

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

Date: April 20, 2009

Initiator of Amendment: Council Member Schiff

Date of Introduction at City Council: September 26, 2008

Ward: All

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Intent of the Ordinance: The intent of this zoning code text amendment is to comprehensively review and revise the current zoning code regulations pertaining to on-premise signs.

Appropriate Section(s) of the Zoning Code: Chapter 520: Introductory Provisions, Chapter 543: On-Premise Signs and Chapter 551: Overlay (Chapter 525: Administration and Enforcement, Chapter 531: Nonconforming Uses and Structures and Chapter 535: Regulations of General Applicability are being returned to the author).

Appropriate Section(s) of the Building Code: Chapter 95: Projections and Encroachments and Chapter 109: Signs and Billboards.

Background: On-premise sign regulations are established to allow effective signage appropriate to the planned character of each zoning district, to promote an attractive environment by minimizing visual clutter and confusion, to minimize adverse effects on nearby properties and to protect the public health, safety and welfare. Since the 1999 zoning code was adopted there have been minimal amendments to the city's sign regulations. However, since the adoption of the zoning code Planning Staff has been tracking the number of sign variances that have been applied for, taking note of nuances within the sign chapter and keeping track of discrepancies that exist between the sign chapter regulations and other zoning code provisions. In addition, sign and illumination technology has changed over the last ten years, impacting how signs are manufactured. For all of these reasons a comprehensive review of the existing on-premise sign chapter regulations is being done. Please note that this text amendment does not impact Chapter 544, Off-Premise Advertising Signs and Billboards.

While drafting the revisions for this text amendment Planning Staff met with many stakeholders to seek input and feedback on the proposed changes. On October 30, 2008, Planning Staff held an open house to discuss the proposed changes to the On-Premise Signs chapter. All City Council Members, neighborhood organizations, business associations and licensed sign contractors were notified of the open house. There were approximately 30 individuals in attendance at the open house. In addition to the open house, Planning Staff met with the City Attorney's office and the various work sections within the Planning Division of Community Planning and Economic Development. Planning Staff also attended the October 9, 2008, March 26, 2009, and April 9, 2009, Planning Commission Committee of the Whole meetings and the January 22, 2009, Board of Adjustment meeting.

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 on-premise sign chapter is being amended for several reasons. First, since the adoption of the 1999 zoning code there have been approximately 157 sign variances acted upon by the Zoning Board of Adjustment. Of this number 145, or 92 percent of them, have been approved. The Planning Division knows that the number of sign variance applications acted upon by the City of Minneapolis in the last ten years is greater but because the actions of the City Planning Commission are not tracked by variance type an exact number cannot be readily determined. However, with a 92 percent approval rating from only those sign variance applications heard at the Zoning Board of Adjustment it was apparent to staff that the sign code regulations should be reviewed.

Second, the Planning Division has been taking note of nuances that exist within the sign chapter itself over the past ten years. For example, according to Table 543-3 Specific Standards for Signs in the Downtown Districts, a property owner can have a projecting sign if there is a freestanding sign on the site but a property owner cannot have a freestanding sign if there is a projecting sign already on the site. There are not many of these types of nuances in the sign chapter but in order to make the regulations more user-friendly issues like this need to be clarified.

Third, the Planning Division has been keeping track of discrepancies that exist between the sign chapter regulations and other zoning code provisions. For example, the zoning code defines a story as fourteen feet in height whereas the maximum height of a sign ranges between eight and 24 feet. In order to bring these two provisions into alignment with one another the maximum height of signs is now proposed to be listed in increments of fourteen feet depending on the zoning district and type of sign. Housekeeping amendments like this are few in this amendment but are important to address.

Fourth, sign and illumination technology has changed over the last ten years, impacting how signs are manufactured. With advances in sign technology the Planning Division has seen a high number of requests for dynamic signs. The current sign regulations prohibit dynamic signs. In this amendment the Planning Division is recommending that dynamic signs be allowed in certain districts. The Planning Division is taking an incremental approach to allowing dynamic signs to see how they are received by the community.

