

ORDINANCE 260

AN ORDINANCE AMENDING SECTION 13.5 OF ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE RELATING TO SIGNAGE

SECTION ONE:

The City Council of the City of Arlington, Minnesota to promote the public safety, health, and welfare, hereby ordains Section 13.5 (Signs) of Ordinance 169 shall be amended as follows:

SUBDIVISION 1. FINDINGS.

The City Council hereby finds:

- A. Exterior signs have a substantial impact on the character and quality of the environment.
- B. Signs provide an important medium through which individuals may convey a variety of messages.
- C. Signs can create traffic hazards, aesthetic concerns, and detriments to property values, thereby threatening the public health, safety, and welfare.
- D. The City has previously regulated 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 citizens from a proliferation of signs of a type, size, location, and character that would adversely impact the public health, safety, and welfare.

SUBDIVISION 2. PURPOSE AND INTENT.

The purpose and intent of this Section is to:

- A. Regulate the number, location, size, type, illumination, and other physical characteristics of signs within the city in order to promote the public health, safety, and welfare.
- B. Maintain, enhance, and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.
- C. Provide an effective means of communication, consistent with constitutional guarantees and the city's goals of public safety and aesthetics.
- D. Provide for fair and consistent enforcement of sign regulations under the zoning authority of the city.
- E. It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign, to regulate any building design or display not defined as a sign, or any sign which cannot be viewed from outside of a building.

SUBDIVISION 3. EFFECT.

The effect of this Section is to:

- A. Allow a wide variety of sign types in commercial zones and a more limited variety of signs in other zones subject to the standards herein.
- B. 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.
- C. 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 lesser impact on the environment and the public health, safety, and welfare.
- D. Provide for enforcement of this Section through the enforcement provisions contained in the Zoning Ordinance.
- E. A sign may be erected, displayed, or maintained in the city if it is in conformance with the provisions of these regulations.

SUBDIVISION 4. DEFINITIONS.

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

Multiple Tenant Site: A site which has more than one tenant and each tenant has a separate ground level exterior public entrance.

Non-Commercial Speech: Dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service, and informational topics.

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

Sign, Abandoned: A sign shall be defined as abandoned when one of the following occurs:

- A. A sign and/or supporting structure remains without a message or whose display surface remains blank for a period of one or more years.
- B. A sign pertains to a time, event, or purpose which no longer applies.
- C. A sign remains after demolition of a principal structure and a building permit has not been issued for construction of a replacement principal structure.

Sign, Awning: A building sign or graphic printed on or in some fashion attached directly to the material of an awning which projects over a window, walk, or the like. Any part of an awning which also extends over a door shall be considered an awning.

Sign, Business: A sign attached to or supported by any structure used or intended for supporting or sheltering any use or occupancy.

Sign, Canopy: A sign that is part of or attached to a canopy or structural protective cover over a

door or entrance.

Sign, Face: The surface of the sign upon, against, or through which the message of the sign is exhibited.

Sign, Flashing: Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use.

Sign, Freestanding: A sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

Sign, Ground: A freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding eight feet.

Sign, Height: The vertical distance measured from the base of the sign at average grade to the top of the highest attached component of the sign.

Sign, Illuminated: Any sign which has characters, letters, figures, designs, or outlines illuminated by internal or external electric lights or luminous tubes as part of the design.

Sign, Monument: A freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding eight feet.

Sign, Nameplate: Any sign which states the name or address or both of the business or occupant of the lot where the sign is placed.

Sign, Non-Conforming: A sign and its support structure lawfully erected prior to the effective date of this ordinance which fails to conform to the requirements of this ordinance.

Sign, Off-premise: 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 premises where such business sign is located. Easements shall be considered to be outside such platted parcels of land and any sign located or proposed to be located in an easement or shall be considered an off-premise sign.

Sign, On-premise: A sign which identifies or advertises an establishment, person, activity, goods, products, or services located on the premises where the sign is installed.

Sign, Portable: A sign purposefully designed to be transported, including by trailer or on its own wheels.

Sign, Projecting: Any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two feet beyond the surface or such building or wall face.

Sign, Pylon (pole sign): A freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

Sign, Roof: A sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Sign, Rotating: A sign which revolves or rotates on its axis by mechanical means.

Sign, Structure: Any structure including the supports, uprights, bracing, and framework which

supports or is capable of supporting any sign.

Sign, Stringer: A line of string, rope, cording, or an equivalent to which is attached a number of pennants.

Sign, Surface Area of: The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including any structural elements outside the limits of such sign and not forming an integral part of the display, (only one side of a double-face or V-type structure shall be used in computing total surface area.)

Sign, Suspended: A building sign that is suspended from the underside of a horizontal plane surface and is connected to this surface.

Sign, Wall: A building sign attached parallel to but within two feet of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign face.

Sign, Window: A building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes/glass and is visible from the exterior of the window.

