

PLANNING COMMISSION ADVISORY BOARD

February 6, 2024 – 5:30 p.m.
City Center

AGENDA

- A. CALL TO ORDER AND ROLL CALL
- B. APPROVAL OF THE AGENDA
- C. APPROVAL OF MINUTES
 - 1. December 5, 2023
- D. PUBLIC HEARINGS – Ordinance Amendments
 - 1. Amending Section 42.089. – Recreational vehicle parking and storage in residential districts.
 - 2. Amending Section 50.0018. – Accessory buildings, fences and site appurtenances.
 - 3. Amending Section 50.0395. – Principal permitted uses.
 - 4. Amending Section 50.0396. – Conditional permitted uses.
 - 5. Amending Section 50.0402. – Building design standards (B-2 Community Business District).
 - 6. Amending Section 50.0818. – Building design standards (Diversified Central District).
 - 7. Amending Chapter 50, Article III, Division 21. – Shoreland Management District.
 - 8. Repealing & Replacing Chapter 50, Article IV. – Signs.
- E. COMMISSIONER COMMUNICATIONS
- F. STAFF COMMUNICATIONS
- G. ADJOURNMENT

Disclaimer: This agenda has been prepared to provide information regarding an upcoming meeting of the Planning Commission of the City of Albert Lea. This document does not claim to be complete and is subject to change.

MINUTES OF THE ALBERT LEA PLANNING COMMISSION

Regular Meeting

December 5, 2023

5:30 pm – City Center

Chairman Lucas Schuster called the meeting to order at 5:30 pm.

MEMBERS PRESENT

Wyeth Anderson, Vice-Chair

Leon Axtman

Rachel Christensen, Ex-Officio

Matt Dorman

Matt Maras

Lucas Schuster, Chair

MEMBERS ABSENT

Jared Dawson

Steve Thompson

STAFF PRESENT

Megan Boeck, City Planner

Cierra Maras, Development Services Administrative Assistant

APPROVAL OF AGENDA

Motion by Schuster and second by Maras to approve the agenda. Motion carried.

APPROVAL OF MINUTES

Motion by Anderson and second by Axtman to approve the September 5, 2023 meeting minutes as presented. Motion carried.

Staff report prepared by Megan Boeck, City Planner, is to become part of these minutes by reference.

PUBLIC HEARINGS

1. 2200 9th St W – Conditional Use Permit

Boeck stated that the applicant has applied for a CUP for outdoor events and activities in parking and open areas at the 2200 9th St W and 1216 9th St W with varying hours of activity. Development standards for Wedgewood Cove were established by ordinance when the property was developed in 2008 as well as a Master Declaration.

Boeck also stated that staff has concern that outdoor events with varying hours of operation may interfere with the harmonization between the two types of land use (residential and commercial aspects) especially considering the lengths at which the Master Declaration goes to protect the peaceful enjoyment of the property.

Maras asked what type of events the applicant was thinking. Boeck stated they are currently thinking of outdoor weddings and wedding dances. She noted that the problem with permitting outdoor events in this way is that it is not defined and does not regulate the type of event being held at the property.

Dorman asked how the conditions on this property differ from a wedding barn that exists on Lake Chapeau. Boeck stated that the property the barn is on is zoned residential so the CUP conditions for outdoor events are limited to residential uses.

Schuster opened the hearing to the public at 5:56 pm

Jerri Baas lives next to the driving range of the golf course and asked if they would be able to have concerts during the day time. Sorensen stated that will be determined in the CUP.

Mary Tuohy lives near the property and expressed her concern about the noise level. She said that with indoor weddings she could hear the music and it was very loud. She worries about noise level if outdoor events are permitted.

Boeck read aloud an email she received from Bruce and Pat Palmer who live near the site: "[we] want to be sure any loud music, noise, etc., does NOT last any later than 10:00. This is a quiet neighborhood and would prefer that it remains that way."

Schuster closed the hearing to the public at 6:01 pm.

Motion by Dorman and second by Axtman to recommend to City Council approval and issuance of the Conditional Use Permit at 2200 and 1216 9th Street West with the following conditions:

1. Outdoor events be allowed on the properties as applied until 8:00 p.m. on weekdays (Sunday – Thursday) and until 10:00 p.m. on weekends (Friday – Saturday).
2. Outdoor events utilize non-amplified music after 7:00 p.m. any day of the week.
3. No added strobe, disco, or flashing lights be allowed.

Motion passed on a 5-0 voiced vote.

NEW BUSINESS

1. Primary Structure Size Limitations

City staff was asked to look further at the ordinance surrounding size limitations on attached primary structures. They discussed three different properties in the city that have large attached garages with smaller living space.

The commissioners agreed that they did not find the need to limit or restrict primary structure sizes. They noted that there are already lot limitations as well as limits on detached structures.

2. Tiny Home Park Discussion

Boeck stated that tiny homes are growing in popularity and the 2040 Comprehensive Plan Update added tiny homes as a housing goal with high priority. She explained that city staff was asked to identify city owned properties that could potentially be developed in to a tiny home park and the city released an RFP for a property on Front Street with a vision for housing or retail, but could potentially be re-worked to focus specifically on tiny homes. She added that Sec. 50.0025 of city code would need amendment to allow for orderly development of a tiny home park.

Appendix Q of the Minnesota Residential Code is crafted specifically for construction of tiny houses and the city would need to adopt that section to allow development of a tiny home park.

The commission concluded that they would like city staff to pursue the necessary ordinance amendments and recommend adoption of Appendix Q of Minnesota Residential Code.

COMMISSIONER COMMUNICATION

None.

STAFF COMMUNICATION

None.

ADJOURNMENT

Motion by Schuster and second by Maras to adjourn the meeting at 7:13 pm. Motion carried.

Cierra Maras, Planning Commission Secretary

Lucas Schuster, Chairman

TO: Planning Commission Members
FROM: Wayne Sorensen, City Building & Zoning Official
DATE: February 2, 2024
RE: Ordinance Amendments

An ordinance amending **Chapter 42, Article III, Sec. 42.089** as it pertains to recreational vehicle parking. A clarification as to when the parking area can be paved or not. Amendments made in recent history related to parking made this provision a bit unclear to administer.

An ordinance amending **Chapter 50, Article I, Sec. 50.0018** as it pertains to fence height in residential zones. The proposed amendment has been frequently asked for by citizens mainly for the purpose of safety of pets and children.

An ordinance amending **Chapter 50, Article III, Sec. 50.0395** and **50.0396** as it pertains to personalized storage or mini-warehousing and the related design standards. Past enforcement and discussion on industrial type warehousing has been inconsistently administered. This amendment clarifies the type of warehouse allowed.

An ordinance amending **Chapter 50, Article III, Sec. 50.0402** as it pertains to ground equipment, building design standards, and window coverage in the B-2 district. This clarifies some screening requirements that had inconsistent language for screening and building materials allowed.

An ordinance amending **Chapter 50, Article III, Sec. 50.0818** as it pertains to Building Design Standards in the DCD. It allows for an expansion of metal building materials allowed if aesthetic considerations are still considered.

An ordinance amending **Chapter 50, Article III, Division 21 Shoreland Management District** as it pertains to public waters of the city. There was never an update to this ordinance since the annexation of the Wedgewood Cove area and this amendment reflects the inclusion of Pickerel Lake. Additionally, due to the frequent confusion and violations within the shoreland impact zone, we propose adding a permit and review required for work within that area. After-the-fact permitting, inspections, and repairs are often extremely expensive and confrontational.

An ordinance repealing and replacing **Chapter 50, Article IV, Signs**. This is a complete replacement of the existing sign ordinance that current staff considers to be inconsistent, cumbersome, and incomplete as it relates to current signage practices and requests. The following are some notable changes:

- Contains additional and modified definitions
- Many sizes are slightly reduced. Ex. Freestanding signs- 250 sq. ft. reduced to 200 sq. ft. in most business districts. Staff seldom sees applications for this type of size.
- Depending on the district, wall signs will be to not exceed 60-100 sq. ft. or 15% of the building face. Presently, most sections say not to exceed 20% of the building face with no maximum size. Depending on the location, that could allow some excessive signs!

- Creates an allowance for flags, feathers, and yard signs.
- Creates a banner area to deal with locations that utilize them. Also adds language to deal with the “special sale” scenario.
- Clarifies prohibited signs.
- Language is expanded and clarified on nonconforming signs.
- Adds language on abandoned and worn out signs.
- Limits billboards (off-premise dynamic and non-dynamic signs) to IDD, I-1, I-2 and B-4 with some size modifications.
- Both electronic message signs and dynamic signs limited to a minimum of a 10 second display duration with no scrolling, only a screen dissolve or fade transition. In B-3 and DCD it is limited to 30 seconds. Present language has an 8 second delay; B-3 and IDD has a 6-hour minimum.
- Contains more language on window sign illumination and size.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wayne Sorensen". The signature is fluid and cursive, with the first name "Wayne" being more prominent than the last name "Sorensen".

Wayne Sorensen, City Building & Zoning Official

Sec. 42.089. Recreational vehicle parking and storage in residential districts.

- (a) *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:

Recreational vehicle means a vehicular unit not exceeding thirty-five (35) feet in overall length, eight (8) feet in width or twelve (12) feet in overall height. The term "recreational vehicle" includes the following terms:

Boat trailer means a vehicular structure without its own motive power, designed to transport a recreational watercraft for recreation and vacation use, and which is eligible to be licensed or registered and insured for highway use. A recreation watercraft, when mounted upon a boat trailer, and its towing vehicle, when parked or stored, shall be considered one (1) unit, exclusive of its towing vehicle.

Camper trailer means a folding or collapsible vehicular structure, without its own power, designed as a temporary living quarters for travel, camping, recreation, and vacation use; and eligible to be licensed or registered and insured for highway use.

Motor home means a vehicular unit built on or as a part of a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for travel, camping, recreation and vacation use, and which is eligible to be licensed or registered and insured for highway use.

Travel trailer means a rigid vehicular structure, without its own motive power, designed as a temporary dwelling for travel, camping, recreation and vacation use eligible to be licensed or registered and insured for highway use and which, when equipped for the road, has a body width of not more than eight (8) feet.

Truck camper means a portable structure, without its own motive power, designed to be transported on a power vehicle as a temporary dwelling for travel, camping, recreation and vacation use and which, in combination with the carrying vehicle, is eligible to be licensed or registered and insured for highway use.

Utility trailer means a vehicular structure without its own motive power designed or used for the transportation of all manner of motor vehicles, goods, materials, and eligible to be licensed or registered and insured for highway use.

- (b) *Restrictions.* Any recreational vehicle may be parked and stored on a single lot in a residential district subject to the following:
- (1) Such recreational vehicle shall be maintained in a clean, well-kept state so as not to detract from the appearance of the surrounding area.
 - (2) At no time shall such parked or stored recreational vehicle be occupied or used for living, sleeping, or housekeeping purposes except as provided in subsection (b)(3) of this section.
 - (3) It shall be lawful for only nonpaying guests at a residence in a residential district to occupy one (1) recreational vehicle, parked or stored subject to the provisions of this section, for sleeping purposes only for a period not exceeding seventy-two (72) consecutive hours. The total number of days during which a recreational vehicle may be occupied under this subsection shall not exceed fourteen (14) days in any calendar year.
 - (4) Such recreational vehicle may be parked or stored in the following manner:
 - a. Inside any enclosed structure which structure otherwise conforms to the zoning requirements of the particular district where located.
 - b. Outside in the side yard or in the rear yard, behind the required front yard setback. Such parking need not be paved **unless utilized for non-recreational vehicle parking.**
 - c. Parking of one (1) recreational vehicle is permitted outside within the required front yard setback on a hard-surfaced driveway or a hard-surfaced pad adjacent to the driveway, provided that:

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1. Space is not available in the side yard behind the required front yard or there is not reasonable access to either the side or rear yard. A lot shall be deemed to have reasonable access to the rear yard if terrain permits and an access can be had without substantial damage to existing large trees or major landscaping. A fence shall not necessarily be deemed to prevent reasonable access. A corner lot shall normally be deemed to have reasonable access to the rear yard.
 2. Inside parking is not possible.
 3. The recreational vehicle is parked perpendicular to the front roadway and is parked at least fifteen (15) feet from the back of the curb.
 4. The recreational vehicle does not prevent persons from having a clear view of all traffic approaching an intersection, whether it is an intersection of two (2) streets or the intersection of an alley with another alley or street, or traffic entering or departing from a driveway.

