



CITY COUNCIL MEETING
November 4, 2020
4100 Lakeview Avenue North
Robbinsdale, Minnesota
7:00 p.m.

A G E N D A

CITIZEN PARTICIPATION

***THIS MEETING WILL BE HELD IN PERSON AT CITY HALL-COUNCIL CHAMBERS
Due to limited capacity – those planning to attend are asked to RSVP 763-531-1253.
In some cases, there may be breaks to allow for cleaning & seating transition.***

The City Council is meeting as a legislative body to conduct the business of the City according to the

RULES OF PROCEDURE AND DECORUM OF THE CITY COUNCIL. Unless so ordered by the Mayor, citizen participation is limited to the following times and always within the prescribed rules of conduct for public input at meetings.

- A) PUBLIC HEARINGS: Public hearings are conducted so that the public affected by a proposal may have input into the decision. During hearings, all affected residents will be given an opportunity to speak pursuant to the RULES OF PROCEDURE AND DECORUM OF THE CITY COUNCIL.
- B) OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE CITY COUNCIL ON MATTERS NOT ON THE AGENDA
If you would like to address the City Council on an item not on the agenda, please call in advance as noted above. For in-person meetings, the City Council Chambers has limited capacity due to COVID-19 restrictions; RSVPs are requested to assure adequate spacing.

The opportunity for the public to address the city council is not televised. Any member of the public may speak at this time on any item NOT on the agenda. In consideration for the public attending the meeting for specific items on the agenda, this portion of the meeting will be limited to fifteen (15) minutes. Individuals are requested to limit their comments to four (4) minutes or less. If the majority of the Council determines that additional time on a specific issue is warranted, then discussion on that issue shall be continued under Other Business at the end of the agenda. Before addressing the City Council, members of the public are asked to step up to the microphone, give their name, address and state the subject to be discussed. All remarks shall be addressed to the Council as a whole and not to any member thereof. No person other than members of the Council and the person having the floor shall be permitted to enter into any discussion without permission of the presiding officer.

Your participation, as prescribed by the Council's RULES, is welcomed and your cooperation is greatly appreciated.

1. CITY COUNCIL MEETING CALLED TO ORDER
2. ROLL CALL: Rogan, Selman, Backen, Blonigan, Mayor Murphy
3. **MICROPHONE CHECK:** Blonigan, Rogan, Selman, Backen, Mayor Murphy

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4. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE CITY COUNCIL ON MATTERS NOT ON THE AGENDA
5. APPROVAL OF THE NOVEMBER 4, 2020 MEETING AGENDA
6. **CONSENT AGENDA:** Pursuant to Council rules, one motion, non-debatable, will approve the recommendation noted. Any member of the Council may ask for an item to be taken from the Consent Agenda for discussion and separate action. Such items removed from the Consent Agenda shall be considered immediately following approval of the balance of the Consent Agenda:
 - A. Motion to approve and order placed on file minutes of the City Council meeting: 1-7
 - City Council Meeting 10/20/20
 - City Council Budget Work Session 10/20/20
 - B. Motion to accept the following commission minutes: 8
 - Park, Recreation & Forestry Commission – 9/22/2020 9-15
 - Planning Commission – 9/24/20 16-17
 - Human Rights Commission – 9/24/20
 - C. Motion to approve issuance of licenses dated – 11/04/2020. 18-19
 - D. Motion to approve acknowledge the Robbinsdale Wine & Spirits financial reports for the month of September 2020. 20-24
 - E. Motion to approve acknowledge the Deputy Registrar's financial reports for the month of September 2020. 25-26
 - F. Motion to authorize the Mayor and City Manager to execute a 1-year contract extension through December 31, 2021 for tree removal with Nick's Tree Service of Corcoran, MN. 27
 - G. Motion to waive the reading and order the adoption of Resolution No. _____ "A RESOLUTION AMENDING RESOLUTION NO. 7804 (Res 30) "A RESOLUTION ADOPTING THE ASSESSMENT ROLL FOR CITY PROJECT NO. 43820 – PORTIONS OF BEARD AVENUE AND 43RD AVENUE" BY EXTENDING THE INTEREST FREE REPAYMENT PERIOD." 28-30
 - H. Motion to waive the reading and order the adoption of Resolution No. _____ "A RESOLUTION APPROVING CONDITIONAL USE PERMIT REQUEST C20-6 ALLOWING A SECOND ACCESSORY STRUCTURE EXCEEDING 240 SQUARE FEET AT 3101 DREW AVENUE NORTH." 31-41 (Res 40)

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- I. Motion to designate the City Manager as the voting delegate at the Metro Cities Policy Adoption Meeting. 42
- J. Motion to approve the Deferral of Special Assessment application for Michael Thompson, 4333 York Avenue North for deferral of a special assessment related to delinquent utilities. 42A
- 7. PRESENTATION
 - A. There are no presentations scheduled
- 8. PUBLIC HEARING
 - A. There are no public hearings scheduled
- 9. OLD BUSINESS
 - A. There is no old business scheduled
- 10. NEW BUSINESS
 - A. First Reading – Sign Ordinance Update 43-100
 - 1. Hold the first reading of Ordinance No. 20-__ “AN ORDINANCE AMENDING SECTION 410 SIGNS OF THE CITY CODE” (ORD 86)
- 11. OTHER BUSINESS
 - A. Voucher Request Pending Approval for Disbursement. 101
 - Motion to approve disbursement requests for period ending 11/04/20.
- 12. ADMINISTRATIVE REPORTS
- 13. COUNCIL GENERAL COMMUNICATIONS
- 14. ADJOURNMENT



Marcia Glick, City Manager

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ITEMS PENDING OR UNDER STUDY FOR COUNCIL CONSIDERATION

ITEM	DEPARTMENT RESPONSIBILITY	ANTICIPATED AGENDA DATE
Public Hearing: Charter Amendment 37	Administration	11/17
Public Hearing: Charter Amendment 38	Administration	11/17
Consideration of Franchise Fee Extensions	Administration	11/17
Public Meeting on 2021 Budget & Levy	Finance	12/1
Public Hearing Utility Rates for 2020	Finance	12/1

City of Robbinsdale
CITY COUNCIL MINUTES
OCTOBER 20 2020
Meeting No. 20

Consent Item A

CALL TO ORDER

1. Mayor Regan Murphy called the meeting to order at 7:00 p.m.

ROLL CALL

2. Present: Blonigan, Rogan, Selman, Backen, Mayor Murphy
3. Absent:
Staff: Marcia Glick, City Manager; Patrick Foley, Police Chief; Rick Pearson,
Community Development Coordinator; Jeff Zuba, Finance Director;
Kim Moore, City Clerk

OPPORTUNITY FOR THE PUBLIC

4. Mayor Murphy opened the floor to anyone wishing to speak on any items not on the agenda.
5. John Perkins, 4221 Beard Ave N, reported a recent incident whereby Member Backen videotaped a conversation at Baken's front door. The video was posted on Facebook. Perkins officially objected to being filmed and posted on Facebook. Mayor Murphy stated that what Member Backen did was done as a private citizen on his own time and in his own home. Perkins indicated the social media should apply in this situation.
6. No one else chose to speak. Mayor Murphy closed the session.

APPROVAL OF AGENDA

7. Glick noted correction to Consent F and the addition of two emails related to Old Business A.
8. Member Selman **MOVED**, seconded by Member Backen to approve the October 20, 2020 Meeting Agenda. **The vote was unanimous and the motion carried.**

CONSENT AGENDA

9. Member Blonigan removed **Item E**.
10. Member Selman **MOVED**, seconded by Member Rogan to approve the Consent Agenda as amended, with the exception of Item E.
 - A. Motion to approve and order placed on file minutes of the City Council meeting:
 - City Council Minutes on 10/5/20
 - City Council Special Work Session 10/5/20
 - City Council Regular Work Session 10/5/20
 - City Council Special Work Session 10/13/20
 - B. Motion to accept the following commission minutes:
 - Senior Commission Minutes – 3/2/2020

- C. Motion to approve issuance of licenses dated – 10/20/2020
- D. Motion to approve September 2020 Credit Card Charges and Payments
- E. [removed]
- F. Motion to approve outdoor entertainment at Pig Ate My Pizza on October 24th and, subject to compliance with noise regulations.
- G. Motion to approve the sign permit for The Good Samaritan Society on the Robbinsdale Town Center sign band at 4080 West Broadway
- H. Motion to approve the Deferral of Special Assessment application for Richard Hubbell, 3450 Indiana Avenue North, for deferral of a special assessment related to delinquent utilities.
- I. Motion to approve the Deferral of Special Assessment application for Sharon Waight, 4031 Beard Avenue North, for deferral of a special assessment related to the 2019 Alley Reconstruction Project.
- J. Motion to approve the Deferral of Special Assessment application for Mary Ward, 4035 Beard Avenue North, for deferral of a special assessment related to the 2019 Alley Reconstruction Project.
- K. Motion to approve the Deferral of Special Assessment application for Steve Allen, 4322 France Avenue North, for deferral of a special assessment for 2016 emergency water/sewer repair and delinquent utilities.
- L. Motion to approve the Deferral of Special Assessment application for Phyllis Fitts, 3800 Vera Cruz Avenue North, for deferral of a special assessment related to administrative citations and delinquent utilities.
- M. Motion to authorize the Mayor and City Manager to execute an Agreement with Hennepin County for the provision of property assessment duties effective August 1, 2020 through July 31, 2024.

11. **The vote was unanimous and the motion carried.**

12. Member Blonigan indicated that he Pulled Item E to thank Michael Meehan for volunteering to serve on the Charter Commission.

13. Member Selman **MOVED**, seconded by Member Rogan to waive the reading and to approve Resolution No.7862, “A RESOLUTION RECOMMENDING TO THE CHIEF JUDGE OF THE HENNEPIN COUNTY DISTRICT COURT REAPPOINTMENT OF QUALIFIED VOTER OF THE CITY OF ROBBINSDALE TO THE ROBBINSDALE CHARTER COMMISSION.”

Presentation A – VFW J. Edgar Hoover Police Public Safety Award – Chris Woodhall

14. Mayor Murphy welcomed Commander Axel Korsmo from State VFW, District 217. The VFW Commander reported that he received an application from Chief Franzen, submitted on behalf of Sgt. Chris Woodhall in recognition for his excellence in the performance of his duties, his dedication to official responsibilities, and continuous growth he exhibited in developing skills needed for the excellent performance of his official responsibilities.
15. Commander Korsmo was happy to announce that Sgt. Woodhall had been selected to receive the 2020 VFW J. Edgar Hoover Police Public Safety award and presented the plaque to Woodhall.
16. Former Chief Franzen stated that it was a special honor for him to see Sgt. Woodhall receive this honor and acknowledged Sgt. Woodhall's 17 years of service to the department, being promoted to the rank of sergeant in 2016. Sgt. Woodhall stated that he was humbled by the honor that was bestowed on him and reflected on the history of his family's military service. Member Selman recalled the time he rode along with Sgt. Woodhall while on duty on the eve of Thanksgiving and his ability to calm tension during police stops.

Presentation B: Patrick Foley to Serve as Police Chief: Announcement of Community Outreach Position.

17. Glick reported to Council on the hiring process that she conducted for the new Police Chief to replace retiring Police Chief Franzen. She reported that the recruitment process began in May bringing in applications including 2 not from Minnesota and from those applications she selected 6 candidates to continue with the process until she had two finalists. She went on to report on Officer Foley's accomplishments he achieved while working with the City of Robbinsdale and his great abilities and attributes that have made him successful as a member of the Department. Glick noted that through the process it was apparent that the city needed to improve relations between the police and the public and therefore a new outreach position is being developed.
18. Council welcomed Chief Foley. Member Rogan liked that Chief Foley rose through the ranks and accepted the leadership of the community. He also appreciated that the City Manager conducted a robust selection process. Chief Foley stated that he is humbled by the experience and excited to be named the chief. He has started initiatives including adding a community outreach intern.
19. Member Selman **moved**, seconded by Member Blonigan to concur with the City Manager's recommendation to support the appointment of Patrick Foley to Police Chief. **The vote was unanimous and the motion carried.**

Old Business A: Consideration of Crime Free Housing Moratorium

20. Glick reviewed the staff report and reported that in August the Human Rights Commission had recommended that the City be designated as an Equitable Residential Property City, ensuring rental-housing property is equitable, safe, and secure through the use of tenant evictions.

21. With additional information received from Staff, the first reading of the moratorium was introduced at the September 15, 2020 meeting. The first reading of the moratorium resolution passed on a 4 to 1 vote. It was noted at the 1st reading, the resolution didn't address the repeat nuisance fees that all residents are subjected to. With the moratorium in place, property owners wanting to evict renters, can't solely rely on the city code.
22. The moratorium allows time for the city attorney to review the city code language, its intention, and that may occur accidental consequences that may occur as the result of enforcing the ordinance. The city attorney's review should be completed by the work session in November or December. It was noted that this review would be after the November elections.
23. Glick indicated that a notice was sent to the owners of apartments plus flyers to post for apartment residents. No responses were received. If the ordinance is approved by Council, the interim ordinance would be effective 30 days after publication.
24. Mayor Murphy stated he feels the current code is similar to Section 8 language and he felt the moratorium was not necessary, that the Council could still study the unintended impacts of the code and also have an opportunity to look at what other cities are doing. He also stated that this issue could be discussed at the goal session in January.
25. Member Rogan stated that he supports the moratorium as it gives the Council an opportunity to pause. He felt enough questions have been raised and the Human Rights Commission has expressed concern on some possible impacts to the community. He felt this was information that provides evidence of the need to pause and correct impacts on the community and renters.
26. Member Blonigan indicates that the Crime Free addendum may have 1st and 14th Amendment issues, licensing issues and unintended impacts on the community and the renters. He felt that crime free addendum will be *de facto* enforced and there is a need to look at the impacts. He feels the City needs to also look the impacts of the law on other cities. He feels that this may be systemic racism when housing laws impact people of color.
27. Member Blonigan asked how long the moratorium is allowed to last; City Manager Glick stated one year.
28. Member Backen indicated that he is not convinced there is a violation of the Constitution. He indicated that a moratorium is a waste of time, but will support it to get more information from the City attorney. He stated that he also wants an answer for the residents as soon as possible.
29. Member Selman thanked the Human Rights Commission for their efforts in bringing this issue forward to the Council.
30. Mayor Murphy indicated that he would like to see better collection of data and reports to monitor the issue.

31. Member Rogan **MOVED**, Member Backen seconded to hold the second reading of Ordinance No. 20-08 "AN INTERIM ORDINANCE REGARDING THE REGULATION OF RENTAL PROPERTY LICENSING WITHIN THE CITY OF ROBBINSDALE"
AYE: Backen, Blonigan, Rogan; NAY: Selman, Murphy. The ordinance passed 3-2.

OLD BUSINESS B: City Charter Amendment Chapter 7 – Taxation and Finance

32. Glick reviewed the staff report and indicated that the amendment reflects an update including allowing electronic payments and better description of the budget process as well as allowing financing larger purchases for more than a 5-year term to spread out the payments.
33. Glick also reported that the 1st reading was delayed from the last Council meeting as this question requires a unanimous vote.
34. Glick confirmed that the Charter Commission will be doing a complete review in April, including the punctuation error noted by Member Blonigan at the previous meeting.
35. Member Rogan **MOVED**, Member Backen seconded to hold the first reading of Ordinance 20-09 Charter Amendment "AN ORDINANCE AMENDING THE ROBBINSDALE CITY CHARTER CHAPTER 7 – TAXATION AND FINANCES; and direct the City Clerk to publish a public hearing notice for two weeks and schedule the public hearing on the propose Charter Amendment for November 17, 2020. **The vote was unanimous and the motion carried.**

OLD BUSINESS C: City Charter Amendment Chapter 4.06 – Filing Fees

36. Glick reported that the amendment was to adjust the filing fee for those funning for elected office from \$5, the current fee, to \$30. The fee had not changed since 1948. Glick also advised that it will take a unanimous vote to move this issue to take a second reading
37. Member Selman commented that regular raising the filing fee would have been more than \$25 in 70 years. Member Backen agreed.
38. Member Rogan **MOVED**, Member Selman seconded to hold the first reading of Ordinance 20-10, Charter Amendment 38, "AN ORDINANCE AMENDING THE ROBBINSDALE CITY CHARTER ADJUSTING FILING FEE IN SECTION 4.06-NOMINATIONS"; and direct the City Clerk to publish a public hearing notice for two weeks and schedule the public hearing on the proposed Charter Amendment for November 17, 2020. **The vote was unanimous and the motion carried.**

NEW BUSINESS A: First Reading – Consideration of adding required standards for multiple family dwellings in RB Zone and repealing the Density Bonus

39. Rick Pearson reviewed the staff report, stating that this is the first reading following up on the moratorium started in December, 2019. He reported that public hearings were held by the Planning Commission on August 20, 2020 and September 24, 2020. Pearson reported that the density bonus was first established in 1974 but were not used until the 2019 project on South Twin Lake. In the RB District, apartments were simply allowed, and the ordinance adds performance expectations based on the City's recent standards and those of neighboring cities. Rick reported that language in the ordinance has been written by the City's attorney.

40. Council members discussed and recommended changes providing for alternatives to open space including a requirement for council review.

41. **Motion** by Blonigan, seconded by Rogan to hold the first reading of Ordinance 20-11 __“AN ORDINANCE AMENDING SECTION 515.07, R-B RESIDENTIAL BUSINESS DISTRICT SUBD. 2 SPECIFYING STANDARDS FOR MULTIPLE FAMILY HOUSING AND REPEALING SUBD. 4(J), DENSITY BONUS.”. **The vote was unanimous and the motion carried.**

OTHER BUSINESS A: Voucher Request Pending Approval for Disbursement

42. Motion by Selman, seconded by Blonigan to approve disbursement requests for period ending 10/20/2020. **The vote was unanimous and the motion carried.**

ADMINISTRATIVE REPORTS

43. Glick noted that there would be a short special REDA meeting followed by a budget work session immediately following the meeting.

44. Glick shared information on a Robbinsdale Business District promotion, funded by a Hennepin County grant which will be starting in late November.

COUNCIL GENERAL COMMUNICATIONS

45. Member Selman asked about the prosecution attorneys’ required annual report. City Manager Glick advised that she would schedule it for further Council discussion.

46. Mayor Murphy reminded Council of the vehicle chase through Sohacki Park that happened earlier in the summer. He reported that people are still driving through the park and down the trail. Marcia reported that Three Rivers and the city are working on addition of a gate similar to the one at Lakeview Terrace Park.

ADJOURNMENT

47. Member Rogan **MOVED**, seconded by Member Blonigan to adjourn the meeting at 8:30 p.m. **The vote was unanimous and the motion carried.**

Kim Moore, City Clerk

Regan Murphy, Mayor

ROBBINSDALE CITY COUNCIL
BUDGET WORK SESSION MINUTES

Tuesday, October 20, 2020

ROBBINSDALE COUNCIL CHAMBERS

Following the regularly scheduled 7:00 p.m. REDA meeting

1. The work session was called to order by Mayor Pro Tem Backen at 8:38 p.m.
2. Councilmembers Present: Blonigan, Rogan, Selman, Backen, Mayor Murphy
Staff Present: Marcia Glick, City Manager; Jeff Zuba, Finance Director; Richard McCoy, Public Works Director/City Engineer

Enterprise and Capital Project Fund Requests and CIP for 2021-2030

3. Zuba focused on the Enterprise Fund budgets. The water rates will increase starting in 2021 related to the public utilities fund loan for numerous improvements planned in the next 4 years including: the new water treatment plant with softened water; two water towers providing better water pressure and capacity for the entire community; new water wells replacing aging wells including those in hazard areas, and new water meters with improved reporting capability including shorter term reports of unexpected high usage (i.e. plumbing breaks inside a home.) The projected monthly increase is \$9 per month for services used in January; billed in March. Zuba noted that there have been unanticipated costs in the Storm Sewer fund and council members indicated support for a typical \$2/month increase.
4. Council stressed the importance of communication on how utility bill revenue is used and the importance of updating infrastructure. It was noted that as one of the older communities, Robbinsdale is going through large infrastructure replacement now for facilities originally constructed in 1930-40, which adjacent communities will face in a few years. The overall projected increase for the average home will be \$14.50/month most of which is related to the water softening improvement.
5. Zuba noted that the Liquor and License Center funds are struggling from impacts related to the public health emergency. Although the Liquor Store sales are catching up and License Center Fees from motor vehicle fees are back to normal activity, passport income is estimated to be only 60% of normal revenue. The option to move the wall between the license center and council chambers was discussed briefly. An additional staff position, based on current appointment demands, is expected to have a 2 to 3 year payback.
6. Focus on park improvements in the Capital Improvement Plan (CIP) was on assuring that the 'ag-lime' area in Lakeview Terrace Park change to play space would be scheduled for 2021 regardless of the lake level impacts on path/boat landing/parking space portion of the project.
7. It was anticipated that the next budget discussion will be after the REDA meeting on November 10th unless an urgent matter came forward requiring a November 4th work session.

ADJOURNMENT

8. Mayor Pro Tem Backen adjourned the work session at 9:26 p.m.

Marcia Glick, Recorder

Pat Backen, Mayor Pro Tem



MINUTES

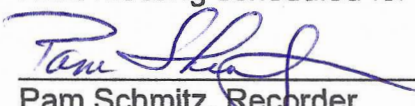
**Tuesday, September 22, 2020
Lakeview Terrace Park Pavilion**

Consent Item B

The Parks, Recreation, and Forestry Commission is an advisory commission to the City Council on matters relating to the City's parks system, recreation programs, and forestry activities.

- 1) Commission Meeting Called to Order at 7:03 pm by Chair Hill
Present: Nikki Friederich, Mike Kennedy, Jennifer Hill, Derek, Hyland, Colleen Patterson, Brenda Rodgers and Miles Toth
Others: Pam Schmitz, Recreation Services Manager
- 2) Approval of the minutes of the regular meeting of August 25, 2020. Toth motioned for approval, second by Patterson. Motion carried.
- 3) New Business
 - A. Equity in Recreational programming: Commissioners had a robust discussion on the importance of making sure the offerings provided by the City were inclusive and welcoming to all residents. Schmitz gave an overview of programs and efforts to provide programs to meet residents' needs working within limited resources; especially facilities. Use of data and multiple means of communication methods was discussed. Hill mentioned the willingness of Robbinsdale for Racial Justice members are interested and open to assisting in gathering information or in other ways to help meet resident's recreational interests.
 - B) Other-none
- 4) Old Business
 - A) Program updates: Fall programing has gone smoothly includes youth sports and outdoor programs. Manor Park being used for programs. Virtual programs not as popular. Look for a scavenger hunt; equipment check-out program; some movies and a special event for Halloween. In process of finalizing some winter program options as well. School District has approved us to be able to open Community Gyms and Fitness Center but hiring enough staff has become an issue.
 - B) Park Projects: all on hold for the time being
- 5) City Report & Updates: Reminder there is a racial equity discussion at LVT on Wednesday. Sochacki Park safety issues are being discussed by City staff. At recent Joint Powers Agreement meeting with Three Rivers Park District meeting the 2021-25 CIP for Sochacki Park was discussed and included: water quality projects, a Classroom/Restroom/Potable Water, pond water docks/boardwalks/learning stations, interactive art/play nodes and a feasibility study on a trail underpass of Golden Valley Road. Sanborn Park north area being used for staging area for Drew/Chowen street and water project and Lee Park trail will be blocked for construction of water park. City is requiring the construction company to have a net or some barrier so that no foul balls get into the construction area along first base line. Additionally, Police Chief, Police Captain, Assistant to the City Manager/City Clerk positons are in various stages of hiring. Open meet and greet of Chief finalist next week.
- 6) Adjournment. Motion by Toth, second by Patterson at 8:00 pm. Motion carried.

Next meeting scheduled for 7:00 p.m. **Tuesday, October 27, Manor Park building.**


Pam Schmitz, Recorder

**ROBBINSDALE
PLANNING COMMISSION
MEETING MINUTES
THURSDAY, SEPTEMBER 24, 2020
7:00 P.M.
Via WEBEX**

1. **OPENING STATEMENT FOR REMOTE MEETING:**

Meeting called to order by Chair Ulbrich at 7:00 p.m.

2. **ROLL CALL:**

Commissioners Present: Markfort, Greenberg, Harper, Stack, Chair Ulbrich

Commissioners Absent: None

Staff Present: Rick Pearson, Community Development Coordinator

3. **CONSIDERATION OF MINUTES:**

A. **MOTION** by Commissioner Harper seconded by Commissioner Greenberg to approve Planning Commission Meeting Minutes of August 20, 2020.

ROLL CALL:

AYE: Markfort, Greenberg, Harper, Stack, Chair Ulbrich

NAY: None

The vote was unanimous and the motion carried.

4. **MOTION** by Chair Ulbrich, seconded by Commissioner Markfort to reverse the order of agenda items by moving Continued Public Hearing Agenda Items #4A and #4B before Agenda Items #5A, B, and C.

ROLL CALL:

AYE: Markfort, Harper, Greenberg, Stack, Chair Ulbrich

NAY: None

The vote was unanimous and the motion carried.

#5A: PUBLIC HEARING:

Consideration of Variance Request V20-6 to expand the garage to more than 25% of rear yard at 4800 36th Ave N as requested by Brenda Parsons:

5. **MOTION** by Commissioner Greenberg seconded by Commissioner Stack to OPEN the public hearing.

ROLL CALL:

AYE: Markfort, Harper, Greenberg, Stack, Chair Ulbrich

NAY: None

The vote was unanimous and the motion carried.

6. Pearson presented the staff report for this variance request to extend the 2-car detached garage roof an additional 11 feet to cover the patio in the rear yard. Two variances are required: square footage exceeds maximum allowed for a single accessory structure and the combined accessory structure amount exceeds that for an accessory structure totaling 66.2 square feet. He presented photos of the property. Reviewed previous variances granted for the house. Reviewed the survey showing the roofline. Staff is recommending approval of the

variance with the only condition that a permit is required. No calls or questions from the neighbors.

7. Commissioner Greenberg asked if the roof is the only thing changing not the garage. Pearson stated yes. Clarified that there is no change to the garage just the roof extended over the existing patio.
8. Commissioner Stack asked if the applicant can wall in the patio, they would need to get a building permit. Pearson presented the aerial photograph to show the existing patio.
9. Chair Ulbrich opened the meeting to the public to address this item. No one spoke to this item.
10. **MOTION** by Commissioner Stack seconded by Chair Ulbrich to CLOSE the public hearing.
ROLL CALL:
AYE: Markfort, Greenberg, Harper, Stack, Chair Ulbrich
NAY: None
The vote was unanimous and the motion carried.
11. **MOTION** by Commissioner Greenberg, seconded by Commissioner Stack to recommend that the City Council grant Variance Request V20-6 for 4800 36th Ave N allowing an accessory structure to occupy more than 25% of the rear yard area and be larger than the maximum square footage allowed for a single accessory building on a 40-foot lot based upon the following findings of fact:
 - a. That the variance supports an accessory use which is consistent with the Comprehensive Plan;
 - b. That the variance supports the use of the property in a reasonable manner;
 - c. That the variance request is necessitated by the small lot size that was not created by the landowner;
 - d. That the variance will not negatively alter the character of the area;And with the condition that a building permit is required.
ROLL CALL:
AYE: Markfort, Harper, Greenberg, Stack, Chair Ulbrich
NAY:
The vote was unanimous and the motion carried.

#5B: PUBLIC HEARING:

Consideration of Conditional Use Permit C20-5 to allow solar collectors on garage roof at 3336 Beard Ave N as requested at All Energy Solar for Steve Hubka, homeowner:

12. **MOTION** by Commissioner Greenberg seconded by Commissioner Stack to OPEN the public hearing.

ROLL CALL:

AYE: Markfort, Harper, Greenberg, Stack, Chair Ulbrich

NAY:

The vote was unanimous and the motion carried.

