



3800 Laverne Avenue North  
Lake Elmo, MN 55042

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## **NOTICE OF MEETING**

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Monday November 27, 2017 at 7:00 p.m.**  
**AGENDA**

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
  - a. November 13, 2017
4. Public Hearings
  - a. None
5. Business Items
  - a. 2018 PLANNING DEPARTMENT WORK PLAN: Review of a work plan for the Planning Department for 2017.
  - b. ZONING TEXT AMENDMENT. Sign Regulations Discussion.
  - c. ZONING TEXT AMENDMENT. Wind Power Ordinance.
6. Updates
  - a. City Council Updates – 11/21/17 Meeting
    - a. Lake Elmo Sod Farm Interim Use Permit
    - b. Wyndham Village Subdivision Sketch Plan Review & CPA
  - Staff Updates
    - c. Upcoming Meetings:
      - December 11, 2017
    - d. MAC CEP Report-none
    - e. Comprehensive Plan Update
  - b. Commission Concerns
7. Adjourn

\*\*\*Note: Every effort will be made to accommodate person or persons that need special considerations to attend this meeting due to a health condition or disability. Please contact the Lake Elmo City Clerk if you are in need of special accommodations.



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of November 13, 2017**

Chairman Kreimer called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

**COMMISSIONERS PRESENT:** Williams, Kriemer, Lundquist, Dodson, Emerson, Johnson Larson, Dorschner & Hartley

**COMMISSIONERS ABSENT:** None

**STAFF PRESENT:** Planning Director Becker, City Planner Prchal and City Administrator Handt

**Approve Agenda:**

M/S/P: Dorschner/Lundquist, move to approve the agenda as presented, ***Vote: 7-0, motion carried unanimously.***

**Approve Minutes:** October 23, 2017

M/S/P: Hartley/Lundquist, move to approve the October 23, 2017 minutes as amended, ***Vote: 7-0, motion carried unanimously.***

**Public Hearing Item – Capital Improvement Plan**

Handt started her presentation regarding the 2018-2022 Capital Improvement Plan (CIP). This is a multi-year capital expenditure plan for the City's infrastructure. This includes streets, parks, utility systems, vehicles, equipment and public buildings. The Minnesota Land Planning Act requires the implementation of the plan portion of the Comprehensive Plan include a CIP for major infrastructure needs for a five year period.

The 2018-2022 CIP includes 82 separate projects with a total estimated cost of approximately \$49 million. These projects include street work, new facilities (city hall and fire station), equipment, park and trail improvements and utility infrastructure.

The plan identifies funding sources and project priority rankings. Specifics for the different departments were identified.

Williams asked how likely it would be to have funding for a priority 3. Handt stated that there are not very many and it would depend how many projects would come up before

that. Dorschner asked about the funding for parks and with how many we have, how we are going to maintain them long term. Handt stated that it is a concern that the Park Commission tries to balance. Kreimer asked how a park gets developed. For instance, Inwood dedicated land to expand Stonegate Park. At what point is that park completed. Handt stated that Inwood is before her time and she is not familiar with what if anything was planned. She stated it could have been planned just as additional open park space. Handt stated that there have been a number of requests from new neighborhoods for parks and that is something that they will need to prioritize between now and 2020.

Dodson asked about the storm water drainage. He is wondering what the impact to the aquifer is and if we are keeping it in the City. He is wondering if the infiltration is being improved. Handt stated that the phase 2 and 3 improvements came out of a study that was done in 2015. Dodson asked about the proposed wells and if the aquifer has enough water to support that. Handt stated that is all regulated by the DNR. At this time, Lake Elmo falls within the 5 miles of White Bear Lake and it is unknown if the City will be getting new well permits.

Public Hearing opened at 7:26 pm

No one spoke and there was no written communication

Public Hearing closed at 7:26 pm

Williams is concerned with the railroad crossing. It is scheduled for 2019 and a priority 3. He feels that it should be a higher priority. He is fine with the timing, but to implement the plan in the Village, the railroad crossing needs to be a priority issue.

M/S/P: Williams/Lundquist, move to include a finding that the Village Parkway railroad crossing and associated projects should be a priority two for 2019, **Vote: 7-0, motion carried unanimously.**

Dorschner thinks it makes sense, but is concerned if the City can afford it without a development to support it. Handt stated that a crossing can't just be installed without giving people another access route. That is why it is somewhat dependent on development to provide that alternate access.

M/S/P: Dorschner/, move to recommend to the City Council that the 2018-2022 Capital Improvement Plan is consistent with the 2030 Comprehensive Plan with the recommended finding, **Vote: 7-0, motion carried unanimously.**

**Public Hearing – Interim Use Permit – Lake Elmo Sod Farm**

Prchal started his presentation regarding the application for an Interim Use Permit (IUP) for Lake Elmo Sod Farm to continue operation of a seasonal sales lot to sell Christmas Trees that are grown off-site at the property located at 456 Manning Ave North.

Becker stated that the applicant has requested that the IUP time frame be 10 years where the previous one was good for 5 years.

Kreimer asked about the minimum buffer of 100 feet. He is wondering how that could be affected if homes are built around them. Becker stated that it shouldn't be a problem as they are currently more than 100 feet away.

Public Hearing opened at 7:45 pm

No one spoke and there was no written communication

Public Hearing closed at 7:45 pm

Williams stated that the last sentence of finding number 4 should say "upon the termination of the interim use permit".

M/S/P: Williams/Dorschner, move to recommend approval of the proposed Interim Use Permit allowing PID #36.029.21.41.001 to operate, based on recommended findings and conditions of approval as amended, **Vote: 7-0, motion carried unanimously.**

#### **Public Hearing – Preliminary Plat and Development Stage Planned Unit Development – Legacy at North Star**

Becker stated that the applicant for Legacy at North Star is revising the street layout for this application to provide a better street design. The City will republish the public hearing and anticipates it will be for December 11, 2017.

M/S/P: Lundquist/Hartley, move to table this item the Legacy at North Star Preliminary Plat and Development Stage Planned Unit Development at the request of the applicant, **Vote: 7-0, motion carried unanimously.**

#### **Public Hearing – McLeod – Comprehensive Plan Amendment and Residential Sketch Plan**

Becker started her presentation regarding the Wyndham Village subdivision Sketch Plan Review and Comprehensive Plan Amendment. This sketch plan includes 13 single family residential detached homes on a total site of 5.97 acres. The applicant is also requesting a Comprehensive Plan Amendment to re-guide the proposed development area from Rural Single Family, .66-2. Units per acre to Urban Low Density 2.17 units per acre. The

current home on the site will be moved to one of the lots and there will be 12 additional lots. One thing to consider is that the southern border of the parcel is located within the greenbelt corridor. This corridor is meant to serve as a transitional area between future sewer growth and the existing rural development. The proposal shows a buffer of only about 40 feet, where it would appear it should be about 200 feet. The current plan shows an encroachment of homes on the corridor.

Access is provided from Lower 31<sup>st</sup> Street from the future Northport development. Access to the new proposed lot 8 is proposed to be provided by a 20 foot wide driveway easement off the cul-de-sac of Liberty Court. The City Engineer is recommending this be changed to a 30 foot wide outlot to be owned by lot 8. This change would impact the configuration of Lots 7 and 9.

Public water and sanitary sewer would be extended through Northport. The developer needs to work with VBWD and submit a stormwater management plan that is compliant with applicable requirements. Stormwater systems need to be platted and fully enclosed in outlots and not encroach on private lots. Liberty Court drainage must be captured and treated on site.

Another consideration is that there is a Northern Natural Gas easement that runs along the western side of lots 9 through 13 and bisects lot 8. There are heavy restrictions on what can be done in this area by Northern Natural Gas. There is nothing in the code that requires a usable backyard, but consideration should be given to the fact that nothing can be built in the easement area with the consent of NSP and that should be disclosed to potential home buyers.

The Planning Commission does not need to make a formal recommendation on the sketch plan, only the Comprehensive Plan Amendment application.

Williams asked if the City would be required to maintain the access to lot 8. Becker stated that it would be an outlot owned by lot 8. Dodson asked what the maximum length of a cul-de-sac can be. Becker stated that it is 660 feet and this cul-de-sac is less than that. Johnson asked what the width of the NSP easement. Becker stated that it is 66 feet.

Joe Bush, JP Bush Homes, developer on behalf on the McLeod's. After reviewing the staff comments, there are a number of comments that they will be working on for when it moves forward to the City Council. Dorschner asked JP Bush if he is concerned about the NSP easement not allowing pools outbuildings and such on those lots. JP Bush stated that they do not have any issues with what they consider ground flat items such as sandboxes, etc.

Milo Horack with Landmark surveying, stated that his understanding of this district is that it is an 8000 square feet minimum with a 40% impervious lot coverage. That would

give 3200 square feet of buildable area. On lot 12 for instance the current building envelope is 3130 square feet plus the driveway.

Dodson asked the developer how they intend to address the greenbelt area. JP Bush stated that they intend to work with Pulte on screening along 30<sup>th</sup> street and they intend to use screening more than distance for the greenbelt buffer.

Hartley asked if this development has been discussed with the City Engineer. JP Bush stated that it has and they have received feedback that they will be addressing.

Public Hearing opened at 8:10 pm

No one spoke and there was no written communication

Public Hearing closed at 8:10 pm

M/S/P: Dorschner/Lundquist, move to recommend approval of the proposed Comprehensive Plan Amendment to re-guide PID #13.029.21.43.0001 from Rural Single Family to Village Urban Low Density, based on the recommended findings and conditions of approval and amending condition #2b to state "Provides a sufficient Greenbelt Corridor as indicated in the Comprehensive Plan either by distance or extensive landscaping as indicated in the Comprehensive Plan and approved by the City, ***Vote: 7-0, motion carried unanimously.***

Dodson agrees with the Comprehensive Plan amendment, but feels that they are trying to put too many lots in this area with the constraints of the NSP easement. Dorschner stated that his motion was only for the Comprehensive Plan Amendment to get the property in line with surrounding property, but the sketch plan is something else.

Hartley would like to see something in there about the engineers comments regarding the water problems. Becker stated that there is no formal action at this time regarding the sketch plan. Williams thinks that condition 2d might cover it.

Kreimer feels that even with extensive landscaping, the greenbelt buffer is not sufficient. He thinks it should be more like 200 feet and the greenbelt buffer for Northport is greater. He has a problem with providing 5 lots that have no usable rear yard. If this was the plan that came forward, he would not support it.

JP Bush stated that they will be working through some of those issues. They may have to lose a few lots to make it all work.

#### **Business Item – Draft Findings for Denial of Continental Properties Application**

Becker started her presentation regarding draft findings of fact for denial of Comprehensive Plan Amendment to re-guide a portion of PID #34.029.21.43.0003 from Urban Medium Density Residential to Urban High Density Residential and General Planned Unit Development Concept Plan for Continental Properties. The City Council sent this item back to the Planning Commission to prepare draft findings for the denial.

Becker wanted to point out that in talking with the applicant, the density for the development is actually a little lower than was previously thought. The previously thought acreage of the parcel was 21.6 acres. The applicant pointed out that was taking out for new right of way for Hudson Blvd, the new internal street, and 5<sup>th</sup> Street. The way Met Council calculates net density is that they only take out for arterial streets. The actual net site acreage is 27.49 acres. This makes the density 10.91 units per acre. The applicant has also proposed another amenity for the PUD of a contribution of money to a future signal light at Keats Ave and Hudson Blvd. The applicant has not given a Specific amount that they would contribute.

Another point to clear up is that there was a rumor going around that the Comprehensive Plan Consultant does not agree with the development. The Consultant was not hired to review the development or comment on it.

Gwyn Wheeler, development director with Continental Properties, would like to provide an updated overview of the project. She would request that they make a motion to reconsider the proposal tonight based on the additional information from staff and the additional information that she will share. Continental is very passionate about this new Springs development and feels that this is the perfect location for this development.

Wheeler pointed out the architectural features of their buildings. She pointed out that many of the allowed uses in MDR could have much less architectural features than they are offering. The correct density is 10.91 units per acre. This is 300 units within 15 buildings. There are 20 units per building with a mix of apartment types. High Density Residential allows up to 15 units per acre.

Wheeler stated that a comment from neighbors was about increased buffers. They looked at opportunities to increase that buffer along 5<sup>th</sup> Street. They have increased the buffer by building 6 by 28' and by building 3 by 60'. Continental is committing to doubling the number of trees from the number required and to put the majority of those along 5<sup>th</sup> Street frontage to enhance the screening. The nearest building would be 300 feet to the nearest Savona Single Family home.

Wheeler showed some artistic renderings to show what it would look like from 5<sup>th</sup> Street. The landscaping would be higher than the buildings with the whole first floor being screened. Wheeler spoke about the impact on home values and they had a 3<sup>rd</sup> party analysis done to show that there was no measurable impact.

Wheeler stated that the Springs brings a significant amount of amenities to Lake Elmo. These include the N/S connection between Hudson and 5<sup>th</sup> Street, a pedestrian trail, contribution to Hudson turn lanes, enhances landscaping along 5<sup>th</sup> Street. The Springs will bring tax base to the community without bringing any new public streets.

Dorschner asked if they took into consideration for the 3<sup>rd</sup> party analysis the median price range in comparison to here. The consultant stated that the price points they looked at were very similar to Savona around \$500k. Williams asked what the overall change in the market was in that time period.

Adrian Cook, 736 Juniper Ave, when he purchased his home, he had a copy of the Comprehensive Plan and he did not know that it was subject to change. The consultant was hired by the applicant, so it is suspect. He does not feel the Springs is a good thing for Lake Elmo.

Brian Durham, 347 Wener Way, New Market, on behalf of some of the homeowners. He is a residential specialist real estate broker and specializes in the South metro. He questions the numbers presented by the contractor as they included 2010, which is when the market bottomed out. In 2014-2015 there were some steep climbs due to new construction.

Dorschner stated that he understands that supply and demand affects the market and he does not understand how rental property affects home sales. Durham stated that 2 big factors that affect people's interest in a property are surrounding commercial and rental property.

Glen Bryan, 618 Juniper Court, handed out police reports for the Eagan Springs, Apple Valley, Woodbury City walk, and Savona Neighborhood. Would like the number of calls to development looked at.

Robert Tufty, 6365 Jasmine Ave Grant, he feels that consigning this property along I94 to lower density to appease a few residents is not very responsible planning. The apartments are higher value than even some of the other Springs developments. He stated that they represent all citizens of Lake Elmo, not just the Savona residents.

