

Billboard Study

City of New Orleans

City Planning Commission

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Executive Summary

Introduction

On July 26, 2018, the New Orleans City Council adopted Motion No. M-18-319 which directed the City Planning Commission to conduct a study on billboards, examining existing billboard regulations within the Comprehensive Zoning Ordinance (CZO) and providing recommendations for potential amendments. The impetus for such study stems from the billboard industry's increased use of digital technology for outdoor advertising purposes.

The Motion directs the City Planning Commission to conduct a billboard study that includes the following subject matter:

- Provide an overview of the current regulations, with a determination of the number and locations of sites where the development of billboards is currently permitted;
- Identify aspects of the existing regulations that are problematic because the regulations do not reflect best practices, city priorities, or because they are linked to geographic areas that cannot be feasibly defined, such as the currently outlined view sheds and travel corridors;
- Update the existing city-wide inventory of billboard locations, including locations relative to Master Plan designations, zoning districts, historic district boundaries, city- and state-owned property, and prohibited locations in the CZO;
- Develop a more thorough policy related to billboards in historic districts;
- Research appropriate design standards for billboards, including their structural supports;
- Identify potential modifications to the CZO to ensure that the current regulations allow billboards in minimally impactful areas, while prohibiting billboards in sensitive areas;
- Identify any potential changes to the regulations regarding electronic billboards that may be deemed advisable;
- Identify modifications to permitting and licensing processes as may be needed to implement new regulations in the CZO; and
- Identify modifications to the City Code that may be needed to implement new regulations in the Comprehensive Zoning Ordinance.

Key Findings

The City Planning Commission looked into the historical background of billboard development within the city of New Orleans, looking particularly at the previous study published by the City Planning Commission in 1989 and the 1992 text amendment to the Comprehensive Zoning Ordinance which formulated a billboard policy on which current regulations are based. The City Planning Commission also examined previous actions by the City Council and Board of Zoning Adjustments related to appeals of the billboard regulations. The City Planning Commission also assessed all regulations currently applied to billboards at the federal, state, and local levels, as well as summaries of recent judicial decisions which may have implications for future policy making. In developing this study, the staff met with many stakeholders to better understand major concerns and issues facing the billboard industry as well as neighborhood constituents. The City Planning Commission also researched the regulatory practices and recent regulatory developments and outdoor advertising trends in multiple cities and communities across the United States, as well as globally. Finally, as directed by the Council Motion, the City Planning Commission, with the assistance of billboard operators, conducted a comprehensive inventory of all existing billboards within the city limits and analyzed the different data collected to better understand land use trends and impacts related to billboards.

The findings of the Billboard Study are summarized as follows:

- Local billboard regulations are currently outlined within *Article 24, Section 24.14* of the Comprehensive Zoning Ordinance and *Chapter 134* of the City Code. These regulations stipulate the zoning districts where billboards are permitted, specific areas or corridors where billboards are prohibited, standards related to size, spacing, and illumination, as well as processes and fee schedules for permitting, licensing, and appeals.
- The current regulations within the Comprehensive Zoning Ordinance were adopted in 2015 with the adoption of the new zoning ordinance and new zoning maps. The regulations related to billboards were not substantially amended from those which were established in the former zoning ordinance. The current laws include many of the same provisions put in place by a major text amendment in 1992 (Zoning Docket 090-92), including the designations of protected vistas along certain corridors where billboards are prohibited in order to protect views of the downtown skyline and French Quarter.
- The zoning current ordinance also tasks the Department of Safety and Permits with tracking the total number of billboards annually through the "New Orleans Billboard Report." The last inventory conducted by the City was in 2013. The updated inventory conducted as part of the Billboard Study is web-based and is stored on the City's GIS database.
- Billboards along the Interstate System and Federal Aid Primary Highway System are controlled by the Louisiana Department of Transportation and Development pursuant to the federal Highway Beautification Act of 1965. An amendment to the Highway Beautification Act in 1978 required that the State provide "just compensation" to billboard owners for the removal of nonconforming billboards. Per the U.S. Code, the federal government is to provide 75 percent of this compensation; however, appropriations for the removal of nonconforming billboards across the U.S. have not been made since the 1980s.
- The current zoning ordinance allows digital billboards in any location where billboards are permitted. State regulations also permit digital billboards where billboards are otherwise permitted.
- In 1977, the State of Louisiana and the City of New Orleans signed a cooperative endeavor agreement with the City of New Orleans assuming control of outdoor advertising within the City limits. The LADOTD issues permits for billboards within its jurisdiction in coordination with the Department of Safety and Permits.
- There are a few inconsistencies between both the Comprehensive Zoning Ordinance and the City Code, which may require them to be amended in tandem to avoid conflicts.
- Several provisions within the Comprehensive Zoning Ordinance, including the boundaries of the prohibited billboard locations pursuant to *Article 24, Section 24.14.B.2*, are difficult to interpret and thus may affect proper administration and enforcement of the current regulations. In the past, permits have been issued in error for the development of billboards in these corridors.
- There are a total of 472 existing billboards (sign faces) within the boundaries of Orleans Parish. The display types consist of 43 digital and 425 static displays. There are two "mural-type" displays and two tri-vision displays. Some freestanding billboards share support structures. The inventory does not provide the total number of structures. The total number of faces has decreased by more than half since 1989 when an inventory of 1366 billboards were counted.
- Existing billboards range in size but the largest proportion measure 12 feet by 25 feet (300 square feet) or 14 feet by 48 feet (672 square feet).
- Many of the newer digital billboards in New Orleans are oriented toward elevated expressways including state highways and Interstate 10. Many existing billboards were issued renovation permits in the last few years to convert existing displays to LED displays. According to permitting records, a total of 36 permits were issued for digital billboards to date.
- There are 163 billboards outside of the LADOTD's jurisdiction. Many of these billboards are in prohibited areas such as within the Central Business District, in historic districts, on the rooftops of historic buildings on Canal Street. Nonconforming billboards outside of the State's jurisdiction could be removed through the

process of amortization as opposed to cash compensation. Amortization is a method cities may use to require the removal of non-conforming billboards over time, once the owners have recouped their investments. This method has consistently been upheld as constitutional by the courts.

- There are a total 167 billboard located in a local or national historic district, or both. There are 125 billboards located in one of the many local historic districts under the jurisdiction of the Historic District Landmarks Commission, five are located in the Vieux Carre, and 37 are located in solely a national historic district. Many of the billboards in a local or national historic district are concentrated in the Treme, Mid-City, and Marigny neighborhoods, and several are located along Canal Street on the rooftops of historic buildings.
- Only 22 percent of the existing billboard inventory is located within a permitted zoning district. The majority, or 78 percent of the inventory, are nonconforming as to zoning district. A large proportion of billboards are located in mixed-use zoning districts. The purpose of these districts stress the creation of walkable communities and development at a pedestrian scale, which may be at odds with billboard development.
- Of the 22 percent of existing billboards which are in a permitted zoning district, several are also located within a prohibited location per *Article 24, Section 24.14.B.2* of the Comprehensive Zoning Ordinance. Only seven percent of existing billboards are located within a permitted zoning district and also *not* in a prohibited location.
- In terms of general billboard regulations, New Orleans has much in common with other cities. The cities researched by the City Planning Commission tended to authorize billboards in a limited number of zoning districts, such as the more intense general commercial and industrial districts.
- Other cities typically place additional buffer distance requirements, limiting the development of billboards within a certain number of feet from sensitive uses or districts, which may include residential uses or districts, scenic natural areas, historic districts, and certain public facilities.
- Height and size of billboards are regulated in a range of 24 feet to 40 feet in height. Limitations on size range from 100 square feet up to 672 square feet in area per sign face.
- Many other cities have modified their regulations to address the impacts of digital billboards by placing limitations on their location, size, spacing, and illumination.
- Some cities have prohibited billboards generally, prohibited only digital billboards, or have prohibited the conversion of static billboards to digital.
- Some communities have developed a trade system to remove non-conforming billboards and allow digital conversion in return, sometimes with a cap on the total number of digital billboards to be allowed. Where enacted, the ratio for trading was between a 2:1 and 3:1 ratio (i.e., two square feet removal per one square foot of digitization up to three square feet removal per one square foot of digitization). These conversion policies have proven successful in quickly removing a number of nonconforming billboards.
- Most cities that permit digital billboards either by right or through conversion, most communities only allow them along expressways or interstates.
- The City Planning Commission finds that the development of billboards, when considered as a land use, can be at odds with other development objectives. For this reason, it is important that when policy changes are ultimately put in place that they are preceded with thoughtful analysis of future development impacts.
- Many buildings which once contained billboards, mounted on their rooftops or wall, have demolished the billboards when renovating the structure in favor of enhancing the architectural features of the building.
- Currently, the Department of Safety and Permits lacks the proper tools to track and enforce the billboard regulations. Creating a better tracking system is integral to enforcement and should be addressed to ensure compliance with the City Code and CZO. One of the more common issues impacting the enforcement of the billboard regulations is the Department of Safety and Permits ability to enforce and monitor digital billboards specifically.

Recommendations

The Billboard Study lays out several options for billboard regulations of the Comprehensive Zoning Ordinance, City Code, as well as administrative actions.

The first option is to maintain the existing regulations on billboards. The number of billboards has been reducing over time as non-conforming billboard sites are redeveloped or no longer attract enough interest from advertisers. Billboards may also lose their legal non-conforming status and with proper enforcement could be prevented from being re-established. This study also provides an up-to-date inventory of all billboards in New Orleans which can assist to better track the status of existing nonconforming billboards.

The second option is to maintain the existing regulations in term of zoning district permissions, distance requirements, and prohibited locations, but also allow the conversion of some legal non-conforming billboards to a digital format. Digital conversion is currently not allowed for non-conforming billboards because it is considered an expansion. This option proposes a system that gives credits for the removal of legal non-conforming billboards, with certain types of locations and sizes being given a number of points. When enough billboard removal points are credited, the company may convert an existing, legal non-conforming billboard to digital, as long as the “receiving” location meets certain criteria. The recommended criteria are formulated to least impact residential and historic areas. In terms of impacts on other uses, billboards oriented toward raised roadbeds - such as the Expressway and Interstates - may be most appropriate for digital conversion. No new billboard permitted locations are recommended with this option.

The third option is to expand billboard permitted locations where they may be most compatible with surrounding land uses. This could happen by authorizing billboards in additional zoning districts such as the Business Industrial Park District, by removing the prohibition on billboards in portions of the CT Corridor Transformation Design Overlay District, or by allowing billboards in innovative new ways. This option may add visual clutter to certain roadways, but it could be done in limited locations where it would least impact adjacent land uses. This option does not preclude also establishing a trade system as described in option 2.

Amortization is strategy that could be combined with any of the other options described above. With amortization, the City can require billboard owners to remove non-conforming billboards according to a time schedule that allows them to recoup their investments. This approach can only be used for the 163 billboards outside of the Interstate and Federal Aid Primary Systems, since State law, in accordance with the Highway Beautification Act, prohibits amortization as a method of compensation for nonconforming billboards within their jurisdiction.

Next Steps

Once the City Council receives the Billboard Study, they may take as long as needed to read and consider their options. The Council is under no legal requirement to act upon the study. They may choose to consider the recommendations in a Committee meeting or they may pass a motion directing the City Planning Commission to consider zoning text changes based on the Billboard Study. Since different options are discussed in this study, the Council would need to specify which policy options, or which components of the policy options, they would like to consider as zoning text amendments. Certain other recommendations of the Billboard Study would need to be implemented through the City Code or through administrative directions.

If the City Council passes a motion to consider implementation of Billboard Study recommendations through text changes to the Comprehensive Zoning Ordinance, an additional round of public hearings would be triggered. The City Planning Commission would docket the proposal, write a staff report recommending specific zoning text changes, and hold a public hearing before making recommendations to the City Council. The Council must also hold their own public hearing before adopting amendments to the Comprehensive Zoning Ordinance.

Part 1. Scope of Study

City Council Motion

On July 26, 2018, the New Orleans City Council adopted Motion No. M-18-319 which directed the City Planning Commission to conduct a study on billboards, examining existing billboard regulations within the Comprehensive Zoning Ordinance (CZO) and providing recommendations for potential amendments. The impetus for such study stems from the billboard industry's increased use of digital technology for outdoor advertising purposes. The City began a discussion with billboard industry representatives during the multi-year development process of the City's new CZO; however, no major changes to the City's billboard policies were included in the CZO's final adoption in 2015, mainly due to insufficient time and resources to fully vet new billboard policy proposals. In early 2018, the City Planning Commission considered a text amendment proposal, brought forward by the City Council on behalf of members of the billboard industry, to include a provision within the CZO which would allow certain existing billboards to digitize in exchange for the removal of other existing billboards. The text amendment proposal was ultimately withdrawn, and it was agreed that a more comprehensive examination of the City's billboard policy was needed prior to adoption of any amendments.

Motion No. M-18-319, which directs the City Planning Commission to conduct the Billboard Study, also directs the Commission to include the following subject matter within the study:

1. Provide an overview of the current regulations, with a determination of the number and locations of sites where the development of billboards is currently permitted;
2. Identify aspects of the existing regulations that are problematic because the regulations do not reflect best practices, city priorities, or because they are linked to geographic areas that cannot be feasibly defined, such as the currently outlined view sheds and travel corridors;
3. Update the existing city-wide inventory of billboard locations, including locations relative to Master Plan designations, zoning districts, historic district boundaries, city- and state-owned property, and prohibited locations in the CZO;
4. Develop a more thorough policy related to billboards in historic districts;
5. Research appropriate design standards for billboards, including their structural supports;
6. Identify potential modifications to the CZO to ensure that the current regulations allow billboards in minimally impactful areas, while prohibiting billboards in sensitive areas;
7. Identify any potential changes to the regulations regarding electronic billboards that may be deemed advisable;

8. Identify modifications to permitting and licensing processes as may be needed to implement new regulations in the CZO; and
9. Identify modifications to the City Code that may be needed to implement new regulations in the Comprehensive Zoning Ordinance.

Study Framework & Objectives

Study Objectives

Using the directives of City Council Motion No. M-18-319, the City Planning Commission devised the following study framework in order to achieve the main objectives of this study which are:

- (1) To provide a comprehensive review and analysis of the city's existing inventory of billboards and the existing regulatory framework around billboard development;
- (2) To understand the impacts of billboard development, including the development of electronic or LED billboards, on the community in terms of aesthetics, quality of life, and economic well-being; and
- (3) To provide policy and regulatory recommendations based on current trends, best practices, and in support of community interests and the well-being of the public.

Study Framework

Part 1 outlines the scope of the Billboard Study. *Part 2* of the study provides a historical background regarding billboard development within the city of New Orleans and a summary of previous plans, studies, and regulatory actions. This background provides an understanding of some of the former land-use-related issues caused by billboards and insight into community interests and goals. *Part 3* provides a compilation of all regulations currently applied to billboards at the federal, state, and local levels, as well as summaries of recent judicial decisions which have implications for regulation. *Part 4* provides a summary of the outreach made in developing this study, including a list of all of the stakeholders involved and a summary of the major concerns and issues brought to the table. *Part 5* provides a summary of best practices including research of billboard regulatory practices and recent regulatory developments in multiple cities and communities across the United States. *Part 6* provides a detailed analysis of the current billboard inventory as well as analysis of some of the issues and concerns involving the current permitting and regulations of billboards in New Orleans. Finally, *Part 7* offers recommendations with regard to changes to current billboard regulations and permitting procedures with multiple policy options dependent on desired outcomes.

Part 2. Background

Defining Billboards

A billboard may take many forms or formats. For the purpose of clarifying the subject of this study, the following section explains common terminology used in describing billboards. The term “billboard” comes from the act of posting paper “bills,” to a flat surface or panel and is now commonly applied to all off-premises outdoor advertising signs.¹ Per *Article 26, Section 26.6 – Definitions* of the Comprehensive Zoning Ordinance (CZO), a billboard is:

“A permanent sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises where the sign is located. A billboard is also called an outdoor general advertising sign.”

Billboards versus Signs

The CZO considers a billboard as a type of sign; however, its distinguishing characteristic is its *off-premises* location. A billboard is distinct from most of the other sign types called out in the zoning ordinance, the majority of which provide information regarding the location or premises on which they are located. Per the *Limitations on Items of Information for Permanent Signs* found in *Article 24, Section 24.7.G.5* of the CZO, “all signs on a lot shall be related to services offered on the premises.” This study does not examine policies related to *on-premises* signs, but is focused exclusively on off-premises billboards.

This study will use the common term, “billboard,” but other communities or jurisdictions use other terms when referring to billboards. Some of the commonly used terms include “off-premises advertising sign,” “outdoor general advertising sign,” and “changeable message/copy sign.” What this study commonly refers to as a “digital billboard” is also referred to as an “electronic changeable message/copy sign,” or an “electronic variable message sign.”



Figure 1. Example of an on-premises sign at Walgreens on Canal Street. This is not a billboard. (Source: G.H.K. Developments, Inc.)



Figure 2. Example of a billboard, or off-premises advertising sign, mounted to the roof of the Joy Theatre on Canal Street.

¹ Charles F. Floyd, [The Takings Clause in Billboard Control](#), 3 Wash. U. J. L. & Pol'y 357 (2000)

Billboards versus Murals

As defined in *Article 26, Section 26.6 – Definitions* of the CZO, a mural is “a work of art painted or otherwise applied to or affixed to an exterior wall surface that does not include any on- or off-premises commercial advertising.”² A billboard could be painted or affixed to a wall in a similar format to a mural. However, the distinction between a mural and a billboard is that a billboard contains some type of commercial advertisement. There is currently a painted “Zatarains” billboard on the side wall of a three-story building facing Poydras Street in the Central Business District. This display constitutes a billboard as they are currently defined in the CZO.



Figure 3. Example of a mural as defined by the CZO, which is painted on a blank façade of a building in the Central Business District. (Source: Brandan Odums)



Figure 4. Example of a billboard as defined by the CZO, which is painted upon a blank façade of a building in the Central Business District.

Billboard Size Descriptions

The billboard industry has a handful of standardized sign panel sizes which it uses for outdoor advertising. Today, the most widely used large billboard (used mostly along interstates) is called a “bulletin” and measures 14 feet by 48 feet (672 square feet). The industry does construct what is referred to a “super bulletin” which measures 20 feet by 60 feet (1,200 square feet). The next standard size is called a “poster” or a “30 sheet,” and typically measures 12 feet by 25 feet (300 square feet). Finally, the smallest type of billboard, what is commonly referred to as “junior poster” or an “8 sheet,” measures 6 feet by 12 feet (72 square feet).

² The City Planning Commission recently considered a text amendment (ZD011-19) to the CZO that would change the mural permitting process. The City Planning Commission recommended amending the definition of a mural to further emphasize the distinction between a mural and a sign.



Figure 5. Example of a "junior poster" or "8 sheet" billboard which typically measures 8' by 12'.



Figure 6. Example of a "poster" billboard which typically measures 12' by 25'.



Figure 7. Example of a "bulletin" billboard which typically measures 14' by 48'.



Figure 8. Example of a "super bulletin" billboard which typically measures 20' by 60'.

Billboard Components

A freestanding billboard is typically composed of a sign face on a support structure. The actual message or display, whether composed of paper bills, vinyl, or a digital frame (which is a complete, static display on a digital billboard), is referred to often as a "copy." There are a few billboards in New Orleans which utilize what's called a "tri-vision" display. This is a display type that uses a triangular louver construction which turns to display three different copies on a billboard within a timed sequence. Freestanding billboards in New Orleans are typically built with either monopole or I-beam

support structures. The support structures of roof-mounted billboards typically encompass a steel A-frame construction. Most of the billboards on monopoles contain two billboard panels in a “V-type” configuration. Many of the billboards supported by I-beams or A-frames are composed of two stacked sign panels, or “decked panels,” which are two advertising panels built one above the other, facing the same direction. For regulatory purposes, the City interprets each sign face or panel as one billboard.



Figure 9. Example of a billboard with static display and an I-beam support structure.



Figure 10. Example of a billboard with digital display with a monument-type support structure.



Figure 11. Example of a billboard with an A-frame support structure.



Figure 12. Example of billboards in V-type configuration with monopole support structure.

History

In the early 20th century, as more and more Americans began using automobiles, billboards sprung up along roadways and were often used to alert motorists of roadside restaurants, motor villages, travelers' motels, and even small rural towns' attractions.³ Early predecessors to the modern billboard assured travelers on foot or horseback knew the distance to nearby locales or services. As owning a car became a necessity rather than a luxury, more and more people could view billboards than ever before. Travelers came to expect and rely on billboards, while businesses found the advertising strategy very effective. The effectiveness of these advertisements led to creating an entirely new branch of the advertising industry as clients demanded newer and more attractive ads that would catch the eye and entice the traveler to stop and spend money.⁴

The American Superhighway system and Interstate Highway system catalyzed the billboard industry in the early 1960's. The 1965 Highway Beautification Act targeted the control or regulation of billboards as they gained popularity. Billboards were limited to commercial and industrial areas along interstate and federal-aid primary highways.⁵ This was the first effort to reduce the impact of billboards on heavily populated or residential communities. These regulations continued to be effective; a 1975 ad featuring the newly crowned Miss America on billboards across the country increased recognition of the pageant winner by 940 percent.⁶ This reinforced confidence in the power of outdoor advertising strategies.

States broadly adopted outdoor advertising regulations, modeled after standards outlined in the Highway Beautification Act. As variations on outdoor advertising options entered the market, state and local jurisdictions led the way in regulating these new forms of billboard technology. Some early combinations of billboards and technology in the 1990s led the way for the first digital billboard to be erected in 2005. Digital screens uniquely allowed advertisers to deliver video, creating an experience that reached an audience beyond standard demographics. Today's digital billboards not only give marketers a way to generate outdoor advertising that's easily modified and quickly displayed, but allow the audience to get multiple advertising messages as a digital billboard cycles through its ads.

New Orleans

The first billboards in New Orleans date back to the 1930's with the establishment of Industrial Signs, the city's first major sign company.⁷ By the 1950's there were at least three sign companies offering space for lease. Subsequent the enactment of the Highway Beautification Act of 1965, Louisiana developed its own state-run permitting process for billboards along state highways in 1972. All new billboards had to comply with the standards established in the 1965 Highway Beautification Act, and had to be permitted by the State before their construction began. Since federally subsidized roadways go through New Orleans, there was an overlap of jurisdictions. City and State agencies attempted to control the same signage elements of the billboards along the same corridors. In 1977, the City of New Orleans and the State of Louisiana drafted a unique agreement to address this overlap. The City was granted power of enforcement of the stricter state regulations along the interstate and federal-aid

³ History of Billboard Advertising, Capitol Outdoor, (accessed [online](#)).

⁴ Billboards: A History of Billboards, Lynn Hobbs, September 30, 2018, Effortless Outdoor Media, (accessed [online](#)).

⁵ President Lyndon Johnson signs the Highway Beautification Act, January 27, 2010, A&E Television Networks, (accessed [online](#)).

⁶ History of OOH, Out of Home Advertising Association of America, (accessed [online](#)).

⁷ The Billboard Study 1989, City Planning Commission, New Orleans, LA

primary highways and in addition could enforce City-specific regulations along those routes. This was meant to clarify that the City of New Orleans was the primary authority and enforcement power on sign regulations within its physical jurisdiction. By 1980, New Orleanians noted a significant increase in the quantity and coverage area of billboards. The billboard boom peaked between 1983 and 1985. In 1985, the Department of Safety & Permits began citing billboard companies for failing to comply with various regulations, including failing to have a permit.

1989 New Orleans Outdoor General Advertising Signs Study

In late 1986, the Louisiana Department of Transportation and Development detected numerous compliance problems along the Federal-Aid Primary (FAP) highways and notified the City that it needed to regain control of the situation, or relinquish their enforcement power over the FAP system back to the State. The City Council of the time adopted R-86-363, a resolution directing the City Planning Commission to conduct a study of the outdoor general advertising signs issue and to recommend appropriate solutions through appropriate permanent legislation. In January 1987, the Council voted unanimously to enact a one-year moratorium prohibiting the erection or alteration of any outdoor general advertising signs within Orleans Parish until the CPC was able to complete a comprehensive evaluation of the signage landscape.⁸

The study included a sign inventory as well as analysis and discussion of the problems created by billboards. The City Planning Commission's recommendations were oriented around the contemporary goal of increasing tourism and the preservation of the unique "wealth of aesthetic appeal." They determined that New Orleans is economically reliant upon the iconic image of the city, and that billboards create "visual blight," interrupting that image to the financial detriment of the city. The study provided examples of where billboards blocked or distracted from the "classic views" which people visualize when they think of New Orleans. Examples included:

- Hi-rise Bridge vicinity I-10 Westbound toward the CBD
- I-10 corridor eastbound, Carrollton to CBD looking toward the CBD
- Foot of Canal Street looking westward up Canal Street
- Tulane Avenue/Common Street looking in either direction
- Broad Avenue looking in either direction

The City Planning Commission conceded that visual advertising did have an important role in expanding tourism, but that future billboards would have to comply with design and location criteria, submit to regulations, and address any unforeseen sign problems. Upon further study, the City found that over 50% of the advertisements promoted products that caused major health/social problems, and that they target the economically disadvantaged.⁹

Former Comprehensive Zoning Ordinance

In 1992, the recommendation of Zoning Docket 90/92 resulted in a text amendment of the CZO to specify regulation on the size, height, spacing, placement, and permitted locations of billboards for

⁸ Ordinance 11,611 M.C.S.

