

FILE

City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

City of Lake Elmo
City Council Workshop
3800 Laverne Avenue North
Lake Elmo, MN 55042

June 9, 2009

6:30 p.m.

1. Agenda
2. Sign Code Revisions Ordinance
3. Code Enforcement
4. Preliminary Budget Discussion
5. Adjourn



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City Council
Date: 4/21/09
Item: 6
NOT a Public Hearing

ITEM: SIGN CODE REVISIONS ORDINANCE – An ordinance repealing existing sign code regulations and adopting new regulations to govern signs in all zoning districts.

SUBMITTED BY: Ben Gozola, Senior Planner

REVIEWED BY: Kyle Klatt, Planning Director
Kelli Matzek, Assistant City Planner

SUMMARY AND ACTION REQUESTED:

The City Council is asked to take action on a proposed ordinance to repeal all existing sign code regulations in favor of a new set of revised sign controls. The new controls are intended to modernize the City's sign regulations in preparation of anticipated development guided in the current comprehensive plan. The new regulations outline the purpose behind all sign codes, the procedures for obtaining sign permits, how sign codes will be enforced, and the minimum standards that signs must meet in order to be approved. Regulations focus on time (when signs may be erected), place (the physical location of allowed signs), and manner (sign types, height, size, number, lighting, etc).

All proposed regulations have been drafted in response to public input that has been gathered since December of 2008 either through email or at one of two (2) public open houses held to date. Staff was careful throughout this process to ensure the public understood that consensus on sign regulations is typically not possible due to the diverging interests that exist within every city. We have made ourselves continuously available throughout the drafting of this ordinance, and have been in constant communication with all interested parties via an email distribution list. The resulting ordinance (and optional language contained therein) is before the Council now for consideration.

You will find the following documents attached to this executive summary:

1. A summary of public feedback received to-date which helped to shape the draft ordinance currently under consideration.
2. A clean copy of the proposed ordinance language which is color coded to identify NEW language, EXISTING language, MODIFIED language, and OPTIONAL language. "Optional" language indicates code sections that were sought by members of the public during the process, but are not essential to the ordinance as a whole. Any or all of the optional sections could be

eliminated without impacting the remainder of the ordinance, and there inclusion is strictly a policy decision to be made by the City Council. All sections of optional language were recommended for approval by the planning commission.

The color-coded clean copy of the ordinance will be the ideal document to review prior to the meeting, and also to consult as the ordinance is being reviewed.

3. A copy of the City's existing sign regulations with references identifying where current regulations are located within the new code.
4. The proposed language formatted as an Ordinance for consideration.

In reviewing the draft ordinance, the City Council is asked to:

- Consider the proposed language and determine whether the new ordinance adequately balances the many interests of the citizens of Lake Elmo relating to signs.
- Determine which (if any) of the "optional" provisions should be approved as part of the final ordinance.
- Approve the regulations as presented, as amended, or to direct staff to return with revisions. Substantial changes may require an additional public hearing and review by the planning commission.

RECOMMENDATION:

The planning commission is recommending approval of the proposed ordinance to update the City of Lake Elmo sign regulations as presented.

ORDER OF BUSINESS:

- Introduction..... Ben Gozola, Senior Planner
- Report by staff..... Ben Gozola, Senior Planner
- Questions from the Council Mayor facilitates
- Call for a motion Mayor facilitates
- Discussion of the motion Mayor facilitates
- Action by the City Council City Council

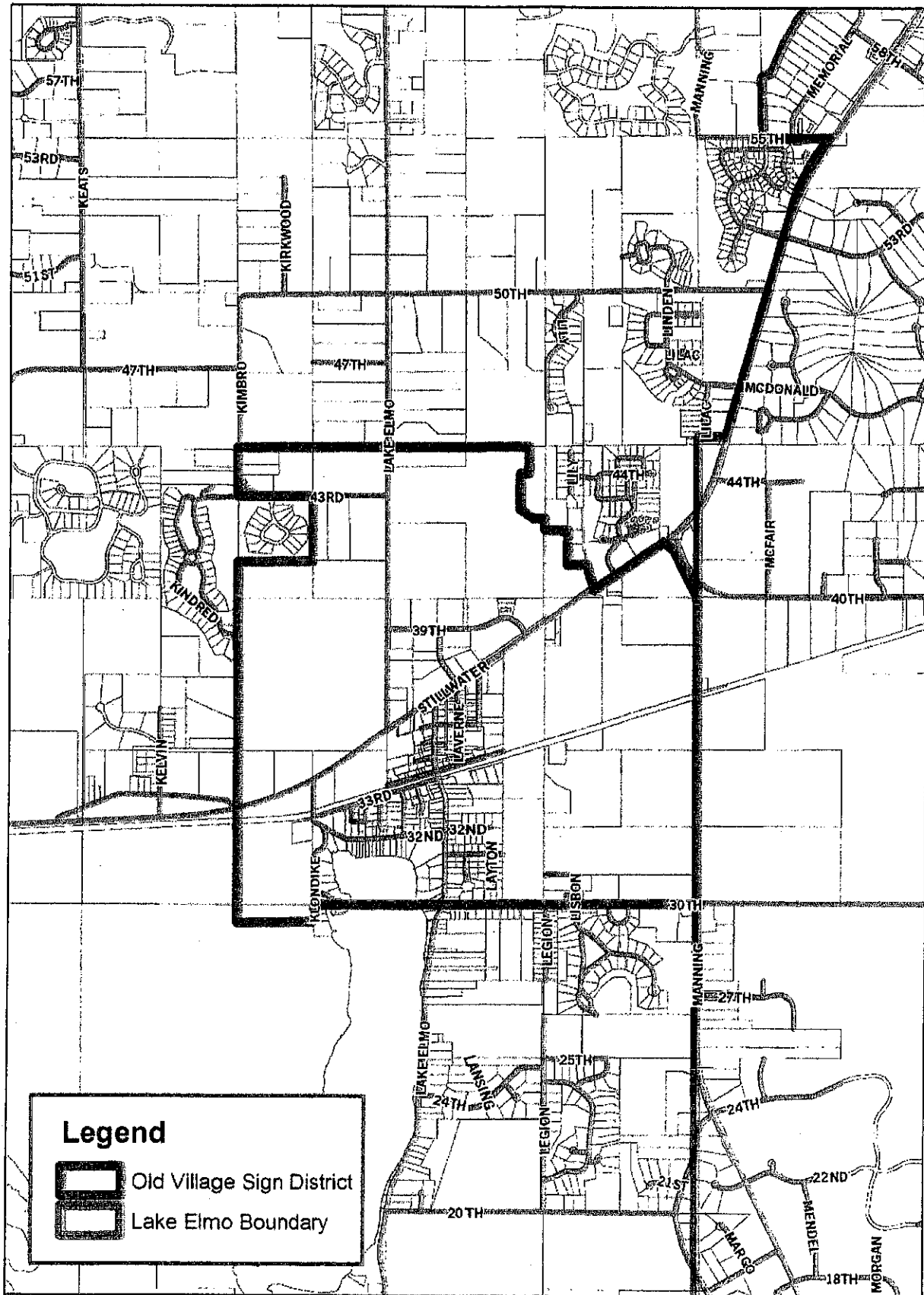
ATTACHMENTS:

- A Summary of Public Feedback
- A color-coded CLEAN COPY of the Draft Sign Code
- A copy of the existing sign code regulations
- The proposed sign code language formatted as a formal Ordinance.

Signs: Summary of Public Feedback

- Rockpoint Church concerns:
 - Directional signage needed as it is difficult to find if you're not familiar with the entry point, the $\frac{3}{4}$ intersection, etc.
 - Consider regulation that would allow an entry sign in cases like this.
 - Wall sign needed for the Church.
 - Check the downtown area as the downtown church allegedly has directional signs.
- General Developer concerns:
 - Neighborhood entry monument signs should be reconsidered.
- Multi-Tenant Building concerns:
 - City should consider a regulation that would allow for more signage based on leased square footage.
- Political sign concerns:
 - Can the city regulation the number and size of such signs?
 - Can the city regulate placement of such signs?
- Future zoning district concerns:
 - How will the current update impact future zoning districts that have yet to be created for guided development south of 10th Street.
- Use of natural materials concern:
 - The proposed prohibition on painting signs on natural surfaces such as trees or rocks should not preclude the use of natural materials in a sign.
- Enforcement concern:
 - Be sure the final ordinance can be easily enforced
- Amount of signage concerns:
 - Desires expressed to limit overall signage; desires expressed to expand allowed signage types and sizes.
 - Desires expressed for more sign options; desires expressed for tighter regulations.
- Home Occupation concerns:
 - Desires expressed to allow reasonable signage for home occupations.
- Economy related concerns:
 - Directional signage needed to advertise properties for sale in today's down market.
- I-94 concerns:
 - Desire for the city to adopt special regulations for the I-94 corridor based on the higher Interstate traffic speeds and the resulting need for larger signs.

Exhibit A: Official Sign District Map



Color Legend:

GREEN language = existing language that has NOT been edited

ORAGE language = existing language that has been edited

BLUE language = optional language for consideration

BLACK language = new language

RED language = needs to change or be edited

SIGNS

§ 151.115 PURPOSE

(A) Purpose and Findings

(1) Purpose.

(a) The Lake Elmo Sign Regulations are intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the business community's need for effective communication and identification. It is not the purpose or intent of these regulations to favor commercial messages or speech over non-commercial messages or speech or to discriminate between types of non-commercial speech or the viewpoints represented therein. It is the intent of these regulations to promote the health, safety, general welfare, and desirable rural community image through the regulation of signs with the following objectives in mind:

- a. Signs shall demonstrate a high standard of aesthetic character and encourage the use of monument and individual letter-style signs;
- b. Permit large enough copy/graphic area to effectively convey the intended message but not so large as to unduly distract the reader and insist on lettering large enough to be easily read to encourage simple, uncluttered messages;
- c. Signs shall be proportioned to the size of, and architecturally compatible with, the structures and other signs on the premises;
- d. Permanent signs shall only advertise on-premise businesses, services, facilities, etc;

- e. Allow temporary business signs for grand openings and occasional sales events; allow temporary signs to advise the public of the seasonal sale of agricultural and horticultural products in keeping with the City's rural image; and to allow temporary directional signs permitting the public to more easily locate land conservation developments which enhances the City's rural image, without creating continuous visual clutter or traffic hazards along streets or at intersections; and
- f. Signs shall be properly maintained.
- g. Signs that distract drivers, cyclists and pedestrians shall not be permitted. Studies conducted by public and private agencies have identified that dynamic signs, including multi-vision signs, electronic signs and video displays can be highly distracting to drivers, pedestrians, and cyclists and that distraction is a significant underlying cause of traffic accidents. With respect to electronic signs, including video display signs, the City finds that they are highly visible from long distances and at very wide viewing angles both day and night and are designed to catch the eye of persons in their vicinity and hold it for extended periods of time. If left uncontrolled, electronic signs, including video display signs, constitute a serious traffic safety threat. Studies conducted by the Federal Highway Administration (FHWA), Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction, Sept. 11, 2001, and The Role of Driver Inattention in Crashes: New Statistics from 1995; the University of North Carolina Highway Safety Research Center, Distractions in Everyday Driving, May 2003 and The Role of Driver Distraction in Traffic Crashes, May 2001; the Wisconsin Department of Transportation, Synthesis Report of Electronic Billboards and Highway Safety, June 10, 2003; the Municipal Research and Services Center of Washington, Sign Control Provisions, Jan. 2006; the Veridan Group, Video Signs in Seattle, Gerald Wachtel, May 2001, reveal that electronic signs are highly distracting to drivers and that driver distraction continues to be a significant underlying cause of traffic accidents.

(2) Findings.

The City of Lake Elmo hereby finds that regulation of the construction type, location, size, and maintenance of signs is necessary to accomplish the above referenced objectives, because:

- (a) The presence of permanent and temporary signage affects the rural image of the City of Lake Elmo;

- (b) Properly regulated signage can create an atmosphere of prosperity, stimulate commercial activity, and consequently, lead to increased employment and a healthier tax base;
 - (c) The safety of motorists, cyclists, and pedestrians can be threatened by signage that interferes with necessary sight-distances and/or unduly diverts the attention of such persons.
 - (d) Signs that are too bright, overly illuminated, flash, blink, scroll, twirl, change messages or color, or imitate movement, including video displays, can distract drivers, cyclists and pedestrians and impact traffic safety.
- (B) **Severability.** If any section, subsection, sentence, clause, or phrase in sections 151.115 through 151.119 are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Sign Ordinance. The City Council hereby declares that it would have adopted the Sign Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.
- (C) **Definitions.** The definitions set forth in this Section are in addition to the definitions set forth in Section 11.01. In the event of a conflict between the Sections, the definitions in this section shall apply.

Abandoned sign - any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

animation -- The movement or the optical illusion of movement of any part a sign, sign structure, design, or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity; the automatic changing of all or any part of the facing of a street sign.

Awning means a shelter supported entirely from the exterior wall of a building.

Awning sign - a sign or graphic printed on or in some fashion attached directly to the awning material.

Back lit (sign illumination) means a direct source of light which illuminates a sign by shining through a translucent surface of a sign, including plastic signs, lit from an internal light source.

Banner - A temporary sign typically made of cloth, plastic or vinyl materials.

Billboard - A sign structure with a surface area over one hundred (100) square feet per surface that identifies or communicates a commercial or non-commercial message.

Business Vehicle Identification Sign – A sign that is permanently mounted or otherwise permanently affixed to a vehicle, trailer, or semitrailer which identifies the business, products, or services with which the vehicle, trailer, or semitrailer is related. For purposes of this definition, magnetic and adhesive signs shall be considered as being permanently affixed. This definition shall also include non-permanently affixed signs that do not exceed 32 square feet erected in concert with a legally operating wayside stand. Bumper stickers and similarly sized adhesive decals shall not be considered business vehicle identification signs.

Canopy means a detachable, rooflike cover, supported from the ground or deck, floor or walls of a structure, for protection from the sun or weather.

Canopy sign means a sign that is mounted, painted, or otherwise applied on or attached to a freestanding canopy or structural protective cover over an outdoor service area. An awning or a marquee is not a canopy.

Changeable copy sign - A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.

Commercial Speech – Speech or graphics advertising a business, profession, commodity, service or entertainment.

Direct illumination (sign illumination) means a sign whose light source is either located in the interior of the sign so that the rays go through the face of the sign, or which is attached to the face of the sign and is perceived as a design element of the sign.

Directional sign – An on-site sign for the purpose of making specific locations known and to assist in finding these locations (e.g. "Parking," "Shipping Receiving Area").

Electronic Variable Message Sign – Signs whose message are changed at reasonable intervals by electronic process or remote control and whose movement is the periodic changing of information against a solid, colorless background, engineered for maximum legibility and readability, and having a constant light level and glare reduced screens. This definition does not include static time, temperature and price displays which only change when necessary for accuracy.

External Illumination Illumination of a sign that is affected by an artificial source of light not contained within the sign itself.

Flag” - any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

Freestanding sign means a sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. Monument, pole, and ground signs are all freestanding signs.

Governmental Sign – a sign erected and maintained by or on behalf of the United States, the state, the county, or the city for the purpose of regulating traffic or for other civic purposes; the size, location, and height of which is dictated by the applicable agency to fulfill the intended civic purpose.

Ground sign” - any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding six (6) feet.

Historic sign means an existing sign which has a special historical, architectural, cultural, or aesthetic value to the community.

Illuminated sign” - any sign which contains an element designed to emanate artificial light directly or indirectly.

Indirect illumination (sign illumination) means a sign whose light source is external to the sign and which casts its light onto the sign from some distance.

Monument sign” - any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a height exceeding six (6) feet.

multi-tenant building – A grouping of two or more business establishments that either share common parking on the lot where they are located, or that occupy a single structure or separate structures that are physically or functionally related or attached.

Mural Sign – Any mural or pictorial scene painted on a wall or building or painted on a sign board affixed to a wall, and in which mural or scene has as its purpose an artistic effect.

Non-commercial Speech – A sign that contains a non-commercial message. Examples of non-commercial messages include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

“Off-premise sign” – a commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. A sign located within an easement or other appurtenance to a lot on which a business is located shall be deemed an off-premises sign.

~~**“On-premise sign”** – a sign which identifies or advertises an establishment, person, activity, goods, products or services located on the premises where the sign is installed.~~

“Permanent Sign” – A sign constructed of durable materials designed to exist for the duration of time that the use or occupant is located on the premises.

Pole sign” - any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open

portable sign – A sign not permanently attached to the ground or a building or designed to be permanently attached to the ground or a building.

Projecting sign – A sign attached to and projecting out from a building face or wall, generally at a right angle.

Reverse lit (sign illumination) means a direct source of light which illuminates a sign by shining off an opaque surface of a sign thereby casting the light off the wall behind the sign creating a halo effect.

Roof sign” - any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

“Sign” – Any letter, word or symbol, device, poster, picture, statue, reading matter or representation in the nature of an advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed or constructed, which is displayed for informational or communicative purposes and is visible to the general public.

“Sign, Real Estate Development” – A sign offering for sale, lease, or rent a single-family or multiple-family residential project of 10 or more dwelling units or lots. Real estate development signs shall be administered as permanent signs subject to all removal requirements outlined in code.

“Sign, Agricultural Sales” – A sign placed on a lot or parcel of land advertising an operating and permissible agricultural sales business. Off-premises agricultural sales signs shall be administered as temporary signs subject to all removal requirements outlined in code.

~~**“Sign, Wayside Stand”** – A sign located on a temporary structure or vehicle being used to sell agricultural, floricultural, or horticultural products.~~

Snipe sign means an off-premises sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other object

“Temporary Sign” – Any sign intended for display over a short period of time.

Unified Residential Area – A residential grouping of lots that share a plat name over one or more additions.

Wall sign – A sign attached to or erected against the wall of a building with the exposed face of the sign on a plane parallel to the plane of the wall, and which displays only one (1) sign surface.

Warning sign – A sign located on private property posting such property for warning or prohibitions on trespassing, hunting, or other activity.

Window sign – any building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

151.116 Administration and Enforcement

(A) Permit Required.

No sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a permit from the city. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

(1) Permanent Signs. To apply for a permanent sign permit, a complete application shall be submitted to the City containing the following:

- (a) Names and addresses of the applicant, owners of the sign, and lot;
- (b) The address at which the sign(s) are to be erected;
- (c) The legal description of the property on which the sign(s) are to be erected and the street on which they are to front;
- (d) A complete set of scaled plans showing the sign dimensions, area, height, ground elevations, applicable setbacks, and other details to fully and clearly represent the safe construction and placement of the proposed sign(s);
- (e) Type of sign(s) being requested (i.e. wall sign, monument sign, etc.);
- (f) The permit fee; and
- (g) The following if applicable:
 - i. Written authorization from the property owner upon who's land the sign is to be erected.
 - ii. A permit from either MnDOT or Washington County if the proposed sign is along a state highway or county road.
 - iii. A sign plan showing signs for all businesses if the sign is located on a building with more than one business.
 - iv. Photographs of the building face and the building faces of both adjacent buildings if the sign is being placed on an existing structure.
 - v. If replacing a historical sign, pictorial proof or other information that the sign is of historical significance or is a reproduction of a historic sign.

