

**CITY COUNCIL
AGENDA ITEM 6A**

STAFF ORIGINATOR: Katie Larsen, City Planner

MEETING DATE: March 13, 2023

TOPIC: Consider 1st Reading of Ordinance No. 01-23 City Code Chapter 1010: Signs

INTRODUCTION

City Code Chapter 1010: Signs regulates signs. In 2014, the City amended the sign ordinance. Staff is proposing another amendment to the ordinance to reflect changes that have transpired from a federal court case. Kristin Nierengarten, attorney with Rupp, Anderson, Squires, Waldspurgen, & Mace, presented the sign ordinance amendment to Council at the March 6, 2023 Work Session.

BACKGROUND

The main purpose of the revisions to the City’s sign ordinance is to bring the ordinance in line with the U.S. Supreme Court decision in *Reed v. Town of Gilbert*, which determined that content-based regulation of signs are generally impermissible and could violate the First Amendment. In short, the court said that government can’t regulate signs based on the communicative intent or message of those signs. The courts have signaled, however, that concerns for safety can justify content-based sign regulations and that distinctions can be drawn for on-premise versus off-premise signs and commercial versus non-commercial signs. The sign ordinance revisions reflect this evolution in case law.

A secondary goal of revising the sign ordinance is to increase its clarity and readability to ease administration and enforcement. This includes cutting down on unused definitions, standardizing language, and addressing potential conflicts or unnecessary language.

For the most part, the revisions are geared toward maintaining the City’s original intent in its sign regulation, while eliminating disallowed content-based regulations.

Planning & Zoning Board

The Planning & Zoning Board held a public hearing on February 8, 2023. Public comments included the request to increase the size of dynamic display signs from 20sf to 50sf. Staff recommended an increase to 32sf. The Board recommended approval of the sign ordinance with the condition that obscene signs be addressed and that staff research dynamic signs and bring back information to the Board at a later date. Obscene sign language has been added to the revised sign ordinance under Section 1010.005 Prohibited Signs.

Work Session

On February 28, 2023, Paul Selbitschka, owner of Precision Tune Auto Care, contacted staff and asked about increasing the dynamic sign size to 32sf. At the March 6, 2023 Work Session, Council agreed to increase the size to 32sf with an 8 second hold. This change is reflected in the revised ordinance.

RECOMMENDATION

Staff recommends approval of the proposed sign ordinance amendment.

ATTACHMENTS

1. Ordinance No. 01-23 City Code Chapter 1010: Signs

1 st Reading:	Publication:
2 nd Reading:	Effective:

**CITY OF LINO LAKES
ORDINANCE NO. 01-23**

ORDINANCE AMENDING CITY CODE CHAPTER 1010: SIGNS

The City Council of Lino Lakes ordains:

Section 1. Findings. The City Council finds that the amended sign ordinance protects the public health, safety, comfort, convenience, and general welfare of the residents of the community.

Section 2. Amendment. The Lino Lakes City Code Chapter 1010: Signs is hereby repealed in its entirety and replaced with the following attached exhibit:

Exhibit A: Chapter 1010: Signs

Section 3. Effective Date. This Ordinance shall be effective from and after its passage and publication according to the Lino Lakes City Charter.

Adopted by the Lino Lakes City Council this 27th day of March, 2023.

The motion for the adoption of the foregoing ordinance was introduced by Councilmember _____ and was duly seconded by Councilmember _____ and upon vote being taken thereon, the following voted in favor thereof:

The following voted against same:

Rob Rafferty, Mayor

ATTEST:

Hannah Lynch, City Clerk

Exhibit A:
Chapter 1010: Signs

CHAPTER 1010: SIGNS

Section

1010.001	Purpose, intent and findings
1010.002	Definitions
1010.003	Administration and enforcement
1010.004	Non-conforming Signs
1010.005	Prohibited Signs
1010.006	General regulations applicable to all zoning districts
1010.007	Temporary Signs
1010.008	Zoning district regulations
1010.009	Substitution Clause
1010.010	Severability

§ 1010.001 PURPOSE, INTENT AND FINDINGS.

