



## Legislation Text

File #: Ord 12-77, Version: 1

Amending Chapter 64 of the Legislative Code pertaining to nonconforming signs.

### STATEMENT OF FINDINGS BY THE COUNCIL

WHEREAS, the City of Saint Paul has established zoning definitions and regulations for nonconforming signs in Chapter 64; and

WHEREAS, amendments to Minnesota Statutes, Section 462.357, subdivision 1e, in 2004 and 2005, changed the laws for replacement and restoration of nonconforming uses; and

WHEREAS, the Planning Commission, in Resolution 10-43, initiated a zoning study to amend Saint Paul's nonconforming use regulations in order to achieve statutory compliance, clarify and update language, and simplify existing regulation where possible; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on a draft of the nonconforming use text amendments on April 20, 2012, and revised the proposed amendments based on the oral and written testimony received at the public hearing, the recommendations of staff, and extensive discussion; and

WHEREAS, a public hearing before the City Council having been conducted on October 17, 2012, 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 by and in accordance with the procedures set forth in Minnesota Statutes Sec. 462.357;

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

### SECTION 1

**Chapter 64 - Signs** of the Saint Paul Legislative Code is hereby amended to read as follows:

**Sec. 64.301. Nonconforming signs.**

(a) ~~No A nonconforming sign or sign structure shall not be enlarged or altered in a way which increases its nonconformity, except for temporary extensions on billboards as permitted in paragraph (c) of this section, and shall not be Billboard extensions are not permitted. moved except to bring it into conformance with the provisions of this code. Ordinary repair, restoration, maintenance and improvement work may be done on any legal nonconforming sign. Addition of illumination shall require that a sign be brought into conformance with all requirements of this chapter.~~

(b) ~~Should such When a nonconforming sign or sign structure be is removed or destroyed by any means, including by fire or other peril, to an the extent of or greater than fifty-one (51) (50) percent of its replacement cost estimated market value, as indicated in the records of the county assessor at the time of the removal or damage, and no building permit for its repair or replacement has been applied for within one hundred eighty (180) days of the removal or damage, it shall not be reconstructed except in conformity with the provisions of this chapter. When use of a nonconforming sign is discontinued (including the lack of copy) for a period of more than one (1) year, it shall not be reused except in conformance with the provisions of this code.~~

(c) ~~Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.~~

(d) ~~No existing sign devoted to a use not permitted by the zoning code in the zoning district~~

in which it is located shall be enlarged, extended or moved except in changing the sign to a sign permitted in the zoning district in which is it located.

(e) — When a structure loses its nonconforming status, as set forth in the zoning code, section 62.106(g) all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be repainted in a neutral color or a color which will harmonize with the structure.

(f) — Signs may be repainted, reposted or replaced when there is a change of any nonconforming use as set forth in the zoning code, section 62.105(c).

(c) Any rectangular billboard may contain extensions, cutouts or top lettering which occupy a total area not in excess of fifteen (15) percent of the area of the basic advertising sign and form an integral part of the design thereof; and provided further, that no such extension, cutout or top lettering may project more than six (6) feet from the top, eighteen (18) inches from either side or fifteen (15) inches from the bottom of the basic rectangular advertising message. The area of an extension, cutout or top lettering shall be deemed to be the area of the smallest rectangle into which such extension, cutout or top lettering will fit. A sign permit is required for a temporary billboard extension. Temporary extensions shall be completely removed not later than ninety (90) days after installation and the total combined period of temporary extensions for a sign face shall not exceed one hundred eighty (180) days per year.

#### ARTICLE VI. 64.600. SPECIAL SIGN DISTRICTS

##### **Sec. 64.610. Sunray-Battlecreek-Highwood, district one community council special district sign plan.**

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(e) — ~~Nonconforming signs. Regulation of nonconforming signs within the Sunray-Battlecreek-Highwood, district one community council special sign district which lawfully existed prior to the effective date of this sign plan or any amendments hereto and which would be prohibited, regulated, or restricted under the provisions of this plan, may continue to exist as legal nonconforming signs regulated under the provisions of section 64.300 pertaining to nonconforming signs, subject to the following additional requirements:~~