(2) Temporary Signs. To apply for a permit to allow a temporary sign, a complete application shall be submitted to the City containing the following:

- (a) Names and addresses of the applicant, owners of the sign, and lot;
 - (b) The address at which the sign(s) are to be erected;
 - (c) A generalized plan set showing the sign dimensions and height, and a notation of the materials to be used.
 - (d) A scaled site plan which clearly represents the placement of the proposed sign(s) on the applicable property;
 - (e) The proposed timeframe(s) over which the sign(s) will be posted;
 - (f) The permit fee; and
 - (g) The following if applicable:
 - i. Written authorization from the property owner upon who's land the sign is to be erected.
 - ii. A permit from either MnDOT or Washington County if the proposed sign is along a state highway or county road.
- (3) **Temporary Sign Renewal.** A temporary sign permit issued by the City may be renewed provided the sign design, size, location, or other previously approved details are not proposed to change. A sign renewal application shall include the following:
- (a) Names and addresses of the applicant, owners of the sign, and lot;
 - (b) The address at which the sign(s) are to be erected;
 - (c) The date of issuance of the permit being renewed;
 - (d) The proposed timeframe(s) over which the sign(s) will be posted;
 - (e) Written authorization from the property owner upon who's land the sign is to be erected (if applicable); and
 - (f) The permit renewal fee.
- (4) **Review.** The planning department shall approve or deny complete sign permit applications upon receipt of a complete application. If the permit is denied, the planning department will send a written notice of denial to the applicant. The written notice will indicate the reason(s) for denial and a description of the applicant's appeal rights.

(B) Exemptions.

The following signs shall not require a permit, but shall still comply with all provisions of this ordinance or any other law or ordinance regulating signs.

- (1) The changing of the display surface on a previously approved sign.
- (2) Signs six (6) square feet or less in size, per surface if double sided.
- (3) Window Signage that does not cover more than 1/3 of the total area of the window in which the sign is displayed
- (4) Governmental Signage.

(C) Fees.

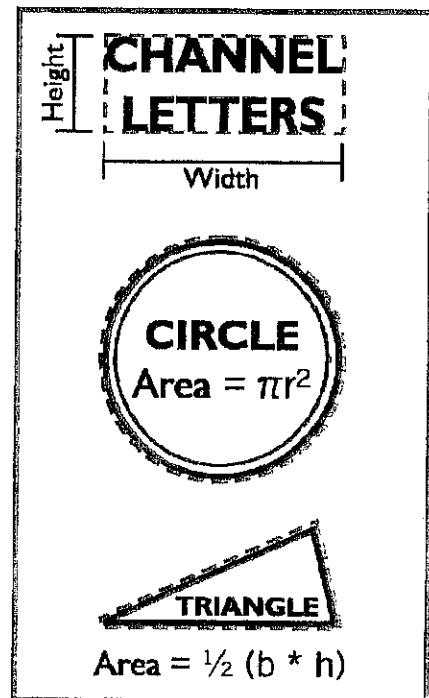
The fee for a sign permit is established yearly in the City's adopted fee schedule as indicated in section 11.02.

(D) Computations.

(1) Sign Area Measurement.

The area of a sign shall be computed by means of the smallest circle, rectangle or triangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the building facade against which it is placed. When a sign has two back-to-back sign faces containing sign copy, the sign area for both faces are counted toward the total allowed sign area. Poles, bases, and other supports shall not be included in the sign area calculation.

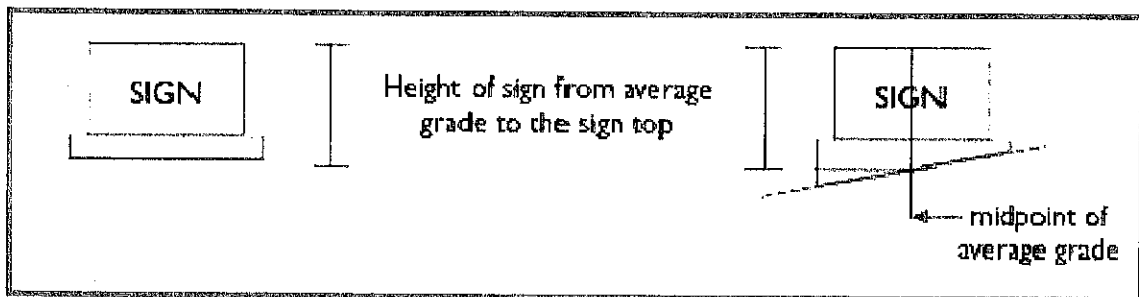
Figure 1: Sign Area Measurement



(2) Sign Height Measurement

The height of the sign shall be computed as the vertical distance measured from the average grade at the base of the sign to the top of the highest attached component of the sign.

Figure 2: Sign Height Measurement



(3) Total Sign Area Calculation

The total square footage of all sign surfaces shall be computed by adding together the sign areas of all signs on a property.

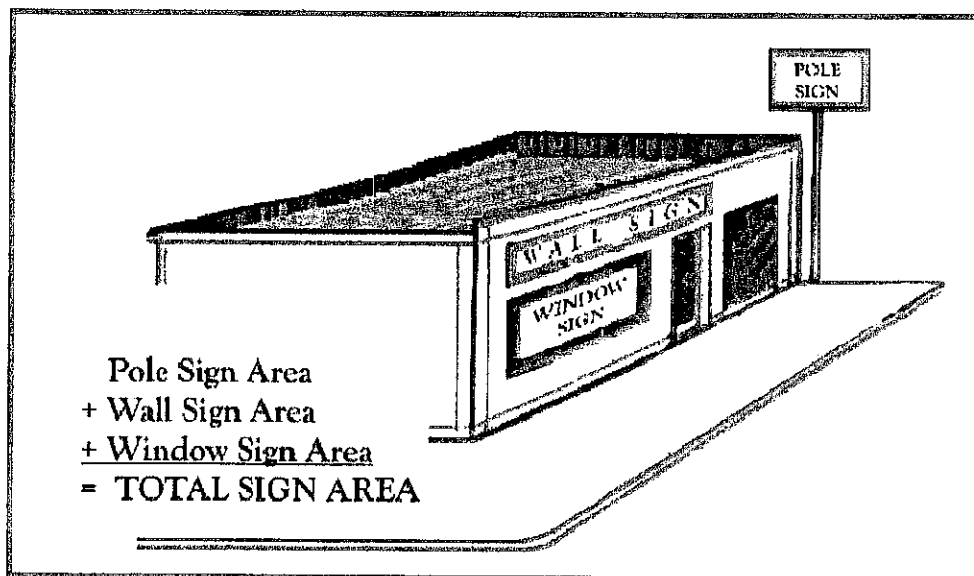


Figure 3: Total Sign Area Measurement Example

(E) Construction, Maintenance and Repairs.

- (1) The construction of all signs, unless otherwise stated herein, shall be in conformance with the provisions of the Uniform Sign Code published by the International Conference of Building Officials, 1997 Edition, as may be amended, which is hereby adopted by reference and made a part of this ordinance.
- (2) All signs and structures shall be properly maintained and shall be constructed of sufficiently permanent material so that they shall not succumb to deterioration from weathering.
- (3) Any existing sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, replaced, or removed if repair is not feasible. Sign maintenance shall be the responsibility of the underlying fee owner.

(F) Abatement.

If the City finds that any sign has been erected without the necessary approvals or any sign is being maintained in violation of any zoning provision, the City may give written notice of such violation to the installer of said sign; to the permit holder; and/or to the owner, lessee or manager of said property. If after receiving said notice such person fails to remove or alter said sign so as to comply with the provisions of the zoning ordinance, the sign shall be deemed to be a nuisance and may be abated by the City under Minnesota Statutes, Chapter 429. The cost of such abatement, including administrative expenses and reasonable attorneys' fees, may be levied as a special assessment against the property upon which the sign is located.

151.117 General Standards

(A) Abandoned Signs

Abandoned signs shall be removed.

(B) Building identification.

A building address, date of construction, commemorative tablet, etc; shall not count towards the overall permitted signage on a building or parcel. All forms of building identification, except for the building address, shall be cut into a masonry surface or be constructed of bronze or other incombustible material.

- (C) Building Official Review.** No sign shall be attached to or be allowed to hang from any building until all necessary wall and roof attachments have been approved by the City Building Official.

- (D) **Changeable Copy Signs.** A changeable copy sign, such as a reader board, may be integrated into an allowable sign subject to the following restrictions:
- (1) The message conveyed by the sign face shall not blink, flash, scroll or be so animated as to be deemed a distraction to passing motorists;
 - (2) Copy on the sign shall not change more than once per day on average (except for time, temperature, and price information which must change when necessary for accuracy);
 - (3) Characters and backgrounds depicted on a changeable copy sign shall not use florescent coloring.
 - (4) All changeable copy sign faces shall be limited to a maximum of 25 square feet in sign area, or the maximum size of the type of sign on which the face is placed, whichever is less.
- (E) **Flags.** No more than 3 flags may be displayed on any given parcel. Individual flags shall not exceed one-hundred (100) square feet in size per surface.
- (F) **Illumination.**
- (1) Illumination of signs shall comply with Chapter 150 code requirements governing Lighting, Glare Control, and Exterior Lighting Standards.
 - (2) Indirect illumination for signs shall be so constructed and maintained that the source of light (i.e. the bulb; not the fixture) is not visible from the public right-of-way or residential property.
 - (3) Back-lit awnings are prohibited.
- (G) **Ingress or egress.** No sign or structure shall be erected or maintained if it prevents free ingress or egress from any door, window, or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
- (H) **Landscaping.** Sign owners shall be required to maintain the appearance of the ground around all signs detached from buildings and to landscape where possible.

(I) Master Sign Program.

A Master Sign Program shall be reviewed and approved for all multi-tenant commercial buildings and for all business park development to coordinate all signage for current and future tenants. The Master Sign Program shall be reviewed as a permanent sign permit, but shall only authorize the general locations and sizes of signs to be erected within a development or on a multi-tenant building. Individual permanent sign permits shall still be needed for the placement of permanent signs in accordance with an approved Master Sign Program. Master Sign Programs shall be subject to the following requirements:

- (1) A Master Sign Program shall include a to-scale site plan which identifies the overall sign types, sizes, and locations for all proposed signage on the site(s). The site plan shall not contain the names of any current or future tenants or occupants of the center or overall development.
- (2) The Master Sign Program shall include a calculation of allowable sign square footage for the site(s) based on applicable zoning requirements and lot characteristics.
- (3) The Master Sign Program shall include square footage calculations for individual signs proposed for the site(s), along with a total sign square footage area calculation.
- (4) All signs within a Master Sign Program shall be visually consistent in location, design, and scale.
- (5) The Master Sign Program may be reviewed concurrently with a separate permanent sign permit for the individual sign(s) identified in the Master Sign Program. The separate permanent sign permit shall include all information required by section 151.116(A)(1), and may only be approved if the Master Sign Program is approved.

(J) Multi-Tenant Buildings.

- (I) Multi-tenant buildings are herein considered a single commercial establishment, and shall be limited to one (1) freestanding sign amongst all planned/allowed signage subject to the following requirements:
 - (a) If the multi-tenant commercial building has a floor area of 40,000 square feet or less, the sign shall not exceed forty (40) square feet (per side) and shall not exceed eight (8) feet in height.
 - (b) If a multiple tenant commercial building has a floor area greater than 40,000 square feet but less than 100,000 square feet, the sign shall not exceed seventy-five (75) square feet (per side) and shall not exceed nine (9) feet in height.

- (c) If a multiple tenant commercial building has a floor area of greater than 100,000 square feet, the sign shall not exceed 120 square feet (per side) and shall not exceed fifteen (15) feet in height.
- (2) Where a building, group of attached buildings on the same block, or center contains more than one business, the allowable sign area for any single business shall be its portion of the gross square footage of the building or center applied as a percentage to the allowable sign area of the entire building or center, subject to size limitations for specific signs within an approved Master Sign Program.

(K) Neighborhood Identification Signs

Independent of the total allowable sign area for individual residences within a residential zoning district, two (2) ground signs for a unified residential area with six (6) or more lots may be allowed consistent with the following provisions:

- (1) New subdivisions:
 - (a) Neighborhood identification sign(s) shall be approved as a component of a preliminary and final plat to be included as part of a new subdivision.
 - (b) Each sign may not exceed a total of thirty-two (32) square feet in area.
 - (c) Signs are to be located on outlots of sufficient size and area to accommodate them or within a dedicated permanent sign easement. A homeowners or neighborhood association is required for the area identified by the signs which shall own and be responsible for the upkeep, perpetual maintenance, taxes, insurance, utilities, and other costs associated with the sign(s) and their property. The association rules or by-laws shall specify how the aforementioned sign responsibilities will be delegated and paid for. City staff shall review the proposed bylaws to ensure that they specify the aforementioned responsibilities.
 - (d) Outlots or easements for signs are to be considered and planned for at the time of preliminary plat application and shall be included in the final plat. A developers agreement shall specify the designated use of the outlot or easements, its ownership, and the respective home owners association responsibilities regarding the proposed improvements.
 - (e) Only indirect lighting of neighborhood identification may be approved. The electric costs and maintenance of such lighting shall be the responsibility of the homeowners association or neighborhood association of the area identified by the sign(s) and shall be clearly noted in the association's rules or bylaws.

- (f) The area around the sign is to be landscaped and maintained in such a manner to accent and enhance the sign while remaining sensitive to the natural features of the site. Detailed site and landscape plans shall be included with each sign permit application and shall be subject to review by the Planning Commission and City Council at the time of Preliminary Plat.
 - (g) The design and construction of neighborhood area identification signs shall be done with the highest quality materials and workmanship to keep maintenance and upkeep costs to a minimum and to minimize the potential for vandalism. Neighborhood area identification signs are to be aesthetically pleasing when designed and constructed. The signs shall be compatible with nearby or potential homes and other structures in the area. Detailed construction plans and a materials list shall be included with the preliminary plat application.
 - (h) The City reserves the right to require the removal—at the owner's expense—of any sign when the requirements of this Section and this Ordinance are not completely followed and adhered to or if the sign is not properly maintained or falls into a state of disrepair. The City shall not have any obligation or liability to replace any sign or nearby landscaping when removed by the City.
- (2) Existing Unified Residential Areas: A neighborhood identification sign may be allowed by Conditional Use Permit for existing unified residential areas. If no outlots or easements were originally designated for signs, the plat may be amended to provide for such a proposal and shall meet the same criteria and requirements as set forth for new subdivisions.
- (L) **Non-commercial speech signs.** Notwithstanding any other provisions of this sign ordinance, all signs of any size containing non-commercial speech may be posted from August 1 in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election.
- (M) **Private on-premises directional signs.** Signs located on, above or beside entrances or exits to buildings or driveways which direct pedestrians or vehicles (e.g. "employees entrance," "exit only," "rest rooms," etc) shall not count towards the overall permitted signage on a site provided such signs are no more than four (4) square feet in area.

(N) Prohibited Signs

The following signs are prohibited in all zoning districts.

- (1) **Signs obstructing vision.** Any sign which obstructs the vision of drivers or pedestrians or detracts from the visibility of any official traffic-control device. This includes indoor signs that are visible from public streets.
- (2) **Unofficial traffic signs or signals.** Any sign which contains or imitates an official traffic sign or signal, except for private, on-premises directional signs which do not interfere with traffic flows on public roads.
- (3) **Off premises advertising signs.** Off premises advertising signs except as specifically allowed.
- (4) **Signs with moving parts, moving lighting or animation.** No sign shall display any moving parts, be illuminated with any flashing or intermittent lights, use changing light intensity, utilize spotlights giving off an intermittent or rotating beam existing as a collection or concentration of rays of light (including but not limited to revolving beacons, beamed lights, or similar devices), or be animated. The only exceptions to this provision include allowable changeable copy signs; barbershop poles; and static time, temperature, and price information changing only when necessary (which shall be allowed provided the message depicted is reasonably accurate).
- (5) **Roof signs.**
- (6) **Banners, pennants, ribbons, streamers.** No sign which contains or consists of banners, pennants, ribbons, streamers, string of light bulbs, spinners, or similar devices; except when used for non-commercial purposes, as a governmental sign, or as part of an approved master sign program or special event temporary sign permit.
- (7) **Portable signs.** Including but not limited to signs with wheels removed, attached temporarily or permanently to the ground, structure or other signs, mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way, hot air or gas filled balloons or semitruck umbrellas used for advertising. This prohibition shall not include business vehicle identification signs when the vehicle is being used for the normal day-to-day operations of a permitted business.
- (8) **Signs supported by a guy wire.**
- (9) **Billboards.**
- (10) **Electronic Variable Message Signs.**

(11) Signs on natural surfaces. No sign shall be painted, attached or in any other manner affixed to trees, rocks, or similar naturally occurring surfaces within the City of Lake Elmo. This shall not prohibit the use of natural building materials (e.g. boulders) in the construction of a legally permitted sign.

(12) Snipe signs.

(O) Public lands and rights-of-way. No signs other than governmental signs shall be erected or temporarily placed within any street right-of-way or upon public lands or easements or rights-of-ways without Council approval.

(P) Regulations for Specific Sign Types

(1) Wall signs

- (a) A wall sign shall be located on the outermost wall of any principal building but shall not project more than 16 inches from the wall to which the sign is to be affixed.
- (b) A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed.
- (c) Wall signs authorized by a Master Sign Program shall not exceed 25 square feet per business, and all signs shall be visually consistent in location, design, and scale.
- (d) Wall signs may be placed on not more than three walls of rectangular shaped structures or not more than 75 percent of the major walls on non-rectangular shaped buildings.

(2) Mural Sign.

- (a) Mural signs shall not be limited in size, but any commercial or non-commercial language incorporated into the mural sign shall be limited in size by the restrictions established for the applicable zoning district.
- (b) In addition to the standard conditional use criteria in section 154.018, mural signs shall also be subject to the following:
 - i. The location for the proposed mural sign shall be viewable by the public and be accessible;
 - ii. The scale and suitability of the mural sign shall be appropriate in the context of the surrounding properties;
 - iii. The artist(s) commissioned to complete the mural must provide documentation of demonstrated craftsmanship on similar projects;
 - iv. The applicant shall provide sureties to the city guaranteeing completion of the project within the proposed timeframe;

- v. The applicant shall demonstrate that the necessary funds are available for the proposed project;
- vi. The applicant must be able to show the final mural will last a minimum of five years and be reasonably resistant to vandalism and weather.

(3) Projecting, Awning, and Canopy Signs.

