display any obscene material upon any sign or sign structure.

§ 150.110 TEMPORARY SIGNS.

(A) In general.

- (1) Unless otherwise provided in this section, permits are required for the display of temporary signage.
- (2) In all districts, temporary signage must be displayed on-premises, be well maintained, and be secured in a manner to prevent being blown uncontrollably by the wind.

(B) Exceptions from permitting.

- (1) Temporary signs, unless otherwise required to be permitted in this section, shall be allowed in each zoning district as outlined in this chapter and in chapter 153, provided the signs comply with the below criteria. It is not the intent of this section to allow the display of temporary signage as a means to circumvent the sign regulations for the zoning district in which the property is located.
 - (a) In R Districts, temporary signage up to ten (10) square feet is allowed. The total cumulative area of all temporary signage located on the same lot, or premises, counts toward the total, cumulative gross area of ten (10) square feet allowed for all signs on a lot or premises in R Districts.
 - (b) In R Districts, no temporary sign, unless otherwise specifically allowed in this code, may stand taller than 36 inches in height above grade.

(C) ~~Temporary commercial speech signs~~ for the purposes of commercial speech in business and industrial districts.

- (1) ~~Temporary commercial speech~~All signs must be located on the permittee's property and must refer only to the business, industry or pursuit conducted on or within the premises on which the sign is erected or maintained ~~or a non-commercial message.~~
- (2) ~~Every temporary commercial speech s~~Signs must be safely and securely anchored and supported.

(3) ~~Temporary commercial speech signs~~ Sign permits may be issued, provided: up to the maximum length of time as follows:

(a) ~~For an existing business, a~~ maximum of two temporary ~~commercial speech~~ sign permits may be issued to each business establishment each calendar year for up to 30 days each.

~~(b) For a new business or for the re-opening of an existing business, a temporary commercial speech sign permit may be issued for up to 45 days. Thereafter, a second permit may be issued for up to an additional 30 days.~~

~~(c) For purposes of this section, the following definitions shall apply:~~

~~**EXISTING BUSINESS.** A business that is not a new business.~~

~~**NEW BUSINESS.** A business that has been in existence at the location requested for 12 months or less.~~

~~**RE-OPENING OF AN EXISTING BUSINESS.** A business that has been under new ownership for 12 months or less.~~

~~(d)~~(b) The maximum area of ~~the a temporary commercial speech~~ sign shall be 48 square feet and the maximum height of a temporary ~~commercial speech~~ sign shall be eight feet.

~~(e)~~(c) No more than two temporary ~~commercial speech~~ signs may be located on any one lot or premises for the same ~~topic, location, event or matter~~purpose at any one time.

~~(f)~~(d) All temporary commercial speech signage must be removed within 24 hours after the expiration of the permit.

~~(C)~~(D) Temporary real estate and leasing signs for the purposes of selling or leasing real property in business and industrial districts.

(1) *New construction.* Temporary ~~real estate and leasing~~ signs advertising new construction are permitted subject to the following requirements:

(a) One sign is allowed per street frontage;

(b) Sign(s) may not be erected until construction begins;

(c) Sign(s) must be removed if property is sold or leased, or removed within 12 months after commencement of construction, whichever occurs first;

(d) The maximum area shall be ~~32~~48 square feet;

(e) The maximum height shall be eight feet;

(f) Sign(s) shall be freestanding or wall mounted;

(g) All free-standing signs shall be setback a minimum of ~~five~~ten feet from all property lines and properly secured into the ground as determined by the Zoning Administrator.

(2) *Existing buildings.* Temporary ~~real estate and leasing~~ signs for existing buildings are permitted by means of one of the following options:

~~(a) Freestanding incorporated sign.~~

- ~~1. The principal freestanding sign shall be architecturally modified to accommodate one real estate or leasing sign within the perimeter of the existing conforming freestanding sign;~~
- ~~2. The maximum area of the real estate or leasing sign shall be determined by the gross square footage of the building(s) as follows:~~

| Building(s) Gross Square Footage | Sign Area |
|---------------------------------------------|---------------------------|
| Less than 20,000 | 15 square feet |
| 20,000—100,000 | 20 square feet |
| Greater than 100,000 | 25 square feet |

~~(b)~~(a) *Freestanding sign.*

1. One ~~real estate or leasing~~ sign is allowed per street frontage;
2. The maximum area of the ~~real estate or leasing~~ sign shall be determined by the gross square footage of the building(s) as follows:

| Building(s) 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. The maximum height shall be eight feet and maximum width shall be six feet, subject to the size requirements outlined above;
4. The sign(s) shall be secured into the ground as determined by the Zoning Administrator; and
5. The minimum setback shall be ~~five~~ten feet from all property lines.

~~(c)~~(b) *Wall mounted sign.*

1. One or two story buildings:
 - a. One wall sign is allowed per property;
 - b. The maximum size of the ~~real estate or leasing~~ sign shall be determined by the gross square footage of the building(s) as follows:

| Building(s) 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 |

- c. The sign shall be directly anchored to the building wall.

~~2. Three or more story buildings:~~

- ~~a. The maximum area shall be 30 square feet;~~
- ~~b. The sign shall be directly anchored to the building wall; and~~
- ~~c. The sign shall be displayed on the building's third story or above.~~

~~(3) Real estate or leasing signs up to 32 square feet in size will be permitted until the property is sold or leased instead of Option 2 or Option 3 above if the standards in either divisions (B)(3)(a) or (B)(3)(b) below are met:~~

- ~~(a) Business or industrial property directly abutting Highway 52; or~~
- ~~(b) The principal structure is greater than four stories.~~

~~(D)~~(E) *Optional signs.*

- (1) As used in this section, **OPTIONAL SIGNS** are signs petitioned by area residents for installation along streets or alleys and include all notice and warning signs. **OPTIONAL SIGNS** do not include signs deemed necessary or required by the city for traffic regulations, control ~~and or~~ public notice.
- (2) All optional signs requested by area residents, but not deemed necessary or required by the Public Works Director, will be installed upon order of the City Council and upon payment in an amount established by City Council resolution.

SECTION 2. AMENDMENT. West St. Paul City Code Chapter 153 is hereby amended as follows:

§ 153.002 INTENT AND PURPOSE.

This chapter is adopted for the purpose of:

- (A) Protecting the public health, safety, comfort, convenience and general welfare;
- (B) Promoting orderly development and regulating the use of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation and conservation of shorelands;
- (B)(C) Conserving the values of property throughout the City and to protect the character and stability of residential, commercial, and industrial areas, and to promote the orderly and beneficial development of such areas;
- ~~(C)~~(D) Providing adequate light, air and convenience of access to property;
- ~~(D)~~(E) Allowing access to direct sunlight for solar energy systems;
- ~~(E)~~(F) Regulating the density and distribution of population;
- ~~(F)~~(G) Preventing overcrowding of land and undue concentration of structures;
- ~~(G)~~(H) Limiting congestion in the public right-of-way;
- ~~(H)~~(I) Dividing the city into zones and districts, restricting and regulating therein the location, construction, reconstruction, alteration and use of structures and land;
- ~~(I)~~(J) Maintaining the compatibility of different land uses and the most appropriate use of land throughout the city;

- ~~(J)~~(K) Requiring that no structure be erected, converted, enlarged, reconstructed or altered and no structure or land be used for any purpose or in any manner which is not in conformity with the provisions of this chapter;
- ~~(K)~~(L) _____ Defining the powers and duties of the administrative officers and bodies, as provided hereinafter;
- ~~(L)~~(M) _____ Providing for the administration of this chapter and amendments thereto;
- ~~(M)~~(N) _____ Providing that where the conditions imposed by any provision of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the regulations of which are more restrictive, or which impose higher standards or requirements shall prevail; and
- ~~(N)~~(O) _____ Prescribing penalties for the violation of the provisions of this chapter or any amendment thereto.