⁹ Outdoor General Advertising Signs Study Executive Summary

the benefit of the general welfare and public safety. Members of the City Council were in favor of an outright ban on billboards, and planners stated that a ban was warranted based on trends of other American cities and the outcry from the general public. However, despite overwhelming public support, there was insufficient political support. Many of the specifications put in place at the time remain the standard today. The regulations in the 1992 ordinance prohibited billboards within 1000 feet of aesthetically sensitive areas of design vistas. Further, this ordinance capped the number of billboard structures at 985, as this was the total number in existence as of November 19, 1992.¹⁰

The 1992 amendment to the CZO also included the following stipulations: (1) a prohibition within 200 feet of the right-of-way lines of any limited access highway, including expressways, as established by the officially adopted Major Street Plan of the City of New Orleans. (2) Prohibition within 200 feet from any portion of any grade separation, including the approaches thereto, constructed or to be constructed in conjunction with the grade separation plan of the Union Passenger Terminal Program of the City of New Orleans. (3) Prohibition within 200 feet on the same side of the street of any residential zoning district. (4) Prohibition within 200 feet of the right-of-way lines of, and any location east of Paris Road. (5) Billboards were prohibited within 1,000 feet of aesthetically sensitive areas or design vistas which were primarily of the New Orleans Central Business District and French Quarter.¹¹

Council Actions Allow Exceptions from Regulation

Despite stringent regulations put in place in 1992 to prevent the unmitigated proliferation of billboards, several new billboards were allowed through the granting of appeals by the City Council. Between 1999 and 2015, the City Council permitted 25 new billboards in otherwise prohibited areas against the recommendations of the City Planning Commission. These appeals were granted to several prominent billboard companies. These new signs were erected in zoning districts including LI Light Industrial, HI Heavy Industrial, CBD-2 Central Business District, B-1 Neighborhood Business, and C-1 General Commercial Districts. The adoption of the new CZO in 2015 removed the special appeals process for billboards via the City Council. Instead, any appeals of the design standards of the new CZO must be considered as variances and approved by the Board of Zoning Adjustments. There have been a couple of billboard variance applications submitted since the adoption of the new CZO, but for distinct reasons, both requests were withdrawn.

¹⁰ Ordinance No. 18,296 M.C.S.

¹¹ *Article 2* of the former CZO defined aesthetically sensitive areas as follows: "Any geographical area, either publicly or privately owned, in the City of New Orleans which contains or displays distinctive, unusual or historic visual elements exemplary of, and/or peculiar to New Orleans. The aesthetics of such an area could be adversely affected if views of it were obscured, obstructed or altered in an adverse manner by the visual elements of a use, activity, building or structure being constructed, placed or positioned near it."

Table 1. Summary of Billboard Appeals Granted by New Orleans City Council (1999 – 2015)

Docket Number	Request	CPC Recommendation	Council Decision
DR 058-99	Waiver of the distance requirement, 1000 foot spacing, and prohibition within a design vista, to permit the installation of a general advertising sign at 1140 Baronne Street.	Denial	Overruled; appeal granted
DR 056-01	Appeal of prohibition within design vistas, and waivers of 1000 foot spacing, 200 foot setback to permit the installation of a general advertising sign at 1001 Loyola Avenue.	Denial	Overruled; appeal granted
DR 011-02	Appeal to permit the installation of a new billboard in Westbank Approach Design Vista	Denial	Overruled; appeal granted
DR 026-02	Appeal to permit the installation of a new billboard in a design vista.	Denial	Overruled; appeal granted
DR 001-03	Appeal to permit a new billboard with waiver of 500 foot spacing and adjacent to Interstate 10 in a portion of accessory parking lot for a former grocery store.	Denial	Overruled; appeal granted
DR 131-03	Appeal to permit a new billboard adjacent to the Westbank approach of the Crescent City Connection.	Denial	Overruled; appeal granted
DR 010-04	Appeal to permit a new billboard in an HI-Heavy Industrial site within the right-of-way of S. Jefferson Davis Parkway.	Denial	Overruled; appeal granted
DR 011-04	Appeal to permit new billboard in an HI-Heavy Industrial site within the right-of-way of S. Broad Street.	Denial	Overruled; appeal granted
DR 012-04	Appeal to permit a new billboard in an LI-Light Industrial site, bounded Railroad Right-of-way.	Denial	Overruled; appeal granted
DR 032-04	Appeal to permit a new billboard adjacent to the Interstate 10 on-ramp in an LI-Light Industrial District.	Denial	Overruled; appeal granted
DR 064-04	Waiver of the distance requirement prohibiting signs within 200 feet of the roadway, of 1000 foot spacing, and prohibition within Design Vista, to permit the installation of a billboard in an HI Heavy Industrial District.	Denial	Overruled; appeal granted
DR 095-05	Appeal to permit the installation of a new billboard adjacent to the Pontchartrain Expressway.	Denial	Overruled; appeal granted
DR 100-05	Appeal to permit the installation of a billboard on a vacant lot, located in an HI-Heavy Industrial District.	Denial	Overruled; appeal granted
DR 141-05	Appeal to permit a new billboard adjacent to Interstate 10 at Elysian Fields Avenue.	Denial	Overruled; appeal granted
DR 142-05	Appeal to permit the installation of a new billboard adjacent to Interstate 10 at St. Bernard Avenue.	Denial	Overruled; appeal granted
DR 050-09	Appeal to permit the installation of a new billboard adjacent to Interstate Highway 10, in HI-Heavy Industrial District.	Denial	Overruled; appeal granted
DR 129-09	Appeal to permit the installation of a new billboard adjacent to Interstate Highway 10 in Design Vistas and Aesthetically Sensitive Areas.	Denial	Overruled; appeal granted
DR 130-09	Appeal to permit the installation of a new billboard adjacent to Interstate Highway 10 in Design Vistas and Aesthetically Sensitive Areas.	Denial	Overruled; appeal granted
ZD 036-09	Permit a non-accessory parking lot and the restoration of a billboard in CDB-2 District.	Denial	Overruled; appeal granted
ZD 127-09	Zoning Change to permit the installation of a billboard.	Denial	Overruled; appeal granted
DR 157-14	Appeal to permit a new billboard in an LI district.	Denial	Overruled; appeal granted
DR 050-15	Appeal to permit a billboard in an HI district	Denial	Overruled; appeal granted

Introduction of Digital Technology

The City did not adopt any specific regulations regarding the permission or prohibition of digital billboards until 2015 with the adoption of the new CZO. As many billboard companies sought to digitize sign faces with LED panels, many existing billboards were converted to digital displays from the early 2000s and on. The Department of Safety and Permits permitted digital billboards in the same manner as static billboards. From 2007 to present, the CPC staff counted 35 permits issued for the conversion or installation of LED billboards.¹²

Some nonconforming billboards have been permitted to digitize in error. Two specifically include the digital billboard at 1000 Poydras Street and the digital billboard at 2735 Tulane Avenue. The former was issued in error, but the latter was mistakenly permitted as an attached sign and not as a billboard. The fact that these billboards were permitted in error contributes to the expansion of billboards which undermines the intent of the regulatory provisions put in place in 1992. It should also be noted that one 2016 permit denial by the Department of Safety and Permits was overturned by the Board of Zoning Adjustments. It was determined by the Department of Safety and Permits that this billboard could not be converted to a digital display because it was 1000 feet from another digital billboard. The billboard owner appealed this decision by the Director of Safety and Permits, and the Board of Zoning Adjustments granted the appeal. The appellant's argument was that the CZO allows one billboard per 1000 linear feet on either side of the roadway, and while another billboard was within 1000 feet (measured radially) of the proposed billboard, it was not located on the same roadway. The Board of Zoning Adjustments voted in favor of the appellant's argument, and overturned the decision of the Director of the Safety and Permits.

Adoption of Current Regulations

Billboard standards were not substantially changed with the adoption of the new CZO. However, the new CZO was adopted with provisions for digital billboards, or "electronic billboards," which were not defined in the former CZO. With the adoption of the new CZO in 2015, many former industrial districts have been rezoned to mixed-use districts, and many locations along major streets have been designated as design review overlay districts. These zoning changes have impacted the number of locations where billboards are allowed as a permitted use. During the development process of the new CZO, City Planning Commission staff had meetings with the billboard industry to discuss changes to the former regulations, including discussions around incorporating newer billboard technologies such as digital billboards. Because of the extensiveness of all of various land use policy changes incorporated into the adoption of the new CZO, planners and stakeholders agreed that CZO regulations related to billboards would not be substantially changed from the former CZO. However, the parties acknowledged that reconsideration of the regulations should take place after adoption of the CZO.

¹² In 2013, the Director of the Department of Safety and Permits issued Zoning Interpretation Memorandum Z-13-04 which stipulated that no permits could be issued for the conversion of legally nonconforming static billboards to digital billboards when the billboard was nonconforming as to use (i.e., the billboard is located in a zoning district where such use is prohibited). On the other hand, the Director indicated that static billboards which were nonconforming in terms of their spatial characteristics, but not in terms of their use (i.e., the billboard was located in one of the four zoning districts where billboards were a permitted use), could be converted to digital display technologies irrespective of their spatial nonconformities.

Part 3. Current Regulations

Federal Regulations

HIGHWAY BEAUTIFICATION ACT

The federal regulation of billboards is guided by the Highway Beautification Act. The Act was adopted in 1965 and placed controls on outdoor advertising (as well as junkyards) along federally funded highways. The Act created *Section 131 of Title 23 – Highways* of the U.S. Code. This legislation, spearheaded by Lady Bird Johnson, was intended to “promote the safety and recreational value of public travel and preserve natural beauty” along the country’s newly developing highway system.¹³ The Highway Beautification Act required that states receiving federal highway dollars adopt “effective control” of the erection and maintenance of outdoor advertising signs along the Interstate System as well as the Federal-Aid Primary Highway System.¹⁴ A state that did not adopt such controls would lose 10 percent of its federal highway funds. States were to enter into an agreement with the Secretary of Transportation outlining such control measures.¹⁵ These agreements are commonly referred to as federal-state agreements, or FSAs.

Per *Title 23* of the U.S. Code, these outdoor advertising controls shall be applicable in the areas within 660 feet of the nearest edge of the interstate or highway.¹⁶ A subsequent amendment, adopted in 1968, allows control in rural areas to exceed 660 feet, and extend to all signs constructed as to be visible from the interstate or highway.¹⁷ *Title 23* also stipulates that outdoor off-premises advertising signs shall be permitted in urban areas “zoned industrial or commercial under authority of State law,” and grants states the authority to regulate their size, spacing, and lighting of outdoor advertising signs.¹⁸ There are no federal standards for size and spacing limitations; however, in the late 1960s, after the passage of the Highway Beautification Act, the Federal Highway Administration in coordination with the Outdoor Advertising Association of America developed a “model State-Federal Agreement” with a maximum size limitation of 1,200 square feet, and spacing requirements defined as every 500 feet for interstates, every 300 feet for primary systems, and every 100 feet for primary systems within municipalities. Many states adopted standards within their statutes based on this model.¹⁹ The U.S. Code also explicitly articulates that states may also impose more stringent limitations than those of *Title 23* with respect to signs, displays, and devices on Federal-Aid Primary System roads.²⁰ The agreement, or FSA, established between the State of Louisiana and the United States is described in the next section of this report.

¹³ The Highway Beautification Act of 1965 was preceded by what is known as the “Bonus Law” of the Federal Aid Highway Act of 1958. The Bonus Law entitled states additional federal highway funds if they voluntarily adopted advertising controls. However, the Highway Beautification Act of 1965 effectively mandated states to control outdoor advertising.

¹⁴ The Federal-Aid Primary System includes most US-numbered and some state-numbered highways.

¹⁵ 23 U.S.C. § 131(a)

¹⁶ 23 U.S.C. § 131(c)

¹⁷ Floyd, Charles F. Billboard Control under the Highway Beautification Act – A Failure of Land Use Controls. APA Journal. April, 1979.

¹⁸ 23 U.S.C. § 131(d)

¹⁹ Floyd, Charles F. Billboard Control under the Highway Beautification Act – A Failure of Land Use Controls. APA Journal. April, 1979.

²⁰ 23 U.S.C. § 131(k)

In addition to the controls mentioned above, the Highway Beautification Act also required that any lawfully existing billboard (existing on or before September 1, 1965) which did not conform to the new law to be removed by July 1, 1970, or within five years. The Act also required a payment of “just compensation” for the removal of existing non-conforming billboards, with a federal share consisting of 75 percent and the remaining 25 percent being the responsibility of the state.²¹ A 1978 amendment to the legislation extended the compensation provision to local governments by requiring cash compensation in any instance where a billboard is to be removed within the applicable area, “whether or not removed pursuant to or because of” the Highway Beautification Act. The amendment effectively, though not directly, barred local governments from using amortization as a means to remove non-conforming billboards along federal roads within their jurisdictions. The Federal Highway Administration’s Outdoor Advertising Control Guide defines just compensation as “an amount paid for the rights and interests for the sign and site owner based on a fair market value estimate.”²²

DIGITAL BILLBOARDS

The U.S. Code does not expressly govern the type of media format used for outdoor advertising. However, many of the federal-state agreements adopted in the late 1960s and early 1970s included language prohibiting the use of “intermittent,” “flashing,” or “moving” lights.²³ In response to multiple requests by different states to modify their FSAs to provide for the use of digital outdoor advertising signs, and in order to provide clarification to the multiple Federal Highway Administration Division Offices reviewing these agreements, the Federal Highway Administration (FHWA) issued a memorandum in 2007 entitled, *Guidance on Off-Premise Changeable Message Signs*. The memo provided an interpretation, indicating that digital billboards (also termed as “off-premise changeable electronic variable message signs”), would not violate such prohibitions against intermittent, flashing, or moving lights, and could be deemed permissible for conforming advertising signs, provided they were also consistent with the FSA as well as state regulations, policies, and procedures.

The 2007 FHWA memo also provides the following recommendations with regard to the duration of message, transition time, brightness, spacing, and location of digital billboards. These recommendations were based on consultations with other FHWA Division Offices and surveys of other states that had allowed digital billboards:

- *Duration of Message*
 - 8 seconds
- *Transition Time*
 - 1-2 seconds is recommended
- *Brightness*
 - Adjust brightness in response to changes in light levels so that the signs are not unreasonably bright for the safety of the motoring public

²¹ 23 U.S.C. § 131(g)

²² FHWA, An Outdoor Advertising Control Language Guide, January, 2006.

²³ U.S. Department of Transportation Federal Highway Administration, Guidance on Off-Premise Changeable Message Signs, September 25, 2007, (accessed [online](#)).

- *Spacing*
 - Spacing between such signs not less than minimum spacing requirements for signs under the FSA, or greater if determined appropriate to ensure the safety of the motoring public
- *Locations*
 - Locations where allowed for signs under the FSA except such locations where determined inappropriate to ensure safety of the motoring public
- *Other Standards*
 - A default designed to freeze a display in one still position if a malfunction occurs
 - A process for modifying displays and lighting levels where directed by the State DOT to assure safety of the motoring public
 - Requirements that a display contain static messages without movement such as animation, flashing, scrolling, intermittent or full-motion video

The 2007 FHWA memorandum was predicated on an earlier 1996 memorandum from the Office of Real Estate Services which addressed tri-vision billboards. The 1996 memo noted that the technological changes in signs in the 20 or so years since the original adoption of many FSAs, “require the State and the FHWA to interpret agreements with those changes in mind.” It further stated that changeable message signs, “regardless of type of technology used,” are permitted if the interpretation of the FSA allowed. The 2007 FHWA memo concluded that the 1996 memo “was premised upon the concept that changeable messages that were fixed for a reasonable time period do not constitute a moving sign,” and therefore, digital billboards that have stationary messages for reasonable fixed time periods could be considered similarly as other stationary signs.²⁴

Louisiana State Regulations

STANDARDS PER THE LOUISIANA REVISED STATUTES

In accordance with the Highway Beautification Act, the Louisiana Legislature adopted billboard regulations in 1966. The laws are found within *Section 461 of Title 48 Roads, Bridges and Ferries* of the Louisiana Revised Statutes. The State of Louisiana also entered into an agreement with the United States government on January 31, 1972 as dictated by the Highway Beautification Act.²⁵ The following laws only apply to those billboards within 660 feet of those rights-of-way within the Interstate or Federal-Aid Primary (FAP) systems. *Section 461.4* of the Louisiana Revised Statutes outline the following standards for billboards²⁶:

- *Lighting*
 - No revolving or rotating beacon of light
 - No flashing red, green, or amber devices
 - Externally illuminated signs shall be effectively shielded

²⁴ In the opinion published in *Scenic America Inc. v. Dept. of Transportation et. al.* (2014), the federal judge references a 1990 FHWA memo which includes a different stance on electronic variable message signs, stating that such signs must be considered illegal.

²⁵ A copy of the state-federal agreement is attached in the Appendices of this document.

²⁶ Senate Bill No. 211, introduced in the early April 2019 just prior to the release of this study, may impact the laws pertaining to billboards on state highways. The bill proposes a moratorium on all outdoor advertising signs to take effect July 1, 2019. This bill was just introduced and has not yet been assigned to a Senate Committee.

- *Size*
 - Maximum 1200 square feet (all dimensions include border and trim, but exclude supports)
 - Maximum height is 60 feet from ground level or from main travel way, if elevated
- *Spacing*
 - Billboard structures facing in the same direction shall be spaced a minimum 150 feet apart (unless separated by a building, structure, or roadway)²⁷
 - Billboards along interstate (on the same side) shall be spaced a minimum 1000 feet apart
- *Permitted Areas*
 - Allowed in commercial or industrial zoned areas
 - Allowed in unzoned areas if within 1000 feet of commercial or industrial activity
- *Other*
 - Signs shall conform to all applicable building codes and ordinances

Compensation for Removal of Nonconforming Billboards

In accordance with the federal Highway Beautification Act, the removal of legally nonconforming billboards require payment or “just compensation.”²⁸ The Louisiana Revised Statutes outline laws pertaining to this payment. The payment is required to be a cash payment, as opposed to amortization for any period, and the payment is only for “the taking from the owner of such sign, display, or device of all right, title, lease and interest in such sign, display, or device; and the taking from the owner of the land on which the sign, display, and device is located of the right to erect and maintain such signs, displays, and devices thereon.”²⁹ The law also states that the “cost of relocation may be considered a factor for purposes of determining just compensation,” and that if any of the state’s political subdivisions remove any lawfully erected off-premises advertising signs just compensation shall be paid as described per State law.³⁰

STANDARDS PER THE LOUISIANA ADMINISTRATIVE CODE

The Louisiana Administrative Code outlines additional rules adopted by each state agency subject to the Louisiana Administrative Procedure Act. The Louisiana Department of Transportation and Development is authorized to promulgate rules related to off-premises outdoor advertising.³¹ The Code’s regulations for billboards are found in *Title 70 Transportation, Part III Outdoor Advertising, Subchapter C Regulations for Control of Outdoor Advertising*. The rules include additional definitions to provide further clarification in interpretation as well as additional standards and procedures for obtaining permits. The rules provide the following definitions for “sign,” “illegal sign,” and “legal nonconforming sign.”

- *Sign*
“Any outdoor sign, light, display, figure, painting, drawing, message, placard, poster, billboard or other device which is designed, intended or used to advertise or inform, and any part of

²⁷ The Louisiana Administrative Code states that the minimum spacing for billboards along non-interstate routes must be 500 feet if on a freeway and 100 feet on a non-freeway, which differs from the Louisiana Revised Statutes.

²⁸ 23 U.S.C. § 131(g)

²⁹ L.R.S 48: §461.6.A(2)

³⁰ L.R.S 48: §461.6.A(4-5)

³¹ Per L.R.S 48: §461.3.A

the advertising or informative content which is visible from any place on the main-traveled way of the Interstate or Federal Aid Primary Highway System, whether the same be a permanent or portable installation."

- *Illegal Sign*
"One which was erected and/or maintained in violation of state law or local law or ordinance."
- *Legal Nonconforming Sign*
"An outdoor advertising sign which when permitted by the department met all legal requirements, but does not meet current requirements of law."

In addition, the Louisiana Administrative Code further defines what the Revised Statutes call "commercial or industrial areas," which are the areas along interstates and highways where billboards are permitted. The Code also prohibits billboards in areas which were rezoned or granted variances exclusively in order to permit the billboard, and it provides guidance to determine whether a zoning action, past or present, is an attempt to circumvent outdoor advertising laws. The definition for "areas zoned commercial or industrial" is as follows.

- *Areas Zoned Commercial and Industrial*
"Those areas in a comprehensively zoned political subdivision set aside for commercial or industrial use pursuant to the state or local zoning regulations, but shall not include areas which reflect strip zoning, spot zoning or variances granted by the local political subdivisions strictly for outdoor advertising."

Digital Billboards

While the Louisiana Revised Statutes do not contain regulations regarding digital billboards, the Louisiana Administrative Code states that digital billboards (termed in the Code as "off-premises changeable message signs") are permitted, and are subject to standards summarized below. However, existing nonconforming billboards are not permitted to update to digital technology.

- Each message must remain stationary for a minimum of 8 seconds
- Message changes must be accomplished within 4 seconds
- Message must be accomplished in such a manner that there is no appearance of movement of the message or copy during the change
- Digital billboards may not contain flashing, intermittent or moving lights
- Use of digital technology is limited to conforming signs only
- Application of digital technology to nonconforming signs is prohibited
- Digital displays must include a default design that will freeze the sign in one position if a malfunction occurs
- Use of animated, scrolling or full motion video displays prohibited
- On stacked sign structures, changeable message signs only allowed one per side
- Changeable message signs not to exceed 672 square feet

Procedures for Obtaining Permits

Applicants for an outdoor advertising permit are required to execute an application form furnished by the Louisiana Department of Transportation and Development and forward the application form to the district office of the Louisiana Department of Transportation and Development situated within the

highway district where said sign is to be located. Every applicant is to provide evidence of the restrictive zoning (either commercial or industrial) of the subject land on the a zoning supplement form which is completed by the local authority, or in the case of Orleans Parish by the Zoning Division of the Department of Safety and Permits. If issued a permit, the applicant has 12 months to build the billboard, or the permit becomes void. The State does not issue permits to billboard operators who have any outstanding violations.

Appeals for any denied permit or violation notification can be made to what is called the "Permit Review Committee." The Permit Review Committee shall be composed of representatives of the following divisions within the Department of Transportation and Development: Traffic Services and/or Maintenance Division, Legal Division, Office of District Traffic Operation Engineer (office of particular district in which the sign is located) (nonvoting), Traffic Engineering or their designated representative. The committee, pursuant to a majority vote, may arbitrate and resolve disputes which arise during the permit process and grant or deny relief to petitioning permittees. The permittee shall bring his complaint before the permit review committee no later than 30 days after notification to remove the illegal sign, or no later than 30 days after receipt of a permit denial, whichever is applicable, in order to receive a permit review.

COOPERATIVE ENDEAVOR AGREEMENT WITH THE CITY OF NEW ORLEANS

In 1977, the State of Louisiana and the City of New Orleans signed an agreement regarding the City of New Orleans assuming control of outdoor advertising within its city limits in accordance with the Highway Beautification Act of 1965. The agreement was executed by the Mayor of New Orleans at the time, Moon Landrieu, and the Secretary of the Louisiana Department of Transportation and Development (LADOTD). The agreement stated that the City of New Orleans shall "regulate and control the erection and maintenance of outdoor advertising within its jurisdictional limits in conformance with its ordinances and regulations." It also stated that the LADOTD would reassume control of outdoor advertising along the Interstate and Federal Aid Primary Systems if the City is "not maintaining effective control." While the LADOTD confronted the City regarding its failure to effectively control outdoor advertising in the mid-1980s, the City's subsequent study and regulatory actions prevented the State from terminating the agreement. Though this cooperative endeavor agreement has not been terminated, the State continues to issue permits for billboards within its jurisdiction. As described in the following sections, the State requires documentation from the City confirming a proposed billboard's compliance with local regulations. However, there have been some recently constructed digital billboards which were not permitted by the City, but obtained permits from the State via appeal to the Permit Review Committee.

TAXATION

For taxation purposes, billboards in Louisiana are considered personal property as opposed to real property. Billboards in most other states are also taxed as personal property. As defined in the Louisiana Revised Statutes, "personal property shall mean tangible property that is capable of being moved or removed from real property without substantial damage to the property itself or the real property from which it is capable of being removed."

Personal property, per State law is to be reappraised and reassessed every year. Each year, a billboard advertising business is to submit a personal property report to the Orleans Parish Assessor's Office by

the first of April. The Assessor's Office will establish the fair market value of the billboard property and its taxable assessment. In addition, the Louisiana Tax Commission, in its Rules and Regulations, states that the Assessor's Office is also to factor in an average economic life for billboards of 15 years.³² Billboards are taxed at 15 percent of the assessed value. Most billboard companies operating in New Orleans currently submit a personal property form for the total of their inventory, as opposed to a form for each billboard.

Table 2. Taxable Assessment of Billboard Property per Billboard Operator

Billboard Company	Taxable Assessment*
Lamar Advertising	\$418,520
Outfront Media	\$303,440
Pelican Advertising	\$147,520
Creative LA	\$13,900

*2018 or 2019 Assessment per the Orleans Parish Assessor's Office

The CPC staff found the tax assessment records for four of six identified billboard operators in New Orleans from 2018 or 2019, depending on if the 2019 assessment had been completed at the time. See Table 2. The staff found that although Outfront Media contains the largest proportion of billboards within Orleans Parish, their taxable assessment is not of the same proportion – indicating the depreciation and limited value of their billboard stock.

Local Regulations

Local regulations for billboards exist within both the Comprehensive Zoning Ordinance and the City Code. The specific permitting requirements and development standards are explained in the following pages.

CZO REQUIREMENTS

The existing billboard regulations are housed in *Article 24 – Signs* of the CZO under *Section 24.14 – Billboards*. Billboards, both static and digital, are currently permitted in only four of the City's zoning districts: the C-2 Auto-Oriented Commercial District, the C-3 Heavy Commercial District, LI Light Industrial District, and the HI Heavy Industrial District. Billboards are also subject to spacing standards similar to the State requirements; billboards along interstates and freeways are to be spaced a minimum of 1000 feet apart (on the same side); along non-freeway roads, billboards are required to be spaced a minimum of 1000 feet apart in the LI and HI Districts and 500 feet apart in the C-2 and C-3 Districts.