- (a) Projecting signs and awning signs shall be located on street level.
- (b) If lighted, projecting, awning, and canopy signs shall use indirect illumination.
- (c) Awning or canopy signs shall not project higher than the top of the awning or canopy or below the awning or canopy.
- (d) Clearance. The bottom of a projecting sign or awning shall be a minimum of eight feet (8') above the ground surface when projecting over a private or public walkway.

(4) Freestanding Signs. Freestanding signs shall not be erected or maintained any closer than three feet to any building.

(Q) Separation Angle. So as not to create a double exposure or increase sign size limitations, there shall be a maximum separation angle of forty-five degrees for signs which are back to back. In all residential districts, double-faced signs shall be parallel.

(R) Signs needing electricity. Signs needing electricity shall be subject to all applicable electrical codes as may be amended. Overhead wiring for such signs is prohibited.

(S) Special Sign Districts. All general sign regulations shall apply to signs within each of the special sign districts except as specifically noted herein.

(1) Old Village.

- (a) Boundary. The boundary of the Old Village Sign District is depicted on the city's official sign district map. Modifications to the district boundary may be completed using the zoning map amendment process.
- (b) Illumination. Indirect illumination or reverse lit letters shall be the permitted techniques for lighting all signs within the Old Village Sign District. Other forms of direct illumination are prohibited.

(c) Wall Signs.

- i. Wall signs in the Old Village Sign District shall not project higher than the parapet line of the wall to which the sign is to be affixed or 15 feet as measured from the base of the building wall to which the sign is affixed, whichever is lower.
- ii. Wall signs in the Old Village Sign District authorized by a Master Sign Program shall not exceed 20 square feet per business, and all signs shall be visually consistent in location, design, and scale.

(d) Freestanding Signs.

- i. The area of a freestanding sign in the Old Village Sign District shall not exceed thirty (30) square feet.
- ii. Freestanding signs in the Old Village Sign District shall not project higher than 12 feet, as measured from the average grade at the base of the sign or grade of the nearest roadway, whichever is lower.

(2) Agricultural Sales District

- (a) Boundary. The Agricultural Sales District shall include all properties zoned Agricultural or Rural Residential.
- (b) On-premises sign(s). Independent of the total allowable sign area for an individual property within the agricultural sales district, one or more additional 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 business are allowed 1 on-premises sign not to exceed 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 business are allowed 1 or 2 on-premises signs not to exceed 48 gross square feet of advertising surface (with no sign surface exceeding 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 1, 2 or 3 on-premises signs not to exceed 64 gross square feet of advertising surface (with no sign surface exceeding 32 square feet in size);
 - iv. Sign(s) shall be in the form of an allowable sign type in the underlying zoning district.

- v. No dimension of any sign shall exceed 15 feet exclusive of supporting structures.
 - vi. Any illuminated sign shall be illuminated only during those hours when business is open to the public for conducting business.
- (c) **Temporary off-premises sign(s).** 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 two off-premises signs at any given time to direct the public to the location of the business.
 - ii. **Timeframe of use.** Temporary off-premises signs may be erected for 45-day time periods no more than four times in any given calendar year. The required temporary sign permit shall stipulate the range of dates for each of the four 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' from all side property lines, and a minimum of 50' 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.

(3) I-94 District (optional)

- (a) **Boundary.** The I-94 district shall include parcels within the BP, GB, HB, CB, and LB zoning districts which meet the following criteria:
- i. The property is a buildable lot located to the south of Hudson Boulevard and to the north of Interstate 94.
 - ii. The property's southern boarder abuts Hudson Boulevard, and is not directly north—either wholly or partially—of a developable parcel lying between Hudson Boulevard and Interstate 94.
- (b) **Illumination.** All forms of illumination which conform to the general illumination standards for all signs shall be the permitted within the I-94 Sign District.

- (c) **Maximum total square footage of ALL sign surfaces.** The maximum total square footage of all sign surfaces in the I-94 district shall be dictated by the maximum sign sizes for allowable sign types.
- (d) **Wall Signs.** The least restrictive of the following may be used to determine the allowable area for wall signs in the I-94 District:
 - i. The total area of all wall signs on any wall shall not exceed ten percent of the area of the wall with a maximum allowable area of 80 square feet; or
 - ii. The total area of all wall signs on any wall shall not exceed five percent of the area of the wall with a maximum allowable area of 300 square feet.
- (e) **Freestanding Signs.** In lieu of a freestanding sign meeting underlying zoning requirements, a building site within the I-94 District may have one freestanding sign within 50 feet of the property line nearest the Interstate provided the sign does not exceed 150 square feet per side (300 square feet total) or 30 feet in height. The base of such a sign shall be at least 75 percent of the width of the sign and be constructed of materials that match those used on the building for which the sign is installed.
- (f) **Window Signs.** Window signs in the I-94 district shall not cover more than 1/3 of the window area.
- (g) **Awning, Canopy, and Projecting Signs.** One awning, canopy or projecting sign, in conformance with the underlying zoning requirements for height, location, and maximum size may also be erected for each business on a building site in the I-94 District.
- (T) **Substitution Clause.** The owner of any sign which is otherwise allowed by this sign ordinance may substitute non-commercial speech signs in lieu of any other commercial speech sign or other non-commercial speech sign. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial speech over any other non-commercial speech. This provision prevails over any more specific provision to the contrary.

(U) Temporary Signs.

- (1) Special Events.** Temporary signs may be allowed upon issuance of a permit for on-site advertising of special events such as openings and closings, change in management, sales events, or other special occasions. No more than four temporary sign permits may be issued in any calendar year for a given destination, and each temporary sign permit shall run for 15 days. Temporary signs for special events shall be subject to the following regulations:

 - (a) Only one on-premises temporary sign shall be allowed per business or event.
 - (b) Temporary signs shall be in the form of an allowable sign type in the underlying zoning district.
 - (c) Temporary signs shall not exceed 32 square feet in area and shall not be taller than 10 feet in height.
- (2) Residential development advertising signs.** Independent of the total allowable sign area for individual properties or residences within a residential zoning district, one or more additional ground signs may be erected within a newly established unified residential area development subject to the following:

 - (a) Minimum Development Size

 - i. Projects of less than 25 acres which create ten or more dwelling units are allowed one (1) on-premises ground sign not to exceed 100 square feet of advertising surface;
 - ii. Projects of 26 through 50 acres which create ten or more dwelling units are allowed 1 or 2 on-premises ground signs not to exceed 200 aggregate square feet of advertising surface on the project site; and
 - iii. Projects over 50 acres which create ten or more dwelling units are allowed 1, 2, or 3 on-premises ground signs not to exceed 200 aggregate square feet of advertising surface on the project site.
 - (b) Restrictions.

 - i. No dimension shall exceed 25 feet exclusive of supporting structures.
 - ii. The sign shall not remain once 90% of the lots in the development have been issued building permits.
 - iii. The permit for the sign must be renewed annually by the Council.

- iv. Only indirect illumination is permitted and shall only occur during those hours when an on-site sales office or model home is open for conducting business.

(3) Temporary Off-Premises Signs. Temporary off-premises signs may be erected if all of the following criteria are met:

- (a) The destination to which the off-premises sign is advertising is a property for sale;
- (b) An agent must be present at the destination property for sale, and the property must be open for viewing.
- (c) The sign must be located on private property, and permission must have been obtained from the private property owner to erect the temporary sign;
- (d) The temporary off-premises sign shall not exceed six (6) square feet in size;
- (e) The temporary off-premises sign shall not cause the total square feet of signage on a property to exceed the allowed maximum in the underlying zoning district.

(V) Warning Signs. Warning signs which do not exceed the minimum statutory requirements for size and number may be posted, and shall not count towards the overall permitted signage on a given property. Increases in either size or number over minimum statutory requirements shall count against the overall permitted signage on a given property unless authorized by conditional use permit which finds sufficient evidence that larger or more frequent signage is necessary to provide the intended warning.

151.118 Specific Regulations by Zoning District

- (A) **Sign Setbacks.** Signs shall conform to the set back regulations listed in table 1 for the zoning district in which the signs are located except as may be specifically exempted or restricted in sections 151.117 and 151.118.

Table 1: SETBACKS BY ZONING DISTRICT [1]														
	Base Zoning Districts													
	A	RR	R1	R2	R3	R4	RE	OP	GB	HB	CB	LB	BP [2]	PF
Front Lot Line	5	5	5	5	5	5	5	5	1	1	1	1	1	5
Side Lot Line	5	5	5	5	5	5	5	5	5	5	5	5	5	5
Rear Lot Line	5	5	5	5	5	5	5	5	10	10	10	10	10	5
Vehicular Access	5	5	5	5	5	5	5	5	15	15	15	15	15	5
<p>[1]: Awning/Canopy signs, mural signs, projecting signs, wall signs, or window signs proposed to be located on a building legally non-conforming to setback requirements shall be permitted without a variance provided all other zoning code provisions are met.</p> <p>[2]: Signs within Business Parks shall also adhere to the requirements of a master sign program approved by the City Council in conjunction with the business park establishment.</p>														

- (B) **Allowable Sign Area.** The maximum allowable sign area for an individual sign and for total site signage is listed in table 2 by zoning district. These maximums shall apply except as may be specifically exempted or restricted in sections 151.117 and 151.118.

Table 2: ALLOWABLE SIGN AREA BY ZONING DISTRICT									
District(s)	Maximum sign area in square feet (per surface) by sign type [1]								Maximum total square footage of ALL sign surfaces
	Awning/Canopy Sign	Ground Sign [2]	Monument Sign [2]	Mural Sign	Pole Sign [2]	Projecting Sign	Wall Sign	Window Sign	
A, RR, R1, R2, RE, OP [3]		6		C	6		6	6	12 square feet
R3 & R4 [3]		12		C	12		12	12	24 square feet
GB, HB, CB, LB, BP, & PF	[4]	30	60	C	30	6	[5]	No max	1.0 square foot per lineal foot of building parallel or substantially parallel to public road frontage (excluding alleys). [6]
<p>[1]: Sign types with shaded cells are prohibited in the applicable zoning district(s). Sign types with a maximum sign area of "C" shall require a conditional use permit.</p> <p>[2]: Ground, monument, or pole signs, where permitted, shall be limited to one (1) per commercial establishment.</p> <p>[3]: All sign types in residential districts shall have no more than two (2) surfaces.</p> <p>[4]: The gross surface of an awning or canopy sign shall not exceed 30% of the gross surface area of the smallest face of the awning or canopy of which the sign is to be affixed.</p> <p>[5]: On any wall parallel or substantially parallel to a public roadway, the gross surface area of a wall sign shall not exceed 0.75 square feet for each lineal foot of building facing the applicable roadway. For walls not facing a public roadway, the maximum wall sign size shall be twelve (12) square feet.</p> <p>[6]: Open sales lots or other approved uses on lots without a building shall be limited to thirty (30) square feet of total sign surfaces.</p>									

- (C) **Freestanding Sign Height.** The maximum allowable sign height for a freestanding sign is listed in table 3 by zoning district. These maximums shall apply except as may be specifically exempted or restricted in sections 151.117 and 151.118.

Table 3: ALLOWABLE FREESTANDING SIGN HEIGHT IN FEET BY ZONING DISTRICT														
	Base Zoning Districts													
	Residential Districts								Business Districts					
	A	RR	R1	R2	R3	R4	RE	OP	GB	HB	CB	LB	BP	PF
Allowable Height in feet	5	5	5	5	8	8	5	5	20	20	20	20	20	20

151.119 Sign Variances

Variances from sign provisions shall be administered in accordance with section 154.017, and shall be subject to the following additional requirements:

- (a) The sign(s) shall be compatible with the character of the adjacent buildings and with the character of the adjacent neighborhood;
- (b) The sign(s) shall have good scale and proportion in the visual relationship to buildings and adjacent areas;
- (c) The material, size, color, lettering, location, and arrangement of the sign(s) is an integral part of the site and building design; and/or
- (d) The colors, materials, and lighting of the sign(s) are restrained and harmonious, as interpreted by the City Planner.

SIGNS

§ 151.115 PURPOSE.

Signs have an impact on the rural character and quality of the environment in Lake Elmo. They may attract or repel the viewing public and affect the safety of vehicular traffic. As a rural community, Lake Elmo is unique. The proper control of signs is of particular importance because of this rural quality and uniqueness. Signs should be kept within reasonable boundaries consistent with the objectives and goals of the community to retain its special character and economic advantages which rest in part on the quality of its appearance. The following standards in the section are adopted to regulate signs.

(1997 Code, § 535.01)

§ 151.116 PERMIT REQUIRED.

- (A) No sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a permit from the city. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.
- (B) **Permanent Signs.** To apply for a permanent sign permit, a complete application shall be submitted to the City containing the following:
1. Names and addresses of the applicant, owners of the sign, and lot;
 2. The address at which the sign(s) are to be erected;
 3. The legal description of the property on which the sign(s) are to be erected and the street on which they are to front;
 4. A complete set of scaled plans showing the sign dimensions, area, height, ground elevations, applicable setbacks, and other details to fully and clearly represent the safe construction and placement of the proposed sign(s);
 5. Type of sign(s) being requested (i.e. wall sign, monument sign, etc.);
 6. The permit fee; and
 7. The following if applicable:
 - a. Written authorization from the property owner upon who's land the sign is to be erected.
 - b. A permit from either MnDOT or Washington County if the proposed sign is along a state highway or county road.

Comment [b1]: This language was revised by the 2008 Ordinance update for Agricultural signs, and is included in section 151.115(A)(1) in the new ordinance.

Comment [b2]: Language requiring sign permits is still located in section 151.116 within the new code.

Comment [b3]: Now in section 151.116 (A) in the new ordinance

- c. A sign plan showing signs for all businesses if the sign is located on a building with more than one business.
- d. Photographs of the building face and the building faces of both adjacent buildings if the sign is being placed on an existing structure.
- e. If replacing a historical sign, pictorial proof or other information that the sign is of historical significance or is a reproduction of a historic sign.

Comment [b4]: Now in section 151.116 (A)(1) in the new ordinance

(C) **Temporary Signs.** To apply for a permit to allow a temporary sign, a complete application shall be submitted to the City containing the following:

- 1. Names and addresses of the applicant, owners of the sign, and lot;
- 2. The address at which the sign(s) are to be erected;
- 3. A generalized plan set showing the sign dimensions and height, and a notation of the materials to be used.
- 4. A scaled site plan which clearly represents the placement of the proposed sign(s) on the applicable property;
- 5. The proposed timeframe(s) over which the sign(s) will be posted;
- 6. The permit fee; and
- 7. The following if applicable:
 - a. Written authorization from the property owner upon who's land the sign is to be erected.
 - b. A permit from either MnDOT or Washington County if the proposed sign is along a state highway or county road.

Comment [b5]: Now in section 151.116 (A)(2) in the new ordinance

(D) **Temporary Sign Renewal.** A temporary sign permit issued by the City may be renewed provided the sign design, size, location, or other previously approved details are not proposed to change. A sign renewal application shall include the following:

- 1. Names and addresses of the applicant, owners of the sign, and lot;
- 2. The address at which the sign(s) are to be erected;
- 3. The date of issuance of the permit being renewed;
- 4. The proposed timeframe(s) over which the sign(s) will be posted;

5. Written authorization from the property owner upon who's land the sign is to be erected (if applicable); and
6. The permit renewal fee.

Comment [b6]: Now in section 151.116 (A)(3) in the new ordinance

- (E) **Review.** The planning department shall approve or deny complete sign permit applications upon receipt of a complete application. If the permit is denied, the planning department will send a written notice of denial to the applicant. The written notice will indicate the reason(s) for denial and a description of the applicant's appeal rights.

Comment [b7]: Now in section 151.116 (A)(4) in the new ordinance

§ 151.117 DEFINITIONS.

Unless specifically defined within §§ 151.115 *et seq.*, common definitions, words, and phrases used in this code shall be interpreted so as to give them the same meaning throughout this code, and are found in § 11.01.

(1997 Code, § 535.03)

"Off-premise sign" – a commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. A sign located within an easement or other appurtenance to a lot on which a business is located shall be deemed an off-premises sign.

"On-premise sign" – a sign which identifies or advertises an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

"Permanent Sign" – A sign constructed of durable materials designed to exist for the duration of time that the use or occupant is located on the premises.

"Sign" – Any letter, word or symbol, device, poster, picture, statue, reading matter or representation in the nature of an advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed or constructed, which is displayed for informational or communicative purposes and is visible to the general public.

"Sign, Real Estate Development" – A sign offering for sale, lease, or rent a single-family or multiple-family residential project of 10 or more dwelling units or lots. Real estate development signs shall be administered as permanent signs subject to all removal requirements outlined in code.

Comment [b8]: This section will be revised throughout the ordinance process in accordance with changes being made in any given section. It must be reviewed last to ensure all needed definitions are in place.

"Sign, Agricultural Sales" – A sign placed on a lot or parcel of land advertising an operating and permissible agricultural sales business. Off-premises agricultural sales signs shall be administered as temporary signs subject to all removal requirements outlined in code.

"Sign, Wayside Stand" – A sign located on a temporary structure or vehicle being used to sell agricultural, floricultural, or horticultural products.

"Temporary Sign" – Any sign intended for display over a short period of time.

Comment [b9]: All definitions were added to 151.115 (C) within the new ordinance

§ 151.118 SIGNS; GENERALLY.

(A) The following provisions apply to signs located in all zoning districts. |

Comment [b10]: General standards are now located in section 151.117

(B) (1) *Maintenance.* All signs and structures shall be properly maintained and shall be constructed of sufficiently permanent material so that they shall not succumb to deterioration from weathering any existing sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, replaced, or removed as necessary. |

Comment [b11]: This language was split into two requirements, and placed in sections 151.116(E)(1&2)

(2) *Electrical signs.* When electrical signs are installed, the installation shall be subject to the state's electrical code. Overhead electrical wiring is not allowed. |

Comment [b12]: Now in section 151.117(R) – edited for clarity to include codes "as may be amended"

(3) *Public lands and rights-of-way.* No signs other than governmental signs shall be erected or temporarily placed within any street right-of-way or upon public lands or easements of rights-of-ways without Council approval. |

Comment [b13]: Now in section 151.117(O)

(4) *Ingress or egress.* No sign or structure shall be erected or maintained if it prevents free ingress or egress from any door, window, or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape. |

Comment [b14]: Same language maintained in section 151.117(G)

(5) *Temporary signs.* Temporary signs may be allowed upon issuance of a permit for on-site advertising of special business events such as openings and closings, change in management, , sales events, or other special occasions. No more than four temporary sign permits may be issued in any calendar year for a given destination, and each temporary sign permit shall run for 15 days. Temporary signs shall be subject to the following regulations:

- a. Only one on-premises temporary sign shall be allowed per business or event.
- b. Temporary signs shall not exceed 32 square feet in area and shall not be taller than 10 feet in height. |

Comment [b15]: Now in section 151.117 (U)(1) – minor edit to switch sign type from "ground sign" to "allowed sign types in the underlying zoning district."

(6) *Abandoned sign structures.* Sign structures not used for signing for 12 consecutive months shall be considered abandoned and shall be removed.

