903.08 Signs.

903.0801 Purpose and Scope

The Lilydale Sign Ordinance is a regulatory document adopted by the city that regulates the design of signs and related informational tools within the city. The Sign Ordinance has a number of specific purposes:

1. To encourage the elective use of signs as a means of communication.

2. To protect, conserve, and enhance property values.

3. To enhance the attractiveness and economic well-being of Lilydale as a place to live and conduct business.

4. To encourage creative and well-designed signs that contribute in a positive way to the City's visual environment, express local character, and help develop a distinctive pedestrian image in the City.

5. To recognize that signs are a necessary form of communication and provide flexibility within the sign review and approval process to allow for unique circumstances.

6. To create a framework for a comprehensive and balanced system for sign regulation, to facilitate an easy and pleasant communication between people and their environment, and to avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and overall community appearance.

7. To encourage and, to the maximum extent feasible, require that all signs within the city be brought into compliance with the terms of the Sign Ordinance.

903.0802 Jurisdiction

No sign permit shall be issued for any lot, tenant, or development after the effective date of and which is not in substantial conformity with the provisions of these regulations. Nor shall any sign, except as hereinafter specified, be erected, substantially improved, converted, enlarged, moved, or structurally altered without conforming with the provisions of these regulations. The lawful use of a sign existing at the time of the enactment of this chapter may be continued although such use may not conform to the regulations herein. For those signs permitted before the adoption of these regulations, such signs shall be classified as "permitted non-conforming" structures.

903.0803 General Regulations

1. No sign permitted by this title shall, by reasons of its location, color, or intensity, create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No private sign shall contain words which might be construed as traffic controls, such as "Stop", "Caution", "Warning,", etc. unless such sign is needed to direct traffic on the premises.

2. All signs and sign structures shall be properly maintained in safe, orderly condition at all times, including the replacement of defective parts, cleaning or other items required for maintenance of the sign.

3. Commercial message of the sign shall be neat and orderly and not obscene. The signs shall be professionally prepared.

4. Window signs (including neon signs) shall not cover more than thirty five percent (35%) of the window area on each elevation of a building. All window signs shall be placed on the inside surface of the glass, except for a window sign of paint or decal application applied directly to the glass surface.

903.0804 Definitions

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein.

ABANDONED SIGN: A sign remaining in place which for a period of 180 days or more no longer advertises or identifies an ongoing business, product, service, idea or commercial activity located on the site.

ADVERTISING: Any writing, painting, display, emblem, drawing, sign, or other device designed, used or intended to be used for display or any type of publicity for the purpose of making anything known or attracting attention to a place, product, foods, services, idea or statement.

AGGREGATE SIGN AREA: The total square footage of all business and outdoor advertising signs on any specific lot.

ALTERATION: Any change of copy, sign face, color, size, shape, illumination, location, construction, or supporting structure of any sign.

ANIMATED SIGN: A sign that uses movement, lighting or special materials to depict action or create a special effect to imitate movement.

AREA IDENTIFICATION SIGN: A sign to identify a common area containing a group of structures, or a single structure on a minimum of five acres, such as a residential subdivision, apartment complex, industrial park, or shopping center, located at the entrance or entrances of the area.

ASSOCIATION IDENTIFICATION SIGN: A sign identifying the name of a residential, commercial, educational, or industrial complex, or development.

ATTENTION-ATTRACTING DEVICE: Any streamer, pennant, propeller, inflatable sign, tethered balloon, portable sign, bunting or other artificial device, figure, shape, color, sound, light or exhibit, whether live, animated or still, that is intended to attract attention to the use or business being conducted on the site.

AWNING: A roof-like cover, often of fabric or metal designed and intended to provide protection from the weather or as a decorative embellishment, and which projects from a wall or roof over a window, walk, or door.

BANNER: A temporary sign of lightweight fabric or similar material that is mounted to a window, pole or a building. National flags, state or municipal flags, or the official flag of any institution shall not be considered banners.

BEACON/SEARCH BEACON: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

BENCH SIGN: A sign which is affixed to a bench not to include memorial dedications in park or recreational areas.

BILLBOARD: A sign that directs attention to a business, profession, product, service, or entertainment not sold or offered upon the premises where such sign is located.

BUILDING FRONTAGE: That building elevation that fronts on a public street or visible from a public street.

BUILDING INSPECTOR or BUILDING OFFICIAL: As used in this chapter shall mean a city official appointed by the city council to provide for the enforcement of the Minnesota State Building Code.

BUILDING MARKER: Any sign or stone indicating the name of a building date or incidental information about its construction.

BUILDING SIGN (WALL SIGN): Any sign attached to, or constructed against the wall or painted on the surface of the wall of a building, with the exposed face of the sign in a place parallel with the plane of the wall.