(1) — ~~No nonconforming sign shall be:~~

a. — ~~Altered or enlarged in any way; or~~

b. — ~~Replaced by another nonconforming sign, though a change in the message will not be deemed to be a replacement; or~~

c. — ~~Relocated to any other location in the Sunray-Battlecreek-Highwood, district one community council special sign district; or~~

d. — ~~Reconstructed after incurring damage in an amount exceeding fifty (50) percent of its replacement cost at the time of the loss, as determined by the city; or~~

e. — ~~Maintained through replacement of structural elements.~~

(2) — ~~A nonconforming sign shall be immediately removed from the Sunray-Battlecreek-Highwood, district one community council special sign district at the cost of the owner if:~~

a. — ~~It is an imminent danger to life or property; or~~

b. — ~~It incurs damage in an amount exceeding fifty (50) percent of its replacement cost at the time of loss, as determined by the city; or~~

c. — ~~Use of the sign has been discontinued for a period of three (3) consecutive months.~~

~~(e)(g) Sign permits; administration. ....~~

##### **Sec. 64.620. Greater Eastside Area special district sign plan.**

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~~(e) — Nonconforming signs. Regulation of nonconforming signs within the Greater Eastside Area special sign district which lawfully existed prior to the effective date of this sign plan or any amendments hereto and which would be prohibited, regulated, or restricted under the provisions of this plan, may continue to exist as legal nonconforming signs regulated under the provisions of section 64.300 pertaining to nonconforming signs, subject to the following additional requirements:~~

- ~~(1) — No nonconforming sign shall be:~~
- ~~a. — Altered or enlarged in any way; or~~
  - ~~b. — Replaced by another nonconforming sign, though a change in the message will not be deemed to be a replacement; or~~
  - ~~c. — Relocated to any other location in the Greater Eastside Area special sign district; or~~
  - ~~d. — Reconstructed after incurring damage in an amount exceeding fifty (50) percent of its replacement cost at the time of the loss, as determined by the city; or~~
  - ~~e. — Maintained through replacement of structural elements.~~
- ~~(2) — A nonconforming sign shall be immediately removed from the Greater Eastside Area special sign district at the cost of the owner if:~~
- ~~a. — It is an imminent danger to life or property; or~~
  - ~~b. — It incurs damage in an amount exceeding fifty (50) percent of its replacement cost at the time of loss, as determined by the city; or~~
  - ~~c. — Use of the sign has been discontinued for a period of three (3) consecutive months.~~

~~(e)(f) Sign permits; administration. ....~~

**Sec. 64.630. West Side special district sign plan.**

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~~(c) Advertising sign restrictions. Advertising signs shall not be permitted within the sign plan district except signs on transit shelters and courtesy benches licensed or franchised by the city. Construction, erection, replacement, or renovation of advertising signs shall not be permitted. Existing, nonconforming, advertising signs shall:~~

- ~~(1) — Be immediately removed, at the owner's expense, from the special sign district if:~~
- ~~a. — It is an imminent danger to life or property; or~~
  - ~~b. — It incurs damage in an amount exceeding fifty (50) percent of its replacement cost at the time of loss, as determined by the city; or~~
  - ~~c. — Use of such sign, signified by a lack of advertising message, has been discontinued for a period of three (3) consecutive months.~~
- ~~(2) — Not be:~~
- ~~a. — Altered or enlarged in any way; or~~
  - ~~b. — Replaced by another nonconforming sign; or~~
  - ~~c. — Relocated to any other location in either this district or the Smith Avenue special sign districts; or~~
  - ~~d. — Reconstructed after incurring damage in an amount exceeding fifty (50) percent of its replacement cost at the time of loss, as determined by the city; or~~
  - ~~e. — Maintained through replacement of structural elements.~~

~~(c)(d) Administration and enforcement. ....~~

**Sec. 64.640. Dayton's Bluff special district sign plan.**

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~~(e) — Nonconforming signs. Regulation of nonconforming signs within the Dayton's Bluff~~

~~special sign district which lawfully existed prior to the effective date of this sign plan or any amendments hereto and which would be prohibited, regulated, or restricted under the provisions of this plan, may continue to exist as legal nonconforming signs regulated under the provisions of section 64.300 pertaining to nonconforming signs, subject to the following additional requirements:~~

