

ORDINANCE
CITY OF SAINT PAUL, MINNESOTA

47

Presented By



An ordinance amending Leg. Code Chap. 64 regulating signs by permitting the conversion of legal nonconforming advertising signs ("billboards") to "dynamic display" signs in exchange for permanently removing traditional legal nonconforming advertising signs by adding a definition for such billboards and promulgating regulations for the conversion of such signs.

PUBLISHED
DEC 24 2007

Note: Single underlining and single strike-throughs show the changes from the existing Sign Chapter of the Zoning Code as submitted to the Council for first reading on 11/21/07. Double underlining and double strike-throughs show revisions made by the Planning Commission when it finalized its recommendation on 11/16/07 and amendments requested by the president of the Council prior to the public hearing on 12/5/07.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES HEREBY ORDAIN

Section 1

That Legislative Code § Sec. 64.104.B and the various definitions contained therein are hereby amended by adding the following new paragraph under that section to read:

Billboard with dynamic display. A billboard on which the sign message moves or changes, or appears to do so, through any method other than physically removing and replacing the sign or its components, whether such movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to replace the sign face or its components physically or mechanically. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays, except for time and temperature displays that occupy less than twenty (20) percent of the billboard face.

Section 2

That Legislative Code § 64.302 entitled "Nonconforming signs; exceptions," is hereby amended by removing obsolete language regarding the "move to conformance" and in its place adding new provisions to provide for and regulate the conversion of existing legal nonconforming billboards to ones with dynamic displays so as to read as follows:

Sec. 64.302. Nonconforming advertising signs; exceptions conversion to billboard with dynamic display.

Any advertising sign existing as of the date of this section (February 2, 1988) which is located in a zoning district which does not permit advertising signs or which does not conform to the size, height and/or spacing requirements of this chapter may be replaced, relocated or renovated in the manner provided in this section; provided, however, that such activity shall bring the sign into greater compliance with the provisions of this chapter and satisfy the following standards:

(a) Advertising signs to be replaced, relocated or renovated on the same zoning lot:

(1) The zoning lot must be within a zoning district in which advertising signs are a permitted use, as specified in section 66.214(a) or (I), or as permitted in a special sign district approved by the city council.

(a) Intent and purpose. Studies show that there is a correlation between driver distraction and accidents. Signs with dynamic displays can be a cause of driver distraction. Along highways, signs with dynamic displays tend to distract drivers if they are waiting to see the next change, especially if it is a continuation of the message or if the transition uses special effects. Signs with lettering that is too small to read at a glance also cause driver distraction; whereas, typical time and temperature signs, which can be read at a glance, are not a significant distraction. This section allows for the conversion of illuminated billboards to billboards with dynamic displays subject to standards that maintain highway safety.

Dynamic display technologies can greatly expand the advertising capacity and graphic flexibility of billboards. However, Section 64.420 prohibits any new advertising signs in the city in order to protect and improve views, aesthetics, community pride and investment, and the visibility of local businesses. One purpose of this chapter is to reduce the number of billboards in the city, but the city government is extremely limited in its ability to cause their removal. The provisions of the present section seek to offer benefits both to the public and to billboard owners. This section allows increased advertising through the addition of dynamic display technologies on existing billboards along certain freeways in exchange for voluntary reductions in the number of billboards in the city.

(b) Except in a B4 or B5 zoning district, a legally nonconforming, illuminated billboard may be converted to a billboard with a dynamic display if the following conditions are met:

(1) The billboard is located within three hundred thirty (330) feet of I-94 or I-35E north of I-94 and is designed to be read from the highway.

(2) The billboard is at least one (1) mile measured lineally along the freeway from any other billboard with a dynamic display designed to be read by drivers heading in the same direction on the highway.

(3) Only one sign face on a billboard structure is converted.

(4) ~~The billboard is more than one thousand (1,000) feet from any residence, regardless of municipal boundaries, that is in a residential or TN traditional neighborhood zoning district and has windows which are facing and from which the dynamic display is directly visible.~~

The billboard is not in the *visual field* of any residence, regardless of municipal boundaries, that is in a residential or TN traditional neighborhood zoning district and has windows which are facing and from which the dynamic display is directly visible. *Visual field* means the cone-shaped area in front of a billboard, drawn on a map, that extends perpendicular from the center of the sign face for one thousand (1000) feet with a vertex angle of seventy-five (75) degrees and also includes peripheral triangles on both sides of the cone, which are delineated by extending the line of the sign face two hundred (200) feet in each direction from its center, and from these two points connecting to the two outer points of the cone.

(5) The owner of the billboard shall apply for and receive a sign permit for the conversion from the city.

