



## **STAFF REPORT**

DATE: December 19, 2017

**REGULAR**

ITEM #: 15

**TO:** City Council  
**FROM:** Emily Becker, Planning Director  
**AGENDA ITEM:** Sign Regulations  
**REVIEWED BY:** Ben Prchal, City Planner

---

### **BACKGROUND:**

The City Council discussed the Sign Ordinance at its June 13, 2017 workshop. Areas of concern included the area allowed for signs along the freeway (10<sup>th</sup> Street to the I-94 area) and monument signs in development (the size and number allowed).

The Planning Commission then reviewed the City's Sign Ordinance at its August 14, 2017 and November 27<sup>th</sup>, 2017 meetings. A public hearing was held on December 11, 2017.

### **ISSUE BEFORE THE COUNCIL:**

The Council is being asked to review proposed ordinance amendments and adopt Ord. 08-192 approving amendments as well as Resolution 2017-141 authorizing summary publication of Ord. 08-192.

### **REVIEW/ANALYSIS:**

The proposed ordinance amendment includes the following changes:

- Allows subdivision signs to be located within a public right-of-way provided an encroachment and license agreement is obtained.
- Allows direction signs to places of worship, schools, parks, and public buildings to be located within the right-of-way provided they do not exceed four feet in size and approval from the road authority is obtained.
- Subdivisions are allowed up to one subdivision identification sign per entrance instead of two as previously allowed.
- The maximum size allowed for subdivision identification signs has been changed from 24 square feet to 32 square feet for the main entrance and 24 square feet for all other signs.
- The table indicating allowable sign square footage has been reformatted slightly to classify the allowable size of signs by the street type to which the sign is adjacent (local, collector, minor arterial, or principal arterial street) instead of the speed limit and number of lanes on the street.

- In lieu of a ground sign meeting underlying zoning requirements, properties located south of 5th Street and north of I-94 may have one ground sign up to 30 feet in height and up to 250 square feet in size when within 50 feet of the property line nearest I-94. The base of the sign shall be constructed of materials that match those used on the building for which the sign is installed.
- Allows pylon signs by allowing signs erected on properties south of 5th Street and north of I-94 to be exempt from the requirement that pole signs are prohibited unless the pole portion is enclosed in a shroud causing sign to appear to have a monolithic base.

**Public Hearing.** During the public hearing that was held on December 11, 2017, one member from the public spoke. She explained that billboard signs are generally 600-700 square feet, and so the Commission should consider recommending a larger size for signs along I-94 in order to increase business visibility, thereby encouraging business prosperity within Lake Elmo.

**FISCAL IMPACT:**

A number of variance requests have been made for larger signs in the area south of 10<sup>th</sup> Street to I-94, and requests have been made by some developers to have more subdivision identification signs. These variance requests or requested flexibility through the Planned Unit Development process generate revenue but also take up a significant amount of Staff time. Further, allowing better visibility from I-94 for businesses may attract a better business base in this corridor.

**OPTIONS:**

The Council may:

- Make amendments to Ord. 08-192 and adopt Ord. 08-192 as amended as well as Summary Publication Resolution 2017-141.
- Adopt Ord. 08-192 as presented by staff and Summary Publication Resolution 2017-141.
- Do not adopt Ord. 08-192 or Summary Publication Resolution 2017-141.
- Table the item for a future meeting.

**RECOMMENDATION:**

Staff and the Planning Commission recommend that Council adopt Ord. 08- approving proposed amendments to the City Sign Regulations.

***“Move to adopt Ord. 08-192 approving proposed amendments to the City’s Sign Regulations.”***

Additionally, Staff also recommends that Council adopt Resolution 2017- authorizing Summary Publication of Ord. 08-.

