

CITY OF MEDINA

ORDINANCE NO. ###

**AN ORDINANCE REGARDING REGULATIONS RELATED TO
LIGHTING AND SIGNAGE ILLUMINATION;
AMENDING CHAPTER 8 OF THE CITY CODE**

The City Council of the City of Medina ordains as follows:

SECTION I. Section 829 of the code of ordinances of the City of Medina is amended by deleting the ~~struck through~~ language and adding the underlined language as follows:

CHAPTER 8

LAND AND BUILDING REGULATIONS

829. OUTDOOR LIGHTING ORDINANCE

Section 829.01. Purpose and Intent.

Subd. 1. Sections 829.01 et seq. shall be known as the outdoor lighting ordinance. It is the intent of this ordinance to define practical and effective measures by which the obtrusive aspects of excessive and/or careless light usage that affects the nighttime environment can be minimized, while preserving safety, security and the nighttime use and enjoyment of property. These measures are intended to curtail the degradation of the nighttime visual environment by encouraging lighting practices that direct appropriate amounts of light where and when it is needed, increasing the use of energy efficient sources, and decreasing the wastage of light and glare resulting from overlighting and poorly shielded or inappropriately directed lighting fixtures.

Subd. 2. All outdoor illuminating devices shall be installed in conformance with the provisions of this ordinance and the Minnesota State Building Code as applicable and under appropriate permit and inspection.

Section 829.02. Definitions. As used in this ordinance, unless the context clearly indicates otherwise, the following words and phrases shall have the meanings given to them:

Subd. 1. Certified Lighting Professional. Any person holding certification by the National Council of Qualifications for the Lighting Professions, International Association of Lighting Management Companies or the Association of Energy Engineers.

Subd. 2. Class 1 Lighting. All outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly or repair areas, advertising and other signs, recreational facilities and other similar applications where color rendition is important to preserve the effectiveness of

the activity. Designation of lighting as Class 1 requires a finding by the zoning administrator of the essential nature of color rendition for the application. Class 1 uses include outdoor eating and retail food or beverage service areas; outdoor maintenance areas; display lots; and assembly areas, such as concert or theater amphitheaters.

Subd. 3. Class 2 Lighting. All outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination for safety or security of the grounds is the primary concern.

Subd. 4. Class 3 Lighting. Any outdoor lighting used for decorative effects including, but not limited to, architectural illumination, flag and monument lighting, and illumination of landscaping.

Subd. 5. Direct Illumination. Illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

Subd. 6. Directly Visible. Allowing a direct line-of-sight to the light source or lamp.

Subd. 7. Flood Light or Lamp. A specific form of lamp designed by the manufacturer to direct its output in a specific direction (a beam) but with a diffusing glass envelope.

Subd. 8. Footcandle (fc). A unit of illuminance equal to one lumen per square foot. It is the luminous flux per unit area in the Imperial system. One footcandle equals approximately 10 (10.76) lux.

Subd. 9. Full Cutoff Light Fixture. A luminaire light distribution where no light is emitted above the horizontal, and where the intensity at 80 degrees from nadir (straight down) is no greater than 100 candela per 1000 lamp lumens.

Subd. 10. Fully Shielded Light Fixture. A lighting fixture constructed in such a manner that 95% of all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer. Up to 5% of the light emitted may shine above the horizontal. Any structural part of the light fixture providing this shielding must be permanently affixed.

Subd. 11. Glare. The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility. The magnitude of glare depends on such factors as the size, position, or brightness of the source, and the brightness level to which the eyes are adapted.

Subd. 12. Glass Enclosed Area. Interior building spaces with extensive use of glass or other transparent or translucent material, including atria, sky lighted areas, conservatories or

greenhouses, in which interior lighting of the area will provide illumination onto adjacent exterior spaces.

Subd. 13. IESNA. Illuminating Engineering Society of North America

Subd. 14. Installed. The attachment or assembly fixed in place of any outdoor light fixture, whether or not connected to a power source.

Subd. 15. Light pollution. Any adverse effect of manmade light.

Subd. 16. Light Trespass. Light falling where it is not wanted or needed, including across property boundaries.

Subd. 17. Lighting Zones. An overlay zoning area in which maximum levels of light are established. The four lighting zones are defined on the lighting zone map and by this reference made a part of this ordinance. A parcel located in more than one of the lighting zones described herein shall be considered to be regulated by the lighting zone it is in. Guidelines used to guide the delineation of the lighting zones are:

- (a) Lighting Zone E4. Areas of high ambient lighting levels. This zone generally includes urban areas with primary land uses for commercial, business and industrial activity, including highway commercial and downtown districts.
- b) Lighting Zone E3. Areas of medium ambient lighting levels. This zone generally includes suburban residential areas, but neighborhood commercial or industrial parcels largely surrounded by suburban residential uses may also be included.
- (c) Lighting Zone E2. Areas of low ambient lighting levels. This zone generally includes rural residential and agricultural areas, but may also include small outlying neighborhood commercial and industrial areas surrounded by rural residential areas.
- (d) Lighting Zone E1. Areas with intrinsically dark landscapes. This zone includes rural areas, including rural residential areas, where preservation of natural darkness has been identified as a high priority or other areas where the preservation of a naturally dark landscape is of utmost priority.

Subd. 18. Lumen. Unit of luminous flux, used to measure the amount of light emitted by lamps.

Subd. 19. Luminaire. The complete lighting assembly except the support assembly. Lighting assemblies that include multiple unshielded or partially shielded lamps on a single pole shall be considered as a single unit, for purposes of determining total light output from a luminaire.

Subd. 20. Lux. One lumen per square meter. It is the luminous flux per unit area in the metric system. One lux equals approximately .1 (.093) footcandles.

Subd. 21. Multi-class Lighting. Any outdoor lighting used for more than one purpose, such as security and decoration, such that its use falls under the definition of two or more lighting classes.

Subd. 21.5. Nit. Unit of measure for luminance derived from candela per square meter.

Subd. 22. Non-Residential Property. A property of which the primary use is not-residential regardless of planning zone location.

Subd. 23. Opaque. A material which does not transmit light from an internal illumination source. Applied to sign backgrounds, opaque means that the area surrounding any letters or symbols on the sign either is not lighted from within, or allows no light from an internal source to shine through it.

Subd. 24. Outdoor Display Lot. An outdoor area where active nighttime sales activity occurs and where accurate color perception of merchandise by customers is required.

Subd. 25. Outdoor Light Fixture. An outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination or advertisement. Such devices include, but are not limited to, lights used for parking lots; roadways; buildings and structures; landscaping; signs; and building overhangs and open canopies.

Subd. 26. Person. Any individual, firm, business, partnership, joint venture, corporation or any other such entity, whether the owner, lessee or tenant of the property.

Subd. 27. Residential Property. A property of which the primary use is residential regardless of planning zone location.

Subd. 28. Sign, Externally Illuminated. A sign illuminated by light sources from the outside.

Subd. 29. Sign, Internally Illuminated. A sign illuminated by light sources enclosed entirely within the sign cabinet and not directly visible from outside the sign.

Subd. 30. Sign, Neon. A sign including luminous gas-filled tubes formed into text, symbols or decorative elements and directly visible from outside the sign cabinet.

Subd. 31. Sky Glow. The brightening of the night sky that results from the scattering of artificial visible radiation from the constituents of the atmosphere.

Subd. 32. Spot Light or Lamp. A specific form of lamp designed by the manufacturer to direct its output in a specific direction (a beam) and with a clear or nearly clear glass envelope.

Subd. 33. Use, Abandonment of. The cessation of a use or activity on a property by the owner or tenant for a period of 12 months or more, excluding temporary or short term interruptions for the purpose of remodeling, maintaining, or otherwise improving or rearranging a facility. A use shall be deemed abandoned when such use is suspended as evidenced by the cessation of activities or conditions that constitute the principle use of the property.

Section 829.03. Applicability.

Subd. 1. New Uses, Buildings and Major Additions or Modifications on Non-Residential Property. For all proposed new land uses, developments, buildings, and structures on non-residential property that require a permit, all outdoor lighting fixtures shall meet the requirements of this ordinance. All building additions of 25 percent or more in terms of additional dwelling units, gross floor area, or parking spaces, either with a single addition or with cumulative additions subsequent to the effective date of this ordinance, shall invoke the requirements of this ordinance for the entire property, including previously installed and any new outdoor lighting. Cumulative modification or replacement of outdoor lighting constituting 25 percent or more of the lighted area for the parcel, no matter the actual amount of lighting already on a non-conforming site, shall constitute a major addition for purposes of this section.

