

AN ORDINANCE AMENDING CHAPTER 10 SECTION 10.500.0300, OUTDOOR SIGNS

The City Council of the City of Pine City, upon public hearing held the 6th of February 2019, and upon recommendation of the Ordinance Review Committee does hereby ordain the following amendments to the City of Pine City Code of Ordinances:

SECTION 10.500.0300: OUTDOOR SIGNS

SECTION 10.500.0305. Purpose.

This ordinance regulates all signs in Pine City that are visible from the public road right-of-way, public facilities, trails open to the public, and navigable waterways. Pine City has a tradition and reputation as a community with a rich mix of land uses that blend into a landscape of high aesthetic quality. Depending on their size, number, placement, and character, signs may attract or repel visitors, affect the visual quality enjoyed daily by residents, affect the safety of pedestrian and vehicular traffic, and define the character of the area. Thus, aesthetic considerations impact economic values as well as public health, safety, and welfare. Therefore, this ordinance sets standards for the following purposes:

- A. Maintain and enhance the visual quality of the community.
- B. Improve pedestrian and motorist safety by minimizing distractions and obstacles to clear views of the road and of directional or warning signs.
- C. Protect and enhance economic viability by assuring that Pine City will be a visually pleasant place to visit and live.
- D. Protect property values and private and public investments in property.
- E. Protect views of the natural landscape and sky.
- F. Avoid personal injury and property damage from structurally unsafe signs.
- G. Provide businesses with effective and efficient opportunities for identification by reducing competing demands for visual attention.

SECTION 10.500.0310: Outdoor Signs in Non-Residential Districts:

SECTION 10.500.0312. Signs ~~that~~ ~~That do~~ ~~Do not~~ ~~Not need~~ ~~Need~~ a Zoning Permit. (Building ~~Permits~~ ~~permits~~ ~~may also be~~ ~~Required~~ ~~required~~):

- A. **Address Signs.** One address sign facing the curb is required for each business.
- B. **Directional Signs.** Only one (1) entrance/exit sign is allowed per legal driveway.
- C. **Governmental Signs.**
- D. **Flags.** Up to three (3) flagpoles per parcel are allowed, with no more than three (3) brand flags per flagpole. More than three (3) flagpoles will require a ~~conditional-use permit~~ variance.
- E. **Warning Signs.** Warning signs may not exceed three square feet (3 ft²).

F. On-Premise Temporary Signs.

- a. Quantity. Each business shall be allowed up to two (2) total per building elevation of the following: banners; non-flashing portable signs; posters; sandwich boards.
- b. Placement and maintenance. These temporary signs must be located on the property and may be attached to the building wall, or to their own support structure, but may not be attached to light poles, other signs, or similar structures not intended specifically for such use. These signs must not interfere with pedestrian or vehicular traffic including visibility, especially at intersections, and they must be maintained in good repair.
- ~~F.c. Maximum Sign Area. The maximum total area per building side for these temporary signs is fifty square feet (50 ft²). These signs must not interfere with pedestrian or vehicular traffic including visibility, especially at intersections, and they must be maintained in good repair.~~
- d. Setbacks. All temporary signs must meet setback requirements for their District, except for:
 - i. ~~a) s~~ Sandwich boards, which are also permitted on sidewalks only during daylight hours and only as long as they extend no more than three feet (3') into the sidewalk area while leaving a minimum three-foot (3') wide open path; and
 - ~~b) s~~ Signs attached only to, and not extending more than one foot (1') from, the building itself, even if the building is a legal non-conforming use.
- e. Timeframe. Temporary signs are those that are not permanently affixed to the ground or to a building. They are intended for grand openings and business promotions, ~~and~~ not for year-round use and not to exceed thirty-five (35) days in a calendar year.