Comment [b16]: Edited and placed in section 151.117 (A)

(7) *Compatibility.* All signs shall be compatible with the building and area in which they are located. (Too vague – Removed)

(8) *Flags.* No more than 3 properly displayed flags may be displayed outside of the building.

Comment [b17]: Now in section 151.117 (B) -- edited to include a maximum flag size

(9) *Preservation of visual impact of architectural features.* A sign shall not obscure architectural features of a building to which the sign is attached. (Too vague; architectural features can be practically anything...need to differentiate types of features to be protected if this is included – Removed)

(10) *Building address.* A building address shall not be considered a sign.

Comment [b18]: Now in section 151.117 (B) -- edited to address number height and building identification markers/plaques

(11) *Graphic design signs.* Graphic design signs shall require a conditional use permit.

Comment [b19]: Replaced with section 151.117 (P)(2) -- edited to require greater scrutiny over "mural" signs

(12) *Conditions of waiver.* The terms of §§ 151.115 *et seq.* may be waived if the sign is a historic resource or if the sign is a proposed reproduction of a historic sign. (removed – variance would now be needed for any waiver of sign requirements)

(13) *Computations.* Dimensions of signs shall be calculated in the following manner:

a. *Sign Area Measurement.*

The area of a sign shall be computed by means of the smallest rectangle within which a single sign face can be enclosed. When a sign has two back-to-back sign faces containing sign copy, the sign area for just one face is counted toward the allowed sign area. Poles, bases, and other supports shall not be included in the sign area calculation.

b. *Sign Height Measurement*

The height of the sign shall be computed as the vertical distance measured from the average grade at the base of the sign to the top of the highest attached component of the sign.

Comment [b20]: Now in section 151.116 (D)

§ 151.119 PERMITTED SIGNS.

(A) The following signs are allowed without a permit in all zoning districts, but shall comply with all other applicable provisions of §§ 151.115 *et seq.*:

(B) (1) *Public signs.* Signs of public, non-commercial nature including safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when signs are erected by or on order of a public officer or employee in the performance of official duty.

(2) *Integral signs.* Names on buildings, date of construction, commemorative tablet, and the like, which are permanent construction and which are an integral part of the building or the structure.

(3) *Political signs.* Signs or posters announcing candidates seeking political office or issues to be voted upon at a public election, the signs must contain the name and address of person(s) responsible for its removal. **(Based on content – removed)** These signs shall be erected no more than 45 days before any election and be removed 10 days after the general election for which they are intended. The city shall have the right to remove and destroy signs after the 10-day limit.

(a) Size.

1. *Residential Districts.* The maximum sign size shall be 6 square feet in area with a maximum height of 4 feet.

2. *Commercial Districts.* The maximum size shall be 35 square feet in area. **(eliminated in favor of general size restrictions during non-election times)**

(b) Notwithstanding these provisions, all non-commercial signs of any size may be posted from August 1 in a state general election year until 10 days following the state election.

(4) *Holiday messages.* Signs or displays which contain or depict messages pertaining to a national, state, or local holiday and no other matter and which are displayed for a period not to exceed 60 days; **(Based on content – removed)**

(5) *Construction signs.* A non-illuminated sign announcing the names of architects, engineers, contractors, or other individuals or firms involved with the construction, alteration, or repair of a building (but not including any advertisement of any product) or announcing the character of the building enterprise or the purpose for which the building is intended. The signs shall be confined to the site of the construction, alteration, or repair and shall be removed within 2 years of the date of issuance of the first building permit or when the particular project is completed, whichever is sooner. One sign shall be permitted for each street the project abuts. No sign may exceed 32 square feet in multi-family residential, commercial, and industrial districts, and 12 square feet in single-family residential districts; **(Based on content – removed)**

Comment [b21]: Now in sections 151.116 (B)(4) and 151.117(O) -- now just covered by the definition for governmental signage along with language allowing such signs on public lands and ROWs

Comment [b22]: Now in section 151.117 (B) -- edited for clarity and combined with language governing house numbers

Comment [b23]: Now in section 151.117 (L) -- edited for clarity

Comment [b24]: Now in sections 151.118 (B & C) -- residential height raised to 5 feet in general for residential signs

Comment [b25]: Now in section 151.117 (B) -- edited for clarity

(6) *Individual property sale, lease, or rental sign.* An on-premise sign announcing the name of the owner, manager, realtor, or other person directly involved in the sale or rental of the property or announcing the purpose for which it is being offered. The signs are limited to 6 square feet in residential districts and 32 square feet in commercial districts. Signs must be removed within 10 days after sale or rental of property; **(Based on content – removed)**

(7) *Rummage sale signs.* Signs advertising a rummage sale not exceeding 4 square feet located on private property which conform to the applicable provisions of this title and are removed at the termination of the sale; **(Based on content – removed)**

(8) *Name plate signs.* **(Based on content – removed)**

(a) One name plate sign, placed on a wall of the structure, for each dwelling not exceeding 2 square feet in area per structure. No signs shall be constructed to have more than 2 surfaces.

(b) One name plate sign for each dwelling group of 6 or more units. The sign shall not exceed 6 square feet in area per surface. No signs shall be constructed to have more than 2 sides.

(9) *Real estate development project advertising signs.*

On premises real estate development project advertising signs may be used if the following requirements are met:

1. Minimum Development Size:

- i. Projects of less than 25 acres which create ten or more dwelling units are allowed 1 on-premises sign not to exceed 100 square feet of advertising surface;
- ii. Projects of 26 through 50 acres which create ten or more dwelling units are allowed 1 or 2 on-premises signs not to exceed 200 aggregate square feet of advertising surface on the project site; and
- iii. Projects over 50 acres which create ten or more dwelling units are allowed 1, 2, or 3 on-premises signs not to exceed 200 aggregate square feet of advertising surface on the project site.

2. On-premises sign requirements:

- i. No dimension shall exceed 25 feet exclusive of supporting structures.
- ii. The sign shall not remain once 90% of the lots in the development have been issued building permits.
- iii. The permit for the sign must be renewed annually by the Council.
- iv. All signs shall be bordered with a decorative material compatible with the surrounding area.
- v. Any illuminated sign shall be illuminated only during those hours when business is in operation or when the model homes or other development are open for conducting business.

Comment [b26]: Now in section 151.117(U)(2)

(10) *Agricultural sales advertising signs.*

a. **On-Premises.** On-premises agricultural sales advertising signs may be used subject to the following requirements:

1. Acreage dedicated to agricultural production:

- i. Agricultural sales businesses utilizing less than 10 acres of land specifically for the growing of agricultural crops for the business are allowed 1 on-premises sign not to exceed 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 business are allowed 1 or 2 on-premises signs not to exceed 48 gross square feet of advertising surface (with neither sign exceeding 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 1, 2 or 3 on-premises signs not to exceed 64 gross square feet of advertising surface (with no sign exceeding 32 square feet in size);

2. On-premises sign requirements:

- i. No dimension of any sign shall exceed 15 feet exclusive of supporting structures.

- ii. The permit for the sign must be renewed annually by the Council.
- iii. All signs shall be bordered with a decorative material compatible with the surrounding area.
- iv. Any illuminated sign shall be illuminated only during those hours when business is open to the public for conducting business.

b. **Off-premises.** An off-premises agricultural sales advertising sign may be used if the following requirements are met:

- 1. **Maximum Number.** Every agricultural sales business shall have no more than two off-premises signs at any given time to direct the public to the location of the business.
- 2. **Off-premises sign requirements:**
 - i. 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;
 - ii. Off-premises signs shall be a minimum of 25' from all side property lines, and a minimum of 50' from other off-premises advertising signs;
 - iii. Applicants for off-premises signs shall acquire permission from the property owner upon who's land the sign is to be erected.
- 3. **Timeframe of use.** Either one or two off-premises agricultural sales advertising sign(s) may be erected for a 45-day time period no more than four times in any given calendar year. The required yearly permit shall stipulate the range of dates for each of the four allowable time periods.

Comment [b27]: Now in section 151.117(S)(2)

(11) *Wayside Stand sign.* Temporary wayside stands permitted by code may have one non-illuminated sign (exempt from permitting requirements) not to exceed 32 gross square feet of advertising surface.

Comment [b28]: Addressed by "Business Vehicle Identification Signs" in the new ordinance

(12) *Window signs.* No sign permit is required for window signage that does not cover more than 1/3 of the total area of the window in which the sign is displayed; and

Comment [b29]: Now in section 151.116 (B)(3) -- removed the 1/3 threshold as part of the transition such that window signage in general will no longer require a permit.

(13) *No trespassing/no hunting signs.* No trespassing and no hunting signs shall be no larger than 2 square feet.

Comment [b30]: Now in section 151.117 (N)

(1997 Code, § 535.05) Penalty, see § 10.99

§ 151.120 PROHIBITED SIGNS IN ALL ZONING DISTRICTS.

(A) The following signs are prohibited in all zoning districts.

(B) (1) *Signs obstructing vision.* Any sign which obstructs the vision of drivers or pedestrians or detracts from the visibility of any official traffic-control device.

(2) *Unofficial traffic or signals.* Any sign which contains or imitates an official traffic sign or signal, except for private, on-premises directional signs.

(3) *Off premises advertising signs.* Off premises advertising signs except as regulated in §§ 151.115 *et seq.*

(4) *Moving or rotating signs.* Any sign which moves or rotates, including electronic reader board signs, except approved time and temperature information signs and barber poles.

(5) *Illuminated or flashing lights.* No sign shall display any moving parts, be illuminated with any flashing or intermittent lights or shall be animated, except time and temperature information. All displays shall be shielded to prevent any light to be directed at oncoming traffic in the brilliance as to impair the vision of any driver. No device shall be illuminated in a manner as to interfere with or obscure an official traffic sign or signal. This includes indoor signs that are visible from public streets.

(6) *Roof signs.*

(7) *Banners, pennants, ribbons, streamers.* No sign which contains or consists of banners, pennants, ribbons, streamers, string of light bulbs, spinners, or similar devices, except where used for non-commercial purposes or part of an approved sign plan.

(8) *Portable signs.* Including but not limited to signs with wheels removed, attached temporarily or permanently to the ground, structure or other signs, mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used on the normal day-to-day operations of that business, hot air or gas filled balloons or semitruck umbrellas used for advertising.

(9) *Building walls.* Signs painted directly on building walls unless approved by a sign permit.

(10) *Illuminated signs or spotlights.* Illuminated signs or spotlights giving off an intermittent or rotating beam existing as a collection or concentration of rays of light.

Comment [b31]: Prohibited signs are now listed in section 151.117(N)

Comment [b32]: Now in section 151.117 (N)(1)

Comment [b33]: Now in section 151.117 (N)(2)

Comment [b34]: Now in section 151.117 (N)(3)

Comment [b35]: Now in section 151.117 (N)(4) -- combined with other prohibited sign language for clarity

Comment [b36]: Now in section 151.117 (N)(4) -- combined with other prohibited sign language for clarity

Comment [b37]: Now in section 151.117 (N)(5)

Comment [b38]: Now in section 151.117 (N)(6)

Comment [b39]: Now in section 151.117 (N)(7)

Comment [b40]: Replaced with section 151.117 (P)(2) -- edited to require greater scrutiny over "mural" signs

Comment [b41]: Now in section 151.117 (N)(4) -- combined with other prohibited sign language for clarity

- | (11) *Revolving beacons, beamed lights, or similar devices.*
- | (12) *Signs supported by a guy wire.*
- | (13) *Graphic design signs without conditional use permit.*
- | (14) *Billboards.*

(1997 Code, § 535.06) Penalty, see § 10.99

§ 151.121 PERMITTED SIGNS BY ZONING DISTRICT.

(A) *Permitted signs in residential districts.*

- (1) Professional name plate wall signs, not exceeding 2 square feet in area;
(Based on content – removed)
- (2) Memorial signs or tablets, names of buildings, and the date of erection when cut into a masonry surface or when constructed of bronze or other incombustible material.
- (3) Political signs as regulated in §§ 151.115 *et seq.*; (Based on content – removed)
- (4) Individual property sale, lease, or rental, as regulated in §§ 151.115 *et seq.*;
(Based on content – removed)
- (5) Construction signs as regulated in §§ 151.115 *et seq.*; and (Based on content – removed)
- (6) Bulletin boards or public information signs not over 32 square feet located only on the premises of public, charitable, or religious institutions. (Based on content – removed)

| (B) *Permitted signs by a sign permit in the "Old Village" (south of State Highway 5) in the General Business (GB) Zoning District.*

- (1) *Number.* One wall, monument, awning, and canopy or 3-dimensional sign is allow per business. When a building or business abuts 2 or more public streets, an additional sign located on each street building face is allowed. (eliminated in favor of general total signage and location requirements)
- | (2) *Sign plan.* When there is more than 1 business or use in a building with more than 1 sign, a building sign plan shall be provided with the sign permit application.

Comment [b42]: Now in section 151.117 (N)(4) – combined with other prohibited sign language for clarity

Comment [b43]: Now in section 151.117 (N)(8)

Comment [b44]: Replaced with section 151.117 (P)(2) – edited to require greater scrutiny over "mural" signs

Comment [b45]: Now in section 151.117 (N)(9)

Comment [b46]: The table in 151.118(B) identifies allowable sign types by zoning district.

Comment [b47]: Now in section 151.117 (B)(1)

Comment [b48]: Specialized Old Village regulations are now in section 151.117(S)(1)

Comment [b49]: Now in section 151.117(I) which coordinates all existing language requiring a master sign program.

(3) *Other requirements.* See area, location, and height requirements below for type of sign selected.

(4) *Wall signs.*

(a) *Area.* The total building signage shall have an aggregate area not exceeding 0.75 square foot for each foot of the building face parallel or substantially parallel to a street or lot line. **(eliminated in favor of general total signage and location requirements)**

(b) *Location.* A wall sign shall not project more than 16 inches from the wall to which the sign is to be affixed.

Comment [b50]: Addressed in the general sign standards in new section 151.117(S)(1)(a)

(c) *Height.* A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or 15 feet as measured from the base of the building wall to which the sign is affixed, whichever is lower.

Comment [b51]: Now in section 151.117(S)(1)(c)(i)

(d) *Internally illuminated signs.* No internally illuminated signs are allowed.

Comment [b52]: Now in section 151.117(S)(1)(b) -- edited for clarity to allow only indirect illumination and reverse lit letters.

(e) *Special conditions.* Where a principal building is devoted to 2 or more permitted uses, the operator of each use may install a wall sign for their particular use, a sign plan must be submitted for the entire building. The total gross signage for the entire building shall not exceed 0.75 square feet for each foot of the building face parallel, or substantially parallel, to a street lot line **(eliminated in favor of general total signage and location requirements)** with a maximum of 20 square feet per business.

Comment [b53]: Now in section 151.117(i) which coordinates all existing language requiring a master sign program

Comment [b54]: Now in section 151.117(S)(1)(c)(ii) -- edited for clarity

(5) *Freestanding signs.*

(a) *Area.* The area of pedestal type freestanding signs shall not exceed 30 square feet.

Comment [b55]: Now in section 151.117(S)(1)(d)(i)

(b) *Location.* A pedestal sign shall be located in any required yard but shall have a setback of 15 feet from any point of vehicular access, public roadway, or property line.

Comment [b56]: Now handled by the general city standards for signs setbacks in new section 151.118 (A)

(c) *Height.* A pedestal sign shall not project higher than 6 feet, as measured from the base of the sign or grade of the nearest roadway, whichever is lower.

Comment [b57]: Now in section 151.117(S)(1)(d)(ii)

(d) *Landscaping.* The area around a monument sign shall be landscaped.

Comment [b58]: Now in section 151.117 (H) -- edited to require landscaping around all signs in all districts in compliance with the city's existing landscaping codes.

(e) *Lighting.* Externally illuminated or back lit letters are allowed; no internally illuminated signs are allowed.

Comment [b59]: Now located in new section 151.117(S)(1)(b)

(6) *Awning and canopy signs.*

(a) The gross surface of an awning or canopy sign shall not exceed 30% of the gross surface area of the smallest face of the awning or canopy of which the sign is to be affixed.

Comment [b60]: Now in the table within new section 151.118 (B)(2)

(b) The awning or canopy sign shall not project higher than the top of the awning or canopy or below the awning or canopy.

Comment [b61]: Now in section 151.117(P)(3)(c)

(7) *Projecting signs.*

(a) The total area of a projecting sign shall be 6 square feet.

Comment [b62]: Now in the table within new section 151.118 (B)(2)

(b) All projecting signs shall be located on street level and easily visible from the sidewalk.

Comment [b63]: Now in section 151.117(P)(3)(a) as a general sign standard

(c) If lighted, projecting signs shall be externally illuminated.

Comment [b64]: Now in section 151.117(P)(3)(b) -- edited for clarity

(C) *Signs permitted in the Highway Business, Limited Business, General Business, and Business Park Zoning Districts.* All commercial office and industrial signs in Highway Business, Limited Business, General Business, and Business Park Zoning Districts require a sign permit.

(1) *Wall signs.*

(a) *Area.* The gross surface area of a wall sign shall not exceed 0.75 square feet for each foot of building, parallel, or substantially parallel to the front lot line.
(eliminated in favor of general total signage and location requirements)

(b) *Location.* A wall sign shall be located on the outermost wall of any principal building but shall not project more than 16 inches from the wall to which the sign is to be affixed. The location and arrangement of all wall signs shall be subject to the review and approval of the City Planner. (removed -- too vague)

Comment [b65]: Now in section 151.117 (P)(1)(a)

(c) *Height.* A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or 20 feet as measured from the base of the building wall to which the sign is affixed, whichever is lower.

Comment [b66]: Now in section 151.117 (P)(1)(b) -- edited to eliminate the 20 foot height maximum in favor of the parapet line maximum only.

(d) *Special conditions.* Where a principal building is devoted to 2 or more uses, the operator of each use may install a wall sign upon his/her proportionate share of the building wall to which the sign is affixed. A sign plan must be submitted for the entire building containing the following information:

Comment [b68]: Now in section 151.117 (I)

Comment [b67]: Now in section 151.117 (I)(2) -- edited for clarity.

1. The total gross signage for the entire building shall not exceed 1 square foot for each foot of building face parallel, or substantially parallel, to a street lot line

(eliminated in favor of general total signage and location requirements) or a maximum of 25 square feet per business;

2. The location, sizes, types, and elevations of all signs; and

3. All signs shall be visually consistent in location, design, and scale.

(2) *Freestanding signs.*

(a) The gross surface area of a ground sign shall not exceed 30 square feet for each exposed face nor exceed an aggregate gross surface area of 60 square feet.

(b) A ground sign may be set back 15 feet from front or side property lines.

(c) A ground sign shall not project higher than 6 feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is lower.

(d) There shall be 1 freestanding sign per development site. (removed – unnecessary for ALL businesses to have a ground, monument, or pole sign)

(3) *Multi-tenant Master Sign Program.* A building Master Sign Program shall be required (for multi-tenant commercial buildings) besides the individual tenant and occupant signs. A building master identification sign may be permitted according to the following requirements.

