

2A. Public Hearing – Consideration of a request for amendment to the Monticello Zoning Ordinance, Chapter 4, Section 5(I) – Temporary Signs and Chapter 8, Section 4 – Definitions for amendments to Temporary Sign regulations. Applicant: City of Monticello. (AS)

A. REFERENCE & BACKGROUND:

In December, the Planning Commission called for a public hearing for consideration of amendments to the temporary sign ordinance.

Temporary Signs are defined by the Zoning Ordinance as follows:

SIGN, TEMPORARY: Any sign which is erected or displayed for a specified period of time, including, but not limited to, banners, search lights, portable signs, streamers, pennants, inflatable devices.

As Planning Commission is aware, there is currently in place an interim ordinance for regulation of temporary signs. The City of Monticello adopted the interim ordinance in February of 2011. The interim ordinance allowed an expansion in allowances for temporary signage. The interim ordinance regulating temporary signs was adopted to allow the City an opportunity to analyze the temporary sign usage issue over a period of time and whether amendments to the “Signs” sub-section of the zoning ordinance were necessary to address issues with the existing ordinance. The primary issues for evaluation were number of allowable days of use, allowance per business versus building or parcel, and sign size.

An interim ordinance relating to the usage of temporary signs similar to that adopted in 2011 was approved in the subsequent years to this point.

The following table illustrates a comparison in flexibility between the existing zoning ordinance and as allowed under the interim ordinance.

Interim Ordinance Allowances		
Code Requirement	Existing Ordinance	Interim Ordinance
Signs Allowed	Per parcel	Per business, sign must be located on parcel on which business is located
Number of Signs per Location	1	1 sign every 75 linear feet of ROW, 1 sign per business
Number of Days (Annual)	40	Unlimited
Square Footage of Sign	32 sq. ft.	40 sq. ft.
Permit Required	Yes	Yes

The interim ordinance also provides additional temporary sign allowances as follows.

- Subject to other provisions of Section 4.5(I), one (1) additional flag device shall be permitted for a restaurant business with outdoor seating for a period of up to one hundred and fifty (150) days, to be located within or along their outdoor seating area. Such signage shall not be limited by the provisions of Sections 4.5(I)(1).
- One (1) sign shall be allowed per street frontage on non-residential properties when a property is seeking to hire or employ personnel, provided that:
 - Sign may be up to forty (40) square feet in area.
 - Sign must be on the property on which the business is located.
 - Sign may not be located within a public right of way or easement.

In addition, the interim ordinance incorporated provisions which relate to enforcement matters for temporary signage. These are regulations which stipulate that temporary signs may not be placed within public rights of way or easements, requires the permit holder to track the number of days used, and requires maintenance for sign materials.

The current interim ordinance will expire at the end of January. State statute allows interim ordinance to be in place for a maximum duration of 18 months. Interim ordinances are intended to allow a municipality the opportunity to study an issue as related to official controls, such as zoning ordinances. The City has had five years to study temporary sign impacts under an interim ordinance.

As such, planning staff has recommended to the Commission that the interim ordinance not be extended another year and that the City adopt amendments to the temporary sign ordinance.

Proposed Ordinance Amendments, 2012

As previously noted, in December of 2012, the Planning Commission recommended to the City Council the amendment of the temporary sign provisions within the existing zoning ordinance rather than extension of the interim ordinance for 2013.

The proposed amendments recommended by the Commission at that time were based on an analysis of the interim ordinance in practice in the community. Analysis presented at that time included feedback from the business community, permit data, violation information, and visual observations.

A second table was prepared to illustrate the flexibilities proposed under the Commission's recommended amendments to the sign ordinance versus the temporary sign ordinance as it exists. Interim ordinance provisions are not included in this table.

