

Ordinance No. 2018-__

**CITY OF OSSEO
HENNEPIN COUNTY**

**AN ORDINANCE AMENDING CHAPTER 153
OF THE CITY CODE RELATED TO SIGN REGULATIONS**

THE CITY COUNCIL OF THE CITY OF OSSEO HEREBY ORDAINS:

Section 1. Sections 153.090 through 153.097 of the Osseo City Code are hereby amended by deleting the existing sections and replacing them as follows:

153.090 GENERAL PROVISIONS

(A) *Findings.* The city council hereby finds as follows:

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

(B) *Purpose and Intent:* It is not the purpose or intent of this section to regulate the message displayed on any sign, except as provided for in Section 153.092 (B) (10) nor is it the purpose or intent of this section 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 section is to:

- (1) 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.

- (2) Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.
- (3) 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.
- (4) Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the city.

(C) *Effect:* A sign may be erected, mounted, displayed or maintained in the city if it is in conformance with the provisions of these regulations. The effect of this section, as more specifically set forth herein, is to:

- (1) Allow a wide variety of sign types in non-residential zones, and a more limited variety of signs in residential zones, subject to the standards set forth in this section.
- (2) Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this section or when required by federal, state or local law.
- (3) 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.
- (4) Provide for the enforcement of the provisions of this section.

(D) *Severability:* If any subsection, sentence, clause, or phrase of this section is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section. The city council hereby declares that it would have adopted this section in each subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses, or phrases be declared invalid.

153.091 DEFINITIONS

The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

ABANDONED SIGN: Any sign and/or its supporting sign structure which has been removed or whose display surface remains blank for a period of one year or more, or any sign which has been erected in violation of the City Code. 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 year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Any sign meeting this definition shall be considered abandoned even if the sign is legally non-conforming or authorized pursuant to a conditional use permit or variance.

ANIMATED SIGN: A sign that has any visible moving part, flashing or oscillating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, oscillate or visibly alter in appearance in a manner that is not permitted by these regulations. Animated signs do not inherently include electronic message display signs, although it is possible that electronic message display signs be used or programmed as animated signs.

ATTACHED SIGN: Any sign that lacks a supporting framework and is therefore attached or anchored to any building or other structure; any sign that is not a FREESTANDING SIGN.

AWNING: A rooflike 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, which also projects over a door, shall be counted as an awning.

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

BANNER: A sign constructed of cloth, paper, plastic or other material upon which copy is written and supported either between poles or fastened to buildings or other structures and that is supported or anchored on two (2) or more edges or at three (3) or more corners. Banners also include such signs which are supported by an internal frame (such as an umbrella) or are anchored along one edge, or two (2) corners, with weights or supports installed that substantially reduce the reaction of the sign to wind.

BENCH SIGN: A sign located on any part of the surface of a bench or a similar type of outdoor furniture or seating, usually placed on or adjacent to a public right of way.

BUILDING: Any structure intended for the shelter, support, or enclosure of persons, animals, or property of any kind; where separated by party walls without openings, each portion of such structure is considered a separate building.

BUILDING SIGN: Any sign attached to or supported by any building.

BUSINESS: Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.

CENTRAL BUSINESS DISTRICT: The CBD zoning district within the city as identified in the city's zoning code and on the city of Osseo's official zoning map.

CLASS A SIGNAGE: Durable and permanent signs, including:

Any sign that requires a building or electrical permit to install; and
Signs constructed from wood, plastic, metal, concrete, or other durable, weather-proof materials, with a weather-proof display area; and not otherwise specified as CLASS B or CLASS C signs.

CLASS B SIGNAGE: Non-durable, impermanent signs including:

DEMOUNTABLE LETTER SIGNS;

MOVEABLE SIGNS;

BANNERS;

Other signs not constructed from durable, weather-proof materials; and

Other signs, which, due to design, material, and installation method are temporary in nature. This includes signs not displayed or intended to be displayed for a length of 30 days or longer.

CLASS C SIGNAGE: Obtrusive, impermanent, moving, or otherwise dynamic signs including:

INFLATED SIGNS;

FEATHER BANNERS;

PENNANT SIGNS;

PORTABLE TRAILERED SIGNS; and

SHIMMERING SIGNS; but

excluding INTERIOR SIGNS of all types.

COMMERCIAL SPEECH: Speech advertising a business, profession, commodity, service or entertainment.

CUMULATIVE MAXIMUM SIGN AREA (CMSA): The total maximum sign area which is allowed on any individual property within the City, and for the proportion of CLASS A, CLASS B, and CLASS C signs as herein defined. Regardless of the allowance for signage in any CLASS, no property, including those with a NONCONFORMING SIGN, may exceed its overall CUMULATIVE MAXIMUM SIGN AREA.