BUSINESS/TENANT FRONTAGE: That portion of a building frontage occupied by a single tenant space having a public entrance within the building frontage. For businesses located on the interior of a building without building frontage, the building elevation providing customer access shall be considered the business frontage.

CANOPY: A permanently roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area, which shelter may be supported by a building or columns, poles, or braces extending from the ground.

CANOPY SIGN: A sign that is a part of or attached to any awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance window, or outdoors service area.

CHANGEABLE COPY: A sign or portion thereof with characters, letters, or illustrations that can be changed.

CHANNEL LETTERS: Three dimensional individually cut letters or figures, affixed to a structure.

COPY: Words, letters, logos, numbers, figures, symbols, illustrations, or symbolic representations that form a message or otherwise call attention to a business, product service, or activity, or to the sign itself.

CONSTRUCT: To build, construct, attach, hang, place, suspend, or affix, and shall, include the painting of wall signs.

CONVENIENCE STORE: A motor fuel station that offers for sale a limited amount of food and household products, which are in addition to those typically supplied at a motor fuel station.

DIRECTIONAL SIGN: A sign that indicates the required or preferred direction of movement for vehicular or pedestrian traffic.

DIRECTORY SIGN: A sign for listing the tenants, occupants, floor plan, addresses or suite numbers of a building, center or residential building complex.

DOUBLE-FACED SIGN: A sign constructed to display its message on the outer surfaces of two identical and opposite planes at an angle of sixty degrees or less.

DRIVE-THROUGH FACILITY: An establishment that by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

ELECTRONIC READER BOARD: A sign or portion thereof which can be electronically changed or rearranged without altering the face or the surface of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a commercial message or an electronic reader board sign for purposes of this Chapter.

EXPOSED NEON: Signage such that the neon tubing is visible, to the eye. This shall not include neon signs located within building windows, or behind opaque sign faces.

FLAG: Any fabric containing distinctive colors, patterns or symbols used as a symbol of a Government, political subdivision or private entity.

FLASHING SIGN: An illuminated sign on which artificial light is not maintained stationary and/or constant in intensity and color.

FORCE MAJEURE: Acts of God such as floods, ice storms, blizzards, tornadoes, straight line winds, landslides, lightning and earthquakes; and acts of third parties such as riots, insurrections, war, civil disorder and explosions.

FREESTANDING (SIGN (POLE or PYLON SIGN): A sign which is supported by one or more uprights, poles, or braces in or upon the ground.

FRONTAGE, ROAD: A roadway with an alignment adjacent to and generally parallel with a limited access highway whose purpose is to serve commercial, institutional, industrial or typically medium-to high-density residential use.

FRONTAGE STREET: The length of a lot line that abuts public street right-of- way.

FUTURE TENANT: A temporary sign that identifies the names of future businesses.

GARAGE/YARD SALE: A private sale of personal property used to dispose of personal household possessions; not for the use of any commercial venture.

GRAND OPENING: A one-time promotional activity not exceeding thirty calendar days used by newly established businesses within two months after occupancy to inform the public of their location and service available to the community.

INFORMATIONAL SIGN: A sign with a purpose secondary to the use of the lot on which it is located that provides directives and/or identifying messages.

ILLUMINATED SIGN: A sign where artificial light projects from within or onto the sign copy, interior illumination shall mean signs where the artificial light source is located within the sign and, is not viewable from the exterior of the sign. Exterior illumination is a light source that is visible exterior to the sign.

INFLATABLE DEVICE: An object that is inflated with air or gas.

LOT: Any piece or parcel of and or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record that is recognized and intended as a unit for the purpose of transfer of ownership.

MAINTENANCE: The repair or replacement in kind of individual sign components, including fabric or plastic copy panels, electrical wiring and bulbs, or paint, stucco or other exterior finishes.

MARQUEE: A hood or permanent construction that projects from the wall of a building, usually above the entrance.

MARQUEE SIGN: A projecting sign attached to, in any manner, or made a part of a marquee.

MASTER SIGN PLAN: A plot plan and accompanying documentation that identifies all existing and proposed on-premises signage on a development or complex of buildings.

MEMORIAL DEDICATION SIGN: A sign located on private property, or public property at the approval of the City, that honors a person(s) or event.

MULTIPLE-TENANT BUILDING: A development consisting of two (2) or more separate uses or tenancies that share either the same lot or structure and use common access and/or parking facilities.

MULTI-FACED: A two-sided sign which is the same on both sides. The single structural component is counted as one sign.

MONUMENT SIGN: A freestanding sign that does not have exposed pole or pylon, and is attached to a single columnar base for at least seventy-five (75) percent of the entire width of the sign. Monument sign bases include material consistent with the principal structure, including brick, block, and concrete, but excluding metal.

NIT: A unit of brightness equal to one candle per square meter, measured perpendicular to the rays of the source.