13. Pearson presented the staff report for this conditional use permit to install roof top solar panels on the principal structure and the garage roof. Solar panels are permitted uses on the principal structure but requires a conditional use permit for the garage roof solar panels. Presented an aerial view of the neighborhood to review characteristics. Reviewed the elevations for the installation of the solar panels. Staff reviewed and had no issues. The possibility of glare reflecting off the roof panels was mentioned but the contractor revealed that the panels absorbs light not reflect it. Staff is recommending approval of this conditional use permit. No comments have been received from the public.

14. **Danielle from All Energy Solar, Contractor**

Stated the solar panels will be facing south. Will fill up the house with as many panels as they can fit. Panels offset 100% for electricity generation.

15. **MOTION** by Commissioner Stack seconded by Chair Ulbrich to CLOSE the public hearing.

ROLL CALL:

AYE: Markfort, Harper, Greenberg, Stack, Chair Ulbrich

NAY: None

The vote was unanimous and the motion carried.

16. Commissioner Stack stated she is comfortable with the staff recommendation.

17. Chair Ulbrich agreed with Commissioner Stack.

18. Commissioner Harper and Commissioner Greenberg also agreed with Commissioner Stack.

19. The Board discussed making solar panels a permitted use if they are installed in the yard.

20. **MOTION** by Chair Ulbrich, seconded by Commissioner Stack to recommend that the City Council approve conditional use permit request C20-5 for solar panels on an accessory structure at 3336 Beard Ave N based upon the following findings of fact:

- a. That the solar panels support the residential use of the property consistent with the comprehensive plan;
- b. That the solar panels on the roof of the accessory structure will minimize the impact on the geographical area, not cause deterioration of the area, less impact on the surrounding area that if they were free standing;
- c. That the solar panels are encouraged by the Comprehensive Plan and will not result in a nuisance to the neighborhood;

And with the condition that a building permit is obtained.

ROLL CALL:

AYE: Markfort, Harper, Greenberg, Stack, Chair Ulbrich

NAY: None

The vote was unanimous and the motion carried.

21. Pearson noted that this would go to the City Council on October 5 instead of October 6 due to National Night Out.

#5C: PUBLIC HEARING:

Consideration of Variance Request V20-7 for temporary site signage, square footage and duration for banners at 3600 France Ave N as requested by Parker Station Flats, LLC

22. **MOTION** by Commissioner Harper seconded by Commissioner Greenberg to OPEN the public hearing.

ROLL CALL:

AYE: Stack, Markfort, Harper, Greenberg, Chair Ulbrich

NAY: None

The vote was unanimous and the motion carried.

23. Pearson presented the staff report for the signage at Parker Station Flats at 36th and France. Two requests for signage: on the France Ave side and on the 36th Ave side in the street right of way. Two sizes 12x6 and 12x3. The 12x6 will be on the freestanding fence. The 12x3 banners will be on top of the concrete barriers. The banners will be removed when construction is finished approximately April of 2021. This could be pushed back into June. Fence signs will be temporary. He presented signs that will be wrapped around chain link fencing and banners that will be on the building wall itself. These banners will be up a few months after the building is opened in 2021.
24. Commissioner Stack asked about visibility for pedestrians and vehicles and how close they will be to the corners. Pearson stated staff goes through site triangle compliance and he understands that the wrap will be opaque.
25. Commissioner Greenberg noted that the sidewalks are currently closed. Concerned about the condition of the materials used for the banners. Will the signs be replaced if they are damaged? Wants replacement of signage to be a condition of approval.
26. **Kent Carlson, Inland Development**
Banners and fence wrap are a marketing tool for the project. Fence wrap and banners will be replaced if they become frayed or dirty. Wants the signage to look good at all times to reflect the quality of the product. They have budgeted for this signage.
27. Commissioner Harper asked if the signs are individual panels per section of the fence. **Mr. Carlson** stated yes they are individual panels. The intent is to cover up the construction site. The property looks better from the community traffic as they drive by.
28. **MOTION** by Commissioner Greenberg seconded by Chair Ulbrich to CLOSE the public hearing.
- ROLL CALL:**
- AYE:** Markfort, Stack, Harper, Greenberg, Chair Ulbrich
- NAY:**
- The vote was unanimous and the motion carried.**

29. Commissioner Stack agreed fence wraps look nice but concerned about the visibility at the corner that has garnered many resident concerns about traffic flow, speed and safety. Fence wrap affects visibility around the corner.
30. Commissioner Markfort agreed with Commissioner Stack. Concerned about safety, sidewalk closed at corner area.
31. Chair Ulbrich understood their concerns about safety. People are going to do what they want to do. The construction wrap is nice to hide some of the construction materials.
32. Pearson recommended that we could draw the site triangle on the plan with a modified recommendation that the fence wrap should comply with the site triangle criteria. He explained how the site triangle is established.
33. **MOTION** by Commissioner Greenberg, seconded by Chair Ulbrich to recommend that the city Council approve Variance Request V20-7 for temporary banner signs based upon the following findings of fact:
- a. That the variance supports the Parker Station Flats, a use which is consistent with the Comprehensive Plan;
 - b. That the variance will permit the use of banners that will be a small proportion of the building elevations and the temporary fencing screening the construction of Parker Station Flats will minimize the impact on the geographical area, not cause deterioration of the area;
 - c. That the banners are temporary and will not result in a nuisance to the neighborhood
- And the condition that:
1. That building banners will be removed by the end of 2021 unless an extension is approved by the City Council;
 2. The fence banners will be removed with the completion of construction in April 2021 unless the construction process is unavoidably extended;
 3. That future use of the banners, or other banners of similar size requires City Council approval;
 4. That compliance with site triangle criteria is met.

ROLL CALL:

AYE: Markfort, Stack, Greenberg, Harper, Chair Ulbrich

NAY: None

The vote was unanimous and the motion carried.

#4A: CONTINUED PUBLIC HEARINGS:

Consideration of Zoning Text Amendment Z20-4 to amend or eliminate the bonus density in Section 510.17, Subd 4 (i) Apartment Density Bonus

34. **MOTION** by Chair Ulbrich, seconded by Commissioner Markfort to OPEN the public hearing.

ROLL CALL:

AYE: Markfort, Greenberg, Harper, Stack, Chair Ulbrich

NAY: None

The vote was unanimous and the motion carried.

35. Pearson presented the staff report reflecting the directions of the Planning Commission for clarity, access to arterial and collector street, some spelling corrections and adding some additional amenities and some other things that can be exterior amenities. The intent is to give

Planning Commission Meeting
September 24, 2020

developers an idea of the caliber of amenities that are expected with a development. Green space will remain at 150 square feet of useable open space so a developer can see what is possible without having residences at street level.

36. Chair Ulbrich supports the changes indicated. They all make sense.
37. Commissioner Stack agreed with the changes but does not like underground car washes.
38. Commissioner Greenberg asked if these changes would replace the density bonus feature. Pearson replied that yes they are expected performance standards under the permitted use.
39. **MOTION** by Chair Ulbrich, seconded by Commissioner Markfort to CLOSE the public hearing.
ROLL CALL:
AYE: Harper, Greenberg, Markfort, Stack, Chair Ulbrich
NAY: None
The vote was unanimous and the motion carried.
40. **MOTION** by Commissioner Greenberg, seconded by Chair Ulbrich to recommend that the City Council adopt ordinance amendments to the Residential Business district RB Section 515.07 specifying requirements for parking, access and site amenities and repealing the density bonus process as defined in 515.07, Subd 4(j).
ROLL CALL:
AYE: Markfort, Stack, Harper, Greenberg, Chair Ulbrich
NAY: None
The vote was unanimous and the motion carried.

#4B: CONTINUED PUBLIC HEARING:

Consideration of Zoning Text Amendment Z20-7 to amend the Sign Ordinance content in Section 410 of the City Code to be consistent with the case law.

41. **MOTION** by Commissioner Stack, seconded by Commissioner Greenberg to OPEN the public hearing.
ROLL CALL:
AYE: Harper, Markfort, Greenberg, Stack, Chair Ulbrich
NAY: None
The vote was unanimous and the motion carried.
42. Pearson presented the staff report for this sign amendment request to be consistent with case law as advised by the city attorney. Need to remove any reference to content of signs. Highlighted sections of the sign ordinance that needed changing. Inserted useful language where needed. Sections of the ordinance remain the same. Special provision signs would have to have the function and content of the sign replaced.
43. Commissioner Greenberg asked about content of obscene signs, which would be allowed. Pearson stated he would ask the city attorney if he has any suggestions before taking it to the city council.
44. Commissioner Harper stated it says obscenity "as defined by law" in subdivision 9.

45. Commissioner Stack inquired about memorial signs - they are content based so there is an exception. Pearson stated that it could be something that may need fine-tuning. He will consult with the city attorney.
46. Commissioner Stack asked about the sign permits in Section 410.25, Subdivision 1. There may be a word missing in the final paragraph to define what it means.
47. **MOTION** by Commissioner Greenberg, seconded by Chair Ulbrich to continue the public hearing to October 22, 2020 at 7:00 p.m.
ROLL CALL:
AYE: Stack, Markfort, Harper, Greenberg, Chair Ulbrich
NAY:
The vote was unanimous and the motion carried.

#8A: OTHER BUSINESS:

48. Project Updates – Information only

#9: ADJOURNMENT:

49. **MOTION** by Chair Ulbrich, seconded by Commissioner Greenberg to adjourn the meeting at 8:30 p.m.
ROLL CALL:
AYE: Markfort, Harper, Stack, Greenberg, Chair Ulbrich
NAY: None
The vote was unanimous and the motion carried.



Rick Pearson, AICP
Community Development Coordinator

ROBBINSDALE HUMAN RIGHTS COMMISSION
MEETING MINUTES
September 24th, 2020

The meeting was called to order at 6:36 p.m.

Members Present: Fox, Sussman, Aoki, Webb
Members Excused: Fuglie
Members Absent: Rathell
Staff Present: Charnelle Dengnoue
Others Present: Residents of the community

APPROVAL OF MINUTES

MOVED by Webb, second by Rathell, to approve the meeting minutes of August 27th (regular meeting) and September 10th (special meeting). **MOTION CARRIED.**

CHAIR REPORT – No report.

OLD BUSINESS

- A. Subcommittee meeting (added by Ralston): racism as a Public Health Crisis. Commissioner Ralston suggested moving the date for Thursday, October 1, 2020 at 6:30pm. Commissioners agreed to move meeting to Thursday.
There were discussions about locations for this meeting. Some suggestions included the middle school gym, the council chamber, the sadborn building or the public safety training room. After a long conversation about the options, it was concluded that staff liaison Dengnoue will ask City Manager Glick to choose a location for the commission, and that the staff liaison will send answer to the commission the next day.
- B. Commission Goals:
The commission didn't feel that there was anything to address at this time and to leave as discussed on January 23, 2020. Moved for upcoming meeting of October 22, 2020
- C. Conversion Therapy Subcommittee Report: practice of conversion therapy in the City of Robbinsdale. The commission talked about the process to present to City Council. Commissioner Ralston asked if it is possible to have the process the same as the "Crime Free Housing" where the community had the opportunity to comments during the council meeting. The commission asked liaison Dengnoue to check with Glick for date of when this item will be on the work session, the council meeting, and if the community will be able comment.
There were conversations as to how much the fine should be for violation of this ordinance. Ralston suggested \$800; a resident suggested \$950, which the commission agreed with. Ralston will send the final recommendation to adopt the ordinance and the final proposed language to staff liaison
- **MOTION MOVED** by Ralston, to reapprove the adoption of the proposed recommendation, second by Sussman. **MOTION CARRIED.**
 - **MOTION MOVED** by Ralston, to recommend the proposed ordinance to council, second by Webb and Fox. **MOTION CARRIED.**
- D. Meeting locations for upcoming meetings: the commission discussed potential meeting locations moving forward for the end of the year and the upcoming year, January 2021 – December 2021. Commissioners asked staff liaison Dengnoue to see if the City Chamber could be used for meeting for the upcoming months and next year, and to inform commissioners at the next meeting

of October 22, 2020. HRC meetings will be the 4th Thursday of the month, November and December meeting cancelled for this year.

- E. ERA Event / Forum add to the next agenda.

NEW BUSINESS

- A. Forum: Share your story event of 9/23/2020

Commissioners and residents shared their experiences of the forum of September 23. Some of the comments included the followings:

Residents

“I think this should be done more often”

“HRC should also advertise their events to other cities

“We need to keep talking about it”

“There were other people at the forum I wasn’t sure about”

Commissioners:

“We need to keep engaging the community”

“It was a great turn out of non-white people”

“It was a good start to great conversations”

Staff liaison shared with the commission an anonymous message from a police officer who had attended the forum, which Fox read. Residents and commissioners shared their feelings about the message.

Residents did not feel that it was appropriate for the police to be there without people knowing. A resident suggested that moving forward any city staff present at an event or HRC meeting should announce himself or herself.

Ralston asked if the commission could schedule a time to connect with the Chief of Police. Webb answered she will follow up with the City Manager about the anonymous message.

Commissioner Webb shared her appreciation for the new staff liaison for her support and work with the commission. Other commission members followed and shared their appreciation for the staff liaison. Residents and commissioners gave the staff liaison a round of applause. Liaison thanked all for their nice messages.

Webb shared with all that the next HRC meeting will be her last meeting, as she will be resigning from her position. She thanked the commission for their work throughout the years and thanked the residents.

- B. Subcommittee report:

OTHER BUSINESS -

1. Crime Free Housing: update from September 15th council meeting. Will bring to next meeting.

COMMISSIONER REPORTS/UPDATES

ADJOURNMENT

The meeting adjourned at 8:20 p.m.

Recorded by, Charnelle Dengnoue



City of Robbinsdale

Consent Item C

MEMORANDUM

TO: Mayor and City Council
FROM: Marcia Glick, City Manager
DATE: November 4, 2020
RE: Approval of Licenses

Background:

As required by City Code, contractor and business licenses issued in the City of Robbinsdale must be approved by the City Council. Attached is a list of applicants requesting a license or license renewal to operate within the City. All appropriate fees have been paid and certificates of insurance and bonds, if required, have been filed with the City Clerk.

Recommendation:

By motion approve issuance of licenses dated November 4, 2020.

Marcia E. Glick

Marcia Glick, City Manager

CONCURRENCE:

Kim Moore

Kim Moore, City Clerk

Licensee List With Details

AJ ALBERTS PLUMBING INC

Address	Licensee Type	Status	State License	License Expire Date	Phone	Email
7975 AFTON RD	Plumbing Contractor	Active	PM059453	12/31/2020	(651)738-0580	scott@ajalberts.com

C & M HEATING & AIR CONDITIONING

Address	Licensee Type	Status	State License	License Expire Date	Phone	Email
13862 WINTERGREEN ST	Mechanical	Active	MB005432	12/31/2020	(612) 490 1444	craig54@cmhac.com

HUFF BUILDING CO

Address	Licensee Type	Status	State License	License Expire Date	Phone	Email
6900 MORGAN AVE S	General Contractor	Active		12/31/2020	(612) 213 6787	HUFFBUILDINGCO@GMAIL.COM

J & M PLUMBING LLC

Address	Licensee Type	Status	State License	License Expire Date	Phone	Email
102 PARK AVE S	Plumbing Contractor	Active	PM052053	12/31/2020	(507) 340 4397	PLUMBING@JANDMPLUMBING.COM

LARSON PLUMBING INC (ME)

Address	Licensee Type	Status	State License	License Expire Date	Phone	Email
27554 ULYSSES DR NE	Mechanical Contractor	Active	MB003613	12/31/2020	(763)427-7680	office@larsonplumbing.com

TWIN TOWN SIGN CO.

Address	Licensee Type	Status	State License	License Expire Date	Phone	Email
6033 GETTYSBURG AVE N	Sign Contractor	Active		12/31/2020	(763) 324 7125	nayt.pir@towntownsign.com

WENCL SERVICES, INC. (ME)

Address	Licensee Type	Status	State License	License Expire Date	Phone	Email
8148 PILLSBURY AVE S	Mechanical Contractor	Active	MB003164	08/07/2022	(952) 881 1557	permits@wencl.com



City of Robbinsdale

Consent Item D

MEMORANDUM

TO: City Council
FROM: Marcia Glick, City Manager
DATE: November 4, 2020
RE: Robbinsdale Wine & Spirits' Monthly Financial Statements

Attached are the Robbinsdale Wine & Spirits' financial reports for the month of September 2020 prepared by the finance department. The report includes monthly and year to date amounts for 2020 with comparable amounts to 2019.

Year to date sales through September are \$2,833,280, which is down \$186,824 from the prior year. Gross profit on sales is at \$780,167 compared with \$809,547 in 2019. Gross profit year to date is at 29%, which is a little higher than target. Net income before transfers for the year is \$65,042, compared to a net income of \$113,672 in 2019.

Due to the COVID pandemic, Robbinsdale Wine & Spirits closed to the public on March 18, 2020 at 5 pm. The reason for the closing was due to concerns and safety for the employees and customers and also to allow for cleaning, disinfecting, and to determine the best safe contactless sales method for staff and customers. Curbside delivery started on March 30th and continued through May 2nd. The store opened to the public on May 4th with a limited number of customers allowed in at a time for proper social distancing.

On June 15th the store updated its hours to 10 a.m. to 8 p.m. and reopened on Sunday's. On the 22nd, we started to accept cash payments again. These changes have had a positive impact on the store's success in June, July, and August as our store has been greatly impacted by the pandemic. We will continue to review options to increase business as we transition into this new normal.

In October, Coronavirus Relief Funds were transferred to the liquor fund to offset costs related to the COVID-19 pandemic. Those costs being supplies to ensure proper social distancing between customers and employees and personnel costs that differed from what was expected in the budget due to the store shut down and leave related to the virus.

The scheduled rent payments for the Hy-Vee location are \$12,075/month before common area expenses. The City has not received an invoice for 2020 common area expense; however, an estimate of \$1,795 has been included in the monthly rent.

Recommendation

Approve a motion to acknowledge the Robbinsdale Wine & Spirits financial reports for the month of September 2020.


Marcia Glick, City Manager

CONCURRENCE:


Jeff Zuba, Finance Director

City of Robbinsdale
Robbinsdale Wine & Spirits
Profit and Loss Statement From Operations
For Period Ending September 30, 2020

			Year to Date		% Inc (Dec) from Previous Year
	Sep-2020	Sep-2019	2020	2019	
Sales	368,577	350,156	2,833,280	3,020,104	(6.2%)
Less Customer Discounts	3,680	3,587	32,414	30,756	5.4%
Net Sales	364,897	346,569	2,800,866	2,989,348	(6.3%)
Cost of Sales	260,185	252,232	2,020,699	2,179,801	(7.3%)
Gross Profit	104,712	94,337	780,167	809,547	(3.6%)
Percent to Net Sales	29%	27%	28%	27%	
Operating Expenses:					
Personal Services	40,475	40,522	381,571	378,345	0.9%
Supplies & Repairs	3,537	710	20,789	12,125	71.5%
Other Charges & Services	19,254	17,654	170,774	159,275	7.2%
Rent	13,977	14,043	127,250	128,956	(1.3%)
Depreciation	1,667	1,667	15,003	15,003	0.0%
Other (Income) Expense	(144)	(204)	(262)	2,171	(112.1%)
Total	78,766	74,392	715,125	695,875	2.8%
Operating Income / (Loss)	25,946	19,945	65,042	113,672	(42.8%)
Percent to Net Sales	7%	6%	2%	4%	

	Current Month Analysis				
	Liquor	Wine	Beer	Misc	Totals
Sales	137,028	72,884	148,908	6,077	364,897
Inventory of Sept 1	276,110	167,140	65,385	8,225	516,860
Purchases	122,717	55,940	149,118	3,944	331,719
Less Inventory of Sept 30	301,381	176,271	102,230	8,512	588,394
Cost of Sales	97,446	46,809	112,273	3,657	260,185
Gross Profit	39,582	26,075	36,635	2,420	104,712
Percent to Net Sales	29%	36%	25%	40%	29%

City of Robbinsdale
Robbinsdale Wine & Spirits
Profit and Loss Statement From Operations
For Period Ending September 30, 2020

Sales / Cost of Sales Analysis

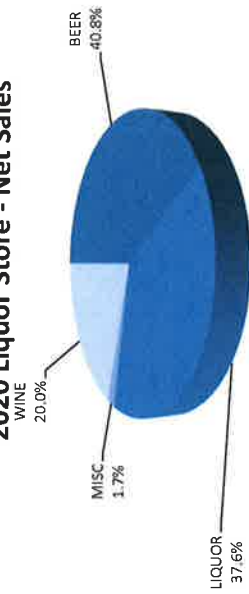
			Year to Date		% Inc (Dec)
	Sep-2020	Sep-2019	2020	2019	Year
Liquor Sales	137,028	127,389	1,064,274	1,103,183	(3.5%)
Liquor Cost of Sales	97,446	90,242	753,204	800,815	(5.9%)
Gross Profit	<u>39,582</u>	<u>37,147</u>	<u>311,070</u>	<u>302,368</u>	<u>2.9%</u>
Percent to Net Sales	29%	29%	29%	27%	
 Wine Sales	 72,884	 64,285	 546,451	 572,139	 (4.5%)
Wine Cost of Sales	46,809	43,966	360,125	385,691	(6.6%)
Gross Profit	<u>26,075</u>	<u>20,319</u>	<u>186,326</u>	<u>186,448</u>	<u>(0.1%)</u>
Percent to Net Sales	36%	32%	34%	33%	
 Beer Sales	 148,908	 141,351	 1,135,790	 1,204,982	 (5.7%)
Beer Cost of Sales	112,273	107,742	872,214	915,124	(4.7%)
Gross Profit	<u>36,635</u>	<u>33,609</u>	<u>263,576</u>	<u>289,858</u>	<u>(9.1%)</u>
Percent to Net Sales	25%	24%	23%	24%	
 Misc Sales	 6,077	 13,544	 54,351	 109,044	 (50.2%)
Misc Cost of Sales	3,657	10,282	35,156	78,170	(55.0%)
Gross Profit	<u>2,420</u>	<u>3,262</u>	<u>19,195</u>	<u>30,874</u>	<u>(37.8%)</u>
Percent to Net Sales	40%	24%	35%	28%	
 Total Sales	 364,897	 346,569	 2,800,866	 2,989,348	 (6.3%)
Total Cost of Sales	260,185	252,232	2,020,699	2,179,800	(7.3%)
Gross Profit	<u>104,712</u>	<u>94,337</u>	<u>780,167</u>	<u>809,548</u>	<u>(3.6%)</u>
Percent to Net Sales	29%	27%	28%	27%	

Liquor Store Sales - 2019 and 2020

	<u>Jan 19</u>	<u>Jan 20</u>	<u>Feb 19</u>	<u>Feb 20</u>	<u>Mar 19</u>	<u>Mar 20</u>
Liquor	106,662.00	116,681.00	112,144.00	121,035.00	120,082.00	102,221.00
Wine	60,244.00	64,265.00	65,409.00	69,199.00	64,322.00	55,842.00
Beer	98,122.00	114,416.00	102,689.00	117,743.00	116,946.00	96,204.00
Misc	9,316.00	4,886.00	9,795.00	5,306.00	10,581.00	4,427.00
	<u>274,344.00</u>	<u>300,248.00</u>	<u>290,037.00</u>	<u>313,283.00</u>	<u>311,931.00</u>	<u>258,694.00</u>
	<u>Apr 19</u>	<u>Apr 20</u>	<u>May 19</u>	<u>May 20</u>	<u>Jun 19</u>	<u>Jun 20</u>
Liquor	110,458.00	57,911.00	127,918.00	79,736.00	131,831.00	149,799.00
Wine	60,016.00	30,194.00	68,244.00	47,610.00	63,676.00	64,453.00
Beer	119,678.00	59,078.00	145,490.00	88,878.00	155,606.00	164,835.00
Misc	9,189.00	2,072.00	13,858.00	4,956.00	13,654.00	8,978.00
	<u>299,341.00</u>	<u>149,255.00</u>	<u>355,510.00</u>	<u>221,180.00</u>	<u>364,767.00</u>	<u>388,065.00</u>
	<u>Jul 19</u>	<u>Jul 20</u>	<u>Aug 19</u>	<u>Aug 20</u>	<u>Sept 19</u>	<u>Sept 20</u>
Liquor	133,297.00	157,944.00	133,402.00	141,919.00	127,389.00	137,028.00
Wine	60,605.00	72,175.00	65,338.00	69,829.00	64,285.00	72,884.00
Beer	161,115.00	183,412.00	163,985.00	162,316.00	141,351.00	148,908.00
Misc	14,614.00	9,987.00	14,493.00	7,662.00	13,544.00	6,077.00
	<u>369,631.00</u>	<u>423,518.00</u>	<u>377,218.00</u>	<u>381,726.00</u>	<u>346,569.00</u>	<u>364,897.00</u>
	<u>Oct 19</u>	<u>Oct 20</u>	<u>Nov 19</u>	<u>Nov 20</u>	<u>Dec 19</u>	<u>Dec 20</u>
Liquor	132,825.00	-	144,811.00	-	162,943.00	-
Wine	69,994.00	-	82,790.00	-	97,754.00	-
Beer	141,339.00	-	146,091.00	-	141,277.00	-
Misc	11,950.00	-	13,439.00	-	9,683.00	-
	<u>356,108.00</u>	<u>-</u>	<u>387,131.00</u>	<u>-</u>	<u>411,657.00</u>	<u>-</u>

September

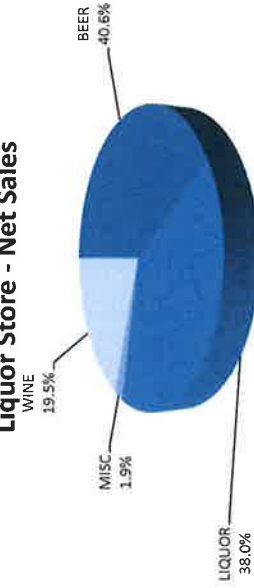
2020 Liquor Store - Net Sales



September 2020		Net Sales per Dept	% Net Sales of Total
BEER	6401.4763	148,908	40.8%
LIQUOR	6401.4761	137,028	37.6%
MISC	6401.4764	6,077	1.7%
WINE	6401.4762	72,884	20.0%
		364,897	

Yearly 2020

Liquor Store - Net Sales



Total 2020		Net Sales per Dept	% Net Sales of Total
BEER	6401.4763	1,135,790	40.6%
LIQUOR	6401.4761	1,064,275	38.0%
MISC	6401.4764	54,351	1.9%
WINE	6401.4762	546,451	19.5%
		2,800,867	



MEMORANDUM

Consent Item E

TO: City Council
FROM: Marcia Glick, City Manager
DATE: November 4, 2020
RE: Deputy Registrar's Monthly Financial Statements

Attached are the Deputy Registrar's financial reports for the month of September 2020 prepared by the finance department. The reports include monthly and year to date amounts for 2020 with comparable amounts to 2019.

Year to date revenues through September are \$307,264 which is \$215,929 less than the prior year. Expenditures were greater by \$3,142. The increase in expenditures is related to staff cost of living, step increases, and internal service charges. A review of personnel duties resulted in positive adjustment for the deputy registrar fund as an adjustment was made back to March 1, 2020. The pandemic reassigned duties for an employee from the deputy registrar to the general fund. There is a net loss before transfers of (\$44,239) year to date, which is \$219,071 less than last year. However, the prior year revenue include a \$98,880 grant from the State of Minnesota for the MNLARS software.

Passport revenue year to date decreased \$95,492, (-62.2%) and motor vehicle fees have decreased \$19,575, (-7.4%).

The Minnesota Stay at Home Order closed the Deputy Registrar end of business on Friday, March 27th through April 5th. We reopened for Tab renewal and Title Transfers on April 7th via the drop box at City Hall. There were no passports processed between March 17th and May 18th. As of May 18th, the Deputy Registrar has a tab express line and two stations handling appointments only. Customers are able to make appointments by phone or via the City website.

