

**CITY OF EYOTA
EYOTA, MINNESOTA**

ORDINANCE #128

AN ORDINANCE AMENDING ORDINANCE NO. 53, TITLED “ZONING ORDINANCE”; ARTICLE VIII GENERAL REQUIREMENTS: SECTION 8.08 HOME OCCUPATIONS, NUMBER 7 AND SECTION 8.14 SIGNS NUMBER 1 THROUGH 5

Findings: The Council hereby finds as follows:

- a. The City’s ordinance has included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community.
- b. Exterior signs have a substantial impact on the character and quality of the environment. Signs serve to conduct and promote businesses.
- c. Signs provide an important medium through which individuals may convey a variety of messages.
- d. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.

The City Council of the City of Eyota, Minnesota ordains:

Section 8.08 Home Occupation #7

Delete: 7. No sign shall be allowed other than one (1) non-illuminated sign measuring not more than one and one-half (1 ½) square feet in area attached to the principal building near the dwelling entrance or free-standing.

Section 8.14 Signs #1 through #5

Shall be amended to read:

1. General Definitions: The following words and terms, when used in this Section 8.14 shall have the following meanings, unless the context clearly indicates otherwise:
 - a. ABANDONED SIGN means any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one 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 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.

- b. AWNING/CANOPY means any sign that is part of or attached to an awning or canopy, made of fabric, plastic, or structural protective cover over a door or entrance.
- c. BUILDING SIGN means any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed on the exterior of a building.
- d. COMMERCIAL SIGN means speech advertising a business, profession, commodity, service or entertainment.
- e. ELECTRONIC MESSAGE SIGN means a programmable display sign that has the capability to present text and/or symbolic imagery in motion and in a variety of colors.
- f. EXTERIOR SIGN means a sign which is located on the exterior of a building which is visible from a public street or adjoining property.
- g. FREESTANDING SIGN means 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.
- h. GRADE means the final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for sign height computation.
- i. HEIGHT OF SIGN means the vertical distance measured from the base of the sign structure at grade to the top of the highest attached component of the sign.
- j. ILLUMINATED SIGN means any sign which contains an element designed to emanate artificial light internally or externally.
- k. INTERIOR SIGN means a sign which is located within the interior of any building, including signs attached to interior window panes or glass whether visible from the outside or not, or within an enclosed and screened exterior space not visible from a public street or adjoining property and does not create a public nuisance.
- l. LEGALLY ESTABLISHED NONCONFORMING SIGN means any sign and its sign 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 not lawfully erected shall be deemed to be an illegal sign.
- m. MONUMENT SIGN means a freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign.
- n. NON-COMMERCIAL SPEECH is the dissemination of messages not classified as commercial speech which includes, but is not limited to, messages concerning political, religious, social, ideological, public service and informational topics.
- o. OFF-PREMISE SIGN is a sign containing commercial speech which directs the attention of the public to a business, activity conducted, or product sold or offered at a site not on the same premises where such sign is located. For purposes of this definition, an easement or other appurtenance to a site shall be considered to be

outside of such location where the business, activity conducted or location where a product is sold or offered, and any sign located or proposed to be located in such easement or other appurtenance shall be considered an off-premise sign.

- p. ON-PREMISE SIGN is a sign which identifies or advertises an establishment, person, activity, goods, products or services located on the premises where the sign is installed.
- q. PORTABLE SIGN means any sign which is manifestly designed to be transported, either by a vehicle 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.
- r. PRINCIPAL BUILDING means the building in which the principal use of the site is conducted. A site with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses under the zoning ordinance shall not be considered principal buildings for purposes of this ordinance.
- s. PYLON SIGN means a freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above grade by pole(s) or beam(s) and with the area below the sign face open.
- t. ROOF LINE means the upper-most edge of the roof or in the case of an extended façade or parapet, the upper-most height of said façade or parapet.
- u. SIGN means any letter, word or symbol, poster, picture, statuary, banner, flag, pennant, poster, or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard, inflatable device 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.
- v. SIGN STRUCTURE means any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign above or below ground.
- w. SITE means a plot or parcel of land, or combination of contiguous lots or parcels of land, which are intended, designated, and/or approved to function as an integrated unit.
- x. TEMPORARY SIGN means a banner, pennant, poster, or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard, inflatable device, or other like materials that identify symbols or messages related to the use or event, and intended to be displayed for no more than thirty (30) days.
- y. TOTAL SITE SIGNAGE means the maximum permitted combined area of all freestanding and building signs allowed on a specific property.
- z. WINDOW SIGN means any building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed on the exterior panes or glass of a window.

