

ORDINANCE NO. 613
2ND SERIES

**AN ORDINANCE AMENDING SECTION 10.24 OF THE ALEXANDRIA
CITY CODE RELATING TO SIGNS**

The City Council of the City of Alexandria does **ORDAIN**:

SECTION I. That Section 10.24 of the Alexandria City Code is hereby amended by deleting the existing language and replace it with the following:

Section 10.24. **Signs.**

Subd. 1. Purpose and Findings. The purpose and findings of the sign ordinance is as follows:

A. Purpose: the sign ordinance is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification. It is the intent of this section, to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs which meet the city's goals by authorizing:

- 1) permanent signs that establish a high standard of aesthetics;
- 2) signs that are compatible with their surroundings;
- 3) signs that are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or unduly distract motorists;
- 4) signs that are large enough to convey the intended message and to help citizens find their way to intended destinations;
- 5) signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;
- 6) permanent signs which give preference to the on-premise owner or occupant; and
- 7) temporary signs and advertising displays which provide an opportunity for grand openings and special events while restricting signs that create continuous visual clutter and hazards at public right-of-way intersections.

B. Findings: the city of Alexandria finds it is necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size and maintenance of signs be controlled. Further, the city finds:

- 1) permanent and temporary signs have a direct impact on and relationship to the image of the community;
- 2) the manner of installation, location and maintenance of signs affects the public health, safety, welfare and aesthetics of the community;
- 3) an opportunity for viable identification of community businesses and institutions must be established;
- 4) the safety of motorists, cyclists, pedestrians and other users of public streets and property are affected by the number, size, location and appearance of signs that unduly divert the attention of drivers;
- 5) installation of signs suspended from, projecting over, or placed on the tops of buildings, walks or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire-fighting and other emergency service;
- 6) uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;
- 7) uncontrolled and unlimited signs, particularly temporary signs which are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information;
- 8) commercial speech signs are generally incompatible with residential uses and should be strictly limited in residential zoning districts; and
- 9) the right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location and number.

Subd 2. Application of Regulations and Substitution Clause. This section shall apply to the location, erection, and maintenance of signs in all zoning districts within the City of Alexandria, Minnesota. The owner of any sign which is otherwise allowed by this Section of City Code may substitute non-commercial copy or message in lieu of any other commercial or non-commercial sign copy or message without any additional approval or permitting subject to the operational standards set forth herein. The purpose of this provision is to prevent any inadvertent favoring of commercial speech

or message over non-commercial speech or message. This provision prevails over any more specific provision to the contrary.

Subd 3. Severability. If any section, subsection, subdivision, sentence, clause, or phrase of this Section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Section. The City Council hereby declares that it would have adopted any section, subsection, subdivision, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, or phrases be declared invalid

Subd. 4 Definitions.

A. **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 one (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. Permanent 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 one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs that are present because of being legally established nonconforming signs or signs that have required a conditional use permit or variance shall also be subject to the definition of abandoned sign

B. **Alteration.** Refers to any major alteration to a sign, but shall not include routine maintenance, painting or change of copy of an existing sign.

C. **Architectural Projections.** Any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building but shall not include the sign.

D. **Area Identification Sign.** A freestanding sign which identifies a residential subdivision, a multiple residential complex, a shopping center, and industrial area, an office complex, or any combination.

E. **Awning.** A temporary hood cover which projects from the wall of a building and of a type which can be retracted, folded or collapsed against the face of the supporting building.

F. **Awning Sign.** A building sign or graphic printed on or in some fashion attached directly to the awning material

G. **Banners.** A sign advertising products or services being offered to the public or directing one's attention to goods and services composed of lightweight material either enclosed or noted enclosed in a rigid frame and mounted to be moved by atmospheric conditions.

H. **Building Facade.** That portion of any exterior elevation of a building extending from grade to top of the parapet wall eaves and the entire width of the building elevation.

I. **Building Sign.** Any sign attached or supported by any structure used or intended for supporting or sheltering any use or occupancy.

J. **Business Frontage.** The property line at the front of a building in which the business is located or the location of the main public entrance of said building.

K. **Canopy Sign.** Any message or identification which is affixed to a projection or extension of a building or structure, erected in such manner as to provide a shelter or cover over the approach of any entrance of the store, building, place of assembly.

