

**SPRING LAKE PARK
ORDINANCE 512**

**AN ORDINANCE AMENDING CHAPTER 16 OF THE SPRING LAKE PARK CITY
CODE RELATING TO SECONDARY SCHOOL STADIUM VIDEO DISPLAYS**

WHEREAS, video displays serving permanent secondary school stadiums have operational characteristics that differ from electronic message signs intended primarily for viewing from public streets; and

WHEREAS, large luminous displays may affect nearby residential property through direct visibility, illumination, glare, changing images, late-evening operation and reflected light; and

WHEREAS, the City Council finds that secondary school stadium video displays may be allowed subject to objective limits on their number, location, size, height, brightness, hours, manner of operation, testing and enforcement, together with independent technical review and continuing verification, in order to protect nearby residences, preserve traffic safety and prevent their use as general outdoor advertising platforms.

NOW THEREFORE, be it ordained by the Council of the Spring Lake Park, in the State of Minnesota, as follows:

SECTION 1: **AMENDMENT** “16.24.010 Definitions - Signs And Billboards” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.24.010 Definitions - Signs And Billboards

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED STADIUM EVENT. A scheduled interscholastic athletic contest, school-sponsored athletic tournament, commencement ceremony, other school-sponsored event open to spectators, or a private rental event authorized by the school district and conducted within a secondary school stadium. The term does not include practices, rehearsals, camps, classroom activities or routine maintenance and testing.

BILLBOARD. See definition of **SIGN, OFF-PREMISE**.

BUILDING. Any structure erected for the support, shelter, or enclosure of persons, animals, chattels, or moveable property of any kind.

DYNAMIC DISPLAY. Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates 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 any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

SIGN. Any publicly displayed, message-bearing device for visual communication or any attention-attracting device that is used primarily for the purpose of bringing the subject thereto to the attention of the public.

SIGN APPARATUS. The structure upon which any sign is actually placed or erected.

SIGN, DIRECTIONAL. A sign, the primary function of which is to provide locational directions.

SIGN, FLASHING. Any illuminated or luminous sign on which the artificial light or color is not maintained at a constant intensity or color when the sign is in use except for that portion of a sign providing public service information such as time, weather, date, temperature, or similar information. A **FLASHING SIGN** is one that is programmed to flash in either text or graphic more frequently than every three seconds.

SIGN, FREE-STANDING. A sign which is not attached to any part of a building and which is rather supported by upright braces or posts placed in the ground.

SIGN, ILLUMINATED. Any sign upon which artificial light is directed.

SIGN, LUMINOUS. Any sign which has its own self-generated light.

SIGN, NON-COMMERCIAL. A sign which does not advertise products, goods, businesses, or services and which expresses an opinion or other point of view.

SIGN, OFF-PREMISE. A sign located off the premises where the advertised product, service, merchandise, or message is located, manufactured, sold, offered, distributed, or made available to the public.

SIGN, PORTABLE. A sign so designed as to be moveable from one location to another and not permanently attached to the ground or any immobile structure. A **PORTABLE SIGN** may consist of a mobile structure such as a semi-truck trailer or other device whose primary function during a specific time period is to serve as a sign structure.

SIGN, PROJECTING. A sign which is affixed to the wall of a building and extends outward from the building.

SIGN, TEMPORARY. A sign which is erected or displayed for a limited period of time. This includes items such as banners, pennants, flags of other than a political jurisdiction, beacons, sandwich or curb signs, balloons or other air or gas filled figures.

SIGN, WINDOW. A sign which is painted upon the glass portions of doors and windows of a business or is a sign placed within the door or window of a business.

QUALIFIED LIGHTING PROFESSIONAL. A licensed professional engineer with documented experience in photometric analysis or an individual holding a nationally recognized professional lighting credential who is independent of the display manufacturer, vendor, installer, owner and operator.

