

<p>Chair: Tim Felton</p> <p>Commissioners: Geoff Fournier Tyler Fehrman James Hart Ruth Krueger Brienne Miller Andrew Hoffman</p>	 <p>City of South St. Paul Planning Commission Agenda</p> <p>Wednesday, May 1, 2024 7:00 p.m.</p>	<p>City of South St. Paul 125 Third Avenue North South St. Paul, MN 55075 Phone: (651) 554-3217 Fax: (651) 554-3271 www.southstpaul.org</p>
<p>Hearing assistance PA system is available – if you need a hearing assistance unit please notify City staff before the meeting. <i>(If you use the hearing assistance PA system, please remove your hearing aid so it does not cause a feedback problem)</i></p>		
<p>Roll Call</p>		
<p>1. Agenda</p>		
<p>2. Minutes</p> <p>A. April 3, 2024</p>		
<p>3. New Business</p>		
<p>4. Public Hearings</p> <p>A. Amendment to Honduras Kitchen LLC's Conditional Use Permit for On-Sale Liquor at 1519 5th Avenue South</p>		
<p>5. Other Business</p> <p>A. Discussion on Sign Code Overhaul</p>		
<p>6. Staff Updates</p>		
<p>7. Adjournment</p>		

Next Planning Commission Meeting: June 5, 2024

This meeting is being taped by Town Square Television (NDC4): phone: 651-451-7834 web: www.townsquare.tv
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MINUTES OF MEETING
SOUTH ST. PAUL PLANNING COMMISSION
April 3, 2024

MEETING CALLED TO ORDER BY CHAIR FELTON AT 7:00 P.M.

Present: Tim Felton, Chair
 Geoff Fournier
 Tyler Fehrman
 James Hart
 Andrew Hoffman
 Brienne Miller
 Ruth Krueger
 Michael Healy, Planning Manager

Absent: None

- 1) APPROVAL OF AGENDA – Commissioner Fehrman noted that that his last name was spelled incorrectly on the agenda - Motion to approve the agenda as corrected– Krueger/Fournier (7-0).
- 2) APPROVAL OF MINUTES –March 6, 2024 – Commissioners Fehrman and Hoffman noted their names were spelled incorrectly in the March 6th minutes- Motion to approve as corrected – Hart/Fournier (7-0).

3) NEW BUSINESS

None.

4) PUBLIC HEARINGS

- A. Ordinance Adding Craft Production and Funeral Homes as Allowed Uses in Commercial Zoning Districts.

Mr. Healy presented the staff report. South St. Paul has 4 commercial zoning districts with a list of uses that are allowed in commercial buildings. There are some “permitted” uses that are automatically allowed as well as some “conditional” uses that require review by the Planning Commission and City Council. Craft production is a new use that was added to the code when the MMM district was created in 2021. Craft production is where a commercial manufacturing facility offers a retail space within their manufacturing facility for sale of their product to the public. Examples of this include a brewery with a taproom, an art studio with a production area, and a production bakery with a storefront. The proposed ordinance would create rules for craft production in the zoning districts that do not already allow it. The ordinance would also add funeral homes, which are an existing use, to the list of allowed uses in the C-1 district. The ordinance would also clean up some of the existing commercial use lists. At the previous meeting, the Planning Commission had asked staff to review if there were any additional uses that should be added to the code to make the City more business friendly. Mr. Healy provided feedback on potential areas of the code that could be updated. Staff recommended approval of the draft ordinance.

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Chair Felton asked staff to confirm that the ordinance before the commission was effectively the same as the ordinance that was reviewed for a discussion at the previous meeting, minus a few changes. Mr. Healy confirmed that was correct.

Commissioner Krueger asked about the proposal to allow the “Zoning Administrator” to approve certain accessory uses in the C-1 district instead of the City Engineer or the Code Enforcement Officer. Mr. Healy explained that the City Code was written in 1992 at a time when the city did not have a City Planner or Zoning Administrator and so the City Engineer filled that role. The City Engineer at the time wrote the code to give him, and sometimes the code enforcement officer, the authority to oversee zoning regulations. Today, the City Planner is in charge of zoning regulations, so the code is being updated to reflect that the Planner/ Zoning Administrator has authority over planning decisions. Commissioner Krueger asked who the Zoning Administrator is. Mr. Healy explained that he was unless he designated someone else as the zoning administrator.

Chair Felton opened the public hearing.

No one was present to comment on the application and no one was in attendance of the meeting.

Chair Felton closed the public hearing.

Motion to approve as presented an ordinance to add craft production and funeral homes as allowed uses in the commercial zoning districts- Fehrman/Fournier (7-0).

5) OTHER BUSINESS

None.

6) STAFF UPDATES

A. Update on Zoning Preemption Bills.

Mr. Healy provided staff background. At the previous meeting, Mr. Healy had informed the commissioners of the proposed legislation at the State level that would heavily impact local government’s ability to make local zoning decisions for housing development. Mr. Healy explained that the bills that had been presented at the previous meeting were still in draft form and had been revised several time. Some of the “poison pills” in the original legislation had been removed, such as the proposed 500-foot setback for housing from railroad tracks, which would have prevented any multi-family housing from being constructed along Concord Street. It is generally unclear how much support there is for the drafted legislation. The League of Minnesota Cities asked City Councils to pass resolutions supporting the retention of local zoning authority. South St. Paul’s resolution, which was passed on Monday, April 1st contained some of the language from the League’s model resolution as well as some provisions that tells South St. Paul’s unique story and shares the City’s ongoing efforts to make it easier to build housing through zoning updates. The legislature is in session until May 20th and will consider and vote on bills until then. If the Commissioners have feedback, they should reach out directly to their state representative.

7) ADJOURNMENT

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Motion to adjourn- Hoffman/ Fehrman (7-0).



AGENDA ITEM 4.A

South St. Paul Planning Commission

Prepared By: Michael Healy, Planning Manager	Meeting Date: 5/1/2024
Item Description: Public Hearing for an Amendment to Honduras Kitchen LLC's Conditional Use Permit for On-Sale Liquor at 1519 5 th Avenue South	

ACTION REQUESTED

A motion recommending approval or denial of an amendment to the conditional use permit for on-sale liquor for Honduras Kitchen LLC.

BACKGROUND/ DISCUSSION

OVERVIEW

Application

The Applicant, Honduras Kitchen LLC, operates a restaurant located in the 5th Avenue Plaza shopping center at 1515 5th Avenue South. They operate as a “normal” restaurant from 9 AM to 9 PM five days a week and are also open to the public for lunch on Sundays. Their restaurant space is very large, and they host large private events and ticketed events on weekends after they close to the public. Most of the ticketed events are dances where attendees pay a cover charge.

In 2023, a previous restaurant in the Applicant’s space called “Escalon Inc.” was granted a conditional use permit (CUP) for on-sale liquor. That CUP transferred to Honduras Kitchen LLC when they took over the restaurant space. One of the conditions of approval in the CUP is that large private events with alcohol which have over 100 guests must conclude by no later than 12 AM (midnight). The Applicant is seeking an amendment to the conditional use permit:

1. The Applicant wants large private events with alcohol that have over 100 guests to be allowed to go until 1 AM on Friday and Saturday nights.

Review Timeline

Application Submittal: April 6, 2024

Planning Commission: May 1, 2024

Tentative City Council Meeting: May 20, 2024

60-Day Review Deadline: June 5, 2024

Background

Tony Lodge has owned the 5th Avenue Plaza shopping center since August 2018. The majority of the 40,000 square foot building is rented out to tenants who own and operate a variety of businesses. Mr. Lodge previously used the Applicant's restaurant space for an event center that he ran himself. The City approvals for the Applicant's space have evolved over the years:

- In 2019, Mr. Lodge secured a conditional use permit to operate an event center with a 360-person capacity. Standalone event centers are not allowed to sell alcohol under State Law, but they can potentially bring in licensed caterers that are licensed to sell alcohol.
- In 2023, Mr. Lodge created a new business called "Escalon Inc." which he had licensed as a restaurant. Making the business a "restaurant" allowed him to obtain a liquor license and sell alcohol. Restaurants are a permitted use in the C-1 Retail Business zoning district, and they do not require Planning Commission or City Council review unless they want to sell alcohol. A conditional use permit is required to sell alcohol.
- When Escalon Inc. became a restaurant, it was able to obtain a conditional use permit to sell alcoholic beverages. The CUP, which was approved in April 2023, has two primary conditions:
 1. The Applicant must provide an on-site security officer for the duration of any private event with over 100 guests where alcohol is provided.
 2. Private events with alcohol that have over 100 guests may not begin prior to 8 AM and must conclude by 12 AM (midnight).

Honduras Kitchen LLC has taken over the restaurant space from Escalon Inc. The Conditional Use Permit transferred automatically but Honduras Kitchen LLC did need to get a new liquor license, something that was approved at the April 15th City Council meeting.

When Mr. Lodge started Escalon Inc., his goal was to rent out the space for private events (birthdays, quinceañeras, etc.). Since most of those events are naturally over by midnight, he did not object to the City requiring large private events to have a midnight end time as a CUP condition. Honduras Kitchen LLC has a slightly different business model than Escalon Inc. and part of their business model is hosting ticketed events with live music and DJ's. They believe that it puts them at a competitive disadvantage to end their events by midnight since other similar venues are allowed to host events until at least 1 AM. The midnight closing time requirement has made it difficult for them to book acts for ticketed events.

Zoning and Comprehensive Plan Guidance

The subject property is zoned C-1 Retail Business and guided "commercial" in the 2040 Comprehensive Plan. In this zoning district:

- "Restaurants" are a permitted use. They do not need any special City zoning approvals.
- On-sale liquor requires a conditional use permit. *Any business that wants to sell wine, beer, or liquor for consumption on-site must get a conditional use permit before they are eligible for a liquor license. The City can attach "case by case" conditions to the conditional use permit.*

Licensing For This Type of Business

The conditional use permit is just one tool that the City uses to regulate this type of business. Honduras Kitchen LLC will also need to keep two different licenses in good standing to operate with their proposed business model:

1. They need to hold an on-sale liquor license to sell alcohol. *This license is issued by the City Council and can be revoked for liquor-related code violations. A standard liquor license allows a bar or restaurant to sell alcohol until 1 AM. Establishments that want to sell alcohol until 2 AM need to obtain a special license.*
2. They need to hold an entertainment license to have any type of event with a DJ or live music where alcohol is served. *This license is issued by the City Council and can be revoked for code violations related to their DJ's or live music.*

The Planning Commission is not involved with licensing decisions, but City Staff wants to make sure that commissioners are aware of the existence of these two licensing tools.

Relevant City Code

The following code sections are relevant to this review:

- Section 118-126 of the City Code governs the C-1 Retail Business zoning district
- Section 118-40 of the City Code governs Conditional Use Permits.

Tenant Mix in 5th Avenue Plaza

The existing tenant mix in the shopping center is eclectic and includes a daycare, multiple restaurants, a specialty grocery store, a caterer, and a dance school. Most tenant spaces are currently occupied.

Surrounding Land Uses

North: Properties directly to the north of the site are currently vacant and guided High Density Residential and zoned R-4: Multiple Family Residential.

East: Properties directly east of the site are developed with 8-12 unit apartment buildings and are guided as High Density Residential and zoned R-4: Multiple Family Residential.

South: Directly to the south of the subject property is an industrial building that is located in the City of Inver Grove Heights.

West: Properties to the west of the site are located in Inver Grove Heights and developed with commercial buildings and apartment buildings.

CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permits should be reviewed through the lens of the criteria outlined in the City Code:

- (1) That the conditional use, with such conditions as the commission shall determine and attach, conforms to the general purpose and intent of this chapter.
- (2) If the application is based on the conditional use provision in this chapter that the issuance conforms to the general characteristics of the district of which it will become a part.
- (3) That the conditional use will not impede the normal and orderly development and improvement of property in the neighborhood for uses permitted in the district or districts affected.
- (4) That adequate utilities, access roads, streets, drainage, and other necessary facilities have been or will be provided.
- (5) That adequate measures have been or will be taken to provide ingress and egress in such a manner as to minimize traffic congestion and hazards in the public streets.
- (6) *In Business districts.* Certain uses are considered, as a rule, unsuitable in commercial areas because of inherent characteristics (e.g., traffic hazards, noise, light glare), proximity to residential areas, the fact that they tend not to serve nearby residential areas, or may adversely affect nearby permitted business uses.

COMMENTS FROM OTHER DEPARTMENTS

Police Department

Chief Wicke provided comments which are summarized below:

- During the review of the original CUP in 2023, the Police Department requested that the City Council require that surveillance cameras be installed at the property as a “condition of approval.” That request still stands. The Police Department understands that the Planning Commission and City Council were not supportive of this request in 2023. *The Planning Commission and the City Council were not comfortable with proactively requiring surveillance cameras as a CUP condition. Surveillance cameras can be required in the future as part of the liquor licensing process if the property has security issues.*
- The Police Department did receive noise complaints during an event that was held on March 1st. The noise complaints started coming in around 11:10 PM. The event organizers told the responding officer that the event would be ending at 12:30 AM.
- If the CUP is amended to allow events to go later, the Police Department asks that the City Council consider giving staff additional tools to deal with noise ordinance violations.

DISCUSSION

The City generally does not place strict “conditions of approval” on conditional use permits for on-sale liquor for restaurants. In areas where there are no nearby residences, these CUP’s often only have one condition which is that the business must obtain a liquor license. Conditional Use Permit review is “case by case” and the Applicant’s restaurant is unique in that it has a 360-person capacity and is used as a private event venue part of the time. It is also located fairly close to a residential neighborhood.

When the original CUP was approved in 2023, the Planning Commission and City Council required large events with alcohol to end at midnight primarily due to concerns about potential impacts to nearby residential properties. There was little discussion about this aspect of the CUP because Tony Lodge, the Applicant in 2023, did not object to the restrictions. Honduras Kitchen, the new holder of the CUP and the current Applicant, is asking the Planning Commission to revisit that decision from 2023 and consider granting later hours for events on Fridays and Saturdays. The Applicant did mention in their narrative that they currently stop alcohol sales at midnight and likely will continue to cut off alcohol at midnight even if the event is allowed to go an hour later.

Bars and restaurants that hold a liquor license are allowed to serve alcohol until 1 AM. If the owners of Honduras Kitchen decide that they want to stop offering private events and instead simply become a restaurant with late-night hours, they would already be allowed to stay open until 1 AM without needing to amend their conditional use permit. The midnight end time is only for large private events with alcohol.

STAFF RECOMMENDATION

Whether to grant the Applicant's request is a judgement call that needs to be made by the Planning Commission and City Council. If the Planning Commission wants to allow the Applicant to hold large private events with alcohol that go until 1 AM, Staff would recommend that the existing conditional use permit for on-sale liquor be terminated, and a new conditional use permit issued with the following conditions:

1. **Approved Plans.** The conditions of this approval are based on the following plans:

- | | |
|--|-----------------------------|
| a. Application (Lodge Properties) | dated 4/6/2024 |
| b. Narrative (Honduras Kitchen) | April 7, 2024 |
| c. Floorplan Sketch | submitted 10/22/2019 |

2. **Status of Conditional Use Permit for On-Sale Liquor Approved Via Resolution #2023-58.** This new conditional use permit for on-sale liquor shall replace the conditional use permit that was granted in 2023. The Applicant and the Property Owner acknowledge and agree that the previous conditional use permit is terminated, and they hereby waive any rights related to the previous conditional use permit.

3. **Size of Private Events with Alcohol.** Private events with alcohol being held at the restaurant shall be limited to no more than 360 attendees.

4. **On-Site Security Officer Required for Large Private Events with Alcohol.** The Applicant shall be required to provide an on-site security officer for the duration of any private event with over 100 guests where alcohol is provided. Ticketed events are considered private events.

5. **Hours for Large Private Events with Alcohol.** Private events with alcohol that have over 100 guests may not begin prior to 8 AM and must conclude by 12 AM (midnight) except that events held on Friday nights and Saturday nights may go until 1 AM. Ticketed events are considered private events.

6. **Liquor License Required.** The Applicant must obtain a liquor license prior to beginning alcohol sales. The Applicant must keep their liquor license in good standing and comply with any requirements attached to the license.

7. **Compliance with Entertainment Licensing Requirements.** The Applicant shall obtain an entertainment license prior to providing any entertainment that requires a license.

8. **Compliance with Noise Ordinance.** Excessive violations of the noise ordinance may result in the revocation of the conditional use permit. The City Council, at their sole discretion, shall determine what constitutes excessive violations.
9. **Scope of Conditional Use Permit.** This conditional use permit for on-sale liquor shall only apply to the suite that is being proposed for use as a restaurant by Honduras Kitchen LLC. If any of the other restaurants in the 5th Avenue Plaza desire to serve liquor, they will need to obtain their own conditional use permit.
10. **Termination of the Conditional Use Permit.** The Conditional Use Permit will terminate if improvements have not substantially begun within one year from the date of approval. The violation of any condition of approval in the conditional use permit may terminate the conditional use permit(s), following a hearing by the City Council.

Action Requested

The Planning Commission has the following actions available on the proposed application:

1. Approval. If the Planning Commission wishes to recommend approval of the conditional use permit amendment, the following action should be taken:
 - A. Motion to recommend approval of a conditional use permit amendment for on-sale liquor at Honduras Kitchen.
2. Denial. If the Planning Commission wishes to recommend denial of the conditional use permit, the following action should be taken:
 - B. Motion to recommend denial of a conditional use permit amendment for on-sale liquor at Honduras Kitchen.

If the Planning Commission wants to recommend denial, it will require a finding that the CUP amendment request is not consistent with one of more parts of the CUP criteria. If the Planning Commission wants to recommend denial, it could be with a finding that the requested amendment would have a negative impact on nearby residential areas.

ATTACHMENTS

- A. Site Location Map
- B. Photographs Showing Proposed Restaurant Location
- C. Applicant's Narrative
- D. Floorplan Sketch From 2019
- E. Resolution #2023-58 Approving On-Sale Liquor CUP

ATTACHMENT A
SITE LOCATION MAP



ATTACHMENT B
PHOTOGRAPHS SHOWING HONDURAS KITCHEN LOCATION



Honduras Kitchen is Located in Space That Was Previously “Escalon Events and Occasions”

ATTACHMENT C
APPLICANT'S NARRATIVE

April 7, 2024

South St. Paul community,

We are Honduras Kitchen. We are a small, family operated, restaurant, operating in the current Escalon facility. We are in the process of attaining the liquor license currently held by our landlord, and hope to begin adding alcohol sales to our menu. We run a café style, Hispanic themed, diner. On weekends, we have a group that coordinates, and plans for larger, private parties. Our culture puts great emphasis on Quinceanera parties, for our daughters 15th birthday. Presentations, dancing, family times. We also will be doing weddings, graduations, and the usual group events. Occasionally, if reservations are slow, or demand is high, we would like to offer DJ or small band performances. Common practice would be to charge a cover charge for these type of events, although our focus is private events.

We have experienced a bit of difficulty trying to close deals with a 12AM closing, and are requesting a 1AM closing on weekend nights. While trying to be both good neighbors, and successful business people, our events don't start until after 8. Most of our competitors offer 1AM closing, and it does impact sales.

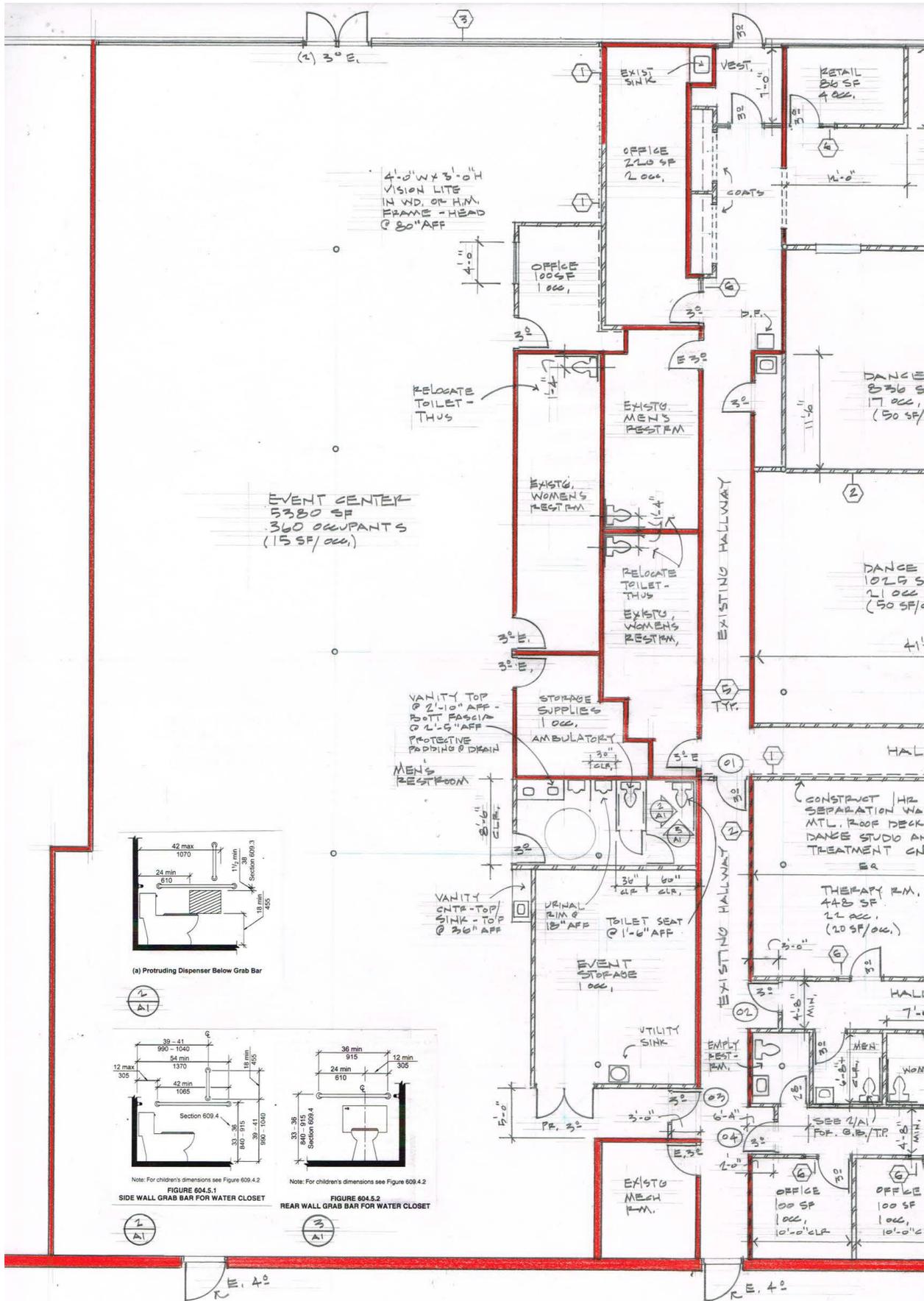
We use several security people for events. Monitoring inside and outside as the evenings proceed. We want people to enjoy their time in a safe and respectful way. We are not trying to sell more alcohol, until 1AM, just trying to get the most for our customers, who spend a good amount of money for their special day. We currently stop all alcohol sales early, and would not sell after 12AM.

Thank you for the consideration.