Prohibited Locations

Billboards are further restricted by several buffer criteria per *Article 24, Section 24.14.B.2 – Prohibited Locations*. Some of these prohibited locations include sites within design overlay districts, within 500 feet of a residential district as well as within certain portions of certain transportation corridors, among a few others which are detailed below. *Article 24, Section 24.14.B.2 – Prohibited Locations* reads as follows.

³² Rules and Regulations for the Louisiana Tax Commission, 2008, (accessed [online](#)).

"No billboard may be erected, constructed, altered, maintained, or relocated within the following area:

- a) Within five-hundred (500) front feet of any residential zoning district on the same side of the street.*
- b) Within any design review corridor identified in Article 18.*
- c) Within all views of the Vieux Carré and St. Louis Cathedral from both sides of the Mississippi River.*
- d) Within the Mississippi River corridor, interpreted as views from any point on the river.*
- e) St. Claude Avenue and North Robertson Street westbound, from Deslonde Street to Poland Avenue, and Clouet Street to Franklin Avenue (all views along riverside of roadway).*
- f) Franklin Avenue southbound, at all grade separations (all views along southwestern side of roadway).*
- g) Loyola Avenue traveling downtown between Simon Bolivar and Poydras Street.*
- h) Tchoupitoulas Street, Camp Street, Carondelet Street, Oretha Castle Haley Boulevard/O'Keefe Avenue traveling downtown between Martin Luther King, Jr. Boulevard/Melpomene.*
- i) Orleans Avenue/Basin Street traveling uptown between Claiborne Avenue and Canal Street.*
- j) The eastbound Airline Highway/Tulane Avenue approach from the Jefferson Parish line to Carrollton Avenue.*
- k) The eastbound Earhart Expressway approach between the Jefferson Parish line and the CBD.*
- l) The eastbound I-10 approach between the high-rise bridge and the Pontchartrain Expressway interchange.*
- m) The westbank approach to the Crescent City Connection and the Pontchartrain Expressway from the DeGaulle entrance ramp to the Claiborne Avenue/I-10 interchange."*

In terms of interpretation, both prohibited locations (a) and (b) within the ordinance are relatively easy to identify within the zoning map. The other prohibited locations, including (c) through (m), are difficult to assess as they include views of specific sites, and views/vistas in distinct directions from certain lengths of roadways. Map 1 on the following page shows the specific lots within the city where billboards would be permitted on private property under the current regulations, taking into account base zoning as well as the additional prohibited locations of *Section 24.14.B.2(a)* and *Section 24.14.B.2(b)* of the CZO. To the best of staff's ability, parcels within the prohibited view sheds were also omitted based on Google Street-view images. However, Map 1 does not assess the spacing between existing billboards in these districts which would further impact the locations where billboards may be permitted. Map 2 illustrates the prohibited locations as outlined in to *Section 24.14.B.2* of the CZO. Map 2 does not reflect recent interpretations of the Department of Safety and Permits.

Parcels

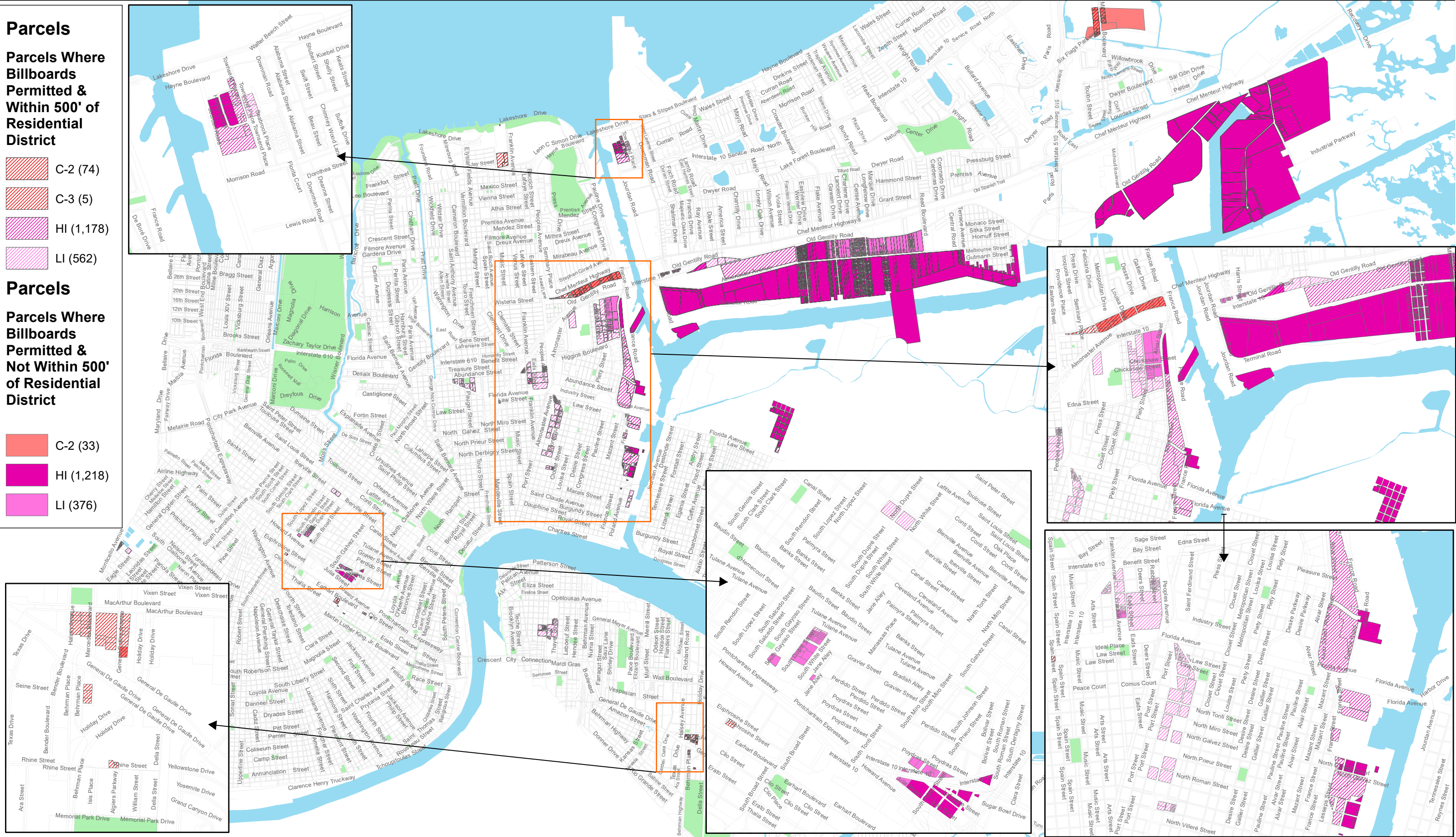
Parcels Where Billboards Permitted & Within 500' of Residential District

- C-2 (74)
- C-3 (5)
- HI (1,178)
- LI (562)

Parcels

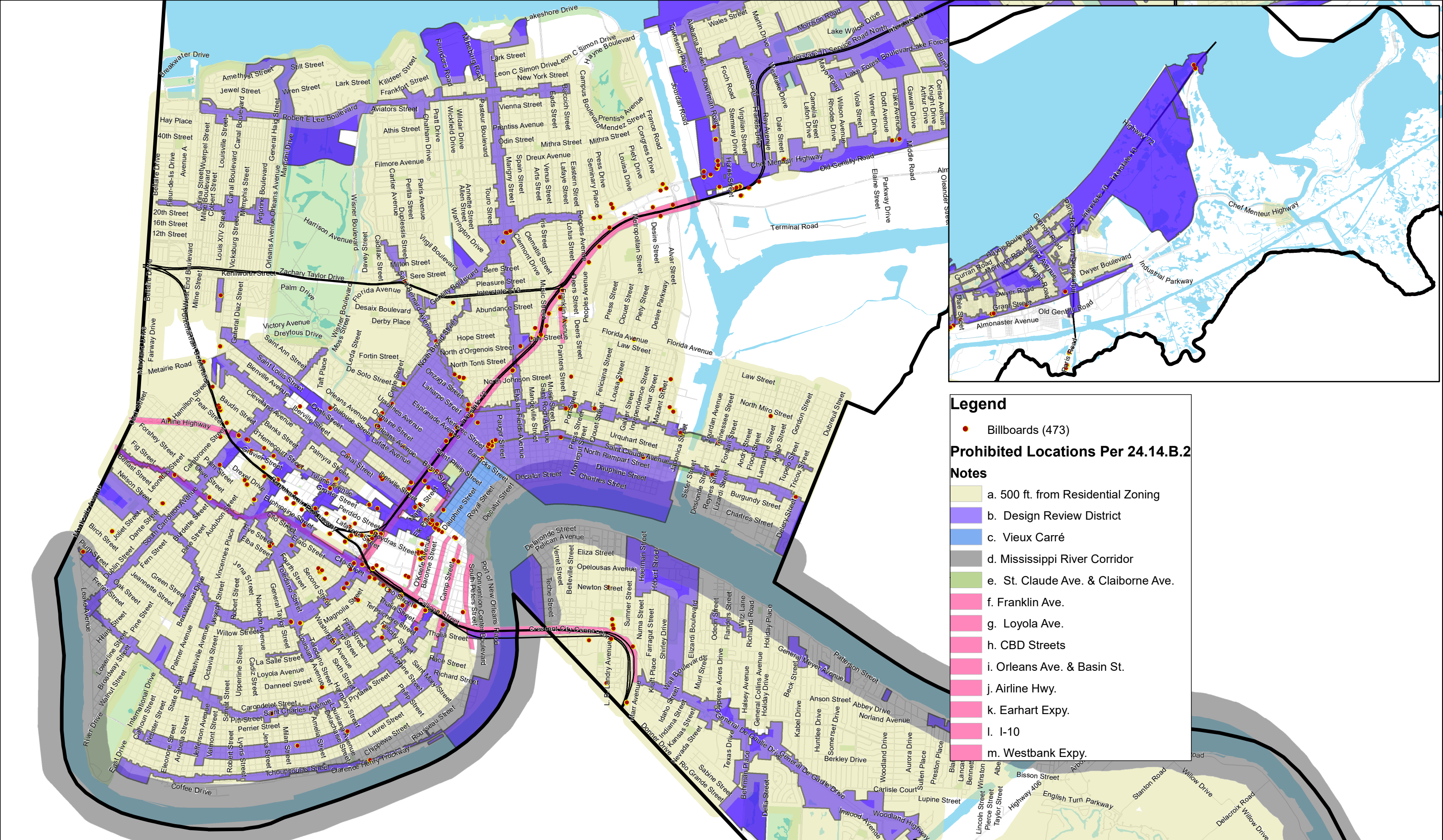
Parcels Where Billboards Permitted & Not Within 500' of Residential District

- C-2 (33)
- HI (1,218)
- LI (376)



Map 1. Parcels Where Billboards Are Permitted

DISCLAIMER: This map was created by The City of New Orleans; City Planning Commission from The City of New Orleans Enterprise Geodatabase and was compiled from the most authentic information available. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. The City is not responsible for any errors or omissions contained herein.
Date 03/28/2019



**Map 2. Billboard Prohibited Locations
per CZO Section 24.14.B.2**

DISCLAIMER: This map was created by The City of New Orleans; City Planning Commission from The City of New Orleans Enterprise Geodatabase and was compiled from the most authentic information available. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. The City is not responsible for any errors or omissions contained herein. Date: 4/1/2019

Development Standards

Development standards for billboards are outlined in Article 24, Section 24.14.C of the CZO. Application for variances of these standards can be submitted to the Board of Zoning Adjustments in accordance with their decision process. The following list summarizes the existing development standards outlined in CZO, including standards for height, sign area, spacing, and setbacks.

- *Maximum Height*
 - Maximum height is 25 feet from ground, or from roadbed crown to the tallest projection of the structure if adjacent to grade separated/elevated roadways³³
- *Maximum Size*
 - Maximum 672 square feet of advertising surface³⁴
- *Minimum Spacing*
 - All billboards (on the same side of street) shall be spaced a minimum 1000 feet apart³⁵
- *Minimum Setback*
 - Minimum 5 feet from all property lines
- *Other*
 - No billboard may have audio speakers or any audio component

Digital Billboards

Digital billboards, or “electronic billboards” as they are referred to in the CZO, are allowed in the same permitted areas as traditional static billboards.³⁶ They are also prohibited in the same areas as traditional static billboards. Digital billboards are subject to additional standards per *Article 24, Section 24.14.C.5* of the CZO as summarized below.

- *Duration of Message*
 - Minimum 8 seconds
- *Digital Display*
 - Must be static image
 - Animation, streaming video, and images that move or give the appearance of movement are prohibited
- *Brightness*
 - Maximum illumination of 6000 nits during daylight hours
 - Maximum illumination of 500 nits between dusk and dawn
 - No illumination may glare into any residential premises or interfere with the safe movement of motor vehicles on public thoroughfares
 - Must have ambient light monitors, which automatically adjust the brightness level of the digital billboard based on ambient light conditions

³³ Prior to the adoption of the new CZO in 2015, the maximum height allowance was 75 feet for a billboard in the LI or HI Districts.

³⁴ Prior to the adoption of the new CZO in 2015, the maximum size allowance was 1200 square feet for a billboard in the LI or HI Districts.

³⁵ This standard, since it is most restrictive, nullifies another standard within *Article 24* which allows billboard spacing to be a minimum of 500 feet along non-freeway or non-interstate roads.

³⁶ The CZO currently distinguishes between an “electronic billboard” and “electronic message signs and electronic display screen signs” which are expressly prohibited per *Article 24, Section 24.8.C* of the CZO.

- *Minimum Spacing*
 - Digital billboards (on the both sides of street) shall be spaced a minimum 1000 feet apart from other digital billboards
- *Permitted Locations*
 - Only 1 digital billboard is permitted per lot
- *Conversion*
 - No nonconforming billboard may be converted to an electronic billboard

Because billboards are prohibited in most locations, the conversion of most existing traditional static billboards to an electronic or digital billboard would be an expansion of a nonconforming sign which is prohibited per the standards for electronic billboards outlined in *Article 24, Section 24.14.C.5* as well as per *Article 25, Section 25.2.A – General Rule*, which says “no land or structure may be used, and no structure, or part thereof, may be erected, reconstructed, converted, moved, or structurally altered unless in conformity with regulations as set forth in this Ordinance, unless specifically allowed by this Article.”

Posting of Certain Data

Article 24, Section 24.7.H of the CZO requires all signs to post the date of erection, the sign permit number, and the voltage of any electrical apparatus used in connection with the sign either painted on the sign or by a metallic sticker applied to the sign. A similar standard is outlined for billboards in *Section 24.14.A.3* which states:

“Each billboard shall be clearly and permanently marked with the correct permit number and name of the person(s), firm(s) or owner(s) of the sign(s). Each sign face is required to display a nameplate and a sign permit identification plate.”

Other Regulations

There are currently other regulations within *Article 24 Signs* of the CZO which impact outdoor advertising. Under the list of prohibited signs in *Article 24, Section 24.8* of the CZO are both temporary off-premises signs and rooftop signs. Currently, billboards of a temporary nature are not permitted. There are several existing billboards within New Orleans which are roof-mounted, and because of the current prohibitions, are nonconforming. Another requirement, which is outlined in *Article 24, Section 24.14.E* of the CZO, requires owners of billboards to submit an annual inventory of their billboards to the Department of Safety and Permits so to “maintain control over such signs in New Orleans.” The inventory is to include: a site plan showing the location of the billboard with GPS coordinates, a photograph of the billboard, a description of the size and type of billboard, and all contact information for the owner of such billboard, along with all requirements of the billboard permit.

CITY CODE REQUIREMENTS

Chapter 134 of the New Orleans City Code of Ordinances outlines the regulations for billboards and signs in regards to annual registration requirements, fees, maintenance, enforcement, permitted locations for billboards and the appeal process.

Annual Registration & Fees

Chapter 134, Section 134-85 requires that all sign companies who do business within Orleans Parish register annually with the Department of Safety and Permits. At the time of this report, four (4) billboard companies have registered with the Department of Safety and Permits. The annual registration fee for a billboard company is \$400 and the fee is paid annually. In addition to the annual sign vendor registration, the City Code requires that those specific companies pay an annual fee for each billboard located within New Orleans. The fee structure for billboards is discussed in more depth in the permits and licensing section of this report.

Permitted Locations

In regards to permitted billboards locations, both the Comprehensive Zoning Ordinance and City Code have detailed regulations that restrict the locations permitted billboards. Some geographical restrictions within the City Code are not outlined in the Comprehensive Zoning Ordinance, and vice versa. Having different sets of requirements in both documents could pose an undue burden on both members of the public and permitting agencies in determining where billboards are ultimately permitted.

Section 134-126 prohibits signs that interfere with any vehicular operation. In addition to the prohibition of signs that cause glare, Section 134-128 of the City Code prohibits signs from being posted on streets, sidewalks, public buildings, utility poles, light standards, parking meters, trees or on traffic signals. Section 134-166 of the City code also restricts billboards from being attached to fences, houses or awning posts. In addition to the above noted restrictions, the City Code also prohibits billboards within 200 feet of specific avenues and expressways within the City of New Orleans. Below is a list of the prohibited locations within the City of New Orleans

1. *Basin Street from the Municipal Auditorium to Iberville Street;*
2. *Loyola Avenue from Tulane Avenue to Earhart Boulevard;*
3. *Earhart Boulevard from the Union Passenger Terminal Station to Carrollton Avenue;*
4. *Simon Bolivar Avenue from Earhart Boulevard to Louisiana Avenue; and*
5. *Pontchartrain Expressway from the Union Passenger Terminal Station to the Airline Highway*

In addition to the prohibition of billboards as noted above, billboards are also prohibited from being located within 200 feet of any grade separation. Article 5 of the City Code also outlines the spacing requirement for billboards. The spacing requirements are listed below.

- *No two structures shall be spaced less than 500 feet apart, if within 660 feet of and visible from an interstate highway or freeway system;*
- *No two structures shall be spaced less than 100 feet apart, if within 660 feet of and visible from any federal aid primary highway;*

- *The spacing of signs shall not apply to structures separated by buildings or other obstructions in such manner that only one sign is visible at any one time from the subject controlled highway.*

While the staff supports the prohibited areas as outlined in the City Code, the staff believes this list can be simplified and consolidated to be consistent with the Comprehensive Zoning Ordinance.

PERMITTING AND LICENSING REQUIREMENTS

Once a billboard application is received by the Department of Safety and Permits, typically the application is reviewed by both the Plan Review and the Zoning Division of the Department. If the application is deemed complete and compliant with all applicable regulations, the Department of Safety and Permits will issue a permit to install the billboard. Section 134-81 of the New Orleans City Code requires that all permits for signs are null and void unless they are installed within 180 day of the permit being issued. After the billboard is installed by a registered sign company, the company is then required to pay an annual fee and obtain an annual operating permit as long as the billboard remains installed.

The operating permit fee associated with junior billboards, defined as up to 100 square feet in area is \$60 per sign face, while billboards over 100 square feet in area are required to pay \$125 "per sign structure". This language has resulted in confusion as well as an inconsistent application of the annual fees for billboard companies since a "sign structure" is technically the support which may hold multiple sign faces or sign panels. Often, billboard companies are not paying a fee per their total inventory of sign faces, but rather their total sign structures. As a result of the misapplication of this word choice, the City is under collecting billboard licensing fees.

In addition to requiring a sign permit, Section 134-84 of the City Code requires that all signs with electricity require an electrical permit from the Department of Safety and Permits which is typically issued in conjunction with the billboard permit. Once a billboard permit is issued and subsequently installed, Building Inspectors more often than not do not follow up to close out building permits. This lack of follow up, has the potential for billboards to be installed that are inconsistent with the billboard permit which was initially issued. Unfortunately, much of the enforcement and regulating of billboards is done by self-monitoring and policing by the industry.

Case Law

There have been numerous disputes over the control or regulation of billboards since the enactment of the Highway Beautification Act in 1965. More recently, there have been many legal disputes in the realm of First Amendment law. While ongoing litigation could result in decisions which might impact rulemaking at the state level and within the City's Comprehensive Zoning Ordinance, the below section summarizes relevant decisions and interpretations which should guide any subsequent amendments, to the CZO or City Code, after the publishing of this study.

FIFTH AMENDMENT (TAKINGS & AMORTIZATION)

The Fifth Amendment to the Constitution prohibits the government from taking private property for public use unless the government provides "just compensation." The regulation and restriction of billboards may be reasonably regulated and restricted through zoning or other land use laws, as long

as the regulation promotes the public health, safety, convenience or general welfare of the community. However, when a regulation effectively takes the billboard owner's property, by eliminating or severely restricting the owner's reasonable investment-backed expectations, it may rise to the level of a regulatory taking and require compensation under the Takings Clause of the Fifth Amendment.³⁷ A number of cities have used amortization, which is a phase-out period in which a nonconforming sign may remain until compliance is required, to allow billboard owners to recoup their investments prior to the removal of their nonconforming billboard. In a 2004 report conducted by the U.S. Government Accountability Office, it was found that courts consistently upheld the constitutionality of the use of amortization as a practice in billboard regulation. It was noted that courts either found that ordinances incorporating amortization did not constitute a taking, or if the ordinances were deemed takings, amortization was found to constitute just compensation.³⁸ In these cases, the amortization periods ranged from one year to 10 years. The report goes on to note that there have been very few recent takings challenges, which may be the result of more states barring localities from using amortization.

FIRST AMENDMENT (FREE SPEECH)

Judicial precedent has established that commercial speech, or advertising, is a type of protected speech under the U.S. Constitution; however, the level of protection applied to commercial speech has been lesser than that applied to noncommercial speech. The courts have often upheld a city's authority to restrict the development of outdoor advertising as an exercise of a city's police power, particularly for purposes related to improving public safety, welfare, and aesthetics. These rulings have often cited one of the most notable cases related to billboard regulation: the Supreme Court decision *Metromedia, Inc. v. City of San Diego* (1981). In *Metromedia*, the Supreme Court stated that a billboard is a "large, immobile, and permanent structure which like other structures is subject to regulation, [and] because it is designed to stand out and apart from its surroundings, the billboard creates a unique set of problems for land-use planning and development."³⁹ The ultimate decision in *Metromedia* validated the City of San Diego's ban on off-site commercial billboards, noting that there was "[no] substantial doubt that the twin goals that the ordinance seeks to further, traffic safety and the appearance of the city, are substantial governmental goals." They stated further that, "If the city has a sufficient basis for believing that billboards are traffic hazards and are unattractive, then obviously the most direct and perhaps the only effective approach to solving the problems they create is to prohibit them."⁴⁰

A recent 2015 Supreme Court decision, *Reed v. Town of Gilbert*, has sparked a number of constitutional challenges of local sign ordinances, including billboard regulations. In *Reed v. Town of Gilbert*, the Court unanimously struck down the Arizona town's sign ordinance which contained differing restrictions on noncommercial signs (including political, ideological and directional signs). The Court's finding was that the law was content-based on its face and did not satisfy strict scrutiny. In other words, the Town did not show that its content-based regulations were necessary "to serve a compelling state interest."⁴¹ The Court's opinion in *Reed v. Town of Gilbert* was a marked shift in the Court's former,

³⁷ U.S. Government Accountability Office. Case Law Pertaining to Constitutionality of Billboard Amortization by State and Local Governments, B-302809, November 12, 2004

³⁸ See *Outdoor Graphics, Inc. v. City of Burlington*, 103 F.3d 690 (8th Cir. 1996), *Naegele Outdoor Advertising, Inc. v. City of Durham*, 844 F.2d 172 (4th Cir. 1988)

³⁹ *Metromedia, Inc. v. City of San Diego*. 453 U.S. 490 (1981)

⁴⁰ While the Supreme Court upheld the City's ban on commercial billboards, the Supreme Court struck down the City of San Diego's regulations regarding noncommercial speech.

⁴¹ *Reed v. Town of Gilbert*. 135 S Ct 2218 (2015)

more flexible approach to assessing content neutrality. The Reed opinion laid out a rigid test to determine whether provisions regulating signage are content-based or content-neutral and when to apply strict scrutiny.⁴²

While the Supreme Court's decision in Reed v. Town of Gilbert was unanimous, many of the justices filed concurring opinions which expressed concern over the ruling's potential to invalidate all sign ordinances. Some justices attempted to catalogue municipal ordinance distinctions that would not be content based – one of these exceptions includes distinguishing between on-premises and off-premises signs.⁴³ The justices called out the following exceptions:

- * *Rules regulating the size of signs. These rules may distinguish among signs based on any content-neutral criteria.*
- * *Rules regulating the locations in which signs may be placed. These rules may distinguish between free-standing signs and those attached to buildings.*
- * *Rules distinguishing between lighted and unlighted signs.*
- * *Rules distinguishing between signs with fixed messages and electronic signs with messages that change.*
- * *Rules that distinguish between the placement of signs on private and public property.*
- * *Rules distinguishing between the placement of signs on commercial and residential property.*
- * *Rules distinguishing between on-premises and off-premises signs.*
- * *Rules restricting the total number of signs allowed per mile of roadway.*
- * *Rules imposing time restrictions on signs advertising a one-time event. Rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed.*

While the Reed decision has incited a number of First Amendment challenges, the majority of district and appellate courts (except for one court mentioned below) have held that the Reed precedent is not applicable to commercial speech, as Reed did not alter the longstanding "intermediate scrutiny framework" under Central Hudson Gas and Electric Corp. v. Public Service Commission (1980). Instead of applying strict scrutiny in the assessment of commercial speech restrictions, these lower courts have routinely applied the Central Hudson⁴⁴ test for commercial speech, a four-pronged assessment which determines if a regulation satisfies First Amendment review. Most decisions since Reed have upheld a

⁴² Mason, Lee. Content Neutrality and Commercial Speech Doctrine after Reed v Town of Gilbert. 84 University of Chicago Law Review. 955 (2017)

⁴³ Concurring opinion of Justice Alito, joined by Justice Kennedy and Justice Sotomayor. Reed v. Town of Gilbert. 135 S Ct 2218 (2015).

