



CITY OF SAINT PAUL
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To: Planning Commission
From: Neighborhood Planning Committee
Subject: Public Hearing Testimony and Recommendations on Sign Regulation Issues and Proposed Amendments in Response to City Council Request

Background.

In the course of the 2009 adoption process for the amendments to Chapter 64 regarding signs with dynamic display (Council File 09-1015), several related issues came to the attention of the City Council. When it was determined that these issues were outside the scope of the signs with dynamic display public hearing process, the City Council chose to pass a resolution requesting that the Planning Commission undertake further study of those issues. These issues include: measurement of double-faced and V-shaped sign area, permitted illumination level, regulation of window signs, number and size of exterior banners, and permitted exemptions for signs of city, county, state, and federal governments that provide public information.

The Planning Commission held a public hearing on proposed regulations stemming from a City Council requested study of sign issues on April 23, 2010. Ten people spoke offering their testimony on the proposed regulations. In addition, five letters were received. This memo summarizes the five study issues, existing regulation, public testimony received, and analysis and research on those issues. It also presents comments and recommendations for the Committee to consider as it makes its recommendation on the five study issues and proposed amendments to Chapter 64, Signs, of the zoning code.

Overview of public hearing testimony.

The testimony focused on two of the five issues included in the study of sign issues: permitted illumination level for signs and internal window signs oriented toward pedestrian and motor traffic in public right-of-way. There was no testimony on the other three study issues.

1. Double-faced and V-shaped sign measurement.

Summary.

Chapter 64 sign regulations count only one side of a double-faced sign or V-shaped sign toward the surface area of a sign. Chapter 64 also mandates that the sign faces on double-faced or V-shaped signs be separated by no more than eight-feet or a thirty-five degree (35) angle. This regulation is in accord with what most communities that have specific provisions addressing the measurement of double-sided or V-shaped signs do. Generally, back-to-back, parallel signs not separated by more than a few feet are treated as a single sign for purposes of measuring area. This same principle often applies to V-shaped signs as long as the angle between the signs does not exceed some fixed measure (often 45 degrees). Because they are in accord with other municipalities throughout the country, the Chapter 64 regulations pertaining to measurement of double-faced sign and V-shaped sign area should not be amended.

Existing regulations.

64.401. All Signs.

- (f) All signs with the display surfaces back-to-back and parallel shall have no more than an eight-foot distance between each surface. All signs with the display surfaces at an angle to one another shall have the angle no greater than thirty-five (35) degrees. Display surfaces shall face in opposite directions and shall be owned by the same permittee.
- (m) Only one side of a double-faced sign or V-shaped sign shall be used to compute the gross surface display area, display surface area or sign area of a sign.

Testimony.

There was no testimony on this issue.

Research and analysis.

Most municipalities count only one side of a parallel or V-shaped sign toward the total allowable sign area. The ordinances in Columbia (Illinois), Duluth, Portland (Oregon), Racine (Wisconsin), and Raleigh (North Carolina) all state that only one side of a double-sided or V-shaped sign should be counted toward the area. Other cities introduce the caveat that only one side of a V-shaped sign should be counted if the distance between the two faces is no greater than a certain amount. Bend (Oregon) and Mesa (Arizona) both use two feet as this standard, while Outagamie County (Wisconsin) uses 42 inches. More commonly, the distance permitted between the sign faces is measured in degrees: if the angle between sign faces is a certain number of degrees or less than only one face of the sign is counted. Cities that use degrees include Cary (North Carolina), Chicago (IL), Marshfield (Wisconsin), Minneapolis, Sandy (Utah), St. Louis (Missouri), and Wilmette (Illinois). The degrees permitted in these municipalities range from 30 to 60. While uncommon, there are a few municipalities that count both sides of V-shaped signs toward the permitted sign area, regardless of the distance or angle between them, including Carpentersville (Illinois), Panama City (Florida), and South Saint Paul.

Recommendation.

No change to the existing regulations.

2. Regulation of interior window signs.

Summary.

Chapter 64, Signs, does not currently regulate signs inside of buildings. While some communities regulate the percentage of windows that can be devoted to signage (often distinguishing between permanent and temporary window signage), consistent, evenhanded enforcement of such regulation would require initiating a permitting process for interior window signs, the costs and difficulties for which are described in the “research and analysis” section below. The benefits of new regulations must be weighed against the difficulty and cost of administering and enforcing them.