2012 Planning Commission Recommendation for Amendments		
Code Requirement	Existing Ordinance	Proposed Ordinance
Signs Allowed	Per parcel	Per business, sign must be located on parcel on which business is located
Number of Signs per Location	1	1 sign every 75 linear feet of ROW, 1 sign per business
Number of Days (Annual)	40	150 Days
Size	32 sq. ft.	40 sq. ft.
Permit Required	Yes	Yes

Proposed Ordinance Amendments, 2016

In analyzing past recommendations, permit data, and the primary enforcement issues associated with temporary signage, planning staff have prepared proposed amendments to the temporary sign ordinance for consideration by the current Planning Commission.

The proposed amendments are as indicated in the table below and as included in the draft Ordinance No. 629 included as supporting data.

2016 Planning Commission Discussion for Amendment		
Code Requirement	Existing Ordinance	Proposed Ordinance
Signs Allowed	Per parcel	Per business, sign must be located on parcel on which business is located
Number of Signs per Location	1	1 sign every 75 linear feet of ROW, 1 sign per business
Number of Days (Annual)	40	120 total days per year; two (2) multi- day permits may be issued per year, not to exceed total number of 120 allowable days.
Size	32 sq. ft.	40 sq. ft.
Permit Required	Yes	Yes

No changes are proposed to the definitions section of the ordinance with this amendment. As such, all pennants, flags, banners, portable signs and inflatable devices are considered temporary signs would be regulated under the above proposed amendment.

In discussing the regulations with land owners and temporary sign businesses, there was stated a need to allow temporary signs on adjacent parcels held in common ownership. A provision proposed to address this issue is included in the ordinance as follows:

“Temporary signage may be located on a vacant parcel directly adjacent to a parcel occupied by an active and permitted principal use, when such properties are held in the same ownership.” Off-premise signage remains prohibited.

The proposed 2016 amendments were sent out by the Monticello Chamber of Commerce to the business community for comment. A summary of the feedback received is included for the Planning Commission’s reference. In addition, staff has compiled information comparing neighboring communities’ temporary sign regulations.

Summary

In staff’s analysis for development of the proposed ordinance amendments, it was determined that there are two primary issues which temporary sign ordinances are intended to address:

1) Placement of temporary signs for public safety: The most common enforcement issue found over the interim ordinance period was the placement of temporary signage in the right of way or public easements. This placement creates a safety hazard and is illegal per state statute and MnDOT rules.

2) The visual appearance of the community: The visual clutter created by what has essentially become an additional set of “permanent” signs to those already existing on a given site has an impact on the visual aesthetic of the community. Over time, maintenance of temporary signs placed for extended periods of time may also become an aesthetic issue for the community.

The above issues are reflected in the purpose statements the City has already adopted for the regulation of signs. The following is the specific purpose and intent of the sign ordinance, as cited in Chapter 4, Section 5(A):

(i) Regulate the number, location, size, type, illumination and other physical characteristics of signs within the City in order to promote the public health, safety and welfare.

(ii) Maintain, enhance and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community.

(iii) Improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics.

At this time, the Commission is asked to consider the information provided in this staff report in order to develop a recommendation for temporary sign amendments which

provide the means and manner for temporary sign communication, while meeting the above purposes and intent.

B. ALTERNATIVE ACTIONS:

1. Motion to recommend to the City Council the adoption of Ordinance No. 629 amending Monticello Zoning Ordinance, Chapter 4, Section 5(I) – Temporary Signs, based on findings that the proposed ordinance will:
 - a. Promote the public health, safety and welfare;
 - b. Maintain, enhance and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community;
 - c. Improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics.
2. Motion to table for further review.
3. Motion of other.

C. STAFF RECOMMENDATION:

Staff recommends alternative 1 above. Staff does not support the adoption of an interim ordinance for a sixth year. Statute does not allow for continued adoption of interim ordinances in lieu of amendments to the zoning ordinance. Further, staff believes that there has been adequate time to study the issue of temporary sign impacts and regulation.

Staff supports the proposed amendments as a means to help educate property and business owners on the proper placement of temporary signs for safety purposes, and to support a positive visual appearance of the community, while providing adequate means and manner for temporary sign communication.

