



STAFF REPORT
DATE: 2/13/2023
REGULAR
ITEM 4A – PUBLIC HEARING
MOTION

TO: Planning Commission
FROM: Sophia Jensen, City Planner
ITEM: **Crossroads East and Airlake Development PUD Amendment**

BACKGROUND:

Airlake Development Inc and Crossroads Properties LLC are requesting City approval for a PUD amendment to the Crossroads East First Addition PUD. The proposed amendment allows for flexibility from the City’s sign regulations. The current PUD for the property is for modifications from the Business Park zoning district uses. The request for signage flexibility was not covered in the original PUD, therefore the applicant must amend their existing PUD. Staff is recommending approval of the request subject to meeting the conditions of approval listed in this report.

ISSUE BEFORE THE PLANNING COMMISSION

The Planning Commission is being asked to hold a public hearing and make a recommendation to the City Council on the request.

PROPOSAL DETAILS/ANALYSIS:

Applicants: Airlake Development Inc and Crossroads Properties LLC
Property Owner: Crossroads East LLC and 11190 Hudson Blvd Lake Elmo LLC
Location: NE corner of Lake Elmo Avenue and Hudson Boulevard
Request: Approval of a PUD amendment for flexibility from the City’s sign regulations
Existing Zoning: BP- PUD– Business Park Planned Unit Development
Deadline for Action: Application Complete – 1/6/2023
60 Day Deadline – 3/7/2023
Regulations: 105.12.430 – Sign Requirements
Article XIX – Planned Unit Development Regulations

PROPOSAL ANALYSIS

The Applicant is requesting flexibility from City Code Section 105.12.430(h)(1)(b) to allow for larger wall sign surface area allowances for one building on site.

The City’s current regulation on wall sign surface area is as follows:

Surface area. The total permitted sign surface area of all wall signs on a facade shall not exceed one square foot of signage for each lineal foot of building frontage that is coterminous with the occupancy to which the sign refers, unless a different amount allocated to the building occupant is identified in an approved comprehensive sign plan pursuant to subsection (i) of this section. In addition, no individual wall sign shall exceed 100 square feet in area.

According to the narrative submitted, the Crossroads building, located at 11160 Hudson Blvd, has a possibility of 39 tenant spaces, each space is roughly 32 ft. wide. Tenants may occupy more than one space increasing the width of their suite. The PUD amendment for this building would be 2.5 square feet of signage for each lineal foot of building frontage that is coterminous with the occupancy (tenant). The maximum sign area for any sign located on this building would be 80 square feet. No signage would be proposed on the interior of the 'U' shaped building. Each tenant sign is proposed to comply with lighting requirements and will have a dimmer switch incorporated to the sign.

According to the narrative submitted, the Launch building, located at 11190 Hudson Blvd., has a possibility of 5 tenants. Each suite width is 142 ft. The wall signs for these tenants would be 5 ft. x 20 ft. and not to exceed 100 sq. ft. This proposal is compliant with current wall sign surface area allowances and therefore the applicant is not requesting additional flexibility for this building.

The proposed ground sign would not require additional flexibility from code requirements. It is included in the plan as part of the comprehensive sign plan which is required for any commercial or planned unit development project. The ground sign is proposed to comply with lighting requirements and will have a dimmer switch incorporated in to the sign.

To put this proposal into context, the Lakewood Crossing 2nd Addition commercial PUD development located along Hudson Blvd received similar sign code flexibility in its PUD. Lakewood Crossing 2nd Addition is allowed 2.5 square feet of signage per 1 lineal foot of tenant space. Tenants in this building include: Bubs Pies, Little Bellies, Stilo Cuts, and Lakewood Tavern.

RECOMMENDED CONDITIONS OF APPROVAL:

Staff is recommending conditions as part of this PUD amendment based on the above Staff report and analysis, Staff is recommending approval of the final PUD application for Crossroads East with the following conditions:

Recommended Conditions of Approval:

- 1) Photometric plans must be submitted for each individual sign before any permits are issued.
 - 2) A building permit must be issued prior to the construction of the ground sign.
 - 3) Sign permits must be issued for each individual wall sign before it is placed on the building.
-

DRAFT FINDINGS

Staff is recommending the City Council consider the following findings with regards to the proposed Crossroads East PUD amendment:

1. The PUD amendment is generally consistent with the intent of the 2040 Lake Elmo Comprehensive Plan and the 2040 Land Use Map for this area.
2. The PUD amendment complies with the general intent of the underlying zoning district with PUD modifications.
3. The PUD amendment generally complies with the City’s Zoning Code except for the additional signage allowance.
4. The additional signage allowance is necessary due to the possibility of having up to 39 tenants in the Crossroads building. The tenants all have separate entrances to the building and need signage to identify their locations.
5. The PUD amendment is authorized by Section 105.12.1220 of the Zoning Code (PUD Amendments).

RECOMMENDATION:

Staff recommends the Planning Commission recommend approval of the PUD amendment with the conditions of approval as listed in the staff report.

Suggested motion:

“Move to recommend approval of PUD amendment to the Crossroads East PUD with conditions listed in the staff report.”

ATTACHMENTS:

1. Application Packet
2. Sign Regulations Code

Date Received: _____
Received By: _____
Permit #: _____



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

PLANNED UNIT DEVELOPEMENT (PUD) FINAL PLAN APPLICATION

Applicant: Crossroads East LLC and Airlake Development, Inc
Address: 7200 Hudson Blvd Suite 230 Oakdale MN 55128
Phone # 651.731.0708
Email Address: amy.johnson@crossroadsproperties.net

Fee Owner: Crossroads East LLC and Airlake Development, Inc
Address: 7200 Hudson Blvd Suite 230 Oakdale MN 55128
Phone # 651.731.0708
Email Address: amy.johnson@crossroadsproperties.net

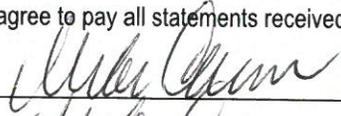
Engineer: Kimley-Horn Attn: Brian Wurdeman
Address: 767 N Eustis Street Suite 100 Saint Paul MN 55114
Phone # 651.645.4797
Email Address: brian.wurdeman@kimley-horn.com

Property Location (Address): 11160 and 11190 Hudson Blvd N Lake Elmo N 55042
Complete Legal Description: Lot 1, Block 1 Crossroads East First Addition. Lot 2, Block 1 Crossroads East First Addition
PID#: 36.029.21.33.0020 and 36.029.21.33.0021

Detailed Reason for Request:

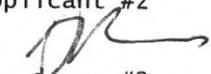
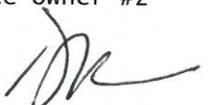
We would like to ammend the PUD to hold the signage design and requirements. Current sign code creates an aesthetic issue for the development and an equity issue for tenants. Aesthetically, a uniform look to the building will create a professional appearance in the locality. Smaller tenants are disadvantaged in not being being able to have an equal footprint to advertise under current rules.

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant:  Date: 1-5-23
Signature of fee owner:  Date: 1-5-23

Signature of Applicant #2

Signature of Fee Owner #2

1-6-23
1-6-23

Narrative of Sign Plan
11160 Hudson Blvd N and 11190 Hudson Blvd N

The amendment to the PUD to add the sign plan has the following items. All components of the recommended sign plan follow 105.12.430 except where noted in the following sections.

1. Written Description of the Provisions Variance to the existing Sign Code

A. 105.12.430 (H) (1) (b) Changes

1. The building is “U” shaped, with frontages facing west, south and east. The west face of the building is 472 feet long, the south face is 544 feet long and the east is 472 feet long for a total face frontage of 1,488 feet
2. There are a maximum of thirty-nine (39) tenant suites, eleven on the east and west wings and fifteen on the south wing. Typical suites are 32 feet wide, although some are 40 feet. **Each suite shall be allowed 2.5 square feet of signage per front face foot of tenant space but no more than 80 square feet.**

NOTE: This is asking for an increase in surface area for the tenant spaces to allow for a uniform look on the building. See Exhibit C for concept layout

Exhibit C



Crossroads East/Launch Properties

Comprehensive Sign Plan

1/4/23

Overview

Crossroads East/Launch Properties is an industrial office/warehouse development at 11160 and 11190 Hudson Blvd. N. in Lake Elmo. The objective of the Comprehensive Sign Plan is to ensure that signage is attractive, orderly, and effective at meeting the business identification and advertising needs of the developers and their tenants.

Entrance Monument Sign

- A double-sided illuminated entrance/monument sign will be located near the west side of the driveway entrance on Hudson Blvd, nine (9) feet from the property line as indicated on Exhibit A. The illuminated area of the sign will be 6 feet high by 8 feet wide or 48 square feet. The total height of the sign, including the base of 3 feet, will be 9 feet. The entrance/monument sign will be for self-identification of the project and may include tenant identification on up to 50% of the sign area. Specifications are shown on Exhibit B. Landscaping around the entrance sign will be mulch.
- Photometrics for the entrance sign will be limited to no more than three footcandles at the front lot line and one footcandle at all other lot lines, measured three feet above the surface of the ground. 50 footcandles measured perpendicular to the face of the sign from a distance equal to the narrowest dimension of the sign. Shown in Exhibit A.

Building Address Sign

- The building address sign will be placed on the southeast corner of the 11160 building, and on the southwest corner of the 11190 building located in the upper 10% of the building face. Specifications are shown on Exhibit C.

Tenant Signs

11160 Building

- The building is “U” shaped, with frontages facing west, south and east. The west face of the building is 472 feet long, the south face is 544 feet long and the east is 472 feet long for a total face frontage of 1,488 feet (see attached architectural drawing A5.1).
- There are a maximum of 39 possible tenant suites, 11 on the east and west wings and 15 on the south wing. Typical suite is 32 feet wide, although some are 40 feet (see attached Floor Plan). Each suite shall be allowed 2.5 square feet of signage per front face foot of tenant space but no more than 80 square feet.

- Tenant signage shall be located within the designated “Signage Area”. The “Signage Area” shall be located directly above each window glass section of the building and shall be a rectangular area 5 feet high by 16 feet wide, or 80 square feet, the top of which shall be 15 inches below the blue accent band. All tenant signs shall be raceway mounted, face lit or non-illuminated channel letters. Logos may be allowed. Examples of tenant signage is shown on Exhibit D. All tenant signs are subject to Landlord approval. Each tenant sign will require a sign permit from the City of Lake Elmo and must comply with Section 105.12.430 of the Lake Elmo City Code.

