

ORDINANCE NO. 2023-10

CITY OF DAYTON
HENNEPIN AND WRIGHT COUNTIES, MINNESOTA

A TEXT AMENDMENT OF DAYTON CITY CODE SECTION 1001.20 SUBD 6. REGARDING PROHIBITED SIGNS

THE CITY COUNCIL OF THE CITY OF DAYTON DOES ORDAIN:

SECTION 1001.20 SUBD 6: TEXT AMENDMENT. The Dayton City Code Section 1001.20 subd 6 is hereby amended by adding the following underlined language and deleting the following language, which reads as follows:

1001.20 SIGNS.

Subd. 1 Findings, Purpose and Effect

(1) *Findings.*

- a. Exterior signs have a substantial impact on the character and quality of the environment.
- b. Signs provide an important medium through which individuals may convey a variety of messages.
- c. Signs can create traffic hazards and aesthetic concerns, thereby threatening the public health, safety and welfare.
- d. The City's zoning regulations have, since their inception, included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the City and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the City has had a positive impact on traffic safety and the appearance of the community.

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

- a. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the City in order to promote the public health, safety and welfare.
- b. Maintain, enhance and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community.
- c. Improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics.
- d. Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the City.

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

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

- b. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this Section.
- c. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.
- d. Ensure that signage is distinct and minimal to reduce visual clutter.
- e. Provide for the administration and enforcement of the provisions of this Section.

Subd. 2 Substitution

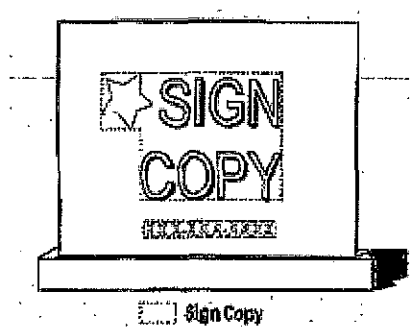
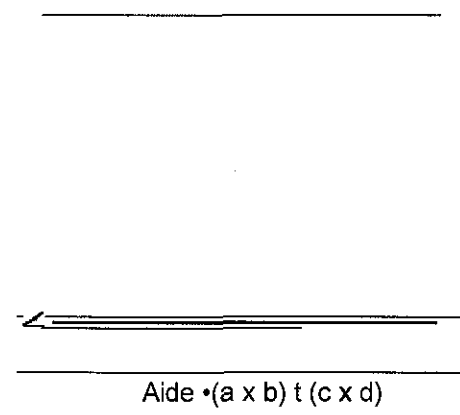
The owner of any sign which is otherwise allowed by this Section may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

Subd. 3 Severability

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

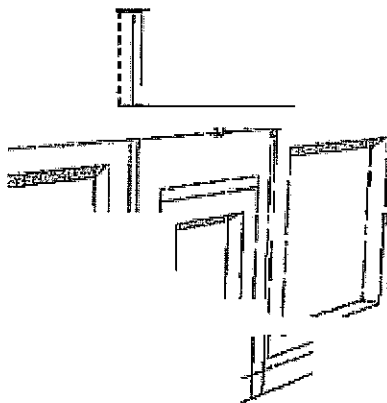
Subd. 4 Measurements

The following criteria shall be used in measuring a sign or building facade in order to determine compliance with this Subsection:

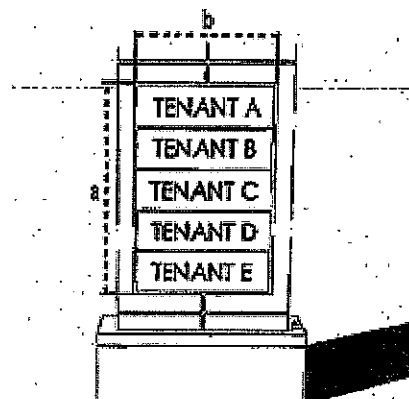
table 1 - Sign Measurements	
Table 1 - Sign Measurements	
Sign copy is defined as the physical sign message including any words, letters, numbers, pictures and symbols.	
Sign area is the area of the board(s) or module(s) containing the sign message, but not including the supporting structure. The area to be calculated is the area within the smallest rectilinear perimeter that contains the entire signboard or module. The area of a sphere shall be computed as the area of a circle area of the largest face including its border area. If it is of an irregular shape, the area shall be computed by means of the smallest rectangle that will encompass the extreme limits.	

