



PLANNING COMMISSION

October 20, 2021

7:00 PM

Fridley Civic Campus, 7071 University Avenue N.E.

AGENDA

Call to Order

Roll Call

Approval of Meeting Minutes

- [1.](#) Approve July 21, 2021, Planning Commission Minutes

Acceptance of Minutes from Other Commissions

- [2.](#) Approve Other Commission Minutes

Public Hearing

- [3.](#) Public Hearing for Text Amendment TA #21-4 to Repeal and Replace Chapter 214, Signs

Other Business

- [4.](#) Approve the 2022 Planning Commission Meeting Dates

Adjournment



AGENDA REPORT

Meeting Date: October 20, 2021

Meeting Type: Planning Commission

Submitted By: Julie Beberg, Office Coordinator

Title

Receive the Minutes from the Planning Commission Meeting of July 21, 2021

Background

Attached are the meeting minutes from the July 21, 2021 Planning Commission Meeting

Financial Impact

None

Recommendation

Staff recommend the City Council received the July 21, 2021 Planning Commission Minutes

Attachments and Other Resources

- Planning Commission Minutes of July 21, 2021

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



PLANNING COMMISSION

July 21, 2021

7:00 PM

Fridley Civic Campus, 7071 University Avenue N.E.

MINUTES

Call to Order

Chairperson Hansen called the Planning Commission meeting to order at 7:00 p.m.

Roll Call

Present: Amy Dritz, Mike Heintz, Ryan Evanson, Mark Hansen, Terry McClellan, John and Buyse II

Absent: Ross Meisner

Others Present: Stacy Stromberg, Planning Manager
Scott Hickok, Community Development Director

Approval of Meeting Minutes

1. Receive the Minutes from the Planning Commission Meeting of June 19, 2021

Motion by Commissioner Evanson approving the June 19, 2021 meeting minutes. Seconded by Commissioner Heintz.

Further discussion: Commissioner Buyse believed there was a discrepancy with the vote total at the end. He recommended that the vote be updated to show it was not unanimous.

Motion by Commissioner Buyse to amend the June 19, 2021 meeting minutes. Seconded by Commissioner Evanson.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON HANSEN DECLARED THE MOTION CARRIED.

Acceptance of Minutes from Other Commissions

2. Receive the Minutes from the Other Commissions

Motion by Commissioner Evanson accept the minutes from other Commissions. Seconded by Commissioner Buyse.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON HANSEN DECLARED THE MOTION CARRIED.

Public Hearings

3. Public Hearing to Consider Chapter 34, Reasonable Accommodations Ordinance No. 1395

Motion by Commissioner McClellan to open the public hearing. Seconded by Commissioner Evanson.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON HANSON DECLARED THE MOTION CARRIED.

Community Development Director Scott Hickok presented a request to consider a text amendment to add a Chapter to the Code of Ordinances. He provided background information related to a previous request from a resident to possess a unique companion animal accommodation. He also provided additional information related to guidance from the Federal Fair Housing Act related to requests from companion animals as an accommodation. He stated that on June 22, 2021 a conciliation hearing was held involving the animal owner, MDHR and the City of Fridley. The outcome of the hearing included the City being required to adopt a reasonable accommodation ordinance, implement an accommodation application process, and provide training for staff on requirements of the Federal Fair Housing Act. He noted that this will allow consideration of an accommodation for individuals who require an accommodation of any type. He stated that in relation to the ordinance consideration they included a purpose, definitions, initiation of reasonable accommodations, accommodation specialist/required findings, notice of decision, applicability, conditions and guarantees, and fees. He stated that the required findings would be related to the special need created by the disability, benefit accomplished by accommodation, physical attributes of proposed changes, potential impacts on surrounding uses, would the accommodation be fundamental alteration to zoning regulations, would the accommodation present an undue financial burden on the City, and any other factor that may have a bearing on the request. He also described the appeals process that would be available and noted that the fee would be \$75, which would cover one hour of staff time. He stated that staff recommends approval of Text Amendment, TA #21-03, which will add Chapter 34, Reasonable Accommodation to the City Code.

Chairperson Hansen stated that it was mentioned in the accommodation that the approval does not run with the land. He used the example of an accommodation being granted for a taller fence and asked what would happen if that resident were to move and a new person move into the property.

Mr. Hickok confirmed that to be true, noting that if the person granted the accommodation were to move, the fence would no longer be allowed at that height. He stated that staff hopes that it

is clear that the accommodation is for the use of the person granted the accommodation and once no longer needed, it would need to revert to City Code standards. He noted that a violation of a license could result in an abatement and charge back to the property.

Commissioner Evanson asked what prompted the need for a permit in the first place for the animal request.

Mr. Hickok explained that Chapter 110 focuses on animals and typically animal possession is deemed to be those that could be serviced by veterinarians. He stated that nondomestic pets can be kept through a livestock license if the conditions can be met. He stated that in this case it was a unique animal that was not covered under the livestock criteria. He stated that it would be fair to ask why a unique animal would be kept rather than a typical dog or cat companion. He noted that in that case a doctor's note was provided to specify the unique animal.

Commissioner Evanson asked what would be deemed reasonable to ensure that people are not attempting to keep tigers as a companion animal.

Mr. Hickok stated that should a case go forward to court; the Judge and jury would need to see the sense of reasonableness.

Commissioner Buyse asked if parameters would need to be built into the ordinance or whether staff would have the ability to make the determination about what would be reasonable.

Mr. Hickok confirmed that staff would make the determination.

Commissioner McClellan asked if there would be a method to attach the approval to a title to ensure that it would be mentioned at the time of closing, should the property change ownership.

Mr. Hickok stated that the City can ask the questions to determine what would be a reasonable accommodation, but it would not be able to share that information in such manner because it is private information related to a disability or vulnerability.

Commissioner Heintz used the example of a taller fence and asked if the City could require maintenance should that be necessary.

Mr. Hickok confirmed that even in the case of a unique animal possession, a livestock license would still be necessary and therefore that would be governed under such manner going forward.

Chairperson Hansen asked if the reasonable accommodation would hinder the ability of the City to abate in the future, if a situation arose that required such. He used the example of a fence that was in disrepair.

Mr. Hickok commented that the animal could still be removed from the property if the necessary conditions are not met. He stated that in the same manner, a fence could be abated should that situation arise. He noted that although an accommodation can be made related to the type of animal and land necessary to keep said animal or the height or location of the fence, all other requirements of the City Code would need to continue to be met.

Commissioner Buyse asked if the ordinance would fix the situation that occurred in 2016 and how that was handled.

Mr. Hickok replied that this would provide a formal process for considering such request. He noted that in 2016 the City asked for the proper information to support the request.

Commissioner Evanson asked if this process had been in place, would the resident have received a letter after they moved alerting them to the process to apply/reapply for the accommodation at the new residence.

Commissioner Buyse commented that his comment was meant to say that the City would have handled the incidents in 2016 and 2018 in the same manner, even without the ordinance being in place.

Commissioner Evanson commented that having the ordinance in place would help to support the position of the City and remove the issue of liability.

Mr. Hickok commented that he would hope that this would be publicized and people that may need an accommodation would come forward to request that accommodation. He confirmed that it would be helpful to have this Chapter within the City Code.

Commissioner McClellan asked if this ordinance would be publicized to make the public aware of it.

Mr. Hickok stated that this would go forward to the City Council at a first and second reading and would be published in the typical manner.

Commissioner Buyse asked if the stipulation for training is necessary.

Mr. Hickok replied that is part of the conciliation agreement. He stated that the City's position was that it may be redundant for a staff member to go through the training once each year, but it would be helpful for new staff members to have the training.

Motion by Commissioner McClellan to close the public hearing. Seconded by Commissioner Heintz.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON HANSEN DECLARED THE MOTION CARRIED.

Chairperson Hansen commented that staff did a great job putting this together.

Commissioner Buyse commented that many of the questions focuses on homeowner related questions but believed that most of these situations would be with renters.

Commissioner Heintz asked if a business could apply for an accommodation.

Mr. Hickok replied that the accommodations are related to all housing.

Motion by Commissioner McClellan to approve Text Amendment, TA #21-03, which will add Chapter 34, Reasonable Accommodation to the City Code. Seconded by Commissioner Dritz.

Further discussion: Mr. Hickok replied that this is not only for renters but for all that may need an accommodation.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON HANSEN DECLARED THE MOTION CARRIED.

Mr. Hickok noted that this will go to the City Council for the first reading at the meeting on August 9, 2021 with the second reading scheduled to occur two weeks following.

Other Business

Planning Manager Stacy Stromberg provided an update on matters recently considered by the Commission and subsequent City Council action or consideration. She reported that the regular August meeting of the Planning Commission has been canceled.

Mr. Hickok stated that development is going well, noting that \$78,000,000 in development has occurred through the end of June. He stated that these projects are being done in a thoughtful way and the sites are being kept safe and clean.

Commissioner Buyse referenced the complex being constructed at Holly Center and noted that the design seems different than approved.

Mr. Hickok stated that the developer is following the plans approved by the Commission and Council. He explained that the illustration shows that three story corner with four stories on each side above the sales office entrance, which is different than the other corner where others would access. He stated that development is going to have the models open shortly along with the sales office and common area. He noted that people would be able to view units before the certificate of occupancy is issued and all units are completed.

Commissioner McClellan commented that seems to be a good strategy as there will be many apartment complexes coming online within the next few years and therefore it will be a competitive market.

Ms. Stromberg provided an update on a senior living project that was previously approved and paused during COVID noting that a new developer is looking at a smaller version of transitional care. She stated that request would come back to the Commission to review the new plans. It was confirmed that process would include a public hearing.

Adjournment

Motion by Commissioner Evanson to adjourn the meeting. Seconded by Commissioner Buyse.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON HANSEN DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE MEETING ADJOURNED AT 7:50 P.M.

Respectfully submitted,

Amanda Staple
Recording Secretary



AGENDA REPORT

Meeting Date: October 20, 2021

Meeting Type: Planning Commission

Submitted By: Julie Beberg, Office Coordinator

Title

Receive the Minutes from the other Commissions

Background

Financial Impact

None

Recommendation

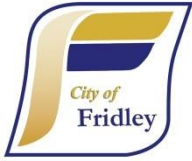
Staff recommend acceptance of the other Commission Minutes

Attachments and Other Resources

- Minutes from the August 5, 2021, Housing and Redevelopment Authority and the September 7, 2021, Parks and Recreation Commission.

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



PARKS AND RECREATION COMMISSION

Fridley Municipal Center
7071 University Ave NE, Fridley MN 55432

MINUTES

SEPTEMBER 7, 2021

1. CALL TO ORDER

Chair Heinz called the Parks and Recreation Commission meeting to order at 7:00 p.m.

Members Present: Mike Heintz, Peter Borman, Ryan Gerhard, and Shanna Larson

Members Absent: EB Graham and Dave Kondrick

Others Present: Mike Maher, Community Services Director

2. APPROVE PARKS & RECREATION COMMISSION AGENDA FOR SEPTEMBER 7, 2021

MOTION by Commissioner Larson to APPROVE the September 7, 2021 meeting agenda. SECONDED by Commissioner Borman. The MOTION PASSED unanimously.

3. APPROVE PARKS & RECREATION COMMISSION MINUTES FOR June 7, 2021

MOTION by Commissioner Larson to APPROVE the June 7, 2021 meeting minutes. SECONDED by Commissioner Borman. The MOTION PASSED unanimously.

4. NEW BUSINESS/ACTION ITEMS:

a. Start, Stop, Continue Exercise Results Discussion

Community Services Director Maher stated that the Commission met in worksession in August in order to discuss the role and direction for the Commission. He stated that he drafted a summary of that discussion and welcomed any additional action items or changes the Commission would like to make.

There were no additional comments from the Commission.

b. Program, Service and Fee Review

Community Services Director Maher stated that one document was from City staff and the other from Springbrook Nature Center related to the current fees for programming and services and to show the diversity in programming. He stated that over the next several months the Commission will discuss programming and therefore he wanted to present this opportunity for the group to review the fees. He noted that a list of 2022 fees would be brought forward in the future for review. He welcomed any input on fee adjustments the Commission may have.

Chair Heintz referenced the K-4 youth programs and asked if those are daytime or evening activities.

Mr. Maher stated that those programs would be youth instructional activities and would be held after school or in the evening. He stated that it is his understanding that these activities are non-competitive formats focused on skills.

Commissioner Larson referenced the park shelter rentals and asked if there have been any instances where a security deposit had to be kept. She stated that the deposit is only \$50 for a shelter that supports 150 people, and most likely if someone is hosting 150 people the \$50 would not be an impactful amount to encourage good behavior. She commented that perhaps a higher deposit should be required to encourage better behavior.

Mr. Maher commented that it is his understanding that the actual holding of a security deposit is extremely rare. He stated that most of the park shelter rentals would have a key checked out and park staff would go in at the end of the day or next day to complete cleanup. He stated that it would be difficult to attribute damage to the facility unless it is very obvious. He explained that the park shelter structures are sturdy and simple, therefore the risk of damage is minimal. He stated that if the Commission would like staff to present updates or review the fees, that could be done.

Chair Heintz used the example of a volleyball net being put up and a water line is damaged and asked if the renter would be liable for that.

Mr. Maher stated that there are instances such as the use of a bounce house that requires stakes to be driven and, in those instances, a Special Use Permit is required which has a higher charge.