NONCONFORMING SIGN: A sign lawfully erected and maintained prior to the adopting of this ordinance that does not conform with the requirements of this ordinance.

OFF-PREMISE SIGN: A sign advertising or announcing any place, product, goods, or services whose subject is not available or located at or on the lot where the sign is erected or placed. A billboard is considered an off premises sign.

ON-PREMISE SIGN: A sign advertising or announcing any place, products, goods, services, idea or statement whose subject is available or located at or on the lot where the sign is erected or placed.

ON-PREMISE DIRECTIONAL SIGN: A sign located on site, typically at the site entry or within parking for the purposes of directing traffic (i.e. signs directing drives to the drive-through).

PARAPET WALL: The vertical extension of the exterior building wall above the plate line.

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 a series, designed to move in the wind.

POLE SIGN: A freestanding sign which is erected upon one or more posts or pylons directly in or upon the ground and not attached to, braced by, any other structure.

POLITICAL SIGN: A sign designed for the purpose of advertising support of or opposition to a candidate or proposition for a public election.

PORTABLE SIGN: A sign designed to be movable from one place to another, which is not affixed to the ground or structure; also called a "mobile sign."

PRINCIPAL BUILDING: The building in which is conducted the principal use of the lot on which it is located. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages and other clearly accessory buildings shall not be considered principal buildings.

PROJECTING SIGN: A sign which is affixed to a wall of a building and extends outward from the building wall.

PROJECT IDENTIFICATION SIGN: A temporary non-illuminated sign placed on site during construction or remodeling, which identifies the development, contractor, builder, developer, and/or financial institution for the development.

PROPERTY FRONTAGE: The side of a lot or development site abutting a public street or other public right-of-way.

QUASI-PUBLIC: A governmental body is an organization that either (a) primarily contracts with or handles activities agreed upon with public governmental bodies, or (b) by statute allocates or issues tax credits, tax abatement, public debt, tax-exempt debt, rights of eminent domain, or leaseback agreement. It also includes associations that directly accept appropriated money from a public governmental body, but only when they have meetings, records, or votes that related to appropriations.

REAL ESTATE SIGN: A sign offering property (land and/or buildings) for sale, lease, or rent.

REPAIR: The replacement of metal or wood cabinets, structural faces, supporting structural members, primary uprights, posts and poles, or the sign in its entirety.

RIGHT-OF-WAY: The land opened, reserved or dedicated for a street, sewer, water line, walk, drainage course or other public purpose.

ROOF SIGN: A sign erected or attached in whole or in part upon the roof of a building.

SERVICE SIGN: Signs identifying parking and handicapped parking, restrooms, public telephone facilities, first aid stations, fallout shelters, and other similar public service facilities.

SETBACK: The minimum horizontal distance between the line of the building or structure (excluding steps, unroofed porches and overhangs) and the property line (unless specifically designated otherwise).

SIGN: A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business. The term "sign" shall also mean and include any display of one or more of the following:

(a) Any letter, numeral, figures, emblem, picture, outline, character, spectacle delineation, announcement, trademark, and logo;

(b) Multiple colored bands, a stripe or stripes, patterns, outlines or delineation's displayed for the purpose of commercial identification; or

(c) Anything specified above in (a) or (b) in part or in combination by any means whereby the same are made visible from beyond the boundaries of the lot on which the same are displayed for the purpose of attracting attention outdoors to make anything known.

SIGN AREA: The area of a sign is determined by the Zoning Administrator using actual dimensions where practical, or approximate dimensions when irregularity of sign shape warrants. The sign area shall be the sum of the area of not more than two contiguous rectangles or squares that enclose the extreme points or edges of all copy, logos, and symbols of said sign.

SIGN HEIGHT: The vertical distance from the average finished grade at the sign location and the highest point of the sign.

SPECIAL EVENT SIGN: A sign that carries a message regarding a special event or function that is of general interest to the community and does not include for- profit business promotional activities that are strictly commercial in nature.

SUSPENDED SIGN: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

TEMPORARY SIGN. A sign which is designed or intended to be displayed for a short period of time and is not permanently installed.

THREE-DIMENSIONAL SIGNS: Signs that have a depth or relief on their surface.

TIME AND TEMPERATURE UNIT: A sign or portion of a sign displaying only current time and temperature in an electronic, digital fashion.

VEHICLE SIGN: A sign placed, painted, attached, or displayed on a vehicle advertising a company, store, or service.

PROJECT IDENTIFICATION SIGN: A temporary sign setting forth the name of the project, architect, engineer, planner, or financing agency related to a construction project. Project identification sign may include a plat map and real estate information.

WINDOW SIGN: A 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.

ZONING ADMINISTRATOR: The Zoning Officer of the City of Lilydale as duly appointed by the city council.