Tucker Pearce, 9811 7<sup>th</sup> Street, why are we talking about this again? The whole process has been frustrating. By sending this back, does this have the Planning Commission questioning the 7-0 vote? Could this be why it was sent back to the Planning Commission? He does not feel this development makes sense in this location.

Stefany Lorang, 9918 7<sup>th</sup> Street N, she has previously lived next to apartments. There were crime statistics shared with the Planning Commission that are alarming. She did not move to Lake Elmo to experience this type of situation again. She is disappointed with the whole process. If findings of fact were necessary, why didn't the staff remind



the Planning Commission that they were necessary? The Comprehensive Plan is a document that people rely on to make big decisions such as moving here. The answer to if not this, than what would be townhomes. They are good neighbors in the Savona neighborhood. The density calculation for this project has changed twice and does not inspire much confidence in the numbers they have provided. The lack of transparency throughout this process is disturbing.

Mike Brixius, 9594 Junco Rd, he is concerned about going from high density residential to single family homes. A buffer of townhomes would be perfect. He doesn't feel this is necessarily a high end apartment complex. On Zillow, he failed to find any homes within a 1 mile radius of the Apple Valley facility over \$244K. The homes in Savona are in the \$500-\$600K range. The facts in the meetings continue to change and are suspect.

Brody Grandas, 9557 Junco Rd, went to the site and recorded the noise from the freeway at the spot of the proposed pool. Grandas played the tape of the noise for the Planning Commission. His concern is that they will not be able to attract the type of tenants that they are looking for and rates will drop. He is also concerned about the crime. He doesn't feel that the information all matches up.

Dodson has findings that he would like to propose for the motion to deny. The first one is that this land is guided urban medium density. Dodson is wondering if the intent of guiding this property medium density was to provide a gradual transition from low density to high density/Commercial.

Williams stated that he was on the I94 work group. They looked at the whole City and determined what amount of sewered housing they needed to meet the Met Council requirement. They wanted to minimize the amount of high density. They tried to accommodate as much as they could with Low and Medium density. That's why between the commercial and low density, medium was used vs. high density. There wasn't a need for a lot of high density to satisfy the Met Council. Since that time, the Met Council targets are lower than they were then, so it further reduces the need for high density. There is still some land guided for high density residential further east.

Kreimer stated that the idea was to graduate the density so that there was not such a significant change in density. William stated that the comments that the Comprehensive Plan was done in haste and without good thought, is totally wrong. The City had meetings and meetings and meetings about it. The Comprehensive Plan was the result of many hours of deliberations. The City is currently conducting the same meetings for the Comprehensive Plan update. These are decisions that are not made in haste.

Dodson would like to propose the finding that the land is guided as Urban Medium Density as a graduation between Urban Low Density and Urban High Density/Commercial.

M/S/P: Dodson/Lundquist, move to add a finding of fact that the current guidance of Urban Medium Density is considered sufficient graduation from the Commercial to the Urban Low Density, **Vote: 4-3, motion carried.**

Hartley stated that it is trying to get at a consensus of opinion. Williams stated that findings of fact are not in state law, it just says findings. Johnson is concerned about using the term finding of fact when it is actually an opinion.

Dorschner stated that at the start of the last meeting, he thought this was a good product and a good fit, but he was moved by the people that spoke and the petition that was presented. He is thinking it should have been tabled vs denied to get more information. He did feel that it was consistent with the Comprehensive Plan and a good transition. He doesn't feel it is too different from the transition to the North where there is small lots against acreage. Dorschner took exception with the Mayors comment that the Planning Commission was shaken at the meeting. Dorschner is inclined to move to reconsider as there seems to be unwarranted fear. Dorschner stated that things change and he doesn't see property values decreasing.

Emerson feels that 5<sup>th</sup> Street Lane also provides a sufficient transition and buffer from Urban Low Density to Urban High Density.

Larson feels that because this is rental property, there is a lot more concern than if there was ownership.

Williams stated that there is no objective way to state if Medium Density or High Density is better. The Planning Commission is the gate keeper of the guidance of the Comprehensive Plan and Zoning. It is their job to decide if a proposal meets the standards or if they should change the standards. It comes down to what the City wants.

Lundquist stated that the Planning Commission votes 7-0 for denial and she thinks the only thing that the Planning Commission should be looking at tonight are the facts that brought them to that decision.

Dodson feels that the one thing that is different between past Comprehensive Amendments is that there is less pressure from the Met Council and there is significant opposition to this development. The current Comprehensive Plan is the will of the people and with the significant opposition, that is reason for denial.

M/S/P: Lundquist/Williams, move to add a second finding of fact that there is significant opposition to this project based on public comment and the petition with over 75 signatures, **Vote: 7-0, motion carried unanimously.**

M/S/P: Williams/Lundquist, move to add a third finding of fact that no benefit to the City has been proposed significant enough to justify changing the current Comprehensive Plan for this property, **Vote: 4-3, motion carried.**

Dorschner is wondering why it would not be sufficient if the City gains tax benefit and if there is more residential units to ease the pressure in other areas and adding access on Hudson Blvd. Williams stated that to him, that is not a sufficient reason because any proposal could offer the same access. Williams stated that his opinion is that the City doesn't need more market rate housing, but needs more affordable housing. He feels that if a portion of this development came in as affordable, in his opinion that would be sufficient.

Johnson stated that leaving the property vacant, would have a much greater negative impact on the Savona neighborhood than having this type of development.

Hartley stated that there needs to be a respect of the private property rights for the landowner to realize the value of his property. He doesn't feel that the change in guidance is that big of a problem for the neighboring properties. He feels that reconsidering the denial is the appropriate action.

Lundquist stated that Continental has not purchased this property yet. If continental purchased the whole piece of property vs. a portion and put the same development on it, they would fall within Urban Medium Density. They would be at 7 units per acre.

Larson stated that Continental has really done their due diligence and they really want to be a part of this community.

Dorschner is looking at what is in the best interest of the City. He feels Lake Elmo needs an additional demographics of young people that might want to rent something like what Continental is offering.

M/S/F: Dorschner/Hartley, move to reconsider the Continental project as this is the type of project is something needed in Lake Elmo, **Vote: 3-4, motion fails.**

Dodson agrees with some of the points made, but feels that they need to be the gate keepers of the Comprehensive Plan. Williams stated that the current guidance is the result of much deliberation. The City is undergoing a current Comprehensive Plan revision with a lot of deliberation. Williams feels it is advisable to wait for the results of those deliberations rather than changing the Comprehensive Plan at this time. Williams stated that there are other areas of the City guided high density, although there is not sewer available.

M/S/P: Williams/Dodson, move to add a fourth finding that other property is guided for Urban High Density along the I94 corridor, **Vote: 6-1, motion carried.**

Larson asked if Continental was interested in moving into the high density area not sewerred, how long it would take to get the ball rolling to have sewer to the area. Handt stated that the practice in the past has been to have development pay for that cost. It is about 1500 feet from the interceptor along Hudson and to go north. Handt is not sure how far that parcel is, but it could take some significant time for that parcel to be sewerred. Handt stated that the City does not build that infrastructure. It is all developer built.

#### **City Council Updates – November 7, 2017 Meeting**

- i) Zoning Map Amendment to Rezone City Parks – approved
- ii) CPA & ZTA for Density in OP Developments – tabled to December 5
- iii) Easton Village 2<sup>nd</sup> & 3<sup>rd</sup> Development Agreement Amend - Denied

#### **Staff Updates**

- 1. Upcoming Meetings
  - a. November 27, 2017
  - b. December 11, 2017
- 2. MAC CEP Report
- 3. Comprehensive Plan Update

#### **Commission Concerns**

Hartley stated that in the discussion in the Comprehensive Plan meeting it is clear that items that come to the Planning Commission should go to the Park Commission first. This is because they need to be involved in the Plat decisions in regards to Parks. It would streamline things if it went to Park Commission first with a memo that goes to Planning Commission with their packet. Handt stated that it isn't always possible to bring to Park Commission before Planning Commission because of timing. New developments always go to Parks before it is brought to City Council.

Kreimer stated that we do have a lot of parks, but are they in the right places? Has there been any talk about reallocating land to put them in the right place.

Meeting adjourned at 10:35 pm

Respectfully submitted,

Joan Ziertman  
Planning Program Assistant



PLANNING COMMISSION  
DATE: 11/27/17  
AGENDA ITEM: 5A– BUSINESS ITEM  
CASE #N/A

ITEM: 2018 Planning Department Work Plan

SUBMITTED BY: Emily Becker, Planning Director

REVIEWED BY: Joan Ziertman, Planning Program Assistant  
Ben Prchal, City Planner  
Kristina Handt, City Administrator

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**SUMMARY AND ACTION REQUESTED:**

Staff is respectfully requesting that the Planning Commission review the Planning Department Work Plan for 2018.

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**REQUEST DETAILS:**

As 2017 closes, the Planning Department Staff has updated the 2017 Planning Department Work Plan for 2018. Staff has attached an annotated 2018 Planning Department Work Plan with comments for the Commission's review. To summarize:

The following projects have been completed:

- Wireless Communications Ordinance for Microcell technology
- Create V-LDR and V-MDR districts and regulations
- Repeal Article XIV-OP Alt District
- Obtain DNR approval and adopt final version of Shoreland Ordinance
- Amend Rural Single Family land use description to allow for sewer service within the MUSA and amend Village MUSA
- Update City's Master Development Agreement
- Updating the AUAR

Some projects are currently in progress:

- Platting for minor subdivisions
- Washington County Landfill zoning
- Rural Density north of 10<sup>th</sup> Street
- Review of 201 Systems policies and management practices.

A few projects have been listed as a priority but should follow the comprehensive plan update.

- Codification – codes will likely change to reflect changes to land use.
- Review of wastewater chapter of the comprehensive plan – this will be addressed in the comprehensive planning process.

- Plan for population reductions as a result of the 2015 System Statement – this will be addressed in the comprehensive planning process.
- Update parks and trails system plan – this will be updated with the Comprehensive Plan update.
- Form based zoning – the comprehensive plan may impact the priority and need for the form based zoning project.

A number of project occur yearly or are ongoing and the work plan should be amended to reflect this:

- Updating the parks CIP
- Citywide CIP review
- Tracking planning and other review against escrows
- Provide support for Code Enforcement
- File archiving and management
- Scanning planning files into Laserfische system
- Streamlining and improving policies/procedures.

There are a number of projects that are unclear as to the purpose and need that the Planning Commission should provide Staff some direction:

- Public Facilities ordinance amendments
- Outdoor Lighting Ordinance amendment
- Prepare CPA to guide RR and A parcels less than 20 acres in size to RE

New project for Commission review include:

- Driveway Ordinance Amendment
  - Including driveway regulations within the Zoning Code and making amendment to current ordinance.

**REQUESTED ACTION:**

Staff is respectfully requesting that the Planning Commission review the Planning Department Work Plan for 2018.

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**ATTACHMENT:**

- 2018 Planning Department Work Plan (with comments)

## 2018 Planning Department Work Plan

Prepared by the Lake Elmo Planning Commission: 11/27/17

Accepted by the City Council: \_\_\_\_\_



### Key

<b>Status</b>	C – Complete IP – In Progress
<b>PL</b>	Priority Level (1-5 with 1 being the highest priority)

Project and Description	PL	Status
<b>Zoning Map Amendments</b>		
• Update Zoning Map to change Village parcels to VMX consistent with the Comprehensive Plan	2	C
<b>Zoning Text Amendments</b>		
• Codify Zoning Ordinance	1	IP
• Public Facilities ordinance amendments	5	
• Home Occupation Ordinance	3	
• Update PUD Ordinance to match OP PUD Process	2	IP
• Outdoor Lighting Ordinance Revisions	5	
• Wireless Communications Ordinance for Microcell technology	4	C
• Create new zoning district for Washington County Landfill consistent with the MPCA	3	IP
• Create V-LDR-V-MDR District and Regulations	4	C
• Repeal Article XIV – OP Alt District	3	C
• Draft a form-based code to supplement the Village Mixed-Use zoning district based on the scope of work (Incorporate design standards from the Design Standards Manual as part of a form-based code)	5	
• Obtain DNR approval of revised Shoreland Ordinance	4	C
• Adopt final version of Shoreland Ordinance based on DNR approval	4	C
• Resolve zoning conflicts with the Metropolitan Airports Commission, Met Council, MnDOT, and Washington County	4	IP
• Implement City airport zoning regulations for the airport safety zones within the Village Planning Area	4	IP
• Solar garden/solar power ordinance	3	IP
• Wind power ordinance	3	IP
• Sign Ord. – along freeway (10 <sup>th</sup> St to I-94 area) and monument signs in development (size and number)	2	IP
• AirBNB/Bed and Breakfast Ordinance Amendment	4	IP
• Driveway Ordinance Amendment	4	IP
<b>Subdivision Ordinance Amendments</b>		

**Commented [EB1]:** Staff has incorporated changes from past ordinance amendments in to the Zoning Code and provided the Planning Commission with updated copies, but actual codification will not be done until after the Comprehensive Plan Amendment has been adopted.

**Commented [EB2]:** Staff is looking for further clarification on this.

**Commented [EB3]:** The definition has been amended, and this is something that the Planning Commission and Council have looked at a number of times. Is this something that should still be updated?