Commissioner Larson commented that staff does a good job in comparing pricing to other cities in order to remain competitive and therefore feels comfortable with the fees.

Commissioner Borman asked and received confirmation that the fees included in the packet are the current fees.

Mr. Maher replied that these are current fees. He stated that if the Commission has suggestions for fee adjustments, staff could do that as they begin to plan for programming and events for 2022. He also encouraged the Commission to review the list of programs and services as they plan for the next year.

Chair Heintz stated that staff does a great job of offering opportunities and variety at every age.

Commissioner Larson agreed that the City makes an effort to provide opportunities for everyone.

5. OLD BUSINESS

None

6. STAFF REPORTS

a. Springbrook Nature Center

Community Services Director Maher stated that a new staff member was welcomed to the Springbrook team and reviewed the experience of the employee and duties they will handle. He provided an overview of the Springbrook Day Camp program that has wrapped up, noting that 45 camp experiences were provided at full scholarships by the foundation for campers with financial need. He noted that three summer concerts were held at the Nature Center and the concerts in general were a great success. He stated that they are working to get the school partnerships back online with the Nature Center. He stated that the biggest event of the year is coming up on Saturday, October 23rd from 5 p.m. to 9 p.m., noting that tickets will be limited and should be purchased ahead of time. He noted that pumpkin carving begins the previous week at no cost and interested participants can register on the website. The Nature Center received a grant from Xcel Energy in the amount of \$7,500 to partially fund a new exhibit called "Becoming a Bird Watcher".

b. Parks and Recreation Update

Community Services Director Maher stated that a breakdown of enrollments was included in the report and provided a summary. He stated that the summer concert series was expanded to the Fridley Civic Campus and Commons Park this year and good feedback was received from the community. He advised that a summary of shelter rentals was also included, noting that it was a busy summer for shelter rentals. He stated that rec and roll was a free program that took place in a number of the parks this summer and was able to reach a large number of youth and families.

Chair Heintz asked if the event is advertised ahead of time.

Mr. Maher replied that staff established a regular rotation between five different parks once per week so that those in the neighborhood could expect that regular schedule.

Chair Heintz stated that if the program is going to continue in 2022, perhaps there would be a way to notify people of the event.

Mr. Maher advised of the different methods of advertising staff used to get the word out. He noted that they also collaborated with the School District to provide free meals.

Commissioner Larson commented that in the past she received an email that provided a programming suggestion based on a past registration. She asked if that was a trial option when the City purchased the software or why the City did not continue to use that feature. She believed that feature would help to advertise potential programs to residents.

Mr. Maher stated that Fridley Recreation just launched a new e-newsletter that will be sent out on a monthly basis to everyone in the registration system and will highlight new programming opportunities. He did not believe that the system has the capacity to send an automated email option for similar programming. He stated that perhaps in the past a staff member sent targeted emails in attempt to fill the class. He noted that while that can be effective, it can also be quite time consuming.

c. Park Maintenance and Construction Report

Community Services Director Maher provided an overview of the report that was provided by staff. He noted that staffing shortage that caused some projects to not be completed.

Commissioner Borman asked for clarification on the location of Civic West.

Mr. Maher provided additional clarification on the location.

Commissioner Borman asked if there are any plans for that area that have been finalized.

Mr. Maher commented that funding has been identified to do some of the basics such as trails and seeding. He stated that there is a list of pending items that could be completed once a funding source is identified. He stated that the future amenities were included in an article in the most recent City newsletter.

ADJOURNMENT:

Commissioner Larson made the MOTION to adjourn the meeting at 7:33 p.m., SECONDED by Commissioner Borman. The MOTION PASSED unanimously.

Respectfully submitted,

Amanda Staple
Recording Secretary

**CITY OF FRIDLEY
HOUSING AND REDEVELOPMENT AUTHORITY COMMISSION
August 5, 2021**

Chairperson Pro Tem Holm called the Housing and Redevelopment Authority Meeting to order at 7:00 p.m.

MEMBERS PRESENT: William Holm
Elizabeth Showalter
Gordon Backlund
Rachel Schwankl
Kyle Mulrooney

OTHERS PRESENT: Paul Bolin, HRA Assistant Executive Director
Vickie Johnson, Development Consultant

Action Items:

1. Approval of Expenditures

MOTION by Commissioner Backlund to approve the expenditures. Seconded by Commissioner Showalter.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIR HOLM DECLARED THE MOTION CARRIED UNANIMOUSLY.

2. Approval of June 2, 2021 Meeting Minutes

MOTION by Commissioner Showalter to approve the expenditures. Seconded by Commissioner Schwankl.

Chair Holm noted a correction on page 4, 2nd paragraph last sentence, change wording to "there are several factors".

UPON A VOICE VOTE, ALL VOTING AYE, CHAIR HOLD DECLARED THE MOTION CARRIED AND THE MINUTES APPROVED AS AMENDED.

3. Approval of Purchase Agreement – Demello Property – Old Central Avenue

Paul Bolin, HRA Assistant Executive Director, said that the last three comprehensive plans identify the area south of Mississippi and east of old central as an interest of redevelopment. The HRA purchased 1314 Mississippi Street and this past week we came to an agreement to purchase their half acre site for the appraised value of \$105,000. The site is heavily wooded and undeveloped.

There are no wetlands on this site or hazardous substances identified. Staff recommends a motion approving the purchase of the Demello Property, lot 17, block 1, of the Spring Valley in Anoka County and authorize staff and Chair to execute documents necessary for closing of the property.

Commissioner Schwankl asked if staff would look at other properties when this one is closed.

Mr. Bolin replied that staff has had discussions with the neighboring properties as well.

MOTION by Commissioner Backlund to approve the purchase agreement of the Demello Property. Seconded by Commissioner Mulrooney.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIR HOLD DECLARED THE MOTION CARRIED UNANIMOUSLY.

Informational Items:

1. Housing Grant Programs Update

Mr. Bolin reported that in July closed 2 loans closed making a total of 27 year to date. Remodeling Advisor had visits 5 in July making a total of 46 year to date and there were 4 Home Energy Squad Visits for a total of 15 year to date.

The Front Door Grant program had 72 applications, 26 signed agreements and 9 projects completed. Foundation's grant had 10 applications, 3 signed agreements and 1 project completed. Exterior Paint grant received 6 applications with one project completed.

Adjournment:

MOTION by Commissioner Backlund to adjourn. Seconded by Commissioner Schwankl.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON HOLM DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE MEETING ADJOURNED AT 7:13 P.M.

Respectfully submitted,

Krista Peterson
Recording Secretary



AGENDA REPORT

Meeting Date: October 20, 2021

Meeting Type: Planning Commission

Submitted By: Scott Hickok, Community Development Director

Stacy Stromberg, Planning Manager

Nancy S. Abts, Associate Planner

Title:

Public Hearing for Text Amendment TA #21-4 to Repeal and Replace Chapter 214, Signs

Background

Recent decisions by the U.S. Supreme Court have impacted the ways that cities are able to regulate signs. As described in Attachment 3, blanket regulations based on the content of a sign are difficult to defend following the decision in *Reed v. Gilbert*. (As an example of a content-based regulation, the current ordinance treats “real estate signs” differently than other types of signs not related to the sale or lease of property.) Instead of content, best practices for sign ordinances involve focusing on the physical characteristics of a sign. These include a sign’s size, placement, and materials.

The City of Fridley has been working on revising *Chapter 214, Signs*, in light of the new approach needed to address sign regulations. The substance or effect of the ordinance has not been substantially altered, but the language and approaches used have been significantly changed.

To follow a content-neutral approach to regulating signs, the current ordinance’s (Attachment 2) discussion of “Area Identification Signs”—defined as “a sign which identifies the name of a neighborhood, a residential subdivision, a multiple residential complex or a business or industrial area” is replaced with regulations for “Area Gateway Signs”, which are defined as “a permanent, free-standing sign located near a principal entrance of a residential or commercial property or group of properties.” (The proposed/draft ordinance is Attachment 1.)

Similarly, specific types of temporary signs allowed without permits in the current ordinance, including Rummage/Garage Sale Signs, Real Estate Signs, Personal Expression Signs, and Construction Signs, are will now all be treated as Temporary Signs, and, on Commercial and Institutional properties, as Static Display Area Signage. Under the new ordinance, temporary signs in residential districts do not need a permit, and the refacing of signs (e.g., swapping out a “For Lease” plywood sign with a “Grand Opening” or “Now Hiring” sign) in a Static Display Area Signage display would not need a permit. This approach allows properties to display the same types of signs as the current ordinance, while also providing additional flexibility in messaging.

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

The methods for determining how many permanent freestanding and wall signs are allowed on a property and the sign size are unchanged in the revised ordinance.

The most significant substantive changes to the ordinance involve temporary signs. Under the current ordinance, “For Lease” signs are allowed as Real Estate Signs, but the “Grand Opening” and “Now Hiring” messages in the example above need a Temporary Sign Permit and are limited to a maximum of two, 14-day permits a year. Under the proposed ordinance, commercial properties would be allowed to display temporary signs as often as they like, provided they obtain a Temporary Sign Permit. The types of temporary signs that will require this type of permit are dynamic or less durable signs, such as “feather flag” banners, pennants, walking signs, trailered signs, and inflated signs.

Commercial properties will also be allowed to have a Static Display Area Sign—approved with a standard Sign Permit—which provides an opportunity for businesses to post signs made from durable weatherproof materials (e.g., plywood) and to change the messaging on these signs without applying for a sign permit. The Static Display Area Sign takes the place of Real Estate Signs and Construction Signs in the current ordinance, while allowing additional flexibility for properties. The current Zoning Map, showing the location of Residential and Commercial districts, is provided as Attachment 4.

Changes are also proposed for the approval process for Comprehensive Sign Plans. These would now be reviewed administratively rather than by the City Council.

The new ordinance also clarifies that any commercial sign message can be replaced with a noncommercial message. It allows changing the message on any previously approved sign without the need to apply for a permit. This allows any future sign to be used as what the current ordinance calls a Personal Expression Sign.

Financial Impact

Under the new ordinance, permits will not be required for changes only to a sign’s message. The City will no longer issue permits for a “reface” of an existing sign. The revenue associated with these permits will no longer be received; however, the possibility for additional temporary signs may provide offsetting permit revenue.

Permits will still be required for new signs and for structural changes to existing signs.

Changes to permit fees will be approved by the City Council as amendments to City Code Chapter 11.

Recommendation

The amendment does not affect the Zoning Code. Therefore, the Planning Commission is not *required* to hold a public hearing. The Commission also does not need to make a recommendation to the City Council.

However, the sign ordinance is closely tied to a property’s zoning. Additionally, since the Appeals Commission has been abolished, the Planning Commission may hear variance requests or appeals to

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administrative decisions related to the Sign Ordinance. Therefore, the Commission is encouraged to review the draft ordinance.

Staff recommends the Commission hold a public hearing for this item to allow any interested parties to comment.

Staff recommends the Planning Commission discuss the proposed amendments and make a recommendation to the City Council.

The Council is scheduled to hold the first reading of this ordinance on November 8, 2021.

Attachments and Other Resources

1. Draft ordinance
2. Current ordinance
3. League of Minnesota Cities' Memo: *Sign Ordinances and the First Amendment*
4. Zoning Map

Vision Statement

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Ordinance No. 1396**Amending the Fridley City Code Chapter 214, Signs**

The City Council of the City of Fridley (City) does ordain, after review, examination and staff recommendation that Chapter 214, Signs, of the Fridley City Code (City Code) be amended as follows:

Section 1.

That Chapter 214 of the City Code entitled "Signs" be hereby repealed in its entirety and replaced with the language in Section 2 of this Ordinance.

Section 2.

That Chapter 214 of the City Code entitled "Signs" be hereby replaced with the following language:

Fridley City Code
Chapter 214 Signs

214.01 Purpose

The purpose of this Chapter is to provide a comprehensive and constitutionally-sound ordinance providing for the regulation of signs in the City. Regulation of signs is necessary to prevent traffic hazards and personal and/or property damage. The purpose of this Chapter is to:

1. Regulate the number, location, size, type, illumination, and other physical characteristics of signs within the City in order to promote the public health, safety, and welfare;
2. Maintain, enhance, and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community;
3. Improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics; and
4. Provide for the fair and consistent enforcement of this Chapter.

It is not the purpose or intent of this Chapter to regulate the message displayed on any sign, to regulate any building design or any display not defined as a sign, nor to regulate any sign which cannot be viewed from outside a building.

214.02 Definitions

Abandoned Sign: A sign which:

1. Is displayed after expiration of a Sign Permit;
2. Remains after demolition of a principal structure located on the real property where the Sign is located.

Any Sign meeting this definition shall be considered abandoned even if the Sign is legally nonconforming or authorized pursuant to a Special Use Permit or variance.

Address Sign: A Sign consisting of numbers or numbers and a street name, identifying the address of a building and/or property.

Alteration: Any major change to a Sign Structure, a Sign Face, or a Sign Area. Alteration does not include changes to the Sign's message if the message solely is changed without altering the Sign Face, Sign Structure, or the surface of the Sign.

Area Gateway Sign: A permanent, free-standing Sign located near a principal entrance of a residential or commercial property or group of properties sharing a common identity (e.g., plat, neighborhood, development, etc.).

Bench Sign: A Sign which is attached to the front and rear surfaces of a backrest of a bench.

