

Section 570 - Signs

Preamble:

The City Council finds that the lack of a comprehensive, constitutionally sound ordinance regulating signs in the City of Hopkins constitutes an emergency threatening public health, safety and welfare because, among other concerns, (1) signs could be erected without regard to the manner in which the size or location of the sign or signs interferes with traffic sight lines, endangering or distracting drivers and pedestrians alike, thereby causing traffic hazards and; (2) signs could be constructed in a manner or from such materials as are structurally unsound vulnerable to collapse, endangering persons or property in the vicinity of the signs.

The following ordinance is adopted as Section 570 of the Hopkins City Code:

570.01 Findings, purpose and effect.

Subd. 1. Findings. The City Council hereby finds as follows:

- a. Exterior signs have a substantial impact on the character and quality of the environment.
- b. Signs provide an important medium through which individuals may convey a variety of messages.
- c. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.
- d. The city's zoning regulations have, since as early as 1966, included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the City and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the City has had a positive impact on traffic safety and the appearance of the community.

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

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

Subd. 3. Effect. A sign may be erected, mounted, displayed or maintained in the city if it is in conformance with the provisions of this ordinance. The effect of this ordinance, as more specifically set forth herein, is to:

- a. Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this sign ordinance.
- b. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance.
- c. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.
- d. Provide for the enforcement of the provisions of this sign ordinance.

570.03. Severability.

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

570.05. Definitions. Subdivision 1. The following words and phrases, when used in this Section 570, shall have the following meanings, unless the context clearly indicates otherwise:

Subd. 2 “Abandoned sign” - any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

Subd. 3 “Awning” - a roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning which also projects over a door shall be counted as an awning.

Subd. 4 “Awning sign” - a building sign or graphic printed on or in some fashion attached directly to the awning material.

Subd. 5 “Balloon sign” - a sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than twenty-four (24) inches in diameter.

Subd. 6 “Building sign” - any sign attached or supported by any Building.

Subd. 7 “Cabinet sign” - any wall sign that is not of channel or individually mounted letter construction.

Subd. 8 “Canopy” - a roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway.

Subd. 9 “Canopy sign” - any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door or entrance. A canopy sign is not a marquee and is different from service area canopy signs.

Subd. 10 “Changeable copy sign” - a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Changeable copy signs do not include signs upon which characters, letters or illustrations change or rearrange only once in a 24-hour period.

Subd. 11 “Commercial Speech” – speech advertising a business, profession, commodity, service or entertainment.

Subd. 12 “Elevation” - the view of the side, front, or rear of a given structure(s).

Subd. 13 “Elevation area” - the area of all walls that face any lot line.

Subd. 14 “Erect” - activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.

Subd. 15 “Flag” - any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

Subd. 16 “Flashing sign” - a directly or indirectly illuminated sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling, or sparkling.

Subd. 17 “Freestanding sign” - any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

Subd. 18 “Grade” - grade shall be construed to be the final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for sign height computation.

Subd. 19 “Ground sign” - any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding eight (8) feet.

Subd. 20 “Height of sign” - the height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

Subd. 21 “Illuminated sign” - any sign which contains an element designed to emanate artificial light internally or externally.

Subd. 22 “Interior sign” - a sign which is located within the interior of any building, or within an enclosed lobby or court of any building, and a sign for and located within the inner or outer body, court or entrance of any theater.

Subd. 23 “Legally established nonconforming sign” - any sign and its support structure lawfully erected prior to the effective date of this ordinance which fails to conform to the requirements of this ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this ordinance and which does not comply with this ordinance shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

Subd. 24 “Marquee” - any permanent roof-like structure projecting beyond a theater building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.

Subd. 25 “Marquee sign” - any building sign painted, mounted, constructed or attached in any manner, on a marquee.

Subd. 26 “Monument sign” - any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a height exceeding eight (8) feet.

Subd. 27 “Multiple tenant site” - any site which has more than one (1) tenant, and each tenant has a separate ground level exterior public entrance.

Subd. 28 “Non-commercial speech” – dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

Subd. 29 “Off-premise sign” – a commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. For purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside such lot and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.

Subd. 30 “On-premise messages” – identify or advertise an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

Subd. 31 “ Owner” – In the case of a lot, the legal owner of the lot as officially recorded by Hennepin County, and including fee owners, contract for deed purchasers and ground lessees. In the case of a sign, the owner of the sign including any lessees.