Further, the building code seems to suggest that signs, once placed for a period of over 180 days, become permanent structures. This is in direct conflict with nature of “temporary” signage regulations and would potentially require additional building code review of all temporary signs.

D. SUPPORTING DATA:

- A. Ordinance No. 629, Draft
- B. Interim Ordinance #609
- C. Monticello Zoning Ordinance, Chapter 4, Section 5(I), Temporary Signs
- D. Comment, Monticello Chamber of Commerce Email Response
- E. Example of Monticello Temporary Signage
- F. Comparison, Neighboring Communities

ORDINANCE NO. 629

CITY OF MONTICELLO
WRIGHT COUNTY, MINNESOTA

AN ORDINANCE AMENDING TITLE 10 OF THE MONTICELLO ZONING CODE
FOR THE FOLLOWING SECTIONS:
SECTION 4.5 - SIGNS, SUBSECTION (I) – TEMPORARY SIGNS

THE CITY COUNCIL OF THE CITY OF MONTICELLO, MINNESOTA, HEREBY ORDAINS:

Section 1. Section 4.5(I) – Temporary Signs is hereby amended as follows:

- (1) For property in a Business District or an Industrial District (see table 3-1), the use of ~~commercial~~ temporary sign devices shall not exceed ~~forty (40)~~ ***one hundred twenty (120)*** days per calendar year per ~~building~~ ***business***. (ALTERNATES: 60, 90, 180 days) ~~Not more than one (1) temporary sign device per building shall be displayed upon a property at any one time~~ ***When multiple temporary signs are permitted per parcel, such signs shall be spaced 75 lineal feet apart.*** The area of temporary sign devices shall not exceed ~~thirty two (32)~~ ***forty (40)*** square feet. ***Off-premise temporary signage is prohibited. A temporary sign permit is required to be obtained prior to displaying the sign.***
- (a) ***The number of days and dates of use shall be provided on the permit application. Each business may request up to a total of two permits per calendar year or until 120 days are reached cumulatively, whichever occurs first.***
- (6) ***Temporary signage may be located on a vacant parcel adjacent to a parcel occupied by an active and permitted principal use, when such properties are held in the same ownership.***

Section 2. The City Clerk is hereby directed to make the changes required by this Ordinance as part of the Official Monticello City Code, Title 10, Zoning Ordinance, and to renumber the tables and chapters accordingly as necessary to provide the intended effect of this Ordinance. The City Clerk is further directed to make necessary corrections to any internal citations and diagrams that result from such amendments, provided that such changes retain the purpose and intent of the Zoning Ordinance as has been adopted.

Section 3. This Ordinance shall take effect and be in full force from and after its passage and publication. Revisions will be made online after adoption by Council. Copies of the complete Zoning Ordinance are available online and at Monticello City Hall.

ADOPTED BY the Monticello City Council this 11th day of January, 2016.

CITY OF MONTICELLO

ORDINANCE NO. 629

Brian Stumpf, Mayor

ATTEST:

Jeff O'Neill, City Administrator

VOTING IN FAVOR:

VOTING IN OPPOSITION:

DRAFT

ORDINANCE NO. 609

**CITY OF MONTICELLO
WRIGHT COUNTY, MINNESOTA**

**AN INTERIM ORDINANCE PROVIDING TEMPORARY EXPANSION OF
TEMPORARY SIGNAGE ALLOWANCES WITHIN THE CITY OF MONTICELLO**

THE MONTICELLO CITY COUNCIL ORDAINS AS FOLLOWS:

WHEREAS, the City of Monticello shall adopt this ordinance to allow the City of Monticello time to study and adopt appropriate land use controls regulating temporary signage; and

WHEREAS, the City of Monticello is presently conducting a planning study for the purpose of considering amendment of official controls for temporary signage; and

WHEREAS, there is a need for a study to be conducted so that the City can review its land use zoning regulations pertaining to temporary signage uses; and

