

MEMORANDUM

Date: February 21, 2024
To: Planning Commission Members
From: Erin McDermott, Associate Planner
Subject: Comprehensive Plan Land Use Code Update

Sign Code Text Amendment

The Sign Code was amended to comply with changes made to the Comprehensive Plan through the new land use designations and the anticipated adoption of new zoning districts. Technical changes for consistency throughout the Land Use title were also made. The City's Attorney is currently reviewing the text against current case law and additional changes may be required.

Attachment A – Summary of Changes
Attachment B – Redline Text Amendment

C.1.A.A - WS SUMMARY OF CHANGES - CH 150

Section	Title	Summary of Changes
150.01	Short title	Updated for consistency across LU chapters
150.02	Purpose and Intent	Grammar, and the addition of a severability clause
150.03	Definitions	Updated for consistency across LU chapters
150.04	General Provisions Applicable to All Zoning Districts	Grammar, and added Minnesota Building Code requirement. Removed content restrictions per legal recommendation. Added projecting signs as permitted with size requirements.
150.05	Prohibited Signs	Removed prohibition from projecting signs.
150.06	Temporary Signs	Removed content restrictions per legal recommendation. Added clarification to requirements for enforcement purposes at the request of the Environmental Health Division.
150.08	Variances	Updated for consistency across LU chapters, all variances are governed by MN Statute and must be processed consistently.
150.09	Sign Application	Technical changes for consistency
150.10	Bond and License	Technical changes for consistency
150.11	Construction Standards	Removed specific Building Code citation, replacing with a broader citation to reduce the need for future amendments.
150.13	Enforcement	Technical changes for consistency
150.14	Violations	Technical changes for consistency
150.15	Right of Appeal	Technical changes for consistency
150.25	R-1, R-2, R-3 and R4 Residential Districts	Updated name of section and zoning district references to reflect the residential districts that will exist once Chapter 152 is amended.
150.26	Multiple Residential Districts	Updated name of section and zoning district references to reflect the residential districts that will exist once Chapter 152 is amended.
150.29	BP Business Park and I General Industrial Districts	Technical changes for consistency
150.30	PCDD Planned Community Development District and PUD Planned Unit Development District	Struck to reflect the districts that will exist once Chapter 152 is amended.
150.32	Highway Overlay	Struck to reflect the districts that will exist once Chapter 152 is amended.

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ARTICLE 1. ADMINISTRATION

§ 150.01 SHORT TITLE.

This chapter may hereafter be known and cited as the “~~Sign Ordinance.~~” Brooklyn Park Sign Code”.

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('72 Code, § 356:00) (Ord. 1988-602(A), passed 8-22-88)

§ 150.02 PURPOSE AND INTENT.

(A) This chapter is established to protect and promote the health, safety, general welfare and order within the City of Brooklyn Park through the establishment of a comprehensive and impartial series of standards, regulations and procedures governing the type, numbers, size, structure, location, height, lighting, erection, maintenance, use and/or display of devices, signs or symbols serving as a visual communicative media to persons situated within or upon public right-of-waysrights-of-way or properties.

(B) The provisions of this chapter are intended to establish an opportunity for effective communication, and a sense of concern for visual amenities on the part of those designing, displaying or otherwise utilizing needed communicative media of the types regulated by this chapter; while at the same time, assuring that the public is not endangered, annoyed or distracted by the unsafe, disorderly, indiscriminate or unnecessary use of such communicative media.

(C) The City's Sign Code is not intended to, and does not restrict speech on the basis of its content, viewpoint or message. Any provision in this Code that permits speech by reason of the type of sign, identity of the sign user or otherwise, shall permit any type of speech or message on the sign. No part of this Code shall be construed to favor commercial speech over non-commercial speech. To the extent that any provision of this Code is ambiguous, the term shall be interpreted to not regulate on the basis of speech content and the interpretation resulting in the least restriction on the content of the sign message shall prevail.

('72 Code, § 356:05) (Ord. 1988-602(A), passed 8-22-88)

§ 150.03 DEFINITIONS.

For the purpose of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning. The singular number includes the plural and the plural includes the singular. The present tense includes the past and future tenses and the future the present. The word "must" is mandatory and the word "may" is permissive. The masculine gender includes the feminine and neuter genders. Whenever a word or term defined hereinafter appears in the text of this chapter, its meaning is construed as set forth in such definition thereof. All measured distances must be expressed in feet and inches.

ADVERTISEMENT. Displayed information that calls public attention to a business, product, service, political or non-profit organization, idea, or event.

ADMINISTRATOR. The officer charged by the City Manager with the administration and enforcement of this chapter.

ALTERATION. This refers to any alteration to a sign excluding routine maintenance, painting, or change of copy of an existing sign.

AREA IDENTIFICATION SIGN. A sign which identifies a development such as a shopping center consisting of three or more separate business concerns, a singular free-standing commercial or institutional building 50,000 square feet or larger, an industrial building in excess

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of 100,000 square feet, an industrial area, an office or institutional complex consisting of three or more buildings or any combination of the above. An area identification sign must not contain advertisement, except on a reader board.

AWNING. A temporary roof like structure or cover which projects from the wall of a building or projects over any entrance and can be retracted, folded or collapsed against the face of a supporting building.

BANNER. Refers to temporary sign such as used to announce open houses, grand openings or special announcements or sales.

BENCH SIGN. A sign which is affixed to or painted on a bench, such as at a public transit terminal or stop.

BILLBOARD SIGN. A sign which is erected and used for the purpose of selling or leasing advertising space or for the purpose of selling goods and/or services other than those offered on the premises.

BUILDING. Any structure having a roof which may provide shelter or enclosure for persons, animals or chattel, and when the structure is divided by party walls without openings, each portion of such building so separated is deemed a separate building.

BUILDING FACADE. That area of any exterior elevation of a building extending from grade to the top of the exterior wall and the entire width of the building elevation, including parapets, awnings, canopies, mansards or other appendages or architectural treatments to the wall. The facade does not include flat roof sections of multi-level buildings nor the shingled faces of hip roofs or gable roofs.

CANOPY/WALKWAY. A permanent roof-like structure or cover which projects from the wall of a building, or projects over any entrance or walkway.

CANOPY/VEHICULAR SERVICE. A permanent roof-like structure, either attached or detached from a permitted building, designed to provide cover for off-street vehicle service areas, (such as gasoline station pump islands, drive-in establishments, truck loading berths, and the like).

[CITY CODE. The 1972 Ordinance Code of the City of Brooklyn Park, as amended from time to time. Also referred to as the Code of Ordinances. This sign ordinance is a part of the City Code.](#)

CONSTRUCTION SIGN. A sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, developer, financier or other involved parties.

DIRECTIONAL SIGNS. A sign which bears only directional arrows or information on location plus the address and/or name of a business, institution, or other use activity, provided the primary message and purpose is to provide directional information.

~~[DISTRICT. Refers to a specific zoning district as defined in the Brooklyn Park Zoning Ordinance, Chapter 152.](#)~~

DWELLING. A building of one or more portions thereof occupied or intended to be occupied for residential purposes; but not including rooms in motels, hotels, nursing ~~homes~~homes, boarding houses, trailers, tents, cabins or trailer coaches.

DWELLING UNIT. A single-family dwelling.

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EVENT. For the purposes of this chapter, an event is defined as an organized function, which occurs on two consecutive weekends or over a period of no more than ten consecutive days, that serves to advertise and/or promote a non-profit agency or organization as defined by the State of Minnesota. Section 150.06(A)(1) regulates those events that use banners or mobile reader boards.

FEATHER FLAG. A free-standing, temporary sign constructed of a singular vertical pole, tube, or post supporting one edge of a single sheet of weather resistant cloth, vinyl, or similar material printed with advertising, graphics, or other messages on each opposing side, incorporating movement only as provided by surrounding winds or other unassisted ambient air movement.

FLASHING SIGN. A sign which contains rotating, flashing, or intermittent lights, animation, or exhibits noticeable changes in color, intensity, texture, shape, pattern or light intensity.

FREE-STANDING SIGN. Any stationary, self-supporting sign not affixed to any other structure and supported by a pole(s). A reader board or electronic message center may be attached to the free-standing sign structure, but the reader board must not exceed 30% of the area containing the sign copy. The reader board must be included in calculating the allowable sign square foot area as required in the individual district.

GOVERNMENTAL SIGN. A sign which, is erected by a governmental unit for the purpose of identification, direction, and/or guiding traffic.

GRADE. The main elevation of curb along public street frontage closest to the sign to which reference is made, or center line of street-if no curb is available.