Sign area for cabinet signs is determined by calculating the measurements of the outer dimensions of the frame or cabinet surrounding the sign.

$$Area = a \times b$$

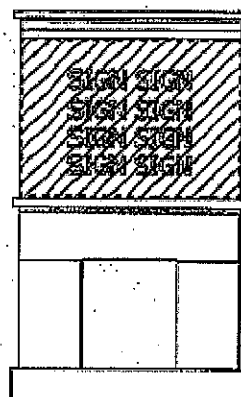


Sign area for signs with multiple cabinets. For freestanding and projecting signs that contain multiple cabinets on 1 structure, the modules together are counted as 1 sign face in order to compute the sign area.



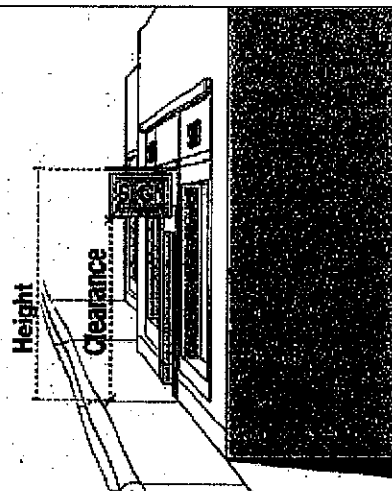
$$Area \text{ for Multiple Cabinets} = a \times b$$

Sign face. The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

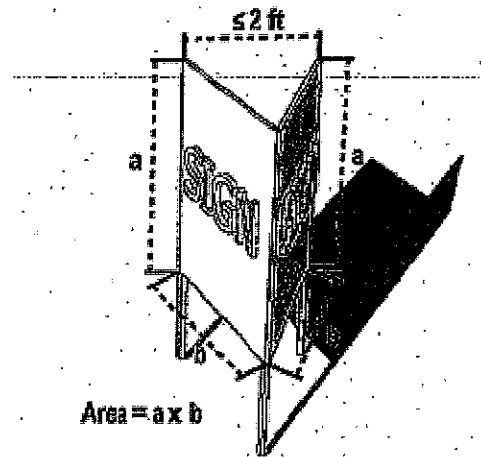


Sign Face Area

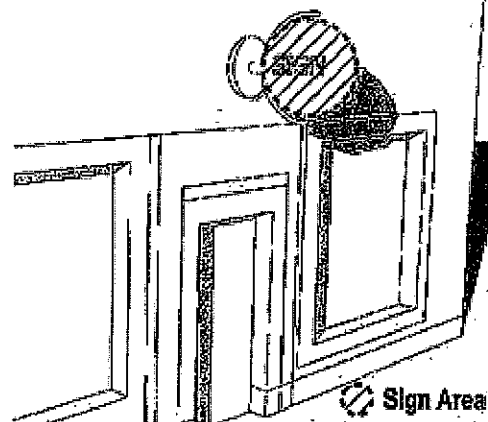
Sign height. Sign height shall be calculated as the vertical distance from the natural grade measured at a point either at the back of the curb level or 10 feet away from the front center of the sign, whichever is closer, to the uppermost point used in measuring the area of a sign.
Sign clearance is measured from the finished grade directly below the sign to the bottom of the sign structure.



Backed (double-faced) signs. When 2 sign faces supported by the same sign structure are placed back-to-back, or the distance between each sign face does not exceed 2 feet at any point, the signs shall be regarded as a single sign. The sign area shall be the area of the larger sign face.



Round or 3-dimensional signs. Where a sign consists of one or more 3-dimensional objects (i.e., balls, cubes, clusters or objects, sculpture, or statue-like trademarks), the sign area shall be measured as their maximum visible surface area from any vantage point.



(2) Placement.

- a. All freestanding signs shall be setback a minimum of 10 feet from property lines and shall not be located within drainage and utility easements.
- b. No sign shall extend over a sidewalk, walkway, or other space accessible to pedestrians, unless the bottom of the sign structure has a minimum 8 foot clearance as measured from the bottom of the sign structure to the ground directly below the sign. Exceptions are prohibited.
- c. No sign or sign structures taller than 3 feet shall be located within a clear view triangle area, as defined by Section 1001.03 of the Zoning Code.