Existing regulations.

There are currently no general regulations for interior signs in Chapter 64 of the Zoning Code. The Grand Avenue special district sign plan referenced in § 64.745 of Chapter 64 addresses interior window signs in an educational, non-regulatory way:

Window signs, including temporary window signs, should not exceed 30% of the store window glass area. The lettering of the business name should not exceed twelve (12) inches in height. The lettering for other information should not exceed one inch in height.

Temporary window signs add to visual clutter and should be used only to advertise the property for sale, rent, or lease, or for specific short-term sales for no more than three (3) nonconsecutive times per calendar year for a period of not more than thirty (30) days per time. Old paper signs are easily associated with “going out of business” sales.

Testimony.

Safety and Aesthetics. Ossian Or, Jeannie Weigum, Saint Anthony Park Community Council, and Union Park District Council all submitted testimony asserting the safety and aesthetic detriment that unregulated window signs can have, particularly with consideration to signs with dynamic display. The latter three testimonies urged the City to forego the permitting process the proposed recommendation was predicated upon. They indicated that the City could create regulation about the maximum percentage of a window to be covered and enforce these regulations on a complaint basis.

Content. Ms. Rossie Anderson-Howze (Mothers Against Tobacco Use) pointed out that interior window signs are used to advertise cigarettes, among other things, and that they are located on establishments catering to those of low socio-economic status, given the additional presence of EBT and WIC signs. She urged the City to eliminate signs advertising tobacco and alcohol use and instead promote signs that advertise the presence of healthy food products, such as eggs and vegetables, in corner stores.

Research and Analysis.

The issue of whether sign regulations should be applicable to interior window signs has been raised previously (in a 2002 zoning case [ZF#02-127-081] and the 2009 public hearings on signs with dynamic display), the decision making bodies affirming that Chapter 64 sign regulations do not regulate interior window signs. Initiation of new interior window sign regulations would involve significant challenges.

Amendments to the Zoning Code are not retroactive; existing interior window signs would not be subject to new regulation. However, interior window signs have never required permits. Without permits there is no record of what interior window signage already exists and under state law could indefinitely be replaced, and what new signage would need to comply with the new regulations.

For exterior signage, business owners are often made aware of sign regulations and permit requirements by professional sign contractors, who are needed for installation of exterior signage. The installation of interior window signs does not necessitate the assistance of a professional. Therefore, enforcement of window sign regulations would more often occur on a complaint basis, and fair, consistent enforcement of interior window sign regulation applied throughout the city would be expensive and challenging. Any reasonable level of consistent, evenhanded enforcement of interior window sign regulations, percentage of window area covered, temporary window signs, illumination of window signs, etc., would be predicated upon a successful permit process. The additional permit fees for window signs would tend to hit small, neighborhood businesses (which often use window signs as an inexpensive way to draw customers) the hardest, in conflict with City efforts to encourage the opening and retention of small businesses.

General funds would need to be budgeted to cover part of the cost of additional City staff to administer new window sign regulations, which would not be fully covered by the \$70 minimum sign permit fee. If new regulations cover all interior window signs, the number of permits expected for interior window signage is anticipated to be twice that of exterior signage, or about 630 permits annually. Previously, the sign regulations were administered by 1 FTE, which is now down to .7 FTE due to budget constraints. The responsibilities for this position include issuing sign permits, investigating sign complaints, enforcing sign violations and providing information about sign regulations to businesses and institutions desiring signs. To also enforce new regulation of all interior window signage, the City would need to hire or re-allocate 1 FTE. The salary, fringe benefits, and associated operating costs for an entry-level Inspector II position would be \$74,651 per year.

New regulation of all interior window signs would be fairly costly to administer and enforce relative to the benefit. City-wide regulation of interior window signs might focus only on dynamic display signs, the type of window signs with the greatest potential to be distracting and affect public safety. The definition of “*sign with dynamic display*” should be amended to make it clear that simply being able to turn an electric sign on and off does not make it a sign with dynamic display. Then, if regulation of interior window signs were limited to signs with dynamic display, the number of signs and the cost of administration and enforcement would be more limited. But it would still involve some of the difficulties and added costs to businesses and the city noted above, which need to be weighed against the benefits.

