

Memorandum

To: Sunfish Lake Planning Commission

From: Ryan Krzos, AICP
Kristin Moen, AICP Candidate

Date: February 19, 2020

Re: Sunfish Lake Sign Ordinance Revisions
R-015255-000

Recommended Planning Commission Action

Staff recommends the Planning Commission hold the required public hearing and consider making a motion to recommend the City Council adopt an Ordinance No. XXX amending Zoning Ordinance § 1202 and 1222.

Background and Overview

Since Fall of 2019, Staff has been working with the City Council and the Planning Commission to update the City's ordinances as it related to signs. This was due in part to the prevalence of construction related signs, as well as the request from area churches to have dynamic display signage. At the November 20, 2020 Planning Commission Meeting, former planner Ryan Gritman brought forward proposed changes to the ordinance, his staff report as well as the minutes for that meeting are attached at the end of this staff report.

As a summary, commissioners requested more information about the minimum display duration of dynamic sign, and for analysis of other community's regulations to make a more informed decision. All other portions of the draft ordinance remain unchanged.

Analysis

Below is an analysis of the comments related to the additional items requested by the Planning Commission.

Dynamic Signs: Neighboring Communities' Ordinance

	Regulated by	Minimum display time
Mendota Heights	Conditional use permit	3 seconds
Inver Grove Heights	Permitted only in billboard overlay district	8 seconds
Eagan	Administrative/sign permit	60 seconds
Sunfish Lake (proposed draft)	Administrative permit, in Institutional district only	30 seconds

Ordinance for conversion to dynamic display sign

At the November 2019 Planning Commission meeting, Commissioner Driano suggested that it may be appropriate to include a section regarding the "conversion to a dynamic display sign" (based on review of St. Paul's ordinance) for clarification. The intent of the St. Paul ordinance for converting signs to a dynamic display apply to legally nonconforming billboard advertising signs and are therefore different from the intent and goals of Sunfish Lake regarding dynamic display signage.

Changes to the Draft Ordinance

The following sections have been updated in the draft ordinance per the requests and comments from the November 2019 Planning Commission meeting.

1. Dynamic Display signs. The minimum display time for dynamic signs has been updated to be 30 seconds. This duration is within the range of neighboring communities, who have a minimum display time between three (3) and sixty (60) seconds, putting Sunfish Lake's display time near the middle.
2. Address, fire, and alarm signs number limits. The ordinance has been updated to eliminate the limit to address, fire, and alarm signs on a single property.

Action Steps

After considering the items outlined in this report and holding the public hearing at the meeting, Staff recommends the Planning Commission offer any additional feedback and then consider making a motion to recommend the City Council adopt an Ordinance amending Zoning Ordinance § 1202 and 1222.

Supporting Documentation

1. Draft Ordinance Amending Zoning Ordinance § 1202 and 1222
2. Application for Zoning Text Amendment, dated September 30, 2019
3. Staff Report from Ryan Gritman, dated November 13, 2019
4. Minutes from the Planning Commission Meeting on November 20, 2019
5. Ordinance Examples from Neighboring Municipalities of Eagan, Inver Grove Heights and Mendota Heights

CITY OF SUNFISH LAKE
COUNTY OF DAKOTA
STATE OF MINNESOTA

ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY OF SUNFISH LAKE ZONING ORDINANCE
WITHIN THE CITY OF SUNFISH LAKE RELATED TO SIGNS

THE CITY COUNCIL OF THE CITY OF SUNFISH LAKE ORDAINS:

Section One. **Definitions.** Chapter 1202.02 of the Sunfish Lake Zoning Ordinance is hereby amended to read as follows:

Billboard: Any structure or portion thereof on which lettered, figured, or pictorial matter is displayed that has an area of one hundred (100) square feet or more.

Off-premises Sign: A ~~commercial speech~~ sign which directs the attention of the public to a business location that is not on the same premises where such ~~business~~ sign is located.

Real Estate Sign: A sign for the purpose of promoting or selling real estate.

Sign: Any letter, word, symbol, device, poster, picture, statuary, reading matter, or representation in the nature of an advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed, or constructed which is displayed outdoors for informational or communicative purposes.

Sign Area: That area within the marginal lines of the sign surface which bears the announcement, name, advertisement or other message, or, in the case of letters, figures, or symbols attached directly to any part of a building or wall, that area which is included in the smallest rectangle which can be made to circumscribe all letters, the figures, or symbols displayed thereon. The maximum Sign Area for a free standing sign refers to a single surface.

Construction Sign. A sign at a construction site that contains an active building permit.

Freestanding Sign. Self-supported sign not affixed to another structure.

Dynamic Display: Any characteristic of a Sign that appears to have movement or that appears 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 or structural element and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method of technology that allows the Sign face to present a series of images or displays.

Section Two. Amendment. Chapter 1222.01 of the Sunfish Lake Zoning Ordinance is hereby amended to read as follows:

The purpose of the Section is to achieve the following objectives:

- A. To establish standards which permit reasonable and equitable opportunity for ~~business~~ identification.
- B. To preserve and promote civic beauty and prohibit signs which would detract from this objective because of size, shape, height, location, condition, cluttering or illumination.
- C. To ensure that signs do not create safety hazards.
- D. To preserve and protect property values.

Section Three. Amendment. Chapter 1222.02 of the Sunfish Lake Zoning Ordinance is hereby amended to read as follows:

- A. Permit Required. It is unlawful to install, construct, erect, alter, revise, reconstruct or relocate any sign as defined in this Ordinance in the City of Sunfish Lake without first obtaining approval of an Administrative Permit as required by this Ordinance, except as provided in Section 1222.02.B, below.
- B. Exceptions. Administrative Permit need not be obtained for the following signs, provided that all other applicable requirements of this Ordinance are met:
 - 1. One sign up to three (3) square feet in area (excluding temporary signs) may be posted on any parcel of land, except that such sign may not be an off-premise sign.
 - 2. Signs posted by authorized government officials on public land or right-of-way.
 - 3. Limits to the number of signs per property do not apply to address, fire, and alarm signs~~Up to two (2) address signs per property.~~ An address, fire, or alarm sign shall not exceed two (2) square feet in area per side and shall not include any other messages.
 - 4. Flags. No flag on a flagpole shall exceed forty (40) square feet in area. No single property shall fly more than three (3) flags at one time. Flagpoles shall not exceed forty (40) feet in height. If the total area of the flags exceeds seventy-two (72) square feet, the excess area shall be included in any sign area calculations for the property. Wall-mounted flags shall be limited to one flag per property and shall not exceed twenty (20) square feet in area.