Subd. 2. Minor Additions on Non-Residential Property. Additions or modifications to existing land uses, developments, buildings and structures on non-residential property of less than 25 percent that require a permit shall require the submission of a complete inventory and site plan detailing all existing and proposed new outdoor lighting. New lighting on the site shall meet the requirements of this ordinance with regard to shielding and lamp type.

Subd. 3. Time For Compliance. Notwithstanding anything herein to the contrary, all land uses, developments, buildings and structures on non-residential properties must be brought into compliance with this ordinance within two years of its effective date if adjacent to residential property or within five years in all other cases.

Subd. 4. Resumption After Abandonment of Use. If a property or use with non-conforming lighting is abandoned as defined in Section 829.02, Subd.31, all outdoor lighting shall be reviewed and brought into compliance with this ordinance before the use is resumed.

Subd. 5. Roadways. Lighting for public or private roadways shall meet the requirements of this ordinance with regard to shielding and lamp type.

Subd. 6. Sign Lighting. Notwithstanding anything herein to the contrary, the regulations of Section 829.05 related to Sign Lighting shall apply to all residential and Non-Residential Property in the City.

Section 829.04. Shielding and Outdoor Light Level Standards for All Non-Residential Properties.

Subd. 1. All nonexempt outdoor lighting fixtures shall ~~have shielding as shown in Table 1 be shielded if exceeding the initial light output described below.~~ For exempt light fixtures refer to Section 829.10.

~~(a) Any lamp with an initial light output greater than or equal to 2000 lumens shall be Fully Shielded.~~

~~(a)(b) No Spot Light or Flood Light shall be aimed higher than 45 degrees above straight down. Any Spot Light or Flood Light with an initial light output greater than or equal to 2000 lumens shall be Fully Shielded.~~

Subd. 2. Any lamp greater than 2000 lumens installed must be shielded such that the lamp is not directly visible from any residential property.

TABLE 1—LAMP TYPE AND SHIELDING STANDARDS FOR ALL NON-RESIDENTIAL PROPERTIES

| USE CLASS & LAMP TYPE | LIGHTING ZONES | | | |
|---|----------------|------|------|----|
| | E4 | E3 | E2 | E1 |
| CLASS 1 LIGHTING (TASK ILLUMINATION): | | | | |
| Initial Light Output Greater than or equal to 2000 Lumens | F | F | F | F |
| Initial Light Output below 2000 Lumens (2) | A(1) | A(1) | A(1) | F |
| CLASS 2 LIGHTING (GENERAL ILLUMINATION): | | | | |
| Initial Light Output Greater than or equal to 2000 Lumens | F | F | F | F |
| Initial Light output below 2000 Lumens (2) | A(1) | A(1) | A(1) | F |
| CLASS 3 LIGHTING (DECORATIVE) (3): | | | | |
| Initial Light Output Greater than or equal to 2000 Lumens | F | F | X | X |
| Initial Light Output below 2000 Lumens (2) | A(1) | A(1) | F | F |

Use Codes:

A — All types of fixtures allowed; shielding not required but highly recommended, except that any spot or flood light must be aimed no higher than 45 degrees above straight down.

F — Only fully shielded fixtures allowed.

X — Not allowed.

Notes to Table 1.

1. — Flood or spotlights must be aimed no higher than 45 degrees above straight down (halfway between straight down and straight to the side) when the source is visible from any off-site residential property or public roadway.

2. — Seasonal decorations using typical unshielded low-wattage (less than 15 watts per bulb) incandescent lamps shall be permitted in all lighting zones.

3. — All Class 3 lighting shall be extinguished between 11:00 p.m., or when the business closes, whichever is later, and sunrise.

4. — Any lamp greater than 2000 lumens installed must be shielded such that the lamp is not directly visible from any residential property.

Subd. 3. No exterior lighted area may exceed the maximum light levels indicated in Table 21, or the maximum light level described in the zoning district standards, whichever standard is most restrictive. Measurements are taken by holding the light meter at 5'-0" above the ground, in the vertical position aimed in the direction of the light source.

TABLE 21. - MAXIMUM LIGHTING LEVELS AT PROPERTY LINE FOR ALL NON-RESIDENTIAL PROPERTIES

| ZONE AND DESCRIPTION | PRE-CURFEW MAXIMUM ILLUMINATION LEVEL | POST-CURFEW MAXIMUM ILLUMINATION LEVEL |
|-------------------------------------|--|---|
| Zone E4 (high ambient brightness) | 15 Lux (1.5 fc) | 6 Lux (0.6 fc) |
| Zone E3 (medium ambient brightness) | 8 Lux (0.8 fc) | 2 Lux (0.2 fc) |
| Zone E2 (low ambient brightness) | 3 Lux (0.3 fc) | 1 Lux (0.1 fc) |
| Zone E1 (intrinsically dark) | 1 Lux (0.1 fc) | 1 Lux (0.1 fc) |

Subd. 4. All light fixtures that are required to be shielded shall be installed and maintained in such a manner that they are fully shielded light fixtures.

Subd. 5. The maximum pole height for pole mounted luminaires shall be 30 feet plus a pole base not to exceed 30 inches high.

Subd. 6. Beyond the shielding requirements of Subd. 1 of this section, all light fixtures shall be located, aimed or shielded so as to minimize light trespass.

Subd. 7. Multi-class lighting must conform to the shielding and timing restrictions, if any, that apply to the most restrictive included class.

Section 829.05. Lighting for Signs.

Subd. 1. External illumination for signs shall conform to all provisions of this ordinance. In particular, such lighting ~~shall be treated as Class 1 lighting and~~ shall conform to the lamp source, shielding restrictions and light levels of Section 829.04. All upward-directed sign lighting is prohibited.

Subd. 2. Internally illuminated signs.

(a) Portions of a Sign which do not include a logo or message shall be opaque or, if lighted, shall be constructed with a colored (not white, off-white, light gray, cream or yellow) background.

(b) Internally illuminated signs shall not exceed 500 nits of luminance from dusk until dawn and shall otherwise conform to the provisions of this ordinance. Neon signs, Light Emitting Diode (LED) signs, and other similar devices shall be treated as internally illuminated signs for the purposes of this ordinance and shall conform to all provisions of this ordinance. ~~In particular, such lighting shall be treated as~~

~~Class 3 lighting, shall not exceed 2000 Lumens of Initial Light Output, and shall conform to the light levels of Table 2.~~

- (c) Other internally-illuminated panels, bands or decorations not considered to be signs according to the sign ordinance, such as illuminated canopy margins or building faces and neon/LED banding, ~~shall be considered Class 3 lighting, shall not exceed 500 nits of luminance from dusk until dawn~~ and shall be subject to the standards applicable to such lighting, including but not limited to the lamp source, shielding standards and light level requirements of Section 829.04. Internally-illuminated panels, bands or other decorative lighting shall not be permitted upon building facades, canopies, or around signs within 500 feet of residential property.

Subd. 3. Curfews. Illumination for signs and glass enclosed areas, shall be turned off at 10 PM or when the business closes, whichever is later. Illumination for signs and glass enclosed areas shall not be turned on until 6 AM or when the business opens, whichever is later. Signs subject to curfews are required to have functioning and properly adjusted automatic shut-off timers. Light background (white, off-white, light gray, cream or yellow) internally illuminated signs, installed legally before enactment of this ordinance, shall be considered non-conformities but may continue to be used and illuminated so long as their use conforms to the curfews as indicated. Notwithstanding the above, signs with light backgrounds must be brought into compliance with this ordinance within the time periods specified in section 829.03, Subd. 3 hereof.

Subd. 4. Internally illuminated signs are not permitted in E1 Lighting Zones.

Section 829.06. Special Uses. The following regulations apply to specific uses as follows:

Subd. 1. Temporary Outdoor Display Lots.