The only complaints the Department of Safety and Inspections has received about window signs are from the Downtown area; adding provisions for window signs to the downtown area special district sign plan like those in the Grand Avenue special district sign plan may be a more appropriate way to address this issue than creating new regulations for all interior window signage throughout the city.

Federal law requires that sign regulation must remain content-neutral. The City cannot legally dictate what content is permissible on signs.

Recommendation.

Amend the definition of “*sign with dynamic display*” to make it clear that simply being able to turn an electric sign on and off does not make it a sign with dynamic display. Do not extend sign regulations to interior window signs.

3. Permitted illumination level for signs.

Summary.

The current standard for maximum permitted light trespass (for all types of lighting, including signs) is three footcandles measured at the residence district boundary. In 2009, the maximum illumination level permitted for signs with dynamic display was reduced to three-tenths footcandles above ambient light level as measured 50 feet from the sign’s face. This works for dynamic signs that have an automatic dimmer that controls the sign’s brightness based on ambient light level. But a 0.3 footcandle standard may not work as well for traditional signs that don’t have such a dimmer.

Existing regulations.

Chapter 63 of the Zoning Code contains regulations of general applicability. *Section 63.116 Exterior lighting* includes the following lighting standard:

- (a) All outdoor lighting in all use districts, including off-street parking facilities, shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences in such a way as not to exceed three (3) footcandles measured at the residence district boundary.

The current language in § 63.116 was adopted by Ordinance #16799 in 1981 as part of a study on site plan review. There is no additional information contained in the City files regarding the justification at that time for the lighting standards. Since that time, the Department of Safety and Inspections (DSI) has enforced the standards on a complaint basis. Concern was expressed about the 3 footcandle standard a few years ago when residents across from the Bremer Bank building complained that the sign on top of it, which went up in 2005, was too bright and adversely affected their sleep. DSI staff visited the site in response to the complaint. While they found the light appeared quite bright, it did not exceed the 3 footcandle standard.

For reference, a footcandle is a standard unit of measure that is equivalent to the light received in a 1 foot radius of a candela. Full light on a sunny day is around 10,000 footcandles, and shade is closer to 100 footcandles. Indoor light is generally about 5-10 footcandles, and 10-50 footcandles in particularly well-lit areas.

Testimony.

Level of illuminance¹ and technical. Much of the testimony regarding permitted illumination level focused on the appropriateness of the proposed 0.3 footcandle standard measured 50 feet from the sign’s face from a technical perspective. These concerns touched on the number of footcandles, the point at which the measurement was taken, whether standards should vary by zoning district, the technical capacity of traditional signs to accommodate those standards and the safety and legibility implications of those standards. The nature of the testimony on each of these areas is summarized below.

Footcandles. Mr. Ken Peskin (International Sign Association) and Mr. Greg Randal (Minnesota Sign Association) urged the City of Saint Paul not to adopt a stricter standard than already exists. The Business Review Council urged the City to maintain its current standards. Mr. Peskin stated that sign brightness should not be regulated more than other forms of illumination, and that other codes except signs from exterior lighting standards.

¹ Illuminance is the amount of light from the a sign landing on a distant surface. It is measured in footcandles (fc) or lux.

Point of measurement. Ms. Ginny Harris (CapitolRiver Council Sign Study Task Force) supported changing the point of measurement to the window of a residential property instead of 50 feet from the sign's face. Mr. Ken Peskin (International Sign Association) advocated for lighting expert Dr. Ian Lewin's recommendation to measure 100 feet from the sign's face.

Legibility. The Saint Paul Area Chamber of Commerce addressed concerns about legibility, testifying that signs conforming to the proposed regulation would be virtually invisible unless a person is directly in front of them.

Standards by district. Ms. Ginny Harris (CapitolRiver Council Sign Study Task Force), Mr. Bill Huepenbecker (RiverCentre), and Mr. Ken Peskin (International Sign Association) all advocated that standards should be different in different zoning districts. The International Sign Association specifically cited the IESNA TM-11-00 Light Trespass Research, Results, and Recommendations' 0.3 footcandle standard is for residential and 0.8 footcandle standard for commercial districts.

