

CHAPTER 154: SIGNS AND FENCES

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GENERAL PROVISIONS

§ 154.01 FEE SCHEDULE.

(A) Fees/rates shall be set by Council in a fee schedule ordinance. When costs associated with processing or reviewing an application exceed the original application fees, the applicant shall reimburse the city for any additional costs. These expenses may include, but are not limited to, payroll, mailing

costs, consultant fees and other professional services the city may need to hire in reviewing permits. All fees shall be paid before issuance of any permit and any construction of the project begins.

(B) Any non-permitted work on construction shall be removed and/or restored.
(Ord. 2006-02, passed 4-27-2006; revised by public hearing on 4-17-2008)

SIGNS

§ 154.15 PURPOSE.

The purpose of these standards is to protect the general welfare and safety of the city by providing a policy on aesthetic development to prevent signs from intruding on the rural and residential character of the city; to provide adequate signs for direction and property identification purposes; and to provide adequate and effective signs for commercial use.

(Ord. 2006-02, passed 4-27-2006; revised by public hearing on 4-17-2008)

§ 154.16 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY STRUCTURE. All structures not considered the principal structure.

BANNER. A temporary sign constructed out of paper, plastic, cloth, cardboard or some other non-permanent material and affixed to poles or the side of a building in a manner which can be easily moved, modified or rearranged.

BILLBOARD. A commercial sign which directs attention to a business, activity, service, entertainment or a product not exclusively related to the premises or property where the sign is located.

CHANGEABLE COPY SIGN. Any sign or portion thereof which has a readerboard for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and may be changed or rearranged manually or mechanically with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

CHANGEABLE COPY SIGN, ELECTRONIC. A sign or portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area. ***ELECTRONIC CHANGEABLE COPY SIGNS*** include computer programmable, microprocessor controlled electronic displays. Also

included are projected images or messages with these characteristics onto a building or other objects. ***ELECTRONIC CHANGEABLE COPY SIGNS*** do not include official or time and temperature signs.

CONDITIONAL USE. A land use or development as defined by ordinance that would not be appropriate without restrictions of conditions as determined by the Planning Committee and the Council upon a finding that:

- (1) The use or development is an appropriate conditional land use in the land use zone;
- (2) The use or development, with conditions, conforms to the comprehensive land use plan;
- (3) The use, with conditions, is compatible with the existing neighborhood; and
- (4) The use, with conditions, would not be injurious to the public health, safety, welfare, morals, order, comfort, convenience, appearance or prosperity of the city.

ELECTRONIC GRAPHIC DISPLAY SIGN. A sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, re-pixelization or dissolve modes. ***ELECTRONIC GRAPHIC DISPLAY SIGNS*** include computer programmable, microprocessor controlled electronic displays. ***ELECTRONIC GRAPHIC DISPLAY SIGNS*** include projected images or messages with these characteristics onto a building or other objects.

FENCE. A constructed barrier intended to prevent escape or intrusion, or to mark a boundary, to shield or screen view, or to perform any similar function.

FLASHING SIGN. A directly or indirectly illuminated sign or portion thereof that exhibits changing light or color effect by any means, so as to provide intermittent illumination that changes light intensity in sudden transitory bursts and creates the illusion of intermittent flashing light by streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling or sparkling with an interval between flashes of less than six seconds.

ILLUMINATED SIGN. Any sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source.

LOT LINE. The property lines bounding a lot except that where the description extends into a public right-of-way, the right-of-way line shall be considered the ***LOT LINE***.

NON-CONFORMING SIGN. Any advertising structure or sign, which was lawfully erected and maintained and which fails to conform to all the applicable regulations and restrictions of this chapter.

ORDINARY HIGH WATER MARK (OHW). The boundary of public waters and wetlands consisting of an elevation delineating the highest water level which has been maintained for sufficient period of time to leave evidence on the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For water courses the **ORDINARY HIGH WATER LEVEL** is the elevation of the top of the bank of the channel, for reservoir and flowages, the **ORDINARY HIGH WATER LEVEL** is the operating elevation of the normal summer pool.

PRINCIPAL STRUCTURE OR USE. The single primary structure or use on a lot, as distinguished from accessory uses or structure. To be considered a **PRINCIPAL STRUCTURE**, the structure must be at least 400 square feet.

RIGHT-OF-WAY. A parcel of property dedicated to the public, connecting to other public rights-of-way, which affords primary access by pedestrians and vehicles to abutting properties.

SIGNS. A name, identification, description, display, illustration, advertisement or device which is displayed for the purpose of attracting attention to a person, product, place, activity, institution or business.

SIGNS, DIRECTORY. A sign erected that lists residences or businesses.

SIGNS, FREESTANDING. A sign designed to be free of any other structure/building.

SIGNS, OFFSITE. Any sign not located on the contiguously owned property for which the use is advertised.