In October, Coronavirus Relief Funds were transferred to the deputy registrar fund to offset costs related to the COVID-19 pandemic. Those costs include supplies to ensure proper social distancing between customers and employees and personnel costs that differed from what was expected in the budget due to the shut down and leave related to the virus.

Staffing levels continue to be reviewed. We will continue to monitor and report monthly results.

Recommendation

Approve a motion to acknowledge the Deputy Registrar's financial reports for the month of September 2020.



Marcia Glick, City Manager

CONCURRENCE:



Jeff Zuba, Finance Director

City of Robbinsdale
Deputy Registrar
Profit and Loss Statement From Operations
For Period Ending September 30, 2020

			Year to Date		% Inc (Dec) from Previous Year
	Sep-2020	Sep-2019	2020	2019	
Notary Fees	-	5	5	110	(95.5%)
Motor Vehicle Fees	32,254	33,832	245,288	264,863	(7.4%)
Boat/Snow/ATV/ORV Fees	186	290	3,530	5,282	(33.2%)
Fish & Game Fees	4	10	44	141	(68.8%)
Passport Fees	3,450	10,919	57,936	153,428	(62.2%)
State Grants - Other	-	-	0	98,880	(100.0%)
Other Revenue	288	58	461	489	(5.7%)
Revenues	36,182	45,114	307,264	523,193	(41.3%)
Operating Expenses:					
Personal Services	17,237	32,519	284,081	284,274	(0.1%)
Supplies & Repairs	150	535	4,012	4,515	(11.1%)
Internal Serv Charges	6,512	6,194	57,943	50,121	15.6%
Other Charges & Services	820	994	5,467	9,451	(42.2%)
Depreciation	-	-	-	-	#DIV/0!
Other (Income) Expense	-	-	-	-	0.0%
Total	24,719	40,242	351,503	348,361	0.9%
Operating Income / (Loss)	11,463	4,872	(44,239)	174,832	
Percent to Revenues	32%	11%	-14%	33%	

MEMORANDUM

Consent Item F

TO: Mayor and City Council
FROM: Marcia Glick, City Manager
DATE: November 4, 2020
SUBJECT: Tree Removal Contract Extension

Background:

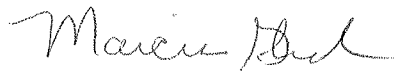
On December 19, 2017, the City Council authorized a contract with Nick's Tree Service of Corcoran, MN for Public and Private tree removal. This contract was for an initial 2 year period ending December 31, 2019 and contained an option to extend the contract by a maximum of two 1-year extensions, subject to mutual agreement by the City and the Contractor.

The City Forester has been satisfied with the work performed under the contract. A 1-year extension has been signed and submitted by the Contractor.

Staff recommend the extension of the contract which needs to be signed by the Mayor and City Manager. Prior to the end of 2021, City staff will be going out to bid for fresh prices for all of the major Forestry contracts.

Recommendation:

By motion, authorize the Mayor and City Manager to execute a 1-year contract extension through December 31, 2021 for tree removal with Nick's Tree Service of Corcoran, MN.



Marcia Glick, City Manager

CONCURRENCE:



Richard McCoy, P.E.
Public Works Director / City Engineer

MEMORANDUM

Consent Item G

TO: Mayor and City Council

FROM: Marcia Glick, City Manager

DATE: November 4th, 2020

SUBJECT: Amendment to Resolution No. 7804 – Project 43820

Background:

On March 4th, 2020, City Council held the improvement and assessment hearing for Projects 38318 – Chowen Avenue between 43rd Avenue and County Road 9, and 43820 – Beard Avenue between 43rd Avenue and County Road 9.

Recognizing that the Chowen Avenue component of the work would not be commenced until Spring of 2021, City Council agreed to different interest free periods – up to November 16, 2020 for properties on the Beard Avenue portion of the work and November 15, 2021 for properties in the Chowen Avenue portion of the project.

This report addresses a possible extension of interest free period for payment of assessments for properties associated with the Beard Avenue portion of the work.

The extensive snowfall on October 20th followed by two weeks of well below average temperatures (well below freezing overnight) has meant that the final concrete work cannot be completed for risk of freezing damage. Whilst it is recognized that the Contractor did not commence this project until very late, commendable progress has been made and they were on target to have the work substantially completed by the contract date of October 31st. Discussion with the Contractor indicates that work will be substantially completed within a month of restarting in Spring. Allowing for the vagaries of Spring weather, work is expected to be substantially completed by July 2nd, 2021.

In order to maintain the equity of conditions applied to previous projects as it relates to assessment due dates, it is appropriate to consider amending this date to align with the actual construction completion schedule.

Staff recommends that Resolution No. 7804 be amended to reflect a change in interest free period from November 16, 2020 to July 2, 2021. The remaining terms of the repayment including repayment period and interest rate will remain as originally resolved. It should be noted that no change is currently proposed for properties on the Chowen Avenue part of the project.

All Beard Avenue property owners have been provided with information about the Contractor's inability to complete the work this year and that a report was being presented to City Council this evening to consider an extension of the interest free period for assessment payment.

Based on tonight's outcome, additional advice will be shared with property owners.

Recommendation:

By motion, waive the reading and order the adoption of Resolution No. _____ "A RESOLUTION AMENDING RESOLUTION NO. 7804 "A RESOLUTION ADOPTING THE ASSESSMENT ROLL FOR CITY PROJECT NO. 43820 – PORTIONS OF BEARD AVENUE AND 43RD AVENUE" BY EXTENDING THE INTEREST FREE REPAYMENT PERIOD" (Shown as Attachment 1).



Marcia Glick, City Manager

CONCURRENCE:



Richard McCoy, P.E.
Public Works Director / City Engineer

Member _____ moved and Member _____ seconded a motion that the following resolution be read and adopted on this 4th day of November, 2020.

RESOLUTION NO.

A RESOLUTION AMENDING RESOLUTION NO. 7804
“A RESOLUTION ADOPTING THE ASSESSMENT ROLL FOR CITY PROJECT
NO. 43820 – PORTIONS OF BEARD AVENUE AND 43RD AVENUE”
BY EXTENDING THE INTEREST FREE REPAYMENT PERIOD

WHEREAS, the City Council approved Resolution No. 7804 at its meeting on March 4th, 2020, establishing the interest free repayment period for Special Assessments associated with City Project 43820; and

WHEREAS, due to the early onset of winter weather conditions, the initially expected construction completion date of the project has been extended into 2021; and

WHEREAS, it is the desire of City Council to maintain a consistency of repayment conditions as applied to previous street reconstruction projects,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Robbinsdale, Minnesota that Resolution No. 7804 is hereby amended as follows:

2. That such assessment shall be payable in annual equal installments extending over a period of 10 years, the first of the installments to be payable on or before the first Monday of January, ~~2021~~, 2022, and shall bear interest at the rate of 4.5 percent per annum from ~~the November 16, 2020~~ July 2, 2021. To the first installment shall be added interest on the entire assessment from ~~November 16, 2020~~ July 2, 2021 until December 31, ~~2020~~ 2021. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. That the owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor after ~~November 16, 2020~~ July 2, 2021, pay the whole or part of the assessment on such property with no interest accrual.

The question was on the adoption of the resolution and upon a vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted this 4th day of November 2020.

Regan L. Murphy, Mayor

ATTEST:

Kim Moore, City Clerk



MEMORANDUM

TO: Mayor and City Council
FROM: Marcia Glick, City Manager
DATE: November 4, 2020
RE: Conditional Use Permit request C20-6 for 3101 Drew Ave. N. for a second accessory structure exceeding 240 sq. ft. in area

BACKGROUND:

Natasha and Joshua Cramer of 3101 Drew Ave. N. have requested a conditional use permit to enable the construction of a garage/storage building in their rear yard that would be a second accessory structure exceeding 240 sq. ft. On October 22, the Planning Commission conducted a public hearing as required via WebEx. The minutes to the meeting are attached as **Exhibit 1**.

ANALYSIS/CONCLUSION:

The report prepared for the Planning Commission is included as **Exhibit 2**. The report explained:

- There is an existing (20 x 22) 453 sq. ft. garage in the rear yard.
- The proposed garage will have a single car overhead door with a storage area measuring 22 x 24 for a total of 528 sq. ft.
- The property is a 60 ft. wide corner lot with above average depth of about 220 feet.

In addition to the applicant, a neighbor called in to participate in the public hearing. The neighbor was in support of the request and voiced no objections. The Planning Commission discussed the prohibition of home occupations in accessory structures. The applicant explained that they would store and maintain their own vehicles in the proposed structure.

After the discussion was concluded, the Planning Commission unanimously adopted a motion recommending approval of the conditional use permit with the recommended conditions.

RECOMMENDATION:

Waive the reading and approve the resolution shown in **Exhibit 3** APPROVING
CONDITIONAL USE PERMIT REQUEST C20-6 ALLOWING A SECOND ACCESSORY
STRUCTURE EXCEEDING 240 SQUARE FEET AT 3101 DREW AVENUE NORTH

Marcia Glick, City Manager

CONCURRENCE:

Rick Pearson, Community Development Coordinator

**EXCERPT OF THE PLANNING COMMISSION MEETING MINUTES OF
OCTOBER 22, 2020**

#5A: PUBLIC HEARING:

Consideration of Conditional Use Permit C20-6 for construction of a single car garage/storage building that would be a second accessory structure on the property exceeding 240 square feet at 3101 Drew Ave N as requested by Natasha Cramer.

4. **MOTION** by Commissioner Greenberg, seconded by Commissioner Markfort to OPEN the public hearing.
ROLL CALL
AYE: Harper, Markfort, Stack, Greenberg, Chair Ulbrich
NAY: None
The vote was unanimous and the motion carried.
5. Pearson presented the staff report for this conditional use permit to construct a detached garage/storage building that will be a second accessory structure that exceeds 240 feet, which triggers a conditional use permit requirement. Structure will be a single car garage with garage door opening facing south with a service door and windows on either side. Assured callers that the garage door is facing south and that made their concerns go away. The proposed driveway will connect with the existing driveway exiting on Drew Ave. Callers were concerned with the driveway exiting onto the alley. Neighboring property has two detached garages. Staff review highlighted that there will be no home business in the accessory structure.
Staff is recommending approval with 4 conditions.
6. Commissioner Harper asked for clarification of the setbacks. Pearson listed applicable setbacks noting that the garage could be moved closer to the Drew Avenue right-of-way.
7. Chair Ulbrich inquired about home occupations in accessory structures. Pearson explained that home occupations in accessory structures are violations of city code.
8. Commissioner Greenberg asked if there are any exceptions to home occupations. Pearson replied that it is all or nothing. In other cities, a conditional use permit could be required for home occupations.
9. **Natasha and Joshua Cramer, 3101 Drew, Applicant:**
Mr. Cramer emphasized the structure would be for storage and maintaining their own vehicle. Mr. Cramer asked Mr. Pearson about side yard setbacks. Pearson replied that the garage could be a foot and a half from the property line. Drew Ave is considered a street side not a front yard. Mr. Pearson asked Mr. Cramer to update his survey before moving on to the city council.

10. **Steve Ferkingstad of 3111 Drew, Neighbor** He supports the project and has no objections.
11. Commissioner Harper stated he is ok with the setbacks; it is a 60-foot lot with no impact on neighbors.
12. Commissioner Greenberg stated he thought it was a good plan.
13. **MOTION** by Commissioner Stack seconded by Commissioner Markfort to CLOSE the public hearing. **The vote was unanimous and the motion carried.**
ROLL CALL
AYE: Harper, Greenberg, Markfort, Stack, Chair Ulbrich
NAY: None
The vote was unanimous and the motion carried.
14. **MOTION** by Commissioner Greenberg, seconded by Chair Ulbrich to recommend that the City Council approve Conditional Use Permit C20-6 to allow a second accessory structure exceeding 240 sq. ft. for 3101 Drew Ave N based upon the following findings of fact:
 - a. That the conditional use supports the low density residential use which is consistent with the Comprehensive Plan;
 - b. That the accessory structure is consistent with the character of the area and other properties in the area have similar accessory structures;
 - c. That there will be no disturbing influences of hazards created by the accessory structure;And with the conditions that:
 1. That a building permit be obtained;
 2. That the driveway serving the new accessory structure be paved and not encroach into the Drew Ave N right-of-way until it combines with the existing driveway with a curb-cut not exceeding 22 feet with a concrete apron;
 3. That no sanitary sewer or water access will be permitted to serve the accessory structure; and
 4. That the drain shown on the plan shall discharge to daylight.**ROLL CALL**
AYE: Stack, Markfort, Harper, Greenberg, Chair Ulbrich
NAY: None
The vote was unanimous and the motion carried.
15. Pearson stated that this item will go before the City Council on Wednesday, November 4, 2020.
16. Commissioner Harper reminded the applicant to have the survey updated.

Agenda Item #5A
October 22, 2020

ADMINISTRATIVE STAFF REPORT

APPLICANT: Natasha Cramer
CASE NO: Conditional Use Permit C20-6
ADDRESS: 3101 Drew Ave. N.
PC DATE: October 20, 2020
APPLICATION DATE: September 30, 2020
PROCESSING DEADLINE: **November 29, 2020**

ACTION/REQUEST:

Natasha Cramer of 3101 Drew Ave. N. would like to construct a detached single car garage/storage building in the rear yard. The proposed building would be a second accessory structure on the property exceeding 240 sq. ft. thus, requiring a conditional use permit. The location is shown in **Attachments A & B**.

BACKGROUND/ANALYSIS:

A survey showing the buildings on the property is provided as **Attachment C**. The property is a 60 ft. wide corner lot with larger than average depth averaging almost 220 feet.

Accessory structure size standards for 60 ft. wide lots	
The proposed new garage / storage building	528 sq. ft.
The existing detached garage	452.69 sq. ft.
Maximum size allowed for a single accessory structure	920 sq. ft.
Total coverage allowed for all accessory structures	1,120 sq. ft.
Total coverage of accessory structures for 3101 Drew Ave. N.	981 sq. ft.

The proposed building will have a single-car (nine foot wide) overhead door facing the house (southern elevation). There will be a separate service door entrance and window above the overhead door. The two side walls will each have a window and the rear wall facing the alley has no window. The south facing wall will have a combination of masonry finish with lap siding above the doors. The other three walls will have lap siding. The roof will be a lean-to design consisting of steel panels.

Findings for Conditional Use

The Planning Commission shall make findings of fact regarding any adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce such adverse effects. Its judgment shall be based upon, but not limited to, the following factors:

1. Consistency with the City Comprehensive Plan.
The second accessory supports the low density residential use which is consistent with the Comprehensive Plan;
2. The geographical area involved.

The block including the applicant's property has 13 properties with access to the alley and ten of those properties have detached garages with various setbacks

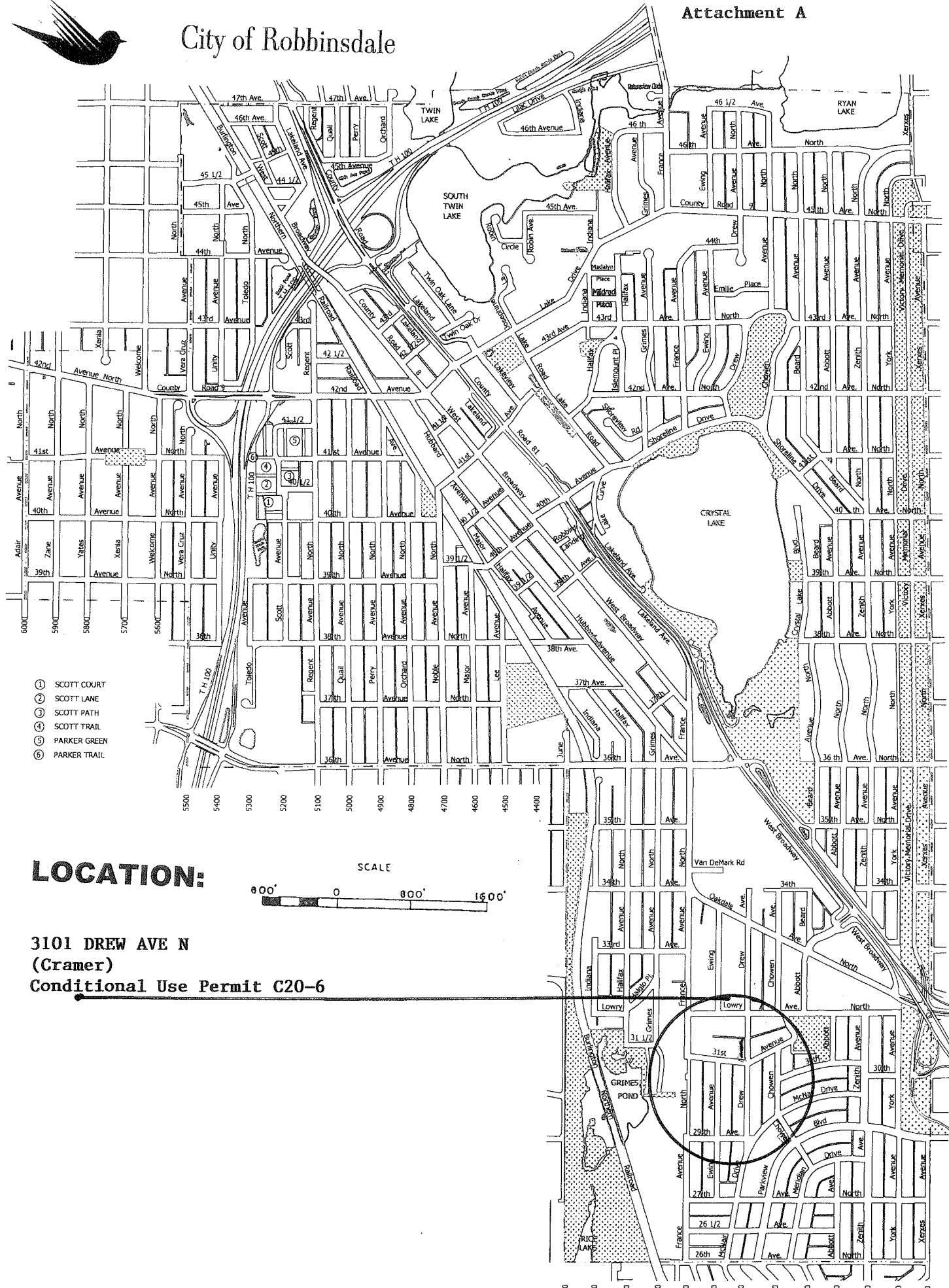
3. Whether such use will cause deterioration of the area in which it is proposed.
The new accessory building will require building permits and be finished primarily with lap siding and will not cause deterioration of the area.
4. The character of the surrounding area.
The majority of the existing residential properties in area have a pattern of detached accessory structures.
5. The demonstrated need for such use.
The existing detached 2-car garage is comparatively small at 20 ft. wide.
6. Whether the proposed use would cause odors, dust, flies, vermin, smoke, gas, noise or vibration, or would impose hazards to life or property in the neighborhood.
There should be no nuisance concerns or hazardous resulting from the proposed accessory structure if the use is in compliance with all applicable codes.
7. Whether such use would inherently lead to or encourage disturbing influences in the neighborhood.
Having an additional building for storage and a vehicle is more likely to reduce disturbing influences in the neighborhood.
8. Whether stored equipment or materials would be screened and whether there would be continuous operation within the visible range of surrounding residences.
Not applicable.

Staff does not have an objection to the second accessory structure. The combination with the existing garage is less than the area of the principal structure (house). The concerns raised during the review were to ensure that the structure does not become an accessory dwelling unit, or host a business. Both would be violations of City Code with respect to the accessory structure and home occupation standards. Lastly, a floor drain is shown on the plan. The floor drain must discharge to daylight.

RECOMMENDATION:

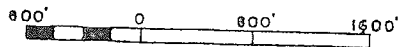
1. Hold the public hearing.
2. Motion to recommend that the City Council approve Conditional Use permit request C20-6 to allow a second accessory structure exceeding 240 sq. ft. for 3101 Drew Ave. N. based upon the following findings of fact:
 - a. That the conditional use supports the low density residential use which is consistent with the Comprehensive Plan;
 - b. That the accessory structure is consistent with the character of the area and other properties in the area have similar accessory structures;
 - c. That There will be no disturbing influences of hazards created by the accessory structure; andAnd with the conditions that:
 1. That a building permit be obtained;

2. That the driveway serving the new accessory structure be paved and not encroach into the Drew Ave. N. right-of way until it combines with the existing driveway with a curb-cut not exceeding 22 feet with a concrete apron;
3. That no sanitary sewer or water access will be permitted to serve the accessory structure; and
4. That the drain shown on the plan shall discharge to daylight.



LOCATION:

SCALE



3101 DREW AVE N

(Cramer)

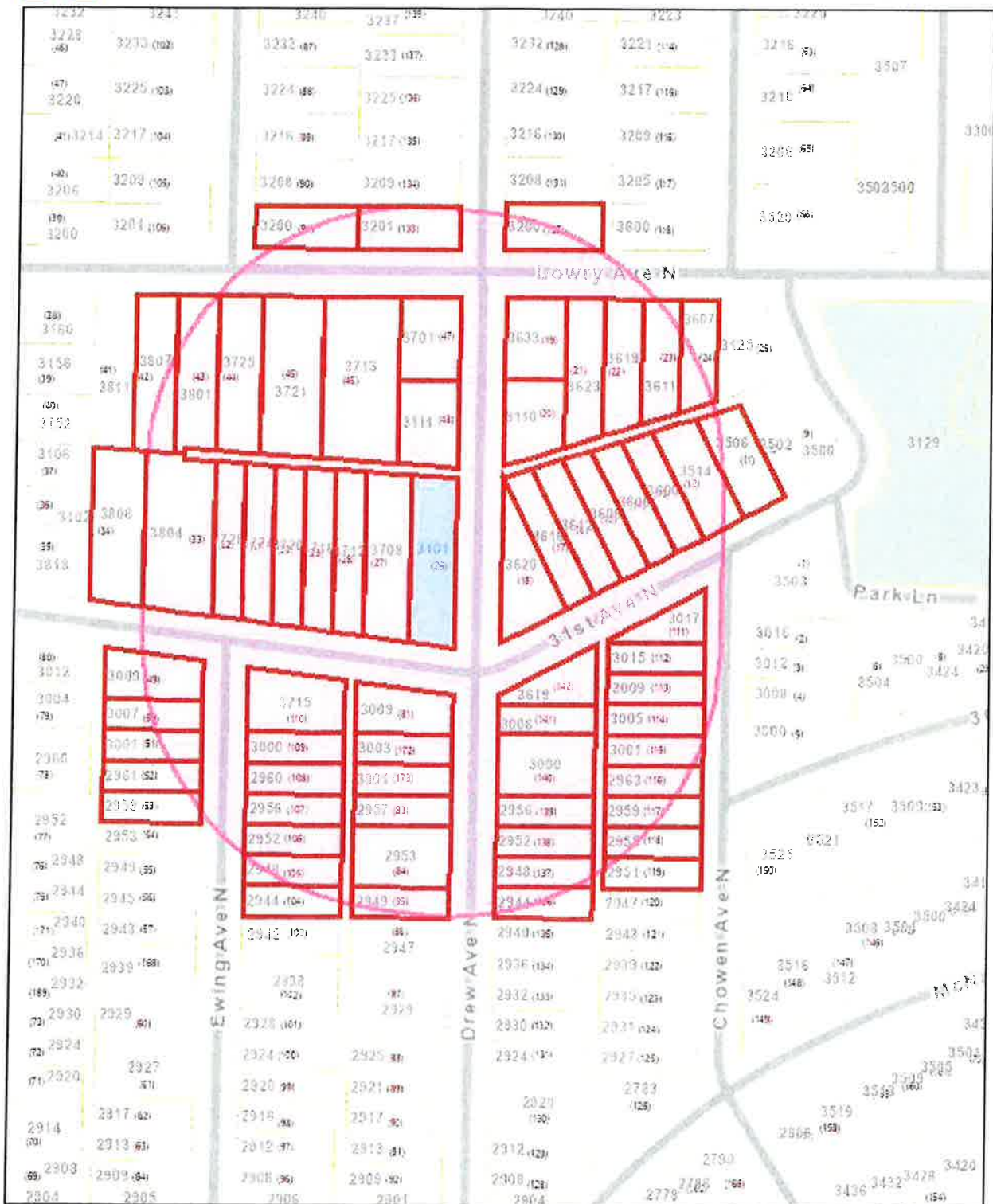
Conditional Use Permit C20-6



Hennepin County Locate & Notify Map

Attachment B

Date: 10/1/2020



Buffer Size: 350

Map Comments:

Conditional Use Permit C20-6
3101 Drew Ave N (Cramer)

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

For more information, contact Hennepin County GIS Office
300 6th Street South, Minneapolis, MN 55487 / gis.info@hennepin.us

LEGAL DESCRIPTION:

LOT 1 AND TYE EAST 1/2 OF LOT 2,
BLOCK 4, "MCNAIR MANOR 2ND UNIT,
ROBBINSDALE, MINNESOTA", HENNEPIN
COUNTY, MINNESOTA.

ATTACHMENT C

PREPARED FOR:

JOS-JA AND NATASHA CRAMER
3101 DREW AVENUE NORTH
ROBBINSDALE, MN 55422

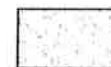


Scale, in Feet
0 20

LEGEND:

- FOUND IRON P.E. (AS NO LOG)
- SET 3/8" REBAR
- ⊙ POWER POLE (W/ GUY AND GR)
- ⊙ 1/2" HYDRANT
- M GATE VALVE
- ⊥ SCK
- ⊙ CATCH BASIN
- ⊙ DECIDUOUS TREE (5" L. IN INCHES)

- OH OVERHEAD UTILITY LINE
- WOOD FENCE
- CHAINLINK FENCE



CONCRETE SURFACE



BITUMINOUS SURFACE

NOTES:

- 1) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE INSURANCE COMMITMENT.
- 2) P.L.D. 08-029-24-32-0026
- 3) PARCEL AREA: 13,188 SQ. FT.
- 4) BEARING BASIS IS ASSUMED.
- 5) DATE OF FIELDWORK: 7-3-2020

SIGNED:

Trevor W. Van Neste, Minnesota Professional Surveyor #44106
Michigan Professional Surveyor #48693

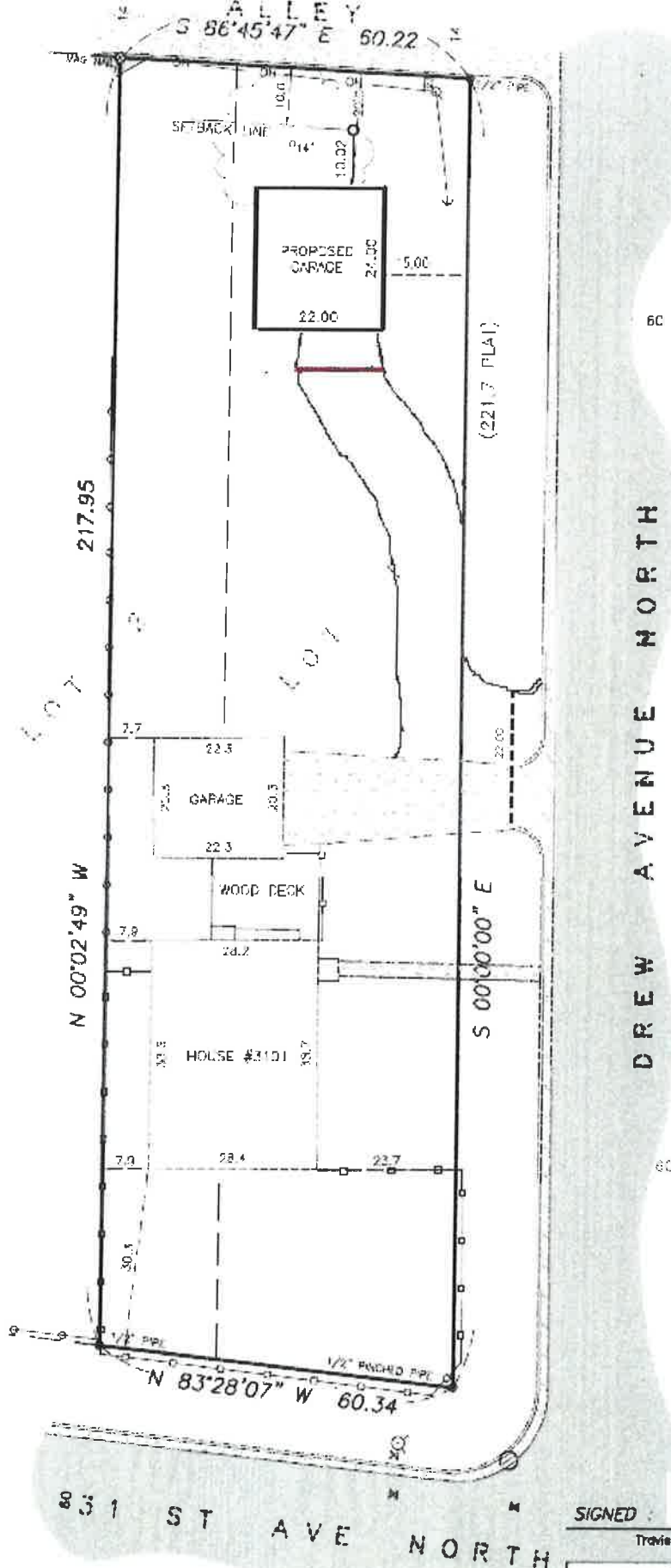
JOB # 2020051	ISSUED: 9-4-2020
DRAWN BY: TAWN	REV: 9-17-2020
SCALE: 1"=20 FEET	

VAN NESTE SURVEYING PROFESSIONAL SURVEYING SERVICES

85 WILDHURST ROAD, EXCELSIOR, MN 55331
(952) 686-3055 VANNESTESURVEYING.COM



SHEET 1 OF 1



CERTIFICATION:

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

Member _____ moved and Member _____ seconded a motion that the following resolution be read and adopted this 4th day of November 2020.

