

**CITY OF NORTH ST. PAUL PLANNING COMMISSION
REGULAR MEETING AGENDA
THURSDAY, DECEMBER 3, 2020
6:15 PM**

North St. Paul City Hall – Council Chambers
2400 Margaret Street

The City of North St. Paul has moved all of its public meetings online effective August 4, 2020. The move to online meeting access via Zoom ensures compliance with the Governor’s Emergency Executive Order and face covering mandate while providing our Planning Commission members, staff and residents with safe and comfortable access to public meetings. Access information and links to meetings are available at northstpaul.org. This change to online meeting access will remain in effect until further notice. (Stat. 13D.02 subd. 4)

**The December 3rd Zoom meeting can be accessed [HERE](#) or via:
<https://wsbeng.zoom.us/> (from a PC, Mac, tablet, iPhone or Android device)
Meeting ID: 230 597 443
Password: 663246
or by phone at 1-929-205-6099, meeting ID 230 597 443, password 663246.**

The Planning Commission Zoom meeting will be ‘open to the public’ to listen in, but will be muted from contributing at all times with the exception of the open to the public forum and public hearing agenda items.

Please join the meeting early to test your audio and video settings. If you join via a device and your audio is not working, you may need to use the dial-in phone number option in order to be heard.

I. CALL TO ORDER

II. ROLL CALL

COMMISSION

Elaine Barton, Commission Chair

Patrick Blees, Commissioner

Rick Gelbmann, Commissioner

John Monge, Commission Vice-Chair

Tom Sonnek, Commission City Council Liaison

Michael Stahlmann, Commissioner

Allan Worm, Commissioner

STAFF

Erin Perdu, Planning Consultant

Olivia Boerschinger, Planning Secretary

III. ADOPT AGENDA

IV. APPROVAL OF MINUTES

- A. Approval of the November 5, 2020 regular meeting minutes.

V. MEETING OPEN TO THE PUBLIC

Note: This is a courtesy extended to persons wishing to address the Commission concerning issues that are not on the agenda. This discussion will be limited to 15 minutes.

VI. PUBLIC HEARING

VII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

VIII. OLD BUSINESS

- A. 2020 Zoning Code Update Discussion

IX. REPORTS FROM STAFF

- A. Recognition of service for Commissioner Stahlmann and Councilmember Sonnek

X. REPORTS FROM COMMISSIONERS

XI. ADJOURNMENT

The next regularly scheduled Planning Commission Meeting is Thursday, January 7th at 6:15 p.m.

**CITY OF NORTH ST. PAUL
PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY, NOVEMBER 5, 2020
6:15 P.M.**

I. CALL TO ORDER

Chair Barton called the meeting to order at 6:15 p.m. The meeting was conducted via Zoom.

II. ROLL CALL

COMMISSION

Elaine Barton, Commission Chair

Patrick Blees, Commissioner

Rick Gelbmann, Commissioner

John Monge, Commission Vice Chair

Tom Sonnek, Commission City Council Liaison

Michael Stahlmann, Commissioner

Allan Worm, Commissioner – in Zoom meeting, but did not respond

STAFF

Erin Perdu, City Planner

Olivia Boerschinger, Planning Secretary

III. ADOPT AGENDA

Motion to adopt agenda by Commissioner Stahlmann, and seconded by Commissioner Gelbmann, with all present voting aye (5-0; Commissioner Worm did not respond). Motion carried to adopt the November 5, 2020 Agenda.

IV. APPROVAL OF MINUTES

Motion to approve Minutes by Commissioner Gelbmann, and seconded by Commissioner Monge, with all present voting aye (5-0; Commissioner Worm did not respond). Motion carried to approve the October 1, 2020 regular meeting minutes as submitted.

V. MEETING OPEN TO THE PUBLIC

There were no comments.

Chair Barton requested that City Staff amend the Planning Commission Meeting Agenda template to reflect that the Zoom meeting will be muted at all times with the exception of both the Public Forum and Public Hearing Agenda Items. Planning Secretary Olivia Boerschinger agreed.

VI. PUBLIC HEARING

A. Conditional Use Permit for 2275 Anchor Drive, Kwik Trip

City Planner Erin Perdu reviewed site plan and conditional use permit for construction of a Kwik Trip car wash, store and fueling station on a City-owned parcel in the Anchor Commons subdivision. Site plan approval is required, and the use is consistent with conditional uses in the MU-3 Zoning district. All site infrastructure, including stormwater retention areas, were completed by the City as part of the Anchor Block development.

Ms. Perdu stated the proposal includes a convenience store with attached 1-bay car wash, 5 fueling islands and 2 diesel pumps. Access to the property will be from two points on Anchor Drive. The proposed use is consistent with the Comprehensive Plan and all lot and building requirements are met, including structural requirements, building setbacks and height restrictions. Minimum landscaping requirements for the total site and parking areas are met.

Commissioner Worm joined the video at 6:25 p.m.

Ms. Perdu showed depictions of the proposed architecture and building façade and wooden dumpster enclosure which is appropriate and meets Ordinance requirements. Rooftop equipment is screened from view as it is essentially sunken below roof level. In terms of parking requirements, 17 parking spaces are required, and the applicant plans to provide 18 spaces. Parking requirements are based on retail and storage areas, with additional parking at gas pumps.

Ms. Perdu stated there are three areas around the perimeter of the site where lighting exceeds the City's candle threshold for lighting at the property line. She added this aspect of the proposal will need to be adjusted to meet City standards.

Ms. Perdu stated City Staff recommends that the Planning Commission recommends City Council approval of the CUP and conditional approval of site plan, including engineering comments, and conditions related to the drainage and utility easement; height of landscaping close to driveways; signage ordinance requirements; and exterior lighting requirements.

Commissioner Blees asked whether Kwik Trip will be doing automobile service. He added the Ordinance is written to include automobile service. Ms. Perdu stated there will not be automobile service. She added the Resolution can be amended to ensure that approval is granted for gas station, convenience store and car wash only. Commissioner Blees stated this error comes up in a few places, including pages 19 and 23. He suggested City Staff review the document and make the necessary corrections. Ms. Perdu agreed.

Commissioner Gelbmann stated page 18 of 90, and also under "Health and Safety", this action is referred to as a "variance". Ms. Perdu stated that is an error and should read Conditional Use Permit rather than variance. She agreed to make those corrections.

Chair Barton stated the engineering comments on page 27 of 90 refer to provision of a sidewalk connection from Anchor Drive to the seating area near the east driveway. She asked whether that should be added as a condition. Ms. Perdu stated she would need to check with the engineers.

The applicant stated their site plans usually include 2 outdoor tables if there is space available.

Chair Barton asked whether there is an existing sidewalk along that section of Anchor Drive, near the seating area. Ms. Perdu stated the applicant's site plan shows a sidewalk.

Chair Barton stated one of the engineering conditions relates to a pedestrian connection between the seating area and the sidewalk.

The applicant stated rock edging is planned at the seating area, and a pedestrian connection will be added. Ms. Perdu stated that can be included in the engineering conditions.

Chair Barton requested the following amendment: page 20 of 90, last paragraph, should read: "The proposed use will generate minimal demand". She added it is to be expected that commercial uses will generate some demand.

Commissioner Gelbmann stated, on page 27, first paragraph, 4th line, should be amended to reflect lumens rather than wattage, for purposes of clarity.

The applicant thanked Ms. Perdu for her presentation. He thanked the City of North St. Paul for welcoming Kwik Trip to their community. He stated the proposal is for a traditional Kwik Trip fueling station that can accommodate 20 vehicles at one time. He added Kwik Trip is a family-held chain of fueling stations based out of La Crosse, Wisconsin, delivering fresh food daily to every store, with plans for additional hot food options in 2021.

Commissioner Gelbmann stated alcohol is listed in the application as one of the products that will be sold. The applicant stated that is part of the standard application in the State of Wisconsin, but in this case no alcohol will be sold to his knowledge. He added the plan is to begin construction in May or June 2021 with store opening scheduled for next summer.

Chair Barton opened the public hearing at 6:45 p.m.

There were no comments.

Chair Barton closed the public hearing at 6:45 p.m.

Chair Barton requested the following amendment to the staff report: on page 18, under "Health, Safety and General Welfare", the third sentence does not reference anything. Ms. Perdu agreed to fix it.

The applicant stated the lighting plan will be reviewed and amended and submitted to Ms. Perdu.

Motion by Commissioner Monge, and seconded by Commissioner Stahlmann, with all present voting aye (6-0). Motion carried to recommend City Council approval of Conditional Use Permit for 2275 Anchor Drive, Kwik Trip.

VII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

A. CUP and Site Plan for 2275 Anchor Drive, Kwik Trip

Motion by Commissioner Monge, and seconded by Commissioner Stahlmann, with all present voting aye (6-0). Motion carried to recommend City Council approval of Site Plan Review subject to 5 conditions including sidewalk connection under Engineer's Comments.

VIII. OLD BUSINESS

A. 2020 Zoning Updates Discussion

Ms. Perdu stated the 2020 Zoning Code Update was discussed at the Planning Commission's last meeting, and some questions were raised. She added she would review the issues that City Staff have addressed. She noted, on the first page, the existing definition of "drive or driveway" has been added and includes the definition for "parking space". She noted the Planning Commission had discussed a clarification point that the driveway can be considered part of the front yard parking space. She requested feedback and comment from the Commissioners regarding whether this addresses the issue of "driveway" vs. "parking space".

Chair Barton stated she supports a requirement that the driveway may serve as part of the front yard parking space, but not all of it. She added the purpose is to clarify that the entire front yard surface cannot be used for parking.

Ms. Perdu stated this could be changed to read "the driveway may serve as part of front yard parking space". She added she included a definition of "passenger vehicle" from State statute, including different types of passenger vehicles. She added larger vehicles, moving vans and pick-ups could also be included as passenger vehicles.

Commissioner Gelbmann stated a definition is provided for what motorcycles, motor scooters and buses are not, but there is no definition of what they are, and how they are regulated.

Ms. Perdu stated motor scooters and motorcycles could be removed from vehicles that are not passenger vehicles. Chair Barton agreed.

Chair Barton stated buses, school buses and commuter vans can be considered passenger vehicles, for personal use. Ms. Perdu agreed. She added the City's Zoning Ordinance does not define "motor vehicle".

