

Department/Office/Council:
PE - Planning & Economic Development

Date Initiated:
27 AUG 2009

Green Sheet NO: 3077776

Contact Person & Phone: Emily Goodman 266-6551	Assign Number For Routing Order	Department	Sent To Person	Initial/Date	
		0	Planning & Economic Development		
		1	Planning & Economic Development	Director/C. Bedor	
		2	City Attorney	City Attorney	
		3	Mayor's Office	Mayor/Assistant	
Must Be on Council Agenda by (Date):		4	Council	City Council	
Doc. Type: ORDINANCE		5	City Clerk	City Clerk	
E-Document Required: Y Document Contact: Emily Goodman Contact Phone: 266-6551					

Total # of Signature Pages 1 (Clip All Locations for Signature)

Action Requested:
Approve ordinance amending Chapter 64 of the Saint Paul Legislative Code regarding signs with dynamic display.

Recommendations: Approve (A) or Reject (R):
A Planning Commission
 _____ CIB Committee
 _____ Civil Service Commission

Personal Service Contracts Must Answer the Following Questions:

- Has this person/firm ever worked under a contract for this department?
Yes No
- Has this person/firm ever been a city employee?
Yes No
- Does this person/firm possess a skill not normally possessed by any current city employee?
Yes No

Explain all yes answers on separate sheet and attach to green sheet.

Initiating Problem, Issues, Opportunity (Who, What, When, Where, Why):
Existing sign regulations in Chapter 64 have recently been updated to regulate billboards with dynamic display. These proposed amendments update the regulations for all signs with dynamic display. The Planning Commission held a public hearing on the amendments to Chapter 64 on April 24, 2009, made further revisions based on testimony received, and is recommending the revised amendments to the City Council for adoption.

Advantages If Approved:
Chapter 64 of the Zoning Code is updated regarding signs with dynamic display.

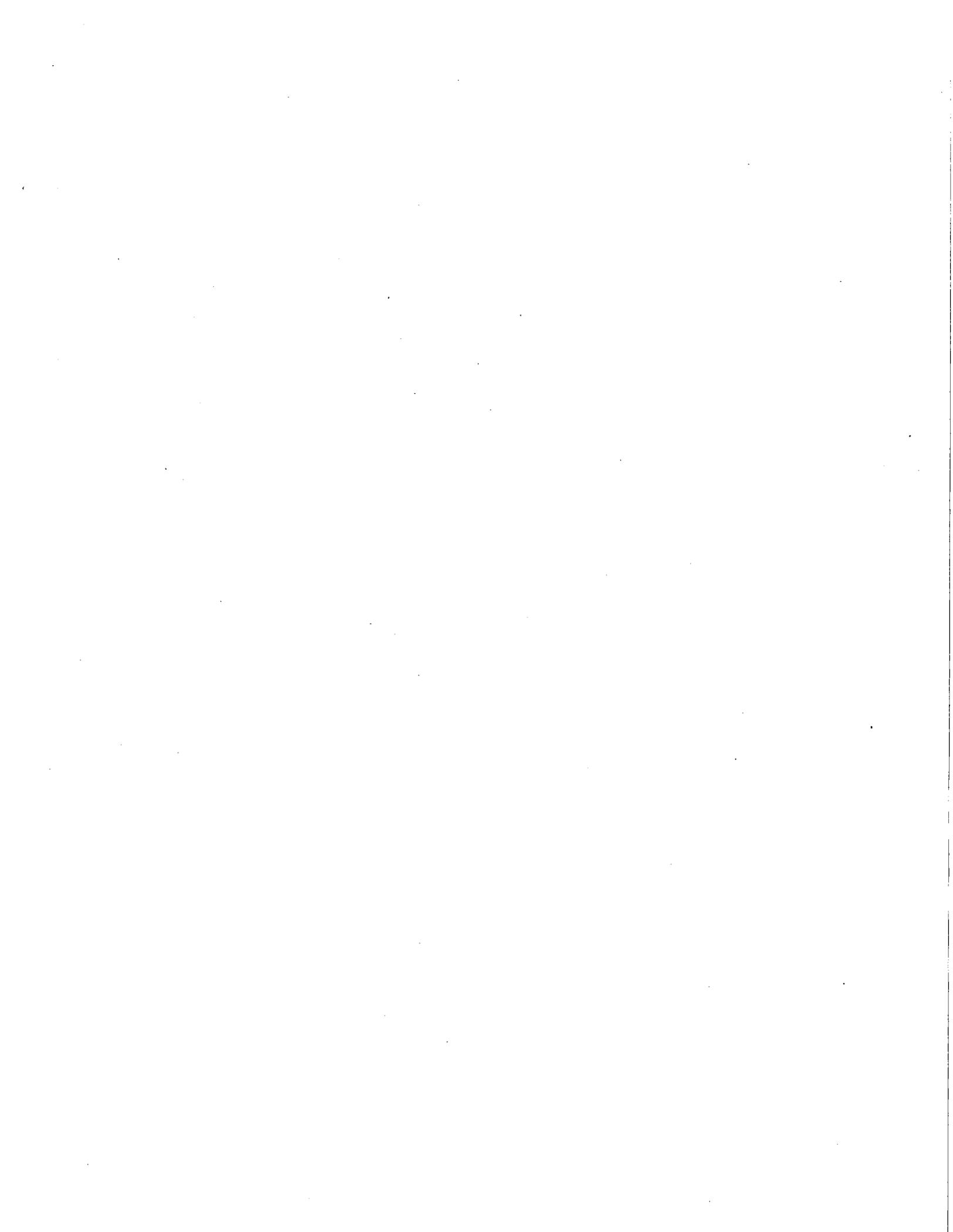
Disadvantages If Approved:
None

Disadvantages If Not Approved:
Chapter 64 of the Zoning Code will not be brought up to date reflecting regulation of signs with dynamic display.

Total Amount of Transaction: \$0.00 **Cost/Revenue Budgeted:** N

Funding Source: **Activity Number:**

Financial Information:
(Explain)



**ORDINANCE
CITY OF SAINT PAUL, MINNESOTA**

Presented by _____

1 An ordinance amending Leg. Code Chapter 64, Signs, revising and
2 updating existing language, adding new language regarding signs with
3 dynamic display, and removing redundant language regarding billboards
4 with dynamic display.

5
6 **THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN**

7
8 Section 1

9 That Legislative Code Chapter 64 is hereby amended as follows:

10

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

12 The purpose of this chapter is as follows:

13 ~~(a)~~ To regulate the time, place, and manner in which signs may be exhibited;

14 ~~(b)~~ To protect the right of information transmittal;

15 ~~(c)~~~~(a)~~ To promote the public health, safety and general welfare of the community;

16 ~~(d)~~~~(b)~~ To encourage a concern for the visual environment which makes the city a more desirable place to
17 live;

18 ~~(e)~~~~(c)~~ To identify and promote business and industry in the city;

19 ~~(f)~~~~(d)~~ To reduce hazards which may be caused by signs projecting over public rights-of-way;

20 ~~(g)~~~~(e)~~ To protect open space and areas characterized by unique environmental, historical and architectural
21 resources;

22 ~~(f)~~ —To protect the right of information transmittal.

23 ~~(h)~~~~(g)~~ Along advanced speed arteries, to promote the safety, convenience and enjoyment of public travel,
24 to protect the public investment in highway beautification, and to preserve and enhance the natural
25 scenic beauty or the aesthetic features and roadways in scenic and adjacent areas;

26 ~~(i)~~~~(h)~~ To reduce the number of nonconforming signs in the ~~city~~ city, particularly billboards;

27 ~~(j)~~~~(i)~~ To control the quality of materials, construction, electrification and maintenances of all signs; and

28 ~~(k)~~~~(j)~~ To provide for the administration of this chapter, ~~and~~,

29 ~~(k)~~ —To provide penalties for violations of the provisions of this chapter.

30 **Sec. 64.104. B.**

31 ~~Billboard with dynamic display.~~ A billboard on which the sign message moves or changes, or appears to
32 do so, through any method other than physically removing and replacing the sign or its components,
33 whether such movement or change is in the display, the sign structure itself, or any other component of
34 the sign. This includes a display that incorporates a technology or method allowing the sign face to
35 change the images without having to replace the sign face or its components physically or mechanically.
36 This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display
37 that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other

38 method or technology that allows the sign face to present a series of images or displays, except for time
39 and temperature displays that occupy less than twenty (20) percent of the billboard face.

40 **Sec. 64.107. E.**

41 ~~Electronic message sign. A sign which allows for periodic changes in copy or symbols by electronic~~
42 ~~means.~~

43 **Sec. 64.108 F**

44 *Flashing sign.* An illuminated sign on which the illumination is not kept stationary or constant in intensity
45 or color at all times when the sign is in use. An Signs with dynamic display and time and/or temperature
46 signs are electronic message sign is not considered to be a flashing signs.

47 **Sec. 64.121. S.**

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

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

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

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

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

60 (1) All alpha-numeric copy must be at least fifteen (15) inches high.

61 (2) The images and messages displayed must be static, and the transition from one static display
62 to another must be direct and immediate without any special effects. ~~(3) Each image and~~
63 ~~message displayed must be complete in itself, and may not continue on the subsequent one.~~
64 ~~(4) Each image and message must remain constant for at least twelve (12) seconds before~~
65 ~~changing to the next one.~~

66 ~~(5) No sign may be brighter than necessary for clear and adequate visibility.~~

67 ~~(6) No sign may be of such intensity or brilliances as to impair the vision of a driver with average~~
68 ~~eyesight or to otherwise interfere with drivers' operation of their vehicles.~~

69 ~~(7) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an~~
70 ~~official traffic sign, device, signal, or the safety of the public, or located where it would do so, as~~
71 ~~determined by the city traffic engineer.~~

72 ~~(8) A billboard converted for dynamic display, on which more than twenty (20) percent of the sign~~
73 ~~face is changeable, must have a mechanism that automatically adjusts the sign's brightness in~~
74 ~~response to ambient conditions. It must also be equipped with a means to turn off the display~~
75 ~~or lighting immediately if it malfunctions, and the sign owner or operator must turn off the sign~~
76 ~~or lighting immediately upon notification by the city that sign malfunctions are causing it to be~~
77 ~~out of compliance with the operational standards in this section.~~

78 ~~(9) A billboard with a dynamic display should not appear to be brighter than billboards with~~
79 ~~external lighting. The billboard's owner or operator must adjust the sign to meet this brightness~~
80 ~~standard in accordance with the city's instructions. The adjustment must be made immediately~~

81 upon receiving a notice of non-compliance from the city; however, the sign owner or operator
82 may appeal the city's notice of non-compliance to the board of zoning appeals.

