

ORDINANCE NO. 2006-

AN ORDINANCE ESTABLISHING ADDITIONAL BILLBOARD STANDARDS THEREBY AMENDING CHAPTER 19 OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 19 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

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CHAPTER 19

ZONING

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ARTICLE VI. PARKING, LOADING AND BILLBOARDS

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SEC. 19.66. BILLBOARDS.

(a) Purpose, Intent and Findings

The City Council finds it necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size, conspicuity, brightness, legibility, operational characteristics and maintenance of billboards be controlled. Billboards have a direct and substantial impact on traffic safety, pedestrian safety, community aesthetics and property values. The City Council recognizes that a great percentage of billboards that are blighted, unattractive, or provide an unsafe distraction to motorists can be corrected by sensible quality control through adequate maintenance, inspection and operational guidelines. With respect to electronic billboards, the City council finds that they are highly visible from long distances and at very wide viewing angles both day and night and are designed to catch the eye of persons in their vicinity and hold it for extended periods of time. If left uncontrolled, electronic billboards constitute a serious traffic safety threat. Studies conducted by the Federal Highway Administration (FHWA), *Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction*, Sept. 11, 2001 and *The Role of Driver Inattention in Crashes: New Statistics from 1995*; the University of North Carolina Highway Safety Research Center, *Distractions in Everyday Driving*, May 2003 and *The Role of Driver Distraction in Traffic Crashes*, May 2001; the Wisconsin Department of Transportation, *Synthesis Report of Electronic Billboards and Highway Safety*, June 10, 2003; the Municipal Research and services Center of Washington, *Sign Control Provisions*, Jan. 2006; and the Veridan Group, *Video signs in Seattle*, Gerald Wachtel, May 2001, reveal that electronic signs, including billboards, are highly distracting to drivers and that driver distraction continues to be a significant underlying cause of traffic accidents.

The City Council intends by this Section of the City Code to establish a legal framework for billboard regulation in the City. The regulations promulgated in this Article are intended to facilitate an easy and agreeable communication between people while protecting and promoting the public health, safety, welfare and aesthetics of the community. It is not the purpose or intent of this Section of the City Code to prefer or favor commercial messages or speech over non-commercial messages or speech or to discriminate between types of non-commercial speech or the viewpoints represented therein. The owner of any billboard which is otherwise allowed by this Section of City Code may substitute non-commercial copy or message in lieu of any other commercial or non-commercial sign copy or message without any additional approval or permitting subject to the operational standards set forth herein. The purpose of this provision is to prevent any inadvertent favoring of commercial speech or message over non-commercial speech or message. This provision prevails over any more specific provision to the contrary. The purposes of the regulations promulgated in this Section include:

- (1) To eliminate potential hazards to motorists and pedestrians using the public streets, sidewalks, and rights-of-way;
- (2) To safeguard and enhance property values;
- (3) To control nuisances;
- (4) To protect government investments in public buildings, streets, sidewalks, traffic control and utility devices, parks, and open spaces;
- (5) To preserve and improve the appearance of the city through adherence to aesthetic principles, in order to create a community that is attractive to residents and to non-residents who come to live, visit, work, or trade;
- (6) To eliminate excessive and confusing sign displays;
- (7) To implement the City's Comprehensive Plan;
- (8) To encourage signs which by their design are integrated with and harmonious to the surrounding environment and the buildings and sites they occupy;
- (9) To promote the public health, safety, and general welfare; and
- (10) To provide for fair and consistent enforcement of the regulations set forth herein.

~~[(a) **Billboards in the General Industrial, (I-3) Freeway Development (FD-2) and Commercial Service (CS-0.5 and CS-1) Districts**~~