11190 Building

- The building is rectangular in shape with 710 feet of face frontage. It is designed to house not more than 5 tenants with 142 feet of face frontage each. Tenant signage shall be located between the two blue accent bands above the windows near the suite entry door, and on the south end-cap of the building, in an area 5 feet high by 20 feet wide not to exceed 100 square feet. All tenant signs shall be raceway mounted, face lit or non-illuminated channel letters. Logos may be allowed. Examples of tenant signage is shown on Exhibit D-1. All tenant signs are subject to Landlord approval. Each tenant sign will require a sign permit from the City of Lake Elmo and must comply with Section 105.12.430 of the Lake Elmo City Code.

Suite Number Signs (Both Buildings)

- Suite numbers shall be white vinyl, centered on the upper portion of the suite entry door on the front of the suite; and black vinyl, centered on the upper portion of the service door on the rear of suite.

Rear Roll-up Door Numbers

11160 Building

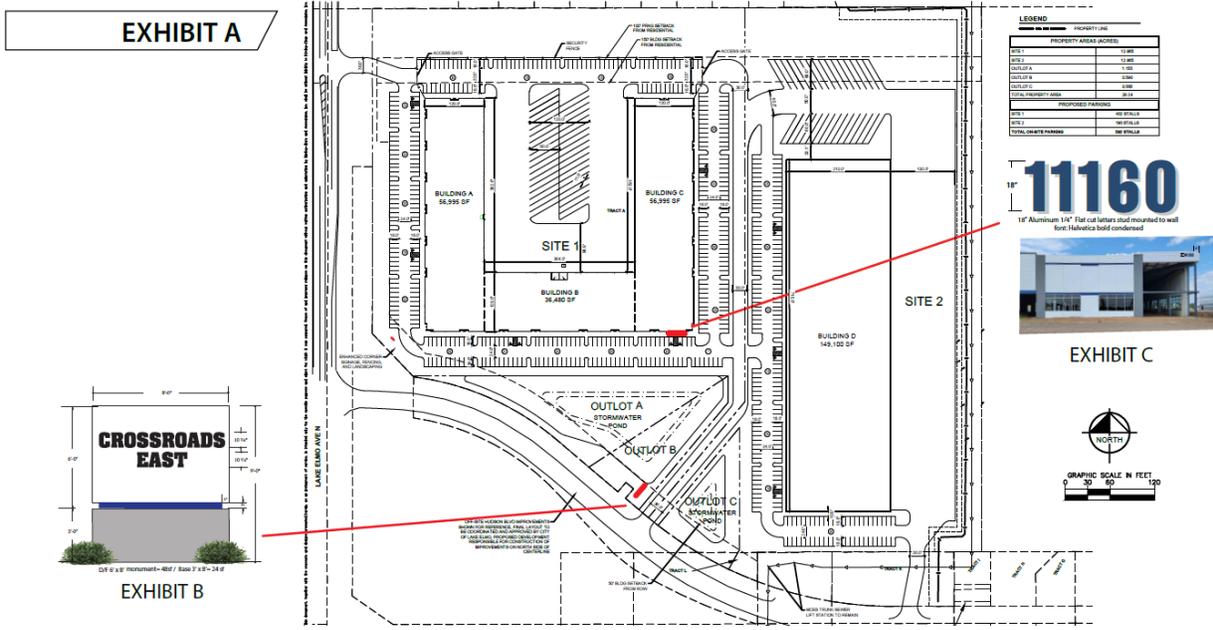
- All rear roll-up doors shall be identified with 18 inch by 18 inch black vinyl signs, mounted 12 inches above the center of the roll-up door, with consecutive white vinyl numbers beginning with “1” at suite 100 and ending with “38” at suite 355.

11190 Building

- All rear roll-up doors shall be identified with 18 inch by 18 inch black vinyl signs, mounted 12 inches above the center of the roll-up door, with consecutive white vinyl numbers, beginning with “1” at south end of the building.

**Narrative of Sign Plan
11160 Hudson Blvd N and 11190 Hudson Blvd N**

EXHIBIT A



**Narrative of Sign Plan
11160 Hudson Blvd N and 11190 Hudson Blvd N**

EXHIBIT B

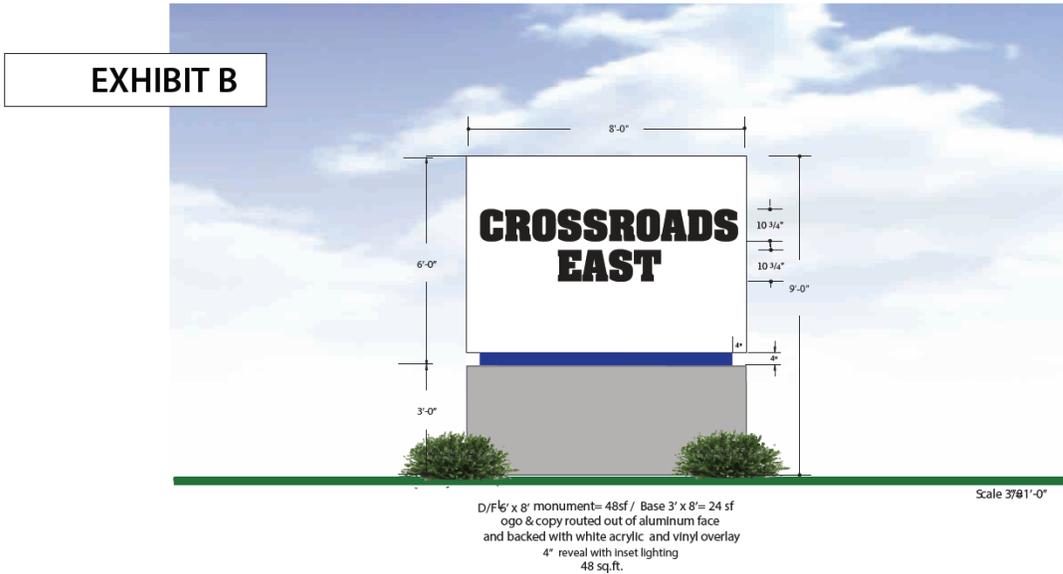


Exhibit C



EXHIBIT A

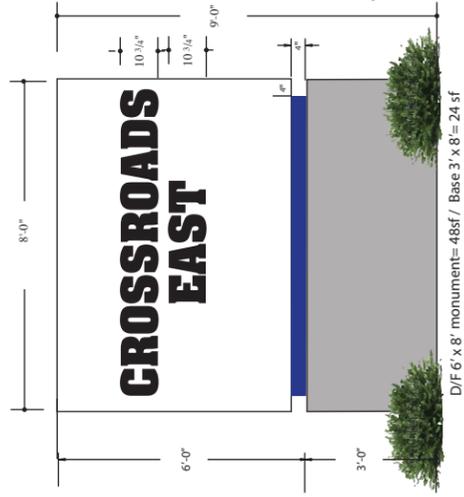
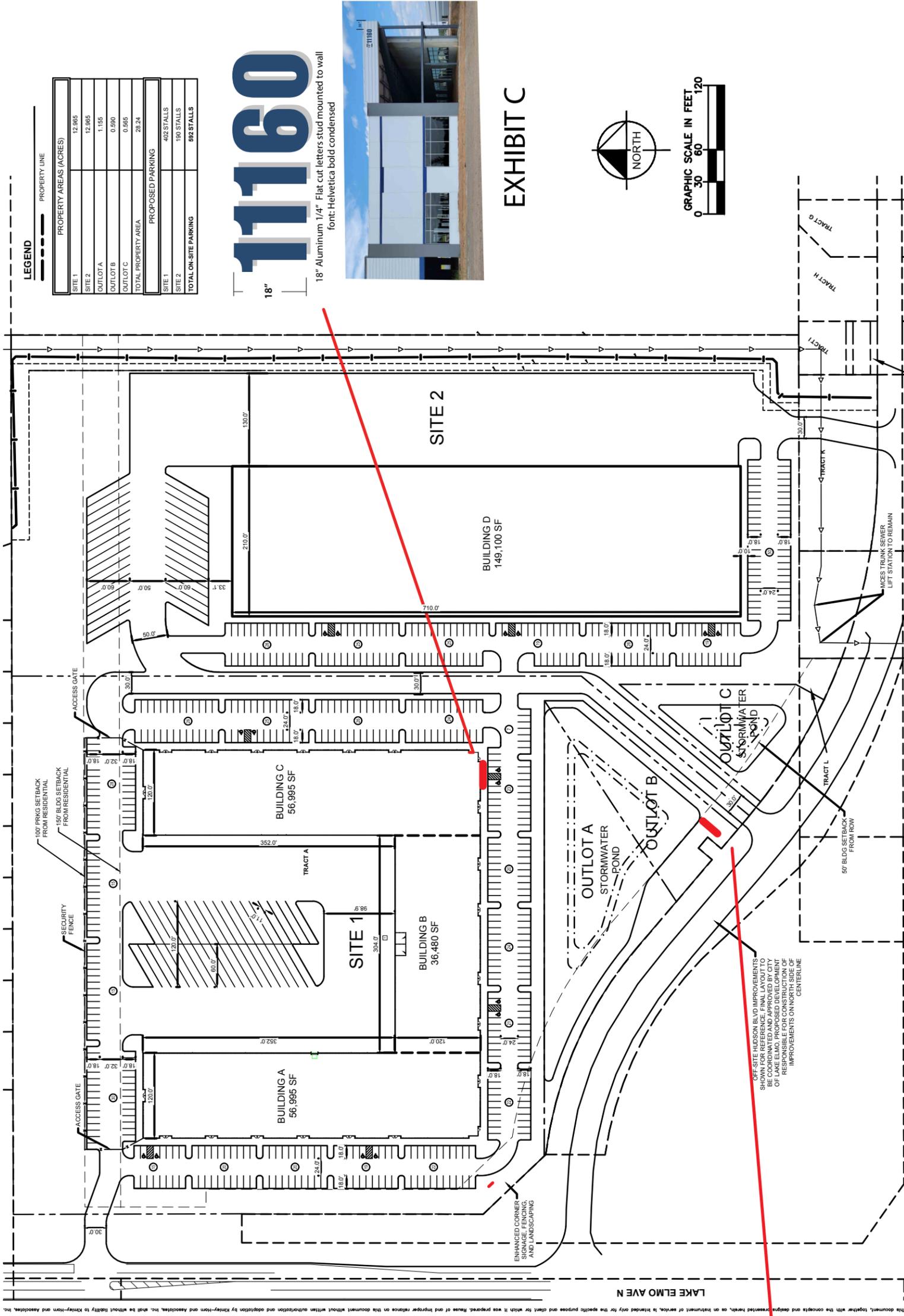


EXHIBIT B



SPECIFICATIONS: For Size Reference Only; Actual Design To Be Determined

D/F 6' X 8' monument = 48sf / base 3' x 8' = 24 sf

Brightness will not exceed 3 foot Candles at front lot lines and 1 foot Candle at other lot lines measured 3' above surface of ground.