~~G. **Non-Commercial or Public Service Signs.** Off-premises, non-commercial signs, or signs referring to the presence of, and meeting times or locations of, not-for-profit community organizations may are be allowed at the discretion of the City as referred to in Section 10.500.0314 – Signs That Need a Zoning Permit. Signs referring to the presence of, and meeting times or locations of, not-for-profit community organizations, may also be allowed at the discretion of the City.~~

SECTION 10.500.0314. Signs That ~~Do~~ Need a Sign Zoning Permit. (Building Permits may also be ~~Required~~required):

A. Permanent Signs attached to a building.

- a. Number of Signs. Up to two (2) wall or projecting signs are permitted per building elevation. In the case of a multi-tenant building, one (1) additional sign is permitted per building elevation, per distinct tenant, beyond what is allowed for the primary tenant.
 - i. Buildings exceeding one hundred (100) feet in frontage, one (1) additional wall or projecting sign is ~~permitted.~~
 - ii. Signs depicting an entrance/exit for specific services/products shall not be included in the count of wall or projecting signs.
 - iii. Signs that when combined create a whole design element shall **not exceed the sign area and shall be allowed and be considered one wall sign.**

b. *Projecting Signs.* Signs may extend over public property not more than seven feet (7') from the face of the supporting building, but no portion shall extend nearer than two feet (2') to the face of the nearest curb line measured horizontally.

c. *Sign Height.* All signs shall have a minimum clearance of eight feet (8') above a sidewalk or fifteen feet (15') above driveways or alleys.

A-d. *Sign Area.* The maximum permitted area of a projecting wall sign shall be equal to ten percent (10%) of the respective building face. The maximum permitted area for wall signs shall be equal to twenty-five percent (25%) of the respective building face.

B. Permanent Freestanding Signs.

a. *Number of signs.* One freestanding sign is permitted per parcel. Additional freestanding signs are permitted as long as there is a minimum separation of three hundred feet (300') between signs. In multi-tenant business developments, one (1) additional freestanding sign, identifying all tenants, will be allowed near the entrance to the development.

b. *Height.* The maximum allowable height of a freestanding sign is fifteen (15') feet plus the distance to the nearest property or right-of-way line, or fifty feet (50'), whichever is less. The face frame of freestanding signs located less than ten feet (10') from the right-of-way or property lines must be a minimum of eight (8') feet above the ground

c. *Face Area.* The maximum allowable face area in square feet of the freestanding sign is six (6) times the allowable height of the sign. For example: A 25 ft. high sign would be allowed 150 sq. ft. of face area.

d. *Setbacks.* Signs shall conform to building yard regulations for the zoning district in which the signs are located.

B-e. *Illumination.* External illumination for signs shall be so constructed and maintained that the source of light is not visible from the public right-of-way or residential property. All illuminated signs shall comply with all applicable lighting codes and regulations.

~~*Height.* The maximum allowable height of a freestanding sign is fifteen (15') feet plus the distance to the nearest property or right of way line, or fifty feet (50'), whichever is less. The face frame of freestanding signs located less than ten feet (10') from the right of way or property lines must be a minimum of eight (8') feet above the ground.~~

~~*Face Area.* The maximum allowable face area in square feet of the freestanding sign is six (6) times the allowable height of the sign. For example: A 25 ft. high sign would be allowed 150 sq. ft. of face area.~~

~~*Setbacks.* Signs shall conform to building yard regulations for the zoning district in which the signs are located.~~

~~*Illumination.* External illumination for signs shall be so constructed and maintained that the source of light is not visible from the public right of way or residential property. All illuminated signs shall comply with all applicable lighting codes and regulations.~~

C. **Billboards.** All standards including setbacks that are applicable to other signs and structures shall apply to billboards including or in addition to the following provisions:

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- a. ~~1.~~ Billboards shall be allowed only within five hundred feet (500') of I-35 and not within five hundred feet (500') of a residential district or within one thousand feet (1,000') of any existing billboard, including those within or outside the City's municipal boundaries.
- b. ~~2.~~ Billboards shall be located so as not to obstruct any existing business or sign.
- c. ~~3.~~ The land around a billboard must be restored and maintained.
- d. ~~4.~~ No billboard structure shall contain more than two (2) signs per face.
- e. ~~5.~~ The maximum area of a billboard face is five hundred square feet (500 ft²).
- f. ~~6.~~ The maximum height of any portion of the sign, including trim and extensions, shall not be more than fifty feet (50').

