



CITY OF SAINT PAUL
Melvin Carter, Mayor

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Date: March 27, 2019
To: Comprehensive and Neighborhood Planning Committee
From: Kady Dadlez, City Planner
Re: Sidewalk Sign Code Amendments

Background

The Saint Paul City Council is initiating amendments to the Saint Paul Legislative Code, including Zoning Code Chapter 64, Signs, to permit sidewalk signs on public sidewalks and boulevards. The Council, in City Council resolution 19-551 (attached), is forwarding the proposed amendments to Chapter 64 of the Zoning Code to the Planning Commission for study and report as required under Minnesota Statute § 462.357, Subd. 4.

Saint Paul Legislative Code Chapter 106, Restrictions on Use of Sidewalks, Streets, etc. (not part of the Zoning Code), does not currently permit private business signs to be placed on a public sidewalk. Zoning Code Chapter 64, Signs, is written to be consistent with this.

City Council initiation of Legislative Code amendments for sidewalk signs is in response to a request from the Business Review Council (BRC). The BRC noted that it is common for businesses to place such signs on the public sidewalk or boulevard to direct customers to their business, even though they are not currently allowed, and the regulations are enforced on a complaint basis so enforcement across the City is uneven.

Legislative Code Chapters 116 and 135 make the Saint Paul Department Public Works responsible for the administration of rights-of-way, right-of-way permits including right-of-way obstruction permits, and the ordinances related thereto, including Chapter 106 regarding restrictions on use of sidewalks and streets. Therefore, Public Works is taking the lead on working with the City Council on proposed amendments to Chapter 106 (attached) to add an exemption in § 106.01 to permit *sidewalk signs* subject to a number of specific requirements and provisions. Unlike amendments to the Zoning Code, amendments to Chapter 106 do not require a Planning Commission study and report.

Proposed Zoning Code Amendments

The real substance of proposed Legislative Code amendments to permit sidewalk signs is in the draft amendments to Chapter 106, which would include a number of specific standards and conditions for sidewalk signs and do not require a Planning Commission study and report. The proposed amendments to Zoning Code Chapter 64 initiated by the City Council would simply add language in several places to refer to or permit "sidewalk signs placed pursuant to chapter 106 of this code." This would keep Zoning Code Chapter 64 consistent with Legislative Code Chapter 106.

The City Council will hold a public hearing on the proposed Zoning Code amendments at the same time as their public hearing on the proposed amendments to Legislative Code Chapter 106. Minnesota Statute § 462.357, Subd. 3, requires a public hearing on proposed zoning code amendments, held either "by the planning agency or by the governing body." Given the minor and technical nature of the proposed Zoning amendments, and that a public hearing will be held by the City Council, a Planning Commission public hearing is unnecessary.

Staff Recommendation

Staff recommends approval of the following proposed amendments to Zoning Code Chapter 64, Signs, initiated by the City Council to be consistent with proposed amendments to Legislative Code § 106.01 to permit *sidewalk signs* on public sidewalks and boulevards.

NOTE: Existing language to be deleted is shown by ~~strikeouts~~. New language to be added is shown by underlining.

Chapter 64. Zoning Code—Signs

Sec. 64.118. P.

...

Portable sign. A sign ~~which is~~ attached to a chassis with wheels or skids or to a metal or wood frame, ~~which is~~ not permanently mounted into the ground, or a sidewalk sign placed pursuant to chapter 106 of this code.

...

Sec. 64.204. Exemptions.

- (a) Signs of the city, county, state, and federal government and subdivisions and agencies thereof which give orientation, direction or traffic-control information shall be exempt from the requirements of this chapter.
- (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) The changing of the message on the display surface of signs that are designed to have changeable copy.
 - (2) Signs six (6) square feet or less in area.
 - (3) Lettering on motor vehicles when not utilized as a parked or stationary outdoor display sign.
 - (4) Political signs.
 - (5) Sports facility sponsorship signs.
 - (6) Sidewalk signs placed pursuant to chapter 106 of this code.

Sec. 64.401. All signs.

...

- (i) No signs shall be located in, project into or overhang a public right-of-way, except those projecting business signs permitted in business and industrial districts that do not violate Minnesota Statutes, section 160.27, sidewalk signs placed pursuant to chapter 106 of this code, and signs established by the city, county, state, or federal governments.

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Sec. 64.419. Temporary and portable signs.