(3) Sign illumination and brightness.

- a. The artificial illumination of signs, either from an internal or external source, shall be designed to eliminate negative impacts on surrounding right-of-way and properties.
- b. The following standards shall apply to all illuminated signs:
 1. No sign or light source shall create an unduly distracting or hazardous condition to a motorist, pedestrian or the general public. Colored lights or colored sign faces shall not be used at a location or in a manner so as to be confused or construed as traffic control devices.
 2. External light sources shall be directed and shielded to limit direct illumination of any object other than the sign.
 3. Illuminated signs and signs with exposed light sources are prohibited in all residential zoned properties, unless as allowed by a Conditional Use Permit.

4. Signs shall be illuminated only during business hours.
 5. Signs shall not have blinking, flashing, or fluttering lights, or other illuminating devices that have a changing light intensity, brightness or color.
 6. No sign may be brighter than is necessary for clear and adequate visibility.
 7. Signs using an LED (light emitting diode) light source shall not exceed a luminance of 500 candela per square meter (nits) between sunset and sunrise (night), and shall not exceed a luminance level of 5,000 candela per square meter between sunrise and sunset (day).
 8. Signs using fluorescent, neon, or incandescent light sources shall not exceed 12 watts per square foot of sign surface area.
 9. Illumination which mimics movement by means of lighting arrangement, lighting source, changes in either color or intensity of lighting or other devices shall not be permitted.
- c. All signs which are illuminated shall be equipped with a mechanism that automatically adjusts the brightness to ambient lighting conditions (e.g. dusk, dawn, etc.) to ensure that the sign does not exceed an intensity of 0.3 foot-candle above ambient light levels as measured from 100 feet from the sign's face.
- (4) *Dynamic displays.* Dynamic displays as permitted by Subd. 5 of this Section are subject to the following conditions:
- a. Only 1 dynamic display sign shall be allowed per lot.
 - b. Dynamic displays are allowed only on freestanding signs. Dynamic displays may occupy no more than 75% of the actual sign area. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only 1, contiguous electronic message sign area is allowed on a sign face.
 - c. A dynamic display sign may not change or move more often than once every 8 seconds except 1 for which changes are necessary to correct hour and minute, date, or temperature information.
 - d. The images and messages displayed and transitioned must be instantaneous or fading. Modes of display which cause the message to flash or blink are prohibited. The dynamic display shall not be allowed to project full-motion video.
 - e. Dynamic displays must be designed and equipped to freeze the device in 1 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 Section.
 - f. Signs must comply with the lighting and brightness standards contained in this Section.

Subd. 5 District Regulations

- (1) The following signs shall be allowed within the specific Zoning Districts. Signs shall comply with the sign types and standards in Tables 2-5.
- a. *Sign standards.* In addition to the signs allowed by this Section, the following signs shall be allowed within the specific Zoning Districts. Signs shall comply with the sign types and standards in Tables 2-5.
 - b. *Planned unit developments.* All developments must comply with standards for the underlying zoning district. PUD sign plans that deviate from these standards may be requested as part of the Preliminary PUD development plan.

c. *Additional standards for specific types of signs.* The following signs are permitted in addition to other allowed signage on a site:

1. *Menu boards.* Drive-through restaurants may be permitted 1 menu board not to exceed 50 square feet and not to exceed 6 feet in height. Restaurants with 2 drive through lanes may be permitted 1 sign per drive-through lane not to exceed 36 square feet and not to exceed 6 feet in height per sign. Menu boards may be internally illuminated. Such signage is in addition to the other signage allowed in the district.

2. *Motor fuel stations.* In addition to the 1 dynamic display permitted by Subdivision 4(4) of this Section, motor fuel stations in any district are permitted to display 1 additional 16 square foot dynamic display on freestanding sign or on the canopy as additional wall signage. Such signs are subject to the standards of this Section, and M.S. §§ 239.751 and 325D.71, as may be amended.