D. Off-premise Signs. ~~No~~ The following off-premise advertising signs shall be permitted: ~~except~~

- a. ~~b~~ Billboards (see previous section for standards);
- b. Signs allowed within the right-of-way of state highways per applicable Minnesota Department of Transportation regulations;
- c. ~~non-commercial signs, and those~~
- d. ~~allowed within the rights-of-way of State Highways per applicable Minnesota Department of Transportation regulations~~ City sponsored directional signs for wayfinding;
- e. Seasonal, non-commercial event or non-commercial activity signs;
 - i. Installed not more than twenty-five (25) days prior to an event or activity and removed within five (5) days following the event or activity and not to exceed thirty-five (35) days total;
 - ii. Limited to four (4) permits per year, per property;
 - iii. Limited to forty-eight (48) square feet per sign;
 - iv. Not allowed in residential districts;
 - v. Not allowed in the right-of-way or to cause visual obstruction for motorists;
 - vi. Sign shall not be illuminated;
 - vii. Limited to three (3) signs per permit, three (3) properties per event.
- f. Ballparks and Arenas.
 - i. Sign must face event attendees, and not be visible from the public right of way.
 - ii. Sign shall not be illuminated.
- g. Directional Sandwich board signs in the Central Business District;
 - i. Permitted on sidewalks only during business hours and within the block the business is located;
 - ii. Shall not extend more than three feet (3') into the sidewalk area while leaving a minimum three-foot (3') wide open path and not cause visual obstruction for motorists;
 - iii. Limited to one (1) sandwich board per property;
 - iv. Limited to three and one-half (3 ½) feet in height, two (2) feet in width, and two (2) feet in depth;
 - v. Sign shall be freestanding, not attached to any other structure or device;
 - vi. Shall not be illuminated.

EG. **Non-Commercial or Public Service Signs.** Off-premises, non-commercial signs, or signs referring to the presence of, and meeting times or locations of, not-for-profit community organizations are allowed. Signs That Need a Zoning Permit.

SECTION 10.500.0316. Signs That Are Not Allowed:

~~A. **Off-premise signs.** No off-premise advertising signs shall be permitted except billboards, non-commercial signs, and those allowed within the rights-of-way of State Highways per applicable Minnesota Department of Transportation regulations.~~

B.A. **Roof signs.** No sign is permitted to be placed upon or attached to the roof of a building.

C.B. **Right-of-way signs and signs on public property.** No sign unless erected by, or required by, a government agency or temporarily erected to protect the health and safety of the general public, such as emergency or warning signs, shall be located within or above any public rights-of-way, or on any public property or utility pole. Projecting wall signs and temporary signs complying with other provisions of this ordinance are an exception.

D.C. **Confusing or traffic-interfering signs.** Signs which are of a size, shape, color, location, movement, content, or manner of illumination which may be confused with or construed as a traffic control device, or which hide from view any traffic or street sign or signal; or which obstruct the view in any direction at a street or road intersection.

E.D. **Obscene signs.** Signs which contain characters, cartoons, statements, words, or pictures of an obscene character.

F.E. **Signs advertising discontinued businesses, products, or services or abandoned signs.** These signs must be removed or covered within thirty (30) days of the discontinuance.

SECTION 10.500.0318. Signs that may be allowed only as a Conditional Use. (Building Permits may also be Required):

A. **Dynamic or Electronic Programmable Message signs.** Their lighting intensity may not exceed five thousand (5,000) nits (cd/m²) and their message may not change more than once every five (5) seconds.

SECTION 10.500.0320. Outdoor Signs in Residential Districts.