**Commented [EB4]:** This was not in the Zoning Code and so was not reviewed by the Planning Commission. This has

**Commented [EB5]:** This will be brought to the Council tentatively in December.

**Commented [EB6]:** This was adopted by Council on May 16, 2017

**Commented [EB7]:** This was adopted by Council on February 21, 2017

**Commented [EB8]:** This was adopted by Council on March 7, 2017

**Commented [EB9]:** This was adopted by Council on March 7, 2017



• Platting for Minor Subdivisions	5	IP
• Update subdivision submission requirements	1	IP
• Prepare update to incorporate updated engineering standards	4	IP
<b>Comprehensive Plan Amendments</b>		
• 2040 Comprehensive Plan Update	1	IP
• Plan for possible density reductions and reguiding land use in the Village and I-94 area to address changes in the 2015 system statement	1	IP
• Amend Rural Single Family land use description to allow for sewer service within the MUSA & Amend Village MUSA	4	C
• Assist with the creation of a master plan for selected City parks, provide assistance to Parks Commission as needed	3	IP
• Prepare CPA to guide RR and A parcels less than 20 acres in size to RE	1	
<b>Other Planning Initiatives</b>		
• Submit application for new Village Parkway railroad crossing	2	
• Update Village AUAR	1	C
• Develop a policy or ordinance for stormwater reuse.	3	
• Update City's Master Developer Agreement	4	C
• Add/Review Planning Module from Permit Works to track planning and zoning applications	3	
• Investigate conservation easement holder options/city policy	1	
• Research /develop drone policy or ordinance	5	
<b>Ongoing Planning Activities</b>		
• Planning Commission review of Capital Improvement Plan for consistency with the Comprehensive Plan	2	C
• Provide support to code enforcement program with the Building Inspector as the City's code enforcement officer	3	IP
• Conduct review of 201 (community) septic system policies and management practices. Develop system for proper oversight, billing, and maintenance of community systems.	3	IP
• Archive older zoning files	4	IP
• Streamline & Improve Policies/Procedures for the handling of routine land matters including but not limited to variances, site plan review, setbacks et al;	1	IP

**Commented [EB10]:** This will be done with Comprehensive Plan 2040 Update

**Commented [EB11]:** This was adopted by Council on July 5, 2016

**Commented [EB12]:** This will be done with the Comprehensive Plan 2040 Update

**Commented [EB13]:** This was done in December of 2016

**Commented [EB14]:** This has been done

**Commented [EB15]:** This is being done with the Comprehensive Plan 2040 Update





## **STAFF REPORT**

DATE: November 27, 2017

**BUSINESS**

ITEM #: 5b

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

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### **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 meeting and provided recommendations on amendments to the current ordinance, and Staff has since drafted ordinance amendments, focusing particular in on amendments requested by Council.

### **ISSUE BEFORE THE COMMISSION:**

The Commission is being asked to review proposed ordinance amendments and provide feedback. A public hearing will be scheduled for the next Planning Commission meeting.

### **REVIEW/ANALYSIS:**

The Planning Commission had the following comments in regards to subdivision signs during their discussion regarding the sign ordinance on August 14, 2017:

- Number of signs should be based on the number of entrances.
  - *Staff comment:* Staff has drafted an ordinance amendment that allows one entrance monument per subdivision entrance.
- There should be one large sign for the main entrance and smaller signs at other entrances.
  - *Staff comment:* Staff has drafted language that allows one 32 square foot monument sign at the main entrance and 24 square foot sign at other entrances.
- *Staff comment:* Staff has also drafted an amendment to the prohibition of signs within the public right-of-way, as some subdivision signs are within public right-of-way boulevards (such as Torre Pines, for example). Additionally, it has been requested of Staff a number of times to allow directional signs within the right-of-way. Staff has borrowed language from the City of Woodbury which allows subdivision signs to be in the right-of-way subject to an encroachment and license agreement from the appropriate jurisdiction and directional signs to places of worship, schools, parks and public buildings within the City to not exceed

four square feet to be placed in the street right-of-way to be placed in the right-of-way subject to the approval of the road authority.

The Planning Commission had the following comments in regards to signs along the I-94 corridor:

- Larger signs should be allowed in this area to increase economic development.
- LED and flashing lights should not be allowed.
  - *Staff comment:* Illumination on signs is already subject to the sign illumination section of the ordinance. Also, flashing lights are not allowed. Staff has drafted in the ordinance that LED lighting is also not allowed except for “Open” and “Closed” signs.
- Allowance for larger signs should not be applied toward the entire area of I-94 to 10<sup>th</sup> Street.
- The larger signs should adhere to the Lake Elmo Design Guidelines and Standards.
  - *Staff Comment:* Signage is already regulated in the Lake Elmo Design Guidelines and Standards.
- The size should not be too large; 95-100 square feet should be more than enough.
  - *Staff Comment:* Staff researched nearby cities along the I-94 corridor to see if different square footage was allowed along this corridor and has prepared the following table for comparison:

City	Designates Different Maximum Size for Signage within I-94 Corridor?	Maximum Sign Size	Maximum Sign Height
Woodbury	Yes	150 square feet not more than 100 feet from freeway property lines and allows a second sign of up to 80 square feet on second frontage	30 feet for freeway signs and 20 feet for all other non-residential signs
Oakdale	Yes	80 square feet and 150 square feet for property abutting a freeway right-of-way in addition to allowed free-standing sign	30 feet for signs adjacent to freeway right-of-way
Maplewood	Yes	180 square feet on principal arterial streets	25 feet for signs on properties abutting

			principal arterial streets
Landfall	No	180 square feet	12 feet
Stillwater	Yes – along Highway 36 corridor	30 square feet in commercial districts and 100 square feet in business park district	6 feet in the commercial districts and 25 feet in the business park districts along Highway 36, 20 feet along County Road Five

- The previous sign ordinance allowed a maximum sign size of 150 square feet if within 50 feet of the property line nearest the and a maximum height of 30 feet.
- Variances may be a better idea since it gives the City more control.
- *Staff comment:* Additionally, to make the size regulations a little less confusing, Staff has drafted language with replaces allowing sign size based on number of traffic lanes and speed limit with street classification.

The Planning Commission also had a few other comments in regards to the Sign Ordinance:

- Planning Director should be changed to Planning Department in the Sign Permits and Fees section.
  - *Staff comment:* This has been changed.
- A sign permit should be valid for more than 6 months.
  - *Staff comment:* Building permits are only valid for six months, and so signs should adhere to this same regulation.

**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 Planning Commission may:

- Not direct Staff to make amendments to Ord. 08- amending certain aspects of the City’s Sign Ordinance and bring back to the next Planning Commission meeting for a public hearing.
- Make amendments to Ord. 08- amending certain aspects of the City’s Sign Ordinance.
- Suggest additional amendments to the City’s Sign Ordinance to add to Ord. 08- amending certain aspects of the City’s Sign Ordinance.

**RECOMMENDATION:**

Staff recommends that the Planning Commission review Ord. 08- and provide feedback.

**ATTACHMENTS:**

- Section 154.212: Sign Regulations of the Zoning Code.
- Draft Ord. 08- Sign Ordinance Amendment

- C. *Size.* Unless otherwise specified in this chapter, a required loading berth shall be not less than twelve (12) feet in width, fifty (50) feet in length and fourteen (14) feet in height, exclusive of aisle maneuvering space.
- D. *Access.* Each required loading berth shall be located with appropriate means of vehicle access to a street or public alley in a manner which will least interfere with traffic. Driveway design is specified in Section 154.209 of this Article.
- E. *Surfacing.* All loading berths and access ways shall be improved with a durable material to control the dust and drainage.
- F. *Accessory Use.* Any space allocated as a loading berth or maneuvering area in accordance with this Section shall not be used for the storage of goods, inoperable vehicles or required off-street parking.

(Ord. 08-078, passed 5-07-2013)

#### **§ 154.212 SIGN REGULATIONS.**

- A. *Purpose and Intent.* The purpose of this Ordinance is to provide standards to safeguard life, health, and property and to promote the public welfare by regulating the design, area, number, construction, location, and installation of all signs referred to hereunder. The City Council and Planning Commission of the City of Lake Elmo find that the visual environment has an effect on the welfare of the citizens of Lake Elmo and that careful control of signage can protect and enhance the community. To carry out this general purpose, the regulations set forth herein are intended to:
  - 1. Protect the public from hazards that result from signs which are structurally unsafe, obscure the vision of motorists and/or compete or conflict with necessary traffic signals and warning signs.
  - 2. Preserve the land value of private property by assuring the compatibility of signs with nearby land uses.
  - 3. Foster high quality commercial and industrial development and to enhance economic development of existing businesses and industries by promoting reasonable, orderly, attractive and effective sign that meet the need for business identification, advertising and communication.
  - 4. Encourage creative and well-designed signs that contribute in a positive way to the community's visual environment, express local character and help develop a distinctive image in the city. When appropriate, signage is encouraged to utilize design elements that are consistent with the Lake Elmo Branding and Theming Study.
  - 5. Recognize that signs are a necessary form of communication and provide flexibility within the sign review and approval process to allow for unique circumstances.
  - 6. Provide applicants with clear and consistent rules and regulations.

B. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Abandoned Sign.* Any sign remaining in place which for a period of ninety (90) consecutive days or more no longer advertises or identifies an ongoing business, product, service, idea, or commercial activity located on the site or has not been properly maintained in accordance with the requirements of this Ordinance.

*Ancillary Sign.* A wall sign separate from and subordinate in area to the principal sign, identifying generic services, goods or departments in the building, such as pharmacy, optical, auto repair, or garden center, but not including the identification of brand names.

*Attention-Attracting Object.* Any streamer, pinwheel, pennant, flag, propeller, inflatable sign, statuary, tethered balloon, bunting, beacon, or other artificial device, figure, shape, color, sound, light or exhibit, whether live, animated, or still, that is intended to attract attention to the use or business being conducted on the site. Attention-attracting object does not include the flag of any governmental country.

*Awning.* A roof-like cover consisting of fabric, plastic or structural protective cover that projects from the wall of a building which generally serves the purpose of shielding a doorway, entrance, window, or outdoor service area from the elements or to provide decorative distinction.

*Banner.* A suspended sign made of a flexible material such as canvas, sailcloth, plastic, paper, or fabric of any kind, and intended to be displayed on a temporary basis. A decorative banner is a banner containing no message or logo that is displayed for the purpose of adding color or interest to the surroundings or to the building to which it is attached. A flag or canopy shall not be considered a banner.

*Beacon.* A stationary or revolving light that flashes or projects illumination, single color or multicolored, in any manner that is intended to attract or divert attention.

*Business Opening Sign.* A temporary sign displayed prior or in addition to permitted permanent signs to promote the opening of a new business, a change of name, or a change of ownership.

*Canopy.* A detachable, roof-like cover, supported from the ground or deck, floor or walls of a structure, for protection from the sun or weather.

*Changeable Copy Sign.* A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged manually without altering the face or the surface of the sign and on which the message changes less than eight times a day and less than once per hour. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall not be considered a changeable copy sign.

*Commercial Message.* A message that directs attention to or acts as advertising for a business, commodity, product, service, or form of entertainment or tends to encourage the occurrence of a commercial transaction related thereto.

*Comprehensive Sign Plan.* A complete signage plan for a building or lot that has been approved by the City.

*Construction Sign.* A sign identifying individuals or companies involved in design, construction, wrecking, financing, or development of a building or lot upon which the sign sits and/or identifying the future use of buildings or lot upon which the sign sits. Copy. Words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.

*Directional Sign, On-Premise.* A sign without commercial message erected for the purpose of indicating the required or preferred direction of vehicular, bicycle, or pedestrian traffic on private property including, but not limited to “no parking,” “entrance,” “exit only,” “loading only,” and other similar signage.

*Directional Sign, Off-Premise.* Any sign without commercial message that is displayed for the purpose of informing people of or guiding people to a particular place for a specified event, including, but not limited to, an open house, garage sale, estate sale or other similar event.

*Directly Illuminated Sign.* Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.

*Directory Sign.* A sign which serves as a common or collective identification for a group of persons or businesses operating on the same lot. Such a sign commonly lists the tenants, occupants, floor plan, addresses or suite numbers of an office complex, shopping center, or residential building complex.

*Election Campaign Period.* A period prior to a general election starting on August 1 until 10 days following the general election, or a period prior to a special election starting 13 weeks prior to the special election until 10 days following the special election.

*Electronic Variable Message Sign.* A changeable copy sign or portion thereof which can be electronically changed or rearranged without altering the face or the surface of the sign, not including signage or portions thereof displaying time and temperature.

*Façade.* Any separate face or surface of a building, including parapet walls, and roof surfaces or any part of a building which encloses or covers unusable space. Where separate facades are oriented in the same direction, or where the inside angle at the intersection of two surfaces is greater than one-hundred and thirty-five (135) degrees, they are to be considered as part of a single façade.

*Flag.* A device generally made of flexible material, such as cloth, paper, or plastic, and displayed from a pole, cable or rope. It may or may not include copy.

*Frontage.* The boundary of a lot that abuts a public street.

*Garage Sale Sign.* A sign advertising the sale of personal property including estate sales, yard sales or rummage sales used to dispose of personal household possessions.

*Government Sign.* Any sign erected by the City of Lake Elmo or any other governmental entity in the exercise of official government business and authority.

*Ground Sign.* Any free-standing sign that is supported by structures or supports in or upon the ground and independent of support from any building. A single sign structure having two identical or nearly identical faces back to back shall constitute a single sign. For the purposes of this definition, a ground sign is intended to refer to a primary,

permanent, ground-mounted sign, not a temporary sign or sign that is ancillary to the primary sign, such as a directional sign or portable sign.

*Hanging Sign.* A sign that is suspended from the underside of a surface and is supported by such surface.

*Indirectly Illuminated Sign.* A sign that is illuminated from a source outside of the actual sign.

*Inflatable Sign.* A freestanding or moored sign expanded or inflated with air or another gas, like a balloon, and which may rise and float above the ground.

*Legal Non-Conforming Sign.* Any sign which was lawfully erected and displayed on [City Clerk to insert effective date], but which does not conform to the requirements and limitations herein, or any sign which was lawfully erected and displayed on the effective date of any amendment to this Section, but which does not conform to such amendment.

*Logo.* A symbol or trademark commonly used to identify a business or organization.

*Memorial Sign.* A sign or tablet memorializing a person, event, place or structure.

*Menu Sign.* A permanent changeable copy sign associated with restaurants with drive-through windows, car washes, or other businesses with drive-up services which gives a detailed list of food or services available.

*Monument Sign.* A ground sign having 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.

*Noncommercial message.* A message intended to direct attention to a political, social, community or public service issue or an idea, aim viewpoint, aspiration or purpose and not intended to produce any commercial benefit or tend to encourage a commercial transaction.

*Off-Premise Sign.* A sign which displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution or any other commercial message, which is generally conducted, sold, manufactured, produced, offered, or occurs elsewhere than on the lot where such sign is located.

*On-Premise Sign.* A sign which displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution or any other commercial message, which is generally conducted, sold, manufactured, produced, offered, or occurs on the same lot as the sign.

*Pennant.* A tapered or dove-tailed banner or flag.

*Permanent.* When used in reference to a sign, means that the sign is constructed of durable materials and intended to exist for an indefinite period of time or the duration of the time that the use or occupant is located on the premises and is generally, but not necessarily, affixed to the ground or structure. Unless the context clearly dictates otherwise, the term "permanent" in this Ordinance is not intended to mean literal permanence, but rather it is meant to distinguish such signs from more transient or temporary signage.



*Pole Sign.* A ground sign mounted upon a pole or pylon, or multiple poles or pylons, not meeting the definition of a monument sign.