§ 153.004 DEFINITIONS.

~~*SIGN.* Any device which is displayed or placed outdoors in view of the general public for the purpose of directing attention to a product, service, place, activity, business, institution or person. The device shall include any written announcement, declaration, display, illustration, insignia, symbol, logo, balloon, banner, pennant and shall also include forms shaped to resemble any human, animal or product. *SIGNS* shall include devices which bear lettered, pictorial or sculptured matter and are affixed to, painted on, or represented directly or indirectly upon a building or other outdoor surface or parcel of land. *SIGNS* shall also include devices which form a component part of any building, marquis, canopy, awning, street clock, pole, parked vehicle or other object whether stationary or movable. See §§ 153.430 through 153.438 and §§ 150.105 through 150.110. Any writing, pictorial presentation, number, illustration or decoration, or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known. A *SIGN* shall not be deemed to include any transparent window cling(s); architectural embellishment(s) of a building not intended to communicate information; murals; any sign, structure or device that is not visible from an adjacent street, property line or building on an adjacent property.~~

§ 153.031 SITE PLAN APPROVAL PROCEDURE AND DESIGN REQUIREMENTS IN RESIDENTIAL DISTRICTS.

~~(A)~~Purpose/standards.

~~(A)~~(1) It is declared to be the policy of the city to preserve, protect and promote attractive and well-maintained residential environments for its citizens.

(2) For the protection of residential areas, imaginative site design concepts shall be employed in the development of respective sites.

~~(B)~~(3) To promote the general welfare, health, safety and order of residential neighborhoods.

~~(A)~~(B) Exceptions to the Site Plan Procedure.

(1) With the exception of single-family dwellings and two-family dwellings, this site plan approval process applies to all new construction in the R-1, R-2, R-3 and R-4 zoning districts.

(2) Murals in R District are subject to the following:

- (a) Murals are prohibited on the primary street facing façade of the building, commonly identified as the front yard. For corner lots, where more than one abutting street facing façade exists, murals are prohibited on both primary street facing facades, commonly identified as the front and the side yard adjacent to the street.
- (b) Murals shall not directly face adjacent residential structures and shall not cover or detract from architectural features. Eaves, cornices, and other architectural features shall keep their character and remain painted to match the rest of similar architectural features on the building.
- (c) Murals shall not cover more than one continuous side of the residential structure.
- (d) When no alternative location exists for a mural pursuant to this subsection, a mural, not to exceed six feet in height as measured from where the exterior wall meets the ground, shall be allowed on the back exterior wall of the residential structure as long as the mural does not exceed six feet in height, and is screened by a six foot high fully opaque screening, such as a wall, a fence, landscaping or screening otherwise approved by city.
- (e) Property owner may register the mural by providing the following information to the Community Development Department:
 - 1. Address and location of the building, structure or lot to which or upon the mural is to be painted on;
 - 2. A set of drawings detailing the mural specifications, including reasonably accurate and scaled dimensions;
 - 3. A written and signed statement including the following:
 - (i) A description of which of the following materials the mural will be painted with: an oil-based alkyd enamel or polyurethane enamel, or other Painting Decorating Contractors of America (PDCA) industry standard exterior paint; and
 - (ii) The approximate start and end dates for the creation and completion of the mural.
- (f) By registering the mural, the City can assist the property owner in ensuring compliance with design standards set forth in the subsection. Failure to comply with design standards may be subject to enforcement provisions set forth by this Code or nuisance actions under this Code or state law.

~~(B)~~(C) Generally; approval required. The following rules shall govern applications for site plan approval:-

(1) *Application.*

- (a) Prior to commencing any construction, a “site plan approval” application shall be initiated by the owner of subject property or by an authorized agent. The applicant shall submit a “site plan approval” application to the Zoning Administrator, copies of which are available at the municipal offices, together with a fee in an amount established by City Council resolution. A completed application shall be filed at least 23 days prior to the next regular meeting of the Planning Commission.

- (b) The Zoning Administrator shall refer the matter to the Planning Commission by placing the application upon the agenda of the Commission's next regular meeting.
- (2) *Exhibits.* In addition to the application, the following exhibits shall be required:
- (a) A survey drawing by a registered engineer or land surveyor showing pertinent existing conditions showing an inventory of all existing trees six-inch caliper and larger by species and size. Trees shall be identified on the drawing as quality or non-quality type trees. Quality trees shall be those types as stated in division (D)(4)(b) below. The drawing will be accurately dimensioned; and
- (b) A complete set of preliminary drawings prepared by a registered civil engineer or landscape architect showing:
1. An accurately scaled and dimensioned site plan indicating parking layout, including access provisions, location of structures, building elevations landscaping, including trees and shrubbery with indication of species, planting, size and location;
 2. Fences or walls or other screening, including height and type of material;
 3. Lighting provisions, including type and location; and
 4. Curbs; and
- ~~(e)~~5. Other documents as requested by the Zoning Administrator.

**§ 153.032 SITE PLAN APPROVAL PROCEDURE AND DESIGN
REQUIREMENTS~~REQUESTS~~ IN COMMERCIAL AND INDUSTRIAL DISTRICTS.**

(A) Purpose/standards.

- (1) It is declared to be the policy of the city to preserve, protect and promote attractive and well-maintained commercial and industrial districts for its citizens.
- (2) To preserve and promote attractive and stable business environments for its citizens through encouraging well-conceived, high-quality developments.
- (3) To encourage community while, at same time, promoting the general welfare, health, safety and order of commercial and industrial districts.

(A) Generally; approval required.

- (1) *Approval required.* It is declared to be the policy of the city to preserve and promote attractive and stable business environments for its citizens through encouraging well-conceived, high-quality developments. To this end, imaginative site design concepts shall be employed in the development and redevelopment of respective sites. The following provisions shall apply to the site and building plan approval process, if it is related to the scope of the proposed construction. This provision applies to all properties in commercial, industrial, and planned development districts that involves:
- (a) Construction of a new building;
 - (b) Construction or reconstruction resulting in the enlargement of an existing building or any modification to the existing footprint or structural height of an existing building;