SECTION 10.500.0322. Signs that do not need a Permit. (Building Permits may still be Required):

The following signs are allowed in residential districts, as long as they relate exclusively to the parcel upon which they are located:

A. One (1) **address sign** facing the curb is required for each residence. It may not exceed one and one-half square feet (1.5 ft²) in area.

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- B. For each single-family lot, or multiple-family lot containing three (3) or fewer dwelling units, one (1) non-illuminated **identification sign**, not to exceed one and one-half square feet (1.5 ft²) in area, is permitted for each dwelling unit.
- C. For each multiple-family or institutional residential lot containing more than three (3) dwelling units, one (1) **identification sign**, not to exceed twelve square feet (12 ft²) in area, is permitted per street frontage.
- D. **Directional signs** up to one and one-half square feet (1.5 ft²) in area.
- E. **Real Estate signs** up to six square feet (6 ft²) in area and informing of the sale or rental of the parcel upon which they are located.
- F. Up to two signs of six square feet (6 ft²) or less, announcing a **garage, yard, or similar sale, a fundraising event, or open house**, provided the sign is up no more than forty-eight (48) hours prior to the event and removed no later than twenty-four (24) hours after the event.
- G. **Warning Signs.** Warning signs may not exceed three square feet (3 ft²).
- H. **Athletic scoreboards.**

The following signs, up to sixteen square feet (16 ft²), are also allowed in residential districts:

- A. **Government signs.**
- B. **Governmental flags** up to three (3) per parcel.
- C. **Artwork.**
- D. **Memorial signs.**
- E. **Political / Noncommercial signs.**
- F. **Construction signs** but only during active construction.

SECTION 10.500.0324. Signs that require a Permit. (building ~~Permits~~permits may also be Required):

- A. **Home Occupation Signs.** A non-illuminated home occupation sign of up to six square feet (6 ft²) in area may be permitted.

SECTION 10.500.0326. NO OTHER SIGNS SHALL BE ALLOWED WITHIN RESIDENTIAL DISTRICTS.

SECTION 10.500.0330. Definitions:

Address Sign. A sign communicating street address only, whether written or in numerical form.

Banner. Any sign of fabric, paper, vinyl, or similar material that is mounted to a pole or a building at one or more edges. National, state, or municipal flags, or the official flag of any country, are not considered a banner.

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Billboard. Any permanent, nongovernmental sign with not more than two sides advertising products, services, commodities, entertainment, or other message, not referring specifically to the location of the sign, or not exclusively related to the premises on which the sign is located.

Commercial Sign. A sign announcing a for-profit, business, or economic nature that references a product, service, name or logo.

Construction Sign. A non-illuminated sign announcing the names of architects, engineers, contractors, financiers, or other individuals or firms involved with the construction, alteration, or repair of a building (but not including any advertisement of any product) or announcing the character of the building, enterprise, or purpose for which a building is intended.

Directional Sign^[CPI]. ~~An on-premise sign that is freestanding, the primary purpose of which is to give directions to employees, visitors, or delivery trucks for parking lots, exits, entrances, drive-through windows, or similar directions. Reference to a product, service, or business name, other than a subordinate business name or logo, shall disqualify a sign as a directional sign.~~

Dynamic Sign. Signs that move, give the appearance of motion (flashing, rotating, scrolling, etc.), or change in color or intensity.

Electronic Programmable Message Sign. An illuminated sign on which artificial light, messages, or lines of text are stationary and constant in intensity and color, but may change periodically.

Flag. A piece of fabric or other flexible material containing distinctive colors, patterns, standards, words, or emblems, used as a symbol of an organization or entity, including but not limited to political jurisdictions, such as the United States.

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

Garage or Yard Sale. A private sale of personal property, used to dispose of personal household possessions, not for the use of any commercial venture.

Government Sign. Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historic site, or public service, property, or facility.

Identification Sign. A sign to identify a single-family residence or the name of a subdivision, apartment complex or neighborhood in a multiple-family residence or in a PUD.

