



DATE: January 27, 2020

TO: Honorable Mayor and City Councilmembers
Dave Perrault, City Administrator

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

Budgeted Amount:	Actual Amount:	Funding Source:
N/A	N/A	N/A

For Council Consideration

Hold the required public hearing for the proposed Sign Code Text Amendment. The City Council will be asked to make a formal decision regarding the application under Agenda Item 10A.

Background

At its December 16, 2019 meeting, the City Council directed staff to make necessary ordinance changes to make political signs (non-commercial sign) consistent with existing temporary off-premise signs placement standards to include a distance from the curb or roadway. In addition, Council requested staff to review and bring the ordinance into conformance with State statute for when signs may be placed.

The City staff has since then 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:

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“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 1st 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 primary. 46 days is the minimum set by state statute. The number may increase, but may not decrease below 46 days. At a recent City Council Work Session the Council discussed increasing the number of days to 70. A formal motion would be necessary to change the proposed 46 to 70 days. In addition, 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.

As part of sign code amendment staff revised and restructured section 1250.03, Temporary Off-premise Signs. It is important to note that only subdivisions two (2) through four (4) regulate non-commercial signs in section 1250.03. 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. A full redline of the proposed changes can be found in Attachment A.

Summary of Section 1250.03 Revisions:

- Restructured and added clarifying language for general safety and welfare of the community.
- Ensured the five (5) foot setback is consistent for both commercial and non-commercial signs.
- Added language that the property owner may withdraw sign placement permission at any time.
- Added language prohibiting signs from being placed on publicly owned land.
- Added exception language addressing sign placement along sidewalks and trails.

Recommendation:

The Planning Commission reviewed this application at their January 8, 2020 meeting. At that time, they recommended approval by a 5-0 vote.

Notice and Public 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.

Budget Impact:

NA

Attachments:

- A. Ordinance amending Chapter 12, Sign Code Redline
- B. Ordinance amending Chapter 12, Sign Code Clean
- C. Planning Commission Memo
- D. Draft Planning Commission Minutes