*Portable Sign.* A type of temporary sign that is not permanently attached to the ground or a building or not designed to be permanently attached to the ground or a building, including but not limited to, trailers or other vehicles that are used principally as a sign, posters, "sandwich boards" or other freestanding signboards, regardless of whether such signs are attached to the ground or to a building or structure.

*Projecting Sign.* A sign that is attached to the wall of a building and projects more than fifteen (15) inches beyond such wall.

*Real Estate Sign.* A sign advertising only the sale, rental or lease of the premises upon which the sign is located.

*Sign.* Any display of lettering, logos, colors, lights, or illuminated neon tubes visible to the public from outside of a building or from a traveled way, that either conveys a message to the public, or intends to advertise, direct, invite, announce or draw attention to any event, goods, products, services, facilities, persons, property interest or business.

*Street Frontage.* The distance for which a lot boundary adjoins a single public street.

*Temporary Sign.* Any sign that is not a permanent sign.

*Wall Sign.* A sign that is attached to a wall of a building and is affixed parallel to the wall at a distance of not more than fifteen (15) inches from the surface of the wall.

*Window Sign.* Any sign located completely within an enclosed building and visible from a public way or placed upon a window. Merchandise within the premises and visible from the exterior shall not be considered a window sign under this definition.

C. *Applicability.* The Sign Ordinance shall apply to any sign placed, erected, altered, maintained, or relocated within the city that is plainly visible, although not necessarily legible, from any public right-of-way or any lot in ownership separate from the lot upon which the sign is located.

D. Sign Permits and Fees

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 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.
2. *Application for Sign Permit.* All applications for sign permits shall be filed on a form supplied by the City. Such application shall be submitted with all required information provided and shall contain or have attached thereto the following information:
  - a. Date of Application

- b. Name, address, telephone number, and, if available, fax and email address, of the Applicant as well as of the person, firm, corporation, or association erecting the sign.
  - c. The written consent of the owner or lessee of the premises upon which the sign is to be erected, or the sworn statement of the applicant that the applicant is authorized by the owner, lessee or other authorized occupant of the premises to erect the proposed sign.
  - d. A scale drawing showing the existing and proposed location and dimensions of all buildings, structures, and signs on the subject property. For a ground sign, the drawing shall also indicate the following:
    - i. Distance of the sign from either the face of curb or sidewalk as well as its location relative to other ground signs, driveways, fire hydrants, and any other features of a site that could be obscured by the sign.
    - ii. A landscaping plan around the base of all ground signs.
  - e. The configuration of the proposed sign listing the height, width, total square footage, proposed copy, method of construction and attachment, method of illumination and description of all electrical equipment, sign materials and colors, and at least one image showing the location of the proposed sign and its relationship to either the building to which it is to be mounted or the surrounding lot if it is a ground sign.
  - f. The total area and number of all signs by type on the subject property both before and after the installation of the proposed sign.
  - g. For temporary signs, applications must be accompanied by a signed, written statement acknowledging the ordinance requirements governing the duration of time during which the sign may be displayed.
  - h. Such other information as the City may require to ensure compliance with this Sign Ordinance and any other applicable laws.
3. *Application Process and Review Procedure.* It shall be the duty of the Planning Director, upon the filing of an application for a sign permit, to examine the application for compliance with the requirements of this Section and, if deemed necessary by the Planning Director, to inspect the premises upon which the proposed sign is to be erected. If the application is complete and the proposed sign is in compliance with all the requirements of this Ordinance, and any other applicable laws, the following actions shall be taken:
- a. If the application is for a permanent sign that conforms to an approved Comprehensive Sign Plan that applies to the property upon which it is to be located, or for a permanent or temporary sign that adheres to the requirements of this Code, the Planning Director may issue a permit.
  - b. If an application for approval of a Comprehensive Sign Plan pursuant to §154.212.I is submitted with a development application subject to Planning Commission review and City Council Approval, the Planning Director shall

review the application and make a recommendation to the Planning Commission prior to issuing a permit.

- c. Except for applications for approval of a Comprehensive Sign Plan, applications shall be approved or denied within thirty (30) days of the filing of a complete application or be deemed approved unless an extension of time for review is granted, in writing by the applicant. Any decision of the Planning Director may be appealed to the Board of Adjustment and Appeals.
- d. In the event that a permit is issued but the sign authorized by the permit is not placed, erected, altered or relocated within six (6) months after the issuance of the permit, the permit shall expire and be null and void.
- e. Fees. A fee shall be charged for the permit in the amount set forth in the City's Fee Schedule.

E. *Design Review Criteria.* Signs shall meet the following criteria:

1. Any signage affixed to a building shall be dimensioned and located in such a manner that it fits the building's architectural features and proportions.
2. All signs shall be designed to fit the zoning and character of the surrounding area. Special consideration should be made where proposed signage is located on or adjacent to locally identified historic structures or publicly owned recreation and conservancy areas. Signage in Planned Unit Development, or in developments seeking Comprehensive Sign Plans, shall conform to the planned or existing dominant architectural theme of the area. Signage in or abutting residential properties should be designed and located so as not to create a nuisance.
3. Signs illuminated by lights shall be positioned in such a manner that none of the light spills over onto an adjoining property or glares or shines into the eyes of motorists or pedestrians. All signs must conform to the Sign Illumination standards in §154.212.F.7 and §150.035 (Lighting, Glare Control and Exterior Lighting Standards).
4. Landscape features shall be incorporated around the base of all permanent ground signs. Landscape plantings or other landscape materials shall not be considered as part of the allowable signage.

F. *General Sign Regulations.* This section pertains to all signs erected in the City of Lake Elmo. Additional regulations may apply based on sign type and zoning district in which the sign is to be displayed. Whenever regulations conflict anywhere within this Section or with any other applicable rule or regulation, unless expressly stated otherwise, the more restrictive provision shall control.

1. *Surface Area Calculation.* The sign surface area shall be calculated based on the area within the smallest single continuous rectilinear perimeter of not more than eight (8) straight lines encompassing all elements of the actual sign face including any writing, representation, emblems or any figure or similar character together with any material forming an integral part of the display or forming the backing surface or background on which the message or symbols are displayed, but excluding any support structure. For a sign painted on or applied to a building, the

area shall be considered to include all lettering, wording and accompanying design or symbols, together with any background of a different color than the natural color, or finish material of the building. Area of signs displaying copy on two parallel, back-to-back faces not separated by more than twelve (12) inches shall be calculated with reference to a single face only.

2. *Sign Location, Placement and Setback Requirements.* Except as provided elsewhere in this Section, all signs shall be subject to the following requirements:
  - a. *Limitations Based on Building Setbacks*
    - i. Except as provided in subparagraph (b), no part of any permanent or temporary sign shall extend over a property line.
    - ii. Where buildings are lawfully permitted to exist on the property line, a permanent sign attached to a building may project not more than six (6) feet over the abutting public sidewalk or right of way provided that the bottom of the sign components are located no less than eight (8) feet above the ground immediately beneath such sign. No sign may project over adjacent private property. Any ground sign shall be located on the premises unless it is an authorized temporary sign for which a valid permit is in effect.
  - 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; or
    - ii. A sign erected in conformity with subparagraph (a.ii) of this subsection.
  - c. *Safety of Motorists and Non-Motorists*
    - i. No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure the vision of road users, or otherwise obstruct, interfere with the view of, or be confused with, any authorized traffic control sign, signal or device.
    - ii. No ground sign, with the exception of government signs, may be placed within 10 feet of a fire hydrant, within 15 feet of a crosswalk, or within 15 feet of the intersection of any circulation lane, driveway or alley.
    - iii. No sign exceeding a height of thirty (30) inches may be placed within the vision triangle as defined in §11.01.
    - iv. No sign or structural components shall obstruct passage on a sidewalk or walkway.
  - d. *Additional Regulations Pertaining to Placement of All Signs.* Except for a sign erected by, or required by, a government agency or temporarily erected to protect the health and safety of the general public:

- i. No sign shall be attached to a fence, tree, shrubbery, utility pole or like items on either public or private property, and no sign shall obstruct or obscure primary signs on adjacent premises.
    - ii. No sign shall extend beyond the perimeter of a permanent structure or obstruct any window, door, fire escape, ventilation shaft or other area that is required to remain unobstructed by an applicable building code.
    - iii. No sign shall be mounted upon any roof of any building or structure.
  - e. *Americans with Disabilities Compliance.* Sign placement shall meet all Americans with Disabilities Act (ADA) requirements.
3. *Construction and Structural Requirements.* Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe. Every sign shall be designed and constructed in conformity with the applicable provisions of the Minnesota State Building Code and shall be free of any exposed extra bracing, angle iron, guy-wire or cables. The base or support of all permanent ground signs shall be securely anchored to an appropriately designed concrete base or footing per the State Building Code.
4. *Load Requirements.* All signs and other advertising structures shall be designed and constructed to meet all load requirements according to all applicable regulations in the Minnesota State Building Code.
5. *Installation.* All signs shall be properly secured, supported and braced. No sign or any part thereof, or anchor, brace, or guy-wire shall be attached, fastened or anchored to any fire escape, fire ladder or standpipe, and no sign or any part thereof, or anchor, brace or guy-wire shall be erected or maintained which may cover or obstruct any door, doorway, or window of any building or which may hinder or prevent ingress or egress through such door, doorway or window, or which may hinder or prevent the raising or placing of ladders against such building in the event of fire. All signs or attention-attracting devices shall be free of projections that could cause injury to a pedestrian and shall be installed in such a manner to avoid obstruction of a public sidewalk or street or portion thereof.
6. *Maintenance.* All signs, including nonconforming signs, and sign structures shall be maintained to preserve the appearance and structural integrity substantially identical to the new condition of the sign.
7. *Sign Illumination.* All illuminated signs shall comply with Section 150.035 (Lighting, Glare Control and Exterior Lighting Standards) and the following requirements:
  - a. *Electrical Permit.* All signs in which electrical wiring and connections to be used shall comply with all applicable provisions of the State Electrical Code.
  - b. *Voltage Displayed.* The voltage of any electrical apparatus used in conjunction with a sign shall be conspicuously noted on that apparatus. In addition, all electrical signs shall bear the label of approval of a recognized

testing laboratory and be equipped with a watertight safety switch that is located where the electrical supply enters the sign.

- c. *External Illumination.* All external lighting fixtures shall be steady, stationary, fully-shielded and directed solely onto the sign, and shall use lighting designed to minimize light spill and glare. Lighting sources shall not be directly visible or cause glare to adjacent public rights-of-way or adjacent private property.
  - d. *Internal Illumination.* Internally illuminated signs shall permit light to shine fully through only the lettering and graphic elements of the sign. The background for such lettering and graphics shall be opaque or translucent and shall transmit light at a level substantially less than that transmitted through the lettering and graphics. If the contrast between the lettering or graphic elements and background does not permit adequate legibility, a translucent white boarder of up to one (1) inch in width may be placed around said lettering or graphic elements.
  - e. *Brightness Limitation.* Except for daytime displays on electronic variable message signs, in no instance shall the lighting intensity of any illuminated sign exceed:
    - i. Three (3) foot candles at the front lot line and one (1) foot candle at all other lot lines, measured three (3) feet above the surface of the ground.
    - ii. Fifty (50) foot candles measured perpendicular to the face of the sign from a distance equal to the narrowest dimension of the sign.
  - f. *Glare.* All artificial illumination shall be so designed, located, shielded and directed so as to prevent the casting of glare or direct light up adjacent public right-of-way or surrounding property.
  - g. Gooseneck and similar reflectors and lights shall be permitted on ground and wall signs provided, however, the reflectors and lights shall concentrate the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property. It shall be unlawful to maintain any sign which is wholly or partially illuminated by floodlights or spotlights, unless such lights are completely concealed from view from the public right-of-way.
8. *Motion as a Component of a Sign.* No sign shall have any flashing, scintillating, moving or blinking lights or rotating beacons, whether operated by electronic or mechanical means or wind driven, nor shall any floodlight, spotlight, or beacon utilize such actions to illuminate a sign. In addition, no beam of light shall be projected through a mechanism which periodically changes the color of the light reaching the sign.
9. *Attention-Attracting Objects.* The use of any attention-attracting object, as defined in this code, shall be allowed only as a temporary sign in conjunction with a special event permit, not to exceed ten (10) days per issuance. No permit shall be granted for any premises more than four (4) times in any calendar year; or more than once in any three month period.

10. *Lots having Multiple Street Frontages.* Business occupying corner lots, or multiple frontages adjacent to more than one public right-of-way, may display up to one additional ground or building-mounted sign for each additional frontage provided that such additional sign may not exceed 50% of the area allowed by the primary frontage and is oriented toward the additional frontage. For purposes of this code, the primary frontage shall be presumed to be the frontage upon which the main entrance to the building is located. The applicant, however, may identify a different frontage as the primary frontage to maximize the effectiveness of the signage.
  11. *Resemblance to Traffic Signs.* No sign shall contain or resemble any sign resembling in size, shape, message, or color any traffic control devices compliant with the Minnesota State Manual on Uniform Traffic Control Devices.
- G. *Limitations According to the Type of Land Use.* Unless exempt under §154.212.K or as expressly provided elsewhere, no permanent or temporary signs shall be displayed except in conformity with the following regulations as they correspond to the type of land use and districts in which the sign is to be displayed.
1. Residential Uses in Residential Districts
    - a. In connection with legal home occupations, a single sign which is limited in content to the name, address and legal home occupation of the owner or occupant of the premises, and which does not exceed two (2) square feet in area. Signs under this paragraph shall be wall signs only.
    - b. A residential condominium or multi-family apartment complex may display signs identifying the name of the condominium or apartment complex if the total acreage of the lot is one (1) acre or more and the condominium or apartment includes eight (8) or more units. One (1) wall sign and one (1) ground sign per street frontage may be displayed, with a maximum of two (2) wall signs and two (2) ground signs per lot. No identification sign shall exceed thirty-two (32) square feet in area, and the maximum height is one (1) story or twelve (12) feet above curb level, whichever is lower. For purposes of this paragraph, the term "lot," when used in reference to a condominium means all property within a common interest community.
    - c. Subdivision Identification Signs
      - i. *Number.* Each residential subdivision is allowed up to a maximum of two (2) subdivision identification signs. 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 twenty four (24) square feet.

- iv. *Setback.* Subdivision identification signs shall maintain a setback of at least ten feet from any street right-of-way.
- v. Changeable copy signs, including electronic variable message signs, are not a permitted sign type for subdivision identification signage.