WHEREAS, there is a need for an interim ordinance to be adopted for the purpose of protecting the planning process and the health, safety, and welfare of the citizens of the City until such a study has been completed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Monticello, Minnesota:


1. Pursuant to Minn. Stat. § 462.355, *et seq.*, the City hereby adopts and approves the order for interim ordinance temporarily relaxing Monticello Zoning Ordinance Temporary Sign regulations 4.5(I)(1), 4.5(I)(2) and 4.5(I)(3) within the City of Monticello.
2. This ordinance shall take effect and be in full force from and after its passage and publication. It shall remain in effect until the adoption of the official controls contemplated herein or January 26th, 2016, whichever first occurs.
3. One temporary sign per business shall be allowed by permit.
4. When multiple temporary signs are permitted per parcel, such signs shall be spaced 75 lineal feet apart.
5. The total number of temporary signage days allowed per business shall be unlimited in number. Signage days used must be tracked for a permit to be considered valid.
6. One additional temporary sign device shall be permitted for a restaurant business with outdoor seating on for a period of up to 150 days, to be located within or along their outdoor seating area.

ORDINANCE NO. 609

7. One additional temporary sign shall be allowed per street frontage on non-residential properties when a property is seeking to hire or employ personnel, subject to the provisions contained herein.
8. Signs must be constructed of durable materials and may not be constructed of unfinished or untreated materials. All temporary signage must be kept in good repair and may not constitute a nuisance as defined by Title 7, Chapter 1 of City Code.
9. Temporary sign area shall be limited to a maximum of 40 square feet.
10. The interim ordinance does not include a relaxation of standards pertaining to sandwich boards, as defined by ordinance.
11. Signs must be located on the property on which the business activity is located, with the permission of the property owner.
12. Prohibition of all off-premise temporary and permanent signage shall continue per Monticello Zoning Ordinance regulations 4.5(D)(2), 4.5(D)(9) and general allowable use regulations (5.1).
13. Signs may not be located within any public easement or right-of-way.
14. The City may enforce any provision of this ordinance by mandamus, injunction, or any other appropriate civil remedy in any court of competent jurisdiction.

ADOPTED BY the Monticello City Council this 26th day of January, 2015.

CITY OF MONTICELLO



Brian Stumpf, Mayor

ATTEST:



Jeff O'Neil, City Administrator

VOTING IN FAVOR: Stumpf, Gabler, Hilgart, Perrault, Posusta

VOTING IN OPPOSITION: None

(I) Temporary Signs

- (1)** For property in a Business District or an Industrial District (see table 3-1), the use of commercial temporary sign devices shall not exceed forty (40) days per calendar year per building. Not more than one (1) temporary sign device per building shall be displayed upon a property at any one time. The area of temporary sign devices shall not exceed thirty-two (32) square feet.
- (2)** In cases where properties forego, in writing, temporary signage allowed by Section 4.5(I)(1) above, an additional permanent message board sign up to fifty (50) square feet in area shall be allowed. Such sign may be incorporated into a property's freestanding sign or the building as additional wall sign area. Freestanding signs shall be subject to the height limitations of the applicable zoning district.
- (3)** Subject to other provisions of Section 4.5(I), one (1) additional temporary sign device shall be permitted for a business on a one-time basis for a period of up to forty (40) days to be utilized within six (6) months of the first day of the business opening to the public. Such signage shall not be limited by the provisions of Sections 4.5(I)(2).
- (4)** Businesses or organizations with their activities located in the CCD, Central Business District, may display temporary, off-premise signs by express permit issued by the City Council or the Council's designee where access to commercial areas requires directional signage from the City's arterial roads. Signs allowed under this section shall be considered to be in addition to any other sign allowances, including permanent signage, other on-site temporary signs, or "sandwich board" signs displayed pursuant to Section 4.5(C)(7). Signs allowed under this section may, at the discretion of the Council, be permitted under the following conditions:

 - (a)** Off-premise, temporary signs shall be no more than four (4) square feet in area.
 - (b)** Off-premise temporary signs shall be no more than three (3) feet in height.
 - (c)** Off-premise temporary signs shall be limited to no more than one (1) sign every seventy-five (75) lineal feet of street frontage, but no more than three (3) signs per parcel.

