



CITY OF SAINT PAUL  
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Date: February 24, 2010  
To: Planning Commission  
From: Neighborhood Planning Committee  
Subject: City Council Resolution (3077776) Requesting Study of Sign Regulation Issues

### **General background**

In the course of the 2009 adoption process for the amendments to Chapter 64 regarding signs with dynamic display (GS#3077776), several related issues came to the attention of the City Council. When it was determined that these issues were outside the scope of the signs with dynamic display public hearing process, the City Council chose to pass a resolution requesting that the Planning Commission undertake further study those issues. These issues include: measurement of double-faced and V-shaped sign area, permitted illumination level, regulation of window signs, number and size of exterior banners, and permitted exemptions for signs of city, county, state, and federal governments that provide public information. The following memo provides an issue summary, description of existing regulation, analysis and research, and recommendation for each of these five issues. The Neighborhood Planning Committee recommends that the Planning Commission release this memo for public hearing and set a date of April 23, 2010.

### **1. Double-faced and V-shaped sign measurement.**

#### Summary.

Currently, the City of Saint Paul counts only one side of a double-faced sign or V-shaped sign toward the surface area of a sign. The City also mandates that the sign faces on double-faced or V-shaped signs be separated by no more than eight-feet or a thirty-five degree (35) angle. This regulation is in accord with what most communities that have specific provisions addressing the measurement of double-sided or V-shaped signs do. Generally, back-to-back, parallel signs not separated by more than a few feet are treated as a single sign for purposes of measuring area. This same principle often applies to V-shaped signs as long as the angle between the signs does not exceed some fixed measure (often 45 degrees). Because they are in accord with other municipalities throughout the country, the City of Saint Paul's regulations should not be amended.

#### Existing regulations.

##### *64.401 All Signs.*

(f) All signs with the display surfaces back-to-back and parallel shall have no more than an eight-foot distance between each surface. All signs with the display surfaces at an angle to one another shall have

the angle no greater than thirty-five (35) degrees. Display surfaces shall face in opposite directions and shall be owned by the same permittee.

(m) Only one side of a double-faced sign or V-shaped sign shall be used to compute the gross surface display area, display surface area or sign area of a sign.

#### Research and analysis.

Most municipalities count only one side of a parallel or V-shaped sign toward the total allowable sign area. The ordinances in Columbia (Illinois), Duluth (Minnesota), Portland (Oregon), Racine (Wisconsin), and Raleigh (North Carolina) all state that only one side of a double-sided or V-shaped sign should be counted toward the area. Other cities introduce the caveat that only one side of a V-shaped sign should be counted if the distance between the two faces is no greater than a certain amount. Bend (Oregon) and Mesa (Arizona) both use two feet as this standard, while Outagamie County (Wisconsin) uses 42 inches. More commonly, the distance permitted between the sign faces is measured in degrees: if the angle between sign faces is a certain number of degrees or less than only one face of the sign is counted. Cities that use degrees include Cary (North Carolina), Chicago (IL), Marshfield (Wisconsin), Minneapolis (Minnesota), Sandy (Utah), St. Louis (Missouri), and Wilmette (Illinois). The degrees permitted in these municipalities range from 30 to 60. While uncommon, there are a few municipalities that count both sides of v-shaped signs toward the permitted sign area, regardless of the distance or angle between them, including Carpentersville (Illinois), Panama City (Florida), and South Saint Paul (Minnesota).

#### Recommendation.

No change to the existing regulations.

## **2. Permitted illumination level for signs.**

#### Summary.

The current standard for maximum permitted light trespass (for all types of lighting, including signs) is three foot candles measured at the residence district boundary. This standard is generally considered to be too high, especially as it pertains to signage, as full indoor light is generally five to ten foot candles. In 2009, the maximum illumination level permitted for signs with dynamic display was reduced to three-tenths foot candles. This new standard should be adopted for all signs.

#### Existing regulations.

Chapter 63 of the Zoning Code contains regulations of general applicability. *Section 63.116 Exterior lighting* includes the lighting standard examined in this study:

(a) All outdoor lighting in all use districts, including off-street parking facilities, shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences in such a way as not to exceed three (3) foot candles measured at the residence district boundary.

