

CITY OF PLYMOUTH

ORDINANCE NO. 2021-06

ORDINANCE AMENDING CHAPTER 21 OF THE PLYMOUTH CITY CODE, ENTITLED THE PLYMOUTH ZONING ORDINANCE, REGARDING DYNAMIC DISPLAY BILLBOARDS (2019072)

THE CITY OF PLYMOUTH ORDAINS:

SECTION 1. Amendment. Section 21005.02 of the Plymouth City Code (RULES AND DEFINITIONS – DEFINITIONS) is amended by adding, deleting, or changing definitions as follows:

Sign Related:

- (a) Abandoned Sign: A sign and/or its supporting structure which is in good condition (without holes or other evidence of disrepair or damage) but that: 1) identifies or advertises a business, lessee, service, building occupant, or activity that has not been on the premises for more than 180 days; or 2) the display surface remains blank for more than 180 days; or 3) the message pertains to a time, event, or purpose which no longer applies; or 4) remains after demolition of a principal structure.
- (b) Area Identification Sign: A freestanding sign identifying the name of a single-family residential subdivision consisting of five or more lots; a multiple-family residential complex consisting of 10 or more units; a commercial or industrial development containing two or more structures; a manufactured home park; or any integrated combination of the above.
- (c) Banner: A sign made of fabric or any non-rigid material with no enclosing framework.
- (d) Billboard: A sign with a surface area greater than 200 square feet but less than 700 square feet which is located outdoors and which advertises a product, business, service, event or any other matter which is not exclusively available or does not exclusively take place on the same premises as the sign, or a structure designed to support such a sign.
- (e) Changeable Copy Sign: A non-electronic sign or portion of a sign that has a readerboard for the display of text information in which each alpha-numeric character or symbol may be changed or rearranged manually or mechanically with characters, letters or numbers that can be changed or rearranged without altering the face or surface of the sign structure.
- (f) Construction Sign: A temporary sign which displays information announcing the approved construction or development of the site on which it is displayed.

(g) Commercial Speech: Speech advertising a business, profession, commodity, service, or entertainment.

(h) Directional Sign: A sign erected to indicate the direction of traffic or to direct traffic to specific locations.

(i) Dynamic Display Billboard: A billboard that is attached to a sign structure and displays non-moving electronic images, graphics, or pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, or other illumination devised within the display area where the message change sequence is accomplished immediately. Electronic graphic display signs include computer programmable, microprocessor-controlled electronic or digital displays.

(j) Electronic Changeable Copy Sign: A sign or portion of a sign that displays electronic, non-pictorial text information in which each alpha-numeric character or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, or other illumination devised within the display area. The characters for the copy or script shall be only that available on a standard word processing keyboard, and shall not include graphics, pictures, or other items. Electronic changeable copy signs include computer programmable, microprocessor-controlled electronic displays and messages that are projected onto building or other objects.

(k) Electronic Graphic Display Sign: A sign or portion of a sign 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 (LED's), fiber optics, or other illumination devised 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 or digital displays. Electronic graphic display signs include images or messages with these characteristics that are projected onto buildings or other objects.

(l) Flag: Any fabric or similar lightweight material attached to a staff, pole, or similar device at one end of the material so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia or other symbolic devices.

(m) Flashing Sign: A directly or indirectly illuminated sign or portion of a sign 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.

(n) Freestanding Sign: A self-supported sign not affixed to another structure.

(o) Illuminated Sign: A sign illuminated by an artificial light source either directed upon it or illuminated from an interior source.

(p) Mobile Sign: Any sign mounted on a motor vehicle or trailer that can become part of traffic flow or be parked at specific locations. A mobile sign primarily functions as a sign, not a mode of transportation. This definition does not include signs or lettering on

buses, taxis or other vehicles operating during the normal course of business or stored in an approved storage area consistent with the requirements for commercial vehicles.

(q) Monument Sign: Any sign not supported by posts, which does not exceed 10 feet in height, and located directly at grade where the base width dimension is 75 percent or more of the greatest width of the sign.

(r) Multi-Vision Sign: Any sign or portion of a sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and allows on a sign structure the display of two or more images at a given time.

(s) Name Plate Sign: A sign located on the premises, giving the name or address or both of the owner or occupant of a building or premises.

(t) 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 information topics.

(u) Non-Conforming Sign: Any sign which existed prior to the adoption of this Chapter and does not conform to the requirements herein.

(v) Official Sign: Any sign of a public nature when erected by or on behalf of public officials or employees in the performance of their official duty, including: public notification signs, safety signs, traffic signs, or directional signs to public facilities.

