



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

Date: October 21, 2010
To: Council Member Gary Schiff, Chair of Zoning and Planning Committee
Referral to: Zoning and Planning Committee
Subject: Referral from the October 18, 2010 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:

6. Zoning Code Text Amendment, Brad Ellis, Sr. City Planner, x3239

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 October 18, 2010. 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 October 18, 2010 took action to **submit the attached comment** on the following items:

6. Zoning Code Text Amendment (Ward: All), ([Brad Ellis](#)). This item was continued from the September 7 and October 4, 2010 meetings.

A. Text Amendment: Amending Title 20 of the Minneapolis Code of Ordinances related to the Zoning Code, as follows:

Amending Chapter 543 related to Zoning Code: *On-Premise Signs*

The purpose of the amendment is to make changes to how dynamic signs are regulated.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the zoning code text amendment, amending chapter 543, with the following changes:

1. Dynamic and dynamic changeable copy signs shall continue to be allowed in the C3A and C3S Zoning Districts.
2. 543.330 (f) *Duration of message*. The copy of the dynamic changeable copy sign shall remain static for a period of not less than ~~one (1) hour~~ 15 minutes.

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

Date: October 18, 2010

Initiator of Amendment: Council Member Schiff

Date of Introduction at City Council: May 28, 2010

Ward: All

Planning Staff and Phone: Brad Ellis, (612) 673-3239

Intent of the Ordinance: The purpose of the amendment is to make changes to how dynamic signs are regulated.

Appropriate Section(s) of the Zoning Code: Chapter 543: On-Premise Signs.

Background: The on-premise sign chapter of the zoning code was revised in July of 2009. The revisions included two new sign types: dynamic changeable copy signs and dynamic signs. Each sign type has its own set of regulations. Since the adoption of the new sign regulations, concerns have been expressed about the character and impact of certain dynamic changeable copy signs and dynamic signs. This amendment would consider further changes to the on-premise sign chapter dealing with these two types of signs. Specifically, this amendment would further limit where dynamic changeable copy signs and dynamic signs could be located throughout the City of Minneapolis and would institute more restrictive standards.

This text amendment was originally discussed at the August 19, 2010, City Planning Commission Committee of the Whole meeting and at the September 7, 2010, City Planning Commission meeting. At the City Planning Commission meeting a representative from the Minnesota Sign Association and a representative for Holiday Companies submitted information to the City Planning Commission with additional suggestions for zoning code text language to be adopted. The City Planning Commission discussion concluded with a recommendation to continue the public hearing to the October 4, 2010, City Planning Commission meeting and direction to staff to review the additional suggestions. At the October 4, 2010 meeting, the Planning Commission continued the amendment an additional cycle to the October 18, 2010 meeting.

Staff has reviewed the additional suggestions that were submitted at the September 7, 2010, meeting and has incorporated some of them into the zoning code text language that is attached. It should be noted that some of the suggestions are more permissive than what is currently allowed in Chapter 543, On-Premise Signs. Since staff was directed to look at limiting the overall scope of where dynamic changeable copy signs and dynamic signs are allowed staff did not feel that being more permissive was the intent of the text amendment.

The amendment as written will:

- No longer allow dynamic changeable copy signs in the Residence and Office-Residence zoning districts except for schools, libraries, parks where associated with a recreation center, and religious institution places of assembly (i.e., churches, mosques, synagogues, etc.).
- No longer allow dynamic changeable copy signs in the C1, C3A, and Industrial zoning Districts.
 - Dynamic changeable copy signs could continue to be allowed in the C2, C3S, and C4 Districts.
- No longer allow dynamic signs in the C1, C3A, C3S, and Industrial Zoning Districts.
 - Dynamic signs would be allowed as a conditional use in the C2 and C4 Districts, with the added provision of allowing them on freestanding signs.
- Institute more restrictive standards for dynamic changeable copy signs and dynamic signs in all zoning districts. Dynamic signs in particular have location restrictions designed to limit them to larger sites along commercial corridors.

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?

In July of 2009 a comprehensive revision related to the on-premise sign regulations in the zoning code was adopted by the City Council. The revisions included two new sign types: dynamic changeable copy signs and dynamic signs. Since the adoption of the new sign regulations, concerns have been expressed about the character and impact of certain dynamic changeable copy signs and dynamic signs. This amendment would consider further changes to the on-premise sign chapter dealing with dynamic changeable copy signs and dynamic signs. Specifically, this amendment would further limit where dynamic changeable copy signs and dynamic signs could be located throughout the City of Minneapolis and would institute more restrictive standards for these types of signs.