***“Move to adopt Resolution 2017-141 authorizing summary publication of Ord. 08-.”***

**ATTACHMENTS:**

- Ord. 08-192
- Resolution 2017-141 Authorizing Summary Publication of Ord. 08-192

**CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA**

**ORDINANCE NO. 08-192**

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY  
AMENDING THE CITY'S SIGN REGULATIONS**

**SECTION 1. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article VII: General Regulations; Section 154.212: Sign Regulations; Subd. (F) (2) (b) by amending the following:**

- b. *Signs on Public Property.* No sign shall be located within or across any public right-of-way, or on any public property, easement, or utility pole, except for:
  - i. A sign erected by, or required by, a government agency or temporarily erected to protect the health and safety of the general public;
  - ii. A sign erected in conformity with subparagraph (a.ii) of this subsection.
  - iii. Subdivision identification signs, provided an encroachment and license agreement is obtained from the appropriate jurisdiction.
  - iv. Directional signs to places of worship, schools, parks and public buildings within the City not to exceed four square feet subject to the approval of the road authority. Not more than three directional signs are allowed for each building location.

**SECTION 2. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article VII: General Regulations; Section 154.212: Sign Regulations; Subd. (G) (1) (c) by amending the following:**

- c. Subdivision Identification Signs
  - i. *Number.* Each residential subdivision is allowed up to ~~a maximum of two (2) one~~ subdivision identification signs per subdivision entrance. For the purposes of this section, residential subdivision shall include all phases of approved staged developments.
  - ii. *Location.* Subdivision identification signs shall be located near entrances to the subdivision, except that one sign may be located along an abutting arterial or major collector roadway.
  - iii. *Size.* The maximum size for a subdivision identification sign is 32 square feet at a subdivision's main entrance and twenty four (24) square feet for all other locations.
  - iv. *Setback.* Subdivision identification signs and support structure shall maintain a setback of at least ten feet from any street right-of-way. Signs as well as support structures within a center island shall maintain a setback of at least five feet from the curb and are subject to regulations set forth by 154.212 (F) (2) (b) of this Chapter.

**SECTION 3. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article VII: General Regulations; Section 154.212: Sign Regulations; Subd. (H) (2) by amending the following:**

**Table 5-3 Ground Signs**

Table 5-3 describes the zoning districts in which ground signs may be displayed, and the maximum height and area of the signs, as determined by street classification (as designated in the Lake Elmo Comprehensive Plan) of the closest street to which each free standing sign is located. For ground signs on zoning lots with more than one street frontage, use the higher street classification to determine the maximum height and area allowed. Businesses that are located on a road designed to provide safe access to minor arterials and principal arterials shall be permitted to erect a freestanding sign up to the determined maximum height and size allowable for a freestanding sign on said minor arterial or principal arterial road to which it is adjacent.

Table 5-3 Ground Signs				
Zoning District		A <sup>a</sup> , LDR, OP, RE, RS, RR <sup>a</sup> , RT <sup>a</sup>	MDR, HDR	BP, C, CC, GB, LC, VMX
No. of Total Traffic Lanes	Speed Limit (MPH)	Max Height/Area (Sq. Ft.)	Max Height/Area (Sq. Ft.)	Max Height/Area (Sq. Ft.)
<b>1-3 Local Street</b>	<del>0-34</del>	-	6'/32	<b>10'/32-40</b>
	35-44	-	6'/32	<b>10'/50</b>
<b>Collector Street</b>	45+	-	6'/32	<b>10'/72-50</b>
<b>4-5 Minor Arterial</b>	<del>0-34</del>	-	6'/32	<b>10'/40-64</b>
	35-44	-	<del>6'/32</del>	<b>10'/64</b>
<b>Principal Arterial<sup>b</sup></b>	45+	-	6'/32 <sup>b</sup>	<b>12'/80<sup>b</sup></b>

**Notes to Table 5-3:**

- a. Ground signs are only permitted in the A, RR, and RT districts in conjunction with agricultural sales business.
- b. In lieu of a ground sign meeting underlying zoning requirements, properties located south of 5<sup>th</sup> Street and north of I-94 may have one ground sign up to 30 feet in height and up to 250 square feet in size when within 50 feet of the property line nearest I-94. The base of the sign shall be constructed of materials similar to those used on the building for which the sign is installed.