Chair Barton stated, with regard to weight classifications, weighted trailers are defined as over 3,000 pounds gross vehicle weight. She added this section refers to small utility trailers that weigh 3,000 pounds or less. She requested clarification regarding this type of trailer. Ms. Perdu agreed to check on that definition.

Commissioner Stahlmann requested that grammar in that sentence should be reviewed.

Ms. Perdu stated the next step will be to go through definitions as part of the comprehensive review. She added changing that section now could have a significant impact. Chair Barton agreed, adding it should be reviewed.

Ms. Perdu requested feedback and comment regarding #9 which addresses types of vehicles and related terms.

Commissioner Gelbmann requested the following amendment: in Item F, Non-Residential Areas, remove “except” before “in the R-1 District”. He added they are in conflict with each other. Ms. Perdu agreed to review that section.

Chair Barton asked whether General Standards apply to the R-2 or R-3 District. Ms. Perdu stated they apply to anything other than single-family residential use.

Chair Barton that would cover all residential areas. Ms. Perdu agreed to review that section. She stressed the importance of separate requirements for detached homes, as the term “single family” could apply to attached or detached housing.

Chair Barton stated, with regard to the Definitions, the length restriction is 22 feet. She added she thought it was 18 feet at one point.

Ms. Perdu stated requirements for Type 1 and Type 2 vehicles is taken from State statute, including 22 feet in length. She added the height of 8.5 feet “as measured to the top of any attachments” has been added.

Chair Barton stated the language should be amended to clarify whether combining vehicles for a total length can be used as a measurement, for example, a van with trailer attachment. Ms. Perdu agreed.

Ms. Perdu stated she added additional information to the Table related to screening of outdoor storage.

Commissioner Gelbmann requested clarification regarding screening height, which is referred to as 6 feet. He asked if that should be 6 feet or taller. Ms. Perdu confirmed that the height requirement is at least 6 feet.

Chair Barton stated, on page 90 under D, “off-street parking” could be added to the Table with a column for each requirement. She added the first sentence is a setback requirement from the property lines. Ms. Perdu agreed.

Ms. Perdu stated, at the last meeting, it was suggested that a waiver or exception could be given to people who need to bring a work vehicle home. She added she reviewed this issue with the City Attorney, who does not recommend building waivers into the Ordinance, but this issue is still under discussion at staff level.

Chair Barton stated an exception should be given for properties that do not meet the front yard setback, as it will be difficult for people to park their cars. Ms. Perdu stated that would be an exception from the setback. Chair Barton agreed.

Chair Barton requested that Item 5 on page 90, under F, be amended to remove the reference to streets, but keep sidewalks. She added the issue of alley screening has not been addressed.

Ms. Perdu stated alley screening is only required from abutting residential uses but not from the alley or homes on the other side of the alley. She added many residents use the alley to access rear parking areas, and it would be difficult to require screening. She agreed to add some clarification.

Chair Barton stated “street right of way” should be removed from Item 5. Ms. Perdu agreed.

Chair Barton requested that Item 6 related to corner lot setbacks should be moved to Item D so both setbacks are in the same place. Ms. Perdu agreed.

Commissioner Blees stated some driveways are so small that it would be difficult for residents to comply with the proposed requirements, unless they have a very small vehicle.

Chair Barton asked if vehicles must be parked on a paved surface due to leakage. Ms. Perdu confirmed this. She added it is also for aesthetic purposes. She added the parking area must be bituminous surface, concrete or similar material.

Chair Barton stated she does not think gravel is unreasonable rather than a permanent surface, if a vehicle is parked in the side yard or rear yard.

Commissioner Gelbmann stated the ground would be more permeable. He added the main concern is the parking area in the yard would become unsightly, but beyond that it does not seem to be much of an issue.

Commissioner Blees stated the intent of these adjustments is to target aesthetics and safety. Chair Barton agreed.

IX. REPORTS FROM STAFF

-None.

X. REPORTS FROM COMMISSIONERS

a. Update from City Council Liaison

City Council Liaison Sonnek stated he will have one more meeting as the Planning Commission Liaison. He added two new City Council Members have been elected and will be sworn in in January 2021.

City Council Liaison Sonnek stated City Manager Scott Duddeck was diagnosed with Covid-19 recently, as well as his father. He added they are both home and doing well, and Mr. Duddeck is back in the office.

City Council Liaison Sonnek stated construction is still going on in the downtown area, it will be great. He added the entire downtown street scape is changing and evolving, along with many different developments.

Commissioner Blees thanked City Council Liaison Sonnek for his service to the City.

Commissioner Stahlmann stated this will be his second to last meeting. He added he has served on the Planning Commission for 14 years.

Chair Barton asked Commissioner Worm whether the toy shelf is taking cash donations this year. Commissioner Worm confirmed this.

XI. ADJOURNMENT

There being no further business, motion to adjourn by Commissioner Worm, and seconded by Commissioner Monge, with all present voting aye (6-0). Motion carried to adjourn the meeting at 7:45 p.m.

The next regularly scheduled Planning Commission Meeting is Thursday, December 3, 2020 at 6:15 p.m.

Members, please notify any planned absences to: Olivia Boerschinger
Planning Commission Secretary
651-747-2400
Olivia.boerschinger@northstpaul.org

**Agenda Information Memorandum
North St. Paul Planning Commission
December 3, 2020**

VIII. REPORTS FROM STAFF

A. 2020 Zoning Updates Discussion

ACTION TO BE CONSIDERED

Provide feedback that will be used to draft updated parking and sign ordinances

FACTS

This memo provides background information and recommendations on the following:

- Parking Ordinance – final changes
- Sign Ordinance – discussion

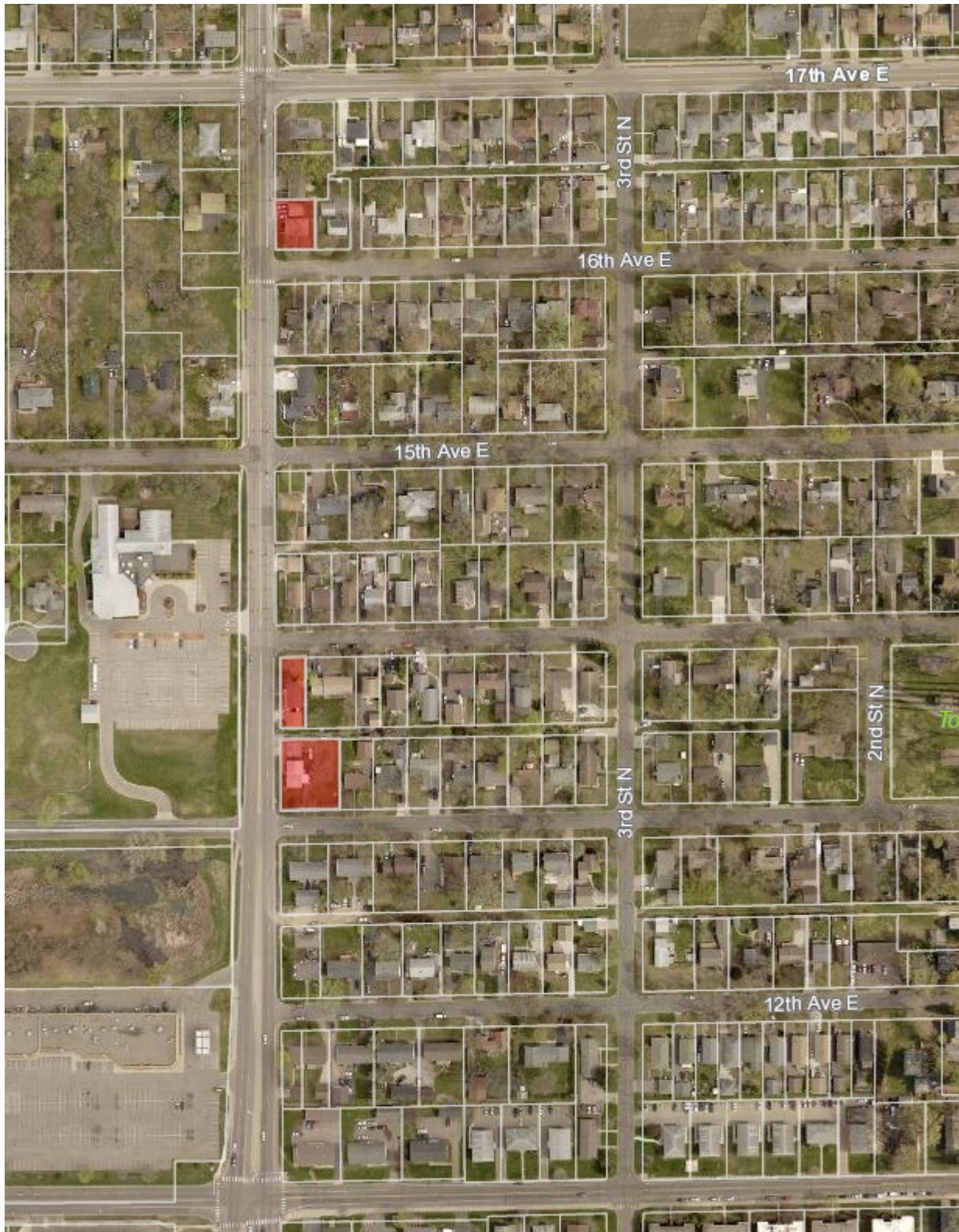
Parking Ordinance

Edits to the parking ordinance have been made per the comments at our last meeting. There was some discussion about how to handle waivers/exceptions to the 10-foot setback rule for driveway parking for folks that have very short driveways. I did take a look at the section of McKnight that was referenced during the meeting but there are very few properties impacted (see map on the next page). Point of discussion at the meeting: does this warrant an exception?

Sign Ordinance

Our next task in the ordinance update process is to evaluate necessary updates to the sign ordinance. Several questions arose during the election (and lead-up to it) that warrant examination. Overall, we want to make sure that the ordinance is clear, that appropriate definitions are provided, and that it is enforceable.

Attached is an initial version of a marked-up sign ordinance (and a completely clean version) based on my initial observation and concerns that have been brought to my attention. Please review, add your own, and we will discuss at the meeting.



Proposed Changes to Parking Ordinance Language

[Existing definition] DRIVE/DRIVEWAY. A permanent, durable surface designed to provide vehicular access from a street to a lot or to provide vehicular access between different parts of a lot or parking area. A drive that is internal to a parking area is not the same as an aisle. For a detached home, duplex or townhome, the driveway may serve as part of the front yard parking space.