Diego and Lilian

Honduras Kitchen, 5th Avenue Plaza

ATTACHMENT D FLOORPLAN SKETCH FROM 2019



ATTACHMENT E
RESOLUTION #2013-58 APPROVING ON-SALE LIQUOR CUP

City of South St. Paul
Dakota County, Minnesota

RESOLUTION NO. 2023-58

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR ON-SALE
LIQUOR AT 1515 5th AVENUE SOUTH**

WHEREAS, the City received an application from Tony Lodge, on behalf of Lodge Properties, requesting the following approvals for a proposal to convert an existing event center space in the 5th Avenue Plaza shopping center into a restaurant:

1. A Conditional Use Permit for On-Sale Liquor. *Restaurants are a “permitted use” in the C-1 Retail Business district but on-sale liquor requires a conditional use permit.*

WHEREAS, the subject property is a commercial suite located within the 5th Avenue Plaza Shopping Center at 1515 5th Avenue South (“the Property”); and the overall property is legally described as follows:

(See Exhibit A)

WHEREAS, the Planning Commission held a public hearing on the application at their April 5, 2023 meeting, preceded by notice as required by law; and

WHEREAS, the Planning Commission recommended approval (7-0) of the application at their April 5, 2023 meeting; and

WHEREAS, the City Council has considered the application, the recommendation of the Planning Commission, and other evidence presented for consideration;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of South St. Paul, Minnesota as follows:

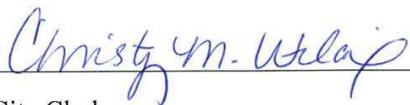
1. Facts. The facts found by the Planning Commission as stated in the Planner’s report dated April 5, 2023 regarding this matter are hereby adopted and included herein by reference including the following attachments:
 - a. Site Location Map
 - b. Labelled Photographs Showing Proposed Restaurant Location
 - c. Applicant’s Narrative
 - d. Floorplan Sketch from 2019
 - e. Resolution #2019-186 Approving Event Center CUP

- and orderly development of property in the neighborhood, has access to adequate utilities, and there is adequate ingress and egress for the property.
- e. That the use conforms to the general purpose of the Zoning Code and should not substantially diminish or impair property values, will not impede the normal and orderly development of property in the neighborhood, has access to adequate utilities, and there is adequate ingress and egress for the property.
 - f. That the use is desirable to the public convenience and welfare and is not detrimental or injurious to the public health, peace, or safety nor the character or value of surrounding properties.
 - g. That the use has adequate off-street parking facilities and is served, or can be served, by adequate utility services.
 - h. That the hours of operation of the proposed use will not be detrimental to nearby residential uses.
 - i. That the use will not stimulate the gathering of large numbers of persons outside the building within which the use is located.
3. Conditional Use Permit. The proposed Conditional Use Permit for a special event center on the property located at 1519 5th Avenue South is approved subject to the following conditions:
- 1) **Compliance with Plan Submittals**. The site shall be utilized in substantial conformance, in the reasonable opinion of the City Council, with the application, narratives, and with the following plans on file with the Community Development Department:
 - a) **Application/Narrative (Tony Lodge)** **dated 10/22/2019**
 - b) **Title Survey (Site Plan - McLagan)** **dated 10/22/1997**
 - c) **Floorplan Sketch (Applicant)** **submitted 10/22/2019**
 - 2) **Event Capacity**. The Conditional Use Permit shall limit the capacity of events beginning between 8:00 a.m. through 12:00 p.m., Monday through Friday, to no more than 180 attendees. Weekend (Saturday and Sunday) events and any events beginning after 12:00 p.m. Monday through Friday shall be limited by the Conditional Use Permit to no more than 360 attendees.
 - 3) **Security Plan**. Prior to issuance of a building permit for any improvements related to the CUP, and prior to the approval of a liquor license for the facility, the applicant shall submit to the office of the City Planner a Security Plan detailing those security measures the applicant proposes to have in place for all events exceeding 50 attendees at the facility.
 - 4) **Liquor License Required for On-Sale Liquor**. The Conditional Use Permit approval of a special event center is in no way an approval of an on-sale liquor

establishment CUP nor a liquor license for the facility. The applicant or contracted caterer/operator is required to apply for, obtain, and or remain in full compliance with a liquor license from the office of the City Clerk for the City of South St. Paul prior to any event at which on-sale liquor will be served. In the event that the application for a liquor license should impact this or any other condition of the CUP, the applicant may be required to amend the CUP for consistency with the liquor license application, at the discretion of the City Planner and City Clerk.

- 5) **Building Permits Required.** Building permits are required for all proposed improvements. All building plans and specifications are subject to the review and approval of the City Building Official and South Metro Fire Marshal.
- 6) **Signage Permits Required.** No signage shall be installed without first obtaining a sign permit and shall be subject to the approval of the City Planner.
- 7) **Necessary Approvals from Other Agencies.** The applicant shall obtain all necessary approvals/permits from the Minnesota DNR, State of Minnesota, Dakota County and any other applicable regulatory agencies.
- 8) **Compliance with Laws and Approvals.** The property must remain compliant with all federal, state, and local laws and ordinances and all prior City approvals.
- 9) **Traffic.** The applicant shall have parking limited to the off-street parking spaces provided on-site, as such spaces may be modified from time to time, in order to limit potential traffic, noise, and other nuisance impacts on adjacent streets and residential areas. At no time shall total vehicle parking stalls on the site made available to all users of the facility be reduced to less than 156 vehicle parking stalls.
- 10) **Noise.** The applicant shall restrict noise levels at all times as related to the proposed event space for potentially noisy activities to be compliant with City Code.
- 11) **Business Hours.** Business hours for the event space shall be limited to 8:00 a.m. – 10:00 p.m. Sunday through Thursday, and 8:00 a.m. – 12:00 a.m. Friday and Saturday.
- 12) **Termination of the Conditional Use Permit.** The Conditional Use Permit will terminate if improvements have not substantially begun within 1-year from the date of approval of the Conditional Use Permit.

Adopted this 16th day of December, 2019.



City Clerk

EXHIBIT A
LEGAL DESCRIPTION

That part of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-four (34), Township Twenty-eight (28), Range Twenty-two (22), more particularly described as follows:

Commencing at the Northwest (NW) corner of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section Thirty-four (34); thence Easterly Two-hundred seventy-nine (279) feet along the North line of said Southeast Quarter (SE $\frac{1}{4}$) of said Southwest Quarter (SW $\frac{1}{4}$); thence Southerly and parallel with the West line of said Southeast Quarter (SE $\frac{1}{4}$) Six hundred fifty-six and seven tenths (656.7) feet more or less to the South line of said Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$); thence Westerly along the South line thereof Two hundred seventy-nine (279) feet to the West line of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Southwest Quarter (SW $\frac{1}{4}$); thence North along the West line of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Southwest (SW $\frac{1}{4}$) Six hundred fifty-six and seven tenth (656.7) feet more or less to the point of beginning, except the North Forty (40) feet thereof, which is reserved for street purposes.



AGENDA ITEM 5.A

South St. Paul Planning Commission

Prepared By: <i>Monika Miller, Associate Planner</i>	Meeting Date: 5/1/2024
Item Description: Discussion on Sign Code Overhaul	Reviewed By: <i>Michael Healy, Planning Manager</i>

ACTION REQUESTED

The Planning Commission is asked to discuss proposed updates to the sign code ordinance. In the past several years, staff have brought forward 2 other ordinances that amended the sign regulations. Staff is proposing a final sign code update which would address the remaining areas of the sign code that need reform. The proposed ordinance would reorganize the sign code to improve its readability, legalize painted wall signs while differentiating them from murals, and create official standards for temporary signs. If the Planning Commission agrees with Staff that the sign ordinance should be updated, Staff will bring forward a formal ordinance amendment for a public hearing in June.

BACKGROUND/ DISCUSSION

Background

In the last few years, the City has undertaken several sign code “clean-up” projects aimed at improving the code and reducing the number of sign variances the City must review each year. These ordinances have been successful, both in reducing the amount of staff time spent reviewing variances and creating a sign code that is consistent with the signage needs of businesses. Staff is proposing one final sign ordinance update to address the remaining issues:

- The City Code does not line up with the community’s longstanding approach to painted wall signs and murals.
 1. The City Code prohibits all painted wall signs but many of the businesses on Southview Boulevard and Marie Avenue have unlawfully painted signs on their buildings without permits. City Staff has never received any complaints about these signs and many other communities in the metro (i.e. Saint Paul and Edina) allow painted wall signs.
 2. In 2006, the Planning Commission and the City Council directed City Staff to allow a “mural” to be painted on the side of Black Sheep Coffee and instructed Staff not to treat murals like painted wall signs. However, the City Code was never updated to define what a “mural” is or distinguish between murals and painted signs. The businesses on Southview and Marie would likely try to claim that their unlawful painted wall signs are “murals” if challenged.

- There are inconsistencies in the rules for temporary signs. *The City has developed standards for temporary signs which have been enforced for many years but these standards have never actually been added to the City Code. This makes it difficult for staff to explain and enforce the regulations for temporary signs.*
- There are inefficiencies in the organization of certain sections. *Many of the sign regulations are arranged in a hodge-podge manner rather than alphabetically which can make it difficult for staff and the public to find the appropriate standards for the desired type of signage.*

Sign Code Refresher and Recent Code Changes

The City's sign code regulations live in Article VI of the City Code (starting in Section 118-326). This article contains subsections which cover a purpose statement, definitions, exceptions from the sign code requirements, general provisions applicable to all zoning districts, the types of signage permitted by district, message substitution, and noncommercial speech.

Over the last several years, the City has worked to update the sign code standards to help align the sign ordinance with the types of signage businesses are installing. These updates have included:

- Allowing institutional uses (i.e. churches and schools) to have an appropriate amount of signage even when they are in residential neighborhoods.
- Updating the standards for projecting signs and awnings to allow them in mixed-use areas.
- Creating a master sign plan review process to address unique signage needs at shopping centers or industrial properties over 5 acres in size.
- Increasing the allowable sign heights in the commercial and industrial districts to match what was routinely being approved via variances.
- Increasing the amount of allowable signage for large buildings in the commercial and industrial districts.
- Adding a provision to allow each building at the Fleming Field Municipal Airport to have up to 200 square feet of signage.

The changes listed above have substantially reduced the number of sign variances.

What Signage Standards Are Currently in Place?

Painted Signs/Murals

The only regulation South St. Paul has regarding painted signs is in Section 118-337 which lists the types of signs that are prohibited in South St. Paul. The code prohibits:

“Signs painted onto buildings or walls, or signs painted, attached, or in any other manner affixed to fences, trees, rocks or other similar natural surfaces or attached to public utility poles, bridges, towers, or similar public structures.”

The City Code does not define what a “mural” is or differentiate between a painted sign and a mural, so City Staff has been relying upon Planning Commission and City Council direction given in 2006 regarding murals. Some cities prohibit painted signs due to their greater need for maintenance and the uncertainty of how to handle the sign when the business is no longer at the site.

Temporary Signs

Temporary sign regulations can be found in Section 118-336. Temporary signs are allowed in all districts and are an exception to the general sign rules “when used in conjunction with a promotional item, special occasion, holiday or sale” and “discontinued within 30 days of installation and be not displayed more than a total of 120 day per calendar year.” The code also states all temporary signs require a permit, except for construction signs, real estate signs, sandwich board signs, and community event signs. The exempted signs have performance standards associated with them that regulate the size and location of these special temporary signs.

South St. Paul’s temporary sign permit application lists performance standards that have been enforced for many years including that temporary signs cannot exceed 100 square feet in size, a property can have up to 3 temporary signs as long as the total amount of signage does not exceed 100 square feet, and that temporary signs cannot be freestanding and must be attached to a building or an existing monument sign. These standards have never been officially added to the City Code.

