

ORDINANCE NO. 2020-001
CITY OF VERGAS
COUNTY OF OTTER TAIL
STATE OF MINNESOTA
SIGN ORDINANCE

§ 151.175 FINDINGS, PURPOSE AND EFFECT.

(A) *Findings.* The City Council hereby finds as follows:

(1) Exterior signs have a substantial impact on the character and quality of the environment.

(3) Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.

(4) The city's zoning regulations have included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the city and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the city has had a positive impact on traffic safety and the appearance of the community.

(B) *Purpose and intent.* It is not the purpose or intent of this subchapter to regulate the message displayed on any sign; nor is it the purpose or intent of this subchapter to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this subchapter is to:

(1) Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety and welfare.

(2) Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.

(3) Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees and the city's goals of public safety and aesthetics.

(4) Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the city.

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

(1) Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this subchapter.

(2) Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this subchapter.

(3) Prohibit signs whose location, size, type, illumination or other physical characteristic negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.

(4) Provide for the enforcement of this subchapter.

(D) *Scope.* This subchapter shall not regulate official traffic or government signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; flags bearing any noncommercial message; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

§ 151.176 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED SIGN. Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of 1 year or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of 1 year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of **ABANDONED SIGN**.

CLERK-TREASURER. The Zoning Clerk-Treasurer or designated representative.

ANIMATION. The movement of any object or light used in conjunction with a sign such as blinking, flashing, traveling, scrolling or changing degree of intensity of any light movement other than burning continuously.

AREA. See **SIGN, AREA OF**.

AWNING. A roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning which also projects over a door shall be counted as an **AWNING**.

AWNING SIGN. A building sign or graphic painted on, printed on, or attached flat against the surface of an awning.

BALLOON SIGN. A sign consisting of a bag made of lightweight material supported by helium, hot or pressurized air which is greater than 24 inches in diameter.

BANNER SIGN. A sign made of fabric or any non-rigid material with no enclosing framework.

BILLBOARD. See **OFF-PREMISES SIGN**.

BUILDING. As defined in § 151.003 of this chapter.

BUILDING FACE. The exposed face of a building, including windows and doors, from ground level to the roof line. Where a building has a facade, mansard, or awning, the Zoning Clerk-Treasurer shall work with the applicant to determine what constitutes the aggregate building face for purposes of signage.

CANOPY. A rigid multi-sided structure covered with fabric, metal or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities which provides shelter over a doorway.

CANOPY SIGN. Any sign that is part of or attached to a canopy, made of fabric, plastic or structural protective cover over a door or entrance. A **CANOPY SIGN** is not a marquee and is different from service area canopy signs.

CHANGEABLE COPY SIGN. A sign or portion thereof with characters, letter or illustrations that can be changed or rearranged without altering the face or the surface of the sign. **CHANGEABLE COPY SIGNS** do not include signs upon which characters, letters, or illustrations change or rearrange only once in a 24-hour period.

CLEARANCE (OF A SIGN). The smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, includes framework and embellishments, extending over that grade.

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

COMMUNITY/SPECIAL EVENT SIGN. A sign which solicits for a special short term or one-time civic event. Such events may include, but shall not be limited to: seasonal celebrations,

community programs and activities, or the location of places or events of interest to the community or tourists. Such events must appeal to a broad audience, are open to the public, and are accessible to all residents or visitors.

COPY. The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

DIRECTIONAL SIGN - OFF-PREMISE. An off-premise sign which provides directional assistance to access an establishment conveniently and safely.

DIRECTIONAL SIGN - ON-PREMISE. An on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs. May contain logo provided that the logo may not comprise more than 20% of the total sign area.

DOUBLE-FACED SIGN. A sign with 2 faces, essentially back-to-back or v-construction.

DYNAMIC DISPLAY. Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement of change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, shimmering, blinking or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, “digital ink” or any other method or technology that allows the sign face to present a series of images or displays.

ELECTRICAL SIGN. A sign or sign structure in which electrical wiring, connections, or fixtures are used.

ELECTRONIC VARIABLE MESSAGE SIGN. A sign whose message may be changed at intervals by electronic process or remote control and having a constant light level.

ERECT. Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other ways of bringing into being or establishing.

FACADE. The entire building front including the parapet.

FACE OF SIGN. The area of a sign on which the copy is placed.

FEATHER FLAG SIGN. A lightweight, portable advertising medium, mounted on a pole, which resembles a sail.