(Code 1980, §§ 11.02, 11.71; Code 1997, § 62-88; Ord. No. 227,13d, § 1, 10-28-2019)

Sec. 50.0018. Accessory buildings, fences and site appurtenances.

- (a) Fences and walls.
- (1) No fence or wall shall be permitted which materially impedes vision across a required front yard.
 - (2) In residential zones, no fence shall be more than six (6) feet in height in any side yard or rear yard or more than three (3) feet in height in any front yard. A 4' fence in the front yard will be permitted if such fence is over ninety (90) percent see through such as a welded wire or chain-link fence.
 - (3) In commercial and industrial districts, fences greater than seven (7) feet in height are required to have a building permit.
 - (4) Retaining walls over four (4) feet in height require a building permit.
 - (5) Fences shall be required to meet the visibility sight triangle requirement of section 50.0013(e) but no additional setback requirements apply.
 - (6) All walls and fences shall be durable and kept in a condition so as not to become a nuisance. Drywall, cardboard, plywood and particle panels shall not be used as fencing materials. Standard fence materials shall include cedar fence posts and boards, treated wood fence posts and boards, PVC or vinyl fence posts and panels designed and manufactured for use as fence sections, aluminum fence posts and panels, wrought iron fence panels, steel fence panels designed and manufactured for use as fencing, chain link fencing with wood or tubular steel posts and frames and other materials as approved by the zoning administrator.
- (b) Accessory structures in all residential districts, agricultural districts, and residential uses within a PD district unless specifically addressed in the accepted PD plan or CUP shall meet the following requirements.
- (1) The height of all accessory structures shall meet the requirements of section 50.0199 with the following exceptions:
 - a. Accessory buildings containing a dwelling unit for servants' quarters or for private guests on a second story may have a height not exceeding twenty-five (25) feet.
 - b. Where the principal structure is a residence and is two (2) stories or taller, one (1) accessory structure may be taller than the maximum height specified in section 50.0199, but shall be no taller than the principal structure.
 - (2) All accessory buildings or structures shall be no less than three (3) feet from a side or rear lot line or less than five (5) feet from any alley property line.
 - (3) Accessory buildings (garages, carports, or sheds) shall not be located closer to the front lot line than the principal building. In no case shall an accessory building be located less than twenty-five (25) feet to the front lot line. On lots of record where the primary structure setback is sixty (60) feet or greater, a maximum required setback of sixty (60) feet shall apply.
 - (4) An accessory building or structure attached to or part of the main building or located within the ten (10) feet of the rear or side wall of the main or principal building shall maintain the same side yard or rear yard as is required for the main or principal building.
 - (5) Individual private residential accessory structures shall meet the following standards based on lot sizes and other limitations found in City Code.

Lot Size	Maximum Size for Each Accessory Structure	Maximum Total Square Footage of Carports, Garages and Sheds Per Lot
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Under 1.5 acres	1,080 square feet	1,400 square feet
1.5 to 2 acres	1,280 square feet	1,600 square feet
2 acres or larger	1,480 square feet	2,000 square feet
2 acres or larger and located within 80 feet of city limits	1,680 square feet	3,000 square feet

- (6) No more than three (3) accessory structures (carports, garages or sheds) shall be allowed per lot or parcel in residential and agricultural districts.
 - (7) Detached carports may be allowed as an accessory structure (garage or shed) in a back yard only. Attached carports may be located in the side or front yard subject to all setbacks.
 - (8) The dimensions of any accessory structure shall not exceed a three to one (3:1) ratio between width and depth.
 - (9) All development on a lot including principal and accessory structures shall not exceed more than forty (40) percent of total lot area.
 - (10) This subsection shall not prevent the construction or use of a private garage for joint storage of automobiles by two (2) owners built upon the dividing lot lines when no more than the total size, number and area of accessory structures is met for each lot.
 - (11) Temporary accessory structures may be allowed for thirty (30) days within any given calendar year or up to six (6) months within any calendar year with a permit issued by the inspection department. Conditions of a six (6) month approval shall relate to public safety, visibility of the structure from neighboring private or public property, general site conditions, limits on period of use, and the general health, safety, and well-being of the neighborhood. Additional time will be considered under the application for an interim use permit (per section 50.0053). Temporary structures shall not be allowed in any side or front yard for longer than thirty (30) days.
- (c) Accessory building and structures in business and industrial districts may occupy any of the ground area which the principal building is permitted to occupy.
- (1) Accessory buildings such as buildings for parking attendants, guard shelters, gate houses and transformer buildings may be located in the front or side yard in I-2 district.
 - (2) Temporary accessory structures allowed in B-1, B-2, B-3, B-4, IDD, I-1, I-2, I-3, and DCD districts.
 - a. Tents over four hundred (400) square feet in size require a permit issued by the city fire department. Conditions of approval shall relate to public safety, visibility of the tent from neighboring private or public property, general site conditions and limits on period of use and the general health, safety, and well-being of the neighborhood.
 - b. Cargo containers are permitted as temporary accessory structures only. (Subject to applicable building and structure setbacks.)
 - c. Temporary accessory structures shall be allowed for thirty (30) days within any given calendar year or up to six (6) months within any calendar year with a permit issued by the inspection department. Conditions of a six (6) month approval shall relate to public safety, visibility of the structure from neighboring private or public property, general site conditions, limits on period of use, and the general health, safety, and well-being of the neighborhood. An extended period of use may be granted if an applicant seeks an interim use permit pursuant to section 50.0053.
 - d. In all zoning districts accessory structures including fences and walls and associated landscaping shall meet the requirements of subsection 50.0013(e) for vision clearance.

	Residential Districts					PD**	Business Districts			Industrial Districts		
	R-1	R-2	R-3	R-O	R-P		DCD	B-2	B-3	I-1	I-2	I-3
Accessory structures												
Maximum heights*	15 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	50 feet	25 feet	25 feet	25 feet
Minimum front setback***	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	Same as principal structure					
Minimum side setback (interior lot)	3 feet	3 feet	3 feet	3 feet	3 feet	3 feet	Same as principal structure					
Minimum side setback (corner lot street line)	12½ feet	12½ feet	12½ feet	12½ feet	12½ feet	12½ feet	Same as principal structure					
Minimum rear setback (no alley)	3 feet	3 feet	3 feet	3 feet	3 feet	3 feet	Same as principal structure					
Minimum rear setback from alley edge	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet	Same as principal structure					
Fences and walls												
Maximum height front yard***	3 feet	3 feet	3 feet	3 feet	3 feet	3 feet	3 feet	No maximum height. All fences over 7 feet tall require a building permit. See subsection 50.0013(a) for additional requirements for fence opacity in front yards.****				
Maximum height side and rear yards	6 feet	6 feet	6 feet	6 feet	6 feet	6 feet	6 feet					
Minimum setback interior lot lines (side and rear)	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet

<i>Other structures or appurtenances—Side setback</i>
Nothing over 2 feet in height shall be constructed or placed in a permanent manner within 1½ feet from any side property line.
*See subsection (b)(1) of this section for exemptions on height requirements for accessory structures. **Dimensional standards in the PD zone apply to those situations only where the standard is not otherwise established in the PD site plan or CUP. ***See subsection (c) of this section for exemptions on front yard setbacks for accessory structures on properties with steep slopes. ****See subsection (a) of this section for additional requirements for fences in front yards.

(Code 1980, § 11.10, subd. 15; Code 1997, § 74-18; Ord. No. 205, 6d, § 2, 5-8-2017; Ord. No. 213. 7d, § 2, 4-9-2018; Ord. No. 227,15d, § 1, 10-28-2019; Ord. No. 20-247 , § 1, 10-12-2020; Ord. No. 22-082 , § 1, 10-10-2022)

Sec. 50.0395. Principal permitted uses.

In the B-2 community business district, no building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one (1) of the following uses, except as provided in article VIII of this chapter:

- (1) Vocational and technical schools, industrial training centers, colleges and universities.
- (2) Retail stores.
- (3) Personal services and business services:
 - a. Personal service establishments.
 - b. Post offices and telegraph offices.
 - c. General business services.
 - d. Eating and drinking places, restaurants, cocktail lounges, including entertainment.
 - e. Hotels.
- (4) Processing. Bakery, catering establishment, laundry or dyeing and cleaning works.
- (5) Ice storage and distribution stations.
- (6) Minor fabrication and repair. Appliance and television repair shops, muffler shops, radiator repair and similar services.
- (7) Automotive service stations including auto repairing, tire repair shops, muffler shops, radiator repair and similar services.
- (8) Drive-in uses. Drive-in banks, building and loan companies and similar financial institutions with drive-in or drive-up facilities, drive-in eating places, food sale shops, liquor stores, and similar automotive oriented retail sales.
- (9) Advertising signs (billboards or posterboards).
- (10) Mortuaries.
- (11) Studios. Art, television, radio, music and dance, conservatories.
- ~~(12) Personalized storage or miniwarehousing, provided no miniwarehouse space shall be utilized for retail sales, processing, or manufacturing.~~
- ~~(13)~~ (12) Animal hospitals, veterinary clinics.
- ~~(14)~~ (13) Automotive, farm implement, and marine sales and services. Automobiles, trucks, trailers, farm implements, motor homes, manufactured homes, boats and marine equipment, and associated repair facilities such as body and fender shops, paint shops, and radiator repair, but not including dismantling, parting, crushing or salvage.
- ~~(15)~~ (14) Nurseries, garden centers, agricultural supplies.
- ~~(16)~~ (15) Lumberyards, home improvement centers, and agricultural building supplies.
- ~~(17)~~ (16) Commercial parking garages and lots. Commercial parking garages and lots for passenger vehicles only, provided a reservoir space is provided within the garage or lot for holding cars awaiting entrance, which reservoir space shall have a capacity of no less than two (2) vehicles.

~~(18)~~(17) Collection, packaging, and shipping of light metals such as aluminum cans and other products such as newspaper and cardboard for the purpose of recycling. The actual processing of the materials is not permitted.

~~(19)~~(18) Churches and religious buildings.

~~(20)~~(19) Clubs.

~~(21)~~(20) Clinics and hospitals.

(Code 1980, § 11.31, subd. 2; Code 1997, § 74-492)

Sec. 50.0396. Conditional permitted uses.

In the B-2 community business district, conditional uses are permitted as follows:

- (1) Commercial recreation. Any type of commercial recreation, including drive-in theaters, baseball fields, swimming pools, skating rinks, golf driving ranges, and similar open air facilities.
- (2) Climate controlled personalized storage or mini-warehousing provided that no mini-warehouse tenant space is utilized for retail sales, processing or manufacturing. Mini-warehousing shall be developed with a minimum of 250 square feet of office, retail or accessway that is established within the required glass area facing the primary front yard. The percentage of climate control, configuration of structure, fencing, landscaping and other factors shall be considered within the conditional use application process.

(Code 1980, § 11.31, subd. 3; Code 1997, § 74-493)

Sec. 50.0402. Building design standards.

(a) *Intent and application.*

- (1) It is the intent of the community to establish a series of attractive entrances along the main thoroughfares within the city. The purpose of these design standards is to establish a quality first impression to travelers on these corridors and to ensure minimum building design standards in order to protect neighboring investment.
- (2) These design standards apply to all new construction and to the expansion of existing buildings that are being expanded by more than fifty (50) percent of the building's existing gross floor area.