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- (c) *Permit required.*
 - (1) A sign permit shall be required for all temporary and portable signs, except that temporary signs concerning a commodity, service or entertainment conducted, offered, sold, or manufactured on the premises, placed inside a window, shall not require a sign permit.
 - (2) A sign permit is not required for a sidewalk sign placed pursuant to chapter 106 of this code.

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Sec. 64.502. RL-RM3 residential and entirely residential uses in T1-T4 traditional neighborhood districts.

...

(b) *Temporary signs.*

(4) For parks, community centers, and religious, educational, civic or philanthropic institutions, portable signs and temporary signs are permitted for special events under the following conditions:

a. Portable signs:

1. On zoning lots with a street frontage of three hundred thirty (330) feet or less, the gross surface display area of the signs shall not exceed one hundred (100) square feet. On zoning lots with a street frontage of over three hundred thirty (330) feet, the gross surface display area of the signs shall not exceed three hundred (300) square feet;

2. The signs shall be permitted two (2) nonconsecutive times per calendar year for a period of not more than fourteen (14) days per time; Sidewalk signs placed pursuant to chapter 106 are exempt from this requirement;

3. The signs shall not be flashing signs or located in a required yard, required off-street parking space or maneuvering area, or public right-of-way. Sidewalk signs placed pursuant to chapter 106 are permitted in the public right-of-way.

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Sec. 64.503. T1-T3 traditional neighborhood and OS-BC business districts.

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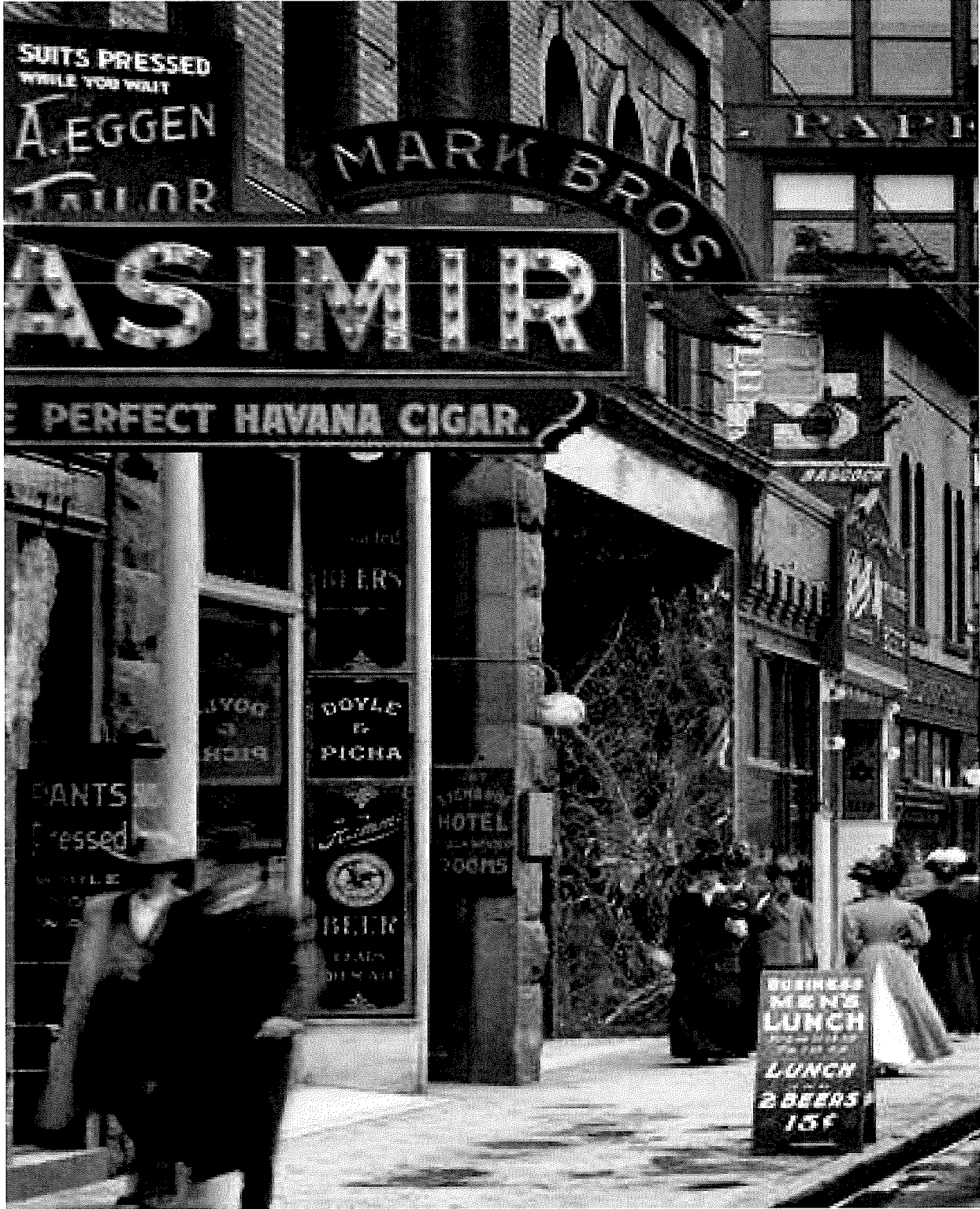
(c) *Portable signs.* Portable signs are permitted under the following conditions:
[These conditions apply in all T, B, and I zoning districts.]