Brightness will also not exceed 50 foot Candles measured perpendicular to the face of the sign, measured from a distance equal to narrowest dimension of the sign

LEGEND

PROPERTY LINE	PROPERTY AREAS (ACRES)
SITE 1	12.965
SITE 2	12.965
OUTLOT A	1.195
OUTLOT B	0.590
OUTLOT C	0.585
TOTAL PROPERTY AREA	28.24
PROPOSED PARKING	
SITE 1	402 STALLS
SITE 2	190 STALLS
TOTAL ON-SITE PARKING	592 STALLS

11160

18" Aluminum 1/4" Flat cut letters stud mounted to wall
font: Helvetica bold condensed

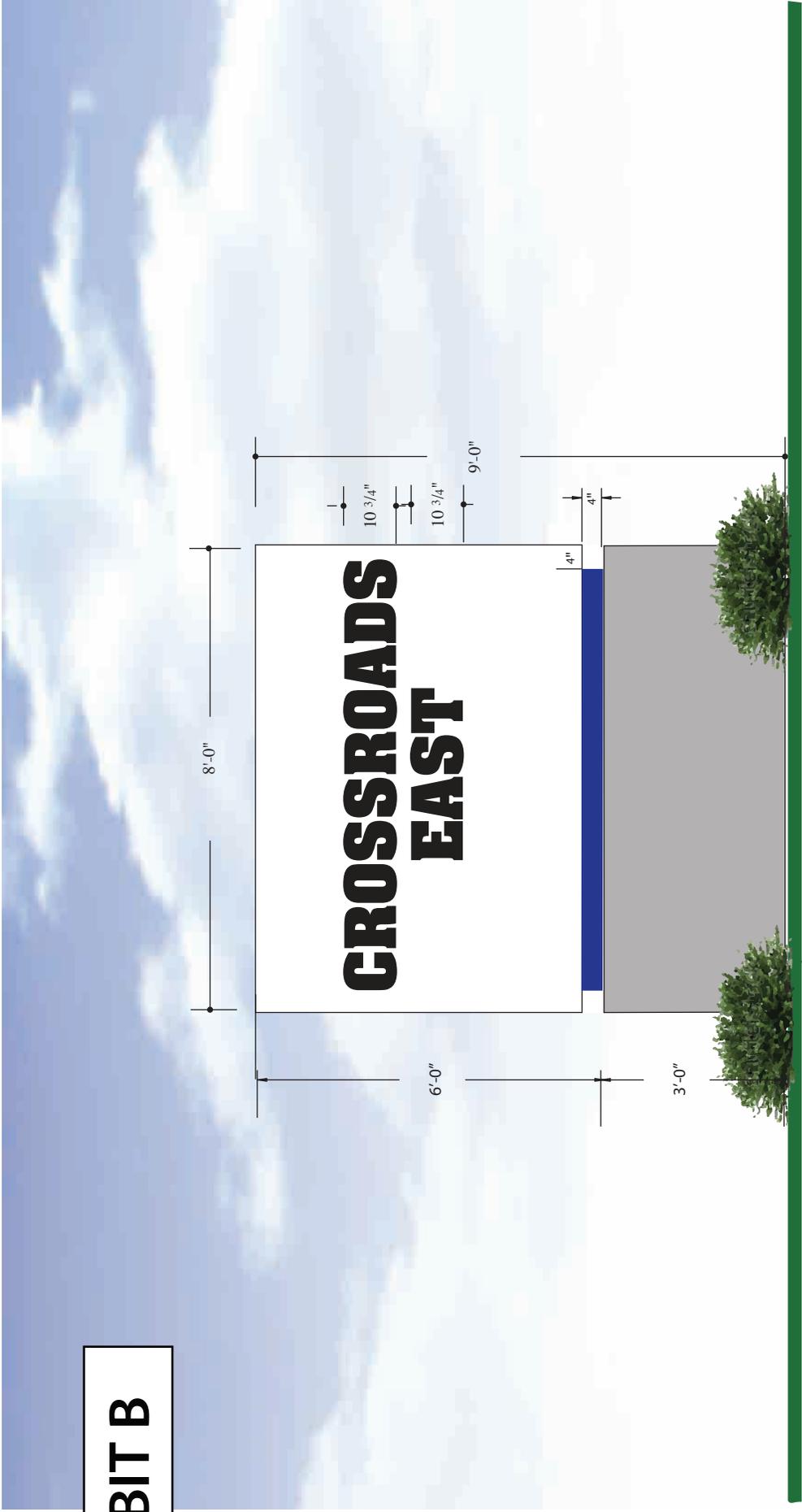


EXHIBIT C



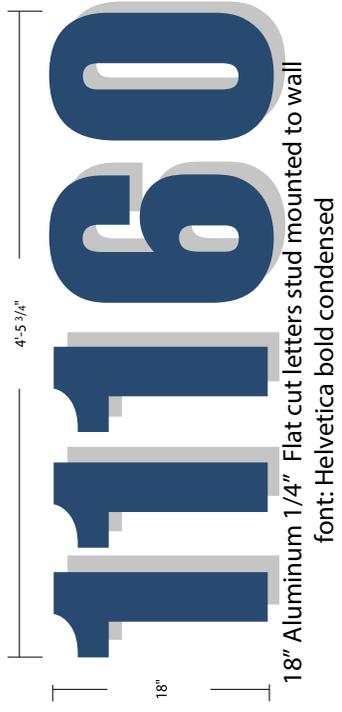
This document, together with the concepts and designs presented herein, is intended only for the specific purpose and intent for which it was prepared. Reuse or improper reliance on this document without written authorization and adoption by Krimly-Torn and Associates, Inc. shall be without liability to Krimly-Torn and Associates, Inc.

EXHIBIT B

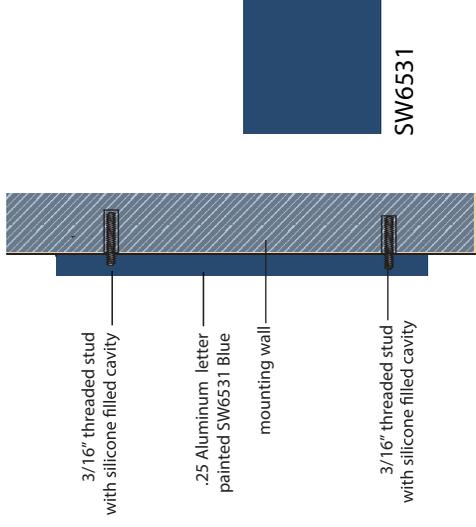


D/F 6' x 8' monument = 48sf / Base 3' x 8' = 24 sf
Logo & copy routed out of aluminum face
and backed with white acrylic and vinyl overlay
4" reveal with inset lighting
48 sq.ft.

EXHIBIT C



Scale 3/4" = 1'-0"



Scale 1/16" = 1'-0"



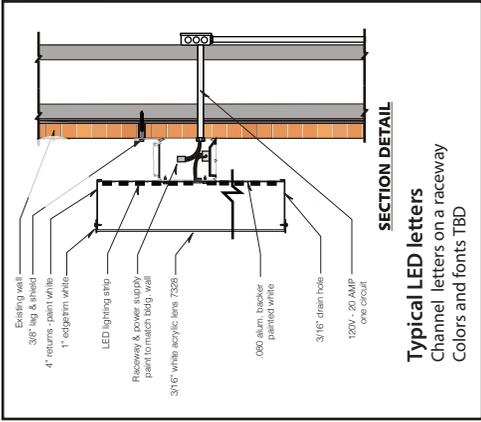
Quality Sign Solutions

IDENTITY • INFORM • IMPACT

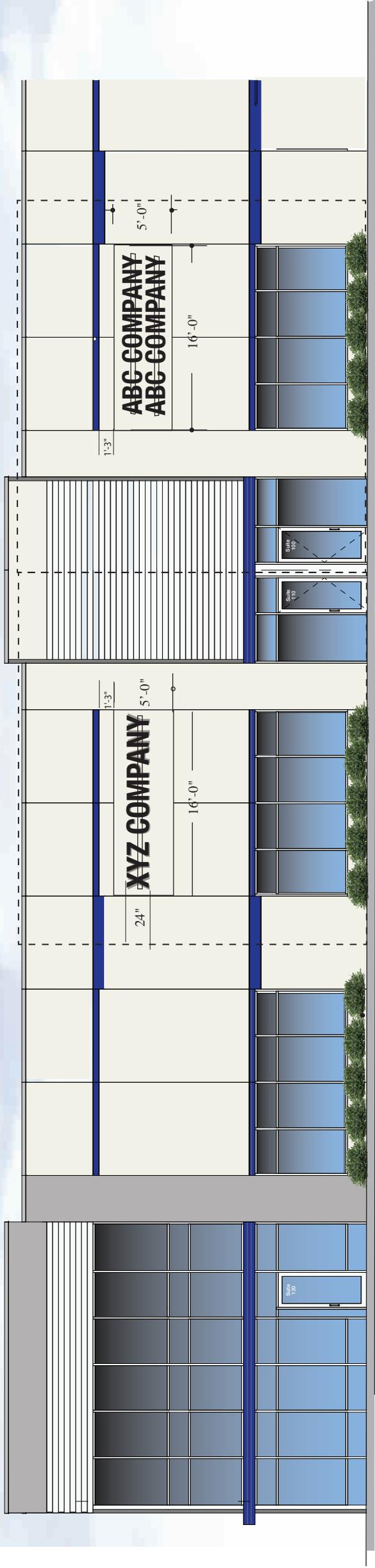
12" Aluminum 1/4" Flat cut letters stud mounted to wall

Crossroad East

EXHIBIT D



32'-0"



South Elevation
Scale 3/32 = 1'-0"

105.12.430 Sign Regulations

(a) *Purpose and intent.* The purpose of this section is to provide standards to safeguard life, health, and property and to promote the public welfare by regulating the design, area, number, construction, location, and installation of all signs referred to hereunder. The city council and planning commission of the city find that the visual environment has an effect on the welfare of the citizens of the city and that careful control of signage can protect and enhance the community. To carry out this general purpose, the regulations set forth herein are intended to:

- (1) Protect the public from hazards that result from signs which are structurally unsafe, obscure the vision of motorists and/or compete or conflict with necessary traffic signals and warning signs.
- (2) Preserve the land value of private property by ensuring the compatibility of signs with nearby land uses.
- (3) Foster high quality commercial and industrial development and to enhance economic development of existing businesses and industries by promoting reasonable, orderly, attractive and effective signs that meet the need for business identification, advertising and communication.
- (4) Encourage creative and well-designed signs that contribute in a positive way to the community's visual environment, express local character and help develop a distinctive image in the city. When appropriate, signage is encouraged to utilize design elements that are consistent with the Lake Elmo Branding and Theming Study.
- (5) Recognize that signs are a necessary form of communication and provide flexibility within the sign review and approval process to allow for unique circumstances.
- (6) Provide applicants with clear and consistent rules and regulations.