FLAG. Any fabric or similar lightweight material attached at 1 end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

FRONTAGE. The length of the property line of any 1 premise along a public right-of-way on which it borders.

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, historical site, or public service, property, or facility.

HEIGHT (OF A SIGN). The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

IDENTIFICATION SIGN. An on-premise identification sign giving the name, address, and/or occupation of an occupant or group of occupants. **IDENTIFICATION SIGNS** may be illuminated.

ILLUMINATED SIGN. Any sign which contains an element designed to emanate artificial light internally or externally.

INCIDENTAL SIGN. A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business. Maximum size is 4 square feet.

INTERIOR SIGN. A sign which is located within the interior of any building, or within an enclosed lobby or court of any building, and a sign for and located within the inner or outer body, court, entrance of any theater.

LEGALLY ESTABLISHED NONCONFORMING SIGN. Any sign and its support structure lawfully erected prior to the effective date of this subchapter which fails to conform to the requirements of this subchapter. A sign which was erected in accordance with a variance granted prior to the adoption of this subchapter and which does not comply with this subchapter shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

MAINTENANCE. The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

MANSARD. A roof having 2 slopes on all sides with the lower slope steeper than the upper one.

MARQUEE. Any permanent roof-like structure projecting beyond a building facade or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.

MARQUEE SIGN. Any building sign painted, mounted, constructed or attached in any manner, on a marquee.

MONUMENT SIGN. A sign where the extent of the sign surface is attached to the ground or a foundation in the ground; and where there are no poles, braces, or other visible means of support other than attachment to the ground.

MULTI-TENANT BUILDING. A building that houses more than 1 tenant or use.

NAMEPLATE. A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

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 information topics.

OFF-PREMISE SIGN. A commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where the sign is located. For purposes of this subchapter, easements and other appurtenances shall be considered to be outside such lot and any sign located or proposed to be located in an easement or other appurtenance shall be considered an **OFF-PREMISE SIGN**.

ON-PREMISE SIGN. A sign which identifies or advertises an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

OWNER. In the case of a lot, the legal owner of the lot as officially recorded by Hubbard County, and including fee owners, contract for deed purchasers and ground lessees. For the purposes of this subchapter, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Clerk-Treasurer, e.g., a sign leased from a sign company.

PAINTED WALL SIGN. Any sign which is applied with paint or similar substance on the surface of a wall.

PERSON. Any individual, corporation, association, firm, partnership, or similarly defined interest.

POINT OF PURCHASE DISPLAY. Advertising of a retail item accompanying its display, e.g., an advertisement on a product dispenser, tire display, and the like.

POLE SIGN. See **PYLON SIGN.**

PORTABLE SIGN. Any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such sign.

PREMISE. A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

PROJECTING SIGN. Any sign which is affixed to a building or wall in such a manner that its leading edge extends more than 2 feet beyond the surface of such building or wall face.

PUBLIC STREET RIGHT-OF-WAY. The entire right-of-way of any public street.

PYLON SIGN. Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

ROOF SIGN. Any 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.

SANDWICH SIGN. Two sign faces that are back to back and are connected together at the top and apart from each other at the bottom.

SCROLL OR TRAVEL. A message transition where the message that is leaving or appearing appears to move vertically or horizontally across the display surface.

SIGHT TRIANGLE. A triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of 30 feet from their point of intersection.

SIGN. Any letter, word or 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 information or communicative purposes.

SIGN, AREA OF. Includes the space inside a continuous line drawn around and enclosing all letters, designs, and background materials exclusive of border, trim and structural supports. For the purpose of calculating the sign area of multiple-faced or back-to-back signs the stipulated maximum sign area shall refer to a single face.

SUBDIVISION IDENTIFICATION SIGN. A sign identifying a recognized subdivision, condominium complex, or residential development.

SUSPENDED SIGN. Any building sign that is suspended from the underside of a horizontal plane surface and is connected to this surface.

TEMPORARY SIGN. Any sign, balloon, banner, blimp, flag, pylon, pennant, poster, reader board or advertising display which is intended to be displayed for a period of time not to exceed 3 weeks per permit period. Signs other than temporary signs shall be considered permanent signs.

TOTAL SITE SIGNAGE. The maximum permitted combined area of all free standing and wall identification signs allowed on a specific property.

WALL SIGN. A sign attached essentially parallel to and extending not more than 24 inches from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

WINDOW SIGN. Any 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 pane or glass and is visible from the exterior of the window.