- (a) Recognized display lots include building supply sales, gardening or nursery sales, assembly lots, swap meets, festivals or bazaars. Other uses not on this list must be approved as display lot uses by the zoning administrator.
- (b) Temporary permits are available for no more than 3 consecutive days or 14 days total in a year.
- (c) Outdoor automobile display lots are prohibited.
- (d) Lighting for display lots shall be considered Class 1.
- (e) All display lot lighting shall utilize fully shielded luminaires that are installed in a fashion that maintains their fully shielded characteristics.
- (f) The display lot shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the IESNA.
- (g) The display lot shall limit off-site light trespass (off the parcel containing the display lot) to a maximum of 10 lux (1.0 fc) at any location on any non-residential

property, and 5 lux (0.5 fc) at any location on any residential property. Measurements are taken by holding the light meter at 5'-0" above the ground, in the vertical position aimed in the direction of the light sources.

- (h) A registered engineer or certified lighting professional shall certify every display lot lighting system design and installation as conforming to all applicable restrictions of this ordinance.
- (i) Display lot lighting exceeding the light levels of Section 829.04 shall be turned off at the curfew listed or within thirty minutes after closing of the business, whichever is later. Lighting in the display lot after curfew shall be considered Class 2 lighting, and shall conform to all restrictions of this ordinance applicable to Class 2 lighting, including the light levels in Section 829.04.

Subd. 2. Service Station Canopies.

- (a) Lighting for service station canopies shall be considered Class 2 lighting.
- (b) All luminaires mounted on or recessed into the lower surface of service station canopies shall be fully shielded and utilize flat lenses.
- (c) The total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed 430 lumens per square meter (forty lumens per square foot) of canopy in Lighting Zones E3 and E4, and shall not exceed 215 lumens per square meter (twenty lumens per square foot) in Lighting Zones E1 and E2. All lighting mounted under the canopy, including but not limited to luminaires mounted on the lower surface or recessed into the lower surface of the canopy and any lighting within signage or illuminated panels over the pumps, is to be included toward the total at full initial lumen output.
- (d) The light levels at the property line must meet the requirements of Section 829.04.

Subd. 3. Glass Enclosed Areas. Glass enclosed areas with transparent or translucent areas greater than 2,500 square ft. of continuous area within buildings must meet the curfews in Section 829.05 Subd. 3 or provide shielding to prevent illumination of surrounding areas and sky glow.

Subd. 4. All lighting not directly associated with the special use areas above shall conform to the lighting standards described in this ordinance, including but not limited to the lamp type and shielding requirements of Table 1 and the light level limits of Table 2 of Section 829.04.

Section 829.07. Submission of Plans and Evidence of Compliance with Ordinance, Subdivision Plats on Non-Residential Property.

Subd. 1. Submission Contents. The applicant for any permit on non-residential property required by any provision of the code of ordinances in connection with proposed work

involving outdoor lighting fixtures shall submit as part of the permit application evidence that the proposed work will comply with this ordinance. Even if no other such permit be required, the installation or modification, except for routine servicing and same-type lamp replacement, of any exterior lighting shall require submission of the information described below. The application shall contain at least the following, all or part of which may be part or in addition to the information required elsewhere in the code of ordinances upon application for the required permit:

- (a) Plans indicating the location on the site of each illuminating device, both proposed and any already existing.
- (b) Description of all illuminating devices, fixtures, lamps, supports, reflectors and shields, both proposed and existing. The description may include, but is not limited to, catalog cuts and illustrations by manufacturers, including sections where required.
- (c) Photometric data, such as that furnished by manufacturers or similar, showing the angle of cut off of light emissions.
- (d) Plans indicating compliance with light level requirements as indicated in [Table 1 Section 829.04](#), vertical illumination at the property line 5'-0" above grade, aimed at the center of the property. Refer to Subd. 6.

Subd. 2. Additional Submission. The plans, descriptions and data submitted with the application must be sufficiently complete to enable the zoning administrator to readily determine whether the proposed work will comply with the requirements of this ordinance. If such determination cannot be made pursuant to the plans, descriptions and data, the applicant shall submit such additional evidence of compliance as may be required.

Subd. 3. Subdivisions. If any application of any subdivision on non-residential property proposes to install street or other common or public area outdoor lighting, submission of the information as described in Subd. 1 of this section shall be required for all such lighting.

Subd. 4. Lamp or Fixture Substitution. If any outdoor light fixture or the type of light source therein is changed after the permit has been issued, a change request must be submitted to the zoning administrator for approval together with adequate information to assure compliance with this ordinance prior to substitution.

Subd. 5. If the zoning administrator determines that the proposed lighting does not comply with this ordinance, the permit shall not be issued nor the plan approved.

Subd. 6. For all projects on non-residential property in which the total initial output of the proposed lighting equals or exceeds 50,000 lamp lumens, certification that the lighting, as installed, conforms to the approved plans shall be provided by a registered engineer or certified lighting professional before the certificate of occupancy is issued. Until this certification is submitted, no certificate of occupancy shall be issued for the project.

Section 829.08. Alternate Materials; Prohibitions.

Subd. 1. Alternate Materials. The provisions of this ordinance are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed by this ordinance, provided any such alternate has been approved by the zoning administrator. The zoning administrator may approve any such proposed alternate, if it provides at least approximate equivalence to that applicable specific requirement of this ordinance and that it is otherwise satisfactory and complies with the intent of this ordinance.

Subd. 2. Notwithstanding anything else herein to the contrary, the use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal and the operation of searchlights for advertising purposes are prohibited.

Section 829.09. Temporary Exemption.

Subd. 1. Request; Renewal; Information Required. Any request to the zoning administrator for a temporary exemption shall contain the following information:

- (a) specific ordinance exemption(s) requested;
- (b) duration of requested exemption(s);
- (c) proposed location on premises of the proposed light fixture(s);
- (d) purpose of proposed lighting;
- (e) information for each luminaire and lamp combination as required in section 829.07;
- (f) previous temporary exemptions, if any, and addresses of premises thereunder; and
- (g) such other data and information as may be required by the zoning administrator.

Subd. 2. Approval; Duration. The zoning administrator shall have five business days from the date of submission of the request for temporary exemption to act on the request. All approvals must be in writing. If approved, the exemption shall be valid for not more than 30 days from the date of issuance. The approval is renewable upon further written request, at the discretion of the zoning administrator, for a maximum of one additional 30 day period. The zoning administrator is not authorized to grant more than one temporary permit and one renewal for a 30 day period for the same property within one calendar year.

Subd. 3. Any person aggrieved by a decision of the zoning administrator made in the administration of this ordinance may appeal such decision pursuant to section 825.31 of the code of ordinances.

Section 829.10. Other Exemptions.

Subd. 1. Outdoor light fixtures lawfully installed prior to and operable on the effective date of this ordinance but which are not in compliance with this ordinance shall be Type C non-conformities. No change shall be made in use or lamp type, or any replacement, except for same-type and same-output lamp replacement or structural alteration, without conforming to all applicable requirements of this ordinance. If the use of a property is abandoned or if there is a change in use of the property, the provisions of this ordinance will apply when the abandonment ceases or the new use commences. Notwithstanding the above, lighting

fixtures on non-residential properties must be brought into compliance with this ordinance within the time periods specified in Section 829.03, Subd. 3 hereof.

Subd. 2. Emergency Lighting. Emergency lighting used by police, firefighting, or medical personnel or at their direction is exempt from all requirements of this ordinance for as long as the emergency exists.

Subd. 3. Swimming Pool and Fountain Lighting. Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and shielding standards of ~~Table 4~~Section 829.04, but it must conform to all other provisions of this ordinance.

Subd. 4. Low-watt seasonal lighting. Seasonal decorations using typical unshielded low-wattage (less than 15 watts per bulb incandescent lamps, or equivalent wattage for other types of bulbs) shall be permitted in all lighting zones.

Section 829.11. Miscellaneous.

Subd. 1. Applicable Law; Conflicts. When any provision of federal or state statute, or other provision ordinance conflicts with any provision of this ordinance, the most restrictive shall govern unless otherwise regulated by law.

Subd. 2. Severability. If any of the provisions of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect, and to this end, the provisions of this ordinance are declared to be severable.

SECTION II. Section 815 of the code of ordinances of the City of Medina is amended by deleting the ~~struck through~~ language and adding the underlined language as follows:

CHAPTER 8

LAND AND BUILDING REGULATION

815. SIGNS

Section 815.01. Purpose. It is hereby declared by the city council that the aesthetic and safety interests of the city are reasonably promoted by the provisions of this ordinance. Accordingly, it is the intent and purpose of this ordinance to provide for the orderly and harmonious display of signs within the city; to aid in the identification of properties and enterprises for the convenience of the public; to avoid the erection of displays which produce deleterious and injurious effects to

adjacent properties and to the natural beauty of the environment; to provide for the safety of the traveling public by limiting the distractions, hazards, and obstructions; to minimize visual clutter and encourage a positive visual environment; and to promote the mental and physical health, safety and welfare of the public. It is not the intent of this ordinance to regulate signage on the basis of content.