SECONDARY SCHOOL CAMPUS. One or more contiguous parcels under common ownership or control on which a lawful public or private school serving any of grades 9 through 12 is operated.

SECONDARY SCHOOL STADIUM. A permanent outdoor athletic facility located on a secondary school campus that contains a regulation competition field, fixed spectator seating for at least 500 persons, a permanent press box and permanent athletic-field lighting.

STADIUM VIDEO DISPLAY. A permanent luminous sign and associated sign apparatus located outdoors or viewable from outdoors, within a secondary school stadium, oriented primarily toward the competition field and spectator seating, and used for scoring information, event information, live event video, replay and other visual displays authorized by SLPC 16.24.082. A stadium video display is a dynamic display, except that it is regulated by SLPC 16.24.082.

SECTION 2: AMENDMENT “16.24.040 Construction And Maintenance; Standards” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

16.24.040 Construction And Maintenance; Standards

In order for an applicant to receive and retain a permit for a sign, the following conditions must be met and maintained.

- A. When a sign is illuminated or luminous, any illumination therefrom, or a beam of light directed thereon, shall not shine directly upon any residence or onto any public streets.
- B. No sign structure shall contain more than four exposed beams.
- C. No projecting sign shall extend more than 16 inches from any building wall nor more than six feet above the roof line.
- D. No sign or sign structure may remain erected unless it is erected, maintained, and repaired in accordance with the Uniform Building Code, State Electrical Code, and the

general construction requirements of the city. All signs must remain in good repair and in safe condition.

- E. No part of any sign shall project over or beyond the property line of the property upon which it is located.
- F. The following setback, distance, and other requirements shall be observed:
 - 1. Any sign displayed on the premises where the advertised message, service, merchandise, or product is made, sold, distributed, or offered shall not be closer to a public right-of-way than three feet nor closer than five feet from any other property line;
 - 2. Any sign displayed off the premises where the advertised message, service, merchandise, or product is made, sold, distributed, or offered shall not be closer than 30 feet to a front yard property line or public right-of-way. In addition, the sign shall not be closer than five feet to the side property lines and back property lines of the property;
 - 3. Off-premises directional signs may be erected without conforming with the requirements of Paragraphs F,2 and H as long as the directional signs do not exceed 32 square feet in size and as long as the sign does not violate any of the terms contained in SLPC 16.24.060;
 - 4. The minimum setback from any intersection for off-premises signs shall be 500 feet;
 - 5. No off-premises sign or structure shall be located within 500 feet of a residential district, park, playground, school, governmental building, or building used for religious purposes;
 - 6. An off-premises sign or structure shall be considered the principal use of a site. If another use or structure is added to the site, the off-premises sign must be removed; and
 - 7. Off-premises signs or structures shall be permitted only on property which is zoned commercial or light industrial.
- G. On-premises signs shall not exceed 30% of the square footage of the front of the building. No off-premises sign shall exceed 750 square feet. If a stand alone building has less than 400 square foot frontage, up to 400 square feet frontage may be used for purposes of determining the maximum sign size.
- H. There shall be at least 1,000 feet distance between the location of off-premises signs on the same side of the highway.
- I. No free-standing sign shall be higher than 25 feet from the ground level of the land upon which the sign has been erected, except for a stadium video display, as defined by this Chapter, that complies with SLPC 16.24.082. An applicant may apply for a variance from this height limitation in accordance with ~~in a case where an extreme hardship is caused by the particular physical characteristics of the land. The variance shall be applied for in the manner outlined in~~ SLPC 16.60.040.

SECTION 3: **ADOPTION** “16.24.082 Stadium Video Displays” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

16.24.082 Stadium Video Displays(*Added*)

A. Purpose. This section establishes performance standards for a stadium video display serving a secondary school stadium. Its purpose is to accommodate the functional needs of a secondary school stadium while protecting nearby residential property, preventing traffic distraction and ensuring that the display does not operate as a general outdoor advertising sign.