2. Purpose and Intent: It is not the purpose or intent of this 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. Rather, the purpose and intent of this chapter is as follows:

- a. To provide a quality sign ordinance that promotes greater flexibility and business growth within the community.
 - b. To maintain, enhance and improve the aesthetic environment of the City.
 - c. To improve the visual appearance of the City while providing for effective means of communication.
 - d. To provide for fair and consistent enforcement of the sign regulations set forth herein under the ordinance of the City.
3. Permit Requirements: No exterior or freestanding sign shall be erected, altered, reconstructed, maintained or moved in the City without first securing a sign permit from the City. The message contained on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit except or unless it contains obscene language or actions or to determine commercial or non-commercial content. An application for a sign permit shall be in writing addressed to the Zoning Administrator and shall contain the following information.
- a. The name, phone number and addresses of the owner of the display structure and property.
 - b. The address at which the sign is to be erected.
 - c. The legal description of the site at which the sign is to be erected, and the street on which the sign will front.
 - d. A complete set of plans showing the necessary elevations, distances, size and details to fully and clearly represent the construction and placement of the sign.
 - e. Type of sign for which a permit is requested.
 - f. If the proposed sign is located adjacent to the right-of-way of state trunk highway, the application shall be accompanied by proof that the application has obtained a permit from the Minnesota Department of Transportation for the sign.

If a sign permit is denied, the Zoning Administrator shall prepare a written notice within ten (10) days of its decision, describing the applicant's appeal rights under Section 10.01 of Zoning Ordinance #53 and send it by certified mail, return requested, to the applicant.

4. Exemptions:

- A. The following kind of sign shall not require a sign permit:
 - (1) Changing of the display surface on a painted or printed sign only. This shall apply only to poster replacement and/or on-site changes involving sign painting elsewhere than directly on a building.
 - (2) A sign six square feet or less in size.
 - (3) A governmental sign which supports the principal use. Governmental signs are authorized by the city, county or other governmental agency, the State of Minnesota, or the United States for: street direction, destination, hazardous condition or traffic control purposes.

- (4) A directional sign. Signs on private property without commercial messages to give directions such as entrance, exit, or street numbers.
 - (5) Display of a governmental or religious flag does not need a permit. The Zoning Administrator, in its discretion, may require large or numerous governmental flags or religious flags maintained on a single site to be subject to the permit required by Section 8.14 of this ordinance. Any flagpole used may not exceed a height of thirty (30) feet above grade. A flag that is neither a governmental or religious flag is considered a sign subject to the requirements of obtaining a sign permit under the terms of this ordinance, unless otherwise exempt because of its size.
 - (6) A warning sign exclusively devoted to warning the public of dangerous conditions and unusual hazards on a site are permitted. Warning signs may not exceed three (3) square feet in size unless otherwise required by law.
 - (7) A temporary sign.
 - (8) An interior sign.
- B. Compliance with other provisions of law. An exemption from the requirement of obtaining of a permit shall not relieve the owner of a sign from the responsibility to otherwise comply with any other provisions of this ordinance, or any other law or ordinance regulating the same the use of property or maintenance of a sign.
5. Fees: The fee charged for issuance of a sign permit shall be established by resolution of the Council.
 6. Special Event Signs: Signs used on a temporary basis for a community event sponsored by a not-for-profit organization may be permitted at the discretion of the Zoning Administrator.
 7. Setbacks: No portion of a permanent freestanding sign, whether above or below grade, shall be located closer than two (2) feet from a property line or boundary of an easement.
 8. Area: The message area within the sign frame shall be used to calculate the square footage of the sign. If letters or graphics are mounted directly on a wall or fascia or in such a way as to be without a frame the dimensions for calculating the square footage shall be the area extending six inches beyond the border formed around such letters or graphics. Each surface used to display a message or to attract attention shall be measured as a separate sign and shall be calculated in determining the overall square footage of the sign.
 9. 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. Visible means capable of being seen by a person of normal vision (whether legible or not) without visual aid.
 10. Electronic Message Signs:

- a. Such signs may be used only to advertise activities conducted on the premises or to present public service information.
- b. Segmented messages must be displayed for not less than one-half (1/2) second.
- c. Signs having animation or video are only permitted by Conditional Use Permit.
- d. Electronic signs are not permitted within seventy-five (75) feet of a residential district lot line.
- e. Dimmer Control. Electronic Message Signs must have an automatic dimmer control such as a photocell or other ambient light sensing mechanism that automatically adjusts the sign's brightness in direct correlation with the natural ambient light conditions.
- f. Brightness. Electronic Message Signs shall not exceed 0.3 foot candles above ambient light. Such measurements shall be taken using a foot candle (Lux) meter at a preset distance depending on sign area, measured as follows:

Area of Sign Square Feet	Measurement Distance (ft.)	Area of Sign Square Feet	Measurement Distance (ft.)
10	32	55	74
15	39	60	77
20	45	65	81
25	50	70	84
30	55	75	87
35	59	80	89
40	63	85	92
45	67	90	95
50	71	95	97 100 - 100

- 11. Non-Commercial Speech: Notwithstanding any other provisions of this 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 weeks prior to any special election until ten (10) days following the special election. Non-commercial speech signs are allowed throughout the year in all zoning districts if they are in compliance with the provisions of this ordinance or any other law or ordinance regulating the same.
- 12. Unauthorized Signs: Any of the following is an unauthorized sign.
 - a. Any sign, signal, marking or device which falsely appears 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 which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.
 - b. A sign that is painted, attached or in any other manner attached to a tree, rock, or similar natural surface; or attached to a public utility pole, bridge, tower, or similar public structure.
 - c. A sign that moves mechanically.
 - d. A sign that displays obscene language or activities.

- e. A sign that obstruct a window, door, fire escape, stairway or opening essential to the provision of light, air, ingress or egress from any building.

13. Permitted Signs By District:

NOTE: For all permitted signs in all districts listed in: 13.A., 13.B., and 13.C.:
Building façade calculations are non-cumulative. Each building face is independent of all others when calculating the maximum square footage of the total site signage allowed.

- A. Residential Districts: Within residential zoning districts, R-1 (Single Family Low Density Residential District), R-2 (Multi-family High Density Residential District), and Ag (Agricultural District) a sign is permitted per site as follows:

- (1) R-1 General Rule. One (1) building sign, and two (2) temporary signs. The total site signage for all signs, permanent or temporary, shall not exceed twenty-four (24) square feet or ten percent (10%) of the area of the front face of the building on the site. Illuminated signs, monument signs and pylon signs are not allowed.

- (2) R-2 General Rule. Schools, Religious Facilities, Ag and Institutional uses located in residential districts. Special Provisions. One (1) monument sign, one (1) building sign, and two (2) temporary signs. The total site signage for all signs, temporary or permanent, shall not exceed twenty percent (20%) of the area of any two faces of the building on the site. The height of the monument sign may not exceed fifteen (15) feet above grade externally. Illuminated signs if used, shall be shielded from view, be focused upon the sign to avoid stray lighting, and shall be directed away from adjacent residential areas.

- B. Commercial Districts (C-1): Within commercial zoning districts, a sign is permitted as on a site as follows. Refer to Commercial District Map at the end of Section 8.14

- (1) Northwest Commercial District. One (1) freestanding sign (either monument or pylon), three (3) building signs, one (1) window sign, and two (2) temporary signs. The total site signage for all signs, temporary or permanent, shall not exceed twenty percent (20%) of each building façade that faces a public street on the site. A pylon sign may not exceed forty (40) feet in height.

- (2) Highway Commercial District (within four hundred (400) feet of a highway. One (1) freestanding sign (either monument or pylon), three (3) building signs, one (1) window sign, and two (2) temporary signs. The total site signage for all signs, temporary or permanent, shall not exceed twenty percent (20%) of each building façade that faces a public street on the site. A pylon sign may not exceed forty (40) feet in height.

- (3) Downtown Commercial District. Two (2) building signs, one (1) window sign, and two (2) temporary signs. The total site signage for all signs, temporary or

permanent, shall not exceed thirty percent (30%) of each building façade that faces a public street on the site.

- C. Industrial/Manufacturing Districts (M-1): A sign is permitted on a site as follows: One (1) freestanding sign (either monument or pylon), two (2) building signs, and two (2) temporary signs. The total site signage for all signs, temporary or permanent, shall not exceed twenty percent (20%) of each building façade that faces a public street on the site. A freestanding sign may not exceed forty (40) feet in height.