- (c) Construction or reconstruction involving modification or replacement of the exterior materials on the building; or
 - (d) Construction or reconstruction involving modification or enlargement of the parking area.
- (2) *Exceptions.* Notwithstanding the provision of division (A)(1) above, the following shall not require site plan approval:
- (a) Any conformity, including the lawful use of or occupation of land or premises may be enlarged by less than 10% of its gross floor area, or 10,000 square feet, whichever is less, provided that:
 - 1. There is no variance involved; and
 - 2. The Community Development Department has conducted an administrative review. If the site includes any nonconformity, including the lawful use or occupation of land or premises then, regardless of the size of the enlargement, a variance is necessary.
 - (b) Modification of existing exterior materials on the building that does not alter more than 25% of the building, provided that:
 - 1. The modification complies with the construction design requirements of this chapter; and
 - 2. The Community Development Department has conducted an administrative review.
 - (c) Replacement of exterior materials on the building with same or similar materials in an attempt to retain the existing look of the building, provided that the Community Development Department has conducted administrative review.
 - (d) Murals are allowed on either (i) one continuous side of the building or (ii) up to 25 percent of the cumulative wall area of the building on which they are painted provided that the Community Development Department has reviewed the mural information and the mural complies with the following:
 - 1. Murals shall not directly face adjacent residential structures and shall not cover or detract from architectural features. Eaves, cornices, and other architectural features shall keep their character and remain painted to match the rest of similar architectural features on the building.
 - 2. Materials used for the mural shall be an oil-based alkyd enamel; polyurethane enamel, Painting and Decorating Contractors of America (PDCA) industry standard exterior paint; or some other maintenance free materials approved by the Zoning Administrator.
 - 3. The Property Owner registers the mural by providing the following information to the Community Development Department:
 - (i) Address and location of the building, structure or lot to which or upon the mural is to be painted on;
 - (ii) A set of drawings detailing the mural specifications, including, to the extent possible, accurate and scaled dimensions;

(iii) A written and signed statement including the following:

(a) A description of which of the following materials the mural will be painted with: an oil-based alkyd enamel; a polyurethane enamel; a Painting and Decorating Contractors of America (PDCA) industry standard exterior paint; or another maintenance free material approved by the Zoning Administrator; and

(b) The approximate start and end dates for the creation and completion of the mural.

4. By registering the mural, the City can assist the property owner in ensuring compliance with design standards set forth in the subsection. Failure to comply with design standards may be subject to enforcement provisions set forth by this Code or nuisance actions under this Code or state law.

~~(e)~~(e) Any conformity, including the lawful use of or occupation of land or premises may enlarge its total parking area by less than 10%, provided that:

1. There is no variance involved; and
2. The Community Development Department has conducted administrative review.

~~(d)~~(f) If the site includes any nonconformity, including the lawful use or occupation of land or premises then, regardless of the size of the enlargement, a variance is necessary.

(3) *Other provisions.* The following provisions shall govern the site and building plan approval process, as they relate to the scope of the proposed construction.

R1A – ONE FAMILY RESIDENTIAL

§ 153.053 LOT AREA, HEIGHTS, LOT WIDTH, YARD AND OTHER REQUIREMENTS.

The purpose of this section is to enhance the design character of existing development, to add visual character to the community, and to promote harmony in the visual relationships and transitions between buildings or an upgrade from the surrounding area by complementing other buildings of good design.

(A) No structure or building shall exceed 30 feet in height as defined in § 153.004 “Building Height,” except as provided in § 153.009.

(B) The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications as set forth elsewhere in this chapter.

| <i>Lot Area</i> | |
|-----------------|-------------------|
| Corner lot | 9,100 square feet |
| Interior lot | 7,000 square feet |

| <i>Lot Width</i> | |
|------------------|--|
|------------------|--|

| | |
|--------------|---------|
| Corner lot | 65 feet |
| Interior lot | 50 feet |

| <i>Yard, Building Setback</i> | |
|-------------------------------|-----------------------------------------------------------|
| Front | 30 feet |
| Rear | 30 feet or 20% of average lot depth, whichever is greater |
| Side | 5 feet adjacent to another lot |
| | 20 feet adjacent to street |

(C) Building materials and design.

- (1) Exterior walls of all principal structures must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass or other comparable material as approved by the Zoning Administrator.
- (2) Prohibited materials include, but are not limited to, cloth, fabric, canvas, plastic sheets, tarps, tarpaper, insulation, sheet metal and corrugated metal.
- (3) Garage doors must comply with the following,
 - (a) Rated for 115 mph ultimate wind speed (90 mph nominal) and additional struts may be needed to comply;
 - (b) Labeled with a sticker demonstrating compliance with ANSI/DASMA 108;
 - (c) Door openers must have an electronic sensor, safety beam, or similar device to reverse the door if an obstruction is encountered during operation, along with other requirements in state law.
 - (d) All materials and related design components must have an architectural appearance that is visually compatible with the principal building relative to color and shall have an appearance that shall not detract from the main building which may include windows, moldings, or colors to help blend with the rest of the home.
- (4) Harmony of design and structure color shades.
 - (a) Murals either (i) on residential structures or (ii) on non-residential structures in R Districts shall comply with all other applicable performance and design requirements for residential districts set forth in City code.
 - (b) Murals are prohibited on the primary street facing façade of the building, commonly identified as the front yard. For corner lots, where more than one abutting street facing façade exists, murals are prohibited on both primary street facing facades, commonly identified as the front and the side yard adjacent to the street.
 - (c) Murals shall not directly face adjacent residential structures and shall not cover or detract from architectural features. Eaves, cornices, and other architectural features shall keep their character and remain painted to match the rest of similar architectural features on the building.
 - (d) Murals shall not cover more than one continuous side of the residential structure.

- (e) When no alternative location exists for a mural pursuant to this subsection, a mural, not to exceed six feet in height as measured from where the exterior wall meets the ground, shall be allowed on the back exterior wall of the residential structure as long as the mural does not exceed six feet in height, and is screened by a six foot high fully opaque screening, such as a wall, a fence, landscaping or screening otherwise approved by city.
- (f) Property Owner may register the mural by providing the following information to the Community Development Department:
 1. Address and location of the building, structure or lot to which or upon the mural is to be painted on;
 2. A set of drawings detailing the mural specifications, including, to the extent possible, accurate and scaled dimensions;
 3. A written and signed statement including (i) a description of which of the following materials the mural will be painted with: an oil-based alkyd enamel; a polyurethane enamel; a Painting and Decorating Contractors of America (PDCA) industry standard exterior paint; or another maintenance free material approved by the Zoning Administrator; and (ii) the approximate start and end dates for the creation and completion of the mural.
- (g) By registering the mural, the City can assist the property owner in ensuring compliance with design standards set forth in the subsection. Failure to comply with design standards may be subject to enforcement provisions set forth by this Code or nuisance actions under this Code or state law.

R1B – ONE FAMILY RESIDENTIAL

§ 153.068 LOT AREA, HEIGHTS, LOT WIDTH, YARD AND OTHER REQUIREMENTS.

The purpose of this section is to enhance the design character of existing development, to add visual character to the community, and to promote harmony in the visual relationships and transitions between buildings or an upgrade from the surrounding area by complementing other buildings of good design.

- (A) No structure or building shall exceed 30 feet in height as defined in § 153.004 “Building Height,” except as provided in § 153.009.
- (B) The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications as set forth elsewhere in this chapter.

| <i>Lot Area</i> | |
|-----------------|--------------------|
| Corner lot | 12,500 square feet |
| Interior lot | 10,000 square feet |

| <i>Lot Width</i> | |
|------------------|---------|
| Corner lot | 90 feet |

| | |
|-------------------------------|-----------------------------------------------------------|
| Interior lot | 75 feet |
| <i>Yard, Building Setback</i> | |
| Front | 30 feet |
| Rear | 30 feet or 20% of average lot depth, whichever is greater |
| Side | 9 feet one side/6 feet one side |
| | 20 feet adjacent to street |

(C) Building materials and design.