903.0805 Signs on Public Property

1. It shall be unlawful for any person to paint, print, or in any way affix any picture, bill, sign, signboard, poster or advertising material on any post, utility pole, fire escape, hydrant, curb sidewalk, tree, lamp post or other structure of any kind on, or as to overhang or protrude over any property owned by the City or any easement of the City without a special permit from the City Council.

2. The Zoning Administrator is hereby authorized and empowered, to remove any such sign at the expense of the parties responsible for erection of such signs.

3. Signs are prohibited within all public rights-of-way in the City, including rights-of-way owned by other governments or governmental agencies, without a special permit from the city council. The city council may grant a permit to locate signs or decorations on, over, or within the rights-of-way for a specific period of time.

903.0806 Allowable Signs

1. The following signs are allowed without a permit unless otherwise specified. These signs, if placed in accordance with the following standards, will not apply toward the maximum allowable sign area, but shall comply with all other applicable provisions of this title:

a. Governmental Signs: Signs of a public, noncommercial nature including safety signs, danger signs, trespassing signs, traffic signs, public transit signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when these signs are erected by or on order of a public officer or employee in the performance of official duty.

b. On Premise Directional Signs. Shall not exceed four (4) square feet in area.

c. Campaign Signs. Political signs are not permitted on city property or within public rights-of-way. Campaign signs are permitted on private property in any district provided such signs are removed within 10 days following the election related to

the sign. No election sign shall be permitted on election day within 100 feet of the property on which a polling place is located.

d. Project Leasing/Sale Signs. Shall be allowed in all zoning districts by permit. A sign is permitted for the purpose of leasing, selling, or promoting a development project; or for promoting a residential project of three (3) or more dwelling units; or for a commercial area. Such a sign shall not exceed one hundred (100) square feet of advertising area. Such signs shall be not less than fifteen (15) feet from the right-of-way line of the property unless flat against the structure and shall be permitted only so long as less than eighty (80) percent of the units in the project are sold or leased or the site is ninety-five (95%) occupied.

1. Such signs shall be limited to two for each project listed in any residential district. Such signs shall be limited to one for each lot listed in any commercial district.

2. The minimum setback required is five feet from the property line.

3. The content of the message on such signs shall include an offer of the property for lease or sale, the management company or owner's name, the phone number, and other information related to the lease or sale.

e. Real Estate Signs shall not exceed sixteen (16) square feet.

1. Such real estate signs shall be limited to one sign for each parcel listed.

2. Real estate signs are not permitted on city property and shall be located five (5) feet from a property line.

3. Real estate signs shall be permitted for lots for sale, lease or rent in all zoning districts.

g. Memorial dedication signs.

h. Professional nameplates, not exceeding two square feet in area are permitted.

903.0807 Flags

Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and other flags adopted or sanctioned by an elected legislative body of competent jurisdiction, must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes.

Notwithstanding the above, the following flags shall not be prohibited by this chapter:

1. Any flag of the United States, the State of Minnesota or any political subdivision thereof, or;

2. A flag identifying a corporate, business, commercial enterprise, educational institution, or any other entity or organization that satisfies the following requirements must comply with the general provisions for flags and first obtain administrative approval.

a. A size not greater than three feet by five feet,

b. Shall be flown horizontally,

c. In conjunction with and at the same time as a flag of the United States and the State of Minnesota is flown on the premises,

d. Shall be displayed on a separate flagpole located in close proximity to and no higher than the flagpoles of the United States and the State of Minnesota and in no event higher than 30 feet. One commercial flag shall be allowed in connection with any lot of record.

3. No flag of a commercial nature may be flown in a residential zone, except an apartment/condominium complex may have one flag in addition to the Stars and Strips and state flag. A flag not meeting any one of the regulations established in this chapter shall be considered a banner sign and regulated as such.

4. Flags shall be display on flagpoles only. Flags displayed on light poles, street poles, etc. shall be prohibited, expect for those placed along city streets by the City.

903.0808 Prohibited Signs and Conditions

The City of Lilydale has determined that the preservation and promotion of the public health, safety, and general welfare, the maintenance and enhancement of the visual environment, and the improvement of pedestrian and traffic safety, are the express purpose of this chapter.

The City of Lilydale has determined that the appropriate way to further these interests is to prohibit the installation, construction, placement, or erection of the following enumerated signs. This chapter, through the exercise of the city's police powers, is intended to curtail the adverse effects of such signage while promoting the purpose and intent of this chapter.