DEMOUNTABLE LETTER SIGN: A sign with individual letters, numbers, and symbols, but not entire words or phrases, which may be manually removed and replaced on a track or other mounting hardware on the sign. Also commonly known and referred to as a Changeable Letter Sign or Arrow Sign, although a Demountable Letter sign need not include an arrow.

DISPLAY SURFACE: The area of an electronic message display made available by the sign structure for the purpose of displaying the advertising or other commercial or noncommercial message.

ELECTRICAL SIGN: A sign that is powered by electricity.

ELECTRONIC MESSAGE DISPLAY (EMD): A single sign with up to two faces, capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means.

ERECT: Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing, engraving or any other way of bringing a sign into being or establishment.

EXTERIOR SIGN: A sign located on the outside of a building, structure or outdoor display area or located on the interior of a building but which is primarily intended to be viewed from the exterior of the building.

FEATHER BANNER: A type of elongated banner and freestanding temporary sign typically made of a flexible fabric or similar material attached to a long rigid pole in the general shape of a feather, teardrop, or similar shape, not to exceed twenty-eight (28) square feet in total area. The definition includes functionally similar display devices. Also commonly known and referred to as a “banana banner” or “teardrop banner”.

FLAG: Any fabric or similar lightweight material attached at one edge or no more than two (2) corners of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices or text. If any dimension of a flag is more than three (3) times as long as any other dimension, it shall be regulated as a banner for the purposes of this section.

FLASHING SIGN: A type of ANIMATED SIGN. A directly or indirectly illuminated sign which exhibits changing light or color effect by any means so as to provide intermittent illumination or which includes the illusion of intermittent flashing light by means of animation or any other mode of lighting, which may include but is not limited to zooming, twinkling, or sparkling.

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.

FRONT FOOT: The measurement of the frontage of a PROPERTY abutting a public street. In cases where a PROPERTY abuts multiple public streets, the longest side will be used in determining the front foot for a lot.

FRONTAGE: The line of contact of a property with the public right of way or private street.

GRADE: The final ground elevation surrounding the base of a structure or sign. Earth mounding for landscaping, berming and/or screening is not part of the final grade for sign height computation.

HEIGHT OF SIGN: For freestanding signs, the height of the sign shall be the vertical distance measured from the base of the sign at average grade to the top of the highest attached component of the sign. For signs attached to buildings, the height shall be the vertical distance from the lowest attached component of the sign to the highest attached component.

HIGHWAY COMMERCIAL DISTRICTS: The C2-NORTH (C2-N) and C2-SOUTH (C2-S) zoning districts within the city as identified in the city's zoning code and on the city of Osseo's official zoning map.

ILLUMINATED SIGN: Any sign illuminated by a source of light which is directly cast upon the exterior surface or face of the sign and intended to illuminate the sign by reflection or which is illuminated from within or behind the sign so as to reflect or emanate light through the sign.

INFLATED SIGN: A sign consisting of a bag made of lightweight material supported by helium, hot or pressurized air, which is secured to the ground or a structure in some fashion, and which is greater than eighteen inches (18") in diameter.

INTERIOR SIGN: A sign which is located within the interior of any building or within an enclosed lobby or court of any building and which is primarily intended to be viewed from the interior of the building.

MANUFACTURING AND INDUSTRIAL DISTRICT: The M zoning district within the city as identified in the city's zoning code and on the city of Osseo's official zoning map.

MONUMENT SIGN: Any freestanding sign with its sign face mounted on the ground or mounted on a base, subject to height limitations of the zoning district in which it is located.

MOVEABLE SIGN: A temporary sign, made of vinyl, paper, cloth or fabric, corrugated plastic, cardboard, plywood or similar material including signs with wood or wire framing, posts or stakes, supported by the ground but not permanently attached to the ground, which can be regularly moved from a location at periodic intervals, and which has a total height not exceeding four feet (4') and a total area not exceeding six (6) square feet. The term includes SANDWICH BOARD SIGNS. The term does not include BANNERS. A MOVABLE SIGN is not considered to be a PORTABLE TRAILERED SIGN.

MURAL: An image painted or applied on the exterior of a building wall or other permanent structure and for which no more than five percent (5%) of the total area covered by the mural, or one hundred (100) square feet (whichever is less), consists of text.

NONCOMMERCIAL SPEECH: Speech not defined as commercial speech which includes, but is not limited to, speech concerning political, religious, social, ideological, public service, and informational topics.

NONCONFORMING SIGN: A sign which was lawful at the time of its construction but does not now conform to this section.

OFF-PREMISE SIGN: A commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same property where such sign is located.

OVERHANG SIGN: A sign that overhangs sidewalk rights-of-way a maximum of one and one-half feet (1.5'), with a minimum clearance of eight feet (8') between the bottom of the overhang sign and the sidewalk surface.

