



## Request for City Council Committee Action from the Department of Community Planning and Economic Development - Planning Division

**Date:** June 6, 2007

**To:** Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

**Referral to:** Zoning and Planning Committee

**Subject:** Interim Ordinance, Minneapolis Code of Ordinances Chapter 582

**Previous Directives:** On February 9, 2007, the City Council introduced the subject matter of an ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to *Interim Ordinances*, by adding a new Chapter 582 providing for a moratorium on construction Providing for a moratorium on the establishment or retrofitting of any off-premise advertising sign or billboard with new digital or electronic technology of any type that is capable of creating electronic images on signs on any parcel of land, lot or part thereof within the boundaries of the city (by Benson). The matter was referred to the Zoning and Planning Committee for a public hearing to be held June 6, 2007.

Prepared by: Steve Poor, Supervisor, Planning – Zoning Administration

Approved by: Jason Wittenberg, Supervisor, Planning – Development Services

Presenters in Committee: Steve Poor – Supervisor, Planning – Zoning Administration

**Financial Impact:** No financial impact

### Community Impact

- Neighborhood Notification - To be studied by staff
- City Wide
- City Goals - To be studied by staff
- Comprehensive Plan - To be studied by staff
- Zoning Code - To be studied by staff
- End of 60/120-day decision period – Not applicable.
- Other - -Not applicable

**Supporting Information:** In response to recent alterations to existing off-premise advertising billboards, that included the installation of completely internally illuminated LED electronic sign faces on billboards primarily located adjacent to Metropolitan area freeways, the League of Minnesota Cities has initiated a study to determine whether or not such devices create an unsafe distraction to vehicle drivers. The study

is intended to examine established standards and criteria for how frequently an electronic image or message may change without and not contribute to unsafe driving conditions on area freeways.

**Staff Recommendation:** Staff recommends adoption of the interim ordinance as proposed.

## By Benson

### Amending Title 21 of the Minneapolis Code of Ordinances by adding a new Chapter

**582 relating to *Interim Ordinances*:** City Council introduced the subject matter of an ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to Interim Ordinances, by adding a new Chapter 582 providing for a moratorium on the establishment or retrofitting of any off-premise advertising sign or billboard with new digital or electronic technology of any type that is capable of creating electronic images on signs on any parcel of land, lot or part thereof within the boundaries of the city.

The City Council of The City of Minneapolis do ordain as follows: **582.10. Authority.** Pursuant to Minnesota Statutes Section 462.355, Subd. 4, the city is authorized to establish interim ordinances to regulate, restrict or prohibit any use, development, or structure in all or a part of the city while the city or its planning department is conducting studies, or has authorized a study to be conducted, or has scheduled a hearing to consider adoption or amendment of the comprehensive plan or official zoning controls. In furtherance of this statutory authority, the city has enacted Chapter 529 of the zoning code which governs the establishment of interim ordinances. The city declares that this interim ordinance is established pursuant to the aforementioned statute and city ordinance.

**582.20. Findings and purpose.** The outdoor advertising sign industry has begun to reface or retrofit existing billboards with new electronic technology, some of which include digital technology. Digital technology permits billboards to display an electronic image similar to a color television set. Digital technology further permits the image displayed on the electronic billboard to quickly change from one image to another. The city council finds that a billboard that has been resurfaced with electronic panels utilizing digital technology does, or arguably may, substantially expand the impact of that billboard on surrounding lands and uses.

The city council finds that it is necessary to preserve the status quo regarding the city's regulation of off-premise advertising signs and billboards.

The city council finds that it is necessary to preserve the status quo regarding the city's regulation of off-premise advertising signs and billboards in order to study the impact of these new electronic billboards to determine whether there may be public safety and aesthetic implications created by this type of billboard that would be detrimental to the public health, safety, and welfare.

The city council notes that the zoning code currently regulates "flashing" signs in Chapter 544 by prohibiting them in the city, except in the downtown opportunity billboard district. However,

the council finds that the city's existing definitions and regulations as set forth in the zoning code may need to be amended to codify its current intent and purpose and also may be inadequate to respond to emerging technology in this industry. Therefore, the council finds that a planning study is necessary to determine whether the existing zoning code regulations are adequate to regulate advertising signs and billboards using digital technology or whether it is necessary to adopt new regulations dealing with this emerging technology.

The city council establishes by this interim ordinance a moratorium protecting the public health, safety, and welfare and preserving the status quo with respect to the establishment or retrofitting of off-premise advertising signs and billboards with new digital or electronic technology, pending the conclusion of a zoning study on the same.

**582.30. Zoning study.** The planning division of the community planning and economic development department (CPED) is hereby directed to commence a study of the impact of this new technology on the public health, safety, and welfare in light of existing regulation and to propose such amendments to the zoning code or other regulations that the planning division deems necessary and advisable.

**582.40. Restrictions.** For a period of one (1) year from the date of introduction of this ordinance on February 9, 2007, no zoning or building approval or permit shall issue for the establishment, retrofitting, or resurfacing of any off-premise advertising sign or billboard with new digital or electronic technology of any type capable of creating electronic images on signs on any parcel of land, lot, or part thereof within the boundaries of the city.

**582.50. Hardship.** In cases of hardship, any person having a legal or equitable interest in land and aggrieved by the requirements of this interim ordinance may apply to the city council for a waiver of all or a portion of the applicable restrictions as provided in Chapter 529 of the zoning code. A waiver may be granted where the city council finds substantial hardship caused by the restrictions and finds that the waiver will not unduly affect the integrity of the planning process or the purposes for which the interim ordinance is enacted.