⁴⁴ Central Hudson Gas and Electric Corp. v. Public Service Commission, 447 U.S. 557 (1980). The court established the following four-step test for commercial speech: (1st) the speech must concern a lawful activity and not be misleading, (2) the asserted governmental interest is substantial, (3) the regulation directly advances the governmental interest asserted, and (4) the regulation is not more extensive than is necessary to serve that interest,

local government's ability to differentiate between off-premises and on-premises commercial advertising, as well as regulate commercial billboards if based on aesthetic and traffic safety concerns.⁴⁵

However, there is one recent free speech case involving a dispute over billboards, where a district court applied strict scrutiny to off-premises and on-premises distinctions within the State of Tennessee's billboard law.⁴⁶ The U.S. District Court judge, citing *Reed v. Town of Gilbert*, stated that in determining whether or not a sign is on- or off-premises, the agency is making a content-based assessment of the message, which triggers strict scrutiny. He concluded that the Tennessee billboard law was unconstitutional as the content-based provisions, including the exemptions of certain on-premises signs, did not survive strict scrutiny. The opinion stated that "defendants have failed to establish that limiting off-premises signs results in greater driver safety than limiting signs advertising activities conducted on the property on which they are located, [nor] have defendants shown that imposing more stringent restrictions on off-premises signage affords superior protection of the public's investment in highways or increases the promotion of recreational value of public travel and natural beauty." This decision has wide-reaching implications since Tennessee's laws are similar to most billboard control laws in states across the country, including Louisiana's. This case is exceptional in its application of *Reed* to billboard control, and it is currently under appeal within the U.S. Sixth Circuit Court of Appeals in Cincinnati.

⁴⁵ See *Citizens for Free Speech, LLC v. County of Alameda*, 114 F.Supp.3d 952, 969 (N.D.Cal.2015); *Lamar Central Outdoor, LLC v. City of Los Angeles*, 199 Cal. Rptr. 3d 620 (Ct. App. 2016); *City of Corona v. AMG Outdoor Advertising, Inc.*, 244 Cal. App.4th 291 (2016); *Geft Outdoor LLC v. Consolidated City of Indianapolis & County of Marion, Indiana*, 187 F. Supp. 3d 1002 (S.D. Ind. 2016); *Contest Promotions v. City and County of San Francisco*, 874 F.3d 597 (9th Cir. 2017); *ArchitectureArt, LLC v. City of San Diego*, 231 F. Supp. 3d 828, 839 (S.D. Cal. 2017).

⁴⁶ See *Thomas v. Schroer*, 116 F.Supp.3d 869, 876 (W.D.Tenn.2015). The plaintiff alleged that the Tennessee Department of Transportation, in accordance with Tennessee's Billboard Regulation and Control Act of 1972, violated his first amendment rights when it removed some his billboards displaying noncommercial speech

Part 4. Outreach

Stakeholder Meetings

In developing this study, the City Planning Commission staff met with the following companies, offices, and individuals to learn their perspective on billboard regulation issues:

- Outfront Media
- Michele Gaubert, Blair Boutte, Cherie Teamer
- Lamar Advertising Company
- Pelican Outdoor Advertising
- Mike Early, Trey Weaver
- Michael Duplantier
- Scenic America (phone interview)
- Historic District Landmarks Commission staff
- City of New Orleans Law Department
- Department of Safety & Permits
- State of Louisiana Department of Transportation & Development, Outdoor Advertising Program
- New Orleans Building Corporation (holds leases for billboards on City property)
- Councilmember Jason Williams staff
- Councilmember Helena Moreno staff
- Councilmember Cyndi Nguyen
- Councilmember Kristin Palmer and staff
- Downtown Development District staff

Stakeholder Concerns

Digital Conversions

In meetings with CPC staff and in public hearings, billboard industry representatives have expressed that, because digital billboards may change advertisement every eight seconds, they are more desirable. They have urged the City Planning Commission to consider allowing the conversion of some static legal nonconforming billboards to digital. Their most favored locations are those with high traffic counts, such as along the interstates, state routes, and major streets. Industry representatives note that digital billboards can serve a public benefit for emergency announcements, such as Amber Alerts, and with donated space to non-profit organizations. Large companies with an inventory of less-profitable, small "eight-sheet" or "junior poster" billboards have proposed a establishing a trade-off system to allow digital conversions in return for the elimination of small, non-conforming billboards in residential or neighborhood commercial areas. Smaller companies without such inventory would like to see more relaxed regulations that would allow digital conversion in some areas without the operator having a small billboard inventory to relinquish.

Spacing Requirements

Some billboard company representatives promoted relaxing regulations, by reducing the 1,000 foot distance requirement between billboards on the same side of the street (per *Section 24.14.C.3* of the CZO) as well as a 1,000 foot distance requirement between electronic billboards along either side of the same street (per *Section 24.14.C.5.b*). The billboard company representative suggested to instead use a 500 foot distance requirement, similar to State requirements.

Prohibited Locations

In addition to spacing requirements, there are prohibited locations enumerated in *Section 24.14.B.2* of the CZO that include certain road segments, designated design review corridors, and within 500 feet of any residential zoning district on the same side of the street. Industry representatives have mentioned that locations within this distance may not always be impactful on residential uses.

Height Above Roadbed Flexibility

The height of billboards is limited to 25 feet above the roadbed toward where the advertising is directed (per *Section 24.14.C.1*). Industry representatives have asked for consideration of flexibility in the case of obstructions, which most often are sound walls, trees, and utility poles. Furthermore, there may be cases where they seek to relocate a billboard to a less non-conforming site, but nevertheless is non-conforming. In these cases, industry representatives believe there should be some flexibility given to City staff in a variance recommendation.

Equitable Regulations

Smaller and/or minority-owned billboard companies have noted that desirable and permitted locations for new billboards are essentially maxed out. They have asked for consideration of amended regulations that could somehow level the playing field. They have mentioned the possibility of opening up new permitted locations, either through allowances in the zoning district, prohibited locations, or spacing requirements. They have also suggested that City-owned properties could be leased to small, minority-owned billboard companies.

Mural-Like Billboards

In addition to traditional billboard advertisements, there is a specialized industry for artistic murals that also contain minor commercial content. Such murals may be a beautiful scene with a discreet advertisement. Representatives of this part of the industry have advocated that murals with minimal commercial content should be treated differently from billboards. Per the CZO, murals by definition do not include commercial advertising. In addition, the City Planning Commission has recently recommended changes to the CZO text that would clearly exclude murals with any commercial content from being classified as murals.⁴⁷

Opposition to Billboards

One community member spoke in opposition to relaxing billboard regulations. He opposes billboards for aesthetic and public safety reasons. He sees billboards as detracting from the beauty of the city as well as a distraction to drivers. He urged the City Planning Commission to look at cities that have imposed tighter restrictions and further seek out the opinions of community members who may not be aware of the study or its potential impacts.

⁴⁷ Zoning Docket ZD 011/19

Part 5. Best Practice

Best Practice Overview

The CPC researched best practices in billboard control by examining the current regulatory practices of, and recent regulatory developments in multiple U.S. communities. The specific communities researched are listed below, and a more detailed review of each community is provided on the following pages. Many of the communities were chosen because they have either recently adopted or considered policies related to digital billboards. The CPC also looked at “billboard free” communities who have adopted total bans on outdoor advertising.

About half of the researched cities adopted policies in the last few decades, from the 1980s to the early 2000s, to prohibit the development of new billboards. It also appears that despite multiple years since the adoption of these billboard bans, outdoor advertising signs have not been eliminated as would be expected through gradual attrition. These cities are still developed with a substantial number of legally nonconforming outdoor advertising signs, as evidenced by the current procedures and policies these communities have put into place to monitor and permit these signs as well as the fact that some of these cities, including Dallas and Gainesville, have instituted policies to allow for the digitization of some nonconforming billboards in exchange for the removal of others.

The other researched cities allow billboards in certain commercial, business, mixed-use or industrial districts. Some allow the use of digital displays for outdoor advertising, while others do not. The City of Savannah allows digital billboards where traditional billboards are permitted; however, Savannah also adopted a policy to allow digital conversions of nonconforming billboards in an effort to reduce the number of nonconforming billboards in the community. In the communities where billboards are permitted, and within those where digital conversions are permitted, it is common for there to be restrictions on billboard locations relative to residential land uses or zoning districts, historic districts, and other sensitive areas such as near parks, natural areas, or institutional uses. It was also found that in cities where digital billboards are permitted, either by right or through conversion, most communities only allow digital billboards along expressways or interstates. Most cities also commonly provide provisions within their sign ordinances on how to measure buffer distances or spacing distances, such as radially or linearly. However, standards related to height, size, illumination, as well as the spacing between digital billboards is quite varied among the communities researched.

Communities Researched:

Chicago, IL
Dallas, TX
Detroit, MI
Gainesville, GA
Indianapolis, IN
Jefferson Parish, LA
San Diego, CA
San Francisco, CA
Savannah, GA
Billboard Free Communities

Chicago, IL

The City of Chicago has a complex set of signage regulations which one would expect from a large city with a range of development patterns. Much of Chicago's billboard regulations are similar to those found in other municipalities including provisions related to spacing, height, and size. The City of Chicago has also recently addressed issues with the proliferation of digital signs and the challenges of regulating this new technology in a manner that is not negatively impactful on its communities.⁴⁸ One major difference in Chicago's regulations from other cities is the allowance of what is called "city digital signs," which are billboards owned and managed exclusively by the City. In 2013, the City of Chicago entered into a public-private partnership to construct 34 digital billboards in public rights-of-way in return for an estimated \$30 million in annual revenue.⁴⁹ City digital signs switch between public service announcements and paid-for advertisements. These signs must meet most of the requirements of other billboards with a few notable exceptions which will be discussed in the following section.

Definitions

Chicago defines its sign types and elements of signs in a similar manner to other cities studied, though exact terminology is different. For example, electronic signage is named "dynamic image display signs" and the amount of time an electronic sign remains on one advertisement is named its "twirl time." Billboards are considered "off-premises signs" that advertise a product or service not available from the property at which it is being advertised. Digital billboards would also be classified as dynamic image display signs. Per the City of Chicago's zoning ordinance, a dynamic image display sign is defined as follows:

"Dynamic image display sign. Any sign, or portion thereof, with characteristics that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays."

Permitted & Prohibited Locations

Chicago allows off-premises signs, both freestanding and attached to building walls, in some of its business, manufacturing, and commercial districts. It also allows wall-mounted off-premises signs in the DC Downtown Core and DX Downtown Mixed-Use Districts; however, freestanding off-premises signs are prohibited in these two downtown districts. Dynamic image display signs are allowed in all districts off-premises signs are allowed, but are significantly limited in size, so as to preclude the total digitization of an off-premises billboard. The size restrictions are based on the total allowable sign area for a lot. In the lower-intensity business districts, dynamic image display signs can have an area equal to 25 percent of the maximum allowable sign area or 32 feet, whichever is less. In all other districts,

⁴⁸ Merrion, Paul. "Digital ad signs a turnoff for City Hall." Crain's Chicago Business. July 24, 2013.

⁴⁹ Merrion, Paul. "Digital signs a turn-on for cash-strapped city." Crain's Chicago Business. March 12, 2014.

dynamic image display signs are also limited to 25 percent of the maximum allowable sign area or 64 feet, whichever is less.

Chicago's Design Guidelines

The size and height of off-premises signs in Chicago is determined by the frontage of the lot and the size of the adjacent right-of-way. Off-premises signs are allowed between 600 square feet, or three times the lot's street frontage (whichever is less), and 1800 square feet, or five times the lot's street frontage (whichever is less), or half of this calculation if the sign is freestanding. A billboard's base height is established at 24 feet, but if located on a right-of-way larger than 80 feet, a sign can be up to 50 feet tall if its lot frontage is greater than 150 feet.

Similar to other communities researched, Chicago utilizes spacing standards both from other signs and from residential districts. No billboard is allowed within 100 feet of a residential district, and electronic billboards must be at least 125 feet from residential districts. The distance requirement is greater for billboards over 100 square feet in area, which must be at least 250 feet from a residential district. In downtown zoning districts, the zoning code stipulates that an off-premises sign may not be situated within 100 feet of a residential building. As stated in Chicago's sign ordinance, the distance "is to be measured as a straight-line distance from a point on the sign face nearest the residential building to nearest property line of the lot on which the residential building is located."⁵⁰

In addition to spacing requirements from residential districts, Chicago prohibits off-premises signs within 100 feet from certain waterways and parks between 2 to 10 acres. Off-premises signs must be at least 400 feet from parks larger than 400 square feet. Chicago also restricts off-premises signs within 500 feet of Lake Shore Drive, part of Michigan Avenue, and certain toll roads and expressways. The 500-foot distance requirement from "designated" toll roads and expressways is one notable difference between standards off-premises sign requirements and city digital signs, which are not required to comply with this standard. One of the requirements of a city digital sign is that it must have at least 10 percent of its time devoted to public service messages, and they must be integrated into the Chicago's emergency response network. This could explain the need for proximity of major roadways, in addition to these rights-of-way already being public property.

Digital Conversion

The staff was unable to find any reference to allowances for eliminating nonconforming signs in exchange for digital conversion of existing signage. Chicago's sign regulation recent amendments appear to account for the impacts of digital signs and to allow for the City's digital billboard program.

Dallas, TX

State Regulations

The City of Dallas and the Texas Department of Transportation (TxDOT) share jurisdiction to the federal interstate or federal aid primary highways located within Dallas corporate boundaries. Typically, TxDOT enforces regulations along all federal interstate or primary highways, yet Dallas is a "certified city", which means it is authorized by the State to police its own interstate corridor. The rules regarding

⁵⁰ Chicago, Illinois, Municipal Code § 17-12-1006-B

billboards along interstate and primary highways are found in *Title 43, Chapter 21, Subchapter 1* of the Texas Administrative Code.⁵¹ Texas's sign regulations were adopted in 1974 and updated in 2014, and again in 2018.

City Regulations

In addition to state regulations, the local regulations for billboards are found in *Article 7 – Sign Regulations* of the Dallas Development Code. Since 2000, any new detached off-premises signs have been prohibited, with the exception of temporary political signs and garage sale signs.⁵² However, in 2011, an amendment to Dallas's sign ordinance allowed for certain billboards on freeways to convert to digital technology in exchange for the removal of other existing billboards. More details related to this policy are described below.

Dallas Development Code Definitions

In the Dallas Development Code, a billboard is defined as a type of advertising sign. A sign includes any "device, flag, light, figure, picture, letter, word, message, symbol, plaque, poster, display, design, painting, drawing, billboard, wind device, or other thing visible from outside the premise on which it is located and that is designed, intended, or used to inform or advertise to persons not on that premise."⁵³ Advertise means "to attract, or to attempt to attract, the attention of any person to any business, accommodations, goods, service, property, or commercial activity."⁵⁴ The sign ordinance specifically states that works of art which do not include advertising should not be considered as signs. The definition of sign expressly excludes landscaping features and searchlights, as well as temporary holiday decorations.

Digital Conversion

As mentioned above, detached non-premises signs such as billboards have been prohibited in Dallas since 2000. Later, as technology advanced, the billboard industry lobbied the City for the ability to add digital billboards. Just as other municipalities saw this as an opportunity to incentivize the removal of billboards in undesirable areas in exchange, Dallas contemplated such a pilot program. It was implemented through modifications to the Dallas Development Code in 2011 which stipulated that for every one square foot of digital conversion, three square feet of legally non-conforming billboards must be removed from within the city.⁵⁵ Digital billboard conversions were only allowed for billboards along expressways. Alternatively, if a company owned fewer than 61 expressway billboards, they were able to convert one face to digital. The City set a cap on the total number of conversions to be allowed at 50, with a sunset date of August 31, 2015. To date, all 50 permits have been issued. The policy has resulted in the removal of a total of 461 sign structures (or 877 sign faces), primarily along local streets.

⁵¹ Texas Administrative Code, Division 1—Signs, (accessed [online](#)).

⁵² Pursuant to Dallas, Texas, City Code § 51A-7.306.

⁵³ Dallas, Texas, City Code § 51A-7.102(32)

⁵⁴ Dallas, Texas, City Code § 51A-7.102(1)

⁵⁵ Dallas, Texas, City Code § 51A-7.308

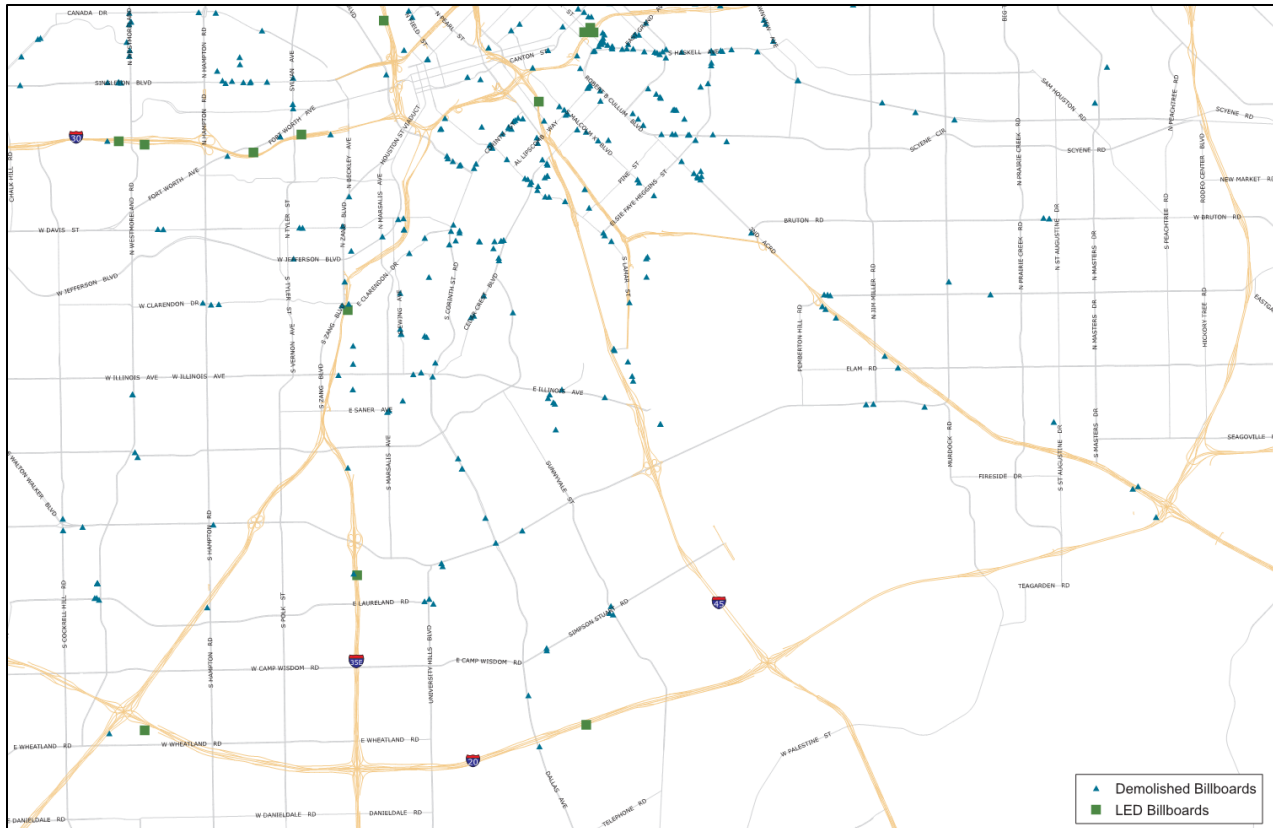


Figure 13. Locations of some of the demolished and converted digital billboards in Dallas, TX after the 2011 amendment to Dallas's sign ordinance. (Image Source: [Dallas Morning News](#))

Legally Established or Legally Non-Conforming Billboards

The revised sign regulations also allow grandfathered non-premises signs to be transferred to another location, if the sign is removed due the land being acquired by a governmental entity. The non-premises sign may be relocated subject to 17 different restrictions outlined in the sign ordinance.⁵⁶ However, relocated billboards may not be converted to digital displays.

Prohibited Locations

Digital display signs may only be expressway signs, which is defined as being "wholly within 100 feet of an expressway right-of-way and whose message is visible from the main traveled way."⁵⁷ Digital display signs may not be located within 300 feet of residential districts, within 2,000 feet of the Trinity River, within 500 feet of a historic district, or within 500 feet of an escarpment zone. Dallas's sign ordinance provides helpful language which interprets the method in which to measure these distance requirements.⁵⁸ It states that:

"Measurements of distance under this section pertaining to minimum separation between signs are linear unless otherwise specified in the provision. A "linear" measurement is taken from a sign or proposed sign location to the nearest point on another sign. Measurements of distance under this section pertaining to minimum distance from zoning districts or locations are taken

⁵⁶ Dallas, Texas, City Code § 51A-7.307(e)

⁵⁷ Dallas, Texas, City Code § 51A-7.102(13.1)

⁵⁸ Dallas, Texas, City Code § 51A-7.307(h)

radially unless otherwise specified in the provision. "Radial" measurement is a measurement taken along the shortest distance between a sign or proposed sign location and the nearest point of a private property line in a restricted zoning district or location."

Dallas's Design Guidelines

The following design guidelines only apply to digital billboard conversions since new billboards are prohibited.

- *Spacing*
 - One sign face: 1,500 feet from any other digital display oriented to the same direction
 - Two sign faces: 2,000 feet from any other digital display
- *Illumination for Digital Displays*
 - Must automatically adjust sign brightness so that the brightness level of the sign is no more than 0.3 footcandles over ambient light conditions at a distance of 250 feet from the sign
 - Must be equipped with both a dimmer control and a photocell that automatically adjusts the display's intensity according to natural ambient light conditions
 - May not increase the light level on a lot in a residential district over ambient conditions without the digital display, measured in footcandles at the point closest to the sign that is 5 feet inside the residential lot and 5 feet above the ground
 - Applicant must provide written certification from the sign manufacturer that the light intensity has been factory programmed to comply with the maximum brightness and dimming standards in the sign ordinance and that light intensity is protected from end-user manipulation by password-protected software or other method satisfactory to the building official
- *Display Requirements*
 - Minimum duration of message: 8 seconds
 - Maximum transition of message: 2 seconds
 - Changes of message must occur simultaneously on the entire sign face
 - No flashing, dimming, or brightening of message permitted
 - City may require emergency information to be displayed on digital display signs: Amber Alerts, Silver Alerts, information regarding terrorist attacks, natural disasters, and other emergency situations in appropriate sign rotations
- *Size*
 - Maximum 672 square feet
 - Maximum 72 square feet for billboard in a CR, RR, MU-1, MU- 1(SAH), MU-2, MU-2(SAH), MC-1, or MC-2 zoning district
- *Height*
 - Maximum 50 feet or 42.5 feet above the nearest point on the travel surface of the nearest expressway, whichever is higher
 - No digital display sign may be higher than the conventional sign it replaced

State Regulations

The Michigan Department of Transportation (MDOT) through the Highway Advertising Program (HAP) regulates billboards on federal routes. Michigan adopted their Highway Advertising Act in 1972.⁵⁹ Michigan's regulations permit a county, city or village to regulate the size, lighting, and spacing of signs in a more restrictive way than the state's regulations. The state requires signs to be spaced 1,000 feet apart along interstate highways and freeways and 500 feet apart along primary highways. Digital billboards must be spaced 1,750 feet apart. The regulations prohibit the advertisement of tobacco products and sexually oriented businesses.

City Regulations

In addition to the state regulations, the local regulations for billboards are found in *Chapter 3* of the Detroit City Code and *Article 6* of the Detroit Zoning Ordinance. The Detroit Planning and Development Department is in the process of amending the City Code for advertising and signage. The amendment may allow new off-premises outdoor advertising limited to vinyl or projecting wall signs in Detroit's Central Business District. There has been a ban on billboards in the Central Business District since 1999. However, billboards are allowed in some of Detroit's business or manufacturing districts, subject to certain limitations described below.

Detroit Code and Zoning Definitions:

Detroit's sign ordinance defines a billboard as "a large outdoor board for advertisements, which most commonly serve as "advertising signs," except when identifying the business or profession conducted on the same lot on which the billboard is located, in which case the billboard serves as a "business sign."⁶⁰ An "advertising sign," the term which most reflects a billboard as defined by the New Orleans Comprehensive Zoning Ordinance, is defined in the Detroit Zoning Ordinance as follows:

"An advertising sign is a sign, whether billboard or painted wall graphic, which directs attention to a business, commodity, service, or entertainment, conducted, sold, or offered elsewhere than on the premises where the sign is located or painted or to which it is affixed, or only incidentally sold or offered on the premises."

Permitted & Prohibited Locations

Outdoor advertising signs are permitted by right in the following business and manufacturing districts, the B5, B6, M3, M4, and M5 Districts, but are only allowed with the approval of a conditional use in the B2, B3, B4, M1, M2, and W1 Districts. In addition, since 1999, billboards have been banned in Detroit's greater downtown area. They are also prohibited within any City of Detroit historic district, as well as within 500 feet, measured radially, from any historic district. Billboards are also prohibited within 500 feet, measured linearly, of any school, public playground, or public park. Finally, any billboard with alcoholic advertising must be 1,000 feet from any child-care center, child-caring institution, juvenile detention or correctional facility, library, park, parklot, parkway, playfield, playground, playlot, recreation center, school, or youth activity center. Except outside a sports arena, stadium or convention facility.

⁵⁹ Michigan, Highway Advertising Act of 1972, Act 106, 1972, (accessed [online](#)).