General Sign Code Reorganization

This ordinance amendment is structured as a repeal and replace update because a large portion of the ordinance includes the rearrangement and restructuring of the existing sign regulations. The sign code was completely overhauled in 2009. Since then, staff have found the structure of the existing sign ordinance to be cumbersome. Additionally, the sign code is not alphabetized which reduces the readability of the code. Staff would like to restructure each of the code sections as well as move around relevant performance regulations to locations that are more intuitive, and alphabetize each section of the code to improve readability.

Proposed Updates

Painted Signs and Murals

In the last several years, South St. Paul’s passionate artists have been painting the sides of South St. Paul buildings with art that often promotes the business in the same way that a sign would. The locations in South St. Paul with painted wall art include Farmers Insurance Building (620 Southview Boulevard), Maple Tree Day School (1002 Marie Avenue), the School District Office Building (104 5th Avenue South), Black Sheep Coffee (820 Southview Boulevard), the Coop (157 3rd Avenue South), Southview 66 (725 Southview Boulevard), Pounce and Fetch (512 Southview Boulevard), and Complete Events (525 Southview Boulevard). South St. Paul’s sign code currently prohibits painted signs. While these paintings may appear to be harmless, there could be issues if the City gets a complaint and attempts to enforce the sign ordinance against one business’s painted wall sign while ignoring some of the others and calling them “murals.” As previously stated, the City Code does not clearly distinguish between a painted wall sign and a mural.

Regulating creative painted expressions is tricky because regulations can unintentionally violate the first amendment. Cities can regulate the physical characteristics of a property’s signage such as size, height, shape, number and location, but a City cannot regulate the content of a sign except for prohibiting obscene content (i.e. graphic sexual content). Whether painted art is considered a sign usually comes down to whether the painted art constitutes commercial speech. This process is rarely straightforward and there have been numerous U.S. Supreme Court rulings that have restricted Cities’ ability to regulate signs and murals.

The draft ordinance would codify the approach to murals that the City of South St. Paul has taken since 2006 while also officially legalizing painted wall signs and subjecting them to the same regulations that govern other wall signs. The new language would clarify that painted wall signs are different than murals and would they would be defined as such. Murals would be defined and listed as an exempt type of sign that the city does not regulate as long as they are going on a building with commercial or industrial zoning or onto an institutional building like a church or school. Painted signs would be regulated the same way as other wall signs and would require a permit.

Temporary Sign Regulations

Staff drafted language to codify the standards for temporary signs found on the temporary sign permit application as well as to update and reorganize some of the existing types of temporary signs. The standards for commercial temporary signs that are listed on the back of the city's sign permit application would be codified as the official performance standards for temporary signs that require a permit. These standards include a maximum number of temporary signs that can be at one property (3 signs), a limit to the amount of temporary signage that can be at one property (100 square feet), language that clarifies that temporary signs need to be located on private property, and that temporary signs cannot be illuminated.

Temporary signs that do not require a permit, such as real estate signs, constructions signs, or community event signs, would have their own section that lists individual performance standards for each type of sign. Certain types of signs that are not really signs and that the City has no interest in regulating, such as house numbers, directional signs within a parking lot, noncommercial flags, murals, and walk up window menu signs, would continue to live in the "exceptions" section of the City Code. By separating these types of temporary signs into two sections, the code becomes easier to read and clearly differentiates what types of temporary signage the City does regulate.

Historically, the city has required temporary signs that need a permit to be either attached to a wall or an existing monument sign. Staff would encourage the Planning Commission to discuss whether they feel that this is an appropriate regulation or if this standard is too stringent. Freestanding temporary signs often consist of a banner that is strung between two wooden or metal posts. These signs are frequently placed at properties that do not have an existing monument sign and have difficulty finding a wall to hang the sign on. This standard has only ever applied to temporary signs that require a permit. Several of the "exempt" temporary signs are inherently freestanding, such as real estate signs. The Planning Commission should discuss whether they are ok with the aesthetics of legalizing freestanding temporary signs.

Proposed Updates

Staff is proposing the following amendments to the existing code:

- Create a definition for "mural".
- Add painted signs as an allowable type of wall sign.
- Update the list of exempted signs to include murals, internal wayfinding signs, and window signs.
- Update the rules for temporary signs to codify the rules that the City has been utilizing for the past decade.
- Clarify how sign area is calculated depending on whether a proposed sign is in a frame or not.
- Eliminate the definition for "cabinet and box signs" which are simply a type of wall sign and do not need their own unique code requirements.
- Reorganize the sign code provisions for improved order and readability.

- Increase the number of monument signs allowed for institutional uses that are on a site that is greater than 1 acre in size to one monument sign per street frontage. Each monument sign would only be allowed to be 32 square feet. Only one monument sign would be allowed to have a dynamic, electronic changeable copy, or electronic graphic display.
- Increase the maximum amount of signage allowed in the CGMU-1 district for properties that have frontage on Concord Street and Concord Exchange by 0.5 per lineal feet of building frontage along the secondary public street.
- Simplifies the regulations for drive-through signs to allow up to two drive-through signs that are the same size on a property with a drive-through facility.
- Add additional content to the “Purpose” section of the sign ordinance to further refine the purpose and intent of the regulations.

Discussion

There is no one “right answer” when it comes to regulating signage and different communities have different standards based on the aesthetic goals of each community. In drafting the proposed ordinance, Staff has tried to create design standards that are consistent with signage that has been approved in South St. Paul in the past, often via variances and Planned Unit Development approvals. Some of the proposed changes are the result of recent US Supreme Court rulings on free speech that have impacted the City’s ability to regulate signs. Some of the proposed changes reflect the South St. Paul business community desiring to use some types of signage that are currently prohibited, such as painted wall signs.

Action Needed

Staff is looking for feedback from the Planning Commission regarding the proposed amendments to the signage code. Staff is specifically looking for feedback on the following:

- Is the Planning Commission comfortable with the proposal to codify the City’s longstanding approach to “murals” and also officially legalize painted wall signs?
- Is the Planning Commission supportive of legalizing freestanding temporary signs?
- Are there any standards the Planning Commission would like to discuss further?

If the Planning Commission is generally supportive of this code update, Staff will bring a polished draft of the ordinance to the June 5th meeting for a public hearing.

ATTACHMENTS

- A. Proposed Sign Ordinance
- B. Examples of Freestanding Temporary Signs

**ATTACHMENT A
PROPOSED SIGN ORDINANCE**

**CITY OF SOUTH ST. PAUL
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. 14XX

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 118, ARTICLE VI OF
THE SOUTH ST. PAUL CITY CODE RELATING TO SIGNS**

SECTION 1. REPEAL AND REPLACE. South St. Paul City Code Chapter 118, Article VI is hereby repealed and replaced as follows.

ARTICLE VI. SIGNS

Sec. 118-326. Findings, Purpose and Effect

(a) *Findings.* The City Council hereby finds as follows:

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.
4. The City's zoning regulations have included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the City and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulations of the physical characteristics of signs within the City have had a positive impact on traffic safety and the appearance of the community.

(b) *Purpose And Intent.* It is not the purpose or intent of this Article to regulate the message displayed on any sign; nor is it the purpose or intent of this Article to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this Article is to:

1. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the City in order to promote the public health, safety and welfare.
2. Maintain, enhance and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community.

3. Improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics.
 4. Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the City.
- (c) *Effect.* A sign may be erected, mounted, displayed or maintained in the City if it is in conformance with the provisions of these regulations. The effect of this Article, as more specifically set forth herein, is to:
1. Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this section.
 2. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this section or when required by federal, state or local law.
 3. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.
 4. Provide for the enforcement of the provisions of this Article.
- (d) *Severability.* If any subsection, sentence, clause, or phrase of this Article is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this section. The City Council hereby declares that it would have adopted this section in each subsection, sentence, or phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses, or phrases be declared invalid.

Sec. 118-327. Definitions.

For the purposes of this Article, words and terms shall have the following meanings and follow the rules set forth in Code Section 118-7.

A-frame sign means a movable freestanding sign hinged at the top or attached in a way that forms a similar shape to the letter “A” when viewed from the side. A-frame signs are only allowed on a temporary basis and may not be used as permanent signage.

Abandoned sign means any sign and/or its supporting sign structure that remains without a message or whose display surface remains blank for more than one year or that pertains to a time, event, or purpose that no longer applies. Abandoned signs are not legally established nonconforming signs.

Address sign means a sign on a building used for proper identification of the location of the property.

Area identification sign means a sign on private property, which identifies the name of a neighborhood, a residential subdivision, a multiple residential complex, a shopping center or area, an industrial park, an office park, or any combination of the above, but does not specifically

identify the individual businesses therein. An area identification sign must be a freestanding sign unless a different type of sign is explicitly authorized by this ordinance for a specific use.

Awning means a roof-like cover, often of fabric, plastic, metal, or glass, designed and intended for protection from the weather or as a decorative embellishment, that projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning that also projects over a door shall be considered an awning.

Awning sign means a sign or graphic printed on or in some fashion attached directly to the awning material. An awning sign is a form of a projecting sign.

Balloon sign means a sign consisting of a bag made of lightweight material supported by helium or hot or pressured air that is greater than 24 inches in diameter.

Banner means any sign of lightweight fabric or similar material mounted to a pole or a building at one or more edges. Flags, as defined herein, shall not be considered banners.

Building frontage means the exterior building wall of a principal building that face a public street. When no exterior building walls are parallel to a street, the building frontage shall be the exterior wall that is most oriented towards the street. If a building façade has multiple wall segments that all face the same public street, these walls shall all be considered part of the building frontage.

Building marker means memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other noncombustible material.

Canopy means a roof-like cover, often of fabric, plastic, metal, or glass on a support that provides shelter over a doorway.

Canopy sign means any sign that is part of or attached to a canopy made of fabric, plastic, or any other structural protective cover over a door or entrance. A canopy sign is a form of a projecting sign.

Commercial speech means speech that is advertising a business, profession, commodity, service, or entertainment.

Directional sign means a sign erected for the purpose of directing vehicular or pedestrian traffic within a commercial or multi-family property.

Drive-through sign means a sign located on the site of an allowed drive-through use. Directional signs are not considered drive-through signs.

Dynamic display sign means a sign with any characteristics that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

Dynamic display off-premises sign means an off-premises sign or portion thereof that displays electronic static or dynamic text, images, graphics, or pictures where the message change sequence is accomplished by any method other than physically or mechanically removing and replacing the sign face or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the billboard. This includes a display that incorporates a technology or method allowing the sign face to change the image without physically or mechanically replacing the sign face or its components. This also includes, but is not limited to, any display that incorporates light bulbs, fiber optics, LED lights manipulated through digital input, “digital ink”, or any other method or technology that allows the sign face to present a series of text, images, or displays. An off-premises sign is a sign that bears a message promoting a use that is not located on the subject property or premises..

Electronic changeable copy sign means a sign or portion thereof that displays electronic, nonpictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes ("LEDs"), fiber optics, light bulbs, or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays.

Electronic graphic display sign means a sign or portion thereof that displays electronic, static images, static graphics, or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of LEDs, fiber optics, light bulbs, or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, re-pixelization, or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include images or messages with these characteristics projected onto buildings or other objects.

Erect means the activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing, or any other way of bringing into being or establishing.

Flag means any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and that contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

Freestanding sign means a sign that is placed in the ground and not affixed to any part of a structure or building.

Freeway is a principal arterial highway, as defined in the comprehensive plan.

Freeway sign means an on-premises pylon sign that is located on the property of the business for which it is identifying and is immediately adjacent to a freeway.

Grade means the final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for sign height computation.