Billboard: A permanent, free-standing Sign with a standard Sign Area of 14 foot by 48 foot.

Changeable Message: A message on a Sign or portion thereof with characters, letters, pictures, panels, or illustrations that can be changed, rearranged, or replaced electronically or manually without altering the Sign Face or the Sign Structure.

Commercial Speech: Speech advertising a business, profession, commodity, service, or entertainment.

Directional Sign: A permanent freestanding sign located no closer than 10 feet to a property line or driveway and situated so as to be readily visible to vehicles and pedestrians accessing the property.

District: A zoning district as defined in Chapter 205 Zoning of the City Code.

Electronic Changeable Message: Programmable electronic message board, and/or programmable illuminated sign.

Flag: Any fabric or similar lightweight material attached at one edge or no more than two corners of the material, usually to a staff or pole, to allow movement of the material and which contains distinctive colors, patterns, symbols, or text. If any dimension of a flag is more than

three times as long as any other dimension, it shall be regulated as a temporary sign for the purposes of this section.

Flashing Sign: A directly or indirectly Illuminated Sign which exhibits changing light or color effect by any means, to provide the illusion of intermittent flashing light, zooming, twinkling, or sparkling by means of animation.

Free-Standing Sign: A Sign which is located on the ground and not attached to any part of a building or structure.

Illuminated Sign: A Sign which contains an element designed to emanate artificial light internally or externally.

Incidental Sign: A small sign with a purpose secondary and accessory to the uses on the property on which it is located. No sign with a message legible off the premises shall be considered incidental.

Institution: A public or private institution including but not limited to places of worship, schools, hospitals and medical clinics.

Institutional Sign: A Sign on the premise of an Institution.

Interstate 694 Corridor: Any real property immediately adjacent to and within 275 feet of the centerline of Interstate 694 right-of-way.

Interstate 694 Primary Sign: A permanent, free-standing Sign located within the Interstate 694 Corridor, intended to be visible from Interstate 694, and constructed and/or erected pursuant to § 214.15 Interstate 694 Corridor Signage.

Interstate 694 Secondary Sign: A permanent, free-standing Sign located on real property within the Interstate 694 corridor, intended to be visible from public right-of-way intersecting Interstate 694, and constructed and/or erected pursuant to § 214.15 Interstate 694 Corridor Signage.

Multiple Use Non-Residential Building: A building designed for multiple occupancy of non-residential tenants.

Motion Sign: A Sign which revolves, rotates, has moving parts, or gives the illusion of motion. Motion Sign does not include Walking Signs, or Changeable Signs or Flashing Signs if the sole motion is changing lights, illuminance, or the message.

Mural: An image painted or applied to the exterior of a building wall or other permanent structure, and for which no more than five (5) percent of the total area covered by the mural, or 100 square feet (whichever is less), consists of text.

Nonconforming Sign: A Sign lawfully erected prior to the effective date of this Chapter and which fails to conform to the requirements of this Chapter.

Non-Commercial Speech: Speech not classified as Commercial Speech which includes, but is not limited to, messages concerning political, religious, social, ideological, public service, and informational topics.

Obsolete Sign Copy: Sign copy that no longer advertises or correctly identifies a use conducted on the property which the sign is located.

Permanent Sign: A Sign which is designed to be displayed for an indefinite period of time and is not easily removed or relocated.

Projecting Sign: A Sign attached to a wall space that projects perpendicularly from a building or structure.

Roof: The exterior surface and its supporting structure on the top of a building or structure.

Roof Sign: A Sign erected, placed, and/or constructed on and/or above the Roof of a building, and which is supported by the Roof.

Sign: Any letter, word, symbol, poster, picture, reading matter, advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed, or constructed, which is displayed for informational or communicative purposes, and its Sign Structure. Sign shall not include architectural features or art not intended to communicate information, nor Murals nor Flags as defined by this chapter.

Sign Area: The area of a Sign, including the border and the surface which bears the message, but excluding the Sign Structure containing no message. The area of a sign with more than one visible face shall be calculated by the sum of the area of each sign face divided by two.

Sign Face: The surface of a Sign upon, against, and/or through which the message of the Sign is exhibited.

Sign Permit: An official document or certificate granting permission to erect a sign.

Sign Structure: A structure including the supports, uprights, bracing, and framework which supports or is capable of supporting a Sign.

Special Use Permit: A Special Use Permit as defined in Chapter 205 Zoning of the City Code.

Static Display Area Signage: A durable, non-moving sign or grouping of signs constructed of plywood, rigid plastic or similar durable weatherproof materials.

Temporary Sign: A Sign which is designed to be erected or displayed for a limited period of time, including but not limited to: banners, pennants, beacons, sandwich or curb Signs, Walking Signs, Yard Signs, and balloons or other air or gas filled structures.

Vision Safety Zone: The triangular area of a corner lot beginning at the intersection of the street surface edge or curb lines, measuring 40 feet along each curb line and a straight line between the two points.

Wall Sign: A Sign which is attached to the wall of a building or structure.

Walking Sign: A Sign held by or attached to a human being who stands or walks on the premises at a business or event location. A person dressed in costume, both for the purposes of advertising and/or otherwise drawing attention to an individual, business, commodity, service, activity or product is considered a walking sign.

Window Sign: A Sign attached to the inside of a window for the purpose of viewing from outside the building. Window Sign does not include merchandise located in a window.

214.03 General Provisions for Signs

1. No Sign shall be erected, constructed, posted, and/or utilized in the City unless the Sign is safe and in compliance with this Chapter and all other provisions of the City Code.
2. No Free-Standing Sign shall be placed closer than 10 feet to any property line or driveway, except Free-Standing Temporary Signs may be placed on sidewalks within the public right-of-way during the hours that the adjacent property is open to the public, if the sign is located immediately in front of the entrance and the Sign does not violate the Americans with Disabilities Act or otherwise prohibit or impede pedestrian or vehicular traffic.
3. Freestanding Signs located within a Vision Safety Zone must have a minimum height of 10 feet from the bottom of the Sign to the finished ground grade.
4. No sign shall create a glare that will impact adjacent properties, drivers, or pedestrians

214.04 Signs Allowed in all Districts

1. **Address Signs:** Each dwelling, business, or building must have a minimum of one Address Sign, that is a minimum size as prescribed in the Building Code of four inches high and one-half inch wide. The Sign must be illuminated or reflective and visible from the public right-of-way. Where access is by means of a private road and the building address cannot be viewed from the public right of way, a monument, pole, or other sign or means shall be used to identify the structure. No Sign Permit is required for address signs.

2. Bench Signs: Bench Signs may be displayed in all Districts but only at transit stops and may not be any larger than or extend beyond any portion of the bench. A bench sign may only be placed on a bench not larger than 42 inches high or more than 30 inches wide or seven feet long overall. No Sign Permit is required for bench signs.
3. Flags: Non-Commercial flags may be displayed in all Districts in accordance with state and federal law. Any Non-Commercial flag may be displayed in lieu of the United States or State of Minnesota flag. No Sign Permit is required for flags.
4. Permanent Free-Standing Sign: Permanent Free-Standing Signs may be displayed in all Districts, subject to all requirements of the District, including permit requirements.
5. Wall Signs: Wall Signs may be displayed in all Districts but must comply with size and number requirements of the District, including permit requirements.
6. Noncommercial Signs: During a state general election year, there shall be no permit required or restrictions on size or number of Noncommercial Signs beginning 46 days before the state primary until 10 days following the state general election, pursuant to Minnesota Statutes, as may be amended from time to time. Such Signs are subject to all other restrictions for the Sign type and District including all setback requirements.

In the R-1, R-2, R-3, R-4, & S-1 Districts, Noncommercial Signs shall also be allowed at all times as Window Signs, subject to a maximum Sign Area of 40 percent of the window area where the sign is placed.

7. Temporary Signs: All other Temporary Signs may be displayed in all Districts, subject to all requirements of the District, including permit requirements.
8. Window Signs: Window Signs may be displayed in all Districts without a permit, but must comply with all size and number requirements of the District.
9. Signs may be erected within a public right-of-way in any District provided that such Sign is approved by the appropriate governmental agency with authority over the right of way.
10. Incidental Signs: Incidental signs may be displayed without a permit in all Districts, subject to all requirements of the District.
11. Hospital Signs: Notwithstanding any provisions to the contrary, due to the confusion and anxiety that may arise from emergencies, and the necessity of quickly and efficiently finding treatment, the City Council finds that hospital identification and emergency Signs may be larger than other Permanent Free-Standing Signs or Wall Signs for the public to quickly identify a hospital. Consistent with this, a Hospital Sign, including both Free-Standing and Wall Signs, may have a maximum Sign Area of 100 square feet in all Districts. A Sign Permit is required.

214.05 Signs Prohibited in All Districts

1. Signs erected or displayed upon any public right-of-way, as defined in City Code § 205.02.72, or public property, as defined in City Code § 205.02.71, except official or temporary traffic control signs, signals, or devices, at any time the public right-of-way or public property is open for public use, unless otherwise permitted by this Chapter or other applicable law. Any Sign posted in violation of this Section is declared to be abandoned property. The City may seize the Sign and immediately destroy it. A violation of this Section is a misdemeanor. The City may file a citation and seek the costs of removal.
2. Signs depicting, representing, or constituting obscene material, pursuant to Minnesota Statutes, as may be amended from time to time or other applicable law.
3. Signs which by reason of size, location, movement, content, coloring, or manner of illumination may be confused with the light of an emergency or road equipment vehicle, a traffic sign, signal, or device, or which hides from view any traffic sign, signal, or device.
4. Motion Signs.
5. Flashing Signs.
6. Signs obstructing a Vision Safety Zone.
7. Roof Signs.
8. Abandoned Signs.
9. Obsolete Sign Copy.

214.06 Permit Requirements

1. The following Signs shall not be erected, altered, reconstructed, or moved in the City without first securing a Sign Permit from the City. However, a permit shall not be required for the changing of the display surface or message on a previously approved and erected sign:
 - (a) Permanent, Free-Standing Signs, including but not limited to Area Gateway Signs, Billboards, Institutional Signs, and Interstate 694 Corridor Signs.
 - (b) Wall Signs.
 - (c) Temporary Signs not located in an R-1, R-2, R-4, or S-1 District.

(d) Static Display Area Signs.

2. For Signs requiring a Sign Permit, the content of the message or speech displayed on the Sign shall not be reviewed or considered in determining whether to approve or deny a Sign Permit. Application for a Sign Permit shall be made in writing on a form approved by the City and addressed to the City Manager or their designee. Applications shall contain the information necessary to approve the permit request.
3. The City shall approve or deny a Temporary Sign Permit within five business days of receiving a complete application. The City shall approve or deny a Permanent Sign Permit within 60 days of receiving a complete application. If the City denies the Sign Permit, the City shall provide written reasons for the denial at the time the City denies the Sign Permit.
4. A Temporary Sign Permit shall be valid for the time period stated on the approved permit. The time period for a Temporary Sign Permit shall not exceed 30 days.
5. Failure to comply with this Section is a misdemeanor.
 - (a) If a Temporary Sign is posted in violation of the permit requirements, the City may issue a citation to the Sign owner, remove the Sign, and/or invoice the property owner for the cost of the Sign Permit and any penalties as provided by Chapter 11.
 - (b) If a Permanent Sign is posted in violation of the permit requirements, the City may issue a citation to the property owner, and/or seek abatement in accordance with § 214.20, including, but not limited to, removal of the Sign, payment of the Sign Permit and any penalties as provided by Chapter 11, and enforcement costs.
6. A Sign Permit for a permanent sign shall expire if the work has not been substantially initiated within 180 days and substantially completed within one year of the date of the permit's issuance.
7. Any Sign Permit may be revoked upon failure of the holder to comply with any provision of this code or with the terms of the permit at the time of its issuance. A permit holder may appeal a decision to revoke a permit pursuant to the process set forth in § 214.22. The revocation will be stayed pending a decision on an appeal.

214.07 Signs Allowed by District.

The following table represents the allowable signage and area requirements of a single sign (in square feet) by zoning district. "No" indicates the sign type is not allowed in the district. A Sign Permit is required unless otherwise specified in this Chapter:

Sign Type	Maximum Sign Size by Zoning District (in square feet unless otherwise noted)							Number of Signs Allowed	Sign Specific Standards
	R-1, R-2, R-4, & S-1	R-3	CR-1	C-1, C-2	C-3	M-1, M-2	M-3, M-4, S-3		
Area Gateway Sign	24	32	48	80	80	80	80	1 per Development	214.07. 01
Institutional Sign	32/80/^	32/80/^						1 freestanding sign per street frontage	214.07. 02
Directional Signs	4	4	4	4	4	4	4	No numeric limit	214.07. 03
Wall Signs	3	^	^	^	^	^	^	1 sign in R-1, R-2, R-4, & S-1 2 in M-1, M-2, M-3, M-4, & S-3 & as Institutional Signs 1 per wall in CR-1, C-1, C-2, & C-3	214.07. 04
Window Signs (Percentage of Window Size)	40%*	40%*	40%	40%	40%	40%	40%	1 per window	214.07. 05
Permanent Freestanding Signs	32; as Institutional Signs only	32	48	80	80	80	80	1 per street frontage	214.07. 06
Billboards	No	No	No	No	700	700	No	No numeric limit	214.07. 07
I-694 Corridor Signs	No	No	No	By property size	By property size	By property size	By property size	1 per property	214.07. 08
Temporary Signs	6	32	32	32	32	32	32	1 per property in R-1, R-2, R-4, & S-1 1 per street frontage in all other Districts	214.07. 09
Incidental Signs	2	4	6	6	6	6	6	No numeric limit	214.07. 10
Static Display Area Signage	32; as Institutional Signs Only	48	48	48	48	48	48	1 per property	214.07. 11
*Noncommercial signs only									
^ Fifteen times the square root of the wall length where the sign is to be located									

1. Area Gateway Signs:

- (a) Maximum of one Area Gateway Sign per development. The development shall include at least six parcels or two acres of land, whichever is less, and all properties that comprise the area shall consent to the placement of the Area Gateway Sign.
- (b) The land upon which the sign is located has been dedicated for such a use by easement, plat or other legal and recordable instrument unless such sign would otherwise be permitted herein.
- (c) A maintenance agreement shall be recorded which, among other things, provides for the long-term responsibility, care, and maintenance of such sign.
- (d) Maximum height of 25 feet above the finished ground grade.
- (e) Maximum sign area of 24 square feet in R-1, R-2, R-4, & S-1 Districts, 32 square feet in the R-3 District, 48 square feet in the CR-1 District, and 80 square feet in the C-1, C-2, C-3, M-1, M-2, M-3, M-4, & S-3 Districts.