(1) *Purpose and intent.* It is not the purpose or intent of this sign chapter to regulate the message displayed on any sign; nor is it the purpose or intent to regulate any building design or any display not defined as a sign, or any sign with a message that cannot reasonably be viewed from off the property on which the sign is displayed. Rather, the sign chapter is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe and attractive community, and the need for effective communications. It is the intent of this chapter to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public and to use signs that meet the city's goals by authorizing:

- (a) Permanent signs that establish a high standard of aesthetics;
- (b) Signs that are compatible with their surroundings;
- (c) Signs that are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or unduly distract motorists;
- (d) Signs that are large enough to convey the intended message and to help citizens find their way to intended destinations;
- (e) Signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;
- (f) Permanent signs that give preference to the on-premise owner or occupant; and
- (g) Temporary commercial speech signs and off-premise signs that provide an opportunity for special events while restricting signs that create continuous visual clutter and hazards at public right-of-way intersections.

(2) *Findings.* The City of Lino Lakes finds it is necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size, and maintenance of signs be controlled. Further, the city finds:

- (a) Permanent and temporary signs have a direct impact on and relationship to the image of the community;
- (b) The manner of installation, location, and maintenance of signs affects the public health, safety, welfare, and aesthetics of the community;
- (c) An opportunity for viable identification of community businesses and institutions must be established;
- (d) The safety of motorists, cyclists, pedestrians, and other users of public streets and property is affected by the number, size, location, and appearance of signs that unduly divert the attention of drivers;
- (e) Installation of signs suspended from, projecting over or placed on the tops of buildings, walks, or other structures may constitute a hazard during periods of high winds and an obstacle to effective firefighting and other emergency services;
- (f) Uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;
- (g) Uncontrolled and unlimited signs, particularly temporary signs which are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information;
- (h) Commercial speech signs are generally incompatible with residential uses and should be strictly limited in residential zoning districts;
- (i) The right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location, and number; and
- (j) Light pollution creates negative impacts on the community, particularly in residential, and rural areas.

§ 1010.002 DEFINITIONS.

The following words and terms, when used in this sign chapter, shall have the following meanings, unless the context clearly indicates otherwise.

BANNER. A temporary sign made of cloth, flexible plastic or other fabric, except that flags shall not be considered **BANNERS**.

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

DIRECTIONAL SIGNS. A sign providing noncommercial directional information about the use or uses on the property where the sign is located.

DYNAMIC DISPLAY. Any characteristics of a sign that appear to have movement or that appear to change, however frequently, 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, but is not limited to, a sign display that incorporates a technology or method allowing the image on the sign face to change without having to physically or mechanically replace the sign face or its components. This also includes, but is not limited to, 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. This does not include digital signs with fixed content that changes less than once per hour, provided that none of the content displayed appears to have movement or to otherwise change during the minimum one-hour display period.

FLAG. Any cloth, flexible plastic, or fabric containing distinctive colors, patterns, or symbols that is attached along one side to one pole or attached to a rope on one pole that allows for raising and lowering the flag.

FAÇADE. That portion of any exterior elevation on a building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

FLASHING SIGN. An illuminated sign on which the illumination is not kept constant in intensity or color at all times when the sign is in use.

GROUND SIGN. Any freestanding sign supported by or upon standards, poles, beams, or other supports or foundation directly affixed to the ground.

IDENTIFICATION OR NAMEPLATE SIGN. A sign that bears the name or address or both of the business or the occupant of the building on which it is located.

ILLUMINATED SIGN. A sign that has an artificial light source directed upon it or that has an interior light source.

MARQUEE AND CANOPY SIGNS. Any message or identification that is permanently affixed to a projection or extension of a building or structure, erected in a manner as to provide shelter or cover over the approach to any entrance of a store, building, or place of public assembly.

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.

OFF-PREMISE SIGN. A sign that directs attention to a business, profession, commodity, service, or entertainment not exclusively related to the premises where a sign is located or to which it is affixed.

ON-PREMISE SIGN. A sign that directs attention to a business or profession or to a commodity, service, or entertainment sold or offered upon the premises where such a sign is located.

PENNANT. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind. Sometimes called **STRINGER**.