Illuminated. Any sign that has characters, letters, fixtures, designs, or outlines with an artificial light source, either directed upon it or emanating from it.

Maximum Height of Sign. The vertical distance measured from the mean finished grade within ten feet (10') of the base to the top of the sign.

Memorial Sign. An integral sign or tablet, with the name of a building or date of erection, when cut into any masonry surface or when constructed of bronze or other noncombustible material and mounted on the face of a building. Gravestones and monument tributes also fall under the definition of memorial signs.

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Motion Sign. Any sign that revolves, rotates, has any moving parts, or gives the illusion of motion e.g. zip flashers, flashing signs, or similar devices.

Non-Commercial. Of a not-for-profit, social, religious, ideological, public service, informational, or political nature, in contrast to a for-profit, business, or economic nature.

Non-Residential District. Includes CBD, MXU, GB, HB, TI-1 and TI-2, as defined in this Code.

Off-Premise Sign. A commercial sign that directs attention to a business, commodity, service, or entertainment, conducted, sold, or offered elsewhere than upon the parcel where the sign is located. Off-premise signs include billboards. For the purposes of this ordinance, easements and other appurtenances shall be considered to be outside such platted parcel of land, and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.

Portable Sign. A sign designed to be movable from one place to another, not affixed to the ground or to a structure; the sign can have changeable lettering; also called a "portable billboard" or "mobile sign".

Projecting Sign. A sign that is attached to the wall of a building and extends outward from the building wall.

Real Estate Sign. A sign placed upon a property advertising that particular property (land and/or building) for sale, lease, rent, pending sale, or having been sold.

Residential District. Includes A-O, R-1, R-1A, R-2, MFR-1, MFR-2 and MHP Districts, as defined in this Code.

Sandwich Board. A portable sign also known as a "signboard" or an "A-Frame" that typically consists of two hinged boards used to display advertisements on one or both sides.

Setback. The minimum horizontal distance between the front part of the building or structure (excluding steps, unroofed porches and overhangs) and the front lot line (unless specifically designated otherwise).

Sign. Any letter, word, symbol, poster, picture, statuary, reading material, 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. In the case of signs made up of discrete letters and/or logos attached individually to a building wall, but designed and constructed so that all elements are integral to the whole, the sign area shall be calculated as the area of the smallest rectangle enclosing all individual elements.

Temporary Sign. A non-permanent sign or advertising display intended to be displayed for a short, usually fixed, period of time.

Wall Sign. A sign that is affixed directly to or painted on, or otherwise inscribed on an exterior wall or window of any building, and projects there from no more than twelve inches (12").

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Warning Sign. A sign exclusively devoted to warning the public of dangerous conditions and unusual hazards such as drop offs, high voltage, fire danger, and explosives.

Wayfinding. Wayfinding can encompass several different types of signage, including: Directional signs that point the way to various locations. They can be simple or complex, and usually appear at junctions or along a route to lead the way to a particular place. They keep people or vehicles moving toward something.

SECTION 10.500.0340. Administration and Enforcement.

The following general requirements shall apply:

SECTION 10.500.0342. Applications for Permits.

Applications for a permit shall contain the following information:

- A. Names and addresses of the owners of the display structure and property;
- B. The address at which any signs are to be erected;
- C. The lot, block and addition at which the signs are to be erected and the street on which they are to front;
- D. A complete set of plans showing the necessary elevations, distances, size and details to fully and clearly represent the construction and place of the signs;
- ~~E. The cost of the sign;~~
- F.E. _____ Type of sign (i.e. wall sign, monument sign, etc.);
- ~~G.F.~~ _____ Certification by applicant indicating the application complies with all requirements of the sign ordinance.

The issuing authority shall approve or deny the sign-zoning permit in an expedited manner no more than sixty (60) days – *or one hundred twenty (120) days total with an extension* – from the receipt of the complete application, including applicable fee. All permits not approved or denied within these time limits shall be deemed approved. If the permit is denied, the issuing authority shall prepare a written notice of denial within ten (10) days of its decision, describing the applicant's appeal rights, and sent by certified mail, return receipt requested, to the applicant.