[Existing definition] PARKING SPACE. A suitably surfaced and permanently maintained area, either within or outside a building, of sufficient size to store one standard automobile exclusive of any driveway or other circulation area, accessible from a street, alley, or maneuvering area

TRAILER, WEIGHTED. A trailer required by the State of Minnesota to be registered at over 3,000 pounds gross vehicle weight, that are not a recreational trailer or towed as a tractor-semi trailer combination.

VEHICLE, COMMERCIAL. Any motor vehicle, trailer, or semi-trailer designed or used to carry freight, passengers for a fee, or merchandise in the furtherance of any commercial enterprise and similar vehicles not ordinarily used for personal transportation having a gross weight of more than 10,000 pounds and/or exceeding eighteen (18) feet in length

VEHICLE, MOTOR. *Any self-propelled vehicle designed and originally manufactured to operate primarily on highways, and not operated exclusively upon railroad tracks. Generally does not include snow mobiles, manufactured homes or trailers. May include all-terrain vehicles if displaying disability plates per MN Statute 169.345.*

VEHICLE, PASSENGER. Any motor vehicle designed and used for carrying not more than 15 individuals, including the driver. Passenger vehicle does not include buses, school buses, or commuter vans

[Existing definition] VEHICLE, RECREATIONAL. A vehicular type portable structure without permanent foundation which can be towed, hauled, or driven and primarily designed as temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes. Also includes trailers classified as "Small Utility Trailers" by the Minnesota Department of Vehicle Services, receiving permanent registration with a gross vehicle weight of 3,000 pounds or less, and vehicles bearing a State of Minnesota recreational vehicle license plate required for self-propelled vehicles and trailers equipped as temporary human living quarters.

YARD. A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted by this chapter. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.

YARD, FRONT. That portion of the yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to the depth required in the setback regulations for the zoning district in which such lot is located. **TO BE REVIEWED AS PART OF OUR DEFINITIONS COMPREHENSIVE REVIEW**

§ 154.010 GENERAL REGULATIONS.

(J) *Off street parking & loading.*

1. *Purpose.* The purpose of this section is to provide for off-street parking and loading areas and pedestrian facilities that are accessible, attractive, secure, maintained and meet the needs generated by

specific uses. It is further the intent of these regulations to avoid undue congestion on public streets; to protect the level of service and capacity of existing streets; to avoid unnecessary conflicts between pedestrians and vehicles; to preserve and enhance the city and to protect the public health, safety and welfare.

2. *Application of parking and loading regulations.* The application of off-street parking and loading regulations shall apply to all buildings and uses of land established after the effective date of this section.

3. *General standards for commercial, industrial, institutional and attached residential uses.*

(a) Minimum size regulations. Each space shall contain a minimum area of not less than 180 square feet, exclusive of access drives, a width of not less than nine feet and a depth of not less than 20 feet. Each space shall be adequately served by access drives as determined by the Zoning Administrator. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles they are designed to serve. Parking ramps and underground parking may be allowed to have some reduction in the dimensions stated above.

(b) Use of parking and loading space. Required parking or loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent.

(c) Computing requirements. In computing the number of such parking spaces required, the following rules shall govern:

i. Floor area shall mean the gross floor area of the specific use;

ii. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.

(d) Buffer fences and planting screens. Off-street parking and loading areas near or adjoining residence districts shall be screened by a buffer fence of adequate design or a planted buffer screen; plans of such screen or fence shall be submitted for approval as part of the required site plan, and such fence or landscaping shall be installed as part of the initial construction.

(e) Access.

i. Parking and loading space shall have proper access from a public right-of-way as determined by the Zoning Administrator.

ii. The number and width of access drives shall be so located as to minimize traffic congestion and traffic hazard.

(f) Combined facilities. Except in the R-1 District, combined or joint parking facilities may be provided for one or more buildings or uses, provided that the total number of spaces shall equal the sum of the requirements for each building or use. Underground parking bonus. If 50% or more of the required parking is provided underground or under the principal structure, 300 square feet shall be added as lot area for each space, so placed, and said lot area shall be used to determine the maximum allowable use of the property; for example, the number of dwelling units or the floor area ratio for an office building, provided the maximum bonus shall not increase the number of units or floor area by more than 30%.

(g) Lighting. Lighting shall meet the requirements specified in the zoning district and for the specific use where stated.

(h) Required site plan. Application for a building permit shall include a site plan drawn to scale and dimensioned showing off-street parking and loading space to be provided in compliance with this section. The site plan shall include an acceptable drainage plan.

9. *Off-street parking standards for detached residential areas.*

(a) Definitions: for the purposes of this section, the following vehicles are defined:

a. Type 1 Commercial Vehicle: a commercial vehicle less than 8'6" height as measured to the top of any attachments or 22' in length as measured to include any attachments to the vehicle

b. Type 2 Commercial Vehicle: a commercial vehicle greater than dimensions of Type I and less than 15,000 gross vehicle weight rating

c. Recreational Vehicle – as defined in 154.003

d. Large Recreational Vehicle- a recreational vehicle over 36 feet in length OR a boat or unoccupied trailer over 25 feet in length

(b) Vehicles may be parked in residential districts per the following table:

Type of Vehicle	Permitted Location	Number	Time Limit
Passenger Automobile	Garage, driveway, side yard, or rear yard surfaced area At least 10 feet from the back of the curb or roadway	No limit	No limit
Type 1 Commercial Vehicle	Garage, driveway, side yard, or rear yard surfaced area At least 10 feet from the back of the curb or roadway	Two (2) per lot	No limit
Type 2 Commercial Vehicle	Garage	One (1) per lot	No Limit
Recreational Vehicle	Garage, driveway, side yard or rear yard surfaced area At least 10 feet from the back of the curb or roadway	Two (2) per lot	Front yard: no longer than a 72-hour period, or while being actively loaded or unloaded Garage: No limit Side yard or rear yard surfaced area: No limit provided the vehicle is adequately screened per 154.010 (D)(32)(c). (Outdoor storage shall be screened from abutting residential uses with a wall, solid fencing, evergreen hedge, or equivalent material. All screening shall be at least six feet in height. Screening along district boundaries, where present, may provide all or part of the required screening) Must be in compliance with off-street parking regulations including setbacks
Large Recreational Vehicle	Garage, driveway, side yard, or rear yard surfaced area At least 10 feet from the back of the curb or roadway	One (1) per lot	Front yard: no longer than a 72-hour period, or while being actively loaded or unloaded Garage: No limit Side yard or rear yard surfaced area: No limit provided the vehicle is adequately screened per 154.010 (D)(32)(c). (Outdoor storage shall be screened from abutting residential uses with a wall, solid fencing, evergreen hedge, or equivalent material. All screening shall be at least six feet in height. Screening along district boundaries, where present, may provide all or part of the required screening) Must be in compliance with off-street parking regulations including setbacks

(c) Paved surface. All vehicles personal, recreational, or commercial shall be stored or parked on a driveway surface.

(d) Setbacks. New driveways and off-street parking shall be set back a minimum of three feet from side property lines. Driveways located on a corner lot shall be set back a minimum of 15 feet from the corner of the two streets fronting the lot

(e) Location of parking. Required off-street parking spaces shall be provided on the same lot.

(f) Driveways, authorized parking areas, and authorized garages.

i. Driveways must lead to and abut a vehicle access door having a width of at least eight feet.

Driveways must not exceed a 22 foot maximum width at the property line.

ii. Existing driveways which do not lead to an authorized parking area or authorized garage must be removed and landscaped.

iii. Existing driveways which provide access to an authorized parking area or garage shall be improved/surfaced according to this section; however, if the driveway leads to an unpaved street or alley, a waiver to the surface requirement will be considered by the city upon receipt of a written request explaining the reason and justification for this request.

iv. Required number of off-street parking spaces. The minimum number of required off-street parking spaces are located in [Table 8](#).

v. Parking. Vehicles parked in a driveway or other area are not allowed to extend or encroach upon the alley or street right-of-way or public sidewalk.

vi. .

§ 72.04 RESTRICTIONS ON CERTAIN VEHICLES.

(A) No person shall park a commercial vehicle as defined in Chapter 154 for more than two hours at a time on any street in any area zoned in whole or in part for residential use under the provisions of this code.

(B) Exceptions: This section does not apply to commercial vehicles being actively loaded or unloaded, vehicles rendering a service, emergency vehicles of the police department, fire department, division of public health, to any public utility vehicle where actually engaged in the performance of emergency duties necessary to be performed by such public departments or public utilities; or to any vehicle owned by or performing work for the United States, the state, or the city. No person shall park a recreational vehicle as defined in Chapter 154 for more than two hours at a time on any street in any area zoned in whole or in part for residential use under the provisions of this code.

1. Exceptions: This section does not apply to vehicles being actively loaded or unloaded,

Proposed Changes to Parking Ordinance Language

[Existing definition] DRIVE/DRIVEWAY. A permanent, durable surface designed to provide vehicular access from a street to a lot or to provide vehicular access between different parts of a lot or parking area. A drive that is internal to a parking area is not the same as an aisle. For a detached home, duplex or townhome, the driveway may serve as ~~all or~~ part of the front yard parking space.

[Existing definition] PARKING SPACE. A suitably surfaced and permanently maintained area, either within or outside a building, of sufficient size to store one standard automobile exclusive of any driveway or other circulation area, accessible from a street, alley, or maneuvering area

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VEHICLE, MOTOR. Any self-propelled vehicle designed and originally manufactured to operate primarily on highways, and not operated exclusively upon railroad tracks. Generally does not include snow mobiles, manufactured homes or trailers. May include all-terrain vehicles if displaying disability plates per MN Statute 169.345.

VEHICLE, PASSENGER. Any motor vehicle designed and used for carrying not more than 15 individuals, including the driver. Passenger vehicle does not include ~~motorcycles, motor scooters,~~ buses, school buses, or commuter vans

[Existing definition] VEHICLE, RECREATIONAL. A vehicular type portable structure without permanent foundation which can be towed, hauled, or driven and primarily designed as temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes. Also includes trailers classified as "Small Utility Trailers" by the Minnesota Department of Vehicle Services, receiving permanent registration with a gross vehicle weight over of 3,000 pounds or less, and vehicles bearing a State of Minnesota recreational vehicle license plate required for self-propelled vehicles and trailers equipped as temporary human living quarters.

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3. *General standards for ~~non-residential~~ commercial, industrial, institutional and attached residential areas*~~uses~~.