(2) *Freestanding sign standards.*

Table 2 - Freestanding Signs					
District	Quantity	Sign Area	Height	Style	Illumination
Table 2 - Freestanding Signs					
District	Quantity	Sign Area	Height	Style	Illumination
Agricultural and Residential Districts	1	32 sq. ft.	6 ft.	Monument	None
R-0	1	32 sq. ft.	8 ft.	Monument	None
B-1, B-2	1	64 sq. ft.	8 ft.	Monument	External, internal
B-3, B-4	1	64 sq. ft.	8 ft., 25 ft.	Monument, pylon	External, internal, dynamic display
BP, I-1, 1-2	1	64 sq. ft.	8 ft.	Monument	External, internal, dynamic display
P-R	1	64 sq. ft.	8 ft.	Monument	External, internal, dynamic display
GMU-1	1	64 sq. ft.	8 ft., 25 ft.	Monument, pylon	External, internal, dynamic display
GMU-2	1	64 sq. ft.	8 ft.	Monument	External, internal, dynamic display
GMU-3	0	0	0	N/A	None

<i>GMU-4</i>	1	64 sq. ft.	8 ft.	Monument	External, internal, dynamic display
<i>GMU-5</i>	1	64 sq. ft.	8tt, 25tt	Monument, pylon	External, internal, dynamic display

- a. The freestanding sign must be located at the primary entrance to the development.
- b. Except in the P-R and GMU districts, a second freestanding sign is permitted for residential subdivisions, subject to following:
 1. The development has 3 or more lots or principal buildings.
 2. The development has an entrance from a major collector or arterial street and a second entrance.
 3. No more than 2 freestanding signs shall be permitted for the development.
 4. The size of the second sign shall not exceed the maximum size allowed by Table 2.
- c. Commercial and industrial multiple occupancy buildings and developments shall be subject to the following:
 1. Freestanding signs on individual tax lots located within the development are not allowed.
 2. One freestanding sign shall be permitted for the entire development.
 3. Additional freestanding sign.
 - (a) One additional freestanding sign may be permitted when there is a minimum of 2 access streets.
 - (b) The access streets shall be a minimum of 500 lineal feet in length each. The signs shall be separated by a minimum of 300 lineal feet.
 4. No permit shall be issued for a new or replacement sign for an individual tenant except upon a determination by the Zoning Administrator that it is consistent with the approved comprehensive sign plan.
- d. Sign(s) shall be located to accommodate said sign and related landscaping to meet all setback requirements. If the sign(s) are to be located on outlots, the outlets shall be designated on the preliminary plat and detailed plans for the development signs shall be submitted with the final plat.
- e. The area around the sign shall be landscaped in such a manner to accent and enhance the sign while remaining sensitive to the natural features of the site. Detailed site and landscape plans shall be included with each sign permit application and shall be subject to review and approval of the Zoning Administrator.
- f. The design and construction of the sign shall be done with masonry materials (brick, stone, etc.) to keep maintenance and upkeep costs to a minimum and to minimize the potential for vandalism. The signs are to be aesthetically pleasing when designed and constructed. Monument sign bases shall be constructed of similar materials, style and color as the principal building. Detailed construction plans and a materials list shall be included with each sign permit application and shall be subject to the review and approval of the Zoning Administrator.

(3) *Directional signs.*

- a. On-premises signs shall not be larger than 4 square feet. The maximum height of the sign shall not exceed 5 feet from the ground.
- b. The directional signs shall be so located such that the sign does not adversely affect adjacent properties (including site lines or confusion of adjoining ingress or egress) or the general appearance of the site from public rights-of-way.
- c. No more than 4 signs shall be allowed per lot and shall be in addition to other allowed signage. The City Council may allow additional signs as part of a site plan or development plan as part of a master sign plan in situations where access is confusing or traffic safety could be jeopardized.
- d. Permanent off-premises signs shall be allowed only in situations where access is confusing and traffic safety could be jeopardized or traffic could be inappropriately routed through residential streets. The size of the sign shall be no larger than what is needed to effectively view the sign from the roadway and shall be approved by the City Council. Temporary off-premises signs are prohibited, unless otherwise specified in this Chapter.
- e. On-premises signs for industrially zoned land in excess of 40 acres shall not exceed 12 square feet. The maximum height of the sign shall not exceed 5 feet from the ground. The placement of directional signs on the property shall be so located such that the sign does not adversely affect adjacent properties or the general appearance of the site from public right-of-way. No more than 4 signs shall be allowed per site. The City Council may allow additional signs in situations where access is confusing or traffic safety could be jeopardized.

