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## **ZONING CODE TEXT AMENDMENT**

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<i>Initiator:</i>	Council Member Warsame
<i>Introduction Date:</i>	July 1, 2016
<i>Prepared By:</i>	Stephen Poor, Zoning Administrator, (612) 673-5837
<i>Specific Site:</i>	N/A
<i>Ward:</i>	6
<i>Neighborhood:</i>	Elliot Park
<i>Intent:</i>	Amending regulations for off-premise signs and billboards

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## **APPLICABLE SECTION(S) OF THE ZONING CODE**

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

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## **BACKGROUND**

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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.

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 advertising 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 erected 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 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.

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## **PURPOSE**

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### **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.

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 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.

**What problems might the amendment create?**

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

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**COMPREHENSIVE PLAN**

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The amendment will implement the following applicable policies of *The Minneapolis Plan for Sustainable Growth*:

**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.

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## RECOMMENDATIONS

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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:

**A. Text amendment to revise yard/setback requirements in nonresidential districts.**

Recommended motion: **Approve** the text amendment to enlarge the Downtown Entertainment Billboard District and remove the restrictions of City financing of billboards. Staff recommends returning amendments to Chapter 525 to the author.

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

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## ATTACHMENTS

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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

## ORDINANCE

By Warsame

### **Amending Title 20, Chapter 544 of the Minneapolis Code of Ordinances relating to Zoning Code: Off-Premise Advertising Signs and Billboards.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 544.90 of the above-entitled ordinance be amended to read as follows:

**544.90. Downtown Entertainment Billboard District.** (a) Establishment and restrictions. This section establishes the following Downtown Entertainment Billboard District:

(1) Downtown Entertainment Billboard District. The Downtown Entertainment Billboard District shall comprise the areas bounded by the following streets:

a. Commencing at the intersection of Sixth Street North and Hennepin Avenue, land that is south of Sixth Street North between Hennepin Avenue and Second Avenue North, east of Second Avenue between Sixth Street and Seventh Street North, north of Seventh Street North between First and Second Avenue North, east of First Avenue North between Seventh and Eighth Street North, north of Eighth Street North between First Avenue North and Hennepin Avenue, and west of Hennepin Avenue between Sixth Street and Eighth Street North.

~~b. Commencing at the intersection of Chicago Avenue and Sixth Street South, land that is north of Sixth Street South between Chicago Avenue and Eleventh Avenue, west of Eleventh Avenue between Sixth Street South and Fourth Street South, south of Fourth Street South between Eleventh Avenue and Chicago Avenue, and east of Chicago Avenue (aka Kirby Puckett Place) between Fourth Street South and Sixth Street South.~~

b. Commencing at the intersection of Park Avenue and Sixth Street South, lots that have frontage on either side of Sixth Street South to Eleventh Avenue South, west of Eleventh Avenue South between Sixth Street South and Fourth Street South, south of Fourth Street South between Eleventh Avenue South, and lots that have frontage on either side of Park Avenue, south of Fourth Street South, south to Sixth Street South.

c. Sign faces on billboards placed on lots located on the south side of Sixth Street South must face north. Sign faces on billboards placed on lots located on the west side of Park Avenue must face east.

(2) Off-premise signs constructed in this district shall not be subject to the requirements of 544.60 and 544.70.

(b) *Additional conditions.* Off-premise signs lawfully existing at the time of the adoption of this ordinance shall not be included in the calculation of the total amount of off-premise signage allowed under Table 544-3 Downtown Entertainment Billboard District.

**Table 544-3 Downtown Entertainment Billboard District**

	<b>General Standards</b>	<b>Standards for Regional Sports Arena</b>
<b>Maximum off-premise sign area</b>	The off-premise sign shall not exceed the square footage equal to ten (10) times the building perimeter as measured at the foundation wall, subject to 544.90(b)	Signs applied flat on the roof and which are intended to be primarily viewed from above shall not be included in calculating the total sign area of the site.
<b>Maximum off-premises sign height</b>	If located on a roof, the top of the off-premises sign shall not exceed forty-five (45) feet above the roof. No off-premises sign shall be placed on the roof of any building exceeding four stories in height or where the roof is more than fifty-six (56) feet above grade.	Signs attached to the wall or roof of a regional sports arena may extend as high as twenty (20) feet above the top of the building wall.
<b>Lighted signs</b>	Permitted subject to luminance provision.	
<b>Freestanding Signs</b>	Not Permitted	One (1) freestanding sign not exceeding thirty-five (35) feet in height shall be allowed. The sign may have signage on up to two sides with a maximum of one thousand two hundred (1,200) square feet of signage on each side. If the sign includes both on-premises and off-premises advertising, the total amount of signage shall not exceed one thousand two hundred (1,200) square feet on each side.
<b>Luminance*</b>	Maximum of seven thousand (7,000) nits from 6:00 a.m. to 9:00 p.m.; and maximum of five hundred (500) nits from 9:00 p.m. to 6:00 a.m.	
<b>Animated signs</b>	Permitted	
<b>Flashing signs</b>	Permitted	
<b>Minimum sign spacing</b>	None	

