

**City of Lake Elmo
Washington County, Minnesota**

Ordinance 80- 98

**AN ORDINANCE ADOPTING SECTION 535 AND ITS SUBDIVISIONS
AND REPEALING SECTION 505 OF THE LAKE ELMO MUNICIPAL CODE RELATING TO SIGNS**

Section 1. Amendment: Section 535 of the 1979 Municipal Code of Lake Elmo is hereby adopted; to wit:

Section 535 - Signs

535.01 General Provisions.

Subd. 1 Purpose. The purpose of this section is to protect and regain the natural and scenic beauty of the roadsides throughout the City. By the construction of public roads, the public has created views to which the public has a right-of-way view, and it is the intent of these standards to prevent the taking of that right.

Subd. 2 Permit Required. Except as otherwise provided in this section, no sign shall be erected, constructed, altered, rebuilt, or relocated until a sign permit or conditional use permit for the sign has been issued according to the chart in Section 535.01, Subd. 4. No permit will be required under this section for the following signs:

- A. all signs under ten (10) square feet in area, except those that require a conditional use permit,
- B. real estate sale signs under nine (9) square feet in area,
- C. political signs,
- D. warning signs which do not exceed nine (9) square feet in area.

Subd. 3 Exceptions to Permits. All signs will require building permits except:

- A. the changing of advertising copy of message on a painted or printed sign and papered billboards,
- B. the changing of the message of theater marquees,
- C. maintenance, painting, repainting, or cleaning of a sign unless a structural change is made,
- D. temporary (temporary election signs).

Subd. 4 Definitions. As used in this section, the following words and phrases shall have the meaning indicated:

- A. **Sign** - a display, illustration, structure, or device which directs attention to an object, product, place, activity, person, institution, organization, or business.

B. **Sign, Advertising** - a sign that directs attention to a business or profession or to a commodity, service, or entertainment not sold or offered upon the premises, where the sign is located or to which it is attached.

C. **Sign Area** - the entire area within a continuous perimeter enclosing the extreme limits of the sign. The perimeter shall not include any structural elements lying outside of the sign and not forming an integral part of border of the sign. The maximum square footage of multi-faced signs shall not exceed two (2) times the allowed square footage of a single-faced sign.

D. **Sign, Awning** - Any sign that is painted on or attached to an awning.

E. **Sign, Banner** - A temporary sign intended to be hung either with or without a frame possessing characters, letters, illustrations, or ornamentation's applied to paper, plastic, or fabric of any kind excluding flags, emblems, and insignia or political, professional, religious, educational, or corporate organizations providing that such flags, emblems and insignia are displayed for non-commercial purposes.

F. **Sign, Business** - a sign that directs attention to a business or profession or to the commodity, service, or entertainment sold or offered upon the premises where the sign is located or to which it is attached

G. **Sign, City Identification** - A sign that contains the name of the City, the City logo, and may also include identification of civic organizations located within the City.

H. **Sign, Construction** - A temporary sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier, or other involved parties.

I. **Sign, Directional for Churches, Schools, or Publicly Owned Land or Buildings** - A sign which bears the name and/or address of a church, school or publicly owned land or building and may include a directional arrow pointing to said location.

J. **Sign, Electric** - any sign containing electrical wiring but not including signs illuminated by an exterior, unattached light source

K. **Sign, Flashing** - A sign which has a light source not constant in intensity or color at all times while the sign is in use.

L. **Sign, Governmental** - A sign which is erected by a governmental unit for identification or traffic.

M. **Sign, Graphic** - Any mural or pictorial scene painted on a wall or building or painted on a sign board affixed to a wall, and in which mural or scene has as its purpose an artistic effect. A "Graphic Design" shall be considered a "sign" for the purpose of this ordinance.

N. **Sign, Ground** - a sign which is supported by one (1) or more uprights, poles, or braces in or upon the ground

O. **Sign, Historical** - Any sign that is of historical significance or that is a historical resource within the meaning of Minnesota Statutes Chapter 116B, or its successor.