ZONING LOT. One or more lots which are used for a single principal use or planned unit development.

§ 151.177 PERMIT REQUIRED.

No sign shall be erected, reconstructed, or moved in the city without first securing a permit from the city and payment of fees as described in this chapter, unless no permit is required pursuant to § 151.178. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Application for a sign permit shall be on forms furnished by the Clerk-Treasurer.

§ 151.178 EXEMPTED SIGNS - NO PERMIT.

The following signs need no permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and is in compliance with the provisions of this subchapter or any other law or ordinance regulating the same. Unless restricted by this section, these signs may be placed in all zoning districts.

(A) Signs with a commercial message placed upon construction sites. Such signs may be erected 60 days prior to construction and shall be removed within 10 days after completion of construction. Total site signage shall not exceed the following size limitations:

<i>Project Area</i>	<i>Residential</i>	<i>Commercial/Industrial</i>
Under 1 acre	8 sq. ft.	32 sq. ft.
1.01 to 10 acres	64 sq. ft.	64 sq. ft.
10.1 to 25 acres	150 sq. ft.	150 sq. ft.
25.1 plus acres	300 sq. ft.	500 sq. ft.

- (B) On-premise directional/information signs of 9 square feet or less.
- (C) Building address signs of 2 square feet or less.
- (D) *Non-commercial speech signs.* Notwithstanding any other provisions of this subchapter, all signs of any size containing non-commercial speech may be posted from 46 days before the state primary in any general election year until 10 days following the general election and 13 weeks prior to any special election until 10 days following the special election. One non-commercial speech sign is allowed on each lot outside the above specified time period on all properties. All signs must be at least 5 feet from all property lines and shall not be located in the sight triangle.
- (E) Emergency signs as required by any governmental agency.
- (F) Residential and commercial real estate signs, not placed in the right of way. These signs must be removed within 7 days after the closing date of the sale or lease of the property.
- (G) Signs or posters attached or painted on the inside of a display window including illuminated signs, but not flashing signs. These signs shall be placed as not to obstruct or interfere with any window, doorway or fire escape. Such signs shall not exceed 50% of the window area or 32 square feet, which ever is more restrictive. Such signs shall be prohibited in residential districts.
- (H) Public signs, street signs, warning signs, or signs of public service companies for the purpose of promoting safety.
- (I) Noncommercial flags.
- (J) Pedestrian, vehicular-traffic and parking directional signs in parking lots, provided the face of such signs meet Minnesota Department of Transportation standards and which do not contain commercial speech.
- (K) Replacement or repair of signs damaged by storm or accident, as long as the size or setback is not increased.

(L) Noncommercial directional signs not illuminated and not exceeding 2 square feet. Signs are limited to 1 per avenue or street directly leading to the establishment.

(M) Temporary or permanent signs by public utilities erected to warn the public.

(N) Easel and/or sandwich signs, as long as such signs do not exceed 24 inches by 48 inches. Signs are limited to 1 per lot. Signs must be taken down daily and must not block sidewalks or right of ways.

(O) Memorial signs or tablets, names of buildings and date of erection when cut into are attached to any masonry surface or noncombustible material.

(P) Banners affixed to buildings for point of purchase displays or special events.

(Q) Portable sign for community events displayed for 7 calendar days or less at a time.

(R) General sign maintenance such as painting, replacing light bulbs, cracked panels, and the like, including changing nameplates/sign copy for an existing business that does not increase the size, height, or setback.

(S) Temporary off-premise community/special event signs which meet the definition of a community/special event and all of the provision of § 151.184(F).

(T) Feather flag signs (commercial) not exceeding 10 feet in height.

§ 151.179 PROHIBITED SIGNS.

The following signs are prohibited in all districts, unless otherwise noted below:

(A) Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic control device or signal.

(B) Signs within a public right-of-way or easement, except for signs installed by governmental entities.

(C) Signs painted, attached or in any manner affixed to trees, rocks, or similar natural surfaces, or attached to public utility poles, bridges, towers, or similar public structures.

(F) Signs advertising by letters, words or figures painted upon any sidewalk with the city.

(G) Signs that emit sound.

(H) Signs painted or attached to vehicles where the vehicle is parked on a property and not intended to be moved for a period of 48 hours or more. At all times, vehicles containing advertising and/or signage shall not be parked along the property frontage.