- (d) Notwithstanding other regulations to the contrary, such signs may be placed upon the public sidewalk within a City street right of way. Any such sign placed on the public sidewalk shall be located so as to avoid impeding pedestrian traffic, and to avoid visual interference with vehicular traffic.
 - (e) An application for an off-premise, temporary sign shall be accompanied by a written statement of permission from the owner of the private property on which the sign is to be located. Such statement shall include an express grant of permission for City inspectors to enter the property for the purpose of inspecting and/or removing said signs.
 - (f) An application for signs subject to the provisions of this section may be made for a single period of display, or in the alternative, the City may grant approval for annual license for the display of such signs in accordance with Section 2.4(K). Separate fees may be established for single-period or annual-period permits.
 - (g) Eligible days for the display of signs subject to this section shall be Thursday, Friday, Saturday, or Sunday only.
- (5) Any temporary sign permitted under this section shall be required to display messages related only to the activity on the premises on which the temporary sign is located, with the exception that such sign may display messages defined as Community Informational Signs. The display of Community Informational signage shall not add to the number of days of temporary sign display allotted to a particular premises, business, or property by this section, and any such sign shall comply with all other regulations of this Chapter.

(J) District Regulations

In addition to the signs allowed by Section 4.5(C) and Section 4.5(I), the following signs shall be allowed within the specific zoning districts:

- (1) Within residential zoning districts (see table 3-1), the following additional regulations apply:
 - (a) Except for the uses specified in Sections 4.5(J)(1)(b) and 4.5(J)(1)(c) below, not more than one (1) sign shall be allowed provided that:
 - (i) The area of the sign shall not exceed four (4) square feet.
 - (ii) Freestanding signs shall be limited to a maximum height of four (4) feet.

Response Comments – Monticello Chamber of Commerce Email Request

Culver's Monticello

I am fine with the proposal as we don't have much promotions outside the restaurant with the except of our Monthly car shows (May through September) and our Lent specials. As you may or may not know we do have occasionally have special vendors such as Monticello Chamber who want to put up a temporary sign here and there.

Rick Brendsel, Property/Business Owner at Cedar/TH 25/School

It seems to me that the current temporary ordinance is working very well and has not caused any problems that I am aware of. I would like to see it made permanent rather than the proposed changes that would restrict businesses on promoting their businesses.

The current temporary ordinance is more business friendly than the proposed changes.

TDS Telecommunications

No concerns from our office.

Only thing is the requests we get from the use of our parking lot for the mobile sign but will be up to the end user to know the rules also.

Thanks for sharing and forwarding.

Apollo Insurance

I like the proposed ordinance!

Jacob T Erickson, SPOE Law Office

I think I would prefer there simply be no ordinance. I don't believe that there is a nuisance that needs to be remedied, so this seems unnecessarily restrictive. However, maybe the reason I don't see a problem is that the ordinance has prevented abusive use of temporary signage. Had the ordinance not been in place, it is possible there would be too many signs, and I would feel differently.

If an ordinance is required, I appreciate the proposed changes. I think it is a good idea to have signs be per business rather than per parcel. The present rule would make it difficult for buildings that house multiple businesses, like mine. I can easily see a situation where tenants would squabble over who gets the one sign per parcel. That would lead to bad blood, which in turn could result in loss of tenants for building owners and loss of businesses for our growing

community. Monticello is poised for excellent growth, and I would hate to have something like that stifle our development as a city.

I would like to see something that would allow for more days of signage, particularly in election years when temporary signs will be popular. 120 days seems very fair, but I think there should be an exemption that allows more time upon a decent showing of reasonable usage with a predisposition for giving more time.