HOME OCCUPATION SIGN. A sign directing attention to a home occupation as defined in the [city's zoning ordinance Zoning Code](#), Chapter 152.

IDENTIFICATION SIGN (NAME PLATE). Any sign which states the name and/or address of the business or occupant of the lot or building where the sign is placed or may be a directory listing the names, addresses and/or businesses of occupants. IDENTIFICATION SIGNS must contain no advertisement.

ILLUMINATED SIGN. Any sign which is designed to be and/or is lighted by an artificial light source either directed upon it or illuminated from an interior source. All illuminated signs must have light sources shielded to confine direct illumination to the face area of the sign.

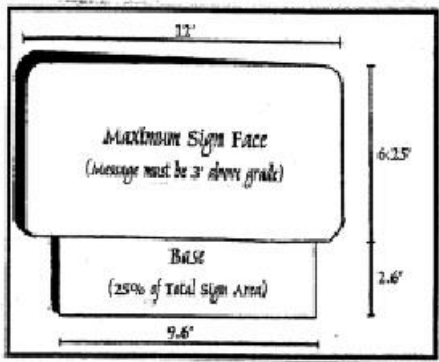
INSTITUTIONAL SIGN. A sign and/or reader board which identifies the name and other characteristics of an institutional use located within any zoning district and allowed by [the zoning code](#). Institutional signs must not contain advertisement (examples: churches, schools, sanitariums, hospitals, government buildings, nursing homes).

INTEGRAL SIGN. A sign carrying the name of a building, its date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type of construction and made an integral part of the building walls.

MONUMENT SIGN. A sign which is attached to or supported by a monument structure which bears entirely on the ground, extending horizontally for a minimum of 80% of the entire length of the sign face. The sign base must be constructed of any one or combination of the following materials: brick, stone, decorative masonry, plastic, aluminum, colored metals, or decay resistive wood. The base and supporting material must constitute at least 25% of the total allowable sign square footage. A reader board or electronic message center may be attached to

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the monument sign but must not exceed 30% of the area. The sign copy, reader board or message must have a minimum clearance of three feet above grade. The area containing sign copy, including reader board, and the area of the monument structure itself must be combined for determining the total square footage and height. A sign attached to a retaining wall is considered to be a monument sign provided the message or copy does not exceed the allowable sign area as specified for the applicable zoning district, and all other provisions for a monument sign are met.



An example of a 100 square foot monument sign.

MOTION SIGN. Any sign which revolves, rotates, has any moving parts or gives the illusion of motion, electronically or otherwise.

NON-CONFORMING SIGN. A sign which was lawfully constructed prior to the time of the passage of this chapter or amendment thereto, but which does not conform with the regulations of this chapter.

NON-PROFIT ORGANIZATION. An incorporated organization organized under the laws of the state for civic, fraternal, social, or business purposes, for intellectual improvement, or for the promotion of sports, a congressionally chartered veterans' organization, or religious institution. For the purposes of this chapter, this definition includes the governments of the City of Brooklyn Park, Hennepin County, State of Minnesota, United States of America, and any school district within the city limits.

OFF-SITE DIRECTIONAL SIGN. A sign that is located on the same pole and beneath an existing street name sign for the purpose of providing directional information for a public or institutional use that is located on a local street. The City Engineer may determine whether a sign or signs are warranted to direct traffic in this manner on a case by case basis. No more than one off-site directional sign may be located on a single pole, the sign must have same color, size and font as the accompanying street name sign and must contain only the name of the use and a directional arrow and must be constructed and maintained by the city at the expense of the benefitting property.

PEDESTRIAN SIGN. A temporary sign, which is constructed of durable materials and is designed to be readily moved from one location to another (ex. sandwich board sign or any item containing a message). For purposes of this chapter, any sign mounted to, or conveyed by means of, a vehicle shall not be considered a pedestrian sign.

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PENNANT. Attention getting devices (such as streamers) constructed of paper, cloth, plastic or similar materials, (excluding banners and flags).

PERMANENT SIGN. Any sign which is not a temporary sign.

PORTABLE SIGN. A temporary sign and/or reader board so designed as to be movable from one location to another and which is not permanently attached to the ground, or any permanent structure.

PRODUCT IDENTIFICATION SIGNS. A sign that is not necessary to identify a business and identifies a product or service either sold on or off the premises on which the sign is located.

PROJECTING SIGN. A sign, other than a wall sign, which is affixed to a building and which has sign faces extending perpendicular from the building wall.

READER BOARD (ELECTRONIC MESSAGE CENTER). That portion of the sign used for removable or electronically changeable graphics, letters, and/or numbers to convey messages.

REAL ESTATE SIGN. A business sign placed upon a property advertising that particular property for sale, rent or lease.

RESIDENTIAL DEVELOPMENT SIGN. A sign that identifies the name of a neighborhood, a residential subdivision, or a multiple residential complex.

ROOF SIGN. Any sign which is erected, constructed or attached wholly or in part upon or above the roof of a building.

RUMMAGE OR GARAGE SALE. The infrequent, temporary display and sale of used personal property by a tenant or owner on the tenant's or owner's residential premises.

SEARCHLIGHT. An apparatus containing a source of light and a reflector that projects the light produced in a concentrated, far-reaching beam for the purpose of advertisement.

SETBACK. The minimum horizontal distance from the closest part of a sign to the property line, or public street easement or right-of-way.

SIGN. Any structure, device, advertisement, or visual representation intended to advertise, identify, or communicate information, or attract the attention of the public for any purpose; and without prejudice to the generality of the foregoing includes: any symbols, letters, figures, illustrations, or wall graphics painted or otherwise affixed to a building or structure.

SIGN AREA. That area measured within the perimeter lines of the sign which bears the advertisement; or in the case of messages, figures, or symbols, including those attached directly to any part of a building. That area which is included in the smallest rectangle which can be made to circumscribe the message, figure, or symbol displayed for the purpose of advertisement. The specified maximum sign area for a free-standing or monument sign refers to a single facing and not to the aggregate area of both faces. The sign area for a monument sign includes the sign structure.

SIGN, MAXIMUM HEIGHT OF. The vertical distance measured from grade or other reference elevation as herein specified to the upper limit of such a sign.

SIGN, MINIMUM HEIGHT OF. The vertical distance measured from grade or other reference elevation as herein specified to the lower limit of such sign.

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SIGN STRUCTURE. The base, supports, uprights, bracing and framework for a sign including the sign area.

STREET. Refers to a public highway, road, or thoroughfare which affords the principal means of access to adjacent lots.

STREET FRONTAGE. The linear length in feet of the property line adjacent to public street(s). An interior lot has one street frontage and a corner lot has two street frontages.

TEMPORARY SIGN. Any sign which is erected or displayed with or without a permit for a specified period of time (such as banners, portable signs, searchlights, window signs, and the like).

UNLAWFUL SIGN. A sign which exists prior to or after the passage of this chapter or amendments thereto, which does not conform with the regulations of this chapter and is not an existing legal, or is not a legal nonconforming sign, or is not a sign erected with a sign permit, is an unlawful sign.

WALL. The building facade area that defines the front of the building. The front is the continuous line of a building that connects side wall to side wall and faces one public right-of-way. For a multi-tenant building on a corner lot, the front is the continuous line of a building which faces either a public right-of-way or a private road in a planned unit development.

WALL SIGN. A sign with permanent lettering which is affixed to the exterior wall of a building and has a sign face which is parallel to the building wall. A wall sign must not project more than 12 inches from the surface to which it is attached, nor may it extend beyond the top of the building wall.

WALL GRAPHICS. A graphic design or decorative mural not intended for identification or advertising purposes, which is painted directly on or affixed to an exterior wall surface.

WINDOW SIGN. A temporary sign affixed to the interior of a window in view of the general public. This does not include merchandise that is for sale and on display.

[ZONING DISTRICT.](#) Refers to a specific zoning district as defined in the [Brooklyn Park Zoning Code, Chapter 152.](#)

('72 Code, §§ 356:10 - 356:15) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 1994-766, passed - -94; Am. Ord. 1999-900, passed 5-24-99; Am. Ord. 1999-914, passed - -99; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2000-939, passed 11-13-00; Am. Ord. 2003-1002, passed 8-25-03; Am. Ord. 2004-1026, passed 12-13-04; Am. Ord. 2012-1152, passed 10-22-12; Am. Ord. 2014-1165, passed 2-3-14; Am. Ord. 2014-1186, passed 12-15-14)

§ 150.04 GENERAL PROVISIONS APPLICABLE TO ALL ZONING DISTRICTS.