(b) *Materials, orientation, windows, roofs, and accessory structures.*

- (1) *Materials on vertical surfaces or building fascia.* All building vertical surfaces, including front, side, and rear shall have building finishes made of fire-resistant and low maintenance construction materials that may include: Face brick, architectural or decorative block or concrete, stone, stucco, aluminum, engineered siding products, or steel with no exposed fasteners, ~~and other materials that enrich the impression and appearance of the community.~~ The color of materials shall be part of the manufacturing and construction process.
- (2) *Orientation.* For purposes of this section, the term "front of a building" means the lineal and vertical surface facing a public street. The front of the building shall have a clearly defined entrance and shall incorporate required windows and doors. If the building abuts more than one (1) street, the zoning official will determine what is the front for purposes of window placement.
- (3) *Required windows.* The front of the building shall have a minimum of ten (10) percent, but not less than ten (10) feet, of the lineal ground floor in windows. The bottom of these windows shall not be more than forty-eight (48) inches above the surrounding ground or sidewalk level and the required glass area shall extend vertically a minimum of five (5) feet. Not more than ~~ten (10) percent of the required~~ fifty (50) percent of the window space may be covered with external or internal signs, including temporary signs as specified in Sec. 50.0846 (a) (2).
- (4) *Rooftop equipment.* The roof design shall provide screening of rooftop equipment as seen from any public street, alley or residential zoning district.
- (5) *Ground equipment.* The site design shall provide for screening of ground mounted equipment, exterior duct work and like equipment. Individual exterior units can be exempted if it meets the intent of the district design standards as determined by the Zoning Official.
- ~~(5)(6)~~ *Trash.* Exterior trash enclosures are required and shall be designed with materials similar to materials used on the principal building. Trash enclosures shall be adequate in height to screen trash containers and materials but shall not be less than six (6) feet in height.
- ~~(6)(7)~~ *Accessory buildings.* Accessory buildings shall be designed with materials similar to the materials used on the principal building.

(Code 1997, § 74-499; Ord. No. 132, 4d, § 1, 7-26-2010; Ord. No. 23-097 , § 2, 5-22-2023)

Sec. 50.0818. Building design standards.

- (a) In general. All buildings and structures shall meet applicable building code requirements. Additionally, the following standards are established to encourage architectural creativity and diversity, to create a lessened visual impact upon surrounding land uses, and to establish uniformity in acceptable exterior construction materials for development within the diversified central district.
- (b) All building facades must be designed with architecturally finished materials, with primary building materials (as defined by more than fifty (50) percent of the front building facade) being limited to the following:
 - (1) Modular masonry materials, such as brick, block and stone.
 - (2) Precast concrete or aggregate panels.
 - (3) Stucco or stucco-like materials.
 - (4) Glass.
- (c) The following building types and materials are expressly prohibited in the diversified central district:
 - (1) ~~Non-~~Corrugated metal roofing, siding, or prefabricated metal panels shall be allowed with hidden fasteners;
 - (2) Exposed, untextured, uncolored, unaugmented concrete.
- (d) All additions and outbuildings constructed after the erection of an original building or buildings shall be constructed of materials comparable to those used in the original construction and shall be designed in a manner conforming to the original architectural design and general appearance.

(Code 1997, § 74-988; Ord. No. 163, 4d, 11-25-2013)

DIVISION 21. SHORELAND MANAGEMENT DISTRICT

Sec. 50.0786. Intent and purpose.

The intent of this division is to reduce the effects of overcrowding and overdevelopment, to prevent pollution of waters of the community, to minimize flood damages, to maintain property values, and to maintain natural characteristics of shorelands and adjacent water areas by controlling lot sizes, placement of structures on lots, and alteration of shoreland areas.

(Code 1997, § 74-965; Ord. No. 425, 2d, § 6, 11-28-1994)

Sec. 50.0787. Statutory authorization and policy.

- (a) This shoreland division is adopted pursuant to the authorization and policies contained in Minn. Stats. ch. 103F, Minn. Rules 6120.2500—6120.3900, and the planning and zoning enabling legislation in Minn. Stats. ch. 462.
- (b) The uncontrolled use of shorelands of the city affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use, and development of shorelands of public waters. The state legislature has delegated responsibility to local governments of the state to regulate the subdivision, use, and development of shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the city.

(Code 1997, § 74-966; Ord. No. 425, 2d, § 6, 11-28-1994)

Sec. 50.0788. General provisions.

- (a) *Jurisdiction.* The provisions of this division shall apply to the shorelands of the public water bodies as classified in section 50.0789.
- (b) *Compliance.* The use of any shoreland of public waters; the size and shape of lots; the use, size, type, and location of structures on lots; the installation and maintenance of water supply and waste treatment systems; the grading and filling of any shoreland area; and the cutting of shoreland vegetation shall be in full compliance with the terms of this division and other applicable regulations.
- (c) *Enforcement.* The zoning administrator is responsible for the administration and enforcement of this division. Any violation of the provisions of this division or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with variances, conditional uses, or certificates of compliance) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this division can occur regardless of whether or not a permit is required for a regulated activity pursuant to section 50.0112.
- (d) *Certificate of zoning compliance.* The zoning administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in section 50.0112. This certificate will specify that the use of

land conforms to the requirements of this chapter. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this division and shall be punishable as provided in section 50.0112.

(Code 1997, § 74-968; Ord. No. 425, 2d, § 6, 11-28-1994)

Sec. 50.0789. Shoreland classification.

The public waters of the city and its environs have been classified consistent with the criteria found in Minnesota Rules, part 6120.3300, and the protected waters inventory map for the county. The shoreland area for the waterbodies listed below shall be as defined in section 50.0002 and as shown on the shoreland management district zoning map.

(1) *Lakes classification.*

DNR Lake Classification

<i>Natural environment lakes</i>	
<i>DNR Inventory ID Number</i>	<i>Name</i>
24-17	Goose Lake
<i>Recreational development lakes</i>	
<i>DNR Inventory ID Number</i>	<i>Name</i>
24-14	Albert Lea Lake
24-24	White Lake (Chapeau Lake)
<u>24-25</u>	<u>Pickerel Lake</u>
<i>General development lakes</i>	
<i>DNR Inventory ID Number</i>	<i>Name</i>
24-18	Fountain Lake

- (2) *Rivers and streams.* All protected watercourses in the city and its environs shown on the protected waters inventory map for the county, a copy of which is hereby adopted by reference, are classified as tributary streams and are also shown on the shoreland management district map.

Rivers and Streams

<i>Name</i>	<i>Legal description</i>
Bancroft Creek	From T103N, R21W, Section 28 (North of Albert Lea entering the Bancroft Bay area of Fountain Lake)
Goose Lake Outlet	From Goose Lake (extending across Bridge Avenue through the Green Lea Golf Course and entering the Bancroft Bay area of Fountain Lake approximately at the bridge of Greenwood Drive)
Unnamed Stream	From T103N, R22W, Section 26 (School Section Lake area to Edgewater Bay of Fountain Lake)
Pickerel Lake Outlet	From Pickerel Lake (extending through Shoff Park and entering the Dane Bay portion of Fountain Lake at the footbridge)

Fountain Lake Outlet	From the Fountain Lake Dam (the Shellrock River Channel) to Albert Lea Lake at the Front Street Bridge
Unnamed Stream	The White Lake (Lake Chapeau) outlet stream entering the Edgewater Bay portion of Fountain Lake

(Code 1997, § 74-969; Ord. No. 425, 2d, § 6, 11-28-1994)

Sec. 50.0790. Allowable land uses.

The shoreland management district is an overlay district and the land uses allowable for the shoreland management district shall be in compliance with all of the regulations specified in this chapter for the underlying districts. The allowable land uses shall be in conformance with the criteria specified in Minn. Rules 6120.3200, subp. 3.

(Code 1997, § 74-970; Ord. No. 425, 2d, § 6, 11-28-1994)

Sec. 50.0791. Shoreland development standards.

The following standards shall apply to all shorelands of the protected waters extending up to three hundred (300) feet from the ordinary high water mark, or the first tier of lots on existing riparian development, or the first tier of lots beyond a public street in existing development when the street is adjacent to public waters. Where the requirements of the underlying zoning district, as shown on the official zoning map, are more restrictive than these shoreland management zoning standards, the more restrictive standards shall apply:

- (1) *Lot area and width standards.* Only land above the ordinary high water level of public waters can be used to meet the lot area standards. Lot width standards must be met at both the ordinary high water level and at the building line. The lot area (in square feet) and lot width (in feet) standards for single, duplex, triplex and quad or higher density residential lots created after the date of enactment of this section for the lake and river and stream classifications are the following:

- a. *Unsewered areas.*

1. Natural environment lakes: Goose Lake.

Lot Area and Width Standards for Goose Lake Unsewered Areas

	<i>Riparian Lots</i>		<i>Nonriparian Lots</i>	
	<i>Area (sq. ft.)</i>	<i>Width (ft.)</i>	<i>Area (sq. ft.)</i>	<i>Width (ft.)</i>
Single	80,000	200	80,000	200
Duplex	120,000	300	160,000	400
Triplex	160,000	400	240,000	600
Quad	200,000	500	320,000	800
Multiple	200,000	500	320,000	800

2. Recreational development lakes: Albert Lea Lake, [Pickerel Lake](#) and White Lake (Chapeau Lake).

Lot Area and Width Standards for Albert Lea Lake
and White Lake (Chapeau Lake) Unsewered Areas

	<i>Riparian Lots</i>		<i>Nonriparian Lots</i>	
	<i>Area (sq. ft.)</i>	<i>Width (ft.)</i>	<i>Area (sq. ft.)</i>	<i>Width (ft.)</i>
Single	40,000	150	40,000	150
Duplex	80,000	225	80,000	265
Triplex	120,000	300	120,000	375
Quad	160,000	375	160,000	490
Multiple	160,000	375	160,000	490

3. ~~Recreational~~ **General** development lakes: Fountain Lake.

Lot Area and Width Standards for Fountain Lake Unsewered Areas

	<i>Riparian Lots</i>		<i>Nonriparian Lots</i>	
	<i>Area (sq. ft.)</i>	<i>Width (ft.)</i>	<i>Area (sq. ft.)</i>	<i>Width (ft.)</i>
Single	20,000	100	40,000	150
Duplex	40,000	180	80,000	265
Triplex	60,000	260	120,000	375
Quad	80,000	340	160,000	490
Multiple	80,000	340	160,000	490

4. Rivers and streams. There is no minimum lot size requirements for rivers and streams. The lot width standards for single, duplex, triplex and quad or higher density residential developments for the river and stream shoreland areas defined in section 50.0789 are:

Lot Area and Width Standards for
Rivers and Streams Unsewered Areas

	<i>Width (feet)</i>
Single	100 feet
Duplex	150 feet
Triplex	200 feet
Quad	250 feet
Multiple	250 feet

b. *Sewered areas.*

1. Natural environment lakes: Goose Lake.

Lot Area and Width Standards for Goose Lake Sewered Areas

	<i>Riparian Lots</i>		<i>Nonriparian Lots</i>	
	<i>Area (sq. ft.)</i>	<i>Width (ft.)</i>	<i>Area (sq. ft.)</i>	<i>Width (ft.)</i>
Single	40,000	125	20,000	125
Duplex	70,000	225	35,000	220

Triplex	100,000	325	52,000	315
Quad	130,000	425	65,000	410
Multiple	130,000	425	65,000	410

2. Recreational development lakes: Albert Lea Lake, [Pickerel Lake](#) and White Lake (Chapeau Lake).

Lot Area and Width Standards for Albert Lea Lake, [Pickerel Lake](#) and White Lake (Chapeau Lake) Sewered Areas