- ~~(1) A billboard is defined as any advertising sign which has an area exceeding 150 square feet;~~
- ~~(2) Billboards shall be erected on single poles and contain cedar trim;~~
- ~~(3) No animation is permitted on billboards;~~
- ~~(4) Billboards must be landscaped around the base of the signs;~~
- ~~(5) Billboards shall be located so as not to obstruct any existing business or sign;~~
- ~~(6) A billboard need not be a principal use in the General Industrial (I-3) and Freeway Development (FD-2) Districts;~~
- ~~(7) No person shall construct, erect, use or permit the use of a billboard unless and until a sign permit is first secured from the Manager of Building and Inspection;~~
- ~~(8) The application for the conditional use permit shall show the proposed location, height, dimensions, location of other structures within 300 feet and the landscaping in the area of the proposed billboard;~~
- ~~(9) No conditional use permit shall be granted for any proposed billboard if it is within 2000 feet of any existing billboard within the City;~~
- ~~(10) The conditional use permit may be revoked by the City Council if the billboard or the area where the billboard is erected is not maintained in accordance with the terms of the permit or this Code;~~
- ~~(11) All other standards including setbacks that are applicable to other signs and structures shall apply to billboards. There shall be a maximum setback of 350 feet from the centerline of the right of way of an adjacent Federal Aid Interstate Highway;~~
- ~~(12) No conditional use permit shall be granted for more than three years, with a 60 day time limit for removal in the event the permit is not renewed;~~
- ~~(13) No billboard structure shall contain more than two signs per facing;~~
- ~~(14) Billboards are not permitted within 500 feet of residential properties or conservation (SC) zoning districts;~~
- ~~(15) No conditional use permit may be granted if a variance is required;~~
- ~~(16) The maximum height of any portion of the sign, including trim and extensions, shall be not more than 40 feet above grade;~~
- ~~(17) The maximum length of any sign, including trim and extensions, shall be not more than 50 feet;~~
- ~~(18) No billboard shall be erected on or above the roof of any building.]~~

(b) **Billboards in the General Industrial, (I-3) Freeway Development (FD-2) and Commercial Service (CS-0.5 and CS-1) Districts**

- (1) A billboard is defined as any advertising sign which has an area exceeding 150 square feet;
- (2) Billboards must be erected on single poles and contain cedar trim;
- (3) No animation is permitted on billboards;
- (4) Billboards must be landscaped around the base of the signs;
- (5) Billboards must be located so as not to obstruct any existing business or sign;

- (6) A billboard need not be a principal use in the General Industrial (I-3) and Freeway Development (FD-2) Districts;
- (7) No person shall construct, erect, use or permit the use of a billboard unless and until a sign permit is first secured from the Manager Issuing Authority;
- (8) The application for the conditional use permit must be signed by the owner of the property and show the proposed location, height, dimensions, location of other structures within 300 feet and the landscaping in the area of the proposed billboard;
- (9) No conditional use permit shall be granted for any proposed billboard if it is within 2,000 feet of any existing billboard within the City;
- (10) The conditional use permit may be revoked by the City Council if the billboard or the area where the billboard is erected is not maintained in accordance with the terms of the permit or this Code;
- (11) All other standards including setbacks that are applicable to other signs and structures shall apply to billboards. There shall be a maximum setback of 350 feet from the centerline of the right-of-way of an adjacent Federal Aid Interstate Highway;
- (12) No conditional use permit shall be granted for more than three years, with a 60-day time limit for removal in the event the permit is not renewed;
- (13) No billboard structure may contain more than two signs per facing;
- (14) Billboards are not permitted within 500 feet of residential properties or conservation (SC) zoning districts;
- (15) No conditional use permit may be granted if a variance is required;
- (16) The maximum height of any portion of the sign, including trim and extensions, must not exceed 40 feet above grade;
- (17) The maximum length of any sign, including trim and extensions, must not exceed 50 feet;
- (18) No billboard may be erected on or above the roof of any building.
- (19) No billboard or portion thereof may turn on an axis, rotate, revolve or otherwise physically move;
- (20) Electronic display techniques include any portion of a billboard that contains alphanumeric characters, graphics or symbols defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination device within the display area, including computer programmable, microprocessor controlled electronic displays and projected images or messages with these characteristics onto the sign face.
- (21) Any billboard utilizing electronic display techniques in whole or in part must meet the following operational standards:
  - (A) Duration. In all districts the full billboard image or any portion thereof must have a minimum duration of 20 minutes and must be a static display. No portion of the image may flash, scroll, twirl, change color, in any manner imitate movement, or meet the characteristics of a flashing sign as defined in Section 19.104;
  - (B) Transition. In all districts where the full billboard image or any portion thereof changes, the change sequence must be accomplished by means of instantaneous re-pixelization;
  - (C) Brightness. The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness;
  - (D) Dimmer control. Electronic graphic display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise;
  - (E) Audio or pyrotechnics. Audio speakers or any form of pyrotechnics as defined in Section 19.104 are prohibited in association with a billboard;
  - (F) Fluctuating or Flashing Illumination. No portion of any billboard may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles or in any manner creates the illusion of movement; and
  - (G) Video display. No portion of any billboard may change its message or background in a manner or by a method of display characterized by motion or pictorial imagery, or depicts action or a special effect to imitate movement, or the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns or bands of light or expanding or contracting shapes.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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Mayor

ATTEST:

\_\_\_\_\_  
Secretary to the Council

APPROVED:

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City Attorney