B. Eligibility and location.

1. A stadium video display is permitted only as an accessory structure to a lawful secondary school use, only within a secondary school stadium as those terms are defined in SLPC 16.24.010, and only after approval of a permanent sign permit by the City Council under SLPC 16.24.030.
2. No more than one stadium video display is permitted on a secondary school campus.
3. The display face must be oriented primarily toward the competition field and fixed spectator seating. Its location, elevation, tilt, shielding and viewing angle must minimize visibility and illumination from residential property and public streets to the greatest extent practicable while maintaining reasonable visibility for participants and spectators within the stadium.
4. The illuminated face of a stadium video display must be located at least 150 feet from any parcel that is zoned or lawfully used for residential purposes and is located in front of or to the side of the illuminated face, as shown on the approved site plan. This setback does not apply to a residential parcel located behind the display. The rear and sides of the display must be opaque and nonilluminated.

C. Dimensional standards.

1. The maximum overall height of the stadium video display and its sign apparatus is 45 feet, measured vertically from the lowest point of finished grade adjoining the sign apparatus to the highest point of the display, structure, cabinet, identification panel, speaker, decorative element or other attached component, whichever is highest.
2. The maximum width of the stadium video display and its sign apparatus is 35 feet.
3. The dynamic video display area may not exceed 650 square feet.
4. The total copy and graphic area, including the dynamic video display, permanent identification panels, sponsor panels and any other message-bearing surface, may not exceed 900 square feet.
5. Dynamic display area is measured by the smallest rectangle enclosing the illuminated pixels. Total copy and graphic area is measured by the smallest rectangle or combination of rectangles enclosing each message-bearing surface. Structural supports located entirely below the message-bearing surfaces are not included in copy and graphic area.

D. Hours and manner of operation.

1. Except for testing permitted by Paragraph D,7, a stadium video display may operate only in connection with an authorized stadium event, beginning no earlier than 60 minutes before the scheduled start and ending no later than 30 minutes after the event concludes. All authorized stadium events must be conducted within a reasonable and finite period of time.
2. The display must be turned off by 10:00 p.m. If an authorized stadium event that began before 9:00 p.m. continues beyond 10:00 p.m., the display may remain in operation until 30 minutes after the event concludes, but in no event later than 10:30 p.m. After 10:30 p.m., only static, non-advertising scoring and event-status information may remain illuminated, at the lowest approved nighttime setting that permits the information to be read within the stadium. In the event of illumination of static, non-advertising and event-status information after 10:30 p.m., all such displays must be turned off no later than 15 minutes after the event concludes.
3. Live video, instant replay, player introductions, scoring animations and other displays involving motion may be shown beginning 60 minutes before the scheduled start and ending no later than 30 minutes after the official conclusion of an authorized stadium event, but in no event after 10:30 p.m. At all other authorized operating times, each image must be static, complete in itself and displayed for at least 20 seconds. Transitions between static images must be instantaneous and without special effects.
4. Strobing, blinking, rapid full-screen flashing, scrolling, traveling effects and displays that imitate or resemble an emergency vehicle, traffic-control device or official warning signal are prohibited at all times.
5. The display may not be leased or made available to a third party for operation as a general outdoor advertising platform. Sponsor acknowledgments may be displayed only during the authorized operating period established by this paragraph and are included in the regulated copy and graphic area.
6. Any sound system incorporated into or operated with the display may be used only in connection with an authorized stadium event and must comply with SLPC 16.28.010 and all other applicable noise regulations.
7. Illuminated testing and maintenance outside an authorized stadium event may occur only between 8:00 a.m. and 8:00 p.m., for no more than 30 consecutive minutes and no more than 60 total minutes in one day. Routine illuminated testing may occur on no more than two days in a calendar month. The two-day limitation does not apply to testing directed by the City, repair of equipment, investigation of a reported malfunction or investigation of a complaint. Planned testing after sunset requires at least 48 hours' prior notice to the Administrator, Clerk/Treasurer or designee. Nonilluminated diagnostics are not subject to this clause.