	<i>Riparian Lots</i>		<i>Nonriparian Lots</i>	
	<i>Area (sq. ft.)</i>	<i>Width (ft.)</i>	<i>Area (sq. ft.)</i>	<i>Width (ft.)</i>
Single	20,000	75	15,000	75
Duplex	35,000	135	26,000	135
Triplex	50,000	195	38,000	190
Quad	65,000	255	49,000	245
Multiple	65,000	255	49,000	245

3. General development lakes: Fountain Lake.

Lot Area and Width Standards for Fountain Lake Sewered Areas

	<i>Riparian Lots</i>		<i>Nonriparian Lots</i>	
	<i>Area (sq. ft.)</i>	<i>Width (ft.)</i>	<i>Area (sq. ft.)</i>	<i>Width (ft.)</i>
Single	15,000	75	10,000	75
Duplex	26,000	135	17,500	135
Triplex	38,000	195	25,000	190
Quad	49,000	255	32,500	245
Multiple	49,000	255	32,500	245

4. Rivers and streams. There is no minimum lot size requirements for rivers and streams. The lot width standards for single, duplex, triplex and quad or higher density residential developments for the river and stream shoreland areas defined in section 50.0789 are:

Lot Area and Width Standards for Rivers and Streams Sewered Areas

	<i>Width (feet)</i>
Single	75 feet
Duplex	115 feet
Triplex	150 feet
Quad	190 feet
Multiple	190 feet

- (2) *Placement, design, and height of structures.*

- a. *Placement of structures on lots.* When more than one (1) setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone. Structures shall be located as follows:

1. *Structure and on-site sewage system setbacks (in feet) from ordinary high water level.*

Structure and On-Site Sewage System Setbacks

Classes of Public Waters	Setbacks (in feet)		
	>Structures		Sewage Treatment System
	Unsewered	Sewered	
Lakes			
Natural Environment	150	150	150
Recreational Development	100	75	75
General Development	75	50	50
Rivers	100	50	75

2. *Additional structure setbacks.* The following additional structure setbacks apply, regardless of the classification of the water body:

Additional Structure Setbacks

Setback From	Setback (in feet)
Top of bluff	30
Unplatted cemetery	50
Right-of-way line of federal state, or county highway	50
Right-of-way line of town road, public street or other roads or streets not classified.	25

3. *Bluff impact zones.* Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
4. *Uses without water-oriented needs.* Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.
5. *Significant historic sites.* No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
6. *Steep slopes.* The zoning administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and

other facilities as viewed from the surface of public waters, assuming summer, leaf-on conditions.

- b. *Height of structures.* All principal structures in the shoreland management district shall follow the maximum building height requirements of the underlying zoning district but shall not exceed thirty-five (35) feet in height. All accessory structures shall not exceed fifteen (15) feet in height in a shoreland management district. Building heights in excess of these limits may be allowed through approval of a shoreland impact plan and conditional use permit as regulated under section 50.0112 and section 50.0795.
- (3) *Shoreland alterations.* Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.
- a. *Vegetation alterations.* Vegetation alteration necessary for the construction of structures and connection to the city sewer system and the construction of roads and parking areas regulated by this section are exempt from the vegetation alteration standards that follow.
 1. Intensive vegetation clearing within the shore impact zone and on steep slopes is not allowed.
 2. In shore impact zones and on steep slopes, limited pruning and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
 - (i) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced; and
 - (ii) Along rivers, existing shading of water surfaces is preserved.
3. A permit from the Development Services Department is required for any clearing or alterations within the shore impact zone and on steep slopes.
- The provisions of this subsection (3)a is not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
- b. *Topographic alterations/grading and filling.* Grading permits will be provided by the city in accordance with section 50.0023. The following considerations and conditions must be adhered to for the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals in shoreland management areas:
 1. A grading permit will be required for the movement of more than ten (10) cubic yards of material on steep slopes within a shoreland management district or for the movement of more than fifty (50) cubic yards of material outside of steep slopes within a shoreland management district.
 2. Grading or filling in any wetland must be evaluated to determine the extent of impact to the functions and values of the wetland area. This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, a local governmental unit, the state department of natural resources, or the United States Army Corps of Engineers. The applicant will be so advised.
 3. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible. Mulches or similar

materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.

4. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the county soil and water conservation district and the United States Soil Conservation Service.
5. Fill or excavated material must not be placed in a manner that creates an unstable slope. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of thirty (30) percent or greater.
6. Any alterations below the ordinary high water level of the waterbodies described in section 50.0789 must first be authorized by the commissioner under Minn. Stats. ch. 103G.
7. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
8. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet; and
9. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.

(4) *Placement and design of roads, driveways, and parking areas.*

- a. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the county soil and water conservation district.
- b. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
- c. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of this section must be met.

(5) *Stormwater management.* The following general and specific standards shall apply:

- a. *General standards.*
 1. When possible, existing natural drainageways, wetlands and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
 2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes.

Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.

b. *Specific standards.*

1. Impervious surface coverage of lots must not exceed thirty-five (35) percent of the lot area in residential areas. For areas zoned for commercial and industrial development, impervious surface may exceed thirty-five (35) percent, provided that specific drainage and water quality measures are provided as included in this section and other city development standards.
2. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the county soil and water conservation district.
3. Newly constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

- (6) *Additional review criteria.* Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses as established in this section for the underlying districts. The following additional evaluation criteria and conditions shall apply within shoreland areas:

a. *Factors and criteria.*

1. Existing recreational use of the surface waters and likely increases in use associated with the proposed land use;
2. Physical and aesthetic impacts of increased density;
3. Suitability of lands for the proposed use;
4. Level of current development in the area;
5. Amounts and types of ownership of undeveloped lands; and
6. Use and upgrading of inconsistent land uses shall be in compliance with the requirements of sections 50.0981 through 50.0986.

b. *Evaluation criteria.* A thorough evaluation of the waterbody and the topographic, vegetation, and soil conditions on the site must be made to ensure:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
2. The visibility of structures and other facilities as viewed from public waters is limited;
3. The site is adequate for water supply and on-site sewage treatment if not available from the city; and
4. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

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- c. *Conditions attached to permits.* The zoning administrator, upon consideration of the criteria listed above and the purposes of this division, shall attach conditions to the issuances of the building permit and certificate of compliance as the zoning administrator deems necessary to fulfill the purposes of this article. Such conditions may include, but are not limited to, the following:
1. Increased setbacks from the ordinary high water level;
 2. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted;
 3. Special provisions for the location, design, and use of structures, watercraft launching and docking areas, and vehicle parking areas;
 4. Project review by the state department of natural resources, if requested by the zoning administrator.

(Code 1997, § 74-971; Ord. No. 425, 2d, § 6, 11-28-1994)

Sec. 50.0792. Special provisions for commercial, industrial, public/semipublic, agricultural, forestry and extractive uses and mining of metallic minerals and peat.

- (a) *Standards for commercial, industrial, public and semipublic uses.* The following standards apply to commercial, industrial, public and semipublic uses if they are located within an appropriately zoned area within a shoreland management district.
- (1) Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
 - a. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this division, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures; and
 - b. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.
 - (2) Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.
- (b) *Agriculture use standards.* General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore impact zones are maintained in permanent vegetation or operated under an approved conservation plan approved by the field office technical guides of the county soil and water conservation districts, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty (50) feet from the ordinary high water level.
- (c) *Forest management standards.* The harvesting of timber and associated reforestation must be certified by the applicant to be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota."
- (d) *Extractive use standards.*

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- (1) *Site development and restoration plan.* An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.
 - (2) *Setbacks for processing machinery.* Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters.

(Code 1997, § 74-972; Ord. No. 425, 2d, § 6, 11-28-1994)

Sec. 50.0793. Planned developments.

To encourage more creative design and greater environmental sensitivity in the development of land, planned development districts (PD) may be permitted in the shoreland management district subject to the requirements of sections 50.0617 through 50.0623 and provisions which apply to conditional uses in section 50.0617.

(Code 1997, § 74-973; Ord. No. 425, 2d, § 6, 11-28-1994)

Sec. 50.0794. Subdivision and platting.

All subdivisions and plats shall be in accordance with the city's platting procedures and requirements as regulated in chapter 38.

(Code 1997, § 74-974; Ord. No. 425, 2d, § 6, 11-28-1994)

Sec. 50.0795. Shoreland impact plan.

Landowners and developers desiring to develop land or construct any dwelling or any other artificial obstruction on land located within any shoreland district shall first submit a permit application and a plan of development hereinafter referred to as a shoreland impact plan, which shall set forth proposed provisions for sediment control, stormwater management, maintenance of landscaped features, and any additional matters intended to set forth proposed changes requested by the applicant. This plan will also affirmatively disclose what, if any, change will be made in the natural condition of the earth, including loss or change of earth ground cover, destruction of trees, grade courses and wetlands. The plan shall demonstrate the minimization of tree removal, ground cover change, loss of natural vegetation and grading changes as much as possible, and shall affirmatively provide for the relocation or replanting of as many suitable trees as possible that are proposed to be removed. The purpose of the shoreland impact plan shall be to eliminate and minimize potential pollution, erosion and siltation as much as possible.

(Code 1997, § 74-975; Ord. No. 425, 2d, § 6, 11-28-1994)

Sec. 50.0796. Variances.

Variances may be granted by the city council in accordance with section 50.0112. In extraordinary cases, but only when the proposed use is determined to be in the public interest. The following additional criteria shall apply within shoreland areas:

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- (1) The use shall not result in the placement of an artificial obstruction which shall restrict the passage of storm and floodwater in such a manner as to increase the height of flooding, except obstructions approved by the U.S. Army Corps of Engineers in conjunction with sound floodplain management.
 - (2) The use shall not result in incompatible land uses or which shall be detrimental to the protection of surface and groundwater supplies.
 - (3) The use shall be in keeping with land use plans and planning objectives for the city or which shall increase or cause danger to life or property.
 - (4) The use shall be consistent with the objectives of encouraging land uses compatible with the preservation of the natural land forms, vegetation and wetlands within the city.
 - (5) There shall be a hardship as defined in section 50.0002.
 - (6) No permit or variance shall be issued unless the applicant has submitted a shoreland impact plan as required and set forth in section 50.0795. In granting any variance, the city council may attach such conditions as they deem necessary to ensure compliance with the purpose and intent of this division.

(Code 1997, § 74-976; Ord. No. 425, 2d, § 6, 11-28-1994)

Sec. 50.0797. Nonconformities.

All legally established nonconformities as of the date of this section may continue and will be managed according to the provisions of sections 50.0981 through 50.0986. In addition, the following standards will also apply in shoreland management districts. Where there is a conflict between this subdivision and sections 50.0981 through 50.0986, the conflict shall be resolved in such a manner that will tend to eliminate or bring into compliance the nonconformity.

- (1) A variance from setback requirements must be obtained before any use, building or any other permit is issued for a nonconforming lot within the shoreland management district. The variance shall be obtained pursuant to sections 50.0112 and 50.0796.
- (2) All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, heights, and other requirements of section 50.0791. Any deviation from these requirements must be authorized by a variance pursuant to sections 50.0112 and 50.0796.
- (3) Nonconforming land uses within the shoreland management district shall not be enlarged or increased pursuant to sections 50.0981 through 50.0986.

(Code 1997, § 74-977; Ord. No. 425, 2d, § 6, 11-28-1994)

Sec. 50.0798. Water supply and sewage treatment.

- (a) *Water supply.* Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the state department of health and the state pollution control agency.
- (b) *Sewage treatment.* Any premises used for human occupancy must be provided with an adequate method of sewage treatment as follows:
 - (1) Publicly-owned sewer systems must be used where available.
 - (2) All private sewage treatment systems must be certified to meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems.

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- (3) On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in section 50.0791.
 - (4) All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in subsections a. through d. below. If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.
 - a. Depth to the highest known or calculated groundwater table or bedrock;
 - b. Soil conditions, properties and permeability;
 - c. Slope; and
 - d. The existence of lowlands, local surface depressions, and rock outcrops.
 - (5) Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with sections 50.0981 through 50.0986.