PENNANTS: Pieces of cloth, paper, plastic or similar material intended to be individually supported or attached to each other by means of rope, string or other material and intended to be hung on buildings or other structures or between poles, and do not include any written material, graphic, or other form of copy.

PENNANT SIGN: A display of PENNANTS on one PROPERTY that exceed the sizes specified by Section 3.A.3.(e).

PORTABLE TRAILORED SIGN: Any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground. A sign mounted on a vehicle identifying a business when the vehicle is being used in the normal day to day operation of that business is not subject to the regulations set forth in this section, provided the vehicle in operable condition, carrying a current, valid license tag, and the vehicle does not remain parked at the same location for 48 continuous hours. BANNERS, MOVABLE SIGNS, PENANTS, PENANT SIGNS, and SANDWICH BOARD SIGNS shall not be considered PORTABLE TRAILORED SIGNS for the purpose of this ordinance.

PRINCIPAL BUILDING: The building in which the principal use of the property or site occurs. Buildings with multiple principal uses shall not constitute multiple principal buildings but shall be considered a single building. Storage buildings, garages, and other clearly accessory buildings shall not be considered principal buildings.

PRINCIPAL ENTRANCE: The main public doorways, lobby, or access leading or entering into a building or structure. A PROPERTY with multiple principal buildings or a building with multiple tenants may have more than one principal entrance.

PROPERTY: Any lot or parcel of land which has been legally created and has been assigned a separate parcel identification number. If a lot or parcel of land falls under the provisions of § 153.131 (B), all the lands involved shall constitute a single PROPERTY.

PUBLIC RIGHT OF WAY: The right of way for a public roadway, sidewalk, or alley.

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) more than eight feet (8') and with the area below the sign face open.

RESIDENTIAL DISTRICT: The R-1 and R-2 zoning districts within the city as identified in the city's zoning code and on the city of Osseo's official zoning map.

RESIDENTIAL PROPERTY: Real property, consisting of one or more lots or parcels, on which a residential dwelling and/or any of its associated accessory buildings or structures are located.

ROOF: The exterior surface and its supporting structure on the top of a building or structure, the makeup of which conforms to the roof structures, roof construction and roof covering sections of the state building code.

ROOF SIGN: Any sign erected and constructed wholly on or above the roof or parapet of a building or structure and which is supported by the roof structure.

SANDWICH BOARD SIGN: A type of MOVEABLE SIGN that is freestanding, self-supporting sign hinged at the top, or attached in a way that forms a shape similar to the letter "A" when viewed from the side, also commonly known and referred to as an A-frame sign or a Springboard sign.

SEASONAL, HOLIDAY, AND FESTIVE DECORATION: "Holiday" or "festive" shall mean a calendar date or dates associated with a specific event or season, including, but not limited to, New Year's Day, Martin Luther King, Jr. Day, Valentine's Day, Passover, Holi, Ramadan, Easter, Memorial Day, Independence Day, Labor Day, Halloween, Thanksgiving, Hanukah, Christmas, Kwanza; "decoration" shall mean ornaments, figures, statuettes, inflatable characters, seasonal lighting, and related products that are placed on a property for a temporary period in of time in observance of a holiday or festival.

SETBACK, FRONT: The minimum horizontal distance permitted between the property line abutting the public right-of-way or private street and a structure on the premises. In instances in which a property fronts on more than one street, front setbacks are required on all street frontages.

SETBACK, REAR: The minimum horizontal distance permitted between the property line opposite the front of the lot and a structure on the premises.

SETBACK, SIDE: The minimum horizontal distance permitted between the property line on a side of the lot and a structure on the premises.

SHIMMERING SIGN: A type of ANIMATED SIGN which reflects an oscillating or sometimes distorted visual image.

SIGN: Any letter, word or symbol, poster, picture, reading matter, or representation in the nature of advertisement, announcement, message or visual communication, other than a "flag" or "mural" as defined in this section whether painted, posted, printed, affixed, engraved or constructed, including all associated brackets, braces, supports, wires, and structures, which is displayed for informational or communicative purposes. This definition shall also include flags that exceed the sizes specified by Section 153.092 (A) (3) (e) The definition of sign in this section supersedes any other definition of sign contained in the city's zoning code.

SIGN FACE: The surface of a sign upon, against, or through which the message of the sign is exhibited.

SITE: A plot or parcel of land, or combination of contiguous lots or parcels of land, which are intended, designated, and/or approved to function as an integrated unit.

STRUCTURE: Any physical element which has been constructed and which is capable of supporting a sign. Structures include, but are not limited to, buildings, fences, poles, and posts.

TOTAL SITE SIGNAGE: The maximum combined area of all signs allowed on a specific property or site.

UNDEVELOPED LOT: A PROPERTY where no commercial building and no residential dwelling and/or any of its associated accessory buildings or structures are located.

VISIBLE: Capable of being seen by a person of normal visual acuity, whether legible or not, without visual aid.