Total Site Signage: The maximum permitted combined area of all freestanding and wall identification signs allowed on a specific property.

SUBDIVISION 5. PERMIT/FEE REQUIRED.

- A. No sign shall be erected, altered, reconstructed, maintained, or moved in the city without first securing a 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. Application for a permit shall be in writing and shall contain the following information:
1. Name(s) and address(es) of the owners of the display structure and property;
 2. The address at which sign is/are to be erected;
 3. The legal description of the subject property;
 4. The type of sign;
 5. The cost of the sign;
 6. The proposed sign dimensions and placement on the subject property;
 7. If the proposed sign is located within a public road right of way or an easement, the Applicant must obtain written permission from the appropriate jurisdiction. A copy of said written permission, if provided by a jurisdiction other than the City of Arlington, may be required.
- B. The permit application shall be accompanied by the required fee as specified by the fee schedule.
- C. The city shall approve or deny the permit within the time period under Mn. Stat. 15.99. If

the requirements of this Section and other applicable standards contained within the Zoning Ordinance are met the permit shall be approved.

SUBDIVISION 6. EXCEPTIONS.

- A. The following signs shall not require a permit. Although exempt from permitting requirements, this Subdivision shall not relieve the owner of the sign from the responsibility of its erection and maintenance, and compliance with the provisions of this ordinance or any other law or ordinance regulating the same.
 - 1. The changing of the display surface on a painted or printed sign, except a sign painted directly on a building.
 - 2. Signs eighteen (18) square feet or less in size.
 - 3. Public safety and traffic management signs erected by governmental units.

SUBDIVISION 7. GENERAL PROVISIONS.

- A. A sign shall not be greater than 250 square feet in area.
- B. A sign shall project no more than two feet over a sidewalk or public right-of-way.
- C. Any sign located in the city which becomes out of order, rotten, or unsafe shall be removed or otherwise properly secured by the owners of the sign or the owner(s) of the property on which the sign is located.
- D. Electrical signs must be installed in accordance with the current electrical code.
- E. The following are unauthorized signs:
 - 1. Any sign, signal, marking, or device which is similar to or imitates an official traffic control device, railroad sign or signal, and/or emergency vehicle signal.
 - 2. Signs painted, attached, or in any way affixed to trees, public utility poles, bridges, towers, or similar structures.
 - 3. Signs obstructing any window, door, fire escape, stairway, or opening intended to provide light, air, or access to any building.
- F. Setbacks.
 - 1. Signs shall be setback a minimum of five feet from a property line, except within the Central Business District.
 - 2. Signs shall not be placed in highway, street, or utility easements until the Applicant obtains written permission from the appropriate jurisdiction. A copy of said written permission, if provided by a jurisdiction other than the City of Arlington, may be required. Signs proposed to be placed within municipal easements shall require issuance of an interim use permit.
 - 3. Signs shall not obstruct a clear sight triangle at each corner of any intersection of two

public streets and/or the intersection of a public street and a railway. Said clear sight triangle shall be defined as beginning at the intersection of the projected curb lines of two intersection streets or a street and a railway, then proceeding twenty-five feet along one curb line, then proceeding diagonally to a point of twenty-five feet from the point of beginning on the other curb line and then proceeding to the point of beginning. In the event the City Engineer finds the required sight triangle inadequate, additional clear areas shall be required.

G. Calculation of Sign Area.

1. The area within the sign frame shall be used to calculate the square footage.
2. Square footage of signs mounted directly on a wall, window, or other structural surface without a sign frame shall be determined by drawing a box around the outermost periphery of letters or graphics. The square footage shall be that of the box surrounding the said letters or graphics.
3. Each surface used to display a message or to attract attention shall be measured as a separate sign and shall be calculated in the overall square footage.

H. External illumination for signs shall be constructed and maintained so that the source of light (e.g. bulb or illumination tube) is not visible from the public right-of-way or residential property.

I. Notwithstanding any other provision of this Section, all signs of any size containing non-commercial speech as defined in Subdivision 4 of this Section, may be posted from August 1 in any general election year until ten days following the general election and thirteen weeks prior to any special election until ten days following the special election.

SUBDIVISION 8. PERMITTED SIGNS BY ZONING DISTRICT.

A. R1/R2 Agriculture/Residence District; R-1 Single and Two Family Residential District; R-2 Multiple Family Residential District.

1. The following types of signs are not permitted:

- a. Awning signs;
- b. Balloon signs;
- c. Canopy signs;
- d. Rotating signs;
- e. Projecting signs; and,
- f. Pylon (or pole) signs.

2. Maximum sign area:

- a. Lots 10,000 square feet or less: eight square feet per surface with total area of all signs not to exceed sixteen square feet.