(Ord. 08-124, passed 08-18-15)

- 2. *Institutional Uses in Residential Districts.* Non-residential uses located in residential districts, such as churches and schools, located in residential districts may erect signs as follows;
  - a. Wall and Ground Signs
    - i. *Area and Number.* One (1) wall sign and one (1) ground sign per street frontage may be displayed, identifying the entity, with a maximum of two (2) wall signs and two (2) ground signs per lot. Additional wall or ground signs for wayfinding purposes may be permitted when the size of the lot, number of vehicular or pedestrian entrances, and layout of the buildings require additional signs in order to promote traffic and pedestrian safety. Signs under this paragraph, whether displayed on a wall or on the ground, shall not exceed twelve (12) square feet in area, except such signs may be increased in area by one (1) square foot for each additional foot that the sign is set back more than twelve (12) feet from a lot line. No sign under this section shall exceed thirty-two (32) square feet in area.
    - ii. *Height.* No identification sign shall project higher than one story, or twelve (12) feet above curb level, whichever is lower.
  - b. Temporary Signs
- 3. Commercial, Mixed-Use and Industrial Districts
  - a. Ground Signs
  - b. Directory Signs
  - c. Awning and Canopy Signs
  - d. Wall Signs
  - e. Projecting Signs
  - f. Hanging Signs
  - g. Window Signs
  - h. Directional and Informational Signs
  - i. Corporate Flags and Decorative Banners
  - j. Temporary Signs
- 4. *Planned Development Districts.* No permanent sign shall be displayed except a sign authorized by the City and included in the Comprehensive Sign Plan



pertaining to the site. Temporary signs are permitted for commercial, institutional or industrial uses unless prohibited by the Comprehensive Sign Plan.

5. *Conservancies and Parks*. No sign shall be permitted except those installed by direction of the Public Works Director.
6. *Agricultural Sales Businesses*. Signage related to agricultural sales business may be erected as follows:
  - a. *On-Premises Signs, Agricultural Sales Businesses*. One (1) or more on-premises signs may be erected on a property in conjunction with an operating agricultural sales business subject to the following requirements and restrictions:
    - i. Agricultural sales businesses utilizing less than 10 acres of land specifically for the growing of agricultural crops for the businesses are allowed 1 on-premises sign not to exceed thirty-two (32) gross square feet of advertising surface.
    - ii. Agricultural sales businesses utilizing more than 10 acres of land but less than 40 acres of land specifically for the growing of agricultural crops for the businesses are allowed up to two (2) on-premises sign not to exceed forty-eight (48) gross square feet of total advertising surface, with no individual sign surface exceeding thirty-two (32) square feet in size.
    - iii. Agricultural sales businesses utilizing more than 40 acres of land specifically for the growing of agricultural crops for the business are allowed up to three (3) on-premises signs not to exceed sixty-four (64) gross square feet of total advertising surface, with no individual sign surface exceeding thirty-two (32) square feet in size.
    - iv. Any illuminated sign shall be consistent with §154.212.F.7 and illuminated only during those hours when business is open to the public for conducting business.
  - b. *Temporary Off-Premises Signs, Agricultural Sales Businesses*. Independent of the total allowable sign area for an individual property anywhere within the City, a temporary off-premises sign may be erected on a property in conjunction with an operating agricultural sales business subject to the following requirements and restrictions:
    - i. *Maximum Number*. Every agricultural sales business shall have no more than three (3) off-premises signs at any given time to direct the public to the location of the business.
    - ii. *Time Frame of Use*. Temporary off-premises signs may be erected for 45-day time periods no more than 4 times in any given calendar year. The required temporary sign permit shall stipulate the range of dates for each of the 4 allowable time periods in any given calendar year.

- iii. *Size and Height.* An off-site agricultural sales advertising sign shall not exceed 50 square feet in area and shall not be taller than 10 feet in height.
- iv. *Setbacks.* Off-premises signs shall be a minimum of 25 feet from all side property lines, and a minimum of 50 feet from other off-premises advertising signs.
- v. *Permission Required.* Applicants for off-premises signs shall acquire permission from the property owner upon whose land the sign is to be erected.

H. *Regulations Pertaining to Specific Sign Type.* Except as expressly provided elsewhere, signs shall meet the following regulations according to sign type:

1. Wall Signs

- a. *Number.* No building occupant shall display more than one (1) wall sign per street frontage except as provided below:
  - i. One additional wall sign may be displayed on a building with no front setback provided that such sign is a flat sign that is either painted upon the building or does not extend outward more than six (6) inches.
  - ii. Up to three (3) ancillary wall signs may be displayed on buildings measuring at least 100 feet in length along the front lot line. Any ancillary sign displayed under this paragraph shall not exceed 50% of the net area or 50% of the height of the largest permitted wall sign displayed on that façade, nor shall the aggregate area of the ancillary signs exceed 50% of the net area of such wall sign.
- b. *Surface Area.* The total permitted sign surface area of all wall signs on a façade shall not exceed one (1) square foot of signage for each lineal foot of building frontage that is coterminous with the occupancy to which the sign refers, unless a different amount allocated to the building occupant is identified in an approved Comprehensive Sign Plan pursuant to §154.212.I. In addition, no individual wall sign shall exceed one hundred (100) square feet in area.
- c. *Location.* Wall signs shall be mounted parallel to building walls and only on a portion of an exterior wall that is coterminous with the occupancy to which the sign refers, unless a different location is identified in an approved Comprehensive Sign Plan pursuant to §154.212.I. No wall sign shall extend above or beyond the wall to which it is attached.
- d. *Installation Requirements.* No wall sign shall cover or interrupt significant architectural elements such as columns, column caps, friezes, door or window heads, embellishments, adornments, fenestration, or ornamental detailing on any building. All mounting brackets and other hardware used to affix a sign to a wall as well as all electrical service hardware and equipment shall be concealed by architectural elements of the building or the sign itself.

2. Ground Signs

- a. *Number.* There shall be no more than one (1) ground sign for each street on which the lot has frontage, except one additional ground sign per lot frontage may be allowed for any lot frontage over one thousand (1,000) linear feet. On lots occupied by two (2) or more occupants, or where a second ground sign is permitted, three (3) or more occupants, a directory sign shall be used in lieu of multiple ground signs. No single business or building occupant shall be allowed signage on both an individual ground sign and a ground directory sign on the same street frontage. On premises having no principal building, there shall be no more than one (1) ground sign for the premises.
- b. *Surface Area.* No ground sign shall exceed the size listed in Table 5-3.
- 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. 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%).
- d. *Location.* Ground signs shall be placed with consideration for visibility, access, maintenance, and safety, consistent with the provisions of Section 154.212.F.2. Ground signs shall be located beyond required setbacks a distance equal to or greater than the height of the sign. If this is not possible, ground signs shall be located as far from required setback lines as possible. In no case shall a ground sign, as defined in this Ordinance, extend beyond a lot line of a property. A ground sign larger than 6 sq. ft. shall be located no closer than 100 feet of another ground sign or the furthest distance possible from another ground sign, whichever distance is shorter.
- e. *Height*
  - i. The height of a ground sign shall be measured from the approved grade at the base of the sign or the elevation of the street upon which the sign faces, whichever is lower, to the top of the highest attached component of the sign.
  - ii. A ground sign shall be mounted on a base not to exceed four (4) feet in height.
  - iii. Allowable height of a ground sign shall be as set forth in Table 5-3.
  - iv. No ground sign shall be taller than the principal building on the premises to which it pertains.
- f. *Landscaping.* Perennial plantings, grass or other landscaping features shall be incorporated around the base of all ground signs.
- g. *Exempt or Special Purpose Ground Signs.* The location of and maximum height and surface area of any other exempt or special-purpose ground sign expressly authorized by another section of this ordinance, shall be as set forth in such other section.

**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 the speed limit on the adjacent roadway. For ground signs on zoning lots with more than one street frontage, use the miles per hour on the street with the faster speed limit to determine the maximum height and area allowed.

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.)
1-3	0-34	-	6'/32	10'/32
	35-44	-	6'/32	10'/50
	45+	-	6'/32	10'/72
4-5	0-34	-	6'/32	10'/40
	35-44	-	6'/32	10'/64
	45+	-	6'/32	12'/80

**Notes to Table 5-3:**

a. Ground signs are only permitted in the A, RR, and RT districts in conjunction with agricultural sales business.

3. Window Signs

- a. *Location.* All window signs must be located inside an exterior window unless the sign is weatherproof and does not pose a danger from falling or being blown by the wind. Lettering or graphic elements that are directly mounted on a window shall not encroach upon the frame, mullions, or other supporting features of the glass.
- b. *Permanent Signs.* When a sign is painted on or otherwise attached or applied to the window area in a permanent manner, then such a sign shall be included in the total allowable wall sign area for the building and shall not exceed twenty (20) percent of the total ground-floor window area of the building, excluding the door windows. All permanent window signs which have their lettering or graphic elements directly on the glazing shall be painted, metal leafed, vinyl transferred, or in some other manner permanently applied to the interior side of the glass of an exterior building window or door. No application using a temporary adhesive shall be permitted unless the Planning Director determines the application to be reasonably safe.

- c. *Temporary Signs.* Signs advertising sales and specials shall not exceed thirty (30) percent of the total ground-floor window area of any building, excluding the door windows. Such signs must be displayed in conformance with the temporary sign regulations listed in §154.212.J.
- d. Under no circumstances shall any combination of permanent or temporary window signage cover more than fifty percent (50%) of the total ground window area of any building.

4. Changeable Copy Signs

- a. Changeable copy signs are not an additional permitted sign type, but any permitted sign type maybe be a changeable copy sign, provided that the total surface area of the entire sign does not exceed the maximum allowed for the type and location of sign upon which the changeable copy is displayed.
- b. *Electronic Variable Message Signs.* Any sign type may be an electronic variable message sign subject to the following regulations:
  - i. *Surface Area.* The areas of electronic variable message signs capable of displaying copy shall not exceed forty (40) square feet and shall be included within the maximum aggregate sign surface area allowed for the type and location of sign upon which the changeable copy is displayed.
  - ii. *Length of Cycle.* The electronic changeable copy or images shall not alternate, change, fade in, fade out, or otherwise change more frequently than once every ten (10) seconds. Electronic variable message sign signs may not display scrolling, racing, pixelating or moving characters or images, or similar actions that convey motion.
  - iii. *Color.* All copy, characters or other changeable images shall be of one (1) color only, with light copy on a dark background.
  - iv. *Brightness Adjustment.* An electronic variable message sign shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination such that the light level does not exceed three (3) foot candles at the front lot line and one (1) foot candle at all other lot lines, measured three (3) feet above the surface of the ground.
  - v. *Maintenance.* Any electronic variable message sign shall be maintained so as to be able to display messages in a complete and legible manner.

5. *Canopy and Awning Signs.* The use of canopy and awning signs reduces the maximum area of any allowed wall sign by half. Canopy and awning signs are subject to the following provisions:

- a. *Surface Area.* The sign surface area of a canopy or awning sign shall not exceed fifteen (15) percent of the area of the vertical section of the canopies and awnings. The area of the vertical section of the canopies and awnings is calculated as the difference between the highest and lowest point on the

canopy or awning multiplied by the length of the canopy or awning measured parallel to the façade upon which it is attached.

- b. Location
    - i. Canopies and awnings shall be constructed and erected so that the lowest portion of the projecting frame thereof shall be not less than nine (9) feet, and the lowest portion of the descending skirt shall be not less than eight (8) feet above the level of the sidewalk or public thoroughfare.
    - ii. No portion of the canopy or awning sign shall extend above or beyond the canopy or awning upon which it is attached. However, a sign may be hung beneath a canopy parallel to the building frontage so long as it and its structural components are no less than eight (8) feet above the ground immediately beneath the sign.
    - iii. Awnings shall not project more than seventy-two (72) inches out from the building upon which they are attached, nor extend out from the building beyond the extension of the awnings on adjoining buildings.
  - c. *Installation Requirements.* To preserve the architectural integrity of a building, no canopy or awning, and no canopy or awning sign, shall cover or interrupt significant architectural elements such as columns, column caps, friezes, door or window heads, embellishments, adornments, fenestrations or ornamental detailing.
  - d. *Illumination.* Awnings and canopies may be illuminated where the following conditions are maintained:
    - i. Both interior type strip lighting and exterior type goose neck lighting is permitted, not exceeding a maximum light level of 18 foot candles measured three (3) feet from the perpendicular to the light source.
    - ii. The bottom of any illuminated awning or canopy shall be enclosed.
    - iii. The provisions of §154.212.F.7 are satisfied.
  - e. *Materials.* Canopy and awning signs shall be made of either the material with which the canopy or awning is covered or other water proof materials affixed flush to the face of the canopy or awning, or be painted directly on the awning or canopy material with weather-resistant paint.
  - f. *Snow Load.* It is found that snow and ice that accumulates on awnings can pose a danger to pedestrians. To ensure the safety of pedestrians, snow and ice shall be removed from awnings within a reasonable time period after an event of snow and ice accumulation.
6. *Hanging Signs.* One sign up to six (6) square feet in area may be suspended above a walkway near a primary building entrance so long as it and its structural components are no less than eight (8) feet above the ground immediately beneath the sign.

7. *Projecting Signs.* A projecting sign may be displayed in lieu of a wall sign and subject to the following restrictions:
  - a. *Maximum Projection.* The maximum distance a projecting sign may project is not more than twenty-four inches (24") into the right-of-way. Subject to zoning setback limitations, a projecting sign may project no more than six feet (6') from the building face.
  - b. *Location.* A building may have one (1) projecting sign facing a street or on a corner of the building.
  - c. *Surface Area.* The permitted area of a projecting sign shall not exceed the square footage for the amount that would otherwise be allowed for a wall sign on the building.
  - d. *Height.* A projecting sign must vertically clear any pedestrian area by at least eight (8) feet and vehicular ways by at least fourteen (14) feet. A projecting sign may extend to the juncture of the roof with the building wall or to the top of any parapet, but no projecting sign may extend above a second story.
8. *Directional Signs.* On-premise directional signs may be placed on private property near driveway entrances, at building entrances, and in parking lots and loading areas where reasonably necessary. Each such sign shall be located on premise and shall adhere to the regulations pertaining to vision triangles and other setbacks as defined in §154.212.F.2. Such signage shall be considered exempt from the total signage calculation for the premises as long as all the following standards are met:
  - a. Such signage does not serve an additional advertising purpose.
  - b. There are no more than three (3) directional signs per lot, not including a maximum of one (1) directional sign allowed per driveway entrance/exit.
  - c. Surface area per sign does not exceed four (4) square feet.
  - d. Logos do not exceed two (2) square feet in area per sign.
  - e. Sign height does not exceed five (5) feet above ground elevation at base of sign.
9. *Flags and Decorative Banners.* The following regulations apply to all flags and decorative banners:
  - a. A minimum clearance of eight feet (8') over pedestrian ways and fourteen (14') feet over vehicular areas.
  - b. Maximum number of flagpoles for any lot is three (3).
  - c. Maximum height of any flagpole is fifty (50) feet.
  - d. Maximum number of flags per lot is four (4).
  - e. Maximum area of any flag shall be forty (40) square feet.