2. Institutional Signs:

- (a) In the R-1, R-2, & S-1 Residential Districts, a property which contains a legal nonresidential institutional use authorized by issuance of a Special Use Permit may display the following Institutional Signs:
 - (1) Permanent freestanding signs shall be allowed as follows:
 - ((a)) One per street frontage.
 - ((b)) Maximum sign area of 32 square feet, or 80 square feet, if located a minimum distance of 50 feet from any neighboring residential property.
 - ((c)) Maximum height of 25 feet above the finished ground grade.
 - (2) Wall Signs shall be allowed as follows:
 - ((a)) Maximum of two walls per Institution.
 - ((b)) Maximum Sign Area of 15 times the square root of the wall length on which the Sign is to be placed.
 - (3) Static Display Area signs shall be allowed as follows:
 - ((a)) One per street frontage.

((b)) Maximum size of 32 square feet.

(b) In all other districts, Institutional Signs shall be allowed by District Regulations for applicable sign type (e.g., Wall Signs, Permanent Freestanding Signs, or Static Display Area Signs).

(c) Sign Permits are required for Institutional Signs.

3. Directional Signs.

(a) Maximum Sign Area of four square feet.

(b) Minimum 20 feet in any direction between Directional Signs placed on the same property.

(c) Sign Permits are not required for Directional Signs.

4. Wall Signs.

(a) For residential properties in the R-1, R-2, R-4, & S-1 Districts, the Maximum Wall Sign Size is three square feet.

(b) For Permitted Nonresidential Uses in the R-1, R-2, & S-1 Residential Districts, a property which contains a legal nonresidential institutional use authorized by issuance of a Special Use Permit, two walls may display signs with a Maximum Sign Area of fifteen 15 times the square root of the wall length on which the Sign is to be placed.

(c) Wall signs may be placed on a maximum of two walls of properties in the M-1, M-2, M-3, M-4, and S-3 Districts.

(d) Sign Permits are required for Wall Signs.

5. Window Signs.

(a) Maximum Sign Area of 40% of the window area.

(b) In the R-1, R-2, R-3, R-4, & S-1 Districts, Noncommercial Window Signs are allowed.

(c) Sign Permits are not required for Window Signs.

6. Permanent Freestanding Signs.

(a) Maximum of one Sign per street frontage, not including Directional Signs, Billboards, Interstate 694 Primary Signs, and Interstate 694 Secondary Signs.

- (b) Maximum height of 25 feet above the finished ground grade.
- (c) Minimum distance of 50 feet from any R-1, R-2, R-4, & S-1 residential District.
- (d) May have an electronic changeable message provided:
 - (1) Message does not change more than once every eight seconds.
 - (2) Message shall never flash or have motion that may distract vehicular traffic.
 - (3) Light level shall not exceed 3-foot candles above ambient light as measured from 250 feet.
- (e) Sign Permits are required for Permanent Freestanding Signs.

7. Billboards.

- (a) Shall be permitted in the C-3, M-1, & M-2 Districts on real property adjoining the public rights-of-way of Interstate Highway 694.
- (b) Maximum height of 35 feet above the finished ground grade.
- (c) Minimum vertical distance between the bottom of the Billboard and the ground of ten feet.
- (d) Shall not exceed two Sign Faces.
- (e) Billboards with two Sign Faces shall have the Sign Faces attached back-to-back at a horizontal angle not to exceed 45 degrees.
- (f) Distances and Setbacks.
 - (1) Minimum of 1,000 feet linear between Billboards located on the same side of the public right-of-way. Distance shall be measured along the centerline of the right-of-way.
 - (2) Minimum of 2,500 linear feet between Billboards located on the same side or the opposite side of the public right-of-way that have an electronic changeable message. Distance shall be measured along the centerline of the right-of-way.
 - (3) Minimum of 30 feet from any property line abutting a public right-of-way.
 - (4) Minimum of ten feet from any other property line.

- (5) Minimum of 500 feet from any street, ramp, or merging traffic.
 - (6) Minimum of 500 feet from any residential or public District.
 - (g) The Sign Structure shall be all metal and be either painted or treated to prevent deterioration.
 - (h) Any lighting will be shielded to prevent beams or rays of light from being directed at any portion of the traveled way of the public rights-of-way, shall not be of such intensity or brilliance as to cause glare or to impair the vision of any motor vehicle operator, shall not otherwise interfere with any driver's operation of a motor vehicle, and shall not create a nuisance on adjoining property.
 - (i) Billboards shall be in addition to, and not in lieu of, Permanent Free-Standing Sign allowances.
 - (j) Sign Permits are required for Billboards.
8. Interstate 694 Corridor Signage.
- (a) Maximum of one Interstate 694 Primary Sign per tax parcel located within the Interstate 694 Corridor.
 - (b) Where the tax parcel abuts a second public right-of-way, the tax parcel shall also be allowed an Interstate 694 Secondary Sign on the frontage adjacent to the second public right-of-way.
 - (c) Height.
 - (1) For Interstate 694 Primary Signs: 35 feet above the finished ground grade.
 - (2) For Interstate 694 Secondary Signs: 25 feet above the finished ground grade.
 - (d) Maximum Sign Area.
 - (1) For Interstate 694 Primary Signs: maximum Sign Area is determined by the acreage class of the tax parcel. The following chart determines the maximum Sign Area:

<u>Acreage Class</u>	<u>Sign Size Permitted</u>
35 acres +	500 square feet
10-35 acres	240 square feet
1-10 acres	120 square feet
Less than one acre	80 square feet

- (2) For Interstate 694 Secondary Signs: maximum Sign Area of 40 square feet. The maximum Sign Area can be increased up to 80 square feet if the Sign Area of the Interstate 694 Primary Sign is reduced by the equivalent number of square feet (e.g., if the Interstate 694 Secondary Sign is 72 square feet, the maximum Sign Area of the Interstate 694 Primary Sign is reduced by 32 square feet).

(e) Setback and Location.

- (1) Interstate 694 Corridor Signage is subject to all setback requirements for Permanent Free-Standing Signs within the District.
- (2) Interstate 694 Primary Signs must be located within the Interstate 694 Corridor.
- (3) Interstate 694 Secondary Signs must be located on frontage adjacent to a public right-of-way intercepting Interstate 694.
- (f) Interstate 694 Primary Signs and Interstate 694 Secondary Signs shall be in addition to, and not in lieu of, Permanent Free-Standing Sign allowances.
- (g) Interstate 694 Primary Signs and Interstate 694 Secondary Signs are subject to all restrictions for Permanent Free-Standing Signs within the District not in conflict with this subsection.
- (h) Sign Permits are required for Interstate 694 Signs.

9. Temporary Signs.

- (a) Free-Standing Temporary Signs may be placed on sidewalks during the hours that the property placing the Temporary Sign is open to the public, if located immediately in front of the entrance and the Sign does not violate the Americans with Disabilities Act or otherwise prohibit or impede pedestrian or vehicular traffic.
- (b) Shall be limited to one sign per property in the R-1, R-2, R-4, & S-1 Districts and two per street frontage in all other Districts. The maximum Sign Area of the first Temporary Sign can be increased up to six square feet if second Temporary Sign is reduced by the equivalent number of square feet (e.g., if the first Temporary Sign is ten square feet, the maximum Sign Area of the second Temporary Sign is reduced by four square feet).
- (c) Sign Permits are not required for Temporary Signs in the R-1, R-2, R-4, & S-1 Districts. Sign Permits are required for Temporary Signs in other Districts.

10. Incidental Signs.

- (a) Must be oriented or so designed that the sign message is not legible off the premises where the Sign is displayed.
- (b) The Sign must be accessory to the use(s) on the property on which it is located.
- (c) A Sign Permit is not required for incidental signs.

11. Static Display Area Signage.

- (a) A manual Changeable Message may comprise up to 50% of the Static Display Area Signage.
- (b) May not include an Electronic Changeable Message.
- (c) May not be internally illuminated.
- (d) Maximum height of six feet for freestanding Static Display Area Signage.
- (e) One Static Display Area Signage installation is allowed per street frontage.
- (f) Legal Nonconforming Real Estate Signs and Construction Signs established prior to the effective date of this ordinance shall be included in a property's allowance for Static Display Area Signs.
- (g) Static Display Area Signage shall be allowed in addition to other freestanding or wall signs for a property.

214.08 Sign Erectors' License Requirements

No person, firm, or corporation shall engage in the business of erecting, altering, constructing, moving, or removing Permanent Free-Standing Signs under this Chapter unless a license to do so has been approved by the City. The annual license fee and expiration date shall be as provided in Chapter 11 of the City Code. A license is not required for changes to an existing Sign not constituting Alteration.

214.09 Existing Signs

1. Sign Maintenance.

- (a) The Sign Structure and surfaces of all Signs shall be maintained in a safe and presentable condition at all times, including the replacement of defective parts,

painting, repainting, cleaning, and other acts required to prevent the Sign and/or Sign Structure from becoming unsafe or hazardous.

(b) When any Permanent Sign erected pursuant to a Sign Permit is removed, the City shall be notified, and the entire Sign shall be removed.

2. Nonconforming Signs. Nonconforming signs shall be treated like other nonconforming uses and structures as for provided in City Code § 205.04.3, or as otherwise specified Minnesota Statute as may be amended from time to time. However, Nonconforming Signs may not be continued if the Sign is abandoned.

3. Public Nuisance.

(a) The following are deemed to be public nuisances:

(1) Electronic Signs which are non-working, have burnt out bulbs or incoherent messages, or are malfunctioning.

(2) Signs which have an incoherent message or missing characters.

(3) Signs that due to defective parts or lack of maintenance are deemed unsafe or hazardous.

(4) Signs that are dilapidated or damaged.

(5) Abandoned Signs.

(6) Obsolete sign copy that has not been covered or removed within 30 days after written notification from the City.

(7) Signs in violation of this Chapter, including but not limited to, those posted without a necessary Sign Permit, Signs in excess of number limitations, Signs exceeding size limitations, Signs in violation of setback and location requirements, Signs impeding pedestrian or vehicular traffic, Changeable Messages changing more quickly than allowed, Electronic Signs exceeding luminance levels, and Signs that otherwise are a menace to the general health, safety, and welfare of the public.

(b) If the City determines a Sign is a public nuisance, the City may proceed in accordance with § 214.12 and may bill the costs of enforcement to the property owner.

214.10 Multiple Use Non-Residential Buildings

1. All owners of multiple use non-residential buildings containing three or more non-residential units, if they have not already done so, must submit a comprehensive Sign Plan to the City Manager or their designee for approval.
2. All future Signs erected within the multiple use non-residential building shall conform to the conditions of the Sign Plan.
3. Existing Signs within the multiple use non-residential building which do not meet the requirements of this Chapter and/or Sign Plan, shall be defined as a Nonconforming Sign and shall be subject to the restrictions set forth in § 219.09.02.

214.11 Enforcement

The City Manager or their designee shall be responsible for the enforcement of this Chapter.

214.12 Violations

1. Any Sign that which is unsafe, appears unkempt or neglected, has been constructed or erected in violation of the City Code is a hazard to the health, safety, and/or general welfare of the public or is in violation of any other section of the City Code is hereby declared to be a nuisance and to be in violation of this Chapter.
2. Any person who has erected a Sign without securing the necessary Sign Permit prior to erection, shall, when subsequently securing such Sign Permit, be required to pay an investigation fee equal to the Sign Permit fee and shall be subject to all other penal provisions of this City Code.
3. Notice of violations, hearings, and abatement shall be governed by the provisions in City Code Chapter 128 providing for the abatement of nuisances. Copies of the notice shall be mailed to the property owner. Administrative assessments and penalties may be assessed as provided in Chapter 11 to the property owner.
4. Nothing in this Section or in City Code Chapter 128 shall be deemed to prevent the City from seeking other relief and penalties, including but not limited to, criminal penalties.

214.13 Penalty

Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 and Chapter 11 of the City Code. Each day the violation continues in existence shall be deemed a separate violation.