Staff inspected several of the dynamic changeable copy signs and dynamic signs that have been approved since the ordinance was adopted. Unfortunately, many of the signs are not in compliance with the standards currently in place. The most common compliance issue is the rate at which the messages change on the sign. In addition, many of the dynamic changeable copy signs were not in compliance with the requirement of having a black background. Instead they were white or colored, which makes them appear brighter. Enforcing signs is a substantial commitment of City resources. In addition to the impacts on community character and issues related to compatibility with residential uses, limiting the proliferation of these sign types should reduce the amount of enforcement resources needed by the City of Minneapolis to ensure that these types of signs remain in compliance with the sign regulations.

The amendment will serve the public purpose by preserving the character of commercial and industrial areas and by reducing the amount of enforcement resources that must be dedicated to ensuring compliance with the dynamic changeable copy sign and dynamic sign regulations.

Staff does not anticipate any problems with adopting this text amendment. The dynamic changeable copy signs and dynamic signs that have been approved but are no longer allowed in that particular zoning district will become lawfully nonconforming.

Timeliness:

Is the amendment timely?

Is the amendment consistent with practices in surrounding areas?

Are there consequences in denying this amendment?

The Planning Division believes that the amendment is timely. When the on-premise sign regulations were revised in July of 2009 an incremental approach related to dynamic changeable copy signs and dynamic signs was taken to see how they would be received by the community. It has been just over a year and unfortunately many of the dynamic changeable copy signs and dynamic signs that have been approved are not in compliance with the standards under which they were permitted. Based on the City's experience with these sign types over the course of the past year, the Planning Division believes that it is timely to further restrict dynamic changeable copy signs and dynamic signs.

Signs are a form of free speech and are protected by the First Amendment. Given this no municipality can regulate the content, or message, of a sign. However, zoning code regulations can govern the type, size, height and location of a sign associated with a use. Although most municipalities adopt sign code regulations there is no single standard that is used to draft sign regulations.

The consequences of denying the amendment would be that the current regulations pertaining to dynamic changeable copy signs and dynamic signs would remain in place.

Comprehensive Plan:

How will this amendment implement the Comprehensive Plan?

The following Urban Design policies of The Minneapolis Plan for Sustainable Growth apply:

10.20 Promote an attractive environment by minimizing visual clutter and confusion caused by a proliferation of signage.

Applicable Implementation Steps

- 10.20.1 Location, size, height and spacing of off-premise advertising signs and billboards shall be regulated to minimize their visual blighting effects.
- 10.20.2 Master sign plans shall be submitted for multi-tenant buildings to ensure a complementary relationship between signage and the architecture of a building.
- 10.20.3 Develop incentives for exceptional sign design and style, including a special review process to ensure appropriate location, size, height and compatible design to the architecture of the building and other signage.
- 10.20.4 Develop a consistent, city-wide wayfinding signage design and maintenance plan for neighborhoods, trails, etc.

10.21 Unique areas and neighborhoods within the city should have a special set of sign standards to allow for effective signage appropriate to the planned character of each

area/neighborhood.

Applicable Implementation Steps

- 10.21.1 Supporting the regional draw of Downtown entertainment areas, larger scale signage shall be allowed in appropriate places (such as the Hennepin Avenue Downtown Entertainment Area and Nicollet Mall Overlay District).
- 10.21.2 To promote street life and activity, signs should be located and sized to be viewed by people on foot (not vehicles) in order to preserve and encourage the pedestrian character of commercial areas that have traditional urban form.
- 10.21.3 Encourage effective signage that is appropriate to the character of the city’s historic districts and landmarks, and preserves the integrity of historic structures.

The policies and implementation steps related to signage call for signs that relate to the pedestrian scale and character of the City’s different commercial areas, master sign plans for multi-tenant buildings and signs that are of a higher quality and design. The Planning Division believes that limiting where dynamic changeable copy signs and dynamic signs are allowed would be in compliance with these policies.

Recommendation of the Community Planning and Economic Development--Planning Division:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the zoning code text amendment, amending chapter 543.

Attachments:

- 1) Site list and photos from staff site visits
- 2) Submissions from Holiday Station Stores
- 3) Letter from Minnesota Sign Association