The following signs shall not be permitted, erected, or maintained on any property:

1. Pennants, spinners or streamers;

2. Banners, except as permitted elsewhere in this chapter;

3. Exposed neon lights or signs, except as permitted by the city council;

4. Hazardous signs, any sign or sign structure which is structurally unsafe, in not kept in good repair; or is capable of causing electrical shock to persons likely to come in contact;

5. Signs which incorporate in any manner any flashing or moving lights; or which give off an intermittent, steady or rotating beam consisting or a collection or concentration of rays or lights, unless expressly permitted by the city council;

6. Signs that include visible moving parts, changeable copy or description by electrical or non-electrical means, or by action of wind currents except as permitted in this chapter;

7. Portable or temporary signs, including signs with or without wheels.

8. String lights or other displays used in connection with commercial premises for commercial purposes, other than holiday decorations used on a temporary basis between October 15 and January 15;

9. Any sign displaying any obscene, indecent or immoral matter as defined by City Code;

10. Roof signs;

11. Any vehicle sign not normally used in the day-to-day operations of a business parked in such a way to draw attention or people from a public place or street;

12. Spot or Beacon Lights;

13. Illuminated signs in residential areas, except as approved by the City Council;

14. Bench signs except by special permit from the City Council;

15. Projecting signs in residential areas;

16. Inflatable devices;

17. Signs supported by a guy wire or guy wires;

18. Signs placed on rocks, fences, or trees;

19. Any sign, except permitted non-conforming signs, no specifically permitted in this chapter;

20. Any sign unlawfully installed, erected, or maintained in violation of this chapter;

21. Signs shall not be painted directly on this outside wall of a building. Signs shall not be painted on fences, rocks or similar structures or features in any district;

22. Building signs shall not be attached directly to a building wall by an adhesive or similar means;

23. LED accent or strip lighting on buildings, canopies or signs;

24. Off-premise (Advertising and Billboard Signs).

25. Directional signs larger than eight (8) square feet.

903.0809 Design Standards

1. All signs, excluding temporary signs, shall be designed and constructed of materials that are similar to those used on the principal building. Such signage shall be dominated with materials of permanency and strength and shall be compatible with other structures and signs in the development. A sign must not obscure architectural features of a building.

2. No sign face shall extend horizontally, beyond the supporting structure a distance greater than 13 inches.

3. Electric Signs: All electric signs shall be manufactured to meet UL specifications and other standards as outlined by the state electrical code.

   a. Electric signs shall be watertight, with service holes to provide access to each compartment with fitted waterproof covers.

   b. Any electrical equipment or apparatus of a sign, which causes interference with radio or television reception, shall not be permitted.

4. Wind Pressure and Dead Load Requirements: All signs and sign structures shall be designed and constructed to withstand a wind pressure as regulated by the Building Code of the city, and shall be constructed to receive dead loads as required in the Building Code and/or other ordinances of the city. Temporary signs shall be excluded from dead load requirements as required above.

5. Clearance from Electric Lines: A clearance of not less than eight feet horizontally and 12 feet vertically shall be maintained between any sign and any overhead electrical transmission line.

6. Number of Faces: No sign shall have more than two faces. Sign faces shall be parallel, unless otherwise permitted by special permit of the city council.

7. Lighting of Signs: Signs must be lit by internal fixtures unless an alternate method is approved by the Zoning Administrator or city council. A constant level of light must be maintained, provided that this shall not be construed to prohibit use of an automatic dimmer to reduce garish effects at night. Lighting shall not flash or move.

8. Emissions Prohibited: No sign shall emit audible sound, noticeable odor, or smoke or other visible matter.

9. Obstruction of Fire Exits, Light or Ventilation: No sign shall be permitted to obstruct or interfere in any way with free use of any door, window, fire escape, nor to obstruct or impair operation of any opening required for light or ventilation.

10. Traffic Hazard. It shall be illegal for any sign to interfere with, obstruct the view of, or be of such design which may be confused with any authorized traffic sign, signal, or device; nor shall any sign imitate an official traffic sign or include the words "STOP", "LOOK", CAUTION", or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse motorists.

11. Obscene Matter: No obscene, indecent, or immoral matter.

12. A building address is not a sign.

903.0810 Sign Area Formula

The area of a sign is determined by the Zoning Administrator using actual dimensions where practical, or approximate dimensions when irregularity of a sign shape warrants. The sign area shall be the sum of the area of not more than two contiguous rectangles or squares that enclose the extreme points or edges of all copy, logos, and symbols of said sign.

903.0811 Residential District Signage.

1. One nameplate sign (name/address sign) for each dwelling shall be permitted but such sign shall not exceed two (2) square feet in area per surface, and no sign shall be so constructed as to have more than two (2) surfaces.

2. One nameplate sign for each dwelling group of 6 or more units shall be permitted but such sign shall not exceed 6 square feet in area per surface and no sign shall be so constructed to have more than two (2) surfaces.

3. One nameplate sign for each permitted use or use by conditional use permit other than residential shall be permitted but such sign shall not exceed twelve (12) square feet in area per surface and no sign shall be constructed to have more than two (2) surfaces.