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

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

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

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

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

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

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

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

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

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

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

Comprehensive sign plan means a complete signage plan for a building or lot that has been approved by the city.

Construction sign means a sign identifying individuals or companies involved in design, construction, wrecking, financing, or development of a building or lot upon which the sign sits and/or identifying the future use of buildings or lot upon which the sign sits.

Copy means words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.

Directional sign, on-premises, means a sign without commercial message erected for the purpose of indicating the required or preferred direction of vehicular, bicycle, or pedestrian traffic on private property, including, but not limited to, "no parking," "entrance," "exit only," "loading only," and other similar signage.

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

Directly illuminated sign means any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.

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

Election campaign period means a period prior to a general election starting on August 1 until ten

days following the general election, or a period prior to a special election starting 13 weeks prior to the special election until ten days following the special election.

Electronic variable message sign means a changeable copy sign or portion thereof which can be electronically changed or rearranged without altering the face or the surface of the sign, not including signage or portions thereof displaying time and temperature.

Facade means any separate face or surface of a building, including parapet walls, and roof surfaces or any part of a building which encloses or covers unusable space. Where separate facades are oriented in the same direction, or where the inside angle at the intersection of two surfaces is greater than 135 degrees, they are to be considered as part of a single facade.

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

Frontage means the boundary of a lot that abuts a public street.

Garage sale sign means a sign advertising the sale of personal property including estate sales, yard sales or rummage sales used to dispose of personal household possessions.

Government sign means any sign erected by the city or any other governmental entity in the exercise of official government business and authority.

Ground sign means any freestanding sign that is supported by structures or supports in or upon the ground and independent of support from any building. A single sign structure having two identical or nearly identical faces back to back shall constitute a single sign. For the purposes of this definition, a ground sign is intended to refer to a primary, permanent, ground-mounted sign, not a temporary sign or sign that is ancillary to the primary sign, such as a directional sign or portable sign.

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

Indirectly illuminated sign means a sign that is illuminated from a source outside of the actual sign.

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

Legal nonconforming sign means any sign which was lawfully erected and displayed on [city clerk to insert effective date], but which does not conform to the requirements and limitations herein, or any sign which was lawfully erected and displayed on the effective date of any amendment to this section, but which does not conform to such amendment.

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

Memorial sign means a sign or tablet memorializing a person, event, place or structure.

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

Monument sign means a ground sign having a monolithic base or support structure of any material measuring no less than one-third (one-third) of the greatest width of the sign at any

point.

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

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

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

Pennant means a tapered or dove-tailed banner or flag.

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

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

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

Projecting sign means a sign that is attached to the wall of a building and projects more than 15 inches beyond such wall.

Real estate sign means a sign advertising only the sale, rental or lease of the premises upon which the sign is located.

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

Street frontage means the distance for which a lot boundary adjoins a single public street.

Temporary sign means any sign that is not a permanent sign.

Wall sign means a sign that is attached to a wall of a building and is affixed parallel to the wall at a distance of not more than 15 inches from the surface of the wall.

Window sign means any sign located completely within an enclosed building and visible from a

public way or placed upon a window. Merchandise within the premises and visible from the exterior shall not be considered a window sign under this definition.

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

(d) *Sign permits and fees.*

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

(2) *Application for sign permit.* All applications for sign permits shall be filed on a form supplied by the city. Such application shall be submitted with all required information provided and shall contain or have attached thereto the following information:

- a. Date of application.
- b. Name, address, telephone number, and, if available, fax and email address, of the applicant as well as of the person, firm, corporation, or association erecting the sign.
- c. The written consent of the owner or lessee of the premises upon which the sign is to be erected, or the sworn statement of the applicant that the applicant is authorized by the owner, lessee or other authorized occupant of the premises to erect the proposed sign.
- d. A scale drawing showing the existing and proposed location and dimensions of all buildings, structures, and signs on the subject property. For a ground sign, the drawing shall also indicate the following: Distance of the sign from either the face of curb or sidewalk as well as its location relative to other ground signs, driveways, fire hydrants, and any other features of a site that could be obscured by the sign.
- e. A landscaping plan around the base of all ground signs.
- f. The configuration of the proposed sign listing the height, width, total square footage, proposed copy, method of construction and attachment, method of illumination and description of all electrical equipment, sign materials and colors, and at least one image showing the location of the proposed sign and its relationship to either the building to which it is to be mounted or the surrounding lot if it is a ground sign.
- g. The total area and number of all signs by type on the subject property both before and after the installation of the proposed sign.
- h. For temporary signs, applications must be accompanied by a signed, written statement acknowledging the ordinance requirements governing the duration of time during which the sign may be displayed.
- i. Such other information as the city may require to ensure compliance with this section and any other applicable laws.

(3) *Application process and review procedure.* It shall be the duty of the planning director, upon the filing of an application for a sign permit, to examine the application for

compliance with the requirements of this section and, if deemed necessary by the planning director, to inspect the premises upon which the proposed sign is to be erected. If the application is complete and the proposed sign is in compliance with all the requirements of this section, and any other applicable laws, the following actions shall be taken:

- a. If the application is for a permanent sign that conforms to an approved comprehensive sign plan that applies to the property upon which it is to be located, or for a permanent or temporary sign that adheres to the requirements of this Code, the planning director may issue a permit.
- b. If an application for approval of a comprehensive sign plan pursuant to subsection (i) of this section is submitted with a development application subject to planning commission review and city council approval, the planning director shall review the application and make a recommendation to the planning commission prior to issuing a permit.
- c. Except for applications for approval of a comprehensive sign plan, applications shall be approved or denied within 30 days of the filing of a complete application or be deemed approved unless an extension of time for review is granted, in writing by the applicant. Any decision of the planning director may be appealed to the board of adjustment and appeals.
- d. In the event that a permit is issued but the sign authorized by the permit is not placed, erected, altered or relocated within six months after the issuance of the permit, the permit shall expire and be null and void.
- e. Fees. A fee shall be charged for the permit in the amount set forth in the city's fee schedule.

(e) *Design review criteria.* Signs shall meet the following criteria:

- (1) Any signage affixed to a building shall be dimensioned and located in such a manner that it fits the buildings architectural features and proportions.
- (2) All signs shall be designed to fit the zoning and character of the surrounding area. Special consideration should be made where proposed signage is located on or adjacent to locally identified historic structures or publicly-owned recreation and conservancy areas. Signage in planned unit developments, or in developments seeking comprehensive sign plans, shall conform to the planned or existing dominant architectural theme of the area. Signage in or abutting residential properties should be designed and located so as not to create a nuisance.
- (3) Signs illuminated by lights shall be positioned in such a manner that none of the light spills over onto an adjoining property or glares or shines into the eyes of motorists or pedestrians. All signs must conform to the sign illumination standards in subsection (f)(7) of this section and LEC 105.04.050.
- (4) Landscape features shall be incorporated around the base of all permanent ground signs. Landscape plantings or other landscape materials shall not be considered as part of the allowable signage.

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

- (1) *Surface area calculation.* The sign surface area shall be calculated based on the area

within the smallest single continuous rectilinear perimeter of not more than eight straight lines encompassing all elements of the actual sign face including any writing, representation, emblems or any figure or similar character together with any material forming an integral part of the display or forming the backing surface or background on which the message or symbols are displayed, but excluding any support structure. For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording and accompanying design or symbols, together with any background of a different color than the natural color, or finish material of the building. Area of signs displaying copy on two parallel, back-to-back faces not separated by more than 12 inches shall be calculated with reference to a single face only.

(2) *Sign location, placement and setback requirements.* Except as provided elsewhere in this section, all signs shall be subject to the following requirements:

a. *Limitations based on building setbacks.*

1. Except as provided in subsection (f)(2)b of this section, no part of any permanent or temporary sign shall extend over a property line.
2. Where buildings are lawfully permitted to exist on the property line, a permanent sign attached to a building may project not more than six feet over the abutting public sidewalk or right-of-way, provided that the bottom of the sign components are located no less than eight feet above the ground immediately beneath such sign. No sign may project over adjacent private property. Any ground sign shall be located on the premises unless it is an authorized temporary sign for which a valid permit is in effect.

b. *Signs on public property.* No sign shall be located within or across any public right-of-way, or on any public property, easement, or utility pole, except for:

1. A sign erected by, or required by, a government agency or temporarily erected to protect the health and safety of the general public;
2. A sign erected in conformity with subsection (f)(2)a.2 of this section;
3. Subdivision identification signs, provided an encroachment and license agreement is obtained from the appropriate jurisdiction;
4. Directional signs to religious institutions, schools, parks and public buildings within the city not to exceed four square feet subject to the approval of the road authority. Not more than three directional signs are allowed for each building location.

c. *Safety of motorists and non-motorists.*

1. No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure the vision of road users, or otherwise obstruct, interfere with the view of, or be confused with, any authorized traffic control sign, signal or device.
2. No ground sign, with the exception of government signs, may be placed within ten feet of a fire hydrant, within 15 feet of a crosswalk, or within 15 feet of the intersection of any circulation lane, driveway or alley.
3. No sign exceeding a height of 30 inches may be placed within the vision triangle as defined in LEC 1.04.
4. No sign or structural components shall obstruct passage on a sidewalk or

walkway.

d. *Additional regulations pertaining to placement of all signs.* Except for a sign erected by, or required by, a government agency or temporarily erected to protect the health and safety of the general public:

1. No sign shall be attached to a fence, tree, shrubbery, utility pole or like items on either public or private property, and no sign shall obstruct or obscure primary signs on adjacent premises.
2. No sign shall extend beyond the perimeter of a permanent structure or obstruct any window, door, fire escape, ventilation shaft or other area that is required to remain unobstructed by an applicable building code.
3. No sign shall be mounted upon any roof of any building or structure.

e. *Americans with disabilities compliance.* Sign placement shall meet all Americans with Disabilities Act (ADA) requirements.