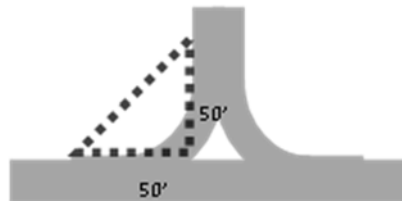
815.03. Definitions. The following words and terms, wherever they occur in this ordinance, are defined as follows:

Subd. 1. “Abandoned Sign” is a sign located on a property which is vacant and/or unoccupied for a period of 90 days; or a sign which is damaged, in disrepair, or vandalized and not repaired within 90 days.

Subd. 2. “Address Sign” is a sign which indicates the address, number and/or the name of occupants of the premises. An Address Sign shall not exceed two square feet in area per side for a residential single family property, eight square feet for a multi-family dwelling building and 12 square feet for a commercial unit building, and shall not include any other messages.

Subd. 3. “Billboard” is any structure or portion thereof on which lettered, figured, or pictorial matter is displayed that has an area of 100 square feet or more.

Subd. 3.1. “Clear Vision Triangle” is the area to be left clear of signs and other obstructions so as not to interfere with sightlines at intersections. The Clear Vision Triangle is created by measuring 50 linear feet along the edge of each street or access drive as depicted below.



Subd. 4. “Directional Sign” is a sign which is erected for the purpose of guiding vehicles and pedestrian traffic in finding locations on the property where the sign is located, such as the shipping/receiving area, and is intended to be viewed from the right-of-way. The Directional Sign shall be less than four square feet in surface area, consist of only two surfaces and contain no illumination or additional messages.

Subd. 5. “Dynamic Display” is 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.

Subd. 5.1. “Event Sign” is a Sign posted on a temporary basis meant to inform the public of or guide the public to short term events such as garage/rummage sales or real estate open houses.

Subd. 5.2. “Freestanding Sign” is a Monument Sign or Pylon Sign as defined herein.

Subd. 6. “Historic Sign” is a sign that memorializes an important historic place, event or person and that is recognized by a governmental entity.

Subd. 7. “Illuminated Sign” is a sign which is illuminated by an artificial light source.

Subd. 8. “Incidental Sign” is a small sign, emblem or decal informing the public of goods, facilities or services available on the premises (e.g. a credit card sign or a sign indicating hours of business) and that does not exceed two square feet.

Subd. 8.1. “Internal Site Sign” is a sign which is not intended to be viewed from neighboring property or the right-of-way and which does not exceed two square feet. This include signs which guide internal site navigation and which identify handicap parking areas, fire lanes, upland buffer zones, and similar site features.

Subd. 9. “Monument Sign” is a freestanding sign that is attached to the ground by means of a freestanding support structure, solid from grade to the top of the sign structure and is typically encased or supported by masonry materials.

Subd. 10. “Off-premises Sign” is a commercial speech sign which directs the attention of the public to a business that is not on the same premises where such business sign is located.

Subd. 11. “Portable Sign” is a sign so designed as to be movable from one location to another and which is not permanently attached to the ground or any structure, including those on wheels. Portable Signs shall not include any flashing lights.

Subd. 12. “Projecting Sign” is a sign in which all or any part of it extends perpendicular to and projects from a building face, wall or structure and which its primary purpose is other than the support of the sign.

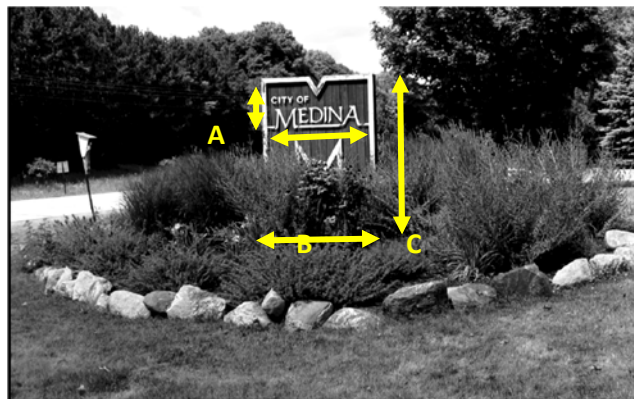
Subd. 13. “Pylon Sign” is a sign erected on a post or posts, or freestanding shafts, walls or piers which is solidly affixed to the ground and not attached to a building.

Subd. 14. “Roof Sign” is a sign erected upon the roof of a structure to which it is affixed or a sign painted on the roof of a structure. A sign located on a canopy, awning, or porch shall not be considered a Roof Sign if the top of such sign does not exceed the height of the adjacent wall of the structure to which the canopy, awning, or porch is attached.

Subd. 15. “Sign” is 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.

Subd. 16. “Sign Area” is 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. For a two-sided freestanding sign, only a single surface shall be counted when measuring the total and maximum Sign Area.

Subd. 16.1. “Sign Surface Area” is the total surface area of a Sign, calculated by multiplying the vertical width of the surface of the Sign times the horizontal height of the surface of the Sign. Sign Surface Area shall not include the area of the post(s), shaft(s), or pier(s) on which the Pylon Sign is erected.



Subd. 17. “Temporary Sign” is a sign which is erected or displayed for a limited period of time, is not illuminated and not of a permanent nature, including banners, inflatable devices or sandwich boards.

Subd. 17.1. “Temporary Sign, Attached” is a Temporary Sign which is either attached to a building or is located within the dimensional extent of an existing Freestanding Sign as displayed below:

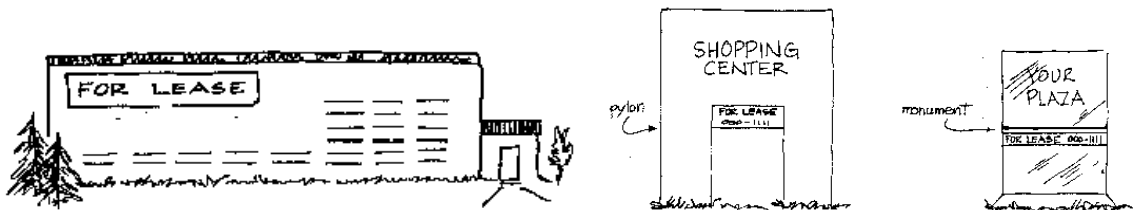


Image Credit: City of Minnetonka, MN City Code

Subd. 18. “Vehicle Sign” is any sign that is attached, painted on or placed onto or inside a parked vehicle that is used primarily for any purpose other than the sale or rental of the vehicle itself. Vehicle Signs shall not include signs on trailers, buses, trucks, taxis or other vehicles parked on the vehicle owner’s own premise while in the course of business provided that the primary use of the vehicle is not for purposes outside of the premise’s business.

Subd. 19. “Wall Sign” is a sign affixed to the exterior wall, awning or canopy of a building or structure with the exposed face of the sign in a plane approximately parallel to the face of said wall, not to project more than 12 inches from the surface to which it is attached.

Subd. 20. “Window Sign” is a sign that is affixed to or painted on the interior or exterior of a window or glass door or otherwise displayed inside a building within three feet back from the building’s window or glass door with its message intended to be visible from rights-of-way or neighboring properties.

Subd. 21. “Zoning Administrator” is the officer or other person at the city charged with the administration and enforcement of this ordinance, or his or her duly authorized deputy.

815.05. Sign Permit Required; Exemptions; Prohibited Signs.

Subd. 1. Permit Required. It is unlawful to install, construct, erect, alter, revise, reconstruct or relocate any Sign as defined in this ordinance in the city without first obtaining a permit therefore as required by this ordinance, except as provided in subdivision 2 of this Section.