E. *Brightness, illumination and glare.*

1. The display may not exceed 5,000 nits during daylight hours or 1,000 nits between one-half hour before sunset and one-half hour after sunrise. These values are absolute maximums and do not create a right to operate at those levels.

2. The display must be equipped with a functioning ambient-light sensor and automatic dimming controls that continuously adjust brightness according to ambient conditions. The maximum authorized nighttime setting must be approved by the City, password protected and inaccessible to routine event operators. Manual override may be used only to reduce brightness or temporarily shut off the display.
3. At any residential property line, the total illumination attributable to the stadium video display, stadium lighting and other exterior lighting operated in connection with a stadium event may not exceed five-tenths (0.5) foot-candle. Compliance must be determined with the display showing a full-white image at its maximum authorized nighttime setting and with stadium lighting and other controllable exterior lighting operating at the maximum settings authorized for nighttime event use. To exclude illumination from streetlights, neighboring properties and other sources not under the owner's control, a baseline reading must be taken at the same location with the display, stadium lighting and other controllable exterior lighting on the secondary school campus turned off. The baseline reading must be subtracted from the event-condition reading to determine the total illumination attributable to the secondary school campus. For a vertical reading, the meter must be held approximately five feet above finished grade with the sensor facing the stadium. For a horizontal reading, the meter must be positioned at the same location with the sensor facing upward. The total campus-attributable illumination must comply with the 0.5-foot-candle limit for both readings.
4. Regardless of measured illumination, the display may not cast concentrated direct illumination into a dwelling or produce discomfort or nuisance glare that materially interferes with sleep, ordinary use of residential property, visual performance or visibility for a person of normal sensitivity. Visibility of the display face, standing alone, is not a violation.
5. The City may establish or require a brightness setting below the numerical maximums when field measurements, direct observation, complaint investigation or other credible evidence demonstrates that a lower setting is necessary to comply with this paragraph or SLPC 16.28.010.
6. Visibility of the illuminated face of a compliant stadium video display does not, by itself, constitute a prohibited direct view of a light source under SLPC 16.28.010 Paragraph B,3,d. This clause does not exempt the display from any illumination, glare, nuisance, traffic-safety or other requirement of this title.
7. Vegetation may be approved as supplemental screening but may not be the principal means of meeting a brightness, illumination, glare or orientation standard. Any approved vegetative screen must provide year-round opacity and be maintained for the life of the display.
8. The maximum dimensions and brightness levels stated in this section are regulatory ceilings, not entitlements. The City Council may approve smaller dimensions, a lower brightness setting, additional shielding or other reasonable permit conditions supported by the application record and necessary to achieve compliance with this section.

E. Permit application and supporting information. In addition to the information required by SLPC 16.24.020 and any building or electrical permit requirements, an application for a stadium video display must include:

1. A site plan showing all property lines, zoning classifications, lawful residential uses, public streets, stadium improvements, display setbacks, the orientation and plane of the illuminated display face, and residential dwellings located within 500 feet of the display.
2. Scaled elevations showing the entire display and sign apparatus, finished grades, method of measuring height, dynamic display area and total copy and graphic area.
3. Manufacturer specifications identifying maximum and minimum brightness in nits, ambient-light sensors, automatic and manual dimming capabilities, horizontal and vertical viewing angles, operating controls and malfunction safeguards.
4. A photometric plan prepared and certified by a qualified lighting professional. The plan must model a full-white image at the proposed daytime and nighttime settings and show existing ambient illumination and the display's additional horizontal and vertical illumination at residential property lines and at the exterior facades and windows of residential dwellings within 500 feet of the display. A residential property located entirely behind the plane of the illuminated display face may be excluded from display-specific calculations if the rear and sides of the display are opaque and nonilluminated. Illumination reaching that property from stadium lighting or other campus lighting must still be included when applicable. The City Council may waive or reduce the photometric plan requirement upon finding, based on the display's location, orientation, proposed brightness settings and other available information, that sufficient information exists to reasonably evaluate compliance with this section. The Council may impose conditions on the waiver. A waiver does not relieve the owner of compliance with applicable illumination, glare or operating standards or limit the City's authority to require testing under Paragraph G.
5. An operating plan identifying authorized events, hours, permitted display modes, proposed daytime and nighttime settings, access controls, testing procedures, recordkeeping, complaint response procedures and the name and 24-hour contact information of a responsible operator authorized to dim or shut off the display.
6. Structural plans, wind load calculations, electrical plans and any other information required by the Building Official or Administrator, Clerk/Treasurer to determine compliance with this Code and applicable building code requirements.
7. The City may require independent professional review of submitted plans and specifications, to be completed at the cost of the applicant, and may require reasonable revisions necessary to demonstrate compliance with this section.
8. At least 10 days before City Council consideration of a new or materially amended sign permit, the City shall mail notice to the owners of property

within 350 feet of the secondary school stadium. The applicant shall provide the required ownership list and reimburse the City's reasonable notice costs. Failure of a property owner to receive notice does not invalidate the proceeding if the City made a good-faith effort to provide notice.

G. Compliance verification and testing.

1. Before regular operation, the owner shall provide documentation from the manufacturer, installer or other qualified representative confirming that the approved brightness settings, ambient-light sensor, automatic dimming controls, password protection and malfunction controls have been programmed and are operational. The owner shall maintain these features in working condition and provide documentation of their operation upon reasonable City request.
2. The City may investigate a supported complaint or other credible evidence of noncompliance by conducting observations, reviewing operating records or taking light measurements. The owner shall reasonably cooperate with the investigation, including providing access to the display controls and operating the display with a full-white image or turning the display off when necessary for testing.
3. Field measurements must follow the procedure established in Paragraph E.3 and include horizontal and vertical readings at the nearest potentially affected residential property lines. The City may require measurements at other locations and, where lawful access is available, at representative residential facades and windows.
4. When an investigation reasonably indicates possible noncompliance, produces inconclusive or disputed results, or requires specialized expertise, the City may require testing by a qualified lighting professional acceptable to the City. The owner shall be responsible for all costs associated with testing, professional review, documentation and corrective work required under this section, including reimbursement of reasonable costs incurred by the City.
5. If testing or other credible evidence establishes that the display exceeds an approved brightness setting, exceeds the illumination limit, produces prohibited glare or otherwise violates this section, the owner shall immediately reduce the brightness, modify the operation or turn off the display as directed by the City. The City may establish a lower maximum authorized nighttime setting when necessary to achieve compliance.
6. The maximum authorized nighttime setting may not be increased without prior written City approval. The City may require additional documentation or testing following a proposed increase, a supported complaint, a change in equipment or software affecting light output, replacement of display modules, alteration of the display or other credible evidence of noncompliance.

H. Operating records and inspection.

1. The owner must retain system-generated records of operating dates, times and brightness settings when available and must maintain a supplemental log identifying the associated authorized stadium event and any manual override,

- malfunction, complaint or corrective action.
2. Records required by this paragraph must be retained for at least two years and provided to the City upon request.
 3. Upon reasonable notice, the owner must provide the City access to the display controls, settings and records necessary to verify compliance. Nothing in this clause authorizes entry into a nonpublic area without consent, an administrative warrant or other lawful authority.