- b. Lots greater than 10,000 square feet but less than one acre: ten square feet per surface with total area of all signs not to exceed twenty square feet.
- c. Lots greater than one acre but less than ten acres: twelve square feet per surface with total area of all signs not to exceed twenty-four square feet.
- d. Lots greater than ten acres: sixteen square feet per surface with total area of all signs not to exceed thirty-two square feet.

B. B-1 Service Business District.

- 1. The following types of signs are not permitted:
 - a. Rotating signs; and,
 - b. Projecting signs.
- 2. Maximum sign area:
 - a. The total area of all signs shall not exceed two (2) square feet per lineal foot of lot frontage, ten (10) percent of the building's front façade, or seventy-five (75) square feet, whichever is greater. For corner lots, the "lot frontage" used to determine allowable sign area shall be the least dimension along a street, but an equivalent sign area shall be allowed facing the intersecting street.
 - b. The number of off-premise signs shall be limited to one (1) per one-hundred (100) feet of lot frontage. Such off-premise signs may contain up to two (2) signs per facing; however, each sign face shall not exceed fifty-five (55) feet in total length. No off-premise sign may be erected within one hundred (100) feet of an adjoining Residential District.
 - c. No sign shall project higher than six (6) feet above the height of the building, or thirty-two (32) feet above average grade at the building line, whichever is greater.

C. B-2 Central Business District.

- 1. The following types of signs are not permitted:
 - a. Flashing or rotating signs.
 - b. Off-premise signs.
- 2. The total area of all signs shall not exceed two (2) square feet per lineal foot of lot frontage, ten (10) percent of the building's front façade, or seventy-five (75) square feet, whichever is greater. For corner lots, the "lot frontage" used to determine allowable sign area shall be the least dimension along a street, but an equivalent sign area shall be allowed facing the intersecting street.
- 3. No sign shall project higher than six (6) feet above the height of the building, or thirty-two (32) feet above average grade at the building line, whichever is greater.

D. I-1 Light Industrial District.

- 1. The following types of signs are not permitted:

- a. Rotating signs; and
 - b. Projecting signs.
 - 2. The total area of all business signs on a lot shall not exceed three (3) square feet of each lineal foot of lot frontage or twenty (20) percent of the building frontage or three hundred (300) square feet in area, whichever is greater. Such signs may be illuminated.
 - 3. Advertising signs structures shall be limited to one (1) for a lot of one hundred (100) foot frontage or less and to only one (1) for each additional one hundred (100) feet of additional lot frontage. Such structures shall not exceed fifty-five (55) feet in length. No advertising sign may be erected within one hundred (100) feet of a Residential District. Such signs may be illuminated.
 - 4. Sign lighting shall not be directed toward a public right of way or any Residential District.
- E. I-2 Heavy Industrial District.
- 1. The following types of signs are not permitted:
 - a. Rotating signs; and
 - b. Projecting signs.
 - 2. Signs as regulated in Subdivision 8, (D), 2 (Light Industrial District) of this Section.
- F. P/I Public Institutional District.
- 1. The following types of signs are not permitted:
 - a. Projecting signs.
 - 2. Sign lighting shall not be directed toward a public right of way or any Residential District.
 - 3. Sign materials, sign structure, and the nature/character of the sign materials/structure shall be consistent with those employed within the public or institutional use and/or structure occupying the subject property.
 - 4. Sign types shall be harmonious with the existing use and/or structure occupying the subject property.

SUBDIVISION 9. NON-CONFORMING SIGNS.

- A. Signs pertaining to or advertising products sold on the premises of a non-conforming building or use may be continued only when the non-conforming use is permitted to continue and such signs shall not be expanded in number, area, height, or illumination. New signs shall not exceed the maximum allowed under the City's sign ordinance, and may be erected only after all other signs existing at the time of the adoption of this Ordinance have been removed. The accumulated square footage of new signs installed

shall not exceed the square footage of signs previously on site, or the amount allowed in the City's sign ordinance, whichever is less. New signs may not be illuminated unless the previous sign was illuminated, but flashing intermittent or moving illumination shall not be permitted.

- B. The standards of Section 14 of the Zoning Ordinance (Non-Conformance) shall apply to signs.

SUBDIVISION 10. VIOLATION/PENALTY.

Violation of this Section shall be subject to violation and penalty as prescribed in Section 19 of the Zoning Ordinance (Violations and Penalty).

SUBDIVISION 11. SEVERABILITY.

If any Subdivision, subsection, sentence, clause, or phase of this Section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Section.

SUBDIVISION 12. SUBSTITUTION.

The owner of any sign which is otherwise allowed by this sign ordinance may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting.

SUBDIVISION 13. REPEALER.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION TWO: EFFECTIVE DATE.

This Section shall be effective upon publication.

For City of Arlington

/s/ James R. Kreft

By James R. Kreft
Its Mayor

/s/ Matthew Jaunich

By Matthew Jaunich
Its City Administrator

First Reading: July 18, 2011
Second Reading: August 1, 2011
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