Subd. 2. Exemptions. A Sign permit need not be obtained for the following Signs, provided that all other applicable requirements of this ordinance are met:

- (a) One Sign smaller than five 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;
- (b) Signs posted by authorized government officials on public land or right-of-way;
- (c) Signs within a business, office, mall or other enclosed area that cannot be seen from the outside;
- (d) Up to two Address Signs per property;
- (e) Incidental Signs;
- (f) Flags. No flag on a flagpole shall exceed 40 square feet in area. No single property shall fly more than three flags at one time. Flagpoles shall not exceed 40 feet in height. If the total area of the flags exceeds 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 20 square feet in area;

- (g) Internal Site Signs
- (h) Window Signs;
- (i) Attached Temporary Signs posted consistent with Section 815.07 Subd. 3 below;
- (j) Event Signs posted consistent with Section 815.07 Subd. 4 below; and
- (k) Noncommercial speech signs exempted by Minnesota Statute 211B.045.

Subd. 3. Prohibited Signs. The following signs are prohibited in all zoning districts.

- (a) Abandoned Signs;
- (b) Billboards;
- (c) Roof Signs;
- (d) Mylar or metallic balloons displayed or flown outside;
- (e) Vehicle Signs; and
- (g) Signs posted within the public right-of-ways and public property, excluding Directional Signs and Signs expressly allowed herein and by other governmental agencies.

Section 815.07. Permitted Signs in all Zoning Districts. The following Signs are permitted in all zoning districts.

Subd. 1. Signs on Construction Sites. Two Signs shall be permitted upon a construction site in any zoning district. Each Sign shall not exceed 32 square feet in area per surface; shall be limited to a single surface; shall be located upon the subject construction site; shall be set back 10 feet from the right-of-way; and shall be removed upon completion of the construction site improvements and release of the financial guarantee. No permit shall be required for these signs if posted consistent with the requirements of this section.

Subd. 2. Temporary Signs and Portable Signs.

- (a) Duration of permits. No Sign permit shall be issued by the city for a Temporary or Portable Sign for a duration of more than 14 days at one time.
- (b) Permits per year. Sign permits for a Temporary or Portable Sign shall not be issued for more than six periods in any calendar year. Permit periods may run consecutively without interruption if approved by the city.
- (c) Number of signs per lot. Only one Temporary or Portable Sign shall be allowed on a property at one time. In cases of properties with multiple tenants, one Temporary Sign per tenant shall be allowed at one time, but only one Portable Sign shall be allowed on a property at one time.
- (d) Maximum size. Temporary and Portable Signs shall not exceed 32 square feet in Sign Area.

- (e) Setbacks. Temporary and Portable Signs shall be set back a minimum of 10 feet from all property lines and shall not be located within a Clear Vision Triangle of an intersection.
- (f) Illumination. Portable Signs may be illuminated, provided Freestanding Signs are permitted to be illuminated in the zoning district in which the Portable Sign is located and provided said illumination is not a nuisance to motorists or to adjoining properties. Flashing lights, strobe lights, or lights which could be confused with an emergency vehicle are prohibited.
- (g) Inflatable Signs shall be considered Temporary Signs, shall not exceed the height of the structure on the property, and shall be securely tethered and attached to the ground or building.
- (h) No Mylar or metallic balloons shall be permitted to be displayed or flown outside.

Subd. 3. Attached Temporary Signs

- (a) No permit required. Attached Temporary Signs posted consistent with this section shall not require a sign permit.
- (b) Duration of posting. Attached Temporary Signs shall only be posted during the timeframe when the message is pertinent.
- (c) Maximum size. No Attached Temporary Sign shall exceed 32 square feet in Sign Area.
- (d) Location. Attached Temporary Signs shall be attached to a building or within the dimensional extent of an existing Freestanding sign on the property as described in Subd. 17.1 of Section 815.03 above.

Subd. 4. Event Signs.

- (a) No permit required. Event Signs posted consistent with this section may be posted without obtaining a sign permit.
- (b) Duration of posting. Event Signs shall not be posted more than two days prior to an event and shall be removed no more than one day following an event, but in no case shall an Event Sign be posted for more than five days.
- (c) Location. Event Signs may be posted within the right-of-way, but shall not be located in a way which may interfere with traffic visibility or pedestrian circulation.
- (d) Maximum size. Event Signs shall not exceed four square feet in Sign Area.
- (e) Maximum height. Event Signs shall not exceed three feet in height.
- (f) Required Information. The Event Sign shall state the day(s) of the event and also the location of the event.
- (g) Limit of one sign per intersection. No more than one Event Sign per event shall be posted at a single intersection and no Event Sign shall be identical to another at a single intersection.
- (h) Responsibility for removal. The person posting the Event Sign shall ensure it is removed within the timeframe described by this section. An Event Sign which violates any provision of this ordinance may be removed and disposed of at any time and without notice

Section 815.09. Residential District Signs.

Subd. 1. General Provisions. In addition to the Signs allowed in Section 815.07, the following Signs are permitted in Residential Districts. A Sign permit is required for each Sign. No Sign in a Residential District shall exceed six feet in height. If illuminated, the Sign shall meet the applicable luminary requirements set forth in Section 829 of the city's ordinances.

Subd. 2. Permitted Signs. The following additional types of Signs are permitted in Residential Districts:

- (a) Directional Signs. One Directional Sign is permitted for each property;
- (b) Monument Signs. Monument Signs are permitted at the entrances of a residential subdivision, institutional use or park, but shall be no greater than 30 square feet in Sign Area and be landscaped around the perimeter of the base of the Sign. The landscaping shall cover at least two times the total area of the Monument Sign base. The Monument Sign shall be set back at least 10 feet from the curb or right-of-way;
- (c) Home Occupation Signs. Home occupation Signs may be approved by the city council in conjunction with a conditional use permit for the home occupation. The home occupation Sign shall be no greater than eight square feet, have only one side, be set back at least 10 feet from the right-of-way. The home occupation Sign shall be landscaped around the perimeter of the base of the Sign. The landscaping shall cover at least two times the total area of the home occupation Sign base; and
- (d) Pylon Signs. Pylon Signs are permitted at the entrance(s) of a residential subdivision, institutional use or park, but shall not exceed 15 square feet in Sign Area nor exceed 20 square feet in Sign Surface Area. The Pylon Sign shall be landscaped around the perimeter of the base of the Sign. The landscaping shall cover an area equivalent to the width of the sign surface multiplied by two. The Pylon Sign shall be set back at least 10 feet from the curb or right-of-way. The Pylon Sign shall be designed to have a natural appearance, and the post(s), shaft(s) or pier(s) on which the sign is erected shall have a combined width which is at least 10 percent of the width of the Sign.

Section 815.11. Commercial Highway (CH), Commercial Highway-Railroad (CH-RR), and Business (B) District Signs.

Subd. 1. Permitted Signs. In addition to the Signs allowed in Section 815.07, the following Signs are permitted in Commercial Highway (CH), Commercial Highway-Railroad (CH-RR), and Business (B) Districts. All Signs shall be integrated with the design and architecture of any buildings or structures on the property in terms of materials, style, color and placement.

- (a) Freestanding Signs.
 - (1) Maximum number. One freestanding sign is permitted per lot, except a second sign shall be permitted if the lot has frontage on more than one street. The

second freestanding sign may not be located along the same street frontage as the first freestanding sign.

- (2) Maximum size. No freestanding sign shall exceed 80 square feet of Sign Area.
- (3) Maximum height. No freestanding sign shall exceed 20 feet in height.
- (4) Setbacks. Freestanding Signs shall be set back a minimum of 10 feet from all property lines and shall not encroach within a Clear Vision Triangle of an intersection.
- (5) Landscaping. The Freestanding Sign shall be landscaped around the perimeter of the base of the Sign. The landscaping shall cover at least two times the total area of the Sign base.

(b) Wall Signs.

- (1) Maximum size. The maximum total Sign Area of Wall Signs shall be based upon the area of the wall on which they are attached as described in the table below. Additionally, no individual Wall Sign shall exceed 200 square feet of Sign Area. For the purposes of a multi-tenant building, the maximum Sign Area for Wall Signs shall be based on the frontage of the space leased or owned.

| Area of Wall | Maximum Total Sign Area on Wall |
|--|--|
| 1000 square feet or less | 8% of the area of the wall |
| Greater than 1000 square feet and less than 5000 square feet | 80 square feet + 4% of the area of the wall in excess of 1000 square feet |
| 5000 square feet or greater | 240 square feet + 2% of the area of the wall in excess of 5000 square feet |

- (2) Projecting Signs prohibited. No Wall Sign shall extend more than 12 inches from the surface of a building face, wall, or surface.

(c) Window Signs.