- (3) *Construction and structural requirements.* Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe. Every sign shall be designed and constructed in conformity with the applicable provisions of the state building code and shall be free of any exposed extra bracing, angle iron, guy wire or cables. The base or support of all permanent ground signs shall be securely anchored to an appropriately designed concrete base or footing per the state building code.
- (4) *Load requirements.* All signs and other advertising structures shall be designed and constructed to meet all load requirements according to all applicable regulations in the state building code.
- (5) *Installation.* All signs shall be properly secured, supported and braced. No sign or any part thereof, or anchor, brace, or guy wire shall be attached, fastened or anchored to any fire escape, fire ladder or standpipe, and no sign or any part thereof, or anchor, brace or guy wire shall be erected or maintained which may cover or obstruct any door, doorway, or window of any building or which may hinder or prevent ingress or egress through such door, doorway or window, or which may hinder or prevent the raising or placing of ladders against such building in the event of fire. All signs or attention-attracting devices shall be free of projections that could cause injury to a pedestrian and shall be installed in such a manner to avoid obstruction of a public sidewalk or street or portion thereof.
- (6) *Maintenance.* All signs, including nonconforming signs, and sign structures shall be maintained to preserve the appearance and structural integrity substantially identical to the new condition of the sign.
- (7) *Sign illumination.* All illuminated signs shall comply with LEC 105.04.050 (Lighting, Glare Control and Exterior Lighting Standards) and the following requirements:
 - a. *Electrical permit.* All signs in which electrical wiring and connections to be used shall comply with all applicable provisions of the state electrical code.
 - b. *Voltage displayed.* The voltage of any electrical apparatus used in conjunction with a sign shall be conspicuously noted on that apparatus. In addition, all electrical signs shall bear the label of approval of a recognized testing laboratory and be equipped with a watertight safety switch that is located where the electrical supply enters the sign.
 - c. *External illumination.* All external lighting fixtures shall be steady, stationary, fully-

shielded and directed solely onto the sign, and shall use lighting designed to minimize light spill and glare. Lighting sources shall not be directly visible or cause glare to adjacent public rights-of-way or adjacent private property.

d. *Internal illumination.* Internally illuminated signs shall permit light to shine fully through only the lettering and graphic elements of the sign. The background for such lettering and graphics shall be opaque or translucent and shall transmit light at a level substantially less than that transmitted through the lettering and graphics. If the contrast between the lettering or graphic elements and background does not permit adequate legibility, a translucent white border of up to one inch in width may be placed around said lettering or graphic elements.

e. *Brightness limitation.* Except for day-time displays on electronic variable message signs, in no instance shall the lighting intensity of any illuminated sign exceed:

1. Three footcandles at the front lot line and one footcandle at all other lot lines, measured three feet above the surface of the ground.
2. 50 footcandles measured perpendicular to the face of the sign from a distance equal to the narrowest dimension of the sign.

f. *Glare.* All artificial illumination shall be so designed, located, shielded and directed so as to prevent the casting of glare or direct light up adjacent public right-of-way or surrounding property.

g. *Reflectors and lights.* Gooseneck and similar reflectors and lights shall be permitted on ground and wall signs; provided, however, the reflectors and lights shall concentrate the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property. It shall be unlawful to maintain any sign which is wholly or partially illuminated by floodlights or spotlights, unless such lights are completely concealed from view from the public right-of-way.

(8) *Motion as a component of a sign.* No sign shall have any flashing, scintillating, moving or blinking lights or rotating beacons, whether operated by electronic or mechanical means or wind driven, nor shall any floodlight, spotlight, or beacon utilize such actions to illuminate a sign. In addition, no beam of light shall be projected through a mechanism which periodically changes the color of the light reaching the sign.

(9) *Attention-attracting objects.* The use of any attention-attracting object, as defined in this Code, shall be allowed only as a temporary sign in conjunction with a special event permit, not to exceed ten days per issuance. No permit shall be granted for any premises more than four times in any calendar year; or more than once in any three-month period.

(10) *Lots having multiple street frontages.* Business occupying corner lots, or multiple frontages adjacent to more than one public right-of-way, may display up to one additional ground-mounted or building-mounted sign for each additional frontage, provided that such additional sign may not exceed 50 percent of the area allowed by the primary frontage and is oriented toward the additional frontage. For the purposes of this Code, the primary frontage shall be presumed to be the frontage upon which the main entrance to the building is located. The applicant, however, may identify a different frontage as the primary frontage to maximize the effectiveness of the signage.

(11) *Resemblance to traffic signs.* No sign shall contain or resemble any sign resembling in size, shape, message, or color any traffic control devices compliant with the Minnesota State Manual on Uniform Traffic Control Devices.

(g) *Limitations according to the type of land use.* Unless exempt under subsection (k) of this section

or as expressly provided elsewhere, no permanent or temporary signs shall be displayed except in conformity with the following regulations as they correspond to the type of land use and districts in which the sign is to be displayed.

(1) *Residential uses in residential districts.*

- a. In connection with legal home occupations, a single sign which is limited in content to the name, address and legal home occupation of the owner or occupant of the premises, and which does not exceed two square feet in area. Signs under this subsection shall be wall signs only.
- b. A residential condominium or multifamily apartment complex may display signs identifying the name of the condominium or apartment complex if the total acreage of the lot is one acre or more and the condominium or apartment includes eight or more units. One wall sign and one ground sign per street frontage may be displayed, with a maximum of two wall signs and two ground signs per lot. No identification sign shall exceed 32 square feet in area, and the maximum height is one story or 12 feet above curb level, whichever is lower. For the purposes of this subsection, the term "lot," when used in reference to a condominium, means all property within a common interest community.
- c. Subdivision identification signs.
 1. Number. Each residential subdivision is allowed up to one subdivision identification sign per entrance. For the purposes of this section, residential subdivision shall include all phases of approved staged developments.
 2. Location. Subdivision identification signs shall be located near entrances to the subdivision, except that one sign may be located along an abutting arterial or major collector roadway.
 3. Size. The maximum size for a subdivision identification sign is 32 square feet at a subdivision's main entrance and 24 square feet for all other locations.
 4. Setback. Subdivision identification signs and support structure shall maintain a setback of at least ten feet from any street right-of-way. Signs as well as support structures within a center island shall maintain a setback of at least five feet from the curb and are subject to regulations set forth by subsection (f)(2)2.b of this section.
 5. Changeable copy signs, including electronic variable message signs, are not a permitted sign type for subdivision identification signage.

(2) *Institutional uses in residential districts.* Nonresidential uses located in residential districts, such as churches and schools, located in residential districts may erect signs as follows:

a. *Wall and ground signs.*

1. *Area and number.* One wall sign and one ground sign per street frontage may be displayed, identifying the entity, with a maximum of two wall signs and two ground signs per lot. Additional wall or ground signs for wayfinding purposes may be permitted when the size of the lot, number of vehicular or pedestrian entrances, and layout of the buildings require additional signs in order to promote traffic and pedestrian safety. Signs under this subsection, whether displayed on a wall or on the ground, shall not exceed 12 square feet in area, except such signs may be increased in area by one square

foot for each additional foot that the sign is set back more than 12 feet from a lot line. No sign under this section shall exceed 32 square feet in area.

2. *Height.* No identification sign shall project higher than one story, or 12 feet above curb level, whichever is lower.

b. *Temporary signs.*

(3) *Commercial, mixed-use and industrial districts.*

a. Ground signs.

b. Directory signs.

c. Awning and canopy signs.

d. Wall signs.

e. Projecting signs.

f. Hanging signs.

g. Window signs.

h. Directional and informational signs.

i. Corporate flags and decorative banners.

j. Temporary signs.

(4) *Planned development districts.* No permanent sign shall be displayed except a sign authorized by the city and included in the comprehensive sign plan pertaining to the site. Temporary signs are permitted for commercial, institutional or industrial uses unless prohibited by the comprehensive sign plan.

(5) *Conservancies and parks.* No sign shall be permitted except those installed by direction of the public works director.

(6) *Agricultural sales businesses.* Signage related to agricultural sales business may be erected as follows:

a. *On-premises signs, agricultural sales businesses.* One or more on-premises signs may be erected on a property in conjunction with an operating agricultural sales business subject to the following requirements and restrictions:

1. Agricultural sales businesses utilizing less than ten acres of land specifically for the growing of agricultural crops for the businesses are allowed one on-premises sign not to exceed 32 gross square feet of advertising surface.

2. Agricultural sales businesses utilizing more than ten acres of land but less than 40 acres of land specifically for the growing of agricultural crops for the businesses are allowed up to two on-premises sign not to exceed 48 gross square feet of total advertising surface, with no individual sign surface exceeding 32 square feet in size.

3. Agricultural sales businesses utilizing more than 40 acres of land specifically for the growing of agricultural crops for the business are allowed up to three on-premises signs not to exceed 64 gross square feet of total advertising surface, with no individual sign surface exceeding 32 square feet in size.

4. Any illuminated sign shall be consistent with subsection (f)(7) of this section and illuminated only during those hours when business is open to the public for conducting business.

b. *Temporary off-premises signs, agricultural sales businesses.* Independent of the total allowable sign area for an individual property anywhere within the city, a temporary off-premises sign may be erected on a property in conjunction with an operating agricultural sales business subject to the following requirements and restrictions:

1. *Maximum number.* Every agricultural sales business shall have no more than three off-premises signs at any given time to direct the public to the location of the business.