4. Any sign over 1 square foot shall be set back at least fifteen (15) feet from any property line unless flat against the structure. No sign shall exceed ten (10) feet in height above the average grade level immediately below or at the base of the sign. Signs may be illuminated but such lighting shall be diffused or indirect and not illuminated beyond the lot line.

903.0812 Condominium/Townhome Association and/or Residential Rental Apartment Buildings

Association Identification signs shall be permitted, by permit, for the purpose of establishing a common neighborhood or complex identification when there exists an owner's association that provides for the maintenance of the sign or structures. Such signs shall be extensively landscaped with trees, plantings, and natural features, with approval by Planning Commission and City Council. Such signs may incorporate fountains, fences, or similar features. The maximum area of such ~~a~~ signs shall be thirty-two (32) square feet. The minimum setback required of Association Identification signs is five feet. All signs shall have a side setback not less than the height of the signs.

903.0813 Home occupation signs.

Home occupation signs for permitted home occupations may be permitted, provided such signs shall not be larger than two square feet in sign area. The signs shall be affixed to the dwelling immediately adjacent to the entrance used for business access.

903.0814 Commercial District Signage.

Signage is permitted in the B-1 or Planned Unit Development (PUD) district (approved for business uses), by permit, in a variety of types. However, any B-1 or PUD zoned site shall be limited to only one monument or one pole sign (sites cannot have both a monument and pole sign).

a. Monument signs

Monument signs are permitted in the B-1 or PUD (approved for business uses) zoning district with a permit provided the following requirements are met.

1. All letters, figures, characters or representations in cut-out or irregular form maintained in conjunction with, attached to, or superimposed on a monument sign shall be safely and securely built or attached to the sign structure and shall comply with all requirements of the "Design" and "Maintenance" subdivisions of this chapter. The copy area shall be limited to a single geometric shape unless it emulates the building form or feature.

2. Number of Signs: One sign shall be permitted on each non-residential lot of record, provided however, if the frontage of such lot measured in a straight line along such street exceeds five hundred (500) feet, then two such signs shall be permitted. A minimum distance of two hundred fifty (250) feet shall separate the two permitted monument signs on a single lot of record.

3. The minimum front yard setback required for monument signs is five (5) feet. All signs shall have a side setback not less than the height of the sign. All monument signs shall be at least five (5) feet from any driveway or parking area.

4. The total area of a monument sign shall be the actual square footage of one sign face. Double face signs are permitted with the maximum square footage permitted on each side. The maximum sign area of a monument sign shall not exceed 100 square feet.

5. The maximum height of a monument sign shall be eight (8) feet above the average grade level at the base of the sign.

6. The vertical distance between the sign face and the base shall not be greater than six inches.

7. Monument signs shall have a monolithic or columnar line that maintains essentially the same profile from grade to top.

b. Pole Signs

Pole signs are permitted in the B-1 or PUD (approved for business uses) zoning districts with a permit provided the following requirements are met.

1. All letters, figures, characters or representations in cut-out of irregular form maintained in conjunction with, attached to, or superimposed on a pole sign shall be safely and securely built or attached to the sign structure and shall comply with all requirements of the "Design" and "Maintenance" subdivisions

of this Chapter. The copy area shall be limited to a single geometric shape unless it emulates the building form or feature.

2. Number of Signs: One sign shall be permitted on each non-residential lot of record, provided however, if the frontage of such lot measured in a straight line along such street exceeds five hundred (500) feet, then two such signs shall be permitted. A minimum distance of two hundred fifty 250 feet shall separate the two permitted pole signs on a single lot of record.

3. The minimum front yard setback required for pole signs is five (5) feet and the minimum side yard setback shall be not less than twenty (20) feet. All signs shall have a side setback not less than the height of the sign. All pole signs shall be at least 5 feet from any driveway or parking area.

4. The total area of a sign shall be the actual square footage of each sign face. No more than a total of 4 individual sign faces shall be installed on a single pole at any one time. All sign faces must be contiguous with no free space between signs. Double face signs are permitted with the maximum square footage permitted on each side. The maximum sign area of a pole sign shall not exceed one hundred twenty 120 square feet.

5. The maximum height of a pole sign shall be twenty five (25) feet above the average grade level at the base of the sign. No part of a pole sign shall be less than fourteen (14) feet vertical distance above the highest grade level at the base of the sign.

c. Building Signs in Commercial districts.

Wall signs are permitted in the B-1 and PUD (approved for business uses) zoning districts with a permit provided the following requirements are met.