(Code 1997, § 74-978; Ord. No. 425, 2d, § 6, 11-28-1994)

Secs. 50.0799—50.0808. Reserved.

ORDINANCE NO. 24-

Introduced by Councilor

**AN ORDINANCE AMENDING CHAPTER 50, ARTICLE IV, AND REPEALING AND
REPLACING ORDINANCE __ - __**

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

SECTION 1. Chapter 50, Article IV, Signs of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 50.0840. – Purpose, intent and findings.

- (a) This chapter is established to protect and promote the health, safety and general welfare and order within the city through the establishment of a comprehensive and impartial series of standards, regulations, and procedures governing the type, number, size, structure, location, height, lighting, erection, maintenance, use and/or displace of devices, signs, symbols serving as a visual communicative media to persons situated within or upon public right-of-way or properties.
- (b) The provisions of this chapter are intended to establish an opportunity for effective communication, and a sense of concern for visual amenities on the part of those designing, displaying or otherwise utilizing needed communicative media of the types regulated by this chapter; while at the same time, assuring that the public is not endangered, annoyed or distracted by the unsafe, disorderly, indiscriminate or unnecessary use of such communicative media.
- (c) It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign; nor is it the purpose or intent to regulate any building design or display not defined as a sign, or any sign which cannot be viewed from outside a building.
- (d) The city finds it is necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size and maintenance of signs be controlled. Further the city finds:
 - (1) Permanent and temporary signs have a direct impact on the image of a community;
 - (2) An opportunity for viable identification of community businesses and institutions must be established;
 - (3) Uncontrolled and unlimited signs, particularly temporary signs commonly located within or adjacent to public right-of-way, result in roadside clutter and obstruction of views of oncoming traffic;

- (4) The right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location and number;
- (5) Uncontrolled and unlimited signs adversely impact the image and aesthetic or attractiveness of the community and thereby determine economic value and growth.

Sec. 50.0841. – Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter.

Sec. 50.0842. – Definitions.

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

Abandoned sign means any sign and/or its supporting sign structure which remains without a message or whole display surface remains blank for a period of one year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned.

Alteration means any change to a sign excluding routine maintenance, painting, or change of copy of an existing sign.

Area identification sign means a sign which identifies a development, such as the name of a neighborhood, a residential subdivision, a multiple residential complex consisting of three or more residential buildings, a shopping center consisting of three or more separate business concerns, a singular freestanding commercial building 50,000 square feet or larger, an industrial building in excess of 100,000 square feet, an industrial area, an office complex consisting of three or more buildings or any combination of the above.

Awning means a roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment and which projects from a wall or roof of a structure primarily over a window, walk or the like. Any part of an awning which also projects over a door shall be counted as an awning.

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

Banner sign means a temporary sign composed of lightweight material ground-mounted or secured on a building or other structure.

Billboard. See definition for off-premise sign.

Bench sign means a sign affixed to or painted on a bench, such as at a public transit stop or a public park.

Building façade means that area of an exterior of a building extending from grade to the top of the exterior wall and the entire width of the building elevation.

Cabinet sign means any wall sign that is not of channel or individual mounted letter construction.

Canopy/vehicular service means a permanent roof-like structure, either attached or detached from a permitted building, designed to provide cover for off-street vehicle service areas, (such as gasoline station pump islands, drive-in establishments, truck loading berths, etc.).

Class I restaurant means a traditional restaurant where food is served by a waitstaff or waited to a customer and consumed while seated at a counter or table. Food is usually served on non-disposable containers.

Class II restaurant means fast food restaurants in which a majority of the customers are served food at a counter and take it to a table to eat or may take food outside to consume in a vehicle or off the premises.

Commercial speech means advertising a business, profession, commodity or service.

Directional sign means a sign providing directional information about the use or uses within the site where the sign is located.

Dissolve means a mode of message transition on an electronic message sign accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

Double-faced sign means for the purpose of sign area, a double-faced sign shall be considered one sign. If the sign copy is the same on both sides, the sign area shall be one side. If the sign copy is different on both sides, each side will be calculated separately.

Dynamic display off-premise sign means an off-premise sign or a portion thereof that displays static or dynamic text, images, graphics, or pictures where the message change sequence is accomplished by any method other than physically or mechanically removing and replacing the sign face or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the billboard. This includes a display that incorporated a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes but is not limited to any display that incorporates light bulb, fiber optics, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of text, images or displays.

Electronic messaging sign means signs, displays, devices or portions thereof with lighted messages that change at intermittent intervals by electronic variable message center or display video sign. Only for on premise content use. Electronic message signs are not identified as flashing or motion signs.

Elevation means the view of the side, front or rear of a given structure.

Event means an organized function that serves to advertise and/or promote the individual business or business's property.

Fade means a mode or message transition on an electric message sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Flag or feather sign means any fabric or similar lightweight material attached at one end of the material usually to a staff or pole, as to allow movement of the material, usually mounted into the ground or staff holder.

Flashing sign means a directly or indirectly illuminated sign that exhibits rotating, flashing or intermittent lights, animation or exhibits noticeable changes in color, intensity, texture, shape pattern, or light intensity. A flashing sign shall not include an electronic message sign provided the sign complies with Sec. 50.0844.

Freestanding sign means any sign that has supporting framework that is placed on or anchored in the ground and that is independent from any building or other structure.

Human sign means a sign held by or attached to a person for the purpose of advertising or otherwise drawing attention to a business, commodity, service or product. This also includes a person dressed in a costume for the purpose of advertising or drawing attention to a business, commodity, service or product.

Nameplate sign means a sign bearing the name or address or both of the business or the occupant of the building on which it is located.

Illuminated sign means any sign designed to be and/or is lighted by an artificial light source either directed upon it or illuminated from an interior source. All illuminated signs shall have light sources shielded to confine direct illumination to the face area of the sign.

Inflatable sign means any object enlarges or inflated that floats, is tethered in the air, is activated by air or moving gas, or is located on the ground or on a building with or without copy or other graphics. These signs include large single displays or a display of smaller inflatable items, such as balloons, connected in some fashion to create a larger display for the purpose of attracting attention.

Monument sign means any sign supported by a base that is equal to or greater in width than the sign cabinet the base is intended to support/display. The base of the monument sign shall be

constructed using similar exterior materials as the building(s) to which the sign corresponds or an approved alternative high-quality material (e. g., stone veneer). Monument signs may also consist of painted text or channel letters mounted on a freestanding seating wall or retaining wall where the total height of the structure meets the limitation of this code.

Motion sign means any sign that revolves, rotates, has any moving parts or gives the illusion of motion, electronically or otherwise. A motion sign shall not include an electronic message sign provided the sign complies with sections 50.0843 and 50.0844.

Multiple-tenant site means any site which has more than one tenant, and each tenant has a separate ground level exterior public entrance.

Nonconforming sign means a sign lawfully constructed prior to the time of the passage of the ordinance from which this section is derived, or amendment thereto, but which does not conform to the regulations of this chapter.

Noncommercial speech means the dissemination of messages not classified as commercial speech which include, but are not limited to, messaged concerning political, religious, social, ideological, public service, governmental and information topics.

Off-premise sign means a commercial speech sign which directs attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot on which such sign is located.

Pennant means attention-getting devices, such as streamers or stringers, constructed of paper, cloth plastic or similar materials (excluding banners and flags).

Permanent sign means any sign that is not a temporary sign.

Portable sign means a temporary sign and/or reader board so designed as to be movable from one location to another which is not attached to the ground or any permanent structure.

Projecting sign means a sign, other than a wall sign, which is affixed to a building and which has sign faces extending perpendicular from the building wall.

Reader board sign means that a portion of a sign with changeable copy or a message not to exceed 40 percent of the allowable sign area except electronic message signs.

Roof sign means any sign that is erected, constructed or attached wholly or in part upon or above the roof of a building.

Rotating sign means a sign revolving or rotating on its axis by mechanical means.

Sandwich board means a two-sided temporary sign constructed to form an "A" or tent-like shape.

Search light means an apparatus containing a source of light and a reflector that projects the light produced in a concentrated, far-reaching beam for the purpose of advertisement.

Setback, front means the minimum horizontal distance permitted between the public right-of-way and a structure on the premises. In instances in which a property fronts on more than one street, front setbacks are required on all street frontages.

Setback, rear means the minimum horizontal distance permitted between the side lot line and a structure on the premises.

Sign means any structure, device, advertisement, or visual representation intended to advertise, identify, or communicate information, or attract the attention of the public for any purpose; and without prejudice to the generality of the foregoing includes: any symbols, letters, figures, illustrations, or wall graphics painted or otherwise affixed to a building, structure, vehicle, container, trailer, or landscape feature.

Sign area means the size of the sign face, or, where there is no sign face, the actual display of letters, symbols, insignias, figures or other media representing a message or communication, the area of which is determined by blocking the media area into a parallelogram and measuring the sides to calculate the square footage.

Sign, maximum height of, means the vertical distance measured from grade or other reference elevation as herein specified to the upper limit of a sign.

Sign structure means the base, supports, uprights, bracing and framework for a sign including the sign area.

Street frontage means the linear length in feet of the property line adjacent to public streets.

Swinging sign means any sign designed to be swayed, rocked, or so moved by wind or other natural phenomenon.

Temporary sign means a non-permanent sign that is located on private property.

Traffic control sign means any sign erected by a governmental unit for the purpose of directing or regulating vehicular and pedestrian traffic.

Transition means a visual effect used on an electronic message sign or dynamic sign to change from one message to another.

Unlawful sign (nonconforming sign) means a sign existing prior to or after the passage of the ordinance from which this section is derived, or amendments thereto, which does not conform with the regulations of this chapter and is not an existing legal sign, or is not a legal nonconforming sign, or is not a sign erected with a sign permit.

Wall means the building façade area that defines the front of the building. The front is a continuous line of a building that connects side wall to side wall and faces one public right-of-way.

Wall graphics means a graphic design or a decorative mural not intended for identification or advertising purposes, which is painted directly on or affixed to an exterior wall surface.

Wall sign means a sign with permanent lettering that is affixed to the exterior wall of a building and has a sign face that is parallel to the building wall. A wall sign shall not project more than 12 inches from the surface to which it is attached, nor shall it extend beyond the top of the building.

Window sign means a temporary sign affixed to the interior of a window in view of the general public.

Yard sign means a small, often rectangular sign that is placed on a lawn. These signs are commonly made of corrugated plastic or cardstock and one or two wires or stakes to mount on the ground. They are typically placed in high-visibility locations such as along busy roads or at intersections, to attract the attention of passing drivers and pedestrians.

Sec. 50.0843. – Administration and enforcement.

(a) *Permit requirements.* No sign shall be erected, altered or relocated without a permit issued by the city. The content of the message or speech displayed on the sign shall not be considered in determining whether to approve or deny a sign permit. Any sign involving electrical components shall bear an Underwriters Laboratories, Inc., seal of inspection.

(b) *Applications.*

(1) The permit application shall be signed by the applicant. When the applicant is any person other than the owner of the property, it shall also be signed by the owner of the property. The application shall contain the following information:

- a. The name, address and telephone number of the property, it shall also be signed by the owner of the property and sign hanger.
- b. The location of the sign or structure.
- c. A scaled drawing showing position of the sign or advertising structure in relation to the nearest building, structure, public streets, rights-of-way and property lines.
- d. Two (2) colored renderings of the plans and specifications and method of construction or attachment to the building or in the ground including all dimensions, showing all light sources, wattage, type and color of lights, and details of any light shields or shades.