WALL: Any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of sixty degrees (60°) or greater with the horizontal plane.

WALL SIGN: Any building sign attached parallel to, painted on the surface of, or erected on 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 sign surface.

WINDOW SIGN: A sign affixed to or inside of a window in view of the general public. This does not include merchandise on display.

153.092 ADMINISTRATION

(A) *Administration*

- (1) *Permit Required:* No CLASS C sign, nor any other class of sign whose highest attached part is greater than six feet (6') above the grade directly beneath the highest point, nor any sign exceeding six square feet in SIGN FACE area, except as otherwise specified herein, shall be erected, altered,

reconstructed, maintained or moved into or within the city without first securing a sign permit from the city. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit, except to determine whether it is an off-premise sign based on its location. Applications for a permit may be for specific signs or may be in the form of an overall signage plan for the property. They shall be in writing on a form provided by the city. Permit applications shall be reviewed by the zoning administrator, or their designee.

The zoning administrator, or their designee, shall approve or deny the sign permit application in a manner consistent with the timelines required in Minnesota Statutes, Section 15.99, or successor statute.

Nothing in this section shall be construed or considered to exempt signs or structures from permit requirements contained in the Minnesota State Building Code.

(2) *Permit Application: Required Information:* Applications for a sign permit shall, at a minimum, include the following items:

- (a) Names, addresses, and signatures of the applicant, owners of the sign, and fee owner of the property upon which the sign is to be erected;
- (b) The address at which any sign is to be erected;
- (c) The legal description and Property Identification Number of the property or site upon which the signs are to be erected and the street on which it fronts;
- (d) A complete set of plans showing the necessary elevations, distances, size, and details to fully and clearly represent the construction and placement of the sign and existing signs on the property;
- (e) All materials and information required to be provided to the city pursuant to the Minnesota State Building Code, if applicable;
- (f) The value of the sign;
- (g) The dimensions of the structure upon which the sign will be affixed, including a site drawing showing the scale of the structure;
- (h) The type of sign (i.e. wall sign, monument, mural, etc.); and

(i) If the proposed sign is along a state trunk highway, county road, or interstate highway, the applicant may be required to provide proof that the applicant has obtained any necessary approvals from the responsible units of government for the sign.

(j) If the application includes CLASS C signage, the dates the permit is requested to be in effect.

For the purposes of the permit, all of the parties required to sign under paragraph a of this section shall be considered joint applicants. All requirements of this section, including the ongoing maintenance for any sign erected within the city, shall be the joint and severable responsibility of the applicant(s).

(3) *Permit Exemptions:* The following signs shall be exempt from the permit application requirements of this section. These exemptions, however, shall not be construed as relieving the owner of the sign from responsibility for its erection and ongoing maintenance, and its compliance with the provisions of this section, or any other law or ordinance relating to maintenance, repair and removal. The following signs are exempt from the requirement of obtaining a permit:

(a) Individual signs not exceeding one-half (0.5) square feet in any zoning district. Such signage shall not be counted against any overall square footage requirement applicable to a property.

(b) Individual signs in the R-1, R-2, CBD, C2-N, C2-S, and M zoning districts, or located on public property with the approval of the appropriate public agency or body, which are:

- 1) Not greater than three (3) square feet in size and with any letters or numbers not greater than six inches (6") in height; or
- 2) Not greater than six (6) square feet in size and with any letters or numbers not greater than three inches (3") in height.

(c) Signs erected within a public right of way that are approved by the appropriate governmental agency with authority over the right of way. Such signage shall not be counted against any overall square footage requirement applicable to a property.

(d) The changing of the display surface or sign face on a previously approved and erected sign or complete replacement of a sign when such change or replacement would be consistent with a previously

issued permit or a sign considered to be a legal nonconformity and would not require compliance with applicable building codes, unless such sign is an ABANDONED SIGN pursuant to the terms of this Ordinance.

(e) FLAGS and PENNANTS, subject to the following (any flags in excess of these amounts shall be regulated as a sign):

Zoning District	Maximum Size, Any 1 Flag or Display of Pennants	Maximum Size, Cumulative Per Site
CBD	250 square feet	300 square feet
C2-N, C2-S, M	250 square feet	600 square feet
R-1, R-2	40 square feet	50 square feet
PI	No Max	No Max

(f) INTERIOR SIGNS.

(g) Signs which do not meet the exemptions provided in a., b., or f., and are integrally attached to or part of:

1. Waste roll-offs, dumpsters, garbage cans, portable storage units or other similar equipment owned and maintained by a commercial business for the purpose of waste collection or temporary storage; or
2. Construction materials or equipment; or

(h) Personal property or motor vehicles such as, but not limited to, passenger vehicles, snowmobiles, all-terrain vehicles, trucks, semi-tractors and trailers, recreational vehicles, fish houses, boats, boat lifts, and trailers; when the vehicle or personal property is being used in the normal day to day operation of that business, provided the vehicle in operable condition, carrying a current, valid license tag, and the vehicle does not remain parked at the same location for 48 continuous hours.