P. **Sign, Identification** - A sign which identifies the inhabitant of the dwelling.

Q. **Sign, Illuminated** - Any sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source.

R. **Sign, Marquee** - A permanent roof-like structure extending from part of the wall of a building but not supported by the ground, and constructed of durable material such as metal or glass.

S. **Sign, Mobile** - Signs on wheels or otherwise designed to be transportable.

T. **Sign, Motion** - a sign that has mechanical parts, revolving parts, or signs which produce moving effects through the use of illumination.

U. **Sign, Nameplate** - a sign which states the name and/or address of the business, industry, or occupant of the site.

V. **Sign, Neighborhood Sector** - A free standing sign which identifies by name the section of the City.

W. **Sign, Pedestal** - a ground sign erected on one (1) central shaft or post which is solidly affixed to the ground.

X. **Sign, Projecting** - Any sign projecting from a building wall.

Y. **Sign, Public Utility** - Signs which identify public utilities.

Z. **Sign, Real Estate** - a sign offering property (land and/or buildings) for sale, lease or rent

AA. **Sign, Real Estate Development** - a sign offering for sale, lease, or rent a single family or multiple family residential project of ten (10) or more dwelling units or lots

BB. **Sign, Roof** - A sign erected upon or above a roof or parapet of a building

CC. **Sign, Shopping Center or Industrial Park** - a business sign designating a group of shops or offices (more than three [3])

DD. **Sign, Structure** - the supports, uprights, braces, and framework of the sign.

EE. **Sign, Subdivision Identification Display** - A display, illustration, structure or device which directs attention to or defines a residential subdivision.

FF. **Sign, Temporary or Seasonal** - a sign placed on a lot or parcel of land for a period not to exceed thirty (30) days out of any twelve (12) month period. No sign permit fee is required.

GG. **Sign, Wall** - a sign attached to or erected against the wall of a building with the exposed face of the sign on a plane parallel to the plane of the wall

HH. **Sign, Warning** - a sign which warns the public of a danger or hazard in the immediate vicinity and is obviously not intended for advertising purposes

535.02 Signs Prohibited.

Subd. 1 Hazards to General Welfare. No sign shall be allowed that prevents ingress or egress from any door, window, or fire escape; that tends to accumulate debris as a fire hazard, or that is attached to a standpipe or fire escape or in any other way constitutes a hazard to the health, safety, or general welfare of the public.

Subd. 2 Hazard to Traffic Control. No sign may be erected that, by reason of position, shape, movement, color, or any other characteristic, interferes with the proper functioning of a traffic sign or signal or otherwise constitutes a traffic hazard; nor shall signs be permitted which would otherwise interfere with traffic control.

535.03 Private Signs Permitted for Traffic Control. Private traffic circulation signs and traffic warning signs in alleys, parking lots, or in other hazardous situations may be allowed on private property, provided that the signs do not exceed three (3) square feet and are used exclusively for traffic control purposes.

535.04 Other Private Signs Prohibited. Private signs, other than public utility warning signs, are prohibited within the public right-of-way of any street or way or other public property.

535.05 Illuminated Signs.

Subd. 1 Flashing. Illuminated signs may be permitted, but flashing signs, except ones giving time, date, temperature, weather, or similar public service information, shall be prohibited. Signs giving off intermittent, rotating, or directional light which may be confused with traffic, aviation, or emergency signaling are prohibited.

Subd. 2 Location. Illuminated signs shall be diffused or indirect so as not to direct rays of light into adjacent property or onto any public street or way. No illuminated signs or their support structure shall be located closer than twenty-five (25) feet to a roadway surface or closer than ten (10) feet to a road right-of-way line or property line, notwithstanding more restrictive portions of this section, except service stations.

Subd. 3 Location to Highway Grade. All illuminated signs must be three (3) feet above perceived highway grade.

Subd. 4 State Permit. All illuminated signs must have a state electrical permit.

Subd. 5 Hours of Illumination. Signs shall be illuminated only during normal business hours, except security lighting.