Technical capacity. Mr. Ken Peskin (International Sign Association) and Mr. Greg Randal (Minnesota Sign Association) pointed out that traditional signage has technical limitations that make the illumination level more difficult to adjust, specifically, traditional signage can be turned on or off, and cannot be dimmed. Mr. Peskin stated that the way to accomplish accommodating proposed regulations with existing traditional signs would be to reduce efficiency or do expensive retrofit.

Safety. Saint Paul Area Chamber of Commerce testified that reducing the permitted illumination level would cause a safety issue because signage provides supplemental illumination on dark streets.

Economic. Paul Richards (union business agent) opposed the proposed regulations and testified that lowering the permitted illumination level would cause layoffs. Matt Anfang (BOMA) echoed these sentiments, citing a 20% vacancy rate in downtown already and emphasizing how signs help the economy. The Saint Paul Area Chamber of Commerce described the additional economic hardship for businesses with existing nonconforming signage needing major repairs and having to comply with new standards. The Business Review Council stated the proposed reduction in permitted illumination would be detrimental to businesses. The Saint Paul Area Chamber of Commerce testified that businesses won't use signs or locate in Saint Paul if the proposed illumination standard is adopted.

Administration and Enforcement. Saint Paul Area Chamber of Commerce and the Business Review Council expressed concern about the City of Saint Paul's capacity for enforcement, saying it was not possible to measure such a low standard. The Saint Paul Area Chamber of Commerce elaborated, expressing concern that nearly all signs would be nonconforming, and Julie Harris called for more study.

Research and analysis.

Rationale. Light pollution, excessive artificial lighting, can have adverse impacts on wildlife, human health, and the economy. It can upset the natural circadian rhythm of animals, which, in turn, can result in various problems including decrease in reproduction, increased exposure to predators, difficulty foraging, and light hypnosis, causing collisions, death, exhaustion, and disruption of natural migration paths (*Light Pollution and Wildlife*, International Dark Sky Association, 2008). Humans are not exempt from problems caused by disruption of the circadian rhythm due to light pollution. Light pollution can cause disability glare, decrease in melatonin levels, and sleep disorders, which in turn cause stress, depression, weight gain, and diabetes. The World Health Organization lists "shiftwork that involves circadian disruption" as a probable carcinogen. Overly bright light can mask intruders or create shadows in which they can hide (*Light Pollution and Human Health*, International Dark Sky Association, 2009). Light pollution means wasted light, estimated at 22,000 gigawatt-hours a year, an adverse impact on the economy and environment from unnecessary expenditures of energy (*Light Pollution and Energy*, International Dark Sky Association, 2009). Reducing the tolerance for light spillover into residential uses can help mitigate these adverse consequences by reducing light pollution.

Footcandles, point of measurement, and technical capacity. It would make sense for any additional illumination standards for signs to be comparable to those for signs with dynamic display in terms of the means and location of measurement. Contemporary signs often have dynamic portions and traditional illumination, and standards that are too different would complicate enforcement. The existing point of illumination measurement (50 feet from the signs face) in the code for signs with dynamic display is based on a recommendation in an April 2009 peer-reviewed report titled "The Safety Impacts of the

Emerging Digital Display Technology for Outdoor Advertising Signs,” prepared under the auspices of the Highway Subcommittee on Traffic Operations of the American Association of State Highway and Transportation Officials (AASHTO), under the National Cooperative Highway Research Program. The report said that 50 feet is far enough to get a uniform measurement of a sign display, even for a large sign like a billboard, but because of the greater impact of ambient light at greater distances it recommended that measurements should not be taken at distances greater than 50 feet.

Signs with dynamic display typically contain a photocell which can read the ambient light level and adjust the illuminance of the sign, while traditional electronic signs do not typically have this capacity. Therefore, signs with dynamic display can more easily be precisely set to a particular brightness and adjusted if that brightness is out of conformance than signs without dynamic display. Consultation with sign manufacturers, including Daktronics, confirms that illuminance of traditional electronic signs can be adjusted (but not in response to changing ambient light levels) without an expensive retrofit through exchanging the light bulbs used for those of a lower wattage or by turning off the sign.

There was concern expressed in testimony for illumination standards that are not too out-of-step with those of other nearby cities. The standard in Minneapolis that applies to non-dynamic signage (the general standard for exterior lighting) is 0.5 footcandle at the residential property line and 5.0 footcandles for nonresidential property.

Legibility. A reading of 0.3 footcandle above ambient light level and higher taken 50 feet from a sign face generally permits legibility of the sign. A 0.3 footcandle standard generally works well for dynamic signs that have an automatic dimmer that controls the sign’s brightness based on ambient light level, but may not work as well for traditional signs that don’t have such a dimmer.

Standards by district. A number of Minnesota municipalities have different exterior lighting standards for permitted light levels measured at residential property lines, including Minneapolis², Bloomington³ and Minnetonka.⁴ That can be complicated by an ever-changing mix of commercial and residential uses that are permitted in some zoning districts. Other municipalities have elected simply to have one illumination standard for the city that does not vary by zoning district or type of use, including Madison, WI.⁵

Other municipalities. LEED-NC, a standard from the U.S. Green Building Council, requires residential neighborhood projects to reduce light trespass at the property line to no more than 0.1 footcandle. Ann Arbor, MI, requires residential neighborhood projects to reduce light trespass at the property line to no more than 0.1 footcandle. In Citrus Heights, CA, “no outdoor lighting fixture shall be installed, aimed, or directed to produce light or glare that spills over into neighboring properties or the public right-of-way that exceeds 0.5 footcandles within two feet of the property line of the light source.” In Cotati CA, “no lighting on private property shall produce an illumination level greater than one (1.0) footcandle on any property within an RR, RVL, NL, NM, or NU zoning districts except on the site of the light source.” The general performance section of the Minneapolis Zoning Code states that “lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.”

Current conditions in Saint Paul. In January and February, 2011, city staff measured illuminance of existing signs for a variety of businesses in Saint Paul, downtown and in neighborhood commercial areas.

² The exterior lighting standard in Minneapolis, which applies to signage, is that there may be no more than .5 foot candles of light trespass at the closest property line of any permitted or conditional residential use and 5 foot candles measured at the street curb line or non-residential property line.

³ Bloomington’s ordinance specifies different regulations for different classes of sign districts. Certain zoning districts, including certain residential districts, have a standard that there is a minimum distance of 50 feet between the leading edge of the illuminated sign and an adjoining single-family residential lot. Other districts are held to a standard of 100 feet between the leading edge of any illuminated sign and an adjoining residential district boundary. For other classes of sign districts, illumination is simply permitted.

⁴ The standard in Minnetonka is similar to that in Minneapolis: no light trespass beyond .5 foot candles at a abutting residential property line and one foot candle on any abutting commercial or industrial parcel.

⁵ Madison’s outdoor lighting requirement permits a maximum allowable trespass of .5 horizontal foot candles four feet above the ground beyond ambient light level. Madison does, however, have other lighting specifications generally and for signage, that vary throughout the City, including whether the lighting can be direct or indirect.

Light levels were measured 50 feet from the sign face, both with signs on and with signs off in most cases. The table below outlines the locations of the signs and their illumination levels.

| Business | Measurement w/ sign on (fc) | Measurement w/ sign off (footcandles) | Difference in footcandles |
|--|-----------------------------|---|---------------------------|
| Aldi, 1131 University Ave. | 1.2 | 0.7 | 0.5 |
| Bennet's Chop and Rail House 1305 W. 7 th St. | 2.7 | 0.4 | 2.3 |
| Best Pawn (freestanding sign) 525 E 7 th St. | 0.2 | 0.1 | 0.1 |
| Best Pawn (wall sign), 525 E 7 th St | 1.1 | 0.5 | 0.6 |
| BP Como, 2102 Como Ave. | 1.5 | 0.9 | 0.6 |
| Erick's Bar, 949 E. 7 th St. | 0.4 | 0.2 | 0.2 |
| Grandview Theater (marquee) 1830 Grand Ave. | 2.2 | 0.1 | 2.1 |
| Health Partners Como Clinic (wall sign) 2500 Como Ave. | 1.4 | No one there to turn off the light | --- |
| Health Partners Como Clinic (Urgent Care wall sign) 2500 Como Ave | 0.4 | No one there to turn off the light | --- |
| Health Partners Specialty Center (Phalen Blvd. Sign), 435 Phalen Blvd. | 0.6 | 0.4 | 0.2 |
| Holiday 1445 W. 7 th St. | 4.0 | Couldn't figure out how to turn off light | --- |
| Mancini's, 531 W. 7 th St. | 1.1 | 0.6 | 0.5 |
| Mobil Como, 2277 Como Ave. | 0.8 | 0.1 | 0.7 |
| Senor Wong's, 111 E. Kellogg Blvd. | 2.4 | 2.4 | 0 |
| Target (University Ave Sign) 1300 University Ave. | 3.7 | 2.5 | 1.2 |
| Tavern on Grand 656 Grand Ave. | 1.3 | Couldn't figure out how to turn off light | --- |
| Walgreen's, 425 Wabasha St. | 3.8 | 2.1 | 1.7 |
| White Castle (pole sign) 1120 University Ave. | 2.2 | Couldn't figure out how to turn off light | --- |
| White Castle (wall sign) 1120 University Ave. | 1.6 | Couldn't figure out how to turn off light | --- |