Over all, I think that the proposed ordinance looks good. Thank you for giving me the opportunity to voice some input.

Lee Mielke, Manager/Owner of Landmark Center (multi-tenant commercial building)

On our type of buildings with multiple tenants, we would like to see a couple things:

1. Temp signage allowed for each business on the parcel. I believe this is addressed in the proposal below.
2. Each business has their own max number of days, example 40-120. Not real clear to me on the proposal below.

We don't have a lot of requests for this since we have the electronic reader board and can put messages up there. However, if a business does need to make use of temporary signage it would be great if they each had their own ability to do so for "X" number of days.

Thanks for your consideration.

Archived: Monday, December 14, 2015 2:02:03 PM

From: [Marcy Anderson](#)

Sent: Monday, December 14, 2015 1:17:10 PM

To: [Angela Schumann](#)

Subject: The City of Monticello is seeking comments from the business community on draft ordinance amendments

Importance: Normal

In February of 2011, the City of Monticello adopted an interim ordinance allowing for an expansion in allowances for temporary signage. The interim ordinance regulating temporary signs was adopted to allow the City an opportunity to analyze temporary sign usage over a period of time and determine whether amendments to the existing zoning ordinance were necessary. The interim ordinance for temporary signs has been extended in subsequent years, but it will expire on January 26th, 2016. To review the interim ordinance for temporary signs, [click here](#).

The Monticello Planning Commission has called for a public hearing on January 5th, 2016 to review the temporary sign ordinance issue and consider recommendations for amendment. Those recommendations will then be forward to the City Council for decision before the interim ordinance expires at the end of January.

This email is being sent to request your feedback on draft ordinance amendments for temporary signage and to invite public comment at the January 5th, 2016 Planning Commission meeting.

The chart below illustrates the existing City ordinance for temporary signs, and the ordinance amendments for consideration on January 5th, 2016.

2016 Temporary Sign Ordinance Amendment Consideration		
Code Requirement	Existing Ordinance	Proposed Ordinance
Signs Allowed	Per parcel	Per business, sign must be located on parcel on which business is located
Number of Signs per Location	1	1 sign every 75 linear feet of ROW, 1 sign per business
Number of Days (Annual)	40	Range to be discussed – 40 to 120 total days per year; two (2) multi- day permits may be issued per year, not to exceed total allowable days.
Size	32 sq. ft.	40 sq. ft.
Permit Required	Yes	Yes

To read the full existing temporary sign ordinance, [click here](#) and click on ordinance section 4.5(I) in the Table of Contents.

Your comments regarding these proposed amendments are welcomed. Input on the number of days of temporary sign usage would be particularly helpful.

Please email your comments and/or questions to: angela.schumann@ci.monticello.mn.us or to marcy@monticellocci.com . Receipt of comments by Tuesday, December 22nd would be appreciated.

You are also welcome to attend the public hearing at the Planning Commission meeting on January 5th, 2016 at the Monticello Community Center at 6 PM.

This email was sent on behalf of Monticello Chamber of Commerce and Industry by ChamberMaster, 24400 Smiley RD Ste. 4, Nisswa, MN 56468. To unsubscribe [click here](#). If you have questions or comments concerning this email or ChamberMaster services in general, please contact us by email at support@chambermaster.com.

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Neighboring Community - Temporary Sign Regulations

City	Allowed	Number per Location	Calendar Days/Year	Permit Required	Multi-Tenant Allowance	Multiple Permits
Buffalo	Per Building	1	30	Yes	Yes	
Becker	Per Business	1	60	Yes	Yes	Yes - 4 per year, not to exceed total number of days allowed per year
Big Lake	Per Parcel	1	60	Yes	No	
Elk River	PerParcel	1	90	Yes	No	
St. Michael	Per Business	1 per 100 feet	90	Yes	Yes	Yes, 6 per year, not to exceed total number of days allowed per year