(w) Private Drive Sign: A sign that is located near the entrance(s) to a private drive that serves more than one dwelling unit, and that states "Private Drive" and provides the range of addresses served by the private drive. (*Amended by Ord. No 2002-32, 11/26/02*)

(x) Roof Sign: A sign erected, constructed or attached wholly or in part upon or over the roof of a building.

(y) Rotating Sign: A sign or portion of a sign which turns on an axis.

(z) 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 visible from outside whether located inside or outside of a building and displayed for informational, communicative, or attention-getting purposes.

(aa) Shimmering Sign: A sign or portion of a sign which reflects an oscillating sometimes distorted visual image.

(bb) Static (Painted) Billboard: A billboard that has a fixed non-electronic image printed or painted on any material affixed to a structure.

(cc) Surface Area: The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign surface, including any material forming an integral part of the background of the display used to differentiate the sign from the background structure. It does not include any structural elements outside the limits of the sign, such as the base, framing, or decorative roofing, provided there is no advertising copy on such features. For signs consisting of individual letters, figures, or symbols applied directly

onto a building or structure, the sign area shall be that area enclosed within the smallest regular geometric figure needed to completely encompass all letters, figures, or symbols. Only one side of a double face or V-type sign structure shall be used in computing total surface area, provided the maximum angle between faces of double-faced or V-type signs is 45 degrees.

(dd) Temporary Sign: A sign erected or displayed for a specified period of time.

(ee) Time and Temperature Sign: An electronic changeable copy sign or portion thereof that displays exclusively current time and temperature information.

(ff) Traffic Sign: A sign which is erected by a governmental unit for the purpose of directing or guiding traffic.

(gg) Video Display Sign: A sign or portion of a sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action of a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including, but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include images or messages with these characteristics projected onto building or other objects.

(hh) Wall Sign: A sign in which the surface area is mounted flat against, and parallel to, the surface of a wall.

SECTION 2. Amendment. Section 21155.05 (SIGN REGULATIONS – GENERAL REGULATIONS AND RESTRICTIONS) is amended as follows:

Subd. 1. All signs hereafter erected or maintained, except for official or traffic signs, shall conform to the provisions of this Section; with other applicable ordinances and regulations of the City; and, relative to all federal and state highways, with the Minnesota Outdoor Advertising Control Act, Minnesota Statutes, Section 173.01, as amended.

Subd. 2. Unless specifically prohibited, all signs may be illuminated internally or by reflected light subject to the following:

(a) The light source shall not be directly visible and shall be arranged to reflect away from adjoining premises.

(b) The illumination source shall not be placed so to cause confusion or hazard to traffic, or to conflict with official or traffic signs, signals, or lights.

(c) Dynamic display off-premises signs shall not exceed seven thousand five hundred (7,500) nits (candelas per square meter) between the hours of civil sunrise and civil sunset and shall not exceed five hundred (500) nits (candelas per square meter) between the hours of civil sunset and civil sunrise as measured from the face of the sign. The light level shall not exceed .3 foot candelas above ambient light as measured from a pre-set distance depending on sign size. Measuring distance shall be determined using the following equation: the square root of the message center sign area multiplied by 100. Example: 12 square foot sign $\sqrt{(12 \times 100)} = 34.6$ feet measuring distance.

(d) Maximum illumination levels for non-dynamic display signs:

(1) Signs using an LED (Light Emitting Diode) light source shall not exceed a luminance level of 350 candela per square meter (nits) between sunset and sunrise, and shall not exceed a luminance level of 4,500 candela per square meter between sunrise and sunset. Lighting for commercial or industrial signs must be turned off or reduced by 50 percent from 10 PM until dawn if adjacent to residential property. *(Amended by Ord. No. 2013-27, 10/22/13)*

(2) Signs using florescent, neon, or incandescent light sources shall not exceed 12 watts per square foot of sign surface area. Lighting for commercial or industrial signs must be turned off or reduced by 50 percent from 10 PM until dawn if adjacent to residential property.

(3) All signs with illumination shall be equipped with a mechanism that automatically adjusts the brightness to ambient lighting conditions (e.g., dusk).

(e) No illumination involving movement, by reason of the lighting arrangement, lighting source, changes in either color or intensity of lighting, or other devices shall be permitted. This includes video display signs (except as allowed in Section 21155.05, Subd. 2 (e) and scoreboards as allowed in Section 21650 of this Chapter), or any signs that have blinking, flashing, scrolling, shimmering, and rotating, except that time and temperature signs may be allowed. Furthermore, the transition from one static electronic display to another must be instantaneous without any special effects.