(i) Signs which are affixed on city-owned property or equipment, which have been approved by the city council or the zoning administrator, or their designee.

(j) Signs which are affixed on property owned by a county, state or federal governmental body or a public school district unless specifically prohibited by this section.

- (k) Signs required by law.
- (l) Headstones, gravestones, grave markers or other similar signs attached to, or adjacent to, a burial plot, columbarium, mausoleum or the like.
- (j) SEASONAL, HOLIDAY, OR FESTIVE DECORATION in residential districts.

(4) *Fees:* Sign permit fees shall be established by resolution or ordinance of the city council.

(5) *Repairs and Removal:* The display surfaces of all signs shall be kept neatly painted or posted at all times. Every sign and the immediate surrounding premises shall be maintained by the owner or lessee of the property in a clean, sanitary, and inoffensive condition and free and clear of all obnoxious substances, rubbish, and weeds. Signs which may be or may hereafter become rotted, unsafe, or unsightly shall be repaired or removed by the owner or lessee of the property upon which the sign stands upon reasonable notice by the city. Any sign which is not removed upon notice provided for under this section shall be subject to the removal provisions under Section 153.094 (C) of this Code.

(8) *Expiration:* A sign permit shall expire if the work has not been substantially initiated within 90 days and substantially completed within one year of the date of the permit's issuance.

(7) *Revocation:* The zoning administrator or designee is hereby authorized and empowered to revoke any permit upon failure of the holder to comply with any provision of this Code or with the terms of the permit at time of its issuance. A permit holder may appeal a decision to revoke a permit pursuant to the process set forth in City Code section 153.147. The revocation will be stayed pending a decision on an appeal.

(9) *Permits for CLASS C Signage:* CLASS C sign permits shall be available with the following restrictions:

(a) Permits shall be available at the frequency of three (3) permits per PROPERTY in any calendar year.

(b) Each permit shall be valid for seven (7) or fewer consecutive calendar days.

(c) Proof of each permit shall be prominently displayed, at the same location as the permitted sign, during the period of the permit's validity.

(B) *General Provisions.*

(1) *Size:* No individual sign shall exceed one hundred and fifty (150) square feet in area. All signs on the property shall be included in the square footage measurement with the exception of signs otherwise exempted by this section.

(2) *Placement:*

(a) MOVEABLE SIGNS, including but not limited to SANDWICH BOARD signs and FEATHER BANNERS, shall not be placed in the public right-of-way, except as an outside display area allowed by § 153.054 of the Code of Ordinances. MOVEABLE SIGNS shall not be permanently affixed to any structure, and MOVEABLE SIGNS in the right-of-way may only be displayed during the hours that the principal use is open for business.

(b) WINDOW SIGNS shall not be placed so as to occupy more than 25% of the window space of the frontage displaying the sign(s).

(3) *Regulations:*

(a) *General:* Except as hereinafter provided, no sign shall be erected or maintained at any angle to a building or structure which extends over a property line; or street, alley, sidewalk, highway, utility easement, or other public property.

1. OVERHANG SIGNS. Buildings that are permitted to be constructed with no setback from property lines are permitted to have mounted signs that overhang sidewalk rights-of-way a maximum of one and one-half feet (1.5'), with a minimum clearance of eight feet (8') between the bottom of the overhang sign and the sidewalk surface.

(b) ELECTRONIC MESSAGE DISPLAY (EMD) signs. Properties where an EMD is permitted may only construct or modify an EMD under a Conditional Use Permit identifying the EMD as an approved Conditioned Use.

(c) SANDWICH BOARD SIGNS. The number of sandwich board signs is limited to one per principal entrance.

(4) *Electrical Signs:* Electrical signs must be installed in accordance with the current electrical code and all necessary electrical and building permits must be obtained prior to placement.

(5) *Signs Prohibited in all Zoning Districts:* The following signs are prohibited signs in all districts and areas within the city:

(a) Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic or which, in the discretion of the zoning administrator, hides from view or interferes with the effectiveness of any official traffic control device, roadway, intersection or any railroad sign or signal. This section does not include signs, signals, marking, or devices which are installed and maintained by or under agreement with a unit of government.

(b) ABANDONED SIGNS.

(c) ROOF SIGNS.

(d) Signs painted, attached, engraved, etched or in any other manner affixed to public utility poles, bridges, towers, streetlights, or similar public structures except as otherwise provided herein.

(e) Any sign larger than 3 square feet which is animated, or which moves or rotates, including ANIMATED SIGNS and FLASHING SIGNS, but excluding CLASS C Signage as permitted by this chapter.