PORTABLE SIGN. A temporary sign that is designed or intended to be moved or transported that is parked or placed for the primary purpose of displaying the sign to a public right-of-way. Examples of portable signs include:

- Signs on trailers or on wheels, with or without text and/or graphics;
- Commercial signs mounted on a vehicle when the vehicle is parked and visible from a public right-of-way, except signs that are one (1) square foot in area or less.

PROJECTING SIGN. A permanent sign affixed to an exterior wall or roof of a building and that is perpendicular to the building wall.

PYLON SIGN. A permanent, free-standing ground sign erected upon a post or posts.

SANDWICH BOARD. A temporary on-premise sign constructed to form an “A” or a tent-like shape, placed in front of a business.

SIGN. Any writing, pictorial presentation, number, illustration or decoration, or other communication device, whether painted, posted, printed, affixed, or constructed, including associated brackets, braces, supports, wires, and structures, that is used to announce, direct attention to, identify, inform, communicate, or otherwise make anything known and that is visible from off the property on which the sign is located.

SIGN AREA. The entire area of a temporary or permanent sign within a single continuous perimeter enclosing the extreme limits of the actual sign surface, but excluding any structural or supporting elements such as uprights, aprons, poles, beams, or standards. For double-faced signs, the sign area shall be computed on the basis of one (1) face of the sign.

SIGN HEIGHT. Height shall be measured from grade to the uppermost points or level of sign structure.

TEMPORARY SIGNS. A sign which is designed or intended to be displayed for a short period of time and is not permanently installed. This includes items such as banners, beacons, sandwich signs, balloons, or other air or gas filled figures.

WALL SIGN. A permanent sign attached to or erected against the wall of a building or structure with the exposed face to the sign in a plane approximately parallel to the face of the wall and extending not more than 15 inches from the building wall face.

§ 1010.003 ADMINISTRATION AND ENFORCEMENT.

(1) *Permit required.* No temporary or permanent sign shall be erected, altered, reconstructed, or moved in the city without first securing a permit from the city, unless this chapter specifically states otherwise. The permit holder shall be responsible for all of the requirements of this chapter, including the liability for expense of removal and maintenance incurred by the city.

(2) Sign permit fees shall be as specified in the city fee schedule. Double permit fees shall be assessed if the permit is pulled after the sign is placed.

(3) *Repairs.*

(a) All signs shall be maintained in good condition and the areas around them kept free from debris, bushes, high weeds, and from anything else that would be an eyesore or nuisance. All signs must be maintained to prevent the sign from becoming unkempt in appearance. When any ground sign is removed, the entire surrounding area shall be cleared of all debris and unsightly projections and protrusions.

(b) Any sign located in the city that may now be or hereafter becomes out of order, rotten, or unsafe and every sign that shall hereafter be erected, altered, resurfaced, reconstructed, or moved contrary to the provisions of this sign chapter, shall be removed or otherwise properly secured in accordance with the terms of this sign chapter by the owners of the sign or by the owners of the property on which the sign is located, upon receipt of notice from the city to do so. No rotten or other unsafe sign shall be repaired or rebuilt except in accordance with the provisions of this sign chapter and upon proper permit issued by the issuing authority.

(4) *Removal.* In the event of the failure of the owner or person or entity having control of any sign or the owner of the property on which the sign is located to remove or repair the sign within 60 days after the use is terminated, a notice shall be given and the sign may be removed by the city at the expense of the owner or manager of the sign or the owner of the property upon which the sign stands.

(5) *Violations.* Any violation of this chapter shall constitute a misdemeanor. Each day of the violation shall constitute a separate offense.