5. All noncommercial speech signs of any size posted in any number from forty-six (46) days before the state primary in a state general election year until ten (10) days following general election, and thirteen (13) weeks prior to any special election until ten (10) days following the special election as allowed by MN Statutes 211B.045.
6. ~~Real Estate Signs.~~ During the period of a property being offered for sale or lease, one (1) real estate sign shall be allowed per parcel when a property is offered for sale or lease. Real estate signs shall be six (6) square feet or less and shall not exceed six (6) feet in height. Signs shall be removed within three (3) days of the date of closing or leasing of the property.
7. Construction Signs. A site with an active building permit shall be allowed a non-illuminated construction sign confined to the site of the construction, alteration, or repair with the following conditions:
 - a. Such sign(s) shall be removed within two (2) years of the date of issuance of the first building permit on the site or when the particular project is completed, whichever is sooner. If the building permit on the site expires, then the sign shall be removed immediately.
 - b. One (1) sign shall be permitted for each street the project abuts.
 - c. No sign may exceed sixteen (16) square feet in area.
 - d. If the construction site is accessed by a private access, one (1) additional sign shall be allowed near the public right-of-way with permission from the property owner on which the sign is placed.

C. Prohibited Signs. The following signs are prohibited in all zoning districts:

1. Abandoned signs.
2. Billboards.
3. Roof signs.
4. Off-premises signs. With the exception of Section 1222.02-7.
5. Portable signs.
6. Dynamic display signs. With the exception of Section 1222.04-B.
7. Signs posted within the public ~~right-of-ways~~rights-of-way and on public property excluding signs expressly allowed herein and those allowed by governmental agencies.
8. Signs painted directly on the outside wall of a building, fence, rock or similar structure.

9. Signs attached to trees.
- D. Maintenance. The area on the property around the sign on which it is erected shall be properly maintained and clear of brush, long grass, weeds, debris, rubbish and other obstacles. All burned-out light bulbs or damaged panels on a sign shall be immediately replaced.
- E. Appearance. Signs must be ~~legible~~legible, and lettering must be type-set, stenciled, printed, stamped, commercially produced, or mechanically produced.
- F. Location. No sign or sign structure shall be placed on or protrude over the public right-of-way.

Section Four. Amendment. Chapter 1222.03 PERMITTED SIGNS IN ALL ZONING DISTRICTS of the Sunfish Lake Zoning Ordinance is hereby amended to read as follows:

The following signs are permitted in all zoning districts. Approval of an Administrative Permit is required for each sign:

- A. Temporary Signs. No sign permit shall be issued by the City for a temporary sign for a period of more than twenty-one (21) days at one time or for more than three (3) twenty-one (21) day periods in any calendar year with the exception of Section 1222.02-B-7. Permit periods may run consecutively without interruption if approved by the City. Only one (1) temporary sign shall be allowed on a property at one time. In cases of properties with multiple tenants, one (1) temporary sign per tenant shall be allowed at one time. Temporary signs shall not exceed six (6) square feet.

Section Five. Amendment. Chapter 1222.04 INSTITUTIONAL DISTRICT SIGNS of the Sunfish Lake Zoning Ordinance is hereby amended to read as follows:

- A. General Provisions. In addition to the signs allowed in Section 1222.02.B, the following signs are permitted the INS District. An Administrative Permit is required for each sign. All signs in the INS District shall be integrated with the design and architecture of any buildings or structures on the property in terms of materials, style, color, and placement. If the sign is illuminated, it shall meet the applicable luminary requirements set forth in Section 1216.06 of this Ordinance.
- B. Permitted Signs. The following additional types of signs are permitted in the INS District:
1. Monument Signs. A monument sign shall not consist of more than fifty (50) square feet of sign area per side. A monument sign shall not be greater than ten (10) feet in height. A monument sign shall be set back at least fifty (50) feet from all property lines. One (1) monument sign is allowed per property.

2. Directional Signs. Directional signs shall be less than four (4) square feet in surface area, consist of only two surfaces and contain no illumination or additional messages. Two such signs shall be allowed per property.
3. Dynamic Display Signs are permitted with the following conditions:
 - a. A dynamic display sign shall be 50 square feet or less per side.
 - b. A dynamic display sign shall be ten (10) feet in height or less.
 - c. A dynamic display sign cannot be located in a public or private easement.
 - d. A dynamic display sign shall be setback as follows:
 - (1) Fifty (50) feet from all public right-of-ways
 - (2) One-hundred (100) feet from all property lines that are adjacent to the R-1 Single Family Residential District.
 - (3) Fifty (50) feet from all property lines that are adjacent to the INS Institutional District.
 - e. One (1) **dynamic display** sign is allowed per property zoned INS Institutional District.
 - f. Illumination and brightness. No sign with dynamic display may exceed a maximum illumination of 0.3-foot candles above ambient light level as measured from fifty (50) feet from the sign's face. All signs with dynamic display having illumination by means other than natural light must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness to comply with this requirement. No sign with dynamic display may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, signal or the safety of the public, or located where it would do so as determined by the city traffic engineer. If there is a violation of the brightness standards, the adjustment must be made within one (1) day upon notice of non-compliance from the city.
 - g. Minimum Display Time. All sign displays shall have a minimum display time of at least **thirty (30)** seconds before the sign is allowed to change to the next text or image.
 - h. Malfunction. Signs with dynamic display must be designed and equipped to freeze the sign face in one (1) position if a malfunction occurs. Signs with dynamic display must also be equipped with a means to immediately discontinue the display if it malfunctions, and

the sign owner or operator must immediately turn off the display when notified by the city that it is not complying with the standards of this ordinance.

- i. Administrative Permit Required. An administrative permit must be obtained in accordance with Section 1211.03 before the construction of a dynamic display sign can be constructed.
- j. Building Permit Required. A building permit must be obtained before any dynamic sign construction can begin.
- k. All dynamic display signs shall have a square footage of no more than _____ square feet.
- l. All dynamic display signs shall be turned off on Election Days from the time the polls open to the time the polls close.
- m. All dynamic display signs shall be turned off between the hours of 10:00 PM and 7:00 AM Central Time.
- n. Dynamic display signs are prohibited from producing sound or displaying video.

Section Six. **Effective Date.** This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of Sunfish Lake this ____ day of _____, 2019.

