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**MINNEAPOLIS CITY PLANNING DEPARTMENT REPORT**  
**ZONING TEXT AMENDMENT ANALYSIS**

**Date:** June 17, 2002

**Initiator of Amendment:** Council Member Schiff

**Planning Staff:** Blake Graham 612-673-3241

**Subject Matter of the Ordinance:** Amendment to Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, amending Chapter 525, Administration and Enforcement, relating to authorized variances.

**Affected Sections of the Zoning Code:** Section 525.520 is amended by adding a new paragraph (27) to authorize a variance of the minimum sign spacing standards and nonconforming sign area credit requirements of Chapter 544, Off-Premise Advertising Signs and Billboards.

**Background:** Off-premise advertising signs (billboards) are regulated by Chapter 544 of the city's zoning code. The chapter establishes standards and requirements for the general billboard district and the opportunity billboard districts. At least 1,320 feet of continuous commercial or industrial zoning along the roadway from which the billboard is to be read is required to qualify as a billboard district. Opportunity billboard districts are qualifying locations within the downtown area and along limited access roadways. All billboard districts include standards governing minimum lot frontage, maximum sign area, maximum sign height, and minimum sign spacing. In addition, the opportunity billboard districts require removal of two square feet of nonconforming advertising sign area for every one square foot of new sign area to be established. More than 150 nonconforming billboards have been removed from neighborhood locations since adoption of the chapter in 1993. Nonconforming sign area credits obtained from these removals have been used to establish or enlarge approximately 25 billboards in the downtown and limited access roadway districts.

There currently is no provision to vary the billboard regulations. (Although the height of an advertising sign in a limited access roadway district may be increased by conditional use permit.) A copy of Chapter 544 is attached for your reference.

**Purpose of the Amendment:** The amendment authorizes a variance of minimum sign spacing and nonconforming sign area credit requirements to allow the relocation of an existing advertising sign under certain circumstances. A variance may be approved only where removal of the sign is necessary to allow the development of at least 30 units of affordable housing, or to allow a capital improvement project of a governmental agency.

**What Problem is the Amendment Designed to Solve?** The owner of an advertising sign generally will not allow the sign to be removed without assurance that it may be

relocated, or unless it is purchased. Moreover, a nonconforming advertising sign that is removed may not be replaced unless it meets all of the requirements of the ordinance, or unless a variance is approved. In addition, the opportunity billboard districts require nonconforming sign area credits when an existing sign is structurally altered. In some cases, the cost of purchasing a sign may discourage redevelopment of a property. (Depending upon its size and location, the cost to acquire an advertising sign may total several hundred thousand dollars or more.) By varying the regulations to allow relocation of an existing sign, redevelopment may proceed without these additional costs.

**What Public Purpose will be Served by the Amendment?** The amendment authorizes a variance only where removal of an advertising sign is necessary to allow the development of at least 30 units of affordable housing, or to allow a capital improvement project of a governmental agency. Both serve a public purpose.

**What Problems Might the Amendment Create?** No problems are foreseen. The scope of the variance is limited and the existing sign must be relocated in a qualifying billboard district.

**Is the Amendment Timely?** At least two affordable housing developments may benefit from the amendment--Central Community Housing Trust at 706 1<sup>st</sup> Avenue North (Lamoreaux) and Hope Community at Portland and Franklin Avenues. The planning commission has approved both developments. Each includes at least 30 units of affordable housing and both require removal of a large (672 square feet) nonconforming advertising sign to proceed. The Lamoreaux sign sits on the roof of the existing building and must be removed to allow the addition of several new stories. The Hope Community sign is located on the ground and must be removed to allow construction of a new mixed commercial-residential building.

**Is the Amendment Consistent with Practices in Other Areas?** Off-premise advertising signs are regulated in a variety of ways by different cities.

**How will the Amendment Implement the Comprehensive Plan?** The amendment implements the following policies of the city's comprehensive plan:

*Policy 4.11.* Minneapolis will improve the range of housing options for those with few or constrained choices.

*Policy 9.18.* Minneapolis will establish land use regulations in order to achieve the highest possible development standards, enhance the environment, promote flexibility in approaches and otherwise carry out the comprehensive plan.

**Recommendation of the City Planning Department:** The City Planning Department recommends that the City Planning Commission recommend to the City Council that it adopt the above findings and approve the text amendment.