(f) An electronic changeable copy sign, electronic graphic display sign, video display sign or a changeable copy sign, in addition to other permitted signage, may be permitted provided the following conditions are met:

(1) The message shall not be visible from any public street.

(2) The portion of the sign allocated to changeable copy shall be no greater than six square feet.

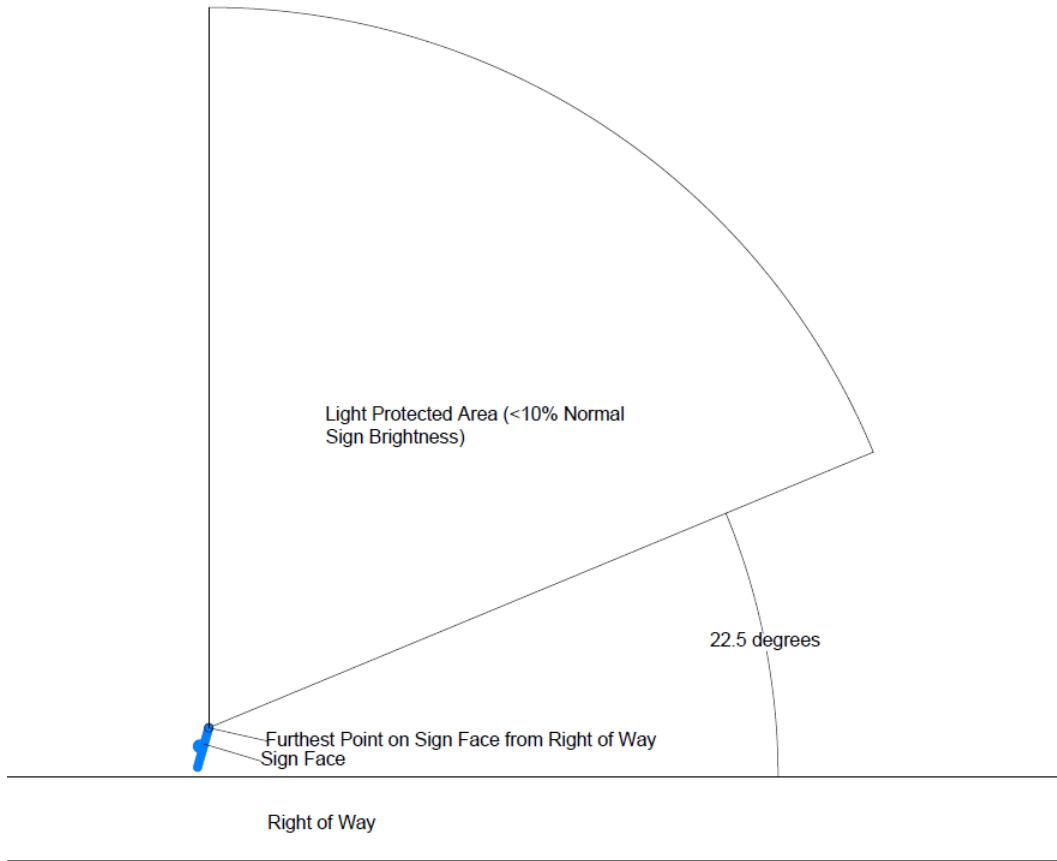
(3) The sign shall comply with all other signage regulations.

(g) Electronic changeable copy, electronic graphic display signs, and dynamic display billboards shall be designed and equipped to freeze the device in one position if a malfunction occurs or immediately discontinue the display. Additionally, the sign owner shall immediately stop the display if notified by the City that the sign is not complying with the standards of this Chapter.

Subd. 3. The message or display on electronic changeable copy signs or electronic graphic display signs shall not change more than one time every 15 minutes, except for those signs permitted by Section 21155.05 Subd. 2 (e) and time and temperature signs. A display of time or temperature must remain for at least 15 minutes before changing to a different display, but the time and temperature information itself may change.

Subd. 4. The message or display on dynamic display billboards shall not change more frequently than one time every eight (8) seconds.

Subd. 5. Dynamic display billboards shall be constructed with the use of light-blocking technology. As measured from a point on the sign face furthest from the right-of-way, the area on the ground more than 22.5 degrees from the roadway must be Light Protected by light-blocking technology. “Light Protected” is defined as having a reduction of brightness/luminance (and visibility) of over 90%, or equivalently, a remaining brightness of less than 10% as compared to the nominal forward brightness of the sign.



Subd. 6. With the exception of theater marquees, changeable copy signage (electronic or not) is not allowed to be placed on walls.