Gross sign area means the method of calculating the allowable square footage of signs. The stipulated maximum gross area for a sign refers to a single facing. Freestanding signs which are V-shaped be considered as two signs. Gross area shall be calculated as follows:

- (a) *Signs with a frame:* The area within the frame, including all lettering, wording, and accompanying designs and symbols, together with all the background, whether open or

enclosed, on which they are displayed, including a message board. The area shall not include the main support structure but shall include any other ornamental attachments that are not a part of the main support of the sign.

- (b) *Signs without a frame*: The gross area shall be the smallest rectangle that encompasses all of the letters or symbols.

Height means the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

Illegal sign means a sign that is erected without first complying with all City ordinances and regulations in effect at the time of its construction and erection or use. Abandoned signs, unsafe signs, and signs attached to vacant buildings are also illegal signs.

Illuminated sign means any sign that contains an element designed to emanate artificial light internally or externally.

Interior sign means a sign which is located within the interior of any building, or within an enclosed courtyard, that is not visible from the property line or public right-of-way.

Legally established nonconforming sign means any sign and its support structure lawfully erected prior to the effective date of this article that fails to conform to the requirements of this article. A sign that was erected in accordance with a variance granted prior to the adoption of this article and does not comply with this article shall be deemed to be a legally established nonconforming sign.

Master Sign Plan means a written document describing all proposed signage for a specific site, development or complex, submitted by the owner/manager. It shall, at a minimum, include sign type, location, and size information for all signage that will be installed.

Monument sign means any freestanding sign independent from any building or other structure that is mounted on the ground or mounted on a base at least as wide as the sign. A monument sign is typically solid from grade to the top of the structure; however, a monument sign may include open area below the face of the sign if the sign complies with the monument sign supporting sign structure design criteria.

Mural means a work of art intended as artistic expression and not as a commercial message and is hand-painted or hand-tiled directly on to the exterior wall of a commercial property used for a commercial, industrial or institutional use. A mural does not include displays with electrical or mechanical components or a changing image art display.

Noncommercial speech means the dissemination of messages not classified as commercial speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service, and informational topics.

Nonelectronic changeable copy sign means a sign or portion thereof that has a readerboard for the display of text information in which each alphanumeric character, graphic, or symbol is defined by objects, not consisting of an illumination device, that may be changed or re-arranged manually or mechanically with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

Off-premises sign means a sign bearing a commercial message that is located on property that is not the premises, property, or site of the use identified or advertised on the sign.

On-premises sign means a sign bearing a commercial message that is located on the premises, property, or site of the use identified or advertised on the sign.

Pennant means a relatively long, tapering flag.

Projecting sign means a sign that projects from a wall or other surface. Examples may include, but are not limited to awning, canopy, and wall signs.

Pylon sign means any freestanding sign that has its supportive structure(s) anchored in the ground and a sign face elevated above ground by pole(s) or beam(s) with an open area below the face of the sign. A pylon sign shall have a minimum height of ten feet and a maximum height as established by the zoning district.

Roof sign means any sign erected wholly upon the roof or parapet of a building that is wholly or partially supported by the building upon which it is erected.

Rotating sign means a sign that revolves or rotates on an axis.

Sign means any structure, fixture, placard, announcement, declaration, device, demonstration, or insignia used for direction, information, identification, or to advertise or promote any business, product, goods, activity, services, ideas, or interests. A sign shall not be deemed to include any transparent window cling(s); architectural embellishment(s) of a building not intended to communicate information; any sign or structure that is not visible from an adjacent street, property line or building on an adjacent property.

Static off-premises sign means an off-premises sign or portion thereof that displays static text or images which can only be modified by physically or mechanically removing and replacing the sign face or its components. A static off-premises sign is an entirely different type of sign than a dynamic display off-premises sign and it is not permissible for the owner of a lawful nonconforming static off-premises sign to intensify their nonconformity by converting any part the static off-premises sign to a dynamic display off-premises sign. An off-premises sign is a sign that bears a message promoting a use that is not located on the subject property or premises.

Temporary sign means a sign that can be easily installed and removed and is intended to be displayed for a short period of time as further defined in this Article.

Unsafe sign means any sign that is out of order, in disrepair, rotten, hazardous, or in any other manner unsafe.

Video display sign means a sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text, and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes. Video display signs do not include electronic changeable copy signs. Video display signs include images or messages with these characteristics projected onto buildings or other objects.

Walk-up Window Sign means a sign located next to a walk-up window which is oriented towards customers engaging in transactions at the window and features text that is not easily readable by passing vehicular traffic.

Wall means any structure that defines the exterior boundaries or courts of a building or structure and that has a slope of 60 degrees or greater with the horizontal plane.

Wall sign means a sign painted or fastened to the exterior front, rear, or side wall of a building or structure that does not extend vertically above the highest portion of the roof.

Window sign means a sign designed to communicate information about an activity, business, commodity, event, sale or service that is placed inside a window or upon the window glass so as to be primarily visible from the exterior of the building or structure.

Sec. 118-328. Permits Required.

- (a) It shall be unlawful for any person to erect, alter, replace, or relocate any sign without first obtaining a permit and paying the required fees, except as herein otherwise provided, including those approved through the Master Sign Plan process. All signs must be constructed in accordance with all applicable City Code provisions, including permits and fees.
- (b) If the sign requires electricity, it must be installed in accordance with the current electrical code and a separate permit from the building official may be necessary prior to placement.
- (c) Freestanding signs may require a building permit in addition to a sign permit at the discretion of the Building Official. If a building permit that is based on the project value is required, the fee for the sign permit shall be waived.

Sec. 118-329. Exceptions.

The following signs do not require a sign permit and do not count towards the total amount of signage allowed at a property, provided they meet the performance standards as described in this Article and conform to any other provisions of the City Code.

- (a) Address signs.
- (b) Building markers.
- (c) Directional signs, which shall not exceed 6 square feet in gross area and 5 feet in height.
- (d) Murals in the following situations:
 - (1) Murals on a property with commercial or industrial zoning that is being used for a commercial or industrial use.
 - (2) Murals on a property that is being used for a public or institutional use.
 - (3) Murals on residential buildings containing at least 4 dwelling units that have CGMU or MMM zoning.
- (e) Noncommercial flags.
- (f) Signs of the City, county, state or federal government and subdivisions and agencies thereof.

- (g) Walk-up window signs that are oriented towards customers engaging in a transaction at a walk-up window and which feature text that is not readily readable by passing traffic. Electronic changeable copy walk-up window signs require a conditional use permit and are not considered an exempt sign.
- (h) Window signs when located in the C-1, CGMU, GB, and MMM districts may be placed within a building, however the window coverage shall not exceed 30 percent of each window. There shall be no more than a maximum area of 80 square feet per street frontage for window signs. Electronic changeable copy window signs require a conditional use permit and are not considered an exempt sign.

Sec. 118-330. Prohibited Signs.

- (a) Abandoned signs.
- (b) Balloon signs.
- (c) Flags other than noncommercial flags.
- (d) Graffiti.
- (e) Illegal signs.
- (f) Off-premises signs, except A-frame signs as permitted in Code Section 118-331 and dynamic display off-premises signs as allowed in Section 118-334.
- (g) Permanent banners or pennants, except those permitted by Minn. Stats. § 412.221, Subd. 34.
- (h) Permanent sale signs.
- (i) Portable (trailer) signs.
- (j) Pylon signs.
- (k) Roof signs.
- (l) Revolving or rotating signs.
- (m) Search lights or strobe lights.
- (n) Signs containing content classified as "obscene" as defined by Minnesota statutes, section 617.241.
- (o) Signs containing audio speakers or any form of pyrotechnics, except drive-through signs which may have audio speaker systems.
- (p) Signs that physically obstruct windows, doors, fire escapes or an opening intended to provide ingress or egress to any structure or building.
- (q) Signs painted, attached, or in any other manner affixed to fences, trees, rocks, or other similar natural surfaces, or attached to public utility poles, bridges, towers, or similar public structures.

- (r) Signs that appear in color or design to resemble a traffic sign or signal or that make use of words, symbols, or characters in such a manner as to interfere with, mislead, or confuse pedestrian or vehicular traffic.
- (s) Signs that are affixed to vehicles or trailers that are not in use or are parked in such a fashion as to serve as additional freestanding signs. Permanent signs on operable commercial vehicles or trailers (that are used as part of the everyday operation of the business) are not prohibited by this section and are allowed.
- (t) Unsafe signs.
- (u) Video display signs.

Sec. 118-331. Temporary Signs.

Temporary signs for the purpose of commercial speech in a commercial or industrial district, except those listed in Code Section 118-329 or exempted below, are subject to the following requirements:

- (a) Temporary Sign Performance Standards
 - (1) Temporary signs require a permit unless otherwise listed below.
 - (2) Temporary signs shall be located on private property and outside of the public right-of-way.
 - (3) Temporary signs may be free standing or mounted onto an existing structure (such as a wall or an existing monument sign).
 - (4) Temporary signs do not count towards the total amount of signage allowed at a property.
 - (5) No individual sign shall exceed 6 feet in height.
 - (6) A property may have up to 3 temporary signs on the premises at one time.
 - (7) The total amount of temporary signage allowed at one time shall not exceed 100 square feet in area.
 - (8) All temporary signs must be discontinued 30 days after installation.
 - (9) A property cannot have temporary signage displayed at the site for more than 120 days per calendar year.
 - (10) Temporary signs may not be illuminated.
 - (11) Temporary signs may not be installed in a manner that obstructs sight lines at a street intersection and their placement is subject to the provisions of Section 118-246(c).
- (b) Temporary Signs That Do Not Require a Permit
 - (1) A-frame signs when located in the C-1, CGMU-1, CGMU-2, and MMM districts and for institutional uses in residential zoning districts provided they comply with the following:

- a. There shall be no more than one A-frame sign per property.
 - b. The A-frame sign is made of durable, exterior-grade materials that are weather-resistant.
 - c. The A-frame sign is located on the street frontage directly in front of the building which the A-frame sign is for.
 - d. The A-frame sign must be located behind the curb and in such a manner as to prevent obstructing access to vehicles using on street parking.
 - e. The A-frame sign must not obstruct a driveway or public sidewalk, trail, road, or other public right-of-way.
 - f. The A-frame sign is no larger than 8 square feet and no greater than 4 feet in height.
 - g. The A-frame sign must be removed at the close of business and stored inside a building when the business is closed. The A-frame sign must not be permanently attached to the ground, building, or any other surface.
- (2) Community event signs provided they are displayed for no more than 30 days prior to the event and are removed no more than 2 days after the event.
- (3) Signs on ballfield fences no larger than 32 square feet and occupying no more than 70 percent of the fence.
- (4) Signs for an active construction site. Signs at an active construction site may be up to 96 square feet in size and are allowed on any property with an active building permit provided that the sign is removed upon completion of the project. Only one (1) such construction sign is permitted per lot. In addition to this allowance, in the MMM, CGMU, C-1, I, and I-1 districts, unlit construction banner signs may be affixed to temporary security fencing surrounding the construction site provided that the banners are kept in good repair, do not extend beyond the top of the fence, and all temporary fencing and banners are removed at the completion of the project.
- (5) Signs on a residential property provided the sign is not affixed to any structure, the total number of signs does not exceed two (2), and the total size of the two signs does not exceed six (6) square feet. These provisions do not apply to election signs as regulated in Code Section 118-342.
- (6) Signs for the purpose of selling or leasing real property. Such signs must be removed within 7 days following the lease or sale of the property or premises and they comply with the following size restrictions:
- a. In the R-1 and R-2 districts, an individual sign shall not exceed 9 square feet in gross area.
 - b. In the R-3 and R-4 districts, an individual sign shall not exceed 18 square feet in gross area.
 - c. In the CGMU-1 and CGMU-2 districts, an individual sign shall not exceed 24 square feet in gross area.