(a) Minimum size regulations. Each space shall contain a minimum area of not less than 180 square feet, exclusive of access drives, a width of not less than nine feet and a depth of not less than 20 feet. Each space shall be adequately served by access drives as determined by the Zoning Administrator. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles they are designed to serve. Parking ramps and underground parking may be allowed to have some reduction in the dimensions stated above.

(b) Use of parking and loading space. Required parking or loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent.

(c) Computing requirements. In computing the number of such parking spaces required, the following rules shall govern:

i. Floor area shall mean the gross floor area of the specific use;

ii. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.

(d) Buffer fences and planting screens. Off-street parking and loading areas near or adjoining residence districts shall be screened by a buffer fence of adequate design or a planted buffer screen; plans of such screen or fence shall be submitted for approval as part of the required site plan, and such fence or landscaping shall be installed as part of the initial construction.

(e) Access.

i. Parking and loading space shall have proper access from a public right-of-way as determined by the Zoning Administrator.

ii. The number and width of access drives shall be so located as to minimize traffic congestion and traffic hazard.

(f) Combined facilities. Except in the R-1 District, combined or joint parking facilities may be provided for one or more buildings or uses, provided that the total number of spaces shall equal the sum of the requirements for each building or use. Underground parking bonus. If 50% or more of the required parking is provided underground or under the principal structure, 300 square feet shall be added as lot area for each space, so placed, and said lot area shall be used to determine the maximum allowable use of the property; for example, the number of dwelling units or the floor area ratio for an office building, provided the maximum bonus shall not increase the number of units or floor area by more than 30%.

(g) Lighting. Lighting shall meet the requirements specified in the zoning district and for the specific use where stated.

(h) Required site plan. Application for a building permit shall include a site plan drawn to scale and dimensioned showing off-street parking and loading space to be provided in compliance with this section. The site plan shall include an acceptable drainage plan.

9. *Off-street parking standards for ~~detached residential areas~~ districts.*

(a) Definitions: for the purposes of this section, the following vehicles are defined:

- a. Type 1 Commercial Vehicle: a commercial vehicle less than 8'6" height as measured to the top of any attachments or 22' in length as measured to include any attachments to the vehicle
- b. Type 2 Commercial Vehicle: a commercial vehicle greater than dimensions of Type I and less than 15,000 gross vehicle weight rating
- c. Recreational Vehicle – as defined in 154.003
- d. Large Recreational Vehicle- a recreational vehicle over 36 feet in length OR a boat or unoccupied trailer over 25 feet in length

(b) Vehicles may be parked in residential districts per the following table:

Type of Vehicle	Permitted Location	Number	Time Limit
Passenger Automobile	Garage, driveway, side yard, or rear yard surfaced area <u>At least 10 feet from the back of the curb or roadway</u>	No limit	No limit
Type 1 Commercial Vehicle	Garage, driveway, side yard, or rear yard surfaced area <u>At least 10 feet from the back of the curb or roadway</u>	Two (2) per lot	No limit
Type 2 Commercial Vehicle	Garage	One (1) per lot	No Limit
Recreational Vehicle	Garage, driveway, side yard or rear yard surfaced area <u>At least 10 feet from the back of the curb or roadway</u>	Two (2) per lot	Front yard: no longer than a 72-hour period, or while being actively loaded or unloaded Garage: No limit Side yard or rear yard surfaced area: No limit provided the vehicle is adequately screened per 154.010 (D)(32)(c). (Outdoor storage shall be screened from abutting residential uses with a wall, solid fencing, evergreen hedge, or equivalent material. All screening shall be <u>at least</u> six feet in height. Screening along district boundaries, where present, may provide all or part of the required screening) Must be in compliance with off-street parking regulations including setbacks
Large Recreational Vehicle	Garage, driveway, side yard, or rear yard surfaced area <u>At least 10 feet from the back of the curb or roadway</u>	One (1) per lot	Front yard: no longer than a 72-hour period, or while being actively loaded or unloaded Garage: No limit Side yard or rear yard surfaced area: No limit provided the vehicle is adequately screened per 154.010 (D)(32)(c). (Outdoor storage shall be screened from abutting residential uses with a wall, solid fencing, evergreen hedge, or equivalent material. All screening shall be <u>at least</u> six feet in height. Screening along district boundaries, where present, may provide all or part of the required screening) Must be in compliance with off-street parking regulations including setbacks

(c) Paved surface. All vehicles personal, recreational, or commercial shall be stored or parked on a driveway surface.

(d) Setbacks. New driveways and off-street parking shall be set back a minimum of three feet from side property lines. ~~Off-street parking shall be at least 10 feet from the back of the curb or roadway. Driveways located on a corner lot shall be set back a minimum of 15 feet from the corner of the two streets fronting the lot~~

(e) Location of parking. Required off-street parking spaces shall be provided on the same lot.

(f) Driveways, authorized parking areas, and authorized garages.

i. Driveways must lead to and abut a vehicle access door having a width of at least eight feet.

Driveways must not exceed a 22 foot maximum width at the property line.

ii. Existing driveways which do not lead to an authorized parking area or authorized garage must be removed and landscaped.

iii. Existing driveways which provide access to an authorized parking area or garage shall be improved/surfaced according to this section; however, if the driveway leads to an unpaved street or alley, a waiver to the surface requirement will be considered by the city upon receipt of a written request explaining the reason and justification for this request.

iv. Required number of off-street parking spaces. The minimum number of required off-street parking spaces are located in [Table 8](#).

v. Parking. Vehicles parked in a driveway or other area are not allowed to extend or encroach upon the alley or street right-of-way or public sidewalk.

vi. ~~Driveways located on a corner lot shall be set back a minimum of 15 feet from the corner of the two streets fronting the lot.~~

§ 72.04 RESTRICTIONS ON CERTAIN VEHICLES.

(A) No person shall park a commercial vehicle as defined in Chapter 154 for more than two hours at a time on any street in any area zoned in whole or in part for residential use under the provisions of this code.

(B) Exceptions: This section does not apply to commercial vehicles being actively loaded or unloaded, vehicles rendering a service, emergency vehicles of the police department, fire department, division of public health, to any public utility vehicle where actually engaged in the performance of emergency duties necessary to be performed by such public departments or public utilities; or to any vehicle owned by or performing work for the United States, the state, or the city. No person shall park a recreational vehicle as defined in Chapter 154 for more than two hours at a time on any street in any area zoned in whole or in part for residential use under the provisions of this code.

1. Exceptions: This section does not apply to vehicles being actively loaded or unloaded,

~~(C) Waivers: discuss with City Attorney~~

North Saint Paul, MN Code of Ordinances

§ 154.011 SIGNS.**(A) Findings.**

1. Exterior signs have a substantial impact on the character and quality of the environment.
2. Signs provide an important medium through which individuals may convey a variety of messages.
3. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.

(B) Purpose.

1. The city has a governmental interest in establishing a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe and attractive community, and the need for effective communications including business identification. It is the intent of this section to promote the health, safety, and general welfare of the city, while recognizing the need to maintain an attractive and appealing appearance of property in the city. Sign regulations, including, but not limited to those which control the duration of display, number, height, width, total area, methods of support, placement, materials, illumination, and other features are established. Sign regulations are intended to:

- (a) Promote an attractive, harmonious environment that creates a sense of place and prevent conditions, which have undesirable impacts on surrounding properties.
- (b) Ensure regulations that allow zoning districts to function effectively and efficiently.
- (c) Protect property values, public investment and the overall character of the city.
- (d) Promote traffic and pedestrian safety, prevent visual clutter and pollution, and design, construct and install signs in a manner that does not adversely impact public safety.
- (e) Ensure signs are compatible and proportioned to the scale of their surroundings.
- (f) Ensure adequate means of expression as allowed by the first amendment of the U.S. Constitution and other federal, state, and local laws.
- (g) To permit safe, effective, efficient and aesthetic means of communication using signs.
- (h) recognize the need to maintain an attractive and appealing appearance of property in the city;
- (i) Ensure adequate identification of each business while minimizing the tendency for signs to compete for attention with excessive wording or flashy visual stimulation;
- (j) To ensure expression of a business' individuality while at the same time ensuring architectural harmony, compatibility and unity of the streetscape.

(C) General provisions. The following regulations shall apply to all signs permitted in all districts:

1. **Conformance.** All signs except official traffic and street signs shall conform to the provisions of this section and any other ordinance or regulations of the city.
2. **Proximity to warning and regulatory signs and signals.** No sign shall be located which will:
 - (a) Interfere with the ability of any driver or pedestrian to see any street or highway sign, traffic sign or signal or crossroad or crosswalk.
 - (b) Will distract drivers or offer any confusion to any street or highway sign, traffic sign or signal.
3. **Sign setbacks.** All signs unless specifically noted otherwise, shall maintain a ten foot setback from all lot lines. The city may require a greater or lesser setback due to public safety reasons, which may include the following conditions: vehicle sight distance, distance from intersection, designation of adjacent right-of-way.

4. *Sign integration.* Signs are to be coordinated in their design, material and locational placement with the building design and architecture in terms of the materials and placement of such sign.

(D) *Permitted signs by zoning district.* The sign standards listed by district and lot size in Table 10 shall apply in determining certain residential and business sign areas allowed.

(E) *Downtown Overlay.*

1. *Purpose.*

- (a) Preserve cultural aspects of the historic commercial district.
- (b) Encourage the physical development of the city as intended by the city's Comprehensive Plan and Downtown Design manual/plans.
- (c) Encourage the harmonious development and appearance of structures and property within the district.
- (d) Maintain and improve property values of the district and throughout the city.

2. *Types/design of signs allowed.* The following types of signs are allowed when meeting the requirements of the Downtown Design Manual:

- (a) Permanently painted window signage no more than 20% of the window area.
- (b) Wall signs.
- (c) Projecting signs.
- (d) Neon light signs more than 20% of the window area or building exterior wall area.
- (e) Banners as temporary signs for a period greater than 30 days in one calendar year or two 15 day periods within one calendar year.
- (f) Three dimensional and flat projecting signs with a maximum space between signage and building face of one foot.
- (g) Rooftop signs used in a parapet as indicated in the Downtown Design Manual.
- (h) Temporary signage up to 20% of the window area or wall surface area.
- (i) A-frame or sandwich board sidewalk signs.
- (j) Permanent freestanding signs when approved within a design plan for the property.