83 **Sec. 64.405. Signs with dynamic display.**

- 84 (a) Location and orientation. Business signs with dynamic display shall be at least seventy-five (75)
85 feet, as measured along the road, from a residential district, and shall be at least fifty (50) feet from a
86 residential district, measured radially. Signs with dynamic display intended to be read from a
87 freeway shall be at least six hundred sixty (660) feet as measured along the freeway from any other
88 sign with dynamic display designed to be read by drivers heading in the same direction. Signs with
89 dynamic display shall not interfere with traffic and road safety due to placement and orientation as
90 determined by the city traffic engineer.
- 91 (b) Sign area. Business and identification signs shall be restricted in the measured area of their
92 dynamic displays so that the dynamic displays may occupy no more than twenty (20) percent of the
93 total allowable signage of the property. The remaining eighty (80) percent of the total allowable
94 signage of the property must not have the capability to have dynamic displays even if not used.
- 95 (c) Illumination and brightness. No sign with dynamic display may exceed a maximum illumination of
96 0.3 foot candles above ambient light level as measured from fifty (50) feet from the sign's face. All
97 signs with dynamic display having illumination by means other than natural light must be equipped
98 with an automatic dimmer control or other mechanism that automatically controls the sign's
99 brightness to comply with this requirement. No sign with dynamic display may be of such intensity
100 or brilliance that it interferes with the effectiveness of an official traffic sign, device, signal or the
101 safety of the public, or located where it would do so as determined by the city traffic engineer. If
102 there is a violation of the brightness standards, the adjustment must be made within one (1)
103 business day upon notice of non-compliance from the city.
- 104 (d) Malfunction. Signs with dynamic display must be designed and equipped to freeze the sign face in
105 one position if a malfunction occurs. Signs with dynamic display must also be equipped with a
106 means to immediately discontinue the display if it malfunctions, and the sign owner or operator must
107 immediately turn off the display when notified by the city that it is not complying with the standards of
108 this ordinance.
- 109 (e) Image characteristics, duration, and transition. The following standards shall apply to image
110 duration, transition, and other characteristics of signs with dynamic display. Additional district-
111 specific restrictions are contained in Sec. 64.502 and 64.503.
- 112 (1) Except at professional sport facilities, signs with dynamic display that are oriented towards the
113 public right of way shall not include moving video images.
- 114 (2) Business and identification signs with dynamic display may either have stable text and/or
115 stable images, or they may have scrolling text and/or scrolling images. Signs with dynamic
116 display which contain stable text and/or stable images may not change their text or image
117 more than once every twelve (12) seconds. Signs with dynamic display which contain scrolling
118 text and/or scrolling images may not scroll at a rate faster than one (1) word per second, where
119 words contain an average of five (5) characters each.
- 120 (3) For stable text and/or stable images, the transition from one static display to another must be
121 direct and immediate without any special effects except for fading and dissolving that takes
122 less than one (1) second;
- 123 (4) Text on signs with dynamic display must be monochromatic. Images on signs with dynamic
124 display may be full color.
- 125 (5) Signs with dynamic display shall not emit sound except for those at drive-through sales and
126 services as allowed under section 65.513.

127 (6) Other modes of displaying messages are prohibited. Modes which cause the message to flash
128 are prohibited.

129 **Sec. 64.420. Advertising signs.**

130 (b) *Professional sports facility.* At a professional sports facility with permanent seating for more than ten
131 thousand (10,000) spectators and located in a B4-B5 Business or IR-12 Industrial zone, one (1) or
132 two (2) advertising signs are permitted as an accessory use subject to the following standards:

133 (6) For signs with dynamic display ~~electronic message boards,~~ the modes of display of messages
134 shall conform to the requirements in section ~~64.405~~ 64.504((a)(5)(c). Flashing modes are not
135 permitted.

136 **Sec. 64.502. RL through RM3 residential districts.**

137 (a) *Identification signs:*

138 (4) For parks, community centers, and religious, civic, educational or philanthropic institutions, one
139 (1) identification sign, not exceeding a total of thirty (30) square feet in area for each street
140 frontage, and one (1) bulletin board not exceeding a total of thirty (30) square feet in area.
141 Such bulletin board signs may ~~have electronically changeable text, but shall not fade in and~~
142 ~~out, scroll, or flash~~ be signs with dynamic display, which shall be monochromatic, shall not
143 scroll or change their displays faster than every twenty (20) minutes, and shall be turned off
144 between 10:00 PM and 7:00 AM.

145 (7) Signs with dynamic display are not permitted in residential zoning districts except as provided
146 in Sec. 64.502(a)(4).

147 **Sec. 64.503. TN1--TN3 traditional neighborhood and OS--~~BCB4~~ business districts.**

148 (a) *Business and identification signs:*

149 (1) The sum of the gross surface display area in square feet of all business and identification signs
150 on a lot shall not exceed one times the lineal feet of lot frontage, or seventy-five (75) square
151 feet, whichever is greater.

152 (2) No business or identification sign shall be located in a required yard except for one
153 freestanding sign. Freestanding signs may project into the public right-of-way up to eighteen
154 (18) inches.

155 (6) Signs with dynamic display shall be monochromatic, shall not scroll or change their displays
156 faster than every twenty (20) minutes, and shall be turned off between 11:00 PM and 7:00 AM
157 or after business hours, whichever is later.

158 **Sec. 64.504. ~~BC~~ B2--B3 business and IR industrial districts.**

159 (a) *Business and identification signs:*

160 (5) In the B2 district, signs with dynamic display shall not scroll or change their displays faster than
161 every twenty (20) minutes and shall be turned off between 11:00 PM and 7:00 AM or after
162 business hours, whichever is later. ~~Electronic message signs shall be prohibited from the BC--~~
163 B2 district; provided that electronic message signs giving public information, such as time,
164 temperature, stock averages and the like, are permitted in the B2 district. ~~Electronic message~~
165 signs are permitted in the districts under the following conditions:

166 a. ~~The signs shall be six hundred sixty (660) feet from other electronic message signs on~~
167 ~~the same side of the same street;~~

- 168 b. ~~The signs shall be at least seventy-five (75) feet, as measured along the road, of a~~
 169 ~~residential district, and shall be at least fifty (50) feet from a residential district, measured~~
 170 ~~radially; and~~
- 171 c. ~~The following modes of displaying the message shall be permitted:~~
- 172 1. ~~The fade in/fade-out mode where the message appears on the sign, dissolves and~~
 173 ~~another message takes its place;~~
- 174 2. ~~The travel mode where the message moves across the sign from left to right or right~~
 175 ~~to left; and~~
- 176 3. ~~The travel mode where the message moves from top to bottom or bottom to top.~~
- 177 ~~Other modes of displaying messages are prohibited. Modes which cause the message~~
 178 ~~to flash are prohibited.~~

179 **Sec. 64.505. B4--B5 business districts.**

180 (a) *Business and identification signs:*

181 (4) ~~Electronic message signs are permitted and subject to the conditions specified in and B-2 and~~
 182 ~~B-3 districts, section 64.504(a)(5).~~

183 **Sec. 64.506. I1--I3 industrial districts.**

184 (a) *Business and identification signs:*

185 (5) ~~Electronic message signs are permitted and subject to the conditions specified in the B-2 and~~
 186 ~~B-3 districts, section 64.504(a)(5).~~

188 Section 2

189 This ordinance shall become effective thirty (30) days after its passage, approval, and publication.
 190

	Yeas	Nays	Absent
Bostrom			
Carter			
Harris			
Helgen			
Lantry			
Stark			
Thune			

Requested by Department of:

By: _____

Approved by the Office of Financial Services

By: _____

Approved by City Attorney

By: _____

Adopted by Council: Date _____

Approved by Mayor for Submission to Council

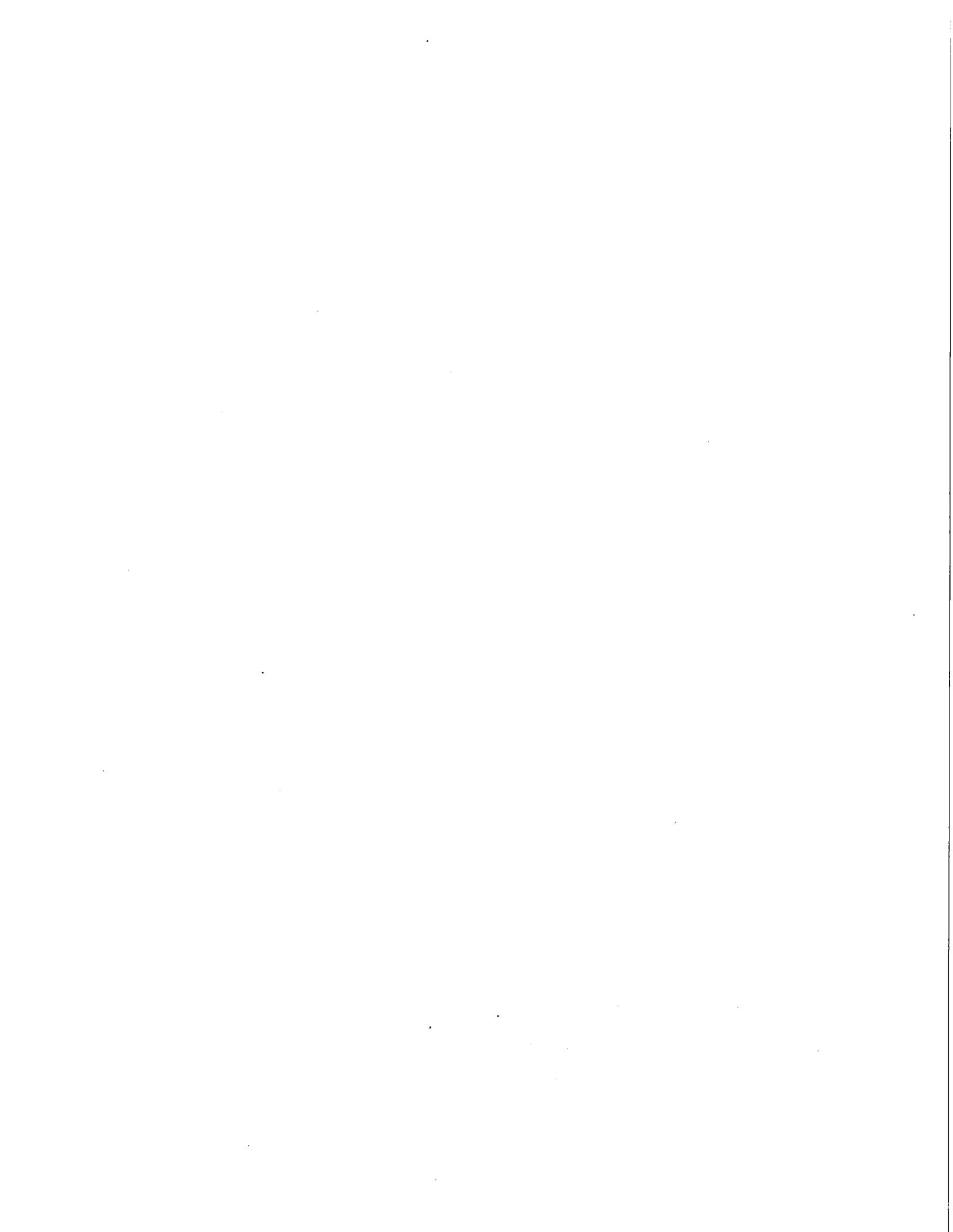
Adoption Certified by Council Secretary

By: _____

By: _____

Approved by Mayor: Date _____

By: _____



city of saint paul
planning commission resolution
file number 09-53
date August 21, 2009

Signs with Dynamic Display Ordinance

WHEREAS, the Planning Commission, on March 27, 2009, released a draft Signs with Dynamic Display Ordinance for public review, and set a public hearing for April 24, 2009; and

WHEREAS, notice of the hearing was published pursuant to Minnesota Statutes § 462.357, Subd. 3, and mailed to the early notification list and other interested parties; and

WHEREAS, a public hearing on the proposed Signs with Dynamic Display Ordinance was conducted by the Planning Commission on April 24, 2009, at which all persons present were allowed to testify; and

WHEREAS, the Planning Commission referred the proposed ordinance to the Neighborhood Planning Committee for consideration, review of the public testimony, and recommendation; and

WHEREAS, the Neighborhood Planning Committee, on August 12, 2009, forwarded its recommendations to the Planning Commission; and

WHEREAS, the Planning Commission considered the public testimony and the recommendations of the Neighborhood Planning Committee;

NOW, THEREFORE, BE IT RESOLVED, under the provisions of § 61.801 of the Zoning Code and pursuant to the provisions of Minnesota Statutes § 462.357, that the Planning Commission recommends to the City Council the following amendments to Chapter 64, Signs, of the Zoning Code:

Sec. 64.101. Intent and purpose.