(A) Nothing in this chapter will be interpreted as authorizing the erection or construction of any sign not permissible under the [zoning or building ordinances](#)[Zoning Code](#) of the city, [or Minnesota Building Code.](#)

(B) All electrical signs, temporary or permanent, are subject to the State Electrical Code and approval of the Electrical Inspector.

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(C) No sign other than bench signs at public transit stops and governmental traffic safety or roadway information signs and off-site directional signs as defined in § 150.03 may be permanently or temporarily erected within any street right-of-way or upon any public easement.

(D) Directional signs are permitted in all districts provided the directional signs are located on the property referred to by the sign or within a planned unit development. The area of such signs must not exceed ten square feet per sign face for a single tenant building or 20 square feet per sign face for a multiple tenant building or a multi-building complex. Such signs must not have more than two sign faces. Maximum sign height for free-standing or monument-type directional signs is six feet above grade.

(E) It is unlawful to park any vehicle or trailer on a public right-of-way or public property or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of directing people to a business or activity located on the same or nearby property or any other premises.

(F) Businesses that utilize permanent, legal outdoor sales, (such as lumber yards, nurseries, and the like) are allowed generic product identification signs for customer convenience, and to assist in traffic movement. These signs must not exceed 36 square feet in area, nor exceed eight feet in height, and may be illuminated. These signs are allowed for orientation information purposes only and must not be visible from public streets. These product identification signs must be setback 100 feet or more from all public streets.

(G) If a free-standing sign or monument sign is constructed so that the faces are not constructed so as to be back to back, the total area of all sides added together must not exceed the maximum allowable sign area for the district.

(H) Architectural building extensions such as awnings or canopies, other than vehicular service canopies, primarily built as shelter for entrances or for aesthetic purposes, are allowed to display signage. These signs are considered as wall signs for the purpose of determination of the maximum allowable sign area.

(I) Vehicular service canopy signs are ~~limited to a business logo and/or graphic design~~ not to exceed ten percent of each canopy face area or ten square feet on each canopy face, whichever is smaller. Service station canopy signs are restricted to two faces of the canopy and must not be located above or below the canopy area.

(J) Service stations may advertise gasoline prices on reader boards attached to a permitted free-standing sign or attached to canopy supports. If attached to the canopy supports, these signs must be no larger than 15 square feet in area. In no case may a free-standing sign be constructed for the sole purpose of advertising prices. Service stations may have gas pump topper signs ~~advertising products for sale on the premises,~~ not to exceed two square feet per gas pump.

(K) No sign except bench signs and billboards, may in its entirety, separately advertise a product, commodity, service, or contain other miscellaneous language that is not directly related to the business name, except as allowed by § 150.06(B)(5)(h).

(L) A product identification sign may be integrated into a permitted free-standing, monument or wall business sign and will be included as part of the maximum allowable sign area. Product identification sign area must not exceed ten percent of the maximum allowable sign area.

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(M) Buildings, premises or lots are not allowed to have pennants, pinwheels, or other attention attracting devices, or temporary signs except in, accordance with § 150.06 of this chapter.

(N) One flagpole may be erected for each 100 feet of street frontage, not to exceed a total of three flagpoles. Height of the poles must not exceed the building height regulations, as specified by the [Zoning ordinance Code](#) for the district where the poles are located, and flag length must not exceed 25% of the pole height, and no more than two flags per pole are permitted.

(O) It is unlawful for a sign permitted by this chapter, by reason of its location, color intensity, to create hazard to the safe, efficient movement of vehicular or pedestrian traffic. A private sign must not contain alarming words which might be construed as traffic controls, such as “stop,” “caution,” “warning,” and the like, unless such sign is intended to direct traffic on the premises.

(P) A sign must not contain any indecent or offensive picture or written matter.

(Q) State and federal government agencies and their political subdivisions are exempt from the provisions of the sign ordinance except for setback requirements.

(R) All sign permits for multiple tenant buildings require the signature of the property owner or the property owner's agent.

(S) Projecting signs are permitted in all districts provided the projecting signs are located on the property referred to by the sign or within a planned unit development. The area of such signs must not exceed ten square feet per sign face for a single tenant building or 20 square feet per sign face for a multiple tenant building or a multi-building complex. Such signs must not have more than two sign faces. Minimum sign height for projecting signs is eight feet above grade. The area of the projecting sign faces are to be included in the total area of signs placed on a single façade when the total area of signage on that façade is limited in area.

('72 Code, § 356:20) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 2000-939, passed 11-13-00; Am. Ord. 2014-1165, passed 2-3-14) Penalty, see § 10.99

§ 150.05 PROHIBITED SIGNS.

The following signs are specifically prohibited in all districts:

(A) Motion signs - exempted are temporary search lights and permanent electronic message center signs which only display time and/or temperature information or have a message that does not change more frequently than once every sixty seconds.

(B) Flashing signs except electronic motion signs as exempted above.

(C) Roof signs - signs installed above the building facade.

~~(D) Projecting signs.~~

(E) Signs which have more than two sign faces.

(F) Signs which are attached to trees, fences, utility poles or other such permanent supports, not specifically intended as sign structures.

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(G) Signs painted directly on building walls. Exempted are non-commercial non-lettered wall graphics in accordance with § 150.03 of this chapter.

(H) Wall signs are not permitted on any building wall facing an abutting residential property or properties, unless separated by a city street or highway right-of-way.

(I) Signs affixed to the exterior side of windows, except addresses and other minor directional information.

(J) Billboards in the T.H. 610 Corridor as delineated in the T.H. 610 Corridor Plan.

(K) Portable reader board signs unless specifically allowed in other sections of this code.

('72 Code, § 356:25) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 1994-766, passed 9-12-94; Am. Ord. 1999-900, passed 5-24-99; Am. Ord. 2010-1121, passed 12-6-10; Am. Ord. 2017-1227, passed 12-4-17) Penalty, see § 10.99

§ 150.06 TEMPORARY SIGNS.

(A) Multi-family apartment, commercial, industrial, organization, and institutional users in all zoning districts. The following sections concern temporary signs in all zoning districts. The signs are regulated according to the requirements set forth below:

(1) Temporary banner ~~advertisement~~ signs. Temporary advertisement banner signs in the form of durable, weather resistant banners, may be erected with a sign permit, provided:

(a) A temporary sign permit is necessary for all signs identified in this section.

(b) Minimum setbacks: All temporary ~~advertisement~~ signs in the form of banners and feather flags must be set back at least 10 feet from all property lines and may in no case be permitted within the 30 foot clear-view triangle at public or private streets or driveway intersections.

(c) The total area of all temporary signs in the form of banners must not exceed 200 square feet.

(d) Banners are allowed to be displayed on existing fences, accessory buildings, and principle building facades providing they meet the setback requirements.

(e) In a multi-tenant structure the banner must not exceed the width of the front of the space to be occupied or 200 square feet, whichever is less.

(f) Businesses possessing a valid and current temporary sign permit may display for that allotted time period (in addition to the permitted banner), up to three feather flags for advertising purposes. Feather flags must be less than or equal to 15 feet in height, displayed on the property where the permit holding business is located, may not impede vehicle or pedestrian traffic, and are not allowed to be displayed in a public right-of-way or other prohibited areas.

(2) Permit required. Each business concern or organization is allowed a maximum of three permits in a calendar year, except temporary non-profit organization events which are allowed an unlimited number of permits. Each permit for a banner will be for 30 consecutive days. Permit fee is set by the City Council. No temporary sign permit will be issued to any business,

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institution, or organization found guilty of violating the provisions of the temporary sign code more than once in a calendar year for the period of one year from the second occurrence.

(a) Exceptions:

(i) - grand opening banner. A business must receive a one-time permit at no cost to place a "grand opening" banner for 60 consecutive days from the opening date. The banner must follow size and setbacks described in the section above. This permit will not count towards the three allotted annual permits.

~~(3)~~ (ii) Window signs. Window sign area must not exceed 25% of the total area of the window(s) located on the wall face in which it is displayed. No permit is required for signs located on the inside of windows or for interior store displays.

~~—(4) Flashing or rotating signs prohibited. Flashing or rotating signs or lights are not permitted on temporary signs. However, search lights may be used on site for four days for the calendar year.~~

~~(5) — (iii) Itinerant produce sales signs. Vendors who have received permits to operate at the Brooklyn Park Farmers' Market, are allowed one sign without a permit. That sign must be no larger than 16 square feet in size and be located no more than five feet of the merchant's stand, table, vehicle, or the like. No permit is required for signs associated with a farmer's market that has been approved in accordance with the Zoning Code. —and Signs — can only be displayed the day and time of the sale. This sign limitation does not include small price signs, less than one-half square foot in size, located on or near the produce. The signs must be removed from the site at the end of each sale day.~~

~~(6)~~ (iv) Pedestrian signs. Each business is allowed one pedestrian sign not to exceed 10 square feet on each of two sides displayed outside only during regular business hours. Pedestrian signs must be located within 20 feet of a customer entrance to the building in which the business is located in, but must not block pedestrian walkways. Pedestrian signs must be located on the same parcel as the business and must not be located within the public right-of-way.