3. *Prohibited signs.*

- (a) Flashing lights and bare bulb lights.
- (b) Fiberglass and plastic signs, except A-frame or sandwich board sidewalk signs.
- (c) Internally illuminated signs (not including neon or marquee signs) are not allowed.

4. *Placement of signs.* Signs shall not cover architectural detail on the building, windows, or cornices.

5. *Lighting of signs.* Source of the light must be directed at the sign and must be shielded (not be visible to pedestrians, motorists, or neighboring residents or businesses).

(F) *Comprehensive (master) sign programs. Multi-tenant building.*

1. The property owner shall be responsible for allocating the allowable sign area among the tenants of multi-tenant buildings. In the event that the owner does not allocate the sign area, the city may do so based on the relative floor area or tenant frontage.

2. Unified shopping center/multiple-tenant buildings. In a unified shopping center or multiple-tenant building, the total surface area of all individual signs on the buildings shall not exceed the maximum square footage requirements outlined in Table 10. As a part of this maximum square footage the center or building may erect one freestanding or monument sign, which identifies the name and location of the building and its tenants. For shopping centers or multiple tenant buildings, one freestanding or monument sign may be permitted per street right-of-way, provided it meets the requirements of maximum surface area and height outlined in Table 10.

3. Master sign plan. No permit shall be issued for an individual sign requiring a permit in a commercial and/or industrial zoning district where more than one business or industry will be located until a master signage plan has been approved by the city. The master signage plan is intended to control total sign area and sign placement so as to help eliminate incongruities as tenants/occupants change.

4. The owner/agent proposing a commercial or industrial development plan, site plan, and/or planned unit development with more than one individual business or tenant any shall submit a master signage plan containing the following information:

(a) A scaled site plan showing location of buildings, parking lots, driveways and landscaped areas and an accurate indication on the site plan of the proposed location of present and future signs of any type, whether requiring a permit or not.

(b) Scaled color drawings clearly showing location of sign on building elevation.

(c) Computation of the maximum total sign area, the maximum area for individual signs and the height of signs.

(d) The maximum numbers of signs affixed to a building by each business within the building shall be controlled by the master signage plan.

(e) Other provisions of the plan may contain such other restrictions as the owner of the development or building may reasonably determine.

(f) The plan shall be signed by all owners or their authorized agents in such form as required by the city or as a part of applicable and active restrictive covenants.

(g) A master signage plan may be amended by filing administratively a new master signage plan that conforms to all requirements of this chapter.

(h) After approval of a master signage plan, no sign shall be erected, placed, painted or maintained, except in conformance with approved master signage plan and such plan may be enforced in the same way as provisions of this chapter. In case of any conflict between the provisions of such a plan and this Code, the Code shall govern.

(G) *Planned Unit Development.* Permanent and temporary signs are regulated according to the standards for the corresponding land use and zoning category as stated in this section. A sign plan with differing requirements may be approved by the Zoning Administrator. Factors which will be used in determining if an individual Planned Unit Development sign plan will be considered include the following:

1. The development includes a structure three stories or greater.

2. The development includes multiple structures and/or substantial site area.

3. The development includes mixed uses.

4. A sign plan is uniquely adapted to address the visibility needs of a development while remaining consistent with the intent of this section to direct high quality signage.

5. The sign plan includes permanent sign covenants which can be enforced by the city.

(H) *Exemptions to the sign ordinance.* The following types of signs are exempted from all the provisions of this section and do not require a sign permit, except for construction and safety regulations and the following standards:

1. *Replacing copy.* The changing of the advertising copy or message on an approved sign which are specifically designed for the use of replaceable copy.

2. *Maintenance.* Painting, repainting, cleaning and other normal maintenance and repair of a sign structure unless a structural change is made.

3. Signs having an area of six square feet or less, but no more than one per business nor more than two per lot, provided the sign area does not exceed the area allowed by this section.

4. *Indoor signs.* Signs that are completely within a building and are not visible from the outside of said building.

5. Sculptures, fountains, mosaics, murals, and other works of art that do not incorporate business identification or commercial messages.
 6. Signs installed and maintained on bus benches and/or shelters within city right-of-way, pursuant to a franchise authorized by the City Council.
 7. Seasonal decorations for display on private property.
 8. *Non commercial signs.* Signs of a noncommercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of public duty, such as directional signs, regulatory signs, warning signs, incidental and informational signs.
 9. *Traffic signage within the public right-of-way.* Permanent governmental signs for control of traffic and other regulatory/notification purposes as governed under Manual on Uniform Traffic Control Devices (MUTCD) and MN.MUTCD.
 10. Non-electric bulletin boards not exceeding 12 square feet in area for each public, charitable, or religious institution, when the same are located on the premises of said institutions.
 11. *Integral signs.* Names of buildings, dates of erection, monumental citations, commemorate tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.
 12. *Window signs.* In the MU-1, MU-2, and MU-3 Districts, window signs as defined in this section shall be permitted in a window. The total area of all window signs shall not exceed 20% of the window glass area, to be calculated separately for each side of the building. Neon signs are permitted on the building exterior and in display windows as long as they do not cover more than 20% of the window area or building exterior.
 13. *Private traffic direction.* Signs directing traffic movement onto a premise or within a premises, not exceeding eight square feet in area for each sign. Illumination of these signs shall conform to this section, except that standard traffic signal light devices may be used if needed. Horizontal direction signs on and flush with paved areas are exempt from these standards.
 14. *Yard signs.* Temporary yard signs not exceeding six square feet in area located on the subject property and limited to one such sign for each street frontage of a home, lot, parcel or tract under two acres in area other than those included in this section. Signs shall be removed within seven days.
 15. Off-premise directional signs may be placed on private property or on the right-of-way adjacent to said private property, with the permission of the abutting property owners. The signs shall be displayed in such a manner as to not constitute a traffic hazard or impair or impede pedestrians, bicycles, or disabled persons. Signs shall not exceed three square feet in area and four in number. The top of such signs shall not exceed three feet in height.
 16. *Political signs.* Non-commercial signs of any size may be posted in any number from 46 days before the state primary in a state general election year until ten days following the state general election, and in the case of a special election, from 30 days before the special election to seven days after a special election.
 17. *National, state, county or city flags.* Nothing in this section shall in any way prohibit or limit the display of national, state, county or city flags.
 18. *Decorative flags.* May be part of a permanent sign plan provided there is a maintenance schedule and it is observed. Each business is allowed up to two per business. They must not interfere with pedestrian or vehicular sight-lines or mobility.
 19. *Address signs.* A minimum of one address sign shall be required. Such sign shall be of sufficient size to be legible from the nearest street yet shall not exceed two square feet in area.
- (I) *Prohibited signs.* The following signs are prohibited in all districts:
1. Advertising signs (billboards).
 2. Advertising or business signs on or attached to mobile equipment (but not a portable sign), where signing is a principal use of the equipment on either a temporary or permanent basis.
 3. Signs mounted on chimneys, rooftop equipment, towers, flagpoles, cooling towers, elevator penthouses, commercial antennas, communication towers, belfries, church spires and cupolas.

4. Signs which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection.

5. Signs which are pasted or attached to utility poles, trees, fences, other signs or their own poles which are not specifically allowed by this section.

6. *Right-of-way signs.* Signs on or over the municipal, county or state public right-of-way, unless the city grants permission or as otherwise specified in this section.

7. Roof signs, except within the MU-1 District, as specifically stated within this section. Including signs mounted on a roof surface or projecting above the roof line of a structure if either attached to the structure or cantilevered over the structure.

8. *Flashing signs.* Signs with zooming, twinkling, or flashing illumination.

9. Flashing lights and bare bulb lights.

10. Rotating signs, flashing signs and motion signs, except time and temperature and civic information.

11. Flashing or rotating signs resembling emergency vehicles or equipment of motion.

12. Signs which swing or otherwise noticeably move, or have parts which so move, as a result of wind pressure because of the manner of suspension or attachment.

13. Beacon lights or search lights as a sign or for advertising purposes.

14. Internally illuminated signs (not including neon or marquee signs).

15. *Monument signs within the MU-1 District.* Monument signs and mobile monument signs except for civic uses.

(J) *Temporary signs.* All temporary signs require a sign permit. The following signs are permitted:

1. *Temporary signs.* Temporary signs shall be set back no less than ten feet from the property line up to a sign area of 30 square feet. Such signs shall be allowed no more than 21 days prior to the event or function and must be removed within three days after the event or function. Such signs may be illuminated in accordance with the restrictions set forth in this section. If building mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground mounted, the top shall be no more than six feet above ground level.

2. *Street banners.* Street banners advertising a public or civic event may be displayed 21 days prior to and three days after the event, but may not hang for a period greater than 30 days.

3. *Decorative banners.* Decorative banners may be displayed 21 days prior to and three days after the event, but may not hang for a period greater than 30 days.

4. *Banners, pennants, whirling devices, balloons.* Banners, pennants, whirling devices and balloons or any such sign resembling the same are allowed when used as an integral part of the design of the building or when used in conjunction with grand openings (the initial commencement of business) or when allowed by the provisions of this section. In the case of grand openings, banners and pennants shall be allowed for the week (maximum ten days) of said grand opening. In other cases, a permit shall be issued for ten day periods, but limited to three times a year per business. A separate occasion begins no sooner than 30 days after expiration of the previous approval and removal of the previous sign, whichever is longer.

5. *A-frame (sandwich or tent signs).* One sign allowed per business, ten square feet per side, four feet in height. Signs shall not be left on the sidewalk overnight and must leave a minimum of six feet of clear walkway on the sidewalk.

6. *Painted window signs.* Signs must not consume more than 20% of the window area. Permanently painted window signage is encouraged if compatible with the architecture of the building as determined by the Zoning Administrator.

(K) *Computations.*

1. *Sign area measurement.*

(a) Freestanding signs. The area within the sign frame shall be used to calculate the square footage.

(b) Wall, window, or other structural surface without a sign frame. The area without a sign frame shall be determined by drawing a box around the outermost periphery of letters or graphics. The square footage shall be that of the box surrounding the said letters or graphics.

(c) Each surface used to display a message shall be measured as a separate sign and shall be calculated in the overall square footage.

2. *Sign height measurement.* The height of a sign shall be measured from the existing grade except for the following: if elevations of the centerline of the nearest frontage street are provided by the sign applicant, this point of elevation may be used rather than existing grade.

3. *Sign as a structure.* A sign is a structure or part of a structure for the purpose of applying yard regulations.