SIGNS, ONSITE. Any sign located on the contiguously owned property for which the use is advertised.

SIGNS, PORTABLE. A sign which is designed to be moved or a sign which is not permanently affixed to the ground or a building.

ZONING OFFICIAL. The duly appointed person, by Council, responsible for enforcement of this chapter.

ZONING PERMIT. A permit issued to allow the construction of a structure (sign/fence) for which fees have been paid.

(Ord. 2006-02, passed 4-27-2006; revised by public hearing on 4-17-2008)

§ 154.17 GENERAL PROHIBITIONS AND REGULATIONS.

(A) Non-maintained signs or signs for discontinued business will be removed after notification by the Zoning Official or after discontinuance of the business.

(B) Placement of signs shall consider protecting sight distance at intersections, driveways, curves and meet all state and county highway setbacks.

(C) All flashing, revolving, electronic changeable copy, electronic graphic display and intermittently lighted signs and all portable signs are prohibited, except as specifically allowed in this chapter.

(D) Digital time and temperature signs, as well as electronic gasoline pricing signs that are part of an overall sign design, are allowed in commercial areas.

(E) No permit from the city is required for temporary signs pertaining only to the construction, sale or rental of the premises. They are allowable provided they do not exceed nine square feet in any zone and are removed within 30 days of the completion of construction, sale or rental.

(F) No permit from the city is required for temporary signs, including banners, streamers and portable signs for special events such as grand openings and promotions provided they are not in place longer than 120 days in a calendar year.

(G) A non-conforming sign may be refaced, removed and replaced for maintenance purposes, however it shall not be increased in size, the support system shall not be improved and the sign shall be removed in its entirety upon the determination by the Zoning Official that the sign is in disrepair or the support system is failing. The three existing electronic changeable copy and/or electronic graphic display signs presently in use (Carr's Lake Country Market, First National Bank and Ravens III - Mini Mall) may be upgraded to new technology as long as the electronic portion of the sign does not increase in size. All flashing, electronic and intermittently lighted signs are limited to message changes in intervals of not less than six seconds where the official speed limits are more than 30 mph but less than 55 mph within the city limits.

(H) Residential and commercial signs may not contain elements commonly used by highway departments to alert, direct or caution traffic such as, but not limited to, octagonal stop signs or speed limit signs.

(I) Street identification signs, no hunting or trespassing signs and temporary signs endorsing a political candidate, party or issue during an election season are allowed without a permit.

(J) No signs, except for official traffic signs, shall be placed on or overhang public property, except where specific permission is granted by the City Council.

(K) All signs must be professionally constructed and painted.

(L) Prohibited signs. No sign shall be permitted on rocks, trees or any other perennial plant, or on any public utility pole.

(M) All commercial properties affected by Chapter 155 of this code of ordinances shall require a conditional use permit.

(Ord. 2006-02, passed 4-27-2006; revised by public hearing on 4-17-2008)

§ 154.18 REQUIRED PERMITS.

All signs are considered structure and require a zoning permit, except signs placed by the city, county or state to relate the laws or ordinances, which are exempt, and signs exempted in § 154.17.

(Ord. 2006-02, passed 4-27-2006; revised by public hearing on 4-17-2008)

§ 154.19 ONSITE SIGNS.

(A) Residential districts.

(1) Signs shall not be internally or externally lighted but may be reflective.

(2) No sign shall be larger than three square feet, except for a permitted home occupation where six square feet is allowed.

(3) Only one sign shall be allowed.

(B) Commercial districts.

(1) All signs on a property must be coordinated to create an overall appearance in regards to size and color.

(2) Sign area is calculated as the total area of signage. For two-sided signs, each side shall be counted.

(3) Up to 10% of any principal structure facade area which directly abuts and lies generally parallel to the road right-of-way or publicly traveled roadway may be dedicated to signage.

(a) The permitted sign area may be split up into several signs or used for one sign.

(b) Any attached sign that protrudes from a structure two feet or less will be counted as part of the building facade signage.

(c) For commercial buildings that are entirely set back more than 100 feet from the edge of the roadway. Fifteen percent of the facade area may be covered.

(d) Facade area may be transferred from one side to another so long as the area used as signage never exceeds 10% of the side it is on.

(e) No credit is given for facade area not directly abutting and lying generally parallel to the road-right-of-way or publicly traveled roadway.

(4) Each property is allowed one freestanding sign so long as the sign can meet setbacks and its placement does not obstruct lines of sight or pedestrian corridors.

(a) Buildings located in a 40 mph speed zone or higher are allowed up to 128 square feet of freestanding sign.

(b) Buildings located in a less than 40 mph speed zone are allowed up to 96 square feet of freestanding sign and, for multi-business buildings, are allowed an additional ten square feet for each business after the first.