- (1) Exterior walls of all principal structures must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass or other comparable material as approved by the Zoning Administrator.
- (2) Prohibited materials include, but are not limited to, cloth, fabric, canvas, plastic sheets, tarps, tarpaper, insulation, sheet metal and corrugated metal.
- (3) Garage doors must comply with the following,
 - (a) Rated for 115 mph ultimate wind speed (90 mph nominal) and additional struts may be needed to comply;
 - (b) Labeled with a sticker demonstrating compliance with ANSI/DASMA 108;
 - (c) Door openers must have an electronic sensor, safety beam, or similar device to reverse the door if an obstruction is encountered during operation, along with other requirements in state law.
 - (d) All materials and related design components must have an architectural appearance that is visually compatible with the principal building relative to color and shall have an appearance that shall not detract from the main building which may include windows, moldings, or colors to help blend with the rest of the home.
- (4) Harmony of design and structure color shades.
 - (a) Murals either (i) on residential structures or (ii) on non-residential structures in R Districts shall comply with all other applicable performance and design requirements for residential districts set forth in City code.
 - (b) Murals are prohibited on the primary street facing façade of the building, commonly identified as the front yard. For corner lots, where more than one abutting street facing façade exists, murals are prohibited on both primary street facing facades, commonly identified as the front and the side yard adjacent to the street.
 - (c) Murals shall not directly face adjacent residential structures and shall not cover or detract from architectural features. Eaves, cornices, and other architectural features shall keep their character and remain painted to match the rest of similar architectural features on the building.
 - (d) Murals shall not cover more than one continuous side of the residential structure.

- (e) When no alternative location exists for a mural pursuant to this subsection, a mural, not to exceed six feet in height as measured from where the exterior wall meets the ground, shall be allowed on the back exterior wall of the residential structure as long as the mural does not exceed six feet in height, and is screened by a six foot high fully opaque screening, such as a wall, a fence, landscaping or screening otherwise approved by city.
- (f) Property Owner may register the mural by providing the following information to the Community Development Department:
 1. Address and location of the building, structure or lot to which or upon the mural is to be painted on;
 2. A set of drawings detailing the mural specifications, including, to the extent possible, accurate and scaled dimensions;
 3. A written and signed statement including (i) a description of which of the following materials the mural will be painted with: an oil-based alkyd enamel; a polyurethane enamel; a Painting and Decorating Contractors of America (PDCA) industry standard exterior paint; or another maintenance free material approved by the Zoning Administrator; and (ii) the approximate start and end dates for the creation and completion of the mural.
- (g) By registering the mural, the City can assist the property owner in ensuring compliance with design standards set forth in the subsection. Failure to comply with design standards may be subject to enforcement provisions set forth by this Code or nuisance actions under this Code or state law.

R1C – ONE FAMILY RESIDENTIAL

§ 153.083 LOT AREA, HEIGHTS, LOT WIDTH, YARD AND OTHER REQUIREMENTS.

The purpose of this section is to enhance the design character of existing development, to add visual character to the community, and to promote harmony in the visual relationships and transitions between buildings or an upgrade from the surrounding area by complementing other buildings of good design.

- (A) No structure or building shall exceed 30 feet in height as defined in § 153.004 “Building Height,” except as provided in § 153.009.
- (B) The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications as set forth elsewhere in this chapter.

| <i>Lot Area</i> | |
|-----------------|--------------------|
| Corner lot | 15,000 square feet |
| Interior lot | 15,000 square feet |

| <i>Lot Width</i> | |
|------------------|----------|
| Corner lot | 100 feet |

| | |
|--------------|----------|
| Interior lot | 100 feet |
|--------------|----------|

| <i>Yard, Building Setback</i> | |
|-------------------------------|-----------------------------------------------------------|
| Front | 30 feet |
| Rear | 30 feet or 20% of average lot depth, whichever is greater |
| Side | 10 feet adjacent to another lot |
| | 20 feet adjacent to street |

(C) Building materials and design.

- (1) Exterior walls of all principal structures must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass or other comparable material as approved by the Zoning Administrator.
- (2) Prohibited materials include, but are not limited to, cloth, fabric, canvas, plastic sheets, tarps, tarpaper, insulation, sheet metal and corrugated metal.
- (3) Garage doors must comply with the following,
 - (a) Rated for 115 mph ultimate wind speed (90 mph nominal) and additional struts may be needed to comply;
 - (b) Labeled with a sticker demonstrating compliance with ANSI/DASMA 108;
 - (c) Door openers must have an electronic sensor, safety beam, or similar device to reverse the door if an obstruction is encountered during operation, along with other requirements in state law.
 - (d) All materials and related design components must have an architectural appearance that is visually compatible with the principal building relative to color and shall have an appearance that shall not detract from the main building which may include windows, moldings, or colors to help blend with the rest of the home.
- (4) Harmony of design and structure color shades.
 - (a) Murals either (i) on residential structures or (ii) on non-residential structures in R Districts shall comply with all other applicable performance and design requirements for residential districts set forth in City code.
 - (b) Murals are prohibited on the primary street facing façade of the building, commonly identified as the front yard. For corner lots, where more than one abutting street facing façade exists, murals are prohibited on both primary street facing facades, commonly identified as the front and the side yard adjacent to the street.
 - (c) Murals shall not directly face adjacent residential structures and shall not cover or detract from architectural features. Eaves, cornices, and other architectural features shall keep their character and remain painted to match the rest of similar architectural features on the building.
 - (d) Murals shall not cover more than one continuous side of the residential structure.

- (e) When no alternative location exists for a mural pursuant to this subsection, a mural, not to exceed six feet in height as measured from where the exterior wall meets the ground, shall be allowed on the back exterior wall of the residential structure as long as the mural does not exceed six feet in height, and is screened by a six foot high fully opaque screening, such as a wall, a fence, landscaping or screening otherwise approved by city.
- (f) Property Owner may register the mural by providing the following information to the Community Development Department:

 - 1. Address and location of the building, structure or lot to which or upon the mural is to be painted on;
 - 2. A set of drawings detailing the mural specifications, including, to the extent possible, accurate and scaled dimensions;
 - 3. A written and signed statement including (i) a description of which of the following materials the mural will be painted with: an oil-based alkyd enamel; a polyurethane enamel; a Painting and Decorating Contractors of America (PDCA) industry standard exterior paint; or another maintenance free material approved by the Zoning Administrator; and (ii) the approximate start and end dates for the creation and completion of the mural.
- (g) By registering the mural, the City can assist the property owner in ensuring compliance with design standards set forth in the subsection. Failure to comply with design standards may be subject to enforcement provisions set forth by this Code or nuisance actions under this Code or state law.

SIGNS; REGULATIONS

§ 153.430 PURPOSE.

- (A) This subchapter shall coordinate the type, placement and scale of signs within the different land use zones; encourage the innovative use of design; promote both renovation and proper maintenance; and guarantee equal treatment under the law.
- (B) This subchapter is not intended to favor commercial over noncommercial speech. These purposes shall be accomplished by regulation of the erection, use and maintenance of signs within the city.
- (C) The use of signs is regulated by district to establish a comprehensive system of sign control that accommodates the need for a well-maintained, safe and attractive community, and the need for effective communications including, but not limited to, business identification.
- (D) The purpose of this chapter is to promote the health, safety, general welfare, aesthetics and image of the community by regulating signs that are intended to communicate to the public.
- (E) Signs are subject to the following regulations and to the requirements of the city code.

§ 153.431 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED SIGN. Any sign and/or its supporting sign structure that remains without a message or whose display surface remains blank for more than one year or that pertains to a time, event or purpose that no longer applies shall be deemed to have been abandoned.

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, that 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 considered an **AWNING**.