The purpose of this chapter is as follows:

- (a) To regulate the time, place, and manner in which signs may be exhibited;
- (b) To protect the right of information transmittal;
- ~~(c)~~(a) To promote the public health, safety and general welfare of the community;
- ~~(d)~~(b) To encourage a concern for the visual environment which makes the city a more desirable place to live;
- ~~(e)~~(e) To identify and promote business and industry in the city;
- ~~(f)~~(d) To reduce hazards which may be caused by signs projecting over public rights-of-way;
- ~~(g)~~(e) To protect open space and areas characterized by unique environmental, historical and architectural resources;
- ~~(f)~~ To protect the right of information transmittal.

moved by Wenci

seconded by _____

in favor Unanimous

against _____

- ~~(h)(g)~~ Along advanced speed arteries, to promote the safety, convenience and enjoyment of public travel, to protect the public investment in highway beautification, and to preserve and enhance the natural scenic beauty or the aesthetic features and roadways in scenic and adjacent areas;
- ~~(i)(h)~~ To reduce the number of nonconforming signs in the ~~city~~ city, particularly billboards;
- ~~(j)(f)~~ To control the quality of materials, construction, electrification and maintenances of all signs; and
- ~~(k)(f)~~ To provide for the administration of this chapter; and,
- ~~(k)~~ — To provide penalties for violations of the provisions of this chapter.

Sec. 64.104. B.

~~*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 images 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.~~

Sec. 64.107. E.

~~*Electronic message sign.* A sign which allows for periodic changes in copy or symbols by electronic means.~~

Sec. 64.108 F

~~*Flashing sign.* An illuminated sign on which the illumination is not kept stationary or constant in intensity or color at all times when the sign is in use. Signs with dynamic display and time and/or temperature signs are electronic message sign is not considered to be a flashing signs.~~

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. Signs providing only time and/or temperature information are not considered to be signs with dynamic display for regulatory purposes.~~

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

- (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:
 - (2) The billboard is located at least one (1) mile measured ~~linearly~~ along the freeway from any other billboard with dynamic display designed to be read by drivers heading in the same direction on the highway.
- (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 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, 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 this brightness standard 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.~~

Sec. 64.405. Signs with dynamic display.

- (a) Location and orientation. Business signs with dynamic display shall be at least seventy-five (75) feet, as measured along the road, from a residential district, and shall be at least fifty (50) feet from a residential district, measured radially. Signs with dynamic display intended to be read from a freeway shall be at least six hundred sixty (660) feet as measured along the freeway from any other sign with dynamic display designed to be read by drivers heading in the same direction. Signs with dynamic display shall not interfere with traffic and road safety due to placement and orientation as determined by the city traffic engineer.
- (b) Sign area. Business and identification signs shall be restricted in the measured area of their dynamic displays so that the dynamic displays may occupy no more than twenty (20) percent of the total allowable signage of the property. The remaining eighty (80) percent of the total allowable signage of the property must not have the capability to have dynamic displays even if not used.
- (c) Illumination and brightness. No sign with dynamic display may exceed a maximum illumination of 0.3 foot candles above ambient light level as measured from fifty (50) feet from the sign's face. All signs with dynamic display having illumination by means other than natural light must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness to comply with this requirement. No sign with dynamic display may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, signal or the safety of the public, or located where it would do so as determined by the city traffic engineer. If there is a violation of the brightness standards, the adjustment must be made within one (1) business day upon notice of non-compliance from the city.
- (d) Malfunction. Signs with dynamic display must be designed and equipped to freeze the sign face in one position if a malfunction occurs. Signs with dynamic display must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner or operator must immediately turn off the display when notified by the city that it is not complying with the standards of this ordinance.

(e) Image characteristics, duration, and transition. The following standards shall apply to image duration, transition, and other characteristics of signs with dynamic display. Additional district-specific restrictions are contained in Sec. 64.502 and 64.503.

- (1) Except at professional sport facilities, signs with dynamic display that are oriented towards the public right of way shall not include moving video images.
- (2) Business and identification signs with dynamic display may either have stable text and/or stable images, or they may have scrolling text and/or scrolling images. Signs with dynamic display which contain stable text and/or stable images may not change their text or image more than once every twelve (12) seconds. Signs with dynamic display which contain scrolling text and/or scrolling images may not scroll at a rate faster than one (1) word per second, where words contain an average of five (5) characters each.
- (3) For stable text and/or stable images, the transition from one static display to another must be direct and immediate without any special effects except for fading and dissolving that takes less than one (1) second;
- (4) Text on signs with dynamic display must be monochromatic. Images on signs with dynamic display may be full color.
- (5) Signs with dynamic display shall not emit sound except for those at drive-through sales and services as allowed under section 65.513.
- (6) Other modes of displaying messages are prohibited. Modes which cause the message to flash are prohibited.

Sec. 64.420. Advertising signs.

- (b) *Professional sports facility.* At a professional sports facility with permanent seating for more than ten thousand (10,000) spectators and located in a B4-B5 Business or IR-12 Industrial zone, one (1) or two (2) advertising signs are permitted as an accessory use subject to the following standards:
 - (6) For signs with dynamic display ~~electronic message boards~~, the modes of display of messages shall conform to the requirements in section 64.405 ~~64.504((a)(5)(c))~~. ~~Flashing modes are not permitted.~~

Sec. 64.502. RL through RM3 residential districts.

(a) *Identification signs:*

- (4) For parks, community centers, and religious, civic, educational or philanthropic institutions, one (1) identification sign, not exceeding a total of thirty (30) square feet in area for each street frontage, and one (1) bulletin board not exceeding a total of thirty (30) square feet in area. Such bulletin board signs may have ~~electronically changeable text, but shall not fade in and out, scroll, or flash~~ be signs with dynamic display, which shall be monochromatic, shall not scroll or change their displays faster than every twenty (20) minutes, and shall be turned off between 10:00 PM and 7:00 AM.
- (7) Signs with dynamic display are not permitted in residential zoning districts except as provided in Sec. 64.502(a)(4).

Sec. 64.503. TN1--TN3 traditional neighborhood and OS--BCB4 business districts.

(a) *Business and identification signs:*

- (1) The sum of the gross surface display area in square feet of all business and identification signs on a lot shall not exceed one times the lineal feet of lot frontage, or seventy-five (75) square feet, whichever is greater.

- (2) No business or identification sign shall be located in a required yard except for one freestanding sign. Freestanding signs may project into the public right-of-way up to eighteen (18) inches.
- (6) Signs with dynamic display shall be monochromatic, shall not scroll or change their displays faster than every twenty (20) minutes, and shall be turned off between 11:00 PM and 7:00 AM or after business hours, whichever is later.

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

(a) *Business and identification signs:*

- (5) In the B2 district, signs with dynamic display shall not scroll or change their displays faster than every twenty (20) minutes and shall be turned off between 11:00 PM and 7:00 AM or after business hours, whichever is later. Electronic message signs shall be prohibited from the BC—B2 district; provided that electronic message signs giving public information, such as time, temperature, stock averages and the like, are permitted in the B2 district. Electronic message signs are permitted in the districts under the following conditions:
 - a. ~~The signs shall be six hundred sixty (660) feet from other electronic message signs on the same side of the same street;~~
 - b. ~~The signs shall be at least seventy five (75) feet, as measured along the road, of a residential district, and shall be at least fifty (50) feet from a residential district, measured radially; and~~
 - c. ~~The following modes of displaying the message shall be permitted:~~
 1. ~~The fade-in/fade-out mode where the message appears on the sign, dissolves and another message takes its place;~~
 2. ~~The travel mode where the message moves across the sign from left to right or right to left; and~~
 3. ~~The travel mode where the message moves from top to bottom or bottom to top.~~~~Other modes of displaying messages are prohibited. Modes which cause the message to flash are prohibited.~~

Sec. 64.505. B4--B5 business districts.

(a) *Business and identification signs:*

- (4) ~~Electronic message signs are permitted and subject to the conditions specified in and B-2 and B-3 districts, section 64.504(a)(5).~~

Sec. 64.506. I1--I3 industrial districts.

(a) *Business and identification signs:*

- (5) ~~Electronic message signs are permitted and subject to the conditions specified in the B-2 and B-3 districts, section 64.504(a)(5).~~

BE IT FURTHER RESOLVED, that the Planning Commission directs the Planning Administrator to forward the Signs with Dynamic Display Ordinance, other appropriate documentation, and this resolution, to the Mayor and City Council for their review and adoption.



Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West
DRAFT
Minutes August 21, 2009

A meeting of the Planning Commission of the City of Saint Paul was held Friday, August 21, 2009, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Donnelly-Cohen, Faricy, Lu, Morton, Thao, Wencl; and Messrs. Alton, Bellus, Goodlow, Gordon, Johnson, Kramer, Margulies, Schertler, Spaulding, and Ward.

Commissioners Absent: Mmes. *Porter, *Smitten, and Messrs. *Commers, *Nelson.
*Excused

Also Present: Donna Drummond, Planning Administrator; Patricia James, Kate Reilly, Emily Goodman, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes August 7, 2009.

MOTION: *Commissioner Faricy moved approval of the minutes of August 7, 2009. Commissioner Johnson seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Alton announced that this is Commissioner Bellus' last meeting, as he has resigned from the Planning Commission.

Chair Alton read a resolution honoring Commissioner Bellus for his service on the Planning Commission.

James Bellus thanked the Commission and made a few comments.

MOTION: *Commissioner Wencl moved approval of the resolution honoring Commissioner Bellus. Commissioner Donnelly-Cohen seconded the motion. The motion carried unanimously on a voice vote.*

Chair Alton reminded the commissioners of two events regarding the Green Infrastructure for Clean Water conference. There is an event on Friday, September 25, 2009 from 8:00 a.m. to 4:00 p.m. at the Landscape Arboretum in Chaska and an evening reception before that on Thursday, September 24, 2009 for local appointed leaders from 7:00-9:00 p.m. He encouraged the commissioners to attend.

VI. Neighborhood and Current Planning Committee

- ★ Dynamic Display Sign Ordinance – Approve resolution recommending dynamic sign ordinance. (Emily Goodman, 651/266-6551)

Chair Alton said that there was a public hearing held in April and several people testified with regard to this change to the zoning code and the Neighborhood Planning Committee considered it and made some revisions and recommendations.