(3) Flashing or rotating signs prohibited. Flashing or rotating signs or lights are not permitted on temporary signs. However, search lights may be used on site for four days for the calendar year.

(B) All zoning districts. The following sections concern temporary campaign signs, temporary construction signs, temporary real estate signs, temporary non-profit organization event signs, and temporary residential garage and/or rummage sale signs in all zoning districts, and the signs are regulated according to the requirements set forth below:

(1) Temporary campaign signs. Temporary campaign signs posted by a candidate for public office or by a person or group promoting a political issue or a political candidate may be erected subject to the following:

(a) Signs must not exceed sizes authorized by state statute for state general elections.

(b) Pursuant to M.S. § 211B.045, campaign signs may be posted 46 days before the state primary in a state general election year until ten days following the state general election.

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(c) Minimum setbacks: There is no setback requirement; however, these signs must not be erected on the public right-of-way, on public property or in the public street intersection 30 foot clear-view triangle.

(d) Maximum height of signs: No temporary campaign sign may exceed 12 feet above grade.

(2) Temporary construction sign. One temporary identification sign may be installed upon a construction site denoting the names of involved parties provided:

(a) Sign area must not exceed 100 square feet.

(b) Sign must be removed within two years after issuance of first building permit or upon issuance of a certificate of occupancy, whichever is sooner.

(c) Minimum setbacks: These signs must comply with setback requirements of subdivision (B)(1)(c) of this section. Signs must be erected only on the property where work is being done.

(d) Maximum height of signs: No temporary construction sign may exceed 12 feet above grade.

(3) Temporary real estate signs.

(a) Free-standing sign. A temporary free-standing sign for the purpose of selling or leasing individual lots, parcels, homes or buildings may be erected provided:

1. Sign area must not exceed six square feet for residential property and 20 square feet for non-residential property.

2. Sign must be removed within seven days following the closing of a sale or lease of the property.

3. Minimum setbacks: There is no setback requirement; however, these signs must not be erected on the public right-of-way nor in the public street intersection 30 foot clear-view triangle. Sign must be erected only on the property being sold or leased.

4. Maximum height of signs: No temporary freestanding real estate sign may exceed eight feet above grade.

5. Banners, streamers, pennants, balloons, directional signs, and the like, may be erected for two 21-day periods per year to coincide with the spring "Preview of Homes" and the fall "Parade of Homes."

6. Temporary open house and/or directional signs: Temporary open house and/or directional signs may be placed in public view no earlier than 9:00 a.m. on the actual day of the open house and must be removed no later than 9:00 p.m. on the same day. Only one sign per intersection is allowed for each open house. Placement of open house directional signs should not block pedestrian or bicycle pathways or sidewalks. Signs must not be placed within the 30 foot clear view triangle at public street intersections. Open house directional signs may not be attached to federal, state, county or city sign posts. The signs may not be placed on center medians or street islands or within four feet of the roadway surface.

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(b) Area identification sign. A temporary area identification sign for the sale or lease of residential projects of two or more dwelling units or lots, and for non-residential projects, may be erected provided:

1. Sign area must not exceed 100 square feet.
2. Such sign must be removed when the project is 80% sold or leased.

3. Minimum setbacks: All temporary real estate area identification signs must be set back at least 25 feet from all property lines. Sign must be erected only on the property being sold or leased.

4. Maximum height of sign: No temporary real estate area identification sign may exceed eight feet above grade.

(4) Temporary residential garage and/or rummage sale signs.

(a) Sign area must not exceed four square feet.

(b) Signs must be erected for no longer than four days and must be removed by the owner immediately following this time. Signs which remain in place for more than four days are deemed litter. The beginning and end date of sale, and address of the sale must be prominently displayed on every sign erected.

(c) Minimum setbacks: There is no setback requirement; however, these signs must not be erected in the public right-of-way, on public property, or in the public street intersection 30 foot clear-view triangle. Signs may be erected on private properties other than the property where the sale is conducted.

(d) Maximum height of signs: No temporary residential garage and/or rummage sale sign may exceed six feet above grade.

(5) Temporary non-profit organization event signs.

(a) Signs must not exceed eight square feet per sign face.

(b) An unlimited number of signs are allowed per event, but must be located as follows:

1. No more than one sign per event may be located on a single parcel, and
2. No more than four signs per event may be located in a single street intersection.

(c) A map or list of addresses designating the specific sites of each sign must be kept by the applicant.

(d) Signs must not be posted in excess of 15 days prior to the event and must be removed no later than two days following the final date of the event. The promoting organization, location and date(s) of the event must be prominently placed on each sign.

(e) Minimum setbacks: There is no setback requirement; however, these signs must not be erected on the public right-of-way, on public property, or in the public street intersection 30 foot clear-view triangle.

(f) Maximum height of signs: A temporary non-profit organizational event sign must not exceed six feet in height above grade.

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(g) A portable reader board must not be used off the premises from which the event is being held nor may this type of advertising precede or exceed the actual dates of the event. A portable reader board must not be used on public property. An on-site reader board must not exceed 32 square feet. These signs must be set back 15 feet from all property lines but not within the 30 foot clear-view triangle of entrances or public street intersections.

(h) A non-profit organization may display messages directly related to their organization on the reader board of any lawful sign with the permission of the sign owner.

(6) Temporary roadside agricultural products advertisement signs. Temporary advertisement signs may be erected with a sign permit, provided:

(a) Signs advertise agricultural products grown on the property in compliance with this chapter of the City Code.

(b) Maximum size: Signs may not exceed 16 square feet in area per sign face. No more than three signs are allowed, per property, and only two of which may be permitted off the site where the agricultural products is grown. For all off-site signs, written permission from the property owner of the proposed sign location shall be submitted with the sign application.

(c) Signs are allowed to be posted for a period of time not to exceed three months. The specific time period requested must be specified in the permit application.

(d) Minimum setbacks: There is no setback requirement; however, these signs may not be erected on the public right-of-way, on public property, or in the clear view triangle as defined in this chapter of the City Code.

(e) Maximum height of signs: No temporary roadside agricultural products advertisement sign may exceed eight feet in height above grade.

('72 Code, § 356.35) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1990-657(A), passed 8-27-90; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 1997-848, passed 6-9-97; Am. Ord. 2000-933, passed 10-9-00; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2004-1026, passed 12-13-04; Am. Ord. 2012-1147, passed 8-20-12; Am. Ord. 2012-1152, passed 10-22-12; Am. Ord. 2014-1165, passed 2-3-14) Penalty, see § 10.99

§ 150.07 NON-CONFORMING SIGNS.

(A) Any lawfully constructed non-conforming or any legal sign existing upon the effective date of this chapter may be maintained and continued at the size and in the manner of operation existing upon such date except as hereinafter specified.

(B) Upon adoption of this chapter, a non-conforming sign must not be:

(1) Changed to another non-conforming sign.

(2) Structurally altered or moved except to bring such nonconforming sign into conformance with this chapter.

(3) Expanded or enlarged.

(4) Repaired or otherwise rehabilitated after damage or deterioration of more than 50%, except to bring into conformance with this chapter.

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(C) Notwithstanding the foregoing divisions of this section, all signs which are made non-conforming by this sign ordinance, must be brought into conformance, on a sign-by-sign basis, at the time that a sign face or copy is changed or altered except for routine maintenance as required by this chapter. Billboard signs must be brought into conformance at the time that the main structure is removed and must follow the provisions of § 150.29(F).

(D) Temporary signs as provided in § 150.06 are not entitled to non-conforming status. Such signs must be brought into compliance with § 150.06 as directed by the sign enforcement office, or it may be summarily removed from display by the enforcement officer.

('72 Code, § 356:40) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92) Penalty, see § 10.99

§ 150.08 VARIANCES.

(A) Purpose. Pursuant to Minn. Stat. Sec. 462.357, subd. 6, as it may be amended from time to time, the City Council, acting as a Board of Appeals and Adjustments, may issue variances from the provisions of this zoning code. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property.

(B) Review Standards.

(1) Variances shall only be permitted:

(a) When they are in harmony with the general purposes and intent of the ordinance.

(b) When the variances are consistent with the Comprehensive Plan.

