



## Legislation Details (With Text)

**File #:** Ord 11-32      **Version:** 4

**Type:** Ordinance      **Status:** Passed Unsigned by Mayor

**In control:** City Council

**Final action:** 12/14/2011

**Title:** An ordinance amending Chapter 64, Signs, of the Zoning Code. (Public hearing continued from December 7)

**Sponsors:** Dave Thune

**Indexes:** Zoning

**Code sections:** Sec. 64.121. - S., Sec. 64.203. - Permits., Sec. 64.204. - Exemptions., Sec. 64.401. - All signs.

**Attachments:** 1. Attachment ASigns.pdf, 2. Planning Commission resolution 3-4-11.pdf, 3. Neighborhood Committee Recommendation 2252011.pdf, 4. MN Grocers Statement.pdf, 5. Ord 11-32 letter.pdf, 6. Ord 11-32 regional comparison table.pdf, 7. FAQ sign regulations.pdf, 8. Good sign examples.pdf, 9. Good signs.pdf, 10. Good signs2.pdf, 11. Good signs3.pdf, 12. Grand Av signs.pdf, 13. Highland resolution.JPG, 14. Hine Public hearing testimony AMH Dec 2011\_1.pdf, 15. Markel Insurance.pdf, 16. OSHA.pdf, 17. Robbery Prevention Tips SPPD.pdf, 18. SPACC letter REsignage 12-14-11.pdf, 19. U7 letter, 20. Harrington letter 05-06-11.pdf, 21. Midway Chamber Signage Letter.pdf, 22. Public safety testimony.pdf, 23. Sheriff Bostrom email 11-10-11.pdf, 24. Straun Prince position.pdf

Date	Ver.	Action By	Action	Result
12/21/2011	4	Mayor's Office	Returned Unsigned	
12/14/2011	4	City Council	Adopted	Pass
12/7/2011	3	City Council	Continue Public Hearing	Pass
11/16/2011	3	City Council	Continue Public Hearing	Pass
5/18/2011	2	City Council	Continue Public Hearing	Pass
5/11/2011	2	City Council	Laid Over to Third Reading/Public Hearing	
5/4/2011	2	City Council	Laid Over to Second Reading	

An ordinance amending Chapter 64, Signs, of the Zoning Code. (Public hearing continued from December 7)

WHEREAS, the City Council requested that the Planning Commission study zoning standards and regulations pertaining to measurement of double-faced and V-shaped sign area, permitted sign 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; and

WHEREAS, on March 4, 2011, the Planning Commission, following a public hearing, submitted its report and recommendations pertaining to these sign regulation issues; and

WHEREAS, the current provision in Chapter 64, Signs, of the Zoning Code pertaining to measurement of double-faced and V-shaped sign area is in accord with what most communities do; and

WHEREAS, the current standard for maximum permitted light trespass (for all types of lighting, including signs) is 3.0 footcandles measured at the residence district boundary; and

WHEREAS, a 0.5 footcandle above ambient light level standard for illumination of signs in residential districts

is commonly used in other cities; and

WHEREAS, Chapter 64, Signs, does not currently regulate signs inside of buildings; and

WHEREAS, based on studies related to the use of dynamic signs and driver distraction, the City finds that dynamic signs, as defined by the zoning ordinance, have a unique potential to create driver distraction, a major cause of accidents. The City currently regulates dynamic signs on the exterior of buildings, however, drivers have an equal opportunity to be distracted by dynamic display signs placed just inside a window and oriented toward the street; and

WHEREAS, studies conducted by the Federal Highway Administration (FHWA), Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction, September 11, 2001, and The Role of Driver Inattention in Crashes; New Statistics from 1995; the University of North Carolina Highway Safety Research Center, Distractions in Everyday Driving, May 2003; and the Municipal Research and Services Center of Washington, Sign Control Provisions, Jan 2006, reveal that electronic signs, as well as an abundance of window signs, are highly distracting to drivers and that driver distraction continues to be a significant underlying cause of traffic accidents; and

WHEREAS, interior window signs with dynamic display that are oriented toward and visible from the public right-of-way create the same kinds of confusion and visual distraction for motorists, cyclists and pedestrians as exterior sign with dynamic display; and

WHEREAS, 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; and

WHEREAS, the U.S. Department of Justice in its program, Crime Prevention Through Environmental Design (CPTED), advises local jurisdictions that improving visibility from a business into the street and from the street into a business significantly reduces crime. The City participates in this national crime prevention program. Uncontrolled and unlimited signs, including temporary signs, in retail windows and oriented toward the street block views into and out of the business and stand in the way of community crime prevention efforts; and

WHEREAS, regulation of excessive and confusing sign displays in commercial building windows will promote the public safety and deter crime; and

WHEREAS, not requiring permits for interior window signs would reduce the cost of their regulation to businesses; and

WHEREAS, amending regulations pertaining to banner signs would have implications for other temporary signage, and the Zoning Code would benefit from a study that would consider amendments regarding banner signs within the context of all temporary signs; and

WHEREAS, Sec. 64.204, Exemptions, should be amended 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; and

WHEREAS, a public hearing before the City Council having been conducted at which all interested parties were given an opportunity to be heard, the Council having considered all the facts and recommendations concerning the proposed zoning amendments, pursuant to the authority granted and in accordance with the procedures set forth in Minnesota Statutes 462.357;

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

## SECTION 1

That Legislative Code Chapter 64, Signs, is hereby amended as follows:

**Sec. 64.101. Intent and purpose.**

The purpose of this chapter is as follows:

...