(6) *Setbacks:* FREESTANDING SIGNS shall conform to building setback regulations for the zoning district in which the signs are located, except as otherwise specified in this section. Setbacks shall be measured to the outermost portion of the sign:

	R-1	R-2	CBD	C2-N, C2-S, M	PI
Front yard setback	1'	5'	2'	10'	0'
Side yard setback	10'	5'	2'	5'	0'
Rear yard setback	10'	5'	2'	5'	0'
Rear / side yard setback abutting R district	n/a	10'	10'	10'	10'

(7) *Area:* The area within the frame shall be used to calculate the square footage except that the width of a frame exceeding six inches (6") shall constitute sign face, and if such letters or graphics be mounted directly on a wall or fascia or in such way as to be without a frame, the dimensions for calculating the square footage shall be the area extending six inches (6") beyond the periphery formed around such letters or graphics in a plane figure bounded by

straight lines connecting the outermost points thereof, unless exact dimensions can be provided by the applicant. Symbols, pictures, wording, figures or other forms of graphics painted on or attached to walls, awnings, freestanding structures, or suspended by balloons or inflated signs are considered a sign and are included in calculating the overall square footage. The area of a sign with more than one visible sign face will be calculated as the sum of the area of each sign face divided by two (2).

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

(9) *Retroactive Effect*: This section shall apply to all sign applications made but not yet issued prior to its effective date.

(10) *Noncommercial Speech*: Notwithstanding any other provisions of this section, the noncommercial speech exemption provided by Minnesota Statutes, Section 211B.045 (or successor statute) is hereby incorporated by reference.

153.093 ZONING DISTRICT RULES

(A) *Specific Regulations By Zoning District*:

(1) *Residential District R-1*: Within the R-1 zoning district, nonexempt signs are allowed as follows:

- (a) Maximum sign area for a single sign: Eight (8) square feet.
- (b) CUMULATIVE MAXIMUM SIGN AREA for all nonexempt signs: Sixteen (16) square feet.
- (c) Maximum proportion of CUMULATIVE MAXIMUM SIGN AREA allocable to CLASS A, B, or C signs: 100%.
- (d) Maximum height of sign: six feet (6').
- (e) The following types of signs are prohibited in the R-1 zoning district:

AWNING SIGNS.

BENCH SIGNS.

ELECTRONIC MESSAGE DISPLAY SIGNS.

INFLATED SIGNS.

ILLUMINATED SIGNS, except where specifically allowed.

OFF-PREMISE SIGNS.

PORTABLE TRAIERED SIGNS.

PYLON SIGNS.

Signs prohibited in all zoning districts.

(2) *Residential District – R-2:* Within the R-2 zoning district, nonexempt signs are allowed as follows:

(a) Within thirty feet (30') of a traveled public road right of way: One sign up to thirty two (32) square feet in size, which may be externally illuminated, with a maximum height of seven feet (7'). Properties which front upon more than 1 street may have up to 1 such sign per street frontage; and

(b) For all other signs not allowed under subsection (2) (a) of this section:

1. Maximum height of sign: six feet (6').
2. Maximum sign area for a single sign: Eight (8) square feet.
3. Cumulative maximum sign area per property or site: 100 square feet.

(c) Maximum proportion of CUMULATIVE MAXIMUM SIGN AREA allocable to CLASS A signs: 90%.

(d) Maximum proportion of CUMULATIVE MAXIMUM SIGN AREA allocable to CLASS B signs: 70%.

(e) Maximum proportion of CUMULATIVE MAXIMUM SIGN AREA allocable to CLASS C signs: 10%.

(f) The following types of signs are prohibited in the R-2 zoning district:

ELECTRONIC MESSAGE DISPLAY SIGNS.

ILLUMINATED SIGNS, except where specifically allowed.

OFF-PREMISE SIGNS.

PENNANT SIGNS.

PORTABLE TRAIERED SIGNS.

PYLON SIGNS.

Signs prohibited in all zoning districts.

(3) *Permitted Nonresidential uses in Residential Districts:* Within any residential zoning district, where a property contains a legal nonresidential use authorized by issuance of a conditional use permit, nonexempt signs are allowed as follows:

Residential Zoning Districts	Maximum Sign Area of a Single Sign	Maximum Height of a Sign	Cumulative Maximum Sign Area of all Nonexempt Signs [^]	Maximum Percentage of CMSA Allocable to CLASS A Signs	Maximum Percentage of CMSA Allocable to CLASS B Signs	Maximum Percentage of CMSA Allocable to CLASS C Signs
R-1; R-2	32 square feet	8 feet	100 square feet	90%	50%	10%

(a) Within thirty feet (30') of a traveled public road right of way: One sign which may be externally illuminated. Properties which front upon more than 1 street may have up to 1 such sign per street frontage.; and

(b) For all other signs not allowed under subsection (3) (a) of this section: No signs which are specifically prohibited in the R-2 zoning district may be erected upon a property that contains a legal nonresidential use as outlined in this section.