Dan O'Leary, Mayor

ATTEST:

Catherine Iago, City Clerk

Sunfish Lake, Dakota County Minnesota

Application for Zoning Text Amendment

City Planner, Ryan Gritman Northwest associated Inc.
4150 Olson Memorial Highway Suite 320, Golden Valley
Minnesota 55422

1. Petitioner Information

Petitioner 1

Name: Southern Baptist Temple
Address: 5613 S. Robert Trail City: Sunfish Lake State: MN Zip: 55118

Telephone No.: (651) 455-0715 Fax No.: (651) 455-3713

E-mail Address: jbranham@outlook.com

Petitioner 2

Name: BETHEL BAPTIST CHURCH
Address: 2100 DELAWARE AVE City: SUNFISH LAKE State: MINN. Zip: 55118

Telephone No.: (651) 450-9575 Fax No.: (651) 450-2369

E-mail Address: bethelbc@msn.com

Petitioner 3

Name: First Calvary Baptist Church

Address: 5495 So. Robert Trail City: Sunfish Lake State: MN Zip: 55077

Telephone No.: () 651-451-6487 Fax No.: ()

E-mail Address: mikeverway@1stcalvary.com

Petitioner 4

Name: Saint Anne's Episcopal Church

Address: 2035 Charlton Road City: Sunfish Lake State: MN Zip: 55118

Telephone No.: () 651 455.9449 Fax No.: ()

E-mail Address: jennifer@saintannesmn.org

Property Owner Information, if different from Petitioner

Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone No.: () _____ Fax No.: ()

E-mail Address: _____

Agent Information, if different from Petitioner or Owner

(Note: A signed, notarized statement of authorization from property owners will be required and must be attached if the agent is not the property owner; a new authorization

form will be required.)

Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone No.: (____) _____ No.: (____) _____ Fax _____ E-mail _____
Address: _____

2. ACTION REQUESTED

Amendment in zoning ordinance number 1222.02 C.

A petition for a zoning text amendment from the four affected property owners in the city of Sunfish Lake, Minnesota of ordinance number 1222.02 C. The four affected owners are the four churches in the city.

3. Application History

Have any previous applications been made for a rezoning / zoning map amendment affecting the subject property or for a similar text amendment?

Yes _____ No ☒

If yes, provide the File Number: _____

4. Text Amendment

Identify the specific section of the zoning ordinance which is to be amended

The petition is to remove 1222.02 C.6., the prohibition of dynamic display signs.

What is the existing text requested to be repealed, if any?

1222.02 C.6. – “Dynamic display signs.”

What is the proposed text, if any?

The reasons for the text amendment

The reason for the petition for text amendment is to allow dynamic display signs to be installed on the property of the churches. We believe that these signs can be used for many beneficial purposes for the church as well as the city, and that their location would not create a nuisance or disturbance to any of the city's residents.

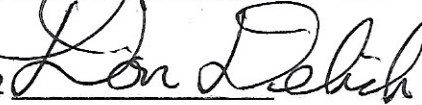
The Petitioner states that they have read, understand, and completed this application. Approval of an application for text amendment by the city planner does not constitute a waiver from any applicable local, state, or federal regulations.

We hereby apply for the above consideration and declare that the information and materials submitted with this application are in compliance with City Ordinance and Policy Requirements and are complete and accurate to the best of our knowledge.

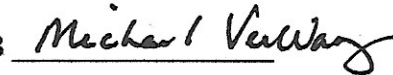
Signature of Petitioner 1



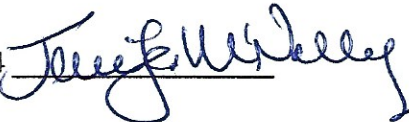
Signature of Petitioner 2



Signature of Petitioner 3



Signature of Petitioner 4



Date

9-30-19



NORTHWEST ASSOCIATED CONSULTANTS, INC.

4150 Olson Memorial Highway, Ste. 320, Golden Valley, MN 55422
Telephone: 763.957.1100 Website: www.nacplanning.com

MEMORANDUM:

To: Sunfish Lake Planning Commission
From: Ryan Grittman
Date: November 13, 2019
RE: Sunfish Lake Sign Ordinance – Agenda Item #4
File: 211.02

BACKGROUND

At the September City Council Meeting, the Council directed staff to review the City's sign ordinance and recommend any changes necessary. The request came about due to a noticeable increase in construction signage related to new home construction. Staff reviewed the ordinance and determined that these signs are only permitted for a period of up to 21 days and require a permit from the City. City Staff feels this is unreasonable since construction signs are necessary for material delivery.

At the same time, the local churches in Sunfish Lake have requested that the City review the dynamic display prohibition and consider allowing such signage. The request came in the form of a petition signed by the four churches which is allowed under State Statute.

ANALYSIS

First Amendment Issues – Supreme Court Ruling. A recent Supreme Court ruling determined that municipalities cannot regulate the content of signage. This means that the City cannot permit or prohibit what is put on a sign. For example, Staff is recommending that the ordinance related to real estate signs be reworded to simply say that a sign is allowed if a property is for sale or rent. The Ordinance update will make no mention of what is allowed or not allowed on said sign.

Temporary Signs. The current sign ordinance allows for temporary signs for a period of up to 21 days with the approval of an administrative permit. (Administrative permits cost \$200). This is not sufficient for construction projects in Sunfish Lake that take a year or longer to complete. The purpose of construction signage is to alert delivery drivers where a construction site is located. Since the property may be new construction, the site needs identification as no address sign exists. Staff is recommending an exception to the temporary sign ordinance that allows construction signage for sites that currently hold an

active building permit. The sign would be required to be removed after two years of permit issuance, or when the permit is closed whichever is sooner.

Dynamic Display Signs. The four churches which make up the City's Institutional District have signed a petition asking the City to review its prohibition on dynamic display signs. Requesting an ordinance update by way of petition is allowed by State Statute in lieu of a formal application and fee. Staff has prepared a draft ordinance which would allow dynamic display signs in the Institutional District with conditions which include:

- Setbacks from the public right-of-way and residential districts
- Only allowing one sign per property
- Limiting brightness
- Requiring minimum display time between images
- Procedure for malfunction and shut off
- Requiring administrative approval and a building permit

In review of dynamic display signs, Staff is seeking guidance from the Planning Commission on the following issues:

- Minimum display time is drafted as five seconds. The Planning Commission should decide if a different interval is more appropriate.
- Administrative permit required. The current draft is recommending that an administrative permit is required to install a sign. An administrative permit costs \$200 and includes Staff review, neighbor notification, and Staff approval. No public hearing is required. Staff is aware that the only potential applicants for a dynamic display sign will be the churches. If the Planning Commission feels that a more thorough review is required, the draft ordinance can be changed to strengthen the requirements by way of a minor review, conditional use permit, or even a major review.