Subd. 7. Signs painted directly on building exteriors are not permitted.

Subd. 8. Except as otherwise limited by this Section, no freestanding sign excluding dynamic display billboards shall project higher than 36 feet above grade.

Subd. 9. Except as otherwise limited by this Section, no freestanding sign excluding dynamic display billboards shall exceed 160 square feet in surface area.

Subd. 10. No wall sign or other sign attached to a building shall project above the roof line or parapet of the building to which it is attached or shall constitute a roof sign as defined by this Section. The exception is that wall signage may be placed partially over the roof area of buildings with flat roofs, provided such signage is located upon a perpendicular building column projecting from an exterior wall, and the signage is counted toward the allowable wall signage

for the wall to which the column is attached. No wall signage may be placed higher than the roof line or parapet on a perpendicular building column projecting from an exterior wall that exceeds eight feet above the parapet of the building or roof line of the building (if the building has no parapet).

Subd. 11. No sign shall be erected or placed that resembles any official marker directed by a government agency, nor shall signs display such words as “stop” or “danger” except that in shopping centers these or other traffic signs may be used where deemed appropriate by the City Engineer.

Subd. 12. No sign shall obstruct any window, door, fire escape, stairway, or other authorized or required building opening.

Subd. 13. No sign shall be erected or placed that, by reason of position, shape, size, or color, would interfere with proper functioning of a traffic sign or with reasonable visibility at a street intersection.

Subd. 14. Signs shall not be permitted within the public right-of-way, or within dedicated public easements except the following:

- (a) Temporary public announcement signs for city-wide and free or civic community events. (*Amended by Ord. No. 2010-01, 02/23/10*)
- (b) Temporary directional real estate signs for community-wide annual events such as the “Parade of Homes”.
- (c) Temporary non-commercial signs, pursuant to the regulations in Section 21155.06, Subd. 1 (c) (3) of this Chapter.
- (d) Official or traffic signs erected by a governmental agency.

Subd. 15. The owner, lessee, or manager of any sign, and the owner of the land upon which the sign is located, are responsible for keeping the grass and other vegetation cut and for keeping debris and rubbish cleaned up and removed from the property where the sign is located. Further, the same parties shall be responsible for assuring that every sign, including those which may be specifically exempt from these regulations relative to permits and permit fees, shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust resistant material.

Subd. 16. Signs which, by reason of deterioration, may become unsafe or unsightly, shall be repaired or removed by the licensee, sign owner, or owner of the property upon which the sign stands, upon written notice of the City Zoning Administrator.

Subd. 17. No signs shall be permitted which include content classified as “obscene” as defined by Minnesota Statutes Section 617.241.

Subd. 18. The construction of all signs permitted by this Section shall be in accordance with the Minnesota State Building Code, which is hereby adopted by reference as part of this Section, a copy of which shall be maintained by the Zoning Administrator.

Subd. 19. No temporary or permanent sign shall be tacked, or otherwise attached to accessory buildings, accessory structures, trees, fences, utility poles, light posts, or other such structures or

supports, unless expressly permitted by this Section or other law. This prohibition includes signs or sign panels attached to outdoor athletic field fences.

Subd. 20. No multi-vision sign or any other sign which revolves, rotates, or has any visible moving parts shall be permitted, except that signs alternately displaying time and temperature and barber poles may be allowed.

Subd. 21. No temporary or permanent sign shall be permitted in conjunction with any home occupation or licensed home occupation.

Subd. 22. No new static billboards are permitted in any zoning district, except on scoreboards as permitted by Section 21650.07. Any billboard which existed on or before April 1, 1998 shall be considered a lawfully non-conforming use and structure. **Subd. 23.** All billboards are subject to removal as a condition of subdivision, platting, site plan or PUD approval for new uses or structures on the parcel where the billboard is located. No such sign that is non-conforming by reason of height, area, or location shall be altered or expanded to allow an electronic graphic display, changeable copy sign, or electronic changeable copy sign.

Subd. 24. Signs are not permitted on bus benches.

Subd. 25. The owner of any sign which is otherwise allowed by this Section may substitute non-commercial speech in lieu of any other commercial speech or non-commercial speech. 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. This substitution of copy may be made without any additional approval or permitting so long as the substitution changes the message of the sign only. The exemption to separate approvals or permits shall not be construed as relieving the sign owner from responsibility for its erection and maintenance or its compliance with the provisions of this Section or any other law or ordinance regulating the same.

Subd. 26. No mobile sign shall be permitted, except those specifically allowed in Section 21155.06 Subd. 1 (c) (4).