Emily Goodman, PED staff, said that there are two categories of major policy changes in the edits from the draft on April 24th at the public hearing. The first is a new, more concise definition that clearly includes billboards with dynamic within the umbrella of signs with dynamic display. By classifying the billboards with dynamic display, signs with dynamic display also invited more redundant language to be eliminated. Second are different levels of restriction for signs with dynamic display in the various zoning districts, according to a chart that was distributed

MOTION: Commissioner Wencl moved the Neighborhood Planning Committee's recommendation to approve the resolution recommending Dynamic Display Ordinance be adopted by City Council. The motion carried unanimously on a voice vote.

Commissioner Wencl announced the items on the agenda for the next Neighborhood Planning Committee meeting on Wednesday, August 26, 2009.

VII. Communications Committee

No report.

VIII. Task Force Reports

Commissioner Faricy reported on the Ford Task Force saying that there was an article in the newspaper regarding a letter that Mayor Coleman and Councilmember Harris sent to Ford, requesting that when they close the plant in January 2010 that they retrofit it to produce a new vehicle called Transit Connect, which gets 22-25 miles per mile. What Ford does with that is unknown, the task force has not heard from them. Hopefully something big will come of this.

IX. Old Business

None

X. New Business

None

XI. Adjournment

Meeting adjourned at 9:26 a.m.

DEPARTMENT OF PLANNING
& ECONOMIC
DEVELOPMENT
Cecile Bedor, Director



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6565
Facsimile: 651-228-3261

Date: August 12, 2009
To: Planning Commission
From: Neighborhood Planning Committee
Subject: Public hearing testimony on the Signs with Dynamic Display Ordinance

Background

The Planning Commission held a public hearing on the Signs with Dynamic Display Ordinance on April 24, 2009. Five people spoke offering their testimony on the ordinance. In addition, two letters were received. This memo summarizes the issues raised and presents committee comments and recommendations for the Commission to consider as it makes its recommendation on the Signs with Dynamic Display Ordinance to City Council.

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, is referenced frequently in this report. It can be found at <http://www.scenic.org/pdfs/NCHRP%20Digital%20Billboard%20Report.pdf>.

Additionally, please note that proposed underlines and strike-outs are indicated in this memorandum based on the draft presented to the Planning Commission on April 24, 2009, not currently adopted Zoning Code.

Overview of public hearing testimony

The testimony focused on a over dozen issue areas: definition, distance between signs with dynamic display and billboards with dynamic display, distance from residential district, the number of signs with dynamic display allowed in a zoning lot, window signs, location in historic districts, the percentage of total allowable sign area permitted to be dynamic, at what distance illumination should be measured from, what the procedure should be in the event of a malfunction, transition, color, scrolling, appropriateness of restricting institutions in residential areas, location in TN districts, and location in B2 districts. There was additional testimony relating to the background of the recommendation.

1. Definition.

Testimony. Bill Amberg (Minnesota Sign Association) suggested that the proposed definition of signs with dynamic display be changed to: "A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means."

Committee Comment. The proposed definition was based on the existing definition of *Billboards with Dynamic Display*. The simpler, user-friendly definition suggested by Mr. Amberg can be used for all signs with dynamic display, including billboards, while retaining certain aspects of the original definition, including the exceptions for signs that provide time and temperature information. Having a single, concise definition for all signs with dynamic display helps to clarify and simplify the zoning code.

Committee Recommendation. Revise the definition for signs with dynamic display as follows and remove now-redundant definition and regulations for billboards with dynamic display:

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. A sign on which the 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 sign face. Signs providing only time and/or temperature public service information (i.e., time, temperature, gas price, transit information) are not considered to be signs with dynamic display for regulatory purposes.~~

Sec. 64.104. B.

~~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 images 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.~~

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

- (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 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, 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 this brightness standard 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.~~

2. Distance between signs with dynamic display and billboards with dynamic display.

Testimony. David Baker (Business Review Council), Adam Skare (Daktronics, Inc.), and Bill Amberg (Minnesota Sign Association) testified that they do not believe that signs with dynamic display intended to be read from highways should have to be six hundred sixty (660) feet from billboards with dynamic display. Conversely, the Saint Anthony Park Community Council, Joel Clemmer (Macalester Groveland Community Council Land Use Committee), and Jeanne Weigum (Scenic Saint Paul) supported the proposed restriction, and called for the sign code to be symmetrical. That is, if no sign with dynamic display can be less than 660 feet from a billboard with dynamic display, then no billboard with dynamic display should be allowed within 660 feet of sign with dynamic display. (*Relates to Sec. 64.405(a)*).

Committee Comment. The code should be internally consistent. *Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs* (AASHTO, 2009) states, "Governments or roadway operating authorities should establish minimum longitudinal spacing requirements for [dynamic display signs] such that an approaching driver is not faced with two or more DBB displays within his field of view at the same time. This minimizes the risk of distraction and ensures that a flashing effect (that may be caused by two [or more] different signs cycling through messages on different programs) will not occur."

Committee Recommendation. Add the following to Sec. 64.302 Nonconforming advertising signs; conversion to billboard with dynamic display:

- (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:
- (2) The billboard is located at least one (1) mile measured ~~linearly~~ along the freeway from any other billboard with dynamic display and at least six hundred sixty (660) feet as measured along the freeway from any sign with dynamic display designed to be read by drivers heading in the same direction on the highway.

3. Distance of a business sign with dynamic display from a residential district.

Testimony. Bill Amberg (Minnesota Sign Association) submitted a proposal that the distance from a residential district should only be upheld if the business sign is visible from a residential district. (*Relates to Sec. 64.405(a)*).

Committee Comment. The distance requirement is so minimal that the additional exception, which would be subjective and more time consuming to enforce, is unnecessary.

Committee Recommendation. No change.

4. Number of signs with dynamic display on a zoning lot.

Testimony. Saint Anthony Park Community Council, Joel Clemmer (Macalester Groveland Community Council Land Use Committee), and Jeanne Weigum (Scenic Saint Paul) proposed that no more than one sign with dynamic display should be allowed on a zoning lot.

Committee Comment. Because zoning lots in the City of Saint Paul vary so dramatically in their size, it would not be reasonable to permit only one sign with dynamic display per zoning lot. For example, an entire shopping center may be on only one zoning lot.

Committee Recommendation. No change.

5. Window signs.

Testimony. Jeanne Weigum (Scenic Saint Paul) testified that she would like the ordinance or a future ordinance to address the issue of dynamic display signs in windows that are oriented toward the street.

Committee Comment. The zoning code does not regulate signs inside of buildings. Sign permits are not required for the signs businesses use inside their stores. The code encourages store front commercial buildings to have windows facing the street and even requires it in certain areas. We have pushed businesses to make these windows people can see through, so this adds to the life of the street, but have not then also tried to further regulate what businesses can do inside the windows.

Committee Recommendation. No change.

6. Historic districts.

Testimony. Saint Anthony Park Community Council, Joel Clemmer (Macalester Groveland Community Council Land Use Committee), and Jeanne Weigum (Scenic Saint Paul) proposed that no sign with dynamic display be permitted in a historic district without the approval of the Heritage Preservation Commission.

Committee Comment. This is already the case.

Committee Recommendation. No change.

7. Sign area.

Testimony. Greg Rendall and Bill Amberg (Minnesota Sign Association) said that signs with dynamic display should not be limited to 20% of total allowable sign area because other illuminated signs are not so limited. Adam Skare (Daktronics, Inc.) suggested that the business owner should determine how much dynamic display to use, pointing out that by limiting the size of a dynamic display, the sign could be more difficult to read. Saint Anthony Park Community Council, Joel Clemmer (Macalester Groveland Community Council Land Use Committee), and Jeanne Weigum (Scenic Saint Paul) proposed that the size of the dynamic display being based on a percentage of an individual sign face, not the total allowable signage on the lot. (*Relates to Sec. 64.405(b)*).

Committee Comment. Signs with dynamic display can cause driver distraction and have greater impact than other illuminated signs. It is therefore reasonable that they should be limited to a portion of total allowable sign area. It is also reasonable that all of an individual sign be dynamic; a regulation that would encourage someone to install a larger sign just so the dynamic portion of it can be larger seems counterproductive.

Committee Recommendation. No change.

8. Illumination and brightness: measurement.

Testimony. Adam Skare (Daktronics, Inc.) recommended different distances from the sign face be used for measuring the brightness of different sized signs: 0-100 square foot signs to be measured 100 feet from source, 101-350 square foot sign to be measured 150 feet from source, 351-650 square foot sign to be measured 200 feet from source, 651-1000 square foot sign to be measured 250 feet from source, and over 1000 square foot sign to be measured 350 feet from source. Bill Amberg (Minnesota Sign

Association) recommended that the brightness of all signs be measured one hundred (100) feet from the sign face. (*Relates to 64.405(c)*).

Committee Comment. A graduated standard is complicated and unnecessary. According to *Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs* (AASHTO, 2009), "Because LED billboards are composed of arrays of LEDs, their surfaces are not uniform. If viewed from very close distances, they will appear as an array of bright points against a dark background. Thus, a viewing distance of approximately 50 ft is suggested, . . . , sufficient to ensure uniformity of the display. Since light from the ambient environment adds to the recorded luminance, measurements should not be taken at distances greater than that suggested above." Thus, proposed Sec. 64.405(c) requires that the luminance be measured 50 feet from the sign face.

Committee Recommendation. No change.

9. Malfunction.

Testimony. Bill Amberg (Minnesota Sign Association) recommended that, in the event of a malfunction, sign owner or operators must turn off the display within forty eight (48) hours of notification, as opposed to immediately. (*Relates to Sec. 64.405 (d)*).

Committee Comment. The on-off switches should be immediately accessible to the sign owner or operator. This could be on-premise, off-premise, or (ideally) both. There is no good reason not to require the display to be turned off immediately in the event of a malfunction. It could even be automatic.

Committee Recommendation. No change.

10. Duration, transition, and other characteristics: transition timing.

Testimony. Adam Skare (Daktronics, Inc.) said that time allowances should be more generous for more commercial areas. Greg Rendall and Bill Amberg (Minnesota Sign Association) testified that signs with dynamic display need multiple frames to effectively communicate, so any regulations placing restrictions on message durations are impractical. They maintain that if these transition regulations must be in place they should be different for different zoning districts, and provided proposed amendments for this. (*Relates to 64.405(e)(2)*).

Committee Comment. The proposed ordinance as written does have different timing standards for different zoning districts, as described elsewhere in this document. The sequencing that Mr. Rendall and Mr. Amberg say is inhibited by the timing restrictions is one of the key things the ordinance is intended to regulate. Message sequencing is among the most dangerous aspects of signs with dynamic display, due to the Zeigarnik effect. The *Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs* (AASHTO, 2009) states that "message sequencing should be prohibited." The timing restrictions proposed in the ordinance effectively do that. The proposals from Mr. Rendall and Mr. Amberg to allow transitions every 0, 1, or 3 seconds seems to constitute flashing, which is prohibited in 64.401(k).

Committee Recommendation. No change.

11. Duration, transition, and other characteristics: color.

Testimony. Saint Anthony Park Community Council, Joel Clemmer (Macalester Groveland Community Council Land Use Committee), and Jeanne Weigum (Scenic Saint Paul) proposed that muted red text on a black background should be the only permissible color combination. Bill Amberg (Minnesota Sign Association) provided new draft language suggesting that color not be restricted at all. (*Relates to Sec. 64.405 (e)(4)*).