535.06 Political Signs. Political signs are allowed in any district, on private property, with the consent of the owner of the property and shall be located in a manner that does not create a traffic or safety hazard. All political signs of any size may be posted from the first day of the third month preceding the election and shall be removed within ten days following the election.

535.07 Displays. In any district, animal displays, lights directly skyward, pieces of sculpture, fountains, or other displays or features which do not clearly fall within the definition of a sign, but which directs attention to an object, product, place, activity, person, institution, organization or business, shall require a conditional use permit. Subdivision identification displays shall not be permitted in any residential zoning district. Mobile signs on wheels or otherwise capable of being moved from place to place shall conform to the provisions of this section just as permanently affixed signs.

535.08 Real Estate Sales Signs. Real estate sales signs may be placed on any property for sale, advertised on such sign, provided the signs are not closer than ten (10) feet to any property line.

535.09 Real Estate Development Project Sales. Real estate development project signs may be erected for the purpose of selling or promoting a residential project of five (5) or more dwelling units provided:

- A. Each sign shall not exceed thirty-two (32) square feet in area.
- B. Only one (1) such sign shall be erected on each road frontage with a maximum of three (3) such signs per project.
- C. The signs shall be removed when the project is eighty percent (80%) sold or leased. In all cases, the signs shall be removed no later than two (2) years after the project has been commenced.
- D. The signs shall not be located closer than one hundred (100) feet to any existing residence.

535.10 Multiple Family Dwelling Project. Identification signs for multiple family dwelling projects may be erected for the purpose of identifying a multiple family dwelling project of three (3) or more dwellings. The signs shall not exceed twenty (20) square feet and only one (1) such sign shall be erected at each entrance to the project, but in no case shall there be more than two (2) such signs for any one (1) project.

535.11 Construction Signs. Construction signs not exceeding thirty-two (32) square feet in area shall be allowed in all zoning districts during construction. The signs shall be removed when the project is substantially completed.

535.12 Signs Painted on Walls, Fences, Etc., Prohibited. Signs shall not be painted directly on the outside wall of a building. Signs shall not be painted on a fence, tree, stone, or other similar objects in any district.

535.13 Roof Signs. Roof signs are prohibited except on gambrel roofs, in all districts.

535.14 Benches, Newsstands, Etc. Signs on benches, newsstands, car stands, bus stop shelters, and similar places shall require a sign permit as provided in this section.

535.15 Electrical Signs. All signs and displays using electric power shall have a cutoff switch on the outside of the sign and on the outside of the building or structure to which the sign is attached. No electrically illuminated signs shall be permitted in a residential or agricultural district.

535.16 Inside Signs. The regulations contained in this section ~~do not~~ apply to signs painted, attached by adhesive, or otherwise attached ~~directly~~ to exterior windows ~~or visible through windows~~ and glass portions of exterior doors.

535.17 Offensive Signs. No signs shall contain any indecent or offensive picture or written matter.

535.18 Required Signs. In all zoning districts, no less than one (1) identification sign shall be required per building, except accessory structures and residential buildings which shall be required only to display the street address or property number.

535.19 Service Stations. Service station may erect one pylon or pedestal sign not to exceed twenty-five (25) feet in height anywhere in setback area but no part of any such sign shall be closer to side lot lines than the required side yard setback nor within five feet of the rear lot line or street right-of-way line.

535.20 Signs that are Hazards to Public Health and Safety. No sign will be permitted that provides refuge from police surveillance, tends to accumulate debris as a fire hazard, or in any other way is a hazard to the public health, safety, convenience, or general welfare.

535.21 Advertising Signs. Advertising signs, as defined in 535.01 Subd. 4 B shall not be allowed in any zoning district in the City.

535.22 Marquees. Marquees of any type, with or without signs, shall require a conditional use permit.

535.23 Multi-faced Signs. Multi-faced signs shall not exceed two (2) times the allowed square footage of single-faced signs.