(4) *Wall sign standards.*

- a. The following signs are allowed in the Agricultural, Residential and PR districts:

table 3 - Wall Signs				
<i>District</i>	<i>Sign Area</i>	<i>Illumination</i>	<i>Style</i>	<i>Additional Standards</i>
Agricultural and residential districts	Not permitted	N/A	N/A	
P-R	10% of the primary building wall area up to 100 sq. ft.	External, internal	Individual letters or script logos	One wall, canopy or marquee sign per

- b. The following signs are allowed in the R-0 districts:

table 4 - Wall Signs				
<i>District</i>	<i>Sign Area</i>	<i>Illumination</i>	<i>Style</i>	<i>Additional Standards</i>
R-0	10% of the wall area up to 64 sq. ft.	External, internal	Individual letters or script logos	One wall, canopy or marquee sign per tenant

c. The following signs are allowed in the commercial, industrial and mixed use districts:

table 5 - Wall Signs				
Wall Area (sq. ft.)	Sign Area - Maximum Percentage of Wall Area	Illumination	Style	Additional Standards
0-5,000	10%	External, internal	Individual letters or script logos	One wall, canopy or marquee sign per tenant, except tenants that front on 2 public streets may be allowed 1 sign per frontage, subject to the same sign limits
5,000-15,000	7%			
15,000+	3%			

1. Wall signs are limited to the primary entrance of the building or tenant space. The primary building facade shall be calculated as follows:

(a) The primary building facade shall be calculated using the width of the first story exterior wall as defined in Section 1001.03, Subdivision 2.

(b) Sign height shall not exceed the top of the parapet wall or, if no parapet wall, sign height shall not exceed the height of the eaves.

(c) Exterior wall dimensions shall be measured at the base of the ground floor, excluding screening walls, fences, and the like.

(d) Alcoves, entryways and extruding portions shall be measured through as though along a flat wall of a building.

(e) Only the primary building facade shall be used for sign area calculations.

2. Wall signs must be located on the same wall as the primary building entrance.

(a) All signs, including exempt and temporary signs, installed on the building shall be placed on the sign band. A sign band is the continuous portion of the building facade that is unbroken by doors or architectural building features.

(b) Signs installed on the exterior building facade may be placed below the designated sign band when the Building Official can be assured that the public is satisfactorily protected from the sign and the sign is entirely over private property.

3. Where a principal building is devoted to 2 or more tenants, each tenant may install a wall sign upon the proportionate share of the building wall to which the sign is to be affixed. The total sign area for the tenants may not exceed the total sign area allowed for the building based on the primary building facade. Individual tenants of a multiple occupancy building within a commercial or industrial zoning district shall not display separate wall, canopy, or marquee signs unless the tenant's business has an exclusive exterior entrance and subject to the following requirements:

(a) The number of individual wall canopy, or marquee signs shall be limited to 1 per tenant space, except that not more than 2 signs may be displayed for the tenant of a corner suite or a suite that extends through the building thus having 2 exterior entrances.

(b) Total sign area shall be limited to the maximum wall sign size permitted in the applicable zoning district provisions in Tables 3-5 of this Section.

(c) The sign shall be located only on the exterior wall of the tenant space to which the sign permit is issued, but are not required to face a public street.

4. Lettering on canopy and awning signs is restricted to the side panels or front drop. Canopies shall be considered to be an integral part of the structure to which they are accessory. Signs may be attached to a canopy, but such structures shall not be considered as part of the wall area, and thus shall not warrant additional sign area.

5. Internally lit wall signs are limited to logo signs and individually-mounted channel lit lettering.

6. Multiple occupancy commercial and industrial buildings. When a single principal building is devoted to 2 or more commercial or industrial principal uses, a comprehensive sign plan shall be submitted for review and approval of the Zoning Administrator and shall include:

(a) A site plan to scale showing the location of lot lines, buildings, structures, parking areas, existing and proposed signs, and any other physical features of the area included within the proposed comprehensive sign plan.