214.14 Appeals

1. To provide for a reasonable interpretation of the provisions of this Chapter, any owner, tenant, applicant, or any other person or business aggrieved by any order, requirement, decision, or determination made by the City or its representatives in the enforcement and interpretation of this Chapter may request a hearing before the Planning Commission. Appeals shall be governed by the procedure in City Code § 205.07
2. Any owner, tenant, applicant, or any other person or business aggrieved by a final decision of the Planning Commission, pursuant to the procedure in City Code § 205.07 may seek judicial review within 30 days after the final decision.

214.15 Noncommercial Speech Substitution

Signs containing Noncommercial Speech are permitted anywhere that Signs containing Commercial Speech are permitted, subject to the same regulations applicable to such Signs.

214.16 Variances

Variances to the strict application of this Chapter may be granted under the provisions established under City Code § 205.05.6.

214.17 Severability

If any subsection, sentence, clause, or phrase of this section is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section. The City Council hereby declares that it would have adopted this section in each subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses, or phrases be declared invalid.

Passed and adopted by the City Council of the City of Fridley on this _____ day of _____, 2021.

Scott J. Lund - Mayor

Melissa Moore - City Clerk

Public Hearing:
First Reading:
Second Reading:
Publication:

FRIDLEY CITY CODE
CHAPTER 214. SIGNS

(Ref. 318, 330, 344, 382, 438, 666, 672, 799, 837, 860, 913, 1171, 1233, 1267, 1323)

214.01. PURPOSE

The purpose of this Chapter is to protect and promote the public health, safety and general welfare of the City of Fridley through the establishment of a comprehensive and impartial set of regulations governing the erection, display and use of signs serving as a visual media to persons upon public or private properties. These regulations are intended to provide an opportunity for effective communication, allow a reasonable freedom of choice and promote a concern for the visual amenities on those people designing, displaying, erecting or utilizing signs while at the same time assuring that the public health, safety and general welfare of the City is preserved.

214.02. DEFINITIONS

The following words and terms, wherever they occur in this Chapter, are defined as follows and shall apply in its interpretation and application:

1. Abandoned Sign.

A sign which no longer correctly advertises a bona fide business, lessor, owner, activity, use or product available on the premises where the sign is displayed for a continuous period of more than three (3) months.

2. Address Sign.

A sign consisting of numbers or numbers and a street name, identifying the address of a building.

3. Advertising Sign.

A sign which is used to advertise products, goods, uses or services.

4. Alteration.

Any major change to a sign structure or the change of a sign face, excluding routine maintenance, of an existing sign. (Ref 1233)

5. Area Identification Sign.

A sign which identifies the name of a neighborhood, a residential subdivision, a multiple residential complex or a business or industrial area.

6. Banners And Pennants.

A temporary sign constructed of cloth, canvass, paper, plastic film or light fabric.

7. Bench Sign.

A sign which is attached to a bench.

8. Billboard.

A sign advertising a business, product, service, use or entertainment which is conducted, sold or offered somewhere other than on the premises where the sign is located.

9. Changeable Sign, Automatic.

An electronically controlled sign, including a time, temperature or date sign, or a message center or a readerboard, where different message changes are shown on the same panel.

10. Changeable Sign, Manual.

A sign on which the message is changed manually.

11. Construction Sign.

A temporary sign erected at a construction site identifying the project. It may include the name of the architect engineer, contractor, financier or other information about the project.

12. District.

A zoning district as defined in Chapter 205, Zoning, of the City Code.

13. Electronic Message or Dynamic Sign

Programmable electronic message board, and/or programmable illuminated sign.

14. Flashing Sign.

An illuminated sign which has intermittent flashing lights, revolving beacons, zip flashers or exhibits a noticeable change in color or light intensity.

15. Free Standing Sign.

A sign which is securely attached to the ground and not attached to any part of a building or structure.

16. Governmental Sign.

A sign which is erected by a governmental unit for the purpose of directing or guiding traffic or providing public information.

17. Illuminated Sign.

A sign which is illuminated by an artificial light source.

18. Information Sign.

A sign giving information or directions to employees, visitors or delivery vehicles and containing no advertising. An information sign may display the name, address or identifying symbol of the business.

19. Institutional Sign.

A sign which identifies a public or private institution including churches, schools, hospitals and medical clinics.

20. Interstate 694 Corridor (Ref Ord 1233)

Any commercial, industrial, or S-2 redevelopment property immediately adjacent to Interstate 694 right-of-way.

21. Motion Sign.

A sign which revolves, rotates, has moving parts or gives the illusion of motion.

22. Nonconforming Sign, Legal.

A sign which lawfully existed prior to the adoption of this Chapter, but does not comply with all requirements of this Chapter.

23. Nonconforming Sign, Illegal.

Any sign in any district which was constructed in violation of any requirements of this Chapter, and is not a legal nonconforming sign. (Ref 837)

24. Permanent Sign.

A sign constructed of materials including plastic or metal that are durable and easily maintained, and which is intended to be used for an indefinite period of time. Signs painted directly on structures, wood or wood products are not authorized or included in this definition.

25. Personal Expression Sign.

A sign which expresses an opinion or feeling of an individual or group and which its principal purpose, is not for the promotion of any good or service. (Ref. 860)

26. Political Sign.

A temporary sign advertising election issues or the candidacy of a person running for public office.

27. Porta-panel.

A portable sign, mounted on wheels and used for commercial as well as civic promotions.

28. Projecting Sign.

A sign, attached to a wall, that projects perpendicular from a building or structure.

29. Real Estate Sign.

A temporary sign erected for the purpose of selling, leasing or promoting real estate.

30. Roof Sign.

A sign which is erected, constructed or attached above the roof line of a building, except where the roof is an extended facade or mansard.

31. Rummage/Garage Sale Sign.

A temporary sign which advertises or directs the public to the, sale of used merchandise, sold from a private residence.

32. Shopping Center/Multiple Use Building.

A building planned and developed for multiple occupancy whether as a commercial or industrial use.

33. Sign.

A painted panel, lettered board, series of letters or symbols or other display, and any supporting structure used to advertise, direct, identify, inform or convey a message to anyone who views it.

34. Sign Area.

The area of a sign, including the border and the surface which bears the advertisement. In the case of messages, figures or symbols attached directly to any part of a building or sign structure, it is that area which is included in the smallest geometric figure which can be made to circumscribe the message, figure or symbol.

35. Sign Area, Maximum.

The maximum allowable sign area for a single faced free standing sign refers to that single facing. When a free standing sign has multiple faces, then the maximum allowable sign area doubles.

36. Sign Structure.

Any structure which supports or is capable of supporting a sign, but not including a building to which a sign is attached.

37. Temporary Sign.

Any sign fabricated of paper, plywood, fabric, or other light, impermanent material. Including but not limited to (Ref 1233):

- A. A sign with wheels removed.
- B. A sign with chassis or support constructed without wheels.
- C. A or T frame signs.
- D. Signs temporarily or permanently attached to the ground, a structure, or other signs.
- E. A sign mounted on a vehicle for advertising purposes, parked, and visible from public right-of-way, except signs identifying the business when the vehicle is being used for normal day to day business operations.
- F. Menu and sandwich boards.
- G. Searchlight stands.
- H. Hot air or gas-filled balloons or umbrella's used for advertising.
- I. Banners.

38. Wall Graphic.

A graphic design or decorative mural, not intended for identification or advertising purposes, which is painted directly on the exterior surface of a building.

39. Wall Sign.

A sign which is attached to the wall of a building or structure.

40. Window Sign.

A sign attached to the inside of a window for the purpose of viewing from outside the building. This term does not include merchandise located in a window.

214.03. GENERAL PROVISIONS FOR ALL DISTRICTS

The following provisions shall apply to Sections 214.04 through 214.07. Any sign shall be constructed in such a manner and of such material that it will be safe and substantial. Nothing in this Chapter shall be interpreted as authorizing the erection or display of any sign not now permitted under Chapter 205 of the City Code.

214.04. SIGNS PROHIBITED IN ALL DISTRICTS

1. Any permanent signs, other than governmental signs, erected or displayed upon any right of way or public property.
2. Any signs or wall graphics that contain words or pictures of obscene, pornographic or immoral character.
3. Any signs painted directly on buildings.
4. Any signs which by reason of size, location, movement, content, coloring or manner of illumination may be confused with the light of an emergency or road equipment vehicle, a traffic sign, signal or device or which hides from view any traffic sign, signal or device.
5. Any projecting signs.
6. Any motion signs.
7. Any flashing signs.
8. Any signs located within a corner vision safety zone as defined in Chapter 205.

214.05. SIGNS ALLOWED IN ALL DISTRICTS, WITHOUT A SIGN PERMIT UNLESS OTHERWISE SPECIFIED

1. Address Signs.

Each dwelling, business or building must have a minimum of one (1) address sign, that is a minimum of three and one-half (3-1/2) inches high and a maximum of twenty-four (24) inches high. The sign must be illuminated or reflective and visible from the public right of way.

2. Bench Signs.

Displayed only at bus stops and cannot be any larger than or extend beyond any portion of the bench.

3. Flags.

Shall be displayed as outlined in Title 36, Section 173-378 of the United States Code, State Flag and Corporate Flag.

4. Governmental Signs.

5. Informational Signs.

Provided they meet the following requirements:

- A. A maximum size of four (4) square feet in area.

B. A minimum distance of ten (10) feet from any property line or driveway.

6. Institutional Signs.

By sign permit provided they meet the following requirements:

A. Free standing signs. One (1) per development.

- (1) A maximum size of thirty-two (32) square feet in area (except as provided in Section 214.05.6.A.(2)).
- (2) A maximum size of eighty (80) square feet in area is allowed per development provided the following criteria can be met:
 - a. Signs over thirty-two (32) square feet shall be placed a minimum of fifty (50) feet from any neighboring residentially zoned property (not including a residential site an institution is located upon).
 - b. Signs shall be placed so illuminated sign face is perpendicular to adjacent roadways.
 - c. Sign shall not create a glare that will impact adjacent residential properties.
- (3) A maximum height of twenty-five (25) feet above the finished ground grade.
- (4) A minimum height of ten (10) feet from the bottom of the sign to the finished ground grade within twenty-five (25) feet of a driveway or a corner vision safety zone.
- (5) A minimum distance of then (10) feet from any property line or driveway (except as defined in Code Section 214.05.6.A.(2)a.

B. Electronic Message and/or Dynamic Sign provided:

1. Message does not change more than once every eight (8) seconds.
2. Message shall never flash or have motion that may distract vehicular traffic.
3. Luminance levels must comply with the following: 5,000 nits in the daytime hours and not more than 500 nits in the evening nighttime hours.

C. Wall Signs. The total sign area shall not exceed fifteen (15) times the square root of the wall length on which the sign is to be placed.

D. Temporary Signs.

- (1) May be displayed for a period of fourteen (14) days after a permit is issued by the City. Such signs shall be restricted to one per tax parcel/development at any one time. The number of permits issued per year for a single or multiple use buildings/shopping centers shall be based upon the number of businesses within said building as follows:

<u>Number of Businesses</u>	<u>Maximum Number of Permits Allowed</u>
1-5	2
6-10	4
11-15	6
16+	8

- (2) The use of such sign by businesses within the building shall be the responsibility of the property owner or designated manager. All temporary sign permit applications must be signed by said property owner or designated manager before processing can begin.
- (3) All temporary signs shall be located on the property on which the business is located. Such signs shall be located a minimum distance of ten (10) feet from any property line or driveway so as not to interfere with pedestrian or vehicular traffic.
- (4) Prior to the issuance of a permit, a deposit of \$200.00 in the form of a certified check or money must be provided to the City. Said deposit will be refunded only if the sign is removed by noon of the next business day after the permit period expires.

E. A hospital emergency sign may be a maximum of 100 square feet in area.

7. Personal Expression Sign.

Provided they meet the following requirements:

- A. A maximum size of thirty-two (32) square feet in area per sign.
- B. A maximum of three signs per tax parcel.
- C. A maximum distance of ten (10) feet from any property line or driveway.
- D. The sign is erected by the owner of the property upon which it is located, or the tenant with the permission of the owner. (Ref. 860)

214.06. TEMPORARY SIGNS ALLOWED IN ALL DISTRICTS WITHOUT A SIGN PERMIT

1. Construction Signs.

- A. Multiple Developments. Construction signs may be erected for the purpose of identifying a development of ten (10) or more dwellings, ten (10) or more manufactured homes, three (3) or more multiple dwellings, or a building consisting of three (3) or more businesses or industries, with the following restrictions:
 - (1) One (1) sign per street frontage.
 - (2) A maximum size of fifty (50) square feet in area per development.
 - (3) Located no closer than 100 feet to a building outside the development.
 - (4) A minimum distance of ten (10) feet, from any property line or driveway.
 - (5) To be removed upon completion of the construction.

B. Other Developments.

- (1) One (1) sign per building.
- (2) A maximum size of six (6) square feet in area.
- (3) A minimum distance of ten (10) feet from any property line or driveway.
- (4) To be removed upon completion of the construction.

2. Real Estate Signs.

A. Multiple Developments. Real estate signs may be erected for the purpose of selling, leasing or promoting development of ten (10) or more dwellings, ten (10) or more manufactured homes, three (3) or more multiple dwellings or a building consisting of three (3) or more businesses or industries, with the following restrictions:

- (1) One (1) sign per street frontage.
- (2) A maximum size of fifty (50) square feet in area per development.
- (3) Located no closer than 100 feet to a building outside of the development.
- (4) To be removed when the project is ninety-five percent (95%) sold or leased.
- (5) A minimum distance of ten (10) feet from any property line or driveway.