L. **Changeable Copy Sign.** Any sign or portion thereof which has a readerboard for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and may be changed or re-arranged manually or mechanically with characters, letters, or illustrations that can be changed or rearranged without the altering the face or the surface of the sign.

M. **Changeable Copy Sign, Electronic.** A sign or portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. Electronic changeable copy signs do not include official or time and temperature signs. Electronic changeable copy signs include projected images or messages with these characteristics onto building or other objects. Electronic changeable copy signs are considered to be dynamic signs.

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

O. **Directional Signs.** A sign erected on a premise or private property that bears the address and/or name of business institution, church or other use of an activity plus directional arrows or information on location.

P. **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 or 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, 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.

Q. **Electronic Graphic Display Sign.** A sign or portion thereof that displays electronic, static images, static graphics, or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, re-pixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic displays. Electronic graphic display signs include projected images or messages with these characteristics onto building or other objects. Electronic graphic display signs are considered to be dynamic signs

R. **Establishment.** Any of the following definitions should apply: 1) a distinct business entity situated in a single building, 2) a distinct business entity located in a structure attached to other similar structures by common wall and ceiling or floors, or attached by means of an enclosed arcade, 3) a distinct business entity contained within a single structure and not separated by walls or other physical barriers, but made distinct due to its existence as a single leased space and operation by separate entrepreneurs or by its singularity of purpose.

S. **Flashing Sign.** A directly or indirectly illuminated sign or portion thereof that exhibits changing light or color effect by any means, so as to provide intermittent illumination that changes light intensity in sudden transitory bursts and creates the illusion of intermittent flashing light by streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling, or sparkling with an interval between flashes of less than eight seconds. Flashing signs are considered to be dynamic signs.

T. **Free-standing Sign.** Any stationary or portable, self-supported sign not affixed to any other structure. A sign supported by one or more columns, uprights, or braces in or upon the ground, not attached to or forming part of a building.

U. **Governmental Sign.** A sign that is erected by a governmental unit for the purpose of identification in directing or guiding traffic.

V. **Grade.** Grade shall be construed to be the final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for sign height computation.

W. **Illuminated Sign.** Any sign that is lighted by an artificial light source either directed upon it or illuminated from an interior source.

X. **Information Sign.** Any sign giving information to employees, visitors or delivery vehicles but not containing any advertising or identification.

Y. **Institutional Sign.** A sign or bulletin board which identifies the name or other characteristics of a public or private institution on a site where the sign is located.

Z. **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 or entrance of any theater.

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

BB. **Marquee Sign.** Any building sign painted, mounted, constructed, or attached in any manner, on a marquee.

CC. **Monument Sign.** Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a height exceeding eight (8) feet.

DD. **Motion Sign.** Any sign that revolves, rotates, has any moving parts or gives illusion of motion.

EE. **Multiple Tenant Site.** Any site that has more than one (1) tenant, and each tenant has a separate ground level exterior public entrance.

FF. **Nameplate.** A sign indicating the name and address of a building or the name of an occupant thereof and a practice of a permitted occupation therein.

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

KK. **Nonconforming Signs.** Any advertising structure or sign which was lawfully erected and maintained and which fails to conform to all the applicable regulations and restrictions of this ordinance.

LL. **On-Premise Messages.** Identify or advertise an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

MM. **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 premises where such business is located..

NN. **Parapet.** A low wall which is located on a roof of a building will be known as a parapet for the purpose of this section.

OO. **Portable Signs.** 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 the sign. Portable signs are considered a type of temporary sign..

PP. **Private On-Premise Directional Signs.** Signs which provide direction or instruction, and are located entirely on the property to which they pertain.

QQ. **Projecting Signs.** A sign other than a wall sign which is affixed to the building and which extends perpendicularly from the building wall.

RR. **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.

SS. **Roof Line.** The uppermost line of a roof of a building or in the case of extended facade, the uppermost height of said facade.

TT. **Roof Sign.** Any sign which is erected, constructed, or attached wholly or in part upon or over the roof of a building.

UU. **Rotating Sign.** A sign which revolves or rotates on its axis by mechanical means.

VV. **Sign.** Any structure, device, advertising, advertising device, or visual representation intended to advertise, identify, or communicate information to attract attention of the public for any purpose including but not limited to symbols, letters, figures, illustrations, or forms painted or otherwise affixed to a building or structure, any beacon or search light intended to attract the attention of the public, and any structure or device designed to border, illuminate, animate, or project a visual representation, provided however, that this definition shall not be held to include official notices issued by any court or public office or officer in the performance of a public duty, and traffic control signs as defined in the Motor Vehicle Act.