- (1) ~~No nonconforming sign shall be:~~
    - a. ~~Altered or enlarged in any way; or~~
    - b. ~~Replaced by another nonconforming sign, though a change in the message will not be deemed to be a replacement; or~~
    - c. ~~Relocated to any other location in the Dayton's Bluff special sign district; or~~
    - d. ~~Reconstructed after incurring damage in an amount exceeding fifty (50) percent of its replacement cost at the time of the loss, as determined by the city; or~~
    - e. ~~Maintained through replacement of structural elements.~~
  - (2) ~~A nonconforming sign shall be immediately removed from the Dayton's Bluff special sign district at the cost of the owner if:~~
    - a. ~~It is an imminent danger to life or property; or~~
    - b. ~~It incurs damage in an amount exceeding fifty (50) percent of its replacement cost at the time of loss, as determined by the city; or~~
    - c. ~~Use of the sign has been discontinued for a period of three (3) consecutive months.~~
- (e)(f) *Sign permits; administration. ....*

**Sec. 64.660. North End/South Como special district sign plan.**

~~....~~  
~~(e) Nonconforming signs. Regulation of nonconforming signs within the North End/South Como special sign district which lawfully existed prior to the effective date of this sign plan or any amendments hereto and which would be prohibited, regulated, or restricted under the provisions of this plan, may continue to exist as legal nonconforming signs regulated under the provisions of section 64.300 pertaining to nonconforming signs, subject to the following additional requirements:~~

- (1) ~~No nonconforming sign shall be:~~
    - a. ~~Altered or enlarged in any way; or~~
    - b. ~~Replaced by another nonconforming sign, though a change in the message will not be deemed to be a replacement; or~~
    - c. ~~Relocated to any other location in the North End/South Como special sign district; or~~
    - d. ~~Reconstructed after incurring damage in an amount exceeding fifty (50) percent of its replacement cost at the time of the loss, as determined by the city; or~~
    - e. ~~Maintained through replacement of structural elements.~~
  - (2) ~~A nonconforming sign shall be immediately removed from the North End/South Como special sign district at the cost of the owner if:~~
    - a. ~~It is an imminent danger to life or property; or~~
    - b. ~~It incurs damage in an amount exceeding fifty (50) percent of its replacement cost at the time of loss, as determined by the city; or~~
    - c. ~~Use of the sign has been discontinued for a period of three (3) consecutive months.~~
- (e)(g) *Sign permits; administration. ....*

**Sec. 64.670. Thomas/Dale district 7 special district sign plan.**

....

~~(f) — Nonconforming signs. Regulation of nonconforming signs within the Thomas/Dale district 7 special sign district which lawfully existed prior to the effective date of this sign plan or any amendments hereto and which would be prohibited, regulated, or restricted under the provisions of this plan, may continue to exist as legal nonconforming signs regulated under the provisions of section 64.300 pertaining to nonconforming signs, subject to the following additional requirements:~~

~~(1) — No nonconforming sign shall be:~~

- ~~a. — Altered or enlarged in any way; or~~
- ~~b. — Replaced by another nonconforming sign, though a change in the message will not be deemed to be a replacement; or~~
- ~~c. — Relocated to any other location in the district 7 special sign district; or~~
- ~~d. — Reconstructed after incurring damage in an amount exceeding fifty (50) percent of its replacement cost at the time of the loss, as determined by the city; or~~
- ~~e. — Maintained through replacement of structural elements.~~

~~(2) — A nonconforming sign shall be immediately removed from the district 7 special sign district at the cost of the owner if:~~

- ~~a. — It is an imminent danger to life or property; or~~
- ~~b. — It incurs damage in an amount exceeding fifty (50) percent of its replacement cost at the time of loss, as determined by the city; or~~
- ~~c. — Use of the sign has been discontinued for a period of three (3) consecutive months.~~

~~(f)(g) Administration and enforcement. ....~~

**Sec. 64.710. Hamline Midway special district sign plan.**

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~~(f) — Nonconforming signs. The regulation of nonconforming signs shall be pursuant to the provisions of article iii, nonconforming signs, of this chapter.~~

~~(f)(g) Administration and enforcement. Whenever a permit request for an advertising sign in the Hamline Midway special sign district is requested, such permit shall not be issued unless the plans for the advertising sign have been approved by the zoning administrator as in compliance with this supplement and other provisions of chapter 66 64, signs.~~