REFERRED TO (NAME OF) COMMITTEE \_\_\_\_\_

PUBLIC HEARING \_\_\_\_\_

2ND READING AND FINAL PASSAGE \_\_\_\_\_

# AN ORDINANCE of the CITY OF MINNEAPOLIS

By \_\_\_\_\_ Schiff presents the following ordinance:

**Amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances  
relating to Zoning Code: Administration and Enforcement.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 525.520 of the above-entitled ordinance be amended by adding a new paragraph (27) to read as follows:

**525.520. Authorized variances.** Variances from the regulations of this zoning ordinance shall be granted by the board of adjustment only in accordance with the requirements of section 525.500, and may be granted only in the following instances, and in no others:

- (27) To vary the minimum sign spacing standards and nonconforming sign area credits requirements of Chapter 544, Off-Premise Advertising Signs and Billboards, to allow the relocation of an existing off-premise advertising sign of the same or less square footage, where removal of the sign is necessary to allow a development that includes not less than thirty (30) housing units that meet the definition of affordable housing, or to allow a capital improvement project of a governmental agency. An existing off-premise advertising sign shall include but not be limited to a sign existing on June 17, 2002.

Certified as an official action of the City Council:

RECORD OF COUNCIL VOTE (X INDICATES VOTE)													
COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN	COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN
President							Goodman						
Ostrow							Lilligren						
Zerby							Schiff						
Biernat							Niziolek						
Johnson							Benson						
Johnson Lee							Colvin Roy						
Zimmernann							Lane						

PASSED \_\_\_\_\_ DATE \_\_\_\_\_

APPROVED  NOT APPROVED  VETOED

ATTEST \_\_\_\_\_ CITY CLERK

\_\_\_\_\_  
MAYOR DATE \_\_\_\_\_

## CHAPTER 544. OFF-PREMISE ADVERTISING SIGNS AND BILLBOARDS

## ARTICLE I. GENERAL PROVISIONS

**544.10. Purpose.** Regulations governing off-premise advertising signs and billboards are established to minimize the visual blighting effects caused by off-premise advertising signs and billboards by regulating their location, size, height and spacing, to encourage the removal of signs and billboards that do not conform to the regulations of this chapter, and to protect the public health, safety and welfare.

**544.20. General provisions.** The following provisions shall apply to all off-premise advertising signs and billboards, except as otherwise provided:

- (1) *Minimum commercial/industrial zoning.* Except as provided in section 544.60, no advertising sign or billboard shall be located on a site that is not part of an area of at least one thousand three hundred twenty (1,320) feet of continuous, parallel, commercial or industrial zoning fronting along both sides of the county-state aid roadway, municipal-state aid roadway, or state trunk highway from which the sign or billboard is intended to be read, without interruption by a residence or office residence zoning district, as allowed by Table 544-1, General Billboard District Standards. The following factors shall be considered in determining the roadway or roadways from which a sign or billboard is intended to be read:
  - a. The angle of the sign or billboard to the roadway.
  - b. The duration of the view of the message from the roadway.
  - c. The distance the sign or billboard is from the roadway.
  - d. Obstructions to the view of the message from the roadway.
- (2) *Signs next to residence districts.* Except as provided in section 544.60, no sign or billboard shall be located within the required spacing from a residence or office residence zoning district fronting on either side of the roadway from which the sign or billboard is intended to be read. Spacing shall be measured from the closest residence or office residence district boundary to a line projected from the nearest point of the sign or billboard perpendicular to the roadway.
- (3) *Signs next to parks.* No advertising sign or billboard, except a sign designated by the heritage preservation commission or a sign determined to be a contributing feature in a historic district, shall be located within three hundred (300) feet of a parkway or a public park of three (3) acres or more.
- (4) *Historic preservation districts.* No advertising sign or billboard, except a sign designated by the heritage preservation commission or a sign determined to be a contributing feature in a historic district, shall be located on any historic preservation-site or within any historic preservation district designated by the city council.
- (5) *Central riverfront.* No advertising sign or billboard, except a sign designated by the heritage preservation commission or a sign determined to be a contributing feature in a historic district, shall be allowed in any commercial or downtown zoning district within the area bounded by I-35W, Plymouth Avenue North, Washington Avenue and the Mississippi River.
- (6) *Shoreland and Mississippi River Critical Area Overlay Districts.* All off-premise advertising signs and billboards located within the Shoreland and Mississippi River Critical Area Overlay Districts shall be subject to the provisions of Chapter 551, Overlay Districts.
- (7) *Measurement of spacing between signs.* Required spacing shall be measured as follows in subsections a. and b. below. For the purpose of measuring spacing, the advertising sign or