- f. Flags representing a private entity, including corporate or business flags, shall be included within the maximum sign area total for the site, as applied to the allowance for a ground sign, and shall require a sign permit.

#### I. Comprehensive Sign Plans

1. *Purpose.* Multi-tenant developments such as shopping malls, due to the varying occupant's need for signage and the potential for unique architecture and placement of different occupancies as they relate to street frontages, can create challenges to the applicability of sign regulations and the fair distribution of permitted square footage for occupants. This section is intended to define how signage permitted under this code will be distributed among the different occupancies available in the development. The Comprehensive Sign Plan shall create visual harmony between the signs, building(s), and building site through unique and exceptional use of materials, design, color, and lighting, and other design elements; and shall result in signs of appropriate scale and character to the uses and building(s) on the lot as well as adjacent buildings, structures and uses.
2. *Applicability.* A Comprehensive Sign Plan shall be required of an applicant for all planned developments and commercial or industrial multi-tenant developments where different occupancies will compete for permitted square footage on a single lot.
3. *Submission Requirements.* An application for Comprehensive Sign Plan approval shall be submitted to the Planning Director and shall include:
  - a. A site plan, dimensioned, showing the location of the building(s), structure(s), parking area(s), driveway(s), and landscaped areas on the lot upon which the proposed sign is to be attached or erected.
  - b. A table or tables containing:
    - i. Computation of the maximum total sign area.
    - ii. Maximum area for individual signs.
    - iii. Height and number of ground signs.
    - iv. Statement of the maximum total sign area and maximum number of signs permitted on the site by this Ordinance.
  - c. An accurate indication on the site plan of the location and orientation of each sign for which a permit is currently being requested, the anticipated location of future signs requiring a permit, and the location of all reasonably anticipated temporary signs.
  - d. A description and illustration of the following may be required:
    - i. Colors and materials to be used in sign construction.
    - ii. Style of lettering for all signs.
    - iii. Appearance/location of logos or icons.
    - iv. Location of each sign on the building(s), with building elevations if necessary.



- v. All sign proportions.
  - vi. Types of illumination.
4. *Amendment.* A Comprehensive Sign Plan may be amended by filing a new Comprehensive Sign Plan, in conformance with the requirements of the Sign Ordinance in effect at the time, and obtaining approval of the Planning Director.
  5. *Binding Effect.*
    - a. After approval of a Comprehensive Sign Plan, no permanent sign shall be erected, placed, painted, or maintained by the property owner or any buyer, tenant, subtenant, assignee, employee, agent or other party in use of the subject property except in conformance with such plan without obtaining a sign permit and in conformance with the Comprehensive Sign Plan.
    - b. If the City Council has approved a Comprehensive Sign Plan with flexible criteria, the Planning Director is authorized to approve, through the standard sign permit approval process, sign applications in conformance with the comprehensive sign plan, but only to the extent that the application is in conformance with the Comprehensive Sign Plan.
    - c. The terms and conditions of an approved Comprehensive Sign Plan shall have the same force and effect and be enforced in the same manner as any other provision of this Section.

#### J. Temporary Signs

1. *General Requirements.* Temporary signs shall conform to the following standards:
  - a. *Permit Required.* No temporary sign may be displayed without a valid temporary sign permit or portable sign permit.
  - b. *Sign Type.* Temporary signs may include any sign type permitted by this Section.
  - c. *Number.* No more than two (2) temporary signs may be displayed on a lot at any time.
  - d. *Surface Area.* The maximum area of all temporary signs displayed shall be a combined total of eight (8) square-feet if displayed for ten (10) days or longer.
  - e. *Location.* Temporary signs shall be located only upon the premises to which the special, unique, or limited activity, service product, sale, or event is to occur. No temporary sign may be placed off-premise except as otherwise provided elsewhere in this Section.
  - f. *Duration.* No temporary sign permit shall be issued to erect or maintain any temporary signage for a period exceeding twenty-one (21) days, or to be displayed three (3) days after termination of the activity, service, project, sale, or event to which the sign pertains, whichever comes first. A permit for temporary sign or signs shall be granted no more than four (4) times in any calendar year and only once every three (3) months.

- g. *Installation Requirements.* All temporary signs shall be constructed, anchored and supported in a manner which reasonably prevents the possibility of such signs becoming hazards to the public health and safety as determined by the Planning Director.
2. Business Opening Signs.
- a. *Permit Required.* A permit shall be issued before a business opening sign may be erected. The permit may not be renewed.
  - b. *Type of Sign and Location.* A business opening sign may be a wall sign, projecting sign, or ground sign. A business opening sign may be displayed in addition to, in lieu of, or affixed to a permanent sign. A banner may be used as a business opening sign.
  - c. *Size.* The size of a business opening sign shall be determined by the type of sign chosen, and shall be limited to the maximum size allowed for a permanent sign of that type at the location.
  - d. *Illumination.* A business opening sign may be illuminated subject to §154.212.F.7.
  - e. *Duration.* A business opening sign may be displayed for a period not to exceed thirty (30) days from the date the business opened, changed names, or changed ownership.
3. Portable Signs. In addition to the general requirements pertaining to temporary signs, the following standards pertain to portable signs:
- a. *Permit Required.* A sign permit shall be issued on an annual basis before a stationary portable sign may be erected. Such permit shall only be valid during the calendar year during which it is issued.
  - b. *Construction.* A sign shall be manufactured to a professional standard of construction, finish and graphics. A portable sign shall be free-standing, self-supported and constructed of substantial materials such as wood, metal or plastic such that the sign will reasonably withstand the elements.
  - c. *Size and Design Regulations:*
    - i. A portable sign shall not exceed six (6) square feet in surface area per side, with a maximum of two (2) sign able sides or faces.
    - ii. The sign shall not exceed three (3) feet measured at the widest point of the sign face.
    - iii. Any portion of the sign's face used for a chalk or dry-erase board shall not exceed fifty percent (50%) of the total sign face surface area.
  - d. *Number.* One portable sign may be displayed per business or occupant in any commercial or industrial area or Planned Unit Development.
  - e. *Location.* A portable sign is restricted to the lot of the business establishment to which a permit has been issued, except such a sign may be located in the

public right-of-way in front of the premises only where no front setback is required.

- f. *Placement.* A portable sign shall:
  - i. Be placed only along sidewalks where a minimum five (5) foot wide clear sidewalk is maintained. In no event shall a portable sign be placed on any bicycle path. The placement, of a portable sign shall not obstruct access to any crosswalk, mailbox, curb cut, fire hydrant, fire escape, fire door, building entrance, public parking space or any other public property, nor shall a sign obstruct the ability of persons to exit/enter vehicles parked along the curb;
  - ii. Not be attached, chained or in any manner affixed to public property including street trees, utility poles or sign posts.
  - iii. Not obstruct the clear view of any traffic signal, regulatory sign or street sign;
  - iv. Not be located closer than 10 feet to any other portable sign;
  - v. Not be located directly adjacent to a bus stop or transit vehicle, shall not obstruct sight lines of road users, nor be placed less than twenty-five (25) feet from a street intersection or fifteen (15) feet from a crosswalk;
  - vi. Not be placed in such a way as to interfere with snowplowing of the streets;
  - vii. Be maintained free of snow, be placed on solid ground at all times and shall not be placed on top of snow banks.
- g. *Illumination.* A portable sign shall not be illuminated
- h. *Time Limitations and Removal.* A portable sign may be displayed only during business hours. Such sign must be removed and safely stored out of view during times when the business is not open to the public. Trailers or other vehicles that are not used principally as a sign may be parked on the lot when the business is not open to the public.
- i. *Enforcement.* Portable signs located within the public right-of-way are a privilege and not a right. The City in permitting placement of such signs in the public right-of-way reserves the right to require their removal at any time because of anticipated or unanticipated problems or conflicts. To the extent possible, the permittee shall be given prior notice of any time period during which, or location at which, the placement of portable signs is prohibited. Furthermore, the sign permit may be revoked by the Planning Director following notice to the permittee. The permit may be revoked if one or more conditions outlined in this section have been violated, or if the sign is determined to constitute a public nuisance not specifically outlined in this section. Following the revocation of the sign permit, no application for the same site shall be filed within one hundred eighty (180) days from the date of revocation. The permittee has a right to appeal the decision of the Planning

Director within thirty (30) days of issuance of a revocation notice pursuant to §154.212.N.2.

- j. *Indemnification.* Where a temporary, portable sign is permitted in the public right-of-way, the owner, lessee or lessor of the business to which a permit has been issued and the property owner shall agree in writing to fully indemnify and hold the City harmless for any personal injury or property damage resulting from the existence or operation of said sign, and shall furnish evidence of general liability insurance in the amount of fifty thousand dollars (\$50,000.00) with the City as additional named insured or provide other security to the satisfaction of the City Administrator.
- k. *Permit Renewal.* The permit for a portable sign must be renewed annually prior to January 1 of each year.

K. *Signs Exempt from Permit.* Consistent with the purpose and scope of this ordinance, the City recognizes that certain temporary, necessary, or limited-purpose signs should be lawfully displayed without the need to obtain a permit and should not count as part of the specific sign area allowed to be displayed on a particular property. All signs exempt from permit requirements must, nonetheless, adhere to all other applicable sections of this ordinance and all other applicable State and Federal regulations. The City finds that the following signs may be displayed without a permit because they serve an immediate or temporary traffic safety or way finding function:

1. *Address and Nameplates.* Address and name plates not exceeding three (3) square feet in area.
2. *Athletic Field Signage.* Signs, banners, and scoreboards designed solely for view from spectator areas and displayed on interior walls, fences, or other structures located inside an enclosed athletic field at a school, park, or other public or private athletic complex. Approval of the Park Commission shall be required to display a sign, banner, or scoreboard under this paragraph at a City Park.
3. *Awning Signage.* Signs displayed on awnings located on commercial or industrial buildings provided that the signs are displayed on the lowest twelve inches (12") of the principal face or side panels of awnings and provided that they do not exceed six inches (6") in height.
4. *City Signs on City Property.* City signs on City property not exceeding thirty-two (32) square feet in area.
5. *Construction Signs.* Such signs may only be placed on the property where work is in progress, shall not be erected prior to the beginning of work for which a valid building permit has been issued, and shall be removed within ten (10) days of completion of work or the expiration of the building permit, whichever is sooner. Construction signs on parcels in residential or park uses shall not exceed thirty-two (32) square feet per street frontage. Construction sign area for commercial, industrial, multi-family, or planned development uses on parcels less than 100,000 square feet shall not exceed sixty four (64) square feet per street frontage; and on parcels greater than 100,000 square feet shall not exceed ninety six (96) square feet per street frontage. Square footage must be divided.

6. *Flags.* Flags that comply with the provisions of §154.212.H.9.
7. *Garage Sale and Estate Sale Signs.* Signs advertising a garage sale shall not exceed four (4) square feet in area, shall not be displayed for a period of time more than seventy-two (72) consecutive hours and may be displayed no more than twice in any one calendar year. Up to three (3) residential garage sale signs may be displayed per event, two (2) of which may be displayed off-premises, but not in the public right-of-way. Any such sign placed on private property must have the consent of the property owner on whose property such sign is displayed.
8. *Government Signs, Including Traffic or Official Public Hearing Notice Signs.* Such signs are placed, authorized, or required by the City or other authorized governmental agency. The requirements for maximum area, height, setback, or other size, materials or physical specifications shall be as required by law or the authorizing agency.
9. *Holiday and Temporary Decorations.* Holiday or temporary decorations when located on private property, or with the approval of the City if on public property. In addition, any sign in the nature of a decoration, identification or direction, incidentally and customarily associated with any national or religious holiday or any civic festival, fair or similar gathering, held during a period of ten (10) days or less in any year, provided such sign shall not differ substantially from the requirements set forth in this Section. Such decorations may not contain any commercial message or logo or depict any commercial symbol or character.
10. *Home Occupation Signs.* Signs identifying only the name and occupation of the resident. Home occupation signs shall be non-illuminated, flush-mounted to a wall of the residence, and shall not exceed two (2) square feet in area.
11. *Memorial Signs.* Any non-commercial sign in the nature of a cornerstone, commemorative, or historical tablet or landmark designation plaque.
12. *Menu Signs.* Menu signs up to fifty-five (55) square feet in area and six (6) feet in height, provided they are located within fifteen (15) feet of the commercial building with which they are associated or advertise and in a manner such that the copy is not readily viewable from the public right-of-way or a residential occupancy on an adjacent lot.
13. *Non-Commercial Messages.* One sign per parcel per street frontage carrying any lawful non-commercial message not exceeding twelve (12) square feet in area. Any other permitted commercial sign may be substituted for a noncommercial message but will count toward the total signage type and area for the parcel upon which it is located. Hand-held signs carrying noncommercial messages are not subject to any size limitation so long as they are held by and under the physical control of a person during all times they are on display.
14. *Parking Lot Regulation Signs.* Parking signs not exceeding nine (9) square feet and having a minimum setback of ten (10) feet.
15. *Parking Lot Directional Signs.* Signs must comply with the provisions of §154.212.H.8.