535.24 Signs Exceeding 100 Square Feet. Except for more restrictive subsections of this sign section, no sign that exceeds one hundred (100) square feet in area shall be erected or maintained:

- A. which would prevent any traveler on any street from obtaining a clear view of approaching vehicles on the same street for a distance of five hundred (500) feet,
- B. which would be closer than one thousand three hundred fifty (1,350) feet to a national, state, or local park, historic site, picnic or rest area, church, or school,

- C. which would be closer than one hundred (100) feet to residential structures,
- D. which would partly or totally obstruct the view of a lake, river, rocks, wooded area, stream, or other point of natural and scenic beauty or which depreciates nearby property,
- E. which blocks the view of another sign.

535.25 Signs by Conditional Use Permit. Where a use is permitted in a zoning district by conditional use permit, the sign for that use shall require a conditional use permit unless the sign is otherwise provided for in this section.

535.28 Signs in Agricultural Districts. No signs shall be permitted in an agricultural district except the following enumerated signs if authorized by a sign permit or other permit as provided in this section:

Subd. 1 Type of Sign Allowed. Nameplate, real estate sales, ground, political, temporary, wall, identification, business, neighborhood/sector signs, and directional signs for churches, schools, or publicly owned land or buildings.

Subd. 2 Two Plus Surfaced Signs Prohibited. No sign shall be constructed so as to have more than two (2) surfaces.

Subd. 3 Number of Each Type of Sign Allowed per Lot Frontage. One (1) of the permitted types of signs except temporary signs where two (2) will be permitted and political signs where one (1) for each candidate will be permitted.

Subd. 4 Size. Not more than a total of thirty-two (32) square feet with an eight (8) foot maximum for any dimension except as otherwise restricted in this section. Total square feet of permitted signs per lot or parcel shall not exceed one hundred (100) square feet.

Subd. 5 Height. The top of the display shall not exceed ten (10) feet above grade.

Subd. 6 Setback. Any sign over two (2) square feet shall be set back at least ten (10) feet from any lot line.

535.29 Permitted Signs in Residential Districts.

Subd. 1 Type of Sign Allowed. Nameplate, real estate sales, political, ground, temporary, wall, identification, neighborhood/sector signs, and directional signs for churches, schools, or publicly owned land or buildings.

Subd. 2 Two Surfaced Signs. No sign shall be constructed so as to have more than two (2) surfaces.

Subd. 3 Number of Total Type of Sign Allowed Per Lot Frontage. One (1) of the permitted types of signs, except temporary signs where two (2) will be permitted and political signs where one (1) for each candidate will be permitted. No more than thirty-two (32) square feet of total display area will be permitted at any one time in developed areas.

Subd. 4 Size. Not more than a total of six (6) square feet with a four (4) foot maximum for any dimension except as otherwise restricted in this section. Total square feet of all signs shall not exceed thirty-two (32) square feet per lot except in multi-family districts.

Subd. 5 Height. The top of the display shall not exceed ten (10) feet above grade.

Subd. 6 Setback. Any sign over one and one-half (1 1/2) square feet shall be set back at least ten (10) feet from any lot line.

535.30 Permitted Signs in Commercial and Industrial Districts.

Subd. 1 Type of Sign Allowed. Business, nameplate, identification, illuminated, ground pedestal, motion, political, real estate sales, shopping center, temporary, wall, neighborhood/sector signs, and directional signs for churches, schools, or publicly owned land or buildings.

Subd. 2 Number of Each Type of Sign Allowed Per Lot Frontage. Two (2) business signs on any lot having a frontage of one hundred fifty (150) feet or less and one (1) additional business sign for each additional one hundred fifty (150) feet of frontage. Also, one (1) of the permitted types of temporary signs will be permitted.

Subd. 3 Size.

A. Except as provided in this section, the total square footage of sign area for each lot shall not exceed two (2) square feet of sign area for each lineal foot of lot frontage, except where a location is a corner lot, the amount may be

increased by one (1) square foot of sign area per front foot of public right-of-way along a side lot line.

B. No sign shall exceed two hundred (200) square feet in area.

C. Each real estate sales sign, temporary sign, and political sign shall not exceed thirty-five (35) square feet in area.