(c) For corner lots, one freestanding sign conforming to these standards is allowed on each roadway.

(d) Any attached sign that protrudes from a structure more than two feet will be considered a freestanding sign.

(e) For parcels located in a 40 mph speed zone or higher, no freestanding sign shall exceed 20 feet in height. For parcels located in a less than 40 mph speed zone, no freestanding sign shall exceed 15 feet in height. For parcels in more than one zone, the more restrictive standard will apply.

(5) There shall be no signage on accessory structures.

(6) Property owners seeking to display more signs than what are allowed in this chapter or seeking allowances outside of what is allowed in this chapter, may obtain permission to do so by conditional use permit. The application for a conditional use permit shall include submittal of a sign concept plan for the entire parcel. In addition to conditional use permit criteria, the basis for approval or denial shall include an evaluation of:

(a) Necessity of the additional signage;

(b) Alternatives to additional signage;

(c) Continuity with signage on adjacent parcels;

(d) Aesthetic impacts; and

(e) Perceived effectiveness of proposed signage.

(7) Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards.

Ottertail - Land Usage

(a) No advertising signs or supporting facilities for signs may be placed upon public waters. Signs conveying information or safety message may be placed in or on public waters by a public authority or a permit issued by the County Sheriff.

(b) Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters.

(c) Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent illumination out across public waters. This does not preclude use of navigational lights.

(C) *Recreational district.*

(1) Each recreationally zoned development may be allowed onsite signage as regulated by a conditional use permit. Unless otherwise allowed, the size of any single sign shall not exceed 48 square feet in area and shall not exceed ten feet from the ground to the top of the sign.

(2) A recreationally zoned parcel of land may have an unlimited number of internal directional signs that are related to the operation of the recreational facility. These signs do not require a permit.

(3) No signage shall be allowed to direct any light on to an adjacent parcel of land.
(Ord. 2006-02, passed 4-27-2006; revised by public hearing on 4-17-2008)

§ 154.20 OFFSITE SIGNS.

Offsite signs are prohibited, except for residential or commercial directory signs. Any existing offsite signs are considered non-conforming structures. Any exceptions to the above requires a conditional use permit.

(Ord. 2006-02, passed 4-27-2006; revised by public hearing on 4-17-2008)

FENCES

§ 154.35 STRUCTURES; ZONING PERMIT REQUIRED.

All fences are considered structures and require a zoning permit except for fences referred to in § 154.42.

(Ord. 2006-02, passed 4-27-2006; revised by public hearing on 4-17-2008)

§ 154.36 SAFETY HAZARDS.

Fences shall not be erected where they create a visual safety hazard.
(Ord. 2006-02, passed 4-27-2006; revised by public hearing on 4-17-2008)

§ 154.37 LOCATION AND ORIENTATION.

Fences shall sit on the property of the property owner installing the fence. No fence shall be closer than two feet from a property line unless adjoining property owners agree to a lesser setback. The “good side” of the fence shall face abutting properties, meaning that the posts shall face in toward the property on which the fence sits and the finished face of the fence shall face abutting properties. Under no circumstances shall a fence be constructed closer than ten feet from the surface of a public road.
(Ord. 2006-02, passed 4-27-2006; revised by public hearing on 4-17-2008)

§ 154.38 MATERIALS.

Fence materials shall consist of usual fencing materials with posts and fence of metal, wood, plastic, concrete, brick or smooth wire. Barbed or electrified wire is prohibited except in areas zoned as agricultural.
(Ord. 2006-02, passed 4-27-2006; revised by public hearing on 4-17-2008)

§ 154.39 MAINTENANCE.

Fences shall be maintained to retain their aesthetic quality, screening abilities and function. Missing boards, rusting wire and posts, and peeling paint shall be taken care of at the owner’s expense as they occur.
(Ord. 2006-02, passed 4-27-2006; revised by public hearing on 4-17-2008)

§ 154.40 HEIGHT.

Fences not exceeding 60 inches in height may be constructed in residential and recreational zones except within the OHW (ordinary high water) setback area. Fences not exceeding 36 inches may be constructed within the OHW setback area so long as the fencing is transparent. Fences in all other zones shall not exceed 84 inches.
(Ord. 2006-02, passed 4-27-2006; revised by public hearing on 4-17-2008)

§ 154.41 NOTIFICATION.

Adjoining property owners shall be notified when a zoning permit application is received for construction/placement of a fence. The adjoining property owner will have a period of ten days from that date to respond.

(Ord. 2006-02, passed 4-27-2006; revised by public hearing on 4-17-2008)

§ 154.42 TEMPORARY FENCES.

Temporary fences, such as snow fences, shall be allowed without a permit for special events and must be removed within 14 days after the end of the special event unless arrangements have been made with City Council.

(Ord. 2006-02, passed 4-27-2006; revised by public hearing on 4-17-2008)