4. *Setbacks.* Within all zoning districts, signs shall be setback a minimum of ten feet from all property lines.

(L) *Illumination.*

1. The light from any illuminated sign or from any light source, including the interior of a building, shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Light shall not shine or reflect on or into a residential structure.

2. No sign shall have blinking, flashing or fluttering lights or other illuminating devices or reflective fluttering which have a changing light intensity, brightness or color or which are so constructed and operated as to create an appearance or illusion of writing or printing. An exception may be granted by the city for signs providing civic information or public service information such as date, time, temperature and other weather devices. Nothing contained in this section shall, however, be construed as preventing the use of lights or decorations related to religious, civic and patriotic festivities.

3. If the sign is illuminated at night, the source of the light must be directed at the sign and must not be visible to pedestrians, motorists, or neighboring residents or businesses.

4. No exposed reflective type bulbs and no strobe lights, incandescent lamps or zip flasher which exceed 7.5 watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

5. When necessary to prevent a nuisance, the city shall specify the hours during which illuminated signs may be kept lighted.

(M) *Sign maintenance.*

1. *Maintenance.* All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition and in compliance with all applicable building code requirements.

(a) *Painting.* The owner or any sign shall be required to have such a sign properly painted including all parts and supports of the sign, unless such parts or supports are galvanized or otherwise treated to prevent rust. This shall also apply to murals.

(b) *Area around signs.* The owner, or lessee of any sign or the owner of the land on which the sign is located shall keep the grass, weeds or other growth cut and the area between the sign and the street and the area within six feet from the ends of the sign, free from refuse.

(c) *Unsafe for dangerous signs.* Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety shall be considered a public nuisance and shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure or land upon which the sign is located, within ten days after written notification from the Zoning Administrator.

2. *Abandoned signs.* A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it identifies is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the city shall remove it in accordance with this section. These removal provisions shall not apply where a succeeding owner or lessee conducts the same type of business and agrees to maintain the signs as provided in this section or changes copy on the signs to advertise the type of business being conducted on the premises and provided the signs comply with other provisions of this section. Signs which advertise an activity, business, product or service no longer produced or conducted on the premises upon which the sign is located. Where the owner or lessor of the premises is seeking a new tenant, such signs may remain in place for not more than 30 days from the date of vacancy.

(N) *Nonconforming signs.*

1. The Community Development Department shall order the removal of any sign erected or maintained in violation of city ordinances as they existed prior to July 21, 1999, the time of the adoption of the provisions of this chapter. Removal shall be in accordance with this subsection.

2. Any nonconforming temporary, movable or portable sign existing on July 21, 1999, the time of the adoption of the provisions of this chapter shall be made to comply with the requirements set forth herein or shall be removed within 60 days after the adoption of this chapter.

3. Other signs existing at the time of the enactment of this chapter and not conforming to its provisions, but which did conform to previous laws and ordinances when constructed or placed shall be regarded as nonconforming signs which may be continued if properly repaired and maintained as provided in this chapter and if in conformance with other ordinances of the city. If said signs are not continued with conformance of above, they shall be removed in accordance with this chapter.

4. All nonconforming signs which are structurally altered, relocated or replaced shall comply immediately with all provisions of this chapter.

5. Business signs on the premises of a nonconforming building or use may be continued, but such signs shall not be increased in number, area, height or illumination. New signs may be erected only upon the complete removal of all other nonconforming signs existing at the time of the adoption of this chapter.

6. No sign erected before the passage of this chapter shall be rebuilt, altered or moved to a new location without being brought into compliance with the requirements of this chapter.

(O) *Permits.*

1. *Permit requirements.* No sign shall be erected, altered or relocated without a permit issued by the city. Any sign involving electrical components shall be wired by a licensed electrician, and the electrical components used shall bear an Underwriters Laboratories, Inc. seal of inspection.

2. *Application.* The permit application shall be signed by the applicant. When the applicant is any person other than the owner of the property, it shall also be signed by the owner of the property.

3. In addition to the above application, an agreement must be entered into with the city which would authorize and direct the city to:

(a) Remove and dispose of, at the owner's expense, any sign and sign structure on which a permit has been issued but not renewed, by the owner and if not removed by the owner within a 30 day period following the expiration of the permit.

(b) Remove, at the expense of the owner, the sign and sign structure, where maintenance is required but not furnished, after a hearing and a ten day notice to the owner specifying the maintenance required by the city.

4. The issuance of a permit may also be subject to conditions in order to promote a reasonable combination of signs and to promote conformity with the character and use of adjoining property.

5. *Fees.* All fees shall be set by City Council Fee Schedule.

6. *Licenses and bonds.*

(a) No person, firm or corporation shall engage the business of erecting signs under this section unless licensed to do so by the Council. Such license may be granted by the Council after written application to the city, accompanied by an annual license fee to be determined by Council ordinance. This license may be terminated by the Council at any time for cause. No license shall take effect until the licensee shall file with the city a certificate of insurance, evidencing the holding of public liability insurance in the limits and coverage set by the city.

(b) Applicants not engaged in the business of erecting signs who choose to construct and erect a sign on their own property shall be exempt from the above provisions for license and certificate of insurance.

7. *Nullification.* A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit. A permit may be renewed, and no additional fee shall be collected for the renewal.

8. *Building Official.* The Building Official shall issue all permits for construction, alteration, and erection or signs in accordance with the provisions of this section and related chapters and titles of the City of North St.

Paul City Code. In addition, all signs, where appropriate, shall conform to the National Electric Code and the National Electrical Safety Code.

(P) *Enforcement.*

1. *Inspection.* Any sign for which a permit is required shall be inspected periodically by the city for compliance with this section and all other applicable laws.

2. *Removal of signs.* The city shall order the removal of any sign erected or maintained in violation of this section. Ten days' notice in writing shall be given to the owner of such sign, or of the building, structure or premises on which such sign is located, to either bring the sign into compliance with the ordinance or effect its removal. Upon failure to remove the sign or to comply with this notice, the city forces shall remove the sign. The city forces shall remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any costs of removal incurred by the city shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes with all costs assessed against the property.

3. *Approved sign plans.* The city may enforce, in the same manner as the requirements of this section, the terms of a sign plan or sign covenants which it has approved. Any violation of an approved sign plan or sign covenants is a misdemeanor.

(Q) *Construction requirements.* All signs shall be constructed in such a manner and of such material so as to be considered safe and substantial. Nothing in this section shall be interpreted as authorizing the erection or construction of any sign not permitted under this subchapter.

(R) *Substitution clause.* Any sign allowed under this section may contain, in lieu of any other message or copy, any lawful noncommercial message or copy.

(S) *Severability.* If any section, subsection, paragraph, sentence, clause or phrase of this section or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court or competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this section or its application to any other person or situation.

(Ord. 739, passed 8-18-2015)

Table 10. Signs - Mixed Use Districts

District		Max sign height	Window signs	Wall signs	Monument sign max sign face	Projecting sign max sign face	Free-standing signs max sign face	Awning/canopy signs	Sq. ft. max aggregate or total sign area
MU-1	0-10,000 sq ft	25 ft	20% of the window glass area.	10% of the wall area or 80 sq ft whichever is less.	Institutional Use: 75 sq ft	12 sq ft, 3 ft width max	(1) sign is allowed per building street frontage. 30 sq ft.	Max Length: 25 ft Min Clearance: 8 ft Max	150 sq ft
	10,000-20,000 sq ft			10% of the wall area or 90 sq ft whichever is less.	Institutional Use: 100 sq ft		(1) sign is allowed per building street frontage. 60 sq ft.	Max Height: 12 ft Min Depth: 3 ft	200 sq ft
	OVER 20,000 sq ft			10% of the wall area or 100 sq ft whichever is less.	Institutional Use: 150 sq ft		(1) sign is allowed per building street frontage. 90 sq ft.	Max Depth 6 ft	250 sq ft
MU-2	0-20,000 sq ft			10% of the wall area or 90 sq ft whichever is less.	40 sq ft		(1) sign is allowed per building street		200 sq ft

						frontage. 60 sq ft.		
	OVER 20,000 sq ft			10% of the wall area or 100 sq ft whichever is less.	80 sq ft	(1) sign is allowed per building street frontage. 90 sq ft.		250 sq ft
MU-3	0-50,000 sq ft	25 ft	20% of the window glass area.	2 sq ft for every linear foot of front of bldg. Max 150 sq ft	100 sq ft	(1) sign is allowed per building street frontage. 100 sq ft.	Max Length: 25 ft Min Clearance: 8 ft Max Max Height: 12 ft Min Depth: 3 ft Max Depth 6 ft	200 sq ft
	50,000-100,000 sq ft			2 sq ft for every linear foot of front of bldg. Max 200 sq ft	150 sq ft	(1) sign is allowed per building street frontage. 120 sq ft.		250 sq ft
	100,000 - 200,000 sq ft			2 sq ft for every linear foot of front of bldg. Max 250 sq ft	150 sq ft	(1) sign is allowed per building street frontage. 140 sq ft.		300 sq ft
	OVER 200,000 sq ft			2 sq ft for every linear foot of front of bldg. Max 300 sq ft	200 sq ft	(1) sign is allowed per building street frontage. 160 sq ft.		400 sq ft

Table 11. Signs - Residential Districts

District	Institutional use sign (parks, playgrounds, churches, libraries, municipal bldgs, etc)	Max total sign area allowed	Max sign height	Monument sign max sign face	Sq. ft. max aggregate or total sign area
R-1	60 sq ft	2 sq ft name plate	6 ft	—	Residential: 2 sq ft name plate
R-2					Institutional: 60 sq ft
R-3		24 sq ft		24 sq ft	Residential: 24 sq ft Institutional: 60 sq ft

§ 154.011 SIGNS.

(A) Findings.

1. Exterior signs have a substantial impact on the character and quality of the environment.
2. Signs provide an important medium through which individuals may convey a variety of messages.
3. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.

(B) Purpose.