(4) *Central Business District:* Within the central business zoning district, nonexempt signs are allowed on developed lots as follows:

Central Business Zoning District	Maximum Sign Area of a Single Sign*	Maximum Height of a Sign	Cumulative Maximum Sign Area of all Nonexempt Signs**, ^	Maximum Percentage of CMSA Allocable to Class A Signs	Maximum Percentage of CMSA Allocable to Class B Signs	Maximum Percentage of CMSA Allocable to Class C Signs
CBD	50 square feet	8 feet	2 sq. ft. per linear FRONT FOOT	70%	20%	10%

*, ** The maximum sign area of a single sign may not be larger than the cumulative maximum sign area of all nonexempt signs. This includes instances where the cumulative maximum sign area calculation prohibits any single sign from meeting the maximum sign area, in which case, the more restrictive requirement limiting total cumulative sign area shall apply.

The following types of signs are prohibited in the central business zoning district:

ELECTRONIC MESSAGE DISPLAY signs on developed properties that do not have a Conditional Use Permit allowing an EMD as an approved Conditional Use accessory to the property's principal use.

OFF-PREMISE SIGNS.

PORTABLE TRAILERED SIGNS.

PYLON SIGNS.

Signs prohibited in all zoning districts.

(5) *Highway Commercial and Manufacturing and Industrial Districts:* Within the highway commercial and manufacturing zoning districts, nonexempt signs are allowed on developed lots as follows:

Highway Commercial & Manufacturing Zoning Districts	Maximum Sign Area of a Single Sign*	Maximum Height of a Sign	Cumulative Maximum Sign Area of all Nonexempt Signs**, ^	Maximum Percentage of CMSA Allocable to Class A Signs	Maximum Percentage of CMSA Allocable to Class B Signs	Maximum Percentage of CMSA Allocable to Class C Signs
C2-N, C2-S, M	150 square feet	15 feet	4 sq. ft. per linear FRONT FOOT	70%	25%	5%

*, ** The maximum sign area of a single sign may not be larger than the cumulative maximum sign area of all nonexempt signs. This includes instances where the cumulative maximum sign area calculation prohibits any single sign from meeting the maximum sign area, in which case, the more restrictive requirement limiting total cumulative sign area shall apply.

The following types of signs are prohibited in the C2-N, C2-S, & M zoning districts:

ELECTRONIC MESSAGE DISPLAY SIGNS on developed properties that do not have a Conditional Use Permit allowing an EMD as an approved Conditional Use accessory to the property’s principal use.

OFF-PREMISE SIGNS.

Signs prohibited in all zoning districts.

(6) *Public Institution (PI) District:* Within the PI zoning district, nonexempt signs are allowed on developed lots as follows:

Public Institution Zoning District	Maximum Sign Area of a Single Sign	Maximum Height of a Sign	Cumulative Maximum Sign Area of all Nonexempt Signs^	Maximum Percentage of CMSA Allocable to Class A Signs	Maximum Percentage of CMSA Allocable to Class B Signs	Maximum Percentage of CMSA Allocable to Class B Signs
PI	150 square feet	25'	5% of lot area	90%	50%	10%

The following types of signs are prohibited in PI zoning districts:

AWNING SIGNS.

BENCH SIGNS.

Signs prohibited in all zoning districts.

(7) *Undeveloped lots in CBD, C2-N, C2-S, and M districts:* Within the specified non-residential districts, nonexempt signs are allowed on undeveloped lots as follows:

Non-residential Zoning Districts	Maximum Sign Area of a Single Sign	Maximum Height of a Sign	Cumulative Maximum Sign Area of all Nonexempt Signs^	Maximum Percentage of CMSA Allocable to Class A Signs	Maximum Percentage of CMSA Allocable to Class B Signs	Maximum Percentage of CMSA Allocable to Class B Signs
CBD, C2-N, C2-S, M, PI	40 square feet	8'	40 square feet	25%	75%	0%

The following types of signs are prohibited on undeveloped lots in the specified zoning districts:

ATTACHED SIGNS.

AWNING SIGNS.

BENCH SIGNS.

BUILDING SIGNS.

ELECTRONIC MESSAGE DISPLAY SIGNS.

INFLATED SIGNS.

ILLUMINATED SIGNS.

OFF-PREMISE SIGNS.

PENNANT SIGNS.

PORTABLE TRAILERED SIGNS.

Signs prohibited in all zoning districts.

153.094 MISCELLANEOUS PROVISIONS

(A) *Noncommercial speech:*

(1) *Substitution Clause:* The owner of any sign which is otherwise allowed by this section may substitute noncommercial copy in lieu of any other noncommercial or commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision prevails over any more specific provision to the contrary.