(I) Vacant or abandoned building signs. Owner has 30 days to remove such signs after notification by Clerk-Treasurer.

(J) Signs anchored by guy wires, chains, cables or similar devices that project down to the ground in any way.

(K) No sign shall Interfere with public utility facilities or maintenance thereof

§ 151.180 GENERAL PROVISIONS.

The following provisions apply to signs in all districts:

(A) All signs shall be constructed and maintained in a manner where they will be safe to the general public. A sign shall be repainted whenever its paint begins to fade, chip or discolor and defective parts shall be replaced promptly.

(B) A sign shall be considered abandoned if the property or use remains vacant for a period of more than 1 year. The property owner has 30 days to remove such signs after notification by Clerk-Treasurer.

(C) If the Clerk-Treasurer shall find that any sign is unsafe, a detriment to the public, not maintained, or constructed, erected or maintained in violation of the provisions of this section, the Clerk-Treasurer shall give written notice to the property owner thereof. If the property owner fails to comply with the standards of this section within 30 days after such notice, and if no appeal is taken pursuant to § 151.245, or if no owner, occupant, or agent can be found, such sign shall be removed or altered by the city. The cost of such city action shall be specifically assessed against the subject property.

(D) All permanent signs shall be constructed to meet the Uniform Building Code standards for wind resistance, dead loads, wind loads and other applicable sections of the Uniform Building Code. Signs shall be rigidly suspended by means of fastening or support so as not to be free swinging nor a menace to persons or property.

(E) All electrical wiring of signs shall comply with the provisions of the National Electrical Code and other applicable sections of the State Building Code.

(F) No sign shall be erected as to obstruct access/egress to or from fire escapes, windows, doors or exits and fire lanes.

(G) No pylon sign shall be erected in such a manner that projects or will project over any building or public right-of-way.

(H) Projecting signs, awnings and canopies that overhang a sidewalk or other pedestrian way shall provide a minimum clearance above the said pedestrian way of 8 feet.

(I) Monument signs shall be constructed with the entire bottom of the sign structure in contact with the ground.

(J) Computation of the area of multifaceted signs. The sign area for a sign with more than 1 face shall be computed by adding together the area of all sign faces visible from any 1 point. When 2 identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of 1 of the faces.

(K) All signs may be illuminated as provided for in § 151.182.

Penalty, see § 151.999

§ 151.182 ILLUMINATION AND BRIGHTNESS STANDARDS.

(A) Illuminated signs may not exhibit any of the following:

- (1) External illumination that is determined to interfere with safe traffic operations;
- (2) The sign is directly oriented to any residential district;
- (3) Illumination of any sign in a residential district;

(B) All signs must meet the following brightness standards:

- (1) No sign may be brighter than is necessary for clear and adequate visibility.
- (2) No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.

(3) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

(C) All signs installed after March 1, 2020 that will have illumination by a means other than natural light must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions. These signs must also be equipped with a means to immediately turn off the display or lighting if it malfunctions and the sign owner or operator must immediately turn off the sign or lighting when notified by the city that it is not complying with the standards in this section.

Penalty, see § 151.999

§ 151.183 SUBSTITUTION CLAUSE.

The owner of any sign which is otherwise allowed by this subchapter may substitute non-commercial speech in lieu of any other commercial speech or non-commercial speech. 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 speech over any other non-commercial speech. This provision prevails over any more specific provision to the contrary.

§ 151.184 TEMPORARY SIGNS.

(A) Portable signs.

(1) There shall be no more than 1 portable sign on any zoning lot at a time, excluding banners.

(2) Maximum size not to exceed 32 square feet in area.

(3) Portable sign shall be set back 5 feet from all property lines and shall not be located in the sight triangle.

(5) Portable signs shall not be placed in the public right-of-way, be flashing, having moving parts or be fastened to any pylon sign or light pole.

(8) The temporary sign permit fee shall be waived for new businesses for a period of 3 weeks.

(C) Sandwich signs.

(1) One sandwich sign is allowed per zoning lot. Sign must be displayed only during business hours and removed when closed. The placement of the sign must not interfere with pedestrian traffic and must be able to maintain a 6-foot path on the sidewalk. Sandwich signs shall not exceed 24 inches by 48 inches in size.

(D) Feather flag signs (commercial).

(1) Only 1 feather flag is allowed per parcel and must be attached to the primary structure or the sign must be displayed only during business hours and removed when closed.

(2) Signs must be set back a minimum of 5 feet from the property line.