Committee Comment. Although there is research that indicates that color is an aspect of driver distraction, none of the research examined by staff seems to go into greater detail than that or speculate

about which colors are more distracting than others. Permitting only monochromatic text minimizes driver distraction while allowing sign owners the freedom to choose the color.

Committee Recommendation. No change.

12. Duration, transition, and other characteristics: scrolling.

Testimony. Saint Anthony Park Community Council, Joel Clemmer (Macalester Groveland Community Council Land Use Committee), and Jeanne Weigum (Scenic Saint Paul) proposed that scrolling be prohibited.

Committee Comment. It would be appropriate to ban scrolling in residential, TN, and OS-B2 business districts.

Committee Recommendation. Change § 63.503 and § 63.504 to ban scrolling in TN and OS-B2 districts as noted in #14 and #15 below, and change § 64.502 (a)(4) to ban scrolling in residential districts as noted in #13 below.

13. Schools, churches, and other institutions in residential districts.

Testimony. David Baker (Business Review Council) said that institutional signs with dynamic display in residential districts should not face additional restrictions. Greg Rendall and Bill Amberg (Minnesota Sign Association) took issue with limiting the color of text of these signs with dynamic display, the prohibition of images, and limiting transition to once every twenty minutes. (*Relates to 64.502(a)(4)*).

Committee Comment. It is appropriate to have different levels of restrictions in different zoning districts, and common practice to limit color, images, and transition time in residential districts. For example, Bloomington's ordinance has a 20-minute minimum message duration in residential areas and allows only amber colored displays that are text-only. However, mitigation of driver distraction and impact on residential areas can still be achieved while permitting images sign owners' discretion over color by prohibiting scrolling, limiting transition time, allowing only monochromatic displays, and limiting hours of operation.

Committee Recommendation. Revise Sec. 64.502 as follows:

Sec. 64.502. RL through RM3 residential districts.

(a) Identification signs:

(4) For parks, community centers, and religious, civic, educational or philanthropic institutions, one (1) identification sign, not exceeding a total of thirty (30) square feet in area for each street frontage, and one (1) bulletin board not exceeding a total of thirty (30) square feet in area. Such bulletin board signs may be signs with dynamic display, which shall be monochromatic, shall not scroll or change their displays faster than every twenty (20) minutes, and shall be turned off between 10:00 PM and 7:00 AM, and abide by the provisions set forth in section 64.422. In addition, they shall not

- ~~_____ a. Use any images except for alphanumeric text.~~
- ~~_____ b. Be in any color other than red or amber.~~
- ~~_____ c. Change their displays faster than every twenty (20) minutes.~~
- ~~_____ d. Remain illuminated between the hours of 10 PM and 7 AM.~~

(7) Signs with dynamic display are not permitted in residential zoning districts except as provided in Sec. 64.502(a)(4).

14. Regulations in TN Districts.

Testimony. David Baker (Business Review Council) said that signs with dynamic display should be allowed in TN Districts. (Relates to 64.503(a)(6)).

Committee Comment. Signs with dynamic display are allowed in residential districts, with more stringent restrictions than in business districts. It follows that they should also be allowed in TN districts, with similar more stringent restrictions. It is more equitable to permit signs with dynamic display throughout the city, with certain zoning districts subject to more stringent restrictions than others. For example, signs with dynamic display in B3-B5 business and industrial districts could be permitted subject to the restrictions prescribed in Sec. 64.405, while signs with dynamic display in TN and OS-BC districts could be permitted subject to additional restrictions similar to those in section 64.502(a)(4) for signs with dynamic display in residential districts. All signs with dynamic display would be subject to the restrictions in Sec. 64.405, but those in more restrictive districts could be subject to additional restrictions, as follows:

<i>B3 – B5 and Industrial Districts</i>	<i>B2 Business Districts</i>	<i>TN, OS-BC Business Districts</i>	<i>Residential Districts</i>
Full-color images allowed	Full-color images allowed	Monochromatic images allowed	Monochromatic images allowed
Text & images can't change faster than every 12 seconds	Text & images can't change faster than every 20 minutes	Text & images can't change faster than every 20 minutes	Text & images can't change faster than every 20 minutes
May scroll	No scrolling allowed	No scrolling allowed	No scrolling allowed
No time restrictions	Must be turned off between 11 PM & 7 AM or after business hours	Must be turned off between 11 PM & 7 AM or after business hours	Must be turned off between 10 PM & 7 AM

Committee Recommendation. Revise Sec. 64.503 as follows:

Sec. 64.503. TN1—TN3 traditional neighborhood and OS—BCB4 business districts.

(a) Business and identification signs:

- (1) The sum of the gross surface display area in square feet of all business and identification signs on a lot shall not exceed one times the lineal feet of lot frontage, or seventy-five (75) square feet, whichever is greater.
- (2) No business or identification sign shall be located in a required yard except for one freestanding sign. Freestanding signs may project into the public right-of-way up to eighteen (18) inches.
- (6) Signs with dynamic display be monochromatic, prohibited shall not scroll or change their displays faster than every twenty (20) minutes, and shall be turned off between 11:00 PM and 7:00 AM or after business hours, whichever is later.

15. Regulations in B2 Districts.

Testimony. Saint Anthony Park Community Council, Joel Clemmer (Macalester Groveland Community Council Land Use Committee), and Jeanne Weigum (Scenic Saint Paul) testified that signs with dynamic

display should not be permitted in a B2 zoning district. Conversely, David Baker (Business Review Council) supported signs with dynamic display in the B2 zoning district. (*Relates to § 64.504(a)(5)*).

Committee Comment. Signs with dynamic display are permitted in residential districts. With the restrictions proposed in new Sec. 64.405 for signs with dynamic display, and with additional restrictions as an intermediary step between the level of restriction for B3 – B5 and industrial districts and residential, TN, and OS-B1 business districts, they would fit the intent and purpose of the B2 district.

Committee Recommendation. Revise Sec. 64.504 as follows:

Sec. 64.504. BCB2—B3 business and IR industrial districts.

(a) *Business and identification signs:*

- (5) In the B2 district, signs with dynamic display shall not scroll or change their displays faster than every twenty (20) minutes and shall be turned off between 11:00 PM and 7:00 AM or after business hours, whichever is later. Signs with dynamic display are prohibited from the BC and B1 districts. Signs with dynamic display are permitted in the B2, B3, and IR districts according to the restrictions prescribed in section 64.422.

Other comments.

A. Background studies.

Testimony. David Baker (Business Review Council) said that signs with dynamic display are not dangerous, while Joel Clemmer (Macalester Groveland Community Council Land Use Committee) says that signs with dynamic display are dangerous.

Committee Comment. In April 2009, the report titled *Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs* was prepared under the auspices of the Highway Subcommittee on Traffic Operations of the Association of State Highway and Transportation officials (AASHTO), under the National Cooperative Highway Research Program. This was a large meta-study synthesizing all of the available literature on the subject of signs with dynamic display. One of the observations of the meta-study is that "the research sponsored by the outdoor advertising industry generally concludes that there are no adverse impacts from roadside digital billboards, even when, in one case, the actual findings of such research indicate otherwise. Conversely, the conclusions reached in research sponsored by government agencies, insurance companies, and auto safety organizations, especially in those studies performed in the past decade, regularly demonstrate that the presence of roadside advertising signs such as digital billboards, contributes to driver distraction at levels that adversely affect safe driving performance." The authors of the meta study systematically address each of the studies sponsored by the outdoor advertising industry to demonstrate how they exhibit questionable scientific practice and display bias.

B. Bad for business.

Testimony. David Baker (Business Review Council), and Greg Rendall and Bill Amberg (Minnesota Sign Association), said that signs with dynamic display are good for business, and expressed concern that the proposed new ordinance would hinder the ability of businesses to grow in tough economic times.

Committee Comment. The proposed ordinance places reasonable restrictions on signs with dynamic display, it does not prohibit them. Signs with dynamic display would be permitted in every zoning district in the city, with some districts subject to more restrictive standards than others.

C. Intent and purpose.

Committee Comment. Research into best practices indicates that it is good to include a statement of purpose to clarify the intent of the sign chapter to regulate the time, place, and manner in which signs may be exhibited. Subsection (k) of the sign chapter purpose statement should be deleted because penalties for violations of the provisions of the zoning code, including penalties for violations of the sign chapter of the zoning code, are provided in Chapter 61, Administration and Enforcement, §§ 61.901-61.904, not in Chapter 64, Signs.

Committee Recommendation. Revise Sec. 64.101 as follows:

Sec. 64.101. Intent and purpose.

The purpose of this chapter is as follows:

(a) To regulate the time, place, and manner in which signs may be exhibited;

~~(k) To provide penalties for violations of the provisions of this chapter.~~

Additional Proposed Amendments

i. Reference to electronic message sign

Committee Comment. The definition for "electronic message sign" will be deleted when the definition for "sign with dynamic display" is adopted. Any references to electronic message sign must also be changed.

Committee Recommendation. Revise Sec. 64.108 F as follows:

Sec. 64.108 F

Flashing sign. An illuminated sign on which the illumination is not kept stationary or constant in intensity or color at all times when the sign is in use. ~~An Signs with dynamic display and time and/or temperature signs are electronic message sign is not considered to be a flashing sign.~~

ii. Cross-reference with Billboards with dynamic display.

Committee Comment The statement "billboards with dynamic display are regulated as nonconforming uses in section 64.302" can be read as "billboards with dynamic display are regulated as nonconforming uses in section 64.302 and the standards below do not apply" which it not the intent. The intent is that the statement serves as a cross-reference and billboards must abide by the regulations listed in section 64.302 in addition to section 64.405.

Committee Recommendation. Revise Sec. 64.405 as follows:

Sec. 64.405. Signs with dynamic display.

~~Signs with dynamic display shall be subject to the standards below. Billboards with dynamic display are regulated as nonconforming uses in section 64.302.~~

iii. Identification signs with dynamic display in residential districts

Committee Comment: Identification signs with dynamic display are allowed in residential districts, but they cannot meet the general the separation standard described in 64.405. This separation standard is only relevant to all business signs.

Committee Recommendation. Revise Sec. 64.405 as follows:

Sec. 64.405. Signs with dynamic display.