- (1) Maximum number. Only one Window Sign shall be permitted per structure, except for multi-tenant buildings where one Window Sign shall be permitted per tenant space.
- (2) Maximum size. The Window Sign shall be limited to 50 percent of the window in which it is located.
- (3) No permit required. No permit shall be required for a Window Sign, but such Sign shall meet relevant requirements of this ordinance.

(d) Directional Signs.

- (1) Directional Signs shall be only permitted for properties utilizing a drive-thru or that have loading or staging areas.
- (2) Maximum number. Two Directional Signs are permitted for each property.
- (3) Location. The Directional Signs shall be set back at least five (5) feet from the curb or right-of-way.

Subd. 2. Illumination. If the Sign is illuminated, it shall meet the applicable luminary

requirements set forth in Section 829 of the city's ordinances.

Section 815.13. Commercial General (CG), Business Park and Industrial Park District Signs.

Subd. 1. Permitted Signs. In addition to the Signs allowed in Section 815.07, the following Signs are permitted in Commercial General (CG) District. All Signs shall be integrated with the design and architecture of any buildings or structures on the property in terms of materials, style, color and placement.

(a) Freestanding Signs.

- (1) Maximum number. One freestanding sign is permitted per lot, except a second sign shall be permitted if the lot has frontage on more than one street. The second freestanding sign may not be located along the same street frontage as the first freestanding sign.
- (2) Maximum size. No freestanding sign shall exceed 64 square feet of Sign Area.
- (3) Maximum height. No freestanding sign shall exceed 10 feet in height.
- (4) Setbacks. Freestanding Signs shall be set back a minimum of 10 feet from all property lines and shall not encroach within a Clear Vision Triangle of an intersection.
- (5) Limitation on internal illumination. Freestanding Signs shall not be internally illuminated unless they are located along the frontage of a state highway. External illumination shall conform with Section 829 of the City Code.
- (6) Landscaping. The Freestanding Sign shall be landscaped around the perimeter of the base of the Sign. The landscaping shall cover at least two (2) times the total area of the Sign base.

(b) Wall Signs.

- (1) Maximum size. The maximum total Sign Area of Wall Signs shall be based upon the area of the wall on which they are attached as described in the table below. Additionally, no individual Wall Sign shall exceed 200 square feet of Sign Area. For the purposes of a multi-tenant building, the maximum Sign Area for Wall Signs shall be based on the frontage of the space leased or owned.

| Area of Wall | Maximum Total Sign Area on Wall |
|--|--|
| 1000 square feet or less | 8% of the area of the wall |
| Greater than 1000 square feet and less than 5000 square feet | 80 square feet + 4% of the area of the wall in excess of 1000 square feet |
| 5000 square feet or greater | 240 square feet + 2% of the area of the wall in excess of 5000 square feet |

- (2) Wall Signs limited to one wall per street frontage. Wall signs shall only be located on one building wall, except lots with frontage on two or more streets may have Wall Signs on one wall per street frontage.
- (3) Projecting Signs prohibited. No Wall Sign shall extend more than 12 inches from the surface of a building face, wall, or surface.

(c) Window Signs.

- (1) Maximum number. Only one Window Sign shall be permitted along each

frontage of a structure, except for multi-tenant buildings where one Window Sign shall be permitted per tenant space.

- (2) Maximum size. The Window Sign shall be limited to 50 percent of the window in which it is located.
- (3) No permit required. No permit shall be required for a Window Sign, but such Sign shall meet relevant requirements of this ordinance.

(d) Directional Signs.

- (1) Directional Signs shall be only permitted for properties utilizing a drive-thru or that have loading or staging areas.
- (2) Maximum number. Two Directional Signs are permitted for each property.
- (3) Location. The Directional Signs shall be set back at least five feet from the curb or right-of-way.

Subd. 2. Illumination. If the Sign is illuminated, it shall meet the applicable luminary requirements set forth in Section 829 of the city's ordinances. Freestanding Signs shall not be internally illuminated unless they are located along the frontage of a state highway.

Section 815.15. Commercial Neighborhood (CN) District Signs.

Subd. 1. Permitted Signs. In addition to the Signs allowed in Section 815.07, the following Signs are permitted in Commercial Neighborhood (CN) District. All Signs shall be integrated with the design and architecture of any buildings or structures on the property in terms of materials, style, color and placement.

(a) Freestanding Signs.

- (1) Maximum number. One freestanding sign is permitted per lot, except a second sign shall be permitted if the lot has frontage on more than one street.
- (2) Maximum size. No freestanding sign shall exceed 40 square feet of Sign Area.
- (3) Maximum height. No freestanding sign shall exceed 10 feet in height.
- (4) Setbacks. Freestanding Signs shall be set back a minimum of 10 feet from all property lines and shall not encroach within a Clear Vision Triangle of an intersection.
- (5) Limitation on internal illumination. Freestanding Signs shall not be internally illuminated unless they are located along the frontage of a state highway. External illumination shall conform with Section 829 of the City Code.
- (5) Landscaping. The Freestanding Sign shall be landscaped around the perimeter of the base of the Sign. The landscaping shall cover at least two (2) times the total area of the Sign base.

(b) Wall Signs.

- (1) Maximum size. The total Sign Area of Wall Signs shall not exceed eight percent of the area of the wall to which they are attached. For the purposes of a multi-tenant building, the maximum Sign Area for Wall Signs shall be based on the frontage of the space leased or owned. Additionally, no individual Wall Sign shall exceed 64 square feet of Sign Area.

- (2) Wall Signs limited to one wall per street frontage. Wall signs shall only be located on one building wall, except lots with frontage on two or more streets may have Wall Signs on one wall per street frontage
- (3) Projecting Signs prohibited. No Wall Sign shall extend more than 12 inches from the surface of a building face, wall, or surface.

(c) Window Signs.

- (1) Maximum number. Only one Window Sign shall be permitted along each frontage of a structure, except for multi-tenant buildings where one Window Sign shall be permitted per tenant space.
- (2) Maximum size. The Window Sign shall be limited to 50 percent of the window in which it is located.
- (3) No permit required. No permit shall be required for a Window Sign, but such Sign shall meet relevant requirements of this ordinance.

(d) Directional Signs.

- (1) Directional Signs shall be only permitted for properties utilizing a drive-thru or that have loading or staging areas.
- (2) Maximum number. Two Directional Signs are permitted for each property.
- (3) Location. The Directional Signs shall be set back at least five (5) feet from the curb or right-of-way.

Subd. 2. Illumination. If the Sign is illuminated, it shall meet the applicable luminary requirements set forth in Section 829 of the city's ordinances. Freestanding Signs shall not be internally illuminated unless they are located along the frontage of a state highway.

Section 815.16.Mixed Use District Signs.

Signs within the Mixed Use zoning district shall be regulated based on the land use of the property on which they are located. Signs which are part of Commercial development within the Mixed Use district shall meet the requirements of the Commercial Highway zoning district. Signs which are part of Residential development within the Mixed Use district shall meet the requirements of Residential districts.

Section 815.17. Uptown Hamel (UH-1 and UH-2) District Signs.

Subd. 1. Permitted Signs. In addition to the Signs allowed in Section 815.07, the following Signs are permitted in Uptown Hamel-1 and Uptown Hamel-2 Districts. All Signs shall be integrated with the design and architecture of any buildings or structures on the property in terms of materials, style, color and placement.

(a) Monument Signs.

- (1) Maximum number. One Monument Sign is permitted per lot.
- (2) Maximum size. No Monument Sign shall exceed 40 square feet of Sign Area.
- (3) Maximum height. No Monument Sign shall exceed 10 feet in height.
- (4) Setbacks. Monument Signs shall be set back a minimum of 10 feet from all property lines and shall not encroach within a Clear Vision Triangle of an intersection.

