



## Legislation Text

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**File #:** RES 11-842, **Version:** 2

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Approving the application of The City of Saint Paul for an interim use permit to allow additional business signage within the area of the Central Corridor Light Rail Construction Project.

WHEREAS, The Council of the City of Saint Paul, pursuant to Minn. Stat. § 462.357, and Leg. Code Chap 64 as it pertains to the regulation of business signs as defined under Leg. Code § 64.104(b), finds that the temporary suspension of certain aspects of the City's business or identification sign regulations contained in Leg. Code Chap. 64, based upon the imminent construction of the Central Corridor Light Rail Project ("Central Corridor"), is prudent in order to allow businesses along the Central Corridor to add additional signage in the form of temporary "wall" signs (Leg. Code § 64.125.W) to their premises to inform customers that businesses remain open and to direct customers to the business entrance while Central Corridor construction activity is underway; and

WHEREAS, the Council desires to facilitate the need for signage without the need for applicants to incur permit fees which would otherwise be required under Leg. Code Chap. 33, provided; that a sign permit is obtained for each additional sign and that each such sign is otherwise erected in compliance with the applicable ordinances of the City of Saint Paul; and

WHEREAS, in order to regulate the temporary nature of these signs, Minn. Stat. § 462.3597 permits the governing body of a municipality to allow an interim zoning use permit following a public hearing conducted in compliance with Minn. Stat. § 462.357, Subd.3 where the municipality's governing body must find that:

- (1) The use conforms to the zoning regulations;
- (2) The date or event that will terminate the use can be identified with certainty;
- (3) Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
- (4) The user agrees to any conditions that the governing body deems appropriate for permission of the use.

WHEREAS, the Council also finds that it would be impractical for each potentially affected business owner along the Central Corridor Right-of-Way to independently apply for an interim use permit under Minn. Stat. § 462.3597 and the Council, in the interests of Council economy, accordingly deems that this interim use permit shall be granted to all such affected businesses along the Central Corridor Right-of-Way subject to the conditions noted below; and

WHEREAS, on May 18, 2011, a public hearing was duly conducted before the City Council at which any interested party was given an opportunity to be heard and the Council, having considered all the facts and the report regarding the application and recommendation of staff dated May 18, 2011, moved to approve the interim use for the following reasons:

- (1) The use conforms to the zoning regulations. This requirement is met. Business signs are a permitted use subject to general time, place and manner restrictions contained under various provisions of the Saint Paul Zoning Code Chapter 64. Construction activities associated with the new Central Corridor Light Rail Project may cause the need for additional business signs most likely signs defined under Leg. Code Chap. 64 as "temporary" (Leg. Code § 64.122.T) or "wall" (Leg. Code § 64.125.W). The Council finds that permitting such signs, even where doing so will exceed the number or area of signs permitted for a business or building under the zoning code, will serve to promote public health, welfare, and safety by helping businesses remain viable

during construction of the Central Corridor through the maintenance of tangible and intangible variables such as the tax base, local employment opportunities and the overall economic vitality of the City.

(2) The date or event that will terminate the use can be identified with certainty. This requirement is met. The following interim use timeline is hereby approved for the following segments of the City along the Central Corridor right-of-way through the following dates: Emerald to Syndicate, enactment date through December 31, 2011; Syndicate to Rice, March 1, 2012 - December 31, 2012; Rice Street/State Capitol Area to Downtown Terminus, enactment date through December 31, 2012.

(3) Permission for the use will not impose additional costs on the public if it is necessary for the public to take the property in the future. This requirement is met. The City does not anticipate acquiring any of the properties affected by this interim zoning use permit in the future.

(4) The user agrees to any conditions that the governing body deems appropriate for permission of the use. This requirement will be met by each sign applicant. The owner of any business who elects to add additional signage under the provision of the interim zoning use permit must agree to abide by the following conditions and, upon receipt of the permit, is deemed to have agreed to abide by these conditions:

- The signage shall otherwise comply with the permitting requirements of Leg. Code §§ 64.203 64.401(a-p), 64.402 and 64.403. At the time a sign permit is issued, the zoning administrator shall calculate and, in writing on the permit, inform the applicant of the price for the sign based upon the fee structure set forth under Leg. Code § 33.04(g)(10), and further inform the applicant that this sum is the amount that will be collected, plus a penalty fee per Leg. Code § 33.04(a), in the event the subject sign is not removed by the applicant no later than the date indicated below.
- The additional signage shall also be subject to the regulations for "temporary signs," (defined at Leg. Code 64.122.T), and, specifically, the provisions set forth for temporary signs under Leg. Code § 64.419(a-d[1, 3, and 4]). For any property, the total temporary signage is limited to one-hundred twenty (120) square feet.
- All signage permitted under the terms of this zoning interim use permit and displayed after the expiration date of the permit within those geographic areas of the City defined herein above, shall be immediately removed. The holder of the permit shall pay the Department of Safety and Inspections the applicable permit fee that had been waived under the terms of this interim use permit along with the penalty fee. Signs not removed by the date specified are hereby deemed a public nuisance which the City may abate under the procedures in Leg. Code Chap.45
- Businesses designated as or located in a Heritage Preservation District must also comply with any applicable requirements based upon the designation. Properties designated by the City Council as Heritage Preservation Sites or located within a designated historic district must also comply with the applicable Preservation Program and design review guidelines.

NOW, THEREFORE, BE IT RESOLVED, based upon the report of staff and the findings herein, the application of The City of Saint Paul for an interim use permit to permit additional business signage within the area of the Central Corridor Light Rail Construction Project is hereby approved as specified herein and subject to the conditions specified under finding No. (4) above; and

BE IT FURTHER RESOLVED, that the department of safety and inspections shall be responsible for reviewing and approving or disapproving each excess business sign permit application as well as enforcing the terms and conditions of this temporary interim use permit: AND, BE IT,

FINALLY RESOLVED, that the City Clerk shall mail a copy of this resolution to the Applicant, the Zoning Administrator, the Planning Administrator and the Director of the department of safety and inspections.