(b) Elevations to scale of buildings included within the comprehensive sign plan including the location of existing or proposed wall, canopy, or marquee signs.

(c) To scale plans for all existing and proposed signs of any type included within the comprehensive sign plan indicating area, dimensions, height, materials, colors, and means of illumination (if any).

(5) Temporary signs.

a. Freestanding signs shall be set back no less than 10 feet from the property line and shall not exceed 32 square feet in area.

b. If building-mounted, these signs shall be flat wall signs and shall not project above the roofline.

c. If ground-mounted, the top shall be no more than 6 feet above ground level.

d. Such signs shall be allowed no more than 21 days prior to the event or function and must be removed within 7 days after the event or function.

e. Such signs may be illuminated in accordance with restrictions set forth in this Section.

f. Temporary development sales signs shall be allowed upon approval of a final plat for a subdivision having 5 or more lots provided that:

1. One sign shall be allowed per project or subdivision or 1 sign for each frontage to a major collector or arterial street, whichever is greater.

2. Each construction site will be allowed up to 2 signs, each limited to a maximum of 32 square feet in area.

3. Freestanding signs shall be limited to a maximum height of 8 feet.

4. The sign shall not be displayed for a period to exceed 36 months from the date a permit is issued for the sign or until building permits have been issued for 85% of the lots or dwelling units within the subdivision, whichever is less restrictive.

(6) *Projecting signs.* Projecting signs are permitted only in the General Mixed Use Districts, subject to the standards in Section 1001.065:

a. *Location.*

1. A projecting sign shall be placed only on the sign band of the first story building facade, as regulated by Subdivision 5(4).

2. The sign may not extend above the windowsill of a second story building or above the roof eave and/or roofline.

3. The sign extends 5 feet into a required yard setback.

b. *Clearance.*

1. A minimum clearance of 8 feet between the bottom of the sign and the finished grade or sidewalk below the sign is required.

2. At alleys when no curb exists a minimum height of 14 feet between the bottom of the sign and the finished grade below the sign is required.

c. *Projection from wall.* Where a building is built to the property line for its entire frontage, the projecting sign may extend from the building over a public sidewalk a maximum of 42 inches and the sign structure shall be no wider than 36 inches.

d. Only 1 sign shall be allowed per building. The sign area shall be in addition to allowed wall signage; however, the area of the projecting sign shall be deducted from the wall sign area allowed on a building.

e. The maximum area of a projecting sign is 8 square feet.

f. *Supporting structure.* Sign supports and brackets shall be compatible with the design and scale of the sign.

(7) *Off-premises signs.* Existing off-premises signs erected prior to January 8, 2008 are an allowed use subject to the following requirements:

a. The sign is defined as a principal use of the property upon which a billboard is located. No approval shall be granted for a second principal use upon a property when one of the principal uses is an off-premises sign allowed by this Section.

b. Off-premises signs shall be allowed only in non-residential districts, on property abutting a federal interstate highway right-of-way.

c. Off-premises signs shall be visible and oriented toward a federal interstate highway.

d. Off-premises signs shall be freestanding and shall not be installed on any building.

e. All off-premises advertising signs shall be spaced a minimum of 1,500 lineal feet apart.

f. The sign face shall not exceed 400 square feet or 14 feet in vertical height and 30 feet in horizontal length, whichever is less. Extensions beyond the sign face shall not be permitted.

g. The off-premises sign shall not exceed 24 feet in height, as measured from finished grade, however, if a variance is granted the maximum height shall not exceed 35 feet.

h. External illumination shall comply with this Subdivision 7. Electrical wiring to the sign shall be located underground.

i. All off-premises signs erected or moved shall be installed behind the legal setback line of each parcel of property as determined by the Zoning Code of the City.

j. All structural supports for off-premises signs shall be constructed of steel.

k. Only flat, single-faced or double-faced off-premises signs shall be permitted.

l. Internally illuminated and/or animated off-premises signs are prohibited, except that an off-premises sign may be converted to a digital off-premises sign using LED or similar technology, subject to the following requirements:

1. The conversion of an off-premises sign to a digital off-premises sign shall be subject to the permitting requirements set forth in Subdivision 4, Permit Required.