CONCLUSION

Staff has prepared a draft ordinance related to temporary signs and dynamic display signs. The Planning Commission should decide if any changes to the draft are necessary and offer feedback to City Staff. Staff recommends changes to the ordinance related to removing content but is seeking further guidance related to dynamic display signs.

- DRAFT –
SUNFISH LAKE PLANNING COMMISSION MEETING – NOVEMBER 20, 2019
7:00 P.M. – ST. ANNE’S EPISCOPAL CHURCH

Attendants:

Chair: Tom Hendrickson
Commissioners: Shannon Nelson, Jeannine Naves and Dominick Driano
City Planner: Ryan Grittmann
City Clerk: Cathy Iago
Commissioner Beckett was absent.

1. CALL TO ORDER: Chair Hendrickson called the meeting to order at 7:00 p.m.
2. ADOPT AGENDA: Chair Hendrickson asked if there were any additions to the agenda and there was no response.

Commissioner Naves moved to adopt the agenda, seconded by Commissioner Nelson and carried (4-0)

3. APPROVE MINUTES SEPTEMBER 18, 2019: Chair Hendrickson asked if there were any additions or corrections to the September 18, 2019 minutes.

Commissioner Naves explained that she had notified the Clerk to change the spelling of Angell Road on page 1 of the minutes.

Chair Hendrickson asked if there were any other corrections and there was no response.

Commissioner Driano moved to approve the September 18, 2019 Planning minutes as corrected, seconded by Commissioner Naves and carried. (5-0)

4. PUBLIC HEARING: A. Public Hearing to Discuss Sign Ordinance Update: Chair Hendrickson opened the public hearing to discuss the proposed amendments to the Sign Ordinance. He asked the Planner to present his report.

Planner Grittmann referred to his report dated November 13, 2019 and explained that at the September Council meeting staff was directed to review the City’s sign ordinance and recommend any changes deemed necessary. The request from Council was due to a noticeable increase in construction signage related to new home construction in the City. He advised that staff reviewed the current ordinance and determined that the construction signs are only permitted for a period of up to 21 days and require that the applicant obtain a permit from the City. Staff determined that the short time period may be unreasonable since the construction signs are necessary for delivery of materials during the construction period which could last a year.

The Planner further explained that the four (4) local churches in the City had submitted a petition to request that the City review the Dynamic Display sign prohibition and consider allowing such signage which is allowed under State Statutes.

Planner Grittmann advised that a recent Supreme Court ruling determined that cities cannot regulate the content of signage; this means that the City cannot permit or prohibit what is put on a sign. As an example, Staff recommends that the ordinance related to Real Estate signs be reworded to simply say that a sign is allowed if a property is for sale or rent and would make no mention of what is allowed or not allowed on said sign.

The Planner stated that the current ordinance allows Temporary Signs for a period of up to 21 days with approval of an administrative permit and that the permit cost is \$200. He pointed out that the time-frame would not be sufficient for construction projects that take a year or longer to complete. He noted that the purpose of the construction signs is to alert delivery drivers where the site is located since it may be new construction and needs identification as no address sign exists.

Staff recommends an exception to the Temporary Sign ordinance that allows construction signage for sites that currently hold an active building permit; the sign would be required to be removed after two (2) years of permit issuance, or when the permit is closed whichever is sooner.

Planner Grittmann advised that there are four (4) churches which make up the City's Institutional Districts and the churches submitted a petition asking the City to review its prohibition of the Dynamic Display signs. He explained that requesting an ordinance update via a petition is allowed by State Statute in lieu of submitting a formal application and fee. He stated that staff prepared a draft ordinance which would allow Dynamic Display signs in the Institutional District with conditions as listed in his report dated November 13, 2019. Staff is seeking guidance from the Planning Commission on two issues;

- 1) Minimum display time is drafted as five (5) seconds and the Commission should decide if a different time interval is more appropriate; and,
- 2) The current draft recommends that an Administrative Permit is required to install a sign and the current fee is \$200 which includes staff review, neighbor notification, and staff approval. No public hearing is required. Staff notes that the only potential applicants for this type of sign would be the churches in the Institutional District. Staff requests that the Commission determine if a more thorough review should be required by strengthening the conditions of the minor review, or to require a conditional use permit or a major review of the sign installation.

Chair Hendrickson asked if there were any questions from the Commission.

Commissioner Naves stated that two (2) different groups share the church facilities at St. Anne's Church and questioned if the property would be treated as one church or if two signs would be allowed.

Planner Grittmann advised that the current ordinance states that only one sign is allowed per property. He indicated that the church could apply for a minor subdivision to accommodate both groups, however, it is the opinion of staff that the site would not meet the Institutional District lot size and setback requirements to accommodate both church group on the current site.

Commissioner Naves noted that the proposed ordinance only allows one (1) Dynamic Display sign per property. She questioned if the new ordinance regulations would prohibit other signage on the church property.

Planner Grittmann responded yes and explained that it is the intent of the ordinance to only have one sign on the property; he referred to Section 5.B.3. and noted the condition states that only one sign is allowed per property zoned INS Institutional District.

It was noted that there was a typing error under Item 3.e. One (1) "monument" signs is allowed per property zoned INS Institutional District that should state One (1) "dynamic" sign.

Commissioner Driano explained that he reviewed the City of St. Paul's ordinance which contained a section regarding "Conversion to a Dynamic Display Sign" and suggested that it may be appropriate to include a section into the new ordinance regarding conversion for clarification purposes.

Commissioner Naves noted that "Billboard" signs are prohibited and she suggested that it may be appropriate to include a definition of a billboard sign in the "definitions" section of the ordinance.

Commissioner Driano asked what the four (4) churches were requesting in the petition.

Planner Grittmann explained that they were asking for an amendment in the ordinance to allow Dynamic Display signs.

Commissioner Driano showed the group two (2) different types of dynamic display signage and asked if the churches wanted a message board type sign or one with scrolling words.

The Planner explained that the churches did not specify what type of sign they were requesting. He noted that the proposed ordinance lists the minimum display time of at least five (5) seconds before it is allowed to change the text or image.

Commissioner Driano stated the City of St. Paul ordinance lists the time at 12 seconds and also contains conditions that limit scrolling words, prohibit videos and sound, sets the time for shut-off between the hours of 11:00 p.m. and 7:00 a.m. and states that it must be monochromatic. He further advised that churches within residential areas are limited to a thirty square foot maximum size, shut-off between 10:00 p.m. and 7:00 a.m., changes every 20 minutes, 15-inch copy and no sound or video. He also stated that the St. Paul ordinance outlines the letter size and time change effect on driver distraction. He suggested that it would be appropriate to review the distance placement of the sign and its impact on adjacent residential property.