billboard shall be the face displaying the copy or message and shall not include the structural members, frame or edge. The following factors shall be considered in determining the roadway or roadways and the direction or directions from which a sign or billboard is intended to be read: The angle of the sign or billboard to the roadway; the duration of the view of the message from the roadway; the distance the sign or billboard is from the roadway; and the obstructions to the view of the message from the roadway.

- a. *General billboard district.* Required spacing between advertising signs or billboards shall apply to all signs or billboards on either side of the roadway that are intended to be read from the same direction. Spacing shall be measured by projecting a line from the nearest points of the signs or billboards, and measuring the distance between those points.
  - b. *Opportunity billboard districts.* Required spacing between advertising signs or billboards shall apply only to signs or billboards on the same side of the roadway that are intended to be read from the same direction. Spacing shall be measured by projecting a line from the nearest points of the signs or billboards perpendicular to the roadway or roadways from which they are intended to be read, and measuring the distance along the roadway between those points.
- (8) *Minimum lot frontage.* Minimum lot frontage shall be measured along the roadway from which the advertising sign or billboard is intended to be read, measured between side lot lines of the zoning lot. In the limited access roadway opportunity district, lot frontage shall be measured parallel to the right-of-way of the limited access roadway. Only one (1) advertising sign or billboard shall be allowed on a zoning lot. For the purposes of this chapter, a railroad right-of-way shall not constitute a zoning lot for purposes of minimum lot frontage.
  - (9) *Maximum sign area.* The maximum sign area shall apply to each side of a sign structure, whether a single-sided, back-to-back or v-type sign. Signs shall not include more than two (2) sides and may not include more than one (1) sign face per side.
  - (10) *Height.* The height of advertising signs or billboards shall be calculated as the vertical distance from the natural grade measured at a point either at the curb level or ten (10) feet away from the front center of the sign, whichever is closer, to the upper-most point of the sign. In the case of a rooftop sign, the height of the sign above the roof shall be measured from the surface of the roof at the point of mounting.
  - (11) *Temporary extensions.* Temporary extensions shall be prohibited in the general billboard district. Advertising sign or billboard faces located in the opportunity billboard districts may have temporary extensions beyond the basic face extending not more than six (6) feet from the top, eighteen (18) inches from the sides, and fifteen (15) inches from the bottom, up to a maximum of twenty-five (25) percent of the basic sign face, provided that temporary extensions shall be completely removed not later than ninety (90) days after installation and the total combined period of temporary extensions for a sign face shall not exceed one hundred eighty (180) days per year.
  - (12) *Lighted signs.* All lighted signs shall comply with the performance standards governing lighting contained in Chapter 535, Regulations of General Applicability.
  - (13) *Flashing signs.* Flashing, blinking or animated signs, including but not limited to traveling lights or other means not providing constant illumination, shall be prohibited except in the downtown opportunity billboard district. Such signs shall be allowed in the downtown opportunity billboard district, provided flashing signs containing changing written messages shall be limited to the news, weather, time or other public service messages, and provided further that the vertical dimension of such changing written message shall not exceed four (4) feet.

- (14) *Roof signs.* Roof signs shall not project beyond the face of any wall of the building on which they are mounted.
- (15) *Moving signs.* Signs with moving or swinging parts or elements shall be prohibited except in the downtown opportunity billboard district.
- (16) *Painted wall signs.* No advertising sign or billboard shall be painted on the exterior of a building.
- (17) *Backs of signs.* Backs of advertising signs and billboards, including all parts of the sign structure, shall be painted a dark or neutral color and shall be well maintained.
- (18) *Orientation of sign faces.* All advertising signs or billboards with their faces back-to-back or parallel shall have no greater distance than eight (8) feet between the faces. All signs or billboards with faces at an angle shall have no greater angle than thirty-five (35) degrees. Wall signs shall be mounted parallel to the building and shall not project more than fifteen (15) inches from the building. Freestanding signs shall conform to the yard requirements for a structure.
- (19) *Obstruction.* No advertising sign or billboard shall be located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
- (20) *Signs on bus shelters.* The provisions of this chapter shall not apply to advertising signs placed on bus shelters and benches as specifically permitted by ordinance or franchise.
- (21) *Roadway classification.* The classification of roadways shall be shown on the map entitled "Roadway Classification" maintained by the city engineer, as amended from time to time, which is incorporated into this chapter by reference and made a part hereof.