Subd. 27. Banners shall be permitted only as temporary signs in conjunction with temporary events or sales, and shall require a separate sign permit unless approved as part of an administrative permit. The sign area calculation shall be determined based on the outer dimensions of the banner.

Subd. 28. When neon tube, LED tube, or similar accent light banding is installed, it shall be limited to the same building/canopy façades where other wall/canopy signage is allowed.

SECTION 3. Amendment. Section 21155.06, Subd. 1 (SIGN REGULATIONS – DISTRICT REQUIREMENTS) is amended by adding a new subsection (d) as follows:

(d) Dynamic display billboards. No new dynamic display billboard shall be erected within the City unless a permit has been issued for erection of the billboard on or after March 9, 2021. Dynamic display billboards erected on or after March 9, 2021 may be permitted, subject to the following standards:

- (1) The property has frontage abutting either Interstate 494 or State Highway 169.
- (2) The property has an existing static billboard.
- (3) The billboard shall not exceed dimensions of 14' x 50'.
- (4) The maximum height of the billboard shall not exceed 70' from grade.
- (5) Only one billboard structure is permitted per property, whether static or dynamic display. One structure may have up to two (2) faces.
- (6) Dynamic display billboards shall be constructed with the use of light-blocking technology. As measured from a point on the sign face furthest from the right-of-way, the area on the ground more than 22.5 degrees from the roadway must be Light Protected by light-blocking technology. "Light Protected" is defined as having a reduction of brightness/luminance (and visibility) of over 90%, or equivalently, a remaining brightness of less than 10% as compared to the nominal forward brightness of the sign.
- (7) The minimum distance between billboards, whether static or dynamic display, is 1,320 feet measured on the same side of the roadway.
- (8) Any new dynamic display billboard structure shall replace a minimum of two existing static billboard structures, including:
 - (1) Any static billboards on the property where the dynamic display billboard is proposed.
 - (2) Another static billboard structure. The static billboard structure must be located in the City of Plymouth, must be owned or leased by the applicant, and must satisfy the criteria in parts (2) through (4) of Section 21155.06, Subd. 1 (d) (8).
- (9) The minimum distance between dynamic display billboards on either side of the highway is 10,560 feet. The minimum distance may be reduced to 5,280 feet on either side of the highway if the permit applicant meets the following requirements:
 - (1) The applicant agrees in writing to permanently remove, within 90 days after issuance of the permit unless otherwise approved, one static billboard structure in addition to the two structures required to be removed for erection of a dynamic display billboard. The static billboard structure must be located in the City of Plymouth, must be owned or leased by the applicant, and must satisfy the criteria of parts (2) through (4) of this subsection;

(2) The city has not previously issued a dynamic display permit based on the removal of the particular structures relied upon in this permit application;

(3) Each removed sign surface area equals at least 288 square feet. Credit shall only be issued if the entire billboard sign structure is removed including all structural parts, footings and foundation. If the billboard sign structure has two faces, both must be removed including all structural parts, footings and foundation for credit to be issued;

(4) A removed static billboard structure is located on a site with frontage to Highway 55, State Highway 169, or Interstate Highway 494;

(5) If the removed structure is one for which a state permit is required by state law, the applicant must surrender its permit to the state upon removal of the sign. The sign that is the subject of the dynamic display billboard permit cannot begin to operate until proof is provided to the city that the state permit has been surrendered.

(6) If the applicant complies with the permit requirements noted above, the city will issue a dynamic display permit for the designated billboard. The designated sign must meet all other requirements of this ordinance.

(10) Billboards must comply with Minnesota Department of Transportation standards and permitting requirements, and

(11) Applicants for a Dynamic display billboard permit shall enter into an agreement with the city to provide the city with 6,000 8-second spots per month per Dynamic display sign face in the city for community and public service messages. These City messages shall be put into the applicant's regular sign copy rotation and shall be displayed between the hours of 6:00 a.m. and 9:00 p.m.

SECTION 4. Amendment. Section 21155.07, Subd. 2 (c) of the Plymouth City Code (SIGN REGULATIONS – ADMINISTRATION AND ENFORCEMENT, Signs Not Requiring Permits) is amended as follows:

(c) Changing the copy or sign face of a billboard, unless a structural change or a change to the electrical components is involved.

SECTION 5. Effective Date. This Ordinance shall be in full force and effect upon its passage.

APPROVED by the City Council on this 9th day of March, 2021.

Jeffry Wosje, Mayor

ATTEST:

Sandra R. Engdahl, City Clerk