WW. **Sign Area.** That area within the marginal line of the surface which bears the advertisement or in the case of messages figures or symbols attached directly to the part of the building, that area which is included in the smallest rectangular or geometric figure which can be made to circumscribe the message, figure or symbol displayed thereon.

XX. **Sign Height.** The vertical distance measured from the grade to the top of a sign.

YY. **Sign Structure.** The supports, uprights, bracing and framework for a sign including the sign area.

ZZ. **Street Frontage.** The proximity of a parcel of and to one or more streets. An interior lot has one (1) street frontage and a corner lot has two (2) frontages.

aa. **Temporary Sign.** Any sign or sign structure which is not permanently affixed or installed, and is intended to be displayed for a limited period only to promote a specific event of activity or is a pedestrian-oriented sign displayed during business hours.

bb. **Video Display Sign.** A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto building or other objects. Video display signs are considered to be dynamic signs.

cc. **Wall Sign.** A sign which is affixed to the exterior wall of a building and which is parallel to the building wall. A wall sign does not project more than twelve (12) inches from the surface to which it is attached nor does it extend beyond the top of the parapet wall.

dd. **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 panes or glass and is visible from the exterior of the window.

Subd. 5. Exemptions. The following signs are allowed without a permit, but shall comply with all other applicable provisions of this subdivision. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same.

A. The changing of copy on an existing non-dynamic sign does not require a permit, when the original owner, tenant or operator continues in business at the original location where the sign is located.

B. Signs six (6) square feet or less in size (two sign maximum per property). Signs must be 10' from side lot lines and must be a minimum of 50' from each other. This paragraph does not apply to signs authorized by Subdivision 13.

C. Permanent Window Signs. Except in residential zones, for each ground floor occupancy of a building not more than 25% of the window surface may have signage painted on or otherwise displayed from the inside surface of any window, showcase or other similar facility. Said signs shall be in addition to those signs permitted under the other provisions of this Code.

Subd.6. Prohibited Signs. This section specifically prohibits the following signs:

A. Which purports to be or resembles an official traffic control device, sign, signal, railroad sign or signal; or which hides from view or interferes in any material degree with the effectiveness of any traffic control device, sign, signal, railroad sign or signal, or the sign area of which obstructs or interferes with the driver's view of approaching, merging, or intersecting traffic for a distance not to exceed 500 feet.

B. Which prominently displays the word "stop" or "danger."

C. Which contains statements, words, or pictures of an obscene, indecent, or immoral character, or such as would offend public morals or decency.

D. On any right-of-way of the interstate system of highways, except as otherwise provided by law or allowed by the commissioner.

E. On private land without the consent of the owner thereof.

F. On trees, shrubs, or which are painted or drawn upon rocks or natural features, or on public utility poles.

G. Which has distracting flashing or moving lights so designed or lighted as to be a traffic hazard.

H. To which access can be obtained only from an interstate main traveled way but excluding frontage roads adjacent thereto.

I. Which are structurally unsafe, in disrepair or are abandoned.

J. Off-premise signs in or within 500 feet of a national, state, or local parks, historical sites, and public picnic or rest areas or within 100 feet of a church or school.

K. No person shall park any motorized vehicle or trailer on a public right-of-way, public property, or on private property, which has attached thereto or located thereon any sign or advertising device which provides the advertisement of products, services or directs people to a business. This subsection shall not, however, prohibit in any form vehicular signs which are attached to or affixed on a motor vehicle.

L. Signs with dynamic displays except those allowed under Subdivision 16. All displays shall be shielded to prevent any light to be directed at oncoming traffic in such brilliance as to impair the vision of any driver. No device shall be illuminated in such a manner as to interfere with or obscure any official traffic signs or signal. This section, however, does not include time, temperature or other similar informational signs.

M. Any sign which contains or consists of pennants, ribbons, streamers, string of lights, spinners, or similar devices.

N. Street banners which are thrust over public property unless such banners are for civic purposes and approved by the City.

O. Signs not listed as permitted are prohibited.

Subd. 7. Traffic Hazards. No sign permitted by this section shall, by reason of its location, color or intensity, create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No private sign shall contain words which might be construed as traffic controls, such as "stop", "caution", "warning", etc. unless such sign is intended to direct traffic on the premise.

