Request for City Council Committee Action from the Department of Community Planning & Economic Development – Planning Division

Date: February 27, 2008

To: Council Member Gary Schiff, Chair of Zoning and Planning Committee

Referral to: Zoning and Planning Committee

Subject: Referral from the February 25, 2008 City Planning Commission Meeting

Recommendation: See report from the City Planning Commission

Prepared by: Lisa Baldwin, Planning Commission Committee Clerk (612-673-3710)

Approved by: Jason Wittenberg, Supervisor, CPED Planning-Development Services

Presenter in Committee:
8. Zoning Code Text Amendment, Michael Wee x5468, Robb Clarksen x5877

Community Impact (use any categories that apply)
Other: See staff report(s) from the City Planning Commission

Background/Supporting Information Attached
The attached report summarizes the actions taken at the City Planning Commission meeting held on February 25, 2008. The findings and recommendations are respectfully submitted for the consideration of your Committee.

REPORT
of the

CITY PLANNING COMMISSION
of the City of Minneapolis

The Minneapolis City Planning Commission, at its meeting on February 25, 2008 took action to **submit the attached comment** on the following items:

8. Zoning Code Text Amendment (Ward: Citywide), (Michael Wee) (Robb Clarksen).

A. Text Amendment: Amending Title 20, Chapter 520 of the Minneapolis Code of Ordinance related to Zoning Code: *Introductory Provisions*; and

Amending Title 20, Chapter 544 of the Minneapolis Code of Ordinance related to Zoning Code: *Off-Premise Advertising Signs and Billboards*.

The purpose of the amendment is to amend regulations related to off-premise signs and billboards, including but not limited to standards for billboards that utilize light emitting devices and billboards that flash, animate, or change messages electronically.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the zoning code text amendment noting the following changes:

1. **544.20 (13) b:** Downtown Entertainment Area*. Flashing off-premise signs shall be permitted in this area provided the messages and/or imagery are displayed in a static manner for a minimum of ~~10~~ eight (8) seconds; ~~and such that no more than 6 advertisements are displayed per minute~~. Animated off-premise signs shall be prohibited in the downtown entertainment area. The area consisting of those properties with frontage along the north side of Hennepin Avenue between Tenth Street and Fifth Street, and those properties with frontage along the south side of Hennepin Avenue between Ninth Street and Sixth Street shall be considered the downtown entertainment area for purposes of this section.*

2. **Table 544-3 Downtown Entertainment Billboard District:** *Minimum sign spacing*: None. ~~One off-premise sign per zoning lot subject to provisions of Section 544.70~~

Department of Community Planning and Economic Development – Planning Division Report Zoning Code Text Amendment

Date: February 25, 2008

Initiator Of Amendment: Council Member Benson

Date of Introduction at City Council: December 21, 2007

Ward: Citywide

Planning Staff And Phone: Michael Wee, (612) 673-5468; Robb Clarksen, (612) 673-5877

Intent Of The Ordinance: The purpose of the amendment is to amend regulations related to off-premise signs and billboards, including but not limited to standards for billboards that utilize light emitting devices and billboards that flash, animate, or change messages electronically.

Appropriate Section(s) of the Zoning Code:
Chapter 520: Introductory Provisions
Chapter 544: Off-premise Advertising Signs and Billboards

Background: On February 9, 2007, the City Council introduced a moratorium on the establishment of electronic off-premise advertising signs or billboards. The moratorium was enacted after technological advances in the outdoor advertising industry led to the development of an electronic billboard product that may be implemented on new or retrofitted for existing billboards. The new technology provides for a variety of signs that feature flashing images and dramatic special effects capable of displaying electronic images. The City Council passed the moratorium over concern that the new billboards may substantially expand the impact on surrounding land uses.

Purpose For The Amendment:

What is the reason for the amendment?

What problem is the amendment designed to solve?
What public purpose will be served by the amendment?
What problems might the amendment create?

The adoption of regulations intended to mitigate the potential adverse impacts of recent technological innovations utilized in the off premise advertising industry serve a legitimate public purpose to protect the general health, safety, and welfare of those who live, work, and travel in the City. The most prevalent concerns, including driver distraction, expressed about these signs pertain to the potential for adverse effects on sensitive land uses (particularly residential neighborhoods) located in the vicinity of a sign.