- d. In the C-1, GB, MMM, and I districts, an individual sign shall not exceed 32 square feet in gross area.

Sec. 118-332. General Provisions

The following provisions shall apply in all zoning districts.

- (a) *Illumination.* In general, all lighted signs shall comply with the standards for exterior lighting found in Section 118-245, unless otherwise listed in this section. Illuminated signs may be internally or externally lighted. External illumination for signs shall be constructed and maintained so that the source of light is not visible from an adjacent property or the right-of-way.
- (b) *Legally established nonconforming signs.* Legally established nonconforming signs are subject to the provisions found in Minnesota Statute § 462.357.
- (c) *Location and setback.* Except for projecting signs, attached wall signs, awning and canopy signs, dynamic display off-premises signs, and signs that are listed as exceptions in Code Section 118-329, signs in all zoning districts shall be located at least 5 feet from all lot lines. No freestanding signs shall be located within the traffic visibility triangle.
- (d) *Repairs and removal.*
 - (1) Abandoned signs. Any abandoned sign shall be removed or otherwise properly brought into compliance by the property owner upon receipt of notice to do so given by the City. In the case of a painted sign, removal shall mean the complete repainting of the background on which the sign is painted.
 - (2) Illegal signs. Any fixed sign constructed, placed, or maintained in violation of this Article shall be removed by the property owner upon receipt of notice to do so given by the City.
 - (3) Unsafe signs. Any unsafe sign shall be removed or otherwise properly secured by the property owner upon receipt of notice to do so given by the City.
- (e) *Signs constituting a public nuisance.* Any abandoned, illegal, or unsafe sign is hereby declared to be a danger to the health, safety, and welfare of the citizens of South St. Paul and is declared to be a public nuisance subject to abatement and assessment, except that legally established nonconforming signs shall not be abated until they have been abandoned for more than one year.

Sec. 118-333. On-Premises Signs

- (a) *Awning and canopy signs.* Awning and canopy signs shall comply with the following requirements:
 - (1) They shall be limited to single-story buildings or to the first level only of multi-story buildings.
 - (2) They shall have a minimum clearance of 8 feet above grade.

- (3) The maximum height of an awning or canopy shall be 5 feet.
- (4) No awning shall project over a public sidewalk or into a public right-of-way without the approval of the City Engineer.
- (5) Illuminated canopy and awning signs shall comply with the following lighting requirements:
 - a. On nonresidential buildings in residential districts, the direct source of light shall not be visible from the public right-of-way or adjacent residential use or district.
 - b. For signs or illuminated areas less than 3 feet in height, the degree of illumination or candlepower of illuminated canopies and awnings shall be limited to a single lamp exterior fluorescent fixture, running the entire length of the illuminated area.
 - c. For signs or illuminated areas 3 to 5 feet in height, the degree of illumination or candlepower shall be limited to double lamp fixtures.
 - d. In no event shall the power of the fixture exceed 10 watts per foot for single lamp fixtures and 20 watts per foot for double lamp fixtures.
- (b) *Drive-through sign.* Drive-through signs are allowed in addition to other permitted signs on site and shall not be used to calculate the maximum signage for the property. Drive-through signs are subject to the following performance standards:
 - (1) Number. Each business with a drive-through facility is allowed to have two drive-through signs.
 - (2) Area. The maximum size of a drive-through sign is 50 square feet.
 - (3) Height. The height of a drive-through sign shall not exceed 6 feet.
 - (4) Location. Drive-through signs must be located adjacent to the drive-through aisle and all portions of the signs must be located at least 10 feet from the property line. When a site directly abuts a residential use, a drive-through sign must be set back at least 75 feet from the residential property line.
 - (5) Illumination. Illumination is permitted.
 - (6) Electronic changeable copy drive-through signs. A drive-through sign may be an electronic changeable copy sign if expressly allowed through its conditional use permit. Such signs shall be oriented so that their content is not readily visible to individuals who are not using the drive-through facility and the City may require screening to avoid negative impacts to neighboring properties.
- (c) *Dynamic display, electronic changeable copy, and electronic graphic display signs.* The following standards apply to dynamic display signs, electronic changeable copy, and electronic graphic display signs:

- (1) A Conditional Use Permit is required for all dynamic, electronic changeable copy, or electronic graphic display signs.
- (2) Maximum size of the sign. An electronic dynamic display or electronic graphic display sign shall not exceed 75 percent of the maximum size permitted for a freestanding sign in that district.
- (3) Number of signs and distance to other electronic signs. There shall be no more than 1 electronic sign per property and each sign must be located at least 60 feet from any other electronic sign on any other property as measured in a straight line from the base of the sign to the base of any other electronic sign.
- (4) Distance to residential uses: Each sign shall be located at least 60 feet from a residential use, as measured in a straight line from the base of the sign to the nearest lot line of the residential use. In the case of a mixed-use development that includes residential uses a sign may be located less than 60 feet from a residential use within that same development provided that the residential use(s) are located at a significantly higher elevation or similar means of reducing the impact of the brightness and impact of the sign to equate to the straight-line distance of 60 feet.
- (5) Display hold time. In all non-residential districts, no part of a display shall change more than once every 8 seconds.
- (6) Transitions: Display transitions shall be limited to 1 second. Transitions such as slideshow and fade/dissolve may be used.
- (7) Illumination limits. The difference between the off and solid-message measurements using the electronic sign measurement criteria shall not exceed 0.3 footcandles above ambient levels when measured using the chart below. Measurement should be taken according to the procedures outlined by the International Sign Association.

Sign Area Versus Measurement Distance

Area of Sign (sq. ft.)	Measurement Distance (ft.)
10	32
15	39
20	45
25	50
30	55
35	59
40	63

45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100

*For signs with an area in square feet other than those specifically listed in the table (i.e. 12 square feet, 112 square feet, etc.) the measurement distance may be calculated with the following formula: Measurement Distance = the square root of (Area of the sign square feet times 100).

- (8) Dimming capabilities. All permitted electronic signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and shall be programmed to automatically dim adjusting to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements. These signs must also be equipped with a means to immediately turn off the display or lighting if it malfunctions, and the sign owner or operator must immediately turn off the sign or sign lighting when notified by the City that the sign is not complying with the standards in this section.

- (d) *Freestanding signs.* Except for area identification signs, no more than 1 permanent freestanding sign shall be located on any single property unless otherwise is stated 118-335. Freestanding signs shall be at least 100 feet from any other freestanding sign on a different street frontage on the same property. The total gross area of all the signs on the property cannot exceed the maximum aggregate signage for the property.

- (e) *Freeway Signs.* Freeway signs are only allowed by a conditional use permit in the general business (GB), light industrial (I-1) and industrial (I) zoning districts and are subject to following conditions:

- (1) One freeway sign is allowed per property.
- (2) The maximum gross area of a freeway sign shall not exceed 200 square feet in area and 15 feet above the height of the interstate roadway surface at the point thereof nearest the sign.
- (3) The sign must be located on the portion of the property closest to the freeway and may not be closer than 350 feet from any other freeway sign on the same side of the freeway, as measured in a straight line from the base of the sign to the base of any other freeway sign.
- (4) A property with a freeway sign shall be allowed to have a maximum aggregate property signage of at least 300 square feet in gross area.
- (5) The supporting structure of a freeway sign shall be comprised of brick, stone, stucco, synthetic stucco, concrete masonry units (CMU) that are textured, burnished or decorative or factory finished metal panels. Exterior construction materials must be maintenance-free and colored only by means of a pigment integral to the material, not applied to the surface and must be compatible with the building(s) on the lot. The maximum number of supports per sign shall be two. All supports shall be vertical. No cable shall be used to support the sign.

(f) *Monument Signs.*

- (1) Monument Sign Base. The supporting base of a monument sign shall be comprised of brick, stone, stucco, synthetic stucco, concrete masonry units (CMU) that are textured, burnished or decorative, or factory finished metal panels. Exterior construction materials must be maintenance-free and colored only by means of a pigment integral to the material, not applied to the surface and must be compatible with the building(s) on the lot. The term "compatible" shall include but is not limited to materials that are consistent with the principal architectural features and colors of the building identified by the sign.
- (2) Landscaping Design. A monument sign shall be incorporated into a landscaping scheme or planter box. Monument signs may incorporate additional berming into its landscape design on a slope of 3 to 1 where the berming is incorporated into an overall landscaping design plan. The maximum height of the berm shall be three feet above the adjacent street grade. Landscaping shall be provided on the slopes of the berm in an interesting and varied appearance. Where a planter box is incorporated, the landscaping shall occur in and around the planter with a similar attractive design.
- (3) Number of sign supports. The maximum number of supports per sign shall be 2. All supports shall be vertical. No cable shall be used to support the sign.

- (4) Height and Size. The total height of a monument sign, including the planter box, berm, and sign graphic, shall not exceed the maximum height for a sign permitted in the underlying zoning district. The gross area of a monument sign shall not exceed 100 square feet.
- (g) *Pylon Signs*. Pylon signs are prohibited in all zoning districts except for the following:
- (1) Freeway signs may be allowed by conditional use permit in the General Business (GB), Industrial (I), and Light Industrial (I-1) zoning districts. Unless a more restrictive size is stated in a particular zoning district, a freeway sign shall not exceed 15 feet above the height of the interstate roadway at the point thereof nearest the proposed sign. The gross area of the individual sign shall not exceed 200 square feet. When in conflict, the more restrictive size shall apply.
- (h) *Wall Signs*.
- (1) *Attached wall signs (including painted wall signs)*. Attached wall signs must be flat and parallel to the surface of the building and project no more than 12 inches. Attached wall signs may project into a public right-of-way or beyond a legal setback line up to 12 inches, provided such signs do not violate Minnesota Statutes § 160.27.
 - (2) *Projecting wall signs*. Projecting wall signs must be perpendicular to the surface of the building and no more than 12 inches in thickness and comply with the following standards:
 - a. Projecting signs may project no more than 4 feet from the front of the edge of the building and be more than 15 square feet in gross area per side.
 - b. Projecting signs may not extend over a public right-of-way or public property except with the written permission of the City Engineer. When a projecting sign extends over a right-of-way, there shall be at least 8 feet of clearance between the ground level and the lowest point of the projecting sign. In no case may a projecting sign come closer than 2 feet from the curb line.
 - c. Projecting signs may not extend over a designated parking space or loading area.
 - d. One projecting sign per entrance on a street frontage is permitted. Projecting signs shall be at least 20 feet from other projecting signs.
 - (3) *Wall signs on a multi-tenant building*. Each tenant in a multi-tenant building is allowed 1 wall sign, however, the total cumulative square footage for all signs may not exceed the maximum gross area of signage allowed for the property, unless additional signage is approved through a master sign plan.

Sec. 118-334. Dynamic Display Off-Premises Signage

- (a) *Findings, Purpose, and Intent*. The City desires to facilitate communication between area businesses and nonprofits and drivers utilizing the Interstate 494 corridor and also desires to promote the health, safety, and welfare of the community through public service messaging. Dynamic display off-premises signs are able to cycle through a

number of different messages and can communicate all of these messages effectively without causing a proliferation of sign structures and sign surfaces along the highway corridor. With this type of signage, there are opportunities for the City and public safety agencies to communicate about local events and critical emergencies. The City does not allow static off-premises billboard signage because these signs are inefficient, result in visual clutter, and are unable to support emergency messaging or the efficient promotion of community events.

The City is committed to protecting the aesthetics of the Mississippi River Corridor Critical Area (MRCCA), a part of the community that is protected by State Statute and shares a border with the Mississippi National River and Recreation Area, a unit of the National Park Service. Consistent with State Statute, the City administers a local MRCCA ordinance which contains numerous provisions designed to protect the community's scenic vistas, especially views to and from the river and river bluffs. The Department of Natural Resources requires the City to adopt minimum MRCCA standards but actively encourages Cities to take additional steps to protect the aesthetics of the MRCCA. To protect this critical resource area from visual clutter, it is the City's intention that no new billboard signage shall be permitted in the MRCCA and no existing nonconforming billboard signage in the MRCCA shall be permitted to be expanded or intensified in a way that will increase its value and make its discontinuance more unlikely.