B. Other Developments.

- (1) One (1) sign per building.
- (2) A maximum size of six (6) square feet in area.
- (3) To be removed within five (5) days following the sale or lease of the building.
- (4) A minimum distance of ten (10) feet from any property line or driveway.
- (5) "Open House" signs are allowed only during the day of the open house.

3. Political Signs.

- A. A maximum size of thirty-two (32) square feet in area.
- B. To not be placed until 46 days before a special or regular election.
(Ref Ord 1267)
- C. To be removed within ten (10) days following the election.

- D. All political signs must be placed a minimum distance of ten (10) feet from a street curb and ten (10) feet from any driveway.

4. Rummage/Garage Sale Signs.

- A. A maximum size of three (3) square feet in area.
- B. To be removed within three (3) days following the sale.

214.07. SIGNS ALLOWED WITH A SPECIAL USE PERMIT

1. Billboards.

214.08. SPECIFIC DISTRICT REQUIREMENTS

In addition to those signs allowed in all districts, the following signs are allowed in each specific district and shall be regulated as to type, size, and setback according to the following requirements.

214.09. TYPES, SIZES, AND SETBACKS FOR R-1 AND R-2 RESIDENTIAL DISTRICTS, BY SIGN PERMIT UNLESS OTHERWISE SPECIFIED.

1. Area Identification Signs.

- A. One (1) sign per development.
- B. A maximum size of twenty-four (24) square feet in area.
- C. A minimum distance of ten (10) feet from any property line or driveway.

2. Wall Signs. (No sign permit required)

- A. One (1) sign per dwelling unit.
- B. A maximum size of three (3) square feet in area.

214.10. TYPES, SIZES AND SETBACKS FOR R-3 RESIDENTIAL DISTRICT, BY SIGN PERMIT UNLESS OTHERWISE SPECIFIED.

1. Area Identification Signs

- A. One (1) sign per development.
- B. A maximum size of twenty-four (24) square feet in area.

- C. A minimum distance of ten (10) feet from any property line or driveway.
- D. A maximum height of twenty-five (25) feet above the finished ground grade.
- E. A minimum height of ten (10) feet from the bottom of the sign to the finished ground grade when within twenty-five (25) feet of a driveway or corner vision safety zone.

2. Wall Signs.

The total sign area shall not exceed fifteen (15) times the square root of the wall length on which the sign is to be placed.

3. Temporary Signs.

- A. May be displayed for a period of fourteen (14) days after a permit is issued by the City. Such signs shall be restricted to one per tax parcel/development at any one time. The number of permits issued per year for a single or multiple use buildings/shopping centers shall be based upon the number of businesses within said building as follows:

<u>Number of Businesses</u>	<u>Maximum Number of Permits Allowed</u>
1-5	2
6-10	4
11-15	6
16+	8

- B. The use of such sign by businesses within the building shall be the responsibility of the property owner or designated manager. All temporary sign permit applications must be signed by said property owner or designated manager before processing can begin.
- C. All temporary signs shall be located on the property on which the business is located. Such signs shall be located a minimum distance of ten (10) feet from any property line or driveway so as not to interfere with pedestrian or vehicular traffic.
- D. Prior to the issuance of a permit, a deposit of \$200.00 in the form of a certified check or money must be provided to the City. Said deposit will be refunded only if the sign is removed by noon or the next business day after the permit period expires.

214.11. TYPES, SIZES, AND SETBACKS FOR CR-1 DISTRICTS BY SIGN PERMIT UNLESS OTHERWISE SPECIFIED

1. Free Standing Signs.

- A. One (1) sign per street frontage.
- B. A maximum size of forty-eight (48) square feet in area per development.

- C. A maximum height of six (6) feet above the finished ground grade.
- D. A minimum distance of ten (10) feet from any property line or driveway.
- E. Electronic Message and/or Dynamic Sign provided:
 - 1. Message does not change more than once every eight (8) seconds.
 - 2. Message shall never flash or have motion that may distract vehicular traffic.
 - 3. Luminance levels must comply with the following: 5,000 nits in the daytime hours and not more than 500 nits in the evening nighttime hours.

2. Roof Signs.

- A. One (1) sign per development.
- B. The use of a roof sign will substitute for the free standing sign along the street the roof sign is intended to be viewed.

3. Window Signs. (No sign permit required)

A maximum coverage of forty percent (40%) of the window area, excluding merchandise.

4. Wall Signs.

The total sign area shall not exceed fifteen (15) times the square root of the wall length on which the sign is to be placed.

5. Temporary Signs.

- A. May be displayed for a period of 14 days after a permit is issued by the City. Such signs shall be restricted to one per tax parcel/development at any one time. The number of permits issued per year for single and multiple use buildings/shopping centers shall be based upon the number of businesses within said building as follows:

<u>Number of Businesses</u>	<u>Maximum Number of Permits Allowed</u>
1-5	2
6-10	4
11-15	6
16+	8

- B. The use of such sign by businesses within the building shall be the responsibility of the property owner or designated manager. All temporary sign permit applications must be signed by said property owner or designated manager before processing can begin.
- C. All temporary signs shall be located on the property on which the business is located. Such signs shall be located a minimum distance of ten (10) feet from any property line or driveway so as not to interfere with pedestrian or vehicular traffic.
- D. Prior to the issuance of a permit, a deposit of \$200.00 in the form of a certified check or money order must be provided to the City. Said deposit will be refunded only if sign is removed by noon of the next business day after the permit period expires.

214.12. TYPES, SIZES, AND SETBACKS FOR C-1, C-2 AND C-3 DISTRICTS, BY SIGN PERMIT UNLESS OTHERWISE SPECIFIED

1. Free Standing Signs.

- A. One (1) sign per street frontage.
- B. A maximum size of eighty (80) square feet in area per development.
- C. A maximum height of twenty-five (25) feet above the finished ground grade.
- D. A minimum height of ten (10) feet from the bottom of the sign to the finished ground grade when within twenty-five (25) feet of a driveway or a corner vision safety zone.
- E. A minimum distance of ten (10) feet from any property line or driveway.
- F. A minimum distance of fifty (50) feet from any residential district.
- G. Electronic Message and/or Dynamic Sign provided:
 - 1. Message does not change more than once every eight (8) seconds.
 - 2. Message shall never flash or have motion that may distract vehicular traffic.
 - 3. Luminance levels must comply with the following: 5,000 nits in the daytime hours and not more than 500 nits in the evening nighttime hours.

2. Roof Signs.

- A. One (1) sign per development.
- B. The use of a roof sign will substitute for the free standing sign along the street the roof sign is intended to be viewed.

3. Window Signs. (No sign permit required)

A maximum coverage of forty percent (40%) of the window area, excluding merchandise.

4. Wall Signs.

The total sign area shall not exceed fifteen (15) times the square root of the wall length on which the sign is to be placed.

5. Temporary Signs.

- A. May be displayed for a period of 14 days after a permit is issued by the City. Such signs shall be restricted to one per tax parcel/development at any one time. The number of permits issued per year for single and multiple use buildings/shopping centers shall be based upon the number of businesses within said building as follows:

Number of Businesses	Maximum Number of Permits Allowed
1-5	2
6-10	4
11-15	6
16+	8

- B. The use of such sign by businesses within the building shall be the responsibility of the property owner or designated manager. All temporary sign permit applications must be signed by said property owner or designated manager before processing can begin.
- C. All temporary signs shall be located on the property on which the business is located. Such signs shall be located a minimum distance of ten (10) feet from any property line or driveway so as not to interfere with pedestrian or vehicular traffic.
- D. Prior to the issuance of a permit, a deposit of \$200.00 in the form of a certified check or money order must be provided to the City. Said deposit will be refunded only if sign is removed by noon of the next business day after the permit period expires.

6. Billboards.

Shall be permitted only in the C-3 District within this Section. Specific requirements are listed under Section 214.14.

214.13. TYPES, SIZES AND SETBACKS FOR M-1, M-2, M-3, M-4, and S-3 DISTRICTS BY SIGN PERMIT UNLESS OTHERWISE SPECIFIED

1. Free Standing Signs.

- A. One (1) sign per street frontage.
- B. A maximum size of eighty (80) square feet in area per development.
- C. A maximum height of twenty-five (25) feet above the finished ground grade.
- D. A minimum height of ten (10) feet from the bottom of the sign to the finished ground grade when within twenty-five (25) feet of a driveway or a corner vision safety zone.
- E. A minimum distance of ten (10) feet from any property line or driveway.
- F. A minimum distance of fifty (50) feet from any residential district.
- G. Electronic Message and/or Dynamic Sign provided:
 - 1. Message does not change more than once every eight (8) seconds.
 - 2. Message shall never flash or have motion that may distract vehicular traffic.
 - 3. Luminance levels must comply with the following: 5,000 nits in the daytime hours and not more than 500 nits in the evening nighttime hours.

2. Roof Signs.

- A. One (1) sign per development.
- B. The use of a roof sign will substitute for the free standing sign along the street the roof sign is intended to be viewed.

3. Window Signs. (No sign permit required)

A maximum coverage of forty percent (40%) of the window area, excluding merchandise.

4. Wall Signs.

- A. Allowed only on two (2) different walls per business.
- B. The total sign area shall not exceed fifteen (15) times the square root of the wall length on which the sign is to be placed.

5. Temporary Signs.

- A. May be displayed for a period of 14 days after a permit is issued by the City. Such signs shall be restricted to one per tax parcel/development at any one time. The number of permits issued per year for single and multiple use buildings/shopping centers shall be based upon the number of businesses within said building as follows:

Number of Businesses	Maximum Number of Permits Allowed
1-5	2
6-10	4
11-15	6
16+	8

- B. The use of such sign by businesses within the building shall be the responsibility of the property owner or designated manager. All temporary sign permit applications must be signed by said property owner or designated manager before processing can begin.
- C. All temporary signs shall be located on the property on which the business is located. Such signs shall be located a minimum distance of ten (10) feet from any property line or driveway so as not to interfere with pedestrian or vehicular traffic.
- D. Prior to the issuance of a permit, a deposit of \$200.00 in the form of a certified check or money order must be provided to the City. Said deposit will be refunded only if sign is removed by noon of the next business day after the permit period expires.

6. Billboards.

Shall be permitted in the M-1, M-2 and M-3 Districts within the Section. Specific requirements are listed under Section 214.14.

214.14. BILLBOARD REQUIREMENTS

Billboards shall be permitted in only C-3, M-1, M-2 and M-3 Districts. The following requirements shall be considered as minimum standards when issuing a special use permit to erect a billboard. The City Council may impose additional requirements.

1. Billboards shall be restricted to property adjoining the right-of-ways of Interstate Highway 694, Trunk Highway 47, Trunk Highway 65 and East River Road south of Interstate Highway 694.
2. The maximum height is twenty-five (25) feet above the finished ground grade, unless the sign is intended to be viewed from a highway, then the twenty-five (25) foot maximum height shall be computed from the centerline of the traveled highway, but in no case shall the vertical distance between the bottom of the sign and the ground be reduced to less than ten (10) feet.
3. The maximum sign area is three hundred (300) square feet facing, not to exceed two (2) facings, when erected on East River Road south of Interstate Highway 694, on Trunk Highway 47 and on Trunk Highway 65; and seven hundred fifty (750) square feet per facing, not to exceed two (2) facings, when erected on Interstate Highway 694. Double faced signs shall be attached back to back at a horizontal angle not to exceed forty-five (45) degrees.
4. The minimum distance between billboard signs is one thousand (1000) feet when erected on the same side of the highway.
5. The minimum setback from the highway right-of-way is thirty (30) feet.
6. The minimum distance is five hundred (500) feet from a billboard sign to the intersection of any street or ramp where traffic crosses or merges at the same elevation. The distance is determined by measuring from the intersection of the street and highway centerlines and the sign.
7. The minimum distance to a residential and public district is five hundred (500) feet.
8. The sign structure shall be all metal and be either painted or treated to prevent deterioration. Lack of proper maintenance shall be cause for revocation of the sign permit.
9. The minimum distance to a railroad crossing is three hundred fifty (350) feet when there are lights and a gate, and five hundred (500) feet from a railroad crossing without lights and/or a gate.
10. Any lighting will be shielded to not impair the vision of any motor vehicle operator or to create a nuisance on adjoining property.

214.15. TYPES, SIZES, AND SETBACKS FOR P, PUD, AND S-2 DISTRICTS, BY SIGN PERMIT UNLESS OTHERWISE SPECIFIED.

Sign requirements in Public and Planned Unit Development districts will be controlled by the City Council when any development is planned.

214.16. SHOPPING CENTERS AND MULTIPLE USE BUILDINGS

1. Within 180 days of the adoption of this Chapter, all owners of shopping centers and multiple use buildings of three (3) or more businesses or industries, if they have not already done so, must submit a comprehensive sign plan to the City Council for approval.
2. All future signs erected within the shopping center or multiple use building shall conform to the conditions of the sign plan and may be subject to conditions other than those in the district regulations in order to promote uniform sign appearance.
3. Existing signs within the shopping center or multiple use building which do not meet the requirements of this Chapter and/or sign plan, shall be defined as a legal nonconforming sign, and shall be subject to the restrictions set forth in 214.17.2.(B).