Chair Hendrickson advised that the City of Eagan ordinance appears to base the character height of the sign on the speed limit of the road adjacent to the sign and that the minimum change of the message at one (1) minute.

Commissioner Naves stated she had concerns regarding language that may be placed on the sign on election day as any reference to a political party is prohibited. She explained that it may be wise to include language to prohibit the sign being turned on during election hours or limit what can be placed on the sign; i.e.; Voting today.

Commissioner Driano asked if the Planner had borrowed some language from the City of St. Paul's ordinance and asked if other adjacent communities' ordinances should also be reviewed.

Planner Gritman commented that larger cities usually have better regulations that apply to various types of situations.

Commissioner Driano suggested that staff may wish to review the City of Mendota Heights ordinance since they are a neighboring city.

Chair Hendrickson recommended that this matter be tabled to allow staff more time to conduct further review of the Dynamic Display regulations and to refine the ordinance as discussed and present the proposed changes at the next meeting. He suggested that the Commissioners contact the Planner prior to the next meeting if they have any other questions or comments.

Chair Hendrickson asked if there were any comments from the public.

Paul Lindquist and Pastor Jerry Brantham were present representing Southside Baptist Church. Mr. Lindquist stated that the church, which is located on South Robert Trail, wished to install a Dynamic Display sign.

Pastor Brantham stated that the commission discussion thus far on this type of sign would not impact the sign that the church proposes to install. He stated that the proposed sign would meet the size requirements discussed and that the church would not object to turning it off at 10:00 p.m. and back on at 7:00 a.m. He displayed a copy of the proposed sign that the church wishes to install and commented that it would not be too dynamic.

Mr. Lindquist reiterated that the church would be willing to stay within the guidelines that the Commission discussed.

Pastor Brantham explained that the current message sign freezes in the winter and that the church wishes to move forward and update the signage.

Commissioner Naves pointed out that there are two different speed limits on South Robert Trail near the church depending on which direction you are traveling. She asked if the name of the church would be moved to the new sign.

Pastor Brantham responded yes and stated the church would only have one sign, any other signage would be only temporary to advertise an event.

Mr. Lindquist asked if a two-sided sign would be permitted and the Planner responded yes.

Commissioner Naves stated that she wished to make sure the new regulations for only one sign on a property do not apply to Fire, address or alarm signs.

Planner Gritman explained that one sign per property would only apply in the Institutional District and that residential properties are allowed two (2) address signs.

Chair Hendrickson asked if there were any further questions and there was no response. He recommended that the public hearing be continued in order to allow staff to conduct further research and make any additions or changes to the proposed ordinance.

Chair Hendrickson moved to continue the public hearing to the next Planning Commission meeting to allow staff to conduct further research on the matter and redraft the proposed ordinance, seconded by Commissioner Naves and carried. (4-0)

Mr. Lindquist asked when the next meeting would be held and the Planner responded that the next regular meeting is scheduled on December 18, 2019.

5. PUBLIC HEARING: A. Public Hearing to Discuss Application and Submittal Requirements Ordinance: Chair Hendrickson opened the public hearing to discuss the proposed amendments to the Application and Submittal Requirements Ordinance. He asked the Planner to present his report.

Planner Gritman referred to his report dated November 13, 2019 and explained that at the beginning of the year he recommended a review of the application requirements and procedures related to Major Site Plan reviews, Variances and Conditional Use Permits. He noted that this section of the ordinances was last updated in 2006 and, since that time, there have been changes in State Statutes, technology, and other policies that have deemed some section of the ordinance obsolete or in need of rewording. He outlined some of the more notable changes to the application checklist in the current ordinance:

- 1) Require only two paper copies of site and building plans instead of five; Currently 5 copies are required, however this required was when all staff members received a paper copy for their review. Since that time the information is now reviewed on computers.
- 2) Require an electronic submission of site and building plans; The current ordinance does not require this; however, the Engineering staff will only review electronic plans and this ties in with the above listed change;
- 3) Allow Flexibility with the contours on the grading and drainage plans; The current ordinance requires contours every two feet., however, on some sites this may be too much detail if the site contains too many steep slopes. An amendment to allow flexibility would correct this issue.
- 4) Require a Tree Survey be completed around the site improvement areas and not the entire site; Staff has not required a full tree survey for a project in several years since it is not necessary and would be an unreasonable cost to the applicant. Staff does not have an apparent need for a tree survey of the entire site.
- 5) Change the requirement of locating septic systems and wells on adjacent properties; The ordinance currently requires septic and wells on adjacent properties that are within 350 ft. of the property line be noted on the site plans. This is in excess of what is needed and staff recommends a reduction to 50 ft. from the property line.
- 6) Require a Stormwater Management Plan by ordinance; This is required by the City's Comprehensive Stormwater Management Plan and staff recommends it also be required as part of the application process in the ordinance.
- 7) Submitting a Narrative on High Efficiency Materials and a Process for Recycling Demolition Materials: Staff understands that the recycling of demolition is already taking place on most projects and the City would like to see this requirement memorialized in the ordinance.

The Planner noted that some changes had already been implemented by staff even though they are not currently part of the ordinance.

Commissioner Naves suggested that the Tree Survey be required around 50 ft. of the "disturbed area" of construction so it would be similar to the septic regulation.

The Planner stated that was what the regulation used to be, and then it was increased to 100 ft. He explained that the regulation needs to stress where the project area is and to defined the area around it.

Chair Hendrickson suggested the language could be added to the Tree Survey section to stated "any disturbed area" as well as 50 ft. from that point. He pointed out that the Engineer had previously required protection of the existing or proposed septic systems and if that requirement had been added to this ordinance.

Planner Gritman responded not, but that requirement could be included if the Commission agrees. He pointed out that there is a clause included which requires submission of "any additional information as required by staff".

Chair Hendrickson suggested that the Septic Inspector and Engineer be asked their opinion before any regulations are included. He stated that in the past residents have been good about pumping their septic systems which is why the City has avoided the mandate to install sewer and water infrastructure. He stated that in his opinion it is important to protect the septic systems. He referred to Section 6, paragraph 2, which states "The information required for all site and building plan applications generally consist of the following items and shall be submitted when requested by the City." He stated that he was unsure if the items listed as number 26 and 27, referring to recycling of construction materials and explains the high efficiency building materials that are intended to be used are allowable. He explained that in his discussions with contractors he was told that the

dumpsters with construction materials are sorted prior to going in the landfill. He commented that he was unsure if the City could require property owners to be responsible for recycling these materials.