2. Electrical wiring to the sign shall be located underground and concealed by the vertical support structure of the digital off-premises sign.

3. All digital off-premises signs shall be equipped with ambient light sensors. The brightness of a digital off-premises sign shall not be brighter than is necessary for clear and adequate visibility as determined by the Zoning Administrator and may not exceed the provisions of Subdivision 4(4).

4. The graphic display may not change or move more often than once every 8 seconds. The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any motion, special effects, or active video.

5. At least 80% of all sides of the vertical support structure shall be concealed with architectural embellishments consisting of stone, brick, masonry panels, stucco, or synthetic material that has the appearance of stone, brick, or stucco.

6. A digital off-premises sign must be at least 1,500 feet from any residential districts and 4,000 feet from any other digital off-premises sign on the same right-of-way within the City. Such signage must comply with the performance standards in Subdivision 7(5).

7. A digital off-premises sign shall provide at least 14 feet of clearance, as measured from the finished grade to the lowest portion of the sign structure and shall not exceed 35 feet as measured from the finished grade to the highest portion of the sign structure.

8. The digital off-premises sign face may be upgraded to the existing square footage of the off-premises sign face square footage in existence prior to February 13, 2018, and is not to exceed industry standard of a height of 14 feet by 48 feet wide.

9. A digital off-premises sign shall allow for real-time public safety messages, including Amber Alerts, severe weather alerts, and emergency or public safety messages. Such messages shall be displayed upon the request of the City or other governmental entity when such entity determines that the rapid and effective dissemination of instructions and other essential information can significantly help reduce loss of life and property. The owner of the digital off-premises sign shall enter into a written agreement with the City to post public service messages in an amount not to exceed 5 hours of cumulative time in any 1-month period.

Subd. 6 Prohibited Signs

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

(2) ~~Billboards and off-premises signs, except those established prior to January 8, 2008.~~

(3) Changeable copy signs, electronic, except as specifically allowed by this Chapter.

(4) Content classified as Obscene as defined by M.S. § 617.241.

(5) Electronic graphic display signs except as allowed by this Chapter.

(6) Flashing signs.

(7) Multi-vision signs.

(8) Portable signs.

(9) Roof signs.

(10) Rotating signs.

(11) Shimmering signs.

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

(13) Obsolete and Off Premises Signs: Residential Districts (except those established prior to January 8, 2008) No signs shall be permitted which advertises a business which is not being presently conducted on the premises on with the sign is located.

(14) Any sign within the public right of way.

Subd. 7 General Requirements

(1) Except as provided for by this Section, all signs shall be defined as an accessory use.

(2) *Design, construction, inspection and maintenance.*

a. All signs and sign structures shall be properly maintained and shall be kept in a safe and orderly condition. All signs on a single building shall be repainted, repaired or replaced. The City may order special repair to be made in order that the appearance and safety of the sign may be maintained.

b. When electrical signs are installed, the installation shall be subject to the Minnesota State Electrical Code and overhead electrical wiring shall not be allowed.

c. Signs and sign structures not used for 12 consecutive months shall be removed.

d. All signs shall incorporate materials and colors which are compatible with the building upon which the sign is located. Compatible shall include, but is not limited to, materials that are consistent with the principal architectural features and colors of the buildings being identified. All signs shall be of good quality, and shall be designed to include a minimal amount of attractive and tasteful colors and design elements. The layout of the sign shall give the sign a neat and orderly appearance.

e. Except those signs listed in Subdivision 5, Permit Not Required, all signs shall be constructed of permanent materials and permanently affixed to a structural support in the ground or on the building.

f. No sign permitted by this Subsection shall, by reason of its location, color or intensity, create a hazard to the safe, efficient movement of vehicular or pedestrian traffic.