Subd. 8. Sign Maintenance. All signs and sign structures shall be properly maintained and shall be kept in a safe orderly condition. In addition, all parts and supports shall be properly painted. Any sign or sign structure which is rotted or unsafe, deteriorated, defaced or otherwise altered, shall be repainted, or repaired or replaced by the licensee, owner or agent of the owner of the property from which the sign stands.

Subd. 9. Sign Location. No sign other than public or governmental sign shall be erected or temporarily placed within any street right-of-ways. No sign or sign structure shall be erected or maintained so as to prevent fire ingress or egress from any door, window, or fire escape. No sign or sign structure shall be attached to a standpipe, streetlight or fire escape. No sign shall obstruct traffic flow or sight views nor constitute a traffic hazard.

Subd. 10. Projecting Signs. A projecting sign shall be at least seven (7) feet above the sidewalk and three (3) feet away from the curbline. Projecting and wall signs may not extend above the ridgeline or highest point of the roof.

Subd. 11. Temporary Signs.

A. Portable or temporary changeable copy signs over twelve (12) square feet but not exceeding thirty-two (32) square feet in area are allowed provided:

1. A sign permit is issued for the sign.
2. The sign is not located in the public right-of-way.
3. The sign does not obstruct sight views or constitute a traffic hazard.
4. The sign may be illuminated but shall not contain any flashing, blinking, moving, rotating or exterior lights.
5. Only one temporary portable changeable copy sign shall be allowed per lot of record or business.

6. No more than four (4) permits per lot of record or business in any twelve-month period.
7. Each permit shall be valid for no more than ten (10) calendar days.
8. Permits shall be issued only for temporary non-commercial speech signs.

B. Pedestrian-oriented portable signs located in business or industrial zoned districts which do not exceed twelve (12) square feet in area are allowed provided that said signs are limited to two (2) signs per business frontage, are not located in the public right-of-way, are within 15 feet of the principal structure(s), are not dynamic signs, and in the opinion of the Zoning Administrator do not constitute a traffic hazard. Such signs must be separated by not less than fifty (50) feet and must be setback from adjoining property lines by not less than ten (10) feet.

Subd. 12. Off-Premise Signs. The construction of an off-premise sign shall comply with the following requirements:

A. All off-premise signs may be erected or maintained only in the I-1 "Light Industrial" or I-2 "Heavy Industrial" zoning districts. Any off-premise sign in existence in any other zoning district as of the effective date of this ordinance may be allowed to continue as an existing, non-conforming use and thus may not be enlarged, improved or relocated on the same site.

B. Off-premise signs must be landscaped around the base of the signs;

C. Off-premise shall not be erected or maintained in such a manner or place as to obscure or otherwise physically interfere with a governmental sign or a railroad safety device or sign, or to obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic for a distance of five hundred (500) feet;

D. Off-premise signs shall be located so as not to obstruct any existing business or sign;

E. No off-premise sign shall be erected closer to any other legally conforming business sign, whether detached or attached, on the same or separate property, than fifty (50) feet.

F. No person shall construct, erect, convert to dynamic signage, use or permit the use of an off-premise sign unless and until a sign permit is first secured from the City and, if required, Minnesota Department of Transportation;

G. All other standards including setbacks that are applicable to other signs and structures shall apply to off-premise signs. There shall be a maximum setback of 350 feet from the centerline of the right-of-way of an adjacent Federal Aid Interstate Highway;

H. No off-premise sign shall be erected closer to any other such off-premise sign than one thousand (1000) feet, provided that the provision shall not prevent the erection of a single-faced, back-to-back or V-type advertising device and further providing that such spacing requirement shall not apply as between any off-premise advertising device permitted under the provisions of Laws 1971, Chapter 883.

No off-premise sign shall be erected less than one thousand (1000) feet from the surface of the Central Lakes Trail.

I. No off-premise sign shall be erected within three hundred (300) feet of any property located in a residential zoning district.

J. No off-premise sign shall exceed four hundred (400) square feet in area and no portion of a billboard sign shall extend beyond the regular face of the sign framework.