16. Parking Lot Traffic Signs, as required by law.
17. *Political and Election Campaign Signs.* Signs containing a political message and displayed during an election campaign period are allowed in addition to the noncommercial message sign under subsection (13) during the election campaign period, however, after ten (10) days has passed from the election date such sign may continue to be displayed, but will count as the allowed noncommercial message sign under subsection (13). Political and election campaign signs may also substitute for any commercial message sign in the same manner. Unless substituted for another permitted sign, such signs shall not have any electrical component. Such signs shall not have a mechanical or audio auxiliary component, and shall not be attached to or placed on utility poles, trees, traffic devices, or within the public rights-of-way.
18. *Real Estate Signs Advertising Residential Properties.* Signs located on premise may not be placed above the top of the lowest level of the building. All signs authorized under this subsection shall be removed within ten (10) days of the sale or rental of the residential units being advertised.
  - a. For lots containing less than four (4) dwelling units within one residential structure, one non-illuminated real estate sign up to six (6) square feet per unit may be displayed to advertise the sale or rental of the premises or any part thereof.
  - b. For lots where at least four (4) but less than sixteen (16) dwelling units are contained within one residential structure, one non-illuminated real estate sign up to twelve (12) square feet may be displayed to advertise the sale or rental of the premises or any part thereof.
  - c. For lots where sixteen (16) or more dwelling units are contained within one residential structure, one non-illuminated real estate sign up to thirty-two (32) square feet may be displayed to advertise the sale or rental of the premises or any part thereof.
  - d. Up to two (2) signs directing traffic to "open houses," each sign no more than six (6) square feet in area, may be installed off property after obtaining the consent of the property owner on whose property such sign is to be displayed. These signs may not be located in the public right-of-way. These off property directional signs may be displayed only during the hours that the advertised activity is to take place, and they must be a self-supporting type sign.
19. *Real Estate Signs Advertising Single Occupant Commercial Property.* For lots less than five (5) acres, one non-illuminated real estate sign up to twelve (12) square feet in area may be displayed. For larger lots, one non-illuminated real estate sign up to thirty-two (32) square feet in area may be displayed. All signs authorized under this subsection shall be removed within ten (10) days of the sale or rental of the commercial unit being advertised.
20. *Real Estate Signs Advertising Non-Residential Grouped Development or Multi-Tenant Buildings.* For each group development or multi-tenant building containing nonresidential land uses, a maximum of two (2) signs, one per each

nonresidential street frontage, may be displayed up to a maximum of thirty-two (32) square feet in area.

21. *Real Estate Subdivision Signs.* For each real estate subdivision that has been approved in accordance with the City of Lake Elmo subdivision regulations, a maximum of two (2) temporary development project identification signs may be located on some portion of the subject subdivision. Each such sign shall be not more than thirty-two (32) square feet in area. One additional similar sign shall be permitted for each one hundred (100) lots in the subdivision in excess of one hundred (100) lots. These signs may be displayed until a time at which building permits have been issued for eighty percent (80%) of the lots in the subdivision. Signs advertising sale or lease after such time shall conform to the requirements of subsection (18) of this section.
  22. *Temporary Notices.* Leaflet-type notices flat-mounted to kiosks or public information boards.
  23. *Utility Company Signs.* Signs that serve as an aid to public safety or that show the location of facilities such as public telephones and underground cables only to the extent necessary to accomplish those goals.
  24. *Window Signs, Temporary.* Signs and displays that are of a temporary nature such as for advertising sales and specials and that do not cover more than thirty (30) percent of the total ground-floor window area of any building, excluding the door windows. Merchandise and pictures or models of products or services incorporated in a window display are not considered signs. Any sign placed on the outside of a window requires a sign permit unless the sign is weatherproof and does not pose a danger from falling or being blown by the wind.
  25. *Window or Wall Signs Not Readable Off-Premises.* Window or wall signs not exceeding two (2) square feet in area with lettering not exceeding three (3) inches high designed to provide information to persons on the premises such as hours of operation, or sample restaurant menu. Where no front yard setback exists, such signs as would generally be unreadable off premises where minimum setback regulations apply shall qualify for this exemption notwithstanding that such signs are readable from the public right-of-way. Such signs shall not be counted toward total permitted signage.
- L. *Prohibited Signs.* The following signs are expressly prohibited in the City of Lake Elmo:
1. Abandoned Signs
  2. Off-Premise Signs, except as expressly allowed under this section.
  3. Inflatable Signs
    - a. *Rationale.* Inflatable signs shall be prohibited because they are generally more distracting and hazardous to pedestrian traffic safety, tend to have an anchoring device that is less reliable under wind pressure, and out of scale and less compatible with surrounding structures and signs.
    - b. The following inflatable devices shall not be considered a sign:

- i. Registered hot air balloons in use and momentarily moored but not being used primarily as a sign.
  - ii. Novelty type balloons less than two (2) feet in diameter and less than three (3) feet in any dimension tethered or moored no more than ten (10) feet above the ground.
  - iii. Inflatable holiday or other decorations displayed temporarily on private property, that do not contain any commercial message or logo or depict any commercial symbol or character, and that does not exceed fifteen (15) feet in height.
4. Signs attached to any public utility pole or structure, street tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property except as otherwise expressly permitted under this section.
  5. Beacons, unless authorized for use by the City of Lake Elmo or any other governmental entity in the exercise of official government business and authority.

M. *Legal Non-Conforming Signs.* Any legal non-conforming sign may continue to be displayed or replaced consistent with §154.150 through §154.151, Non-Conforming Uses and Structures.

N. *Variances and Appeals*

1. *Variances.* It is recognized that circumstances may exist from time to time where strict application of the size, location and type of sign standards hereinafter specified for the various zoning districts may be unreasonable or where literal enforcement of the regulations may work an unnecessary hardship on the applicant. Variations from the standards are, therefore, permitted by issuance of a variance by the City Council upon recommendation of the Planning Commission that such extenuating circumstances exist. Variances shall be considered according to the provisions of §154.109.
2. *Appeals.* An applicant may appeal any decision of the Planning Director to the Board of Adjustment and Appeals according to the provisions of §33.10.

O. *Violations.*

1. It shall be unlawful and a violation of this ordinance for any person to maintain any prohibited sign, to perform or order the performance of any act prohibited by this ordinance, or to fail to perform any act which is required by the provisions of this Section. In the case of any such violation, each twenty-four (24) hour period in which such violation exists shall constitute a separate violation.
2. Any and all signs, erected, altered, or maintained in violation of this Section, or any of the clauses and provisions of the same, or in violation of any of the laws or ordinances of the City and/or the State of Minnesota, are, and each of them is declared to be a public nuisance and subject to enforcement. Any such signs are erected, altered or maintained contrary to law shall be abated as a common nuisance by the Planning Director.

P. *Penalty.* Any person who shall fail to comply with any of the provisions of this Section shall be subject to a penalty as prescribed by §10.99 of this Code.



Q. Enforcement

1. If the Planning Director or Building Official finds that any sign has been erected, altered, or is being maintained in violation of this section, or is in an unsafe condition as to be a menace to the safety, health, or welfare of the public, he or she shall give written notice to the owner thereof of the person entitled to possession of the sign and the owner of the real estate upon which the sign is located. No notice shall be required for permitted temporary signs displayed in violation of time limitations prior to taking enforcement action.
2. Said letter shall notify the owner, or person entitled to possession of the sign, of the specific violation or violations and direct that alterations, repairs or removal, whichever may be applicable, be made to bring said violations in conformance with the terms and conditions of this Section.
3. In the event the person so notified fails or neglects to comply with or conform to the requirements of such notice, the Planning Director or Building Official may file an appropriate citation or complaint in an appropriate court of law or take whatever other legal action may be necessary to cause such sign to be altered or removed. If a sign is considered abandoned, the City, after notice, may remove such sign at the cost of the owner of the property upon which the sign sits. An invoice for such costs shall be sent to the property owner and, if not paid, shall be placed on the tax roll as a special charge pursuant to M.S. §429.061.

R. Severability and Conflict

1. *Severability.* The provisions of this ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.
2. *Conflict.* If any part of this ordinance is found to be in conflict with any other ordinance or with any other part of this ordinance, the most restrictive or highest standard shall prevail. If any part of this ordinance is explicitly prohibited by federal or state statute, that part shall not be enforced.

(Ord 08-082, passed 6-18-2013)

**§154.213 ACCESSORY BUILDINGS AND STRUCTURES, GENERALLY.**

- A. *Purpose.* Within the city of Lake Elmo, the following provisions shall apply to accessory building and structures in all zoning districts.
- B. *Definitions.* The following words, terms and phrases, when used in this section, and all sections pertaining to accessory buildings or structures, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:



CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-\_\_\_

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

**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 Cit 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 subdivison's main entrance and twenty four (24) square feet for all other locations.
  - iv. *Setback.* Subdivision identification signs shall maintain a setback of at least ten feet from any street right-of-way. Signs 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) (1) (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 the speed limit on the adjacent roadway 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 miles per hour on the street with the faster speed limit higher street classification to determine the maximum height and area allowed. Businesses that are located on a frontage 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
<del>No. of Total Traffic Lanes</del>	Speed Limit (MPH)	Max Height/Area (Sq. Ft.)	Max Height/Area (Sq. Ft.)	Max Height/Area (Sq. Ft.)
<del>1-3 Local Street</del>	<del>0-34</del>	-	6'/32	<del>10'/32-40</del>
	35-44	-	6'/32	<del>10'/50</del>
<del>Collector Street</del>	45+	-	6'/32	<del>10'/72-50</del>
<del>4-5 Minor Arterial</del>	0-34	-	6'/32	<del>10'/40-64</del>
	35-44	-	<del>6'/32</del>	<del>10'/64</del>
<del>Principal Arterial<sup>b</sup></del>	45+	-	6'/32 <sup>b</sup>	<del>12'/80<sup>b</sup></del>

**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 100 square feet in size when within 50 feet of the property line nearest I-94. The base of the sign shall be at least 75% of the width of the sign and constructed of materials that match 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 Departemtn 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. (F) (7) by adding the following:**

h. LED lighting is prohibited except for “Open” and “Closed” signs.

**SECTION 6. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 7. Adoption Date.** This Ordinance 08-\_\_\_ was adopted on this \_\_\_\_\_ day of \_\_\_ 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.





## STAFF REPORT

DATE: 11/27/2017

**BUSINESS**

ITEM #: #5c

**MOTION**

**TO:** Planning Commission  
**FROM:** Ben Prchal, City Planner  
**AGENDA ITEM:** Wind Generator Ordinance  
**REVIEWED BY:** Emily Becker, Planning Director

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### **BACKGROUND:**

The Planning Commission had requested staff to establish new language for the wind power ordinance for the City. Staff has created a draft ordinance and zoning standards for the commission to review and provide feedback. A public hearing will be held at the next meeting.

### **ISSUE BEFORE COMMISSION:**

The Planning Commission is being asked to make recommendations towards the drafted ordinance and zoning standards for Wind Generator installment.

### **PROPOSAL DETAILS/ANALYSIS:**

#### **What's currently in the City Code Regarding Wind Generators?**

It was recommended that we remove "is extended from a horizontal shaft." Knowing that technology can change, the definition has been made less specific to encompass all possible wind generator designs.

*Location.* Section 150.090 – 150.094 (Wind Generator Ord.) is proposed to be removed and place new standards in the zoning code.

Staff suggests adding language into the zoning code to increase standards for wind generators. See attachment zoning code

The new language would designate wind generators to be constructed in Rural Districts and Commercial Districts. There is no minimum lot size designated, instead the restrictions are based on the setbacks. The idea of a 10 acre minimum was discussed at the last meeting, perhaps we require this to be the standard instead of using zoning districts, or zoning districts as well as a 10 acre minimum.

*Permit Required.* The previous ordinance indicated that wind generators are allowed upon issuance of a wind generator permit. The following is required to submit an application:

1. A report from a professional engineer describing the proposed wind generator and certifying the safety of the device;
2. A site plan of the applicant's property drawn to a scale of 1 inch equals 100 feet and illustrating the location of the wind generator and all other buildings or structures located within 300 feet of the base of the wind generator; and
3. A statement indicating that the proposed wind generator is in compliance with all applicable regulations of the Federal Aviation Agency where appropriate.

All of the items above have been added to the zoning code. However, a more specific list of requirements has been added into the actual application.

At the 10/23/17 Planning Commission meeting, commissioners requested that staff address 10 items to be covered relating to the installment of wind generators within the City. The 10 items are 1) diameter of rotor/height 2) proximity to wildlife 3) noise and vibration 4) fencing for security risk 5) safety standards 6) standards for specific certifications 7) color 8) maintenance 9) removal 10) setbacks.

**1.) Diameter of rotor/ height:**

A maximum rotor diameter 52 ft. is suggested by AWEA. Staff did decide to keep the maximum height at 125 ft. The distance of the lowest point that the arc or moving parts can be from the ground is 30 ft. for the free standing systems. (The distance from the ground was a standard used by multiple communities.) Roof/structure mounted systems are limited to the maximum building height specified for the district or a maximum of 15 ft. above the height of the building to which it is attached, whichever is greater. The rotors or moving parts must be setback 3 feet or more from the edge of the structure which it is attached to.

For roof/structure mounted systems the applicant would be required to provide written certification that the building would be capable of carrying the load from the generator and that it does not cause electrical, radio frequency, television and other communication interferences.

**2.) Proximity to wildlife:**

No wind generators shall be allowed within the Shoreland Overlay district. Wind Generators must be set back 1.25 times its height from the Shoreland Overlay District. However, feeder lines may run through public water ways subject to DNR, FWS, and or USACOE permits.

**3.) Noise and Vibration**

No wind energy conversion system shall produce vibrations through the ground that are perceptible beyond the property on which it is located.

**4.) Fencing for security risk**

I decided not to require fencing due to liability reasons. Fencing can prohibit appropriate access for emergency services. Also DWEA stated that if an emergency worker were to become injured climbing over the fence the municipality could bear the liability for forcing its installation.

**5.) Safety Standards**

Safety standards have been gathered from multiple sources. We can make them more stringent if we feel it is necessary. For example, the required inspection schedule under



maintenance. There is currently an inspection required every 2 years at a minimum that can be reduced to every year.

**6.) Standards for Specific Certifications**

Standards for certifications have been taken from multiple sources. Ordinances and publications alike.

**7.) Color**

It was determined during the first discussion that the systems should be white or off white. This is also common throughout the industry.

**8.) Maintenance**

The maintenance schedule is currently requires an inspection by licensed qualified professional to be completed every 2 years or sooner if recommended by the manufacturer.

**9.) Removal**

The removal and decommissioning standards were taken from the PUC (Public Utilities Commission) as well as DWEA.

**10.) Setbacks**

Setbacks were adjusted based on reports from Wind power Engineering & development.

*Application Review.*

- Reviewed by Building Official and staff, since wind Generators are a Conditional Use a public hearing will be necessary.

**Proposal**

Staff recommends that Wind Generators be added into the zoning code as a conditional accessory use and not allowed as a principle use.

**FISCAL IMPACT:**

None are known at this time.

**OPTIONS:**

The Commission may wish to:

- Direct Staff to make amendments to the draft ordinance and bring back to the Planning Commission for a public hearing
- Do not specify amendments and direct staff to bring back to the Planning Commission for a public hearing.
- Recommend no changes or amendments to the current City code.