These measurements indicate that the lighting levels of typical business signs in Saint Paul are often significantly greater than the 0.3 footcandle above ambient light standard for signs with dynamic display.

Safety. While signage can add to the ambient light in an area, the purpose of signs according to the City of Saint Paul Zoning Code is to “show or advertise a person, firm, profession, business, product, or message,” not to provide illumination in an area for the purposes of advancing public safety.

Economic. Many cities have an illumination standards below Saint Paul's current standard and have a thriving business community, including Portland, Oregon⁶ and Minneapolis⁷.

⁶ In Portland, signs are subject to the illumination standards for off-site impacts, which include the prohibition of glare in excess of .5 foot candles on other properties.

⁷ Minneapolis' standard is .5 foot candles at residential property lines, which is below Saint Paul's current 3 foot candle standard.

Administration and Enforcement. The City of Saint Paul's light meter is the standard tool used to measure illuminance for signs that are not dynamic display.⁸ Cited lighting expert Dr. Ian Lewin states in "Digital Billboard Recommendations and Comparison to Conventional Billboards" that a footcandle meter "recommendation is extremely simple to implement and requires only a footcandle (fc) meter to be used." Conversations with enforcement staff confirm that neighboring municipalities have a similar enforcement plan to use a light meter (reading in footcandles), including Minneapolis and Bloomington. For dynamic display signs, Minneapolis has a nit standard that is enforced by checking the programmed level directly on the sign and not conducting any external measurement.⁹

Under Minnesota law, existing signs made nonconforming by new illumination level standards would have legal nonconforming status and could be maintained and replaced indefinitely. Therefore, new illumination level standards would be very incrementally implemented. New illumination level standards high enough for traditional signs without special dimmers to be legible in changing ambient light conditions should not create significant hardship or problems for businesses. A 0.5 footcandle above ambient light level standard for residential districts is commonly used in other cities, with higher illumination levels allowed in other areas. But DSI has received few complaints about signs being too bright, and the cost of administering and enforcing a new standard that would make a large number of existing business signs nonconforming, including tracking legal nonconforming status, needs to be weighed against the benefit of a new standard.

Recommendation.

Amend Sec. 64.401(k) to limit illumination of signs in residential districts to a maximum of 0.5 footcandle above ambient light level as measured 50 feet from the sign's face.

4. Number and size of exterior banners.

Summary.

Currently, banners are generally permitted throughout the City, except in certain overlay districts. These banners, a type of temporary sign, are not to exceed one hundred twenty (120) square feet in area or be more in number than one (1) per twenty (20) feet of frontage. However, banners that are freestanding or wall signs cannot exceed a total of thirty-two (32) square feet. The Zoning Code would benefit from a study that would consider amendments regarding banner signs within the context of all temporary signs.

Existing regulations.

Sec. 64.122. T.

Temporary sign. A sign, flag, banner, pennant or valance constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, which is not permanently secured, and is intended to be displayed for a limited period of time only. Temporary signs may remain in place during the time of the construction of a building, during the time a building is offered for sale, rent or lease, until the closing date of sale, or until such building is leased or rented, or as otherwise regulated herein. A portable sign shall not be deemed to be a temporary sign.

Sec. 64.419. Temporary and portable signs.

(a) *Dimensions:* No temporary sign shall exceed a total of one hundred (100) feet in area or six (6) feet in height except as otherwise provided herein.