RESOLUTION NO.

**A RESOLUTION APPROVING CONDITIONAL USE PERMIT REQUEST C20-6
ALLOWING A SECOND ACCESSORY STRUCTURE EXCEEDING 240 SQUARE
FEET AT 3101 DREW AVENUE NORTH**

(Cramer)

WHEREAS, the property owners of 3101 Drew Av. N. wish to build a second accessory structure exceeding 240 sq. ft. on their property which requires a conditional use permit; and

WHEREAS, on October 22, 2020, the Planning Commission conducted a public hearing and adopted a motion recommending approval based upon the following findings of fact:

- a. That the conditional use supports the low density residential use which is consistent with the Comprehensive Plan;
- b. That the accessory structure is consistent with the character of the area and other properties in the area have similar accessory structures;
- c. That there will be no disturbing influences or hazards created by the accessory structure; and

WHEREAS, the Council accepts these findings;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Robbinsdale that Conditional Use Permit request C20-6 that would permit a second accessory structure exceeding 240 square feet at 3101 Drew Avenue North as shown and legally described in **Attachment A** is hereby approved pursuant to Section 510.11, Subd. 1(m) and Section 535.01 of the Robbinsdale City Code is hereby approved with the conditions:

1. That a building permit be obtained;
2. That the driveway serving the new accessory structure be paved and not encroach into the Drew Ave. N. right-of way until it combines with the existing driveway with a curb-cut not exceeding 22 feet with a concrete apron;
3. That no sanitary sewer or water access will be permitted to serve the accessory structure; and
4. That the drain shown on the plan shall discharge to daylight.

The question was on adoption of the resolution and upon a vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

**WHEREUPON SAID RESOLUTION WAS DECLARED DULY PASSED AND
ADOPTED THIS 4TH DAY OF NOVEMBER 2020.**

ATTEST:

Regan L. Murphy, Mayor

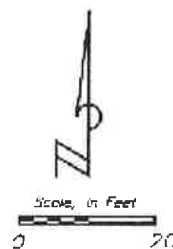
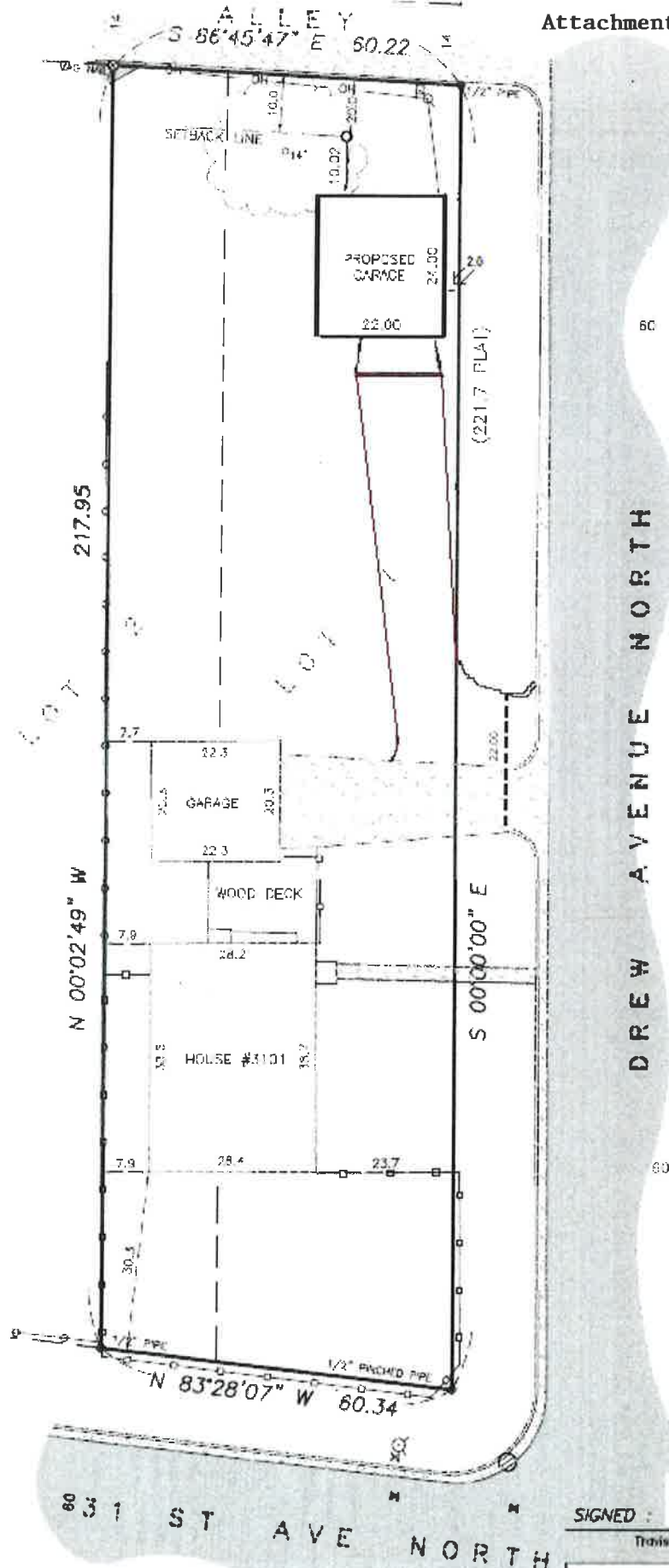
Kim Moore, City Clerk
(SEAL)

LEGAL DESCRIPTION:

LOT 1 AND TYE EAST 1/2 OF LOT 2,
BLOCK 4, "MCNAIR MANOR 2ND UNIT,
ROBBINSDALE, MINNESOTA", HENNEPIN
COUNTY, MINNESOTA.

PREPARED FOR:

JOS-IA AND NATASHA CRAMER
3101 DREW AVENUE NORTH
ROBBINSDALE, MN 55422

LEGEND:

- FOUND IRON P.E. (AS NO LD)
- SET 3/8" REBAR
- ⊙ POWER POLE (W/ GUY AND CR)
- ⊙ 7" TYPORANT
- M GATE VALVE
- ⊥ 3/8"
- ⊙ CATCH BASIN
- DECIDUOUS TREE (52.1 IN CHC. 15)
- OH OVERHEAD UTILITY LINE
- WOOD FENCE
- CHAINLINK FENCE
- CONCRETE SURFACE
- BITUMINOUS SURFACE

NOTES:

- 1) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE INSURANCE COMMITMENT.
- 2) P.L.D.:08-029-24-32-3026
- 3) PARCEL AREA: 13,188 SQ. FT.
- 4) BEARING BASIS IS ASSUMED.
- 5) DATE OF FIELDWORK: 7-3-2020

SIGNED:

Travis W. Van Neste, Minnesota Professional Surveyor #44106
Michigan Professional Surveyor #48695

CERTIFICATION:

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

JOB # 2020051	ISSUED: 9-4-2020	
DRAWN BY: TWMH	REV: 6-17-2020	
SCALE: 1"=20 FEET		

VAN NESTE SURVEYING

PROFESSIONAL SURVEYING SERVICES

85 WILDHURST ROAD, EXCELSIOR, MN 55331
(952) 686-3055 VANNESTESURVEYING.COM



SHEET 1 OF 1



City of Robbinsdale

Consent Item I

To: Mayor and City Manager

From: Marcia Glick, City Manager

Date: November 4, 2020

RE: Voting Delegate – Metro Cities Policy Adoption

Background

The Metro Cities Policy Adoption Meeting is November 19th at 4:00 pm. This year the meeting is will be on-line. Each city is responsible to designate a voting delegate who will represent the city's position on the policies.

Discussion

Printed copies of the 2021 Legislative Policies are available on request or they can be found online at <https://www.metrocitiesmn.org/legislative-policies> . The City Manager will attend the meeting. If a council member plans to attend, they should be designated as the voting delegate.

Recommendation

By motion, designate the City Manager to be the voting delegate at the Metro Cities Policy Adoption Meeting.

Marcia Glick, City Manager



City of Robbinsdale

Consent Item J

MEMORANDUM

TO: City Council
FROM: Marcia Glick, City Manager
DATE: November 4, 2020
RE: Request for Deferral of Special Assessment at 4333 York Ave N

Background

A Deferral of Special Assessment application has been received from Michael Thompson, 4333 York Avenue North for deferral of a special assessment related to delinquent utilities. Mr. Thompson's application is complete and includes the required documents.

Analysis/Conclusion

Minnesota State Statutes, Sections 435.193 to 435.195, allows any statutory or home rule charter city that makes a special assessment to defer the payment of it for any homestead property owned by a person 65 years of age or older, or retired by virtue of a permanent and total disability, and for whom it would be a hardship to make the payments. In 1977, Robbinsdale City Council adopted Resolution No. 2533 establishing the standards and guidelines for determining the existence of hardship.

The resolution also established that deferral of special assessments should be granted to any person otherwise qualified who shall make proper application claiming that average annual principal and interest due on the assessment is in excess of one and one-half percent of their current annual income. After reviewing the application documents, staff confirmed that Mr. Thompson qualifies for the deferral program. If approved by City Council, then staff administers the deferral to Hennepin County Taxpayer Services for recording.

Recommendation

By motion, approve the Deferral of Special Assessment application for Michael Thompson, 4333 York Avenue North for deferral of a special assessment related to delinquent utilities.

Marcia Glick, City Manager

CONCURRENCE:

Jeff Zuba, Finance Director



MEMORANDUM

TO: Mayor and City Council
FROM: Marcia Glick, City Manager
DATE: November 4, 2020 Update
RE: FIRST READING of an Ordinance amending Section 410 Signs of the City Code.

BACKGROUND:

The City Attorney recommended that the sign code be revised in response to case law resulting from First Amendment challenges that have happened in other cities. On September 24, and again on October 22, the Planning Commission conducted public hearings. The meeting minutes are included as **Exhibit 1**.

ANALYSIS/CONCLUSION:

The reports prepared for the Planning Commission are included as **Exhibit 2**. In the reports, it was explained that cities cannot regulate signs on the basis of content:

- The city can only regulate physical features of signs such as: amount, size, height and setback of signs, and signs located in public right-of-way.
- The city cannot regulate a sign just because of what it says, such as categorizing a sign as advertising, or treating a commercial sign differently than any other sign, although it can prohibit off-premises advertising.
- The city can regulate the physical type of signs i.e.: wall, ground/pylon, shingle, portable, temporary, banner and to some extent, materials and wear.
- Temporary signs such as banners can have time limits, but regulating the types of banners will be limited to size and location. Banners in street right-of-way will be subject to City Council approval.
- Section 410.11 Special provisions has been extensively scaled back by eliminating references to the content of signs determining how they are regulated. Small, incidental but necessary signs such as addresses, directional signs will simply be allowed without a permit because they will be less than 5 – 10 square feet and low to the ground (i.e. 4 feet).
- The banner section has remained largely intact.
- The political sign section was revised several years ago because of Legislation requiring the 46 day window. The approach to political signs may be different, or included in all other signs regulated by physical characteristics instead of content.

The Planning Commission conducted the public hearing (by WebEx) at the September and October meetings. No comments were received from the public. The Commissioners had several questions including:

- The regulation of obscene messages. The City Attorney provided an opinion that obscene materials would not be protected by the First Amendment.
- Memorials (plaques). Staff found a definition for Historic Plaques in the Minneapolis ordinance.

- The Planning Commission also discussed awkward sections which were edited for clarification.

With those concerns resolved, the Commissioners unanimously adopted a motion recommending approval of the amendment to the sign ordinance.

RECOMMENDATION:

Motion to waive the reading and concur with the Planning Commission by holding the FIRST READING of the Ordinance shown in **Exhibit 3** approving amendments to the sign ordinance.



Marcia Glick, City Manager

CONCURRENCE:



Rick Pearson, Community Development Coordinator

Since the writing of the memo, the City Attorney has affirmed that Cities CAN regulate commercial speech if it is off premises “advertising.” Therefor “advertising sign” definition, control of the street spanning banner, and clarifying that some off-premises signs are allowed but not those related to commercial speech (i.e. little community event signs are ok, similar signs advertising businesses or products are not)

**EXCERPT OF THE PLANNING COMMISSION MEETING MINUTES OF
OCTOBER 22, 2020**

**#4A: PUBLIC HEARING CONTINUED FROM SEPTEMBER 24:
Consideration of Zoning Text Amendment Z20-7 to amend the Sign Ordinance
content in Section 410 of the City Code to be consistent with the case law as
requested by the City of Robbinsdale.**

17. **MOTION** by Commissioner Harper, seconded by Commissioner Greenberg to REOPEN the public hearing.
ROLL CALL
AYE: Stack, Markfort, Greenberg, Harper, Chair Ulbrich
NAY: None
The vote was unanimous and the motion carried.
18. Pearson reviewed the staff report. Answered questions raised by the Commission from the October meeting. Attorney responded. Obscene materials are not protected by the First Amendment. Removed the reference to memorials. Found that historical plaques would be more appropriate instead. Conversation with attorney recommended, "The owner of a sign may change the surface of the design face". There were no further questions from the Commission.
19. **MOTION** by Chair Harper, seconded by Commissioner Markfort to CLOSE the public hearing. **The vote was unanimous and the motion carried.**
ROLL CALL
AYE: Harper, Greenberg, Stack, Markfort, Chair Ulbrich
NAY: None
The vote was unanimous and the motion carried.
20. **MOTION** by Commissioner Greenberg, seconded by Chair Ulbrich to recommend the Planning Commission is in support of the City Council adopting the ordinance amending Section 410 of the City Code, the sign ordinance.
ROLL CALL
AYE: Stack, Markfort, Harper, Greenberg, Chair Ulbrich
NAY: None
The vote was unanimous and the motion carried.

**EXCERPT OF PLANNING COMMISSION MEETING MINUTES OF
SEPTEMBER 24, 2020**

#4B: CONTINUED PUBLIC HEARING:

**Consideration of Zoning Text Amendment Z20-7 to amend the Sign Ordinance
content in Section 410 of the City Code to be consistent with the case law.**

41. **MOTION** by Commissioner Stack, seconded by Commissioner Greenberg to OPEN the public hearing.
ROLL CALL:
AYE: Harper, Markfort, Greenberg, Stack, Chair Ulbrich
NAY: None
The vote was unanimous and the motion carried.
42. Pearson presented the staff report for this sign amendment request to be consistent with case law as advised by the city attorney. Need to remove any reference to content of signs. Highlighted sections of the sign ordinance that needed changing. Inserted useful language where needed. Sections of the ordinance remain the same. Special provision signs would have to have the function and content of the sign replaced.
43. Commissioner Greenberg asked about content of obscene signs, which would be allowed. Pearson stated he would ask the city attorney if he has any suggestions before taking it to the city council.
44. Commissioner Harper stated it says obscenity "as defined by law" in subdivision 9.
45. Commissioner Stack inquired about memorial signs - they are content based so there is an exception. Pearson stated that it could be something that may need fine-tuning. He will consult with the city attorney.
46. Commissioner Stack asked about the sign permits in Section 410.25, Subdivision 1. There may be a word missing in the final paragraph to define what it means.
47. **MOTION** by Commissioner Greenberg, seconded by Chair Ulbrich to continue the public hearing to October 22, 2020 at 7:00 p.m.
ROLL CALL:
AYE: Stack, Markfort, Harper, Greenberg, Chair Ulbrich
NAY:
The vote was unanimous and the motion carried.

ADMINISTRATIVE STAFF REPORT

APPLICANT: City initiated
CASE NO: Zoning Text Amendment Z20-7
ADDRESS: Citywide
PC DATE: October 22, 2020
APPLICATION DATE: N/A
PROCESSING DEADLINE: N/A

ACTION/REQUEST:

The City Attorney has advised that the sign code be revised as a result of case law resulting from first amendment challenges that have happened in other cities. On September 24, 2020 the Planning Commission continued the public hearing until this evening as a result of some questions stemming from the latest draft of the ordinance.

BACKGROUND/ANALYSIS:

On September 24, 2020 the Planning Commissioners had specific questions regarding the sign ordinance update:

- Obscene material was questioned: Is “defined by law” adequate? Is it an exception that would be applied to the content of the sign? In response, the Attorney provided:

“Not all speech receives full First Amendment protection, and obscene speech is an example of a type of speech that does not benefit from those protections. Because of that, signs that contain obscene materials may be regulated based upon that content. Minn. Stat. 617.241 provides a definition of “obscene” that is sometimes relied upon since that tracks the Supreme Court’s analysis of obscene material. One option would be to site specifically to that statute if the Commission would like to provide a more specific definition. The risk with doing that, of course, is that it prohibits the city from relying on other things, such as new cases that may come out which addresses this issue. However, by providing a specific description, the city may avoid a “void for vagueness” challenge. I am not sure if there is a majority approach to this, but we could certainly take a look at what other cities have done and see if there is an obvious trend.”

- The Planning Commission requested a definition of memorial, and as written, it’s content based. The Attorney responded:

“...I agree that the definition is content-based. I would point out that there are some notable exceptions to the general rule that the city cannot regulate based upon content. For instance, directional signs and house number signs *may* be regulated by content, because the government has a compelling governmental interest in doing so and those regulations are narrowly tailored to achieve that interest. What is the governmental interest in regulating memorial signs? Is this restriction narrowly tailored to achieve that goal? Why not just allow memorial

signs in the same manner as other signs – why do they get preferential treatment? The city can decide whether this is a distinction worth preserving in the ordinance. If it were struck down in the future as being an impermissible content-based regulation, the new severability clause would allow that portion of the ordinance to be essentially removed.”

Staff searched a number of other cities’ sign ordinances and found no definition for a memorial sign. However, the City of Minneapolis did have a definition for “Historic plaque” in their exempt signs section (modified by staff for Robbinsdale):

Historic plaques placed by recognized historical agencies, provided such signs shall not be placed or maintained in the public right-of-way without City Council approval, shall not be illuminated, and shall not exceed ten (10) square feet in area.

- The new language proposed for **Section 410.25** Sign permits was missing an action verb and didn’t make sense. With the agreement of the Attorney, the following is proposed:

The owner of a sign may change the display surface or sign face on a previously approved and erected sign or completely replace a sign when such change or replacement would be consistent with a previously issued sign permit or a sign considered to be a legal non-conformity and would not require compliance with applicable building codes, unless such sign has been deemed abandoned.

- There is confusion for the new language proposed for 410.31 and if it is redundant with the new language in 410.25 above: The Attorney responded:

“There is some relationship between 410.25 and 410.31, but I think there are also some slight differences. I read 410.25 as saying that a person need not get a new sign permit if they are simply replacing the copy on a sign that otherwise meets all of the code requirements. Alternatively, 410.31 provides the affirmative right to replace sign copy. Maybe those two things do essentially say the same thing, in which case you could probably delete one of them. However, one situation that seems to be permitted in 410.25 that is not permitted in 410.31 is the changing of commercial copy. Under 410.31, a person may replace commercial copy with non-commercial copy (because the goal of that language is to avoid favoring commercial speech over non-commercial speech), but under 410.25 a person could replace commercial speech with different commercial speech, so long as the sign continues to be in compliance with all of the provisions of the code.”

RECOMMENDATION:

1. Hold the public hearing.
2. If the Planning Commission is in support of the proposed amendments to Section 410 of the City Code, then Motion to recommend that the City Council adopt the ordinance amending Section 410 of the City Code, the sign ordinance.

Section 410 - Signs

410.01. Title. This section may be referred to as the Robbinsdale sign ordinance.

410.03. Purpose. This section is adopted to protect and promote the public health, safety, and general welfare. It is the intent of this section to protect and preserve the integrity of residential areas, to reduce traffic and safety hazards, to promote an aesthetically pleasing environment, to promote equity in sign communication, and to otherwise implement the goals, objectives, and policies of the comprehensive municipal plan by the application of uniform regulations and exterior signage. **It is not the intent of this section to impose content-based restrictions on signs within the city.**

410.05. Definitions. Subdivision 1. For the purposes of this section the terms defined in this subsection have the meanings given to them. Where a question arises regarding the definition of a term not defined herein, the definition of the term has the meaning given by the zoning code. (Appendix A)

Subd. 2. ~~"Advertising sign" means a sign that is used to advertise business, professions, uses, products, goods, or services (including entertainment) not related to the premises at which the sign is located.~~

Subd. 3. ~~"Business sign" means a sign that identifies a business or group of businesses, a profession or use located upon the premises where the sign is located; or a sign that identifies or promotes products, goods, or services (including entertainment) offered for sale or sold upon the premises at which the sign is located.~~

Subd. 4. "District" means a zoning district established and defined by the zoning code.

Subd. 5. "Enforcement officer" means an individual appointed by the city manager responsible for administering and enforcing this section.

Subd. 6. "Establishment" means any of the following:

- (a) A distinct business entity situated as the sole occupant of a single structure.
- (b) A distinct business entity, with a separate exterior entrance, located in a separate structure attached to other structures by common walls or facade, or attached by means of an enclosed arcade.
- (c) A distinct business entity contained within a multiple tenant structure, possessing a single, common entrance for all establishments, or
- (d) A distinct business entity contained within a single structure, not separated by walls or other physical barriers, where the business entity is made distinct by its existence as a separate leasehold, by its operation by separate entrepreneurs, or by its singularity of purpose.

Subd. 7. "Flashing sign" means a sign illuminated by lights that are varied in intensity or color and that is capable of rapidly changing copy or images in intervals of less than one hour; the term does not include time and temperature or electronic message center signs governed by subsection 410.07. (Amended, Ord. No. 07-07)

Subd. 8. "Exterior sign" means a sign which is erected exterior to a structure. The term does not include signs erected interior to a structure in such a manner as to be visible from the exterior.

Subd. 9. "Free-standing sign" means a stationary or portable self-supporting sign.

Subd. 10. "Ground elevation" means the average curb elevation along the street frontage upon which a free-standing sign is to be erected, or a roof or wall sign is to face.

Subd. 11. Non-conforming sign means any of the following:

- (a) Legal - means a sign lawfully in existence that does not conform with the provisions of this section.
- (b) Illegal - means a sign that does not conform to the provisions of this section.

Subd. 12. "Message center sign" means a sign that is remotely programmable to change copy or messages, and which is equal to less than one-half of the available wall or ground sign in which it is included, and which, in no case, is larger than 25 square feet. The sign may include letters or numbers, but it cannot create the effect of movement, or change messages in intervals of less than one hour except that public transit message center signs may change messages more frequently. Examples of message center signs include signs which display scheduled worship services, events in churches, gasoline prices or movie marquee information. A message center sign's light intensity shall be limited to one-foot-candle as measured anywhere on any abutting parcel or right-of-way. (Added, Ord. No. 07-07) (Amended, Ord. 14-08)

Subd. 13. "Off-site directional sign" means a sign directing visitors to a specific property but not located on the said property. (Added, Ord. No. 01-06)

Subd. 14. "Roof sign" means a sign mounted on a building roof. A sign mounted on a roof in such a manner that it extends more than one foot below eave height or the top of a parapet wall is both a roof sign and a wall sign for the purposes of applying the provisions of subsection 410.09. (Amended, Ord. No. 07-07)

Subd. 15. "Shingle sign" means a three-dimensional sign that projects from the front of a building façade over a sidewalk, but not over a street or alley. Generally, the sign is perpendicular to the plane of the building façade. (Added, Ord. No. 07-07)

Subd. 16. "Sign" means letters, words, symbols, poster, billboard, picture, device, reading matter, or representation in the nature of an advertisement, announcement, message, or visual communication whether painted, printed, posted, affixed, digital, video, constructed, or displayed for purposes of information or communication: the term includes structural supports, uprights, bracing, and framework and architectural or graphic features that are intrinsically associated with a particular product, good, service, business, firm, corporation, or profession. (Amended, Ord. No. 07-07)

Subd. 17. "Sign area" means the physical area of a sign constituted of the face upon which the advertisement is borne. In the case of signs constituted of individual figures, symbols, or components attached directly to a building wall or other integral construction feature of a building, sign area is that area included in the smallest square or rectangular geometric figure that can be drawn to circumscribe the entire message or communication. The permitted sign area for a sign applies to the area of each individual face when a sign displays no more than two faces. When a sign displays more than two faces, the maximum area of each sign face may not exceed the amount determined by multiplying the stipulated sign area by two and dividing by the total number of sign faces proposed. (Amended, Ord. No. 07-07)

Subd. 18. "Sign face" means a separate planar or curved surface created by a sign upon which an advertisement is borne: when a sign is constituted of more than one planar surface bearing advertising, separate planar surfaces intersecting at greater than 160 degrees interior angle constitute a single face. (Amended, Ord. No. 07-07)

Subd. 19. ~~"Special purpose sign" means a sign erected for the purpose of fulfilling a purpose other than that performed by a business or advertising sign. The term includes but is not limited to political campaign signs, real estate sale and lease signs, construction signs, institutional identification signs, directional signs, public information signs, identification signs, and other signs of a solely non-commercial nature. (Amended, Ord. No. 07-07)~~

Subd. 20. "Teardrop banner" means a free-standing fabric banner attached to a ground mounted frame or pole that causes the banner to remain taut in the absence of wind. (Added, Ord. No. 16-11)

Subd. 21. "Wall sign" means a sign that is affixed to the wall of a building, including signs attached to windows, doors, marquees, canopies, or parapet walls: a sign affixed to a wall in such a manner that it extends more than one foot above eave height or the top of a parapet wall is both a wall sign and a roof sign for the purposes of applying the provisions of section 410.09 of this section. (Amended, Ord. No. 07-07)

410.07. General provisions. Subdivision 1. Permit required. Except as provided in subsection **410.11 and 410.25**, all exterior signs proposed to be erected in the city require a permit. The permit number and date of the permitted sign's erection must be prominently displayed on the sign structure.