2. *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.

3. *Size and height.* An off-site agricultural sales advertising sign shall not exceed 50 square feet in area and shall not be taller than ten feet in height.

4. *Setbacks.* Off-premises signs shall be a minimum of 25 feet from all side property lines, and a minimum of 50 feet from other off-premises advertising signs.

5. *Permission required.* Applicants for off-premises signs shall acquire permission from the property owner upon whose land the sign is to be erected.

(h) *Regulations pertaining to specific sign type.* Except as expressly provided elsewhere, signs shall meet the following regulations according to sign type:

(1) *Wall signs.*

a. *Number.* No building occupant shall display more than one wall sign per street frontage except as provided below:

1. One additional wall sign may be displayed on a building with no front setback, provided that such sign is a flat sign that is either painted upon the building or does not extend outward more than six inches.

2. Up to three ancillary wall signs may be displayed on buildings measuring at least 100 feet in length along the front lot line. Any ancillary sign displayed under this paragraph shall not exceed 50 percent of the net area or 50 percent of the height of the largest permitted wall sign displayed on that facade, nor shall the aggregate area of the ancillary signs exceed 50 percent of the net area of such wall sign.

b. *Surface area.* The total permitted sign surface area of all wall signs on a facade shall not exceed one square foot of signage for each lineal foot of building frontage that is coterminous with the occupancy to which the sign refers, unless a different amount allocated to the building occupant is identified in an approved comprehensive sign plan pursuant to subsection (i) of this section. In addition, no individual wall sign shall exceed 100 square feet in area.

c. *Location.* Wall signs shall be mounted parallel to building walls and only on a

portion of an exterior wall that is coterminous with the occupancy to which the sign refers, unless a different location is identified in an approved comprehensive sign plan pursuant to subsection (i) of this section. No wall sign shall extend above or beyond the wall to which it is attached.

- d. *Installation requirements.* No wall sign shall cover or interrupt significant architectural elements such as columns, column caps, friezes, door or window heads, embellishments, adornments, fenestration, or ornamental detailing on any building. All mounting brackets and other hardware used to affix a sign to a wall as well as all electrical service hardware and equipment shall be concealed by architectural elements of the building or the sign itself.

(2) *Ground signs.*

- a. *Number.* There shall be no more than one ground sign for each street on which the lot has frontage, except one additional ground sign per lot frontage may be allowed for any lot frontage over 1,000 linear feet. On lots occupied by two or more occupants, or where a second ground sign is permitted, three or more occupants, a directory sign shall be used in lieu of multiple ground signs. No single business or building occupant shall be allowed signage on both an individual ground sign and a ground directory sign on the same street frontage. On premises having no principal building, there shall be no more than one ground sign for the premises.
- b. *Surface area.* No ground sign shall exceed the size listed in Table 5-3.
- c. *Type of sign.* Any permanent ground sign shall be erected as a monument sign. Pole signs are prohibited unless the pole portion of the sign is enclosed in a shroud that causes the sign to appear to have a monolithic base or support structure of any material measuring no less than one-third of the greatest width of the sign at any point or unless the height is no greater than three feet. This provision does not apply to signs erected on properties located south of 5th Street and north of I-94. The base of the monument sign shall not exceed the width of the widest portion of the sign face by more than 25 percent.
- d. *Location.* Ground signs shall be placed with consideration for visibility, access, maintenance, and safety, consistent with the provisions of subsection (f)(2) of this section. Ground signs shall be located beyond required setbacks a distance equal to or greater than the height of the sign. If this is not possible, ground signs shall be located as far from required setback lines as possible. In no case shall a ground sign, as defined in this section, extend beyond a lot line of a property. A ground sign larger than six square feet shall be located no closer than 100 feet of another ground sign or the furthest distance possible from another ground sign, whichever distance is shorter.
- e. *Height.*
 1. The height of a ground sign shall be measured from the approved grade at the base of the sign or the elevation of the street upon which the sign faces, whichever is lower, to the top of the highest attached component of the sign.
 2. A ground sign shall be mounted on a base not to exceed four feet in height.
 3. Allowable height of a ground sign shall be as set forth in Table 5-3.
 4. No ground sign shall be taller than the principal building on the premises to

which it pertains.

- f. *Landscaping.* Perennial plantings, grass or other landscaping features shall be incorporated around the base of all ground signs.
- g. *Exempt or special purpose ground signs.* The location of and maximum height and surface area of any other exempt or special-purpose ground sign expressly authorized by another section of this section, shall be as set forth in such other section.

Table 5-3 Ground Signs

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

Table 5-3: Ground Signs

<i>Zoning District</i>	<i>A^a, LDR, OP, RE, RS, RR^a, RT^a</i>	<i>MDR, HDR</i>	<i>BP, C, CC, GB, LC, VMX</i>
	<i>Max. Height/Area (square feet)</i>	<i>Max. Height/Area (square feet)</i>	<i>Max. Height/Area (square feet)</i>
Local Street	-	6'/32	10'/40
Collector Street	-	6'/32	10'/50
Minor Arterial	-	6'/32	10'/64
Principal Arterial ^b	-	6'/32 ^b	12'/80 ^b
Notes to Table 5-3:			
^a Ground signs are only permitted in the A, RR, and RT districts in conjunction with agricultural sales business.			
^b In lieu of a ground sign meeting underlying zoning requirements, properties located south of 5th Street and north of I-94 may have one ground sign up to 30 feet in height and up to 250 square feet in size when within 50 feet of the property line nearest I-94. The base of the sign shall be constructed of materials similar to those used on the building for which the sign is installed.			

(3) *Window signs.*

- a. *Location.* All window signs must be located inside an exterior window unless the

sign is weatherproof and does not pose a danger from falling or being blown by the wind. Lettering or graphic elements that are directly mounted on a window shall not encroach upon the frame, mullions, or other supporting features of the glass.

- b. *Permanent signs.* When a sign is painted on or otherwise attached or applied to the window area in a permanent manner, then such a sign shall be included in the total allowable wall sign area for the building and shall not exceed 20 percent of the total ground-floor window area of the building, excluding the door windows. All permanent window signs which have their lettering or graphic elements directly on the glazing shall be painted, metal leafed, vinyl transferred, or in some other manner permanently applied to the interior side of the glass of an exterior building window or door. No application using a temporary adhesive shall be permitted unless the planning director determines the application to be reasonably safe.
- c. *Temporary signs.* Signs advertising sales and specials shall not exceed 30 percent of the total ground-floor window area of any building, excluding the door windows. Such signs must be displayed in conformance with the temporary sign regulations listed in subsection (j) of this section.
- d. *Limitation.* Under no circumstances shall any combination of permanent or temporary window signage cover more than 50 percent of the total ground window area of any building.

(4) *Changeable copy signs.*

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

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

a. *Surface area.* The sign surface area of a canopy or awning sign shall not exceed 15 percent of the area of the vertical section of the canopies and awnings. The area of the vertical section of the canopies and awnings is calculated as the difference between the highest and lowest point on the canopy or awning multiplied by the length of the canopy or awning measured parallel to the facade upon which it is attached.

b. *Location.*

1. Canopies and awnings shall be constructed and erected so that the lowest portion of the projecting frame thereof shall be not less than nine feet, and the lowest portion of the descending skirt shall be not less than eight feet above the level of the sidewalk or public thoroughfare.
2. No portion of the canopy or awning sign shall extend above or beyond the canopy or awning upon which it is attached. However, a sign may be hung beneath a canopy parallel to the building frontage so long as it and its structural components are no less than eight feet above the ground immediately beneath the sign.
3. Awnings shall not project more than 72 inches out from the building upon which they are attached, nor extend out from the building beyond the extension of the awnings on adjoining buildings.

c. *Installation requirements.* To preserve the architectural integrity of a building, no canopy or awning, and no canopy or awning sign, shall cover or interrupt significant architectural elements such as columns, column caps, friezes, door or window heads, embellishments, adornments, fenestrations or ornamental detailing.

d. *Illumination.* Awnings and canopies may be illuminated where the following conditions are maintained:

1. Both interior type strip lighting and exterior type gooseneck lighting is permitted, not exceeding a maximum light level of 18 footcandles measured three feet from the perpendicular to the light source.
2. The bottom of any illuminated awning or canopy shall be enclosed.
3. The provisions of subsection (f)(7) of this section are satisfied.

e. *Materials.* Canopy and awning signs shall be made of either the material with which the canopy or awning is covered or other water proof materials affixed flush to the face of the canopy or awning, or be painted directly on the awning or canopy material with weather-resistant paint.

f. *Snow load.* It is found that snow and ice that accumulates on awnings can pose a danger to pedestrians. To ensure the safety of pedestrians, snow and ice shall be removed from awnings within a reasonable time period after an event of snow and ice accumulation.

(6) *Hanging signs.* One sign up to six square feet in area may be suspended above a walkway near a primary building entrance so long as it and its structural components are

no less than eight feet above the ground immediately beneath the sign.

(7) *Projecting signs.* A projecting sign may be displayed in lieu of a wall sign and subject to the following restrictions:

- a. *Maximum projection.* The maximum distance a projecting sign may project is not more than 24 inches into the right-of-way. Subject to zoning setback limitations, a projecting sign may project no more than six feet from the building face.
- b. *Location.* A building may have one projecting sign facing a street or on a corner of the building.
- c. *Surface area.* The permitted area of a projecting sign shall not exceed the square footage for the amount that would otherwise be allowed for a wall sign on the building.
- d. *Height.* A projecting sign must vertically clear any pedestrian area by at least eight feet and vehicular ways by at least 14 feet. A projecting sign may extend to the juncture of the roof with the building wall or to the top of any parapet, but no projecting sign may extend above a second story.

(8) *Directional signs.* On-premises directional signs may be placed on private property near driveway entrances, at building entrances, and in parking lots and loading areas where reasonably necessary. Each such sign shall be located on premises and shall adhere to the regulations pertaining to vision triangles and other setbacks as defined in subsection (f)(2) of this section. Such signage shall be considered exempt from the total signage calculation for the premises as long as all the following standards are met:

- a. Such signage does not serve an additional advertising purpose.
- b. There are no more than three directional signs per lot, not including a maximum of one directional sign allowed per driveway entrance/exit.
- c. Surface area per sign does not exceed four square feet.
- d. Logos do not exceed two square feet in area per sign.
- e. Sign height does not exceed five feet above ground elevation at base of sign.