All signs shall be placed within ninety (90) days of the issuance of the permit, or the permit shall expire and require reapplication. If a permit is denied, the issuing authority shall prepare a written notice within ten (10) days of its decision, describing the applicant's appeal rights, and send it by certified mail, return receipt requested, to the applicant.

SECTION 10.500.0344. Fees.

Sign-Zoning permit fees are set by the *City of Pine City Fee Schedule*.

SECTION 10.500.0346. Inspection.

All signs for which a permit is required shall be subject to inspection once per year by the City Administrator or designee to ensure that the signs comply with this code.

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SECTION 10.500.0350. Maintenance, Repair and Removal

All signs shall be maintained by the sign owner. A sign shall be repainted or repaired whenever it begins to fade, chip, or discolor resulting illegibility, missing parts, words, or other dilapidation.

- A. Sign faces shall be removed from the building and property within thirty (30) days after the business use has terminated unless a new owner has been acquired.
- B. If the City ~~Administrator~~ finds that any sign is unsafe, a detriment to the public, or not constructed, erected, or maintained according to this code, the sign owner shall be notified of the violation in writing.
- C. If the sign owner fails to comply with this code within ~~twenty ten (2010)~~ days after notification, the City ~~Administrator~~ shall ~~advise the City Council. If the City Council agrees that the sign is in violation, it shall~~ order its removal.
 1. Recovery of Costs. The owner of the sign shall be personally liable for the costs to the city for removal, including legal and administrative costs. As soon as the work has been completed and the costs determined, the City shall prepare a bill for the cost and mail it to the owner. The amount shall be immediately due and payable at the Pine City City Hall. The City may recover, by civil action against the owner, all costs and expenditures, including attorney's fees, incurred by the City in removing the sign.
 2. Assessment. If the City is not fully reimbursed for all its reasonable costs incurred in the removal of a sign, it may be assessed in the manner of a special assessment under Minnesota Statutes Chapter 429 against the lot or property to which the costs, charges, and fees are attributed. The City Council shall certify the assessment to the Pine County Auditor for collection along with the real estate taxes for the following year or in annual installments, not exceeding three (3) years, as the City Council may determine in each case.

SECTION 10.500.0360. Violations and Revocation of Permit.

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

The City ~~Administrator~~ shall advise the City Council of any violation of this code and the Council is hereby authorized to revoke a sign zoning permit upon failure of the holder to comply with any provision of this code. The owner of the sign shall appeal the action to the City within fifteen (15) days after the revocation. The City Council shall hold a hearing to consider all facts presented and may affirm or overturn its decision.

SECTION 10.500.0362. Penalties.

In addition to civil remedies as provided in this code, violations of the ordinance shall constitute a petty misdemeanor punishable as provided under Minnesota State Statutes. Each day of violation shall be considered a separate violation. Any owner who has been cited and convicted under this ordinance for an event occurring within two (2) years of subsequent violation shall be subject to a penalty of a misdemeanor as provided under State Statute.

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SECTION 10.500.0370. Non-Conforming Signs.

Certain signs existing at the time of the enactment of this code and not conforming to this code are considered to be existing non-conforming signs. Non-conforming signs, when structurally altered, relocated, replaced shall comply with this sign code.

SECTION 10.500.0380. Retroactive Effect

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

SECTION 10.500.0390. Substitution and Severability

SECTION 10.500.0392. 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. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

SECTION 10.500.0394. Severability.

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

Passed and adopted by the City Council of the City of Pine City this 1st day of May, 2019.
This ordinance shall be effective upon publication.

By: 

Carl Pederson, Mayor

ATTEST:


Matthew Van Steenwyk, ~~Interim~~ City Administrator

Council meeting date: 2-6-19 - tabled
Council meeting date 5-1-19
Publication date: