

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

Date: September 7, 2010

Initiator of Amendment: Council Member Schiff

Date of Introduction at City Council: May 28, 2010

Ward: All

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

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 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 dynamic changeable copy signs and dynamic signs where they would be allowed.

The amendment as written will:

- Prohibit dynamic changeable copy signs in the Residence and Office-Residence zoning districts except for schools and religious institution places of assembly (i.e., churches, mosques, synagogues, etc.).
- Prohibit dynamic changeable copy signs in the C1, C3A, C3S, C4 and Industrial zoning districts.
- Prohibit dynamic signs in all zoning districts except for the Downtown zoning districts.
- Institute more restrictive standards for dynamic changeable copy signs and dynamic signs in the C2 and Downtown zoning districts.

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 dynamic changeable copy signs and dynamic signs where they would be allowed.

Staff did go out and inspect a handful of 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 for either dynamic changeable copy signs or dynamic signs. 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. Since so many of the signs that have been approved are not in compliance with the standards under which they were permitted it is best to further limit where dynamic changeable copy signs and dynamic signs are allowed. Limiting where dynamic changeable copy signs and dynamic signs are allowed should reduce the amount of enforcement resources needed by the City of Minneapolis to ensure that dynamic changeable copy signs and dynamic 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 non-conforming.

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.