Subd. 2. Construction. A sign may not be attached to or supported by rocks, fences, trees, or utility poles. A sign may not be erected so as to interfere with utility wires or supports thereof. Signs must be constructed in conformance with ~~Chapter 4 of the 1976~~**97** edition of the Uniform Sign Code promulgated by the International Conference of Building Officials which is adopted by reference. Electric signs must conform with the electrical code and require an electrical permit. (Amended, Ord. No. 07-07)

Subd. 3. Motion. A sign may not display any moving parts. Signs, except barber poles, may not rotate. A sign may not be subject to visible movement from normal wind pressure.

Subd. 4. Illumination. A sign may not be illuminated by flashing or intermittent lights. Electronically or electrically-controlled time and temperature signs and message centers that display changing copy by means of a lamp bank of relatively constant light intensity are exempt from this subdivision, however, such message center signs may not flash, blink, flicker or exhibit rapidly changing information, or create the effect of movement. Light from illuminated signs must be shielded to prevent direct reflection onto adjacent private property or a public right-of-way. A sign may not be illuminated in such a manner as to imitate an official traffic control device, nor may the intensity of illumination of a sign obstruct the visibility of an official traffic control device. Incandescent light bulbs utilized for illumination of signs are limited to a maximum of 20 watts per bulb when mounted on the exterior of a sign. Signs located on property abutting

residential property, except time and temperature signs and public transit message center signs, may not be illuminated between the hours of 11 o'clock p.m. and six o'clock a.m. The provisions of this subdivision apply to an interior sign visible from the exterior, the provisions of subsection 410.05, subdivision 8 notwithstanding. (Amended, Ord. No. 07-01, Ord. No. 14-08)

Subd. 5. Projection. A wall sign may not project more than 18 inches from the surface to which it is affixed. A sign, except for wall signs possessing a maximum projection of 18 inches or affixed to a canopy or marquee, may not project over public right-of-way or a public or private access route (sidewalk, etc.). A sign that projects over public right-of-way or public or private access routes must be located a minimum of eight feet above surface grade. Shingle signs are exempt from this section. (Amended, Ord. No. 07-07)

Subd. 6. Height. A wall sign may not exceed the building eave in height. A roof sign may not be erected the top of which measures more than 30 feet in height when measured from ground elevation. A free-standing sign may not exceed 30 feet in height when measured from ground elevation.

Subd. 7. Setback and placement. Except for traffic control or traffic directional signs, signs in the B-1, B-2, B-3, B-4, and B-W zoning districts must be located behind the required front building setback in the district in which the premises are located. Except for traffic control or traffic directional signs, signs in the R-1, R-2, R-3, and R-B zoning districts must be located not closer than five feet from a property line. A wall sign possessing a maximum projection of 18 inches will not be considered as encroachment on any required setback. A free-standing sign may not be erected within 15 feet of a street intersection, as measured from the street surfaces. No sign, except that of a governmental agency, may be erected or placed in a public right-of-way without the approval of the city council. ~~Signs may not be placed on or within a private right-of-way without the approval of the city council.~~ Signs may not be placed in such a manner as to create a hazard to public health or safety, nor may a sign by reason of its placement obstruct the visibility of any traffic control device. A sign may not be placed so as to prevent free egress from or access to any door, window, or fire escape. A sign may not be affixed to any stand pipe or fire escape or be placed so as to obscure emergency equipment or information (e.g. fire extinguishers, fire hoses, first aid kits, alarms, emergency procedures, etc.), or to obstruct a fire lane.

Subd. 8. Number of faces and sign area. A single sign may display any number of faces. The permitted sign area applies to the area of each individual face when a sign displays no more than two faces. When a sign displays more than two faces, the maximum area of each sign face may not exceed the amount determined by multiplying the stipulated sign area by two and dividing by the total number of sign faces proposed; i.e., $a = 2x \div y$ where "a" represents the maximum area of an individual sign face, "x" represents the maximum permitted area of the sign, and "y" represents the total number of faces proposed for a given sign.

Subd. 9. Obscene material. A sign may not display material determined to be obscene, as defined by law.

Subd. 10. Maintenance and repair. Signs must be properly maintained and kept in a safe state of repair. Signs must be maintained free of peeling or chipping paint or rust. A sign structure that is determined to be rotted, deteriorated, defaced, or otherwise hazardous must be repaired or replaced by the owner of the sign upon written notification by the enforcement officer.

410.09. Zoning district provisions. Subdivision 1. Residential districts. Except as provided for in subsection 410.11 special provisions, signs may not be erected in the R-1, R-2, or R-3 residential zoning districts. (Amended, Ord. No. 07-07)

Subd. 2. Residential-business district. Except as provided for in subsection 410.11 signs erected in the R-B residential district must comply with the following:

- (a) Type. An establishment may erect wall signs or freestanding signs, or combinations thereof as regulated by clauses (b) and (c). (Amended, Ord. No. 07-07)
- (b) Number. An establishment may erect any number of wall signs provided that the total area of all wall signs erected along any one building wall may not exceed the total permitted area established by clause (c). An establishment may also erect a maximum of one free-standing sign along each building wall. For the purposes of this section building walls lying upon the same planar surface or parallel planar surfaces facing the same direction are considered one wall; and building walls lying upon separate planar surfaces but intersecting at greater than 160 degrees interior angle are considered one wall. (Amended, Ord. No. 07-07)
- (c) Size.
 - (1) The cumulative area of wall signs erected on one building wall may not exceed 25 square feet plus one square foot of area for each additional one foot that the required sign setback is exceeded, up to a maximum of 50 square feet of sign area.
 - (2) The maximum size of a free-standing sign is 25 square feet of sign area plus one square foot of sign area for each additional one foot that the building wall, or street frontage, if greater, along which the sign is erected exceeds 50 feet in length, up to a maximum of 50 square feet of sign area. (Amended, Ord. No. 07-07)
 - (3) The total area of all signs erected upon and along an individual building wall may not exceed 75 square feet. (Amended, Ord. No. 07-07)

Subd. 3. Business districts. Except as provided for in subsection 410.11 signs erected in the B-1, B-2, B-3, B-4, and B-W zoning districts must comply with the following:

- (a) Type. An establishment may erect wall signs or free-standing signs, or combinations thereof as regulated by clauses (b) and (c). (Amended, Ord. No. 07-07)

- (b) Number. An establishment may erect any number of wall signs provided that the total area of all wall signs does not exceed the total permitted area established by clause (c). An establishment may erect a maximum of one free-standing sign along each building wall. Building walls lying upon the same planar surface or parallel planar surfaces facing the same direction are considered one wall; and building walls lying upon separate planar surfaces but intersecting at greater than 160 degrees interior angle are considered one wall. (Amended, Ord. No. 07-07)
- (c) Size.
- (1) The cumulative area of all wall signs erected on one building wall may not exceed 50 square feet plus one square foot of area for each additional one foot that the required sign set back is exceeded, up to a maximum of 100 square feet of sign area.
 - (2) The maximum size of a shingle sign is six square feet and there shall be a minimum of ten feet clearance between the sign and the sidewalk. (Amended, Ord. No. 07-07)
 - (3) The maximum size of a free-standing sign is 50 square feet of sign area plus one square foot of sign area for each additional one foot that the building wall, or street frontage if greater, along which the sign is erected exceeds 50 feet in length, up to a maximum of 100 square feet of sign area.
 - (4) The total area of all signs erected upon and along an individual building wall may not exceed 150 square feet.

410.11. Special provisions. Subdivision 1. Special purpose signs. The special purpose signs described in this subsection are permitted in all zoning districts **and are exempt from the provisions of Section 410.09. Exempt signs remain** subject to the **specified** restrictions **as follows.**

Subd. 2. Safety, warning, and hazard signs. ~~A sign~~ **Signs** required by the Minnesota Occupational Safety and Health Administration (OSHA), or its federal counterpart, ~~is permitted within any district~~ **are exempt signs.** Such signs must conform to the size and placement standards established by OSHA, or if no standards have been adopted, then the sign shall conform to size and placement specifications of the enforcement officer. Such signs are not included in the maximum number of signs allowed under subsection 410.09.

Subd. 3. ~~Identification~~ **Exempt signs.** ~~A sign~~ **Signs** of ~~ten less than five~~ square feet **or less** in area which serves solely to identify that name of the business, manager, resident, or address of the premises where the sign is located, is permitted in all districts **are exempt signs.** Such signs may include no advertising material, and may not include the names of a permissible home occupation within residential districts. Placement of **such** identification **exempt** signs is **are** limited to one such sign for each street frontage from which either a principal or service entrance to the building is provided. Permitted identification **exempt** signs are not included in the maximum number of signs allowed under subsection 410.09.

Subd. 4. ~~Holiday and business hours signs.~~ A sign of less than five square feet that serves to solely identify a holiday is permitted in all zoning districts. The sign may not be displayed for more than 30 consecutive days preceding the holiday identified and must be promptly removed on the day following the holiday. A sign of less than five square feet that serves to identify the operational hours of an establishment is permitted in all zoning districts. Neither permitted holiday nor business hours signs are included in the maximum number of signs allowed under subsection 410.09. **Interior signs. Except for window signs regulated elsewhere in this code, signs located within buildings or interior common space within multiple tenant structures are exempt signs.**

Subd. 5. ~~Real estate sale and rental signs.~~ Signs erected for the sole purpose of sales or rental of property, structures, or space therein are permitted in all zoning districts, provided that the sign is erected on the premises to which the sign refers. The sign may not exceed one quarter square foot of sign area for each foot of property frontage, along which the sign is to be erected, up to a maximum size of 25 square feet in area. Only one real estate sign may be erected along each street frontage. If the sign is erected as a free standing sign, it may not exceed four feet in height and must be securely anchored to prevent its dislodgement by normal wind pressure. The sign must be removed within seven days of sale or rental. The signs are not included in the maximum number of signs allowed under subsection 410.09. **Exempt signs include signs which are integrally attached to or part of:**

- (1) **Waste roll-offs, dumpsters, garbage cans, portable storage units or other similar equipment owned and maintained by a commercial business for the purpose of waste collection or temporary storage;**
- (2) **Personal property or motor vehicles such as, but not limited to, passenger vehicles, snowmobiles, all-terrain vehicles, trucks, semi-tractors and trailers, recreational vehicles, fish houses, boats, boat lifts, and trailers; and**
- (3) **Construction materials or equipment.**

Subd. 6. ~~Political campaign signs.~~ Signs placed for the sole purpose of announcing support for or opposition to either a candidate or issue in a forthcoming special or general election are permitted in all zoning districts. The signs may not exceed five square feet in area when placed within an R-1, R-2, R-3, or R-B district, nor exceed 25 square feet in any B-1, B-2, B-3, B-4 or B-W district. All political campaign signs of any size may be placed in any number from 46 days before the state primary in a state general election year until ten days following the state general election. Political campaign signs, other than above, may not be displayed for a period exceeding 46 days preceding the election which is the subject of the sign. The signs must be removed within ten days following the election. Political campaign signs must be confined to private property and must be securely anchored to prevent their dislodgement by normal wind pressure. The signs are not included in the maximum number of signs allowed under subsection 410.09. (Amended, Ord. 05-01; Ord. 05-09; Ord. 10-14) **Signs which are affixed on city owned property, which have been approved by the City Council or the City Manager, or their designee, are exempt signs. Such sign may include signs affixed to ballpark fences by a sponsoring entity.**

Subd. 7. ~~Construction and occupancy signs.~~ Signs erected for the sole purpose of displaying the names of responsible persons, firms, contractors, etc. involved with the construction, alteration, or repair of a structure are permitted in all zoning districts. The signs are limited to one per street frontage. The signs may not exceed 25 square feet in any R-1 or R-2 district or 50 square feet in any R-3, R-B, B-1, B-2, B-3, B-4, or B-W district. The signs must be securely anchored to prevent their dislodgement by normal wind pressure. A sign intended principally to identify the name or nature of a future tenant or occupant of a structure under construction is permitted in all districts, subject to the same restrictions as construction signs. A premises may display either one construction sign or one occupancy sign per street frontage. The signs are not included in the maximum number of signs allowed under subsection 410.09. **Signs which are affixed on property owned by a county, state or federal governmental body, or a public school district are exempt signs, unless specifically prohibited by this section.**

Subd. 8. ~~Informational and directional signs.~~ Signs erected principally for the purpose of providing

~~information, instructions, or directions to employees, visitors, or delivery vehicles, etc. are permitted in all districts. The sign may contain the name of an establishment, but the sign must predominantly represent an informational or directional sign. The signs may not exceed ten square feet in area, and if erected as a free standing sign, eight feet in height. The signs must be permanently affixed to the ground or a structure. The signs are not included in the maximum number of signs allowed under subsection 410.09.~~ **Signs required by law are exempt signs.**

Subd. 9. ~~Institutional and governmental signs.~~ Signs erected within a public right-of-way that are approved by the appropriate governmental agency with authority over the right-of-way are exempt signs. for the sole purpose of identifying an institutional use (e.g. church, hospital, nursing home, etc.) or governmental use (e.g. public park, public building, etc.) are permitted in all zoning districts wherein the institutional use or governmental use is permitted. When such signs are to be located within any R-1, R-2, R-3, or R-B district, the signs must conform to the provisions of subsection 410.09, subdivision 2. When such signs are to be located within any B-1, B-2, B-3, B-4 or B-W district, the signs must conform to the provisions of subsection 410.09, subdivision 3. In instances of governmental uses where the principal use is not contained in a structure, such as parks, free standing signs may be substituted for wall signs, and when access to the premises of a governmental use is provided by means other than by street frontage (e.g. pedestrian walks) an additional sign may be located at each such access.

Subd. 10. ~~Integral signs.~~ Historic plaques—Signs constructed as an integral part of a building such as memorial Historic plaques, building names or dates, placed by recognized historical agencies, provided such signs shall not be placed or maintained in the public right-of-way without City Council approval, shall not be illuminated, and shall not exceed ten square feet in area etc. are permitted in all zoning districts exempt signs. The signs are not included in the maximum number of signs allowed under subsection 410.09.

Subd. 11. ~~Garage sale signs.~~ Signs erected to advertise a sale such as a garage or estate sale are permitted in all zoning districts. The signs may be erected only for the day of the advertised sale and must be removed upon close of the sale. The signs are limited to placement only upon the premises where the advertised sale is to be conducted. The signs may not exceed five square feet in area

Subd. 12. Portable signs, pennants; temporary permits. A sign of a portable nature, pennant, teardrop banner or similar sign may not be erected in any zoning district, except by temporary sign permit issued by the ~~enforcement officer.~~ building department. Temporary permits are valid for a period not to exceed ten days. A temporary permit for a sign may not be renewed more than twice. Temporary permits for a portable sign, pennant, teardrop banner, etc. may not be issued to the same premises for the same type of sign more than three times in any 12 month period. For the purpose of this subsection a renewal constitutes a separate permit and each separate sign represents a separate permit request. Teardrop banners are not allowed in the DD-1, DD-2 or other properties within the downtown architectural design guidelines overlay district. The signs are not included in the maximum number or maximum permitted sign area allowed under subsection 410.09, but such signs are otherwise subject to all restrictions applied under that subsection. A temporary permit application must include a site plan showing the proposed location of the sign and its proximity to property lines, sidewalks, driveways and other features as needed for review by staff. A temporary sign permit request may be denied by city staff if: (Amended, Ord. Nos. 90-18, Sec. 2; 09-10; 16-11)

- (a) The proposed location interferes with a visibility triangle as described in Section 510.25; (Amended, Ord. No. 16-11)
- (b) The proposed sign occupies required parking or a fire lane; (Amended, Ord. No. 16-11)
- (c) The proposed sign is located in public right-of-way; or (Amended, Ord. No. 16-11)
- (d) Strong winds or other forces could bend the sign into an adjacent right-of-way. (Amended, Ord. No. 16-11)

Exceptions: A temporary sign of five square feet or less ~~promoting a civic or community event or benefit for or by a non-profit or service organization~~ may be approved by the City Council for a period not exceeding ten days and if approved by the City Council, such signs may be placed on an off-site private or public location with the permission of the property owner or agency. (Added, Ord. No. 09-10)

Subd. 13. Banners. Banners may be displayed in any B, R-B or DD district or public right-of-way subject to the following conditions: (Added, Ord. No. 09-10)

- (a) A banner(s) ~~promoting a product, service or event on the premises for which it is intended~~ may be displayed on up to 30 different days annually by administrative permit provided the banner is maintained in good repair, not faded or torn. The permit and permit application must include banner locations. Permitted banners shall be attached to building walls, canopies or parapets. In no case may banners extend above a roof line. Permitted banners shall be no larger than 50 square feet. (Added, Ord. No. 09-10)
- (b) Banners may be authorized by the City Council for a time period exceeding 30 days. (Added, Ord. No. 09-10)
- (c) A ~~civic or community event~~ banner ~~promoting a civic function or community event~~ may be displayed at an off-site location or right-of-way with approval by the City Council for a period not exceeding ten days provided: (Added, Ord. No. 09-10)
 - (1) The banners must be securely fastened to buildings, structures or fences in conformance with subdivision 13(a) of this code. (Added, Ord. No. 09-10)
 - (2) The banners must be individually approved for specific locations. (Added, Ord. No. 09-10)
 - (3) There may be no more than one banner per location. (Added, Ord. No. 09-10)
 - (4) Banners shall be no larger than 50 square feet. (Added, Ord. No. 09-10)

Subd. 14. ~~Street spanning community event banners. Community event B~~banners may be displayed spanning the West Broadway public right-of-way between the south edge of 41st Avenue North and the north edge of 42nd Avenue North subject to the following conditions: (Added, Ord. No. 11-09)

- (a) A banner ~~promoting a noncommercial, community-wide event open to the general public~~ may be displayed on a City-owned banner wire spanning West Broadway with approval by the City Council; and (Added, Ord. No. 11-09)
- (b) Banners may only be authorized for City special events, City partnership events and "not for profit organizations" that are promoting a public event of substantial community-wide interest; and (Added, Ord. No. 11-09)
- (c) All banners must conform to administrative guidelines prepared by the City Manager and adopted and amended by Council resolution including, but not limited to the following: (Added, Ord. No. 11-09)
 - (1) Application process;
 - (2) Banner material and size specifications;
 - (3) Design and content approval process;
 - (4) Scheduling and conflict resolution;
 - (5) Exceptions; and(Added, Ord. No. 11-09)

- (d) Cost/fees/procedures: (Added, Ord. No. 11-09)
- (1) A banner application and banner policy and procedure form must be obtained from the City Clerk's office and completed by the party making the request and returned to the City Clerk's office no less than 30 days prior to the date requested to hang the banner; (Added, Ord. No. 11-09)
 - (2) A diagram showing the exact text and artwork for the banner must be included with the application; (Added, Ord. No. 11-09)
 - (3) The fee for the banner installation and any insurance requirement shall be set by Appendix B; (Added, Ord. No. 11-09)
 - (4) All approved banners must be delivered to the police/fire building by noon the Friday prior to the Monday hang date. Late fees shall be set by Appendix B. (Added, Ord. No. 11-09)
 - (5) Banners must be picked up from the police/fire building within seven days after the display week(s). The City assumes no responsibility for banners and any banners left more than one week may be discarded; and (Added, Ord. No. 11-09)
- (e) City staff has the authority to refuse the placement of cross-street banners which, because of previous use, are in poor condition; and (Added, Ord. No. 11-09)
- (f) City staff may remove any banner in the event that it becomes a danger to public safety, due to banner deterioration, storms, high winds, etc. (Added, Ord. No. 11-09)

Subd. 15. ~~Civic and charitable events signs. Signs erected for the sole purpose of announcing a civic or charitable event or activity sponsored by a non-profit organization are permitted in all zoning districts. The signs may not be displayed for a period exceeding 14 days preceding the event or activity advertised, and the signs must be removed immediately upon completion of the event or activity. The sign may not be displayed for more than 30 consecutive days. The signs must be securely anchored to prevent their dislodgement by normal wind pressure. When placed within a residential district, civic or charitable event signs are restricted to placement only upon the premises where the event or activity will take place. The signs are not included in the maximum number of signs allowed under subsection 410.09. (Amended, Ord. No. 09-10; Ord. No. 11-09)~~

Subd. 16. ~~Area identification signs. Signs erected for the sole purpose of identifying the name and address of a recognized neighborhood, residential subdivision, or multiple family residential complex are permitted in all zoning districts. The signs must conform in all respects to the provisions of subsection 410.09, subdivision 2. Signs erected for the sole purpose of identifying the name of a recognized commercial area (not shopping center) are permitted in commercial districts, subject to the approval of the City Council. The signs must generally conform in all respects to the provisions of subsection 410.09, subdivision 3, provided that the City Council may authorize alternative standards for such signs. (Amended, Ord. No. 09-10; Ord. No. 11-09)~~

410.13. Multiple tenant structures. Subdivision 1. General rule. Structures containing multiple tenants or establishments or structures connected to other structures must conform to the provisions of this subsection, in addition to the applicable district provisions contained in subsection 410.09.

Subd. 2. Structures with common entrance. Establishments contained within a multiple tenant structure, for which a common exterior entrance for all tenants is provided, are collectively limited to the same types, numbers, and sizes of signs permitted for an establishment contained in a single tenant structure.

Subd. 3. Structures connected by common walls or facade. Establishments contained within structures connected to other structures by means of common walls or a common facade but each possessing a separate exterior entrance, may display the same number, sizes, and types of signs that would be permitted for establishments contained within separate structures. In the case of establishments contained in shopping centers, each establishment may erect only wall signs and roof signs in conformance with the applicable district provisions. However, one free-standing sign to serve the entire center may be erected along each building wall of the shopping center. The maximum size of such free-standing sign is 50 square feet of sign area plus one square foot of sign area for each additional one foot that the building wall, or street frontage if greater, along which the sign is to be erected exceeds 50 feet in length, up to a maximum of 200 square feet of sign area. Establishments located in structures connected by common walls or a common facade shall only be permitted to have individual wall signs when all of the wall signs on the structure are consistent in design, materials and character. Individual wall signs may be placed on a sign raceway comprised of individual block letters or script, and may include a logo, located on a plane parallel to the sign raceway. Said letters and logo may be interior illuminated. Signs that do not conform to the above, must be compliant with a sign policy adopted for the shopping center that is approved by the City Council. In the case where proposed signs do not conform with the aforementioned requirements, and if the shopping center does not have an integrated sign policy that has been approved by the City Council, then each establishment's sign must be approved by the City Council. For the purpose of this section a "shopping center" means a commercial area (i) planned and developed as an integrated whole with an undivided or unsegregated parking area serving the entire center, or (ii) advertised or promoted as a shopping center. (Amended, Ord. No. 12-06)

410.15. Public service facility signs. Signs provided in conjunction with a public service facility are exempt from the requirements of section 410.09. Public service facilities include, but are not limited to, the provision of benches and trash receptacles for public use on public or private property. The provision of signs in conjunction with such public service facility requires the approval of the city council. The city council, in approving such signs, may stipulate conditions it deems necessary to insure consistency with the purposes and intent of this section. The city council may revoke the approval of such signs for cause. The total sign area of signs placed in conjunction with any individual public service facility may not exceed a total of 12 square feet. The signs are not included in the maximum number of signs allowed under subsection 410.09. (Amended, Ord. No. 07-07)

410.16. Off-site directional signs for religious institutions. Off-site directional signs ~~for religious institutions~~ surrounded predominately by R-1 and R-2 zoned property may be permitted ~~for those religious institutions located within the city and zoned R-1 or R-2.~~ A maximum of two sites for the installation of such an off-site sign, shall be permitted ~~for each religious institution~~ provided that the site is located in the public right-of-way, or on private property immediately adjacent to a collector, arterial, or minor arterial road ~~leading to the religious institution.~~ Each site may contain a single or double-faced sign. Double-faced signs means two signs placed back to back on a single pole. Approval of the proposed sign(s) and its/their location(s) must be obtained from the governing transportation jurisdiction or property owner and the city. Such sign(s) shall be designed and maintained per section 841.07. No sign permit shall be required. However, a fee will be charged for installation, review and approval. City approval shall include approval of a license pursuant to section 841 of the city code. ~~For purposes of this section, a religious institution is an institution recognized as such under section 501(e)(3) of the Internal Revenue Service Code.~~ No more than two off-site directional signs are allowed for any property. ~~If more than one religious institution occupies the same building or property the maximum of two signs/sites still applies.~~ (Added, Ord. No. 01-06; Amended, Ord. No. 02-11; Ord. No. 07-07)

410.17. Non-conforming uses. A legal non-conforming use may display signs in conformance with the provisions for the most restrictive district in which the use may be permitted by the zoning code.

410.19. Discontinuance of advertised uses. Signs ~~which advertise or identify a use, establishment, product, or service no longer located or provided on the premises where the sign is placed,~~ must be removed by the property owner within seven days of the discontinuance of the use, establishment, produce, or service.

410.21. Non-conforming signs. A non-conforming sign may not be changed to another non-conforming sign. A non-conforming sign may not be removed for a period in excess of 30 days and thereafter be reestablished. Any premises determined to be non-conforming as regards the maximum number of signs permitted to be displayed, may erect no additional signs requiring a permit under subsection 410.25 unless it first reduces the existing total number of signs on the premises by an amount equal to the number of new signs proposed for erection. (Ed. note: All non-conforming signs were to have been made conforming by December 31, 1983 or the subject of a variance after that date.)

410.22. Expansion of non-conforming signs - special permit. (Added, Ord. No. 90-18, Sec. 1) Subdivision 1. Permit. Notwithstanding the provisions of subsections 410.15 and 410.21, the city council may issue a special permit to permit the expansion of a non-conforming sign if it finds the following requirements have been satisfied: (Amended, Ord. No. 07-07)

- (a) The sign for which the special permit is requested is non-conforming by reason of subsection 410.15. (Amended, Ord. No. 07-07)
- (b) At the time the sign was made non-conforming it was located upon property which was then zoned community business district B-4. (Amended, Ord. No. 07-07)
- (c) The proposed expansion involves only the addition of one additional sign face to the back of the existing sign. (Amended, Ord. No. 07-07)
- (d) The additional sign structure shall be no larger in any dimension than the existing sign structure, and shall not extend beyond the rectangular sign face of either sign. (Amended, Ord. No. 07-07)
- (e) The additional sign shall be located parallel to the existing sign and each sign shall substantially shield the back of the other from public view.
- (f) The additional sign will not be detrimental to the public health, safety or welfare, nor will it detract from the general aesthetic appearance of the area.

Subd. 2. Permit fee. Fees are set by Appendix B.

Subd. 3. Conditions. The city council may place conditions upon the permit which it deems to be appropriate under the circumstances.

Subd. 4. Effect of special permit on non-conformity. The special permit is intended only to permit the expansion of a non-conforming ~~advertising~~ sign. Following issuance of the special permit, the existing sign and its expansion will be deemed non-conforming.

Subd. 5. Other permits and licenses. The special permit is in addition to all other permits, licenses and approvals required under this code for the erection of ~~advertising~~ signs.

410.23. Building addresses. Structures fronting upon a public or private right-of-way must at all times conspicuously display the address number of the subject premises. If the structure also abuts an alley, building numbers must also be attached in a conspicuous location to the alley side of the structure. If a garage or similar accessory building obstructs the view of the main structure from the alley, the building numbers for the structure must be placed in a conspicuous location on the garage or accessory building. Address numbers are issued by the enforcement officer or upon the request of the owner of the subject premises. No address number may be changed except upon the order or approval of the enforcement officer. Upon notification of a change in address number for a structure, the owner thereof must immediately replace the posted address number with the correct new number. The enforcement officer must maintain a permanent, public record of all issued address numbers. Erection of address numbers must comply with subsection 410.11, subdivision 8. Address numbers must measure a minimum of four inches in height and may not exceed one foot in height. When address numbers are proposed to exceed one foot in height, the address numbers are considered as an exterior sign subject to applicable regulations of this section. For address numbers measuring less than one foot in height no sign permit is required.