(1) On zoning lots with a street frontage of three hundred thirty (330) feet or less, the gross surface display area of the signs shall not exceed thirty-six (36) square feet. On zoning lots with a street frontage of over three hundred thirty (330) feet, the gross surface display area of the signs shall not exceed three hundred (300) square feet;

(2) The signs shall be permitted on a zoning lot four (4) nonconsecutive times per calendar year and for a period of not more than fourteen (14) days per time; Sidewalk signs placed pursuant to chapter 106 are exempt from this requirement;

(3) The signs shall not be flashing signs or located in a required yard, required off-street parking space or maneuvering area, or public right-of-way. Sidewalk signs placed pursuant to chapter 106 are permitted in the public right-of-way.

Sidewalk Sign - Saint Paul



City Council Resolution 19-551 Requesting a Planning Commission Study

..Title

Requesting a Planning Commission study of the city's current zoning regulations for a new portable sign type, pursuant to Minn. Stat. § 462.357, Subd. 4.

..Body

WHEREAS, the Council of the City of Saint Paul finds that Chapter 64 of the City's Zoning Code, in §§ 64.502, 64.503, 64.504, 64.505, and 64.506, allows portable signs in residential, traditional neighborhood, business, and industrial zoning districts; and

WHEREAS, the Council further finds that businesses or institutions in Saint Paul want to place sidewalk signs on the public sidewalk to direct customers to their business or institution and the Council supports their request; and

WHEREAS, the Council further finds that these sidewalk signs are best classified as portable signs; and

WHEREAS, the Council further finds that it is appropriate to exempt these sidewalk signs from the requirement of obtaining a permit; and

WHEREAS, Minn. Stat. § 462.357, Subd.4 authorizes the Council to initiate a zoning code amendment and refer the amendment to the planning commission for a study of the amendment, to obtain from the commission a report on the proposed amendment, and to not act upon the amendment proposal until sixty (60) days have elapsed from the date of the referral without a report from the commission; now therefore, be it

RESOLVED, that the Council of the City Saint Paul, based upon the findings set forth above, hereby requests the planning commission, for the benefit of the health, welfare, and safety of the public, to study the zoning code's present regulation of portable signs and to prepare a report and a recommendation based upon the study, whether to amend the City's zoning code regulations for a new type of portable signs; and be it finally

RESOLVED, that the Council requests the planning commission, in preparing its report and recommendation, to consider the following definitions and amendments:

Sec. 64.118. P.

Portable sign. A sign which is attached to a chassis with wheels of skids or to a metal or wood frame, ~~which is not permanently mounted into the ground,~~ or a sidewalk sign placed pursuant to chapter 106 of this code.

Sec. 64.204. Exemptions.

- (a) Signs of the city, county, state, and federal government and subdivisions and agencies thereof which give orientation, direction or traffic-control information shall be exempt from the requirements of this chapter.
- (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) The changing of the message on the display surface of signs that are designed to have changeable copy.

- (2) Signs six (6) square feet or less in area.
- (3) Lettering on motor vehicles when not utilized as a parked or stationary outdoor display sign.
- (4) Political signs.
- (5) Sports facility sponsorship signs.
- (6) Sidewalk signs placed pursuant to chapter 106 of this code.

Sec. 64.401. All signs.

- (i) No signs shall be located in, project into or overhang a public right-of-way, except those projecting business signs permitted in business and industrial districts that do not violate Minnesota Statutes, section 160.27, sidewalk signs placed pursuant to chapter 106 of this code, and signs established by the city, county, state, or federal governments.