Subd. 32 “Pole sign” - see Pylon Sign.

Subd. 33 “Portable sign” - any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.

Subd. 34 “Porte cochere” - a roofed structure or roof-like cover, extending from the entrance of a building and which provides shelter over a doorway.

Subd. 35 “Projecting sign” - any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two (2) feet beyond the surface or such building or wall face.

Subd. 36 “Public notices” - official notices posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents.

Subd. 37 “Public Street Right of Way” - The entire right of way of any public street.

Subd. 38 “Pylon sign” - any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

Subd. 39 “Residential district” - any district zoned for residential uses.

Subd. 40 “Roof” - the exterior surface and its supporting structure on the top of a building or structure. The structural make-up of which conforms to the roof structures, roof construction and roof covering sections of the Uniform Building Code.

Subd. 41 “Roof line” - the upper-most edge of the roof or in the case of an extended facade or parapet, the upper-most height of said facade.

Subd. 42 “Roof sign” - any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Subd. 43 “Roof sign, integral” - any building sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the highest portion of the roof and so that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

Subd. 44 “Rotating sign” - a sign or portion of a sign which turns about on an axis.

Subd. 45 “Shimmering signs” - a sign which reflects an oscillating sometimes distorted visual image.

Subd. 46 “Sign” – any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.

Subd. 47 “Sign face” - the surface of the sign upon, against, or through which the message of the sign is exhibited.

Subd. 48 “Sign structure” - any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

Subd. 49 “Site” - a lot or combination of contiguous lots which are intended, designated, and/or approved to function as an integrated unit.

Subd. 50 “Stringer” - a line of string, rope, cording, or an equivalent to which is attached a number of pennants.

Subd. 51 “Suspended sign” - any building sign that is suspended from the underside of a horizontal plane surface and is connected to this surface.

Subd. 52 “Total site signage” - the maximum permitted combined area of all freestanding and wall identification signs allowed on a specific property.

Subd. 53 “Visible” - capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.

Subd. 54 “Wall” - any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of sixty (60) degrees or greater with the horizontal plane.

Subd. 55 “Wall sign” - any building sign attached parallel to, but within two (2) feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

Subd. 56 “Window sign” - any building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

The definitions set forth in this Section 570.05 are in addition to the definitions set forth in Section 515.07, which shall apply to this Section 570, except that in the event of a conflict between the Sections, the definition in Section 570 shall apply.

570.07. Permit required.

No sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a permit from the city. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Application for a permit shall be in writing addressed to the zoning administrator and shall contain the following information:

- a. names and addresses of the applicant, owners of the sign and lot;
- b. the address at which any signs are to be erected;
- c. the lot, block and addition at which the signs are to be erected and the street on which they are to front;
- d. a complete set of plans showing the necessary elevations, distances, size and details to fully and clearly represent the construction and place of the signs;
- e. the cost of the sign;
- f. type of sign (i.e. wall sign, monument sign, etc.);
- g. certification by applicant indicating the application complies with all requirements of the sign ordinance; and

- h. if the proposed sign is along state trunk highway or interstate highway, the application shall be accompanied by proof that the applicant has obtained a permit from the state for the sign.

The zoning administrator shall approve or deny the sign permit in an expedited manner no more than 30 days from the receipt of the complete application, including applicable fee. All permits not approved or denied within 30 days shall be deemed approved. If the permit is denied, the issuing authority shall prepare a written notice of denial within 10 days its decision, describing the applicant's appeal rights under Section 525.15, and send it by certified mail, return receipt requested, to the applicant.

570.09. Exemptions.

The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same.

- a. The changing of the display surface on a painted or printed sign only. This exemption, however, shall apply only to poster replacement and/or on-site changes involving sign painting elsewhere than directly on a building.
- b. Signs six (6) square feet or less in size.

570.11. Fees.

Sign permit fees are set by Chapter X.

570.15. Violations.

Violation of this section is a misdemeanor. Each day that the violation continues is a separate offense.

570.17. Size.

No sign shall exceed 250 square feet in area.

570.19. Regulations.

Subd. 1. General. Except as hereinafter provided, no signs shall be erected or maintained at any angle to a building or structure which sign extends or projects over the sidewalk, street or highway. No sign which is erected or maintained flat against any building or structure shall extend or project more than fifteen inches over the sidewalk, street or highway.