**544.30. Nonconforming signs.** The following provisions shall apply to nonconforming advertising signs and billboards:

- (1) Advertising signs and billboards lawfully existing at the time of adoption of this chapter which do not conform to the regulations of this chapter may continue to exist, but shall not be structurally altered or enlarged.
- (2) Maintenance, repair, and changing of sign messages is allowed provided no structural alterations shall be made. A new painted wall sign painted over an existing painted wall sign is considered a replacement of the sign and shall be prohibited by this chapter.
- (3) Advertising signs and sign structures which are moved, replaced, or structurally altered shall be brought into compliance with all applicable regulations of this chapter.
- (4) A nonconforming sign which is damaged or destroyed by any cause or means to the extent that the cost of restoration exceeds one-half ( $\frac{1}{2}$ ) of its replacement cost shall not be reconstructed except in conformity with all applicable regulations of this chapter.
- (5) A nonconforming advertising sign which is discontinued for a continuous period of <sup>more than one year</sup> ~~ninety (90) days or more~~ shall be deemed to be abandoned and may not thereafter be reestablished or resumed except in conformity with all applicable regulations of this chapter.

**544.40. More restrictive provisions to apply.** If a provision of this chapter conflicts with Chapter 109, Signs and Billboards, of the Minneapolis Code of Ordinances, or with any other ordinance or other provision of law, the more restrictive provision shall apply.

## ARTICLE II. GENERAL BILLBOARD DISTRICT

**544.50. General billboard district.** Advertising signs and billboards shall be permitted along county-state aid roadways, municipal-state aid roadways and state trunk highways in all commercial and industrial zoning districts, not located within an opportunity billboard district, subject to the standards in Table 544-1, General Billboard District Standards, and all other applicable regulations of this zoning ordinance.

Table 544-1 General Billboard District Standards

General Billboard District	
Minimum commercial or industrial zoning	At least 1,320 feet of continuous parallel commercial or industrial zoning along both sides of the roadway from which the billboard is intended to be read, not located within an opportunity billboard district
Minimum lot frontage	50 feet; one (1) sign per zoning lot
Maximum sign area	300 square feet
Maximum sign height	35 feet from grade; if located on a roof, the top of the sign shall not be more than 25 feet above the roof, except no building that is more than two stories in height, or where the roof is more than 28 feet above grade shall have a billboard on its roof
Lighted sign	Permitted
Minimum sign spacing	600 feet from a residence or office residence district; 1,000 feet from a billboard on either side of the roadway

## ARTICLE III. OPPORTUNITY BILLBOARD DISTRICTS

**544.60. Opportunity billboard districts.** (a) *Establishment and restrictions.* This section establishes the following opportunity billboard districts:

- (1) *Limited access roadway opportunity billboard district.* The limited access roadway opportunity billboard district shall comprise areas within six hundred sixty (660) feet of limited access roadway where continuous commercial or industrial zoning extends at least one thousand three hundred twenty (1,320) feet along and parallel to the limited access roadway without interruption by a residence or office residence zoning district. The six hundred sixty (660) foot spacing distance shall be measured from the right-of-way for the limited access roadway perpendicular to the flow of traffic. No advertising sign or billboard intended to be read from, or which can be read from, a limited access roadway shall be constructed or structurally altered within six hundred sixty (660) feet of such limited access roadway, except as provided in this section.
- (2) *Downtown opportunity billboard district.* The downtown opportunity billboard district shall comprise the area bounded by the Mississippi River, I-35W, I-94, and I-394/Third Avenue North (extended to the river), except that in no case shall a sign or billboard be constructed or structurally altered along or within three hundred (300) feet of either side of Nicollet Avenue between Washington Avenue and Ninth Street South, between LaSalle Avenue and Marquette Avenue between Ninth Street South and Grant Street, or north of Washington Avenue. No advertising sign or billboard shall be constructed or structurally altered within the downtown opportunity billboard district except as provided in this section and subject to all other applicable regulations of this zoning ordinance.