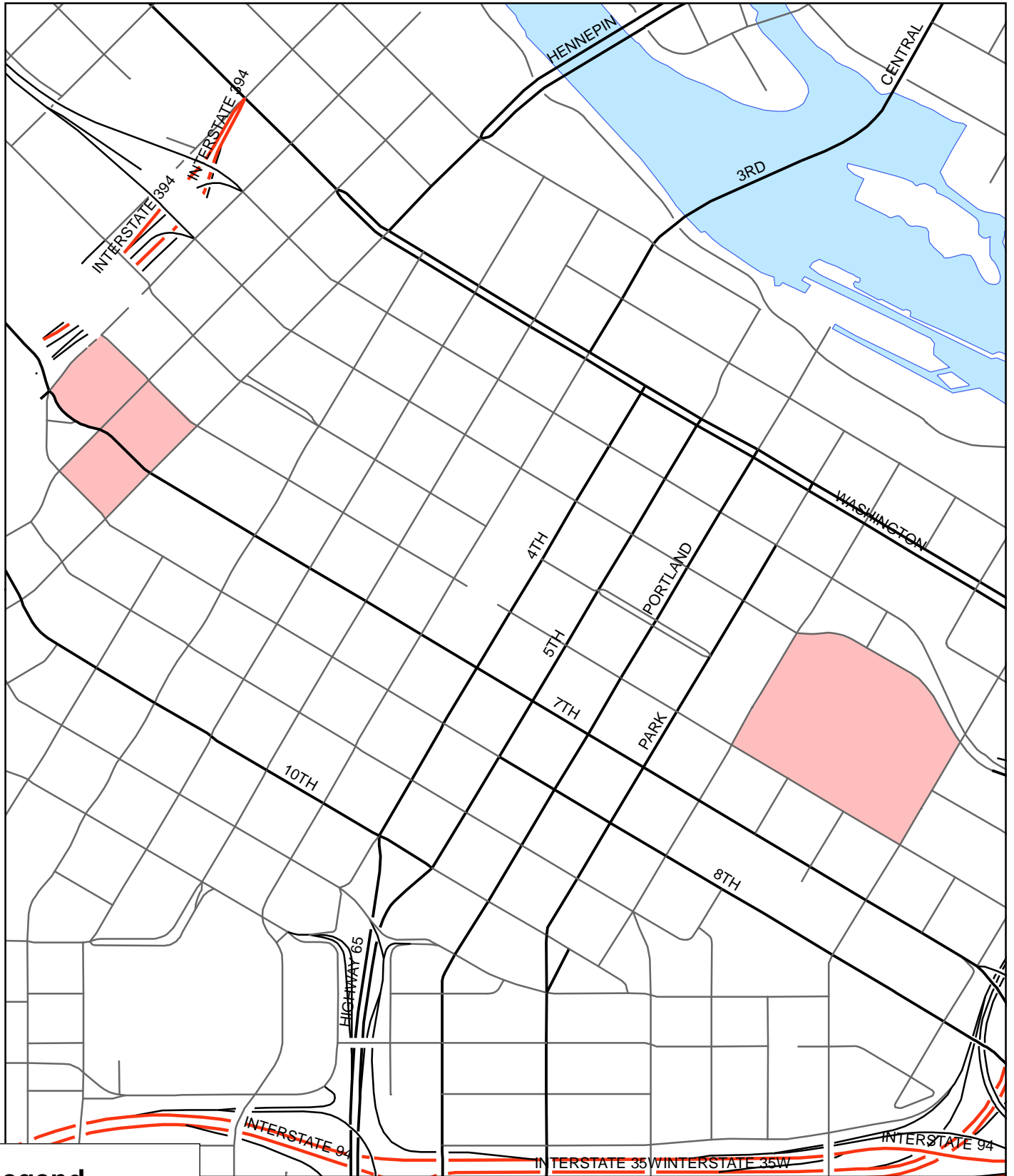
\* Luminance is the physical measure of brightness or light emanating from an object with respect to its size. The unit of measurement for luminance is nits, which is the total amount of light emitted from a sign divided by the surface area of the sign (candela per square meter).

Section 2. That Section 544.120 of the above-entitled ordinance be and is hereby repealed.