K. No off-premise shall exceed 36 feet in maximum height or the sign height maximum described in Section 10.24

L. No off-premise sign structure may contain more than one sign per facing;

M. No off-premise sign may be erected on or above the roof of any building.

N. No off-premise sign or portion thereof may turn on an axis, rotate, revolve or otherwise physically move;

O. Light projecting onto the off-premise sign face from an external source must be hooded and directed away from any adjacent public roadway;

Subd. 13. Banners. Temporary banners may be used without a permit for grand openings and special events limited to once a year not to exceed ten (10) calendar days. Permanent banners are allowed as wall signs in accordance with the sign area requirements of Subdivision 15B.

Subd. 14. Non-Commercial Speech. Notwithstanding any other provisions of this sign ordinance, all signs of any size containing non-commercial speech may be posted from August 1 in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election. The provisions of Minnesota Statutes 211.04, relating to non-commercial signs, are hereby incorporated into this ordinance.

Subd. 15. Permitted Licensed Sign. The following are permitted signs which require a sign permit in accordance with the following zoning district:

A. Within the A-O, R-1, R-2, Districts, the maximum sign area of a single sign is eight (8) square feet and the maximum total area of all signs is 16 square feet.. Awning signs and canopy signs are prohibited.

B. Within the R-3 and R-4, and residential PUD Districts, the maximum sign area of a single sign is 12 square feet and the maximum total area of all signs is 24 square feet. Awning signs and canopy signs are prohibited.

C. All signs permitted under Subdivision 5 and Subdivision 11 of this section, so long as they meet the size requirements described in Subdivision 15.

D. Within the R-B, B-1, B-2, I-1, I-2, and I-B, and mixed-use PUD districts signs are subjected to the following size and type regulations:

1. All signs permitted under Subdivision 5 of this section.

2. The following types of on-premise business signs are allowed; wall sign, awning sign, canopy sign. The total sign area for all signs shall not exceed twenty (20) percent of the gross silhouette area of the business portion of the principal building, except as noted in Section 10.24, Subd.15.D.3. If the sign relates to a future on-premise use on the site where the sign is located, the maximum sign area for all signs is 64 square feet.

Where the principal building is on a corner lot or has double frontage, the sign area is limited to twenty (20) percent of the building silhouette area visible from the public street(s), again except as noted in Section 10.24, Subd. 15.D.3. The maximum allowable sign area is three hundred (300) square feet, except as noted in Section 10.24, Subd. 15.D.3. Additionally, pylon signs are limited to the following total maximum area, based upon the gross square footage of the principal building and subject to the overall area limitations contained in this subdivision.

<u>Gross Floor Area (Sq. Ft.)</u>	<u>Max Area (Sq. Ft.)</u>
<2200	90
2201 – 4400	150
4401 – 7500	170
7501 – 9200	175
9201 – 17,600	195
17,601 – 19,800	205
19,801 – 22,000	220
22,001 – 24,000	240
>24,000	250

For single business properties with sufficient frontage, multiple pylons will be allowed provided they can be set back from the adjacent or adjoining lot line a minimum of fifty (50) feet and are no closer to each other, as measured parallel to the property frontage, than one-hundred fifty five (155) feet.

3. In cases where the building area has a sign area exceeding the maximum allowable sign area allowed under Subdivision 15B of this section. A larger sign area is allowed not to exceed ten percent (10%) of the exposed and visible building silhouette area.

Subd. 16. Dynamic Displays.

A. **Findings.** Studies show that there is a correlation between dynamic displays on signs and the distraction of highway drivers. Distraction can lead to traffic accidents. Drivers can be distracted not only by a changing message, but also by knowing that the sign has a changing message. Drivers may watch a sign waiting for the next change to occur. Drivers are also distracted by messages that do not tell

the full story in one look. People have a natural desire to see the end of the story and will continue to look at the sign in order to wait for the end. Additionally, drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Finally, drivers are generally more distracted by messages that are too small to be clearly seen or that contain more than a simple message. Time and temperature signs appear to be an exception to these concerns because the messages are short, easily absorbed, and become inaccurate without frequent changes.

Despite these public safety concerns, there is merit to allowing new technologies to easily update messages. Except as prohibited by state or federal law, sign owners should have the opportunity to use these technologies with certain restrictions. The restrictions are intended to minimize potential driver distraction and to minimize proliferation in residential districts where signs can adversely impact residential character.