D. Each nameplate sign shall not exceed one hundred (100) square feet in area.

Subd. 4 Height. The top of the display shall not exceed thirty-five (35) feet above the average grade, except for Ground Signs which shall not exceed twenty-five (25) feet.

Subd. 5 Setback. Any sign over six (6) square feet shall be set back at least ten (10) feet from any lot line. In no case shall any part of a sign be closer than two (2) feet to a vertical line drawn at the property line. All signs over one hundred (100) square feet shall be set back at least fifty (50) feet from any residential district.

Subd. 6 City Signs. City identification signs shall not exceed six (6) feet in height or 40 square feet in total surface coverage.

535.31 Permitted Signs in Planned Unit Development Districts or Uses Requiring a Conditional Use Permit.

Subd. 1 Permit Regulations to Apply. Type, number, size, heights, and setback as specifically authorized by terms of the issued permit.

Subd. 2 Principal Use Regulations to Apply. To the extent feasible and practicable, signs shall be regulated in a manner similar to that in the use district most appropriate to the principal use involved.

535.32 Signs, Design, Construction and Maintenance.

Subd. 1 Markings Required. Required markings on signs:

A. After the effective date of this section, every sign for which a permit is required shall have painted in a conspicuous place on the sign in letters not less than one (1) inch in height, the date of erection, the permit number, and voltage of any electrical apparatus used in connection with the sign.

B. Every outdoor advertising sign erected under the provisions of this section shall be plainly marked with the name of the person or firm erecting the sign.

Subd. 2 Projecting Signs. Except for marquee signs, signs shall in no case project from a building or structure to any point within two (2) feet of a line drawn perpendicularly upward from the curb line. No projecting sign shall be less than nine (9) feet above the sidewalk or the ground level. All projecting signs for which a permit is required shall be constructed entirely of fire resistant material.

Subd. 3 Ground Signs.

A. No ground sign shall be erected, constructed, altered, rebuilt, or relocated to a height at the top of the display exceeding twenty-five (25) feet above the ground, unless otherwise restricted in this section.

B. No ground sign display for which a permit is required shall be erected to a height of more than twelve (12) feet above the ground, unless the face is constructed of sheet metal or other non-combustible facing materials.

C. The bottom of the facing of every ground sign shall be at least three (3) feet above the ground, which space may be filled with landscaping, platform, or decorative trim of light wood or metal construction.

D. The soil used for the dug-in type of anchor or post support shall be carefully placed and thoroughly compacted. The anchors and supports shall penetrate to a depth below ground greater than that of the frost line.

Subd. 4 Wall Signs. Wall signs attached to exterior walls of solid masonry or concrete shall be safely and securely attached to the same by means of metal anchors, bolts, or expansion screws of not less than three-eighths (3/8) inch in diameter which shall be embedded at least five (5) inches. No wooden blocks or anchorage with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of wall signs attached to buildings with walls of wood. No wall sign shall be entirely supported by an unbraced parapet wall.

Subd. 5 Sign Maintenance.

A. Painting. The owner of any sign shall be required to have the sign properly painted at least once every two (2) years, if needed, including all parts and supports of the sign, unless the parts or supports are galvanized or otherwise treated to prevent rust.

B. Area Around Sign. The owner or leasee of any sign, or the owner of the land on which the sign is located shall keep the grass, weeds, or other growth cut and the area free from refuse between the sign and the street and also for a distance of six (6) feet behind and at the ends of the sign.

Subd. 6 State Building Code Requirements. All signs must meet the requirements of the state building code.

535.33 Non-Conforming Signs. All signs not in conformity with the provisions of this section shall not be replaced with a non-conforming sign. No improvements to non-conforming signs shall be made except for safety purposes.

535.34 Obsolete Signs. Any sign for which no permit has been issued shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, or land upon which the sign may be found within thirty (30) days after written notice from the zoning administrator. Any sign now or subsequently existing which no longer advertises or identifies a bona fide business conducted, or a service rendered, or a product sold, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or structure upon which the sign may be found within ten days after written notice from the building official.