**ATTACHMENTS:**

- Existing Ordinance
- Zoning Code - Draft



Print

Lake Elmo, MN Code of Ordinances

## WIND GENERATORS

### § 150.090 INTENT.

(A) Wind generators offer an alternative method of providing electrical power.

(B) It is the intent of the city to regulate the facilities in order to protect the safety and welfare of residents of the city and in order to prevent wind generators from becoming a nuisance.

(1997 Code, § 1385.01)

### § 150.091 LOCATION.

Wind generators are permitted in the Rural Residential (RR) and Agricultural (AG) Zoning District upon issuance of a wind generator permit.

(1997 Code, § 1385.03)

### § 150.092 APPLICATION.

(A) Applicants for a wind generator permit shall complete application forms as provided by the City Administrator.

(B) The application shall include the following:

(1) A report from a professional engineer describing the proposed wind generator and certifying the safety of the device;

(2) A site plan of the applicant's property drawn to a scale of 1 inch equals 100 feet and illustrating the location of the wind generator and all other buildings or structures located within 300 feet of the base of the wind generator; and

(3) A statement indicating that the proposed wind generator is in compliance with all applicable regulations of the Federal Aviation Agency where appropriate.

(1997 Code, § 1385.04) Penalty, see § 10.99

### § 150.093 APPLICATION REVIEW.

(A) The completed application shall be forwarded to the Building Inspector for review and recommendation. Within 30 days of the receipt of the completed application, the City Administrator shall schedule a public hearing before the City Council to review the application.

The public hearing shall be preceded by 10-days mailed notice to all residents within 350 feet of the perimeter of the applicant's property.

(B) Wind generator permits shall be issued subject to the following conditions.

(1) The minimum lot size requirement shall be 40 acres. The site must also be large enough to contain within its boundaries any debris resulting from tower failure and/or falling ice.

(2) The wind generator structure shall not exceed 125 feet in height.

(3) The wind generator and guy wires shall have a minimum setback of 150 feet from any property line.

(4) Fencing may be required if the structure poses a safety hazard to residents.

(5) Accessory buildings and guy wires must meet the setback requirements for the underlying zoning district.

(6) No lighting is allowed on the wind generator.

(7) Wind generators are prohibited in the Lake Elmo Airport Safety Zones.

(8) There shall be at least 1,000 feet between wind generators.

(9) If the applicant's property is subdivided into parcels of less than 40 acres, the wind generator shall be removed as a condition of the subdivision approval.

(10) Wind generator permits are not transferable. Upon sale of the property, purchaser must apply for a new wind generator permit or remove the wind generator from the property.

(1997 Code, § 1385.05) Penalty, see § 10.99

#### **§ 150.094 DURATION AND REVIEW.**

(A) Wind generator permits shall expire upon sale or subdivision of the property as provided above, but shall be reviewed annually.

(B) Wind generator permits may be revoked by an affirmative vote of 3 Council members for noncompliance with the conditions of the permit.

(1997 Code, § 1385.06)

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-\_\_\_

AN ORDINANCE AMENDING THE LAKE ELMO CITY ZONING CODE OF  
ORDINANCES BY ADDING ADDITIONAL STANDARDS AND LANGUAGE FOR  
WIND GENERATOR SYSTEMS.

**SECTION 1. The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: Definitions 11.01 by amending the definition of Wind Generator:**

*Wind Generator.* A machine which generates energy/power from the wind ~~and is extend from a horizontal shaft.~~

**SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Use; Chapter 150: Wind Generators, by repealing Sections 150.090 – 150.094 of the Wind Generator code:**

**SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article II; Section 154.012; Subd. (B) (12) by adding the language as follows:**

*Wind Generator.* A machine which generates energy/power from the wind.

**SECTION 4. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article II; Section 154.310 to include the language as follows:**

E. *Wind Generator Systems.* Wind generators are only allowed in Rural and Commercial Zoning Districts as a conditional accessory use. The system must comply with all standards and designated setbacks described in the zoning code and application process. The number of wind generators allowed on a lot is limited to one mono pole system and one roof/structure mounted system per property.

1. *Application*

Applicants for a wind generator permit shall complete a Wind Generator Application form as provided by the City Administrator.

The application shall include the following:

- A report from a professional engineer describing the proposed wind generator and certifying the safety of the device
- Appropriate certifications as required by a nationally Recognized Testing Laboratory. Self-certification is not allowed.
- A statement indicating that the proposed wind generator is in compliance with all applicable regulations of the Federal Aviation Agency where appropriate.
- All necessary information relating to site and system design.



## 2. Safety Standards

- Standards - Wind generators shall meet the minimum and most recent standards set forth by the leading agencies within its perspective field.
- Maintenance - Wind Generators shall be maintained under agreement or contract by the manufacturer or other qualified entity. The owner of the Wind Generator must have the tower inspected by a licensed qualified professional and submit to the City a report on the status and condition of the Wind Generator. The times of inspection shall be specified by the manufacture or at a minimum of every two (2) years.
- Climbing - To prevent unauthorized climbing, wind energy conversion system towers must comply with the following provisions:
  - Tower climbing apparatus shall not be located within 12 feet of the ground.
  - A locked anti-climb device shall be installed on the tower.
- Signage - Wind Generators shall have one (1) sign not to exceed two (2) square feet, posted at the base of the tower, containing the following information: Warning/High Voltage, manufacturer's name, emergency telephone number, and emergency shutdown procedures.
- Lightning - All Wind Generators shall be grounded to protect against lightning strikes
- Aviation - No Wind Generator shall be located in a way that will create an obstruction to navigable airspace of public and private airports in Minnesota. Wind Generators are prohibited in the Lake Elmo Airport Safety Zone.
- Design - All turbines shall be commercially available, utility scale, and not prototype turbines.

## 3. Nuisance Standards

- Noise - Wind Generator shall comply with outlined in Chapter 130: General Offences; Noise Control Section 130.45
- Screening - Wind Generator are exempt from the screening requirements.
- Aesthetics - The appearance of the Wind Generator, tower and any other related components shall be maintained throughout the life of the Wind Generator per the manufactures/industry standards. Wind Generators shall be installed on tubular, monopole design towers, and shall be uniform in color, white or off white. All turbine towers shall be marked with a visible identification number. Systems shall not be used for displaying any advertising, nor for other uses including but not limited to cell phone antennas, flags, ham radio antennas, etc. No components unnecessary to the operation of the Wind Generator shall be allowed.
- Feeder lines - The electrical collection system (Wind Generator) shall be placed underground within the interior of each parcel. They may run through Public water ways subject to DNR, FWS, and or USACOE permits.
- Vibration - No wind energy conversion system shall produce vibrations through the ground that are perceptible beyond the property on which it is located.



- Location - No Wind Generator shall be allowed within the Shoreland Overlay District. Wind Generators shall be setback at least a distance of 1.25 times the height from the Shoreland Overlay boundary.
- Lighting - Systems shall not be illuminated unless required by the Federal Aviation Administration (FAA).

#### 4. Decommissioning

- Decommissioning - A Wind Energy System shall be maintained at all times according to the manufacture's specifications. However, if a Wind Generator has become unstable, leans significantly out-of-plumb, or poses a danger of collapse, it shall be removed or brought into repair within 60 days following notice by the Building Official to the owner of the lot upon which the System is located. The Building Official may order immediate repairs in the event of imminent collapse, or if the inspector feels the system is posing a safety risk. If the owner of a Wind Generator plans to abandon or discontinue, or is required to discontinue, the operation of the System, the owner shall notify the Building Official by certified U. S. mail of the proposed date of abandonment or discontinuation. Such notice shall be given no less than 30 days prior to abandonment or discontinuation. (a) In the event that an owner fails to give such notice, the Wind Energy System shall be considered abandoned if the Wind Energy System is not operated for a continuous period of twelve (12) months. At this point the owner has the option to either fully abandon and remove the system or submit a new application for operation of the system.
- Removal - Upon abandonment or discontinuation of use, the property owner shall physically remove the Wind Energy System as soon as practical, considering the weather conditions within six (6) months from the date of abandonment or discontinuation of use. "Physically remove" includes, without limitation, the actual, complete removal of the tower, turbine, and all other components of the Wind Energy System from the site of the original installation."
- Site Restoration - The owner shall upon "decommissioning/abandonment", as soon as practical, considering the weather, restore the area affected by any Wind Generator to the condition that existed immediately before construction began, to the extent possible. The time period may be no longer than six (6) months after decommissioning of the turbine, unless otherwise negotiated with the building inspector. Restoration shall be compatible with the safe operation, maintenance, and inspection of the City. All costs associated with the restoration of the site will be the responsibility of the property owner.



5. Setbacks & Height Restrictions

Ground Mounted Systems

- Height: Wind Generators shall not exceed 125 feet in height.
- Set back: Ground mounted systems shall be set back a minimum of 1.25 times its height from any lot line as well as the shoreland overlay district. They are also required to be set back at least 200 feet from any structure on the adjacent properties.  
Rotors or moving parts are required to be at least 30 feet above the ground and 30 feet above any obstruction which is within 100 feet of the base.  
Rotor diameter shall not exceed 52 feet or a blade length of 26 feet.
- Placement: Wind Generators are only allowed to be constructed behind the principle structure.

Roof/Structure Mounted Systems

- Height: Roof/structure mounted systems are subject to the maximum building height specified for the district or a maximum of 15 feet above the height of the building to which it is attached, whichever is greater. No moving part may be within 3 feet of the edge of the building to which it is attached.
- Placement: Wind Generators are only allowed to be mounted on the rear portion of the structure to which it is being attached.

**SECTION 5. The City Council of the City of Lake Elmo hereby amends Title XI: Land Usage; Chapter 154.400; Zoning Code: Article XI: Rural Districts; 154.401 Permitted, Conditional, and Interim Uses; Subd. (a) table 9-1 of the accessory use table in this chapter to include Wind Generators as a Conditional use in each district.**

**Table 9-1 Permitted, Conditional, and Interim Uses, Rural Districts**

	RT	A	RR	RS	RE	Standard
<b>Accessory Uses</b>						
Bed and Breakfast	C	C	C	-	-	154.012 (B) (12)
Domestic Pets	P	P	P	P	P	154.012 (B) (12)
Family Day Care	P	P	P	P	P	154.012 (B) (12)
Home Occupation	P	P	P	P	P	154.012 (B) (12)
Kennel, Private	C	C	C	-	-	154.012 (B) (12)
Solar Equipment	P	P	P	P	P	154.310 (C)
Stable, Private	C	C	C	-	-	154.012 (B) (12)
Swimming Pools, Hot Tubs, Etc.	P	P	P	P	P	154.012 (B) (12)
Temporary Sales	P	P	P	P	P	154.012 (B) (12)
Water-Oriented Accessory Structures	P	P	P	P	P	154.800
<u>Wind Generator – Ground Mounted</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>154.310 (E)</u>
<u>Wind Generator – Roof/Structure Mounted</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>154.310 (E)</u>
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	P	P	P	



	RT	A	RR	RS	RE	Standard
Commercial Wedding Ceremony Venue	I	I	I			154.310 (D)

**SECTION 6. The City Council of the City of Lake Elmo hereby amends Title XI: Land Usage; Chapter 154.400; Zoning Code: Article XI: Rural Districts; 154.402 Lot Dimensions and Building Bulk Requirements; Notes to Rural Districts Table 9-2 to read as follows.**

Notes to Rural Districts Table 9-2

- a. 1 dwelling unit per 40 acres applies to all non-farm dwellings. In addition to non-farm dwellings (1 per 40 acres), each farm is allowed one farm dwelling per farm.
- b. Nominal 40 acres: a 40-acre parcel not reduced by more than 10% due to road rights-of-way and survey variations.
- c. Nominal 10 acres: a 10-acre parcel not reduced by more than 10% and/or a 10-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road rights-of-way and survey variations.
- d. The minimum lot size for lots served by public sanitary sewer shall be 24,000 square feet per residential unit.
- e. A minimum of 1.25 acres of land above the flood plain or free of any drainage easements is required.
- f. Lots must be configured to contain a circle with a diameter of 250 feet minimum; the ratio of lot length to width shall be a maximum of 3:1 – Flag lots are prohibited.
- g. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.
- h. Wind generators may exceed the allowable height restriction designated in all Rural Residential Zones and are subject to different setback requirements.

(Ord. 2012-073, passed 3-19-2013)

**SECTION 9. The City Council of the City of Lake Elmo hereby amends Title XI: Land Usage; Chapter 154.550; Zoning Code: Article XVI; Commercial Districts: 154.550 Permitted, Conditional, and Interim Uses, Commercial Districts; Subd (a) table 12-1 of the accessory use table in this chapter to include Wind Generators as a Conditional use in each district.**

	LC	CC	C	BP	Standard
<i>Accessory Uses</i>					
Bed and breakfast	-	-	-	-	154.012 (B) (12), 154.310 (A)
Drive-through facility	-	C	C	-	154.304 (A)
Family day care	-	-	-	-	154.012 (B) (12)

Group family day care	-	-	-	-	154.012 (B) (12)
Home occupation	-	-	-	-	154.012 (B) (12)
Parking facility	C	C	P*	P	*154.554 (I)
Outdoor storage	-	-	C	-	
Outdoor display	-	-	C	-	
Solar equipment	P	P	P	P	154.310 (C)
<u>Wind Generator – Ground Mounted</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>154.310 (E)</u>
<u>Wind Generator – Roof/Structure Mounted</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>154.310 (E)</u>
Other structures typically incidental and clearly subordinate to permitted use	P	P	P	P	

**SECTION 10. The City Council of the City of Lake Elmo hereby amends Title XI: Land Usage; Chapter 154.550; Zoning Code: Article XVI; Commercial Districts: 154.552 Lot Dimensions and Building Bulk Requirements; Notes to table 12-2 to read as follows.**

Notes to Table 12-2

- a. Buildings higher than 50 feet may be allowed through a Conditional Use Permit and would be subject to a separate technical and planning evaluation.
- b. Accessory buildings must be set back 10 feet from property lines.
- c. Corner properties: The side facade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.
- i. Wind generators may exceed the allowable height restriction designated in all Commercial Zones and are subject to different setback requirements.

(Ord. 2012-062, passed 9-18-2012)

**SECTION 11. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 12. Adoption Date.** This Ordinance 08-\_\_ was adopted on this \_\_\_\_ day of \_\_\_\_ 2017, by a vote of \_\_ Ayes and \_\_ Nays.

**LAKE ELMO CITY COUNCIL**

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Mike Pearson, Mayor

ATTEST:

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Julie Johnson, City Clerk

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