(b) *Location and Eligibility*

- (1) Dynamic display off-premises signs shall only be allowed on properties that are zoned GB-General Business.
- (2) A dynamic display off-premises sign may only be erected on a property abutting Interstate Highway 494. The dynamic display off-premises sign must be oriented towards and designed to be viewed from Interstate Highway 494.
- (3) Dynamic display off-premises signs are prohibited on properties located within the Mississippi River Corridor Critical Area (MRCCA) overlay district.
- (4) The minimum distance in any direction between any two off-premises dynamic display signs shall be two thousand (2,000) feet

(c) *Conditional Use Permit Required.* A conditional use permit shall be required for any dynamic display off-premises sign.

(d) *Performance Standards.* Dynamic display off-premises signs are subject to the following requirements:

- (1) All dynamic display off-premises signs shall comply with federal and state rules and regulations for signs along interstates and highways and shall obtain any required federal and state permits.

- (2) The maximum allowable size shall be seven hundred (700) square feet per sign surface and no sign shall contain more than two (2) sign surfaces. Each sign surface must be designed to be read from an opposite direction.
- (3) The maximum allowable height is fifty (50) feet from the grade of the travel lane of Interstate 494.
- (4) The design of the sign and its support structure shall be approved by the City. The base or support structure shall incorporate EIFS, veneer, brick, stone, decorative block, or a similar cladding material that has been approved by the City.
- (5) Dynamic display off-premises signs shall have a minimum display duration of eight (8) seconds. Such displays shall contain static messages only. The change from one static message to another shall either be instantaneous without any special effects or shall employ a dissolve or fade transition or another subtle transition technique that does not have the appearance of moving text or images. No transition may take longer than one second.
- (6) The sign shall be rectangular in shape and all messages must be contained within the sign. The portion of any dynamic or illuminated sign that is used for the conveyance of any message will be included within the overall size of the sign.
- (7) The sign must be freestanding and shall not be affixed to any building.
- (8) The sign may not emit any sound.
- (9) The sign shall have ambient light monitors installed and shall be configured to allow such monitors to automatically adjust the brightness level of the electronic sign based on light conditions at all times.
- (10) The sign shall comply with the following brightness standards: the sign shall not exceed seven thousand five hundred (7,500) Nits (candelas per square meter) between the hours of civil sunrise and civil sunset measured from the face of the sign. During nighttime hours, the sign shall not exceed five hundred (500) Nits. The light level shall not exceed 0.3 footcandles above ambient light as measured from a pre-set distance depending on sign size. Measuring distance shall be determined using the following equation: the square root of the message center sign area multiplied by 100. Example: 12 square foot sign $\sqrt{(12 \times 100)} = 34.6$ feet measuring distance.
- (11) Dynamic display billboards shall be constructed with the use of light-blocking technology. As measured from a point on the sign face furthest from the right-of-way, the area on the ground more than 22.5 degrees from the roadway must be light protected by light-blocking technology. "Light protected" is defined as having a reduction of brightness/luminance (and visibility) of over 90 percent, or equivalently, a remaining brightness of less than ten percent as compared to the nominal forward brightness of the sign.
- (12) The sign shall have a fully-functional monitoring off switch system that shuts the dynamic display sign off when the display deteriorates, in any fashion, five (5) percent or greater until the dynamic display sign has been repaired to its fully-functional factory specification.

- (13) The lamp wattage and luminance level in Nits of the sign shall be provided at the time of permit application from the owner or operator of the sign. The sign must at all times be operated in accordance with City Code and the owner or operator shall provide proof of such conformance upon request of the City.
- (14) Public service messages, in addition to emergency messages such as Amber Alerts, shall be provided on the dynamic display billboard sign at no cost to the public. Any Applicant for a conditional use permit for an off-premises dynamic display sign shall enter into an agreement with the City to provide up to 30 hours of no-cost display time per month on each face of the sign, with each display lasting 8 seconds. The messages shall be reasonably distributed throughout a 24-hour period and shall not be relegated to the midnight to 6:00 AM time frame.
- (15) Portable dynamic display off-premises signs are not allowed in any district.
- (16) Nonconforming static off-premises signs may not be converted to dynamic display off-premises signs.

Sec. 118-335. Permitted Signs by District.

Any sign that is not listed as a permitted (P) or allowed by Conditional Use Permit (C) is prohibited. An asterisk (*) indicates special conditions within the zoning district.

Figure A-1. Permissible Signs By District

	R-1 R-2 R-3	R-4	CGMU-1	CGMU-2	MMM	C-1	GB	I I-1
Signage Area and Size								
Maximum Gross Area of all Signage on the Property (Square Feet)	6*	24*	150*	150*	150*	150*	200*	200*
Individual Sign Maximum Gross Area (Square Feet)	6*	24	100	100	100	100	100*	100*
Height (Feet)	6	6	8	8	8	8	12*	12*
Type of Signage								
Area Identification Signs	P	P	P	P	P	P	P	P
Drive-Through Signs	—	—	C*	C	C	C	C	C
Dynamic Display Signs	C*	C*	C*	C	C	C	C	—
Dynamic Display Off-Premises Signs	—	—	—	—	—	—	C*	—

Electronic Changeable Copy Signs	C*	C*	C*	C	C	C	C	C
Electronic Graphic Display Signs	C*	C*	C*	C	C	C	C	—
Freeway Signs	—	—	—	—	—	—	C*	C
Illuminated Canopy and Awning Signs	C	P	C	C	C	C	C	C
Monument Signs	P*	P	C*	P*	P*	P	P	P
Nonelectronic Changeable Copy Signs	P*	P	C*	P*	P*	P	P	P
Nonilluminated Awning and Canopy Signs	P	P	P	P	P	P	P	P
Projecting Signs	C	P	P	P	P	P	P	—
Static Off-Premises Signs	—	—	—	—	—	—	—	—
Wall Signs	P/C*	P	P*	P*	P*	P	P	P

(a) Within residential zoning districts (R-1 through R-3) signs must comply with the following regulations:

(1) Aggregate property signage: The maximum gross signage for a property shall not exceed 6 square feet in gross area unless otherwise excepted below.

(2) Individual signs: The maximum gross area per sign shall not exceed six square feet in gross area and six feet in height, or as otherwise excepted below.

(3) The following types of signs are permissible:

a. Area identification signs.

1. Neighborhoods of single-family and two-family homes are allowed 1 area identification sign per subdivision or development which must be a monument sign and may not exceed 24 square feet in area.

2. Multifamily dwellings with at least four units are allowed one non-illuminated area identification sign which shall not exceed 6 square feet in area except as noted below. The sign must be an attached wall sign except as noted below.

3. In the R-3 district, multifamily dwellings on parcels larger than 25,000 square feet are allowed one non-illuminated area identification sign not exceeding 24 square feet in area. The sign may be either an attached wall sign or a monument sign.

b. Nonilluminated awning signs and nonilluminated canopy signs.

- c. Wall signs and monument signs for an institutional use.
 - 1. Institutional uses shall be permitted one monument sign per property. An institutional use located on a parcel that is 1 acre in size or larger may have one monument sign per street frontage. No such sign shall exceed a gross area of 32 square feet. Only one monument sign may have a dynamic, electronic changeable copy, or electronic graphic display.
 - 2. Institutional uses may have up to 24 square feet of wall signage per street frontage. No more than 24 feet of wall signage may be directed towards each individual frontage. Illuminated wall signs shall require a conditional use permit.
 - 3. Group family day cares, as defined in Section 118-8, are not considered an institutional use for the purposes of this section.
- d. Nonelectronic changeable copy signs, which are allowed only for institutional uses.

(4) The following types of signs require a conditional use permit:

- a. Illuminated wall signs, which are allowed only for institutional uses.
- b. Illuminated canopy and awning signs on nonresidential buildings.
- c. Projecting signs.
- d. Wall signs if they are for a property that does not qualify for wall signage as a permitted use under the provisions listed in subdivision (3) above.
- e. Dynamic display signs, electronic changeable copy, and electronic graphic display signs are allowed only when located upon the monument sign of an institutional use and are subject to the following requirements:
 - 1. The signage shall adhere to all requirements of Section 118-333(c) unless otherwise stated below.
 - 2. The electronic sign shall be turned off between 10:00 p.m. and 7:00 a.m.
 - 3. No part of the display shall change more than once every 15 seconds.

(5) The following types of signs require an interim use permit:

- a. A home occupation may be allowed one nonilluminated business sign in an approved location, not to exceed six square feet in area. The sign must be removed if the home occupation is discontinued. In the R-1 single family zoning district, no home occupation signage is allowed.

(6) The following types of signs are prohibited:

- a. Freeway signs.

- b. Drive-through signs.
- (b) Within multifamily residential zoning districts (R-4) signs must comply with the following regulations:
- (1) Aggregate property signage: The maximum gross signage for a property shall not exceed 24 square feet in gross area unless otherwise allowed below.
 - (2) Individual signs: The maximum gross area per sign shall not exceed 24 square feet in gross area and six feet in height.
 - (3) The following types of signs are permissible:
 - a. Area identification signs.
 - b. Illuminated canopy and awning signs.
 - c. Monument signs.
 - d. Nonelectronic changeable copy signs.
 - e. Nonilluminated awning signs and nonilluminated canopy signs.
 - f. Projecting signs.
 - g. Wall signs.
 - h. Wall signs and monument signs for an institutional use.
 - 1. Institutional uses shall be permitted one monument sign per property. An institutional use located on a parcel that is 1 acre in size or larger may have one monument sign on each street frontage. No such sign shall exceed a gross area of 32 square feet. Only one monument sign may have a dynamic, electronic changeable copy, or electronic graphic display sign.
 - 2. Institutional uses may have up to 24 square feet of wall signage per street frontage. No more than 24 feet of wall signage may be directed towards each individual frontage.
 - 3. Group family day cares, as defined in Section 118-8, are not considered an institutional use for the purposes of this section.
 - (4) The following types of signs require a conditional use permit:
 - a. Dynamic display signs, electronic changeable copy, and electronic graphic display signs when located upon the monument sign of an institutional use. These signs are subject to the following requirements:
 - 1. The signage shall adhere to all requirements of Section 118-333(c) unless otherwise stated below.
 - 2. The electronic sign shall be turned off between 10:00 p.m. and 7:00 a.m.
 - 3. No part of the display shall change more than once every 15 seconds.

- (5) The following types of signs are prohibited:
 - a. Freeway signs.
 - b. Drive-through signs.
- (c) Within the CGMU-1: Concord Gateway Mixed Use Zoning Sub-district 1. Signs must comply with the following regulations:
 - (1) Aggregate property signage: The maximum gross signage for a property shall not exceed one and one-half (1 ½) times the lineal feet of the longest building frontage facing a public street or 150 square feet in gross area, whichever is greater. If a property has a second street frontage, the property is eligible for additional signage equal to one-half (½) times the lineal feet of the building frontage facing the second public street.
 - (2) Individual signs: The maximum gross area per sign shall not exceed 100 square feet in gross area and eight feet in height.
 - (3) The following types of signs are permissible:
 - a. Area identification signs.
 - b. Nonilluminated awning and canopy signs.
 - c. Projecting signs.
 - d. Wall signs.
 - (4) The following types of signs require a conditional use permit:
 - a. Illuminated canopy and awning signs.
 - b. Monument signs on an eligible property. Monument signs shall not be allowed on Concord Exchange or within 75 feet of the Concord Exchange right-of-way. As part of a monument sign the following types of signs may also be incorporated:
 - 1. Dynamic display, electronic changeable copy, and electronic graphic display signs.
 - 2. Non-electronic changeable copy signs.
 - c. Drive-through signs.
 - (5) The following types of signs are prohibited:
 - a. Freeway signs.
- (d) Within the CGMU-2: Concord Gateway Mixed Use Zoning Sub-district 2. Signs must comply with the following regulations:
 - (1) Aggregate property signage: The maximum gross signage for a property shall not exceed one and one-half (1 ½) times the lineal feet of the longest building frontage facing a public street or 150 square feet in gross area, whichever is greater.