14. General Requirements:

- a. Where feasible, a sign should be constructed of weather resistant durable material.
- b. A sign shall conform to the latest edition of the applicable building and electrical codes.
- c. All structural components of a sign must remain safe and secure during the period of use.
- d. A sign may not be located so as obstruct a fire escape or other form of emergency egress from a structure.
- e. The site on which any sign is located shall be maintained in a clean and sanitary condition. It shall be free from weeds, rubbish, and flammable material.
- f. Both the property owner of the site on which a sign is placed and the person who owns the sign structure are each deemed to be fully responsible for the condition and the maintenance of the sign, and the area of the site adjacent to the sign.

15. Non-Conforming Sign: Compliance. It is recognized that signs exist within the zoning districts which were lawful before this ordinance was enacted, which would be prohibited, regulated or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance that a nonconforming sign shall not be enlarged upon, expanded or extended, nor be used as grounds for adding to a site another sign or use prohibited elsewhere in the same district. It is further the intent of this ordinance to permit legal nonconforming signs existing on the effective date of this ordinance, or amendments thereto, 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 however, to the following provisions:

- a. No sign shall be enlarged or altered in a way which increases its nonconformity;
- b. If a sign or sign structure be destroyed by any means to an extent greater than fifty percent (50%) of its replacement cost and no building permit has been applied for within 180 days of when the sign or structure was damaged, it shall not be reconstructed except in conformity with the provisions of this ordinance; and any structure remaining shall be completely removed;
- c. If a sign or sign structure is 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;

- d. 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, extended or moved except in changing the sign to a sign permitted in the zoning district in which it is located.
 - e. When a building loses its nonconforming status all signs devoted to the building 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 building.
16. Repairs: Any sign located in the City which may now be or hereafter become, out of order, rotten or unsafe, and every sign which shall hereafter be erected, altered, resurfaced, reconstructed or moved contrary to the provisions of this ordinance shall be removed or otherwise properly secured in accordance with the terms of this ordinance by the owners thereof or by the owners of the site on which said sign shall stand, upon receipt of proper notice so to do, given by the Zoning Administrator. No rotten or other unsafe sign shall be repaired or rebuilt except in accordance with the provisions of this ordinance and upon a permit issued by the Zoning Administrator.
17. Removal: In the event of the failure of the owner or person, company or corporation having control of any sign, or the owner of the site on which the sign is located, to remove or repair said sign within sixty (60) days after receiving notice from the Zoning Administrator the sign may be removed by the City and the expense of removal shall be assessed to the owner of the site or billed to the owner of the sign.

Section 3. Effective Date

This ordinance becomes effective from and after its passage and publication in the Post Bulletin on February 2, 2013.