Commissioner Nelson commented that there is a fine line between recycling and reusing materials and agreed it may not be the property owner's responsibility.

Planner Gritman stated he would conduct further research on the matter. He noted that on occasion the applicants bring in a preliminary plan that does not identify the proposed exterior building materials, therefore, staff is asking that they submit this information at the preliminary meeting so there are no misunderstandings as the application progresses.

Commissioner Driano suggested that the paragraph mentioned by Chair Hendrickson in Section 6 of the ordinance should be reworded so that it is clearly defined what the applicant needs to submit and lists all required items.

In discussion, the Commission agreed that the wording should require all items be submitted and that staff would then reserve the right to remove any items they deem are not necessary.

Commissioners Naves asked if the Planner could eliminate the reduced scale copy required in Section 1 if he wished to reduce the number of copies submitted.

The Planner explained that the reduced scale copy was used for the agenda packet and that he was only reducing the number of large scale copies previously required.

Commissioner Naves referred to Section 3.B.h. of the proposed ordinance and asked if the applicant would always be the homeowner or if it could be someone else who appears before the Commission for a variance request.

The Planner explained it does not have to be the homeowner, it could be a representative.

Commissioner Naves pointed out a typing error in Section 4.B.4.b. Do not increase an existing "building=s", should be "building".

Commissioner Driano questioned if the contours map should be moved out to 10 feet.

Planner Gritman explained that staff found the contours really cluttered the diagram on small sites and that it would be preferable for staff to determine if the contour number should be higher after reviewing the site.

Chair Hendrickson noted that there were no audience members present to comment on the proposed ordinance. He suggested that this public hearing also be continued to allow staff to make the necessary revisions.

Chair Hendrickson moved to continue the public hearing and table the proposed ordinance relating to the application requirements and procedures to allow staff time to discuss the changes with the Engineer and Septic Inspector and to make the necessary revisions, seconded by Commissioner Nelson and carried. (4-0)

6. PUBLIC HEARING: A. Public Hearing to Discuss Building Height Calculation Ordinance: Chair Hendrickson opened the public hearing to discuss the proposed clarification to the Building Height Calculation Ordinance. He asked the Planner to present his report.

Planner Gritman referred to his report dated November 13, 2019 and explained that the current ordinance does not explain how building height is calculated on new home construction in the City. He referred the Commission to an illustration in the Sunfish Lake Design Guidelines that was attached to his report. He noted that in the past the City had calculated building height as taking all the building corners and finding an average from the existing grade. This elevation is then seen as the elevation of the ground level of the home, then the building heights are calculated from there. He noted that different architectural styles use a different spot as the "top" of the house. He explained that staff researched the current ordinance and Design Guidelines and found that this method is not written down anywhere in these documents.

The Planner stated that staff is seeking guidance from the Commission and was recommending two options:

Option 1: Adopt the draft ordinance which uses the highest and lowest corners of the building to calculate height, which is consistent with the Sunfish Lake Design Guidelines.

Option 2: Adopt the draft ordinance which uses all the corners of the building to calculate height; and begin the process of updating the Sunfish Lake Design Guidelines to match the ordinance.

Planner Gritman explained that Council states its desire to adopt a simpler ordinance that is uniform and clear through the ordinance.

Chari Hendrickson asked if the Council had expressed a preference as to which method would be preferable.

The Planner stated that Council recommended that the method be easy to understand and fair.

Clerk Iago agreed that explained that Council appeared to just want the method defined and added to the regulations.

Chair Hendrickson explained that the calculation is currently from the existing grade which poses a challenge to the applicant. He discussed several other applications, including his own home, that found it challenging to use the existing grade when calculating the height.

Commission Naves stated she did not have a huge preference, but pointed out that using all four corners may be an issue with all the "bump outs" on new home designs.

Chair Hendrickson pointed out that the calculations could be made on a computer by entering the height of the corners. He noted that it is not costly.

Planner Gritman agreed and explained it may be difficult with the "bump outs" but it would not be impossible and it would be difficult to manipulate the results.

Commissioner Driano stated he had no opinion either way and would defer to the Commission's choice.

Commission Nelson stated she would support the method that is easiest to understand.

Chair Hendrickson stated he would support using all four corners of the home.

Planner Gritman advised that he recently told new applicants to use all points to make it work.

Chair Hendrickson noted that there were no audience members present and closed the public hearing.

Commissioner Naves moved to recommend amending the Building Height Ordinance to require that all the corners of the building are used to calculate the building height and that staff update the Sunfish Lake Design Guidelines to match the ordinance, seconded by Chair Hendrickson and carried. (4-0)

OTHER/NEW BUSINESS: Chair Hendrickson asked if there was any other or new business.

Planner Gritman explained that he was advised that the new home construction application for property at 245 Salem Church Road would not be completed.

Chair Hendrickson asked if there were any further comments or questions and there was no response.

ADJOURN: Commissioner Driano moved to adjourn the meeting at 8:10 p.m., seconded by Commissioner Nelson and carried. (4-0)

Respectfully submitted,

Catherine Iago, City Clerk

Mendota Heights

7. By **conditional use permit**, an institutional use in the R-1 or R-1A zoning district which is allowed either as a permitted or conditional use may install one freestanding **electronic** display sign, provided that each of the following requirements are met:
- The parcel, or campus containing contiguous parcels, on which the sign is proposed must be no less than two (2) acres in size.
 - The sign shall not exceed one hundred (100) square feet in area per surface.
 - The sign shall not exceed nine feet (9') in height from the average natural grade at the base of the sign.
 - The total area per surface for an **electronic** display is not to exceed fifty percent (50%) of the sign's total area. Only one contiguous **electronic** display area is allowed per surface.
 - The sign shall be set back at least ten feet (10') from any external property boundary line and shall not be located closer than fifty feet (50') to any surrounding residential property boundary line, unless a less intrusive sign placement can be accomplished as approved by the city council.
 - The **electronic** display message shall not change more than once every one hour, except for emergency safety messages. Time, date, or temperature is considered one **electronic** display when displayed alone, however it may be included as a component of any other **electronic display but cannot change more than once every three (3) seconds**.
 - The hours of operation shall be limited to six o'clock (6:00) A.M. to ten o'clock (10:00) P.M.
 - The **electronic** display message shall be limited to static letters and numbers. No portion of a message may contain animation, video or audio, scroll, flash, swirl, fade, or change color.
 - The **electronic** display area shall be a black background and messages shall not contain more than one font color.
 - The **electronic** display message shall be a minimum of four inches (4") in height or larger as necessary to ensure readability.
 - Messages shall be limited to advertisement of products, events, persons, institutions, activities, businesses, services or subjects which are located on the premises only or which give public service information.
 - Malfunctioning signs shall be shut off immediately by the owner. Additionally, the sign owner shall immediately stop the display if notified by the city that the sign is noncompliant.
 - The sign shall be constructed in monument style fashion, including a base of natural stone, brick or other masonry material of at least twenty four inches (24") in height from the average natural grade.
 - The sign shall be landscaped with materials subject to a plan as submitted with the application approved by the city council.
 - The sign shall be equipped with a sensor that detects the ambient light level and adjusts the brightness of the sign accordingly. Brightness shall not exceed 0.3 foot-candle above ambient light as measured using a brightness meter from a preset distance depending on the sign size, as indicated in the table below:

SIGN AREA MEASUREMENT DISTANCE

Sign Area (Square Feet)	Measurement Distance (Feet)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100
Measurement distance = $\sqrt{\text{sign area} \times 100}$	

8. By additional conditional use permit, an institutional use in the R-1 or R-1A zoning districts which is allowed either as a permitted or conditional use may qualify for one additional freestanding **electronic** display sign, provided that the requirements of subsection H7 of this section are met and each of the following additional requirements:
- a. The parcel, or campus containing contiguous parcels, on which the sign is proposed must be no less than twenty (20) acres in size.
 - b. The sign shall not exceed fifty (50) square feet in area per surface and the **electronic** display area shall not exceed fifty percent (50%) of the sign's total area.
 - c. The sign shall be set back at least three hundred feet (300') from any external property boundary line.
 - d. Landscaping shall be installed to provide screening of the sign from any surrounding residential uses. (Ord. 460, 4-15-2014)

INVER GROVE HEIGHTS

I. **Dynamic** Display Billboards:

1. Findings, Purpose And Intent: The city council finds it necessary for the promotion and preservation of the health, safety, welfare, and aesthetics of the community that the construction, location, size, conspicuity, brightness, legibility, operational characteristics and maintenance of **dynamic** display billboards be controlled. **Dynamic** display billboards have a direct and substantial impact on traffic safety, pedestrian safety, community aesthetics and property values. The city council recognizes that signs provide a guide to the physical environment and as such serve an important function in the community and economy. With respect to **dynamic** display billboards, including video display billboards, the city council finds that they are highly visible from long distances and at very wide viewing angles both day and night and are designed to catch the eye of persons in their vicinity and hold it for extended periods of time. If left uncontrolled, **dynamic** display billboards, including video display signs, constitute a serious traffic safety threat. Studies such as "'**Dynamic**' Signage: Research Related To Driver Distraction And Ordinance Recommendations" by SRF Consulting Group, Inc., June 7, 2007, reveal that electronic signs are highly distracting to drivers and that driver distraction continues to be a significant underlying cause of traffic accidents. The city council intends by this subsection to establish a legal framework for **dynamic** display billboard regulation in the city. The regulations promulgated in this subsection are intended to facilitate an easy and agreeable communication between people while protecting and promoting the public health, safety, welfare and aesthetics of the community. It is not the purpose or intent of this subsection to prefer or favor commercial messages or speech over noncommercial messages or speech or to discriminate between types of noncommercial speech or the viewpoints represented therein. Rather, the purpose of the **dynamic** display billboard regulations promulgated in this subsection is:
- a. To eliminate potential hazards to motorists and pedestrians using the public streets, sidewalks, and rights of way;
 - b. To safeguard and enhance property values;
 - c. To control nuisances;
 - d. To preserve and improve the appearance of the city through adherence to aesthetic principles, in order to create a community that is attractive to residents and to nonresidents who come to live, visit, work, or trade.
 - e. To eliminate excessive and confusing sign displays;
 - f. To encourage signs which by their design are integrated with and harmonious to the surrounding environment and the buildings and sites they occupy; and
 - g. To promote the public health, safety, and general welfare.
2. Location Of **Dynamic** Display Billboards: Notwithstanding anything to the contrary contained within this code, **dynamic display billboards may be located only within the billboard overlay district**. **Dynamic** display billboards are prohibited in all zoning districts of the city other than the billboard overlay district. **Dynamic** display billboards located in the billboard overlay district must comply with all code requirements for permitted **dynamic** display billboards.
3. Nonconforming Billboards: Notwithstanding anything to the contrary contained within this code, a legal nonconforming sign or billboard shall not be converted to a **dynamic** display billboard unless the legal nonconforming sign or billboard is located in the billboard overlay district. A legal nonconforming sign or billboard may be continued through repair, replacement, restoration, maintenance, or improvement but shall not be expanded, enlarged, intensified or moved to a new location. Replacement, reconstruction, or restoration means construction that exactly matches preexisting conditions. Expansion or intensification includes, but is not limited to, replacement of a static display with any type of **dynamic** display, including a display that consists of rotating, revolving, moving, flashing, blinking, or projecting items, or light bulbs, LED lights, fiber optics, or any other method of technology that allows the sign face to present a series of text, images, or displays. A legal nonconforming sign or billboard may be converted to a **dynamic** display billboard in the billboard overlay district subject to the requirements of the billboard overlay district performance standards.

4. Billboard Overlay District Performance Standards: The billboard overlay district is hereby established as a separate zoning district within the city. Within the billboard overlay district, **dynamic** display billboards are permitted subject to the following conditions:

- a. No **dynamic** display billboard shall be erected that, by reason of position, shape, movement or color, interferes with the proper functioning of a traffic signal or which constitutes a traffic hazard.
- b. **Dynamic** display billboards must have **minimum display duration of eight (8) seconds**. Such display shall contain static messages only; change from one static message to another shall be instantaneous without any special effects, through dissolve or fade transitions, or with the use of another subtle transition technique that does not have the appearance of moving text or images.
- c. **Dynamic** display billboards must be rectangular in shape and all messages must be contained within the billboard frame.
- d. All **dynamic** display billboards shall have ambient light monitors installed as part of the billboard and shall, at all times, allow such monitors to automatically adjust the brightness level of the electronic sign based on light conditions.
- e. **Dynamic** display billboards shall meet the following brightness standards:

(1) No **dynamic** display may be brighter than is necessary for clear and adequate visibility, and shall not exceed seven thousand five hundred (7,500) nits (candelas per square meter) between the hours of civil sunrise and civil sunset and shall not exceed five hundred (500) nits (candelas per square meter) between the hours of civil sunset and civil sunrise as measured from the face of the sign.