(a) Building master identification signs shall not contain the names of any tenants or occupants of the center.

(b) If the multi-tenant commercial building has a floor area of 40,000 square feet or less, the building may have a freestanding sign with a maximum of 1 square foot of sign for each 5 feet of building frontage or 40 square feet maximum in height of 8 feet.

(c) If a multiple tenant commercial building has a floor area greater than 40,000 square feet, but less than 100,000 square feet, the center may have a master identification sign with a maximum of 75 square feet on each side and with a maximum height of 9 feet.

(d) If a multiple tenant commercial building has a floor area of greater than 100,000 square feet, the center may have a master identification sign with a maximum area of 120 square feet on each side and a maximum height of 15 feet.

(1997 Code, § 535.07) Penalty, see § 10.99

§ 151.122 DIRECTORY SIGNS.

Comment [b69]: Now in section 151.117 (P)(1)(c)

Comment [b70]: Now in section 151.117 (I)(1)

Comment [b71]: Now in section 151.117 (P)(1)(c)

Comment [b72]: Now in section 151.118 (B)

Comment [b73]: Now in section 151.118 (A)

Comment [b74]: Consistent with the new definition for ground sign.

Comment [b75]: Now in section 151.117 (I) -- edited for clarity

Comment [b76]: Now in section 151.117 (U)(1) -- edited for clarity

Comment [b77]: Now in section 151.117 (J)(1)(a)

Comment [b78]: Now in section 151.117 (J)(1)(b)

Comment [b79]: Now in section 151.117 (J)(1)(c)

(A) *Generally.* Directory signs are used to guide pedestrians to individual businesses within a multiple tenant commercial area and are permitted.

(B) *Placement.*

(1) Sign must be placed on the site of the development.

(2) Sign shall be erected only in internal pedestrian access areas and not in vehicle access areas.

(3) Directory signs area to be used for the purpose of direction and identification only.

(4) Directory signs may be freestanding but shall not exceed 4 feet in height.

(C) *Area.* A directory sign may have maximum area of 1 square foot for each business listed on the sign and 4 square feet for the name of the building or complex.

(1997 Code, § 535.08) Penalty, see § 10.99

Comment [b80]: Replaced by new section 151.117(M)

§ 151.123 AUTOMOBILE SERVICE STATION SIGNS. (This section and all subsections were removed because they are content specific)

(A) Automobile service stations are allowed 1 wall sign and 1 ground sign subject to the following conditions.

(B) (1) *Wall signs.* There shall be no more than 1 wall sign per building face with a maximum sign area of 0.75 square feet for each lineal foot of building frontage.

(2) *Freestanding signs.* There shall be no more than 1 freestanding sign for each principal building. A freestanding sign shall be set back 15 feet from the front and side property line. A freestanding sign shall not project higher than 6 feet as measured from grade or contain more than 30 square feet of signage.

(3) *Service bay and island identification signs.* Service bay and island identification signs are permitted providing direction or instructions to persons using the facility, but shall contain no advertising material of any kind.

(1997 Code, § 535.09) Penalty, see § 10.99

§ 151.124 VARIANCE STANDARDS.

(A) *Variances.* The Planning Commission shall hear requests for a variance to the literal provisions of §§ 151.115 *et seq.* in instances where the strict enforcement would cause an undue hardship because of circumstances unique to the individual property under consideration and to grant the variance only when it is demonstrated that:

(1) There are extraordinary circumstances that apply to this property which do not generally apply to other properties in the same zone. These circumstances may include the narrowness, shallowness, shape, and topography of the parcel of land or setback from right-of-way;

(2) The literal interpretation of the provisions of the sign ordinance deprives the applicant rights commonly enjoyed by other properties in the same district under the terms of the sign ordinance;

(3) The special circumstances are not the result of the applicant;

(4) The granting of the variances requested do not confer on the applicant a special privilege that is denied by §§ 151.115 *et seq.* to owners of other lands, structures, and building in the same district;

(5) The variances requested are the minimum variances, which would alleviate the hardship;

(6) The variance requested would not be materially detrimental to the purposes of the sign ordinance; and/or

(7) The design of the sign or signs are as follows:

(a) Compatible with the character of the adjacent buildings and with the character of the adjacent neighborhood;

(b) Have good scale and proportion in the visual relationship to buildings and adjacent areas;

(c) The material, size, color, lettering, location, and arrangement of the sign(s) is an integral part of the site and building design; and/or

(d) The colors, materials, and lighting of the sign(s) are restrained and harmonious, as interpreted by the City Planner.

(B) *Application.* An application for a variance to §§ 151.115 *et seq.* shall be processed according to the zoning code.

(1997 Code, § 535.10) |

Comment [b81]: Now in section
151.119

Section 151.125 SUBSTITUTION CLAUSE.

The owner of any sign which is otherwise allowed by this sign ordinance may substitute non-commercial speech signs in lieu of any other commercial speech sign or other non-commercial speech sign. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial speech over any other non-commercial speech. This provision prevails over any more specific provision to the contrary.

Comment [b82]: Now in section 151.117 (T)

Section 151.126 SEVERABILITY.

If any section, subsection, sentence, clause, or phrase in sections 151.115 through 151.125 are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Sign Ordinance. The City Council hereby declares that it would have adopted the Sign Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Comment [b83]: Now in section 151.115 (B)

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 14

AN ORDINANCE REPEALING EXISTING SIGN CODE REGULATIONS
AND ADOPTING NEW REGULATIONS TO GOVERN SIGNS IN ALL
ZONING DISTRICTS IN THE CITY OF LAKE ELMO

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: General Code Provisions, by amending section 11.01 Definitions to eliminate existing definitions as follows:

~~—SIGN, 3-DIMENSIONAL.~~ A type of projecting sign which depicts a physical object, such as a shoe or product sold, as opposed to utilizing lettering to convey the signing message.

~~—SIGN, ADVERTISING.~~ A sign that directs attention to a business or profession or to a commodity, service, or entertainment not sold or offered upon the premises, where the sign is located or to which it is attached.

~~—SIGN, AGRICULTURAL SALES.~~ A sign placed on a lot or parcel of land advertising an operating and permissible agricultural sales business. Off premises agricultural sales signs shall be administered as temporary signs subject to all removal requirements outlined in code.

~~—SIGN AREA.~~ The area which is framed either physically or visually by the construction, design, or layout of a sign itself but not including supporting structures.

~~—SIGN, AWNING.~~ Any sign that is painted on or attached to an awning.

~~—SIGN, BANNER.~~ A temporary sign intended to be hung either with or without a frame possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind excluding flags, emblems, and insignia or political, professional, religious, education, or corporate organizations providing that the flags, emblems, and insignia are displayed for non-commercial purposes.

~~—SIGN, BILLBOARD.~~ A non-accessory sign erected for the purpose of advertising a product, event, person, or subject not usually related to the premises on which the sign is located.

~~—SIGN, BUILDING SIGN PLAN.~~ An illustration that shows all signs on a building or group of related buildings.

~~—SIGN, BUSINESS.~~ A sign that direct attention to a business or provision or to the commodity, service, or entertainment sold or offered upon the premises where the sign is located or to which it is attached.

~~—SIGN, CITY IDENTIFICATION.~~ A sign that contains the name of the city, the city logo, and may also include identification of civic organizations located within the city.

~~—SIGN, CONSTRUCTION.~~ A temporary sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier, or other involved parties.

~~—SIGN, DIRECTIONAL.~~ A sign which contains no advertising of any kind and provides direction or instruction to guide persons or vehicles to facilities intended to serve the public.

~~—SIGN, ELECTRICAL.~~ An illuminated sign upon which the artificial light is not kept constant in terms of intensity or color at all times when the sign is illuminated.

~~—SIGN, FLASHING.~~ An illuminated sign which as a light source not constant in intensity or color at all times while the sign is in use.

~~—SIGN, FREESTANDING.~~ Any stationary, self supporting sign standing on the ground not affixed to any other structure. Includes monument, ground, or pedestal signs.

~~—SIGN, GOVERNMENTAL.~~ A sign which is erected by a governmental unit for identification or traffic.

~~—SIGN, GRAPHIC.~~ Any mural or pictorial scene painted on a wall or building or painted on a sign board affixed to a wall, and in which mural or scene has as its purpose an artistic effect. A graphic design shall be considered a sign for the purpose of this code.

~~—SIGN, GROUND.~~ A sign which is supported by 1 or more uprights, poles, or braces in or upon the ground.

~~—SIGN, HISTORICAL.~~ Any sign that is of historical significance and that is a historical resource within the meaning of M.S. Ch. 116B, as it may be amended from time to time.

~~—SIGN, IDENTIFICATION.~~ A sign which identifies the inhabitant of the dwelling, not to exceed 2 square feet in size.

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

~~—SIGN, MARQUEE.~~ A permanent roof like structure extending from part of the wall of a building but not supported by the ground, and constructed of durable material such as metal or glass.

~~—SIGN, MOBILE.~~ Signs on wheels or otherwise designed to be transportable.

~~— **SIGN, MOTION.** Any sign which revolves, rotates, has any moving parts, or gives the illusion of motion.~~

~~— **SIGN, NAMEPLATE.** A sign which states the name and/or address of the business, industry, or occupant of the site and is attached to the building or site.~~

~~— **SIGN, NEIGHBORHOOD/SECTOR.** A freestanding sign which identifies, by name, the section of the city.~~

~~— **SIGN, OFF-PREMISE.** A commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. A sign located within an easement or other appurtenance to a lot on which a business is located shall be deemed an off-premises sign.~~

~~— **SIGN, ON-PREMISES.** A sign which identifies or advertises an establishment, person, activity, goods, products or services located on the premises where the sign is installed.~~

~~— **SIGN, PEDESTAL.** A ground sign usually erected 1 central shaft or post which is solidly affixed to the ground.~~

~~— **SIGN, PERMANENT.** A sign constructed of durable materials designed to exist for the duration of time that the use or occupant is located on the premises.~~

~~— **SIGN, PORTABLE.** Any sign that is designed to be moved.~~

~~— **SIGN, PROJECTING.** Any sign projecting from a building wall.~~

~~— **SIGN, PUBLIC UTILITY.** Signs which identify public utilities.~~

~~— **SIGN, REAL ESTATE DEVELOPMENT.** A sign offering for sale, lease, or rent a single-family or multiple-family residential project of 10 or more dwelling units or lots.~~

~~— **SIGN, REAL ESTATE.** A sign offering property (land and/or buildings) for sale, lease, or rent.~~

~~— **SIGN, REAL ESTATE DEVELOPMENT.** A sign offering for sale, lease, or rent a single-family or multiple-family residential project of 10 or more dwelling units or lots. Real estate development signs shall be administered as permanent signs subject to all removal requirements outlined in code.~~

~~— **SIGN, REVOLVING.** A sign which has moving parts (structural); does not include flashing signs which blink on and off but may include signs which produce moving effect through use of illumination. Signs which revolve or turn on an axis point such as a pedestal, string, or post shall not be considered revolving if less than 2 complete revolutions per minute.~~

~~— **SIGN, ROOF.** A sign erected upon or above a roof or parapet of a building.~~

~~**SIGN, SEASONAL.** A sign placed on a lot or parcel of land for a period not to exceed 30 days out of any 12 month period. No sign permit fee is required.~~

~~**SIGN, SHOPPING CENTER, OR INDUSTRIAL PARK.** A business sign designating a group of shops or offices (more than 3).~~

~~**SIGN, STRUCTURE.** The supports, uprights, braces, and framework of the sign.~~

~~**SIGN, SUBDIVISION IDENTIFICATION DISPLAY.** A display, illustration, structure, or device which directs attention to or defines a residential subdivision.~~

~~**SIGN, TEMPORARY.** Any sign intended for display over a short period of time.~~

~~**SIGN, WALL.** A sign attached to or erected against the wall of a building with the exposed face of the sign on a plane parallel to the plane of the wall.~~

~~**SIGN, WARNING.** A sign which warns the public of a danger or hazard in the immediate vicinity and is obviously not intended for advertising purposes.~~

~~**SIGN, WAYSIDE STAND.** A sign located on a temporary structure or vehicle being used to sell agricultural, floricultural, or horticultural products.~~

~~**SIGN, WINDOW.** A sign affixed to a window glass or door glass. This does not include merchandise on display.~~

~~**SIGN.** Any letter, word or symbol, device, poster, picture, statue, reading matter or representation in the nature of an advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed or constructed, which is displayed for informational or communicative purposes and is visible to the general public.~~

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: General Code Provisions, by amending section 11.01 Definitions to add the following definitions in alphabetical order with the already existing definitions:

ANIMATION. The movement or the optical illusion of movement of any part a sign, sign structure, design, or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity; the automatic changing of all or any part of the facing of a street sign.

AWNING. A shelter supported entirely from the exterior wall of a building.

CANOPY. A detachable, rooflike cover, supported from the ground or deck, floor or walls of a structure, for protection from the sun or weather.

COMMERCIAL SPEECH. Speech or graphics advertising a business, profession, commodity, service or entertainment.

MULTI-TENANT BUILDING. A grouping of two or more business establishments that either share common parking on the lot where they are located, or that occupy a single structure or separate structures that are physically or functionally related or attached.

NON-COMMERCIAL SPEECH. A sign that contains a non-commercial message. Examples of non-commercial messages include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

UNIFIED RESIDENTIAL AREA. A residential grouping of lots that share a plat name over one or more additions.

SIGN, ABANDONED. Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

SIGN, AWNING. A sign or graphic printed on or in some fashion attached directly to the awning material.

SIGN, BANNER. A temporary sign typically made of cloth, plastic or vinyl materials.

SIGN, BILLBOARD. A sign structure with a surface area over one hundred (100) square feet per surface that identifies or communicates a commercial or non-commercial message.

SIGN, BUSINESS VEHICLE IDENTIFICATION. A sign that is permanently mounted or otherwise permanently affixed to a vehicle, trailer, or semitrailer which identifies the business, products, or services with which the vehicle, trailer, or semitrailer is related. For purposes of this definition, magnetic and adhesive signs shall be considered as being permanently affixed. This definition shall also include non-permanently affixed signs that do not exceed 32 square feet erected in concert with a legally operating wayside stand. Bumper stickers and similarly sized adhesive decals shall not be considered business vehicle identification signs.

SIGN, CANOPY. A sign that is mounted, painted, or otherwise applied on or attached to a freestanding canopy or structural protective cover over an outdoor service area. An awning or a marquee is not a canopy.

SIGN, CHANGEABLE COPY. A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.

SIGN, DIRECTIONAL. An on-site sign for the purpose of making specific locations known and to assist in finding these locations (e.g. "Parking," "Shipping Receiving Area").

SIGN, ELECTRONIC VARIABLE MESSAGE. Signs whose message are changed at reasonable intervals by electronic process or remote control and whose movement is the periodic changing of information against a solid, colorless background, engineered for maximum legibility and readability, and having a constant light level and glare reduced screens. This definition does not include static time, temperature and price displays which only change when necessary for accuracy.

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

SIGN, FREESTANDING. A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. Monument, pole, and ground signs are all freestanding signs.

SIGN, GOVERNMENTAL. A sign erected and maintained by or on behalf of the United States, the state, the county, or the city for the purpose of regulating traffic or for other civic purposes; the size, location, and height of which is dictated by the applicable agency to fulfill the intended civic purpose.

SIGN, GROUND. Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding six (6) feet.

SIGN, HISTORIC. An existing sign which has a special historical, architectural, cultural, or aesthetic value to the community.

SIGN, ILLUMINATED. Any sign which contains an element designed to emanate artificial light directly or indirectly.

SIGN ILLUMINATION, BACK LIT. A direct source of light which illuminates a sign by shining through a translucent surface of a sign, including plastic signs, lit from an internal light source.

SIGN ILLUMINATION, DIRECT. A sign whose light source is either located in the interior of the sign so that the rays go through the face of the sign, or which is attached to the face of the sign and is perceived as a design element of the sign.

SIGN ILLUMINATION, EXTERNAL. Illumination of a sign that is affected by an artificial source of light not contained within the sign itself.

SIGN ILLUMINATION, INDIRECT. A sign whose light source is external to the sign and which casts its light onto the sign from some distance.

SIGN ILLUMINATION, REVERSE LIT. A direct source of light which illuminates a sign by shining off an opaque surface of a sign thereby casting the light off the wall behind the sign creating a halo effect.

SIGN, MONUMENT. Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a height exceeding six (6) feet.

SIGN, MURAL. Any mural or pictorial scene painted on a wall or building or painted on a sign board affixed to a wall, and in which mural or scene has as its purpose an artistic effect.

SIGN, OFF-PREMISE. A commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. A sign located within an easement or other appurtenance to a lot on which a business is located shall be deemed an off-premises sign.

SIGN, PERMANENT. A sign constructed of durable materials designed to exist for the duration of time that the use or occupant is located on the premises.

SIGN, POLE. Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open

SIGN, PORTABLE. A sign not permanently attached to the ground or a building or designed to be permanently attached to the ground or a building.

SIGN, PROJECTING. A sign attached to and projecting out from a building face or wall, generally at a right angle.

SIGN, ROOF. Any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

SIGN. Any letter, word or symbol, device, poster, picture, statue, reading matter or representation in the nature of an advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed or constructed, which is displayed for informational or communicative purposes and is visible to the general public.

SIGN, REAL ESTATE DEVELOPMENT. A sign offering for sale, lease, or rent a single-family or multiple-family residential project of 10 or more dwelling units or lots. Real estate development signs shall be administered as permanent signs subject to all removal requirements outlined in code.

SIGN, AGRICULTURAL SALES. A sign placed on a lot or parcel of land advertising an operating and permissible agricultural sales business. Off-premises agricultural sales signs shall be administered as temporary signs subject to all removal requirements outlined in code.

SIGN, SNIPE. An off-premises sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other object.

SIGN, TEMPORARY. Any sign intended for display over a short period of time.

SIGN, WALL. A sign attached to or erected against the wall of a building with the exposed face of the sign on a plane parallel to the plane of the wall, and which displays only one (1) sign surface.

SIGN, WARNING. A sign located on private property posting such property for warning or prohibitions on trespassing, hunting, or other activity.

SIGN, WINDOW. Any building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 151: Building Regulations, by repealing city code sections 151.115 through 151.126 in their entirety.

SECTION 4. The City Council of the City of Lake Elmo hereby amends Chapter 151 to add the following language:

151.115 PURPOSE

(A) Purpose and Findings.

(1) Purpose.

