

Attachment B

The request before you is to amend Chapter 12 Sign Code for the City of Arden Hills MN as it relates to the allowance for Led Menu Boards in a Drive-thru establishment.

The Sign Code defines a Dynamic Display as:

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, but is not limited to, any rotating, revolving, moving, flashing, blinking, projecting, 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.

The code does not define menu boards.

Chapter 12 states the following in § 1200.02 Subd. 1: *This Sign Code is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications, including business identification. It is the intent of these sign regulations, to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public in all areas of the City. It is not the purpose or intent of this Chapter to regulate the message displayed on any sign. The purpose of this Chapter is to authorize:*

- A. Permanent signs which establish a high standard of aesthetics and are appropriate for the planned character in each sign district as established in [Section 1240](#);*
- B. Signs which are compatible with their surroundings;*
- C. Signs which are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or create a hazard to motorists, pedestrians, or cyclists;*
- D. Signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;*
- E. Permanent signs which give preference to the on-premise owner or occupant;*
- F. Temporary commercial signs and advertising displays which provide an opportunity to advertise while restricting signs that create visual clutter and hazards at public right-of-way intersections;*
- G. Minimize adverse effects on nearby property; and,*
- H. Provide for fair and consistent enforcement of the sign regulations set forth herein under the authority of the City.*

Subd. 2 Findings. The City finds it is necessary for the promotion and preservation of the public health, safety, welfare, and aesthetics of the community to control the construction, location, size, and maintenance of signs. Further, the City finds:

- A. Permanent and temporary signs have a direct impact on and relationship to the image and aesthetic of the community;*
- B. The manner of installation, location and maintenance of signs affects the public health, safety, welfare and aesthetics of the community;*
- C. An opportunity for viable identification of community businesses, residences, and institutions must be established;*

D. The safety of motorists, cyclists, pedestrians and other users of public streets and property is affected by the number, size, location and appearance of signs that create a hazard for drivers, particularly from dynamic display signs;

E. Installation of signs suspended from, projecting over, or placed on the tops of buildings, walks or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire-fighting and other emergency service;

F. Uncontrolled and unlimited signs and sign types, particularly dynamic display signs, adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;

G. Uncontrolled and unlimited signs, particularly temporary signs which are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information;

H. Commercial signs are generally incompatible with residential uses and should be strictly limited in residential zoning districts; and

I. The right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location and number.

The following text amendment is proposed for Chapter 12 Sign Code and is consistent with the overall intent of the Sign Code and respectfully we request your approval of the proposed text amendment to create a definition for menu board signs in § 1210 DEFINITIONS as follows:

MENU BOARD SIGN. A freestanding exterior sign adjacent to the drive-through lane that identifies items for sale at the restaurant and their associated prices or specials. The menu board must comply with §1240.02 of this chapter.

Respectfully we request your approval of the proposed text amendment to **create § 1240.04** as follows:

§ 1240.04 MENU BOARD SIGNS

All Menu Board Signs for Non-Residential Uses. Drive-thru board signs are allowed for non-residential uses provided the requirements in this section are met.

- i. Location:** All drive-thru board signs shall be located adjacent to the drive-through lane and shall not be located in any required setback. Signs may be located on the building or as a monument-style or pedestal sign.
- ii. Height:** A drive-thru board sign shall not exceed six feet in height.
- iii. Size:** A drive-thru board sign with a menu (or options) board sign shall not exceed twenty-four (24) square feet.
- iv. Number:** One drive-thru board sign with a maximum area of twenty-four (24) square feet and one sign with a maximum area of twelve (12) square feet shall be permitted for each drive-thru board lane.
- v. A Drive-thru Board sign may be LED and shall comply with the following:**
 - 1. The light output of the LED shall not exceed 2 foot-candles;**
 - 2. The images, colors, and text may not change more than 3 times per day;**
 - 3. All images, colors, and text shall be static with no flashing, scrolling, or animation; and**

4. At any time the business or drive-through is closed to the public, any Drive- thru Board sign shall be dimmed and shall remain dimmed or be turned off until the business or drive-through is open to the public.

This change is consistent with surrounding cities in Minnesota and it addresses the following criteria from **§1200.02 Subd. 1:**

- A. Permanent signs which establish a high standard of aesthetics and are appropriate for the planned character in each sign district as established in [Section 1240](#);
- B. Signs which are compatible with their surroundings; signs of this type are required for a drive thru restaurant to operate.
- C. Signs which are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or create a hazard to motorists, pedestrians, or cyclists;
- D. Signs that are proportioned to the scale of, and are architecturally compatible with, principal structures; new technology is available that allows for the better use of natural resources. Eliminating paper menus and the need for ballasts helps to reduce the carbon footprint.
- E. Permanent signs which give preference to the on-premise owner or occupant;
- F. Temporary commercial signs and advertising displays which provide an opportunity to advertise while restricting signs that create visual clutter and hazards at public right-of-way intersections; limiting the size of menu boards specifically will create consistency through-out the city for this type of use.
- G. Minimize adverse effects on nearby property; and,
- H. Provide for fair and consistent enforcement of the sign regulations set forth herein under the authority of the City; currently the code is silent on the use of menu boards and this text amendment will allow for concise guidelines that regulate this type of sign.

This change also takes into considering the following criteria from **§1200.02 Subd. 2:**

- A. Permanent and temporary signs have a direct impact on and relationship to the image and aesthetic of the community; Menu boards are necessary for a fast service restaurant to function. Providing for clear text in the ordinance to address this sign type will allow for consistency.
- B. The manner of installation, location and maintenance of signs affects the public health, safety, welfare and aesthetics of the community; Menu boards prevent stacking in the drive thru by allowing for patrons and citizens to move thru the drive thru quickly. The clear deliverance of menu options will facilitate in the safe movement of traffic. The proposed text amendment allows for the use of the latest technology.
- C. An opportunity for viable identification of community businesses, residences, and institutions must be established; The menu boards are necessary for a drive thru restaurant to remain viable and are not intended for viewing beyond the property line.
- D. The safety of motorists, cyclists, pedestrians and other users of public streets and property is affected by the number, size, location and appearance of signs that create a hazard for drivers, particularly from dynamic display signs; The menu boards are not dynamic display signs. The images are static and have the brightness of a Kindle. The screen can be dimmed and programed to be off when businesses are closed. The overall intent of this menu board is not to distract motorists but rather for viewing of the vehicle that is in the drive thru lane and they are only intended to facilitate a streamlined process of customer ordering for a drive thru establishment.

E. Installation of signs suspended from, projecting over, or placed on the tops of buildings, walks or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire-fighting and other emergency service; The menu boards are ground mounted.

F. Uncontrolled and unlimited signs and sign types, particularly dynamic display signs, adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth; The text amendment suggests further limitations that would define menu boards and clearly outline allowances for this type of sign.

G. Uncontrolled and unlimited signs, particularly temporary signs which are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information; The text amendment intent is to deliver clear concise guidelines that provide for cohesive allowances for this type of sign as it relates to a drive thru establishment to help reduce traffic in the drive thru lane and facilitate the use of a menu that is visible to motorists.

H. Commercial signs are generally incompatible with residential uses and should be strictly limited in residential zoning districts; The text amendment is only for properties where a drive thru use would already be allowed and is not intended for use on residential properties.

I. The right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location and number; the text amendment proposes limitations to menu boards that the code does not currently contain. This proposal is consistent with the national average for this type of sign as well as those in surrounding cities in the State of Minnesota. The menu board is intended for viewing menu items and is not intended to draw attention to the property in any way.