410.25. Sign permits. Subdivision 1. Exterior signs proposed to be erected within the city require a permit. The following signs are exempt from this requirement:

- (a) Safety, warning, and hazard signs.
- (b) ~~Identification signs.~~
- ~~(c) Holiday and business hours signs.~~
- ~~(d) Real estate sales and rental signs.~~
- ~~(e) Political campaign signs.~~
- ~~(f) Construction and occupancy signs.~~
- ~~(g) Informational and directional signs.~~
- ~~(h) Integral signs.~~
- ~~(i) Garage sale signs.~~
- ~~(j) Civic or charitable event signs.~~
- (k) Address numbers measuring less than one foot in height.
- (l) Off-site directional signs ~~for religious institutions.~~ (Added, Ord. No. 02-11)

Portable signs, pennants, and banners require a temporary permit as provided in subsection 410.11, subdivision 12. (Amended, Ord. No. 90-18, Sec. 3)

The owner of a sign may change the display surface or sign face on a previously approved and erected sign or complete replacement of a sign when such change or replacement would be consistent with a previously issued sign permit or a sign considered to be a legal nonconformity and would not require compliance with applicable building codes, unless such sign has been deemed abandoned.

Subd. 2. Application. Application for a regular sign permit, special sign permit, or temporary sign permit is made to the enforcement officer upon an approved application form, accompanied by required supporting information and fees. (Amended, Ord. No. 90-18, Sec. 3)

Subd. 3. Fees. Fees are set by Appendix B.

410.27. Sign hanger license. Subdivision 1. License required. A person engaged in the business or occupation of sign hanging or repair may not install, reconstruct, alter, repair, or remove an exterior sign requiring a permit without first having obtained a license.

Subd. 2. License application. Application for a sign hanger's license is filed with the city clerk upon an approved application form, accompanied by required supporting information and fees.

Subd. 3. License validity. Sign hanger licenses expire annually on December 31. Licenses will not be issued to a minor. Licenses are not transferable.

Subd. 4. License fee. The annual fee for a sign hanger's license is fixed by Appendix B. A license application will not be accepted nor a license issued unless the fee is paid. The license fee may not be prorated.

Subd. 5. Insurance required. The applicant must provide a certificate of insurance with the city with public liability insurance of not less than \$1,000,000 combined single limit issued by an insurance company authorized to do business in the state of Minnesota. Application for the license is made to the city council and the license will be granted upon proof of the applicant's qualifications conditioned upon compliance with this chapter. The annual license fee is fixed by Appendix B. Licenses expire annually on December 31. Licenses are issued by the city clerk. Licenses are not transferable. The annual license fee is paid to the city clerk at the time of filing the application. License fees may not be prorated. (Amended, Ord. No. 03-22)

410.29. Variances, amendments, appeals. Variances from the literal provisions of this section and appeals from administrative decisions made under this section are made pursuant to the provisions of section 535 of the zoning code (Appendix A to this code) except that amendments are approved by a majority vote of the city council.

410.31. Miscellaneous provisions. Subdivision 1. Substitution Clause. The owner of any sign which is otherwise allowed by this section may substitute noncommercial copy in lieu of any other noncommercial or commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision prevails over any more specific provision to the contrary.

Subd. 2. Process and Enforcement.

(a) Administration: Provisions of this section shall be administered and enforced by the city manager or their designee. Their duties shall include:

- (1) Determine whether all sign permit applications comply with the terms of this section.**
- (2) Conduct site inspections to determine compliance with the terms of this inspection.**

(b) Unlawful Signs.

Signs placed upon public property, or within the public right-of-way, or in violation of the terms of this section, shall be immediately determined to be abandoned under this section. Abandoned signs shall be subject to removal by the city. Upon removal, the city manager, or their designee, shall mark the date of removal of the sign and hold it for 30 days at the city's offices. The owner of the sign may

collect the sign from the city's offices at any point during that time. If the sign is not retrieved within 30 days, the city may destroy the sign.

(c) Violations.

1. Violations; Separate offence. Each day that the violation continues shall constitute a separate offense. Violations of this ordinance shall be deemed a misdemeanor and subject to legal action including but not limited to Administrative Penalties as described in Section 117 of the city code.

410.33. Severability. The provisions of this section are severable from one another. If any section, subsection, sentence, clause, or phrase of this section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this section. The city council hereby declares that it would have adopted each section, subsection, sentence, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

410.35. Elections. All non-commercial signs of any size may be posted in any number from 46 days before the state primary in a state general election year until ten days following general election, and 13 weeks prior to any special election until ten days following the special election, consistent with Minnesota Statutes, section 211B.045. Sign installation shall comply with the Fair Campaign Practices Act contained in Minnesota Statutes, chapter 211B.

ADMINISTRATIVE STAFF REPORT

APPLICANT:	City initiated
CASE NO:	Zoning Text Amendment Z20-7
ADDRESS:	Citywide
PC DATE:	September 24, 2020
APPLICATION DATE:	N/A
PROCESSING DEADLINE:	N/A

ACTION/REQUEST:

The City Attorney has advised that the sign code be revised as a result of case law resulting from first amendment challenges that have happened in other cities. On August 20, 2020 the Planning Commission continued the public hearing until this evening.

BACKGROUND/ANALYSIS:

Staff has edited Section 410 of the City Code, the sign ordinance. The City Attorney has reviewed the edited version and provided some additional changes. The draft ordinance is included as **Attachment A**.

Sign ordinances have been challenged in particular for regulating content contrary to the First Amendment. The principles of cities regulatory powers over signs are:

- The city can only regulate the amount, location, size, height and setback of signs.
- The city can regulate the physical type of signs i.e.: wall, ground/pylon, shingle, portable, temporary, banner and to some extent, materials and wear.
- Temporary signs such as banners can have time limits, but regulating the types of banners will be limited to size and location. Banners in street right-of-way will be subject to City Council approval.
- Section 410.11 Special provisions has been extensively scaled back by eliminating references to the content of signs determining how they are regulated. Small, incidental but necessary signs such as addresses, directional signs will simply be allowed without a permit because they will be less than 5 – 10 square feet and low(er) to the ground (like 4 feet).
- The banner section has remained largely intact
- The political sign section was revised several years ago because of Legislation requiring the 46-day window. The approach to political signs may be different, or included in all other signs regulated by physical characteristics instead of content.

Language that is to be removed is shown by strike-out. New language is shown in bold and underlined.

RECOMMENDATION:

1. Hold the public hearing.
2. If the Planning Commission is in support of the proposed amendments to Section 410 of the City Code, then Motion to recommend that the City Council adopt the ordinance amending Section 410 of the City Code, the sign ordinance.

Robbinsdale City Code

410.01 (Rev. 2007)

Section 410 - Signs

410.01. Title. This section may be referred to as the Robbinsdale sign ordinance.

410.03. Purpose. This section is adopted to protect and promote the public health, safety, and general welfare. It is the intent of this section to protect and preserve the integrity of residential areas, to reduce traffic and safety hazards, to promote an aesthetically pleasing environment, to promote equity in sign communication, and to otherwise implement the goals, objectives, and policies of the comprehensive municipal plan by the application of uniform regulations and exterior signage. **It is not the intent of this section to impose content-based restrictions on signs within the city.**

410.05. Definitions. Subdivision 1. For the purposes of this section the terms defined in this subsection have the meanings given to them. Where a question arises regarding the definition of a term not defined herein, the definition of the term has the meaning given by the zoning code. (Appendix A)

Subd. 2. ~~"Advertising sign" means a sign that is used to advertise business, professions, uses, products, goods, or services (including entertainment) not related to the premises at which the sign is located.~~

Subd. 3. ~~"Business sign" means a sign that identifies a business or group of businesses, a profession or use located upon the premises where the sign is located; or a sign that identifies or promotes products, goods, or services (including entertainment) offered for sale or sold upon the premises at which the sign is located.~~

Subd. 4. "District" means a zoning district established and defined by the zoning code.

Subd. 5. "Enforcement officer" means an individual appointed by the city manager responsible for administering and enforcing this section.

Subd. 6. "Establishment" means any of the following:

- (a) A distinct business entity situated as the sole occupant of a single structure.
- (b) A distinct business entity, with a separate exterior entrance, located in a separate structure attached to other structures by common walls or facade, or attached by means of an enclosed arcade.
- (c) A distinct business entity contained within a multiple tenant structure, possessing a single, common entrance for all establishments, or
- (d) A distinct business entity contained within a single structure, not separated by walls or other physical barriers, where the business entity is made distinct by its existence as a separate leasehold, by its operation by separate entrepreneurs, or by its singularity of purpose.

Subd. 7. "Flashing sign" means a sign illuminated by lights that are varied in intensity or color and that is capable of rapidly changing copy or images in intervals of less than one hour; the term does not include time and temperature or electronic message center signs governed by subsection 410.07. (Amended, Ord. No. 07-07)

Subd. 8. "Exterior sign" means a sign which is erected exterior to a structure. The term does not include signs erected interior to a structure in such a manner as to be visible from the exterior.

Subd. 9. "Free-standing sign" means a stationary or portable self-supporting sign.

Subd. 10. "Ground elevation" means the average curb elevation along the street frontage upon which a free-standing sign is to be erected, or a roof or wall sign is to face.

Subd. 11. Non-conforming sign means any of the following:

- (a) Legal - means a sign lawfully in existence that does not conform with the provisions of this section.
- (b) Illegal - means a sign that does not conform to the provisions of this section.

Subd. 12. "Message center sign" means a sign that is remotely programmable to change copy or messages, and which is equal to less than one-half of the available wall or ground sign in which it is included, and which, in no case, is larger than 25 square feet. The sign may include letters or numbers, but it cannot create the effect of movement, or change messages in intervals of less than one hour except that public transit message center signs may change messages more frequently. Examples of message center signs include signs which display scheduled worship services, events in churches, gasoline prices or movie marquees information. A message center sign's light intensity shall be limited to one-foot-candle as measured anywhere on any abutting parcel or right-of-way. (Added, Ord. No. 07-07) (Amended, Ord. 14-08)

Subd. 13. "Off-site directional sign" means a sign directing visitors to a specific property but not located on the said property. (Added, Ord. No. 01-06)

Subd. 14. "Roof sign" means a sign mounted on a building roof. A sign mounted on a roof in such a manner that it extends more than one foot below eave height or the top of a parapet wall is both a roof sign and a wall sign for the purposes of applying the provisions of subsection 410.09. (Amended, Ord. No. 07-07)

Subd. 15. "Shingle sign" means a three-dimensional sign that projects from the front of a building façade over a sidewalk, but not over a street or alley. Generally, the sign is perpendicular to the plane of the building façade. (Added, Ord. No. 07-07)

Subd. 16. "Sign" means letters, words, symbols, poster, billboard, picture, device, reading matter, or representation in the nature of an advertisement, announcement, message, or visual communication whether painted, printed, posted, affixed, digital, video, constructed, or displayed for purposes of information or communication: the term includes structural supports, uprights, bracing, and framework and architectural or graphic features that are intrinsically associated with a particular product, good, service, business, firm, corporation, or profession. (Amended, Ord. No. 07-07)

Subd. 17. "Sign area" means the physical area of a sign constituted of the face upon which the advertisement is borne. In the case of signs constituted of individual figures, symbols, or components attached directly to a building wall or other integral construction feature of a building, sign area is that area included in the smallest square or rectangular geometric figure that can be drawn to circumscribe the entire message or communication. The permitted sign area for a sign applies to the area of each individual face when a sign displays no more than two faces. When a sign displays more than two faces, the maximum area of each sign face may not exceed the amount determined by multiplying the stipulated sign area by two and dividing by the total number of sign faces proposed. (Amended, Ord. No. 07-07)

Subd. 18. "Sign face" means a separate planar or curved surface created by a sign upon which an advertisement is borne: when a sign is constituted of more than one planar surface bearing advertising, separate planar surfaces intersecting at greater than 160 degrees interior angle constitute a single face. (Amended, Ord. No. 07-07)

Subd. 19. ~~"Special purpose sign" means a sign erected for the purpose of fulfilling a purpose other than that performed by a business or advertising sign. The term includes but is not limited to political campaign signs, real estate sale and lease signs, construction signs, institutional identification signs, directional signs, public information signs, identification signs, and other signs of a solely non-commercial nature. (Amended, Ord. No. 07-07)~~

Subd. 20. "Teardrop banner" means a free-standing fabric banner attached to a ground mounted frame or pole that causes the banner to remain taut in the absence of wind. (Added, Ord. No. 16-11)

Subd. 21. "Wall sign" means a sign that is affixed to the wall of a building, including signs attached to windows, doors, marquees, canopies, or parapet walls: a sign affixed to a wall in such a manner that it extends more than one foot above eave height or the top of a parapet wall is both a wall sign and a roof sign for the purposes of applying the provisions of section 410.09 of this section. (Amended, Ord. No. 07-07)

410.07. General provisions. Subdivision 1. Permit required. Except as provided in subsection **410.11 and 410.25**, all exterior signs proposed to be erected in the city require a permit. The permit number and date of the permitted sign's erection must be prominently displayed on the sign structure.

Subd. 2. Construction. A sign may not be attached to or supported by rocks, fences, trees, or utility poles. A sign may not be erected so as to interfere with utility wires or supports thereof. Signs must be constructed in conformance with ~~Chapter 4~~ of the **1976** edition of the Uniform Sign Code promulgated by the International Conference of Building Officials which is adopted by reference. Electric signs must conform with the electrical code and require an electrical permit. (Amended, Ord. No. 07-07)

Subd. 3. Motion. A sign may not display any moving parts. Signs, except barber poles, may not rotate. A sign may not be subject to visible movement from normal wind pressure.

Subd. 4. Illumination. A sign may not be illuminated by flashing or intermittent lights. Electronically or electrically-controlled time and temperature signs and message centers that display changing copy by means of a lamp bank of relatively constant light intensity are exempt from this subdivision, however, such message center signs may not flash, blink, flicker or exhibit rapidly changing information, or create the effect of movement. Light from illuminated signs must be shielded to prevent direct reflection onto adjacent private property or a public right-of-way. A sign may not be illuminated in such a manner as to imitate an official traffic control device, nor may the intensity of illumination of a sign obstruct the visibility of an official traffic control device. Incandescent light bulbs utilized for illumination of signs are limited to a maximum of 20 watts per bulb when mounted on the exterior of a sign. Signs located on property abutting

residential property, except time and temperature signs and public transit message center signs, may not be illuminated between the hours of 11 o'clock p.m. and six o'clock a.m. The provisions of this subdivision apply to an interior sign visible from the exterior, the provisions of subsection 410.05, subdivision 8 notwithstanding. (Amended, Ord. No. 07-01, Ord. No. 14-08)

Subd. 5. Projection. A wall sign may not project more than 18 inches from the surface to which it is affixed. A sign, except for wall signs possessing a maximum projection of 18 inches or affixed to a canopy or marquee, may not project over public right-of-way or a public or private access route (sidewalk, etc.). A sign that projects over public right-of-way or public or private access routes must be located a minimum of eight feet above surface grade. Shingle signs are exempt from this section. (Amended, Ord. No. 07-07)

Subd. 6. Height. A wall sign may not exceed the building eave in height. A roof sign may not be erected the top of which measures more than 30 feet in height when measured from ground elevation. A free-standing sign may not exceed 30 feet in height when measured from ground elevation.

Subd. 7. Setback and placement. Except for traffic control or traffic directional signs, signs in the B-1, B-2, B-3, B-4, and B-W zoning districts must be located behind the required front building setback in the district in which the premises are located. Except for traffic control or traffic directional signs, signs in the R-1, R-2, R-3, and R-B zoning districts must be located not closer than five feet from a property line. A wall sign possessing a maximum projection of 18 inches will not be considered as encroachment on any required setback. A free-standing sign may not be erected within 15 feet of a street intersection, as measured from the street surfaces. No sign, except that of a governmental agency, may be erected or placed in a public right-of-way without the approval of the city council. Signs may not be placed on or within a private right-of-way without the approval of the city council. Signs may not be placed in such a manner as to create a hazard to public health or safety, nor may a sign by reason of its placement obstruct the visibility of any traffic control device. A sign may not be placed so as to prevent free egress from or access to any door, window, or fire escape. A sign may not be affixed to any stand pipe or fire escape or be placed so as to obscure emergency equipment or information (e.g. fire extinguishers, fire hoses, first aid kits, alarms, emergency procedures, etc.), or to obstruct a fire lane.

Subd. 8. Number of faces and sign area. A single sign may display any number of faces. The permitted sign area applies to the area of each individual face when a sign displays no more than two faces. When a sign displays more than two faces, the maximum area of each sign face may not exceed the amount determined by multiplying the stipulated sign area by two and dividing by the total number of sign faces proposed; i.e., $a = 2x \div y$ where "a" represents the maximum area of an individual sign face, "x" represents the maximum permitted area of the sign, and "y" represents the total number of faces proposed for a given sign.

Subd. 9. Obscene material. A sign may not display material determined to be obscene, as defined by law.

Subd. 10. Maintenance and repair. Signs must be properly maintained and kept in a safe state of repair. Signs must be maintained free of peeling or chipping paint or rust. A sign structure that is determined to be rotted, deteriorated, defaced, or otherwise hazardous must be repaired or replaced by the owner of the sign upon written notification by the enforcement officer.

410.09. Zoning district provisions. Subdivision 1. Residential districts. Except as provided for in subsection 410.11 special provisions, signs may not be erected in the R-1, R-2, or R-3 residential zoning districts. (Amended, Ord. No. 07-07)

Subd. 2. Residential-business district. Except as provided for in subsection 410.11 signs erected in the R-B residential district must comply with the following:

- (a) Type. An establishment may erect wall signs or freestanding signs, or combinations thereof as regulated by clauses (b) and (c). (Amended, Ord. No. 07-07)
- (b) Number. An establishment may erect any number of wall signs provided that the total area of all wall signs erected along any one building wall may not exceed the total permitted area established by clause (c). An establishment may also erect a maximum of one free-standing sign along each building wall. For the purposes of this section building walls lying upon the same planar surface or parallel planar surfaces facing the same direction are considered one wall; and building walls lying upon separate planar surfaces but intersecting at greater than 160 degrees interior angle are considered one wall. (Amended, Ord. No. 07-07)
- (c) Size.
 - (1) The cumulative area of wall signs erected on one building wall may not exceed 25 square feet plus one square foot of area for each additional one foot that the required sign setback is exceeded, up to a maximum of 50 square feet of sign area.
 - (2) The maximum size of a free-standing sign is 25 square feet of sign area plus one square foot of sign area for each additional one foot that the building wall, or street frontage, if greater, along which the sign is erected exceeds 50 feet in length, up to a maximum of 50 square feet of sign area. (Amended, Ord. No. 07-07)
 - (3) The total area of all signs erected upon and along an individual building wall may not exceed 75 square feet. (Amended, Ord. No. 07-07)

Subd. 3. Business districts. Except as provided for in subsection 410.11 signs erected in the B-1, B-2, B-3, B-4, and B-W zoning districts must comply with the following:

- (a) Type. An establishment may erect wall signs or free-standing signs, or combinations thereof as regulated by clauses (b) and (c). (Amended, Ord. No. 07-07)

- (b) Number. An establishment may erect any number of wall signs provided that the total area of all wall signs does not exceed the total permitted area established by clause (c). An establishment may erect a maximum of one free-standing sign along each building wall. Building walls lying upon the same planar surface or parallel planar surfaces facing the same direction are considered one wall; and building walls lying upon separate planar surfaces but intersecting at greater than 160 degrees interior angle are considered one wall. (Amended, Ord. No. 07-07)
- (c) Size.
- (1) The cumulative area of all wall signs erected on one building wall may not exceed 50 square feet plus one square foot of area for each additional one foot that the required sign set back is exceeded, up to a maximum of 100 square feet of sign area.
 - (2) The maximum size of a shingle sign is six square feet and there shall be a minimum of ten feet clearance between the sign and the sidewalk. (Amended, Ord. No. 07-07)
 - (3) The maximum size of a free-standing sign is 50 square feet of sign area plus one square foot of sign area for each additional one foot that the building wall, or street frontage if greater, along which the sign is erected exceeds 50 feet in length, up to a maximum of 100 square feet of sign area.
 - (4) The total area of all signs erected upon and along an individual building wall may not exceed 150 square feet.

410.11. Special provisions. Subdivision 1. ~~Special purpose signs.~~ The ~~special purpose~~ signs described in this subsection are permitted in all zoning districts **and are exempt from the provisions of Section 410.09. Exempt signs remain** subject to the **specified** restrictions **as follows.**

Subd. 2. Safety, warning, and hazard signs. A sign ~~Signs~~ required by the Minnesota Occupational Safety and Health Administration (OSHA), or its federal counterpart, ~~is permitted within any district~~ **are exempt signs.** Such signs must conform to the size and placement standards established by OSHA, or if no standards have been adopted, then the sign shall conform to size and placement specifications of the enforcement officer. Such signs are not included in the maximum number of signs allowed under subsection 410.09.

Subd. 3. Identification Exempt signs. A sign ~~Signs~~ of ~~ten~~ less than five square feet **or less** in area which serves solely to identify that name of the business, manager, resident, or address of the premises where the sign is located, is permitted in all districts **are exempt signs.** Such signs may include no advertising material, and may not include the names of a permissible home occupation within residential districts. Placement of **such identification exempt** signs is **are** limited to one such sign for each street frontage from which either a principal or service entrance to the building is provided. Permitted ~~identification exempt~~ signs are not included in the maximum number of signs allowed under subsection 410.09.

Subd. 4. ~~Holiday and business hours signs.~~ A sign of less than five square feet that serves to solely identify a holiday is permitted in all zoning districts. The sign may not be displayed for more than 30 consecutive days preceding the holiday identified and must be promptly removed on the day following the holiday. A sign of less than five square feet that serves to identify the operational hours of an establishment is permitted in all zoning districts. Neither permitted holiday nor business hours signs are included in the maximum number of signs allowed under subsection 410.09. **Interior signs. Except for window signs regulated elsewhere in this code, signs located within buildings or interior common space within multiple tenant structures are exempt signs.**

Subd. 5. ~~Real estate sale and rental signs.~~ Signs erected for the sole purpose of sales or rental of property, structures, or space therein are permitted in all zoning districts, provided that the sign is erected on the premises to which the sign refers. The sign may not exceed one quarter square foot of sign area for each foot of property frontage, along which the sign is to be erected, up to a maximum size of 25 square feet in area. Only one real estate sign may be erected along each street frontage. If the sign is erected as a free standing sign, it may not exceed four feet in height and must be securely anchored to prevent its dislodgement by normal wind pressure. The sign must be removed within seven days of sale or rental. The signs are not included in the maximum number of signs allowed under subsection 410.09. **Exempt signs include signs which are integrally attached to or part of:**

- (1) **Waste roll-offs, dumpsters, garbage cans, portable storage units or other similar equipment owned and maintained by a commercial business for the purpose of waste collection or temporary storage;**
- (2) **Personal property or motor vehicles such as, but not limited to, passenger vehicles, snowmobiles, all-terrain vehicles, trucks, semi-tractors and trailers, recreational vehicles, fish houses, boats, boat lifts, and trailers; and**
- (3) **Construction materials or equipment.**

Subd. 6. ~~Political campaign signs.~~ Signs placed for the sole purpose of announcing support for or opposition to either a candidate or issue in a forthcoming special or general election are permitted in all zoning districts. The signs may not exceed five square feet in area when placed within an R-1, R-2, R-3, or R-B district, nor exceed 25 square feet in any B-1, B-2, B-3, B-4 or B-W district. All political campaign signs of any size may be placed in any number from 46 days before the state primary in a state general election year until ten days following the state general election. Political campaign signs, other than above, may not be displayed for a period exceeding 46 days preceding the election which is the subject of the sign. The signs must be removed within ten days following the election. Political campaign signs must be confined to private property and must be securely anchored to prevent their dislodgement by normal wind pressure. The signs are not included in the maximum number of signs allowed under subsection 410.09. (Amended, Ord. 05-01; Ord. 05-09; Ord. 10-14). **Signs which are affixed on city owned property, which have been approved by the City Council or the City Manager, or their designee, are exempt signs. Such sign may include signs affixed to ballpark fences by a sponsoring entity.**

Subd. 7. ~~Construction and occupancy signs.~~ Signs erected for the sole purpose of displaying the names of responsible persons, firms, contractors, etc. involved with the construction, alteration, or repair of a structure are permitted in all zoning districts. The signs are limited to one per street frontage. The signs may not exceed 25 square feet in any R-1 or R-2 district or 50 square feet in any R-3, R-B, B-1, B-2, B-3, B-4, or B-W district. The signs must be securely anchored to prevent their dislodgement by normal wind pressure. A sign intended principally to identify the name or nature of a future tenant or occupant of a structure under construction is permitted in all districts, subject to the same restrictions as construction signs. A premises may display either one construction sign or one occupancy sign per street frontage. The signs are not included in the maximum number of signs allowed under subsection 410.09. **Signs which are affixed on property owned by a county, state or federal governmental body, or a public school district are exempt signs, unless specifically prohibited by this section.**

Subd. 8. ~~Informational and directional signs.~~ Signs erected principally for the purpose of providing information, instructions, or directions to employees, visitors, or delivery vehicles, etc. are permitted in all

~~districts. The sign may contain the name of an establishment, but the sign must predominantly represent an informational or directional sign. The signs may not exceed ten square feet in area, and if erected as a free standing sign, eight feet in height. The signs must be permanently affixed to the ground or a structure. The signs are not included in the maximum number of signs allowed under subsection 410.09. **Signs required by law are exempt signs.**~~

Subd. 9. ~~Institutional and gGovernmental signs.~~ Signs erected within a public right-of-way that are approved by the appropriate governmental agency with authority over the right-of-way are exempt signs. for the sole purpose of identifying an institutional use (e.g. church, hospital, nursing home, etc.) or governmental use (e.g. public park, public building, etc.) are permitted in all zoning districts wherein the institutional use or governmental use is permitted. When such signs are to be located within any R-1, R-2, R-3, or R-B district, the signs must conform to the provisions of subsection 410.09, subdivision 2. When such signs are to be located within any B-1, B-2, B-3, B-4 or B-W district, the signs must conform to the provisions of subsection 410.09, subdivision 3. In instances of governmental uses where the principal use is not contained in a structure, such as parks, free standing signs may be substituted for wall signs, and when access to the premises of a governmental use is provided by means other than by street frontage (e.g. pedestrian walks) an additional sign may be located at each such access.