⁶⁰ Detroit, Michigan, Detroit Zoning Ordinance § 61-6-3 and § 61-6-7

Detroit's Design Guidelines

Detroit's sign ordinance contains the following design standards for billboards.

- *Height*
 - Maximum 35 feet
 - Bottom edge must be 15 feet or more above ground level
- *Size*
 - Sign faces oriented to freeways: maximum 672 square feet
 - Other streets, on lots greater than 80 feet in width: maximum 378 square feet
 - Other streets, on properties less than 80 feet in width: maximum 250 square feet
- *Spacing*
 - 1,000 feet from any other advertising sign on both sides of the street
- *Change of Message*
 - Cycle of a changeable message sign shall not be less than 1 minute per message

Legally Established Billboards in the Central Business District

Despite a ban on billboards in the Central Business District, many developers took advantage of Detroit's financial crisis, and installed numerous illegal billboards without billboards. In 2017, Detroit issued a decree for the removal of illegal off-premises outdoor advertisements in the Central Business District, issuing \$1,000 civil fine per day of non-compliance. By January 2018, all 65 illegal off-premises outdoor advertisements were removed. Eleven legal off-premises outdoor advertisements remain in Detroit's Central Business District.

Digital Conversions

The staff was unable to find any reference to allowances for eliminating nonconforming signs in exchange for digital conversion of existing signage.

Gainesville, GA

Gainesville, GA, a small city located east of Atlanta, is another community in the news recently for reaching an agreement with a major billboard operator, Fairway Outdoor Advertising, to remove and convert existing billboards.⁶¹ Gainesville's sign regulations are found in *Article 9-18* of its *Unified Land Development Code*, and they were recently amended in 2017. The Unified Land Development Code currently allows static billboards in a few business and industrial districts, but prohibits both the development of new digital billboards and the conversion of existing static billboards.

Definitions

Gainesville's Unified Land Development Code uses the term "billboard" and provides the following definition:

⁶¹ Digital billboards coming to Gainesville; deal came after Fairway threatened lawsuit, Joshua Silavent, Gainesville Times, February 7, 2018 (Accessed [online](#)).

"Billboard: A freestanding sign that exceeds the maximum allowable area or height, or both, for principal use ground signs authorized in this Article, and which is authorized subject to specific limitations. A billboard is typically, though not required to be, erected by the outdoor advertising industry; and a billboard is typically regulated by and requires a permit for outdoor advertising from the Georgia Department of Transportation. The provisions authorizing a billboard are in addition to other sign allowances of this Article. A billboard existing on the effective date of this Article may or may not comply with the provisions of this Article, and to the extent any such existing billboard does not conform to all requirements of this Article it is considered a nonconforming sign."

Gainesville's sign ordinance provides a more technical term for digital signage or LED signage, which it names as an "electronic changeable copy sign." An electronic changeable copy sign could include both an on-premises sign or an off-premises billboard and it is defined as follows:

"Changeable copy sign, electronic: A sign on which the sign copy (words, numbers, images, etc.) changes or can be changed by electronic means. This definition includes any sign which results in the illuminated display of messages or information by the use of a matrix of electric lamps, for example, digital, LED (light emitting diode) or similar or refined display technology, or other electric methods, which allows the message change to be actuated by an electronic control mechanism. It is characteristic of such signs that the sequence of messages and the rate of change can be electronically programmed and modified by electronic processes. Electronic changeable copy signs are also "internally illuminated" signs."

Finally, Gainesville's sign ordinance also provides a definition of what it terms a "nonconforming sign." In addition, the sign ordinance has a subsection which includes standards for nonconforming signs. The definition of a nonconforming sign is as follows:

"Nonconforming sign: A sign that was lawfully erected and maintained prior to the adoption, revision or amendment of this Unified Land Development Code, and which by reason of such adoption, revision or amendment fails to conform to all applicable regulations and restrictions of this Unified Land Development Code."

Permitted & Prohibited Locations

Billboards are allowed within Gainesville's G-B General Business District, L-I Light Industrial District, or H-I Industrial District. Gainesville's sign ordinance also stipulate that billboards are only permitted on properties in these districts which are "within 300 feet of a State, U.S., or Interstate numbered highway." Billboards are also prohibited from being within 1,000 feet of any other billboard, and from being within 500 feet of a residential zoning district. At expressway interchanges, only one billboard is permitted per interchange and each is required to be located within a 500 foot quadrant of that interchange.

Gainesville's Design Guidelines

Gainesville's sign ordinance restricts both the size and height of billboards. The maximum size of a billboard in the G-B District is 80 square feet and the maximum size in an L-I or H-I District is 240 square feet. The maximum height limitation for all billboards is 25 feet. Gainesville prohibits billboards

rooftops. It also states that setback requirements are the same as those in the underlying zoning districts, which include a front yard setback of either 30 or 40 feet.

Gainesville's sign ordinance allows billboards to be illuminated with a night-time maximum luminance level of 500 candelas per square meter or nits. The ordinance outlines additional lighting standards related to color and glare for externally illuminated signs, which states that externally illuminated signs "shall be lighted by a white, steady stationary light of reasonable intensity, shielded and directed solely at the sign, so as not to cause glare or spill light into the road right-of-way or up into the sky."

Digital Conversion

As mentioned, Gainesville's sign ordinance explicitly prohibits digital billboards, as well as prohibits the incorporation of "changeable copy" into an existing billboard.⁶² Currently, the City only allows changeable copy for "principle use, monument signs" and limits them to 20 square feet. The other limitations on electronic changeable copy signs currently include limits on duration of message (min 10 seconds), transition (max 2 seconds), manner of display, dimmer control, and malfunction provisions.

According to a recent news article⁶³, Fairway Outdoor Advertising threatened to sue the City of Gainesville after it denied 15 of Fairway's applications to convert existing static billboards to digital billboards. City officials had been in the process of considering changes to its sign ordinance to permit digital billboards in certain areas. However, in coordination with the City's attorneys, the City Council on February 6, 2018 adopted a resolution⁶⁴ to authorize a "Compromise, Settlement, and Release Agreement by and between the City of Gainesville and Fairway Outdoor Funding, LLC."⁶⁵ Gainesville is unique in that Fairway Outdoor (now owned by Lamar Advertising), is the only billboard operator within the city limits, and leases or owns all of Gainesville's 70-something billboards.

The conversion agreement requires Fairway to remove approximately two existing billboard panels for every digital billboard panel it converts. Fairway has two years to remove 14 billboards and convert seven, and then an indefinite period of time to remove another 18 billboards for the conversion of five. The agreement also stipulates that digital displays cannot exceed 300 square feet in area, 35 feet in height, and must be placed on or within 50 feet of an existing spot. The new displays must also include use of brick or stone around the bases to a height of 10 feet to improve the aesthetic. Like the current regulations for changeable copy signs in the City's sign ordinance, no flashing or scrolling advertisements are allowed, and the duration of each message is to be a minimum of 10 seconds.⁶⁶ Finally, Fairway must donate time for the City to display event and community messages, such as messages by the Convention and Visitors Bureau, eight times each calendar year for up to two weeks. To date, six billboard panels have been removed, and three digital billboards installed.⁶⁷

⁶² Gainesville, Georgia, Unified Development Code § 9-18-6-6.

⁶³ Digital billboards coming to Gainesville; deal came after Fairway threatened lawsuit, Joshua Silavent, Gainesville Times, 7 Feb 2018, (Accessed [online](#)).

⁶⁴ Business Resolution 2018-06

⁶⁵ City of Gainesville Mayor/Council Meeting Minutes (February 6, 2018).

⁶⁶ The 10 second duration standard is consistent with what is outlined by the Georgia Department of Transportation.

⁶⁷ Conversation with Matt Tate, Gainesville Planning Manager, March 2019, telephone.

Indianapolis, IN

State Regulations

In 1971, pursuant to the Highway Beautification Act of 1965, the State of Indiana began regulating billboards through the Indiana Department of Transportation and Indiana's Outdoor Advertising Control Manual. These regulations were modified in 2007 to permit changeable message signs along highways and interstates. Indiana restricts billboards to commercial and industrial zones only. Indiana's size restrictions permit billboards up to 60 feet in length, 25 feet in height, 1,000 square feet in sign area, and with spacing 500 feet apart.

City-County Regulations

Local billboard regulations for the City of Indianapolis are found in *Article 9, Sign Regulations, Section F – Off-Premises Signs* of the Code of Indianapolis and Marion County. A summary of the local billboard regulations are provided below.

Permitted and Prohibited Locations

Indianapolis's zoning ordinance provides a table with permitted districts and corresponding allowable square footage.⁶⁸ Billboards are permitted in industrial and some commercial and mixed-use districts. Billboards are prohibited from all dwelling, special use, and central business districts. Billboards are also required to be located at least 300 feet from any "Dwelling District, Parks District, University Quarter District, SU-1 (Church) District or SU-2 (School) District."⁶⁹

Table 3. Section 744-903 (Table 744-903-7) of Indianapolis's sign ordinance outlines the districts in which billboards are permitted and their maximum allowable size.

Table 744-903-7: Districts Permitted								
Zoning Classification	Dwelling	Commercial and Mixed-Use				Industrial	Special Use	CBD/RC
District	All Districts	C-1, MU-1	C-3, MU-2	C-4, C-5, C-7	C-S	All Districts	All Districts	All Districts
Maximum Square Footage	NP	NP	378*	<u>672*</u>	NP	<u>672*</u>	NP	NP
Key/Note:								
NP: Not Permitted								
• Extensions available if requirements met								
• Advertising signs shall not be permitted in HP-C Districts								

Digital Conversion

Digital billboards have been banned from Marion County since 2003. Recently, a proposed comprehensive update to the sign regulations was heard by the Marion County Metropolitan and Economic Development Commission. The updates included a provision to convert static billboards to

⁶⁸ Indianapolis, Indiana, Code of Indianapolis and Marion County § 744-903.F.16

⁶⁹ Indianapolis, Indiana, Code of Indianapolis and Marion County § 744-903.F.8

digital billboards – a provision that the Commission unanimously voted to strike from the amendment. The amended proposal is currently before the City-County Council.

Indianapolis's Design Guidelines

Billboards are subject to the following design standards as summarized below.

- *Size*
 - Lot size up to 10,000 square feet, maximum 6 feet x 12 feet
 - Lot size between 10,000 and 20,000 square feet, maximum 12 feet x 12 feet
 - Lot size between 20,000 and 43,560 square feet, maximum 12 feet x 25 feet
 - Lot size greater than 43,560 square feet, maximum 10.5 feet x 36 feet plus extensions, or 12 feet x 50 feet, or 14 feet x 48 feet plus extensions
- *Height*
 - May not exceed 40 feet in height above grade level
 - Bottom edge must be 15 feet or more above ground level
- *Display*
 - No flashing, intermittent or moving lights
 - No animation
 - Tri-vision advertising signs, rotation of displays no more frequent than 15 seconds
- *Spacing*
 - 1,000 from any other outdoor advertising sign

Jefferson Parish, LA

In 2012, unincorporated Jefferson Parish adopted a comprehensive revision of its off-premises sign regulations and new regulations for electronic variable message (EVM) signs. The revision was initiated by a task force's 2005 report to the Parish Council that focused on signs throughout the parish. A resolution was adopted by the Council that year, but the study was not actively pursued until 2011. The Parish was responding to a desire from the billboard industry to modernize their inventory of billboards, mostly to convert standard signs to electronic signs that are able to change messages at set rates of time. Parish planning staff was directed to study how to appropriately regulate new EVM signs and the conversion of existing signs to EVM through zoning definitions and regulations. Planning staff's research included a review of adopted plans, existing regulations, and best practices established by comparable communities. The stated goals of the study were to "accommodate the use of EVM technology while protecting residential neighborhoods... (promote) safety for motorists, (improve) the overall appearance of Jefferson Parish, and (create) enforceable EVM sign regulations."⁷⁰

Definitions

The Jefferson Parish study resulted in the creation or amendment of 10 definitions in the Parish's zoning ordinance. Several existing definitions needed clarification due to ineffective wording or to account for EVM technology. Other definitions were adopted to specifically accommodate EVM signs,

⁷⁰ Department of Planning, Jefferson Parish, Louisiana. Text Study: Electronic Variable Message Signs. TXT-2-12, pg. 1.

including dwell time, animated and scintillating lights, electronic variable message sign, and flashing sign. These definitions were created to aid in the enforcement of regulations that will be discussed later in this section.

Digital Conversion

The Jefferson Parish Planning staff stated that the goals of the study and its recommendations were to allow for the use of EVM technology in a manner that did not impact its residential neighborhoods. The report did not contemplate a system in which billboard owners could eliminate non-conforming signs in order to allow digital conversion. Conversions to digital signs are allowed for existing conforming billboards if the other requirements are met, and for nonconforming billboards only if the conversion would result in the sign coming into compliance with the code requirements, like the minimum spacing standards. The allowance for the conversion of nonconforming billboards would allow the possibility of a billboard owner with multiple signs that do not comply with the distance requirements to eliminate those signs to allow for one conforming EVM sign.

Design Guidelines

Jefferson Parish limits new billboards to a width of 48 feet, a sign height of 14 feet, and an area of 672 square feet. The height of the billboard sign and supporting pole/structure is 65 feet. Billboard signs must comply with the setback requirements of the underlying zoning district, except in one of the Parish's commercial districts, which is set specifically at a 20 foot front yard setback and 10 foot side yard setback. Jefferson Parish requires billboards to have a minimum 500 feet between one another for standard signs, and between a standard sign and an EVM sign. The Parish requires 1,000 feet between EVM signs. These distance requirements cannot be waived by the Parish Council or any board or commission in the Parish. The requirements further specify a 300 foot distance requirement between EVM billboards and residential districts.

In addition to spacing requirements for billboards, Jefferson Parish provides a significant amount of detail about the enforcement of the limits on the amount of light EVM signs emit during the night, and how long an advertisement must be displayed before it can change over. The Parish regulations prescribe advertisement dwell time by the type of street it is located on and if it is an on-premises or off-premises sign. On-premises signs on large, high volume streets are required a minimum dwell time of three seconds, and those on smaller, neighborhood streets are required six seconds. All off-premises signs are required a minimum dwell time of eight seconds. The difference, presumably, is the size of the signs and the relatively impact of a 672 square foot sign versus a smaller sign advertising for a business on-site.

The Parish also prescribes a maximum allowable nighttime lighting of 323 candelas per square meter. The sign requirements provide a number of formulas and diagrams to help enforcement officials determine the light emitted from an EVM sign.

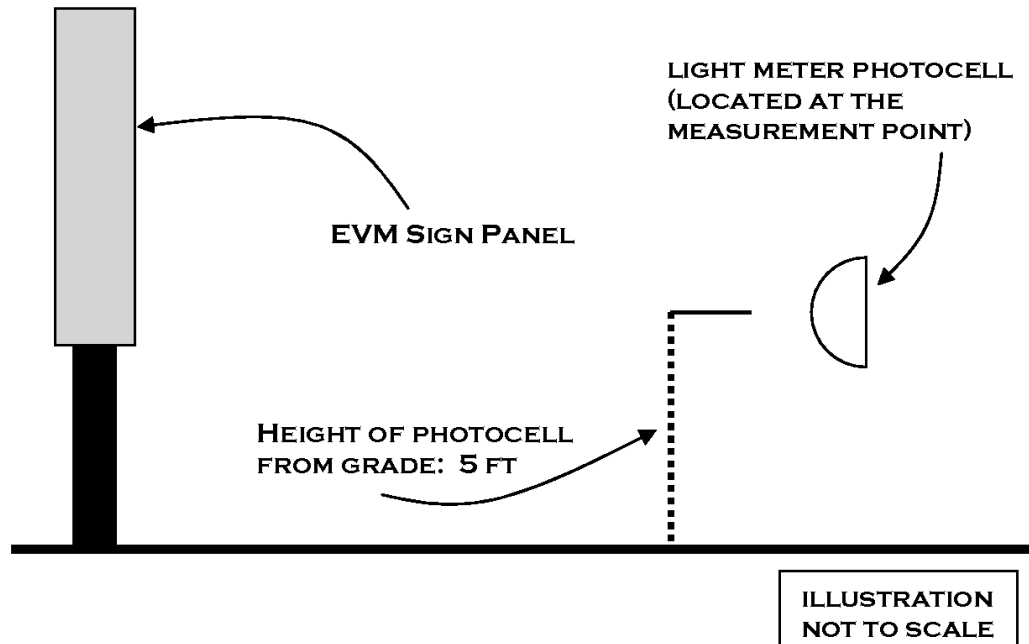


Figure 14. Example of illuminance measurement procedure (Jefferson Parish Figure 40.681.1)

Permitted and Prohibited Locations

The zoning districts that permit billboards are very limited in Jefferson Parish. Billboards are only allowed in heavy commercial, warehouse, industrial and “unrestricted” districts. There are significant opportunities for new billboards in large industrial, districts such as Elmwood, Avondale, and Bridge City. The heavy commercial districts are located on the Parish’s major thoroughfares such as the Westbank Expressway, Airline Drive, and Veterans Boulevard. These districts are more likely to abut residential districts and be precluded from new construction of billboards due to the proximity to residential.

San Diego, CA

Like the State of Louisiana, the State of California adopted billboard controls, through the passage of the CA Outdoor Advertising Act in 1967, in accordance with the federal Highway Beautification Act. Not long after, in 1972, the City of San Diego adopted a new sign ordinance banning outdoor advertising signs. The stated purpose for the billboard ban was to “protect the aesthetic character of the City.”⁷¹ The ban was litigated and eventually taken up in 1981 by the United States Supreme Court in *Metromedia v. City of San Diego*. While the Supreme Court struck down certain parts of San Diego’s sign ordinance, the ban on outdoor advertising was upheld as constitutional. The ban on billboards is still in effect in San Diego; however, the San Diego Municipal Code includes provisions which allow for improvements of existing nonconforming signs. These provisions, described in more detail below, are somewhat unique and were not observed in the other cities researched.

⁷¹ San Diego, California, San Diego Municipal Code § 142.1201

Definitions

A billboard is termed as an “advertising display sign” per the San Diego Municipal Code.⁷² The definition is written as follows:

“Advertising display sign means a sign where the sign copy does not pertain to the use of the property, a product sold, or the sale or lease of the property on which the sign is displayed and which does not identify the place of business as purveyor of the merchandise or services advertised on the sign. Such signs include vehicle-mounted signs and billboards.”

Nonconforming Billboard Regulations

Though the City of San Diego does not permit new advertising display signs, the San Diego Municipal Code includes certain unique provisions for the maintenance or alteration of previously legally constructed advertising display signs. The provisions outline two distinct review processes: one for the maintenance, repair, rebuilding, or alteration of a previously conforming advertising display sign where the construction would be less than or equal to 50 percent of assessed value and would not expand beyond the existing structural envelope, and another for the maintenance, repair, rebuilding, or alteration of a previously conforming advertising display sign where the construction would exceed 50 percent of the assessed value of the existing advertising display sign, but would not expand beyond the existing structural envelope. These provisions, however, do not apply to billboards within an area zoned for residential use, to billboards outside of the 660 feet buffer of an interstate or primary highway, or to billboards within an overlay zone or any other special zoning district whose primary purpose is the removal or control of signs.⁷³

Billboards that are allowed alterations that exceed 50 percent of their current value are permitted only when located within four certain zoning districts including one commercial district and three different industrial districts (the CC-5-2, IL-3-1, IL-2-1, or IH-2-1 Districts).⁷⁴ They are further excluded from a “Coastal Overlay Zone,” along a landscaped freeway or Scenic Highway or City Scenic Route, within 200 feet of any premises zoned for residential purposes or containing a school, church, or similar place of worship; a historical site or building; a cemetery or similar place of internment; a public or private park; or an outdoor recreational facility, and within 500 feet of any other advertising display sign on the same side of the same street. When permitted, however, improved billboards are limited to their previous sign panel size and to a maximum height of 45 feet. Alterations do not include converting to digital displays.

San Francisco, CA

In 2002, the City of San Francisco prohibited the installation of any new general advertising sign. As part of the revisions to the sign regulations, San Francisco also instituted rules governing the relocation of the general advertising signs that were legally installed prior to the outright prohibition. At that time, it was determined that there was an ample supply of general advertising signs and an outright prohibition was necessary to: (1) reduce motorist and pedestrian distractions, (2) reduce visual clutter,

⁷² San Diego, California, San Diego Municipal Code § 113.0103

⁷³ San Diego, California, San Diego Municipal Code § 127.0302

⁷⁴ San Diego, California, San Diego Municipal Code § 127.0304(a)

(3) reduce signs on or near historically significant buildings and districts, (4) preserve the character and dignity of the City's distinctive appearance.

Definitions

General Advertising Sign. A sign, legally erected prior to the effective date of Section 611 of this Code, which directs attention to a business, commodity, industry or other activity which is sold, offered or conducted elsewhere than on the premises upon which the Sign is located, or to which it is affixed, and which is sold, offered or conducted on such premises only incidentally if at all.

Required Information of General Advertising Signs

In the City of San Francisco, all general advertising signs are required to display the name of the sign company, the permit number and the signs dimensions. If the general advertising sign cannot provide a permit number the approval process for verifying the legally non-conforming sign is required to obtain an in-lieu fee issued by the Planning Department.

Inventory

In order to begin the inventory verification process, the City of San Francisco required that all general advertising sign companies submit their inventory list within 60 days of the code revisions that prohibited billboards. Additionally, all companies are required to update their inventory list within 30 days of a sale, removal, purchase or relocation of the signs. As part of the initial inventory process and the annual inventory maintenance, a fee would be assessed as part of the application.

Relocation of General Advertising Signs

As part of the code revisions performed in 2002, it was determined that the conditional use process was the best method for managing the relocation of legally installed general advertising signs.

Savannah, GA

State Regulations

Georgia's billboard regulations are found in *Title 32, Chapter 6, Article 3* of the Code of Georgia.⁷⁵ These regulations are similar to most of the other state regulations that are part of this study. Georgia restricts billboards to commercial and industrial zones only. One difference is that a billboard may be permitted within 300 feet of a residential property if given written consent from the property owner. Billboards must also be 500 feet from public parks, forests, scenic areas or cemeteries, unless not visible due to a building or other obstruction. Georgia's size restrictions permit billboards up to 60 feet in length, 30 feet in height, 1,200 square feet in sign area, and with spacing 500 feet apart. Digital signs are permitted but must be spaced 5,000 feet from other digital billboards.

City Regulations

Savannah's billboard regulations are found in Article E. Signs, Section 8-311 of the City of Savannah Zoning Ordinance.⁷⁶ The City of Savannah allows both static and digital billboards in certain business and industrial zoning districts; however, digital billboards are only allowed along roads consisting of

⁷⁵ Georgia Code, O.C.G.A. § 32-6-97, (accessed [online](#)).

⁷⁶ Chatham County – Savannah Metropolitan Planning Commission, City of Savannah Zoning Regulations, (accessed [online](#)).

four lanes or more. The City of Savannah terms billboards as “separate use signs” within its sign ordinance.

Digital Conversions

In 2007, Savannah’s zoning ordinance was amended to permit digital billboards in exchange for the removal of legally nonconforming billboards. The City has since seen the removal of dozens of older, nonconforming billboards located primarily in residential neighborhoods. The text amendment was requested by a company that owns a majority of the billboards in Savannah. The modified regulations allow one square foot of new digital billboard face for every two and a half square feet of an existing nonconforming billboard face that is removed. The nonconforming billboard must be in the same Council District as the new digital billboard. If there are no legally nonconforming billboards within the same Council District as the proposed billboard, the nonconforming billboard will be chosen from districts on a rotating basis beginning with District 1. The regulations also took into consideration other outdoor advertising companies that mostly have conforming billboards. Should an applicant only own conforming billboards, they may convert one to a digital billboard.

Prohibited Locations

Billboards are prohibited within 500 feet from a school, church, public building, historically rated structure, historic site, park, or cemetery. Also, billboards are not allowed within 75 feet from residential and institutional properties. Savannah has special sign districts (Victorian planned neighborhood conservation district, historic sign district, Broughton Street sign district and River Street-Factors Walk). No off-premises signs, such as billboards, are allowed in the special sign districts. Digital billboards are only allowed within some business and industrial areas that also abut collector or arterial roadways. Digital billboards are not allowed in dwelling, special use, central business, or historic districts or urban redevelopment areas or within 35 feet from any historical site or structure. New digital billboards are prohibited within 250 feet from a residential zone, and converted digital billboards are prohibited within 150 feet from a residential zone.

Savannah’s Design Guidelines

- *Signs Along Interstate Highways*
 - Maximum 3 signs per roadway frontage per interchange quadrant
 - Size limited to either 12 feet x 50 feet or 14 feet x 48 feet
 - Minimum 500 feet spacing between billboards
- *Spacing*
 - 5,000 foot minimum distance between digital billboards on the same side of the street
 - 2,500 foot minimum distance between digital billboards on the opposite side of the street
 - Minimum spacing between static billboards is dependent on sign size
- *Size*
 - *Maximum size allowances dependent on zoning district and type of street*
- *Height*
 - Maximum 50 feet above grade at the base of the sign
 - Maximum 50 feet above the driving surface of a ramped or elevated street, but in no case more than 70 feet above the base of the sign
 - Maximum 70 feet above the driving surface of an interstate highway
 - Bottom edge must be 15 feet or more above ground level

- *Digital Displays*
 - Only 1 digital display is allowed per direction, with no more than 2 signs per structure
 - After October 2011, billboard structures can only support one digital billboard face
 - Images confined to the digital sign face – no cutouts allowed
 - From dawn to dusk, the brightness shall not be more than 7,500 nits or candelas per square meter. From dusk to dawn, the brightness shall not be more than 350 nits.
- Other
 - City manager can order modifications based on accidents with a causal connection between increased accidents and permitted signs.