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

BALLOON SIGN. A sign consisting of a bag made of lightweight material supported by helium or hot or pressured air that is greater than 24 inches in diameter.

BANNER. Any sign of lightweight fabric or similar material mounted to a pole ~~or a~~ Building at one or more edges. Flags, as defined herein, shall not be considered **BANNERS**.

BUILDING MARKER. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other non-combustible material.

CANOPY. A roof-like cover, often of fabric, plastic, metal or glass on a support, that provides shelter over a doorway.

CANOPY SIGN. Any sign that is part of or attached to a canopy made of fabric, plastic or any other structural protective cover over a door or entrance.

COMMERCIAL SPEECH. Speech advertising a business, profession, commodity, service or entertainment and that promotes at least some type of commerce.

DYNAMIC DISPLAY SIGN. 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.

ELECTRONIC CHANGEABLE COPY SIGN. A sign or portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area. **ELECTRONIC CHANGEABLE COPY SIGNS** include computer programmable, microprocessor controlled electronic displays.

ELECTRONIC GRAPHIC DISPLAY SIGN. A sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, re-~~pixalization~~pixelization or dissolve modes. **ELECTRONIC GRAPHIC DISPLAY SIGNS** include computer programmable, microprocessor

controlled electronic or digital displays. **ELECTRONIC GRAPHIC DISPLAY SIGNS** include images or messages with these characteristics projected onto buildings or other objects.

ERECT. The activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.

FLAG. Any fabric or similar lightweight material attached at one end of the material or no more than two corners, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and that contains distinctive colors, patterns, symbols, emblems, insignia or other symbolic devices.

FREESTANDING SIGN. Any sign that has supporting sign structure as required § 153.435(~~EF~~) that is placed on, or anchored in, the ground and that is independent from any building or other structure.

GRADE. The final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final **GRADE** for sign height computation.

GROSS AREA. The method of calculating the allowable square footage of signs shall be as follows:

- (1) Individual letters or figures: when attached onto a surface such as a building, canopy, awning or wall, the area shall be the smallest rectangle that encompasses all of the letters or symbols.
- (2) Monument signs: the area within the frame, including all lettering, wording and accompanying designs and symbols, together with all the background, whether open or enclosed, on which they are displayed, including a message board. The area shall not include the main supporting sign structure but shall include other ornamental attachments that are not a part of the main support of the sign.
- (3) Wall signs: the area within the frame, including all lettering, wording and accompanying designs and symbols, together with all the background, whether open or enclosed, on which they are displayed, including a message board. The area shall include all other ornamental attachments that are not a part of the main support of the sign.
- (4) Pylon signs: the area within the frame, including all lettering, wording and accompanying designs and symbols, together with all background, whether open or enclosed, on which they are displayed, including a message board. The area shall not include the main supporting sign structure, but shall include all other ornamental attachments that are not a part of the main support of the sign.

HEIGHT. The height of a 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.

ILLEGAL SIGN. A sign is illegal if it is erected without first complying with all city ordinances and regulations in effect at the time of its construction and erection or use, including, but not limited to, §§ 150.105 through 150.110 and this subchapter. Abandoned signs, unsafe signs, inoperable signs and signs attached to vacant buildings are also **ILLEGAL SIGNS**.

ILLUMINATED SIGN. Any sign that contains an element designed to emanate artificial light internally or externally.

INTEGRAL ROOF SIGN. Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the highest portion of the roof and so that no part of the sign is separated from the rest of the roof by a space of more than six inches.

LEGALLY ESTABLISHED NONCONFORMING SIGN. Any sign and its support structure lawfully Erected prior to the effective date of this chapter that fails to conform to the requirements of this chapter. A sign that was erected in accordance with a variance granted prior to the adoption of this chapter and does not comply with this chapter shall be deemed to be a **LEGALLY ESTABLISHED NONCONFORMING SIGN**.

MAINTENANCE FREE. Exterior materials suitable for the climate and exposure in which the sign or mural is located and which, based on industry standards, is identified as weatherproof or maintenance free.

MONUMENT SIGN. Any free-standing sign independent from any building or other structure that is mounted on ~~the ground or mounted on~~ a base at least as wide as the sign, and the base must be comprised of brick; stone; stucco; synthetic stucco; concrete masonry units (CMU) that are textured, burnished or decorative.

MURAL. A work of art intended as an artistic expression and not as a commercial message, is painted, using an oil-based alkyd enamel or polyurethane enamel, or newer 100 percent acrylic exterior paint, directly on a building wall. ~~25-cumulative wall area of the~~**MURALS** shall not:

- (1) Be mechanically produced or computer-generated print of images;
- (2) Contain electric or mechanical components that cause changing images;
- (3) Be representations which imitate or appear to imitate any official traffic sign or device which appears to regulate or direct the movement of traffic, or which interferes with the proper operation of any traffic sign or signal; or
- (4) Depict obscene images or representations that Council, after consultation with City Manager and City Attorney, deems unprotected obscene speech.

NONCOMMERCIAL 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 informational topics.

NON-ELECTRONIC CHANGEABLE COPY SIGN. A sign or portion thereof that has a ~~readerboard~~reader board for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device, that may be changed or re-arranged manually or mechanically with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

OFF-PREMISES SIGN. A sign bearing a commercial message that is located on property that is not the premises, property or site of the use identified or advertised on the sign.

PENNANT. A relatively long, tapering flag.

PROJECTING SIGN. A sign that projects from a wall or other surface. **PROJECTING SIGNS** may not project more than 12 inches from the surface to which they are affixed.

PYLON SIGN. Any freestanding sign that has its supportive structure(s) anchored in the ground and a sign face elevated above ground by pole(s) or beam(s) with an open area below the face of the sign.

ROOF SIGN. Any sign erected wholly upon the roof or parapet of a building that is wholly or partially supported by the building upon which it is erected and extends vertically above the highest portion of the roof. This does not include an integral roof sign.

ROTATING SIGN. A sign that revolves or rotates on an axis.

~~**SIGN.** Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services, ideas or interests. Any writing, pictorial presentation, number, illustration or decoration, or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known. A **SIGN** shall not be deemed to include any transparent window cling(s); architectural embellishment(s) of a building not intended to communicate information; murals; any sign, structure or device that is not visible from an adjacent street, property line or building on an adjacent property.~~

TEMPORARY SIGN. Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board or other light-similar materials, with or without frames, intended to be displayed for a short period of time.

UNSAFE SIGN. Any sign that is out of order, in disrepair, rotten, hazardous or in any other manner unsafe.

VIDEO DISPLAY SIGN. A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text, and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including, but not limited to, the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes. **VIDEO DISPLAY SIGNS** do not include electronic changeable copy signs or dynamic display signs. **VIDEO DISPLAY SIGNS** include images or messages with these characteristics projected onto buildings or other objects.

WALL. Any structure that defines the exterior boundaries or courts of a building/structure and that has a slope of 60 degrees or greater with the horizontal plane.

WALL SIGN. A sign fastened or affixed to the exterior front, rear or side wall of a building or structure that does not extend vertically above the highest portion of the roof or project more than 12 inches from the building or structure.

§ 153.432 PERMITS.

- (A) No sign, unless exempted by this chapter, shall be erected, altered, reconstructed or moved in the city without first securing a permit from the city as provided in §§ 150.105 through 150.110. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.
- (B) If the sign requires electricity, it must be installed in accordance with the current Electrical Code and a separate permit from the Building Official must be obtained prior to placement.