**Sec. 64.720. Saint Anthony Park special district sign plan.**

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~~Signs within the Saint Anthony Park special sign district which lawfully existed prior to the adoption of this sign plan and which would be prohibited, regulated or restricted under the provisions of this sign plan or amendments hereto, may continue to exist as legal nonconforming signs under the provisions of section 64.300 pertaining to nonconforming signs, subject to the following additional requirements:~~

~~(1) — No nonconforming sign shall be:~~

- ~~(a) — Altered or enlarged in any way; or~~
- ~~(b) — Replaced by another nonconforming sign, though a change in the message on a nonconforming sign will not be deemed to be a replacement; or~~
- ~~(c) — Relocated to any other location in the Saint Anthony park special sign district; or~~
- ~~(d) — Reconstructed after incurring damage in an amount exceeding fifty (50) percent of its replacement cost at the time of loss, as determined by the city; or~~
- ~~(e) — Maintained through replacement of structural elements; or~~

~~(2) — Any nonconforming sign shall be immediately removed from the Saint Anthony Park~~

special sign district at the cost of the owner if:

- (a) — It is an imminent danger to life or property; or
- (b) — It incurs damage in an amount exceeding fifty (50) percent of its replacement cost at the time of loss; or
- (c) — Use of such sign has been discontinued for a period of three (3) consecutive months.

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**Sec. 64.730. Merriam Park special district sign plan.**

....

(e) — ~~Nonconforming advertising signs. Signs within the Merriam Park special district which lawfully existed prior to the adoption of this sign plan by the city council, and which would be prohibited, regulated or restricted under the provisions of this sign plan or amendments hereto, may continue to exist as legal nonconforming signs under the provisions of section 64.300, nonconforming signs, subject to the following additional requirements:~~

- (1) — ~~No nonconforming advertising signs shall be:
  - a. — ~~Altered in any way, other than changing the message on a painted or printed sign;~~
  - b. — ~~Replaced by another nonconforming sign;~~
  - c. — ~~Relocated to any other location in the Merriam Park special district;~~
  - d. — ~~Reconstructed after incurring damage in an amount exceeding fifty (50) percent of its display surface, as determined by the city; or~~
  - e. — ~~Maintained through replacement of structural elements.~~~~
- (2) — ~~Any nonconforming advertising sign shall be immediately removed from the Merriam Park special district at the cost of the owner:
  - a. — ~~If it incurs damage in an amount exceeding fifty (50) percent of its display surface, as determined by the city; or~~
  - b. — ~~If use of such sign has been discontinued for a period of three (3) consecutive months.~~~~

**Sec. 64.735. Snelling Hamline special district sign plan.**

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(e) — ~~Nonconforming signs. Nonconforming signs within the Snelling-Hamline special sign district which lawfully existed prior to the effective date of this sign plan or any amendments hereto and which would be prohibited, regulated, or restricted under the provisions of this plan, may continue to exist as legal nonconforming signs regulated under the provisions of section 64.300 pertaining to nonconforming signs, subject to the following additional requirements:~~

- (1) — ~~No nonconforming sign shall be:
  - a. — ~~Altered or enlarged in any way; or~~
  - b. — ~~Replaced by another nonconforming sign, though a change in the message will not be deemed to be a replacement; or~~
  - c. — ~~Relocated to any other location in the Snelling-Hamline special sign district; or~~
  - d. — ~~Reconstructed after incurring damage in an amount exceeding fifty (50) percent of its replacement cost at the time of the loss, as determined by the city; or~~
  - e. — ~~Maintained through replacement of structural elements.~~~~
- (2) — ~~A nonconforming sign shall be immediately removed from the Snelling-Hamline special sign district at the cost of the owner if:
  - a. — ~~It is an imminent danger to life or property; or~~
  - b. — ~~It incurs damage in an amount exceeding fifty (50) percent of its replacement cost at the time of loss, as determined by the city; or~~~~

- e. — Use of the sign has been discontinued for a period of three (3) consecutive months.
- (e)(f) *Sign permits; administration. ....*

**Sec. 64.740. Macalester-Groveland special district sign plan.**

....