- (5) Limitation on internal illumination. Monument Signs shall not be internally illuminated unless they are located along the frontage of a state highway. External illumination shall conform with Section 829 of the City Code.
 - (5) Landscaping. The Monument Sign shall be landscaped around the perimeter of the base of the Sign. The landscaping shall cover at least two times the total area of the Sign base.
- (b) Wall Signs.
- (1) Maximum size. The total Sign Area of Wall Signs shall not exceed eight percent of the area of the wall to which they are attached. For the purposes of a multi-tenant building, the maximum Sign Area for Wall Signs shall be based on the frontage of the space leased or owned. Additionally, no individual Wall Sign shall exceed 64 square feet of Sign Area.
 - (2) Wall Signs limited to one wall per street frontage. Wall signs shall only be located on one building wall, except lots with frontage on two or more streets may have Wall Signs on one wall per street frontage
 - (3) Clearance; Projecting Signs prohibited. If the Wall Sign extends more than six inches back from the building face, wall or surface, the Sign shall provide a height clearance underneath it of at least seven and one-half feet. No Wall Sign shall extend any more than 12 inches back from the surface of a building face, wall or surface.
- (c) Window Signs.
- (1) Maximum number. Only one Window Sign shall be permitted along each frontage of a structure, except for multi-tenant buildings where one Window Sign shall be permitted per tenant space.
 - (2) Maximum size. The Window Sign shall be limited to 50 percent of the window in which it is located.
 - (3) No permit required. No permit shall be required for a Window Sign, but such Sign shall meet relevant requirements of this ordinance.
- (d) Directional Signs.
- (1) Directional Signs shall be only permitted for properties utilizing a drive-thru or that have loading or staging areas.
 - (2) Maximum number. Two Directional Signs are permitted for each property.
 - (3) Location. The Directional Signs shall be set back at least five feet from the curb or right-of-way.
- (e) Historic Signs. Historic Signs shall not be counted in the total Sign Area for the property if the Historic Sign is less than five square feet in Sign Area.
- (f) Porch Signs. No more than one porch Sign shall be permitted for each property. Porch signs shall include signs within or on overhangs, canopies or arcades. All porch Signs larger than two square feet in Sign Area shall be located on the outside portion of the porch.

Subd. 2. Illumination. If the Sign is illuminated, it shall meet the applicable luminary requirements set forth in Section 829 of the city's ordinances. Freestanding Signs shall not be internally illuminated unless they are located along the frontage of a state highway.

Section 815.19. Public/Semi-Public and Rural Public/Semi-Public Districts Signs.

Subd. 1. General Provisions. In addition to the Signs allowed in Section 815.07, the following Signs are permitted in Public/Semi-Public and Rural Public/Semi-Public Districts. A Sign permit is required for each Sign. All Signs 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 829 of the city's ordinances.

Subd. 2. Permitted Signs. The following additional types of Signs are permitted in Public/Semi-Public and Rural Public/Semi-Public Districts:

(a) Monument Signs.

- (1) Maximum number. One Monument Sign is permitted per lot.
- (2) Maximum size. No Monument Sign shall exceed 50 square feet of Sign Area.
- (3) Maximum height. No Monument Sign shall exceed 10 feet in height.
- (4) Setbacks. Monument Signs shall be set back a minimum of 10 feet from all property lines and shall not encroach within a Clear Vision Triangle of an intersection.
- (5) Limitation on internal illumination. Monument Signs shall not be internally illuminated unless they are located along the frontage of a state highway. External illumination shall conform with Section 829 of the City Code.
- (6) Landscaping. The Monument Sign shall be landscaped around the perimeter of the base of the Sign. The landscaping shall cover at least two times the total area of the Sign base.

(b) Pylon Signs. No Pylon Sign shall be greater than 15 square feet in Sign Area nor exceed 20 square feet in Sign Surface Area. No Pylon Sign shall exceed eight feet in height. The Pylon Sign shall be landscaped around the perimeter of the base of the Sign. The landscaping shall cover an area equivalent to the width of the sign surface multiplied by two. A Pylon Sign shall be set back at least 20 feet from all lot lines of the property, with the exception that the Sign may be set back only 10 feet from the front lot line of the property if it is located at least 25 feet from the side lot lines. The Pylon Sign shall be designed to have a natural appearance, and the post(s), shaft(s) or pier(s) on which the sign is erected shall have a combined width which is at least 10 percent of the width of the Sign.

(c) Wall Signs.

- (1) Maximum size. The total Sign Area of Wall Signs shall not exceed eight percent of the area of the wall to which they are attached. For the purposes of a multi-tenant building, the maximum Sign Area for Wall Signs shall be based on the frontage of the space leased or owned. Additionally, no individual Wall Sign shall exceed 64 square feet of Sign Area.

- (2) Wall Signs limited to one wall per street frontage. Wall signs shall only be located on one building wall, except lots with frontage on two or more streets may have Wall Signs on one wall per street frontage.

Section 815.21. General Sign Location, Design and Construction Requirements.

Subd. 1. General Requirements. All Signs shall conform to the requirements of this Section whether or not a Sign permit is required. All Signs shall be constructed in such a manner and of such material that they shall be safe and substantial. All Signs shall be properly secured, supported and braced and shall be kept in good repair so that public safety and traffic safety are not compromised. Signs visible from a street shall be designed to be highly legible so as not to distract drivers. Attention should be paid to font type, font size, and contrasts between the message and background.

Subd. 2. Maintenance. The area on the property around the Sign, including required landscaping areas, shall be properly maintained and clear of brush, weeds, debris, rubbish and other obstacles. All burned-out light bulbs or damaged panels on a Sign shall be immediately replaced.

Subd. 3. Sign Copy. All Sign copy shall be fastened securely to the Sign face and maintained on a regular basis. Any missing Sign copy shall be replaced immediately. Any Sign copy that is outdated must be removed within 30 days.

Subd. 4. Location. No Sign shall be located so as to obscure any existing Sign. No sign other than a governmental sign shall be erected or temporarily placed within any street right-of-way or upon any public easement, except as explicitly permitted herein. No Sign shall be attached or placed upon any building in such a manner as to obstruct any window or door or fire escape or be attached to any fire escape. The minimum clearance of any Sign from unprotected electrical conductors shall be not less than 36 inches for conductors carrying not over 600 volts and 48 inches for conductors carrying more than 600 volts.

Subd. 5. Reserved.

Subd. 6. Interference with Traffic. A Sign shall not be located within 50 feet of any street, traffic sign or signal, intersection, driveway or crosswalk. A Sign may be located closer than 50 feet if it can be shown that the Sign will not interfere with the ability of drivers and pedestrians to see the traffic sign or signal, intersection, driveway or crosswalk, and the Sign will not distract drivers nor cause any interference with such traffic sign or signal.

Subd. 7. Illumination. Illuminated signs shall be subject to the electrical requirements of the electrical code of the State of Minnesota. Illuminated signs shall also be subject to the requirements of Section 829 of the city's ordinances.

Subd. 8. Dynamic Displays. Dynamic Displays on Signs are allowed subject to the following conditions:

- (a) ~~Dynamic Displays are allowed only on Monument and Pylon Signs. No Dynamic Display shall be permitted on a parcel with less than 400 feet of frontage upon a public right-of-way. For the purpose of this requirement, the aggregate of all frontages shall be calculated, including frontages on which the Dynamic Display is not located.~~ RESERVED
- (b) No more than one contiguous Dynamic Display shall be located upon a single parcel, except as described in clause (e) below. A two-sided Dynamic Display shall be considered a single Dynamic Display for the purposes of this section.
- (c) No Dynamic Display may exceed 32 square feet in area on a single Sign face and shall not occupy more than 50 percent of the actual copy and graphic area of the Sign face.
- (d) No portion of the Dynamic Display shall be located more than 10 feet from the ground, except as described in clause (e) below
- (e) Notwithstanding the limitations in clause (b), (c), and (d), an additional alphanumeric, monochrome Dynamic Display element may be included on a Sign face provided that it can display no more than four characters and is no more than 16 square feet in area. This Dynamic Display element may be located higher than 10 feet above the ground.
- (f) A Dynamic Display must not change or move more often than once every 60 seconds;
- (g) The images and messages displayed on a Dynamic Display must be static, and the transition from one static display to another must be instantaneous and without any special effects;
- (h) The images and messages displayed on a Dynamic Display must be complete in themselves, without continuation in content to the next image or message or to any other Sign;
- (i) Every line of copy and graphics on a Dynamic Sign visible from a road must be at least seven inches in height. If there is insufficient room for copy and graphics meeting these requirements, then no Dynamic Display is permitted;
- (j) Dynamic Displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The display 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;

- (k) Dynamic Display Brightness Standards.
- (1) The illumination from a Dynamic Sign shall not exceed 0.3 footcandles above the ambient light level when measured at the closest of the following points: i) a distance equal to $\sqrt{\text{Area of Sign Sq. Ft.} \times 100}$; or ii) the property line parallel with the sign face. The Dynamic Display shall be equipped so that it can be extinguished immediately at any time during operation upon the request of the City to measure ambient light levels in order to verify compliance.
 - (2) In no case shall the luminance from a Dynamic Display exceed 500 NITS between sunset and sunrise and 5,000 NITS between sunrise and sunset.
 - (3) All signs with Dynamic Displays shall be equipped with an ambient light sensor and an automatic dimmer control that automatically controls the brightness to comply with these requirements.
 - (4) In addition to these requirements, all lighting on the property shall abide by maximum illumination requirements at property line as described in Section 829. However, Dynamic Displays which meet the standards of this section shall be exempt from the light output and shielding requirements of Section 829; and
- (l) Dynamic Displays existing on the effective date of this ordinance that do not meet the structural requirements or operational standards above may continue as a Non-Conforming Sign subject to Section 815.29. An existing Dynamic Display that cannot meet minimum font size requirements as stated in subdivision 8(i) above must use the largest size possible for one line of copy to fit in the available space.