§ 153.433 EXCEPTIONS.

The following signs shall not be required to obtain a license or permit for the installation of the sign pursuant to §§ 150.105 through 150.110, and shall be permissible in all zoning districts; these exceptions shall not be construed so as to excuse the installer of the sign, or the owner of the property upon which the sign is located, from conforming to the other provisions of this chapter, or the city code.

- (A) Building markers;
- (B) Noncommercial flags;

- (C) Official or public notice(s) issued by a court or governmental agency;
- (D) Subject to the total area restriction herein, a temporary sign located on a lot or premises used as a residential use in an R District that does not exceed ten (10) square feet and, if placed in the ground, does not exceed 36 inches above grade in height. The total area of all temporary signs located on the lot or premises measured together and the total area of sign(s) when located on a fence and facing the public right-of-way shall count toward the applicable maximum square footage for the associated property; One temporary sign six square feet or less in gross area located on property used as residential use and located in an R District;
- (E) Directional signs that are six square feet or less in area and 8 feet or less in height; ~~and~~
- (F) Signs on bus shelters; and
- ~~(F)~~(G) Sign(s) on a fence that face the public right-of-way, that do not face an adjacent residential structure, that do not cumulatively exceed 10 square feet and do not project above the top of the fence. The total area of the sign(s) when located on a fence and facing the public right-of-way shall count toward the applicable maximum square footage for the associated property.

§ 153.434 PROHIBITED SIGNS.

The following signs are prohibited in all zoning districts:

- (A) Abandoned signs;
- (B) Balloon signs;
- (C) Flags other than noncommercial flags, as defined herein;
- (D) Illegal signs;
- (E) Permanent banners or pennants, except those permitted by Minn. Stat. § 412.221(34), as it may be amended from time to time;
- ~~(F)~~ Permanent sale signs;
- ~~(G)~~(F) Portable (trailer) signs unless approved under §§ 150.105 through 150.110;
- ~~(H)~~(G) Projecting signs other than awning signs or canopy signs that extend or project over the sidewalk, street right-of-way or highway right-of-way;
- ~~(H)~~(H) Roof sign;
- ~~(I)~~(I) Rotating signs;
- ~~(K)~~(J) Search lights or strobe lights unless approved as a temporary sign under §§ 150.105 through 150.110;
- ~~(L)~~(K) Signs containing audio speakers, except restaurant menu boards, or any form of pyrotechnics;
- ~~(M)~~(L) Except for signs allowed pursuant to § 153.433 (G), Ssigns painted, attached or in any other manner affixed to fences, roofs, other than integral roof signs, trees, rocks or other similar natural surfaces, or attached to a post or pole in the right-of-way, or bridges, towers or similar public structures;

- ~~(N)~~(M) Signs that appear in color or design to resemble a traffic sign or signal or that make use of words, symbols or characters in such a manner as to interfere with, mislead or confuse pedestrian or vehicular traffic;
- ~~(O)~~(N) Signs that are affixed to inoperable vehicles or trailers or signs that are affixed to vehicles parked on a property and not intended to be moved for a period of 48 hours or more. At all times, vehicles containing advertising and/or signage shall not be parked along the property frontage or Robert Street;
- ~~(P)~~(O) Temporary signs, except as allowed by permit pursuant to §§ 150.105 through 150.110 or ~~one~~ temporary sign(s) ~~per property~~ in an R District as exempted under § 153.433(D);
- ~~(Q)~~(P) Unsafe or inoperable signs; and
- ~~(R)~~(O) Video display signs.

§ 153.435 GENERAL PROVISIONS.

- (A) *Legally established nonconforming signs.* A sign that is legally established upon the effective date of this chapter may be continued at the size and in the manner of operation existing upon such date except as specified in this section.
- (1) A legally established nonconforming sign may be continued through repair, replacement, restoration, maintenance or improvement, but may not be expanded, moved or relocated.
 - (2) Sign copy and sign faces may be changed on legally established nonconforming signs when there is no change in use of the site or when only a portion of a multiple tenant sign is being changed.
 - (3) If a sign or its structure is declared unsafe by the Building Official, this chapter shall not prohibit the sign or its structure from being made safe.
 - (4) Whenever a legally established nonconforming sign shall have been damaged by fire, flood, explosion, earthquake, war, riot or act of God, by more than 50% or more of its fair market value, it may be reconstructed and used as before if it is reconstructed within 180 days after the calamity.
 - (5) Whenever a legally established nonconforming sign is abandoned for a period of more than one year, any future use of the sign shall be in conformity with the provisions of this chapter.
- (B) *Repairs and removal.*
- (1) Abandoned signs. Any abandoned sign shall be removed or otherwise properly brought into compliance by the property owner upon receipt of notice to do so given by the Zoning Administrator.
 - (2) Illegal signs. Any fixed, permanent sign constructed, placed or maintained in violation of this chapter shall be removed by the property owner upon receipt of notice to do so given by the Zoning Administrator.
 - (3) Unsafe signs. Any unsafe sign shall be removed or otherwise properly secured by the property owner upon receipt of notice to do so given by the Zoning Administrator. No unsafe sign shall be repaired or rebuilt except in accordance with the provisions of this section and upon a permit issued by the city.

(C) *Signs constituting a public nuisance.* Any abandoned, illegal or unsafe sign is hereby declared to be a danger to the health, safety and welfare of the citizens of the city, and is declared to be a public nuisance, subject to abatement and assessment as provided in Chapter 94, except that legally established nonconforming signs shall not be abated until they have been abandoned for more than one year.

~~(D)~~ *Setback distance. Regardless of whether requiring a permit or not, S* signs in all districts shall be located at least ten feet from all lot lines.

~~(D)~~(E) *Number of signs.* Except as otherwise stated, no more than one freestanding sign shall be located on any single lot.

~~(E)~~(F) *Supporting sign structure design criteria.*

- (1) All freestanding signs must be mounted on or incorporated into a supporting sign structure whose exterior construction materials are comprised of brick; stone; stucco; synthetic stucco; ~~or~~ concrete masonry units (CMU) that are textured, burnished or decorative; or other maintenance free materials.
- (2) Exterior construction materials must be maintenance-free and colored only by means of a pigment integral to the material, not applied to the surface and be compatible with the building(s) on the lot.

~~(F)~~(G) *Window coverage.*

- (1) Window signs may be placed within a building in Commercial and Industrial Zoning Districts, however the window coverage shall not exceed 30% of each window.
- (2) There shall be no more than a maximum area of 80 square feet per street frontage for window signs.
- (3) Transparent window clings are not considered signs under this section and do not count toward the maximum coverage or area for window coverage. For the purposes of this section, transparent window clings are clings which maintain visibility and are made either from.
 - (a) Plastic film that sticks to windows using static electricity, or
 - ~~(a)~~(b) Vinyl matter that can stick to metal, wood, plastic or glass.