214.17. INTERSTATE 694 CORRIDOR SIGNAGE REQUIREMENTS

1. All properties zoned CR-1, C-1, C-2, C-3, M-1, M-2, M-3, S-2 and located within two hundred seventy-five (275) feet from the centerline of Interstate 694 (see Appendix A) shall be allowed two (2) free-standing signs per development. The primary (Interstate) free-standing sign will be allowed based on the maximum square footage of the acreage of the development. The following chart determines the size sign each development shall be allowed.

<u>Acreage Class</u>	<u>Sign Size Permitted</u>
35 acres +	500 square feet
10-35 acres	240 square feet
1-10 acres	120 square feet
Less than 1 acre	80 square feet

2. The primary free-standing sign shall be located a minimum of ten (10) feet from any property line and the adjacent Interstate 694 right-of-way and located within the two hundred seventy-five (275) foot buffer strip (see Appendix A). All applicants for a sign permit within the buffer strip shall provide a certificate of survey ensuring that the sign will be placed within the two hundred seventy-five (275) foot buffer strip when measured from the centerline of Interstate 694.
3. The maximum height of thirty-five (35) feet above the finished ground grade.
4. The secondary free-standing sign shall be allowed where the development abuts an additional right-of-way. This secondary sign shall be permitted to be forty (40) square feet, or can be increased up to eighty (80) square feet so long as the primary (Interstate) sign is reduced by the amount of the secondary sign increase. (i.e., If the secondary sign is increased to seventy-two (72) square feet, the primary size shall be reduced by thirty-two (32) square feet.)

A. A minimum distance of ten (10) feet from any property line or driveway.

B. A maximum height of twenty-five (25) feet above finished ground grade.

5. All other signage for the properties along the Interstate 694 corridor shall refer to the specific zoning district regulations for signs provided in this Chapter.

214.18. SIGN PERMIT REQUIREMENTS

1. Sign Permit.

- A. Before a sign may be displayed in the City, the sign erector shall file an application with the City for permission to display such sign.
- B. A permit is required for all existing, new, relocated, modified or redesigned signs except those specifically exempt under Section 214.18.1E.
- C. The issuance of a permit may also be subject to additional conditions in order to promote a more reasonable combination of signs and to promote conformity with the character and uses of adjoining property. The conditions will be subject to the discretion of the City. Objections to the conditions can be appealed to the City Council by the applicant.
- D. Signs erected by a nonprofit organization are not exempt from obtaining a sign permit, but the City may waive the fee requirement.
- E. No permit is required to display the following signs. This shall not be construed as relieving the erector of a sign, or the owner of the property on which a sign is located from conforming with the other provisions of this Chapter:
 - (1) Any window signs.
 - (2) Any address signs.
 - (3) Any signs erected by a governmental unit.
 - (4) Any bench signs.
 - (5) Any memorial signs or tablets containing the names of the building, its use and date of erection, when cut or built into the wall of a building.
 - (6) Any signs which are completely within a building and are not visible from the exterior of the building.
 - (7) Any temporary signs as listed under Section 214.06.
 - (8) Any signs having an area of three (3) square feet or less.

(9) Any advertising signs on litter receptacles having an area of four (4) square feet or less per side and limited to sixteen (16) square feet per receptacle, except that approval of the design and location of the receptacle is required by the City Council.

(10) Any personal expression signs which are erected by the owner of the parcel upon which the signs are to be placed, or by the tenant with the permission of the owner. (Ref. 860)

2. Permit Application.

A. Application for a sign permit shall be made to the City on forms supplied by the City.

B. If a sign has not been erected within ninety (90) days after the date of issuance of a permit, the permit shall become null and void unless an extension is granted by the City.

C. The City may require other information as necessary to insure that the sign is erected in compliance with this Chapter.

3. Permit Fees.

Sign permit fees shall be as provided in Chapter 11 of the Fridley City Code.

214.19. SIGN ERECTORS' LICENSE REQUIREMENTS

No person, firm or corporation shall engage in the business of erecting signs under this Chapter unless a license to do so has been approved by the City Council. The annual license fee and expiration date shall be as provided in Chapter 11 of the Fridley City Code. A license shall not be required of any person who chooses to construct and erect their own sign on their own property.

214.20. EXISTING SIGNS

1. Sign Maintenance.

A. The structure and surfaces of all signs shall be maintained in a safe and presentable condition at all times, including the replacement of defective parts, painting, repainting, cleaning and other acts required to prevent the sign structure and surface from becoming hazardous or unkempt in appearance.

B. When any sign is removed, the City shall be notified and the entire sign and its structure shall be removed.

2. Legal Nonconforming Signs.

A. Any sign located within the City on the date of the adoption of this Chapter which does not conform with the provisions of this Chapter, is a "legal nonconforming" sign and is permitted, provided it also meets the following requirements:

- (1) The sign was covered by a sign permit on the date of the adoption of this Chapter, if one was required under applicable law, or
 - (2) If no sign permit was required for the sign in question, the sign was in all respects in compliance with applicable law on the date of the adoption of this Chapter.
- B. A sign shall immediately lose its "legal nonconforming" designation and be termed illegal nonconforming if:
- (1) The sign is altered in any way, except for routine maintenance and change of messages, which makes the sign less in compliance with the requirements of this Chapter than it was before the alterations.
 - (2) The supporting structure of the sign is replaced or remodeled.
 - (3) The face of the sign is replaced or remodeled.
 - (4) The sign becomes dilapidated or damaged and the cost of bringing it into compliance is more than fifty percent (50%) of the value of said sign, and no sign permit has been applied for within 180 days of when the sign is damaged, at which time all of the sign and its structure must be removed.
 - (5) Notwithstanding subparagraph (1) above, upon the change of the name of the business being displayed on this sign.

3. Abandoned Signs.

Any sign which identifies a use that has discontinued operation for period of more than three (3) months or any sign which pertains to time, event, or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management shall not be deemed abandoned unless the property remains vacant for a period of more than three (3) months. An abandoned sign is prohibited and shall be removed by the owner of the sign or the property owner.

4. Illegal nonconforming signs are prohibited within the City of Fridley. Should an illegal nonconforming sign be found to exist, the owner of said sign will have, thirty (30) days to remedy the situation in one of the following manners:

- A. Remove the existing illegal nonconforming sign. If a new sign is desired, it must meet all applicable requirements of this Chapter.
- B. Obtain a sign permit for the existing illegal nonconforming sign, and if applicable, apply for a variance to eliminate the illegal nonconforming status. (Ref. 837)

214.21. ENFORCEMENT

The City Manager or designated agent shall be responsible for, the enforcement of this Chapter.

214.22. VIOLATIONS

1. Any sign that does not comply with the provisions of this Chapter or that is a hazard to the health, safety and, general welfare of the public is hereby declared to be in violation of this Chapter.

2. Notification of Violation.

- A. If the City determines that any sign regulated by this Chapter is unsafe, a menace to the public; or has been constructed or erected without a permit first being granted to the owner of the property upon which said sign has been erected; or is in violation of an other provision of this Chapter, then the City shall issue a written notice of violation to the property owner. If the owner fails to remove the sign or bring it into compliance with, the provisions of this Chapter within twenty (20) calendar days following the date of said notice, such sign(s) may be removed by the City. The cost of this removal, including any City expenses, shall be a special assessment against the property upon which the sign(s) was located and shall be so noted in the written notice to the property owner.
- B. The City may cause any sign or sign structure which is an immediate public hazard, to be removed summarily after a reasonable attempt has been, made to have the property owner remove the sign.
- C. When the City mails the notice of violation, copies will be sent to both the permit holder and the property owner, if they are different persons.

214.23. PENALTY

Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of the Fridley City Code. Each day the violation continues in existence shall be deemed a separate violation. All signs are subject to any penalty for violation of the district requirements where they are located, even when not required to pay a fee or acquire a permit.

214.24. APPEALS

To provide for a reasonable interpretation of the provisions of this Chapter, a permit applicant who wishes to appeal an interpretation by the City may file a variance application and request a hearing before the Appeals Commission. The Commission shall hear requests for variances and make their recommendation to the City Council in the following cases:

1. Appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the City in the enforcement of this Chapter.
2. Requests for variances from the literal provisions of this Chapter in instances where the strict enforcement would cause an undue hardship. Before the Commission shall grant a variance, it is the responsibility of the applicant to prove:
 - A. That there are exceptional or extraordinary circumstances applicable to the property or to the intended use that do not apply generally to other property in the same vicinity and district.
 - B. That the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and district; but which is denied to the property in question.
 - C. That the strict application of the Chapter would constitute an unnecessary hardship.
 - D. That the granting of the variance would not be materially detrimental to the public health, safety or general welfare or detrimental to the property in the vicinity or district in which the property is located.
3. All variances granted prior to November 21, 1977, unless otherwise specified by Council, remain in effect until:
 - A. The sign is altered in any way, except for routine maintenance and change of messages, which makes the sign less in compliance with the requirements of this Chapter than it was before the alterations.
 - B. The supporting structure of the sign is replaced or remodeled.
 - C. The face of the sign is replaced or remodeled.
 - D. The sign becomes dilapidated or damaged and the cost of bringing it into compliance is more than fifty (50%) percent of the value of said sign, at which time all of the sign and its structure be removed.
 - E. Notwithstanding subparagraph (A) above, upon the change of the name of the business being displayed on this sign.

At such time, the owner of said sign will have three (3) months to obtain a sign permit and construct a sign which meets all requirements of this Chapter or, obtain a variance for any new or existing sign which does not meet all requirements of this Chapter.



Sign Ordinances and the First Amendment

Published: June 14, 2021

This content conveys general information. Do not use it as a substitute for legal advice. Any attorney general opinions cited are available from the League's Research staff.

First Amendment principles

The First Amendment protects signs as speech, and as a result courts closely review attempts to regulate signs. In 2015, the U.S. Supreme Court decided a seminal case that changed how courts review the validity of sign ordinances (*Reed v. Town of Gilbert* ([pdf](#)), 135 S. Ct. 2218 (2015)).

Prior to this decision, courts generally presumed sign ordinances were valid and considered the intent behind the adoption of the ordinance. They would only strike down ordinances where they found evidence that the city “adopted (the sign regulation) to suppress speech with which the government disagreed.” This is commonly known as content-based speech.

Since *Reed*, courts now presume that sign ordinances that restrict speech (either expressly or implicitly) are unconstitutional.

As a result, courts look first to the effect of the sign ordinance — whether the ordinance regulates signs differently based on the content or message of the sign — before conducting their analysis of the constitutionality of the ordinance.

Based on the court's determination, the court will apply one of two standards of review to the challenged ordinance. One is a content-based standard, the other is a content-neutral standard.

Content-based

If the ordinance draws distinctions based on the message communicated by the sign, the court reviews these ordinances more harshly than if the ordinance regulates signs and their placement without regard to content.

The *Reed* decision created a two-step analysis to determine if the ordinance restricts speech:

1. Does the ordinance language refer to the content or the message of the sign?
2. If not, then is there evidence showing the city adopted the regulation specifically because of disagreement (or agreement) with the message expressed by the sign?

In *Reed*, the Town of Gilbert's sign code required permitting for signs, but then listed out categories or types of signs exempt from permitting, including “political signs,” “ideological signs,” and “temporary directional signs.”

The ordinance in *Reed* also placed different physical restrictions on the separate types of signs.

The Supreme Court found this ordinance to be content-based because the regulation “on its face” looked to the message on the proposed sign to determine how the city would regulate it.

If a court finds the city expressly regulated, or intended to regulate a message or content, then the court applies a more rigorous level of review to those ordinances. This heightened level of review is called “strict scrutiny.” The court will only uphold the ordinance if:

- It furthers a compelling government interest, and
- It is narrowly tailored.

Courts have found few governmental interests represent justifiable “compelling interests.” As a result, in practice, few, regulations survive strict scrutiny.

Content-neutral

For sign ordinances that do not regulate the message or content of signs (commonly called “content-neutral”), courts apply a lower standard of review to the reasonableness of regulations. Courts generally uphold regulations that further a significant government interest, as long as reasonable alternative channels for communication exist. As a result, courts usually uphold ordinances considered content-neutral.

Courts generally uphold regulations that meet the criteria below. They are often referred to as reasonable time, place, and manner restrictions. These ordinances:

- Do not reference the content of the sign.
- Are narrowly tailored to serve a significant governmental interest (rather than compelling interest).
- Leave open ample alternative channels for communication of the information.

To help avoid challenges when adopting sign ordinances, cities should:

- Not regulate based on content.
- Not favor commercial speech over noncommercial speech.
- Further substantial government interests, such as traffic safety or aesthetics, without regulating more than necessary to accomplish their objectives.
- Leave ample alternative channels for communication, such as limiting the size of signs but still allowing signs.

(*Advantage Media, LLC v. City of Eden Prairie*, 456 F.3d 793 (8th Cir. 2006); *Hensel v. City of Little Falls*, 992 F. Supp.2d 916 (D. Minn. 2014).)

Commercial speech versus noncommercial speech

Courts treat commercial speech differently than noncommercial speech and do not afford it the same level of protection. Commercial speech enjoys some First Amendment protection but not as much protection as noncommercial speech (*Central Hudson Gas & Elec. v. Public Svc. Comm’n*, 447 U.S. 557 (1980)).