- (2) Individual signs: the maximum gross area per sign shall not exceed 100 square feet in gross area and eight feet in height.
- (3) The following types of signs are permissible:
 - a. Area identification signs.
 - b. Monument signs.
 - c. Nonelectronic changeable copy signs.
 - d. Nonilluminated awning and canopy signs.
 - e. Projecting signs.
 - f. Wall signs.
- (4) The following types of signs require a conditional use permit:
 - a. Dynamic display signs, electronic changeable copy, and electronic graphic display signs that are part of a monument sign.
 - b. Drive-through signs.
 - c. Illuminated awning and canopy signs.
- (5) The following types of signs are prohibited:
 - a. Freeway signs.
- (e) Within the MMM- Mixed Markets and Makers District. Signs must comply with the following regulations:
 - (1) Aggregate property signage: the maximum gross signage for a property shall not exceed one and one-half (1 ½) times the lineal feet of the building frontage along Concord Street or 150 square feet in gross area, whichever is greater. Properties that do not have frontage on Concord Street shall not exceed 150 square feet of gross signage.
 - (2) Individual signs: the maximum gross area per sign shall not exceed on 100 square feet in gross area and eight feet in height.
 - (3) The following types of signs are permissible:
 - a. Area identification signs.
 - b. Monument signs
 - c. Nonelectronic changeable copy signs
 - d. Nonilluminated awning and canopy signs.
 - e. Projecting signs
 - f. Wall signs
 - (4) The following types of signs require a conditional use permit:
 - a. Dynamic display signs, electronic changeable copy, and electronic graphic display signs that are part of a monument sign.

- b. Drive-through signs.
 - c. Illuminated awning and canopy signs
- (5) The following types of signs are prohibited:
 - a. Freeway signs.
- (f) Within the C-1: Retail business zoning districts signs must comply with the following regulations:
 - (1) Aggregate property signage: The maximum gross signage for a property shall not exceed one and one-half (1 ½) times the lineal feet of the longest building frontage facing a public street or 150 square feet in gross area, whichever is greater.
 - (2) Individual signs: The maximum gross area per sign shall not exceed 100 square feet in gross area and eight feet in height.
 - (3) The following types of signs are permissible:
 - a. Area identification signs.
 - b. Monument signs.
 - c. Nonelectronic changeable copy signs.
 - d. Nonilluminated awning signs and canopy signs.
 - e. Projecting signs.
 - f. Wall signs.
 - (4) The following types of signs require a conditional use permit:
 - a. Dynamic display signs, electronic changeable copy, and electronic graphic display signs that are part of a monument sign.
 - b. Drive-through signs.
 - c. Illuminated awning and canopy signs.
 - (5) The following types of signs are prohibited:
 - a. Freeway signs.
- (g) Within the GB: General business zoning district signs must comply with the following regulations:
 - (1) Aggregate property signage: The maximum gross signage for a property shall not exceed one and one-half (1 ½) times the lineal feet of the longest building frontage facing a public street or 200 square feet in gross area, whichever is greater, unless otherwise excepted in Section 118-333(e).
 - (2) Individual signs: the maximum gross area per sign shall not exceed 100 square feet in gross area and 12 feet in height, or as otherwise excepted in Section 118-333(e).

- (3) Freeway signs are not permitted in that part of the GB district north of I-494, east of Trunk Highway 56 (Concord Street), south of Wentworth Avenue extended easterly and west of the Mississippi River.
 - (4) The following types of signs are permissible:
 - a. Area identification signs.
 - b. Monument signs
 - c. Nonelectronic changeable copy signs.
 - d. Nonilluminated awning and canopy signs.
 - f. Projecting signs.
 - f. Wall signs.
 - (5) The following types of signs require a conditional use permit:
 - a. Drive-through signs subject to the requirements of Section 118-333(b).
 - b. Dynamic display signs that are part of a monument sign. These signs are subject to the requirements of Section 118-333(c).
 - c. Dynamic display off-premises signs on properties that are outside of the Mississippi River Critical Corridor Area (MRCCA), subject to the requirements of Section 118-334. A property or business that has a dynamic display off-premises sign shall be permitted to have up to 200 square feet of total site signage in addition to the dynamic display off-premises sign. A property or business that currently exceeds 200 square feet of site signage must reduce their total site signage to 200 square feet or less in order to qualify for a conditional use permit to have a dynamic display off-premises sign.
 - d. Electronic changeable copy or electronic graphic display signs that are part of a monument sign.
 - e. Freeway signs, subject to the requirements of subsection 118-333(e).
 - f. Illuminated awning and canopy signs
- (h) Within the industrial zoning districts (I and I-1) signs must comply with the following regulations:
- (1) Aggregate property signage: The maximum gross signage for a property shall not exceed one and one-half (1 ½) the lineal feet of the longest building frontage facing a public street or 200 square feet in gross area, whichever is greater, unless otherwise excepted in Section 118-333(e). Each principal building at the Fleming Field Municipal Airport shall be allowed to have at least 200 square feet of total signage, regardless of the length of the building frontage.

- (2) Individual signs: the maximum gross area per sign shall not exceed 100 square feet in gross area and 12 feet in height, or as otherwise excepted in Section 118-333(e).
- (3) The following types of signs are permissible:
 - a. Area identification signs.
 - b. Monument signs.
 - c. Nonelectronic changeable copy signs.
 - d. Nonilluminated awning and canopy signs.
 - e. Wall signs.
- (4) The following types of signs require a conditional use permit:
 - a. Drive-through signs.
 - b. Electronic changeable copy signs.
 - c. Freeway signs, subject to the requirements of subsection 118-333(e).
 - d. Illuminated canopy and awning signs.
- (5) The following types of signs are prohibited:
 - a. Dynamic display signs.
 - b. Electronic graphic display signs.
 - c. Projecting signs.

Sec. 118-336. Master Sign Plans

- (a) *Purpose.* The purpose of a master sign plan is to establish a fair and equitable process for complex signage situations that accommodate the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification. Flexibility from the sign standards in the total amount, number, size, or location of signs may be approved at the reasonable discretion of the City Council through the master sign plan process.
- (b) *Effect.* Upon approval of a master sign plan, all future signs shall conform to the master sign plan. Modifications to the provisions of the master sign plan may be granted only with the approval of an amended master sign plan.
- (c) *Eligibility.* No property shall be required to submit a master sign plan and may alternatively pursue a planned unit development approval or variance. The following standards shall dictate which properties are eligible to submit a master sign plan for review:
 - (1) Only the following uses shall be eligible to submit an application for a master sign plan: multi-tenant commercial-retail structures such as shopping centers and strip malls, commercial and industrial developments that are over five acres in size, gasoline service stations, and properties that have multiple principal buildings.

- (2) Only properties in commercial, industrial, and mixed-use zoning districts shall be eligible to submit master sign plans.
- (3) Planned unit developments that require flexibility from the sign ordinance shall have their signage regulated via their conditional use permit for a planned unit development rather than a master sign plan.
- (d) *Process.* The applicant shall submit their master sign plan for review by the Planning Commission and City Council. A completed application shall be submitted to the zoning administrator along with an application fee and escrow deposit as established by the City Council for site plan reviews. The master sign plan shall be reviewed following the process outlined for site plan review in section 118-47 and approved by resolution. Amendment requests shall follow this same process.
- (e) *Review criteria.* To assist property owners and their tenants with signage needs, the City has established the following criteria that shall be used in developing, reviewing, and approving each master sign plan:
 - (1) *Base guidelines:* The master sign plan shall use the signage standards of the underlying zoning district as its basis. Any sign that requires a conditional use permit or interim use permit shall continue to require said permit.
 - (2) *Total allowance:* The total signage allowance granted shall not exceed two times the maximum that would be allowed at the property without a master sign plan.
 - (3) *Height:* All signage must follow the height regulations of the underlying zoning district except that monument signs for multi-tenant commercial-retail structures may be allowed to be up to 12 feet in height.
 - (4) *Quality:* The master sign plan review may not be used to waive design standards that are mandatory in the underlying zoning district related to landscaping or building materials.
 - (5) *Type:* A master sign plan may not be used to approve a type of sign that is prohibited in the underlying zoning district.
 - (6) *Location:* All signage shall follow the location regulations of the underlying zoning district.
 - (7) *Number:* No more than one freestanding sign may be allowed for each street frontage through a master sign plan.
 - (8) The City Council may require an applicant to adhere to the signage standards found in sections 118-332 and 118-333 or the City Council may at their discretion, approve a master sign plan. In approving a deviation from the signage standards found in sections 118-332 and 118-333, the City Council will consider the gross floor area of the principal building(s), the size of the site, the existing signage, and the visibility of the site from all street frontages.
- (f) *Required materials.* The following materials must be submitted as part of a master sign plan review application.
 - (1) Dimensional site plan and elevations of the building or buildings to be included in the master sign plan review.

- (2) Locations of existing and proposed signage, including signage dimensions, lighting, exposed structures, colors, and functions of each sign.
 - (3) Computations of the total maximum sign area for each individual sign and all the signage at the site included the height of the signs and area of the signs.
- (g) *Findings.* The following findings must be made prior to the approval of any new master sign plan or revisions to previously approved master sign plans:
- (1) The master sign plan is not in conflict with the comprehensive plan.
 - (2) The master sign plan is not in conflict with the purpose, standards or design principles found in section 118-332.
 - (3) The master sign plan will not be injurious or a nuisance to the surrounding neighborhood or otherwise harm the public health, safety, and welfare.
- (h) *Sign permits required.* No sign approved as part of a master sign plan may be installed without first receiving the proper sign permit.
- (i) *Administration and amendments.* Staff may issue a sign permit to allow a sign approved by the master sign plan to be replaced with a new sign of the same type that is in the same general location as the original sign and is the same size or smaller than the original sign. All attached wall signs shall be considered the same type for the purposes of administering this ordinance. Any more substantial changes including a change in the sign type, an increase in the size of the signage, or the addition of new signage will require an amendment to the master sign plan.
- (j) *Expiration.* Master sign plans expire one year after approval if no sign permits implementing the master sign plan have been issued within that time period. The applicant may apply to the zoning administrator for no more than one extension of up to one year.
- (k) *Termination.* A property owner may request the termination of their master sign plan which shall be processed as an amendment and approved by resolution. If the termination is approved, the property shall revert to the standards of the underlying zoning district.

Sec. 118-337. Message substitution.

The owner of any sign that is otherwise allowed by this article may substitute noncommercial copy or message in lieu of any other commercial or noncommercial sign copy or message without additional approval or permitting subject to the operational standards set forth in this article. The purpose of this provision is to prevent any inadvertent favoring of commercial speech or message over noncommercial speech or message.

Sec. 118-338. Election Season Exception

Notwithstanding any other provisions of this article, all signs of any size containing noncommercial speech may be posted from 46 days before the state primary in any general election year until ten days following the general election and 13 weeks prior to any special election until ten days following the special election.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The ordinance repeals and replaces the existing sign ordinance to improve its readability and to address several previously unaddressed types of signage.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved:

Published:

Deanna Werner, City Clerk

ATTACHMENT B
EXAMPLES OF FREESTANDING TEMPORARY SIGNS