1. Sign area allowed: One square foot of aggregate sign area may be erected for every lineal foot of building frontage to a maximum of one hundred (100) square feet. In the case of a building on a corner lot, aggregate building signage may be increased one square foot per two lineal feet of corner side yard frontage (the greater length of the two street frontages), to a maximum of one hundred (100) square feet. No more than one hundred (100) square feet may be permitted on one side, two hundred square feet total. In the case that a building frontage exceeds two hundred (200) feet and has a setback of greater than one hundred (100) feet, two (2) square feet of sign area may be erected per lineal foot of building frontage to a maximum sign area of two hundred (200) square feet. Except for monument and pole signs, no individual sign shall exceed fifty (50) square feet.

2. Determination of sign area. The aggregate of building sign area shall be determined using the sign area formula found in the definition section of this chapter. A maximum of two contiguous rectangles or squares will be used to figure sign area for any building.

3. Multi-tenant building: In the case of a building having more than one tenant, no more than one building sign per each tenant shall be permitted. All signage within multi-tenant buildings shall be consistent in design and construction.

4. Letters, symbols, and logos: Under no circumstances will a letter, symbol, or logo dimension greater than six feet be allowed.

d. Convenience Store Canopy Signs: Signs on a canopy in a convenience store may be permitted. Such signs shall be one square foot per linear foot of frontage of the canopy to a maximum sign area of eighty (80) square feet. Such sign shall be confined to the actual dimensions of the canopy. Canopy signs shall not be included in aggregate sign calculation.

e. Symbols, statues, sculptors and integrated architectural features on commercial buildings may be illuminated by floodlights provided the direct source of light is not visible from the public right-of-way or adjacent residential district.

f. Projecting Signs in Commercial and Business Districts.

Projecting signs may be permitted in the B-1 and PUD (approved for business uses) Zoning Districts, by permit, provided that all supports for signs and lighting is architecturally compatible with the principal structure and surrounding area

1. Signs may not project over vehicle parking, or public or private vehicular right- of-way.

2. All signs shall maintain a minimum of eight feet of clearance over pedestrian ways.

3. Projecting signs may extend a maximum of five feet from the building wall.

4. The use of guy wires as a support is prohibited.

5. One projecting sign may be permitted for each lot of record.

903.0815 Electronic Changeable Copy Signs

Electronic changeable copy shall be allowed, by permit, on approved monument signs and pole signs for convenience stores to advertise products sold on site, provided however a maximum of forty percent (40%) of the total sign area, may be dedicated to electric changeable copy, provided the following conditions are met:

1. Electronic changeable, message copy may change no more once every 10 seconds. Message copy must only contain static and stable text and/or images. Other mode of displaying messages, including scrolling or flashing are prohibited. The transition from one static and stable display to another must be direct and immediate without any special effects including fading, wiping and dissolving.

2. Electronic changeable message copy shall be integral to and a part of any approved monument or pole sign.

3. Only one electronic changeable copy sign shall be permitted on a monument or pole sign.

4. Electronic changeable copy signs shall be restricted in their illumination and brightness so that no sign with electronic display may exceed a maximum illumination of 350 NITS during the nighttime and 5000 NITS during the daytime. All signs with electronic displays must be equipped with a dimmer control or other mechanism that automatically controls the sign's brightness to comply with the requirements and assure at any time the sign's intensity does not exceed .3 foot candles above ambient light levels as measured from one hundred (100) feet from the sign's face. If there is a violation of the brightness standards, the adjustment must be made within one (1) business day upon notice of noncompliance from the City.

5. Malfunctioning electronic signs. Signs with electronic displays must be designed and equipped to freeze the sign face in one position if a malfunction occurs. Signs with electronic displays must also be equipped with a means to immediately discontinue the display if it malfunctions.

a. Operation of an electronic sign not in compliance with these regulations. The sign owner or operator must immediately turn off the display within one (1) hour of notification from the city that it is not complying with the standards of this ordinance.

903.0816 Temporary Signs.

Temporary signs are permitted in B-1 or PUD Zoning Districts (approved for business use), by permit, based on the following regulations:

1. No more than two (2) temporary signs shall be permitted on a site, not to exceed thirty-two (32) total square feet, to advertise special events, grand openings, or holidays. Temporary signs shall have not more than two (2) faces;

2. Each sign shall be permitted to be displayed for a maximum period of thirty (30) consecutive days, up to three (3) times per calendar year, but not more than two (2) consecutive thirty (30) day periods shall be permitted;

3. Temporary signs shall be secured in a manner as to prevent them from being moved or blown over by the wind;

4. Temporary signs shall be professionally made and constructed of durable, weather-resistant materials such as aluminum, plastic or wood finished surfaces and shall be maintained in good conditions;

5. If any Temporary Sign is not removed by the end of the thirty (30) day period the City Administrator or his/her designee may remove it and charge the costs of removal to the individual or enterprise responsible or property owner.

6. A Temporary sign permit shall be issued by the City prior to installation of the sign. The application shall include the proposed installation dates, picture of the proposed sign and how it will be installed.