(b) *Opportunity billboard district standards.* Advertising signs and billboards shall be permitted in the opportunity billboard districts, subject to the standards in Table 544-2, Opportunity Billboard District Standards, and all other applicable regulations of this zoning ordinance. If a provision of one (1) opportunity billboard district conflicts with a provision of another opportunity billboard district, the more

restrictive provision shall apply. The appropriate billboard district and standards shall be determined by the zoning administrator at the time of application for a permit to construct or structurally alter a sign or billboard.

(c) *Additional conditions.* Prior to issuance of a permit to construct or structurally alter any advertising sign or billboard within any opportunity billboard district, the applicant shall remove, or establish to the satisfaction of the zoning administrator, nonconforming sign area credits equivalent to the removal of two (2) square feet of nonconforming advertising sign face area from qualifying locations for each one (1) square foot of total sign face area proposed, pursuant to the provisions of section 544.80.

**Table 544-2 Opportunity Billboard District Standards**

	<i>Downtown Opportunity Billboard District</i>	<i>Limited Access Roadway Opportunity Billboard District</i>
Minimum commercial or industrial zoning	At least 1,320 feet of continuous parallel commercial or industrial zoning along both sides of the roadway from which the billboard is intended to be read	At least 1,320 feet of continuous commercial or industrial zoning along and parallel to the limited access roadway from which the billboard is intended to be read, or from which the billboard can be read
Minimum lot frontage	50 feet for a sign not exceeding 300 square feet; 100 feet for a sign over 300 square feet; one (1) sign per zoning lot	50 feet for a sign not exceeding 300 square feet; 100 feet for a sign over 300 square feet; one (1) sign per zoning lot
Maximum sign area	672 sq. ft. plus up to 25% temporary extension of the basic sign face	672 sq. ft. plus up to 25% temporary extension of the basic sign face
Maximum sign height	35 feet from grade; if located on a roof, the top of the sign shall not be more than 35 feet above the roof, except no building that is more than three stories in height or where the roof is more than 40 feet above grade shall have a billboard on its roof	35 feet from grade; if located on a roof, the top of the sign shall not be more than 35 feet above the roof, except no building that is more than three stories in height or where the roof is more than 40 feet above grade shall have a billboard on its roof (*).
Lighted sign	Permitted	Permitted
Minimum sign spacing	200 feet from a residence or office residence district; 1,000 feet from a billboard on the same side of the roadway	600 feet from a residence or office residence district located along and on the same side of the limited access roadway; 1,000 feet from a billboard on the same side of the roadway

(\*) A sign in excess of height limits may be allowed as a conditional use in the limited access roadway opportunity billboard district, subject to the provisions of Chapter 525.

**544.70. Special downtown spacing provision.** In order to allow structural alteration or reconstruction of existing advertising signs and billboards in the downtown opportunity billboard district that may not meet the one thousand (1,000) foot spacing requirement of the district, the required spacing between existing signs and billboards may be reduced by one (1) foot for each two (2) square feet of nonconforming advertising sign face area removed by the applicant from qualifying locations, pursuant to the provisions of section 544.80. In no case may the required spacing be reduced to less than five hundred (500) feet. This special spacing provision applies only to existing advertising sign and billboard locations in the downtown opportunity billboard district and only where the structurally altered or reconstructed sign or billboard is located on or within one hundred (100) feet of the zoning lot where the original sign was located immediately before such alteration or reconstruction. This special spacing provision does not apply to any limited access roadway opportunity billboard district or to any general billboard district.

**544.80. Nonconforming sign area credits.** The zoning administrator shall maintain an account of removals of nonconforming advertising sign face area from qualifying locations, and shall maintain a record of such nonconforming sign area credits used. Removal of the sign face shall include removal of all

parts of the sign structure, including footings, and shall include removal of all nonconforming advertising signs and billboards on the affected zoning lot. Nonconforming sign area credits may be reserved and used by the original owner of the credits within five (5) years of the removal of the nonconforming advertising sign face area. Qualifying locations are: A location that is not any part of a general billboard district or opportunity billboard district.

Additional supporting documents are available for viewing in the office of the City Clerk. For more information, please contact the Committee Coordinator.