I. *Malfunction, violations and suspension.*

1. The display must be designed and programmed to freeze in one static position or shut off if a malfunction occurs. The owner or operator must immediately discontinue any noncompliant display when notified by the City.
2. The Administrator, Clerk/Treasurer or designee may order the dynamic or luminous portion of the display temporarily shut off when it is malfunctioning, exceeds an approved brightness setting, violates the hours or display-mode limitations, or creates an immediate traffic-safety, public safety or neighborhood-lighting concern. Static, nonluminous scoring information may continue if it can be operated independently, safely and lawfully.
3. Unless immediate shutdown is required under Paragraph I.2, the City shall provide written notice identifying the violation and a reasonable period for correction. Failure to correct the violation constitutes grounds for suspension or revocation under SLPC 16.24.030.
4. Two or more substantiated violations within any 12-month period constitute grounds for the City Council to suspend dynamic operation and limit the display to static scoring functions for a period determined by the Council after notice and an opportunity to be heard.
5. These remedies are cumulative and do not limit any remedy otherwise available under this Code or state law.

J. *Relationship to other regulations.*

1. A stadium video display is governed by this section. If a provision of this section conflicts with another provision of SLPC Chapter 16, this section controls. Except as expressly modified by this section, all other applicable provisions of SLPC Chapter 16 remain in effect.
2. Approval under this section does not constitute approval of any variance, building permit, electrical permit, structural plan, land-use approval or other authorization required by law.
3. A material change in location, orientation, height, width, display area, light output, viewing angle, operating technology or manner of operation requires a new or amended sign permit before the change is made.

SECTION 4: AMENDMENT “16.28.010 Performance Standards” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

16.28.010 Performance Standards

- A. *Intent.* It is the intent of this section to establish performance standards to minimize conflict between land uses, to preserve the use and enjoyment of property, protect property values and to protect the public health, safety and welfare. These standards shall apply to all uses of land and structures and are in addition to any requirements applying to specific zoning districts.
- B. *Standards.*
1. *Noise.*
 - a. Minn. Rules § 7030, as may be amended from time to time, is hereby adopted by reference as a minimum standard for noise. In addition, any use established must be so operated that no noise resulting from the use is noticeable above typically expected levels to a reasonable person beyond the boundaries of the lot line of the site on which the use is located. This standard shall not apply to incidental traffic, parking, loading, construction or normal maintenance operations. The city may also limit the hours of operation of outdoor noise if it is deemed necessary to reduce impacts on the surrounding neighborhood.
 - b. Noise levels measured at the adjoining property line of residential uses or residentially zoned property shall not exceed 55dBA during the hours of 10:00 p.m. to 7:00 a.m. and 60dBA during the hours of 7:00 a.m. to 10:00 p.m., with the highest one-minute equivalent noise level being no more than 75dB. A noise study conducted by a qualified professional may be required to establish existing ambient noise levels before development of a proposed use and actual noise levels after construction and operation of the proposed use.
 2. *Odor.* No use shall produce unreasonable or disturbing odors beyond the property line exceeding applicable regulations established by the Minnesota Pollution Control Agency.
 3. *Exterior lighting.*
 - a. Exterior lighting shall be designed and arranged to limit direct illumination and glare upon or into any contiguous parcel. Reflected glare or spill light shall not exceed five-tenths foot-candles as measured on the property line when abutting any residential parcel and one foot-candle on any abutting commercial or industrial parcel. Street lights installed in the public right-of-way shall be excepted from these standards. For a secondary school campus containing a stadium video display, compliance shall be measured in accordance with SLPC 16.24.082 Paragraph E.3.
 - b. Mitigative measures shall be employed to limit glare and spill light to protect neighboring parcels and to maintain traffic safety on public roads. These measures shall include lenses, shields, louvers, prismatic

control devices and limitations on the height and types of fixtures. The city may also limit the hours of operation of outdoor lighting if it is necessary to reduce impacts on the surrounding neighborhood.