Subd. 2. Exceptions. The provisions of this subsection do not prohibit:

- a. the erection and maintenance of signs, either illuminated or not illuminated, which are on the sides of a marquee which is firmly attached to and a part of a theatre , providing such signs are an integral part of the marquee and do not project above or below the marquee; or
- b. the erection and maintenance of signs, not illuminated, which are attached to the marquee and which do not project more than 16 inches above the marquee.

570.21. Below marquee.

No sign, either illuminated or not illuminated, may project below a marquee.

570.23. Electrical signs.

Electrical signs must be installed in accordance with the current electrical code and a separate permit from the building official must be obtained prior to placement.

570.25. Unauthorized signs.

The following signs are unauthorized signs and are prohibited by this Section:

- a. Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.
- b. All off-premise signs.
- c. Signs painted, attached or in any other manner affixed to trees, rocks, or similar natural surfaces, or attached to public utility poles, bridges, towers, or similar public structures.
- d. Portable signs.
- e. Changeable copy signs.

570.27. Setbacks.

Subd. 1. Signs shall conform to the following setback regulations for the zoning district in which the signs are located except as otherwise specified in this section.

	B-1	B-2	B-3	B-3 Abutting County Road	Residential
Lot Line Front	10'	1'	1'	10'	5'
Lot Line Side	5'	0'	0'	5'	5'
Lot Line Rear	5'	5'	10'	10'	5'
				I-1	I-2
Lot Line Front				10'	10'
Lot Line Side				10'	10'
Lot Line Rear				10'	10'
Lot Line Rear - abutting R District				20'	20'
				Institutional	Institutional Abutting County Road
Lot Line Front		5'			10'
Lot Line Side		5'			5'
Lot Line Rear		5'			10'

(Added Ord. 06-969)

570.29. Area.

The area within the frame of a sign shall be used to calculate the square footage except that the width of a frame exceeding 12 inches shall constitute sign face, and if such letters or graphics be mounted directly on a wall or fascia or in such way as to be without a frame the dimensions for calculating the square footage shall be the area extending six inches beyond the periphery formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof. Each surface utilized to display a message or to attract attention shall be measured as a separate sign and shall be calculated in the overall square footage. Symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walls, awnings, free-standing structures, suspended by balloons, or kites or on persons, animals, or vehicles are considered a sign and are included in calculating the overall square footage.

570.31. Canopies, marquees and fixed awnings.

Canopies, marquees and fixed awnings are an integral part of the structure to which they are attached. They are allowed in the Business and Industrial Districts if they meet following requirements and the applicable square footage requirements.

- a. an awning, canopy or marquee may not project into the public right-of-way nearer than 30 inches to the street curb or curb line;
- b. awnings, canopies or marquees may have no part of the structure other than supports nearer the ground surface than seven feet;
- c. the architectural style of the awning, canopy or marquee may be consistent with the building being served;
- d. awnings, canopy or marquees projecting into the required yards may not be enclosed except with a transparent material permitting through vision; and
- e. awnings, canopies or marquees built over the public right-of-way must be included in a liability insurance policy holding the city free of all responsibility.

570.32. Window signage. Temporary or permanent signs shall be on the inside of the window. Temporary or permanent window signs are limited to one-third of the surface area of the window to which they are affixed. (Added Ord. 13-1064)

570.33. Illumination

External illumination for signs shall be so constructed and maintained that the source of light is not visible from the public right-of-way or residential property.

570.35. Height.

The top of a sign, including its superstructure, if any, shall be no higher than the roof of the building to which such sign may be attached or 35 feet above ground level, whichever height is less. Signs, including any superstructure standing or erected free of any building or other structure, shall not exceed an overall height of 35 feet from ground level and shall be located on land in an area which is landscaped or if such land is part of an approved parking area, it shall be surfaced or paved as required in the zoning code.

570.37. Retroactive effect.

This sign ordinance shall apply to all sign applications applied for and/or pending prior to its enactment.

570.39. Non-commercial speech.

Notwithstanding any other provisions of this sign ordinance, all signs of any size containing Non-Commercial Speech may be posted from August 1 in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election.