Local spacing requirements could interfere with the equal opportunity to use such technologies and are not included. Without those requirements, however, there is the potential for numerous dynamic displays to exist along any roadway. If more than one dynamic display can be seen from a given location on a road, the minimum display time becomes critical. If the display time is too short, a driver could be subjected to a view that appears to have constant movement. This impact would obviously be compounded in a corridor with multiple signs. If dynamic displays become pervasive and there are no meaningful limitations on each sign's ability to change frequently, drivers may be subjected to an unsafe degree of distraction and sensory overload. Therefore, a longer display time is appropriate.

A constant message is typically needed on a sign so that the public can use it to identify and find an intended destination. Changing messages detract from this way-finding purpose and could adversely affect driving conduct through last-second lane changes, stops, or turns, which could result in traffic accidents. Accordingly, dynamic displays generally should not be allowed to occupy the entire copy and graphic area of a sign.

In conclusion, the city finds that dynamic displays should be allowed on signs but with significant controls to minimize their proliferation and their potential threats to public safety.

B. Regulations. Dynamic displays on signs are allowed subject to the following conditions:

1. Dynamic displays are allowed only on freestanding signs for conditionally permitted uses in residential districts. They are allowed on wall signs and freestanding signs in all other zoning districts.

2. Signs less than 200 square feet: Dynamic displays may occupy no more than 40% of the sign area, up to a maximum of 40 square feet. The remainder of the sign must not have the capability for dynamic displays. Only one, contiguous dynamic display area is allowed on a sign face.

3. Signs greater than 200 square feet: Dynamic display may occupy up to 100% of the sign area and may change messages no more frequently than once every 20 minutes. Changes between messages must be achieved by instantaneous re-pixelization.

4. Flashing dynamic displays are prohibited.

5. Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this ordinance;

6. Dynamic displays must comply with the brightness standards contained in subdivision 17;

7. Dynamic displays existing on the effective date of this ordinance must comply with the operational standards listed above. An existing dynamic display that does not meet the structural requirements 2 and 3 above may continue as a non-conforming use;

8. Audio speakers or any form of pyrotechnics are prohibited in association with the dynamic display;

9. Video display signs must be wall signs and may be a maximum of eight square feet.

10. One dynamic display sign is allowed per parcel.

11. Unless permitted as an off-premise sign no dynamic sign will display messages or images of off-premise advertising.

12. The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign. Signs existing on the

effective date of this ordinance that utilize this technique may continue as a non-conforming use until the sign is replaced or, if feasible, be reprogrammed to conform to this section.

C. Incentives. Off-premise signs do not need to serve the same way-finding function as do on-premises signs. Further, new off-premise signs are strictly limited in the city, and there is no potential that they will proliferate. Finally, off-premise signs are in themselves distracting and their removal serves public safety. The city is extremely limited in its ability to cause the removal of those signs. This section is intended to provide incentives for the voluntary and uncompensated removal of off-premise signs in certain settings. This removal results in an overall advancement of one or more of the goals set forth in this section that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate off-premise signs that would otherwise remain distributed throughout the community. Spacing requirements are included in this section to prevent drivers from viewing multiple enhanced off premise dynamic displays at one time.

1. A person may obtain a permit for an enhanced dynamic display on one face of an off-premise sign if the following requirements are met:

a) The applicant agrees in writing to permanently remove, within 45 days after issuance of the permit, at least two other faces of an outdoor advertising sign in the city that are owned or leased by the applicant, each of which must satisfy the criteria of parts (b) through (d) of this subsection. This removal must include the complete removal of the structure supporting each sign face. The applicant must agree that the city may remove the sign if the applicant does not timely do so, and the application must be accompanied by a cash deposit or letter of credit acceptable to the city attorney sufficient to pay the city's costs for that removal. The applicant must also agree that it is removing the sign voluntarily and that it has no right to compensation for the removed sign under any law.

b) The city has not previously issued an enhanced dynamic display permit based on the removal of the particular faces relied upon in this permit application.

c) Each removed sign has a copy and graphic area of at least 200 square feet

d) If the removed sign face is one for which a state permit is required by state law, the applicant must surrendered its permit to the state upon removal of the sign. The sign that is the subject of the enhanced dynamic display permit cannot begin to operate until proof is provided to the city that the state permit has been surrendered.

e) The applicant must agree in writing that no dynamic displays will ever be used on one additional off-premise sign that has a copy and graphic area of at least 200 square feet in size. This agreement will be binding on the applicant and all future owners of the sign. If the sign is subsequently removed or destroyed and not replaced, the holder of the enhanced dynamic display permit is not required to substitute a different sign for the one that no longer exists.

f) No enhanced dynamic off-premise sign shall be erected closer to any other such off-premise sign than 2,640 feet.

g) Two or more enhanced dynamic off-premise signs may not be used to present a sequential message

h) If one sign face on a double-faced off-premise sign is approved for dynamic signage, the remaining of the two faces must be one of the two faces designated for removal

i) One of the two faces designated for removal must be within 1,000 feet of a road designated as an Interstate or State Highway.