- c. No flickering or flashing lights shall be permitted, except as expressly allowed for a stadium video display under SLPC 16.24.082.
 - d. Direct, off-site views of the light source shall not be permitted except for globe and/or ornamental light fixtures approved in conjunction with a site and building plan and stadium video displays permitted under SLPC 16.24.082. Globe and ornamental fixtures shall only be approved when the applicant can demonstrate that off-site impacts stemming from direct views of the bulb are mitigated by fixture design and/or location. Visibility of the illuminated face of a stadium video display does not, by itself, constitute a prohibited direct view of a light source; however, the display remains subject to all illumination, glare, nuisance, public safety and traffic-safety standards of this Code.
 - e. The city may require submission of a ~~light distribution plan~~ lighting plan or photometric plan showing fixture locations, mounting heights, shielding, proposed hours of operation, calculated illumination levels at property lines and other information reasonably if deemed necessary to ensure compliance with the intent of this chapter.
4. *Glare.* ~~Glare, whether direct or reflected, such as from floodlights, spotlights, or high temperature processes, and as differentiated from general illumination, shall not be visible beyond the site of origin at any property line.~~ Direct or reflected glare from any use, structure, fixture, or illumination source may not create a sensation of brightness that causes annoyance, discomfort, decreased visual performance, or reduced visibility to a person of normal sensitivity on adjacent property or a public street. The mere visibility of a lighted fixture or illuminated surface does not, by itself, establish a violation; however, the fixture or surface remains subject to the illumination limits and other requirements of this section.
 5. *Vibration.* No use shall at any time cause earth vibrations perceptible beyond the limits of the property on which the operation is located.
 6. *Smoke and particulate matter.* No use shall produce or emit smoke, dust or particulate matter exceeding applicable regulations established by the Minnesota Pollution Control Agency.
 7. *Toxic or noxious matter.* No use or operation shall emit a concentration of toxic, noxious or corrosive matter across the property line which exceeds applicable regulations established by the Minnesota Pollution Control Agency.
 8. *Radiation.* No operation shall be conducted which exceeds the standards established by applicable regulations of the Minnesota Department of Health.
 9. *Hazard.* Every operation shall be carried on with reasonable precautions against fire and explosion hazards. All materials regulated in this section shall be utilized, stored, manufactured and handled in accordance with the Minnesota State Fire Code, as may be amended from time to time.
 10. *Heat and humidity.* No use shall produce any unreasonable, disturbing or

unnecessary emissions of heat or humidity beyond the property line which cause material distress, discomfort or injury to persons or ordinary sensitivity.

11. *Electromagnetic interference.* No use shall produce electromagnetic interference with normal radio or television reception in any residential district, or exceed applicable standards established by any applicable federal or state regulations.
12. *Liquid or solid waste.* All uses shall be subject to applicable regulations or the city governing discharge into a public storm or sanitary sewer, waterway or stream.

13. *Visual.*

- a. It is hereby affirmed as essential public policy that the appearance of this community is a proper matter for public concern and that all open spaces, buildings, signs, plantings, surfaces, and structures which may be seen are subject to the provisions of this title.
- b. All principal buildings other than single- and two-family homes shall be designed by a registered architect and shall be certified in accordance with the appropriate statutes of the state, including, but not limited to, the Minnesota State Building Code.. The application for a building permit shall be accompanied by exterior elevations of the proposed building which will adequately and accurately indicate the height, size, bulk, design, and the appearance of all elevations and a description of the construction and materials proposed to be used therein.

c. *Commercial districts.*

- (1) All structures in commercial districts shall have an exterior finish consisting of the following permitted materials:
 - (A) Brick
 - (B) Stone (natural or cementitious)
 - (C) Decorative concrete block or integral colored block
 - (D) Architectural glass
 - (E) Stucco (natural or artificial, including exterior insulated finishing systems (EFIS))
 - (F) Fiber cement siding
 - (G) Precast concrete
 - (H) Factory-finished metal paneling materials, as an exterior material for architectural trim
 - (I) Other comparable materials as approved by the Zoning Administrator.
- (2) The building design should exhibit architectural control which seeks to be creative and maximize building lines, shades and angles to maximize architectural uniqueness.
- (3) All buildings shall contain a concrete floor.
- (4) All buildings shall incorporate similar exterior materials on all sides of a building.

d. *Light industrial district.*

(1) All structures in the light industrial district shall have an exterior finish consisting of the following permitted materials:

(A) Materials listed in c(1) above.