- e. If required by the city, a copy of street sheets and calculations showing the structures as designed for dead load and wind velocity in the amount required by this chapter and all other ordinances of the city will be furnished.
 - (2) The city shall approve or deny the sign permit in an expedited manner or no more than 30 days from the receipt of the completed application, including the applicable fee.
 - (3) A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit. Such permit may be renewed and the renewal fee shall be set forth in the city fee schedule.
- (c) *Exemptions.* The following signs shall not require a permit. These exemptions shall not be construed as relieving the owner of the sign from responsibility of its erection and maintenance, and its compliance with the provisions of this ordinance.
- (1) In residential zones (R-1, R-2, R-3, R-P and PD and DCD with residential uses), one (1) yard sign, one (1) flag, or one (1) feather sign.
 - (2) Election signs. In an election year, all noncommercial signs of any size may be posted in any number from 60 days prior to 10 days after any federal, state, or local election. These signs shall be confined within private property.
 - (3) Address signs.
 - (4) The changing of the advertising copy or message on an approved painted or printed sign and similar approved signs which are specifically designed for the use of replaceable copy does not require a new sign permit.
 - (5) Painting, repainting, cleaning or other normal maintenance and repair of a sign or a sign structure unless a structural change is made does not require a sign permit.
 - (6) Banner signs advertising products or services as regulated in this ordinance.
 - (7) Flag, feather, or yard signs as regulated in this ordinance.
- (d) *Fees.*
- (1) All sign permit fees shall be established annually as set forth in the City of Albert Lea Adopted Fee Schedule.
- (e) *Licenses and bonds.*

- (1) No person, firm and corporation shall engage in the business of erecting, handing or installing signs under this chapter unless licensed to do so by the city. A sign hanger license may be granted after written application to the City Clerk accompanied by a license fee as set forth in the City of Albert Lea Adopted Fee Schedule. The license shall be granted for a calendar year and shall expire at the conclusion of business on June 30th of the license year. The license fee shall not be prorated.
- (2) No license shall take effect until the licensee files with the City Clerk a certificate of public liability insurance for coverage concurrent with the license term and with the currently required limits. The city shall be named as an additional insured. Said certificate must state the city will be given a ten-day notice before cancellation of said insurance.

(f) *Violation and fines.*

- (1) If the city finds any sign in violation of the terms of this chapter, a written notice shall be issued to the owner, and/or possessor (tenant in possession, operator or manager of the premises on which the sign is located), specifying the violation and timing for removal of the violation.
- (2) After the expiration of the time period specified by written notice, if the violation is not corrected or discontinued, the owner and/or possessor of said property shall be guilty of a misdemeanor and each day of violation after the initial time period as specified by written notice shall constitute a separate offense.
- (3) Permanent signs constructed without first securing a city sign permit are subject to a misdemeanor violation as allowed by State Statute.
- (4) The city may cause any sign erected in the right-of-way not in conformance with this chapter to be removed summarily and without notice.

(g) *Abandoned signs.*

- (1) A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business that it identifies is no longer conducted on the premises. If the owner or lessee fails to remove the sign within one year, the city shall remove it in accordance with this section.
- (2) These removal provisions shall not apply where succeeding owner or lessee conducts the same type of business and agrees to maintain the signs as provided in this chapter or changes copy on the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this chapter.

Sec. 50.0844. – General provisions applicable to all zoning districts.

- (a) A minimum of one (1) address sign shall be required on each building in all districts. New and existing building and buildings under construction or demolition shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. Buildings with multiple tenants/addresses shall place approved numbers or addresses on front and rear doors identifying each address. These numbers shall contrast with their background. Address numbers shall be Arabic numerals. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inches (12.7 mm).
- (b) No sign shall interfere with the ability of any driver or pedestrian to see any street or highway sign, traffic sign or signal, or crossroad or crosswalk.
- (c) All electrical signs shall be subject to the state electrical code and after approval, the electrical inspector shall affix a sticker with their signature and date of inspection when required by the State.
- (d) No sign other than bench signs and government traffic safety or roadway information signs shall be erected within any public road right-of-way or upon any public easement.
- (e) Buildings, premises or lots shall not be allowed to have pennants, pinwheels, stringers or other attention-attracting devices.
- (f) If a double-faced monument sign is constructed so that the faces are not constructed so as to be back to back, the total after all sides added together shall not exceed the maximum allowable sign area for the district.
- (g) All signs shall be maintained in good condition on the areas around them and shall be kept free from debris, rubbish, weeds and other growth. Cloth, fabric, flexible plastic and like materials shall be reasonably free of fading, fraying, damage and excessive wear. Metal and other components shall be reasonably free of rust and deterioration. Signs must be structurally sound.
- (h) Portable (temporary) noncommercial signs shall be allowed within the B-1, B-2, B-4, I-1, I-2 and IDD districts under the following conditions with a permit, and the fee from the City of Albert Lea Adopted Fee Schedule:
 - (1) If located entirely within the premises of that institution, the sign shall be setback no less than ten (10) feet from the property line and shall not exceed 24 square feet in area. Such signs shall be allowed no more than 21 days prior to the event or function and must be removed within seven (7) days after the event of function. Such signs may be illuminated in accordance with restrictions set forth in this section. If building-mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground-mounted, the top shall be no more than six (6) feet above ground.

- (2) Businesses located on properties within the B-1, B-2, B-4, I-1, I-2 and IDD districts may be permitted to have a portable (temporary) sign advertising an event or sale at the business on site in which the portable sign is located. Special provisions apply to the B-3 Central Business District. A portable sign permit shall expire 30 days from the date the permit is issued and the sign shall be removed. The location of portable signs is subject to the following:
- a. No portable sign shall be placed or located off-site from the business that obtained the permit of the event it is promoting.
 - b. No portable sign shall be placed or located in such a manner that prevents the driver of a vehicle from having a clear and unobstructed view, from an adequate and safe distance, of any official sign or approaching or merging traffic.
 - c. No portable sign shall be placed in a public right-of-way or on other public property.
 - d. No portable sign shall be placed in any way that inhibits ingress or egress from a business parking area.
 - e. No portable sign shall be placed or located in such a manner as to materially impede the view of any street or highway intersection or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad crossing.
 - f. No portable sign shall exceed 32 square feet in an area per side.
 - g. No portable sign shall exceed eight (8) feet in height above the ground area. The height shall include the structure or vehicle on which the sign is mounted.
- (i) No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide ingress or egress for any building or structure.
- (j) Signs shall not be attached to trees, fences, utility poles or other such permanent supports not specifically intended as sign structures.
- (k) The following signs are prohibited in all zoning districts:
- (1) Motion signs, flashing signs and rotating signs.
 - (2) Roof signs.
 - (3) Inflatable signs. Exception: Allowed not more than three (3) times a year with a 30-day permit, if located more than 100 feet off of any road right of way, non-

illuminated, and not more than 16 feet in height. Allowed only in the Commercial and Industrial districts with the required permit.

- (4) Off-premises signs, except as expressly allowed in Sec. 50.0848. – Dynamic display and non-dynamic display off-premises signs.
- (5) Content classified as “obscene” as defined by Minn. Stats. § 617.241.
- (6) Abandoned signs.
- (7) Signs imitating official signs. Signs that imitate official traffic signs or signals or that contain the words “stop”, “go slow”, “caution”, “warning” or similar words.
- (8) Confusing signs. Signs that are of a size, location, movement, content, coloring or manner of illumination that may be confused with or construed as a traffic control device emergency or maintenance vehicle or that obscure from view any traffic or street sign or signal or that obstruct the view in any direction at a street or road intersection.
- (9) Swinging signs.
- (10) Traffic hazard. Signs erected near or at any intersection of any streets in such manner as to obstruct free and clear vision or at any location where, because of position, shape, or color, it may interfere with or obstruct the view of or be confused with any authorized traffic signs, signal, or device.
- (11) Obstructions. Signs erected, constructed, or maintained so as to obstruct any fire escape, required exit way, window or door opening used as a means of egress or to prevent free passage from one (1) part of a roof to another part thereof or access thereto.
- (12) Hazardous signs. Signs that, because of its construction or state of disrepair, may fall or cause possible injury to passersby, as determined by the zoning administrator.
- (13) Signs emitting an audible message.
- (l) Election signs. In an election year, all noncommercial signs of any size may be posted in any number from 60 days prior to 10 days after any federal, state, or local election. These signs shall be confined within private property.
- (m) Electronic message signs are only permitted in commercial or industrial districts (B-1, B-2, B-3, B-4, IDD, DCD, I-1, I-2, I-3), or in residential districts (R-1, R-2, R-3, R-O, R-P) when occupied by a church or school subject to the following standards:

- (1) No electronic message sign may be erected that, by reason of position, shape, movement or color, interferes with the proper functioning of a traffic sign, signal or which otherwise constitutes a traffic hazard.
- (2) Electronic message signs must have a minimum display duration of 10 seconds. B-3 and DCD districts shall have a minimum display duration of thirty (30) seconds. Such displays shall contain static messages only, changed only through dissolve or fade transitions, or with the use of other subtle transitions that do not have the appearance of moving or text images.
- (3) All signs shall have installed ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions.
- (4) Electronic message signs shall not exceed 3,500 nits (candelas per square meter) between the hours of civil sunrise and civil sunset and shall not exceed 500 nits (candelas per square meter) between the hours of civil sunset and civil sunrise as measured from the signs face.
- (5) The lamp wattage and luminance level in nits shall be provided at the time of permit application. Electronic message sign permit applications must also include certification from the owner or operator of the sign stating that the sign shall at all times be operated in accordance with city codes and that the owner or operator shall provide proof of such conformance upon request of the city.
- (6) The leading edge of the electronic message sign must be a minimum distance of 100 feet from any residential use property. When located within 250 feet of residential use property, any part of an electronic message sign must be orientated so that no portion of the sign face is visible from an existing or permitted principal structure on that property.
- (7) Electronic message signs shall not exceed 20 percent of the allowable sign area for a given wall sign or freestanding sign.
- (8) Electronic message signs on church or school sites shall only be illuminated from 7am to 9pm.
- (9) Electronic message signs must be placed below a minimum of 20 square feet of permanent nonelectronic message sign(s) if on freestanding signs. Electronic gas price signs may be located alongside permanent nonelectronic message signs on freestanding signs.
- (10) No more than one (1) electronic message sign may be permitted per property, except that gas/convenience uses may be allowed one (1) electronic gas price sign in addition to one (1) electronic message center sign.

(n) Human signs are permitted only in commercial zoning districts or property guided for commercial land use in the comprehensive plan under the following provisions:

- (1) Not permitted in or over the public right-of-way or off-premises.
- (2) Spinning, waving, tossing, throwing or juggling of the sign is prohibited.
- (3) The sign shall be no greater than 10 square feet in area.
- (4) The human sign shall be at ground level.
- (5) Human signs require a temporary sign permit. Individual businesses are limited to 30 days per calendar year to display a human sign. Not-for-profit organizations shall be exempt from temporary sign permit fees.

Sec. 50.0845. – Residential Districts (R-1, R-2, R-3, R-O, R-P, PD and DCD with residential uses).

The following subsections concern signs in all residential zoning districts. Signs are regulated according to the requirements set forth below:

- (a) *Setbacks.* Signs shall be setback a minimum of 10 feet from all property lines.
- (b) *Nameplate signs.* One (1) nameplate sign a maximum of two (2) square feet in area is permitted per residence.
- (c) *Permanent monuments.* One (1) permanent monument sign is permitted per access from a collector street into a residential development or institutional use. Such sign shall not exceed 40 square feet and sign setbacks shall be approved as part of the platting, conditional use permit or site plan process.
- (d) *Home occupation.* A home occupation sign wherein a permitted home occupation exists, identifying the owner or occupant of a building or dwelling unit, provided the surface area of such sign does not exceed three (3) square feet. Such sign shall not be illuminated and shall be mount flat against the wall of the principal building.
- (e) *Flags.* One (1) flagpole not exceeding 25 feet in height containing a maximum of three (3) flags is permitted. The total flag length shall be limited to one-fourth (¼) the height of the flag pole. Flags containing commercial speech are prohibited.
- (f) *Real estate signs.* Real estate signs not exceeding six (6) square feet in area located on the subject property and limited to one (1) sign for each frontage of a home, lot, parcel or tract less than two (2) acres in area. Signs shall be removed within seven (7) days of the sale. Temporary real estate open house and/or directional signs for open houses within Albert Lea city limits are permitted in compliance with the following:

- (1) Signs shall not exceed four (4) square feet in area and three (3) feet in height.