(a) The Lake Elmo Sign Regulations are intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the business community's need for effective communication and identification. It is not the purpose or intent of these regulations to favor commercial messages or speech over non-commercial messages or speech or to discriminate between types of non-commercial speech or the viewpoints represented therein. It is the intent of these regulations to promote the health, safety, general welfare, and desirable rural community image through the regulation of signs with the following objectives in mind:

- a. Signs shall demonstrate a high standard of aesthetic character and encourage the use of monument and individual letter-style signs;

- b. Permit large enough copy/graphic area to effectively convey the intended message but not so large as to unduly distract the reader and insist on lettering large enough to be easily read to encourage simple, uncluttered messages;
- c. Signs shall be proportioned to the size of, and architecturally compatible with, the structures and other signs on the premises;
- d. Permanent signs shall only advertise on-premise businesses, services, facilities, etc;
- e. Allow temporary business signs for grand openings and occasional sales events; allow temporary signs to advise the public of the seasonal sale of agricultural and horticultural products in keeping with the City's rural image; and to allow temporary directional signs permitting the public to more easily locate land conservation developments which enhances the City's rural image, without creating continuous visual clutter or traffic hazards along streets or at intersections; and
- f. Signs shall be properly maintained.
- g. Signs that distract drivers, cyclists and pedestrians shall not be permitted. Studies conducted by public and private agencies have identified that dynamic signs, including multi-vision signs, electronic signs and video displays can be highly distracting to drivers, pedestrians, and cyclists and that distraction is a significant underlying cause of traffic accidents. With respect to electronic signs, including video display signs, the City finds that they are highly visible from long distances and at very wide viewing angles both day and night and are designed to catch the eye of persons in their vicinity and hold it for extended periods of time. If left uncontrolled, electronic signs, including video display signs, constitute a serious traffic safety threat. Studies conducted by the Federal Highway Administration (FHWA), Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction, Sept. 11, 2001, and The Role of Driver Inattention in Crashes: New Statistics from 1995; the University of North Carolina Highway Safety Research Center, Distractions in Everyday Driving, May 2003 and The Role of Driver Distraction in Traffic Crashes, May 2001; the Wisconsin Department of Transportation, Synthesis Report of Electronic Billboards and Highway Safety, June 10, 2003; the Municipal Research and Services Center of Washington, Sign Control Provisions, Jan. 2006; the Veridan Group, Video Signs in Seattle, Gerald Wachtel, May 2001, reveal that electronic signs are highly distracting to drivers and that driver distraction continues to be a significant underlying cause of traffic accidents.

(2) Findings.

The City of Lake Elmo hereby finds that regulation of the construction type, location, size, and maintenance of signs is necessary to accomplish the above referenced objectives, because:

- (a) The presence of permanent and temporary signage affects the rural image of the City of Lake Elmo;
- (b) Properly regulated signage can create an atmosphere of prosperity, stimulate commercial activity, and consequently, lead to increased employment and a healthier tax base;
- (c) The safety of motorists, cyclists, and pedestrians can be threatened by signage that interferes with necessary sight-distances and/or unduly diverts the attention of such persons.
- (d) Signs that are too bright, overly illuminated, flash, blink, scroll, twirl, change messages or color, or imitate movement, including video displays, can distract drivers, cyclists and pedestrians and impact traffic safety.

- (B) **Severability.** If any section, subsection, sentence, clause, or phrase in sections 151.115 through 151.119 are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Sign Ordinance. The City Council hereby declares that it would have adopted the Sign Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

151.116 ADMINISTRATION AND ENFORCEMENT**(A) Permit Required.**

No sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a permit from the city. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

- (1) **Permanent Signs.** To apply for a permanent sign permit, a complete application shall be submitted to the City containing the following:
- (a) Names and addresses of the applicant, owners of the sign, and lot;
 - (b) The address at which the sign(s) are to be erected;
 - (c) The legal description of the property on which the sign(s) are to be erected and the street on which they are to front;
 - (d) A complete set of scaled plans showing the sign dimensions, area, height, ground elevations, applicable setbacks, and other details to fully and clearly represent the safe construction and placement of the proposed sign(s);
 - (e) Type of sign(s) being requested (i.e. wall sign, monument sign, etc.);

- (f) The permit fee; and
 - (g) The following if applicable:
 - i. Written authorization from the property owner upon who's land the sign is to be erected.
 - ii. A permit from either MnDOT or Washington County if the proposed sign is along a state highway or county road.
 - iii. A sign plan showing signs for all businesses if the sign is located on a building with more than one business.
 - iv. Photographs of the building face and the building faces of both adjacent buildings if the sign is being placed on an existing structure.
 - v. If replacing a historical sign, pictorial proof or other information that the sign is of historical significance or is a reproduction of a historic sign.
- (2) **Temporary Signs.** To apply for a permit to allow a temporary sign, a complete application shall be submitted to the City containing the following:
- (a) Names and addresses of the applicant, owners of the sign, and lot;
 - (b) The address at which the sign(s) are to be erected;
 - (c) A generalized plan set showing the sign dimensions and height, and a notation of the materials to be used.
 - (d) A scaled site plan which clearly represents the placement of the proposed sign(s) on the applicable property;
 - (e) The proposed timeframe(s) over which the sign(s) will be posted;
 - (f) The permit fee; and
 - (g) The following if applicable:
 - i. Written authorization from the property owner upon who's land the sign is to be erected.
 - ii. A permit from either MnDOT or Washington County if the proposed sign is along a state highway or county road.
- (3) **Temporary Sign Renewal.** A temporary sign permit issued by the City may be renewed provided the sign design, size, location, or other previously approved details are not proposed to change. A sign renewal application shall include the following:
- (a) Names and addresses of the applicant, owners of the sign, and lot;
 - (b) The address at which the sign(s) are to be erected;
 - (c) The date of issuance of the permit being renewed;
 - (d) The proposed timeframe(s) over which the sign(s) will be posted;

(e) Written authorization from the property owner upon who's land the sign is to be erected (if applicable); and

(f) The permit renewal fee.

- (4) **Review.** The planning department shall approve or deny complete sign permit applications upon receipt of a complete application. If the permit is denied, the planning department will send a written notice of denial to the applicant. The written notice will indicate the reason(s) for denial and a description of the applicant's appeal rights.

(B) Exemptions.

The following signs shall not require a permit, but shall still comply with all provisions of this ordinance or any other law or ordinance regulating signs.

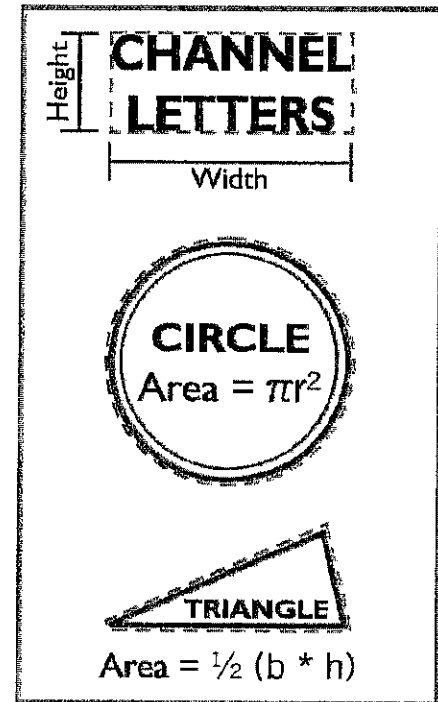
- (1) The changing of the display surface on a previously approved sign.
- (2) Signs six (6) square feet or less in size, per surface if double sided.
- (3) Window Signage that does not cover more than 1/3 of the total area of the window in which the sign is displayed
- (4) Governmental Signage.

(C) Fees.

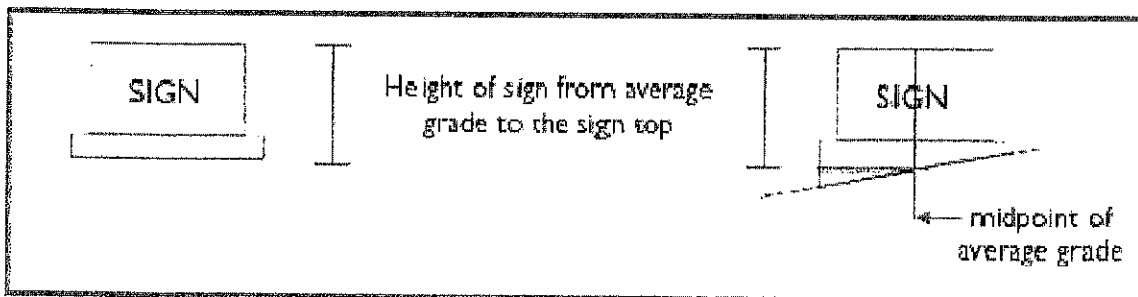
The fee for a sign permit is established yearly in the City's adopted fee schedule as indicated in section 11.02.

(D) Computations.**(1) Sign Area Measurement.**

The area of a sign shall be computed by means of the smallest circle, rectangle or triangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the building facade against which it is placed. When a sign has two back-to-back sign faces containing sign copy, the sign area for both faces are counted toward the total allowed sign area. Poles, bases, and other supports shall not be included in the sign area calculation.

Figure 1: Sign Area Measurement**(2) Sign Height Measurement**

The height of the sign shall be computed as the vertical distance measured from the average grade at the base of the sign to the top of the highest attached component of the sign.

Figure 2: Sign Height Measurement

(3) Total Sign Area Calculation

The total square footage of all sign surfaces shall be computed by adding together the sign areas of all signs on a property.

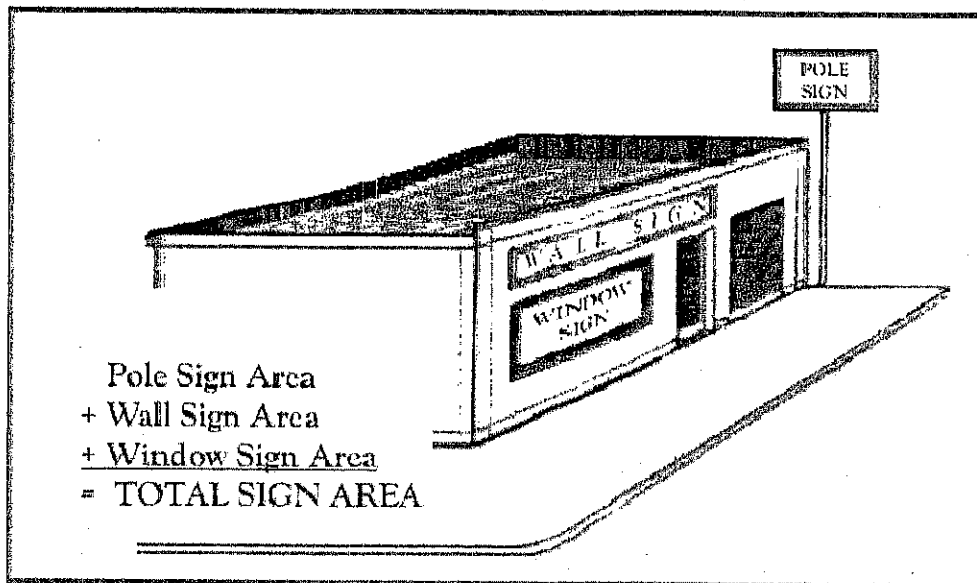


Figure 3: Total Sign Area Measurement Example

(E) Construction, Maintenance and Repairs.

- (1) The construction of all signs, unless otherwise stated herein, shall be in conformance with the provisions of the Uniform Sign Code published by the International Conference of Building Officials, 1997 Edition, as may be amended, which is hereby adopted by reference and made a part of this ordinance.
- (2) All signs and structures shall be properly maintained and shall be constructed of sufficiently permanent material so that they shall not succumb to deterioration from weathering.
- (3) Any existing sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, replaced, or removed if repair is not feasible. Sign maintenance shall be the responsibility of the underlying fee owner.

(F) Abatement.

If the City finds that any sign has been erected without the necessary approvals or any sign is being maintained in violation of any zoning provision, the City may give written notice of such violation to the installer of said sign; to the permit holder; and/or to the owner, lessee or manager of said property. If after receiving said notice such person fails to remove or alter said sign so as to comply with the provisions of the zoning ordinance, the sign shall be deemed to be a nuisance and may be abated by the City under Minnesota Statutes, Chapter 429. The cost of such abatement, including administrative expenses and reasonable attorneys' fees, may be levied as a special assessment against the property upon which the sign is located.

151.117 GENERAL STANDARDS**(A) Abandoned Signs**

Abandoned signs shall be removed.

(B) Building identification.

A building address, date of construction, commemorative tablet, etc; shall not count towards the overall permitted signage on a building or parcel. All forms of building identification, except for the building address, shall be cut into a masonry surface or be constructed of bronze or other incombustible material.

(C) Building Official Review. No sign shall be attached to or be allowed to hang from any building until all necessary wall and roof attachments have been approved by the City Building Official.**(D) Changeable Copy Signs.** A changeable copy sign, such as a reader board, may be integrated into an allowable sign subject to the following restrictions:

- (1) The message conveyed by the sign face shall not blink, flash, scroll or be so animated as to be deemed a distraction to passing motorists;
- (2) Copy on the sign shall not change more than once per day on average (except for time, temperature, and price information which must change when necessary for accuracy);
- (3) Characters and backgrounds depicted on a changeable copy sign shall not use florescent coloring.
- (4) All changeable copy sign faces shall be limited to a maximum of 25 square feet in sign area, or the maximum size of the type of sign on which the face is placed, whichever is less.

(E) Flags. No more than 3 flags may be displayed on any given parcel. Individual flags shall not exceed one-hundred (100) square feet in size per surface.

(F) Illumination.

- (1) Illumination of signs shall comply with Chapter 150 code requirements governing Lighting, Glare Control, and Exterior Lighting Standards.
- (2) Indirect illumination for signs shall be so constructed and maintained that the source of light (i.e. the bulb; not the fixture) is not visible from the public right-of-way or residential property.
- (3) Back-lit awnings are prohibited.

(G) Ingress or egress. No sign or structure shall be erected or maintained if it prevents free ingress or egress from any door, window, or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.

(H) Landscaping. Sign owners shall be required to maintain the appearance of the ground around all signs detached from buildings and to landscape where possible.

(I) Master Sign Program.

A Master Sign Program shall be reviewed and approved for all multi-tenant commercial buildings and for all business park development to coordinate all signage for current and future tenants. The Master Sign Program shall be reviewed as a permanent sign permit, but shall only authorize the general locations and sizes of signs to be erected within a development or on a multi-tenant building. Individual permanent sign permits shall still be needed for the placement of permanent signs in accordance with an approved Master Sign Program. Master Sign Programs shall be subject to the following requirements:

- (1) A Master Sign Program shall include a to-scale site plan which identifies the overall sign types, sizes, and locations for all proposed signage on the site(s). The site plan shall not contain the names of any current or future tenants or occupants of the center or overall development.
- (2) The Master Sign Program shall include a calculation of allowable sign square footage for the site(s) based on applicable zoning requirements and lot characteristics.
- (3) The Master Sign Program shall include square footage calculations for individual signs proposed for the site(s), along with a total sign square footage area calculation.
- (4) All signs within a Master Sign Program shall be visually consistent in location, design, and scale.

- (5) The Master Sign Program may be reviewed concurrently with a separate permanent sign permit for the individual sign(s) identified in the Master Sign Program. The separate permanent sign permit shall include all information required by section 151.116(A)(1), and may only be approved if the Master Sign Program is approved.

(J) Multi-Tenant Buildings.

- (1) Multi-tenant buildings are herein considered a single commercial establishment, and shall be limited to one (1) freestanding sign amongst all planned/allowed signage subject to the following requirements:
 - (a) If the multi-tenant commercial building has a floor area of 40,000 square feet or less, the sign shall not exceed forty (40) square feet (per side) and shall not exceed eight (8) feet in height.
 - (b) If a multiple tenant commercial building has a floor area greater than 40,000 square feet but less than 100,000 square feet, the sign shall not exceed seventy-five (75) square feet (per side) and shall not exceed nine (9) feet in height.
 - (c) If a multiple tenant commercial building has a floor area of greater than 100,000 square feet, the sign shall not exceed 120 square feet (per side) and shall not exceed fifteen (15) feet in height.
- (2) Where a building, group of attached buildings on the same block, or center contains more than one business, the allowable sign area for any single business shall be its portion of the gross square footage of the building or center applied as a percentage to the allowable sign area of the entire building or center, subject to size limitations for specific signs within an approved Master Sign Program.

(K) Neighborhood Identification Signs

Independent of the total allowable sign area for individual residences within a residential zoning district, two (2) ground signs for a unified residential area with six (6) or more lots may be allowed consistent with the following provisions:

- (1) New subdivisions:
 - (a) Neighborhood identification sign(s) shall be approved as a component of a preliminary and final plat to be included as part of a new subdivision.
 - (b) Each sign may not exceed a total of thirty-two (32) square feet in area.

- (c) Signs are to be located on outlots of sufficient size and area to accommodate them or within a dedicated permanent sign easement. A homeowners or neighborhood association is required for the area identified by the signs which shall own and be responsible for the upkeep, perpetual maintenance, taxes, insurance, utilities, and other costs associated with the sign(s) and their property. The association rules or by-laws shall specify how the aforementioned sign responsibilities will be delegated and paid for. City staff shall review the proposed bylaws to ensure that they specify the aforementioned responsibilities.
 - (d) Outlots or easements for signs are to be considered and planned for at the time of preliminary plat application and shall be included in the final plat. A developers agreement shall specify the designated use of the outlot or easements, its ownership, and the respective home owners association responsibilities regarding the proposed improvements.
 - (e) Only indirect lighting of neighborhood identification may be approved. The electric costs and maintenance of such lighting shall be the responsibility of the homeowners association or neighborhood association of the area identified by the sign(s) and shall be clearly noted in the association's rules or bylaws.
 - (f) The area around the sign is to be landscaped and maintained in such a manner to accent and enhance the sign while remaining sensitive to the natural features of the site. Detailed site and landscape plans shall be included with each sign permit application and shall be subject to review by the Planning Commission and City Council at the time of Preliminary Plat.
 - (g) The design and construction of neighborhood area identification signs shall be done with the highest quality materials and workmanship to keep maintenance and upkeep costs to a minimum and to minimize the potential for vandalism. Neighborhood area identification signs are to be aesthetically pleasing when designed and constructed. The signs shall be compatible with nearby or potential homes and other structures in the area. Detailed construction plans and a materials list shall be included with the preliminary plat application.
 - (h) The City reserves the right to require the removal—at the owner's expense—of any sign when the requirements of this Section and this Ordinance are not completely followed and adhered to or if the sign is not properly maintained or falls into a state of disrepair. The City shall not have any obligation or liability to replace any sign or nearby landscaping when removed by the City.
- (2) Existing Unified Residential Areas: A neighborhood identification sign may be allowed by Conditional Use Permit for existing unified residential areas. If no outlots or easements were originally designated for signs, the plat may be amended to provide for such a proposal and shall meet the same criteria and requirements as set forth for new subdivisions.

(L) **Non-commercial speech signs.** Notwithstanding any other provisions of this sign ordinance, all signs of any size containing non-commercial speech may be posted from August 1 in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election.

(M) **Private on-premises directional signs.** Signs located on, above or beside entrances or exits to buildings or driveways which direct pedestrians or vehicles (e.g. "employees entrance," "exit only," "rest rooms," etc) shall not count towards the overall permitted signage on a site provided such signs are no more than four (4) square feet in area.

