



## **MEMORANDUM**

To: Mayor Stille and St. Anthony Village City Council  
From: Stephen Grittman, City Planner  
Date: October 5, 2022  
Meeting Date: October 11, 2022  
RE: St. Anthony – City Code Updates  
NAC Project No. 323.02 – 22.01

### **PROJECT STATUS**

This memorandum forwards the materials for the 3<sup>rd</sup> reading of the current round of City Code updates. The Council previously passed the 1<sup>st</sup> and 2<sup>nd</sup> readings. With approval of this reading, the amendments would be ready for adoption, according to the attached Ordinance.

### **BACKGROUND AND ANALYSIS**

As the Council is aware, a committee of staff has been reviewing the City Code to address various aspects of the language, looking for updating needs, and incorporating staff experience with permitting issues, property owner questions, and code enforcement experience. In the prior round of these amendments, the Commission reviewed (and the City Council adopted) regulations related to Swimming Pools, Dumpsters, Natural Landscapes, Non-commercial Signs, and a variety of other inconsistencies that had been ongoing issues for staff.

This memorandum provides a second round of updates to the table-form list of proposed City Code and Zoning Code amended language for City Council consideration. Staff noticed a public hearing for the August Planning Commission meeting to formally consider the proposed language, and make any final edits or recommendations, prior to sending the material on to City Council for consideration.

That hearing was held on August 16<sup>th</sup>. The Commission passed the proposed amendments on to the City Council as explained in the accompanying table, and as written in the accompanying Ordinance.

The topics covered in this version include Animals; a brief supplement to the previously approved Natural Landscapes language; extensive updates to the regulations relating to Fences; use of the Public Right of Way; and regulations relating to Bus Benches. As with the prior set of amendments, we are not expecting to address the boundaries of any zoning districts with this material. The changes have arisen from staff experience with various permitting or construction issues, and various code enforcement activities.

The Planning Commission discussion passed the amendments, with discussion on two primary topics. First, the fencing language was amended to set the maximum height for rear and side-yard fences at six feet six inches, down from the previously considered change to 7 feet. This item is also addressed in the Tomas amendment request being considered as a separate item – this change is contemplated in both this set of general code updates, and the Tomas private application.

The second significant discussion related to bus benches, and the treatment of the off-site advertising that supports the private placement of those benches. There was some consideration at the Planning Commission to prohibit these types of signs altogether, with the acknowledgment that the privately-provided bus benches would then be removed by the providers. Instead, the discussion suggested that where the benches provide an important public service, the City should consider providing those (or attempt to work with charitable groups to do so).

Because that option would raise more significant issues of cost, maintenance, and other aspects beyond the normal scope of the Planning Commission jurisdiction, the Commission opted to pass on the amendment, with this discussion as context for Council consideration. Thus, the discussion was one of weighing the benefits of the bus benches, against the variable costs: one being the allowance of the advertising in the public right of way, or the competing cost of financially maintaining the benches as a governmental function.

The language for the bus bench regulation is developed from other various sources, and is proposed here due to the occupation of the public right of way, and the observance that in some cases, there have been maintenance issues in the right of way which has raised problems for (especially) sidewalk snow maintenance. Since these benches serve an advertising purpose for their sponsors, but can raise issues for public pedestrian circulation and/or maintenance problems, staff is bringing this forward for consideration.

This material codifies the regulation of Bus Benches that are placed by private vendors on public right of way at bus stops in the city. This is an aspect of the City's right of way management, not technically a zoning code element, although a few changes to the Sign section of the code will need to accompany this section, included after the Bench Section below. They are usually located on main roadways, and often on sidewalks. Neither Hennepin nor Ramsey County regulate bus benches in their rights of way. Moreover, Metro Transit provides various levels of bench or shelter based on the number of boardings at any particular stop. The benches in question – and the regulations proposed - are designed to address those stops with privately-placed benches below the Metro Transit thresholds.

Staff has found that these benches can generate significant income for the bench owners through leasing advertising space on the bench. Staff has also found that neither Metro Transit nor the right of way owners (usually Hennepin and Ramsey Counties) do not regulate these benches in their rights-of-way. This licensing process will allow the city the opportunity to ensure that any such benches are properly placed and maintained. It further provides for appropriate insurance of those occupying the right of way, and requires a clause indemnifying the city in the event of a liability claim.

The benches serve a public purpose in that persons utilizing scheduled transit often rely on them as both markers and rest while waiting for their ride. Because these benches provide advertising, they become a de facto sign. As such, the proposed regulations provide for size, location, and various other requirements to ensure that they serve their public purpose, but do not become a nuisance.

### **STAFF AND PLANNING COMMISSION RECOMMENDATION**

1. **Staff and Planning Commission recommend that the City Council adopts the proposed amendments to the City Code as reflected in the attached ordinance and the table-form redline version.**

### Alternative Motions

2. Motion to recommend denial of the amendments, based on findings to be identified as a part of the discussion following the public hearing.
3. Motion to table action on the amendments and continue the public hearing, to allow for further research and editing as directed by the Commission.