535.35 Unsafe or Dangerous Signs. Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety, shall be taken down and removed or structurally improved by the owner, agent, or person having the beneficial use of the building, structure, or land upon which the sign is located within ten (10) days after written notification from the zoning administrator.


535.36 Permit Applications. All permit applications shall contain the proposed type of sign, size, location, setbacks, illumination, height, width, design, etc. and other relevant specifications as requested on the permit application form. All sign permits shall be granted by the City building inspector unless a conditional use permit is required.

535.37 Permit Fees. The application for a sign permit shall be set from time to time by ordinance of the Council.

535.38 Expiration of Permit. All sign permits for an advertising sign (business sign, motion sign, pedestal sign, or any sign over one hundred fifty (150) square feet in area) shall expire two (2) years from the date of issuance. If the work authorized under a sign permit has not been completed within six (6) months after the date of issuance, the permit shall become null and void.

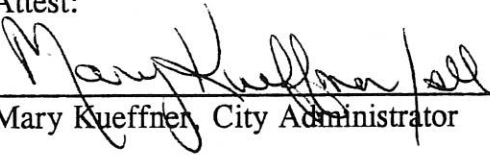
Section 2. Section 505 of the 1979 Municipal Code of Lake Elmo is hereby repealed.

Section 3. Effective Date: This ordinance shall become effective upon its passage, publication according to law, and upon approval by the Commissioner of Natural Resources.



Wyn John, Mayor

Attest:



Mary Kueffner, City Administrator

City of Lake Elmo
Washington County, Minnesota
Summary of Ordinance 80-98
Relating to Signs

On July 5, 1994, the Lake Elmo City Council adopted Ordinance 80- 98 relating to Signs.

On July 5, 1994, the Lake Elmo City Council received a summary of Ordinance 80- 98 and by 5 affirmative votes, approved the publication of a summary of this ordinance, to wit:

Section 535 - Signs

- 535.01 General Provisions.
- 535.02 Signs Prohibited.
- 535.03 Private Signs Permitted for Traffic Control.
- 535.04 Other Private Signs Prohibited.
- 535.05 Illuminated Signs.
- 535.06 Political Signs.
- 535.07 Displays.
- 535.08 Real Estate Sales Signs.
- 535.09 Real Estate Development Project Sales.
- 535.10 Multiple Family Dwelling Project.
- 535.11 Construction Signs.
- 535.12 Signs Painted on Walls, Fences, Etc., Prohibited.
- 535.13 Roof Signs.
- 535.14 Benches, Newsstands, Etc.
- 535.15 Electrical Signs.
- 535.16 Inside Signs.
- 535.17 Offensive Signs.
- 535.18 Required Signs.
- 535.19 Service Stations.
- 535.20 Signs that are Hazards to Public Health and Safety.
- 535.21 Advertising Signs.
- 535.22 Marquees.
- 535.23 Multi-faced Signs.
- 535.24 Signs Exceeding 100 Square Feet.
- 535.25 Signs by Conditional Use Permit.
- 535.26 Political Signs Exemption.
- 535.27 Signs in Agricultural Districts.
- 535.28 Permitted Signs in Residential Districts.
- 535.29 Permitted Signs in Commercial and Industrial Districts.
- 535.30 Permitted Signs in Planned Unit Development Districts or Uses Requiring a conditional Use Permit.
- 535.31 Signs, Design, Construction and Maintenance.
- 535.32 Non-Conforming Signs.
- 535.33 Obsolete Signs.

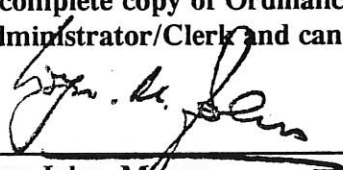
535.34 Unsafe or Dangerous Signs.

535.35 Permit Applications.

535.36 Permit Fees.

535.37 Expiration of Permit.

A complete copy of Ordinance 80-98 "Signs" is on file in the office of the City Administrator/Clerk and can be viewed by the public during normal business hours.



Wyn John, Mayor

Attest:

Mary Kueffner, City Administrator/Clerk