- (a) *Location and orientation.* Business and identification signs with dynamic display shall be at least seventy-five (75) feet, as measured along the road, from a residential district, and shall be at least fifty (50) feet from a residential district, measured radially. Signs with dynamic display intended to be read from a freeway shall be at least six hundred sixty (660) feet as measured along the freeway from any other sign with dynamic display designed to be read by drivers heading in the same direction. Signs with dynamic display shall not interfere with traffic and road safety due to placement and orientation as determined by the city traffic engineer.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6565
Facsimile: 651-228-3261*

Date: August 21, 2009
To: Planning Commission
From: Emily Goodman and Allan Torstenson
Subject: Public hearing testimony on the Signs with Dynamic Display Ordinance

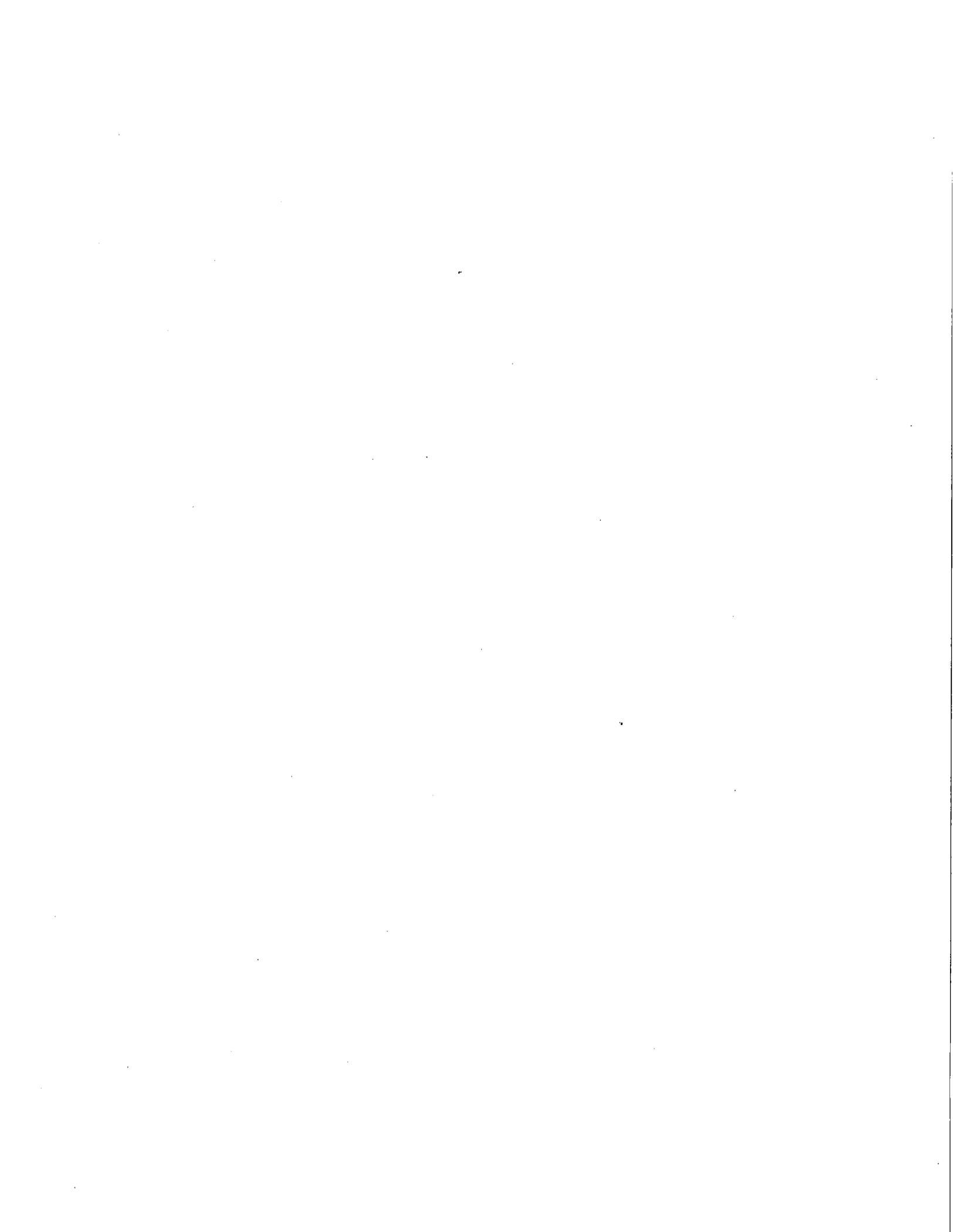
In the Neighborhood Committee proposal, in order to promote internal consistency in the Zoning Code, the following edit was suggested:

Add the following to Sec. 64.302 Nonconforming advertising signs; conversion to billboard with dynamic display:

- (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:
 - (2) The billboard is located at least one (1) mile measured ~~linearly~~ along the freeway from any other billboard with dynamic display and at least six hundred sixty (660) feet as measured along the freeway from any sign with dynamic display designed to be read by drivers heading in the same direction on the highway.

However, upon staff review, this recommendation seems redundant, given other changes the Neighborhood Committee also proposed. The Committee recommends deleting the now-redundant definition and regulations for billboards with dynamic display so that the definition and regulation of signs with dynamic display now clearly apply to all signs with dynamic display, including billboards with dynamic display. This means that the regulations listed in Sec. 64.405 now apply to billboards with dynamic display, including "Signs with dynamic display intended to be read from a freeway shall be at least six hundred sixty (660) feet as measured along the freeway from any other sign with dynamic display designed to be read by drivers heading in the same direction." In order to make the Zoning Code more concise, the proposed addition to Sec. 64.302 should be deleted so that the section reads:

- (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:
 - (2) The billboard is located at least one (1) mile measured ~~linearly~~ along the freeway from any other billboard with dynamic display ~~and at least six hundred sixty (660) feet as measured along the freeway from any sign with dynamic display~~ designed to be read by drivers heading in the same direction on the highway.



Approved minutes from April 24, 2009
Planning Commission

conditions on the Avenue generally where you see portable signage is where there is a mall situation (such as at Grand and Victoria). Mr. Regan said the unique thing about Grand Avenue is that all of the sidewalks are wide and are connected to a boulevard. All of the signs sit in the boulevard area which makes foot traffic clear so he does not see any signs in the sidewalk.

MOTION: Commissioner Wencil moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, April 27, 2009, and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.

★ Signs with Dynamic Display Ordinance – Item from the Neighborhood Planning Committee. (Emily Goodman., 651/266-6551)

Chair Alton announced that the Saint Paul Planning Commission is holding a public hearing on the Signs with Dynamic Display Ordinance. Notice of the public hearing was published in the Legal Ledger on April 2, 2009, and was mailed to the citywide Early Notification System list and other interested parties.

Emily Goodman, PED staff, gave a presentation on the proposed Signs with Dynamic Display Ordinance. She presented information on the background and rationale for the proposed ordinance and the substantive changes.

Commissioner Schertler said that there are four important issues here. One is the foundation of regulatory authority and the studies that justify regulation. What are those studies as they relate to safety?

Ms. Goodman said that the results of the studies are very closely linked with who funded the study. So if a study was funded by representatives from the sign industry; the studies indicate that there are not issues with safety. But if the study is not from the sign industry, then study results indicate electronic signs are a hazard to safety, it is simply another one of those hazards that drivers experience. If we treat all studies equally, they are a wash. There is a study coming out later this year that's funded by Federal Transportation Administration.

Commissioner Schertler had a question as to fairness. He said the regulations appear to be selecting certain entities to allow for providing information (e.g. Metro Transit, bank time, hockey team, etc.). Has someone from the City Attorney's Office given their legal opinion on this?

Ms. Goodman answered saying the idea of accepting things that are considered to be public services, such as time and temperature and public transit information is a standard practice, but the city attorney has not given their opinion whether that is legally sound or not.

Commissioner Margulies asked what differences exist between this proposed ordinance and ordinances that other cities have adopted, inquiring of staff what might be missing from this one.

Ms. Goodman answered saying that the greatest difference is that many communities choose to ban dynamic display signs outright. Stricter restrictions with regard to length of display, color, scrolling, and speed of transition are also common.

Commissioner Schertler brought up his last two points, expressing concern about the signs at the Xcel Center and also about the cost of regulation.

Ms. Goodman also noted letters that had been received from the Minnesota Sign Association and Daktronics with their comments.

Chair Alton read the rules of procedure for the public hearing.

The following people spoke.

1. Mr. David Baker, 2922 Meadow Brook Dr., Woodbury, MN 55125. He is chair of the Business Review Council for the city of St. Paul. Mr. Baker said the Saint Paul Business Review Council (BRC) voted unanimously to reject the proposed ordinance pertaining to business signs with dynamic displays at the April 1, 2009 full BRC meeting. However, the BRC does like some components of this legislation (e.g., permitting the signs in the B2 zone, relating brightness levels to ambient light, etc.).

Mr. Baker said that dynamic signs are good for business and can deliver public service announcements.

Mr. Baker expressed disagreement about several specific policies in the ordinance: they are not proposed to be allowed in TN districts, the distance between dynamic signs and billboards, and restrictions on schools and churches.

Mr. Baker believes that concern that dynamic display signs are dangerous is unfounded. In addition, when in heavy traffic Mr. Baker does not notice these signs because he keeps his eyes on the road.

We are asking that the Planning Commission forward this matter to the BRC for further discussion and additional fact finding.

Chair Alton said that this matter will be referred to a committee before a decision is made and the committee will study it. He also said that the committee meetings are public and he invited Mr. Baker to come and participate in the discussion.

2. Greg Rendall, president of the Minnesota Sign Association and Bill Amberg, an attorney representing the Minnesota Sign Association. Mr. Amberg said they submitted a letter to all the commissioners stating that they have some specific concerns with the draft ordinance changes. Referring to the letter he read some of the highlights. "The proposed change language concerning Electronic Message Centers (EMCs) causes some concerns for sign makers and local business owners. MSA is concerned that the proposed sign ordinance changes with regard to EMCs will have potentially negative impact on local businesses. The Small Business Administration estimates that businesses can raise their revenue anywhere from 15 to 150 percent with an EMC. Furthermore, EMCs are a good advertising value for small business that often cannot afford other means of advertising that larger businesses can.

Second, as you know, EMCs are intended for a variety of uses. They can be used for identification, similar to a traditional sign, but are typically deployed to provide timely

information to the public regarding goods, services, and promotions. They also provide public service information. Unlike signs utilized for strictly identification purposes (e.g., Target), EMC messages often need multiple frames to be effectively communicated. Regulations placing restrictive message durations (longer than a couple of seconds) accompanied with area restrictions and minimum font sizes prevent the public from seeing a complete message when passing a sign. Such requirements can force EMC owners to span messages out to an impractical duration.

Third, the proposed regulations also seek to limit EMCs to 20 percent of the allowed signage area. EMCs differ from traditionally illuminated signs only in their ability to display multiple messages. Saint Paul's regulations do not limit other illuminated signs.

Mr. Rendall said the biggest issue is only allowing EMCs to be 20% of the total allowed sign area. He believes that in the future strip centers will be built and the entire signage will be electronic message centers for aesthetic reasons. Additionally, Mr. Rendall does not think you can limit content or color to an institution. Mr. Rendall wants the ordinance to be future-thinking.

3. Adam Skare with Daktronics, Inc. says they are the world's largest providers of electronic message centers and digital display. He wanted to make two points about one topic and that is the 20% of the overall signage being dynamic. First, they feel that it should be up to the business owner to make the decision as to the percentage for their sign. Second, by restricting overall sign size for the digital portion it could make the sign difficult to read.
4. Joel Clemmer 2154 Fairmount Avenue, St. Paul, MN 55105, representing the Macalester Groveland Community Council Land Use Committee.

First, they are very concerned about the appearance of their communities. The technology for display and signage is changing and the ordinances have to change in order to keep up. Mr. Clemmer agrees with the intent of the proposed ordinance.

Secondly, Mr. Clemmer reviewed the studies that have been done by the National Transportation Safety Council and he said that they are very clear. If attention is lifted from the road for two seconds or longer the probability of crashes increases significantly. Therefore, signs with dynamic display present a safety hazard.