(B) *Nonconforming signs:*

(1) NONCONFORMING SIGNS shall be treated like other nonconforming uses as provided in § 153.130 of the city code, or as otherwise specified in state statute.

(C) *Process and Enforcement:*

(1) *Administration:* Provisions of this section shall be administered and enforced by the zoning administrator or their designee, who may have other municipal duties. Their duties shall include, but not be limited to:

(a) Determine whether all sign permit applications comply with the terms of this section.

(b) Conduct site inspections to determine compliance with the terms of this section.

(2) *Variances:* Any request for variation from the provisions of this chapter shall be brought under the terms of § 153.150 of the city code and applicable Minnesota state law.

(3) *Appeals:* Any appeal to a decision made under this chapter shall be brought under the terms of Section 153.147 of the city code.

(4) *Unlawful Signs:* Signs placed upon public property, or within the public right of way, or in violation of the terms of this section, shall be immediately determined to be abandoned under this section. Abandoned signs shall be subject to removal by the city. Upon removal, the zoning administrator, or their designee, shall mark the date of removal of the sign and hold it for 45 days at the city's offices. The owner of the sign may collect the sign from the city's offices at any point during that time. If the sign is not retrieved within 45 days, the city may destroy the sign.

(D) *Violations*

(1) *Violations; Separate Offense:* Each day that the violation continues shall constitute a separate offense. Violations of this ordinance shall be deemed a misdemeanor.

Section 2. This ordinance shall take effect and be in force from and after January 1, 2019.

Adopted by the City Council this 14th day of May, 2018.

ATTEST:

Mayor

City Clerk

First reading: April 23, 2018

Second reading and adoption: May 14, 2018

Published: _____, 2018, *Osseo-Maple Grove Press*

Appendix C: District Sign Regulations Summary

Zoning District	Maximum Sign Area of a Single Sign ¹	Maximum Height of a Single Sign	Cumulative Maximum Area (CMSA) of All Nonexempt Signs ^{2, 3}	Maximum Percentage of CMSA Allocable to CLASS A Signs	Maximum Percentage of CMSA Allocable to CLASS B Signs	Maximum Percentage of CMSA Allocable to CLASS C Signs	Prohibited Signs
R-1*	8 square feet	6 feet	16 square feet	100%	100%	100%	AWNING SIGNS. BENCH SIGNS. ELECTRONIC MESSAGE DISPLAY SIGNS. INFLATED SIGNS. ILLUMINATED SIGNS, EXCEPT WHERE SPECIFICALLY ALLOWED. OFF-PREMISE SIGNS. PORTABLE TRAILERED SIGNS. PYLON SIGNS. Signs prohibited in all Zoning Districts.
R-2*	8 square feet (and, one sign of up to 32 sq. ft. within 30' of a traveled public road right of way)	6 feet	100 square feet	90%	70%	10%	ELECTRONIC MESSAGE DISPLAY SIGNS. INFLATED SIGNS. ILLUMINATED SIGNS, EXCEPT WHERE SPECIFICALLY ALLOWED. OFF-PREMISE SIGNS. PENNANT SIGNS. PORTABLE TRAILERED SIGNS. PYLON SIGNS. Signs prohibited in all Zoning Districts.
*Legal Nonresidential Use in R Districts	32 square feet	8 feet	100 square feet	90%	50%	10%	<i>No signs which are specifically prohibited in the R-1 zoning district may be erected upon a property that contains a legal nonresidential use in a residential district</i>
CBD^	50 square feet	8 feet	2 sq. ft. per linear FRONT FOOT	70%	20%	10%	INFLATED SIGNS. OFF-PREMISE SIGNS. PORTABLE TRAILERED SIGNS. PYLON SIGNS. Signs prohibited in all Zoning Districts.
C2-N, C2-S, M^	150 square feet	15 feet	4 sq. ft. per linear FRONT FOOT	70%	25%	5%	OFF-PREMISE SIGNS. Signs prohibited in all Zoning Districts.
PI^	150 square feet	25 feet	5% of lot area	90%	50%	10%	BENCH SIGNS. Signs prohibited in all Zoning Districts.
^Undeveloped Lots in non-residential districts	40 square feet	8 feet	40 square feet	25%	75%	0%	ATTACHED SIGNS. AWNING SIGNS. BENCH SIGNS. BUILDING SIGNS. ELECTRONIC MESSAGE DISPLAY SIGNS. INFLATED SIGNS. ILLUMINATED SIGNS. OFF-PREMISE SIGNS. PENNANT SIGNS. PORTABLE TRAILERED SIGNS. Signs prohibited in all Zoning Districts.

^{1, 2} The maximum sign area of a single sign may not be larger than the CMSA of all nonexempt signs or freestanding signs. This includes instances where the cumulative maximum or freestanding sign area calculation prohibits any single sign from meeting the maximum sign area, in which case, the more restrictive requirement limiting total cumulative sign area shall apply.