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**CPED STAFF REPORT**

Prepared for the City Planning Commission

CPC Agenda Item #XX

January 8, 2018

## zoning code text amendment

*Initiator:* Council Member Warsame

*Introduction Date:* July 1, 2016

*Prepared By:* Stephen Poor, Zoning Administrator, (612) 673-5837

*Specific Site:* N/A

*Ward:* 6

*Neighborhood:* Downtown West, Downtown East, Elliot Park

*Intent:* Amending regulations for off-premise signs and billboards

## APPLICABLE SECTION(S) OF THE ZONING CODE

* Chapter 525, Administration And Enforcement
* Chapter 544, Off-Premise Advertising Signs And Billboards

## BACKGROUND

This is item was originally heard at the December 4, 2017 Planning Commission meeting and was continued to the January 8, 2018.

This proposed zoning code text amendment, introduced by Council Member Warsame, would revise off-premise advertising sign and billboard regulations in the Downtown Entertainment Billboard District, expanding the district and allowing for larger signs. Additionally, the proposed amendment will allow for painted wall signs along Washington Avenue South; and along both sides of Hennepin Avenue, beginning at Eighth Street to Washington Avenue.

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. The current ordinance was established to regulate advertising signs and billboards so as to minimize their visual blighting effects by regulating their location, spacing between off-premise adverting signs, height, size, illumination and to encourage billboards being removed from locations that are nonconforming to the ordinance.

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. In 2009, Chapter 544 was amended to allow new billboards to be installed without the utilization of nonconforming sign credits when located in the Downtown Entertainment Billboard Districts.

The proposed amendment would expand the Downtown Entertainment Billboard District and allow the establishment of off-premise advertising billboards on the south side of Sixth Street South, with the sign facing Sixth Street South (north). The expanded district would also allow new signs along the west side of Park Avenue, from Sixth Street South, to Fourth Street South, with the sign facing Park Avenue (east).

The amendment would also allow for signs to be placed (painted) on building walls along the south side of Washington Avenue, from Hennepin Avenue eastward to I – 35W. These signs would not require sign credits to be utilized in order to be installed. The size of the signs would be based on the expected to be large, as much as the maximum area of a sign could be as large as ten (10) times the building perimeter as measured at the foundation wall.

The amendment would also eliminate the prohibition on the City financing of billboard advertising, which was added to Chapter 544 in 2010. The provision has had no apparent effect on City operations, or contracts. The elimination of this provision would streamline the ordinance and remove unnecessary regulations.

## PURPOSE

What is the reason for the amendment?

The City has established regulations that are 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 proposed amendment is intended to allow for large off-premise advertising signs adjacent to the regional sports facility, U.S. Bank Stadium, which is similar to the larger Downtown Entertainment Billboard District boundaries adjacent to Target Center. The placement of billboards in these types of areas is deemed as acceptable.

In Addition, some portions of Hennepin Avenue and Washington Avenue are proposed to allow additional off-premise advertising signs placed on building walls as a means to enliven the streetscape.

The most current LED technology is 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 focus the illumination in an intended direction and causes less ambient light emanating from the top, bottom and sides of the sign face.

While there is a still some debate as to whether or not flashing dynamic signs a serious distraction to motor vehicle drivers, the proposed amendment restricts the orientation of sign faces primarily towards the stadium and pedestrian plaza and walkways. The painted wall signs

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 the technical memorandum.

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 off-premise advertising industry 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.

Hennepin Avenue already has several illuminated billboards aimed at reading to traffic. This amendment would allow for more signs and more billboard industry firms to have signs in the downtown market.

What problems might the amendment create?

The creation of an allowance for off-premise advertising signs to be painted on building walls could be perceived as adding sign clutter to the recently improved Washington Avenue street and pedestrian improvements. Another viewpoint may consider the signs as a way to enliven large blank walls until there is more infill construction.

CPED staff does not anticipate that the amendment will result in significant problems to the existing billboard regulatory framework surrounding the regional sports facility.

## Comprehensive plan

The amendment will implement the following applicable policies of [*The Minneapolis Plan for Sustainable Growth*](http://www.ci.minneapolis.mn.us/cped/planning/cped_comp_plan_2030):

**Land Use Policy 4.16.6 Strengthen Downtown’s position as a regional cultural, entertainment and commercial center that serves Downtown employees, visitors, and residents.**

4.16.6 Preserve and build upon Downtown’s cultural, entertainment and hospitality amenities, such as the convention center, professional sports venues and the Central Riverfront

Land Use Policy 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.

10.1.1 Ensure that the City’s zoning code is consistent with The Minneapolis Plan and provides clear, understandable guidance that can readily be administered.

**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.**

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.

## RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt staff findings to amend Title 20 of the Minneapolis Code of Ordinances, as follows:

1. Text amendment to revise regulations for off-premise advertising sign and billboards.

Recommended motion: Approve the text amendment to enlarge the Downtown Entertainment Billboard District and the remove the restrictions of City financing of billboards. Staff has **No Recommendation** regarding the amendment to permit wall signs on building walls along Hennepin Avenue and Washington Avenue.

Chapter 544 related to the Zoning Code: *Off-Premise Advertising Signs And Billboards Districts*

## ATTACHMENTS

1. Ordinance amending Chapter 544 related to the Zoning Code: Off-Premise Signs And Billboards
2. Map of the existing Downtown Entertainment Billboard District
3. Map of the proposed Downtown Entertainment Billboard District