**SECTION 4. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article VII: General Regulations; Section 154.212: Sign Regulations; Subd. (D) (1) by amending the following:**

1. *Permit Required.* Except as provided in this Section, it shall be unlawful for any person to place, erect, alter or relocate within the city, any sign without first obtaining a permit from the ~~Planning Director~~ Planning Department and making payment of all fees as required by the City's Fee Schedule. This subsection shall not be interpreted to require a permit for a change of copy on a changeable copy sign, changing occupant sign panels on a directory sign, repainting, cleaning, or other normal maintenance and repair of any existing sign or its structure as long as the sign copy does not change.

**SECTION 5. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article VII: General Regulations; Section 154.212: Sign Regulations; Subd. (H) (c) by amending the following:**

*c. Type of Sign.* Any permanent ground sign shall be erected as a monument sign. Pole signs are prohibited unless the pole portion of the sign is enclosed in a shroud that causes the sign to appear to have a monolithic base or support structure of any material measuring no less than one-third (1/3) of the greatest width of the sign at any point or unless the height is no greater than three (3) feet. This provision does not apply to signs erected on properties located south of 5th Street and north of I-94. The base of the monument sign shall not exceed the width of the widest portion of the sign face by more than twenty-five percent (25%).

**SECTION 5. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 6. Adoption Date.** This Ordinance 08-192 was adopted on this 19th day of December 2017, by a vote of \_\_\_ Ayes and \_\_\_ Nays.

**LAKE ELMO CITY COUNCIL**

---

Mike Pearson, Mayor

ATTEST:

---

Julie Johnson, City Clerk

This Ordinance 08-\_\_\_\_ was published on the \_\_\_\_ day of \_\_\_\_\_, 2017.

**CITY OF LAKE ELMO**

**RESOLUTION NO. 2017-141**

**RESOLUTION AUTHORIZING PUBLICATION OF  
ORDINANCE NO. 08-192 BY TITLE AND SUMMARY**

**WHEREAS**, the City Council of the city of Lake Elmo has adopted Ordinance No. 08-192, an ordinance amending the Lake Elmo City Code of Ordinances by amending the City's Sign Regulations; and

**WHEREAS**, the ordinance is lengthy; and

**WHEREAS**, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

**WHEREAS**, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Lake Elmo, that the City Administrator shall cause the following summary of Ordinance No. 08-192 to be published in the official newspaper in lieu of the entire ordinance:

**Public Notice**

The City Council of the City of Lake Elmo has adopted the following changes Section 154.212: Sign Regulations; of Article VII: General Regulations; of Chapter 154: Zoning Code, of the City Code of the City of Lake Elmo:

- Subdivision signs may be located within a public right-of-way provided an encroachment and license agreement is obtained.
- Direction signs to places of worship, schools, parks, and public buildings may be located within the right-of-way provided they do not exceed four feet in size and approval from the road authority is obtained.
- Subdivisions are allowed up to one subdivision identification sign per entrance.

- The maximum size allowed for subdivision identification signs is 32 square feet for the main entrance and 24 square feet for all other signs.
- The table indicating allowable sign square footage has been reformatted slightly to classify the allowable size of signs by the street type to which the sign is adjacent (local, collector, minor arterial, or principal arterial street).
- In lieu of a ground sign meeting underlying zoning requirements, properties located south of 5th Street and north of I-94 may have one ground sign up to 30 feet in height and up to 250 square feet in size when within 50 feet of the property line nearest I-94. The base of the sign shall be constructed of materials that match those used on the building for which the sign is installed.
- Signs erected on properties south of 5th Street and north of I-94 are exempt from the requirement that pole signs are prohibited unless the pole portion is enclosed in a shroud causing sign to appear to have a monolithic base.

**BE IT FURTHER RESOLVED** by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: December 19, 2017.

\_\_\_\_\_  
Mayor Mike Pearson

ATTEST:

\_\_\_\_\_  
Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member

\_\_\_\_\_ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same: \_\_\_\_\_

Whereupon said resolution was declared duly passed and adopted.