903.0817 Sign Permit

It shall be unlawful for any person to erect, alter or relocate within the City of Lilydale any sign for which a permit is required without first obtaining and paying the fee required herein unless provided elsewhere. Installation of a temporary sign requires issuance of a permit but no fee will be applied.

When a sign permit is required by ordinance it can be issued by the City Administrator provided it meets all requirements of this title. The City Administrator may require persons failing to hold

such permit to pay double the permit fee. No person shall erect, construct, or maintain any sign upon any property or building without the consent of the owner or person entitled to possession of the property or building.

1. Application for Permit: Application for permits shall be made upon forms provided by the City Administrator. Permit applications shall consist of the following:

a. Building signs: A drawing of the proposed sign showing dimensions and describing materials, lettering, colors, illumination, and support systems.

b. Photographs of the building face and the building faces of any adjacent buildings.

c. A drawing of the building face and site plan showing the location of the proposed sign.

d. A cross section of the building face showing how the sign will be attached and how far it will extend from the building.

e. A building sign plan for a building with more than one use or business, showing all signs.

2. Freestanding signs

a. A drawing of the proposed sign showing dimensions and describing materials, lettering, colors, illumination, and support systems.

b. A cross section of the sign structure showing how the sign will be installed, including footings, etc.

c. A site plan drawn on a certified survey showing the proposed sign setbacks.

d. A freestanding sign plan for a building with more than one use or business, showing all signs on a given property.

903.0818 Permit Fees

Every applicant before being granted a sign permit hereunder shall pay to the city a permit fee in the amount determined by resolution of the city council from time to time.

903.0819 Inspections

All construction work for which a permit is required shall be subject to inspection by the Building Official or Inspector.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this ordinance or of other city ordinances. Inspections presuming to give authority to violate or cancel the provisions of this ordinance or other city ordinances shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes and to schedule, and be present for the required inspections. Neither the Building Official or Inspector nor the City shall be liable for expense entailed in the removal of any material required to allow inspection.

903.0820 Maintenance

1. All signs and sign structures must be properly maintained and constructed of sufficiently permanent materials so they resist weathering. Any existing sign that is rotted, unsafe, deteriorated, defaced, or altered must be repaired or replaced. The Zoning Administrator, after 30 days written notice to the sign owner may order the removal of any sign that is not maintained in accordance with the provisions of this chapter and the cost assessed against the property on which the sign is located. However, in the case a sign structure becomes a safety hazard as defined in the Minnesota State Building Code, the Building Official or Inspector shall require the owner of the sign structure to immediately abate the safety hazard as provided in the Minnesota State Building Code.

2. Inspections: The Zoning Administrator may cause to be inspected from time to time as he deems necessary, any sign regulated by this chapter for the purpose of ascertaining whether the same is secure, and whether it is in need of removal or repair to be in compliance with this chapter.

903.0821 Abandoned Signs

Signs or supporting structures not used for signs for six consecutive months must be removed.

Any abandoned sign now or hereafter existing shall be taken down and removed by the owner, agent or person having beneficial use of the building or land upon which sign may be found within 30 days after written notification from the Zoning Administrator and, upon failure to comply with such notice within the time specified in such order, the Zoning Administrator is hereby authorized to cause removal of such sign, and any expense thereto shall be paid by the owner of the building or structure to which the sign is attached.

903.0822 Non-Conforming Signs

A lawful sign existing at the time of the enactment of this section may be continued even though such sign may not conform with the regulations of this section for the district in which it is located. If no structural alterations are made, any non-conforming sign may be altered; provided such alteration does not increase the non-conforming status of the sign.

When a non-conforming sign is discontinued or abandoned for six months, the sign shall not thereafter be used except in conformance with the regulations in the district in which it is located.

Any non-conforming sign damaged more than fifty (50) percent of its replacement cost exclusive of the foundations at the time of damage by any means except Force Majeure, shall not be restored or reconstructed, except in conformity with the provisions of this Ordinance. If the structure is less than fifty (50) percent damaged above the foundation, or damaged by a Force Majeure, it may be restored, reconstructed or used as before, provided that reconstruction be completed within six (6) months of such happening, and be built of like or similar materials as appropriate to the zoning district.

903.0823 Severability

If any section, provision, or part of this Ordinance shall be judged to be invalid, or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision, or part thereof not judged to be invalid or unconstitutional.

903.09 Erosion Control – Stormwater Runoff.

(1) During construction and until such time as final control measures are fully implemented and established, adequate development practices will be maintained to insure the gross soil loss levels (express in terms of tons per acre per year) shall not exceed five tons per acre per year during construction when the site is adjacent to a water body or water course; and one-half ton per acre per year after the construction activities are completed as calculated in accordance with the Uniform Soil Loss