~~**544.120. City financing of billboard advertising prohibited.** (a) In general. The city, any city employee working within the scope of the employee's employment, and any agency or individual acting on behalf of the city shall not pay for or in any way financially support billboard advertising, taking place within the city limits of the City of Minneapolis.~~

~~(b) City contracts. All city contracts shall contain a provision prohibiting the use of city or city derived funds to pay for billboard advertising as a part of a city project or undertaking. Billboard space donated to the City of Minneapolis shall be exempt from this section. Production costs associated with in-kind donations shall not be prohibited.~~

# Current Downtown Entertainment Billboard District



## Legend

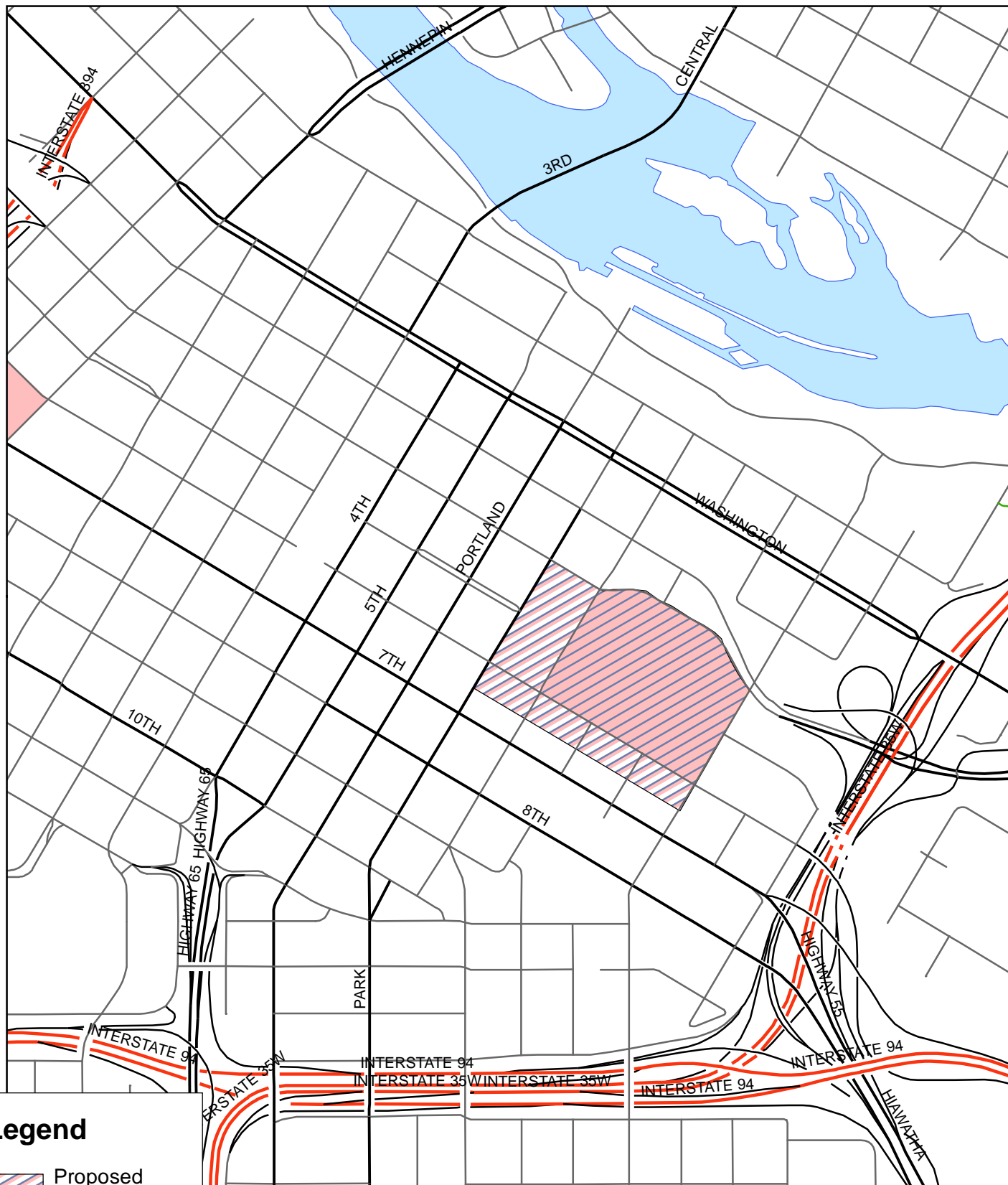
Current  
Downtown  
Entertainment  
Billboard  
District

City of Minneapolis  
Community Planning and Economic Development  
Development Services Division



0 0.05 0.1 0.2 0.3 0.4  
Miles



# Proposed Downtown Entertainment Billboard District



## Legend

-  Proposed Expansion
-  Current Downtown Entertainment Billboard District

City of Minneapolis  
Community Planning and Economic Development  
Development Services Division  
Created: Sept 06, 2017