~~(G)~~(H) *Electronic changeable copy sign, electronic graphic display sign and dynamic display sign requirements.*

- (1) *Mode of operation.*
 - (a) Electronic changeable copy signs, electronic graphic display signs and dynamic display signs shall only be allowed to operate in static mode.
 - (b) Animation, motion or video displays are prohibited.
 - (c) Any change from one static display to another must be instantaneous and shall not include any distracting effects, such as dissolving, spinning or fading.
- (2) *Minimum display time.* The minimum display time for electronic changeable copy signs, electronic graphic display signs and dynamic display signs shall be eight seconds.
- (3) *Color.*

- (a) Electronic changeable copy signs, electronic graphic display signs and dynamic display signs may use multiple colors within the display, but the use of color shall not create a distraction or a hazard to the public health, safety or welfare.
 - (b) No portion of the display may change in color or color intensity in any manner.
 - (c) Each line of text in any direction shall be uniform in color.
- (4) *Distance between signs.*
- (a) Electronic changeable copy signs and electronic graphic display signs must be located at least 75 feet from any other electronic changeable copy sign, electronic graphic display sign or dynamic display sign as measured in a straight line from the base of the sign to the base of any other electronic changeable copy sign, electronic graphic display sign or dynamic display sign.
 - (b) Dynamic display signs must be located at least 800 feet from any other dynamic display sign as measured in a straight line from the base of the sign to the base of any other dynamic display sign.
- (5) *Application to existing signs.* The electronic changeable copy sign, electronic graphic display sign and dynamic display sign standards shall apply to all existing and future electronic changeable copy signs and electronic graphic display signs, unless otherwise determined by the city that an existing sign qualifies as a nonconforming use under state statute or city code.

§ 153.436 PERMITTED SIGNS BY DISTRICT.

Figure A-1 detailing permissible signs by district.

- (A) Unless otherwise allowed in (A)(2), within the R Districts, total cumulative gross area of all signs measured together on one premise or lot shall not exceed ten (10) square feet in gross area and no sign may exceed 36 inches in height if placed in or on the ground. Additionally, all signs within the R Districts must comply with the following regulations: Within the R Districts, signs must comply with the following regulations:
- ~~(1) Signs shall not exceed 32 square feet in gross area and six feet in height.~~
 - ~~(2) The following types of signs are permissible:~~
 - ~~(a) Monument signs; and~~
 - ~~(b) Non illuminated awning signs and non illuminated canopy signs, provided they comply with the following requirements:~~
 - ~~1. They shall be limited to single story buildings or to the first level only of multi-story buildings.~~
 - ~~2. They shall have a minimum clearance of eight feet above grade unless projecting over a sidewalk, in which case clearance shall be 14 feet above grade.~~
 - ~~3. They shall not be located closer than two feet from any street right-of-way or highway right-of-way, and shall not extend above the top of the wall of a building.~~

- ~~4. The maximum height of an awning or canopy shall be five feet.~~
- ~~5. Wall hangers shall not be visible.~~
- ~~6. Signage on awnings or canopies may be substituted for allowed wall signage, but is limited to 25% of the awning or canopy area.~~

(1) For signage incorporated into a free standing structure, the free standing support structure may be up to 60 inches in height, must be anchored into the ground, and must be constructed of maintenance free materials.

(2) The following types of signs are prohibited, unless otherwise stated in 153.436 (A)(2) or 153.436 (A)(3) below:

- (a) Dynamic display signs;
- (b) Electronic changeable copy signs;
- (c) Electronic graphic display signs;
- (d) Integral roof signs;
- (e) Monument signs;
- (f) Non-electronic changeable copy signs;
- (g) Non-illuminated awning or canopy signs;
- (h) Off-premises signs;
- (i) Pylon signs; and
- (j) Wall signs.

- ~~(c) Electronic changeable copy signs;~~
- ~~(d) Electronic graphic display signs;~~
- ~~(e) Integral roof signs;~~
- ~~(f) Non-electronic changeable copy signs;~~
- ~~(g) Wall signs;~~
- ~~(h) Dynamic display signs;~~
- ~~(i) Pylon signs; and~~
- ~~(j) Off-premises signs.~~

(3) For properties that are one acre in size or larger, signs must comply with the following:

- (a) All signs shall be located at least ten feet from all lot lines.
- (b) Free standing signs shall not exceed 32 square feet in size and six feet in height.
- (c) No more than one freestanding sign shall be located on any single lot.
- (d) One of the following types of signs are permissible:

- 1. Monument sign;
- 2. Non-electronic changeable copy sign;

3. Non-illuminated awning or canopy sign provided it complies with the following requirements:

- i. The sign shall be limited to single story buildings or to the first level only of multi-story buildings.
- ii. The sign shall have a minimum clearance of eight feet above grade, unless projecting over a sidewalk in which case the clearance shall be a minimum of 14 feet above grade.
- iii. The sign shall not be located closer than two feet from any street right-of-way or highway right-of-way, and shall not extend above the top of the wall of a building.
- iv. The maximum height of an awning or canopy shall be five feet.
- v. The wall hangers shall not be visible.
- vi. Signage on awnings or canopies may be substituted for allowed wall signage, but is limited to 25% of the awning or canopy area.

4. Wall signage that does not exceed 10% of the area of the wall the sign is located on.

(e) The following sign requires a conditional use permit:

1. Up to one electronic changeable copy sign, as regulated in section 153.435(H).

(B) Within the B-1 Districts, signs must comply with the following regulations.

(1) Signs shall not exceed 50 square feet in gross area and ten feet in height.

(2) The following types of signs are permissible:

- (a) Illuminated or non-illuminated awning signs and canopy signs provided they comply with the requirements of divisions (A)(2)(b)1 through (A)(2)(b)6 above and the following requirements.
 1. For signs or illuminated areas less than three feet in height, the degree of illumination or candlepower of illuminated canopies and awnings shall be limited to a single lamp exterior fluorescent fixture, running the entire length of the illuminated area.
 2. For signs or illuminated areas three to five feet in height, the degree of illumination or candlepower shall be limited to double lamp fixtures.
 3. In no event shall the power of the fixture exceed ten watts per foot for single lamp fixtures and 20 watts per foot for double lamp fixtures.
- (b) Integral roof signs;
- (c) Monument signs;
- (d) Non-electronic changeable copy signs; and
- (e) Wall signs.

(3) ~~Each tenant in a multi-tenant building is allowed one wall sign.~~ The aggregate gross area of all wall signs shall not exceed 10% of the area of the wall to which they are attached.-

(a) For multi-tenant buildings, each tenant is allowed one wall sign that shall not exceed 10% of the tenant's wall area.

(4) The following types of signs require a conditional use permit:

(a) ~~e~~Electronic changeable copy signs as provided in § 153.433(H).

(5) The following types of signs are prohibited:

(a) Electronic graphic display signs;

(b) Dynamic display signs;

(c) Pylon signs; and

(d) Off-premises signs.

(C) Within the B-2 Districts, signs must comply with the following regulations.

(1) Signs shall not exceed 50 square feet in gross area and ten feet in height;

(2) The following types of signs are permissible:

(a) Any sign permissible in the B-1 District; and

(b) Electronic changeable copy signs as regulated in § 153.435(G).

(3) The following types of signs are prohibited:

(a) Electronic graphic display signs;

(b) Dynamic display signs;

(c) Pylon signs; and

(d) Off-premises signs.

(D) Within the B-3, B-5 and B-6 Districts, signs must comply with the following regulations.

(1) Signs shall not exceed 50 square feet in gross area and ten feet in height.

(2) The following types of signs are permissible:

(a) ~~a~~Any sign permissible in the B-2 District.

~~(2)~~(3) The following types of signs require a conditional use permit:

(a) Electronic graphic display signs as regulated in § 153.435(G);

(b) In the B3 and B6 Districts only, off-premises monument signs provided:

1. Sign must be located on a property directly adjacent to Robert Street.

2. Off-premises signage is for a commercial zoned business directly adjacent to the property on which the sign is located.