1. The city has a governmental interest in establishing a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe and attractive community, and the need for effective communications including business identification. It is the intent of this section to promote the health, safety, and general welfare of the city, while recognizing the need to maintain an attractive and appealing appearance of property in the city. Sign regulations, including, but not limited to those which control the duration of display, number, height, width, total area, methods of support, placement, materials, illumination, and other features are established. Sign regulations are intended to:

- (a) Promote an attractive, harmonious environment that creates a sense of place and prevent conditions, which have undesirable impacts on surrounding properties.
- (b) Ensure regulations that allow zoning districts to function effectively and efficiently.
- (c) Protect property values, public investment and the overall character of the city.
- (d) Promote traffic and pedestrian safety, prevent visual clutter and pollution, and design, construct and install signs in a manner that does not adversely impact public safety.
- (e) Ensure signs are compatible and proportioned to the scale of their surroundings.
- (f) Ensure adequate means of expression as allowed by the first amendment of the U.S. Constitution and other federal, state, and local laws.
- (g) To permit safe, effective, efficient and aesthetic means of communication using signs.
- (h) recognize the need to maintain an attractive and appealing appearance of property in the city;
- (i) Ensure adequate identification of each business while minimizing the tendency for signs to compete for attention with excessive wording or flashy visual stimulation;
- (j) To ensure expression of a business' individuality while at the same time ensuring architectural harmony, compatibility and unity of the streetscape.

(C) General provisions. The following regulations shall apply to all signs permitted in all districts:

1. Conformance. All signs except official traffic and street signs shall conform to the provisions of this section and any other ordinance or regulations of the city.
2. Proximity to warning and regulatory signs and signals. No sign shall be located which will:

(a) Interfere with the ability of any driver or pedestrian to see any street or highway sign, traffic sign or signal or crossroad or crosswalk.

(b) Will distract drivers or offer any confusion to any street or highway sign, traffic sign or signal.

3. Sign setbacks. All signs unless specifically noted otherwise, shall maintain a ten foot setback from all lot lines. The city may require a greater or lesser setback due to public safety reasons, which may include the following conditions: vehicle sight distance, distance from intersection, designation of adjacent right-of-way.

Commented [EP1]: Vague

4. Sign integration. Signs are to be coordinated in their design, material and locational placement with the building design and architecture in terms of the materials and placement of such sign.

(D) *Permitted signs by zoning district.* The sign standards listed by district and lot size in Tables 10 and 11 shall apply in determining certain residential and business sign areas allowed.

(E) *Downtown Overlay.*

1. Purpose.

(a) Preserve cultural aspects of the historic commercial district.

(b) Encourage the physical development of the city as intended by the city's Comprehensive Plan and Downtown Design manual/plans.

(c) Encourage the harmonious development and appearance of structures and property within the district.

(d) Maintain and improve property values of the district and throughout the city.

2. Types/design of signs allowed. The following types of signs are allowed when meeting the requirements of the Downtown Design Manual:

(a) Permanently painted window signage no more than 20% of the window area.

(b) Wall signs.

(c) Projecting signs.

(d) Neon light signs more than 20% of the window area or building exterior wall area.

(e) Banners as temporary signs for a period greater than 30 days in one calendar year or two 15 day periods within one calendar year.

(f) Three dimensional and flat projecting signs with a maximum space between signage and building face of one foot.

(g) Rooftop signs used in a parapet as indicated in the Downtown Design Manual.

(h) Temporary signage up to 20% of the window area or wall surface area.

(i) A-frame or sandwich board sidewalk signs.

(j) Permanent freestanding signs when approved within a design plan for the property.

3. Prohibited signs.

~~(a) Flashing lights and bare bulb lights.~~

~~(b)(a) Fiberglass and plastic signs, except A-frame or sandwich board sidewalk signs.~~

Commented [EP2]: Delete this – covered in a later section for all districts

~~(c) Internally illuminated signs (not including neon or marquee signs) are not allowed.~~

4. Placement of signs. Signs shall not cover architectural detail on the building, windows, or cornices.

5. Lighting of signs. Source of the light must be directed at the sign and must be shielded (not be visible to pedestrians, motorists, or neighboring residents or businesses).

(F) Comprehensive (master) sign programs. Multi-tenant building.

1. The property owner shall be responsible for allocating the allowable sign area among the tenants of multi-tenant buildings. In the event that the owner does not allocate the sign area, the city may do so based on the relative floor area or tenant frontage.

2. Unified shopping center/multiple-tenant buildings. In a unified shopping center or multiple-tenant building, the total surface area of all individual signs on the buildings shall not exceed the maximum square footage requirements outlined in Table 10. As a part of this maximum square footage the center or building may erect one freestanding or monument sign, which identifies the name and location of the building and its tenants. For shopping centers or multiple tenant buildings, one freestanding or monument sign may be permitted per street right-of-way, provided it meets the requirements of maximum surface area and height outlined in Table 10.

3. Master sign plan. No permit shall be issued for an individual sign requiring a permit in a commercial and/or industrial zoning district where more than one business or industry will be located until a master signage plan has been approved by the city. The master signage plan is intended to control total sign area and sign placement so as to help eliminate incongruities as tenants/occupants change.

4. The owner/agent proposing a commercial or industrial development plan, site plan, and/or planned unit development with more than one individual business or tenant any shall submit a master signage plan containing the following information:

(a) A scaled site plan showing location of buildings, parking lots, driveways and landscaped areas and an accurate indication on the site plan of the proposed location of present and future signs of any type, whether requiring a permit or not.

(b) Scaled color drawings clearly showing location of sign on building elevation.

(c) Computation of the maximum total sign area, the maximum area for individual signs and the height of signs.

(d) The maximum numbers of signs affixed to a building by each business within the building shall be controlled by the master signage plan.

(e) Other provisions of the plan may contain such other restrictions as the owner of the development or building may reasonably determine.

(f) The plan shall be signed by all owners or their authorized agents in such form as required by the city or as a part of applicable and active restrictive covenants.

(g) A master signage plan may be amended by filing administratively a new master signage plan that conforms to all requirements of this chapter.

(h) After approval of a master signage plan, no sign shall be erected, placed, painted or maintained, except in conformance with approved master signage plan and such plan may be

enforced in the same way as provisions of this chapter. In case of any conflict between the provisions of such a plan and this Code, the Code shall govern.

(G) Planned Unit Development. Permanent and temporary signs are regulated according to the standards for the corresponding land use and zoning category as stated in this section. A sign plan with differing requirements may be approved by the Zoning Administrator. Factors which will be used in determining if an individual Planned Unit Development sign plan will be considered include the following:

1. The development includes a structure three stories or greater.
2. The development includes multiple structures and/or substantial site area.
3. The development includes mixed uses.
4. A sign plan is uniquely adapted to address the visibility needs of a development while remaining consistent with the intent of this section to direct high quality signage.
5. The sign plan includes permanent sign covenants which can be enforced by the city.

(H) Exemptions to the sign ordinance. The following types of signs are exempted from all the provisions of this section and do not require a sign permit, except for construction and safety regulations and the following standards:

1. Replacing copy. The changing of the advertising copy or message on an approved sign which are specifically designed for the use of replaceable copy.
2. Maintenance. Painting, repainting, cleaning and other normal maintenance and repair of a sign structure unless a structural change is made.
3. Signs having an area of six square feet or less, but no more than one per business nor more than two per lot, provided the sign area does not exceed the area allowed by this section.
4. Indoor signs. Signs that are completely within a building and are not visible from the outside of said building.
5. Sculptures, fountains, mosaics, murals, and other works of art that do not incorporate business identification or commercial messages.
6. Signs installed and maintained on bus benches and/or shelters within city right-of-way, pursuant to a franchise authorized by the City Council.
7. Seasonal decorations for display on private property.
8. Non commercial signs. Signs of a noncommercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of public duty, such as directional signs, regulatory signs, warning signs, incidental and informational signs.
9. Traffic signage within the public right-of-way. Permanent governmental signs for control of traffic and other regulatory/notification purposes as governed under Manual on Uniform Traffic Control Devices (MUTCD) and MN.MUTCD.
10. Non-electric bulletin boards not exceeding 12 square feet in area for each public, charitable, or religious institution, when the same are located on the premises of said institutions.

11. Integral signs. Names of buildings, dates of erection, monumental citations, commemorate tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.

12. Window signs. In the MU-1, MU-2, and MU-3 Districts, window signs as defined in this section shall be permitted in a window. The total area of all window signs shall not exceed 20% of the window glass area, to be calculated separately for each side of the building. Neon signs are permitted on the building exterior and in display windows as long as they do not cover more than 20% of the window area or building exterior.

13. Private traffic direction. Signs directing traffic movement onto a premise or within a premises, not exceeding eight square feet in area for each sign. Illumination of these signs shall conform to this section, except that standard traffic signal light devices may be used if needed. Horizontal direction signs on and flush with paved areas are exempt from these standards.

14. Yard signs. Temporary yard signs not exceeding six square feet in area located on the subject property and limited to one such sign for each street frontage of a home, lot, parcel or tract under two acres in area other than those included in this section. Signs shall be removed within seven days.

15. Off-premise directional signs may be placed on private property or on the right-of-way adjacent to said private property, with the permission of the abutting property owners. The signs shall be displayed in such a manner as to not constitute a traffic hazard or impair or impede pedestrians, bicycles, or disabled persons. Signs shall not exceed three square feet in area and four in number. The top of such signs shall not exceed three feet in height.

16. Political signs. Non-commercial signs of any size may be posted in any number from 46 days before the state primary in a state general election year until ten days following the state general election, and in the case of a special election, from 30 days before the special election to seven days after a special election.

17. National, state, county or city flags. Nothing in this section shall in any way prohibit or limit the display of national, state, county or city flags.

18. Decorative flags. May be part of a permanent sign plan provided there is a maintenance schedule and it is observed. Each business is allowed up to two per business. They must not interfere with pedestrian or vehicular sight-lines or mobility.

19. Address signs. A minimum of one address sign shall be required. Such sign shall be of sufficient size to be legible from the nearest street yet shall not exceed two square feet in area.

(I) *Prohibited signs.* The following signs are prohibited in all districts:

1. Advertising signs (billboards).
2. Advertising or business signs on or attached to mobile equipment (but not a portable sign), where signing is a principal use of the equipment on either a temporary or permanent basis.
3. Signs mounted on chimneys, rooftop equipment, towers, flagpoles, cooling towers, elevator penthouses, commercial antennas, communication towers, belfries, church spires and cupolas.

Commented [EP3]: These are not an exception to the sign ordinance, in my view. These should be subject to a permit just like a monument or wall sign.

Commented [EP4]: Are we sure we want to allow these?

4. Signs which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection.

5. Signs which are pasted or attached to utility poles, trees, fences, other signs or their own poles which are not specifically allowed by this section.

6. Right-of-way signs. Signs on or over the municipal, county or state public right-of-way, unless the city grants permission or as otherwise specified in this section.