(E) Garage sale signs.

(1) Signs may not be placed in the right-of-way.

(2) Signs may be placed off site with permission of the property owner.

(3) Signs must be removed by 6:00 p.m. on the last day of the sale.

(F) Temporary off-site community/special event signs.

(1) No signs are allowed within any right-of-way or along highway sections designated as a scenic byway (Highway 34 East and West and Highway 71 North throughout the city).

(2) Need to have property owner permission to place signs.

(3) Individual signs not to exceed 32 square feet.

(4) Signs are allowed the week prior to the event and all signs must be removed within 24 hours of the conclusion of the event.

(5) No permit or fee is required, but all signs must identify the event location and include contact information for the event sponsor.

Penalty, see § 151.999

§ 151.185 SIGNS PERMITTED IN AGRICULTURAL (AG-1) DISTRICT, PUBLIC AND QUASI-PUBLIC (P) DISTRICT, AND CONSERVATION (C-1) DISTRICT.

(A) Sign permit applications for signs located within these districts shall be reviewed on a case by case basis depending on the proposed use of the property and based on similar uses in the zoning districts listed below.

Penalty, see § 151.999

§ 151.186 SIGNS PERMITTED IN RESIDENTIAL (R-1, R-1A, R-2, AND R-3) DISTRICTS.

(A) The following regulations shall apply to non-residential permitted, conditional or legal nonconforming uses:

(1) Nameplates may be wall or monument mounted or combination thereof and shall not exceed 20 square feet in area.

(2) Monument signs shall have a maximum height of 6 feet and shall have a setback of 15 feet from any property line and shall not be placed in the sight triangle.

(B) The following regulations shall apply to residential permitted, conditional or legal nonconforming uses:

(1) One subdivision identification sign per street frontage, neighborhood, subdivision or development, not to exceed 48 square feet in sign area in each location.

(2) One identification sign per entrance to apartment or condominium complex, not to exceed 36 square feet in sign area.

(3) Home occupations - 1 sign with a maximum area of 4 square feet will be allowed and may not be illuminated. The sign must be located in the front yard.

(4) All allowed signs shall have a maximum height of 6 feet and shall have a setback of 15 feet from any property line and shall not be placed in the sight triangle.

§ 151.187 SIGNS PERMITTED IN RESIDENTIAL-BUSINESS TRANSITIONAL (R-B) DISTRICT.

(A) The following regulations shall apply to non-residential permitted, conditional, or legal nonconforming uses:

(1) One 20-square feet pylon or monument sign and one 12-square feet wall sign are allowed per building.

(2) Pylon signs shall have a maximum height of 10 feet and shall have a setback of 15 feet from any property line and shall not be placed in the sight triangle. The Zoning Clerk-Treasurer must verify setback before the sign support is installed.

(3) Monument signs shall have a maximum height of 8 feet and shall have a setback of 15 feet from any property line and shall not be placed in the sight triangle. The Zoning Clerk-Treasurer must verify setback before the sign support is installed.

(B) The following regulations shall apply to residential permitted, conditional, or legal nonconforming uses:

(1) One subdivision identification sign per street frontage, neighborhood, subdivision or development, not to exceed 48 square feet in sign area in each location.

(2) One identification sign per entrance to apartment or condominium complex, not to exceed 36 square feet in sign area.

(3) Home occupations - 1 sign with a maximum area of 4 square feet will be allowed and may not be illuminated. The sign must be located in the front yard.

(4) All allowed signs shall have a maximum height of 6 feet and shall have a setback of 15 feet from any property line and shall not be placed in the sight triangle.

Penalty, see § 151.999

§ 151.188 SIGNS PERMITTED IN HIGHWAY BUSINESS (B-1) DISTRICT.

(A) *Total site signage.* Two square feet per front foot of building abutting a public right-of-way.

(B) *On-premise signs.*

(1) A zoning lot which has a front lineal footage of greater than 300 feet may have a pylon sign and a monument sign or 2 monument signs. A zoning lot which has a front lineal footage less than 300 feet may have either a pylon sign or monument sign.

(2) On corner lots, all signs must be located outside of the sight triangle.

(3) *Pylon sign.*

(a) A zoning lot is allowed 1 pylon sign not to exceed 100 square feet in area.

(b) Pylon signs shall be set back 10 feet from property lines to the support structure. The maximum height for pylon signs is 30 feet. The sign may project from the support into the setback area 5 feet. The sign must be a minimum of 8 feet above grade. The Zoning Clerk-Treasurer must verify setback before the sign support is installed.