Courts have defined commercial speech as speech that proposes a commercial transaction. Understanding commercial speech versus noncommercial speech can get confusing.

Commercial speech is:

- Initiated by a person or company that engages in commerce or is selling something.
- Targets commercial audiences or audiences that are actual or potential consumers.
- Communicates a message commercial in nature, such as advertisements.

Noncommercial speech, on the other hand, includes messages that do not promote commercial products or services, such as a message that has ideological or political content.

Drafting a sign ordinance

Signs can pose distinct problems that are subject to a city's police power. Examples include taking up space, obstructing views, distracting motorists, and displacing alternative uses for land. So, cities can regulate signs, but they must do so cautiously.

The guidelines below may help cities draft ordinances to avoid the First Amendment concerns surrounding sign regulation.

[View a sample sign ordinance from the City of Hopkins](#)

Provisions to include

Statement of purpose

Include a section in the ordinance to explain the public purpose for the sign ordinance and how the city intends to apply the ordinance. It should state clearly that the city does not intend to have content-based restrictions or content-based enforcement. Cities find it a best practice to lay out the governmental interests spurring the regulations in this section.

Substitution clause

Adding a "message substitution clause" may avoid claims that an ordinance favors commercial signs over noncommercial messages. A substitution clause provides that for every commercial sign allowed, any noncommercial message could be legally substituted.

Substitution clauses help protect against allegations of discrimination (based on content) because they always allow a noncommercial message on any sign. Ordinances may sometimes inadvertently define signs in terms of advertising. As a result, it may be interpreted as allowing only commercial messages.

A substitution clause may correct these mistakes by providing a catch-all allowance of noncommercial messages notwithstanding other provisions. This is a sample substitution clause:

"Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs."

Severability clause

A severability clause provides that if a court finds any provision of the ordinance invalid, the remainder of the ordinance stands on its own. This clause may prevent a flaw in one part of the ordinance from invalidating the entire ordinance.

This is a sample severability clause:

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

Sign Ordinance. The City Council hereby declares that it would have adopted the Sign Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.”

Election season preemption

A city’s sign ordinance should acknowledge the election season preemption required by state law (Minn. Stat. § 211B.045). Under this law, municipalities must allow noncommercial signs of any size or number during election season, which runs from 46 days before the state general primary until 10 days after the state general election.

The statute does not define noncommercial sign. One Minnesota case does, however. It says a “noncommercial opinion sign” is one which “does not advertise products, goods, businesses, or services and which expresses an opinion or other point of view.” (Brayton v. City of New Brighton, 519 N.W.2d 243 (Minn. App. 1994), cert. denied, 514 U.S. 1036, (1995).)

Courts consider campaign signs a subset of noncommercial opinion speech. Outside of “election season,” including during non-general election years, a city’s local sign ordinance governs. However, even if not election season, local sign ordinances should not have the effect of prohibiting opinion speech.

Time, place, and manner regulations

Best practices suggest cities should:

- Adopt sign ordinance regulations based on time, place, and manner concerns, not on content (City of Ladue v. Gilleo, 512 U.S. 43 (1994)).
- Refrain from favoring commercial speech over noncommercial speech (Brayton v. City of New Brighton, 519 N.W.2d 243 (Minn. App. 1994)).

Examples of content-neutral restrictions include regulations based on size, brightness, zoning district, spacing, and movement.

Provisions to avoid

Unfettered discretion

Cities should avoid drafting ordinances that provide discretionary approval by the city staff (Hensel v. City of Little Falls, 992 F. Supp.2d 916 (D. Minn. 2014)).

Ordinances that give staff discretion to grant or deny have the potential to favor some messages or messengers over others. This is true whether or not an abuse of that discretion occurred. Sign ordinances should have transparent and objective permit requirements. They should make the decision to grant or deny ministerial, as opposed to subjective, in nature.

So, for example, cities should avoid provisions allowing staff discretion to deny permits, even if the application satisfies all specific ordinance requirements. Also avoid provisions that treat signs as conditional or special uses.

Exemptions or favoritism

Cities should avoid exempting certain groups or messages, such as church signs or official flags, from permit requirements in the ordinance. Courts construe these types of exemptions as content-based discrimination because a decision is made based on the text, or content, of the sign (Reed v. Town of Gilbert, 135 S. Ct. 2218 (2015)).

Including specific exemptions in sign ordinances often has the effect of “watering down” the proof that the regulation furthers a substantial government interest. For example, if an ordinance includes a prohibition on temporary signs but allows a long list of exemptions, it suggests the city is not really concerned about temporary signs.

Over-defining signs

Cities should avoid drafting ordinances in ways in which noncommercial speech inadvertently gets treated less favorably than commercial speech. For example, some cities have run into trouble by defining a “sign” as “advertising.” A court’s analysis would be as follows:

- The city ordinance defines signs as advertising devices.
- The ordinance allows signs as defined.
- The ordinance, by its definition of signs as advertising, prohibits all other types of signs.

This arguably prohibits noncommercial speech, violating the First Amendment.

Include procedural protections

Cities that require permitting should include certain procedural safeguards in their ordinance, such as:

- Specifying the time within which the city will grant or deny a permit, keeping in mind judicial preference for brevity in the response time (*FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990)).
- A requirement that, if the city denies the permit, the applicant has access to prompt judicial review.

Common sign ordinance issues

Off-premise advertising (billboards)

Off-premise advertising consists of commercial signs that advertise for a business located somewhere else than at the location where the sign is placed. Large, freestanding billboards create unique problems for land use planning and development precisely because their design intends for them to stand out from their surroundings.

Courts have found a legitimate local governmental interest in controlling the size and location of billboards, but not in controlling the sign’s communicative aspects. Indeed, billboards can distract drivers, posing real danger to both motorists and nearby pedestrians and justifying regulation (*Metromedia Inc. v. City of San Diego*, 453 U.S. 490 (1981); *Advantage Media, LLC v. City of Eden Prairie*, 456 F.3d 793 (8th Cir. 2006)).

In Minnesota, the court has upheld a sign ordinance that completely prohibited off-premise commercial advertising. But, it did so cautiously and only because the ordinance did not regulate noncommercial signs (*City of Cottage Grove v. Ott*, 395 N.W.2d 111 (Minn. App. 1986)). Because of the scrutiny applied in regulating speech, cities should use caution in adopting complete billboard prohibitions and work with their city attorneys.

Flags

Courts have recognized that the display of flags can constitute expressive conduct protected under the First Amendment as well (*Texas v. Johnson*, 491 U.S. 397 (1989); *Young v. City of*

Roseville, 78 F.Supp.2d 970 (D. Minn. 1999)).

Cities should use caution if regulating flags to avoid favoring some types of flags (particularly the United States flag) over other flags. Use of a substitution clause helps in these instances: if one type of noncommercial flag would be acceptable, any noncommercial flag should be allowed.

Yard signs, including political signs

Courts have deemed yard signs constitutionally protected (City of Ladue v. Gilleo, 512 U.S. 43 (1994); Goward v. City of Minneapolis, 456 N.W.2d 460 (Minn. App. 2990)). Best practice suggests avoiding total bans on noncommercial lawn signs in residential areas, and using caution in adopting provisions that may favor some messages over others.

For example, exemptions from sign regulations for real estate signs or construction project signs favor commercial speech over noncommercial speech. However, general limitations on the number and size of signs have withstood constitutional challenges since such limitations have nothing to do with a sign's message, and they further governmental interests in protecting property values, preventing distractions for drivers, or avoiding clutter.

Electronic signs

Electronic signs present new challenges, especially with ever-changing technology capable of new levels of brightness, movement, flashing, and potential distraction. Most sign ordinances do not adequately address these issues and how they may impact traffic safety or aesthetics.

Courts have upheld regulations on electronic or flashing signs, so long as the regulations

- Are not tied to the content of the signs.
- Serve a substantial governmental interest.
- Leave open ample alternative channels for communication.

For example, courts have found that allowing non-electronic signs, or even operating the electronic sign in a non-flashing mode, represents ample alternatives (La Tour v. City of Fayetteville, Ark., 442 F.3d 1094 (8th Cir. 2006); State v. Dahl, 676 N.W.2d 305 (Minn. App. 2004)).

Signs adjacent to highways

Minnesota law specifically regulates signs adjacent to highways. It says, in part, that it is unlawful to paint, print, place, or affix any object within the limits of any state highway, but provides for some specific signage that meets certain Department of Transportation criteria (Minn. Stat. 160.2715).

Furthermore, Minnesota's Outdoor Advertising Control Act prohibits advertising devices on private land without the consent of the owner or occupant; on public utility poles; on trees or shrubs; and by painting or drawing on rocks or natural features (Minn. Stat. Ch. 173).

[View Minnesota Department of Transportation information on billboard permits and guidance](#)

Seek further assistance

Because sign regulation is complex, cities should work with their attorney to draft and review sign ordinances.

Your LMC Resource

Jed Burkett

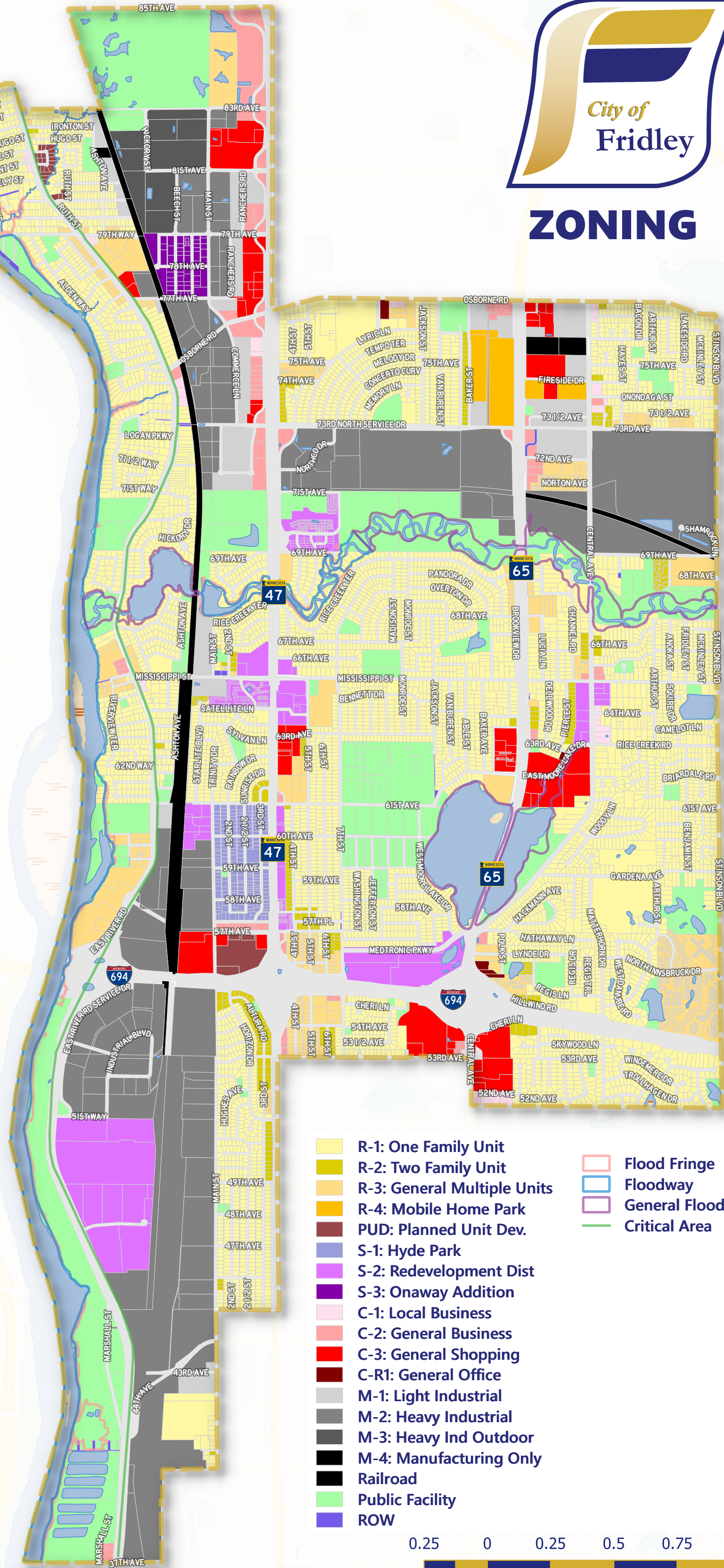
Loss Control/Land Use Attorney

(651) 281-1247 or (800) 925-1122

jburkett@lmc.org



ZONING





AGENDA REPORT

Meeting Date: October 20, 2021

Meeting Type: Planning Commission

Submitted By: Julie Beberg, Office Coordinator

Title

Approve the 2022 Planning Commission Meeting Dates

Background

Approve the 2022 Planning Commission Meeting Dates

Financial Impact

None

Recommendation

Staff recommend approval of the 2022 Planning commission meeting dates

Attachments and Other Resources

- Planning Commission Meeting Dates

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



Item 4.

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION

Memorandum

DATE: October 13, 2021

TO: Planning Commission Members

FROM: Julianne Beberg, Planning Assistant

SUBJECT: Proposed 2022 Planning Commission Meeting Dates

The following dates are for your review and approval of the proposed 2022 Planning Commission meeting dates:

Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
19	16	16	20	18	15	20	17	21	19	16	21