Sec. 64.419. Temporary and portable signs.

- (c) *Permit required.*

- (1) A sign permit shall be required for all temporary and portable signs, except that temporary signs concerning a commodity, service or entertainment conducted, offered, sold, or manufactured on the premises, placed inside a window, shall not require a sign permit.
- (2) A sign permit is not required for a sidewalk sign placed pursuant to chapter 106 of this code.

Sec. 64.502. RL-RM3 residential and entirely residential uses in T1-T4 traditional neighborhood districts.

- (b) *Temporary signs.*

- (4) For parks, community centers, and religious, educational, civic or philanthropic institutions, portable signs and temporary signs are permitted for special events under the following conditions:

- a. Portable signs:

- 1. On zoning lots with a street frontage of three hundred thirty (330) feet or less, the gross surface display area of the signs shall not exceed one hundred (100) square feet. On zoning lots with a street frontage of over three hundred thirty (330) feet, the gross surface display area of the signs shall not exceed three hundred (300) square feet;
- 2. The signs shall be permitted two (2) nonconsecutive times per calendar year for a period of not more than fourteen (14) days per time; Sidewalk signs placed pursuant to chapter 106 are exempt from this requirement;
- 3. The signs shall not be flashing signs or located in a required yard, required off-street parking space or maneuvering area, or public right-of-way. Sidewalk signs placed pursuant to chapter 106 are permitted in the public right-of-way.

Sec. 64.503. T1-T3 traditional neighborhood and OS-BC business districts.

- (c) *Portable signs.* Portable signs are permitted under the following conditions:

[These conditions apply in all T, B, and I zoning districts.]

- (1) On zoning lots with a street frontage of three hundred thirty (330) feet or less, the gross surface display area of the signs shall not exceed thirty-six (36) square feet. On zoning lots with a street frontage of over three hundred thirty (330) feet, the gross surface display area of the signs shall not exceed three hundred (300) square feet;

- (2) The signs shall be permitted on a zoning lot four (4) nonconsecutive times per calendar year and for a period of not more than fourteen (14) days per time; Sidewalk signs placed pursuant to chapter 106 are exempt from this requirement;
- (3) The signs shall not be flashing signs or located in a required yard, required off-street parking space or maneuvering area, or public right-of-way. Sidewalk signs placed pursuant to chapter 106 are permitted in the public right-of-way.

.. Title

An Ordinance amending section 106.01 of the Saint Paul Legislative Code to permit sidewalk signs on the public sidewalk and boulevard.

..Body

SECTION 1

WHEREAS, section 106.01 of the Saint Paul Legislative Code prohibits a person from placing a sign on the public sidewalk; and

WHEREAS, businesses in Saint Paul want to place sidewalk signs on the public sidewalk to direct customers to their business; and

WHEREAS, the Council supports the businesses request; and

WHEREAS, the Saint Paul zoning codes prohibits advertising signs and will require that the signs only contain information about the adjacent business; and

WHEREAS, the City wants to ensure that the public and the public's access to the right of way is protected; now, therefore be it

RESOLVED, that the Council of the City of Saint Paul does hereby ordain:

SECTION 2

The Saint Paul Legislative Code section 106.01 is hereby amended to read as follows:

Sec. 106.01. – Obstruction.

- (a) Encumbrances or obstructions prohibited.
1. Purpose: The primary purpose of a public sidewalk or other right-of-way is to provide safe access to the public to travel from place to place. It is the intent of this ordinance to maintain that primary purpose at all times.
 2. No person shall encumber or obstruct any sidewalk, lane, alley, public ground, public landing, wharf or pier, or other public place by placing thereon or therein any building materials, carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, awnings, signs, or any other materials or substance whatever. No person shall operate a sidewalk café without a license and a right-of-way obstruction permit issued by City of Saint Paul. A sidewalk sign in compliance with subsection (d) may be placed upon the public sidewalk.
 3. A minimum width of forty-eight (48) inches of clear, unobstructed pedestrian walk-through zone, exclusive of the curb, shall be maintained on the public sidewalk at all times.

(d) Sidewalk Signs Exemption. A business or institution may place a sidewalk sign on the public sidewalk or boulevard directly abutting the business or institution. Sidewalk signs must be placed so that a minimum width of forty-eight (48) inches of clear, unobstructed pedestrian walk-through zone, exclusive of the curb, must be maintained on the public sidewalk at all times. Sidewalk signs may not be attached to public infrastructure.