Billboard Free Communities

Many communities across the country have adopted total bans on billboard advertising; some bans have been recently enacted while others have been in place for decades. There are four billboard-free states within the United States: Hawaii, Vermont, Maine, and Alaska. These states all have significant tourism-oriented economies and are renowned for their natural landscapes and scenic geography.

Vermont

The State of Vermont adopted a prohibition on off-premises outdoor advertising signs in 1967, shortly after adoption of the Highway Beautification Act in 1965.⁷⁷ The ban was adopted as part of larger “Tourist Information Services Act” intended to “to provide information about and help guide travelers to public accommodations and services, other businesses, and points of scenic, historic, cultural, educational, and religious interest.”⁷⁸

The State of Vermont does identify 17 types of exempted off-premises signs which are allowed to be seen from the right-of-way, subject to certain criteria.⁷⁹ The exempted sign types primarily relate to directional signage for official tourist attractions, and are maintained by state authorities. Some of the exceptions include: directional signs, memorial signs, and official traffic control signs directing people to other towns, international airports, postsecondary educational institutions, cultural and recreational destination areas, nonprofit diploma-granting educational institutions for people with disabilities, official State visitor information centers. Directional signage is allow allowed for the following types of uses if they are open a minimum of 120 days each year and is located within 15 miles of an interstate highway exit: non-profit museums, cultural and recreational attractions owned by the State or federal government, officially designated scenic byways, park and ride or multimodal centers, and fairgrounds or exposition sites.⁸⁰

The ban applies to all public right-of-ways. Municipalities cannot relax the billboard ban, but are permitted to adopt stricter sign standards in relation to those outline in the Vermont Statutes.⁸¹ Prior

⁷⁷ Vermont Code, 10 V.S.A. § 488

⁷⁸ Vermont Code, 10 V.S.A. § 483

⁷⁹ Vermont Code, 10 V.S.A. § 494

⁸⁰ Vermont Code, 10 V.S.A. § 494(6)(B)

⁸¹Do the Signs Around CityPlace Construction Site Violate Billboard Law?, Sally Pollak, 7 November 2018, Seven Days, Da Capo Publishing, (accessed [online](#)).

to the adoption of the billboard ban, Vermont highways contained several billboards. The State had all non-conforming billboards removed by 1974.⁸²

Hawaii

Prior to receiving statehood, the Territorial Legislature of Hawaii, adopted a ban on billboards in 1927.⁸³ The State of Hawaii adopted similar legislation in 1965, stating “no person shall erect, maintain, or use a billboard or display any outdoor advertising device.”⁸⁴ Like Vermont, however, the Hawaii statutes provide a number of exempted signs, primarily including types of on-premises advertising signs such as real estate signs, scoreboards, or signs advertising a meeting on the premises of which they will be held.

Alaska

The State of Alaska has maintained a ban on all outdoor advertising visible from “the main-traveled way of the interstate, primary, or secondary highways” since 1970.⁸⁵ Alaska’s regulations, similar to the other states with billboard bans, make exceptions or provisions for five types of advertisings including: directional and other official signs and notices which include signs and notices pertaining to natural wonders, scenic and historic attractions, signs, displays, and devices advertising the sale or lease of property upon which they are located or advertising activities conducted on the property, signs determined by the state, subject to concurrence of the United States Department of Transportation, to be landmark signs, including signs on farm structures or natural surfaces of historic or artistic significance, the preservation of which would be consistent with the provisions of this chapter, and directional signs and notices pertaining to schools.⁸⁶ The fifth exception allows advertising on bus benches or bus shelters, as long as it conforms to all other local, state, and federal standards.

In 2018, the Alaska Chapter of the Americans Civil Liberties Union (ACLU) filed suit in the Alaska Superior Court against the State regarding campaign signs and free speech. The Alaska Superior Court ruled in favor of the ACLU and issued a temporary restraining order on the State, requiring the State of Alaska to allow political advertising signs on private property.⁸⁷

Maine

The State of Maine passed a total billboard ban in 1977 entitled, the Maine Traveler Information Services Act. The statute is found in *Title 23 Transportation* in the Maine Revised Statutes. The law states that “no person may erect or maintain [outdoor advertising] signs visible to the traveling public from a public way except as provided in this chapter.”⁸⁸ A public way is also defined as “any road capable of carrying motor vehicles, including, but not limited to, any state highway, municipal road, county road, unincorporated territory road or other road dedicated to the public.”⁸⁹ An exception, similar to the one in Alaska, is for advertising signs at publicly owned bus stop outdoor, the

⁸² Scenic America: Billboard Control Case Study. *Vermont: Proud to be Billboard-Free!* Scenic America, (accessed [online](#)).

⁸³ Campaign Signage Laws and Recommendations, The Outdoor Circle, (accessed [online](#)).

⁸⁴ Hawaii Code, H.R.S. §445-112

⁸⁵ AS 19.25.105(a)

⁸⁶ AS 19.25.105(a)(1)-(4)

⁸⁷ American Civil Liberties Union of Alaska, Dunleavy for Alaska, and Eric Siebels, v. State of Alaska And State of Alaska Department of Transportation & Public Facilities, 3AN-18-08845CI.

⁸⁸ 23 M.R.S. §1-1907

⁸⁹ 23 M.R.S. §1-1903

responsibility for which, the law states, is under the jurisdiction of a municipality.⁹⁰ Alaska law also provides exceptions for some signs located within the right-of-way⁹¹ including “handheld signs,” and “signs bearing noncommercial messages erected by a duly constituted governmental body, a soil and water conservation district or a regional planning district,” as well as exceptions for on-premises signs.⁹²

Maine implemented a “logo sign” program for interstates and an “official business directional sign” system along non-interstates. Official business directional signs are limited to only 6 licenses per business, and to locations “where the traveler must change direction from one public way to another to reach the business, facility or point of interest.”⁹³ The intent of allowing these types of signs in coordination with the adoption of the billboard ban was “in the interest of an orderly transition and to accommodate those businesses needing directional signing.”⁹⁴

The Maine Traveler Information Services Act also outlined an amortization period of six years for the removal of any billboard lawfully erected prior to the adoption of the ban. However, the amortization requirement did not apply to billboards along interstate or primary systems, where the statute outlines procedures for removal through compensation in accordance with the 1978 amendment to the federal Highway Beautification Act. According to a report to the Legislature in 1991, all billboards in Maine had been removed by 1984.

Other Communities

Many cities across the United States have adopted ordinances allowing existing billboards to remain, but banning any new billboards. Scenic America reports that more than 700 communities nationwide prohibit the construction of new billboards. Some of the larger cities include Austin, San Francisco, Houston, Fort Worth, Washington, D.C., Jacksonville, and Los Angeles. The American Planning Association also reports that several communities have taken a “no-net-increase” approach to the regulation of new billboards.⁹⁵

Globally, more and more major metropolitan cities are prohibiting and removing outdoor advertising. Sao Paulo instituted the Clean City Law in 2007 which forced the removal of over 15,000 billboards and over 300,000 nonconforming business signs. Grenoble, France became first ad-free European city with an adopted ban in 2014.⁹⁶ In 2016, Barcelona adopted a policy to remove 20 percent of its outdoor advertising, primarily by removing City-owned billboards in the right-of-way.⁹⁷ In India, the cities of Mumbai and Chennai have also limited the areas where billboards are permitted, and forced removal of illegal billboards. While noting the trend away from billboard advertising worldwide, a recent Guardian article also suggested this does not mean that public spaces are becoming ad-free. Because advertising helps fund some types of city infrastructure, such as transit furniture or free Wi-Fi booths,

⁹⁰ 23 M.R.S. §1-1908-A

⁹¹ 23 M.R.S. §1-1913-A

⁹² 23 M.R.S. §1-1914

⁹³ 23 M.R.S. §1-1919

⁹⁴ Report of the Maine Travel Information Advisory Council to the 115th Legislature, January 1991, (accessed [online](#)).

⁹⁵ Zoning Practice, APA, Digital Signs: Context Matters, 2008.

⁹⁶ Can cities kick ads? Inside the global movement to ban urban billboards, Arwa Mahdawi, 11 May 2018, The Guardian News & Media Limited, (accessed [online](#)).

⁹⁷ Barcelona Is Targeting Billboards It Sees as 'Pollution', Feargus O'Sullivan, 18 February 2016, City Lab, The Atlantic Monthly Group, (accessed [online](#)).

the article states that “truly rebalancing public space is a long process of untangling public infrastructure from private interest.”⁹⁸

Other Notable Practices & Trends

New “Smart Cities” Technologies

The “smart cities” concept is one that more and more municipalities are striving to integrate into their day-to-day operations. A “smart city” has installed data sensors into public assets including facilities and infrastructure, to allow for increased automation, better monitoring, as well as real-time responses to infrastructure problems. Besides the benefit of increased public efficiencies, “smart cities” use technology to achieve broader goals including promoting resilience, energy conservation, and reducing traffic congestion. Such electronic data sensors can be incorporated into a number of different public assets including streets and bridges, water lines, public litter cans, libraries, schools, vehicular fleets, electric utility grids, parking spaces, among a multitude of others. Many municipalities have entered into agreements with outdoor advertising companies in a sort of “public-private partnership” arrangement for the installation of more “smart city” technologies, in a manner similar to how the New Orleans Regional Transit Authority has contracted with a local advertising agency to install bus shelters. The City of New York recently installed digital screen kiosks across the city (LinkNYC) which replace pay phones and provide services such as maps, wayfinding, USB charging ports, Wi-Fi, video calls.⁹⁹ These kiosks are funded by advertising which display on the screens. A report from the Outdoor Advertising Association of America notes that there may be increasing opportunities for the advertising industry and cities to partner to provide smart city functions such as public safety cameras, Wi-Fi hotspots, and real-time public transit data.



Figure 15. Wi-Fi hotspot and bus stop with digital display in Panama City, Panama developed in partnership with outdoor advertising company, JCDecaux. (Source: Smart Cities World)



Figure 16. Woman charging her mobile device at a LinkNYC kiosk. (Source: Medium.com)

⁹⁸ Can cities kick ads? Inside the global movement to ban urban billboards, Arwa Mahdawi, 11 May 2018, The Guardian News & Media Limited, (accessed [online](#)).

⁹⁹ Understanding Smart Cities and the Potential Role of OOH Advertising, Gordon Feller, Out of Home Advertising Association of America, 2018, (accessed [online](#)).

Temporary Billboards on Construction Sites

One notable trend in outdoor advertising is the use of large temporary advertising banners on construction sites, including over buildings or historic monuments under repair. In Paris, since 2007, the law has allowed the temporary billboards on the facades of Parisian landmarks when they are being restored and are under construction. The justification for the special advertising allowance was first, that its negative aesthetic impact was temporary in nature, and second, that the temporary advertising helped provide a source of funding in the restoration of a landmark and ultimately benefitting the community aesthetics. The Musée D'orsay in Paris partook in this unique style of temporary advertising; the museum got refurbished, meanwhile businesses gained visibility for their sponsorship and charity policies.¹⁰⁰ In the United States, advertising companies have developed similar building wrap products. In addition to construction sites, some cities allow building wrap advertising on buildings such as parking garages, with large, generally blank, facades.



Figure 17. Apple advertisement covering the Palais de justice in Paris while under renovation.



Figure 18. A Netflix building wrap hides unfinished construction of a building in Paris.



Figure 19. Advertising on building scaffolding in Paris. Photo: Didier Rykner



Figure 20. Advertising on facade of the Musée d'Orsay. Photo: Didier Rykner

¹⁰⁰ Temporary billboards on Parisian landmarks: yes or no?, Elisabeth Marcadet, 28 November 2014, (accessed [online](#)).

Summary of Other Communities' Billboard Regulations

Table 4. Summary of Billboard Allowances in Other Jurisdictions Studied

City	Billboards Allowed?	Prohibited Locations	Digital Allowed?	Digital Conversion	Notable Policies
Chicago	yes, allowed in some downtown, manufacturing & business districts.	<ul style="list-style-type: none"> -only wall-mounted allowed in downtown districts (freestanding prohibited) -no billboard is allowed within 100' of residential districts & those larger than 100 sf are not allowed within 250' of residential districts. -not allowed within 100' of waterways & parks between 2-10 acres -not allowed within 400' of parks larger than 400 sf -not allowed within 500' of Lake Shore Drive and other designated roads (except for city digital signs). 	yes, but only "city digital signs"	no	In 2013, Chicago entered into a public-private partnership to construct 34 "city digital signs" in return for an estimated \$30 million in annual revenue.
Dallas	no new billboards	<ul style="list-style-type: none"> -only converted digital billboards allowed and only along expressways -not allowed within 300' of residential districts, within 2000' of the Trinity River, within 500' of a historic district or within 500' of an escarpment zone 	only if converted	3:1 ratio, total cap of 50	In Texas, there are "certified cities" such as Dallas that police their own interstate corridor.
Detroit	yes, allowed by right in some business and manufacturing districts, and through approval of a conditional use in the others	<ul style="list-style-type: none"> -not allowed in historic, residential, business, waterfront-industrial or greater downtown areas. -not allowed within 500' of a school, playground, park or historic district alcoholic advertising not allowed within 1000' of a child-caring institutional, correctional facility, library, park or school, except at sports arenas & convention facilities. 	no	no	Prohibits advertisement of sexually oriented businesses. Billboards must be built within 6 months of receipt of permit.
Gainesville	yes, allowed in general business, light & heavy industrial districts	<ul style="list-style-type: none"> -only allowed within 300' of an interstate or highway -not allowed within 500' of residential districts 	only if converted	2:1 ratio, total cap of 12	The conversion policy was made through a settlement agreement with the only local company, as opposed to a text amendment to the sign ordinance
Indianapolis	yes, allowed in industrial and some commercial and mixed-use districts.	<ul style="list-style-type: none"> -not allowed in residential, special use or central business districts. -not allowed within 300' of protected districts, residential districts, parks, churches or schools 	no	no	
Jefferson Parish	yes, allowed in heavy commercial, warehouse, industrial & "unrestricted" districts.	not allowed within 300' of residential district	yes	no	
San Diego	no new billboards	N/A	no	no	Some legally nonconforming billboards are allowed renovations or alterations which would exceed 50% of their actual value. Conversion to digital display technology, however, not permitted.
Bay Area	no new billboards	N/A	no	no	
Savannah	yes, allowed in certain business and industrial zoning districts	<ul style="list-style-type: none"> -not allowed within 500' of school, church, public building, historically rated structure, historic site, park, or cemetery -must be at least 75' from residential and institutional properties -not allowed in designated "special sign districts" -new digital billboards are not allowed within 250' of residential districts & converted digital billboards are not allowed within 150' of residential districts 	yes, but only allowed along roads consisting of four lanes or more	2.5:1 ratio	City Manager can order modifications based on accidents with a causal connection between increased accidents and permitted signs.

City	Spacing Standards	Illumination Standards	Digital Displays	Size Limitations	Height Limitations
Chicago				600 sf/ 3x street frontage (whichever is less) 1,800 sf/ 5x street frontage (whichever is less) Freestanding signs are allowed half of the calculation	max. 24' up to 50' if located on ROW larger than 80'
Dallas	one-face 1500' from other digital displays two-face 2000' from other digital displays.	no more than 0.3 footcandles over ambient light at a distance of 250'	min 8 second display, changed within 2 seconds	400 sf	digital sign supports may not exceed 50' or 42.5' above roadbed, whichever is higher.
Detroit	1000' from any other advertising sign min. 125' from edge of road.			sign faces oriented to freeways max. 672 sf in area. on properties greater than 80' in width, max. 378 sf on properties less than 80' in width, max. 250 sf.	max. 35' height bottom edge min. 15' above ground
Gainesville	1000' from other billboard at expressway interchanges, only one billboard allowed and must be within 500' of quadrant of interchange.	night-time max. luminance level of 500 cd/m2 or nits.		digital displays cannot exceed 300 sf in area. In G-B District max. 80 sf In L-I or H-I District max. 240 sf	max. 25'
Indianapolis	1000' from any other outdoor advertising sign			Lot size up to 10,000 sf, max. 6' x 12' Lot size between 10,000 and 20,000 sf, max. 12' x 12' Lot size between 20,000 and 43,560 sf, max. 12' x 25' Lot size greater than 43,560 sf, max. 10.5' x 36' plus extensions, or 12' x 50', or 14' x 48' plus extensions.	40' height bottom edge min. 15' above ground
Jefferson Parish	min. 500' spacing for static min. 1000' spacing for digital	max. nighttime lighting of 323 cd/m2 or nits.	min 8 second display	14' high x 48' width 672 sf	max. 65'
Savannah	min. 5000' between digital billboards on the same side of the street min. 2500' between digital billboards on the opposite side of the street	From dawn to dusk, the brightness shall not be more than 7,500 cd/m2 From dusk to dawn, the brightness shall not be more than 350 cd/m2.			max. 50' above grade at the base of the sign. max. 50' above the driving surface of a ramped or elevated street, but in no case more than 70' above the base of the sign.

Part 6. Analysis

City-Wide Billboard Inventory Findings

The motion directing the study called for “an update to the existing city-wide inventory of billboard locations, including locations relative to Master Plan designations, zoning districts, historic district boundaries, city- and state-owned property, and prohibited locations in the CZO.” From January 2019 to March 2019, the City Planning Commission staff conducted a physical inventory of all billboards currently located within the boundaries of Orleans Parish, and counted a total of 472 billboards.¹⁰¹ Using information gathered by surveys in the field, as well as information provided by individual billboard companies and other City departments, the inventory provides the following data:

1. Geographic Location
2. Billboard Sign Face Dimension¹⁰²
3. Operator Name
4. Media/Display Type¹⁰³
5. Support Structure Type
6. Surrounding Land Use
7. Zoning District
8. Council District
9. Future Land Use Map Designation
10. Ownership
11. Photographs

Some of the main findings are presented in the following graphics and maps. In addition, with the assistance of the Office of Information Technology and Innovation, the inventory and all data have been added to the City’s GIS web-based network. Integrating the data into GIS and on the web makes the data easily accessible and editable. This could help the Department of Safety and Permits enforce current regulations as well as maintain and update the annual “New Orleans Billboard Report,” as is required by the CZO. Other pertinent enforcement data (e.g. inspection dates, inspection notes, etc.) could also be integrated into the inventory as needed.

Total Number of Billboards per Zoning District

The city’s existing 472 billboards are found within a variety of zoning districts. Figure 21 on the following page shows total number of billboards per zoning district. Billboards are constructed within a few residential zoning districts as well as a few neighborhood business districts and various

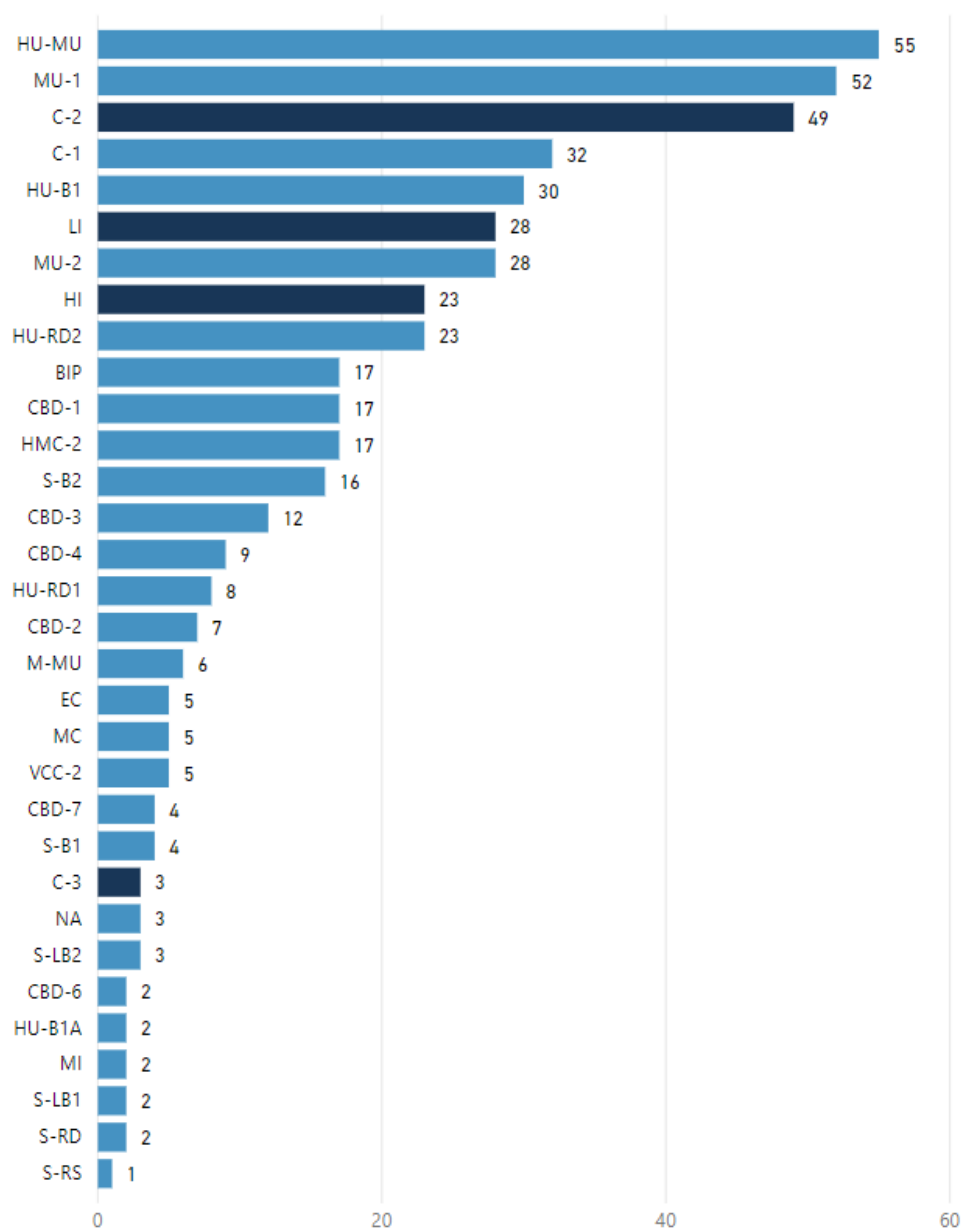
¹⁰¹ The inventory total includes all identified billboards assessed by City Planning Commission staff. The staff did not assess or seek a determination, from the Department of Safety and Permits, of the legal status of any non-conforming billboard. Therefore, nothing presented herein should be interpreted as conferring legal nonconforming status on any of these billboards, nor does this study make any representations about the nonconforming status of any billboard mentioned herein.

¹⁰² Billboard sign face dimension data were provided by various billboard advertising companies; the dimensions may not reflect an exact measurement of the sign copy and may include elements of the sign frame.

¹⁰³ The inventory includes an assessment of the media format of each billboard (i.e., static display or digital display, etc.), but did not include an assessment on the type of advertising content displayed on the sign.

commercial districts, including suburban commercial districts and commercial districts within historic core zoning districts. A surprising finding is the total number of billboards within residential districts amounts to 34 in number. There are also a total of 52 billboards in varying Central Business Districts. The district with the largest number of billboards is the HU-MU District. As described in the CZO, the purpose of the district is to “encourage mixed-use areas which are pedestrian-oriented in character.” The large proportion of billboards in this district suggests a compatibility issue as billboards are typically designed for auto-oriented areas. The more intense mixed-use districts, the MU-1 and MU-2 Districts, also contain a large proportion of billboard development. Of the total 472 billboards, 103 billboard or approximately 22%, are located within the four zoning districts where billboards are currently permitted: the HI, LI, C-2, and C-3 Districts.

Figure 21. Total Number of Billboards per Zoning District (darker blue color indicates a district that permits billboards)

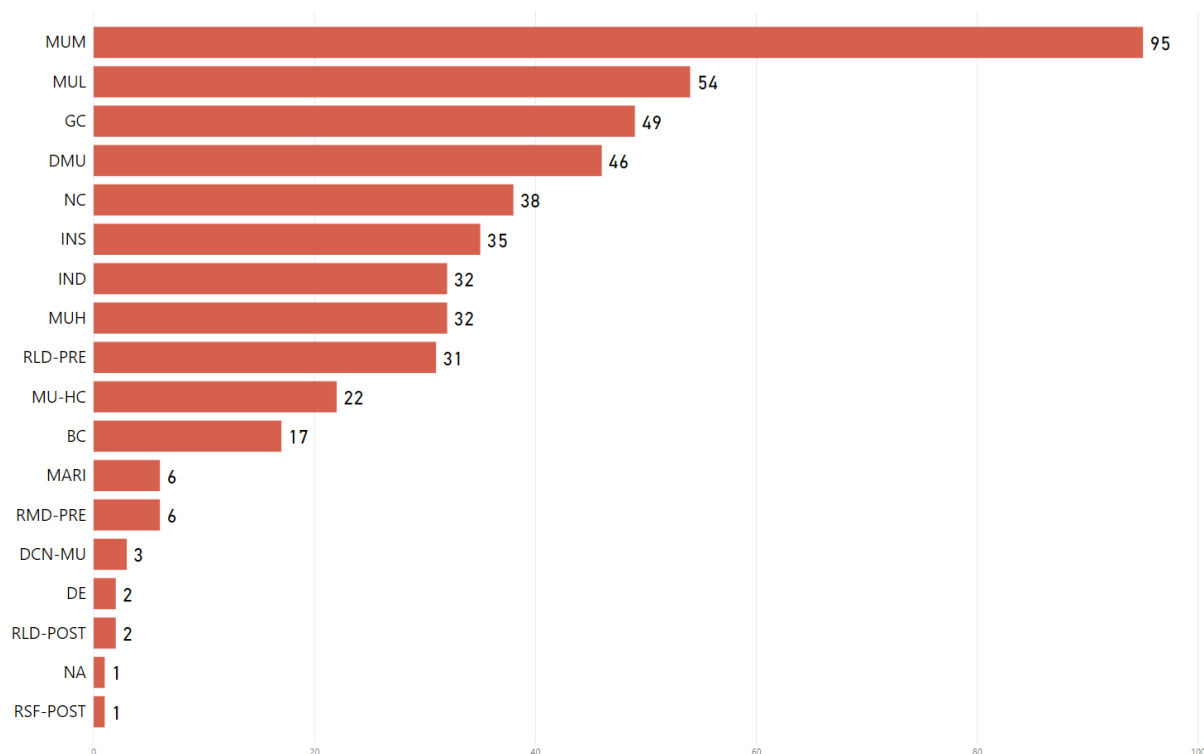


Total Number of Billboards per Future Land Use Map (FLUM) Category

The city's existing 472 billboards are also found within a variety of Future Land Use Map categories of the Master Plan. The majority (a total of 95 billboards), as shown in Figure 22 below, are located in areas designated within the MUM Mixed-Use Medium Density category. As is written in the Master Plan, the vision for these areas include the development of "medium-density neighborhood centers to enhance walkability and serve as focal points within neighborhoods [where proximity] to transit is encouraged." Many of the billboard in the MUM areas are concentrated in Central City and the Lower Garden District near the edge of the CBD, and close to the Pontchartrain Expressway.

