



MEMORANDUM

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**DATE:** January 8, 2020 PC Agenda Item **3.B**

**TO:** Planning Commission Chair and Commissioners

**FROM:** Mike Mrosla, Community Development Manager/City Planner

**SUBJECT: Planning Case #19-019 – Public Hearing Required**  
**Applicant:** City of Arden Hills  
**Request:** Sign Code Text Amendment

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**Requested Action**

Planning Commission shall hold a Public Hearing to review an amendment to Chapter 12, Sign Code to clarify and add language to make non-commercial signs in an election years consistent with temporary off-premise signs and Minnesota State Statutes.

**Background**

The City has initiated proposed amendments to Chapter 12, Section 1230.01, Subd. 2 of the Sign Code. The existing language from section 1230.01, Subd. 2 states:

*“Non-commercial Signs in an Election Year. Signs of any size containing non-commercial speech may be posted from August 1 in any general or City election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election provided that the signs are in compliance with Minnesota Statutes. These non-commercial signs shall be placed in accordance with Section 1250.03 Subd 2, 3, and 4.”*

The ordinance language above is inconsistent with Minnesota State Statute 211B.045. Minnesota State Statute 211B.045 states:

*“All noncommercial signs of any size may be posted in any number beginning 46 days before the state primary in a state general election year until ten days following the state general election. Municipal ordinances may regulate the size and number of noncommercial signs at other times.”*

The existing ordinance language restricts the placement of non-commercial signs until August 1<sup>st</sup> in an election year. However, Minnesota State Statute 211B.045 permits non-commercial signs to be posted 46 days prior to the state primary election. Minnesota primary elections occur on the second Tuesday of August in election years or on August 11, 2020. Per the statute, signs may be posted 46 days prior to the primary election or June 28, 2020. In response, staff worked with the city attorney on the proposed language below.

*“Non-commercial Signs in an Election Year. In years where a federal, state or local government election is conducted within the city, non-commercial signs may be posted no more than 46 days prior to that election. These non-commercial signs shall be placed in accordance with Section 1230.02 and 1250.03 Subd 2, 3, and 4. Those responsible for posting the signs shall remove any signs within 10 days following an election.”*

The proposed language addresses all types of elections and removes the need to address special elections. The proposed language is in conformance with Minnesota State Statute 211B.045 and permits non-commercial signs to be posted no more than 46 days prior to the election. Staff added specific code sections that defines where signs may be located. Section 1230.02 is addresses prohibited sign placement locations and 1250.03 regulates temporary off-premise signs.

In addition, staff revised and restructured section 1250.03, Temporary Off-premise Signs. The intent of the revision was to bring non-commercial signs in conformance with other temporary off-premise sign standards. The existing ordinance language was silent on placing signs on publicly owned land and there was no roadway setbacks standards for non-commercial signs. Below is a summary of proposed revisions by subdivision. A full redline of the proposed changes can be found in Attachment C.

**Subdivision 1:**

- Restructured and added clarifying language.
- Removed and relocated sign roadway setback to Subd. 3.
- Final draft:
  - Subd. 1 Sign Number Limit.
    - A. Signs shall be four (4) square feet or less in size, and less than four (4) feet high;
    - B. Signs shall be non-illuminated;
    - C. Signs shall be within one mile of the property for which the signs are advertising (this provision does not preempt the sign regulations for neighboring communities);
    - D. Signs shall be displayed no more than three consecutive days in any seven day period.

**Subdivision 2:**

- Added language that the property owner may withdraw sign placement permission at any time.
- Added subsections A and B.

- Added language prohibiting signs from being placed on publicly owned land.
- Final Draft
  - Subd. 2 Permission. The sign owner shall obtain permission from the property owner to place a sign on their property or on property that shares a property line with the adjoining right-of-way where the sign is located. The property owner may withdraw that permission at any time.
    - A. Failure to obtain permission may result in removal of the sign.
    - B. Sign(s) are prohibited on land owned by the city, county, federal government and school district(s).

**Subdivision 3:**

- Relocated from Subd. 4 to 3.
- Added subsections A through C.
- Added language previously from Subd. 1 addressing sign setbacks from roadways when placed within city owned right of way.
- Added exception language addressing sign placement along sidewalks and trails.
- Final Draft
  - Subd. 3 Right-of-way Regulatory Authority.
    - A. Sign(s) placed within city right-of-way, shall not be placed within five (5) feet of the edge of the roadway pavement or curb.
 

Exception. If the five (5) foot distance places the sign on a trail or sidewalk surface then the signage shall be placed on the dwelling side of the sidewalk.
    - B. Sign(s) placed in Ramsey County or State of Minnesota right-of-way shall be subject to Ramsey County and State of Minnesota regulations.
    - C. Failure to obtain permission from the appropriate agency may result in removal of the sign.

**Subdivision 4:**

- Relocated from Subd. 3 to 4.
- Final Draft
  - Subd. 4 Disclaimer. The City of Arden Hills shall not be responsible for damage to any signs placed in the right-of-way.

**Options and Motion Language**

Staff has provided the following options and motion language for this case.

1. Recommend Approval: Motion to recommend *approval* of Planning Case 19-019 for proposed amendments to Chapter 12 of the City Code, as presented in the January 8, 2020 Report to the Planning Commission.

2. Recommend Approval with Amendments: Motion to recommend *approval* of Planning Case 19-019 for proposed amendments to Chapter 12 of the City Code, as presented in the January 8, 2020 Report to the Planning Commission with amendments: *a specific reason should be included with amendments.*
3. Recommend Denial: Motion to recommend *denial* of of Planning Case 19-019 for proposed amendments to Chapter 12 of the City Code, as presented in the January 8, 2020 Report to the Planning Commission: *findings to deny should specifically reference the reasons for denial.*
4. Table: Motion to *table* Planning 19-006 for proposed amendments to of Planning Case 19-019 for proposed amendments to Chapter 12 of the City Code, as presented in the January 8, 2020 Report to the Planning Commission: *a specific reason and/or information request should be included with a motion to table.*

### **Public Notice and Comments**

Notice on this planning case was published in the Pioneer Press on December 27, 2019. The City has not received any public comments regarding this case.

### **Attachments**

- A. Minnesota State Statute 211B.045
- B. Chapter 12 – Sign Code, Exemptions Red-line Amendments (Section 1230.01)
- C. Chapter 12 – Sign Code, Temporary Off-premise Signs Red-line Amendments (Section 1250.03)
- D. Clean versions of Chapter 12, Sign Code, Sections 1230.01 and 1250.03.