§ 1010.004 NON-CONFORMING SIGNS

(1) Nonconforming signs. The city recognizes that signs exist within the zoning districts that were lawful before this sign chapter was enacted, which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. It is the intention of this sign chapter that nonconforming signs shall be allowed to continue to exist, but they shall not be enlarged upon, expanded or extended, nor be used as the grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this sign chapter to permit legal nonconforming signs existing on the effective date of this sign chapter, or amendments thereto, to continue as legal nonconforming signs provided the signs are safe, are maintained so as not to be unsightly, and have not been abandoned or removed subject to the following provisions:

(a) No sign shall be enlarged or altered in a way that increases its nonconformity;

(b) Should the sign or sign structure be destroyed by any means to an extent greater than 50 percent of its replacement cost and no building permit has been applied for within 180 days of when the property was damaged, it shall not be reconstructed except in conformity with the provisions of this chapter;

(c) Should the sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved;

(d) No existing sign devoted to a use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, extended, or moved except in changing the sign to a sign permitted in the zoning district in which is it located; and

(e) When a structure loses its nonconforming status, all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be repainted in a neutral color or a color that will harmonize with the structure.

§ 1010.005 PROHIBITED SIGNS.

The following types of signs are prohibited in all districts:

(1) Off-premise signs as defined in this chapter, except as otherwise permitted in City Code Section 1010.006 or 1010.007.

(2) Signs within public right-of-way, affixed to public structures or public utility poles or boxes or other public equipment, or on other public property except signs erected or placed by a government entity with proper authority or control. A special exception may be granted by the City Council if road improvements or other public projects include the elimination of an access to a private property. In these cases, a sign giving directions to the new access may be allowed in the right-of-way.

(3) Signs painted on, attached to, or affixed to any trees, rocks, or other similar organic or inorganic natural matter.

(4) Any sign, signal, marking, or device that 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 that attempts to direct the movement of traffic or that hides from view or interferes with the effectiveness of any official traffic-control device or railroad sign or signal. Further, no sign shall be installed, which by reason of position, shape, or color would conflict with proper function or interpretation of any traffic sign or signal.

(5) Signs with revolving beacons, flashing signs, or similar lighted devices.

(6) Signs that obstruct any door, fire escape, stairway, or other access of any building or structure.

(7) Portable signs, except as otherwise permitted in City Code Section 1010.007.

(8) Projecting signs that extend over public property, except with an encroachment agreement, which the city may agree to at the city's discretion.

(9) Roof signs, including signs mounted on a roof surface or projecting above the roof line of a structure if either attached to the structure or cantilevered over the structure.

(10) Abandoned signs or signs, other than temporary off-premise signs, that advertise an activity, business, product, or service no longer available on the premises on which the sign is located.

(11) Pennants or stringers.

(12) Any sign displaying obscene, indecent, immoral, or offensive content.

(13) Any signs not specifically allowed by this chapter.

§ 1010.006 GENERAL REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS

(1) Signs erected or placed by a government entity with proper authority or control within a public right-of-way, affixed to public structures or public utility poles or boxes or other public equipment, or on other public property are allowed in all zoning districts without a permit and are not subject to the limits or restrictions stated in this sign chapter.

(2) All permanent signs shall be constructed in conformance with the provisions of the Minnesota State Building Code, as amended, and City Code Chapter 1003.

(3) Signs in windows in the interior of buildings are exempt from this chapter, except that no more than 75 percent of any window may be covered by signage and no dynamic display signs shall be allowed to be displayed in windows. No signs may be attached to the exterior of windows.

(4) “No hunting” and “No trespassing” signs are allowed as regulated by Minnesota Statutes § 97B.001, as it may be amended from time to time. No permit is required.

(5) Illuminated signs are allowed in all zoning districts. The source of light for any illuminated sign must be controlled so as not to shine directly upon or light adjacent property or public right-of-way. Signs that are not internally illuminated shall have light fixtures and sources screened from view.

(6) Dynamic display signs. No more than 32 square feet of the allowable sign area provided for in City Code Section 1010.008 shall be used for dynamic display signs, except that in Rural and Residential zoning districts dynamic display signs shall only be allowed for non-residential uses. The minimum display period for any message shall be eight (8) seconds. No dynamic display signs may be placed in windows.

(7) Signs, including individual letters and symbols, must be detachable from the building and attached to the exterior building surface by adhesive or mechanical fasteners. Signs shall not be painted directly on any exterior building surface.