(2) Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that:

(a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.

(b) The plight of the landowner is due to circumstances unique to the property not created by the landowner.

(c) The variance, if granted, will not alter the essential character of the locality.

(d) Economic considerations alone do not constitute practical difficulties.

(C) Conditions. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. No building permit may be issued except in compliance with the conditions of the variance.

~~(A) Any request for a variance to the sign ordinance must follow the same procedure as outlined in the zoning code.~~

~~—(B) (1) In considering all variance requests and in taking subsequent action, the Planning Commission and the City Council must make a finding showing that all of the following conditions exist:~~

~~—(a) There are special conditions or circumstances affecting the property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of the applicant's land.~~

~~—(b) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.~~

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~~—(c) The granting of the variance will not be detrimental to the public welfare or injurious to the other property in the area in which the property is situated and will not have an adverse effect upon traffic or traffic safety.~~

~~—(2) In making an application for a variance, the petitioner must state in writing why the petitioner believes the above conditions exist. Upon granting a variance, the Council may attach those conditions it deems desirable or necessary to protect the public interest.~~

('72 Code, § 356.45) (Ord. 1988-602(A), passed 8-22-88)

§ 150.09 SIGN APPLICATION.

(A) Permits required. Except as specifically provided by this chapter, it is unlawful for any person to erect, alter, or relocate within the city any sign, without first obtaining a permit(s) from the Sign ~~Ordinance Code~~ Administrator and making payment of the fee required. Application for permits must be made upon application forms provided by the City of Brooklyn Park and must be accompanied by:

(1) A site plan drawn to scale based on and accompanied by a certificate of survey, or on a certificate of survey, showing the relation of the sign to the nearest buildings, private and public streets, right-of-ways and property lines.

(2) Sign plans, specifications and methods of construction.

(3) A copy of structural calculations and details showing the structure is designed for live and dead loads including wind velocity in the amount required by all ordinances of the city. Electrical permits will be required by the State Board of Electricity.

(B) Permit issued if application in order. It is the duty of the Sign ~~Ordinance Code~~ Administrator, upon the filing of the application for a permit, to examine such plans and specifications and other data, and the premises upon which the sign is proposed to be erected, and if it appears that the proposed structure is in compliance with all other laws and ordinances of Brooklyn Park, the ~~Sign Code~~ Administrator must then issue the permit. If the work authorized under a permit has not been completed within 90 days after the date of issuance, the permit will become null and void.

(C) Permit fees. Every applicant, before being granted a permit hereunder, must pay to the city the permit fee for each sign regulated by this code in an amount as established by the fee resolution, set forth in the Appendix to this code.

(D) Permit revocable at any time. All rights and privileges acquired by obtaining a permit under the provisions of this chapter or any amendment thereto are mere licenses, revocable for cause at any time by the Council, and all such permits must contain this provision.

('72 Code, § 356.50) (Ord. 1988-602(A), passed 8-22-88)

§ 150.10 BOND AND LICENSE.

(A) It is unlawful to engage in the business of erecting signs, and no person is entitled to a permit to erect a sign under this chapter unless licensed to do so by the City of Brooklyn Park, except as provided in division (B) of this section. Such license may be granted on written

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application accompanied by an annual license fee in the amount set by the Council, to the Sign ~~Ordinance Code~~ Administrator in such form as the Sign ~~Code~~ Administrator prescribes. The license may be terminated by the Council at any time for cause. No license will take effect until the licensee files with the city a bond with corporate surety in a form approved by the City Attorney in the penal sum of \$2,000, conditioned that the licensee will pay all permit fees required under this chapter, pay any fines imposed upon the licensee for violation thereof, will conform to all of the provisions of this chapter, and will indemnify and hold the city, its officers and agents harmless from any damage or claim resulting from or related to the erection or maintenance of any sign in the city by the licenses.

(B) Bonding and licensing requirements are not required of a property owner(s) erecting signs on their own property. All other provisions of this chapter apply.

('72 Code, § 356.55) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92) Penalty, see § 10.99

§ 150.11 CONSTRUCTION STANDARDS.

The design and construction standards for signs and sign structures as set forth in ~~Chapter 4 of the 1997 Edition of the Uniform Sign Code~~ the Minnesota Building Code as amended from time to time are adopted by reference, a copy of which is on file and on record with the City Clerk.

('72 Code, § 356.60) (Ord. 1988-602(A), passed 8-22-88) Penalty, see § 10.99

§ 150.12 PERMIT AND FEE EXEMPTIONS.

The exemptions permitted by this section apply only to the requirement of a permit and/or fee, and are not construed as relieving the installer of the sign, or the owner of the property upon which the sign is located, from conforming with the other provisions of this chapter:

(A) Temporary signs erected by non-profit organizations must obtain a permit but are exempted from any fee.

(B) No permit or fee is required for the following:

(1) Temporary signs displayed in accordance with § 150.06(A)(2), (B)(1), (B)(2), (B)(3), (B)(4) and (B)(5).

(2) Integral signs.

(3) Residential identification (name plate) signs.

(4) Directional signs.

(5) Signs which are located completely on the interior of a building and not visible from the outside of the building.

('72 Code, § 356.65) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92)

§ 150.13 ENFORCEMENT.

(A) Unsafe, non-maintained and unlawful signs.

(1) If the Sign ~~Ordinance Code~~ Administrator finds that any permanent sign regulated herein is unsafe, ~~or~~ insecure, or adversely affects the health safety and general welfare of the public, or has been constructed or erected or is being maintained in violation of the provisions of this chapter; the ~~Sign Code A~~ Administrator must give written notice by mail to the permittee thereof.

(2) If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth within 14 days after the mailing notice, the sign or other advertising structure may be removed or altered at the expense of the permittee or owner of the property upon which it is located or legal action may be taken to force compliance with this chapter. The Sign ~~ordinance Code~~ Administrator must refuse to approve and the City of Brooklyn Park must refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed.

(3) The Sign ~~Ordinance Code~~ Administrator may cause any sign or other advertising structure which is a safety hazard to persons to be removed summarily and without notice. The Sign ~~Ordinance Code~~ Administrator may cause any temporary sign erected not in conformance with the sign ordinance to be removed summarily and without notice or legal action may be taken to force compliance with this chapter.

(B) Painting required. The owner of any sign as defined and regulated by this chapter is required to have the sign and sign structure properly painted upon order of the Sign ~~Ordinance Code~~ Administrator. It is the intent of this provision that the sign appearance does not create a blighting influence upon the neighborhood where the sign is located.

(C) Wood supports to be decay resistive. All posts, anchors and bracing of wood must be decay resistive or approved wood preventative treated to protect them from physical or aesthetic deterioration.

(D) Premises to be kept free of weeds, and the like. All the premises surrounding signs must be maintained by the owner thereof in a clean, sanitary and inoffensive manner and free and clear of all obnoxious substances, rubbish and weeds.

('72 Code, § 356.70) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 1997-848, passed 6-9-97) Penalty, see § 10.99

§ 150.14 VIOLATIONS.

(A) If the Sign ~~Ordinance Code~~ Administrator finds any permanent sign in violation of the terms of this chapter, a written notice will be issued to the owner, and/or possessor (tenant in possession, operator or manager of the premises on which the sign is located), specifying the violation and allowing the time period specified in § 150.13(A) above in which to correct or remove the violation. After the expiration of the time period specified by written notice, if the violation is not corrected or discontinued, the owner and/or possessor of the property will be guilty of a misdemeanor, and each day of violation after the initial time period as specified by written notice constitutes a separate offense.

(B) It is unlawful to display any temporary sign in violation of the terms of this chapter. The owner, and or possessor (tenant in possession, operator, or manager of the premises on which

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the sign is located) of the property is guilty of a misdemeanor and each day of the violation constitutes a separate offense.

('72 Code, § 356.75) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1997-848, passed 6-9-97) Penalty, see § 10.99

§ 150.15 RIGHT OF APPEAL.

When it is alleged by any person to whom a compliance order is directed that such compliance order is based upon erroneous interpretation of this chapter, or upon a misstatement or mistake of fact, the person may appeal the compliance order to a Board of Appeals and Adjustments as established in the Zoning Code portion of the City Code. The Board as an advisory body must forward their recommendation to the City Council. Such appeals must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee as designated by the City Council in cash or cashier's check, and must be filed with the compliance official within five business days after service of the compliance order. The filing of an appeal stays all proceedings in furtherance of the action appealed unless such a stay would cause imminent peril to life, health or property.