(c) The square footage of pylon signs shall count towards the total site signage maximum allowed.

(4) *Monument signs.*

(a) A zoning lot is allowed to have up to 2 monument signs, provided the requirements for 2 signs have been met per this section.

(b) Monument signs greater than 8 feet in height shall be constructed with the entire bottom of the sign structure in contact with the ground. A solid continuous background area should be provided from the ground to the top of the sign in a material which matches the principal structure.

(c) Monument sign height may be a maximum of 15 feet.

(d) The sign face shall occupy at least 50% of the monument sign. The sign face shall not exceed 100 square feet in area.

(e) Signs should exhibit a sense of continuity through the use of a uniform color of the metal surround. Monument signs are required to be constructed of materials of either the same as the principal structure or appear the same.

(f) Monument signs shall be set back a minimum of 10 feet from the property lines. The Zoning Clerk-Treasurer must verify setback before the sign support is installed.

(g) The square footage of the sign area on a monument sign shall count towards the total site signage maximum allowed.

(5) *Wall signs.*

(a) Total wall signage on any building shall not exceed 10% of the front wall area.

(b) Wall signs shall not project above the roof line.

(c) Wall signs shall not project in excess of 12 inches from building face, with the exception of canopies or awnings that do not overhang the public right-of-way.

(d) Any 1 wall sign shall not exceed 200 square feet in area.

(e) Multi-tenant business centers may have 1 wall sign per business which has an exclusive exterior entrance. A second wall sign may be allowed if a tenant has an additional exclusive exterior entrance on a second wall. All wall signs shall not exceed more than 10% of the wall area.

(f) The square footage of wall signs shall count towards the total site signage maximum allowed.

(6) Window signs are exempt from permit requirements, but must conform to all other requirements of this subchapter.

Penalty, see § 151.999

§ 151.189 SIGNS PERMITTED IN GENERAL BUSINESS (B-2) DISTRICT.

(A) *Size of signs.* Total site signage - 150 square feet. Multi-tenant buildings and properties located on a corner lot may increase the total site signage to 200 square feet with an approved comprehensive sign plan for the property.

(B) *On-premise signs.*

(1) *Pylon sign.*

(a) A zoning lot is allowed 1 pylon sign which shall not exceed 60 square feet in area.

(b) Maximum height is 15 feet above grade. The sign may not be located in or over right-of-way. The Zoning Clerk-Treasurer must verify setback before the sign support is installed.

(c) The square footage of pylon signs shall count towards the total site signage maximum allowed.

(2) *Wall sign.*

(a) Total wall signage on any building shall not exceed 20% of the front wall area.

(b) All signs shall not project above the roof line.

(c) Wall signs shall not project in excess of 12 inches from building face, with exception of canopies or awnings.

(d) Any 1 wall sign shall not exceed 100 square feet.

(e) Multi-tenant buildings may have 1 wall sign per business which has an exclusive exterior entrance. A second wall sign may be allowed if a tenant has an additional exclusive exterior entrance on a second wall. All signs shall not exceed 20% of the wall area.

(f) The square footage of wall signs shall count towards the total site signage maximum allowed.

(3) *Projecting signs.*

(a) Projecting signs cannot project more than 8 feet from the wall of the building and must be a minimum of 8 feet above grade and shall not exceed 32 square feet in area.

(b) The square footage of any projecting signs shall count towards the total site signage maximum.

(4) *Suspended signs.*

(a) Suspended signs shall not exceed 8 square feet and must have a minimum clearance of 8 feet to grade.

(b) The square footage of suspended signs shall count towards the total site signage maximum.

(5) Window signs are exempt from permit requirements, but must conform to all other requirements of this subchapter.

(6) Signs in the General Business District may be illuminated.

Penalty, see § 151.999

§ 151.190 SIGNS PERMITTED IN LIGHT INDUSTRY (I-1) AND HEAVY INDUSTRY (I-2) DISTRICTS.

(A) *Total site signage.* Three square feet per front foot of building abutting a public right-of-way.

(B) *On-premise signs.*

(1) A zoning lot which has a front lineal footage of greater than 300 feet may have a pylon sign and a monument sign or 2 monument signs. A zoning lot which has a front lineal footage less than 300 feet may have either a pylon sign or monument sign.

(2) On corner lots, all signs must be located outside of the sight triangle.