(8) *Signs in election years.* In state general election years, the provisions of Minnesota Statutes § 211B.045, as amended, shall apply. Notwithstanding other provisions of this chapter regulating the allowed size or number of signs, in city election years, all temporary noncommercial signs of any size may be posted in any number without a permit from 30 days before the city election until ten (10) days following the city election. Other requirements of this chapter, including those regarding the location of signs, shall continue to apply.

(9) Directional signs up to four (4) square feet are allowed up to six (6) feet above grade without a permit.

(10) The exposed uprights, superstructure, or back side of all signs must be a neutral color such as light blues, grays, greens, or browns, unless the part of the sign is integral to the overall design of the sign.

(11) *Multi-occupancy business and industrial buildings.* When a single principle building is devoted to three (3) or more businesses or industrial tenants, a comprehensive sign plan for the entire structure shall be submitted and shall be of sufficient scope and detail to permit a determination as to whether or not the plan is consistent with the following regulations. The plan shall be subject to the approval of the City Council. No permit shall be issued for an individual tenant except upon a determination that it is consistent with the approved comprehensive sign plan.

(a) The maximum individual tenant sign sizes shall not exceed the maximum provisions for single occupancy structures in the same zoning district.

(b) Multiple occupancy structures may display a unified ground sign consistent with the applicable district provisions. At least 25 percent of the ground sign must identify the entire site to assist with navigation to the site. Individual tenants shall not display ground signs.

(c) Except as provided in this chapter, individual tenants of multiple occupancy structures shall not display separate wall signs unless the tenant's business has an exclusive exterior entrance. The number of signs shall be limited to one (1) per building façade that the tenant occupies, and each sign shall be limited to the maximum wall sign size permitted per building façade for single occupancy structures in the same zoning district.

(d) In any multiple occupancy structure qualifying as a mall type shopping center, one (1) sign not exceeding 50 square feet shall be permitted for each common public entrance and shall be located within 50 feet of the common public entrance being served.

(12) Street addresses required to comply with address ordinances or building codes do not require a sign permit.

(13) Flags

(a) Non-commercial flags are not regulated by this sign chapter.

(b) One (1) commercial flag is allowed per property without a permit. Additional commercial flags shall be regulated as permanent signage, subject to the permitting requirements and sign area limits set by this chapter.

§ 1010.007 TEMPORARY SIGNS

(1) *Temporary Signs for Residential Uses.* Except as set forth in this chapter, all residential uses in Rural and Residential zoning districts shall be allowed one (1) temporary on-premise or noncommercial sign up to six (6) square feet placed at least ten (10) feet from the lot line. This sign shall be in the form of a ground sign. Such sign may be placed without a permit and there is no time limit for the display of such sign. Only one (1) ground sign, whether temporary or permanent, is permitted per residential use.

(2) *Temporary Signs for Non-Residential Uses.* All uses other than those addressed in Section 1010.007(1) shall be allowed temporary on-premise or noncommercial signs in accordance with the following regulations:

a. Except as specifically authorized by this sign chapter, one (1) temporary sign is allowed per property. The maximum number of temporary signs for properties with multi-occupancy buildings shall be one (1) per tenant, with no more than three (3) per property displayed at one time.

b. Except as specifically authorized by this chapter, temporary signs may not be displayed for more than a cumulative total of 90 days per calendar year per property. Properties with multi-occupancy buildings shall be allowed to display temporary signs for 90 days per calendar year per tenant.

c. Except as specifically authorized by this chapter, temporary signs may not be displayed without a permit and a single permit shall not exceed 30 consecutive days. Each permit must indicate the number of days and the dates the sign is to be displayed. Permits shall be signed by the property owner and/or property manager and are not transferrable if the property comes under new ownership, occupancy, or management. A fee and deposit at a level established by ordinance adopted by the City Council is required. The deposit shall be forfeited if the sign remains displayed past the date of removal indicated on the permit. The city has the right to remove the temporary sign at the end of the permit period and collect the cost of removal from the permit holder and/or property owner.

d. When a property is under construction or for sale, one (1) temporary sign is allowed to be displayed on each of the property's street frontages without a permit, subject to the following restrictions:

- i. Each such sign must be set back at least ten (10) feet from the lot line.
 - ii. For properties that are under ten (10) acres, the maximum size of each such sign shall be 32 square feet. For properties that are ten (10) acres or more, the maximum size of each such sign shall be 100 square feet.
 - iii. If construction or sale is of a single structure or parcel, any signs displayed under this provision must be removed within 30 days after the issuance of a certificate of occupancy for or sale of the structure or parcel. If it is of more than one (1) structure or parcel, any sign displayed under this provision must be removed 30 days after a certificate of occupancy is issued for the last building or when all of the units or parcels are sold.
- e. No temporary sign shall have lighting or illumination of any sort.
- f. All temporary signs shall be subject to the requirements in Table 1:

<i>Table 1. Temporary Sign Requirements</i>				
<u><i>Sign Type</i></u>	<u><i>Permit Required</i></u>	<u><i>Size (square feet)</i></u>	<u><i>Location</i></u>	<u><i>Special Provisions</i></u>
Ground Signs	Required	See Table 2	See Table 2	Temporary ground signs shall be allowed consistent with the size, number, and location limits set forth in Table 2 based on the zoning district and in lieu of permanent ground signs allowed thereunder. The total number and size of temporary and/or permanent ground signs shall not exceed the limits set in Table 2. The

Table 1. Temporary Sign Requirements

<u><i>Sign Type</i></u>	<u><i>Permit Required</i></u>	<u><i>Size (square feet)</i></u>	<u><i>Location</i></u>	<u><i>Special Provisions</i></u>
				maximum height of a temporary ground sign shall not exceed ten (10) feet in height as measured from the ground.
Banner	Required	32 square feet maximum sign area.	All four (4) corners must be attached to the principal building on the site.	N/A
Portable Signs	Required	32 square feet maximum sign area.	Must be set back a minimum of five (5) feet from lot line.	N/A
Sandwich Boards	Required	Six (6) square feet maximum sign area.	1. Must be in front of space occupied by the permit holder.	1. Sign permit is valid as long as the permit holder is in operation at the location.
			2. No further than ten (10) feet from door of the building occupied by the permit holder.	2. Can only be displayed during business hours; must be brought inside when business closes each day.

<i>Table 1. Temporary Sign Requirements</i>				
<u><i>Sign Type</i></u>	<u><i>Permit Required</i></u>	<u><i>Size (square feet)</i></u>	<u><i>Location</i></u>	<u><i>Special Provisions</i></u>
			3. Must maintain four (4) feet clear area for pedestrian passage, including distance from tables, opening doors, planters, and the like.	3. Sandwich board signs must be of solid construction, of material resistant to weather, resistant to being knocked over by wind. Signs must be always be maintained in good condition and avoid a shabby, unkempt appearance.
			4. Must not be in parking area.	
Balloons or Inflatable Signs	Not required	24 inches diameter maximum sign area	N/A	N/A

(3) Temporary Off-Premise Signs are allowed, without a permit, on any property as follows:

(a) The sign must be set back at least five (5) feet from a lot line;

(b) Only one (1) temporary off-premise sign shall be allowed per property and may be displayed only if the property is not displaying any other temporary sign allowed under this Section 1010.007;

(c) Placement of the sign shall require permission from the underlying property owner;

(d) The sign shall only be displayed between 6:00 a.m. on a Friday and 6:00 a.m. the following Monday; and

(e) The sign area shall be no larger than three (3) square feet in area and no higher than four (4) feet above the ground to which it is attached.

(4) In PUD, Planned Unit Development Districts, temporary signs are regulated according to the standards for the corresponding land use and zoning category as stated in this section, except that a sign plan with differing requirements may be approved by the city.

§ 1010.008 ZONING DISTRICT REGULATIONS.

