

**CITY OF SHOREWOOD  
CITY COUNCIL WORK SESSION  
MONDAY, FEBRUARY 14, 2022**

**5755 COUNTRY CLUB ROAD  
COUNCIL CHAMBERS  
6:00 P.M.**

For those wishing to listen live to the meeting, please go to [ci.shorewood.mn.us/current\\_meeting](https://ci.shorewood.mn.us/current_meeting) for the meeting link. Contact the city at 952.960.7900 during regular business hours with questions.

**AGENDA**

**1. CONVENE CITY COUNCIL WORK SESSION**

**A. Roll Call**

Mayor Labadie \_\_\_\_\_  
Siakel \_\_\_\_\_  
Johnson \_\_\_\_\_  
Callies \_\_\_\_\_  
Gorham \_\_\_\_\_

**B. Review Agenda**

**2. SIGN ORDINANCE**

**3. ADJOURN**

**ATTACHMENTS**

**Planning Director Memo**



## City of Shorewood Council Meeting Item

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**Title/Subject:** Potential Amendments to City Code Chapter 1201.03 Regarding Rules for Campaign and Other Related Signage

Meeting Date: February 2, 2022

Prepared By: Marie Darling, Planning Director

**Attachments:** Draft ordinance amendments

At the January 24, 2022 meeting, the City Council directed staff to provide a review of any necessary changes to the zoning ordinance related to election signage. The Council's stated goal was to have any changes to the ordinance completed prior to the election season.

Below staff have prepared a summary of the current statute language, current city regulations, and staff recommendations on what is needed to improve the regulations.

### State Statute:

Minnesota State Statute 211B.045 has specific language regarding noncommercial speech signs during state election years.

#### **211B.045 NONCOMMERCIAL SIGNS EXEMPTION.**

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

During the defined time-period above, no City may limit the number or size of campaign signs.

### Shorewood Code Language:

In an attempt to comply with State Statute, Shorewood's current sign regulations (Section 1201.03 Subd. 11. b. (1) (d) of City Code) related to the above include the following:

- (d) Every campaign sign must contain the name and address of persons responsible for the sign, and that person shall be responsible for its removal. Signs shall be permitted on each lot for a period of 100 days prior to and ten days after an election. All campaign signs or other noncommercial speech signs may be posted from 46 days before the state primary in a state general election year until ten days following the state general election, pursuant to M.S. § 211B.045. Signs posted both during and after this time period are subject to all other applicable requirements in this subdivision. At any time, the city shall have the right to remove signs that are prohibited under this subdivision, and assess a fee as provided from time to time by ordinance. Campaign signs or other noncommercial speech signs shall not be located closer than ten feet from any street surface, and shall not be placed in front of any property without the consent of the property owner;

### Improvements Proposed:

1. Remove the defined term “campaign sign” from the code and replace with noncommercial speech sign (with a new definition). Campaign sign is a term that regulates content, which is no longer allowed in sign regulations. Noncommercial speech sign is viewed as a content neutral label and is consistent with Supreme Court precedent.
2. Use the same time period for all elections consistent with state statute, 46 days prior to primaries until 10 days after the election.
3. Remove the fee for removal of signs as it would be difficult to determine who would need to be charged and staff typically does not try to assess the cost of removing the signs.
4. Keep the distance requirement from the edge of the street to protect the use of the street and adjacent boulevard for drivers and pedestrians.
5. Add a substitution clause to allow any noncommercial speech to be substituted for other noncommercial speech signs or commercial signs. This would allow noncommercial speech signs in lieu of other allowed signs outside of the election time period defined in statute.

Staff provided some optional draft language on the issues outlined above.

### Next Steps

The amendments that were previously in front of the City Council at their July 26, 2021 meeting, were continued indefinitely. To reconsider any amendments, a new public hearing would need to be held at the Planning Commission.

To be in place prior to the next election, the city would need to have the ordinance approved and published prior to May 1, 2022 to avoid any conflicts with the current language in the code that indicates signs are permitted 100 days prior to any election.

As the City Council considers sign regulations, it is important to note that due to the United States Supreme Court’s ruling in *Reed v. Town of Gilbert*, 135 S.Ct. 2218 (2015), a city may not restrict expression based on its content (e.g., distinguishing between garage sale signs, wedding signs, campaign signs), but still may regulate signs on a reasonable time, place, and manner restrictions. Following *Reed*, cities have regulated the following:

- Rules regulating the size of signs.
- Rules regulating the locations in which signs may be placed.
- Rules distinguishing between lighted and unlighted signs.
- Rules distinguishing between signs with fixed messages and electronic signs with messages that change.
- Rules that distinguish between the placement of signs on private and public property.
- Rules distinguishing between the placement of signs on commercial and residential property.
- Rules distinguishing between on-premises and off-premises signs.
- Rules restricting the total number of signs allowed per mile of roadway.
- Special rules for government signs.

**Direction:**

Staff requests direction on the following:

1. Does the City Council find amendments to the regulations are warranted at this time?
2. Are the amendments shown adequate or would the City Council find other amendments to the sign code are needed at this time as well?

ORDINANCE xxx

CITY OF SHOREWOOD  
COUNTY OF HENNEPIN  
STATE OF MINNESOTA

AN ORDINANCE APPROVING AN AMENDMENT TO  
SHOREWOOD CITY CODE CHAPTER 1201 (ZONING REGULATIONS)  
RELATED TO SIGNS

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Language stricken is proposed to be removed, language underlined is proposed for insertion.

**Section 1:** City Code Section 1201.01 (Definitions) is hereby amended to add or alter the following definitions:

**1201.02 DEFINITIONS.**

~~***SIGN – CAMPAIGN.** A temporary sign promoting the candidacy of a person running for a governmental office or promoting an issue to be voted on at a governmental election.*~~

***SIGN – NONCOMMERCIAL SPEECH.** A temporary sign promoting the candidacy of a person running for a governmental office or promoting noncommercial speech which includes, but is not limited to, messages concerning political, religious, social, ideological, public service and information topics.*

**Section 2:** City Code Section 1201.03 (General Building and Performance Standards) Subd. 11. (Signs) b. (Permitted and Prohibited Signs) (1) (Permitted Signs) is hereby amended as follows:

Section 1201.03 General Building and Performance Standards

Subd. 11. *Signs.*

b. *Permitted and prohibited signs.*

(1) *Permitted signs.* The following signs are allowed without a permit, but shall comply with all other applicable provisions of this chapter:

- (a) Public signs;
- (b) Address signs;
- (c) Integral signs;
- ~~(d) Every campaign sign must contain the name and address of persons responsible for the sign, and that person shall be responsible for its removal. Signs shall~~

~~be permitted on each lot for a period of 100 days prior to and ten days after an election. All campaign signs or other noncommercial speech signs may be posted from 46 days before the state primary in a state general election year until ten days following the state general election, pursuant to M.S. § 211B.045. Signs posted both during and after this time period are subject to all other applicable requirements in this subdivision. At any time, the city shall have the right to remove signs that are prohibited under this subdivision, and assess a fee as provided from time to time by ordinance. Campaign signs or other noncommercial speech signs shall not be located closer than ten feet from any street surface, and shall not be placed in front of any property without the consent of the property owner;~~

~~(d)~~ Non-commercial speech signs, subject to the following:

(i) Signs may be posted in any number during the following times:

A. State general election years: 46 days before a state primary until ten days following the state general election pursuant to MS. § 211B.045.

B. For all other public elections: 46 days prior to the election until ten days following the election.

(ii) Signs shall not be located closer than ten feet from the curb or for those streets without curbs, the paved street surface; or in violation of Chapter 1201.03 Subd. 2. h. (Traffic Visibility) of City Code.

~~(d)~~(e) Holiday signs, displayed for a period not to exceed 30 days and no larger than 32 square feet in area;

(f) Construction signs. The signs shall be confined to the site of the construction, alteration or repair and shall be removed within two years of the date of issuance of the first building permit or when the particular project is completed, whichever is sooner as determined by the City Building Official or his or her agent. One sign shall be permitted for each major street the project abuts. No sign may exceed 50 square feet;

(g) Real estate sale or rental signs. Signs must be removed within 14 days after sale or rental of property. Signs may not measure more than six square feet in Residential Districts, nor more than 20 square feet in all other districts. There shall be only one sign per premises. Corner properties, however, may contain two signs, one per frontage. Lakeshore lots may contain two signs, one in the front and one facing the lake;

(h) Informational/directional signs shall not be larger than three square feet and shall conform to the location provisions of the specific district;

(i) Owner-occupant signs. One residential name sign, not to exceed two square feet in area, identifying only the name of the owner or occupant of a residential building.

**Section 3:** City Code Section 1201.03 (General Building and Performance Standards) Subd. 11. (Signs) c. (General Provisions) is hereby amended as follows:

c. *General provisions.*

(1) All signs shall comply with the Minnesota State Building Code as may be amended.

(2) When electrical signs are installed, the installation shall be subject to the State Building Code as may be amended.

(3) No portion of any sign shall be located within five feet of any property line, except as permitted in b. (1) (d) of this subdivision.

(3)(4) No signs other than governmental-public signs and political-campaign non-commercial speech signs as provided in b.(1)(d) of this subdivision, shall be erected or temporarily placed within any street right-of-way, or upon public lands, or easements or rights-of-way. Any unauthorized signs located in public right-of-way or on public property shall be considered abandoned and are subject to immediate removal and disposal without notice.

**Section 4:** City Code Section 1201.03 (General Building and Performance Standards) Subd. 11. (Signs) c. (General Provisions) (11) is hereby added as follows

(11) Substitution Clause. The owner of any sign which is otherwise allowed by this subdivision may substitute noncommercial speech in lieu of any other commercial speech or noncommercial speech. This substitution of copy may be made without any additional approval or permitting so long as the substitution changes the message of the sign only.

**NOW THEREFORE** the City Council of the City of Shorewood, Minnesota, ordains:

**Section 4.** That Ordinance 581 Amending Shorewood City Code, Chapter 1201 (ZONING REGULATIONS) RELATED TO SIGNS has been hereby approved and adopted.

**Section 5.** This Ordinance 581 shall take effect upon publication in the City's official newspaper.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA** this xx<sup>th</sup> day of x, 2021.

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