Subd. 10. Integral signs. Memorials—Signs constructed as an integral part of a building such as ~~M~~memorial plaques, building names or dates, historical designation, etc. are permitted in all zoning districts exempt signs. Memorials are exempt from ~~The signs are not included in the maximum number of signs allowed under subsection 410.09.~~

Subd. 11. ~~Garage sale signs.~~ Signs erected to advertise a sale such as a garage or estate sale are permitted in all zoning districts. The signs may be erected only for the day of the advertised sale and must be removed upon close of the sale. The signs are limited to placement only upon the premises where the advertised sale is to be conducted. The signs may not exceed five square feet in area

Subd. 12. Portable signs, pennants; temporary permits. A sign of a portable nature, pennant, teardrop banner or similar sign may not be erected in any zoning district, except by temporary permit issued by the ~~enforcement officer.~~ building department. Temporary permits are valid for a period not to exceed ten days. A temporary permit for a sign may not be renewed more than twice. Temporary permits for a portable sign, pennant, teardrop banner, etc. may not be issued to the same premises for the same type of sign more than three times in any 12 month period. For the purpose of this subsection a renewal constitutes a separate permit and each separate sign represents a separate permit request. Teardrop banners are not allowed in the DD-1, DD-2 or other properties within the downtown architectural design guidelines overlay district. The signs are not included in the maximum number or maximum permitted sign area allowed under subsection 410.09, but such signs are otherwise subject to all restrictions applied under that subsection. A temporary permit application must include a site plan showing the proposed location of the sign and its proximity to property lines, sidewalks, driveways and other features as needed for review by staff. A temporary sign permit request may be denied by city staff if: (Amended, Ord. Nos. 90-18, Sec. 2; 09-10; 16-11)

- (a) The proposed location interferes with a visibility triangle as described in Section 510.25; (Amended, Ord. No. 16-11)
- (b) The proposed sign occupies required parking or a fire lane; (Amended, Ord. No. 16-11)
- (c) The proposed sign is located in public right-of-way; or (Amended, Ord. No. 16-11)
- (d) Strong winds or other forces could bend the sign into an adjacent right-of-way. (Amended, Ord. No. 16-11)

Exceptions: A temporary sign of five square feet or less ~~promoting a civic or community event or benefit for or by a non-profit or service organization~~ may be approved by the City Council for a period not exceeding ten days and if approved by the City Council, such signs may be placed on an off-site private or public location with the permission of the property owner or agency. (Added, Ord. No. 09-10)

Subd. 13. Banners. Banners may be displayed in any B, R-B or DD district or public right-of-way subject to the following conditions: (Added, Ord. No. 09-10)

- (a) A banner(s) ~~promoting a product, service or event on the premises for which it is intended~~ may be displayed on up to 30 different days annually by administrative permit provided the banner is maintained in good repair, not faded or torn. The permit and permit application must include banner locations. Permitted banners shall be attached to building walls, canopies or parapets. In no case may banners extend above a roof line. Permitted banners shall be no larger than 50 square feet. (Added, Ord. No. 09-10)
- (b) Banners may be authorized by the City Council for a time period exceeding 30 days. (Added, Ord. No. 09-10)
- (c) A ~~civic or community event~~ banner ~~promoting a civic function or community event~~ may be displayed at an off-site location or right-of-way with approval by the City Council for a period not exceeding ten days provided: (Added, Ord. No. 09-10)
 - (1) The banners must be securely fastened to buildings, structures or fences in conformance with subdivision 13(a) of this code. (Added, Ord. No. 09-10)
 - (2) The banners must be individually approved for specific locations. (Added, Ord. No. 09-10)
 - (3) There may be no more than one banner per location. (Added, Ord. No. 09-10)
 - (4) Banners shall be no larger than 50 square feet. (Added, Ord. No. 09-10)

Subd. 14. ~~Street spanning community event banners. Community event~~ Banners may be displayed spanning the West Broadway public right-of-way between the south edge of 41st Avenue North and the north edge of 42nd Avenue North subject to the following conditions: (Added, Ord. No. 11-09)

- (a) A banner ~~promoting a noncommercial, community wide event open to the general public~~ may be displayed on a City-owned banner wire spanning West Broadway with approval by the City Council; and (Added, Ord. No. 11-09)
- (b) Banners may only be authorized for City special events, City partnership events and "not for profit organizations" that are promoting a public event of substantial community-wide interest; and (Added, Ord. No. 11-09)
- (c) All banners must conform to administrative guidelines prepared by the City Manager and adopted and amended by Council resolution including, but not limited to the following: (Added, Ord. No. 11-09)
 - (1) Application process;
 - (2) Banner material and size specifications;
 - (3) Design and content approval process;
 - (4) Scheduling and conflict resolution;
 - (5) Exceptions; and(Added, Ord. No. 11-09)

- (d) Cost/fees/procedures: (Added, Ord. No. 11-09)
- (1) A banner application and banner policy and procedure form must be obtained from the City Clerk's office and completed by the party making the request and returned to the City Clerk's office no less than 30 days prior to the date requested to hang the banner; (Added, Ord. No. 11-09)
 - (2) A diagram showing the exact text and artwork for the banner must be included with the application; (Added, Ord. No. 11-09)
 - (3) The fee for the banner installation and any insurance requirement shall be set by Appendix B; (Added, Ord. No. 11-09)
 - (4) All approved banners must be delivered to the police/fire building by noon the Friday prior to the Monday hang date. Late fees shall be set by Appendix B. (Added, Ord. No. 11-09)
 - (5) Banners must be picked up from the police/fire building within seven days after the display week(s). The City assumes no responsibility for banners and any banners left more than one week may be discarded; and (Added, Ord. No. 11-09)
- (e) City staff has the authority to refuse the placement of cross-street banners which, because of previous use, are in poor condition; and (Added, Ord. No. 11-09)
- (f) City staff may remove any banner in the event that it becomes a danger to public safety, due to banner deterioration, storms, high winds, etc. (Added, Ord. No. 11-09)

Subd. 15. ~~Civic and charitable events signs. Signs erected for the sole purpose of announcing a civic or charitable event or activity sponsored by a non-profit organization are permitted in all zoning districts. The signs may not be displayed for a period exceeding 14 days preceding the event or activity advertised, and the signs must be removed immediately upon completion of the event or activity. The sign may not be displayed for more than 30 consecutive days. The signs must be securely anchored to prevent their dislodgement by normal wind pressure. When placed within a residential district, civic or charitable event signs are restricted to placement only upon the premises where the event or activity will take place. The signs are not included in the maximum number of signs allowed under subsection 410.09. (Amended, Ord. No. 09-10; Ord. No. 11-09)~~

Subd. 16. ~~Area identification signs. Signs erected for the sole purpose of identifying the name and address of a recognized neighborhood, residential subdivision, or multiple family residential complex are permitted in all zoning districts. The signs must conform in all respects to the provisions of subsection 410.09, subdivision 2. Signs erected for the sole purpose of identifying the name of a recognized commercial area (not shopping center) are permitted in commercial districts, subject to the approval of the City Council. The signs must generally conform in all respects to the provisions of subsection 410.09, subdivision 3, provided that the City Council may authorize alternative standards for such signs. (Amended, Ord. No. 09-10; Ord. No. 11-09)~~

410.13. Multiple tenant structures. Subdivision 1. General rule. Structures containing multiple tenants or establishments or structures connected to other structures must conform to the provisions of this subsection, in addition to the applicable district provisions contained in subsection 410.09.

Subd. 2. Structures with common entrance. Establishments contained within a multiple tenant structure, for which a common exterior entrance for all tenants is provided, are collectively limited to the same types, numbers, and sizes of signs permitted for an establishment contained in a single tenant structure.

Subd. 3. Structures connected by common walls or facade. Establishments contained within structures connected to other structures by means of common walls or a common facade but each possessing a separate exterior entrance, may display the same number, sizes, and types of signs that would be permitted for establishments contained within separate structures. In the case of establishments contained in shopping centers, each establishment may erect only wall signs and roof signs in conformance with the applicable district provisions. However, one free-standing sign to serve the entire center may be erected along each building wall of the shopping center. The maximum size of such free-standing sign is 50 square feet of sign area plus one square foot of sign area for each additional one foot that the building wall, or street frontage if greater, along which the sign is to be erected exceeds 50 feet in length, up to a maximum of 200 square feet of sign area. Establishments located in structures connected by common walls or a common facade shall only be permitted to have individual wall signs when all of the wall signs on the structure are consistent in design, materials and character. Individual wall signs may be placed on a sign raceway comprised of individual block letters or script, and may include a logo, located on a plane parallel to the sign raceway. Said letters and logo may be interior illuminated. Signs that do not conform to the above, must be compliant with a sign policy adopted for the shopping center that is approved by the City Council. In the case where proposed signs do not conform with the aforementioned requirements, and if the shopping center does not have an integrated sign policy that has been approved by the City Council, then each establishment's sign must be approved by the City Council. For the purpose of this section a "shopping center" means a commercial area (i) planned and developed as an integrated whole with an undivided or unsegregated parking area serving the entire center, or (ii) advertised or promoted as a shopping center. (Amended, Ord. No. 12-06)

410.15. Public service facility signs. Signs provided in conjunction with a public service facility are exempt from the requirements of section 410.09. Public service facilities include, but are not limited to, the provision of benches and trash receptacles for public use on public or private property. The provision of signs in conjunction with such public service facility requires the approval of the city council. The city council, in approving such signs, may stipulate conditions it deems necessary to insure consistency with the purposes and intent of this section. The city council may revoke the approval of such signs for cause. The total sign area of signs placed in conjunction with any individual public service facility may not exceed a total of 12 square feet. The signs are not included in the maximum number of signs allowed under subsection 410.09. (Amended, Ord. No. 07-07)

410.16. Off-site directional signs for religious institutions. Off-site directional signs for religious institutions surrounded predominately by R-1 and R-2 zoned property may be permitted for those religious institutions located within the city and zoned R-1 or R-2. A maximum of two sites for the installation of such an off-site sign, shall be permitted for each religious institution provided that the site is located in the public right-of-way, or on private property immediately adjacent to a collector, arterial, or minor arterial road leading to the religious institution. Each site may contain a single or double-faced sign. Double-faced signs means two signs placed back to back on a single pole. Approval of the proposed sign(s) and its/their location(s) must be obtained from the governing transportation jurisdiction or property owner and the city. Such sign(s) shall be designed and maintained per section 841.07. No sign permit shall be required. However, a fee will be charged for installation, review and approval. City approval shall include approval of a license pursuant to section 841 of the city code. For purposes of this section, a religious institution is an institution recognized as such under section 501(c)(3) of the Internal Revenue Service Code. No more than two off-site directional signs are allowed for any property. If more than one religious institution occupies the same building or property the maximum of two signs/sites still applies. (Added, Ord. No. 01-06; Amended, Ord. No. 02-11; Ord. No. 07-07)

410.17. Non-conforming uses. A legal non-conforming use may display signs in conformance with the provisions for the most restrictive district in which the use may be permitted by the zoning code.

410.19. Discontinuance of advertised uses. Signs ~~which advertise or identify a use, establishment, product, or service no longer located or provided on the premises where the sign is placed,~~ must be removed by the property owner within seven days of the discontinuance of the use, establishment, produce, or service.

410.21. Non-conforming signs. A non-conforming sign may not be changed to another non-conforming sign. A non-conforming sign may not be removed for a period in excess of 30 days and thereafter be reestablished. Any premises determined to be non-conforming as regards the maximum number of signs permitted to be displayed, may erect no additional signs requiring a permit under subsection 410.25 unless it first reduces the existing total number of signs on the premises by an amount equal to the number of new signs proposed for erection. (Ed. note: All non-conforming signs were to have been made conforming by December 31, 1983 or the subject of a variance after that date.)

410.22. Expansion of non-conforming signs - special permit. (Added, Ord. No. 90-18, Sec. 1) Subdivision 1. Permit. Notwithstanding the provisions of subsections 410.15 and 410.21, the city council may issue a special permit to permit the expansion of a non-conforming sign if it finds the following requirements have been satisfied: (Amended, Ord. No. 07-07)

- (a) The sign for which the special permit is requested is non-conforming by reason of subsection 410.15. (Amended, Ord. No. 07-07)
- (b) At the time the sign was made non-conforming it was located upon property which was then zoned community business district B-4. (Amended, Ord. No. 07-07)
- (c) The proposed expansion involves only the addition of one additional sign face to the back of the existing sign. (Amended, Ord. No. 07-07)
- (d) The additional sign structure shall be no larger in any dimension than the existing sign structure, and shall not extend beyond the rectangular sign face of either sign. (Amended, Ord. No. 07-07)
- (e) The additional sign shall be located parallel to the existing sign and each sign shall substantially shield the back of the other from public view.
- (f) The additional sign will not be detrimental to the public health, safety or welfare, nor will it detract from the general aesthetic appearance of the area.

Subd. 2. Permit fee. Fees are set by Appendix B.

Subd. 3. Conditions. The city council may place conditions upon the permit which it deems to be appropriate under the circumstances.

Subd. 4. Effect of special permit on non-conformity. The special permit is intended only to permit the expansion of a non-conforming ~~advertising~~ sign. Following issuance of the special permit, the existing sign and its expansion will be deemed non-conforming.

Subd. 5. Other permits and licenses. The special permit is in addition to all other permits, licenses and approvals required under this code for the erection of ~~advertising~~ signs.

410.23. Building addresses. Structures fronting upon a public or private right-of-way must at all times conspicuously display the address number of the subject premises. If the structure also abuts an alley, building numbers must also be attached in a conspicuous location to the alley side of the structure. If a garage or similar accessory building obstructs the view of the main structure from the alley, the building numbers for the structure must be placed in a conspicuous location on the garage or accessory building. Address numbers are issued by the enforcement officer or upon the request of the owner of the subject premises. No address number may be changed except upon the order or approval of the enforcement officer. Upon notification of a change in address number for a structure, the owner thereof must immediately replace the posted address number with the correct new number. The enforcement officer must maintain a permanent, public record of all issued address numbers. Erection of address numbers must comply with subsection 410.11, subdivision 8. Address numbers must measure a minimum of four inches in height and may not exceed one foot in height. When address numbers are proposed to exceed one foot in height, the address numbers are considered as an exterior sign subject to applicable regulations of this section. For address numbers measuring less than one foot in height no sign permit is required.

410.25. Sign permits. Subdivision 1. Exterior signs proposed to be erected within the city require a permit. The following signs are exempt from this requirement:

- (a) Safety, warning, and hazard signs.
- (b) ~~Identification signs.~~
- ~~_____ (c) Holiday and business hours signs.~~
- ~~_____ (d) Real estate sales and rental signs.~~
- ~~_____ (e) Political campaign signs.~~
- ~~_____ (f) Construction and occupancy signs.~~
- ~~_____ (g) Informational and directional signs.~~
- ~~_____ (h) Integral signs.~~
- ~~_____ (i) Garage sale signs.~~
- ~~_____ (j) Civic or charitable event signs.~~
- (k) Address numbers measuring less than one foot in height.
- (l) Off-site directional signs ~~for religious institutions.~~ (Added, Ord. No. 02-11)

Portable signs, pennants, and banners require a temporary permit as provided in subsection 410.11, subdivision 12. (Amended, Ord. No. 90-18, Sec. 3)

The changing of the display surface or sign face on a previously approved and erected sign or complete replacement of a sign when such change or replacement would be consistent with a previously issued sign permit or a sign considered to be a legal nonconformity and would not require compliance with applicable building codes, unless such sign has been deemed abandoned.

Subd. 2. Application. Application for a regular sign permit, special sign permit, or temporary sign permit is made to the enforcement officer upon an approved application form, accompanied by required supporting information and fees. (Amended, Ord. No. 90-18, Sec. 3)

Subd. 3. Fees. Fees are set by Appendix B.

410.27. Sign hanger license. Subdivision 1. License required. A person engaged in the business or occupation of sign hanging or repair may not install, reconstruct, alter, repair, or remove an exterior sign requiring a permit without first having obtained a license.

Subd. 2. License application. Application for a sign hanger's license is filed with the city clerk upon an approved application form, accompanied by required supporting information and fees.

Subd. 3. License validity. Sign hanger licenses expire annually on December 31. Licenses will not be issued to a minor. Licenses are not transferable.

Subd. 4. License fee. The annual fee for a sign hanger's license is fixed by Appendix B. A license application will not be accepted nor a license issued unless the fee is paid. The license fee may not be prorated.

Subd. 5. Insurance required. The applicant must provide a certificate of insurance with the city with public liability insurance of not less than \$1,000,000 combined single limit issued by an insurance company authorized to do business in the state of Minnesota. Application for the license is made to the city council and the license will be granted upon proof of the applicant's qualifications conditioned upon compliance with this chapter. The annual license fee is fixed by Appendix B. Licenses expire annually on December 31. Licenses are issued by the city clerk. Licenses are not transferable. The annual license fee is paid to the city clerk at the time of filing the application. License fees may not be prorated. (Amended, Ord. No. 03-22)

410.29. Variances, amendments, appeals. Variances from the literal provisions of this section and appeals from administrative decisions made under this section are made pursuant to the provisions of section 535 of the zoning code (Appendix A to this code) except that amendments are approved by a majority vote of the city council.

410.31. Miscellaneous provisions. Subdivision 1. Substitution Clause. The owner of any sign which is otherwise allowed by this section may substitute noncommercial copy in lieu of any other noncommercial or commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision prevails over any more specific provision to the contrary.

Subd. 2. Process and Enforcement.

(a) Administration: Provisions of this section shall be administered and enforced by the city manager or their designee. Their duties shall include:

- (1) Determine whether all sign permit applications comply with the terms of this section.**
- (2) Conduct site inspections to determine compliance with the terms of this inspection.**

(b) Unlawful Signs.

Signs placed upon public property, or within the public right-of-way, or in violation of the terms of this section, shall be immediately determined to be abandoned under this section. Abandoned signs shall be subject to removal by the city. Upon removal, the city manager, or their designee, shall mark the date of removal of the sign and hold it for 30 days at the city's offices. The owner of the sign may collect the sign from the city's offices at any point during that time. If the sign is not retrieved within

30 days, the city may destroy the sign.

(c) Violations.

1. Violations; Separate offence. Each day that the violation continues shall constitute a separate offense. Violations of this ordinance shall be deemed a misdemeanor and subject to legal action including but not limited to Administrative Penalties as described in Section 117 of the city code.

410.33. Severability. The provisions of this section are severable from one another. If any section, subsection, sentence, clause, or phrase of this section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this section. The city council hereby declares that it would have adopted each section, subsection, sentence, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

410.35. Elections. All non-commercial signs of any size may be posted in any number from 46 days before the state primary in a state general election year until ten days following general election, and 13 weeks prior to any special election until ten days following the special election, consistent with Minnesota Statutes, section 211B.045. Sign installation shall comply with the Fair Campaign Practices Act contained in Minnesota Statutes, chapter 211B.

Member _____ moved and Member _____ seconded a motion that the following Ordinance, which was given its first reading on November 4, 2020 be given its second reading this _____ day of _____ 2020 and that it be adopted.

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 410 SIGNS OF THE CITY CODE

THE CITY COUNCIL OF THE CITY OF ROBBINSDALE DOES ORDAIN:

Section 1. That Section 410 - Signs of the City Code is hereby amended with the following language to be removed shown by strikeout and new language added shown in bold and underlined; where new sections are added or entire sections deleted, other section items will be renumbered in codification; and definitions will be reordered alphabetically, as needed:

Section 410 - Signs

410.01. Title. This section may be referred to as the Robbinsdale sign ordinance.

410.03. Purpose. This section is adopted to protect and promote the public health, safety, and general welfare. It is the intent of this section to protect and preserve the integrity of residential areas, to reduce traffic and safety hazards, to promote an aesthetically pleasing environment, to promote equity in sign communication, and to otherwise implement the goals, objectives, and policies of the comprehensive municipal plan by the application of uniform regulations and exterior signage. **It is not the intent of this section to impose content-based restrictions on signs within the city.**

410.05. Definitions. Subdivision 1. For the purposes of this section the terms defined in this subsection have the meanings given to them. Where a question arises regarding the definition of a term not defined herein, the definition of the term has the meaning given by the zoning code. (Appendix A)

Subd. 2. "Advertising sign" means a sign that is used to advertise business, professions, uses, products, goods, or services (including entertainment) not related to the premises at which the sign is located.

Subd. 3. ~~"Business sign" means a sign that identifies a business or group of businesses, a profession or use located upon the premises where the sign is located; or a sign that identifies or promotes products, goods, or services (including entertainment) offered for sale or sold upon the premises at which the sign is located.~~

Subd. 4. "District" means a zoning district established and defined by the zoning code.

Subd. 5. "Enforcement officer" means an individual appointed by the city manager responsible for administering and enforcing this section.

Subd. 6. "Establishment" means any of the following:

- (a) A distinct business entity situated as the sole occupant of a single structure.
- (b) A distinct business entity, with a separate exterior entrance, located in a separate structure attached to other structures by common walls or facade, or attached by means of an enclosed arcade.

- (c) A distinct business entity contained within a multiple tenant structure, possessing a single, common entrance for all establishments, or
- (d) A distinct business entity contained within a single structure, not separated by walls or other physical barriers, where the business entity is made distinct by its existence as a separate leasehold, by its operation by separate entrepreneurs, or by its singularity of purpose.

Subd. "Exempt sign" – a sign that is designated as being exempt from requirements of 410.09 and described in 410.11

Subd. 7. "Flashing sign" means a sign illuminated by lights that are varied in intensity or color and that is capable of rapidly changing copy or images in intervals of less than one hour; the term does not include time and temperature or electronic message center signs governed by subsection 410.07.

Subd. 8. "Exterior sign" means a sign which is erected exterior to a structure. The term does not include signs erected interior to a structure in such a manner as to be visible from the exterior.

Subd. 9. "Free-standing sign" means a stationary or portable self-supporting sign.

Subd. 10. "Ground elevation" means the average curb elevation along the street frontage upon which a free-standing sign is to be erected, or a roof or wall sign is to face.

Subd. 11. Non-conforming sign means any of the following:

- (a) Legal - means a sign lawfully in existence that does not conform with the provisions of this section.
- (b) Illegal - means a sign that does not conform to the provisions of this section.

Subd. 12. "Message center sign" means a sign that is remotely programmable to change copy or messages, and which is equal to less than one-half of the available wall or ground sign in which it is included, and which, in no case, is larger than 25 square feet. The sign may include letters or numbers, but it cannot create the effect of movement, or change messages in intervals of less than one hour except that public transit message center signs may change messages more frequently. Examples of message center signs include signs which display scheduled worship services, events in churches, gasoline prices or movie marquees information. A message center sign's light intensity shall be limited to one-foot-candle as measured anywhere on any abutting parcel or right-of-way.

Subd. 13. "Off-site directional sign" means a sign directing visitors to a specific property but not located on the said property.

Subd. 14. "Roof sign" means a sign mounted on a building roof. A sign mounted on a roof in such a manner that it extends more than one foot below eave height or the top of a parapet wall is both a roof sign and a wall sign for the purposes of applying the provisions of subsection 410.09.

Subd. 15. "Shingle sign" means a three-dimensional sign that projects from the front of a building façade over a sidewalk, but not over a street or alley. Generally, the sign is perpendicular to the plane of the building façade.

Subd. 16. "Sign" means letters, words, symbols, poster, billboard, picture, device, reading matter, or representation in the nature of an advertisement, announcement, message, or visual communication whether painted, printed, posted, affixed, digital, video, constructed, or displayed for purposes of information or communication: the term includes structural supports, uprights, bracing, and framework and architectural or graphic features that are intrinsically associated with a particular product, good, service, business, firm, corporation, or profession.

Subd. 17. "Sign area" means the physical area of a sign constituted of the face upon which the advertisement is borne. In the case of signs constituted of individual figures, symbols, or components attached directly to a building wall or other integral construction feature of a building, sign area is that area included in the smallest square or rectangular geometric figure that can be drawn to circumscribe the entire message or communication. The permitted sign area for a sign applies to the area of each individual face when a sign displays no more than two faces. When a sign displays more than two faces, the maximum area of each sign face may not exceed the amount determined by multiplying the stipulated sign area by two and dividing by the total number of sign faces proposed.

Subd. 18. "Sign face" means a separate planar or curved surface created by a sign upon which an advertisement is borne: when a sign is constituted of more than one planar surface bearing advertising, separate planar surfaces intersecting at greater than 160 degrees interior angle constitute a single face.

Subd. 19. ~~"Special purpose sign" means a sign erected for the purpose of fulfilling a purpose other than that performed by a business or advertising sign: The term includes but is not limited to political campaign signs, real estate sale and lease signs, construction signs, institutional identification signs, directional signs, public information signs, identification signs, and other signs of a solely non-commercial nature.~~

Subd. 20. "Teardrop banner" means a free-standing fabric banner attached to a ground mounted frame or pole that causes the banner to remain taut in the absence of wind.

Subd. 21. "Wall sign" means a sign that is affixed to the wall of a building, including signs attached to windows, doors, marquees, canopies, or parapet walls: a sign affixed to a wall in such a manner that it extends more than one foot above eave height or the top of a parapet wall is both a wall sign and a roof sign for the purposes of applying the provisions of section 410.09 of this section.

410.07. General provisions. Subdivision 1. Permit required. Except as provided in subsection **410.11 and** 410.25, all exterior signs proposed to be erected in the city require a permit. The permit number and date of the permitted sign's erection must be prominently displayed on the sign structure.

Subd. 2. Construction. A sign may not be attached to or supported by rocks, fences, trees, or utility poles. A sign may not be erected so as to interfere with utility wires or supports thereof. Signs must be constructed in conformance with ~~Chapter 4~~ of the 1976⁹⁷ edition of the Uniform Sign Code promulgated by the International Conference of Building Officials which is adopted by reference. Electric signs must conform with the electrical code and require an electrical permit.

Subd. 3. Motion. A sign may not display any moving parts. Signs, except barber poles, may not rotate. A sign may not be subject to visible movement from normal wind pressure.

Subd. 4. Illumination. A sign may not be illuminated by flashing or intermittent lights. Electronically or electrically-controlled time and temperature signs and message centers that display changing copy by means of a lamp bank of relatively constant light intensity are exempt from this subdivision, however, such message center signs may not flash, blink, flicker or exhibit rapidly changing information, or create the effect of movement. Light from illuminated signs must be

shielded to prevent direct reflection onto adjacent private property or a public right-of-way. A sign may not be illuminated in such a manner as to imitate an official traffic control device, nor may the intensity of illumination of a sign obstruct the visibility of an official traffic control device. Incandescent light bulbs utilized for illumination of signs are limited to a maximum of 20 watts per bulb when mounted on the exterior of a sign. Signs located on property abutting residential property, except time and temperature signs and public transit message center signs, may not be illuminated between the hours of 11 o'clock p.m. and six o'clock a.m. The provisions of this subdivision apply to an interior sign visible from the exterior, the provisions of subsection 410.05, subdivision 8 notwithstanding.

Subd. 5. Projection. A wall sign may not project more than 18 inches from the surface to which it is affixed. A sign, except for wall signs possessing a maximum projection of 18 inches or affixed to a canopy or marquee, may not project over public right-of-way or a public or private access route (sidewalk, etc.). A sign that projects over public right-of-way or public or private access routes must be located a minimum of eight feet above surface grade. Shingle signs are exempt from this section.

Subd. 6. Height. A wall sign may not exceed the building eave in height. A roof sign may not be erected the top of which measures more than 30 feet in height when measured from ground elevation. A free-standing sign may not exceed 30 feet in height when measured from ground elevation.

Subd. 7. Setback and placement. Except for traffic control or traffic directional signs, signs in the B-1, B-2, B-3, B-4, and B-W zoning districts must be located behind the required front building setback in the district in which the premises are located. Except for traffic control or traffic directional signs, signs in the R-1, R-2, R-3, and R-B zoning districts must be located not closer than five feet from a property line. A wall sign possessing a maximum projection of 18 inches will not be considered as encroachment on any required setback. A free-standing sign may not be erected within 15 feet of a street intersection, as measured from the street surfaces. No sign, except that of a governmental agency, may be erected or placed in a public right-of-way without the approval of the city council. ~~Signs may not be placed on or within a private right-of-way without the approval of the city council.~~ Signs may not be placed in such a manner as to create a hazard to public health or safety, nor may a sign by reason of its placement obstruct the visibility of any traffic control device. A sign may not be placed so as to prevent free egress from or access to any door, window, or fire escape. A sign may not be affixed to any stand pipe or fire escape or be placed so as to obscure emergency equipment or information (e.g. fire extinguishers, fire hoses, first aid kits, alarms, emergency procedures, etc.), or to obstruct a fire lane.

Subd. 8. Number of faces and sign area. A single sign may display any number of faces. The permitted sign area applies to the area of each individual face when a sign displays no more than two faces. When a sign displays more than two faces, the maximum area of each sign face may not exceed the amount determined by multiplying the stipulated sign area by two and dividing by the total number of sign faces proposed; i.e., $a = 2x \div y$ where "a" represents the maximum area of an individual sign face, "x" represents the maximum permitted area of the sign, and "y" represents the total number of faces proposed for a given sign.