Subd. 8 Permit Required

(1) Except as allowed in Subdivision 5, no sign shall be erected, altered, improved, reconstructed, maintained or moved in the City without first securing a permit from the City:

a. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

b. Application for an administrative permit shall be filed by the property owner or designated agent with the Zoning Administrator on forms to be provided by the City.

c. Application for a permit shall contain the following information unless waived by the City:

1. Names and addresses of the applicant, owners of the sign and lot.
 2. The address at which any signs are to be erected.
 3. The lot, block and addition at which the signs are to be erected and the street on which they are to front.
 4. Type and size of sign (e.g., wall sign, pylon sign).
 5. A site plan to scale showing the location of lot lines, building structures, parking areas, existing and proposed signs and any other physical features.
 6. Plans, location and specifications and method of construction and attachment to the buildings or placement method of the ground.
 7. Copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and ordinances of the City.
 8. Written consent of the owner or lessee of any site on which the sign is to be erected.
 9. Any electrical permit required and issued for the sign.
 10. A detailed description of any electronic or electrical components that are proposed to be added to the sign.
 11. Other information to demonstrate compliance with this and all other ordinances of the City.
- d. The application shall be accompanied by a fee as established by ordinance. Applications for amending administrative permits shall be accompanied by a fee as established by ordinance.
 - e. The Zoning Administrator shall notify the applicant, in writing, of an incomplete application within 15 days of the date of submission.
 - f. The Zoning Administrator shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this Section within 60 days of submission of a complete application.

Subd. 9 Permit Not Required

The following signs shall not require a permit and are allowed in addition to those signs allowed by Subdivision 9 of this Section. 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 Section or any other law or ordinance regulating the same.

- (1) The changing of the display surface on a painted or printed sign only. This exemption, however, shall apply only to poster replacement and/or on-site changes involving sign painting not directly on a building.
- (2) Signs 2 square feet or less in size.
- (3) Window signs provided they do not exceed 25% of the total window area on any building facade.
- (4) One sign per property in residential districts not to exceed 9 square feet.
- (5) All noncommercial signs of any size posted in any number from August 1 in a state general election year until 10 days following general election, and 13 weeks prior to any special election until 10 days following the special election.
- (6) Official signs.

(7) Two signs shall be allowed per street frontage when a building is offered for sale or lease, provided that:

a. Within the residential districts, no sign shall exceed 10 square feet in area and 6 feet in height for single-family, 2-family, and townhouse units; or 32 square feet in area or 8 feet in height for multi-family or institutional uses.

b. Within all other zoning districts and in those cases where a parcel of land exceeds 10 acres, regardless of its zoning, no sign shall exceed 32 square feet in area or 12 feet in height.

Subd. 10 Non-Conforming Signs

(1) Any sign legally existing at the time of the passage of this Subdivision that does not conform in use, location, height, or size with the regulations of the zone in which such sign is located shall be considered a legal non-conforming use or structure and may continue in such status until such time as it is either abandoned or removed by its owner, subject to M.S. § 462.357, as may be amended.

(2) Except as otherwise provided herein, permanent signs in existence on the effective date of this Subdivision, which are not in conformance with the provisions of this Subdivision shall be regarded as non-conforming signs and regulated as provided for by Section 1001.22, Subdivision 2.

Subd. 11 Enforcement and Penalties

(1) This Chapter shall be administered and enforced by the Zoning Administrator. The Zoning Administrator may institute in the name of the City appropriate actions or proceedings against a violator.

(2) *Inspection.* All signs for which a permit is required shall be subject to inspection by the Zoning Administrator.

(3) The City reserves the right to require the removal at the owner's expense of any sign when the requirements of this Section are not completely followed and adhered to, or if a sign is not properly maintained or falls into a state of disrepair. The City shall not have any obligation or liability to replace any sign when removed by the City.

(4) Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any of the provisions of this Chapter shall, upon conviction thereof, be fined or penalized not more than the maximum levels established by the state for misdemeanor offenses.

(Prior Code, § 1001.12, Subd. 2) (Am. Ord. 2004-01, passed 3-9-2004; Am. Ord. 2008-01, passed 1-8-2008; Am. Ord. 2011-13, passed 9-13-2011; Am. Ord. 2012-06, passed 4-24-2012; Am. Ord. 2014-04, passed 3-25-2014; Am. Ord. 2018-06, passed 2-13-2018; Am. Ord. 2021-21, passed 12-14-2021; Am Ord. 2023-10, passed 12-12-2023).

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

Adopted by the City Council of the City of Dayton this 12th day of December 2023

Attest:

City Clerk

Mayor

Motioned by Fashant, seconded by Henderson

Published 12-28-23