('72 Code, § 356.76) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92)

ARTICLE 2. DISTRICT REGULATIONS

~~§ 150.25 R-1, R-2, R-2A, R-2B, R-3, R-3A, R-4 AND R-4A RESIDENTIAL DISTRICTS AND AREAS GUIDED FOR LOW- AND MEDIUM-DENSITY RESIDENTIAL IN THE PLANNED COMMUNITY DEVELOPMENT DISTRICT AND PLANNED UNIT DEVELOPMENT DISTRICT.~~

The following provisions concern signs in the R-1, R-2, ~~R-2A, R-2B~~, R-3, ~~R-3A, R-4~~ and R-4A Residential Districts ~~and area guided for low- and medium-density residential in the Planned Community Development District and Planned Unit Development District~~, and said signs are regulated according to the requirements set forth below:

(A) Identification signs (name plate). One free-standing or wall sign/name plate per dwelling unit, not greater than two square feet in area, indicating the name and/or address of the occupant. A sign must not be constructed so as to have more than two surfaces.

(B) Institutional signs. Institutional uses which do not meet the criteria stated in § 150.03 of this chapter for area identification signs, are allowed only one monument sign per street frontage. Such sign must not exceed 60 square feet in area.

(C) Residential development signs. These signs shall be reviewed and approved as part of a preliminary plat, site plan review, conditional use permit, or development plan application. Sign area shall be determined by the text copy area only and be limited to 60 square feet per structure face.

(D) Home occupation signs. One non-illuminated sign with a maximum square footage of two feet for each dwelling unit wherein a permitted home occupation exists.

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(E) Minimum setbacks. A sign must not be erected in the public right-of-way. For divisions (A) and (B) of this section, signs must be set back at least 15 feet from front property lines, at least ten feet from side and rear property lines and at least 15 feet from the property lines of corner lots. For division (C) signs, no setback is required. For division (D) of this section, signs must be set back at least 20 feet from front property lines. All signs must allow for an unobstructed view of traffic at intersections of streets or driveways.

(F) Maximum height of signs. For signs described in divisions (A) and (D) of this section, no sign may exceed six feet above grade. For signs described in divisions (B) and (C) of this section, no sign may exceed ten feet above grade.

(G) Residential development signs. Signs must be constructed of durable materials. Residential development signs may be placed in median islands, roundabouts, or cul-de-sac islands provided that the island is a separate platted lot privately owned and maintained by a homeowners association, management company, or the like, and approved through the preliminary plat, site plan review, or conditional use permit application.

('72 Code, § 356.30(1)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2003-1002, passed 8-25-03) Penalty, see § 10.99

~~§ 150.26 R-5, R-6 AND R-7 MULTIPLE RESIDENTIAL DISTRICTS AND AREAS GUIDED FOR HIGH-DENSITY RESIDENTIAL IN THE PLANNED COMMUNITY DEVELOPMENT DISTRICT AND PLANNED UNIT DEVELOPMENT DISTRICT.~~

The following sections concern signs in the ~~R-5, R-6, and R-7~~ Multiple Residential Districts and areas guided for high-density residential development ~~in the Planned Community Development District and Planned Unit Development District~~, and said signs are regulated according to the requirements set forth below:

(A) Identification signs (name plate). One wall sign/name plate per institution or multiple residential building, not to exceed six square feet in area, or one wall sign/name plate per dwelling unit where separate entrances occur, not to exceed two square feet in area.

(B) Institutional signs. Institutional uses which do not meet the criteria stated in § 150.03 of this chapter for area identification signs, are allowed only one monument sign per street frontage, not to exceed 60 square feet in area.

(C) Residential development signs. These signs shall be reviewed and approved as part of a preliminary plat, site plan review, conditional use permit, or development plan application. Sign area shall be determined by the text copy area only and be limited to 60 square feet per structure face.

(D) Minimum setbacks. For division (B) of this section, monument signs must be set back at least 15 feet from front property lines and at least ten feet from side and rear property lines. On corner lots, all monument signs must be set back at least 15 feet from front and side corner property lines. All signs must be set back a minimum of three feet from driveways to edge of sign, and a 30 foot clear-view triangle must be maintained at public street intersections. All signs must allow for an unobstructed view of traffic at intersections of streets or driveways.

(E) Maximum height of signs. For division (B) of this section, no sign may exceed eight feet above grade. For division (C) of this section, no sign may exceed ten feet above grade.

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(F) Residential development signs. Signs must be constructed of durable materials. Residential development signs may be placed in median islands, roundabouts, or cul-de-sac islands provided that the island is a separate platted lot privately owned and maintained by a homeowners association, management company, or the like, and approved through the preliminary plat, site plan review, or conditional use permit application.

('72 Code, § 356.30(2)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-69, passed 5-11-92; Am. Ord. 2003-1002, passed 8-25-03) Penalty, see § 10.99

§ 150.27 B-1 OFFICE PARK DISTRICT.

The following sections concern signs in the B-1 Office Park District, and said signs are regulated according to the requirements set forth below:

(A) In B-1 Districts, a business property may erect only signs described in subdivisions (1) and (3) below, or in subdivisions (1) and (4) below, or in subdivision (2) and (3) below, or in subdivisions (2) and (4) below, or in subdivision (5) unless modified by a planned unit development.

(1) Free-standing or monument sign. One free-standing sign, not to exceed 75 square feet in area, or one monument sign not to exceed 120 square feet.

(2) Area identification sign. One free-standing or monument sign per development, as described by § 150.03 of this chapter not to exceed 100 square feet in area.

(3) Wall signs. One and two story, single or multiple tenant buildings: Signs attached to two walls, immediately adjacent to a public street or the parking lot which serves customers of the site, not to exceed ten percent of the building facade to which the signs are attached.

(4) Wall signs. Multiple story buildings (three or more stories).

(a) Identification signs: One identification sign per building facade identifying the name and/or address of the building, not to exceed ten percent in area of the building facade to which it is attached or 300 square feet, whichever is less. The measured area is that building facade above the second story.

(b) In addition to the identification signs described above in subdivision (a), wall signs may be attached to only one wall not to exceed ten percent of the building facade to which it is attached and must be located on the first story. The measured area is that building facade of the first and second story.

(5) Three wall signs. Wall signs are allowed on up to three walls only when immediately adjacent to a public street or the parking lot that serves customers of the site, subject to City Manager approval. The wall signs on each wall must individually conform to the area limitations defined in subdivisions (3) or (4) of this division.

(B) Institutional signs. Institutional uses which do not meet the criteria stated in § 150.03 of this chapter for area identification signs, are allowed only one monument sign with reader board per street frontage. The sign and reader board must not exceed 60 square feet in area.

(C) Minimum setbacks. Free-standing signs must be set back at least 25 feet from the front property line and at least ten feet from side and rear property lines; monument signs must be set back at least 15 feet from the front property line and at least ten feet from side and rear

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property lines. On corner lots, all monument signs must be set back at least 15 feet from front and side corner property lines, and all free-standing signs must be set back at least 25 feet from all front and side corner property lines. All signs must be set back a minimum of three feet from driveways to edge of sign, and a 30 foot clear-view triangle must be maintained at public street intersections.

(D) Maximum height of signs. Signs described in divisions (A)(1), (A)(2) and (B) of this section may not exceed 15 feet above grade for monument signs and 25 feet above grade for free-standing signs.

(E) Minimum height of signs. Free-standing signs must have a minimum height of seven feet from grade to the bottom of sign.

('72 Code, § 356.30(3)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2003-1002, passed 8-25-03; Am. Ord. 2014-1186, passed 12-15-14) Penalty, see § 10.99

§ 150.28 B-2 NEIGHBORHOOD RETAIL BUSINESS DISTRICT, B-3 GENERAL BUSINESS DISTRICT, AND B-4 VEHICLE SALES AND SHOWROOM DISTRICT.

The following sections concern signs in the B-2 Neighborhood Retail Business District and in the B-3 General Business District, and said signs are regulated according to the requirements set forth below:

(A) In B-2 and B-3 Districts, a business property may erect only signs described in subdivisions (1) and (3) below, or in subdivisions (1) and (4) below, or in subdivisions (2) and (3) below, or in subdivisions (2) and (4) below, or (5) below, unless modified by a planned unit development.

(1) Free-standing or monument sign. One free-standing sign not to exceed 100 square feet in area, or one monument sign not to exceed 120 square feet in area.

(2) Area identification sign. One free-standing or monument per development, as described by § 150.03 of this chapter not to exceed 320 square feet in area.

(3) Wall signs. One and two story, single or multiple tenant buildings: Signs attached to two walls immediately adjacent to a public street or the parking lot which serves customers of the site, not to exceed ten percent of the building facade to which the signs are attached.