The FLUM category with the second largest number of billboards (a total of 54) is the MUL Mixed-Use Low Density. These areas primarily cover properties fronting along mixed-use corridors along major streets within the city, including Canal Street, Broad Street, St. Bernard Avenue, Gentilly Boulevard, North Carrollton Avenue, Louisiana Avenue, South Claiborne Avenue, Magazine Street, and Tchoupitoulas Street. It also covers some smaller neighborhood commercial corridors including Freret Street, Newton Street, Oak Street, Maple Street, and Apple Street. There are also several billboards (a total of 32) in the other mixed-use FLUM category: the MUH Mixed-Use High Density category. Many of these areas are also situated along or near the Pontchartrain Expressway at both the Broad Street overpass, the Jefferson Davis overpass and the South Carrollton exit. Both the MUL and the MUH categories also outline development goals similar to the MUM, including the encouragement of walkable neighborhoods with residential and neighborhood-oriented commercial uses in proximity to each other.

Figure 22. Total Number of Billboards per Future Land Use Map (FLUM) Category



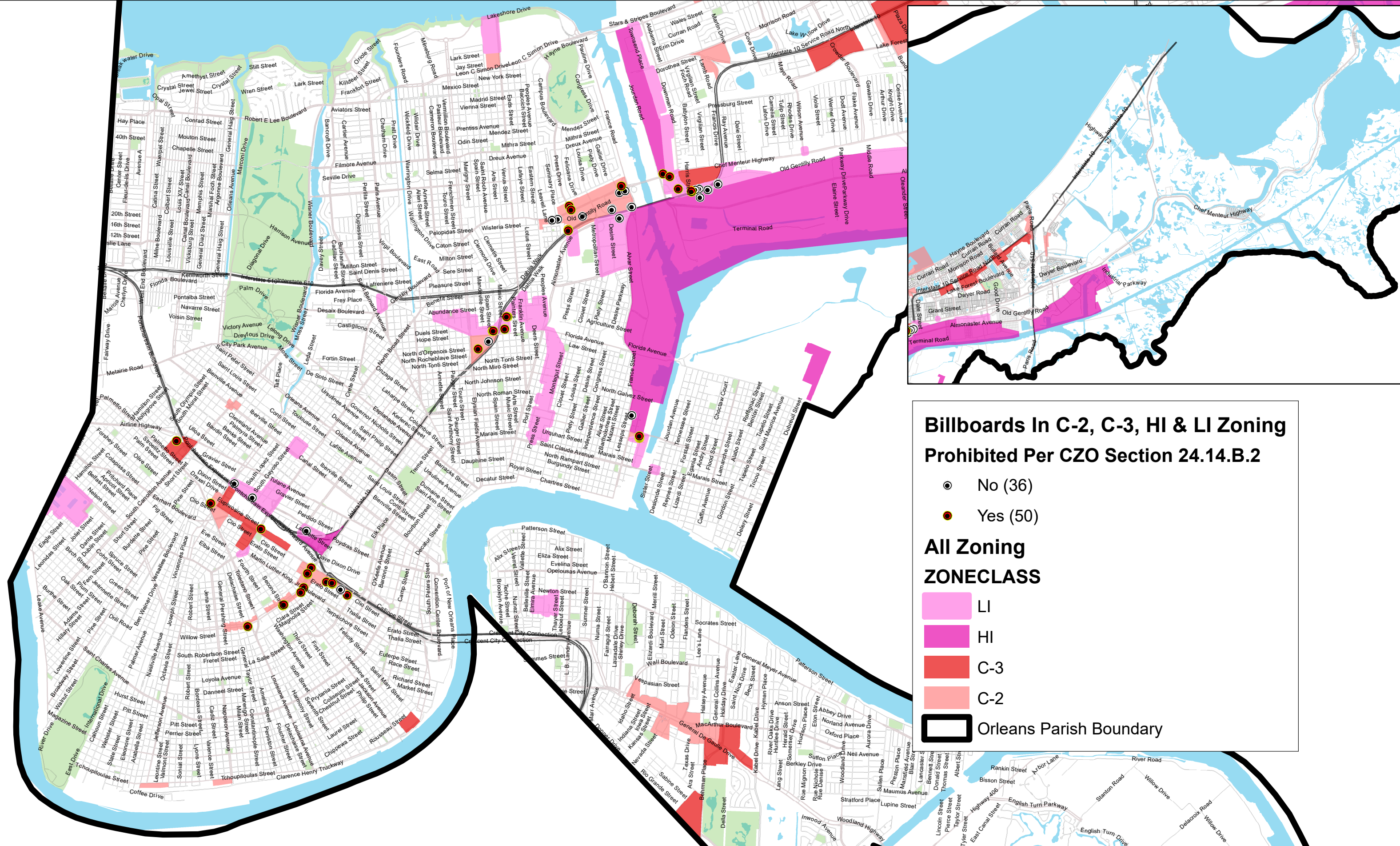
There are also a number of billboards within the GC General Commercial and IND Industrial FLUM designated areas, which are generally within industrial or commercial zoning districts (including the

HI, LI, C-2, and C-3 Districts where billboards are currently permitted). The General Commercial areas are along some of the city's major streets which are also state highways including South Claiborne Avenue, Chef Menteur Highway, and Earhart Boulevard. The Industrial areas are located primarily on properties with adjacency to the Industrial Canal and Intracoastal Waterway, along Poland Avenue, Almonaster Avenue, and parts of Chef Menteur Highway. Finally, one notable finding was a relatively large number in the INS Institutional FLUM category. Many areas along the Pontchartrain Expressway, near and extending from the Xavier University campus, the Criminal Justice Complex, and the University Medical Center campus, are designated with the Institutional FLUM category.

Billboards in HI, LI, C-2, or C-3 Districts

As mentioned, there are 103 billboards that are developed within one of the four zoning districts where billboards are a permitted use. The CZO also requires billboards to be spaced at least 1000 feet from one another. The staff did not assess the spacing of all of the existing billboards, but noted that several billboards along the Pontchartrain Expressway and I-10 (between Elysian Fields and Franklin Avenues) appear to measure substantially less than the 1000 feet required. There are also several "prohibited areas" where billboards are not permitted. The 13 prohibited areas are outlined in *Article 24, Section 24.14.B.2* of the CZO, and are similar to those which were restricted in the previous CZO. These areas include both vistas and view sheds as well as certain specific locations, including within design overlay districts and within 500 feet of a residential district (on the same side of the street). The vistas, or view sheds, are essentially locations where a view from the Mississippi River, the French Quarter, or the CBD should not be obstructed by a billboard. The Zoning Administrator of the Department of Safety Permits has determined that these prohibited areas do not equate with billboard design standards, as they are locations in which the billboard use is prohibited; therefore, the provisions of *Section 24.14.B.2* cannot be waived. The staff found that almost half of the existing billboards in the C-2, C-3, HI, or LI District are also within one of the prohibited areas as outlined by *Section 24.14.B.2*, and are thus nonconforming as to use.

Several of the billboards zoned either the C-2, C-3, HI, or LI District are located within the Tulane-Gravier neighborhood where I-10 intersects the Pontchartrain Expressway near the Superdome. There are also a large number concentrated in the Desire neighborhood where I-10 passes over the Industrial Canal. The other areas where billboards in these four zones are located include Viavant/Venitian Isles, Central City, St. Roch, Bywater, Gentilly Woods, Mid-City, Dixon, and Gert Town.



Map 3. Billboards in C-2, C-3, LI, and HI Districts

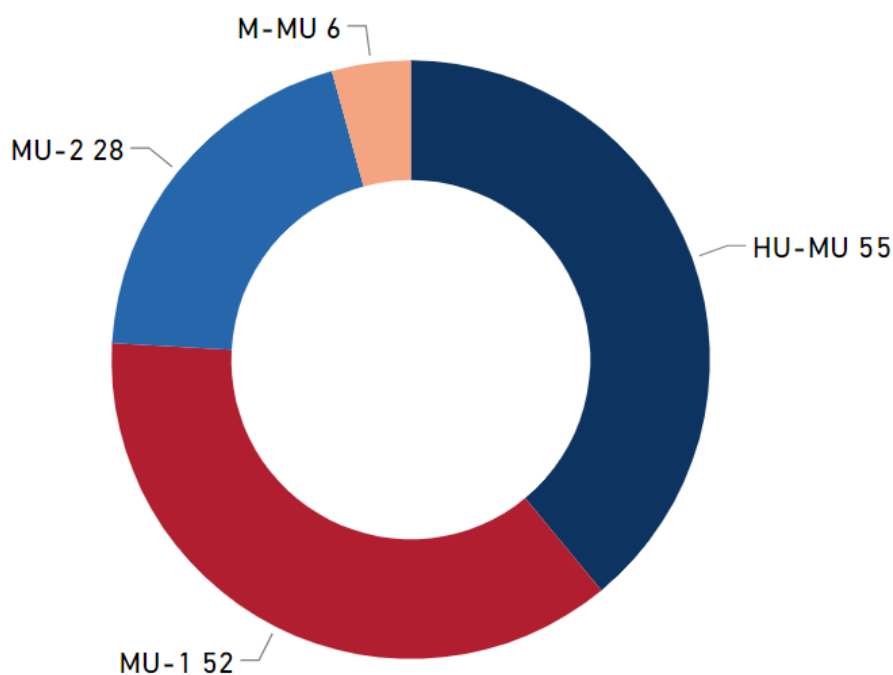
DISCLAIMER: This map was created by The City of New Orleans; City Planning Commission from The City of New Orleans Enterprise Geodatabase and was compiled for the most authentic information available. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. The City is not responsible for any errors or omissions contained herein. Date: 4/1/2019

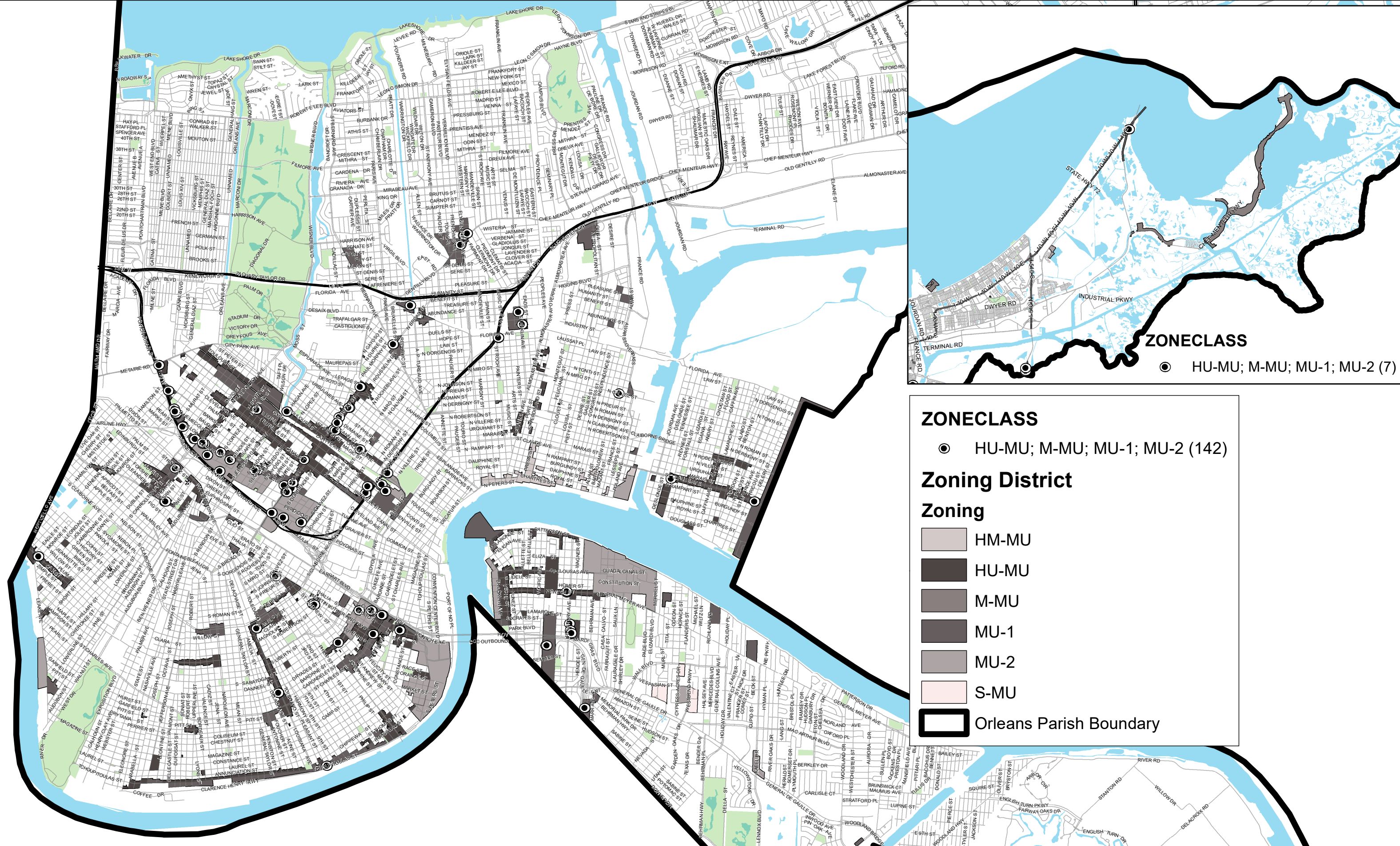
Billboards in Mixed-Use Districts

As mentioned in the previous section, a large number of billboards (approximately 30 percent of the total) are found within mixed-use zoning districts, including the HU-MU Neighborhood Mixed-Use District, the MU-1 Medium Intensity Mixed-Use District, the MU-2 High Intensity Mixed-Use District, and the M-MU Maritime Mixed-Use District. It should also be noted that over half of the existing billboards (approximately 53 percent of the total) are also located within a mixed-use FLUM category per the Future Land Use Map of the Master Plan.

Several of the mixed-use zoning districts span major corridors such as Tulane Avenue, the Lafitte Greenway, and Broad Street in Mid-City, St. Charles Avenue and Oretha Castle Haley Boulevard in Central City, Louisiana Avenue, Tchoupitoulas Street, and South Carrollton Avenue in the Uptown neighborhoods, St. Claude Avenue and Caffin Avenue in the Lower Ninth Ward, Newton Street, Brooklyn Avenue, and part of the Westbank Expressway on the Westbank. There are also clusters of mixed-use zoning at major nodal areas where there have been larger-scale residential and commercial developments recently developed or proposed including the area in the Lower Garden District adjacent to the Convention Center, the corner of St. Bernard Avenue and Broad Street, the corner of Elysian Fields Avenue and Gentilly Boulevard, Federal City in Algiers, and the former Naval Support Activities site near the Industrial Canal. The existence of billboards in these certain areas has the potential to present certain land use conflicts, especially since many of these areas are now intended for denser residential development and pedestrian friendly environments where retail and service outlets are in proximity to residential areas. The nature of billboard advertising – whose intended audience is automobile drivers – is at odds with intents and purposes of some of the mixed-use districts which are intended to encourage development at a more pedestrian scale to encourage walking trips.

Figure 23. Count of Existing Billboards in Different Mixed-Use Zoning Districts: MU-2 Mixed Use High Intensity, MU-1 Medium Intensity, HU-MU Historic Urban Mixed Use, and M-MU Maritime Mixed Use

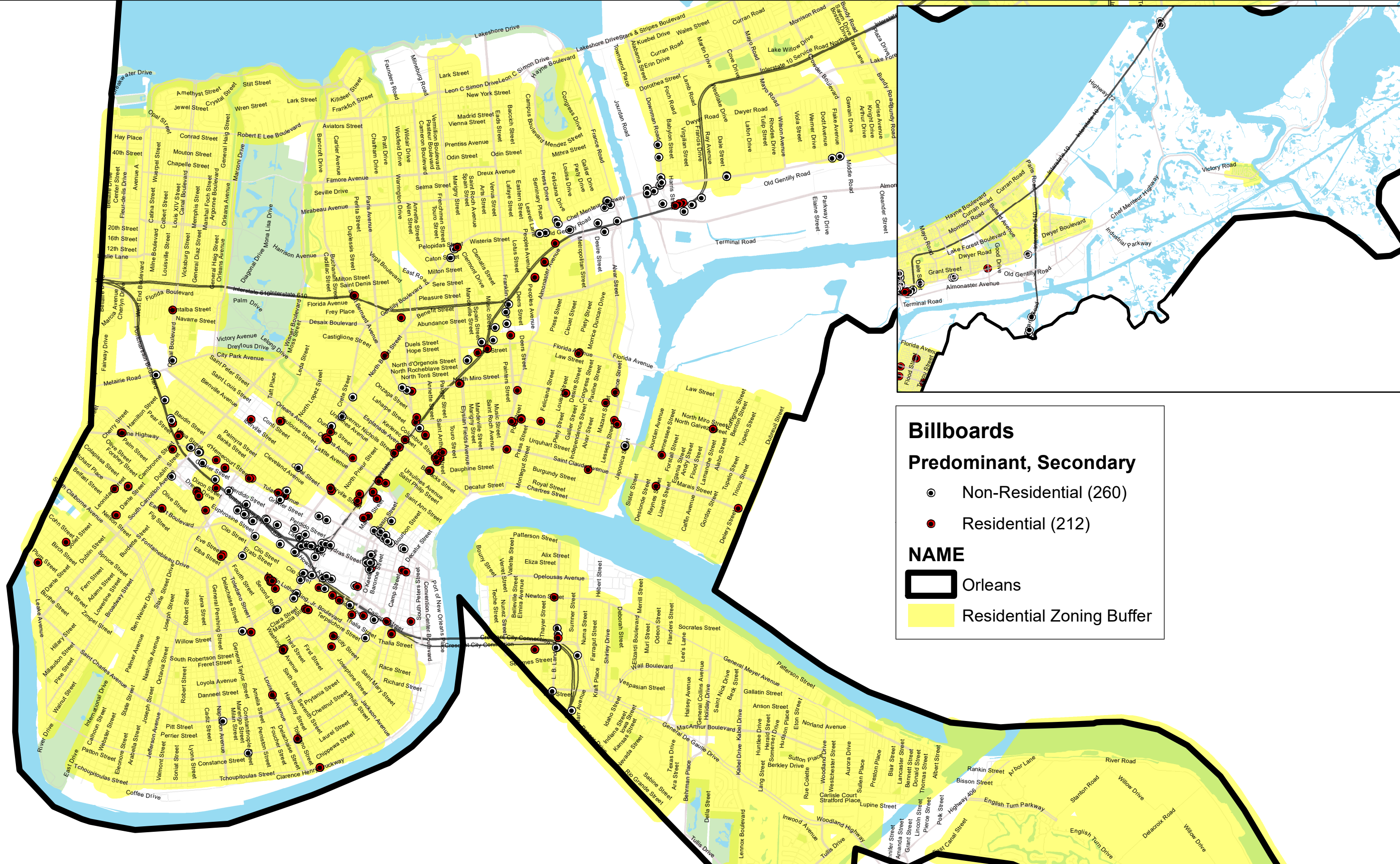




4. Billboards in Mixed Use Districts

Billboards in Proximity to Residential Land Uses

While surveying the city's inventory, CPC staff identified both primary land uses within the vicinity of each billboard and whether or not residential land uses were adjacent to the billboard or if the billboard was in sight of nearby residential land uses. The staff found that the majority of billboards (over 50 percent total) were found in primarily commercial areas, while about a quarter of the billboards (roughly 25 percent of the total) were found in primarily industrial areas. About 15 percent of billboards were found in primarily residential areas, and about 5 percent were found in institutional areas. The CPC staff also found that many of the commercial areas also contained adjacent or nearby residential land uses, so were more mixed-use in nature. On the other hand, the industrial areas, were more homogenous in terms of land use, and the surrounding land uses consisted of almost exclusively industrial land uses. Map 5 indicates the billboards which were found entirely adjacent to or within the vicinity of residential land uses. About half of the existing inventory were not, and about half were. The staff also found that the majority (a total of 308 billboards) were found within the 500 foot buffer of a residential zoning district, which is one of the prohibited locations as currently outlined in the CZO. The staff found that about 75 billboards existed within a 500 foot radius of a residential district, but were not adjacent to or visible from any residential land uses. Conversely, the staff found about 8 billboards which were not within a 500 foot radius of a residential district, but were adjacent to or in the vicinity of residential land uses. These instances were primarily in the CBD and off Old Gentilly Road in New Orleans East.



Map 5. Billboards Near Residential Land Uses

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Date: 4/1/2019

Billboards within Local Historic Districts (HDLC Districts) & National Historic Districts

There are 54 different local historic districts and national historic districts within New Orleans which contain a multitude of historic buildings and landmarks from the 19th and early 20th centuries. Many districts overlap. All of the local historic districts are under the jurisdiction of the Vieux Carre Commission (VCC), the New Orleans Historic District Landmarks Commission (HDLC), or the Central Business District Historic District Landmarks Commission and require design review or demolition approval by these agencies. There are currently 167 billboards in either a local historic district or a national historic district. Some of these billboards are the 8 sheet type billboard (measuring 6 feet by 12 feet) which are typically mounted on building walls on historic corner stores in largely historic residential areas. Many are also the poster type billboard (measuring 12 feet by 25 feet) and are mounted on I-beams and placed on the site of commercial developments; these are generally at sites along busier commercial streets or boulevards such as St. Claude Avenue, North Claiborne Avenue, North Rampart Street, Louisiana Avenue, and Franklin Avenue. Finally, there are a significant number of larger roof-mounted billboards (of varying sizes) in historic districts. These billboards are mounted with bulky steel girders in an A-frame design to support the billboard panels. There are several of these along the portion of Canal Street that is within the Canal Street Local Historic District, under the jurisdiction of the Central Business District HDLC. Many of these billboards detract from the architecture of the historic buildings along Canal Street and block views of the French Quarter. Map 6 on the following page shows the dispersion of existing billboards within historic districts, and Map 11 shows the locations of the roof-mounted billboards within the City.



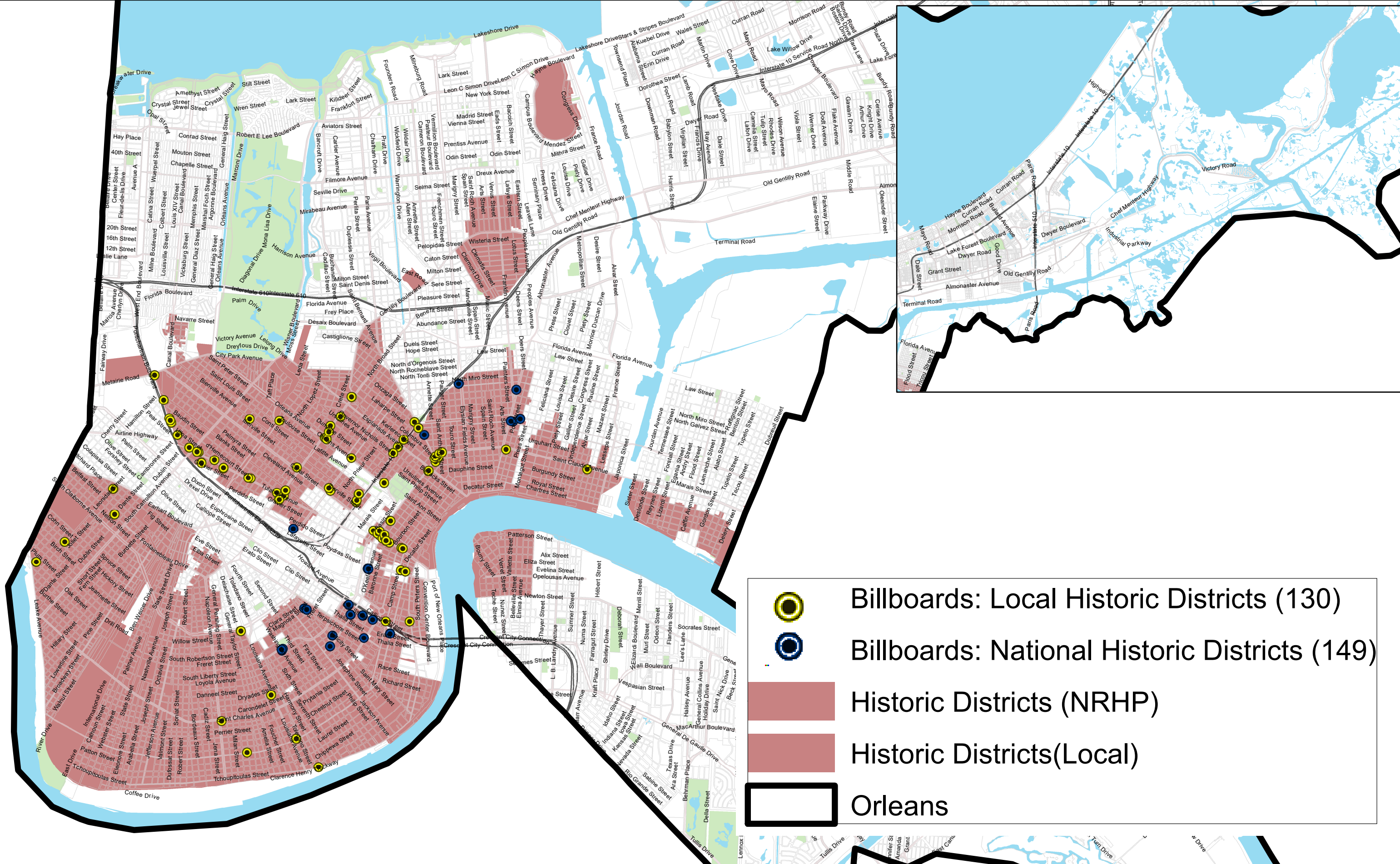
Figure 24. Stacked billboards in Garden District



Figure 25. Stacked billboards in Historic Marigny District



Figure 26. Decked billboards roof-mounted on building in the Vieux Carre.