(9) *Flags and decorative banners.* The following regulations apply to all flags and decorative banners:

- a. A minimum clearance of eight feet over pedestrian ways and 14 feet over vehicular areas.
- b. Maximum number of flagpoles for any lot is three.
- c. Maximum height of any flagpole is 50 feet.
- d. Maximum number of flags per lot is four.
- e. Maximum area of any flag shall be 40 square feet.
- f. Flags representing a private entity, including corporate or business flags, shall be included within the maximum sign area total for the site, as applied to the allowance for a ground sign, and shall require a sign permit.

(i) *Comprehensive sign plans.*

(1) *Purpose.* Multi-tenant developments such as shopping malls, due to the varying occupant's need for signage and the potential for unique architecture and placement of

different occupancies as they relate to street frontages, can create challenges to the applicability of sign regulations and the fair distribution of permitted square footage for occupants. This section is intended to define how signage permitted under this Code will be distributed among the different occupancies available in the development. The comprehensive sign plan shall create visual harmony between the signs, buildings, and building site through unique and exceptional use of materials, design, color, and lighting, and other design elements; and shall result in signs of appropriate scale and character to the uses and buildings on the lot as well as adjacent buildings, structures and uses.

(2) *Applicability.* A comprehensive sign plan shall be required of an applicant for all planned developments and commercial or industrial multi-tenant developments where different occupancies will compete for permitted square footage on a single lot.

(3) *Submission requirements.* An application for comprehensive sign plan approval shall be submitted to the planning director and shall include:

a. A site plan, dimensioned, showing the location of the buildings, structures, parking areas, driveways, and landscaped areas on the lot upon which the proposed sign is to be attached or erected.

b. A table or tables containing:

1. Computation of the maximum total sign area.

2. Maximum area for individual signs.

3. Height and number of ground signs.

4. Statement of the maximum total sign area and maximum number of signs permitted on the site by this section.

c. An accurate indication on the site plan of the location and orientation of each sign for which a permit is currently being requested, the anticipated location of future signs requiring a permit, and the location of all reasonably anticipated temporary signs.

d. A description and illustration of the following may be required:

1. Colors and materials to be used in sign construction.

2. Style of lettering for all signs.

3. Appearance/location of logos or icons.

4. Location of each sign on the buildings, with building elevations if necessary.

5. All sign proportions.

6. Types of illumination.

(4) *Amendment.* A comprehensive sign plan may be amended by filing a new comprehensive sign plan, in conformance with the requirements of the sign ordinance in effect at the time, and obtaining approval of the planning director.

(5) *Binding effect.*

a. After approval of a comprehensive sign plan, no permanent sign shall be erected, placed, painted, or maintained by the property owner or any buyer, tenant, subtenant, assignee, employee, agent or other party in use of the subject property

except in conformance with such plan without obtaining a sign permit and in conformance with the comprehensive sign plan.

- b. If the city council has approved a comprehensive sign plan with flexible criteria, the planning director is authorized to approve, through the standard sign permit approval process, sign applications in conformance with the comprehensive sign plan, but only to the extent that the application is in conformance with the comprehensive sign plan.
- c. The terms and conditions of an approved comprehensive sign plan shall have the same force and effect and be enforced in the same manner as any other provision of this section.

(j) *Temporary signs.*

(1) *General requirements.* Temporary signs shall conform to the following standards:

- a. *Permit required.* No temporary sign may be displayed without a valid temporary sign permit or portable sign permit.
- b. *Sign type.* Temporary signs may include any sign type permitted by this section.
- c. *Number.* No more than two temporary signs may be displayed on a lot at any time.
- d. *Surface area.* The maximum area of all temporary signs displayed shall be a combined total of eight square feet if displayed for ten days or longer.
- e. *Location.* Temporary signs shall be located only upon the premises to which the special, unique, or limited activity, service product, sale, or event is to occur. No temporary sign may be placed off-premises except as otherwise provided elsewhere in this section.
- f. *Duration.* No temporary sign permit shall be issued to erect or maintain any temporary signage for a period exceeding 21 days, or to be displayed three days after termination of the activity, service, project, sale, or event to which the sign pertains, whichever comes first. A permit for temporary sign or signs shall be granted no more than four times in any calendar year and only once every three months.
- g. *Installation requirements.* All temporary signs shall be constructed, anchored and supported in a manner which reasonably prevents the possibility of such signs becoming hazards to the public health and safety as determined by the planning director.

(2) *Business opening signs.*

- a. *Permit required.* A permit shall be issued before a business opening sign may be erected. The permit may not be renewed.
- b. *Type of sign and location.* A business opening sign may be a wall sign, projecting sign, or ground sign. A business opening sign may be displayed in addition to, in lieu of, or affixed to a permanent sign. A banner may be used as a business opening sign.
- c. *Size.* The size of a business opening sign shall be determined by the type of sign chosen, and shall be limited to the maximum size allowed for a permanent sign of that type at the location.
- d. *Illumination.* A business opening sign may be illuminated subject to subsection (f)

(7) of this section.

e. *Duration.* A business opening sign may be displayed for a period not to exceed 30 days from the date the business opened, changed names, or changed ownership.

(3) *Portable signs.* In addition to the general requirements pertaining to temporary signs, the following standards pertain to portable signs:

a. *Permit required.* A sign permit shall be issued on an annual basis before a stationary portable sign may be erected. Such permit shall only be valid during the calendar year during which it is issued.

b. *Construction.* A sign shall be manufactured to a professional standard of construction, finish and graphics. A portable sign shall be freestanding, self-supported and constructed of substantial materials such as wood, metal or plastic such that the sign will reasonably withstand the elements.

c. *Size and design regulations.*

1. A portable sign shall not exceed six square feet in surface area per side, with a maximum of two signable sides or faces.
2. The sign shall not exceed three feet measured at the widest point of the sign face.
3. Any portion of the sign's face used for a chalk or dry-erase board shall not exceed 50 percent of the total sign face surface area.

d. *Number.* One portable sign may be displayed per business or occupant in any commercial or industrial area or planned unit development.

e. *Location.* A portable sign is restricted to the lot of the business establishment to which a permit has been issued, except such a sign may be located in the public right-of-way in front of the premises only where no front setback is required.

f. *Placement.* A portable sign shall:

1. Be placed only along sidewalks where a minimum five-foot-wide clear sidewalk is maintained. In no event shall a portable sign be placed on any bicycle path. The placement, of a portable sign shall not obstruct access to any crosswalk, mailbox, curb cut, fire hydrant, fire escape, fire door, building entrance, public parking space or any other public property, nor shall a sign obstruct the ability of persons to exit/enter vehicles parked along the curb;
2. Not be attached, chained or in any manner affixed to public property including street trees, utility poles or sign posts;
3. Not obstruct the clear view of any traffic signal, regulatory sign or street sign;
4. Not be located closer than ten feet to any other portable sign;
5. Not be located directly adjacent to a bus stop or transit vehicle, shall not obstruct sight lines of road users, nor be placed less than 25 feet from a street intersection or 15 feet from a crosswalk;
6. Not be placed in such a way as to interfere with snowplowing of the streets;
7. Be maintained free of snow, be placed on solid ground at all times and

shall not be placed on top of snow banks.

- g. *Illumination.* A portable sign shall not be illuminated.
 - h. *Time limitations and removal.* A portable sign may be displayed only during business hours. Such sign must be removed and safely stored out of view during times when the business is not open to the public. Trailers or other vehicles that are not used principally as a sign may be parked on the lot when the business is not open to the public.
 - i. *Enforcement.* Portable signs located within the public right-of-way are a privilege and not a right. The city in permitting placement of such signs in the public right-of-way reserves the right to require their removal at any time because of anticipated or unanticipated problems or conflicts. To the extent possible, the permittee shall be given prior notice of any time period during which, or location at which, the placement of portable signs is prohibited. Furthermore, the sign permit may be revoked by the planning director following notice to the permittee. The permit may be revoked if one or more conditions outlined in this section have been violated, or if the sign is determined to constitute a public nuisance not specifically outlined in this section. Following the revocation of the sign permit, no application for the same site shall be filed within 180 days from the date of revocation. The permittee has a right to appeal the decision of the planning director within 30 days of issuance of a revocation notice pursuant to subsection (n)(2) of this section.
 - j. *Indemnification.* Where a temporary, portable sign is permitted in the public right-of-way, the owner, lessee or lessor of the business to which a permit has been issued and the property owner shall agree in writing to fully indemnify and hold the city harmless for any personal injury or property damage resulting from the existence or operation of said sign, and shall furnish evidence of general liability insurance in the amount of \$50,000.00 with the city as additional named insured or provide other security to the satisfaction of the city administrator.
 - k. *Permit renewal.* The permit for a portable sign must be renewed annually prior to January 1 of each year.
- (k) *Signs exempt from permit.* Consistent with the purpose and scope of this section, the city recognizes that certain temporary, necessary, or limited-purpose signs should be lawfully displayed without the need to obtain a permit and should not count as part of the specific sign area allowed to be displayed on a particular property. All signs exempt from permit requirements must, nonetheless, adhere to all other applicable sections of this section and all other applicable state and federal regulations. The city finds that the following signs may be displayed without a permit because they serve an immediate or temporary traffic safety or way finding function:
- (1) *Address and nameplates.* Address and name plates not exceeding three square feet in area.
 - (2) *Athletic field signage.* Signs, banners, and scoreboards designed solely for view from spectator areas and displayed on interior walls, fences, or other structures located inside an enclosed athletic field at a school, park, or other public or private athletic complex. Approval of the park commission shall be required to display a sign, banner, or scoreboard under this subsection at a city park.
 - (3) *Awning signage.* Signs displayed on awnings located on commercial or industrial buildings, provided that the signs are displayed on the lowest 12 inches of the principal face or side panels of awnings and, provided that they do not exceed six inches in height.
 - (4) *City signs on city property.* City signs on city property not exceeding 32 square feet in

area.

