

**Community Planning and Economic Development Planning Division Report
Zoning Code Text Amendment**

Date: November 15, 2010

Initiator of Amendment: Council Member Glidden

Date of Introduction at City Council: February 26, 2010

Ward: City wide.

Neighborhood Organization: City wide

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Intent of the Ordinance: The intent of the proposed amendment is to expand the boundaries of the Limited Access Roadway Opportunity District of Chapter - 544 Off-Premise Advertising Signs and Billboards that allow flashing off-premise advertising signs and billboards.

Affected Section(s) of the Zoning Code:

Chapter 544. Off-Premise Advertising Signs and Billboards; 544.20 13 (d).

Background: The City has had a policy of encouraging the removal of off-premise advertising signs and billboards from residential neighborhoods and less intense commercial areas since 1994, when the regulatory tool of nonconforming sign (area) credits was adopted. As part of the City's comprehensive revision of the zoning code that was adopted in 1999, Chapter 539 Off-Premise Advertising Signs and Billboards were re-titled to become Chapter 544 Off-Premise Advertising Signs and Billboards. It was essentially a re-codification of the previously existing off-premise advertising regulations enumerated in Chapter 539. The current ordinances were established to regulate advertising signs and billboards so as to minimize their visual blighting effects by regulating their location, spacing between off-premise advertising signs, height, size, illumination and to encourage their removal from locations that are nonconforming to Chapter 544.

Under Chapter 544, nonconforming signs located within and adjacent to residential neighborhoods could be removed and receive a partial credit for the amount of the square footage of the sign face removed. The sign credits could then be utilized to erect new billboards in Downtown and along portions of I -94 and I -35 at a rate of one square foot of sign credit for every two square feet of sign face removed.

In the fall of 2006, the first digital light emitting diode (LED) off-premise advertising billboards were installed in Minneapolis. The sign faces were installed at two different

locations, both of which were oriented to read towards the freeway. The sign face changes were allowed under the zoning administrator's interpretation of the regulations as they existed at the time. Subsequently, on March 9, 2007 the City Council enacted a moratorium on any new such faces being erected in the city. The study of LED digital billboards conducted during the moratorium resulted in amendments to Chapter 544 that allowed flashing off-premise advertising signs and billboards along a limited portion of Interstate Highway 94 (I-94) and Interstate Highway 35W (I-35W) and within the Chapter 544 Limited Access Roadway Opportunity Billboard District. The amendment also had a requirement that for four square feet of nonconforming sign face area that was removed (sign credits), one square foot of sign face may be replaced with a flashing sign face (i.e.: LED digital technology) on a sign located along I-94, north of West Broadway and I-35W north of East Hennepin Avenue. To date there have been two billboards that have been converted to LED digital technology since the amendment was adopted on April 4, 2008.

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 City has established regulations that intended to minimize the visual blighting effects caused by off-premise advertising signs and billboards by regulating their location, height, size and spacing, luminance, and frequency of image change and to encourage the removal of signs and billboards that are nonconforming. The public purpose of the proposed amendment is to further enhance the existing incentives intended to promote the removal of nonconforming off-premise advertising signs by allowing more locations along I-94 and I-35W that allow for flashing signs (expected to utilize LED digital technology).

By expanding the Limited Access Roadway Opportunity District boundaries *and* expanding the areas within that district that allow flashing signs, the ordinance provides for additional incentives to remove nonconforming billboards. The proposed amendment is not expected to undermine the effectiveness of the existing system of encouraging the removal of nonconforming off-premise advertising signs and billboards in the city.

The increased number of flashing off-premise advertising signs and billboards is in part a result of newer LED technology that allows for very clear and vibrant full color changeable programmable images. It is also a result of the lower cost of this technology. Not surprisingly, flashing signs and billboards are considered to be high value assets to off-premise advertising firms. The proposed amendment is intended to harness those market forces in order to further incentivize the removal of nonconforming signs and billboards.

Off-premise advertising firms also cite the use of flashing dynamic signs as contributing to the public welfare through initiatives such as *Amber alerts*, which serve to help identify vehicles involved in possible abductions and “most wanted” postings, which identify individuals being sought by law enforcement. The industry also posts various public service announcements (PSA’s) on the billboards.

The most current LED technology is also more energy efficient as compared to older, incandescent lighting technology. Furthermore, the newer flashing billboards are fitted with LED modules, which are several groupings of LED lights configured within a panel. These panels are fitted with external louvers that allow for substantially less ambient illumination (i.e.: “light bleeding”). In effect, this focuses the illumination in an intended direction and causes less ambient light emanating from the top, bottom and sides of the sign face.

However, there is still an ongoing debate as to whether or not flashing dynamic signs are a serious distraction to motor vehicle drivers. While there are studies that suggest flashing billboards constitute and contribute to driver distractions, the research has not conclusively established that flashing signs are a determinate factor in causing more traffic accidents or increased traffic congestion. The Federal Highway Administration does not currently consider flashing signs a safety risk.