The current language in 63.116 was adopted by Ordinance #16799, effective July 5, 1981, as part of a study on site plan review. There was no additional information contained in the City files regarding the justification at that time for the lighting standards. Since that time, the Department of Safety and Inspections has enforced the standards on a complaint basis. There has been controversy over the 3 foot candle standard. Notably, residents across from the Bremer Bank building complained that the sign on top of it, which went up in 2005, was too bright at night and adversely impacted their sleep. While Department of Safety and Inspection staff did visit the site to address the complaint and believed the light appeared very bright, it did not exceed the 3 foot-candle standard. For reference, a foot candle is a standard unit of measure that is equivalent to the light received in a 1 foot radius of a candela. Full light

on a sunny day is around 10,000 foot candles, shade is closer to 100 foot candles, and indoor full light will be 5 – 10 foot candles or up to 10 – 50 foot candles in particularly well-lit areas.

#### Research and analysis.

*Rationale.* Light pollution, excessive artificial lighting, has adverse impacts on wildlife, human health, and the economy. Light pollution upsets the natural circadian rhythm of animals, which, in turn, results in various specific problems including: decrease in reproduction, increased exposure to predators, difficulty foraging, and light hypnosis, which with causes collisions, death, exhaustion, and disruption of natural migration paths (*Light Pollution and Wildlife*, International Dark Sky Association, 2008). Humans are not exempt from problems caused by disruption of the circadian rhythm due to light pollution. Light pollution can cause disability glare, decrease in melatonin levels, and sleep disorders, which in turn cause stress, depression, weight gain, and diabetes. Additionally, new research indicates the consequences for humans may be even more profound and dire and the World Health Organization lists “shiftwork that involves circadian disruption” as a probable carcinogen. Additionally, overly bright light can mask intruders or create shadows in which they can hide, which are threats to safety (*Light Pollution and Human Health*, International Dark Sky Association, 2009). Light pollution means wasted light, estimated at 22,000 gigawatt-hours a year, which means that there is an adverse impact on the economy and environment from unnecessary expenditures of energy (*Light Pollution and Energy*, International Dark Sky Association, 2009). Reducing the tolerance for light spillover into residential uses will help mitigate all of these adverse consequences by reducing light pollution.

*Other municipalities.* LEED-NC, a standard from the U.S. Green Building Council, requires residential neighborhood projects to reduce light trespass at the property line to no more than .1 footcandles. Ann Arbor, MI, whose new lighting code is renowned nation-wide, also requires residential neighborhood projects to reduce light trespass at the property line to no more than .1 footcandles. In Citrus Heights, CA, “no outdoor lighting fixture shall be installed, aimed, or directed to produce light or glare that spills over into neighboring properties or the public right-of-way that exceeds 0.5 footcandles within two feet of the property line of the light source.” In Cotati CA, “no lighting on private property shall produce an illumination level greater than one footcandle on any property within an RR, RVL, NL, NM, or NU zoning districts except on the site of the light source.” In the general performance section of the Minneapolis Zoning Code, it is stated that “lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.”

#### Recommendation.

Amend Section 64.401 All Signs so that it reads:

(q) *Illumination and brightness.* No sign 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.

### **3. Internal window signs oriented toward street and pedestrian and motor traffic.**

#### Summary

The City of Saint Paul does not currently regulate signs inside of buildings. While some communities regulate the percentage of windows that can be devoted to signage (often distinguishing between permanent and temporary window signage), to initiate such a regulatory process in Saint Paul would first require initiating a challenging permitting process, the difficulties surrounding which are described in the “background” section below. The ultimate benefit of this permitting process must be weighed against the difficulty and cost in administering it.

### Existing regulations.

There are currently no general regulations for interior signs of any kind in Chapter 64 of the Zoning Code. Chapter 34 of the City Code sets forth regulations for the interior of buildings and also does not include regulations for interior signs. There are, however, several special district sign plans in Chapter 64 which include regulation for interior window signs:

#### *Sec. 64.625(e) White Bear Avenue special district sign plan.*

- (8) Permanent window signs are permitted and shall not exceed ten (10) percent of the store window glass area.

#### *Sec. 64.745. Grand Avenue special district sign plan.*

Window signs, including temporary window signs, should not exceed 30% of the store window glass area. The lettering of the business name should not exceed twelve (12) inches in height. The lettering for other information should not exceed one inch in height.