(6) As part of the permit application, the applicant shall agree in writing to remove permanently other existing billboards in the city; for each square foot of dynamic display space being created, ~~four~~ six (6) square feet of illuminated billboard faces, or ~~six~~ eight (8) square feet of non-illuminated faces shall be removed. Billboards that the applicant owns or controls in ~~any of the following areas~~ residential zoning districts or any other locations designated for billboard removal by resolution of the city council must be taken down before billboards taken down in other areas of the city will be counted toward this removal requirement: ~~the Mississippi River Critical Area, locally designated historic districts, the B4 and B5 downtown zoning districts, residential zoning districts, and any other locations designated for billboard removal by a resolution of the city council or the planning commission.~~ Billboards may be counted toward

the removal if they have been or will be removed between one (1) year prior to the application and two (2) months following the issuance of the permit. The removals must include the complete removal of the billboard structures including the foundations of any freestanding billboards.

Prior to approval of the sign permit, the applicant must agree in writing that the city may remove the billboards if the applicant has not done so before the new electronic message sign is put into operation, and the applicant must submit a cash deposit or letter of credit acceptable to the city to pay the city's cost for that removal. The applicant must also agree in writing that the removal of the billboards is done voluntarily and the applicant has no right, under any law, to compensation from any governmental unit for the removed signs.

~~No application may be approved if the removed billboards can be legally rebuilt. If the application is approved, the sign permit shall specify terms and conditions for assuring the permanence of the removals, which may include penalties such as liquidated damages. The terms and conditions shall give assurance to the city that the owners of the properties from which billboards are removed will not have any right under any law to re-establish the billboards or to receive compensation from any governmental unit for the removed billboards. When a billboard is permanently removed (including the sign or display surface and all elements of the sign structure) for purposes of dynamic display conversion under this section or when a billboard is permanently removed for any other reason, and the owner of the removed billboard surrenders in writing any state and local permits previously issued for the removed billboard, no new sign and/or sign structure permit will be issued for the real property on which the removed billboard was located.~~

- (7) If the removed signs are ones for which a state permit is required, the applicant and owners must surrender such permits to the state. The billboard with a dynamic display may not be put into operation until proof is provided to the city that such state permits have been surrendered.

(c) In addition to the other regulations in this chapter, a billboard with a dynamic display shall conform to the following operational standards:

- (1) All alpha-numeric copy must be at least fifteen (15) inches high.
- (2) The images and messages displayed must be static, and the transition from one static display to another must be direct and immediate without any special effects.
- (3) Each image and message displayed must be complete in itself, and may not continue on the subsequent one.

- (4) Each image and message must remain constant for at least ~~eight (8)~~ twelve (12) seconds before changing to the next one.
- (5) No sign may be brighter than necessary for clear and adequate visibility.
- (6) No sign may be of such intensity or brilliances as to impair the vision of a driver with average eyesight or to otherwise interfere with drivers' operation of their vehicles.
- (7) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, ~~or~~ signal, or the safety of the public, or located where it would do so, as determined by the city traffic engineer.
- (8) A billboard converted for dynamic display, on which more than twenty (20) percent of the sign face is changeable, must have a mechanism that automatically adjusts the sign's brightness in response to ambient conditions. It must also be equipped with a means to turn off the display or lighting immediately if it malfunctions, and the sign owner or operator must turn off the sign or lighting immediately upon notification by the city that sign malfunctions are causing it to be out of compliance with the operational standards in this section.
- (9) A billboard with a dynamic display should not appear to be brighter than billboards with external lighting. The billboard's owner or operator must adjust the sign to meet ~~the~~ this brightness standards in accordance with the city's instructions. The adjustment must be made immediately upon receiving a notice of non-compliance from the city; however, the sign owner or operator may appeal the city's notice of non-compliance to the board of zoning appeals.

Section 3

That Legislative Code § 64.201 entitled "Duties of the zoning administrator" is a housekeeping measure intended to reflect the reassignment of responsibility for sign variances from the Planning Commission to the Board of Zoning Appeals previously approved in Council File No. 05-632 so that Leg. Code § 64.201(e), in order to remain consistent with other paragraphs in the Zoning Code, shall read as follows:

Sec. 64.201 Duties of the zoning administrator

(e) The zoning administrator shall not grant any variances with respect to this chapter in carrying out his duties as zoning administrator. Variances may be granted by the planning commission board of zoning appeals. The zoning administrator shall grant a permit upon a finding of compliance with the conditions imposed by this chapter.

07-1106

Section 4

This ordinance amending Legislative Code §§ 64.104.B, 64.302 and 64.201 shall become effective thirty (30) days after its passage, approval and publication.

PUBLISHED
DEC 24 2007

	Yeas	Nays	Absent
Benanav	✓		
Bostrom	✓		
Harris	✓		
Helgen	✓		
Lantry	✓		
Montgomery	✓		
Thune	✓		
	7	0	0

Requested by Department of:
Planning and Economic Development
 By: _____
 Form Approved by City Attorney
 By: P.W. Warner 12-5-07

Adopted by Council 12/12/2007
 Adoption Certified by Council Secretary
 By: [Signature]
 Approved by Mayor: 12/18/07
 Date: [Signature]

Form Approved by Mayor for Submission
 to Council
 By: _____