The Minneapolis Zoning Ordinance permits what have been referred to as "traditional" off premise signs in the four Billboard zoning districts (General Billboard District, Limited Access Roadway Opportunity Billboard District, Downtown Opportunity Billboard District, and the Downtown Entertainment Billboard District) as established and further described in the tables of Chapter 544 of the code. Chapter 544 also contains regulations that address when off-premise signs may be illuminated and establishes spacing requirements intended to limit the visual impact of excessive signage in the neighborhoods and along commercial corridors throughout the City.

The amendment of Chapter 544 is intended to remedy several deficiencies in the existing ordinance. For example, the current definition for "Off Premise Sign" does not distinguish between traditional "poster" style billboards and the new signs capable of electronic display. Also, the code does not specify the appropriate levels of light intensity (luminance) or an appropriate frequency of change for signs employing this technology. Further, the code permits freestanding billboards in the Downtown Opportunity Billboard District, where many existing off-premise signs may be converted or could be constructed in the future. Finally, the code does not have a provision requiring the removal of nonconforming signage to permit the placement of new electronic signage.

Specifically, the amendment:

- Expands the definition of "Off Premise Sign" to include signs capable of producing a variety of electronic messages and imagery. The expanded definition will allow for the distinction of traditional off-premise signs from those that feature electronic display, thereby clarifying the locations where such signs are permitted.
- Prohibits Off-Premise signs capable of electronic display in the General Billboard District and the Limited Access Roadway Opportunity District where the potential adverse affects are most likely to cause disruptions to neighborhood character or potential traffic safety hazards.
- Specify the appropriate locations for off-premise signage capable of electronic display, flashing messages and/or special animation effects as follows:
    1. Permitting Flashing and/or Animated Off-Premise signs in the Downtown Entertainment Billboard District only. Animated Off-Premise Signs would be prohibited beyond this area.
    2. Permitting Flashing Off-Premise Signs in the Downtown Entertainment Area provided the sign displays a static message for a minimum of 10 seconds, allowing as many as 6 advertisements per minute.

3. Permit flashing off-premise signs in the Downtown Opportunity Billboard District provided flashing messages are limited to the news, weather, time or other public service message with a vertical dimension not exceeding two (2) feet in height; and

- Adds language intended to address the potential for continued underutilization of land within the Central Business District resulting from the sole use of such land for freestanding off-premise advertising. The amended text intends to protect potential opportunities for redevelopment by prohibiting freestanding off-premise signs in the downtown B4 districts.
- Requires the removal of four (4) square feet of non-conforming off-premise signage for every (1) one square foot of electronic off-premise sign proposed.
- Establishes a maximum luminance regulation for all off-premise signs capable of producing flashing and/or animated electronic display as provided in Tables 544-1, 544-2, and 544-3.

Community Planning and Economic Development staff believe the proposed amendment serves a public purpose by continuing to provide a venue for off premise advertising while establishing restrictions aimed at limiting the impacts of the outdoor advertising industry in the neighborhoods and corridors of the City where off-premise signs may be located. Content neutral regulations regarding location, manner of presentation, level of luminance, and frequency of change in message display such as those proposed are within the public interest.

Planning staff does not anticipate that the amendment may cause problems relating to land use regulations, although a few nonconformities would be created. For example, the existing billboard at I-35W South near Lake Street, which was lawfully established prior to adoption of the moratorium, would become nonconforming to the requirement that electronic off-premise signs should be limited to the Downtown Entertainment Billboard District or the Downtown Entertainment Area described in the proposed 544.20 (13) (A) and (B). As the sign was lawfully established, it would be permitted to remain in its existing condition.

Timeliness:

Is the amendment timely?
Is the amendment consistent with practices in surrounding areas?
Are there consequences in denying this amendment?

Last February, the City adopted the moratorium on the development of electronic off-premise signs after industry innovations made it possible to replace existing billboards with signs capable of electronic display. The amendment is timely because the current ordinance does not address electronic signage, due to the recent emergence of this technology. The amendment will be the basis for the future regulation of off-premise signs, and particularly those signs capable of electronic display. It closes a perceived gap in the current ordinance by providing the manner in which the City may address how, where, and when off-premise sign is an appropriate land use.