Temporary window signs add to visual clutter and should be used only to advertise the property for sale, rent, or lease, or for specific short-term sales for no more than three (3) nonconsecutive times per calendar year for a period of not more than thirty (30) days per time. Old paper signs are easily associated with “going out of business” sales.

#### *Sec. 64.750. Highland Village special district sign plan.*

Permanent window signs painted on the surface of the window are permitted. Such signs can be as effective as wall signs but can be blocked from view by parked vehicles. Window signs are most effective for pedestrian traffic and can give the most information. They are the last sign seen before entering a business, and pedestrians have time to read more detail.

Window signs shall not exceed 10% of the store window glass area. The lettering of the business name should not exceed six inches in height. The lettering for other information should not exceed one inch in height. Letters with bright colors or gold are the most visible whatever the lighting conditions are inside or outside.

#### *Sec. 67.302(i) SDC Shepard Davern commercial redevelopment overlay district.*

- (1) Permanent window signs, without advertising, may be painted on the surface of the window. Such signs shall not exceed ten (10) percent of the window glass area.
- (2) Temporary window signs, without advertising, may be affixed to the inside of the window. Such signs shall not be in place longer than thirty (30) days and shall not exceed ten (10) percent of the window glass area.

### Research and analysis.

While the issue of whether current sign code is or should be applicable to interior window signs has been raised previously (at a 2002 zoning case [ZF#02-127-081] and the 2009 public hearings on signs with dynamic display), each time the relevant governmental body affirmed that the City of Saint Paul’s Zoning Code does not regulate interior window signs. If the City of Saint Paul were to initiate interior window sign regulations at this time, it would face significant challenges.

To begin, any amendment to the Zoning Code would not be retroactive; existing interior window signs would not be subject to new regulation. However, because interior window signs have not required a permit historically, there is no record of what interior window signage exists today and would therefore be

grandfathered in. Even if determining which signage would be eligible for enforcement were not an issue, the City would face several challenges in moving forward with regulation, some practical and some fiscal.

First, it would be difficult to inform business owners of their burden to obtain a sign permit and comply with regulation. For exterior signage, business owners are often made aware of such requirements by professional sign contractors, who are needed for installation of exterior signage. The installation of interior window signs does not necessitate the assistance of a professional. Without a clear notification mechanism, enforcement would occur on a complaint basis, and interior window sign regulation would not be fairly or consistently applied throughout the city.

Second, the City would experience a financial and personnel burden which would likely be passed on to small businesses. The number of permits expected for interior window signage is anticipated to be twice that of exterior signage, or about 630 permits annually. Previously, the sign regulations were administered by 1 FTE, which is now down to .7 FTE due to budget constraints. The responsibilities for this position include issuing sign permits, investigating sign complaints, enforcing sign violations and providing information about sign regulations to businesses and institutions desiring signs. To also enforce interior window signage, the City would need to hire or re-allocate 1 FTE. The salary, fringe benefits, and associated operating costs for an entry-level Inspector II position would be \$74,651 per year. Because these enforcement positions are meant to be self-supported through permitting fees, the cost would likely be passed on to business owners, who would need to pay \$118 per permit. These business owners would likely be proprietors of small, neighborhood businesses which typically use window signs as an inexpensive way to draw customers. To create a window sign program would target these types of businesses and force them to incur additional regulation and expense, which would be in conflict with the City's efforts to encourage the opening and retention of small businesses.

To conclude, initiating a permit process for interior window signs would be costly to administer and of limited benefit. Meaningful regulation about percentage of window area covered, temporary window signs, spot lights and illumination of window signs, and dynamic window signs would be predicated upon a successful permit process. Because the only complaints the Department of Safety and Inspections has received are from the Downtown area, sign district amendments, like those already in the code pertaining to window signs, would be more appropriate to addressing this issue, rather than creating new regulation to pertain to all interior window signage throughout the City.

#### Recommendation

No change.

#### **4. Number and size of exterior banners.**

##### Summary.

Currently, banners are generally permitted throughout the City, except in certain overlay districts. These banners, a type of temporary sign, are not to exceed one hundred twenty (120) square feet in area or be more in number than one (1) per twenty (20) feet of frontage. However, banners that are freestanding or wall signs cannot exceed a total of thirty-two (32) square feet. The Zoning Code would benefit from a study that would consider amendments regarding banner signs within the context of all temporary signs.