1. For the purpose of the zoning code, a sidewalk sign is a portable sign as defined in St. Paul Legislative Code Section 64.118.
2. Sidewalk signs must only contain information about the business, profession, commodity, service, or entertainment which is conducted, sold or manufactured on the premises adjacent to sidewalk or boulevard upon which the sign is placed. Sidewalk signs may not be 'advertising signs' as that term is defined in St. Paul Legislative Code Section 64.103.
3. A sidewalk sign must be either an A-frame or a T-frame design. Sidewalk signs may not exceed thirty (30) inches in width and forty-eight (48) inches in height, may not be illuminated, and must be of sufficient weight to prevent movement by wind. Sidewalk signs must be constructed of an appropriate material resistant to damage from being placed outdoors.
4. A sidewalk sign must have a detectable edge for long canes. Detectable edges shall be continuous and 6 in. min high above the walkway surface and have color or markings contrasting with the walkway surface.
5. A sidewalk sign must be free of sharp or rough edges, and fasteners (bolts) shall be rounded to prevent harm to hands, arms or clothing of pedestrians.
6. A sidewalk sign may not obstruct pedestrian or handicap accessibility to buildings, emergency exits, transit stops or parking spaces.
7. Every business or institution may place a sidewalk sign on the public sidewalk or boulevard. No business or institution may place more than 1 sign on the public sidewalk per street frontage of the business or institution.
8. Sidewalk signs must only remain on the public sidewalk during the operating hours of the business or institution.
9. The use of a portion of the public sidewalk or boulevard for a sidewalk sign is not an exclusive use. All public improvements including, but not limited to, trees, light poles, traffic signals, pull boxes or manholes, or any public-initiated maintenance procedures or work, take precedence over use of the public sidewalk or boulevard for a sidewalk sign. The sign must be removed from the public sidewalk or boulevard immediately to permit such public-initiated maintenance procedures or work.
10. No business or institution may place a sign in the public right-of-way under this subsection until it has first obtained liability insurance or an amendment or rider to an existing liability insurance policy insuring said business or institution and the city and its officers and employees against liability which might arise out of the placement of a sign upon the public sidewalk or boulevard, in an amount at

least equal to the maximum statutory liability of the city, its officers and employees. The City, together with its officers and employees must be named as additional insureds in the liability insurance policy.

11. The City is not responsible or liable for any claims resulting from the placement or movement of a sidewalk sign.
12. Failure to comply with the provisions of this subsection is a misdemeanor, and is grounds for adverse action against any license held by the business or institution.

SECTION 3

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

city of saint paul
planning commission resolution
file number _____
date _____

SIDEWALK SIGN AMENDMENTS TO ZONING CODE CHAPTER 64 - SIGNS

WHEREAS, the Saint Paul City Council initiated amendments to Zoning Code Chapter 64, Signs, to add language in several places to refer to or permit "sidewalk signs placed pursuant to chapter 106 of this code," and in City Council Resolution 19-551 forwarded the proposed amendments to the Planning Commission for study and report as required under Minnesota Statutes § 462.357, Subd. 4; and

WHEREAS, the proposed Zoning Code Chapter 64 amendments regarding sidewalk signs are needed to keep it consistent with proposed amendments to Saint Paul Legislative Code Chapter 106, Restrictions on Use of Sidewalks, Streets, etc., to add an exemption in § 106.01 to permit *sidewalk signs* subject to a number of specific requirements and provisions; and

WHEREAS, the Comprehensive and Neighborhood Planning Committee, on April 3, 2019, reviewed the proposed sign code amendments and forwarded its recommendations to the Planning Commission; and

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

NOW, THEREFORE, BE IT RESOLVED, under the provisions of Zoning Code § 61.801(a) and pursuant to provisions of Minnesota Statutes § 462.357, that the Planning Commission recommends to the Mayor and City Council the following amendments to Zoning Code Chapter 64, including the rationale as articulated in the April 12, 2019 memorandum from the Comprehensive Neighborhood Planning Committee to the Planning Commission.

NOTE: Existing language to be deleted is shown by ~~strikeouts~~. New language to be added is shown by underlining.

Chapter 64. Zoning Code—Signs

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 - (6) Sidewalk signs placed pursuant to chapter 106 of this code.

moved by _____

seconded by _____

in favor _____

against _____

Sec. 64.401. All signs.

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- a. Portable signs:
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