(B) Based on building size, height, location and/or special use, the city may approve the use of factory-finished metal paneling materials or its equivalent for exterior wall surfaces provided such materials are used in conjunction with other materials listed above. Use of factory-finished metal paneling or its equivalent shall not exceed thirty five percent (35%) of the cumulative area of all building walls. The Council may approve a greater percentage, not to exceed sixty percent (60%) of the cumulative area of all building walls, provided the applicant demonstrates that the modification results in a better integration of the building with the surrounding area and will further the intent of this Section. Factory-finished metal paneling materials shall be used primarily on the rear wall and secondarily on the side and/or front wall.

(2) Building elevations and facades should include a variety of architectural features and building materials to provide visual interest and give each project a distinctive character. Any exterior building wall adjacent to or visible from a public street, public open space or abutting property may not exceed 50 feet in length without significant visual relief consisting of one or more of the following:

(A) The façade shall be divided architecturally by means of significantly different materials or textures; or

(B) Horizontal offsets of at least four feet in depth; or

(C) Vertical offsets in the roofline of at least four feet, or fenestration at the first floor level that is recessed horizontally at least one foot into the façade.

(3) All building shall contain a concrete floor.

e. *Prohibited materials.* Prohibited materials include face materials that rapidly deteriorate or become unsightly such as unfinished/non-pigmented structural concrete block, galvanized metal, sheet metal (either corrugated or plain), unglazed structural clay tile or common or back-up quality brick, or similar materials.

C. *Testing.* In order to assure compliance with the performance standards set forth above, the city may require the owner or operator of any permitted use to have made those investigations and tests as may be required to show adherence to the performance standards. Investigation and tests as are required to be made shall be carried out by an independent testing organization as may be agreed upon by all parties concerned, or if

there is failure to agree, by such independent testing organizations as may be selected by the city after 30 days' notice. The costs incurred in having the investigations or tests conducted shall be shared equally by the owner or operator and the city, unless the investigation and tests disclose non-compliance with the performance standards, in which event the entire investigation or testing cost shall be paid by the owner or operator. The procedure above stated shall not preclude the city from making any tests and investigations it finds appropriate, to determine compliance with these performance standards. Testing conducted under SLPC 16.24.082 Paragraph G, including testing of the stadium video display, stadium lighting and other campus exterior lighting, and all associated testing costs, shall be governed exclusively by SLPC 16.24.082 Paragraph G.

SECTION 5: PREVIOUSLY INSTALLED DISPLAYS. Nothing in this ordinance approves, legalizes or establishes a vested right for any stadium video display installed before the effective date of this ordinance. Every such display must obtain all permits and approvals required by law and demonstrate full compliance with the City Code, as amended, before its dynamic or luminous portion may be placed into regular operation.

SECTION 6: SEVERABILITY. If any provision of this ordinance is held invalid, such invalidity shall not affect other provisions that can be given effect without the invalid provision, and to this end the provisions of this ordinance are severable.

SECTION 7: EFFECTIVE DATE. This ordinance shall be effective upon its passage and publication according to law.

PASSED AND ADOPTED BY THE SPRING LAKE PARK COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Wendling	_____	_____	_____	_____
Councilmember Goodboe- Bisschoff	_____	_____	_____	_____
Councilmember Dircks	_____	_____	_____	_____
Councilmember Moran	_____	_____	_____	_____
Mayor Nelson	_____	_____	_____	_____

Presiding Officer

Attest

Robert Nelson, Mayor, Spring Lake
Park

Daniel R. Buchholtz, Administrator,
Clerk/Treasurer, Spring Lake Park