##### Existing regulations.

###### *Sec. 64.122 T*

*Temporary sign.* A sign, flag, banner, pennant or valance constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, which is not permanently secured, and is intended to be displayed for a limited period of time only. Temporary signs may remain in place during the time of the construction of a building, during the time a building is offered for sale, rent or

lease, until the closing date of sale, or until such building is leased or rented, or as otherwise regulated herein. A portable sign shall not be deemed to be a temporary sign.

*Sec. 64.419 Temporary and portable signs*

(a) *Dimensions:* No temporary sign shall exceed a total of one hundred (100) feet in area or six (6) feet in height except as otherwise provided herein.

(d) *Cloth signs and banner:* In all zoning districts unless otherwise provided:

(3) No cloth or banner sign shall exceed a total of one hundred twenty (120) square feet in area, and there shall be no more than one (1) such sign for any twenty (20) feet of frontage of any building fronting on public property.

Sec. 64.504 (b) (4)

Temporary signs shall be permitted as follows:

- a. Banners, pennants and stringers.
- b. Freestanding and wall signs, the total area not to exceed a total of thirty-two (32) square feet.
- c. Such signs shall be permitted three (3) nonconsecutive times per calendar year for a period of not more than thirty (30) days per time or once per year for 90 days.

Research and analysis.

Cities surveyed that mention maximum banner size in their municipal codes tend to include more restrictive maximums than the City of Saint Paul currently employs. Bend (Oregon), Cary (North Carolina), and Sandy (Utah) all have a maximum of 32 square feet. While Cincinnati (Ohio) says that banners may not exceed 12 by 12 feet and Miami Gardens (Florida) limits them to 50 square feet. These cities and others surveyed did not also include restrictions on the number of banners permitted. Minneapolis (Minnesota) elects to regulate commercial banners as signage and requires banners to comply with general sign regulations regarding area and number.

The City of Saint Paul currently has two different regulations for size which may be applied to banners, which fall on either side of the regulatory spectrum. According to Sec. 64.419, temporary banners may not be larger than one hundred twenty (120) square feet. However, according to Sec. 64.504 (b) (4), temporary banners that can be considered to be freestanding or wall signs may not exceed an area of thirty-two (32) square feet. The Zoning Code does not include a definition for banner signs. The Department of Safety and Inspections has struggled in recent years with negotiating the permitting process for banner signs that could arguably fall under either section of the Zoning Code. However, to change one section to make it more in accord with the other would have implications for temporary signage beyond the scope of banner signs. The Zoning Code is due for a substantial re-write regarding temporary signs to address these and other issues.

Recommendation.

Request a Planning Commission study of all temporary signs.

**5. Exemptions for signs of city, county, state and federal governments that provide orientation, direction, or traffic control information.**

Summary.

Sec. 64.401 (l) permits these signs in all zoning districts, but does not exempt them from permits or other provisions in this chapter. In practice, however, the City of Saint Paul does not require permits for public traffic control or other directional signs. The provision in Sec. 64.401 (l) seems simply to be misplaced and belongs in Sec. 64.204 Exemptions.

Existing regulations.

*Sec. 64.401(l)*

Signs of the city, county, state, and federal government and subdivisions and agencies thereof which give orientation, direction or traffic-control information shall be permitted in all zoning districts.

Recommendation.

Amend Chapter 64:

*Sec. 64.204 Exemptions.*

(a) The following signs shall be exempt from the requirements of this chapter: Signs of the city, county, state, and federal government and subdivisions and agencies thereof which give orientation, direction or traffic-control information.

(b) The following signs shall not require a permit. These exemptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this chapter or any other law or ordinance regulating the same.

(1) ~~(a)~~ The changing of the message on the display surface of signs that are designed to have changeable copy.

(2) ~~(b)~~ Signs six (6) square feet or less in size.

(3) ~~(c)~~ Lettering on motor vehicles when not utilized as a parked or stationary outdoor display sign.

(4) ~~(d)~~ Political signs.

(5) ~~(e)~~ Sports facility sponsorship signs.

*Sec. 64.401*

~~(l) Signs of the city, county, state, and federal government and subdivisions and agencies thereof which give orientation, direction or traffic-control information shall be permitted in all zoning districts.~~

[Adjust subsequent letters accordingly.]

**Committee recommendation**

The Neighborhood Planning Committee recommends that the Planning Commission release this memo for public hearing and set a date of April 23, 2010.