- (2) Signs may be placed in public view no earlier than 9am on the actual day of the open house and must be removed no later than 9pm on the same day.
- (3) Only one (1) sign per intersection is allowed for each open house.
- (4) Signs shall not block pedestrian or bicycle pathways or sidewalks.
- (5) Signs shall not be placed within the 20-foot sight visibility triangle at street intersections. The triangle is described as beginning from a point at the paved edge (or face of a curb) of the intersection, two (2) sides of which extend a distance of 20 feet along the edge of each street and the third side being a line connecting the other sides.
- (6) Signs may not be attached to federal, state, county or city sign posts.
- (7) Signs may not be placed on center medians or street islands.
- (8) Signs may not be placed within four (4) feet of the roadway surface.
- (g) *In-home daycares.* In-home daycares shall be permitted one (1) sign per street frontage no larger than three (3) square feet. Such sign shall not be illuminated and shall be located on the dwelling unit or in the front yard with a minimum setback of 10 feet.
- (h) *Temporary banner signs.* Temporary banner signs are permitted for up to 30 days within a calendar year on model homes or multifamily buildings with vacancies. Banners shall not exceed 24 square feet.
- (i) One (1) freestanding sign no more than 32 square feet and 20 feet in height may be allowed on each site in the R-O district only.
- (j) Each individual lot may have one (1) flag, one (1) feather, or one (1) yard sign as defined in Sec. 50.0842. Signs shall not be within public right of way. Maximum height of six (6) feet for a flag or a feather and not more than nine (9) feet from ground to uppermost point of material or structure. Yard signs limited to maximum of six (6) square feet and three (3) feet in height above ground.

Sec. 50.0846. – Commercial Districts (B-1, B-2, B-3, IDD, PD and DCD with commercial uses).

The following subsections concern signs in commercial districts and said signs are regulated according to the requirements set forth below:

- (a) General provisions for commercial districts.
 - (1) Signs may not be located closer than 15 feet of any property line that abuts any residential district.

- (2) Nonilluminated and illuminated window signs placed within a building and not exceeding 25 percent of the window in sign area shall be permitted. Coverage of up to an additional 25 percent (50 percent total) shall be allowed if the additional 25 percent is translucent or perforated to allow for light or vision in both directions.
- (3) An illuminated window sign must be limited to luminaires having a rated initial luminaire lumen output of 525 lumens or less which do not allow light trespass past the boundaries of the property on which it is located.
- (4) A product identification sign may be integrated into a permitted monument or wall sign and shall be included as part of the maximum allowable sign area. Product identification sign are shall not exceed 15 percent of the maximum allowable sign area.
- (5) Signs may be attached to a canopy or marquee, but the canopy or marquee shall not be considered as part of the wall area and this not warrant additional sign area.
- (6) A temporary banner sign pertaining to the lease or sale of a building or property shall be permitted. Such sign shall not be illuminated and shall not exceed 32 square feet in area.
- (7) Vehicular service canopy signs shall be limited to a business logo and/or graphic design not to exceed 15 percent of each canopy face area or 10 square feet on each canopy face, whichever is smaller. Service station canopy signs shall be restricted to two (2) faces of the canopy and shall not be located above or below the canopy area.
- (8) Service stations may advertise gasoline prices on reader boards attached to a permitted freestanding sign and included in the total square footage of the allowable signage for an entire site.
- (9) Banner signs advertising products or services shall be limited to 10 percent of any building face and up to 16 square feet per banner. Banner sign square footage shall be included in the maximum wall signage allowed on any building face. In no case shall more than four (4) banner signs be placed on any one (1) building face. In B-3 and DCD districts banners are limited to two (2) per property. Banners shall be securely mounted and be free of damage or excessive weathering. Banner signs advertising special business events shall be limited to 60 days per event and shall have a 30-day period between banners for the same or like event. Single wall area is based on first floor square footage only. Second floor area is not used to calculate any signage allowable area.

- (10) Wall or banner signs shall not be permitted on any building wall facing an abutting residential property or properties, unless separated by a city street or highway right-of-way.
- (11) One (1) sandwich board sign is permitted per site or per tenant for multitenant sites and will not require permitting but are subject to the following:
- a. Sandwich board signs may be no larger than three (3) feet in width and four (4) feet in height and no materials, including but not limited to, balloons, streamers, and windsocks, may be added to the sign to increase its height or width. Sandwich board signs may not contain electrical components or be lit.
 - b. Sandwich board signs must be placed on private property within 20 feet or the main entrance to the business being advertised.
 - c. Sandwich board signs shall be located as to maintain a minimum four (4) foot pedestrian walkway and so as not to obstruct vehicular traffic.
 - d. Sandwich board signs may be used only during the hours when the business is open to the public.
 - e. Sandwich board signs may only be placed on sidewalks that have been cleared of snow and/or other debris.
- (12) Each lot may fly a maximum of three (3) noncommercial speech flags and one (1) commercial speech flag on flag poles. Flag poles that are permanently mounted in the ground or mounted on a building may not exceed 25 feet in height.
- (13) One (1) freestanding sign, no more than 200 square feet in area and 50 feet in height may be allowed on each site and be a minimum of 100 feet from any other freestanding or monument sign.
- a. Freestanding signs are prohibited in the B-3 district.
 - b. In B-1 and DCD districts, freestanding signs are limited to 50 square feet in area and 25 feet in height.
- (b) *B-1, B-2, B-4, IDD, and PD with Commercial Uses.* Each individual lot may have two (2) individual flag, feather, or yard signs as defined in Sec. 50.0842. One (1) more additional can be added for each additional 50 feet lot frontage over 50 feet of width. In no case shall there be more than six (6) flag, feather, or yard signs per individual or adjacent properties under common ownership. Signs shall not be within public right of way. Maximum height of eight (8) feet of flag or feather, and not more than 11 feet from

ground to uppermost point of material or structure. Yard signs limited to maximum of six (6) square feet and three (3) feet in height above ground.

(c) *Single-tenant commercial sites.* On commercial property used exclusively for one (1) tenant, only signs stipulated below or in Sec. 50.0846 may be erected.

(1) Buildings less than 50,000 square feet:

- a. One (1) freestanding monument sign not exceeding 20 feet in height and 80 square feet in area with a minimum 10-foot setback.
 - 1. The sign shall not contain an electronic message sign.
- b. One (1) freestanding sign not exceeding 50 feet in height and 200 square feet in area may be allowed on each site and be a minimum of 100 feet from any other freestanding or monument sign.
- c. One (1) wall sign per public street frontage not to exceed two (2) wall signs (should two public street frontages exist). Wall signs shall not exceed 15 percent of the front building wall façade and five (5) percent of any other façade to which it is attached. In no case shall a wall sign exceed 100 square feet in area. Single wall area is based on first floor square footage only. Second floor area is not used to calculate any signage allowable area.

(2) Buildings between 50,000 square feet and 100,000 square feet:

- a. One (1) freestanding monument sign not exceeding 20 feet in height and 100 square feet with a minimum 10-foot setback. Must be a minimum of 100 feet from any other freestanding or monument sign. The sign shall not contain an electronic message sign.
- b. One (1) freestanding sign not exceeding 50 feet in height and 250 square feet may be allowed on each site and be a minimum of 100 feet from any other freestanding or monument sign.
- c. One (1) wall sign per public street frontage not to exceed two (2) wall signs (should two public street frontages exist). Wall signs shall not exceed 15 percent of the front building wall façade and five (5) percent of any other façade to which it is attached. In no case shall a wall sign exceed 100 square feet in area. Single wall area is based on first floor square footage only. Second floor area is not used to calculate any signage allowable area.

(d) *Multitenant commercial sites.* On multitenant commercial sites, only signs as stipulated below or in Sec. 50.0844 may be erected.

(1) Buildings less than 50,000 square feet:

- a. An area identification sign stating the name of the center and major tenants shall be allowed. The maximum allowable sign area for monument signs shall be as follows:
 - 1. One (1) monument sign not exceeding 20 feet in height and 80 square feet in area.
 - 2. If the center has frontage on more than one (1) arterial road, business district road or higher land use classifications, one (1) monument sign is allowed at each frontage. Total aggregate area of monument signage shall not exceed 10 feet.
- b. One (1) freestanding sign not exceeding 50 feet in height and 200 square feet may be allowed on each tenant site and be a minimum of 100 feet from any other freestanding or monument signs.
- c. End-cap tenants may have wall signs on three (3) building elevations. No wall signs shall be attached to building elevations adjacent to residential property. Wall signs shall not exceed 15 percent of the front façade and five (5) percent of any other façade to which it is attached. In no case shall a wall sign exceed 80 square feet. Single wall area is based on first floor square footage only. Second floor area is not used to calculate any signage allowable area.
- d. Internal tenants may have wall signs on two (2) building elevations. Wall signs shall not be attached to building elevations adjacent to residential property. Wall signs shall not exceed 15 percent of the front façade and five (5) percent of any other façade to which it is attached. In no case shall a wall sign exceed 80 square feet. Single wall area is based on first floor square footage only. Second floor area is not used to calculate any signage allowable area.
 - 1. The wall signs shall be designed and arranged in accordance with a comprehensive sign plan for the entire multitenant commercial building which has been prepared and submitted to the city by the owner and which has been approved by the city.

(2) Buildings greater than 50,000 square feet:

- a. An area identification sign stating the name of the center and major tenants shall be allowed. The maximum allowable sign area for monument signs shall be as follows:

1. One (1) monument sign not exceeding 20 feet in height and 100 square feet in area.
2. If the center has frontage on more than one (1) arterial road, business district road or higher land use classifications, one (1) monument sign may be allowed and erected at each frontage. Total aggregate area of monument signage shall not exceed 200 square feet in area.
- b. One (1) freestanding sign not exceeding 50 feet in height and 250 square feet may be allowed on each site and be a minimum of 100 feet from any other freestanding or monument sign.
- c. End-cap tenants may have wall signs on three (3) building elevations. No wall signs shall be attached to building elevations adjacent to residential property. Wall signs shall not exceed 15 percent of the front façade and five (5) percent of any other façade to which it is attached. In no case shall a wall sign exceed 80 square feet. Single wall area is based on first floor square footage only. Second floor area is not used to calculate any signage allowable area.
- d. Internal tenants may have wall signs two building elevations. Wall signs shall not be attached to building elevations adjacent to residential property. Wall signs shall not exceed 15 percent of the front façade and five (5) percent of any other façade to which it is attached. In no case shall a wall sign exceed 80 square feet. Single wall area is based on first floor square footage only. Second floor area is not used to calculate any signage allowable area.
 1. The wall signs shall be designed and arranged in accordance with a comprehensive sign plan for the entire multitenant commercial building which has been prepared and submitted to the city by the owner and which has been approved by the city.

(e) *Awning, canopy and projecting signs allowed in B-2, B-4, I-1, I-2, I-3, IDD and PD with commercial or industrial uses.*

(1) Maximum sign area.

- a. Single-story buildings. The maximum total aggregate sign area, including wall signs, for each building face shall not exceed 20 percent.
- b. Multistory buildings. The maximum total wall sign area for each building face shall not exceed 20 percent of the first-floor level building face.
- c. Aggregate sign area includes both faces of double-sided signage.

(2) Maximum height.

- a. Shall not extend above the roof.

(3) Special provisions.

- a. Permitted for each building face abutting on or facing a public street, alley, or public parking area.
- b. Multistory buildings may also have one (1) identification sign for each wall facing or abutting on a public street or parking area.
- c. Shall not extend into the public right-of-way or over a property line.
- d. Projecting signs shall not project more than four (4) feet from the building façade. These signs shall be at least eight (8) feet above the grade. Maximum allowed projecting sign size is 20 square feet.