7. Roof signs, except within the MU-1 District, as specifically stated within this section. Including signs mounted on a roof surface or projecting above the roof line of a structure if either attached to the structure or cantilevered over the structure.

8. Flashing signs. Signs with zooming, twinkling, or flashing illumination.

9. Flashing lights and bare bulb lights.

10. Rotating signs, flashing signs and motion signs, except time and temperature and civic information.

11. Flashing or rotating signs resembling emergency vehicles or equipment of motion.

12. Signs which swing or otherwise noticeably move, or have parts which so move, as a result of wind pressure because of the manner of suspension or attachment.

13. Beacon lights or search lights as a sign or for advertising purposes.

14. Internally illuminated signs (not including neon or marquee signs).

15. Monument signs within the MU-1 District. Monument signs and mobile monument signs except for civic uses.

(J) *Temporary signs.* All temporary signs require a sign permit. The following signs are permitted:

1. Temporary signs. Temporary signs shall be set back no less than ten feet from the property line up to a sign area of 30 square feet. Such signs shall be allowed no more than 21 days prior to the event or function and must be removed within three days after the event or function. Such signs may be illuminated in accordance with the restrictions set forth in this section. If building mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground mounted, the top shall be no more than six feet above ground level.

2. Street banners. Street banners advertising a public or civic event may be displayed 21 days prior to and three days after the event, but may not hang for a period greater than 30 days.

3. Decorative banners. Decorative banners may be displayed 21 days prior to and three days after the event, but may not hang for a period greater than 30 days.

4. Banners, pennants, ~~whirling devices~~, balloons. Banners, pennants, ~~whirling devices~~ and balloons or any such sign resembling the same are allowed when used as an integral part of the design of the building or when used in conjunction with grand openings (the initial commencement of business) or when allowed by the provisions of this section. In the case of grand openings, banners and pennants shall be allowed for the week (maximum ten days) of said grand opening. In other cases, a permit shall be issued for ten day periods, but limited to

Commented [EP5]: These have always been allowed; Corrin did not know why this is in here

Commented [EP6]: Repetitive if all signs are required to get a permit

three times a year per business. A separate occasion begins no sooner than 30 days after expiration of the previous approval and removal of the previous sign, whichever is longer.

5. A-frame (sandwich or tent signs). One sign allowed per business, ten square feet per side, four feet in height. Signs shall not be left on the sidewalk overnight and must leave a minimum of six feet of clear walkway on the sidewalk.

6. Painted window signs. Signs must not consume more than 20% of the window area. Permanently painted window signage is encouraged if compatible with the architecture of the building as determined by the Zoning Administrator.

(K) Computations.

1. Sign area measurement.

(a) Freestanding signs. The area within the sign frame shall be used to calculate the square footage.

(b) Wall, window, or other structural surface without a sign frame. The area without a sign frame shall be determined by drawing a box around the outermost periphery of letters or graphics. The square footage shall be that of the box surrounding the said letters or graphics.

(c) Each surface used to display a message shall be measured as a separate sign and shall be calculated in the overall square footage.

2. Sign height measurement. The height of a sign shall be measured from the existing grade except for the following: if elevations of the centerline of the nearest frontage street are provided by the sign applicant, this point of elevation may be used rather than existing grade.

3. Sign as a structure. A sign is a structure or part of a structure for the purpose of applying yard regulations.

~~4. Setbacks. Within all zoning districts, signs shall be setback a minimum of ten feet from all property lines.~~

Commented [EP7]: Repetitive

(L) Illumination.

1. The light from any illuminated sign or from any light source, including the interior of a building, shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Light shall not shine or reflect on or into a residential structure.

2. No sign shall have blinking, flashing or fluttering lights or other illuminating devices or reflective fluttering which have a changing light intensity, brightness or color or which are so constructed and operated as to create an appearance or illusion of writing or printing. An exception may be granted by the city for signs providing civic information or public service information such as date, time, temperature and other weather devices. Nothing contained in this section shall, however, be construed as preventing the use of lights or decorations related to religious, civic and patriotic festivities.

3. If the sign is illuminated at night, the source of the light must be directed at the sign and must not be visible to pedestrians, motorists, or neighboring residents or businesses.

4. No exposed reflective type bulbs and no strobe lights, incandescent lamps or zip flasher which exceed 7.5 watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

Commented [EP8]: Is this outdated? What if LEDs are used?

5. When necessary to prevent a nuisance, the city shall specify the hours during which illuminated signs may be kept lighted.

(M) Sign maintenance.

1. Maintenance. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition and in compliance with all applicable building code requirements.

(a) Painting. The owner or any sign shall be required to have such a sign properly painted including all parts and supports of the sign, unless such parts or supports are galvanized or otherwise treated to prevent rust. This shall also apply to murals.

(b) Area around signs. The owner, or lessee of any sign or the owner of the land on which the sign is located shall keep the grass, weeds or other growth cut and the area between the sign and the street and the area within six feet from the ends of the sign, free from refuse.

(c) Unsafe for dangerous signs. Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety shall be considered a public nuisance and shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure or land upon which the sign is located, within ten days after written notification from the Zoning Administrator.

2. Abandoned signs. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it identifies is no longer conducted on the premises within 90 days of the business closure. If the owner or lessee fails to remove the sign, the city shall remove it in accordance with this section. These removal provisions shall not apply where a succeeding owner or lessee conducts the same type of business and agrees to maintain the signs as provided in this section or changes copy on the signs to advertise the type of business being conducted on the premises and provided the signs comply with other provisions of this section. Signs which advertise an activity, business, product or service no longer produced or conducted on the premises upon which the sign is located. Where the owner or lessor of the premises is seeking a new tenant, such signs may remain in place for not more than 30 days from the date of vacancy.

(N) Nonconforming signs.

1. The Community Development Department shall order the removal of any sign erected or maintained in violation of city ordinances as they existed prior to July 21, 1999, the time of the adoption of the provisions of this chapter. Removal shall be in accordance with this subsection.

Commented [EP9]: This relates to nonconformities that were NOT legally established

2. Any nonconforming temporary, movable or portable sign existing on July 21, 1999, the time of the adoption of the provisions of this chapter shall be made to comply with the requirements set forth herein or shall be removed within 60 days after the adoption of this chapter.

3. Other signs existing at the time of the enactment of this chapter and not conforming to its provisions, but which did conform to previous laws and ordinances when constructed or placed shall be regarded as nonconforming signs which may be continued if properly repaired and maintained as provided in this chapter and if in conformance with other ordinances of the city. If said signs are not continued with conformance of above, they shall be removed in accordance with this chapter.

Commented [EP10]: Aka legal non-conformities

4. All nonconforming signs which are structurally altered, relocated or replaced shall comply immediately with all provisions of this chapter.

Commented [EP11]: Clarify whether or not this applies to panel changes

5. Business signs on the premises of a nonconforming building or use may be continued, but such signs shall not be increased in number, area, height or illumination. New signs may be erected only upon the complete removal of all other nonconforming signs existing at the time of the adoption of this chapter.

6. No sign erected before the passage of this chapter shall be rebuilt, altered or moved to a new location without being brought into compliance with the requirements of this chapter.

Commented [EP12]: Again, clarify whether this includes panel changes

(O) Permits.

1. Permit requirements. No sign shall be erected, altered or relocated without a permit issued by the city except those signs listed in subsection (H) of this section. Any sign involving electrical components shall be wired by a licensed electrician, and the electrical components used shall bear an Underwriters Laboratories, Inc. seal of inspection.

2. Application. The permit application shall be signed by the applicant. When the applicant is any person other than the owner of the property, it shall also be signed by the owner of the property.

3. In addition to the above application, an agreement must be entered into with the city which would authorize and direct the city to:

(a) Remove and dispose of, at the owner's expense, any sign and sign structure on which a permit has been issued but not renewed, by the owner and if not removed by the owner within a 30 day period following the expiration of the permit.

(b) Remove, at the expense of the owner, the sign and sign structure, where maintenance is required but not furnished, after a hearing and a ten day notice to the owner specifying the maintenance required by the city.

4. The issuance of a permit may also be subject to conditions in order to promote a reasonable combination of signs and to promote conformity with the character and use of adjoining property.

5. Fees. All fees shall be set by City Council Fee Schedule.

6. Licenses and bonds.

(a) No person, firm or corporation shall engage the business of erecting signs under this section unless licensed to do so by the Council. Such license may be granted by the Council after written application to the city, accompanied by an annual license fee to be determined by Council ordinance. This license may be terminated by the Council at any time for cause. No license shall take effect until the licensee shall file with the city a certificate of insurance, evidencing the holding of public liability insurance in the limits and coverage set by the city.

(b) Applicants not engaged in the business of erecting signs who choose to construct and erect a sign on their own property shall be exempt from the above provisions for license and certificate of insurance.

7. Nullification. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit. A permit may be renewed, and no additional fee shall be collected for the renewal.

8. Building Official. The Building Official shall issue all permits for construction, alteration, and erection or signs in accordance with the provisions of this section and related chapters and titles of the City of North St. Paul City Code. In addition, all signs, where appropriate, shall conform to the National Electric Code and the National Electrical Safety Code.

(P) Enforcement.

1. Inspection. Any sign for which a permit is required shall be inspected periodically by the city for compliance with this section and all other applicable laws.

2. Removal of signs. The city shall order the removal of any sign erected or maintained in violation of this section. Ten days' notice in writing shall be given to the owner of such sign, or of the building, structure or premises on which such sign is located, to either bring the sign into compliance with the ordinance or effect its removal. Upon failure to remove the sign or to comply with this notice, the city forces shall remove the sign. The city forces shall remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any costs of removal incurred by the city shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes with all costs assessed against the property.

3. Approved sign plans. The city may enforce, in the same manner as the requirements of this section, the terms of a sign plan or sign covenants which it has approved. Any violation of an approved sign plan or sign covenants is a misdemeanor.

(Q) Construction requirements. All signs shall be constructed in such a manner and of such material so as to be considered safe and substantial. Nothing in this section shall be interpreted as authorizing the erection or construction of any sign not permitted under this subchapter.

(R) Substitution clause. Any sign allowed under this section may contain, in lieu of any other message or copy, any lawful noncommercial message or copy.

(S) Severability. If any section, subsection, paragraph, sentence, clause or phrase of this section or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court or competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this section or its application to any other person or situation.

(Ord. 739, passed 8-18-2015)