(2) The lamp wattage and luminance level in nits (candelas per square meter) shall be provided at the time of permit application from the owner or operator of the sign certifying that the sign shall at all times be operated in accordance with all relevant provisions of this code and that the owner or operator shall provide written proof of such conformity within five (5) business days after request from city staff.

- f. **Dynamic** display billboards shall have a fully functional monitoring off switch system that automatically shuts the **dynamic** display billboard off when the display deteriorates, in any fashion, five percent (5%) or greater until the **dynamic** display sign has been repaired to its fully functional factory specifications.
- g. **Dynamic** display billboards shall maintain a minimum spacing of eight hundred feet (800') between any other **dynamic** display electronic billboard on the same side of the highway and five hundred feet (500') between signs on the opposite side of the highway.
- h. **Dynamic** display billboards must be part of the state of Minnesota's public safety alert system.
- i. Applicants for a **dynamic** display billboard permit shall enter into an agreement with the city to provide the city no less than five (5) hours (provided in two thousand two hundred fifty 8-second spots) per month per **dynamic** display billboard face in the city for community and public service messages at such times as shall be determined by the city. This agreement must be approved by the city council before a permit for the construction or conversion of a **dynamic** display billboard may be issued by the building official.

5. Rezoning Of Property: Contemporaneous with the enactment of this subsection, the city has rezoned certain property within the city to the billboard overlay district by ordinance 1229. The area rezoned to the billboard overlay district is the only appropriate area in the city for **dynamic** display billboards because the city adopted an ordinance in 1993 regulating the location of billboards to an area along Highway 52/55 in sections 27 and 34, Township 27, Range 22. Supreme court decisions and results from numerous safety studies have indicated that **dynamic** display billboards and other forms of outdoor signage are intended to divert, and do divert, a driver's attention from the roadway. **Dynamic** display billboards have been considered a form of visual pollution that can detract from the positive features of a community.

The property located within the city of Inver Grove Heights which has been rezoned to be located in the **dynamic** display billboard overlay district is as follows: All of sections 27 and 34, Township 27N, Range 22W, Dakota County, Minnesota. (Ord. 1228, 1-24-2011)

EAGAN

K. Dynamic *display* signs.

1. *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.

2. Dynamic display sign means any sign, except governmental signs, with dynamic display characteristics 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 surface to change the image without having to physically or mechanically replace the sign surface 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 surface to present a series of images or displays.
3. Dynamic display signs are allowed subject to the following conditions:
 - a) Dynamic display signs are subordinate to off-premises signs, monument and pylon signs, and business signs. Dynamic displays must not be the predominant feature of the sign surface. The remainder of the sign must not have the capability to have dynamic displays even if not used. Dynamic display signs are allowed only on monument and pylon signs for conditionally permitted uses in residential districts and for all uses in other districts, subject to the requirements of this [Section 11.70](#). Only one, contiguous dynamic display area is allowed on a sign surface;
 - b) A dynamic display may not change or move more often than once every one minute;
 - c) The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects;
 - d) 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;
 - e) Every line of copy and graphics in a dynamic display must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more. If there is insufficient room for copy and graphics of this size in the area allowed under clause (a) above, then no dynamic display is allowed;
 - f) Dynamic display signs 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;
 - g) Dynamic display signs must comply with the brightness standards contained in subdivision L. below;
 - h) Dynamic display signs existing on October 6, 2007, must comply with the operational standards listed above. An existing dynamic display that does not meet the structural requirements in clause (b) may continue as a non-

conforming use subject to the regulations governing non-conforming structures and uses set forth in this chapter. An existing dynamic display that cannot meet the minimum size requirement in clause (e) must use the largest size possible for one line of copy to fit in the available space.

- i) Exceptions. Recognizing that some dynamic displays, such as those used in point of sale dispensers, interactive vending machines and ATMs, often need to change images more frequently than defined by this ordinance in order to perform their intended function and that such image changes can occur in a manner in which they do not create distractions for drivers, dynamic displays with a total area of less than 160 square inches at any point of sale dispenser, interactive vending machines or ATM may be fully animated, provided they do not flash or blink in a manner clearly visible from the roadway and provided they either meet or exceed the building setbacks for the zoning district in which they are located or are at least 30 feet from the public right-of-way, whichever is greater.

4. *Incentives.* Off-premises signs do not need to serve the same way-finding function as do on-premises signs; they are restricted in number by the city; and they are in themselves distracting and their removal serves public safety. This clause is intended to provide an incentive option for the voluntary and uncompensated removal of off-premises 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 outdoor advertising services that would otherwise remain distributed throughout the community and expand the function of off-premises signs to serve a public purpose by providing community and public service messages.

A. *Incentive Option A—Reduction of Sign Surfaces.*

- a. A person may obtain a permit for an enhanced dynamic display sign on one surface of an existing off-premises sign if the following requirements are met:
 - i. The applicant agrees in writing to reduce its off-premises sign surfaces by one by permanently removing, within 15 days after issuance of the permit, one surface of an off-premises sign in the city that is owned or leased by the applicant and is depicted in Table A (which follows this section), which sign surface must satisfy the criteria of parts (ii) and (iii) of this subsection. This removal must include the complete removal of the structure and foundation supporting each removed sign surface. The applicant must agree that the city may remove the sign surface if the applicant does not timely do so, and the application must identify the sign surface to be removed and 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 surface voluntarily and that it has no right to compensation for the removed sign surface under any law. Replacement of an existing sign surface of an off-premises sign with an enhanced dynamic display sign does not constitute a removal of a sign surface.
 - ii. The city has not previously issued a dynamic display sign permit based on the removal of the particular sign surface relied upon in this permit application.
 - iii. If the removed sign surface 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 surface. The sign that is the subject of the dynamic display sign permit cannot begin to operate until proof is provided to the city that the state permit has been surrendered.
- b. If the applicant complies with the permit requirements noted above, the city will issue an enhanced dynamic display sign permit for the designated off-premises 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.

B. *Incentive Option B—Provision of Community and Public Service Messaging.*

- a. A person may obtain a permit for an enhanced dynamic display sign on one surface of an existing off-premises sign if the following requirements are met:
 - i. The enhanced dynamic display sign replaces an existing surface of an existing off-premises sign;
 - ii. The city has not previously issued a dynamic display sign permit based on the replacement of the particular sign surface relied upon in this permit application.
 - iii. The applicant shall enter into an agreement with the city to provide to the city no less than five hours (2,250 eight-second spots) per month per enhanced dynamic display sign in the city for community and public service messages at such times as shall be determined by the city.
- b. If the applicant complies with the permit requirements noted above, the city will issue an enhanced dynamic display sign permit for the designated off-premises 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.