570.41. Permitted signs by district.

Subd. 1. Residential Districts

a. Within residential zoning districts, signs are permitted as follows:

<u>District</u>	<u>Maximum sign area of single sign</u>	<u>Total area of all signs</u>
R-1, R-2	8 square feet per surface	16 square feet
R-3, R-4, R-5, R-6	12 square feet per surface	24 square feet

b. The following types of signs are not permitted in residential zoning districts:

1. Awning signs;
2. Balloon signs;
3. Canopy signs;
4. Flashing signs;
5. Marquee signs;
6. Pole signs;
7. Pylon signs; and
8. Shimmering signs.

Subd. 2. Business Districts

a. Within business zoning districts, signs are permitted as follows:

<u>District</u>	<u>Maximum sign area of single sign</u>	<u>Total area of all signs</u>
B-1, B-2	60 square feet	2 square feet per front foot of building abutting a public right-of-way 50 feet or more in width.
B-3, B-4	80 square feet	3 square feet per front foot of lot (narrowest footage on a corner lot) abutting public right-of-way 50 feet or more in width.

Subd. 3. Industrial Districts

a. Within industrial zoning districts, signs are permitted as follows:

<u>District</u>	<u>Maximum sign area of single sign</u>	<u>Total area of all signs</u>
I-1, I-2	250 square feet	4 square feet per front foot of lot plus 1 square foot per foot of side yard abutting a public right-of-way of 50 feet or more. Least width of frontage shall be considered front yard.

Subd. 4. Institutional Districts

a. Within institutional zoning districts, signs are permitted as follows:

<u>District</u>	<u>Maximum sign area of single sign</u>	<u>Total area of all signs</u>
Institutional	60 square feet	3 square feet per front foot of lot (narrowest footage on a corner lot) abutting public right-of-way 50 feet or more in width. (Added Ord. 06-969)

570.42. Permitted signs: Business Park district.

Subd. 1. Wall Signs. Each tenant other than those in multi-tenant buildings may have one flat wall sign, not extending more than 18 inches from the face of the building, except that such sign may extend from the face of the roof over a covered walk. Such wall signs shall not exceed 15% of the area of the wall to which the sign is attached, to a maximum of 96 square feet.

Subd. 2. Monument signs. Uses other than those in multi-tenant buildings may have a monument sign that shall not exceed 80 square feet per surface area, and 15 feet in height, and is setback a minimum 20 feet from the property lines.

Subd. 3. Multi-tenant signs. Each tenant in a multi-tenant building may have a flat wall sign, not extending more than 18 inches from the face of the building. The aggregate area of such signs shall not exceed 5% of the area of the wall to which they are attached.

Subd. 4. Multi-tenant monument signs. One monument sign shall be permitted for each multi-tenant building provided the surface area of the sign does not exceed two square feet per front foot of lot. Signs shall not be over 150 square feet, or 20 feet in height, and shall be set back 20 feet from the property lines. (Amended Ord. 11-1026)

Subd. 5. Canopies and Awnings. The design of canopies shall be in keeping with the overall building design in terms of location, size, and color. No canopies with visible wall hangers shall be permitted. Signage on canopies may be substituted for allowed building signage and shall be limited to 25% of the canopy area. Internally illuminated canopies must be compatible with the overall color scheme of the building.

570.43. Non-conforming signs: compliance.

It is recognized that signs exist within the zoning districts which were lawful before this sign ordinance was enacted, but will be prohibited under the terms of this section. It is the intent of this sign ordinance that nonconforming signs shall not be enlarged upon or expanded, nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this sign ordinance to permit legal nonconforming signs existing on the effective date of this sign ordinance to continue as legal nonconforming signs provided such signs are safe, are maintained so as not to be unsightly, and have not been abandoned or removed subject to the following provisions:

- a. No sign shall be enlarged or altered in a way which increases its nonconformity
- b. If the use of the nonconforming sign or sign structure is discontinued for a period of one year, the sign or sign structure shall not be reconstructed or used except in conformity with the provisions of this ordinance.
- c. Should such nonconforming sign or sign structure be damaged or structure be destroyed by any means to an extent greater than fifty (50) percent of its market value and all required permits for its reconstruction have not been applied for within 180 days of when the sign or sign structure was damaged, it shall not be reconstructed or used except in conformity with the provisions of this ordinance.

- d. Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
- e. No existing sign devoted to a use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, expanded or moved except in changing the sign to a sign permitted in the zoning district in which is it located.
- f. When a building loses its nonconforming status all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be repainted in a neutral color or a color which will harmonize with the structure.

570.45. Substitution Clause.

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