Subd. 9. Brightness Standards.

- (a) All Signs shall meet the applicable luminary requirements set forth in Section 829 of the city's ordinances, unless otherwise exempted by this section.
- (b) The person owning or controlling the Sign must adjust the Sign to meet the brightness standards in accordance with the city's instructions. The adjustment must be made immediately upon notice of non-compliance from the city. The person owning or controlling the Sign may appeal the city's determination through the appeal procedure as set forth in Section 815.27 of this code.
- (c) All Signs installed after the effective date of this ordinance must be equipped with a means to immediately turn off the display or lighting if it malfunctions, and the Sign owner or operator must immediately turn off the Sign or lighting when notified by the city that it is not complying with the standards of this section.

Subd. 10. Reserved.

Subd. 11. Non-Commercial Speech Signs. The owner of any Sign which is otherwise allowed by this ordinance 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 by the city. 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 other more specific provision to the contrary.

Section 815.23. Sign Permit Applications. The owner or occupant of the property on which a Sign is to be erected, or the owner or installer of such Sign, shall file an application with the city Zoning Administrator for a Sign permit. Sign permits must be acquired for all new, relocated, modified, or redesigned Signs except those specifically excepted in this ordinance.

Subd. 1. Required Information. An application for a Sign permit shall include the following information:

- (a) The name, address and telephone number of the applicant;
- (b) The legal description and address of the property to which the Sign is to be placed;
- (c) A site plan complete with the description of the Sign, a scaled drawing showing the Sign's size, location, manner of construction, landscaping, color, construction materials and lighting details;
- (d) A blueprint or ink drawing of the plans and specifications and the method of construction and attachment of the Sign;
- (e) A certified survey with the existing and proposed grading of the site location for which the Sign will be placed if the Sign construction will disturb more than 50 cubic yards of earth. The certified survey shall show the existing and proposed site elevations in two foot contours, drainage patterns and silt fence location for erosion control for the proposed site;
- (f) The name of the person or entity erecting the Sign, if not the applicant, or the name of the person on whose property the Sign is to be located, if not the applicant;
- (g) The written consent of the owner of the property, if not the applicant;
- (h) A statement as to whether the Sign will be illuminated or not;
- (i) A statement as to whether the Sign will contain any type of Dynamic Display;
- (j) A statement as to whether the Sign will be single faced, double-faced or multi-faced; and
- (k) Such other information as shall be required by the Building Official and/or the Zoning Administrator.

Subd. 2. Permit Fees. The application for a Sign permit shall be accompanied by the required Sign permit fee and any applicable building permit fee. The Sign permit and building permit fees shall be established by ordinance of the city council.

Subd. 3. Master Signage Plan. A master signage plan shall be included for any Sign permit applications that involve any residential, mixed-use, commercial, business park and industrial planned unit developments that include multiple structures and/or substantial site area and/or mixed uses. The master signage plan must address the visibility needs of the entire development area, while remaining consistent with the intent of this ordinance to require high quality signage. The master signage plan shall also include permanent Sign covenants which can be enforced by the city.

Subd. 4. Sign Permit Issuance/Denial. Provided that the Sign permit application is complete and approved by the Zoning Administrator, all fees have been paid, and the proposed Sign and the property upon which the Sign is to be placed are within the requirements of the ordinance and all other ordinances, statutes and regulations, the Zoning Administrator shall then issue the Sign permit. In the event that the Zoning Administrator determines that all requirements for approval have not been met, he or she shall promptly notify the applicant of such fact and shall automatically deny the Sign permit. Notice shall be made in writing and sent to the applicant's address listed on the Sign permit application.

Subd. 5. Inspection. The Zoning Administrator or Building Official shall inspect the property for which a Sign permit is issued on or before six months from the date of issuance of the Sign permit. If the Sign construction is not substantially complete within six months from the date of issuance, the Sign permit shall be revoked. If the construction is substantially complete, but not in full compliance with this ordinance, other ordinances and applicable codes, the Zoning Administrator shall give the applicant notice of the deficiencies and shall allow an additional 30 days from the date of the inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the Sign permit shall be revoked.

Subd. 6. Sign Permit Expiration. A Sign permit shall become null and void if the Sign for which the Sign permit was issued has not been completed and installed within six months after the date of issuance. No refunds shall be made for permit fees paid for Sign permits that expired due to failure to erect a permitted Sign. If later an individual decides to erect a Sign at the same location, a new Sign permit application must be processed and another permit fee shall be paid in accordance with the fee schedule applicable at such time.

Subd. 7. Revocation. Should it be determined by the city that a Sign permit was issued pursuant to an incomplete application or an application containing a false material statement, or that the Sign permit has been erroneously issued in violation of this ordinance, the Zoning Administrator shall revoke the Sign permit.

Section 815.25. Enforcement.

Subd. 1. Notice. Any person who violates any provision of this ordinance shall receive a notice of the violation by hand delivery or mail indicating that he or she must correct the violation within seven days of the date of the notice. Signs posted within the right-of-way or on public property which violate any provision of this ordinance may be removed and disposed of at any time and without notice.

Subd. 2. Penalties. Any person convicted of violating this ordinance shall be guilty of a misdemeanor and shall be subject to a fine or imprisonment as specified by state statute. Each day in which the violation continues to occur shall constitute a separate offense. Violation of any provision of this ordinance shall also be grounds for revocation of a Sign permit by the city.

Section 815.27. Appeal. An applicant whose Sign permit has been denied or a permittee whose Sign permit has been revoked may appeal the decision of the Zoning Administrator to the city council provided he or she files written notice of an appeal with the Zoning Administrator within 15 business days of notice of the Zoning Administrator's decision. Such appeal shall be considered by the city council at its next regularly scheduled meeting held after the city's receipt of the written notice of appeal, provided that the notice of appeal is received by the city a minimum of five full business days before the meeting. The city council shall conduct an appeal hearing and allow the applicant and any of his or her witnesses to address the council and to submit additional information. The city council shall make its final determination on the appeal no more than 30 business days after the appeal hearing. The city council shall notify the applicant of its decision and provide reasons for that decision.

Section 815.29. Nonconforming Signs. Any Sign legally existing at the time of the passage of this ordinance that does not conform to the provisions of this ordinance shall be regulated by relevant City Code and statutory provisions regarding nonconformities.

Section 815.31 Variances. Variances from the provisions of this ordinance shall be reviewed by the provisions of the City Code related to zoning variances.

Section 815.33. Severability and Conflict. This ordinance and its parts are declared to be severable. If any section, subsection, clause, sentence, word, provision, or portion of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, this decision shall not affect the validity of the ordinance as a whole. All parts of this ordinance not declared invalid or unconstitutional shall remain in full force and effect as if such portion so declared or adjudged unconstitutional or invalid were not originally part of this section, even if the surviving parts of the ordinance result in greater restrictions after any unconstitutional or invalid provisions are stricken. The city council declares that it would have enacted the remaining parts of the section if it had known that such portion thereof would be declared or adjudged unconstitutional or invalid. If any part of this ordinance is found to be in conflict with any other ordinance or with any part of this ordinance, the most restrictive or highest standard shall prevail. If any part of this ordinance is explicitly prohibited by federal or state statute, that part shall not be enforced.

SECTION III. This ordinance shall become effective upon its adoption and publication.

Adopted by the Medina city council this ___ day of _____, 2018.

Bob Mitchell, Mayor

Attest:

Jodi M. Gallup, City Clerk

Published in the Crow River News on the ___ day of _____, 2018.