(d) *Cloth signs and banner:* In all zoning districts unless otherwise provided:

⁸ A call to the manufacturer's technical specialists confirmed that the light meter should continue to work properly without further calibration. The cost of calibration would be approximately one-half of the current \$79.00 selling price (Center Technology Corp.'s Digital Light Meter Item # Q3370).

⁹ Minneapolis' nit standard has been adopted in nearby Eden Prairie and New Brighton and further-afield Duluth, among municipalities.

- (3) No cloth or banner sign shall exceed a total of one hundred twenty (120) square feet in area, and there shall be no more than one (1) such sign for any twenty (20) feet of frontage of any building fronting on public property.

Sec. 64.504(b)(4).

Temporary signs shall be permitted as follows:

- a. Banners, pennants and stringers.
- b. Freestanding and wall signs, the total area not to exceed a total of thirty-two (32) square feet.
- c. Such signs shall be permitted three (3) nonconsecutive times per calendar year for a period of not more than thirty (30) days per time or once per year for 90 days.

Testimony.

Mr. Bill Huepenbecker (RiverCentre) asserted that banners were an important tool for events promotion.

Research and analysis.

Cities surveyed that mention maximum banner size tend to included more restrictive maximums. Bend, OR, Cary, NC, and Sandy, UT all have a 32 sq. ft. maximum. Cincinnati limits them to 12 by 12 feet, and Miami Gardens, FL limits them to 50 sq. feet. These cities and others surveyed did not also include restrictions on the number of banners permitted. Minneapolis regulates commercial banners as signage and requires banners to comply with general sign regulations regarding area and number.

St. Paul currently has two different regulations for size which may be applied to banners, which fall on either side of the regulatory spectrum. According to Sec. 64.419, temporary banners may not be larger than 120 sq. feet. However, according to Sec. 64.504(b)(4), temporary banners that can be considered to be freestanding or wall signs may not exceed an area of thirty-two (32) sq. feet. The Zoning Code does not include a definition for banner signs. DSI has struggled with negotiating the permitting process for banner signs that could fall under either section. However, to change one section to make it more in accord with the other would have implications for temporary signage beyond the scope of banner signs. The Zoning Code is due for a substantial re-write re. temporary signs to address these and other issues.

Recommendation.

Request a Planning Commission study of all temporary signs.

5. Exemptions for signs of city, county, state and federal governments that provide orientation, direction, or traffic control information.

Summary.

§ 64.401(l) permits these signs in all zoning districts, but does not exempt them from permits or other provisions. In practice, however, the City does not require permits for public traffic control or directional signs. The provision in § 64.401(l) seems simply to be misplaced and belongs in § 64.204 Exemptions.

Existing regulations.

Sec. 64.401(l)

Signs of the city, county, state, and federal government and subdivisions and agencies thereof which give orientation, direction or traffic-control information shall be permitted in all zoning districts.

Testimony

There was no testimony on this issue.

Recommendation.

Amend Sec. 64.204, Exemptions, to make it clear that signs of the city, county, state, and federal government and subdivisions and agencies thereof which give orientation, direction or traffic-control information are exempt from permits and other requirements of Chapter 64, consistent with current practice.

Recommended Amendments.

Sec. 64.121. S.

Sign with dynamic display. Any sign capable of displaying words, symbols, figures or images that can be electronically or mechanically moved or changed by remote, automatic, or electronic means, but not including being turned on and off. Signs providing only time and/or temperature information are not considered to be signs with dynamic display for regulatory purposes.

Sec. 64.203. Permits.

A permit shall be required for all exterior signs visible from a public right-of-way.

- (a) *Application.* Applications for sign and/or sign structure permits shall be submitted to the zoning administrator. Each application shall contain . . .

Sec. 64.204. Exemptions.

- (a) Signs of the city, county, state, and federal government and subdivisions and agencies thereof which give orientation, direction or traffic-control information shall be exempt from the requirements of this chapter.

- (b) The following signs shall not require a permit. These exemptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this chapter or any other law or ordinance regulating the same.

(1a) The changing of the message on the display surface of signs that are designed to have changeable copy.

(2b) Signs six (6) square feet or less in ~~size~~ area.

(3e) Lettering on motor vehicles when not utilized as a parked or stationary outdoor display sign.

(4d) Political signs.

(5e) Sports facility sponsorship signs.

Sec. 64.401. All signs.