(1) Permanent signs in each zoning district must comply with the requirements of Table 2 of this section:

Table 2 Permanent Sign Requirements. All permanent signs shall be subject to the following requirements:	
(a) Rural and Residential Zoning Districts	
Sign Type	R Rural, R-X Rural Executive, R-1, R-1X, R-2, R-3, R-4, R-5 and R-6 Residential Districts Requirements,
Identification or Nameplate Signs	One (1) per residence to assist with navigation.
	Maximum sign area of two (2) square feet.
	No sign permit is required.
Signs at Neighborhood Entrances	One (1) ground sign may be placed at entrances to a neighborhood by a homeowners' association, developer, or other person or entity with ownership or control over the property; the number of the signs per neighborhood shall be determined by the city, with consideration for the number of entrances to the neighborhood.
	Maximum sign area of 24 square feet.
	Maximum height of six (6) feet.
Ground Signs	Each property with a residence may have one (1) ground sign, temporary or permanent, without a permit. The maximum size is six (6) square feet. This sign may be an on-premise sign or a sign containing only non-commercial speech. There is no time limit for such a sign.
	In addition, non-residential uses and licensed residential care facilities that are allowed by the Zoning Ordinance, and manufactured home parks in R-6 zones, may have one (1) ground sign with a maximum sign area of 50 square feet. The maximum height of the sign shall be eight (8) feet.
Building Wall Signs	Non-residential uses and licensed residential care facilities that are allowed by the Zoning Ordinance, and manufactured home parks in R-6 zones, may have one (1) wall sign on one (1) building, maximum 80 square feet.
Property Setback	No sign shall be closer than ten (10) feet to any lot line.

(b) NB, Neighborhood Business Zoning District

Sign Type	Single and Double Occupancy Building Requirements	Multi-Occupancy Building Requirements
Ground Signs	One (1) ground sign of any type	If a single building has three (3) or more businesses, it must comply with § 1010.006(11) and shall be limited to one (1) ground sign
	Maximum sign area of 50 square feet.	Maximum sign area of 100 square feet.
	Maximum sign height of 30 feet.	
	No closer than 50 feet to another ground sign.	
Building Wall Signs	Total wall sign area shall not exceed: 100 square feet or 10% of the building façade area, whichever is greater.	
	Wall signs are permitted on any façade that is not directly adjacent to a residential zone. For the purposes of this section a road shall constitute a separation of zones.	Sign for individual business only if business has separate entrance. Maximum sign size applies to that tenant’s wall area and signs are permitted only on a facade that is not directly adjacent to a residential zone. For purposes of this section a road shall constitute a separation of zones.
	No illuminated sign may face land zoned residential or guided residential by comprehensive plan. For the purposes of this section a road shall constitute a separation of zones.	
	No wall sign higher than parapet wall.	
Property setback	No sign may be closer than five (5) feet to any lot line.	

(c) LB, Limited Business Zoning District			
Sign Type	Single and Double Occupancy Building Requirements	Multi-Occupancy Building Requirements	Motor Fuel Station Requirements
Ground Signs	One (1) ground sign of any type	If single building has three (3) or more businesses, it must comply with § 1010.006(11) and shall be limited to one (1) ground sign of any type	One (1) ground sign per frontage, which could be a pylon sign, meeting the following requirements:
	Maximum sign area of 50 square feet.	Maximum sign area of 100 square feet.	Maximum sign area of 80 square feet.
	Maximum sign height of 30 feet.		Maximum sign height of 45 feet height.
	Shall not be located closer than 50 feet to another ground sign.		
Building Wall Signs	Total wall sign area shall not exceed: 100 square feet or 10% of the building façade area, whichever is greater.		
	Wall signs are permitted on any façade that is not directly adjacent to a residential zone. For the purposes of this section a road shall constitute a separation of zones.	Sign for individual business only if business has separate entrance. Maximum sign size applies to that tenant's wall area and signs are permitted only on a facade that is not directly adjacent to a residential zone. For purposes of this section a road shall constitute a separation of zones.	Canopy signs must comply with conditional use permit requirements in Zoning Ordinance.
	No illuminated sign may face land zoned residential or guided residential by the comprehensive plan. For the purposes of this section a road shall constitute a separation of zones.		
	No wall sign higher than parapet wall.		
Property setback	No sign may be closer than five (5) feet to any property line.		