(N) **Prohibited Signs**

The following signs are prohibited in all zoning districts.

- (1) **Signs obstructing vision.** Any sign which obstructs the vision of drivers or pedestrians or detracts from the visibility of any official traffic-control device. This includes indoor signs that are visible from public streets.
- (2) **Unofficial traffic signs or signals.** Any sign which contains or imitates an official traffic sign or signal, except for private, on-premises directional signs which do not interfere with traffic flows on public roads.
- (3) **Off premises advertising signs.** Off premises advertising signs except as specifically allowed.
- (4) **Signs with moving parts, moving lighting or animation.** No sign shall display any moving parts, be illuminated with any flashing or intermittent lights, use changing light intensity, utilize spotlights giving off an intermittent or rotating beam existing as a collection or concentration of rays of light (including but not limited to revolving beacons, beamed lights, or similar devices), or be animated. The only exceptions to this provision include static time, temperature, and price information changing only when necessary (which shall be allowed provided the message depicted is reasonably accurate), allowable changeable copy signs and barbershop poles.
- (5) **Roof signs.**
- (6) **Banners, pennants, ribbons, streamers.** No sign which contains or consists of banners, pennants, ribbons, streamers, string of light bulbs, spinners, or similar devices; except when used for non-commercial purposes, as a governmental sign, or as part of an approved master sign program or special event temporary sign permit.

- (7) **Portable signs.** Including but not limited to signs with wheels removed, attached temporarily or permanently to the ground, structure or other signs, mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way, hot air or gas filled balloons or semitruck umbrellas used for advertising. This prohibition shall not include business vehicle identification signs when the vehicle is being used for the normal day-to-day operations of a permitted business.
 - (8) **Signs supported by a guy wire.**
 - (9) **Billboards.**
 - (10) **Electronic Variable Message Signs.**
 - (11) **Signs on natural surfaces.** No sign shall be painted, attached or in any other manner affixed to trees, rocks, or similar naturally occurring surfaces within the City of Lake Elmo. This shall not prohibit the use of natural building materials (e.g. boulders) in the construction of a legally permitted sign.
 - (12) **Snipe signs.**
- (O) **Public lands and rights-of-way.** No signs other than governmental signs shall be erected or temporarily placed within any street right-of-way or upon public lands or easements or rights-of-ways without Council approval.
- (P) **Regulations for Specific Sign Types**
- (1) **Wall signs**
 - (a) A wall sign shall be located on the outermost wall of any principal building but shall not project more than 16 inches from the wall to which the sign is to be affixed.
 - (b) A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed.
 - (c) Wall signs authorized by a Master Sign Program shall not exceed 25 square feet per business, and all signs shall be visually consistent in location, design, and scale.
 - (d) Wall signs may be placed on not more than three walls of rectangular shaped structures or not more than 75 percent of the major walls on non-rectangular shaped buildings.
 - (2) **Mural Sign.**
 - (a) Mural signs shall not be limited in size, but any commercial or non-commercial language incorporated into the mural sign shall be limited in size by the restrictions established for the applicable zoning district.
 - (b) In addition to the standard conditional use criteria in section 154.018, mural signs shall also be subject to the following:

- i. The location for the proposed mural sign shall be viewable by the public and be accessible;
- ii. The scale and suitability of the mural sign shall be appropriate in the context of the surrounding properties;
- iii. The artist(s) commissioned to complete the mural must provide documentation of demonstrated craftsmanship on similar projects;
- iv. The applicant shall provide sureties to the city guaranteeing completion of the project within the proposed timeframe;
- v. The applicant shall demonstrate that the necessary funds are available for the proposed project;
- vi. The applicant must be able to show the final mural will last a minimum of five years and be reasonably resistant to vandalism and weather.

(3) Projecting, Awning, and Canopy Signs.

- (a) Projecting signs and awning signs shall be located on street level.
- (b) If lighted, projecting, awning, and canopy signs shall use indirect illumination.
- (c) Awning or canopy signs shall not project higher than the top of the awning or canopy or below the awning or canopy.
- (d) Clearance. The bottom of a projecting sign or awning shall be a minimum of eight feet (8') above the ground surface when projecting over a private or public walkway.

(4) Freestanding Signs. Freestanding signs shall not be erected or maintained any closer than three feet to any building.

(Q) Separation Angle. So as not to create a double exposure or increase sign size limitations, there shall be a maximum separation angle of forty-five degrees for signs which are back to back. In all residential districts, double-faced signs shall be parallel.

(R) Signs needing electricity. Signs needing electricity shall be subject to all applicable electrical codes as may be amended. Overhead wiring for such signs is prohibited.

(S) Special Sign Districts. All general sign regulations shall apply to signs within each of the special sign districts except as specifically noted herein.

(1) Old Village.

- (a) Boundary. The boundary of the Old Village Sign District is depicted on the city's official sign district map. Modifications to the district boundary may be completed using the zoning map amendment process.

- (b) **Illumination.** Indirect illumination or reverse lit letters shall be the permitted techniques for lighting all signs within the Old Village Sign District. Other forms of direct illumination are prohibited.
- (c) **Wall Signs.**
 - i. Wall signs in the Old Village Sign District shall not project higher than the parapet line of the wall to which the sign is to be affixed or 15 feet as measured from the base of the building wall to which the sign is affixed, whichever is lower.
 - ii. Wall signs in the Old Village Sign District authorized by a Master Sign Program shall not exceed 20 square feet per business, and all signs shall be visually consistent in location, design, and scale.
- (d) **Freestanding Signs.**
 - i. The area of a freestanding sign in the Old Village Sign District shall not exceed thirty (30) square feet.
 - ii. Freestanding signs in the Old Village Sign District shall not project higher than 12 feet, as measured from the average grade at the base of the sign or grade of the nearest roadway, whichever is lower.

(2) Agricultural Sales District.

- (a) **Boundary.** The Agricultural Sales District shall include all properties zoned Agricultural or Rural Residential.
- (b) **On-premises sign(s).** Independent of the total allowable sign area for an individual property within the agricultural sales district, one or more additional 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 business are allowed 1 on-premises sign not to exceed 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 business are allowed 1 or 2 on-premises signs not to exceed 48 gross square feet of advertising surface (with no sign surface exceeding 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 1, 2 or 3 on-premises signs not to exceed 64 gross square feet of advertising surface (with no sign surface exceeding 32 square feet in size);

- iv. Sign(s) shall be in the form of an allowable sign type in the underlying zoning district.
 - v. No dimension of any sign shall exceed 15 feet exclusive of supporting structures.
 - vi. Any illuminated sign shall be illuminated only during those hours when business is open to the public for conducting business.
- (c) Temporary off-premises sign(s). 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 two off-premises signs at any given time to direct the public to the location of the business.
 - ii. Timeframe of use. Temporary off-premises signs may be erected for 45-day time periods no more than four times in any given calendar year. The required temporary sign permit shall stipulate the range of dates for each of the four 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' from all side property lines, and a minimum of 50' 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.

(3) I-94 District.

- (a) **Boundary.** The I-94 district shall include parcels within the BP, GB, HB, CB, and LB zoning districts which meet the following criteria:
- i. The property is a buildable lot located to the south of Hudson Boulevard and to the north of Interstate 94.
 - ii. The property's southern boarder abuts Hudson Boulevard, and is not directly north—either wholly or partially—of a developable parcel lying between Hudson Boulevard and Interstate 94.
- (b) **Illumination.** All forms of illumination which conform to the general illumination standards for all signs shall be the permitted within the I-94 Sign District.

- (c) **Maximum total square footage of ALL sign surfaces.** The maximum total square footage of all sign surfaces in the I-94 district shall be dictated by the maximum sign sizes for allowable sign types.
 - (d) **Wall Signs.** The least restrictive of the following may be used to determine the allowable area for wall signs in the I-94 District:
 - i. The total area of all wall signs on any wall shall not exceed ten percent of the area of the wall with a maximum allowable area of 80 square feet; or
 - ii. The total area of all wall signs on any wall shall not exceed five percent of the area of the wall with a maximum allowable area of 300 square feet.
 - (e) **Freestanding Signs.** In lieu of a freestanding sign meeting underlying zoning requirements, a building site within the I-94 District may have one freestanding sign within 50 feet of the property line nearest the Interstate provided the sign does not exceed 150 square feet per side (300 square feet total) or 30 feet in height. The base of such a sign shall be at least 75 percent of the width of the sign and be constructed of materials that match those used on the building for which the sign is installed.
 - (f) **Window Signs.** Window signs in the I-94 district shall not cover more than 1/3 of the window area.
 - (g) **Awning, Canopy, and Projecting Signs.** One awning, canopy or projecting sign, in conformance with the underlying zoning requirements for height, location, and maximum size may also be erected for each business on a building site in the I-94 District.
- (T) **Substitution Clause.** The owner of any sign which is otherwise allowed by this sign ordinance may substitute non-commercial speech signs in lieu of any other commercial speech sign or other non-commercial speech sign. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial speech over any other non-commercial speech. This provision prevails over any more specific provision to the contrary.
- (U) **Temporary Signs.**
- (1) **Special Events.** Temporary signs may be allowed upon issuance of a permit for on-site advertising of special events such as openings and closings, change in management, sales events, or other special occasions. No more than four temporary sign permits may be issued in any calendar year for a given destination, and each temporary sign permit shall run for 15 days. Temporary signs for special events shall be subject to the following regulations:
 - (a) Only one on-premises temporary sign shall be allowed per business or event.

- (b) Temporary signs shall be in the form of an allowable sign type in the underlying zoning district.
- (c) Temporary signs shall not exceed 32 square feet in area and shall not be taller than 10 feet in height.

(2) **Residential development advertising signs.** Independent of the total allowable sign area for individual properties or residences within a residential zoning district, one or more additional ground signs may be erected within a newly established unified residential area development subject to the following:

(a) Minimum Development Size

- i. Projects of less than 25 acres which create ten or more dwelling units are allowed one (1) on-premises ground sign not to exceed 100 square feet of advertising surface;
- ii. Projects of 26 through 50 acres which create ten or more dwelling units are allowed 1 or 2 on-premises ground signs not to exceed 200 aggregate square feet of advertising surface on the project site; and
- iii. Projects over 50 acres which create ten or more dwelling units are allowed 1, 2, or 3 on-premises ground signs not to exceed 200 aggregate square feet of advertising surface on the project site.

(b) Restrictions.

- i. No dimension shall exceed 25 feet exclusive of supporting structures.
- ii. The sign shall not remain once 90% of the lots in the development have been issued building permits.
- iii. The permit for the sign must be renewed annually by the Council.
- iv. Only indirect illumination is permitted and shall only occur during those hours when an on-site sales office or model home is open for conducting business.

(3) **Temporary Off-Premises Signs.** Temporary off-premises signs may be erected if all of the following criteria are met:

- (a) The destination to which the off-premises sign is advertising is a property for sale;
- (b) An agent must be present at the destination property for sale, and the property must be open for viewing.
- (c) The sign must be located on private property, and permission must have been obtained from the private property owner to erect the temporary sign;
- (d) The temporary off-premises sign shall not exceed six (6) square feet in size;

- (e) The temporary off-premises sign shall not cause the total square feet of signage on a property to exceed the allowed maximum in the underlying zoning district.

- (V) **Warning Signs.** Warning signs which do not exceed the minimum statutory requirements for size and number may be posted, and shall not count towards the overall permitted signage on a given property. Increases in either size or number over minimum statutory requirements shall count against the overall permitted signage on a given property unless authorized by conditional use permit which finds sufficient evidence that larger or more frequent signage is necessary to provide the intended warning.

151.118 Specific Regulations by Zoning District

- (A) **Sign Setbacks.** Signs shall conform to the set back regulations listed in table 1 for the zoning district in which the signs are located except as may be specifically exempted or restricted in sections 151.117 and 151.118.

Table 1: SETBACKS BY ZONING DISTRICT [1]

	Base Zoning Districts													
	A	RR	R1	R2	R3	R4	RE	OP	GB	HB	CB	LB	BP [2]	PF
Front Lot Line	5	5	5	5	5	5	5	5	1	1	1	1	1	5
Side Lot Line	5	5	5	5	5	5	5	5	5	5	5	5	5	5
Rear Lot Line	5	5	5	5	5	5	5	5	10	10	10	10	10	5
Vehicular Access	5	5	5	5	5	5	5	5	15	15	15	15	15	5

[1]: Awning/Canopy signs, mural signs, projecting signs, wall signs, or window signs proposed to be located on a building legally non-conforming to setback requirements shall be permitted without a variance provided all other zoning code provisions are met.

[2]: Signs within Business Parks shall also adhere to the requirements of a master sign program approved by the City Council in conjunction with the business park establishment.

- (B) **Allowable Sign Area.** The maximum allowable sign area for an individual sign and for total site signage is listed in table 2 by zoning district. These maximums shall apply except as may be specifically exempted or restricted in sections 151.117 and 151.118.

Table 2: ALLOWABLE SIGN AREA BY ZONING DISTRICT

District(s)	Maximum sign area in square feet (per surface) by sign type [1]								Maximum total square footage of ALL sign surfaces
	Awning/Canopy Sign	Ground Sign [2]	Monument Sign [2]	Mural Sign	Pole Sign [2]	Projecting Sign	Wall Sign	Window Sign	
A, RR, R1, R2, RE, OP [3]		6		C	6		6	6	12 square feet
R3 & R4 [3]		12		C	12		12	12	24 square feet
GB, HB, CB, LB, BP, & PF	[4]	30	60	C	30	6	[5]	No max	1.0 square foot per lineal foot of building parallel or substantially parallel to public road frontage (excluding alleys). [6]

- [1]: Sign types with shaded cells are prohibited in the applicable zoning district(s). Sign types with a maximum sign area of "C" shall require a conditional use permit.
- [2]: Ground, monument, or pole signs, where permitted, shall be limited to one (1) per commercial establishment.
- [3]: All sign types in residential districts shall have no more than two (2) surfaces.
- [4]: The gross surface of an awning or canopy sign shall not exceed 30% of the gross surface area of the smallest face of the awning or canopy of which the sign is to be affixed.
- [5]: On any wall parallel or substantially parallel to a public roadway, the gross surface area of a wall sign shall not exceed 0.75 square feet for each lineal foot of building facing the applicable roadway. For walls not facing a public roadway, the maximum wall sign size shall be twelve (12) square feet.
- [6]: Open sales lots or other approved uses on lots without a building shall be limited to thirty (30) square feet of total sign surfaces.

- (C) **Freestanding Sign Height.** The maximum allowable sign height for a freestanding sign is listed in table 3 by zoning district. These maximums shall apply except as may be specifically exempted or restricted in sections 151.117 and 151.118.

**Table 3: ALLOWABLE FREESTANDING SIGN HEIGHT IN FEET
BY ZONING DISTRICT**

	Base Zoning Districts													
	Residential Districts								Business Districts					
	A	RR	R1	R2	R3	R4	RE	OP	GB	HB	CB	LB	BP	PF
Allowable Height in feet	5	5	5	5	8	8	5	5	20	20	20	20	20	20

151.119 Sign Variances

Variances from sign provisions shall be administered in accordance with section 154.017, and shall be subject to the following additional requirements:

- The sign(s) shall be compatible with the character of the adjacent buildings and with the character of the adjacent neighborhood;
- The sign(s) shall have good scale and proportion in the visual relationship to buildings and adjacent areas;
- The material, size, color, lettering, location, and arrangement of the sign(s) is an integral part of the site and building design; and/or

The colors, materials, and lighting of the sign(s) are restrained and harmonious, as interpreted by the City Planner.

SECTION 5. The City Council of the City of Lake Elmo hereby amends Chapter 151 of City Code by adopting the map depicted in Exhibit "A" to serve as the City's official Sign District Map.

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 No. _____ was adopted on this _____ day of _____, 2009,
by a vote of ____ Ayes and ____ Nays.

Mayor Dean Johnston

ATTEST:

Craig Dawson
City Administrator

This Ordinance No _____ was published on the _____ day of _____, 2009.



City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

MEMORANDUM

TO: City Council

FROM: Craig W. Dawson, Interim City Administrator
Tom Bouthilet, Finance Director
Joe Rigdon, Finance Specialist

DATE: June 9, 2009, City Council Work Session

SUBJECT: Preliminary Discussion of 2010 General Fund Budget

This memorandum is intended to provide the Council some background going into the preparation of the 2010 General Fund budget. It is hoped that the Council can share with staff its goals or expectations for the 2010 budget, both in terms of overall revenues and expenditures, as well as programs that the City is or should be doing that should be addressed as the budget is developed. These matters can be discussed as the Council reviews the budget in more detail at work sessions in July and August.

Results from the 2009 Legislative Session: Out of the work of the Legislature and Governor in this year's session, there were just a few changes related to the State's constraints on the City's budget for 2010.

- Levy limits remain in place. The levy limit increase for Pay 2009 was 3.9% (in terms of the total revenue from property taxes; it did not apply to the tax rate), although there were exceptions for special levies for debt service and increased personnel costs for public safety. These exceptions remain in place for Pay 2010.

A feature of the levy limit bill that is of more importance now than when it was enacted in 2008 is that the increase be the *lesser* of 3.9% or the implicit price deflator (IPD, in reality a measure of inflation) for the government sector tracked by the federal government. The change in the IPD from 2007 to 2008 was 6.1%; for first quarter 2008 to first quarter 2009, it has been only 0.7629%. This percentage will be used, and Lake Elmo's restricted tax levy for 2010 would be \$2,349,854, or an increase of \$17,724.

The City would be able to have a special levy for unallotment of Market Value Homestead Credit (MVHC). In December 2008, the Governor's unallotment reduced the City's MVHC by \$19,365. If an unallotment for 2010 is declared by September 1, 2009, the City may have a special levy to recover the estimated \$38,730 it would have collected in 2009. If the unallotment is made in December 2009, the City may recertify its levy for 2010 by January 15, 2010, to recover the lost revenue. These special levies, if made by the Council, would recover \$58,095.

- Modifications to Truth-in-Taxation Process. The Legislature scaled back the State-mandated truth-in-taxation process. The requirements for Truth-in-Taxation public hearings and newspaper notifications for taxes payable have been removed. Cities no longer will be required to hold the special meeting on the proposed budget and tax levy, but must announce the times and dates of regularly scheduled meetings at which public comment will be taken on them. The City still must certify its proposed (i.e., not-to-exceed) tax levy by September 15.

REVENUE

Changes in the Property Tax Base: Washington County's 2009 Assessment Report, which was published before the appeals process began for local and County boards of review, showed that Lake Elmo's total estimated market value declined 5.0%, from \$1.29 billion to \$1.23 billion; the total residential value declined 3.8%. The preliminary figure for the City's total tax capacity for 2009Pay2010 is not yet available. Assuming the same 5.0% reduction as in total market value and that the Fiscal Disparities figures would remain the same, total tax capacity would be \$13.01 million, a change of \$-685,000 from 2008Pay2009.