Subd. 9. Obscene material. A sign may not display material determined to be obscene, as defined by law.

Subd. 10. Maintenance and repair. Signs must be properly maintained and kept in a safe state of repair. Signs must be maintained free of peeling or chipping paint or rust. A sign structure that is determined to be rotted, deteriorated, defaced, or otherwise hazardous must be repaired or replaced by the owner of the sign upon written notification by the enforcement officer.

410.09. Zoning district provisions. Subdivision 1. Residential districts. Except as provided for in subsection 410.11 special provisions, signs may not be erected in the R-1, R-2, or R-3 residential zoning districts.

Subd. 2. Residential-business district. Except as provided for in subsection 410.11 signs erected in the R-B residential district must comply with the following:

- (a) Type. An establishment may erect wall signs or freestanding signs, or combinations thereof as regulated by clauses (b) and (c).
- (b) Number. An establishment may erect any number of wall signs provided that the total area of all wall signs erected along any one building wall may not exceed the total permitted area established by clause (c). An establishment may also erect a maximum of one free-standing sign along each building wall. For the purposes of this section building walls lying upon the same planar surface or parallel planar surfaces facing the same direction are considered one wall; and building walls lying upon separate planar surfaces but intersecting at greater than 160 degrees interior angle are considered one wall.
- (c) Size.
 - (1) The cumulative area of wall signs erected on one building wall may not exceed 25 square feet plus one square foot of area for each additional one foot that the required sign setback is exceeded, up to a maximum of 50 square feet of sign area.
 - (2) The maximum size of a free-standing sign is 25 square feet of sign area plus one square foot of sign area for each additional one foot that the building wall, or street frontage, if greater, along which the sign is erected exceeds 50 feet in length, up to a maximum of 50 square feet of sign area.
 - (3) The total area of all signs erected upon and along an individual building wall may not exceed 75 square feet.

Subd. 3. Business districts. Except as provided for in subsection 410.11 signs erected in the B-1, B-2, B-3, B-4, and B-W zoning districts must comply with the following:

- (a) Type. An establishment may erect wall signs or free-standing signs, or combinations thereof as regulated by clauses (b) and (c).
- (b) Number. An establishment may erect any number of wall signs provided that the total area of all wall signs does not exceed the total permitted area established by clause (c). An establishment may erect a maximum of one free-standing sign along each building wall. Building walls lying upon the same planar surface or parallel planar surfaces facing the same direction are considered one wall; and building walls lying upon separate planar surfaces but intersecting at greater than 160 degrees interior angle are considered one wall.
- (c) Size.
 - (1) The cumulative area of all wall signs erected on one building wall may not exceed 50 square feet plus one square foot of area for each additional one foot that the required sign set back is exceeded, up to a maximum of 100 square feet of sign area.

- (2) The maximum size of a shingle sign is six square feet and there shall be a minimum of ten feet clearance between the sign and the sidewalk. (Amended, Ord. No. 07-07)
- (3) The maximum size of a free-standing sign is 50 square feet of sign area plus one square foot of sign area for each additional one foot that the building wall, or street frontage if greater, along which the sign is erected exceeds 50 feet in length, up to a maximum of 100 square feet of sign area.
- (4) The total area of all signs erected upon and along an individual building wall may not exceed 150 square feet.

410.11. Special provisions. Subdivision 1. ~~Special purpose signs.~~ The ~~special purpose~~ signs described in this subsection are permitted in all zoning districts **and are exempt from the provisions of Section 410.09. These signs remain** subject to the **specified** restrictions **noted in each subsection.**

Subd. 2. Safety, warning, and hazard signs. ~~A sign~~ **Signs** required by the Minnesota Occupational Safety and Health Administration (OSHA), or its federal counterpart, ~~is permitted within any district~~ **are exempt signs.** Such signs must conform to the size and placement standards established by OSHA, or if no standards have been adopted, then the sign shall conform to size and placement specifications of the enforcement officer. Such signs are not included in the maximum number of signs allowed under subsection 410.09.

Subd. 3. ~~Identification signs.~~ ~~A sign~~ **Signs** of ~~ten~~ less than five square feet **or less** in area which serves solely to identify that name of the business, manager, resident, or address of the premises where the sign is located, is permitted in all districts. Such signs may include no advertising material, and may not include the names of a permissible home occupation within residential districts. ~~Provided that placement of~~ **such** identification signs is limited to one such sign for each street frontage from which either a principal or service entrance to the building is provided. ~~Permitted identification~~ **Such** signs are not included in the maximum number of signs allowed under subsection 410.09.

Subd. 4. ~~Holiday and business hours signs.~~ ~~A sign of less than five square feet that serves to solely identify a holiday is permitted in all zoning districts. The sign may not be displayed for more than 30 consecutive days preceding the holiday identified and must be promptly removed on the day following the holiday. A sign of less than five square feet that serves to identify the operational hours of an establishment is permitted in all zoning districts. Neither permitted holiday nor business hours signs are included in the maximum number of signs allowed under subsection 410.09.~~ **Signs located within buildings or interior common space within multiple tenant structures, except for window signs regulated elsewhere in this code.**

Subd. 5. ~~Real estate sale and rental signs.~~ Signs erected for the sole purpose of sales or rental of property, structures, or space therein are permitted in all zoning districts, provided that the sign is erected on the premises to which the sign refers. The sign may not exceed one quarter square foot of sign area for each foot of property frontage, along which the sign is to be erected, up to a maximum size of 25 square feet in area. Only one real estate sign may be erected along each street frontage. If the sign is erected as a free standing sign, it may not exceed four feet in height and must be securely anchored to prevent its dislodgement by normal wind pressure. The sign must be removed within seven days of sale or rental. The signs are not included in the maximum number of signs allowed under subsection 410.09. **Signs which are integrally attached to or part of:**

- (1) **Waste roll-offs, dumpsters, garbage cans, portable storage units or other similar equipment owned and maintained by a commercial business for the purpose of waste collection or temporary storage;**

- (2) Personal property or motor vehicles such as, but not limited to, passenger vehicles, snowmobiles, all-terrain vehicles, trucks, semi-tractors and trailers, recreational vehicles, fish houses, boats, boat lifts, and trailers; and
- (3) Construction materials or equipment.

Subd. 6. Political campaign signs. Signs placed for the sole purpose of announcing support for or opposition to either a candidate or issue in a forthcoming special or general election are permitted in all zoning districts. The signs may not exceed five square feet in area when placed within an R-1, R-2, R-3, or R-B district, nor exceed 25 square feet in any B-1, B-2, B-3, B-4 or B-W district. All political campaign signs of any size may be placed in any number from 46 days before the state primary in a state general election year until ten days following the state general election. Political campaign signs, other than above, may not be displayed for a period exceeding 46 days preceding the election which is the subject of the sign. The signs must be removed within ten days following the election. Political campaign signs must be confined to private property and must be securely anchored to prevent their dislodgement by normal wind pressure. The signs are not included in the maximum number of signs allowed under subsection 410.09. Signs which are affixed on city owned property, which have been approved by the city council or the city manager. Such sign may include signs affixed to ballpark fences by a sponsoring entity.

Subd. 7. Construction and occupancy signs. Signs erected for the sole purpose of displaying the names of responsible persons, firms, contractors, etc. involved with the construction, alteration, or repair of a structure are permitted in all zoning districts. The signs are limited to one per street frontage. The signs may not exceed 25 square feet in any R-1 or R-2 district or 50 square feet in any R-3, R-B, B-1, B-2, B-3, B-4, or B-W district. The signs must be securely anchored to prevent their dislodgement by normal wind pressure. A sign intended principally to identify the name or nature of a future tenant or occupant of a structure under construction is permitted in all districts, subject to the same restrictions as construction signs. A premises may display either one construction sign or one occupancy sign per street frontage. The signs are not included in the maximum number of signs allowed under subsection 410.09. Signs which are affixed on property owned by a county, state or federal governmental body, or a public school district, unless specifically prohibited by this section.

Subd. 8. Informational and directional signs. Signs erected principally for the purpose of providing information, instructions, or directions to employees, visitors, or delivery vehicles, etc. are permitted in all districts. The sign may contain the name of an establishment, but the sign must predominantly represent an informational or directional sign. The signs may not exceed ten square feet in area, and if erected as a free standing sign, eight feet in height. The signs must be permanently affixed to the ground or a structure. The signs are not included in the maximum number of signs allowed under subsection 410.09. Signs required by law.

Subd. 9. Institutional and governmental signs. Signs erected within a public right-of-way that are approved by the appropriate governmental agency with authority over the right-of-way for the sole purpose of identifying an institutional use (e.g. church, hospital, nursing home, etc.) or governmental use (e.g. public park, public building, etc.) are permitted in all zoning districts wherein the institutional use or governmental use is permitted. When such signs are to be located within any R-1, R-2, R-3, or R-B district, the signs must conform to the provisions of subsection 410.09, subdivision 2. When such signs are to be located within any B-1, B-2, B-3, B-4 or B-W district, the signs must conform to the provisions of subsection 410.09, subdivision 3. In instances of governmental uses where the principal use is not contained in a structure, such as parks, free standing signs may be substituted for wall signs, and when access to the premises of a governmental use is provided by means other than by street frontage (e.g. pedestrian walks) an additional sign may be located at each such access.

Subd. 10. ~~Integral signs.~~ **Historic plaques**—Signs constructed as an integral part of a building such as memorial **Historic** plaques, building names or dates, **placed by recognized historical agencies, provided such signs shall not be placed or maintained in the public right-of-way without City Council approval, shall not be illuminated, and shall not exceed ten (10) square feet in area** etc. are permitted in all zoning districts. **Such signs are exempt from** ~~The signs are not included in the maximum number of signs allowed under subsection 410.09.~~

Subd. 11. ~~Garage sale signs.~~ Signs erected to advertise a sale such as a garage or estate sale are permitted in all zoning districts. The signs may be erected only for the day of the advertised sale and must be removed upon close of the sale. The signs are limited to placement only upon the premises where the advertised sale is to be conducted. The signs may not exceed five square feet in area

Subd. 12. Portable signs, pennants; temporary permits. A sign of a portable nature, pennant, teardrop banner or similar sign may not be erected in any zoning district, except by temporary permit issued by the ~~enforcement officer~~ **building department as outlined in subsection 410.25.** Temporary permits are valid for a period not to exceed ten days. A temporary permit for a sign may not be renewed more than twice. Temporary permits for a portable sign, pennant, teardrop banner, etc. may not be issued to the same premises for the same type of sign more than three times in any 12 month period. For the purpose of this subsection a renewal constitutes a separate permit and each separate sign represents a separate permit request. Teardrop banners are not allowed in the DD-1, DD-2 or other properties within the downtown architectural design guidelines overlay district. The signs are not included in the maximum number or maximum permitted sign area allowed under subsection 410.09, but such signs are otherwise subject to all restrictions applied under that subsection. A temporary permit application must include a site plan showing the proposed location of the sign and its proximity to property lines, sidewalks, driveways and other features as needed for review by staff. A temporary sign permit request may be denied by city staff if:

- (a) The proposed location interferes with a visibility triangle as described in Section 510.25;
- (b) The proposed sign occupies required parking or a fire lane;
- (c) The proposed sign is located in public right-of-way; or
- (d) Strong winds or other forces could bend the sign into an adjacent right-of-way.

Exceptions: A temporary sign of five square feet or less ~~promoting a civic or community event or benefit for or by a non-profit or service organization may be approved by the City Council for a period not exceeding ten days and if approved by the City Council,~~ such signs may be placed on an off-site private or public location with the permission of the property owner or agency. **This exemption does not apply to off-site advertising signs.**

Subd. 13. Banners. Banners may be displayed in any B, R-B or DD district or public right-of-way subject to the following conditions:

- (a) A banner(s) ~~promoting a product, service or event on the premises for which it is intended~~ may be displayed on up to 30 different days annually by administrative permit provided the banner is maintained in good repair, not faded or torn. The permit and permit application must include banner locations. Permitted banners shall be attached to building walls, canopies or parapets. In no case may banners extend above a roof line. Permitted banners shall be no larger than 50 square feet.
- (b) Banners may be authorized by the City Council for a time period exceeding 30 days.

- (c) ~~A civic or community event banner promoting a civic function or community event~~ may be displayed at an off-site location or right-of-way with approval by the City Council for a period not exceeding ten days provided:

- (1) The banners must be securely fastened to buildings, structures or fences in conformance with subdivision 13(a) of this code.
- (2) The banners must be individually approved for specific locations.
- (3) There may be no more than one banner per location.
- (4) Banners shall be no larger than 50 square feet.
- (5) Off-premises advertising signs are not permitted.

Subd. 14. Street spanning community event banners. Community event banners may be displayed spanning the West Broadway public right-of-way between the south edge of 41st Avenue North and the north edge of 42nd Avenue North subject to the following conditions:

- (a) A banner promoting a noncommercial, community-wide event open to the general public may be displayed on a City-owned banner wire spanning West Broadway with approval by the City Council; and
- (b) Banners may only be authorized for City special events, City partnership events and "not for profit organizations" that are promoting a public event of substantial community-wide interest; and
- (c) All banners must conform to administrative guidelines prepared by the City Manager and adopted and amended by Council resolution including, but not limited to the following:
 - (1) Application process;
 - (2) Banner material and size specifications;
 - (3) Design and content approval process;
 - (4) Scheduling and conflict resolution;
 - (5) Exceptions; and
- (d) Cost/fees/procedures:
 - (1) A banner application and banner policy and procedure form must be obtained from the City Clerk's office and completed by the party making the request and returned to the City Clerk's office no less than 30 days prior to the date requested to hang the banner;
 - (2) A diagram showing the exact text and artwork for the banner must be included with the application;
 - (3) The fee for the banner installation and any insurance requirement shall be set by Appendix B;

- (4) All approved banners must be delivered to the police/fire building by noon the Friday prior to the Monday hang date. Late fees shall be set by Appendix B.
- (5) Banners must be picked up from the police/fire building within seven days after the display week(s). The City assumes no responsibility for banners and any banners left more than one week may be discarded; and
- (e) City staff has the authority to refuse the placement of cross-street banners which, because of previous use, are in poor condition; and
- (f) City staff may remove any banner in the event that it becomes a danger to public safety, due to banner deterioration, storms, high winds, etc.

Subd. 15. ~~Civic and charitable events signs.~~ Signs erected for the sole purpose of announcing a civic or charitable event or activity sponsored by a non-profit organization are permitted in all zoning districts. The signs may not be displayed for a period exceeding 14 days preceding the event or activity advertised, and the signs must be removed immediately upon completion of the event or activity. The sign may not be displayed for more than 30 consecutive days. The signs must be securely anchored to prevent their dislodgement by normal wind pressure. When placed within a residential district, civic or charitable event signs are restricted to placement only upon the premises where the event or activity will take place. The signs are not included in the maximum number of signs allowed under subsection 410.09.

Subd. 16. ~~Area identification signs.~~ Signs erected for the sole purpose of identifying the name and address of a recognized neighborhood, residential subdivision, or multiple family residential complex are permitted in all zoning districts. The signs must conform in all respects to the provisions of subsection 410.09, subdivision 2. Signs erected for the sole purpose of identifying the name of a recognized commercial area (not shopping center) are permitted in commercial districts, subject to the approval of the City Council. The signs must generally conform in all respects to the provisions of subsection 410.09, subdivision 3, provided that the City Council may authorize alternative standards for such signs.

410.13. Multiple tenant structures. Subdivision 1. General rule. Structures containing multiple tenants or establishments or structures connected to other structures must conform to the provisions of this subsection, in addition to the applicable district provisions contained in subsection 410.09.

Subd. 2. Structures with common entrance. Establishments contained within a multiple tenant structure, for which a common exterior entrance for all tenants is provided, are collectively limited to the same types, numbers, and sizes of signs permitted for an establishment contained in a single tenant structure.

Subd. 3. Structures connected by common walls or facade. Establishments contained within structures connected to other structures by means of common walls or a common facade but each possessing a separate exterior entrance, may display the same number, sizes, and types of signs that would be permitted for establishments contained within separate structures. In the case of establishments contained in shopping centers, each establishment may erect only wall signs and roof signs in conformance with the applicable district provisions. However, one free-standing sign to serve the entire center may be erected along each building wall of the shopping center. The maximum size of such free-standing sign is 50 square feet of sign area plus one square foot of sign area for each additional one foot that the building wall, or street frontage if greater, along which the sign is to be erected exceeds 50 feet in length, up to a maximum of 200 square feet of sign area. Establishments located in structures connected by common walls or a common facade shall only be permitted to have individual wall signs when all of the wall signs on the structure are consistent in design, materials and character. Individual wall signs may be placed on a sign raceway comprised of individual block letters or script, and may include a logo,

located on a plane parallel to the sign raceway. Said letters and logo may be interior illuminated. Signs that do not conform to the above, must be compliant with a sign policy adopted for the shopping center that is approved by the City Council. In the case where proposed signs do not conform with the aforementioned requirements, and if the shopping center does not have an integrated sign policy that has been approved by the City Council, then each establishment's sign must be approved by the City Council. For the purpose of this section a "shopping center" means a commercial area (i) planned and developed as an integrated whole with an undivided or unsegregated parking area serving the entire center, or (ii) advertised or promoted as a shopping center.

410.15. Public service facility signs. Signs provided in conjunction with a public service facility are exempt from the requirements of section 410.09. Public service facilities include, but are not limited to, the provision of benches and trash receptacles for public use on public or private property. The provision of signs in conjunction with such public service facility requires the approval of the city council. The city council, in approving such signs, may stipulate conditions it deems necessary to insure consistency with the purposes and intent of this section. The city council may revoke the approval of such signs for cause. The total sign area of signs placed in conjunction with any individual public service facility may not exceed a total of 12 square feet. The signs are not included in the maximum number of signs allowed under subsection 410.09.

410.16. Off-site directional signs for religious institutions. Off-site directional signs ~~for religious institutions~~ surrounded predominately by R-1 and R-2 zoned property may be permitted ~~for those religious institutions located within the city and zoned R-1 or R-2.~~ A maximum of two sites for the installation of such an off-site sign, shall be permitted ~~for each religious institution~~ provided that the site is located in the public right-of-way, or on private property immediately adjacent to a collector, arterial, or minor arterial road ~~leading to the religious institution.~~ Each site may contain a single or double-faced sign. Double-faced signs means two signs placed back to back on a single pole. Approval of the proposed sign(s) and its/their location(s) must be obtained from the governing transportation jurisdiction or property owner and the city. Such sign(s) shall be designed and maintained per section 841.07. No sign permit shall be required. However, a fee will be charged for installation, review and approval. City approval shall include approval of a license pursuant to section 841 of the city code. ~~For purposes of this section, a religious institution is an institution recognized as such under section 501(c)(3) of the Internal Revenue Service Code.~~ No more than two off-site directional signs are allowed for any property. ~~If more than one religious institution occupies the same building or property the maximum of two signs/sites still applies.~~

410.17. Non-conforming uses. A legal non-conforming use may display signs in conformance with the provisions for the most restrictive district in which the use may be permitted by the zoning code.

410.19. Discontinuance of advertised uses. ~~Signs which advertise or identify a use, establishment, product, or service no longer located or provided on the premises where the sign is placed,~~ must be removed by the property owner within seven days of the discontinuance of the use, establishment, produce, or service.

410.21. Non-conforming signs. ~~A non-conforming sign may not be changed to another non-conforming sign. A non-conforming sign may not be removed for a period in excess of 30 days and thereafter be reestablished.~~ Any premises determined to be non-conforming as regards the maximum number of signs permitted to be displayed, may erect no additional signs requiring a permit under subsection ~~410.25~~ 410.07 unless it first reduces the existing total number of signs on the premises by an amount equal to the number of new signs proposed for erection. (Ed. note: All non-conforming signs were to have been made conforming by December 31, 1983 or the subject of a variance after that date.)

410.22. Expansion of non-conforming signs - special permit. Subdivision 1. Permit. Notwithstanding the provisions of subsections 410.15 and 410.21, the city council may issue a special permit to permit the expansion of a non-conforming sign if it finds the following requirements have been satisfied:

- (a) The sign for which the special permit is requested is non-conforming by reason of subsection 410.15.
- (b) At the time the sign was made non-conforming it was located upon property which was then zoned community business district B-4.
- (c) The proposed expansion involves only the addition of one additional sign face to the back of the existing sign.
- (d) The additional sign structure shall be no larger in any dimension than the existing sign structure, and shall not extend beyond the rectangular sign face of either sign.
- (e) The additional sign shall be located parallel to the existing sign and each sign shall substantially shield the back of the other from public view.
- (f) The additional sign will not be detrimental to the public health, safety or welfare, nor will it detract from the general aesthetic appearance of the area.

Subd. 2. Permit fee. Fees are set by Appendix B.

Subd. 3. Conditions. The city council may place conditions upon the permit which it deems to be appropriate under the circumstances.

Subd. 4. Effect of special permit on non-conformity. The special permit is intended only to permit the expansion of a legal non-conforming ~~advertising~~ sign. Following issuance of the special permit, the existing sign and its expansion will be deemed lawful non-conforming.

Subd. 5. Other permits and licenses. The special permit is in addition to all other permits, licenses and approvals required under this code for the erection of ~~advertising~~ signs.

410.23. Building addresses. Structures fronting upon a public or private right-of-way must at all times conspicuously display the address number of the subject premises. If the structure also abuts an alley, building numbers must also be attached in a conspicuous location to the alley side of the structure. If a garage or similar accessory building obstructs the view of the main structure from the alley, the building numbers for the structure must be placed in a conspicuous location on the garage or accessory building. Address numbers are issued by the enforcement officer or upon the request of the owner of the subject premises. No address number may be changed except upon the order or approval of the enforcement officer. Upon notification of a change in address number for a structure, the owner thereof must immediately replace the posted address number with the correct new number. The enforcement officer must maintain a permanent, public record of all issued address numbers. ~~Erection of address numbers must comply with subsection 410.11, subdivision 8.~~ Address numbers must measure a minimum of four inches in height and may not exceed one foot in height. When address numbers are proposed to exceed one foot in height, the address numbers are considered as an exterior sign subject to applicable regulations of this section. For address numbers measuring less than one foot in height no sign permit is required.

410.25. Sign permits. Subdivision 1. ~~Exterior signs proposed to be erected within the city require a permit. The following signs are exempt from this requirement:~~

- ~~— (a) — Safety, warning, and hazard signs.~~
- ~~— (b) — Identification signs.~~
- ~~— (c) — Holiday and business hours signs.~~
- ~~— (d) — Real estate sales and rental signs.~~
- ~~— (e) — Political campaign signs.~~
- ~~— (f) — Construction and occupancy signs.~~
- ~~— (g) — Informational and directional signs.~~
- ~~— (h) — Integral signs.~~
- ~~— (i) — Garage sale signs.~~
- ~~— (j) — Civic or charitable event signs.~~
- ~~— (k) — Address numbers measuring less than one foot in height.~~
- ~~— (l) — Off-site directional signs for religious institutions.~~

Portable signs, pennants, and banners require a temporary permit as provided in subsection 410.11, subdivision 12.

The owner of a sign may change the display surface or sign face on a previously approved and erected sign or complete replacement of a sign when such change or replacement would be consistent with a previously issued sign permit or a sign considered to be a legal nonconformity and would not require compliance with applicable building codes, unless such sign has been deemed abandoned.

Subd. 2. Application. Application for a regular sign permit, special sign permit, or temporary sign permit is made to the enforcement officer upon an approved application form, accompanied by required supporting information and fees.

Subd. 3. Fees. Fees are set by Appendix B.

410.27. Sign hanger license. Subdivision 1. License required. A person engaged in the business or occupation of sign hanging or repair may not install, reconstruct, alter, repair, or remove an exterior sign requiring a permit without first having obtained a license.

Subd. 2. License application. Application for a sign hanger's license is filed with the city clerk upon an approved application form, accompanied by required supporting information and fees.

Subd. 3. License validity. Sign hanger licenses expire annually on December 31. Licenses will not be issued to a minor. Licenses are not transferable.

Subd. 4. License fee. The annual fee for a sign hanger's license is fixed by Appendix B. A license application will not be accepted nor a license issued unless the fee is paid. The license fee may not be prorated.

Subd. 5. Insurance required. The applicant must provide a certificate of insurance with the city with public liability insurance of not less than \$1,000,000 combined single limit issued by an insurance company authorized to do business in the state of Minnesota. Application for the license is made to the city council and the license will be granted upon proof of the applicant's qualifications conditioned upon compliance with this chapter. The annual license fee is fixed by Appendix B. Licenses expire annually on December 31. Licenses are issued by the city clerk. Licenses are not transferable. The annual license fee is paid to the city clerk at the time of filing the application. License fees may not be prorated.

410.29. Variances, amendments, appeals. Variances from the literal provisions of this section and appeals from administrative decisions made under this section are made pursuant to the provisions of section 535 of the zoning code (Appendix A to this code) except that amendments are approved by a majority vote of the city council.

410.31. Miscellaneous provisions. Subdivision 1. Substitution Clause. The owner of any sign which is otherwise allowed by this section may substitute noncommercial copy in lieu of any other noncommercial or commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision prevails over any more specific provision to the contrary.

Subd. 2. Process and Enforcement.

(a) Administration: Provisions of this section shall be administered and enforced by the city manager or their designee. Their duties shall include:

- (1) Determine whether all sign permit applications comply with the terms of this section.
- (2) Conduct site inspections to determine compliance with the terms of this inspection.

(b) Unlawful Signs.

Signs placed upon public property, or within the public right-of-way, or in violation of the terms of this section, shall be immediately determined to be abandoned under this section. Abandoned signs shall be subject to removal by the city. Upon removal, the city manager, or their designee, shall mark the date of removal of the sign and hold it for 30 days at the city's offices. The owner of the sign may collect the sign from the city's offices at any point during that time. If the sign is not retrieved within 30 days, the city may destroy the sign.

(c) Violations.

1. Violations; Separate offence. Each day that the violation continues shall constitute a separate offense. Violations of this ordinance shall be deemed a misdemeanor and subject to legal action including but not limited to Administrative Penalties as described in Section 117 of the city code.

410.33. Severability. The provisions of this section are severable from one another. If any section, subsection, sentence, clause, or phrase of this section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this section. The city council hereby declares that it would have adopted each section, subsection, sentence, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

410.35. Elections. All non-commercial signs of any size may be posted in any number from 46 days before the state primary in a state general election year until ten days following general election, and 13 weeks prior to any special election until ten days following the special election, consistent with Minnesota Statutes, section 211B.045. Sign installation shall comply with the Fair Campaign Practices Act contained in Minnesota Statutes, chapter 211B.

Section 2. That the following summary clearly informs the public of the intent and effect of the ordinance and is approved for publication:

Robbinsdale City Code Section 410 Signs is hereby amended to remove content-based regulations in response to case law resulting from First Amendment challenges.

First Reading: YEAS:
 NAYS:

Second Reading: YEAS:
 NAYS:

PASSED AND ADOPTED BY THE CITY COUNCIL THIS _____ DAY OF _____, 2020.

Regan L. Murphy, Mayor

ATTEST:

Kim Moore, City Clerk
(SEAL)



City of Robbinsdale

Other Business A
MEMORANDUM

TO: City Council
FROM: Marcia Glick, City Manager
DATE: November 4, 2020
RE: Voucher Requests Pending Approval for Disbursement

The check register dated November 4, 2020 reflects the voucher requests pending approval for disbursement.

The check register dated October 21, 2020 through November 4, 2020 is a list of vouchers requiring payment for City funds, Deputy Registrar, liquor, and miscellaneous purchases. The payments are required prior to the next Council meeting.

Recommendation

By motion approve disbursement requests for period ending November 4, 2020.

Marcia E. Glick

Marcia Glick, City Manager

CONCURRENCE:

Jeff Zuba, Finance Director