(e) — ~~Nonconforming signs. Regulation of nonconforming signs within the Macalester-Groveland special sign district which lawfully existed prior to the effective date of this sign plan or any amendments hereto and which would be prohibited, regulated, or restricted under the provisions of this plan, may continue to exist as legal nonconforming signs regulated under the provisions of section 64.300 pertaining to nonconforming signs, subject to the following additional requirements:~~

- (1) — ~~No nonconforming sign shall be:~~
  - a. — ~~Altered or enlarged in any way; or~~
  - b. — ~~Replaced by another nonconforming sign, though a change in the message will not be deemed to be a replacement; or~~
  - c. — ~~Relocated to any other location in the Macalester-Groveland special sign district; or~~
  - d. — ~~Reconstructed after incurring damage in an amount exceeding fifty (50) percent of its replacement cost at the time of the loss, as determined by the city;~~  
~~or~~
  - e. — ~~Maintained through replacement of structural elements.~~
- (2) — ~~A nonconforming sign shall be immediately removed from the Macalester-Groveland special sign district at the cost of the owner if:~~
  - a. — ~~It is an imminent danger to life or property; or~~
  - b. — ~~It incurs damage in an amount exceeding fifty (50) percent of its replacement cost at the time of loss, as determined by the city; or~~
  - c. — ~~Use of the sign has been discontinued for a period of three (3) consecutive months.~~

(e)(g) *Sign permits; administration. ....*

**Sec. 64.755. Shepard Davern special district sign plan.**

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(e) — ~~Nonconforming signs. Regulation of nonconforming signs within the Shepard Davern special sign district which lawfully existed prior to the effective date of this sign plan or any amendments hereto and which would be prohibited, regulated, or restricted under the provisions of this plan, may continue to exist as legal nonconforming signs regulated under the provisions of section 64.300 pertaining to nonconforming signs, subject to the following additional requirements:~~

- (1) — ~~No nonconforming sign shall be:~~
  - a. — ~~Altered or enlarged in any way; or~~
  - b. — ~~Replaced by another nonconforming sign, though a change in the message will not be deemed to be a replacement; or~~
  - c. — ~~Relocated to any other location in the Shepard Davern special sign district; or~~
  - d. — ~~Reconstructed after incurring damage in an amount exceeding fifty (50) percent of its replacement cost at the time of the loss, as determined by the city;~~  
~~or~~
  - e. — ~~Maintained through replacement of structural elements.~~
- (2) — ~~A nonconforming sign shall be immediately removed from the Shepard Davern~~

- special sign district at the cost of the owner if:
- a. It is an imminent danger to life or property; or
  - b. It incurs damage in an amount exceeding fifty (50) percent of its replacement cost at the time of loss, as determined by the city; or
  - c. Use of the sign has been discontinued for a period of three (3) consecutive months.

~~(e)(g)~~ Sign permits; administration. ....

#### Sec. 64.770. Downtown area special district sign plan.

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(c) Within the downtown special sign district, no advertising signs shall be subject to the following restrictions:

- (1) No advertising signs shall be permitted except signs on transit shelters and courtesy benches licensed or franchised by the city;
- (2) Advertising signs within the downtown special sign district which lawfully existed prior to the adoption of this special sign plan and which would be prohibited, regulated, or restricted under the provisions of this sign plan or amendments hereto, may continue to exist as legal nonconforming signs under the provisions of Legislative Code section 64.300 pertaining to nonconforming signs, subject to the following additional requirements:
  - a. No nonconforming advertising sign shall be:
    - 1. Altered or enlarged in any way; or
    - 2. Replaced by another nonconforming advertising sign, though a change in the message on a nonconforming advertising sign will not be deemed to be a replacement; or
    - 3. Relocated to any other location in the downtown special sign district; or
    - 4. Reconstructed after incurring damage to the advertising sign display surface or advertising sign structure in an amount exceeding fifty-one (51) percent of the replacement cost of the advertising sign display surface or fifty-one (51) percent of the replacement cost of the advertising sign structure at the time of loss, as determined by the zoning administrator; or
    - 5. Maintained through replacement of structural elements.
  - b. Any nonconforming advertising sign shall be immediately removed from the downtown special sign district at the cost of the owner if:
    - 1. It is deemed unsafe or hazardous by the zoning administrator; or
    - 2. The advertising sign face or advertising sign structure sustains damage in an amount exceeding fifty-one (51) percent of the replacement cost of the advertising sign display surface or advertising sign structure at the time of loss; or
    - 3. Use of such advertising sign has been discontinued for a period of three (3) consecutive months.

#### SECTION 2

This Ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.