Changes in Tax Revenue Available: The City Council may use several guides in framing the 2010 budget from the tax revenue available. Among them:

- a) Hold the total tax rate: The City's 2009 total tax rate is 19.878. This rate applied to the preliminary Pay2010 tax capacity would yield \$2,567,369, a decrease of \$140,786.
- b) Hold the tax rate for non-special levies: The City's tax rate subject to levy limits in 2009 is 17.118. This excludes special levies for such things as debt service and increases in personnel costs for public safety. This rate applied to the preliminary Pay2010 tax capacity would yield \$2.2 million, a decrease of \$130,000.
- c) Levy the maximum per the levy limit law: The City's non-special levy for 2009 is \$2,332,130. With the applicable IPD for the Pay2010 levy of 0.76%, then the levy could be \$2,349,854, or an increase of \$17,724. The estimated tax rate would be 21.190.
- d) Special levies not subject to levy limits for Pay2010 are estimated to be \$427,480, for which the tax rate would be 0.42%. (Note: the County's police agreement has not been settled for 2010, and no increase is included above.)

Changes in Other Revenue, 2009 and 2010: Revenues for 2009 generally are following what was anticipated for 2009 with two exceptions.

- Building Permit Fees. The 2009 budget shows \$140,000 for building permits (new construction and remodels/additions). Through May 29, \$35,000 in building permits has been received. At this pace, building permit revenue could be approximately \$70,000 below budget.

- Plan Check Fees. The 2009 shows \$45,000 for fees to check plans for building improvements. Through May 29, \$8,000 in plan check fees have been received. At this pace, this fee revenue could be approximately \$30,000 below budget.

The shortfall from these two revenue sources combined may well be \$100,000 for this year.

Given the uncertainty about when and how quickly housing and building development activity may rebound, it may be prudent to anticipate that revenues from building permits and plan check fees in 2010 will be equal to what we might project that 2009 will turn out to be: \$85,000, or a \$100,000 reduction from the adopted 2009 budget.

In terms of other non-tax revenue, at this point we believe that they will likely achieved for 2009 and remain the same for 2010.

EXPENDITURES

At this point, increases will be needed for two new expenditure requirements and an ongoing contractual one in the 2010 budget:

- 1) PERA. The City's employer contribution to the Public Employees Retirement Association (PERA) will go up another 0.25%. For the General Fund payroll, this increase will total approximately \$2,000. This expenditure is *within* the levy limit.
- 2) 2009 Street Improvement Bonds: Bonds will need to be sold in August or September for the approximately \$600,000 cost for street improvements in 2009. Assuming a typical bond repayment schedule, the debt obligation for 2009 will be around \$51,000 (or 0.397 on the estimated tax rate). This expenditure is *outside* the levy limit.
- 3) Washington County Sheriff's Contract: The Sheriff's Office is developing its proposed budget, and did not have information to share at this time. The contract for 2009 is 466,950. Any change in personnel costs could be *outside* the levy limit, and the change in operating costs would be *within* the levy limit.

One-time Expenditures in 2009: With the exception of capital outlays for equipment, the 2009 budget contains only one notable one-time activity in operations. This was \$20,000 for consulting engineer services for required updates to the Comprehensive Plan. The only update covered by the General Fund was for the Transportation chapter. While this amount will not be needed for 2010, it could be re-programmed for other activities.

Expenditure-reducing Actions underway in 2009: There have been a few notable items that have reduced expenditures thus far in 2009.

- The building official position, budgeted at \$87,550, has been left vacant. It is unlikely that this position will need to be filled until later this year or in 2010, but it will be needed when building activity recovers. The savings is offsetting the decline in building permit and plan check fee revenue for 2009.

- Salary adjustments have not yet been authorized for 2009. The 2009 General Fund Budget has an increase of \$30,000 included for salary and FICA/Medicare/PERA contributions.
- The planner has voluntarily reduced her schedule to 0.8-time thus far this year.

Continuing these expenditure-reducing activities through the rest of this year would offset the possible \$100,000 shortfall in building permit and plan check fee revenues. This also assumes that, in the absence of receiving any MVHC during 2009, the Council would levy to recover it in 2010.

Staff is beginning to review the 2009-2013 Capital Improvement Program (CIP) to determine what 2009 items can be reprogrammed to other years, and to develop a proposal for the 2010-2014 CIP. Deferral of capital improvements, purchases, and maintenance is at best a temporary coping strategy, as the need rarely goes away and subsequent costs are greater. Under the current financial conditions and lack of revenue flexibility, however, it is something that should be considered.

FUND BALANCE

The balance in the General Fund should be in the range of 40 to 50 percent of the next year's operating budget in order to handle the City's cash-flow needs (primarily due to receiving taxes only twice during the year,) and to handle some emergencies and contingencies. The 2008 year-end unreserved balance the General Fund was \$1,403,000, or 49% of the City's 2009 General Fund operating budget of \$2,892,000. (As a note, the 2008 year-end fund balance was about \$150,000 more than year-end 2007.) Just as a point for discussion, if the City were to target a 45% balance in the General Fund, approximately \$100,000 could be available for 2010 (assuming no change in the year-end fund balance or the total 2010 expenditures). Any use of the fund balance should go toward one-time activities or expenditures, in order not to have a structural deficit.

The City also has a designated balance in the General Fund of \$1,000,000, which is an internal loan to the Village Fund.

THE SCOPE OF BUDGET SCENARIOS

Developing a budget is making choices from several goals both in revenues and expenditures. The various possibilities noted above are not intended to be confusing, but rather to illustrate the range of options depending on a variety of goals to be pursued, especially in setting the tax levy. Given the concern and constraints on revenue, it is assumed that this will be the primary driver in arriving at an expenditure budget, and hence the programs and services the City will be able to provide in 2010.

- One reasonable assumption is that there will be around \$65,000 in new expenditures – the bond payments for 2009 street improvements, and increases in PERA and Sheriff costs.
- One could also assume that other expenditures will not be changed.

- Another reasonable assumption is that building permit and plan check fees will be reduced \$100,000.
 - With these three assumptions, the City would need \$165,000 in new revenue for 2010.
- On the revenue side, the City has many possibilities:
 - By not increasing the tax rate, a reduction of \$140,000 in tax revenue
 - By increasing the tax levy per statutory limit, an increase of \$17,700 in tax revenue
 - By increasing the tax for special levies, an increase of perhaps \$60,000 in tax revenue
 - By levying for unallotted MVHC, recovering up to \$58,100 in tax levy collections (thus not taking a hit in the balance of the General Fund).
- By funding but leaving vacant the Building Official position, expenditures would be reduced \$88,000. This assumes the position would not be filled the entire year. It may, however, need to be filled or handled on a contract basis in the interim, as building activity may warrant. Increased permit revenue would likely offset the expense.
- The \$20,000 in one-time Comp Plan expenditures could be used to reduce the need for revenue, or as a continuation of a revenue source for 2010.
- The City would continue not contributing to capital project or capital equipment funds.

In the range of options discussed above, the range of budget choices facing the City could be from a \$305,000 problem to one that represents a continuation of the 2009 budget solved with a \$77,700 or so tax levy increase (about 2.7%) without addressing recovery of MVHC.

What's discussed above is only a suggestion or an illustration of a perspective to approach the 2010 budget. The Council's budget deliberations will identify many other ways to set the 2010 budget.

POSSIBLE CHANGES FOR 2010?

As stated at the beginning, the purpose of this memorandum is to provide a bigger-picture context in planning for the 2010 General Fund budget. The details in strategies to balance the budget will play out over the next few months.

While not wanting to delve into details at this time, it would be helpful to staff for councilmembers to identify values, concepts, programs, and activities that they would like to be addressed and evaluated during the budget development process. Their impacts on the 2010 budget (as well as subsequent years) can be analyzed and reported at future budget work sessions.

The Budgets for Non-General Funds: The focus of budget development at this time is on the tax-supported General Fund, as it has the greatest limitations as well as a September 15 deadline. Staff will endeavor to prepare the budgets for the remaining funds for consideration later this summer as part of a comprehensive budget, but it is quite possible that consideration of them will need to occur after the approval of the proposed 2010 General Fund budget and 2010 proposed tax levy.



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DATE: June 9, 2009, City Council Work Session

SUBJECT: Preliminary Discussion of 2010 General Fund Budget

This memorandum is intended to provide the Council some background going into the preparation of the 2010 General Fund budget. It is hoped that the Council can share with staff its goals or expectations for the 2010 budget, both in terms of overall revenues and expenditures, as well as programs that the City is or should be doing that should be addressed as the budget is developed. These matters can be discussed as the Council reviews the budget in more detail at work sessions in July and August.

Results from the 2009 Legislative Session: Out of the work of the Legislature and Governor in this year's session, there were just a few changes related to the State's constraints on the City's budget for 2010.

- Levy limits remain in place. The levy limit increase for Pay 2009 was 3.9% (in terms of the total revenue from property taxes; it did not apply to the tax rate), although there were exceptions for special levies for debt service and increased personnel costs for public safety. These exceptions remain in place for Pay 2010.

A feature of the levy limit bill that is of more importance now than when it was enacted in 2008 is that the increase be the *lesser* of 3.9% or the implicit price deflator (IPD, in reality a measure of inflation) for the government sector tracked by the federal government. The change in the IPD from 2007 to 2008 was 6.1%; for first quarter 2008 to first quarter 2009, it has been only 0.7629%. This percentage will be used, and Lake Elmo's restricted tax levy for 2010 would be \$2,349,854, or an increase of \$17,724.

The City would be able to have a special levy for unallotment of Market Value Homestead Credit (MVHC). In December 2008, the Governor's unallotment reduced the City's MVHC by \$19,365. If an unallotment for 2010 is declared by September 1, 2009, the City may have a special levy to recover the estimated \$38,730 it would have collected in 2009. If the unallotment is made in December 2009, the City may recertify its levy for 2010 by January 15, 2010, to recover the lost revenue. These special levies, if made by the Council, would recover \$58,095.



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- Modifications to Truth-in-Taxation Process. The Legislature scaled back the State-mandated truth-in-taxation process. The requirements for Truth-in-Taxation public hearings and newspaper notifications for taxes payable have been removed. Cities no longer will be required to hold the special meeting on the proposed budget and tax levy, but must announce the times and dates of regularly scheduled meetings at which public comment will be taken on them. The City still must certify its proposed (i.e., not-to-exceed) tax levy by September 15.

REVENUE

Changes in the Property Tax Base: Washington County's 2009 Assessment Report, which was published before the appeals process began for local and County boards of review, showed that Lake Elmo's total estimated market value declined 5.0%, from \$1.29 billion to \$1.23 billion; the total residential value declined 3.8%. The preliminary figure for the City's total tax capacity for 2009Pay2010 is not yet available. Assuming the same 5.0% reduction as in total market value and that the Fiscal Disparities figures would remain the same, total tax capacity would be \$13.01 million, a change of \$-685,000 from 2008Pay2009.

Changes in Tax Revenue Available: The City Council may use several guides in framing the 2010 budget from the tax revenue available. Among them:

- a) Hold the total tax rate: The City's 2009 total tax rate is 19.878. This rate applied to the preliminary Pay2010 tax capacity would yield \$2,567,369, a decrease of \$140,786.
- b) Hold the tax rate for non-special levies: The City's tax rate subject to levy limits in 2009 is 17.118. This excludes special levies for such things as debt service and increases in personnel costs for public safety. This rate applied to the preliminary Pay2010 tax capacity would yield \$2.2 million, a decrease of \$130,000.
- c) Levy the maximum per the levy limit law: The City's non-special levy for 2009 is \$2,332,130. With the applicable IPD for the Pay2010 levy of 0.76%, then the levy could be \$2,349,854, or an increase of \$17,724. The estimated tax rate would be 21.190.
- d) Special levies not subject to levy limits for Pay2010 are estimated to be \$427,480, for which the tax rate would be 0.42%. (Note: the County's police agreement has not been settled for 2010, and no increase is included above.)

Changes in Other Revenue, 2009 and 2010: Revenues for 2009 generally are following what was anticipated for 2009 with two exceptions.

- Building Permit Fees. The 2009 budget shows \$140,000 for building permits (new construction and remodels/additions). Through May 29, \$35,000 in building permits has been received. At this pace, building permit revenue could be approximately \$70,000 below budget.

- Plan Check Fees. The 2009 shows \$45,000 for fees to check plans for building improvements. Through May 29, \$8,000 in plan check fees have been received. At this pace, this fee revenue could be approximately \$30,000 below budget.

The shortfall from these two revenue sources combined may well be \$100,000 for this year.

Given the uncertainty about when and how quickly housing and building development activity may rebound, it may be prudent to anticipate that revenues from building permits and plan check fees in 2010 will be equal to what we might project that 2009 will turn out to be: \$85,000, or a \$100,000 reduction from the adopted 2009 budget.

In terms of other non-tax revenue, at this point we believe that they will likely achieved for 2009 and remain the same for 2010.

EXPENDITURES

At this point, increases will be needed for two new expenditure requirements and an ongoing contractual one in the 2010 budget:

- 1) PERA. The City's employer contribution to the Public Employees Retirement Association (PERA) will go up another 0.25%. For the General Fund payroll, this increase will total approximately \$2,000. This expenditure is *within* the levy limit.
- 2) 2009 Street Improvement Bonds: Bonds will need to be sold in August or September for the approximately \$600,000 cost for street improvements in 2009. Assuming a typical bond repayment schedule, the debt obligation for 2009 will be around \$51,000 (or 0.397 on the estimated tax rate). This expenditure is *outside* the levy limit.
- 3) Washington County Sheriff's Contract: The Sheriff's Office is developing its proposed budget, and did not have information to share at this time. The contract for 2009 is 466,950. Any change in personnel costs could be *outside* the levy limit, and the change in operating costs would be *within* the levy limit.

One-time Expenditures in 2009: With the exception of capital outlays for equipment, the 2009 budget contains only one notable one-time activity in operations. This was \$20,000 for consulting engineer services for required updates to the Comprehensive Plan. The only update covered by the General Fund was for the Transportation chapter. While this amount will not be needed for 2010, it could be re-programmed for other activities.

Expenditure-reducing Actions underway in 2009: There have been a few notable items that have reduced expenditures thus far in 2009.

- The building official position, budgeted at \$87,550, has been left vacant. It is unlikely that this position will need to be filled until later this year or in 2010, but it will be needed when building activity recovers. The savings is offsetting the decline in building permit and plan check fee revenue for 2009.

- Salary adjustments have not yet been authorized for 2009. The 2009 General Fund Budget has an increase of \$30,000 included for salary and FICA/Medicare/PERA contributions.
- The planner has voluntarily reduced her schedule to 0.8-time thus far this year.

Continuing these expenditure-reducing activities through the rest of this year would offset the possible \$100,000 shortfall in building permit and plan check fee revenues. This also assumes that, in the absence of receiving any MVHC during 2009, the Council would levy to recover it in 2010.

Staff is beginning to review the 2009-2013 Capital Improvement Program (CIP) to determine what 2009 items can be reprogrammed to other years, and to develop a proposal for the 2010-2014 CIP. Deferral of capital improvements, purchases, and maintenance is at best a temporary coping strategy, as the need rarely goes away and subsequent costs are greater. Under the current financial conditions and lack of revenue flexibility, however, it is something that should be considered.

FUND BALANCE

The balance in the General Fund should be in the range of 40 to 50 percent of the next year's operating budget in order to handle the City's cash-flow needs (primarily due to receiving taxes only twice during the year,) and to handle some emergencies and contingencies. The 2008 year-end unreserved balance the General Fund was \$1,403,000, or 49% of the City's 2009 General Fund operating budget of \$2,892,000. (As a note, the 2008 year-end fund balance was about \$150,000 more than year-end 2007.) Just as a point for discussion, if the City were to target a 45% balance in the General Fund, approximately \$100,000 could be available for 2010 (assuming no change in the year-end fund balance or the total 2010 expenditures). Any use of the fund balance should go toward one-time activities or expenditures, in order not to have a structural deficit.

The City also has a designated balance in the General Fund of \$1,000,000, which is an internal loan to the Village Fund.

THE SCOPE OF BUDGET SCENARIOS

Developing a budget is making choices from several goals both in revenues and expenditures. The various possibilities noted above are not intended to be confusing, but rather to illustrate the range of options depending on a variety of goals to be pursued, especially in setting the tax levy. Given the concern and constraints on revenue, it is assumed that this will be the primary driver in arriving at an expenditure budget, and hence the programs and services the City will be able to provide in 2010.

- One reasonable assumption is that there will be around \$65,000 in new expenditures – the bond payments for 2009 street improvements, and increases in PERA and Sheriff costs.
- One could also assume that other expenditures will not be changed.

- Another reasonable assumption is that building permit and plan check fees will be reduced \$100,000.
 - With these three assumptions, the City would need \$165,000 in new revenue for 2010.
- On the revenue side, the City has many possibilities:
 - By not increasing the tax rate, a reduction of \$140,000 in tax revenue
 - By increasing the tax levy per statutory limit, an increase of \$17,700 in tax revenue
 - By increasing the tax for special levies, an increase of perhaps \$60,000 in tax revenue
 - By levying for unallotted MVHC, recovering up to \$58,100 in tax levy collections (thus not taking a hit in the balance of the General Fund).
- By funding but leaving vacant the Building Official position, expenditures would be reduced \$88,000. This assumes the position would not be filled the entire year. It may, however, need to be filled or handled on a contract basis in the interim, as building activity may warrant. Increased permit revenue would likely offset the expense.
- The \$20,000 in one-time Comp Plan expenditures could be used to reduce the need for revenue, or as a continuation of a revenue source for 2010.
- The City would continue not contributing to capital project or capital equipment funds.

In the range of options discussed above, the range of budget choices facing the City could be from a \$305,000 problem to one that represents a continuation of the 2009 budget solved with a \$77,700 or so tax levy increase (about 2.7%) without addressing recovery of MVHC.

What's discussed above is only a suggestion or an illustration of a perspective to approach the 2010 budget. The Council's budget deliberations will identify many other ways to set the 2010 budget.

POSSIBLE CHANGES FOR 2010?

As stated at the beginning, the purpose of this memorandum is to provide a bigger-picture context in planning for the 2010 General Fund budget. The details in strategies to balance the budget will play out over the next few months.

While not wanting to delve into details at this time, it would be helpful to staff for councilmembers to identify values, concepts, programs, and activities that they would like to be addressed and evaluated during the budget development process. Their impacts on the 2010 budget (as well as subsequent years) can be analyzed and reported at future budget work sessions.

The Budgets for Non-General Funds: The focus of budget development at this time is on the tax-supported General Fund, as it has the greatest limitations as well as a September 15 deadline. Staff will endeavor to prepare the budgets for the remaining funds for consideration later this summer as part of a comprehensive budget, but it is quite possible that consideration of them will need to occur after the approval of the proposed 2010 General Fund budget and 2010 proposed tax levy.