(f) *Awning, canopy and projecting signs allowed in B-3 and DCD.*

(1) Maximum sign area.

- a. 12 square feet total area per sign face (unless otherwise stated herein or approved through Certificate of Appropriateness in the historic district and a variance)

(2) Maximum height.

- a. Second story of building (unless otherwise stated herein)

(3) Special provisions.

- a. No more than 15 percent of any single wall of the building may be covered by signs of any type including awning, canopy, projecting or wall signs. Single wall area is based on first floor square footage only. Second floor area is not used to calculate any signage allowable area.
- b. A projecting sign may have two (2) faces and must project at right angles from the building façade or, if projecting from a corner, at 135 degrees from each face of the building. A corner shall be considered the corner of a building on an intersection of two (2) public rights-of-way. The sign shall not be more than four (4) feet long from the bottom to the top (unless located on a corner of a building, then it may be up to six feet long).
- c. A corner projecting sign up to 18 square feet is permitted.

- d. Awning, canopy and projecting signs shall not project more than four (4) feet from the building façade. These signs shall be at least eight (8) feet above the grade.
- e. Vacant buildings in the Historical Preservation District may have 100% coverage on the interior of windows. Acceptable signage is City approved artwork, public service announcements and events, and advertising from other Historical Preservation District businesses.
- f. All signs must be installed in accordance with the International Building Code and, if located in the National Commercial Historic District, obtain a Certificate of Appropriateness from the Historic Preservation Commission or appropriate staff prior to submittal for a sign permit.

Sec. 50.0847. – Industrial Districts (I-1, I-2, I-3, and PD with industrial uses).

The following subsections concern signs in the I-1 and I-2 Industrial Districts and industrial designed land in planned unit developments. Said signs are regulated according to the requirements set forth below:

(a) General provisions for industrial districts.

- (1) Signs shall not be located within 10 feet of a front, side or rear property line.
- (2) A product identification sign may be integrated into a permitted monument or wall sign and shall be included as part of the maximum allowable sign area. Product identification sign are shall not exceed 15 percent of a maximum allowable sign area.
- (3) A temporary banner pertaining to the lease or sale of a building property. Such sign shall not be illuminated and shall not exceed 32 square feet in area.
- (4) A double-faced sign shall be considered one (1) sign.
- (5) One (1) freestanding sign not exceeding 50 feet in height and 200 square feet in area may be allowed on each site and be a minimum of 100 feet from any other freestanding or monument sign.
- (6) One (1) monument sign not exceeding 20 feet in height and 100 square feet in area and be a minimum of 100 feet from any other freestanding or monument sign.
- (7) Each individual lot may have two (2) individual flag, feather, or yard signs as defined in Sec. 50.0842. One (1) additional may be added for each additional 50 foot lot frontage over 50 feet of width. In no case shall there be more than six (6) per individual or adjacent properties under common ownership.

- (8) Signs shall not be within public right of way, maximum height of eight (8) feet of flag or feather, and not more than 11 feet from ground to uppermost point of material or structure. Yard signs are limited to a maximum of six (6) square feet and three (3) feet in height above ground.
- (9) Banner signs advertising products or services shall be limited to 10 percent of any building face and to 16 square feet per banner. Banner sign square footage shall be included in the maximum wall signage allowed on any building face. In no case shall more than four (4) banner signs be placed on any one (1) building face. Banners shall be securely mounted and be free of damage or excessive weathering. Banner signs advertising special business events shall be limited to 60 days per event and shall have a 30-day period between banners for the same or like event. Single wall area is based on first floor square footage only. Second floor area is not used to calculate any signage allowable area.
- (10) Each lot may fly a maximum of three (3) noncommercial speech flags and one (1) commercial speech flag. Flagpoles that are permanently mounted in the ground or mounted on a building may not exceed 25 feet in height.

(b) Allowable signage.

- (1) *Single-tenant building.* On industrial property used exclusively for one (1) tenant only, signs as stipulated below or in Sec. 50.0844 may be erected.
 - a. One (1) monument sign not exceeding 15 feet in height and 80 square feet in area may be allowed on each site and be a minimum of 100 feet from any other freestanding or monument sign.
 - b. One (1) wall sign attached to only one (1) wall not to exceed 15 percent of the building façade or 100 square feet, whichever is less. Single wall area is based on first floor square footage only. Second floor area is not used to calculate any signage allowable area.
 - c. One (1) freestanding sign not to exceed 50 feet in height and 200 square feet in area may be allowed on each site and be a minimum of 100 feet from any other freestanding for monument sign.
- (2) *Multitenant building.* On industrial property used for multitenant, only signs as stipulated below or in Sec. 50.0844 may be erected.
 - a. One (1) monument sign 20 feet in height and 80 square feet in area.
 - b. Individual tenants may have wall signs provided they are designed and arranged in accordance with the comprehensive sign plan for the entire multitenant building which has been prepared and submitted to the city by the owner and which has been approved by the city; further, the

aggregate area of such signs shall not exceed 15 percent of the area of the wall to which they are attached or 80 square feet, whichever is less. Single wall area is based on first floor square footage only. Second floor area is not used to calculate any signage allowable area.

- c. One (1) freestanding sign not to exceed 50 feet in height and 200 square feet in area may be allowed on each tenant site and be a minimum of 100 feet from any other freestanding for monument sign.

(c) Projecting signs.

(1) *Single-story buildings.*

- a. The maximum total aggregate sign area, including wall signs, for each building face shall not exceed 20 percent.

(2) *Multistory buildings.*

- a. The maximum total wall sign area for each building face shall not exceed 15 percent of the first-floor level building face.
- b. Aggregate sign area includes both faces of double-sided signage.
- c. Maximum height: Sign shall not extend above the roof.

(3) *Special provisions.*

- a. Permitted for each building face abutting on or facing a public street, alley, or public parking area.
- b. A minimum distance of eight (8) feet between sidewalk and the bottom of the sign is required.
- c. Multistory buildings may also have one (1) identification sign for each wall facing or abutting on a public street or parking area.
- d. Shall not extend into the public right-of-way or over a property line.
- e. Projecting signs limited to a maximum of 20 square feet.

Sec. 50.0848. – Dynamic display and non-dynamic display off-premises signs.

- (a) *Findings, purpose and intent.* The City Council finds it necessary for the promotion and preservation of the health, safety, welfare and aesthetics of the community that the construction, location, size, conspicuity, brightness, legibility, operational characteristics and maintenance of dynamic display off-premises signs be controlled. Dynamic display off-premises have a direct and substantial impact on traffic safety, pedestrian safety,

community aesthetics and property values. The City Council recognizes that signs provide a guide to the physical environment and as such serve an important function in the community and economy. The City Council intends by this subsection to establish legal framework for dynamic display off-premises sign regulation in the city. The regulations of this subsection are intended to facilitate an easy and agreeable communication between people while protecting and promoting the public health, safety, welfare and aesthetics of the community. It is not the purpose or intent of this subsection to prefer or favor commercial messages or speech over noncommercial messages or speech or to discriminate between types of noncommercial speech or the viewpoints represented herein. Rather, the purpose of the dynamic display off-premises sign regulations in the subsection is to:

- (1) Eliminate potential hazards to motorists and pedestrians using the public streets,
 - (2) Safeguard and enhance property values,
 - (3) Control nuisances,
 - (4) Preserve and improve the appearance of the city through adherence to aesthetic principles in order to create a community that is attractive to residents and to nonresidents who come to live, visit, work or trade,
 - (5) Eliminate excessive and confusing sign displays,
 - (6) Encourage signs which, by their design, are integrated with and harmonious to the surrounding environment and the buildings and sites they occupy,
 - (7) Promote public health, safety and general welfare.
- (b) *Location of dynamic or non-dynamic display off-premises signs.* Dynamic display off-premises signs are prohibited in all zoning districts of the city other than IDD, B-4, I-1, and I-2. Dynamic display non-display off-premises signs located in the Interstate Development District must comply with the following code requirements:
- (1) One (1) dynamic display and non-dynamic display off-premises sign shall be permitted per property, parcel or lot and shall not be located closer than 300 feet from another dynamic display or non-dynamic display off-premises sign and a minimum of 100 feet from any freestanding or monument sign.
 - (2) Such signs shall be setback a minimum of 100 feet from any Interstate Right of Way.
 - (3) *Size.* Dynamic display and non-dynamic display off-premises signs shall not exceed 250 square feet.

- a. Exception: May be up to 600 square feet in surface area per sign surface if located immediately adjacent to Interstate Highway 90 or 35 right of ways.

(4) *Number of surfaces.* Dynamic display and non-dynamic display off-premises signs shall not contain more than two (2) sign surfaces. Said sign surfaces shall face in opposite directions with an interior angle not to exceed 45 degrees.

(5) *Height.* Dynamic display and non-dynamic display off-premises signs shall not exceed 25 feet in height as measured from the established grade of the site upon which the dynamic display off-premises sign is located.

(c) *Dynamic display and non-dynamic display off-premises performance standards.*

(1) No dynamic or non-dynamic display off-premises sign shall be erected that, by reason of position, shape, movement or color, interferes with the proper functioning of a traffic signal or which constitutes a traffic hazard.

(2) Dynamic display off-premises signs must have a minimum display duration of 10 seconds. Such display shall contain static messages only; change from one (1) static message to another shall be instantaneous without any special effects, through dissolve or fade transitions, or with the use of another subtle transition technique that does not have the appearance of moving text or images.

(3) Dynamic display or non-dynamic off-premises signs must be rectangular in shape and all messages must be contained within the dynamic display off-premises sign frame.

(4) Dynamic display off-premises signs shall have ambient light monitors installed as part of the dynamic display off-premises sign and shall, at all times, allow such monitors to automatically adjust the brightness level of the electronic sign based on light conditions.

(5) Dynamic display off-premises signs shall meet the following brightness standards:

- a. Dynamic display off-premises signs shall not exceed 5,000 nits (candelas per square meter) between the hours of civil sunrise and civil sunset and shall not exceed 500 nits (candelas per square meter) between the hours of civil sunset and civil sunrise as measured from the face of the sign. The light level shall not exceed 0.3 foot candles above ambient light as measured from a pre-set distance depending on the sign size.

- 1. Measuring distance shall be determined using the following equation: the square foot of the message center sign area

multiplied by 100. (Example for a 12 square foot sign: $\sqrt{(12 \times 100)}$
= 34.6 feet measuring distance)

- (6) Dynamic display off-premises signs shall have a fully functional monitoring off switch system that shuts the dynamic display off-premises sign off when the display deteriorates, in any fashion, five (5) percent or greater until the dynamic display sign has been repaired to its fully functional factory specifications.
- (7) Dynamic display off-premises signs must be part of the State of Minnesota's public safety alert system.

Sec. 50.0849. – Nonconforming signs.

- (a) Any lawfully constructed nonconforming sign or any legal sign existing upon the effective date of the ordinance from which this section is derived may be maintained and continued at the size and manner of operation existing upon such date except hereinafter specified.
- (b) Upon adoption of the ordinance from which this section is derived, a nonconforming sign shall not be:
 - (1) Changed to another nonconforming sign.
 - (2) Structurally altered or moved except to bring such nonconforming sign into conformance with this chapter.
 - (3) Expanded or enlarged.
 - (4) Repaired or otherwise rehabilitated within 12 months after damage or deterioration of more than 50 percent, except to bring into conformance with this chapter.
- (c) Notwithstanding subsections (a) and (b) of this section, all signs which are made nonconforming by this chapter shall be brought into conformance at the time that a face or copy is changed or altered except for routine maintenance as required by this chapter.

Sec. 50.0850. – Substitution clause.

The owner of any sign which is otherwise allowed by the chapter may substitute noncommercial copy in lieu of any other commercial or noncommercial copy. This substitution of copy may be made without additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision prevails over any other specific provision to the contrary.