(d) GB, General Business and PSP, Public Semi-Public Zoning Districts			
Sign Type	Single and Double Occupancy Building Requirements	Multi-Occupancy Building Requirements	Motor Fuel Station Requirements
Ground Signs	One (1) ground sign of any type per parcel	If single building has three (3) or more businesses, it must comply with § 1010.006(11)	One (1) ground sign per frontage, which could be a pylon sign, meeting the following requirements: Maximum sign area of 80 square feet.
	Ground signs may total two (2) square feet per frontage foot up to a maximum sign area of 200 square feet.		Maximum sign height of 45 feet.
	Maximum sign height of 40 feet.		If between Town Center Parkway and Apollo Drive near the interchange of Interstate 35W and Lake Drive or between 21st Avenue North and Otter Lake Road near the interchange of Interstate 35E and Main Street, one (1) additional sign is allowed consistent with the following standards: 1. For a pylon sign: a. Maximum sign area of 100 square feet. b. Maximum sign height of 65 feet. 2. For a ground sign: a. Maximum sign area of 32 square feet. Maximum sign area of 32 square feet. b. Maximum sign height of 30 feet.
	Shall not be located closer than 50 feet to another ground sign.		
Building Wall Signs	Total wall sign area shall not exceed: 100 square feet or 10% of the building façade area, whichever is greater		
	Wall signs are permitted on any façade that is not directly adjacent to a residential zone. For the purposes of this section a road shall constitute a separation of zones.	Sign for individual business only if business has separate entrance. Maximum sign size applies to that tenant's wall area and signs are permitted only on a facade that is not directly adjacent to a residential zone. For purposes of this section a road shall constitute a separation of zones.	Wall signs are permitted on any façade that is not directly adjacent to a residential zone. For the purposes of this section a road shall constitute a separation of zones.
			Canopy signs must comply with conditional use permit requirements in Zoning Ordinance.
No illuminated sign may face land zoned residential or guided residential by the comprehensive plan. For the purposes of this section a road shall constitute a separation of zones.			

(d) GB, General Business and PSP, Public Semi-Public Zoning Districts			
Sign Type	Single and Double Occupancy Building Requirements	Multi-Occupancy Building Requirements	Motor Fuel Station Requirements
	No wall sign higher than parapet wall.		
Property setback	No sign may be closer than five (5) feet to any lot line.		

(e) LI, Light Industrial, GI, General Industrial, and BC, Business Campus Zoning Districts		
Sign Type	Single and Double Occupancy Buildings	Multi-Occupancy Building Requirements
Ground Signs	Individual sign allowed only if business is not part of integrated retail complex.	If single building has three (3) or more businesses, it must comply with § 1010.006(11)
	Ground signs of any type totaling two (2) square feet per frontage foot up to a maximum sign area of 200 square feet.	
	Maximum sign height of 40 feet.	
	Shall not be closer than 50 feet to another ground sign.	
Building Wall Sign	Total wall sign area shall not exceed: 100 square feet or 10% of the building façade area, whichever is greater	
	Wall signs are permitted on any façade that is not directly adjacent to a residential zone. For the purposes of this section a road shall constitute a separation of zones.	Sign for individual business only if business has separate entrance. Maximum sign size applies to that tenant’s wall area and signs are permitted only on a facade that is not directly adjacent to a residential zone. For purposes of this section a road shall constitute a separation of zones.
	No illuminated sign may face land zoned residential or guided residential by the comprehensive plan. For the purposes of this section a road shall constitute a separation of zones.	
	No wall sign higher than parapet wall.	
Property Setback	No sign may be closer than five (5) feet to any lot line.	

(2) In PUD, Planned Unit Development Districts, permanent signs are regulated according to the standards for the corresponding land use and zoning category as stated in this

section, except that a sign plan with differing requirements may be approved by the city.

§ 1010.009 SUBSTITUTION CLAUSE

The owner of any sign that is otherwise allowed by this sign chapter may substitute noncommercial speech in lieu of any other commercial or noncommercial speech. This substitution of sign content 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.

§ 1010.010 SEVERABILITY

If any section, division, sentence, clause, or phrase of this sign chapter is, for any reason, held to be invalid, the decision shall not affect the validity of the remaining portions of this sign chapter. The City Council hereby declares that it would adopt the sign chapter in each section, division, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.