- (5) *Construction signs.* Such signs may only be placed on the property where work is in progress, shall not be erected prior to the beginning of work for which a valid building permit has been issued, and shall be removed within ten days of completion of work or the expiration of the building permit, whichever is sooner. Construction signs on parcels in residential or park uses shall not exceed 32 square feet per street frontage. Construction sign area for commercial, industrial, multifamily, or planned development uses on parcels less than 100,000 square feet shall not exceed 64 square feet per street frontage; and on parcels greater than 100,000 square feet shall not exceed 96 square feet per street frontage. Square footage must be divided.
- (6) *Flags.* Flags that comply with the provisions of subsection (h)(9) of this section.
- (7) *Garage sale and estate sale signs.* Signs advertising a garage sale shall not exceed four square feet in area, shall not be displayed for a period of time more than 72 consecutive hours and may be displayed no more than twice in any one calendar year. Up to three residential garage sale signs may be displayed per event, two of which may be displayed off-premises, but not in the public right-of-way. Any such sign placed on private property must have the consent of the property owner on whose property such sign is displayed.
- (8) *Government signs, including traffic or official public hearing notice signs.* Such signs are placed, authorized, or required by the city or other authorized governmental agency. The requirements for maximum area, height, setback, or other size, materials or physical specifications shall be as required by law or the authorizing agency.
- (9) *Holiday and temporary decorations.* Holiday or temporary decorations when located on private property, or with the approval of the city if on public property. In addition, any sign in the nature of a decoration, identification or direction, incidentally and customarily associated with any national or religious holiday or any civic festival, fair or similar gathering, held during a period of ten days or less in any year, provided such sign shall not differ substantially from the requirements set forth in this section. Such decorations may not contain any commercial message or logo or depict any commercial symbol or character.
- (10) *Home occupation signs.* Signs identifying only the name and occupation of the resident. Home occupation signs shall be non-illuminated, flush-mounted to a wall of the residence, and shall not exceed two square feet in area.
- (11) *Memorial signs.* Any noncommercial sign in the nature of a cornerstone, commemorative, or historical tablet or landmark designation plaque.
- (12) *Menu signs.* Menu signs up to 55 square feet in area and six feet in height, provided they are located within 15 feet of the commercial building with which they are associated or advertise and in a manner such that the copy is not readily viewable from the public right-of-way or a residential occupancy on an adjacent lot.
- (13) *Noncommercial messages.* One sign per parcel per street frontage carrying any lawful noncommercial message not exceeding 12 square feet in area. Any other permitted commercial sign may be substituted for a noncommercial message but will count toward the total signage type and area for the parcel upon which it is located. Hand-held signs carrying noncommercial messages are not subject to any size limitation so long as they are held by and under the physical control of a person during all times they are on display.
- (14) *Parking lot regulation signs.* Parking signs not exceeding nine square feet and having a minimum setback of ten feet.
- (15) *Parking lot directional signs.* Signs must comply with the provisions of subsection (h)(8) of

this section.

- (16) *Parking lot traffic signs.* Parking lot traffic signs shall be as required by law.
- (17) *Political and election campaign signs.* Signs containing a political message and displayed during an election campaign period are allowed in addition to the noncommercial message sign under subsection (k)(13) of this section during the election campaign period, however, after ten days has passed from the election date, such sign may continue to be displayed, but will count as the allowed noncommercial message sign under subsection (k)(13) of this section. Political and election campaign signs may also substitute for any commercial message sign in the same manner. Unless substituted for another permitted sign, such signs shall not have any electrical component. Such signs shall not have a mechanical or audio auxiliary component, and shall not be attached to or placed on utility poles, trees, traffic devices, or within the public rights-of-way.
- (18) *Real estate signs advertising residential properties.* Signs located on premises may not be placed above the top of the lowest level of the building. All signs authorized under this subsection shall be removed within ten days of the sale or rental of the residential units being advertised.
- a. For lots containing less than four dwelling units within one residential structure, one non-illuminated real estate sign up to six square feet per unit may be displayed to advertise the sale or rental of the premises or any part thereof.
 - b. For lots where at least four but less than 16 dwelling units are contained within one residential structure, one non-illuminated real estate sign up to 12 square feet may be displayed to advertise the sale or rental of the premises or any part thereof.
 - c. For lots where 16 or more dwelling units are contained within one residential structure, one non-illuminated real estate sign up to 32 square feet may be displayed to advertise the sale or rental of the premises or any part thereof.
 - d. Up to two signs directing traffic to open houses, each sign no more than six square feet in area, may be installed off property after obtaining the consent of the property owner on whose property such sign is to be displayed. These signs may not be located in the public right-of-way. These off-property directional signs may be displayed only during the hours that the advertised activity is to take place, and they must be a self-supporting type sign.
- (19) *Real estate signs advertising single occupant commercial property.* For lots less than five acres, one non-illuminated real estate sign up to 12 square feet in area may be displayed. For larger lots, one non-illuminated real estate sign up to 32 square feet in area may be displayed. All signs authorized under this subsection shall be removed within ten days of the sale or rental of the commercial unit being advertised.
- (20) *Real estate signs advertising nonresidential grouped development or multi-tenant buildings.* For each group development or multi-tenant building containing nonresidential land uses, a maximum of two signs, one per each nonresidential street frontage, may be displayed up to a maximum of 32 square feet in area.
- (21) *Real estate subdivision signs.* For each real estate subdivision that has been approved in accordance with the city subdivision regulations, a maximum of two temporary development project identification signs may be located on some portion of the subject subdivision. Each such sign shall be not more than 32 square feet in area. One additional similar sign shall be permitted for each 100 lots in the subdivision in excess of 100 lots. These signs may be displayed until a time at which building permits have been issued for

80 percent of the lots in the subdivision. Signs advertising sale or lease after such time shall conform to the requirements of subsection (k)(18) of this section.

- (22) *Temporary notices.* Leaflet-type notices flat-mounted to kiosks or public information boards.
- (23) *Utility company signs.* Signs that serve as an aid to public safety or that show the location of facilities such as public telephones and underground cables only to the extent necessary to accomplish those goals.
- (24) *Window signs, temporary.* Signs and displays that are of a temporary nature such as for advertising sales and specials and that do not cover more than 30 percent of the total ground-floor window area of any building, excluding the door windows. Merchandise and pictures or models of products or services incorporated in a window display are not considered signs. Any sign placed on the outside of a window requires a sign permit unless the sign is weatherproof and does not pose a danger from falling or being blown by the wind.
- (25) *Window or wall signs not readable off-premises.* Window or wall signs not exceeding two square feet in area with lettering not exceeding three inches high designed to provide information to persons on the premises such as hours of operation, or sample restaurant menu. Where no front yard setback exists, such signs as would generally be unreadable off premises where minimum setback regulations apply shall qualify for this exemption notwithstanding that such signs are readable from the public right-of-way. Such signs shall not be counted toward total permitted signage.

(l) *Prohibited signs.* The following signs are expressly prohibited in the city:

- (1) Abandoned signs.
- (2) Off-premises signs, except as expressly allowed under this section.
- (3) Inflatable signs.
 - a. Rationale. Inflatable signs shall be prohibited because they are generally more distracting and hazardous to pedestrian traffic safety, tend to have an anchoring device that is less reliable under wind pressure, and out of scale and less compatible with surrounding structures and signs.
 - b. The following inflatable devices shall not be considered a sign:
 - 1. Registered hot air balloons in use and momentarily moored but not being used primarily as a sign.
 - 2. Novelty type balloons less than two feet in diameter and less than three feet in any dimension tethered or moored no more than ten feet above the ground.
 - 3. Inflatable holiday or other decorations displayed temporarily on private property, that do not contain any commercial message or logo or depict any commercial symbol or character, and that does not exceed 15 feet in height.
- (4) Signs attached to any public utility pole or structure, street tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property except as otherwise expressly permitted under this section.
- (5) Beacons, unless authorized for use by the city or any other governmental entity in the exercise of official government business and authority.

(m) *Legal nonconforming signs.* Any legal nonconforming sign may continue to be displayed or replaced consistent with LEC 105.12.340 through LEC 105.12.350.

(n) *Variances and appeals.*

(1) *Variances.* It is recognized that circumstances may exist from time to time where strict application of the size, location and type of sign standards hereinafter specified for the various zoning districts may be unreasonable or where literal enforcement of the regulations may work an unnecessary hardship on the applicant. Variations from the standards are, therefore, permitted by issuance of a variance by the city council upon recommendation of the planning commission that such extenuating circumstances exist. Variances shall be considered according to the provisions of LEC 105.12.320.

(2) *Appeals.* An applicant may appeal any decision of the planning director to the board of adjustment and Appeals according to the provisions of LEC 3.08.100.

(o) *Violations.*

(1) It shall be unlawful and a violation of this section for any person to maintain any prohibited sign, to perform or order the performance of any act prohibited by this section, or to fail to perform any act which is required by the provisions of this section. In the case of any such violation, each 24-hour period in which such violation exists shall constitute a separate violation.

(2) Any and all signs, erected, altered, or maintained in violation of this section, or any of the clauses and provisions of the same, or in violation of any of the laws or ordinances of the city and/or the state, are, and each of them is declared to be, a public nuisance and subject to enforcement. Any such signs are erected, altered or maintained contrary to law shall be abated as a common nuisance by the planning director.

(p) *Penalty.* Any person who shall fail to comply with any of the provisions of this section shall be subject to a penalty as prescribed by LEC 1.04.230.

(q) *Enforcement.*

(1) If the planning director or building official finds that any sign has been erected, altered, or is being maintained in violation of this section, or is in an unsafe condition as to be a menace to the safety, health, or welfare of the public, he shall give written notice to the owner thereof of the person entitled to possession of the sign and the owner of the real estate upon which the sign is located. No notice shall be required for permitted temporary signs displayed in violation of time limitations prior to taking enforcement action.

(2) Said letter shall notify the owner, or person entitled to possession of the sign, of the specific violation or violations and direct that alterations, repairs or removal, whichever may be applicable, be made to bring said violations in conformance with the terms and conditions of this section.

(3) In the event the person so notified fails or neglects to comply with or conform to the requirements of such notice, the planning director or building official may file an appropriate citation or complaint in an appropriate court of law or take whatever other legal action may be necessary to cause such sign to be altered or removed. If a sign is considered abandoned, the city, after notice, may remove such sign at the cost of the owner of the property upon which the sign sits. An invoice for such costs shall be sent to the property owner and, if not paid, shall be placed on the tax roll as a special charge pursuant to M.S.A. § 429.061.

HISTORY

Amended by Ord. [08-245](#) on 1/5/2021

Adopted by Ord. [08-253](#) on 11/3/2021