Fifth, in July of 2008 the Minneapolis City Council approved the City's Comprehensive Plan, titled *The Minneapolis Plan for Sustainable Growth*. This plan, currently under review by the Metropolitan Council, will be the City's primary policy document that guides its planning and development decisions. This plan goes beyond the previous plan by adopting policies related specifically to 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 proposed amendments to the on-premise sign regulations will help implement the recently adopted policies.

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Lastly, Chapters 95 and 109 are part of the City's Building Code but make reference to signs. Chapter 95 specifically deals with awnings, canopies and marquees in the right-of-way and Chapter 109 deals with the process to permit signs and the maintenance of signs. No major changes are proposed to be made to Chapter 95 other than general housekeeping amendments. However, since the Planning Division is responsible for sign permitting and sign inspections, staff recommends that Chapter 109 be repealed and that the pertinent references be incorporated into Chapter 543 of the zoning code. At this time Chapter 109 makes reference to billboards. Because Chapter 544, Off-Premise Signs and Billboards, was not introduced as part of this text amendment some sections of the chapter will remain. The Planning Division will be following up with a subsequent text amendment to move the remaining sections of Chapter 109 into Chapter 544.

The amendment is designed to solve several problems related to on-premise signage and issues created by the last on-premise sign chapter revision in 1999. The amendments that address the nuances and discrepancies will provide clarity for not only staff but also property owners and sign contractors when trying to navigate the on-premise sign chapter, making the regulations easier to use and enforce. Some of the amendments do restrict certain types of signs in an effort to create a more livable city. For example, restricting the height of freestanding signs or no longer allowing pole signs in certain zoning districts, are changes that are intended to limit the impact of signage on residential uses and ensure that signs reflect the pedestrian-oriented scale promoted by adopted policies. Other amendments expand the type of signs allowed in certain zoning districts which will allow new technology to be used where appropriate. In addition, currently if a property owner of a nonconforming use in the residence or OR1 District wanted to install signage on their building they would have to apply for an Expansion of a Nonconforming Use application and go through a public hearing process. This revision allows a nominal amount of signage as-of-right for a nonconforming use, minimizing the administrative burden on property owners.

The Planning Division believes that the proposed revisions to the on-premise sign chapter will serve the public purpose by improving the aesthetic character of the city through improved on-premise sign regulations. For example, the text amendment will reduce the height of freestanding signs in all zoning districts, will prohibit pole signs in certain zoning districts and will no longer allow backlit signs in any zoning district. In addition, the text amendment will provide for two new sign types; projecting signs that extend above the roofline of the building and dynamic signs. The intention of allowing these additional sign types is to provide more flexibility for property owners.

Staff does not anticipate any problems with adopting this text amendment.

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. The fact that it has been ten years since a significant revision to the on-premise sign regulations has occurred coupled with the City Council's recent approval of the City's Comprehensive Plan, titled *The Minneapolis Plan for Sustainable Growth*,

the Planning Division felt that it was time to comprehensively review and revise the current zoning code regulations pertaining to on-premise signs.

Signs are a form of free speech and are protected by the First Amendment. Given this protection, municipalities are generally precluded from regulating content, but may regulate aspects related to the time, place, and/or manner of signage. Zoning code regulations, therefore, 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 zoning code regulations governing on-premise signs would remain in place as would the existing nuances within the sign chapter and the discrepancies between the sign chapter regulations and other zoning code provisions. In addition, the City's sign regulations would not align with current technology in that dynamic signs would remain a prohibited sign type.

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

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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 proposed amendments to the on-premise sign regulations will help implement the recently adopted policies

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

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the zoning code text amendment, amending chapters 520, 543 and 551 and **approve** the building code text amendment, amending chapters 95 and 109. Staff further recommends that Chapters 525, 531 and 535 **be returned** to the author.