- (j) To control the quality of materials, construction, electrification and maintenance of all signs; and
- (k) To promote traffic safety by reducing the distracting effect of signage on motorists and cyclists; and
- (l) To deter crime through environmental design by improving visibility from a business into the street and from the street into a business; and
- (mk) To provide for the administration of this chapter.

**Sec. 64.111. I.**

...

*Illuminated sign.* A sign upon which . . . or which has an interior light source.

~~Informational sign. A sign located on or adjacent to the entrance door of a business or organization that sets out the days and hours of operation, street address, telephone numbers, and/or credit/debit cards accepted by the business or organization, or any sign that informs that the business or organization located therein is open or closed.~~

**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 merely being turned the ability to turn the sign on and off. Signs providing only time and/or temperature information are not considered to be signs with dynamic display for regulatory purposes.

**Sec. 64.125. W.**

*Wall sign.* A sign attached to or erected against the wall of a . . .

Window sign, interior. A sign placed on or behind and within four (4) feet of a window or within the window display area that is oriented toward the street and plainly visible from an adjoining street, sidewalk or other public right-of-way, but excluding skyways. It does not include merchandise on display. Any sign on an opaque window, or any sign on or in a poster frame or poster case that offers no visibility to the interior of the building, shall be regulated as a wall sign.

Window sign area. The entire area of any window sign. For signs consisting of lettering or design on the window with no defined background and that allow visibility into the interior of the building through the spaces, the window sign area shall be the smallest area encompassing all of the words, numerals, figures, designs, or trademarks, as well as any ornamental strip, border, or design around the edges of the sign, and shall be reduced by 50% in calculating the permitted window signage. Window signs less than one (1) foot apart shall be measured as one sign. The window sign area shall not be counted as part of the gross surface display area of signage allowed on a zoning lot.

**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. 64.303. Nonconforming window signs; public safety regulations**

- (a) Intent and Purpose. Minnesota Statutes section 462.357, Subd. 1e. provides that a municipality may, by ordinance, impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety. The Crime Prevention Through Environmental Design program of the U.S. Department of Justice advises local jurisdictions that improving visibility from a business into the street and from the street into a business significantly reduces crime. This section imposes reasonable regulations on nonconforming window signs to protect the public health, welfare and safety to deter and prevent crime through improved visibility into and out of businesses.
- (b) Nonconforming temporary window signs shall be located no later than six (6) months after the effective date of section in such a manner that they do not block the view from a public right of way into the clerk or cashier area of the business, and from the clerk or cashier area out to the public right of way.

**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 oriented toward and visible from a public right-of-way.

- (a) No sign or sign structure shall . . .
- (k) Illumination. ~~Illuminated signs are permitted, except that f~~ 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. 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.~~
- (m) Canopy signs that are parallel to the street shall be regulated as . . .
- (n) If a building will contain multiple uses, a comprehensive sign program shall . . .
- (o) Signs attached to buildings shall be positioned so . . .

**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. 64.419. Temporary and portable signs.**

. . .

- (c) *Permit required.* A sign permit shall be required for all temporary and portable signs, except that temporary signs concerning a commodity, service or entertainment conducted, offered, sold, or manufactured on the premises, placed inside a window, shall not require a sign permit.

**Sec. 64.503. T1-T2 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, except that interior window signs six (6) square feet or less in area with only text providing only open/closed information may have more than one color.

- (b) *Temporary signs:*

. . .

- (5) ~~Temporary window signs, concerning a commodity, service or entertainment conducted, offered, sold or manufactured on the premises, placed on or inside of the a window of a building are permitted provided they do not shall cover no more than thirty (30) percent of the store window area, including windows in doors, between four (4) and seven (7) feet above grade and shall not block the view from a public right-of-way into the clerk or cashier station.~~

- a. An additional ten (10) percent window area coverage is allowed for informational signs, political signs, community event signs, seasonal or holiday window signs, special event signs, and real estate signs. No window signs shall be permitted that exceed such window area coverage.

- b. Window signs shall not be placed in a location that would block the view from a public right-of-way into the building or into the clerk or cashier station.

**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 six (6) square feet or less in area with only text providing only open/closed information may have more than one color.

(b) *Temporary signs:*

...

(5) ~~Temporary window signs, concerning a commodity, service or entertainment conducted, offered, sold or manufactured on the premises, placed on or inside of the a window of a building are permitted provided they do not~~ shall cover no more than thirty (30) percent of the window area, including windows in doors, between four (4) and seven (7) feet above grade and shall not block the view from a public right-of-way into the clerk or cashier station..

~~a: An additional ten (10) percent window area coverage is allowed for informational signs, political signs, community event signs, seasonal or holiday window signs, special event signs, and real estate signs. No window signs shall be permitted that exceed such window area coverage.~~

~~b: Window signs shall not be placed in a location that would block the view from a public right-of-way into the building or into the clerk or cashier station.~~

## SECTION 2

This ordinance shall become effective thirty (30) days after its passage, approval, and publication.