No person shall place, erect or maintain a sign, nor shall a lessee or owner permit property under his control to be used for such a sign, which does not conform to the following requirements and without first obtaining the requisite permit for such sign. The following provisions shall apply in all zoning districts, ~~and to all exterior signs visible to the general public from a public right-of-way.~~

- (a) No sign or sign structure shall . . .

. . .

- (k) *Illumination.* Illuminated signs are permitted, except that flashing signs are prohibited. In residential districts, no sign may exceed a maximum illumination of 0.5 footcandle above ambient light level as measured fifty (50) feet from the sign's face.

- ~~(l) Signs of the city, county, state, and federal government and subdivisions and agencies thereof which give orientation, direction or traffic control information shall be permitted in all zoning districts.~~

- ~~(lm)~~ Only one side of a double-faced sign or V-shaped sign shall be used to compute the gross surface display area, display surface area or sign area of a sign.

- ~~(mn)~~ Canopy signs that are parallel to the street shall be regulated as . . .

- ~~(ne)~~ If a building will contain multiple uses, a comprehensive sign program shall . . .

- ~~(op)~~ Signs attached to buildings shall be positioned so . . .

Options for possible amendments considered by the committee but not recommended.

Illumination – option for language not recommended.

The Neighborhood Planning Committee considered, but does not recommend adding the following sentence to Sec. 64.401(k): In all other districts, no sign may exceed a maximum illumination of 2.0 footcandles above ambient light level as measured fifty (50) feet from the sign's face or the closest dwelling unit, whichever is farther.

Regulation of interior window signs – options for language not recommended.

The Neighborhood Planning Committee also considered, but does not recommend, extending sign regulations only to interior window signs with dynamic display, including the following amendments:

Sec. 64.203. Permits.

A permit shall be required for all exterior signs visible from a public right-of-way, and for all interior window signs with dynamic display that are within three (3) feet of a window and are oriented toward and visible from a public right-of-way.

- (a) *Application.* Applications for sign and/or sign structure permits shall be submitted to the zoning administrator. Each application shall contain . . .

Sec. 64.204. Exemptions.

- (b) The following signs shall not require a permit. These exemptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with provisions of this chapter or any other law or ordinance regulating the same.

- (1a) The changing of the message on the display surface of signs that are designed to have changeable copy.
- (2b) Signs six (6) square feet or less in ~~size~~ area, except signs with dynamic display.
- (3) Signs with dynamic display two (2) square feet or less in area with only text providing only open/closed information.
- (4e) Lettering on motor vehicles when not utilized as a parked or stationary outdoor display sign.
- (5d) Political signs.
- (6e) Sports facility sponsorship signs.

Sec. 64.401. All signs.

No person shall place, erect or maintain a sign, nor shall a lessee or owner permit property under his control to be used for such a sign, which does not conform to the following requirements and without first obtaining the requisite permit for such sign. The following provisions shall apply in all zoning districts, ~~and to all exterior signs visible to the general public from a public right-of-way, and to all interior window signs with dynamic display that are within three (3) feet of a window and are oriented toward and visible from a public right-of-way.~~

Sec. 64.405. Signs with dynamic display.

The following provisions shall apply to exterior signs with dynamic display visible from a public right-of-way, and to interior window signs with dynamic display that are within three (3) feet of a window and are oriented toward and visible from a public right-of-way.

- (a) *Location and orientation.* Business signs with dynamic display shall . . .

Sec. 64.503. TN1-TN3 traditional neighborhood and OS-BC business districts.

- (a) *Business and identification signs.*

- (6) Dynamic displays shall be monochromatic, shall not scroll or change their displays faster than every twenty (20) minutes, and shall be turned off between 11:00 p.m. and 7:00 a.m. or after business hours, whichever is later. Interior window signs two (2) square feet or less in area with only text providing only open/closed information may have more than one color.

Sec. 64.504. B2-B3 business and IR industrial districts.

(a) *Business and identification signs.*

- (5) In the B2 district, dynamic displays shall be monochromatic if located within one hundred (100) feet of a residential use, measured from the sign to the nearest residential property line, shall not scroll or change their displays faster than every twenty (20) minutes, and shall be turned off between 11:00 p.m. and 7:00 a.m. or after business hours, whichever is later; except that interior window signs two (2) square feet or less in area with only text providing only open/closed information may have more than one color.