The proposed amendment to Chapter 544 is distinct from similar ordinances that were recently adopted in surrounding communities in the Twin City area. The principal reason for this variation is due to the fact most communities in the region have removed the permission for off-premise signage from their land use regulations, opting to make the existing signs nonconforming. Staff considered the experience of two communities (St. Paul and Minnetonka) in the preparation of this report. The City of St. Paul prohibited off-premise signs in the early 1990s as did Minnetonka. The City of Minneapolis is unique in that there are still locations

where off-premise signs are permitted under the credit requirements authorized by Section 544.80, which allow new off-premise signs upon the removal of nonconforming signs from qualifying locations. The proposed amendment limits the geographic extent of permissible locations for additional off-premise signs capable of electronic display to a part of the Downtown Area in an effort to protect the City's neighborhoods from the potential disruption of the signs.

The proposed amendment addresses the concern expressed by the City Council upon the adoption of the moratorium, by minimizing the possibility of visual blight and other detrimental impacts that may result from the proliferation of off-premise signage, and in doing so, protects the public health, safety, and welfare.

If the amendment is denied, the City may lose an opportunity to control the potential locations and the various operational aspects of this new sign technology, possibly resulting in a variety of negative impacts. Denial of the amendment may permit the construction of new electronic off premise signs or the conversion of existing off-premise signs for electronic capability leading to adverse effects on nearby neighborhoods.

Comprehensive Plan:

How will this amendment implement the Comprehensive Plan?

The amendment will implement the following policies of the Minneapolis comprehensive plan:

Policy 4.8 Minneapolis will work to enhance Downtown's position as a regional retail center which provides a shopping experience that is entertaining and unique in the region.

Policy 6.5 Minneapolis will continue to promote the economic and creative vitality of arts activities based in the city, both as a regional center for art with an international presence as well as a unique arts environment that responds to local specialty interests.

Policy 8.1 Minneapolis will maintain and enhance the elements of a responsive transportation system through balancing the interests of economic development and neighborhood livability.

Policy 8.12 Minneapolis will facilitate the development of communications infrastructure to support the continued growth of the city's economic base.

Policy 9.8 Minneapolis will maintain and strengthen the character of the city's various residential areas.

Policy 9.11 Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas.

Policy 9.15 Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions.

Policy 9.21 Minneapolis will preserve and enhance the quality of living in residential neighborhoods, regulate structures and uses which may affect the character or desirability of residential areas, encourage a variety of dwelling types and locations and a range of population densities, and ensure amenities, including light, air, privacy and open space.

Policy 9.28 Minneapolis will support development in commercial corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.

The following will complement the policies adopted in the Minneapolis 2010:

Downtown's Physical Setting:

7. Promote building heights and designs that protect the image and form of the downtown skyline, that provide transition to the edges of downtown and that protect the scale and qualities in areas of distinctive physical or historic character.

Office:

8. Provide a physical environment that will attract continued investment by ensuring that downtown remains attractive, clean and safe.

Entertainment:

2. Maintain downtown as the location for the region's professional sports teams, and ensure that future sports facilities are located where they can complement the existing retail and entertainment districts, take advantage of existing parking and transit facilities and maximize direct economic benefits to downtown.
3. 4. Broaden downtown's entertainment options to include additional family-oriented attractions that complement retail and that can be frequented with minimal preplanning.

Downtown Living:

7. Protect residential areas from encroachment of incompatible land uses, and ensure that the physical environment of downtown residential area is compatible with housing by minimizing traffic impacts, maintaining security, and providing and maintaining ameneties.

Staff comment: The amendment is consistent with the general policy guidance provided by the Minneapolis Plan. The amendment has been drafted in the interest of protecting the public health, safety, welfare and livability of the City's neighborhoods while continuing to facilitate an appropriate venue for the implementation of off-premise signage in areas where few negative consequences will result. The amendment also includes provisions to encourage economic development activity by prohibiting freestanding off-premise signs on underdeveloped properties in the Downtown area, while allowing them in the Hennepin Avenue Theatre District so as to enhance the economic prospects for properties located within this unique destination and attraction area within the center of the Twin City region. The amendment would also be consistent with policy 1.2.2 of the (draft) Minneapolis Plan for Sustainable Growth, which states "Ensure that lighting and signage associated with non-residential uses do not create negative impacts for residential properties."

Recommendation Of The CPED Planning Division:

The CPED Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the zoning code text amendment.