Third, they wish to maintain a fair environment for competition among businesses. However, they do not believe that applying reasonable restrictions to signage that are equally applicable to all businesses is interfering with that competition. Specifically the Macalester Groveland Housing Land Use Committee in its resolution approved of reasonable controls on dynamic display signs and agrees with the intent of the draft ordinance and the proposed amendments from St. Anthony Park Community Council. Mr. Clemmer recommends that there be one dynamic design sign on one zoning lot, rather than having an ordinance that permits multiple signs. Also they do not want to see scrolling or moving displays on an electronic business sign. In conclusion, he said they want to have a look at the ordinances regarding the 660 foot distance between electronic billboards and electronic business signs and to be careful that the ordinances are symmetrical.

5. Jeanne Weigum 1647 Laurel Avenue, St. Paul, MN representing Scenic St. Paul. She said

that they share the concerns of St. Anthony Park and they want to reintegrate the notion that these signs should not be within 660 feet of an electronic billboard and the reverse should also be true so the measurements should go in both directions. Ms. Weigum said as she listened to the presentation, she got the sense that City staff was creating the ordinance based on the MRP sign and the Xcel Center sign, effectively gerrymandering the ordinance to fit these. Ms. Weigum said that we need to create an ordinance that we want and the ordinance we need and grandfather in those two signs if needed. She supports the notion that the color should not be red but amber and that the signs should not swirl, twirl or scroll, because that's a distraction. Lastly, she said that there are electronic signs that mount inside a window and face out, aimed at attracting an audience on the street. This ordinance does not address that. She encourages that this issue of window signs be looked at and either add it to this proposal or ask staff to go back and address that issue.

MOTION: *Commissioner Wencil moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, April 27, 2009, and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.*

V. **Zoning Committee**

OLD BUSINESS

#09-041-108 Capitol Car Co. – Enlargement of nonconforming use for a new, larger building for motor vehicle salvage, auto repair, auto body repair, and outdoor auto sales businesses. 388 Como Avenue, SW corner at Western Avenue. (Josh Williams, 651/266-6659)

MOTION: *Commissioner Morton moved the Zoning Committee's recommendation to approve the enlargement of nonconforming use.*

Commissioner Morton stated that she voted to deny the enlargement of nonconforming use at the Zoning Committee meeting. Her concern was that the City is moving forward with a new road that will go through the property. She asked for information about the timeline, if the city has the money to purchase this right away, and what would be the position of the city if this enlargement is approved.

Peter Warner, Assistant City Attorney, said that he had spoken with Mr. Maczko from the City's Public Works Department, and his understanding is that the City Council has not yet approved the final order to do this street improvement project. The City has condemnation authority, but cannot exercise that authority until a final order has been approved by the City Council. The Council may approve this final order on May 6th. There are two parallel aspects to this: the City's legal right to condemn a property and the property owner's legal right to improve his/her property. One does not preclude the other. If the Planning Commission accepts the recommendation of the Zoning Committee, this property owner can exercise his legal right to make improvements to his property. Doing that does not preclude the City from exercising its legal right to condemn the property, but it may cost the City more money.

Commissioner Schertler asked if the approval of this request is discretionary by this board.



1000 Westgate Dr., Ste 252 St. Paul, MN 55114-1067

Emily Goodman
Office of the City Planner
1400 City Hall Annex
25 West Fourth Street
St. Paul, Minnesota 55102

April 22, 2009

RE: Proposed Changes to the City of St. Paul Sign Ordinance

Dear Ms. Goodman:

It has come to our attention that the City of St. Paul is in the process of amending the sign ordinance portions of the St. Paul code. The Minnesota Sign Association (MSA) is the trade association for Minnesota sign makers and represents the interests of sign makers throughout Minnesota before the State Legislature and local governments. The MSA has some specific concerns with the draft ordinance changes, discussed below.

First, we have prepared a few suggested changes to the proposed amendment to the St. Paul, which are attached. The proposed change language concerning Electronic Message Centers (EMCs) causes some concerns for sign makers and local business owners. MSA is concerned that the proposed sign ordinance changes with regard to EMCs will have a potentially negative impact on local businesses – during very difficult economic times. The Small Business Administration estimates that businesses can raise their revenue anywhere from 15 to 150 percent with an EMC. Furthermore, EMCs are a good advertising value for small businesses that often cannot afford other means of advertising that larger business can.

Second, as you know, EMCs are intended for a variety of uses. They can be used for identification, similar to a traditional sign, but are typically deployed to provide timely information to the public regarding goods, services, and promotions. They also provide public service information. Unlike signs utilized for strictly identification purposes (e.g., Target), EMC messages often need multiple frames to be effectively communicated. Regulations placing restrictive message durations (longer than a couple of seconds) accompanied with area restrictions and minimum font sizes prevent the public from seeing a complete message when passing a sign. Such requirements can force EMC owners to span messages out to an impractical duration.

Third, the proposed regulations also seek to limit EMCs to 20 percent of the allowed signage area. EMCs differ from traditionally illuminated signs only in their ability to display multiple messages. St. Paul's regulations do not limit other illuminated signs'

area to such an extent. Nor do the current regulations limit on-premise EMCs' area. Such area restrictions accompanied with the proposed 12 second or 20 minute hold-times (depending on the zone), drastically restrict sign owners' ability to communicate. If enacted, these regulations would force sign owners to place messages on EMCs which are much too small to display messages. This inhibits EMC owners' ability to display legible information, and ultimately prevents the public from easily identifying and reading these valuable messages.

Fourth, EMCs in any area must be separated by 660 feet under current ordinance. The proposed regulations seek to strike this provision from most areas of the City, with the exception of areas adjacent to freeways. While eradicating distance restrictions from the code is a positive step, the EMCs in proximity to a freeway should also be excluded from such restrictions. The Federal government specifically exempts on-premise signs along federally regulated highways from regulations. Distance regulations are meant for off-premise signs. EMCs are expensive enough that not every business can afford them. Any fears of proliferation are unreasonable and unsubstantiated.

Finally, we would like for these concerns of Minnesota sign makers be seriously considered at the April 24th Planning Commission meeting. Representatives of the MSA plan to be in attendance at this meeting and will be able to answer any questions that you or the city council may have.

Please do not hesitate to contact me if you have any questions.

Sincerely yours,



Greg Rendall
President
Minnesota Sign Association

Cc: Brian Alton, Chair, St. Paul Planning Commission
Terra Wilson, Daktronics
Adam Skare, Daktronics
William J. Amberg, MSA attorney

PUBLIC HEARING TESTIMONY FROM BILL AMBERG,
ATTORNEY FOR MINNESOTA SIGN ASSOCIATION (APRIL 24, 2009)

Saint Paul, MN

The following changes should be made to the proposed ordinance amending the Legislative Code Chapter 64 released March 4, 2009. Only portions of the proposed ordinance needing revision were included in this document.

Note: Underlining and strike-throughs show the changes from the proposed ordinance as released by the Planning Department, November 21, 2008.

Definitions

That Legislative Code Chapter 64 and the various definitions contained therein are hereby amended by amending the term "Flashing sign" from § 64.107.F., and adding the following new paragraphs under § 64.121.A, § 64.121. F. and § 64.121. S. to read:

Sec. 64.103. A.

Advanced speed arteries. A limited access freeway or other road upon portions of which speeds of forty-five (45) miles per hour or greater are permitted.

Advertising sign. A sign which directs attention to a business, profession, commodity, service or entertainment which is conducted, sold or manufactured elsewhere than on the premises upon which the sign is placed. It shall be considered as a nonaccessory sign except that an advertising sign on a professional sports facility with permanent seating for more than ten thousand (10,000) spectators shall be considered as accessory. Billboards are a form of advertising sign. Advertising signs located on bus stop shelters, courtesy benches and newsstands are regulated under other chapters and are not subject to the requirements of this chapter. Sports facility sponsorship signs are a special type of off-premise sign and are subject to different regulations from advertising signs.

Animation. The use of movement or some element thereof, to depict action or create a special effect or scene.

Sec. 64.108. F.

Flashing sign. A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated for the purpose of drawing attention to the sign. ~~An illuminated sign on which the illumination is not kept stationary or constant in intensity or color at all times when the sign is in use. An electronic message sign is not considered a flashing sign.~~

Frame effect. A visual effect on a sign with a dynamic display applied to a single frame to transition from one message to the next.

Freestanding sign. A sign which is mounted into the ground or supported by one (1) or more upright poles, columns, or braces placed in or on the ground and not attached to any building.

Sec. 64.121. S.

Sign. The use of words, numerals, figures, devices, designs or trademarks the purpose of which is to show or advertise a person, firm, profession, business, product or message.

Sign with dynamic display. A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. A sign on which the 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 sign face.

Sports facility sponsorship sign. An accessory sign that is located at a ballfield, hockey rink, or golf course used by the public for athletic activities, and that identifies a sponsor in recognition of the sponsor's financial support for the sports facility and sports programs at the facility.

State building code. The Minnesota State Building Code, as may be amended from time to time, including all amendments thereto made from the date of enactment of the state building code.

Streaming Video. The use of live action footage shot with a video camera or similar device which is sized to fit and be displayed by a sign with a dynamic display or similar device.

Swinging sign. A sign that moves back and forth freely, or sways in the wind.

Provisions Relating to Signs with Dynamic Displays

That Legislative Code Chapter 64's General Provisions are hereby amended by creating § 64.422 to be entitled "Signs with dynamic display." That section will read as follows:

Sec. 64.422. Signs with dynamic display except billboards.

- (a) Signs with dynamic display shall be subject to the standards below. Billboards with dynamic display are regulated as nonconforming uses in section 64.302.
- (1) The signs shall be restricted in their placement and orientation so that:
- a. Business signs with dynamic displays are at least seventy-five (75) feet, as measured along the road, from a residential district, and shall be at least fifty (50) feet from a residential district, measured radially, unless the illuminated portion of the dynamic display is not visible from a residential district;
 - b. Signs with dynamic displays do not interfere with traffic and road safety due to placement and orientation as determined by the city traffic engineer; and
 - e. ~~Signs with dynamic display intended to be read from highways shall be at least six hundred sixty (660) feet as measured lineally along the freeway from any billboard with dynamic display designed to be read by drivers heading in the same direction on the highway.~~
- ~~(2) The signs shall be restricted in the measured area of their dynamic displays so that the dynamic displays may occupy no more than twenty (20) per cent of the total allowable signage of the property. The remainder of the sign must not have the capability to have dynamic displays even if not used.~~
- (3) (2) The signs shall be restricted in their illumination and brightness so that:
- a. No sign with dynamic display may exceed a maximum illumination of .3 foot candles above ambient light levels as measured from one hundred (100) feet from the sign's face.
 - b. *No sign with dynamic display may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, signal or the safety of the*

public, or located where it would do so as determined by the city traffic engineer;