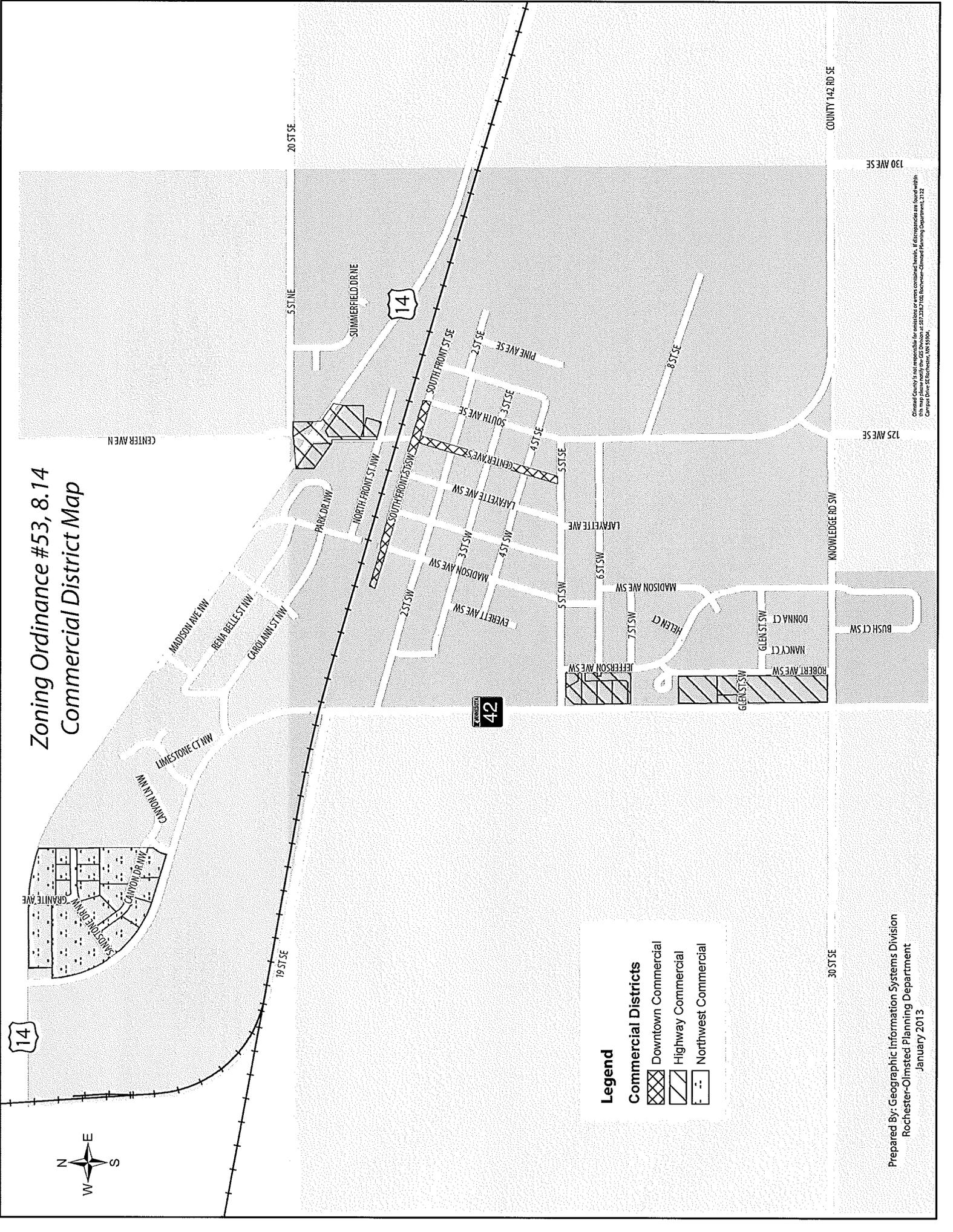
Passed and adopted by the Eyota City Council this 24 day of January, 2013.


Tyrel Clark
Mayor

ATTEST:


Marlis Knowlton
Clerk/Treasurer

Zoning Ordinance #53, 8.14 Commercial District Map



Legend

Commercial Districts

-  Downtown Commercial
-  Highway Commercial
-  Northwest Commercial

Prepared By: Geographic Information Systems Division
 Rochester-Olmsted Planning Department
 January 2013

Olmsted County is not responsible for omissions or errors contained herein. If discrepancies are found within
 this map, please contact the Planning Department at 357-2327/357-2328. (Rochester-Olmsted Planning Department, 2132
 Currier Drive, SE Rochester, MN 55904)

CITY OF EYOTA
38 South Front Street SW
PO Box 328
Eyota, MN 55934



SIGN PERMIT

Name of Applicant: _____

Address of Applicant: _____
Street Address City Zip

Telephone/Cell # _____ **E-Mail:** _____

Address of Property where the work will take place: _____

Legal Description of Property

Signature of Property Owner: _____ **Date:** _____

Project Details: _____ **Type of Sign:** _____

Sign Details: Width _____ Height _____ Length _____ Total Sq Ft _____

Lighting: _____

Construction Materials: _____

Method of Affixing: _____

Total Square footage of building facing a public street _____ (height)x _____ (width)
_____ = square feet.

Total sq. ft. of all signage on the bldg or parcel, both temporary or permanent _____

_____ **Total number of monument signs** _____ **Total number of building signs**

_____ **Total number of window signs** _____ **Total number of temporary signs**

Checklist for the Submittal Package:

_____ Signed and dated application form.

_____ One (1) Site Plan showing location of the sign on the bldg or parcel including dimensions from the property line to all proposed freestanding signs.

_____ One (1) detailed photo/graphic of the requested sign, including text and graphics in color.

_____ MnDOT permit, if applicable.

Permit Application Approved By: _____ **Final Inspection of Installation Approved By:** _____

Signature _____ **Date** _____ **Signature** _____ **Date** _____ **Fees** _____