Recognizing that flashing signs and billboards may contribute to driver distractions, the City has adopted regulations limiting the time interval between changing static messages. In addition, there are adopted regulations governing brightness and intensity of the images (measured in *nits*), the orientation of the sign faces and location. The City is not currently proposing regulations governing the size, color, or number of different text fonts presented on sign faces.

The amendment is also consistent with Minnesota Department of Transportation Technical Memorandum No. 08-07-TS-01 (May 19, 2008) with respect to flashing and moving lights on outdoor advertising devices. The flashing messages and/or images must remain static for a minimum of eight (8) seconds, which is greater than the six (6) seconds allowed in the technical memorandum.

Complaints regarding flashing off-premise advertising signs and billboards have been minimal since the first such signs were introduced in the Metropolitan area. The first two existing billboards in Minneapolis were converted to LED digital technology in late 2006 (2835 Stevens Ave. and 1101 Stinson Blvd.). Since 2008, the City has received no complaints through the 311 call center regarding electronic LED billboards, nor is there any record of any complaints in the Referral for Service (RFS) system since 2008.

Timeliness:

Is the amendment timely?

Is the amendment consistent with practices in surrounding areas?

Are there consequences in denying this amendment?

There is no particular immediate impetus for the proposed amendment at this time and there are no substantial consequences to not approving this proposed text amendment.

The Minneapolis off-premise advertising sign and billboard ordinance is a modified *Cap and Replace* type of advertising billboard ordinance. This type of system provides incentives for the removal of nonconforming billboards primarily from residential and neighborhood commercial locations in exchange for allowing new signs in downtown and along freeway corridors within the city. This proposed amendment allows existing signs and newly erected signs along the I-94 and I-35 freeway corridors to be converted to a flashing sign (see attached map).

St. Paul and Richfield both have regulatory approaches that are similar to Minneapolis's *Cap and Replace* regulations. St. Paul currently has a prohibition on the building of any new off-premise advertising signs, but does allow for the conversion of existing illuminated billboards along some portions of the freeway interchanges in exchange for the voluntary reductions in the number of existing billboards in the city. Richfield similarly requires two sign faces removed for every one sign face converted to a new flashing sign face.

Local municipalities, such as Richfield and Bloomington also prohibit the establishment of any new off-premise advertising signs and billboards, but do allow for the alteration and conversion of some existing signs in certain locations, subject to regulations governing duration of static images, the manner in which the image changes and brightness.

Comprehensive Plan:

How will this amendment implement the Comprehensive Plan?

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

10.10: Support urban design standards that emphasize traditional urban form in commercial areas.

Applicable Implementation Steps

10.15.5 Limit the visual impact of existing billboards in neighborhood commercial areas.

The proposed amendment will contribute to the removal of nonconforming signs and billboards from neighborhood commercial areas.

10.17: Provide sufficient lighting to reflect community character, provide a comfortable environment in a northern city and promote environmentally friendly lighting systems.

Applicable Implementation Steps

10.17.1 Provide high quality lighting fixture designs that are appropriate to street types and land use, and that provide pedestrian friendly illumination, but minimize glare and dark sky conditions, and other unnecessary light pollution.

10.17.4 Ensure that all site lighting requirements and directional signs have appropriate illumination levels to comply with zoning and industry standards.

10.17.8 Update city zoning code to reflect best available practices related to dark skies and the environmental benefits of strategic lighting management.

The proposed amendment will encourage the use of high quality, efficient lighting of signs, while contributing to the lessening the amount glare and ambient light pollution. It will also further the policy goal of updating the city zoning code to reflect best available practices related to dark skies and the environmental benefits of strategic lighting management.

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.

The proposed amendment will provide for an increased incentive to remove nonconforming signs and billboards from residential and neighborhood commercial areas and thereby lessening the amount of visual clutter and visual blighting effects in those areas.

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

10.21.2 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 proposed amendment is consistent with prohibiting new off-premise signs and billboards in the city's historic districts and landmarks as well as residential or neighborhood commercial areas.

Environment:

6.2: Protect and enhance air quality and reduce green house gas emissions.

Applicable Implementation Steps

Policy 6.2.2: Support energy efficiency and resource conservation.

The amendment will allow for the installation of signs internally illuminated by LED digital technology, which is widely recognized as substantially more efficient than conventional incandescent bulbs. Most illuminated billboards in Minneapolis currently use high watt incandescent light bulbs (e.g.: 400 watt mercury vapor lamps). Further allowing the use of LED lighting on large billboards reduces the amount of energy required to illuminate them. This is consistent with Chapter 6: Environment of the Minneapolis Plan.

The proposed amendment may allow for the possible furthering of these policy goals by increasing the incentives to remove nonconforming billboards. The amendment is not inconsistent with the Comprehensive Plan policies on signage.

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 544.

Attachments:

- 1) Map of proposed new districts
- 2) E-mail message from CBS Outdoor
- 3) Code text