(3) *Pylon signs.*

(a) A zoning lot is allowed 1 pylon sign not to exceed 100 square feet in area.

(b) Pylon signs shall be set back 10 feet from property lines to the support structure.

The maximum height for pylon signs is 30 feet. The sign may project from the support into the setback area 5 feet. The sign must be a minimum of 8 feet above grade. The Zoning Clerk-Treasurer must verify setback before the sign support is installed.

(c) The square footage of pylon signs shall count towards the total site signage maximum allowed.

(4) *Monument signs.*

(a) No more than 1 monument sign shall be permitted per zoning lot.

(b) Monument signs greater than 8 feet in height shall be constructed with the entire bottom of the sign structure in contact with the ground. A solid continuous background area should be provided from the ground to the top of the sign in a material which matches the principal structure.

(c) Monument sign height may be a maximum of 15 feet.

(d) The sign face shall occupy at least 50% of the monument sign. The sign face shall not exceed 125 square feet in area.

(e) Signs should exhibit a sense of continuity through the use of a uniform color of the metal surround. Monument signs are required to be constructed of materials of either the same as the principal structure or appear the same.

(f) Monument signs shall be set back a minimum of 10 feet from the property lines. The Zoning Clerk-Treasurer must verify setback before the sign support is installed.

(g) Multi-tenant business centers will be allowed to have 1 joint identification monument sign.

(h) The square footage of the sign area on a monument sign shall count towards the total site signage maximum allowed.

(5) *Wall signs.*

(a) Total wall signage on any building shall not exceed 10% of the front wall area.

(b) Wall signs shall not project above the roof line.

(c) Wall signs shall not project in excess of 12 inches from building face with the exception of canopies or awnings that do not overhang the public right-of-way.

(d) Any 1 wall sign shall not exceed 200 square feet per sign.

(e) Multi-tenant business centers may have 1 wall sign per business which has an exclusive exterior entrance. A second wall sign may be allowed if a tenant has an additional exclusive exterior entrance on a second wall. All wall signs shall not exceed more than 10% of the wall area.

(f) The square footage of wall signs shall count towards the total site signage maximum allowed.

(6) Window signs are exempt from permit requirements, but must conform to all other requirements of this subchapter.

Penalty, see § 151.999

§ 151.192 NON-CONFORMING SIGN; COMPLIANCE.

It is recognized that signs exist within the zoning districts which were lawful before this subchapter was enacted, but will be prohibited under the terms of this subchapter. It is the intent of this subchapter that nonconforming signs shall not be enlarged upon or expanded, nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this subchapter to permit legal nonconforming signs existing on the effective date of this subchapter to continue as legal nonconforming signs provided such signs are safe, are maintained so as not to be unsightly, and have not been abandoned or removed subject to the following provisions:

(A) No sign shall be enlarged or altered in a way which increases its nonconformity.

(B) If the use of the nonconforming sign or sign structure is discontinued for a period of 1 year, the sign or sign structure shall not be reconstructed or used except in conformity with the provisions of this subchapter.

(C) Should such nonconforming sign or sign structure be damaged or structure be destroyed by any means to an extent greater than 50% of its market value and all required permits for its reconstruction have not been applied for within 180 days of when the sign or sign structure was damaged, it shall not be reconstructed or used except in conformity with the provisions of this subchapter.

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

(E) No existing sign devoted to a use not permitted by the Zoning Code in the zoning district in which it is located shall be enlarged, expanded or moved except in changing the sign to a sign permitted in the zoning district in which it is located.

(F) When a building loses its nonconformity status all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be repainted in a neutral color which will harmonize with the structure.

Penalty, see § 151.999

§ 151.193 ADMINISTRATION AND ENFORCEMENT.

(A) If any portion of this subchapter is found to be in conflict with any other provision of any zoning, building, fire safety, or health ordinance, the provision that establishes the higher standard shall prevail.

(B) Failure to obtain a sign permit prior to erection of a sign shall result in a double permit fee.

§ 151.194 SEVERABILITY.

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

Motion by _____, seconded by _____ to adopt Ordinance 2020-001, (a complete text of the ordinance is part of permanent public record in the City Clerk's office.) regarding signs. Voting yes: _____ Voting No: _____ Motion carried.

Adopted by the City Council of the City of Vergas on May 12, 2020.

ATTEST:

Julie Lammers, Clerk

Published: Frazee-Vergas Forum on _____.