(4) Wall signs. Multiple story buildings (three or more stories):

(a) Identification signs: One identification sign per building facade identifying the name and/or address of the building, not to exceed ten percent in area of the building facade to which it is attached or 300 square feet, whichever is less. The measured area is that building facade above the second story.

(b) In addition to the identification signs described above in subdivision (a), wall signs must be attached to only one wall, not to exceed ten percent of the building facade to which the signs are attached and must be located on the first story. The measured area is that building facade of the first and second story.

(5) Three wall signs. Wall signs are allowed on up to three walls only when immediately adjacent to a public street or the parking lot that serves customers of the site, subject to City

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Manager approval. The wall signs on each wall must individually conform to the area limitations defined in subdivisions (3) or (4) of this division.

(B) Institutional signs. Institutional uses which do not meet the criteria stated in § 150.03 of this chapter for area identification signs are allowed only one monument sign with reader board per street frontage. The sign and reader board must not exceed 60 square feet in area.

(C) Minimum setbacks. Free-standing signs must be set back at least 25 feet from the front property line and at least ten feet from side and rear property lines; monument signs must be set back at least 15 feet from the front property line and at least ten feet from side and rear property lines. On corner lots, all monument signs must be set back at least 15 feet from front and side corner property lines, and all free-standing signs must be set back at least 25 feet from all front and side corner property lines. All signs must be set back a minimum of three feet from driveways to edge of sign, and a 30 foot clear-view triangle must be maintained at public street intersections.

(D) Maximum height of signs. Signs described in division (A)(1), (A)(2) and (B) of this section may not exceed 15 feet above grade for monument signs and 25 feet above grade for free-standing signs.

(E) Minimum height of signs. Free-standing signs must have a minimum height of seven feet from grade to the bottom of sign.

('72 Code, § 356.30(4)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2003-1002, passed 8-25-03; Am. Ord. 2014-1186, passed 12-15-14) Penalty, see § 10.99

§ 150.29 BP BUSINESS PARK AND I GENERAL INDUSTRIAL DISTRICTS.

The following sections concern signs in the BP Business Park District and I General Industrial District, and said signs are regulated according to the requirements set forth below:

(A) In BP and I Districts, a business property may erect only signs described in subdivisions (1) and (3) below, or in subdivisions (1) and (4) below, or in subdivisions (2) and (3) below, or in subdivisions (2) and (4) below, or subdivision (5) below unless modified by a planned unit development.

(1) Free-standing or monument sign. One free-standing sign, not to exceed 100 square feet in area, or one monument sign not to exceed 120 square feet.

(2) Area identification sign. One free-standing or monument sign per development, as described by § 150.03 of this chapter not to exceed 220 square feet in area.

(3) Wall signs. One and two story buildings, single or multiple tenant buildings: Signs attached to two walls, not to exceed ten percent of the building facades to which the signs are attached.

(4) Wall signs. Multiple story buildings (three or more stories).

(a) Identification signs: One identification sign per building facade identifying the name and/or address of the building, not to exceed ten percent in area of the building facade to which it is attached or 300 square feet, whichever is less. The measured area is that building facade above the second story.

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(b) In addition to the identification signs described above in subdivision (a), wall signs must be attached to only one wall not to exceed ten percent of the building facade to which it is attached and must be located on the first story. The measured area is that building facade of the first and second story.

(5) Three wall signs. Wall signs are allowed on only three walls only when immediately adjacent to a public street or the parking lot that serves customers of the site, subject to City Manager approval. The wall signs on each wall must individually conform to the area limitations defined in subdivisions (3) or (4) of this section.

(B) Institutional signs. Institutional uses which do not meet the criteria stated in § 150.03 of this chapter for area identification signs are allowed only one monument sign and/or reader board per street frontage. The sign and reader board must not exceed 60 square feet in area.

(C) Minimum setbacks. For subdivisions (A)(1) and (A)(2) of this section, free-standing signs must be set back 25 feet from the front property line and ten feet from side and rear property lines; monument signs must be set back at least 15 feet from the front property lines and ten feet from side and rear property lines. For division (B) of this section, signs must be set back at least 15 feet from the front property line and at least ten feet from side and rear property lines. On corner lots, all free-standing signs must be set back at least 30 feet from all property lines, and all monument signs must be set back at least 15 feet from all property lines. All signs must be set back a minimum of three feet from driveways to edge of sign, and a 30 foot clear-view triangle must be maintained at public street intersections.

(D) Maximum height of signs. For signs described in subdivisions (A)(1) and (A)(2) of this section, signs may not exceed 15 feet above grade for monument signs and 25 feet above grade for free-standing signs. For signs described in division (B) of this section, no sign may exceed 15 feet above grade.

(E) Minimum height of signs. Free-standing signs must have a minimum height of seven feet from grade to the bottom of sign.

(F) Billboard signs. Billboard signs are allowed in the I District by conditional use permit as provided by the [city Zoning ordinance Code](#). A billboard sign must be the principal use on the lot on which it is located. The lot must meet the minimum lot requirements for the I District in accordance with the [zoning-Zoning Ceode](#). A billboard must not be erected within 300 feet of any Residential District. A billboard must not be located within a 1,320 foot radius of an existing or approved billboard. ~~A billboard must not be located in the T.H. 610 Corridor or Highway Overlay area as delineated in the T.H. 610 Corridor Plan and the zoning code.~~

(1) Sign area. Billboard signs must not exceed one square foot of sign area for each lineal foot of street frontage nor may sign area exceed 300 square feet on any side. On corner lots or lots with more than one street frontage, only one street frontage will be considered in determining the sign area. Signs must have no more than two sides.

(2) Minimum setbacks. Billboard signs must be set back at least 50 feet from front and rear property lines and at least 25 feet from side property lines.

(3) Maximum height of signs. Billboard signs may not exceed 25 feet above grade.

(4) Minimum height of signs. Billboard signs must have a minimum height of 12 feet from grade to the bottom of the sign.

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(5) Sign illumination. Billboard sign illumination must meet the requirements of § 150.03 of this chapter.

('72 Code, § 356.30(5)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 1994-766, passed 9-12-94; Am. Ord. 1999-914, passed 11- -99; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2010-1117, passed 9-7-10; Am. Ord. 2014-1186, passed 12-15-14) Penalty, see § 10.99

~~§ 150.30 PCDD PLANNED COMMUNITY DEVELOPMENT DISTRICT AND PUD PLANNED UNIT DEVELOPMENT DISTRICT.~~

~~—The following sections concern signs in the PCDD Planned Community Development District, and the PUD Planned Unit Development District, and said signs are regulated according to the requirements set forth below:~~

~~—(A) In the PCDD or PUD Districts, a property used for single-family, two-family, residential townhouse or apartment use may erect only signs as allowed by § 150.25 and § 150.26 of this chapter, as established for Residential Districts.~~

~~—(B) In PCDD and PUD Districts, a property used for other than single-family, two-family, residential townhouse or apartment use may erect only signs described in subdivisions (1) and (3) below, or in subdivisions (1) and (4) below, or in subdivisions (2) and (3) below, or in subdivisions (2) and (4) below, or in subdivision (5) below unless modified by a General Plan of Development or a planned unit development.~~

~~—(1) Monument sign. One monument sign, not to exceed 120 square feet in area.~~

~~—(2) Area identification sign. One free-standing or monument sign per development, as described by § 150.03 of this chapter not to exceed 220 square feet in area.~~

~~—(3) Wall signs. One and two story, single or multiple tenant buildings: Signs attached to two walls immediately adjacent to a public street or the parking lot which serves customers of the site, not to exceed ten percent of the building facade to which the signs are attached.~~

~~—(4) Wall signs. Multiple story buildings (three or more stories):~~

~~—(a) Identification signs: One identification sign per building facade identifying the name and/or address of the building, not to exceed ten percent in area of the building facade to which it is attached or 300 square feet, whichever is less. The measured area is that building facade above the second story.~~

~~—(b) In addition to the identification signs described above in subdivision (a), wall signs may be attached to only one wall not to exceed ten percent of the building facade to which the signs are attached and must be located on the first story. The measured area is that building facade of the first and second story.~~

~~—(5) Three wall signs. Wall signs are allowed on up to three walls only when immediately adjacent to a public street or the parking lot that serves customers of the site, subject to City Manager approval. The wall signs on each wall must individually conform to the area limitations defined in subdivisions (3) or (4) of this division.~~

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~~—(C) Institutional signs. Institutional uses which do not meet the criteria stated in § 150.03 of this chapter for area identification signs are allowed only one monument sign and/or reader board per street frontage. The sign and reader board must not exceed 60 square feet in area.~~