- c. All signs with dynamic displays having illumination by means other than natural light must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness to comply with the requirements of this section.
 - e. If there is a violation of the brightness standards, the adjustment must be made within one (1) business day upon notice of non-compliance from the city; and
 - f. Signs with dynamic displays must be designed and equipped to freeze the sign face in one position if a malfunction occurs. Signs with dynamic displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner or operator must ~~immediately~~ turn off the display within forty eight (48) hours of notification when notified by the city that it is not complying with the standards of this ordinance.
- (4) The following standards shall apply to the duration, transition, and other characteristics of signs with dynamic display. For residential districts, additional restrictions are listed in section 64.502.
- a. Except at professional sport facilities, signs with dynamic display shall not include moving video images.
 - b. Signs within INSERT HEAVY COMMERCIAL AND INDUSTRIAL ZONES be permitted subject to the provisions of this Chapter and subject to the following:
 - 1. Such signs may contain animation and frame effects; and
 - 2. Such signs shall not contain flashing.
 - c. Signs within INSERT LIGHT COMMERCIAL OR WELL-TRAVELED ZONES shall be permitted subject to the provisions of the Chapter and subject to the following:
 - 1. Such signs shall contain static messages for a period of at least one (1) second before transitioning to another static message; and

2. Such signs may contain frame effects for the purpose of transition, so long as no effects contain the appearance of flashing.
- ~~b. Signs with dynamic display may either have stable text or images, or they may have scrolling text. Signs with dynamic display which contain stable text or images may not change their text or image more than once every [12] seconds. Signs with dynamic display which contain scrolling text may not scroll at a rate faster than [1] word per second, where words contain an average of five (5) characters each.~~
- ~~c. 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 except for fading and dissolving that takes less than one [1] second;~~
- ~~d. Stable or scrolling text on signs with dynamic display must be monochromatic. Images on signs with dynamic display may be full color.~~
- e.d. Signs with dynamic displays shall not emit sound except for drive-through sales and services as allowed under section 65.513.
- ~~f. e. Other modes of displaying messages are prohibited. Modes which cause the message to flash are prohibited.~~

Provisions Relating to Signs with Dynamic Displays in Residential Districts

That Legislative Code §64.502 “RL through RM3 residential districts” is hereby amended to reflect the restrictions on signs with dynamic display set forth in § 64.422 “Signs with dynamic display” for park, community centers, and religious, civic or philanthropic institutions and are prohibited elsewhere in the districts.

Sec. 64.502. RL through RM3 residential districts.

(a) *Identification signs:*

- (4) For parks, community centers, and religious, civic, educational or philanthropic institutions, one (1) identification sign, not exceeding a total of thirty (30) square feet in area for each street frontage, and one (1) bulletin board not exceeding a total of thirty (30) square feet in area. Such bulletin board signs may be signs with dynamic

display and abide by the provisions set forth in section 64.422. In addition, they shall not:

- a. Flash.
- b. ~~Use any images except for alphanumeric text.~~
- c. ~~Be in any color other than red or amber.~~
- d.b. Change their displays faster than every three (3) seconds ~~twenty (20) minutes.~~
- e.c. Remain illuminated between the hours of 10 PM and 7 AM.

April 22, 2009

Planning Commission
City of Saint Paul
25 West Fourth Street
Saint Paul, MN 55102

Re: City of Saint Paul Sign Regulations

To Whom This May Concern;

In reference to the proposed regulations pertaining to signs with dynamic displays; we would like to provide the following comments regarding Saint Paul's amendment to the Legislative Code Chapter 64. We hope you find this letter beneficial.

Daktronics, Inc. is the world leader in the design and manufacture of electronic display systems. Daktronics offers many products, including signs falling under Saint Paul's proposed definition for "signs with dynamic displays," which we commonly refer to as electronic message centers (EMCs). Herein, I will refer to signs with dynamic displays as EMCs.

Usage Regulations

We would like to applaud the Planning Commission for its consideration of positive regulations for EMCs within Saint Paul. Such measures will benefit both sign owners and the city alike. To our understanding, however, the Commission is seeking to place restrictive message time restrictions, while imposing size limitations that are less than a fourth of the allotted area is currently permitted for these signs. Such limitations will have a devastating impact on the amount of speech EMCs can portray, and will ultimately impact businesses' as well as the community's economic well-being.

The proposed regulations seek to require that EMCs' messages remain static for at least 12 seconds or 20 minutes (depending on the district), with limited scrolling allowances in certain commercial districts. EMCs are often too small to display an entire message in a single frame. They need multiple frames to effectively portray an entire message to the public. Regulations placing restrictive message durations (longer than a couple of seconds) as well as strict area limitations prevent the public from seeing a complete message when passing a sign. Such requirements force EMC owners to span messages out to an impractical duration; whereas, if they are given the latitude to pass on information in a timely manner, the potential for communication deficits will be mitigated.

When drafting regulations pertaining to EMCs, it is paramount that such regulations are written to reflect the amount of commercial and industrial activity within an area. Daktronics recommends using provisions, which regulate EMC usage based on the amount of commercial activity within a given zone. Rather than a "one size fits all" approach, we recommend that areas containing large amounts of commercial activity be afforded more lenient usage regulations. While in more protected areas, a more restrictive usage may be implemented. However, it is important to remember, as stated previously, that

requiring message durations lasting more than a couple of seconds can severely inhibit the amount of communication expressed to the public.

Area Limitations

The proposed regulations seek to limit EMCs to 20 percent of the allowed signage area. Such regulations would force sign owners to place messages on EMCs which are much too small to display said messages. This inhibits EMC owners' ability to display legible information, and ultimately prevents the public from easily identifying and reading these valuable messages. Providing area allowances equal to the requirements within the current sign standards will mitigate the potential communication deficits caused by restrictive area limitations.

Distance Requirements

Currently, EMCs in any area must be separated by 660 feet. The proposed regulations seek to strike this provision for most areas, with the exception of areas adjacent to freeways. While ridding the code of the distance restrictions is a positive step, the EMCs in proximity to a freeway should also be excluded from such restrictions. The Federal government specifically exempts on-premise signs along federally regulated highways from regulations. Distance regulations are meant for off-premise signs. Allowing EMCs by right in a particular location, regardless of their proximity to a freeway, eliminates the "race to the permitting office" and prevents unfair advantages caused by allowing some businesses to erect an EMC while preventing others.

Brightness

Finally, we would like to applaud the Commission for its consideration of the use of foot candles to measure brightness. Requiring 0.3 foot candles above ambient light is one of the most user- and regulation-friendly methods of measuring EMC brightness. Where Nits (Candelas per meter squared) can only measure how much light the sign is emitting, and not how bright the sign seems to the human eye, foot candles measure the amount of light being added to the ambient environment. Such limitations are based on acceptable practices of the Illuminating Engineering Society of North America.

It is important to note, however, that the proposed language suggests measuring all EMCs at a distance of fifty (50) feet from the sign. The foot candle standard depends on a variety of factors, including the size of a display. The measurement process may be negatively affected if all signs are measured at a distance of fifty (50) feet. The measurement suggestions listed below line out industry standard measuring distances, based on the size of the sign. These distances are applicable to digital billboards as well.

0-100 square foot signs to be measured 100 feet from source,
101-350 square foot sign to be measured 150 feet from source,
351-650 square foot sign to be measured 200 feet from source,
651-1000 square foot sign to be measured 250 feet from source,
Over 1000 square foot sign to be measured 350 feet from source.

When writing amendments regarding this valuable technology, local regulators should be aware that overly restricting EMCs can negatively affect business owners', as well as the community's economic wellbeing. The Small Business Administration estimates that businesses can raise their revenue anywhere from 15 to 150 percent with an EMC. Such an increase in business not only positively impacts

DAKTRONICS

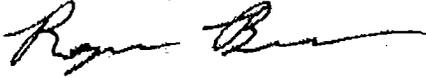
business owners it also positively impacts their communities by increasing tax base. In a struggling economy, small and large businesses alike need a cost-effective advertising medium that has been proven to work.

We would like to express our support of the alternate suggestions pertaining to EMCs which were submitted for review by the Minnesota Sign Association. Such provisions will assure community tastes are protected while allowing business owners appropriate usage of this valuable medium.

Daktronics is committed to providing information and aiding regulatory entities in drafting appropriate regulations for EMCs, which cater to both community tastes and the needs of local business owners.

Please let me know if you have any questions or concerns.

Sincerely,



Roger Brown
Signage Legislation
605-695-7060

CC:

Terra Willson, Daktronics
Adam Skare, Daktronics
Bill Amberg, Ewald Consulting
Greg Rendall, Minnesota Sign Association



BUSINESS REVIEW COUNCIL

David Baker, Chair

Robert Humphrey, BRC Staff



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

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St Paul, Minnesota 55101-1806

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st

April 24, 2009

TO: Saint Paul Planning Commission

FROM: David Baker, Chair, Saint Paul Business Review Council

RE: Testimony to April 24, 2009, Saint Paul Planning Commission Public Hearing held at 8:30 AM, in City Hall Conference Center Room 40

Key Points Discussed:

- The Saint Paul Business Review Council (BRC) voted unanimously to reject the proposed ordinance pertaining to business signs with dynamic displays at the April 1, 2009, Full BRC meeting.
- The Business Review Council does like some components of this legislation. For instance, the fact that this legislation allows these business signs in B2 districts.
- The Business Review Council approves of use of these signs in mixed use type developments.
- The Business Review Council approves of the idea to address brightness issues pertaining to ambient lights.
- Static signs become background and people do not notice them.
- Dynamic signs can deliver important information such as "amber alerts" to the public.
- The proposed restrictive distance between signs is a major issue.
- Why is this ordinance restrictive to schools and churches advertising such things as Sunday worship, class plays, and basketball and football schedules?
- Proposed fear of dynamic displays being dangerous to the public due to distracted drivers are unfounded. It depends on whose study you look at. In addition, when in heavy traffic I do not notice these signs as I'm keeping my eye on the road.

- The Department of Safety and Inspections (DSI) is currently undergoing extremely difficult economic times. Should DSI spend extremely limited amounts of staff time enforcing such a trivial ordinance?
- The Business Review Council would like to further refine this legislation. The public, and clearly businesses, have not had the opportunity to provide enough feedback regarding this ordinance. We are asking that the Planning Commission forward this matter to the BRC for further discussion and additional fact finding.

April 27, 2009

To the Members of the Planning Commission:

I am writing to express the support of the St. Anthony Park Community Council for the draft ordinance regulating dynamic display business signs, with some modifications. On April 9th, the Board of Directors passed the following resolution:

SAPCC recommends the following changes to the proposed dynamic display sign ordinance:

- 1. If no electronic business sign can be less than 660 feet from an electronic billboard, then no electronic billboard should be allowed within 660 feet of an electronic business sign. Otherwise, the intent of separating the distractions is defeated if the business sign is there first.*
- 2. No more than one dynamic design sign should be allowed on a zoning lot, with the size of the dynamic display being based on a percentage of the sign face, not the total allowable signage on the lot.*
- 3. No scrolls or other moving displays should be allowed on the electronic business sign. They are more distracting than stable text that changes every 12 seconds.*
- 4. Allow muted red text on black background only. These colors are less intense and therefore less distracting than white or other bright colors. If more than these two colors are allowed on dynamic signs, the various signs will cause distraction as they use differing colors to compete for attention.*
- 5. No dynamic signs should be permitted in a B-2 zone*
- 6. No dynamic signs be permitted in an historical district without the approval of the HPC.*

On behalf of the SAPCC, I send thanks for your consideration.

Sincerely,\



Amy Sparks, Executive Director
St. Anthony Park Community Council