3. The off-premises signage must be on a free-standing sign.

4. Only one free-standing sign is allowed for each property. The sign must meet the design requirements as outlined in § 153.435(E).

5. If the off-premises sign is co-located on signage for the property on which the sign is located, the size of the entire sign may be increased to a maximum of 70 square feet. Maximum height is limited to ten feet.
6. Up to a maximum of two businesses may be co-located on a free-standing sign.

~~(3)~~(4) The following types of signs are prohibited:

- (a) Dynamic display signs;
- (b) Pylon signs;
- (c) Off-premises signs, with the exception of signs allowed per division (D)(3)(b) above.

(E) Within the B-4 Districts, signs must comply with the following regulations.

- (1) Signs shall not exceed 200 square feet in gross area and 20 feet in height.
- (2) No more than one monument sign shall be located on any single lot.
 - (a) The aggregate gross area of all monument signs in any single B-4 District shall not exceed a total of 200 square feet.
 - (b) Exception: in any B-4 District where, as of the date of the enactment of this chapter, there exists a legally established nonconforming sign or an existing sign that complies with the size requirements for a sign in a B-4 District, then, in addition to the legally established nonconforming sign or existing sign, a sign may be erected on any separate lot within the same B-4 District; however, it must comply with the size requirements for signs in a B-3 District.

(3) The following types of signs are permissible:

~~(e)~~(a) ~~a~~Any sign permissible in the B-3 District.

~~(3)~~(4) The following types of signs require a conditional use permit:

- (a) Electronic graphic display signs, as regulated in § 153.435(G).
- (b) Off-premises monument signs, provided:
 1. Sign must be located on a property directly adjacent to Robert Street.
 2. Off-premises signage is for a commercial zoned business directly adjacent to the property on which the sign is located.
 3. The off-premises signage must be on a free-standing sign.
 4. Only one free-standing sign is allowed for each property. The sign must meet the design requirements as outlined in § 153.435(E).
 5. If the off-premises sign is co-located on signage for the property on which the sign is located, the size of the entire sign may be increased to a maximum of 70 square feet. Maximum height is limited to ten feet.
 6. Up to a maximum of two businesses may be co-located on a free-standing sign.

~~(4)~~(5) The following types of signs are prohibited:

- (a) Dynamic display signs;
- (b) Pylon signs;
- (c) Off-premises signs, with the exception of signs allowed per division (E)(4)(b) above.

(F) Within the I-1 District, signs must comply with the following regulations.

(1) Signs shall not exceed 50 square feet in gross area and ten feet in height.

~~(2)~~ The following types of signs are permissible:

(a) ~~a~~Any sign permissible in the B-2 District.

~~(3)~~ The following types of signs require a conditional use permit:

~~(b)~~(a) ~~e~~Electronic graphic display signs as regulated in § 153.435(G).

~~(2)~~(4) The following types of signs are prohibited:

- (a) Dynamic display signs;
- (b) Pylon signs; and
- (c) Off-premises signs.

(G) Within the I-2 Districts, signs must comply with the following regulations.

(1) Monument signs shall not exceed 50 square feet in gross area and ten feet in height.

~~(2)~~ The following types of signs are permissible:

(a) ~~a~~Any sign permissible in the I-1 District.

~~(2)~~(3) The following types of signs require a conditional use permit:

- (a) Electronic graphic display signs as regulated in § 153.435(G);
- (b) Dynamic display signs as regulated in § 153.435(G);
- (c) Pylon signs provided:

1. Each sign is a maximum of 700 square feet in size;
2. Each sign is a maximum of 80 feet in total height;
3. Each sign is located at least 800 feet from any other pylon sign as measured in a straight line from the base of the sign to the base of any other pylon sign.

(d) Off-premises signs provided:

1. Each sign is located at least 800 feet from any other off-premises sign as measured in a straight line from the base of the sign to the base of any other off-premises sign.

(e) More than one freestanding sign on any single lot.

(H) Within the C District, signs must comply with the following regulations.

(1) Signs shall not exceed 32 square feet in gross area and six feet in height.

(2) The following types of signs are permissible:

- (a) Awning signs and canopy signs provided they comply with the requirements for awning signs and canopy signs in the R District;
 - (b) Monument signs; and
 - (c) Wall signs.
- (3) The following types of signs are prohibited:
- (a) Electronic changeable copy signs;
 - (b) Electronic graphic display signs;
 - (c) Integral roof signs;
 - (d) Non-electronic changeable copy signs;
 - (e) Dynamic display signs;
 - (f) Pylon signs; and
 - (g) Off-premises signs.

| <i>Permissible Signs by District</i> | | | | | | | | | | |
|------------------------------------------------|----------------------|---------------------------|------------|------------|------------|------------|------------|------------|------------|----------|
| | <i>x = permitted</i> | <i>* = requires a CUP</i> | | | | | | | | |
| | R | B-1 | B-2 | B-3 | B-5 | B-6 | B-4 | I-1 | I-2 | C |
| Gross area <i>(square feet)</i> | 32 | 50 | 50 | 50 | 50 | 50 | 200/ 50 | 50 | 700/ 50 | 32 |
| Height <i>(feet)</i> | 6 | 10 | 10 | 10 | 10 | 10 | 20/ 10 | 10 | 80/ 10 | 6 |
| Electronic changeable copy signs | - | * | X | X | X | X | X | X | X | |
| Electronic graphic display signs | - | | | * | * | * | * | * | * | |
| Illuminated canopy and awning signs | - | X | X | X | X | X | X | X | X | |
| Integral roof signs | - | X | X | X | X | X | X | X | X | |
| Monument signs | X | X | X | X | X | X | X | X | X | X |
| Non-electronic changeable copy signs | - | X | X | X | X | X | X | X | X | |
| Non-illuminated awning and canopy signs | X | X | X | X | X | X | X | X | X | X |
| Pylon signs | - | | | | | | | | * | |
| Wall signs | - | X | X | X | X | X | X | X | X | X |
| Dynamic display signs | - | | | | | | | | * | |
| Off-premises signs | - | | | * | | * | * | | * | |

§ 153.437 MESSAGE SUBSTITUTION.

- (A) The owner of any sign that is otherwise allowed by this chapter may substitute noncommercial copy or message in lieu of any other commercial or noncommercial sign copy or message without additional approval or permitting subject to the operational standards set forth in this chapter.
- (B) The purpose of this provision is to prevent any inadvertent favoring of commercial speech or message over noncommercial speech or message.

§ 153.438 NONCOMMERCIAL SPEECH.

Notwithstanding any other provisions of this chapter, all signs of any size containing noncommercial speech may be posted from 46 days before the state primary in any general election year until ten days following the general election and, in years other than a general election year, 13 weeks prior to any special election until ten days following the special election. For purposes of this chapter and section 150.110 of this Code, Special Election includes both municipal and school district special elections, as those terms are defined by state law.

§ 153.439 SEVERABILITY.

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

SECTION 3. SUMMARY PUBLICATION. Pursuant to Minnesota Statute Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

This amendment updates the sign code and other related sections of city code to create a distinction between signs and murals, create a limitation based on square footage rather than number of signs for temporary signs in R Districts, and allow certain signs in R Districts for lots of a certain size.

While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance provided that four-fifths of its members approve of its summary publication as written above.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of West St. Paul, Minnesota, this 26th day of June, 2023.

Attest:

David J. Napier, Mayor

Nicole Tillander, City Clerk