~~—(D) Minimum setbacks.~~

~~—(1) For subdivision (B)(1) of this section, monument signs must be set back at least 15 feet from the front property line and at least ten feet from side and rear property lines. For subdivision (B)(2) of this section, free-standing signs must be set back at least 30 feet from all property lines, and monument signs must be set back at least 15 feet from all property lines. For division (C) of this section, signs must be set back at least 15 feet from front property line and at least ten feet from side and rear property lines.~~

~~—(2) On corner lots, all free-standing signs must be set back at least 30 feet from all property lines, and all monument signs must be set back at least 15 feet from all property lines. All signs must be set back a minimum of three feet from driveways to edge of sign, and a 30-foot clear-view triangle must be maintained at public street intersections.~~

~~—(E) Maximum height of signs. For signs described in subdivision (B)(1) of this section, no sign may exceed 15 feet above grade. For signs described in subdivision (B)(2) of this section, no free-standing sign may exceed 25 feet above grade and no monument sign may exceed 15 feet above grade. For signs described in division (C) of this section, no sign may exceed 15 feet above grade.~~

~~—(F) Minimum height of signs. Free-standing signs must have a minimum height of seven feet from grade to the bottom of sign.~~

~~(’72 Code, § 356.30(6)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2003-1002, passed 8-25-03; Am. Ord. 2014-1186, passed 12-15-14) Penalty, see § 10.99~~

§ 150.31 PI PUBLIC INSTITUTIONAL DISTRICT.

The following sections concern signs in the PI Public Institutional District, and said signs are regulated according to the requirements set forth below:

(A) In PI Districts, a property may erect only signs described in subdivisions (1) and (3) below, or in subdivisions (1) and (4) below, or in subdivisions (2) and (3) below, or in subdivisions (2) and (4) below, or subdivision (5) below unless modified by a conditional use permit.

(1) Free-standing or monument sign. One freestanding sign, not to exceed 50 square feet in area, or one monument sign not to exceed 120 square feet.

(2) Area identification sign. One free-standing sign or monument sign per development, as described by § 150.03 of this chapter not to exceed 320 square feet in area.

(3) Wall signs. One and two story, single or multiple tenant buildings: Signs attached to one wall not to exceed ten percent of the building facade to which the signs are attached.

(4) Wall signs. Multiple story buildings (three or more stories):

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(a) Identification signs: One identification sign per building facade identifying the name and/or address of the building, not to exceed ten percent in area of the building facade to which it is attached or 300 square feet, whichever is less. The measured area is that building facade above the second story.

(b) In addition to the identification signs described above in subdivision (a), wall signs may be attached to only one wall, not to exceed ten percent of the building facade to which the signs are attached and must be located on the first story. The measured area is that building facade of the first and second story.

(5) Two wall signs. Wall signs are allowed on only two walls. The wall signs on each wall must individually conform to the area limitations, defined in subdivisions (3) or (4) of this division.

(B) Minimum setbacks. For subdivisions (A)(1) and (A)(2) of this section, all signs must be set back at least 15 feet from the front property line and at least ten feet from side and rear property lines. On corner lots, all signs must be set back at least 15 feet from all property lines. All signs must be set back a minimum of three feet from driveways to edge of sign, and a 30 foot clear-view triangle must be maintained at public street intersections.

(C) Maximum height of signs. For signs described in subdivision (A)(1) of this section, no sign may exceed 20 feet above grade. For signs described in subdivision (A)(2) of this section, no sign may exceed 25 feet above grade.

(D) Minimum height of signs. Free-standing signs must have a minimum height of seven feet from grade to the bottom of sign.

('72 Code, § 356.30(7)) (Ord. 1988-602(A), passed 8-22-88; Am. Ord. 1992-694, passed 5-11-92; Am. Ord. 2000-935, passed 11-13-00; Am. Ord. 2014-1186, passed 12-15-14) Penalty, see § 10.99

§ 150.32 HIGHWAY OVERLAY.

~~The following provisions concern signs in the Highway Overlay area, and the signs are regulated according to the requirements set forth below. In the Highway Overlay, properties may erect only signs described in divisions (A), and (C) below, or in divisions (A) and (D) below, or in divisions (B) and (C) below, or in divisions (B) and (D) or in division (E) below unless modified by a Development Plan.~~

~~(A) Monument sign. One monument sign, not to exceed 100 square feet in area.~~

~~(1) Minimum setbacks. Monument signs must be setback at least 15 feet from the property lines adjacent to public rights-of-way, at least ten feet from side and rear property lines, at least three feet from driveways to the edge of sign, and must maintain a 30-foot clear-view triangle at public street intersections.~~

~~(2) Maximum height of signs. No sign may exceed 15 feet above grade.~~

~~(3) Design and materials. Monument bases must be constructed of the same materials as the principal building.~~

~~(B) Area identification sign. One monument sign per development, as described by § 150.03, not to exceed 220 square feet in area.~~

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~~—(1) Minimum setbacks. Signs must be setback at least 15 feet from the property lines adjacent to public rights-of-way, at least ten feet from side and rear property lines, at least three feet from driveways to the edge of sign, and must maintain a 30-foot clear view triangle at public street intersections.~~

~~—(2) Maximum height of signs. No sign may exceed 15 feet above grade.~~

~~—(3) Design and materials. Monument bases must be constructed of the same materials as the principal building.~~

~~—(C) Wall signs. Signs attached to only one wall, not to exceed 10% of the building facade to which the signs are attached.~~

~~—(D) Wall signs. Multiple story buildings (three or more stories).~~

~~—(1) Identification signs. One identification sign per building facade identifying the name and/or address of the building, not to exceed 10% in area of the building facade to which it is attached or 300 square feet, whichever is less. The measured area is that building facade above the second story.~~

~~—(2) In addition to the identification signs described above, wall signs may be attached to only one wall not to exceed 10% of the building facade to which the signs are attached and must be located on the first story. The measured area is that building facade of the first and second story.~~

~~—(E) Two wall signs. Wall signs are allowed on only two walls. The wall signs on each wall must individually conform to the area limitations defined in division (B) above.~~

~~(Ord. 1999-914, passed 11-99)~~

§ 150.33 TRANSIT ORIENTED DEVELOPMENT (TOD) AND MIXED-USE DISTRICT.

(A) In the TOD or MU Districts, a property used for single-family, two-family, residential townhouse or apartment use may erect only signs as allowed by § 150.25 and § 150.26 of this chapter, as established for Residential Districts.

(B) In TOD and MU Districts, a business property may erect only signs described in subdivisions (1) and (3) below, or in subdivisions (1) and (4) below, or in subdivisions (2) and (3) below, or in subdivisions (2) and (4) below, or (5) below, unless modified through the approval of a sign plan at the time of Site Plan Review as approved by City Council.

(1) *Monument sign.* One monument sign not to exceed 120 square feet in area.

(2) *Area identification sign.* One monument per development, as described by § 150.03 of this chapter not to exceed 320 square feet in area.

(3) *Wall signs.* One and two story, single or multiple tenant buildings: Signs attached to two walls immediately adjacent to a public street or the parking lot which serves customers of the site, not to exceed ten percent of the building facade to which the signs are attached.

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- (4) *Wall signs.* Multiple story buildings (three or more stories):
- (a) Identification signs: One identification sign per building facade identifying the name and/or address of the building, not to exceed ten percent in area of the building facade to which it is attached or 300 square feet, whichever is less. The measured area is that building facade above the second story.
 - (b) In addition to the identification signs described above in subdivision (a), wall signs must be attached to only one wall, not to exceed ten percent of the building facade to which the signs are attached and must be located on the first story. The measured area is that building facade of the first and second story.
- (5) *Three wall signs.* Wall signs are allowed on up to three walls only when immediately adjacent to a public street or the parking lot that serves customers of the site, subject to City Manager approval. The wall signs on each wall must individually conform to the area limitations defined in subdivisions (3) or (4) of this division.
- (C) *Institutional signs.* Institutional uses which do not meet the criteria stated in § 150.03 of this chapter for area identification signs are allowed only one monument sign with reader board per street frontage. The sign and reader board must not exceed 60 square feet in area.
- (D) *Minimum setbacks.* Monument signs must be set back at least 1 foot from the front property line and at least ten feet from side and rear property lines. On corner lots, all monument signs must be set back at least 15 feet from front and side corner property lines. All signs must be set back a minimum of three feet from driveways to edge of sign, and a 30 foot clear- view triangle must be maintained at public street intersections.
- (E) *Maximum height of signs.* Signs described in division (A)(1), (A)(2) and (B) of this section may not exceed 8 feet above grade for monument signs.