2. If the applicant complies with the permit requirements noted above, the city will issue an enhanced dynamic display permit for the designated off-premise sign. This permit will allow a dynamic display to occupy 100 percent of the potential copy and graphic area and to change no more frequently than once every eight seconds. The designated sign must meet all other requirements of this ordinance.

Subd. 17. Brightness.

A. 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.

Subd. 18. Height. The following maximum sign heights shall apply:

A. Freestanding signs north of 18th Avenue-18 feet

B. Freestanding signs between 18th Avenue and T.H. 27/34th Avenue-24 feet

C. Signs south of T.H. 27/34th Avenue-36 feet

- D. Signs within 100 feet of the Interstate 94 right-of-way and 100 feet of the Interstate 94/T.H. 27 and Interstate 94/T.H. 29 interchange right-of-way-45 feet

Subd. 19. Planning Commission Review. In instances where an applicant requests a sign in excess of the sign area or sign number requirements of this section, the Planning Commission may waive the appropriate requirements and approve the sign. In its deliberations, the Planning Commission shall consider:

- A. The location, size and design of the proposed sign(s).
- B. The character of the surrounding area.
- C. The consistency of the proposed sign(s) in comparison to existing signs located in the surrounding area.
- D. The appropriateness of the proposed sign(s) in light of the anticipated use of the property, or
- E. The granting of a waiver that will not be detrimental to the public welfare nor create an adverse affect upon the surrounding property.

The decision of the Planning Commission shall be final subject to appeal in accordance with Section 10.23 of this Ordinance.

Subd. 20. Administration.

A. **Permits.** n. No sign shall be erected, altered, reconstructed, or moved in the City without first securing a permit from the City. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Application for the permit shall be in writing addressed to the issuing authority and shall contain the following information:

- 1. Names and addresses of the owners of the display structure and property;
- 2. the address at which any signs are to be erected;
- 3. the names of the licensed sign hanger erected the sign, if applicable;
- 4. the lot, block and addition at which the signs are to be erected and the street on which they are to front
- 5. a complete set of plans showing the necessary elevations, distances, size and details to fully and clearly represent the construction and place of the signs;
- 6. type of sign (i.e. wall sign, pylon sign, etc.)
- 7. if the proposed sign is along a state trunk highway or interstate highway, the application shall be accompanied by proof that the applicant has obtained a permit from the state for the sign.

B. **Sign Hangers License.** All sign hangers engaged in the business of erecting, constructing, enlarging, alteration, repair, moving, removing, demolition, or equipping a sign shall be required to be licenses annually. Fees for the sign hangers license shall be established by the Alexandria City Council.

C. **Fees.** The fee for an application to the Planning Commission and all sign permits shall be established by the Alexandria City Council.

D. **Enforcement.** The Zoning Administrator is empowered to enforce the provisions of this Ordinance as necessary to carry out the purpose of this Ordinance. The Administrator shall cause to be removed any sign that endangers the public safety such as an abandoned, dangerous, or electrically or structurally defective sign or a sign for which no permit has been issued or a sign which obstructs or interferes with the public right-of-way. A notice of violation shall be mailed to the sign holder citing the violation. If the violation is not corrected within ten (10) days, the City shall have the authority to remove the sign. No notice is required to be provided to the holder of a temporary sign not meeting the requirements of Subdivision 10 of this Section, and the Street Commissioner, Chief of Police or Zoning Administrator are hereby expressly authorized to immediately remove and impound such a temporary sign, the costs of which removal and impoundment shall be charged against the owner of the site on which the sign was displayed.

SECTION II. This Ordinance shall be in full force and effect from and after its passage and publication.

ADOPTED by the City Council of the City of Alexandria this 10th day of December, 2007, by the following vote:

YES: BIGGER, CARLSON, WEISEL, BENSON, FRANK

NO: NONE

ABSENT: NONE

/S/ H. Dan Ness, Mayor

ATTEST: _____
/S/ James P. Taddei, City Administrator