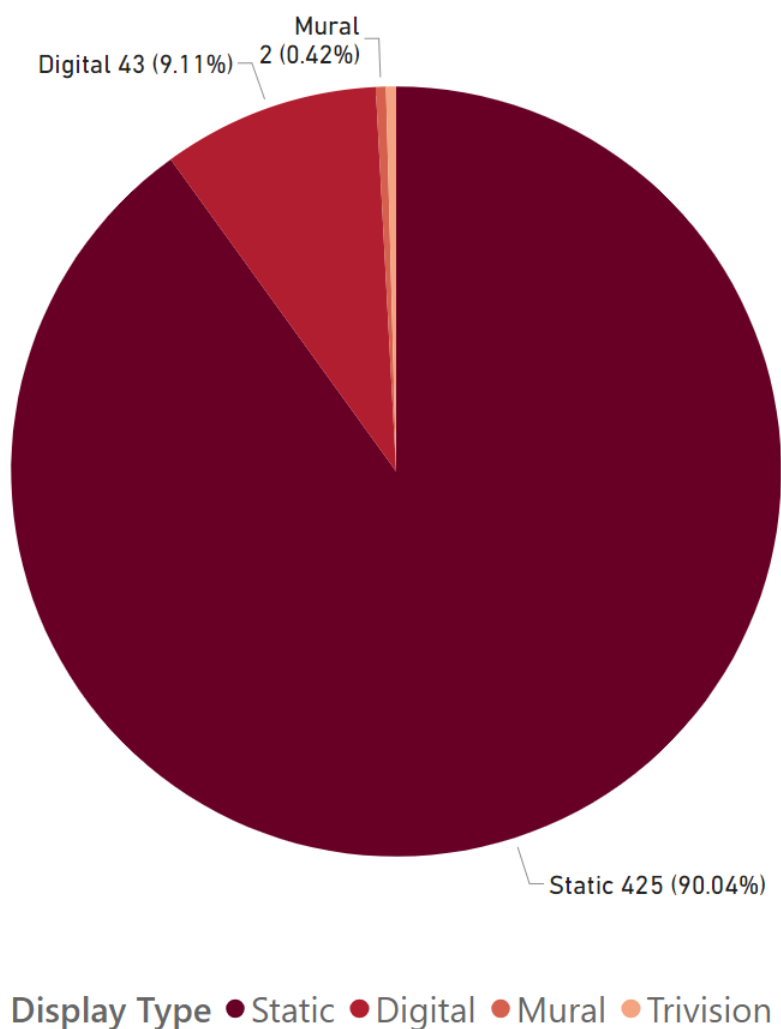


Map 6. Billboards Within Local and National Historic Districts

Billboards by Display Type

The majority of billboards contain static displays. There are currently 43 constructed billboards with digital display panels which constitutes approximately 10 percent of the total 472 billboards inventoried. Most of the digital billboards are concentrated along the elevated freeways including the Pontchartrain Expressway, the Westbank Expressway, and the I-10 Expressway above Claiborne Avenue. There are also a few along the I-10 corridor between South Carrollton and Claiborne Avenues. There are also four digital billboards along Tulane Avenue; two of these billboards were recently constructed within the LSU University Medical Center Campus without permits from the City of New Orleans. The other types of displays include two tri-vision billboards, and two “mural” billboards applied to the walls of two buildings in the Central Business District.

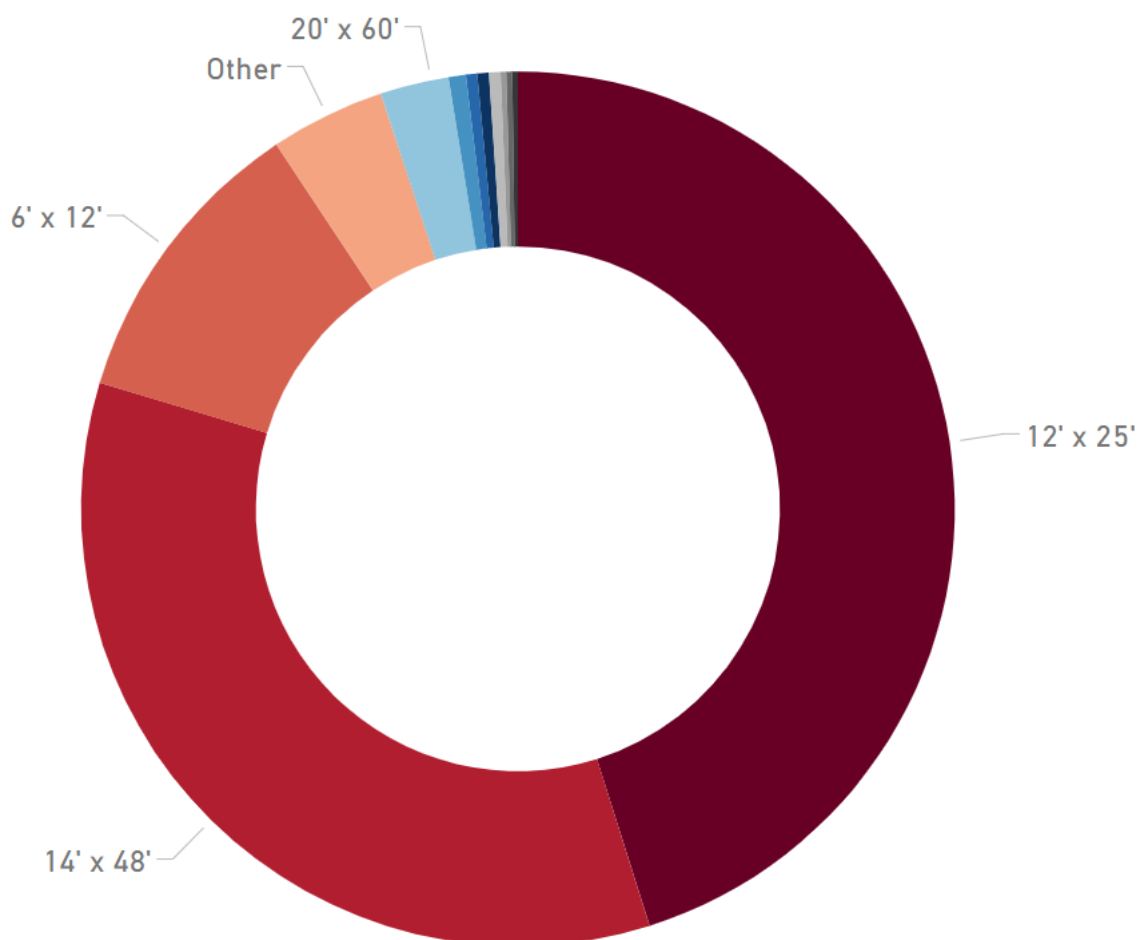
Figure 27. Count of Billboards by Display Type.



Billboards by Size

The existing billboard inventory includes varying dimensions of billboard panels. The majority (a total of 213 billboards or 45 percent) were found to be in the “poster” category, measuring 12 feet in height by 25 feet (300 square feet). After that, there is also a large proportion of billboards in the “bulletin” category (a total of 162 billboards or 36 percent), measuring 14 feet by 48 feet (672 square feet). The “junior poster” category, commonly called 8 sheet billboards measuring 6 feet by 12 feet, make up approximately 11 percent of the total inventory. The staff found a handful of billboards which exceeded 672 square feet, which is current maximum size allowed according to the CZO.

Figure 28. Count of Billboards by Size & Dimension



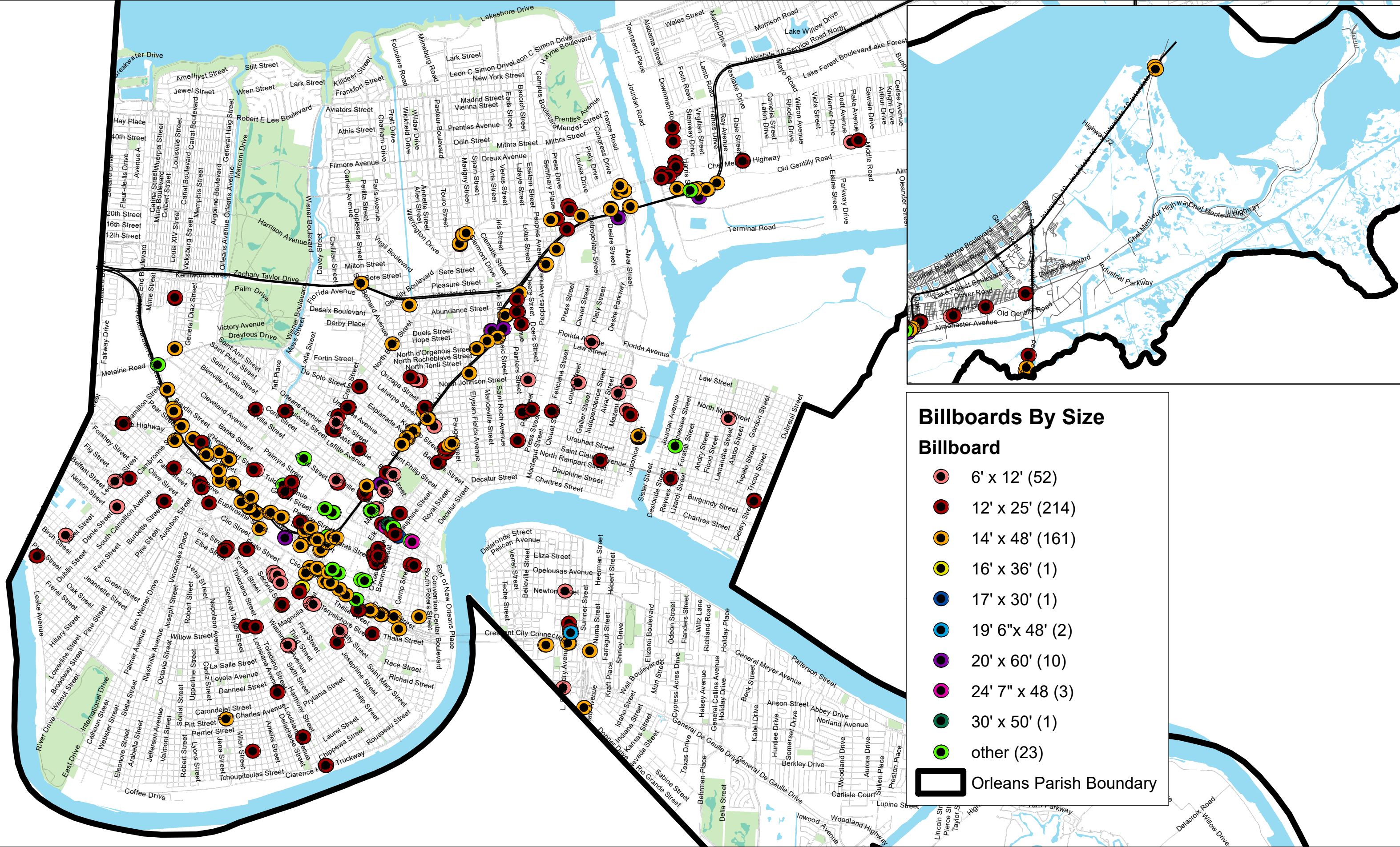
In looking at the dispersion of the different size billboards, as shown in Map 8, it appears that a large number of poster-sized billboards (measuring 12 feet by 25 feet) are located in mixed-use districts. There are 33 in the HU-MU District, 29 in the MU-1 District, and 11 in the MU-2 Districts. When the new CZO was adopted, many underutilized industrial-zoned properties were rezoned to new mixed-use districts in order to encourage redevelopment and allow an influx of residential and commercial land uses. Of the 52 counted 8 sheet billboards in the city, the largest number (14) are located in HU-RD2 Districts, and after that there are 12 in HU-B1 Districts, and 11 in HU-MU Districts. Map 9 shows the dispersion of 8 sheet billboards within the city. The larger 14 feet by 48 feet bulletin billboards are

primarily concentrated along the major expressways and the I-10 Interstate. The majority of the bulletin billboards (82 out of the 163 total) are located in either a C-2, MU-1, LI, or HI District. There are also a handful within the CBD Districts.

Table 5. Billboard Sizes and Zoning Districts

Billboard Size Types per Zoning District					
8 Sheet Billboards (6' x 12')		Poster Billboards (12' x 25')		Bulletin Billboards (14' x 48')	
<i>Total</i>	52	<i>Total</i>	213	<i>Total</i>	163
#	Zoning	#	Zoning	#	Zoning
14	HU-RD2	33	HU-MU	31	C-2
12	HU-B1	29	MU-1	19	MU-1
11	HU-MU	28	C-1	17	LI
3	HMC-2	17	C-2	15	HI
2	CBD-7	16	S-B2	13	MU-2
2	HU-B1A	13	CBD-1	11	BIP
2	MU-2	11	MU-2	9	HU-B1
2	S-B1	9	HMC-2	7	HU-MU
1	C-1	9	HU-B1	6	M-MU
1	HI	6	HU-RD1	5	CBD-4
1	MU-1	6	HU-RD2	5	HMC-2
1	S-RS	5	CBD-3	4	CBD-1
		5	LI	3	C-3
		5	VCC-2	3	CBD-3
		4	EC	2	HU-RD1
		3	BIP	2	HU-RD2
		3	CBD-2	2	S-B1
		3	HI	2	S-RD
		2	MI	1	C-1
		2	NA	1	CBD-2
		2	S-LB1	1	CBD-6
		2	S-LB2	1	EC
				1	MC
				1	NA
				1	S-LB2
# in a Permitted Zoning District		# in a Permitted Zoning District		# in a Permitted Zoning District	
1		25		66	

*Highlighted fields indicate zoning districts where billboards are permitted.



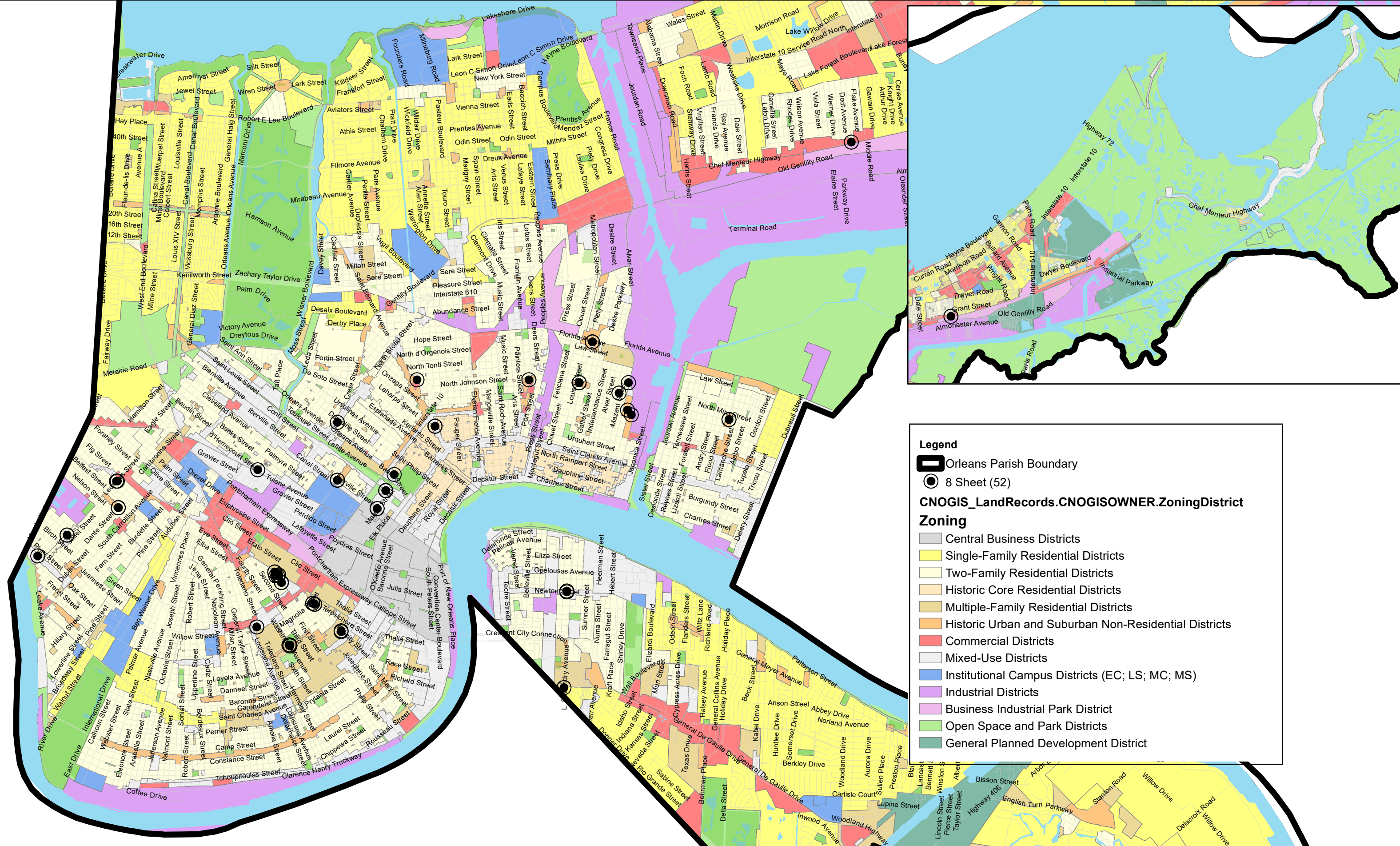
Map 8. Billboards by Size

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City Planning Commission
City of New Orleans

0 0.5 1 2 Miles

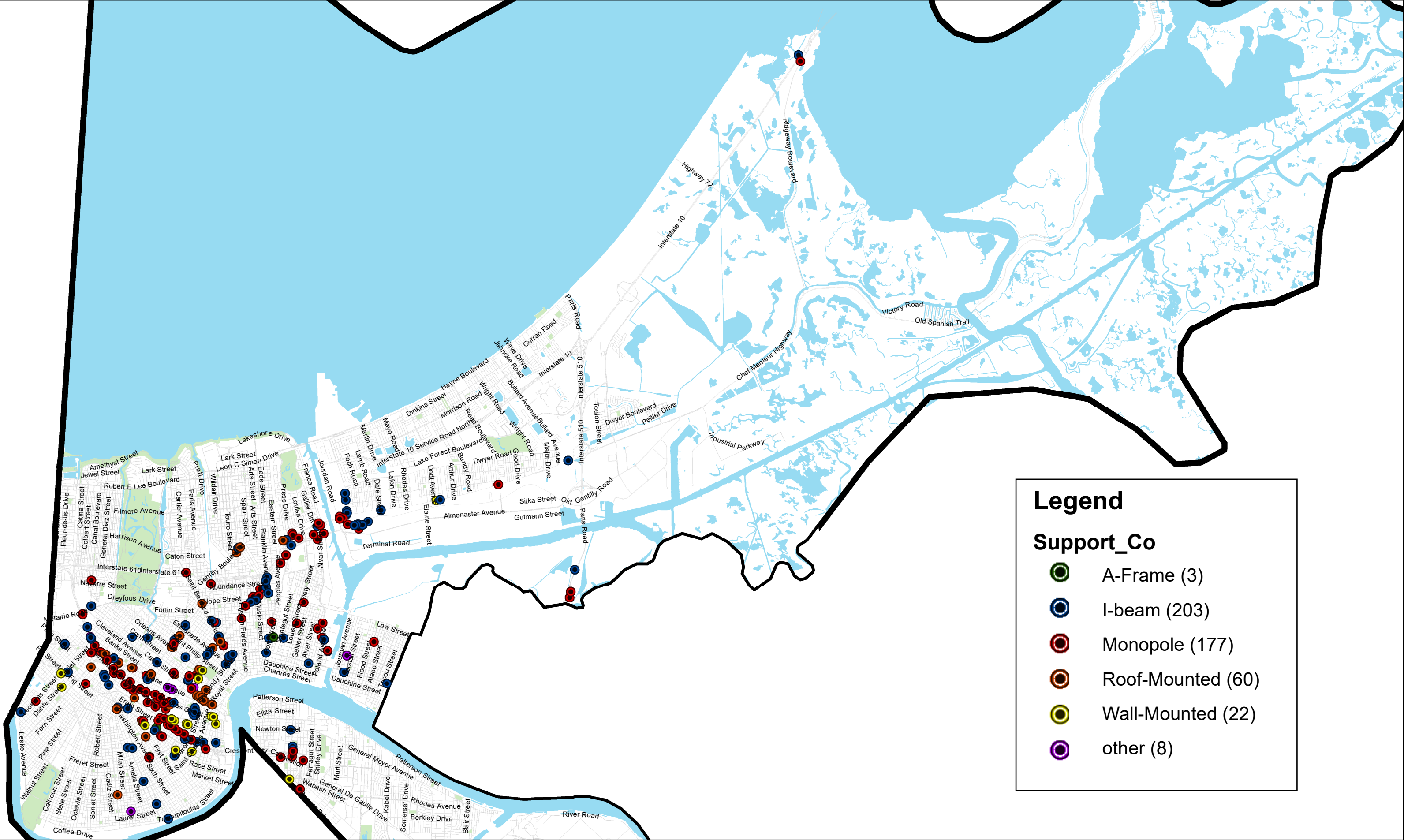


Map 9. Billboard "8 Sheet" Locations

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Billboard Support Structures

There are several types of support structures used to elevate billboard panels. More recently constructed billboards are built with monopole supports. Many of the existing billboards within the inventory built with monopole supports (of which there are a total of 177) are located along the I-10 corridor, the Westbank Expressway, and the Pontchartrain Expressway. They are also typically the bulletin-sized billboards measuring 14 feet by 48 feet (672 square feet). A few 8 sheet billboards are also constructed on singular freestanding poles. The largest proportion of billboards (a total of 203) are suspended off of I-beam support structures. These are generally found along the non-interstate streets and often contain the two to four poster-sized billboards panels in a decked or stacked arrangement. Many of these structures are built along the property lines of commercial uses and project above the roof of the commercial building. The majority of 8 sheet billboards are wall mounted, and are found primarily on corner commercial stores, one on each street-facing side of the building. A few billboards are suspended from the ground by A-frame steel girders. Many of the roof-mounted billboards, which are described in more detail in the next section, are also supported by A-frame structures.



Legend

Support_Co

- A-Frame (3)
- I-beam (203)
- Monopole (177)
- Roof-Mounted (60)
- Wall-Mounted (22)
- other (8)

Map 10. Billboards by Mount Type

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Roof-Mounted Billboards

There are 60 existing billboards which are mounted on top of buildings. As mentioned previously in this analysis, the mounted support structures are typically constructed of bulky steel girders in an A-frame design to support the billboard panels. The introduction of the more modern monopole billboard construction, has made the use of A-Frame structures obsolete. Those existing are typically older billboard panels constructed on top of historic mixed-use or commercial buildings, which were likely built prior to the introduction of regulations which prohibit roof-mounted signs. There are several of these along the portion of Canal Street that is within the Canal Street Local Historic District, under the jurisdiction of the Central Business District HDLC. The staff found that the bulky supports detracted from the architecture of the buildings on which they are mounted and detract from the general character of the historic neighborhoods in which they are located.



Figure 29. Roof-mounted billboard on Canal Street

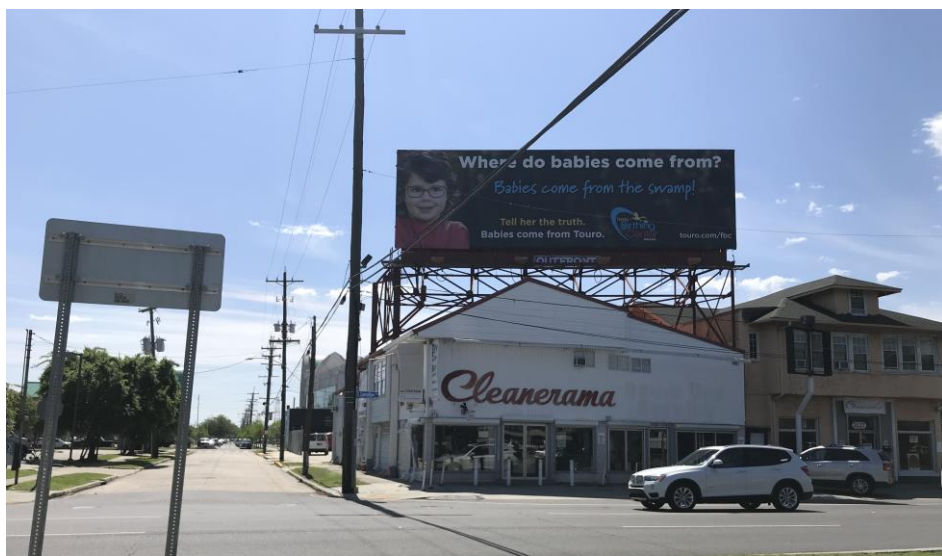
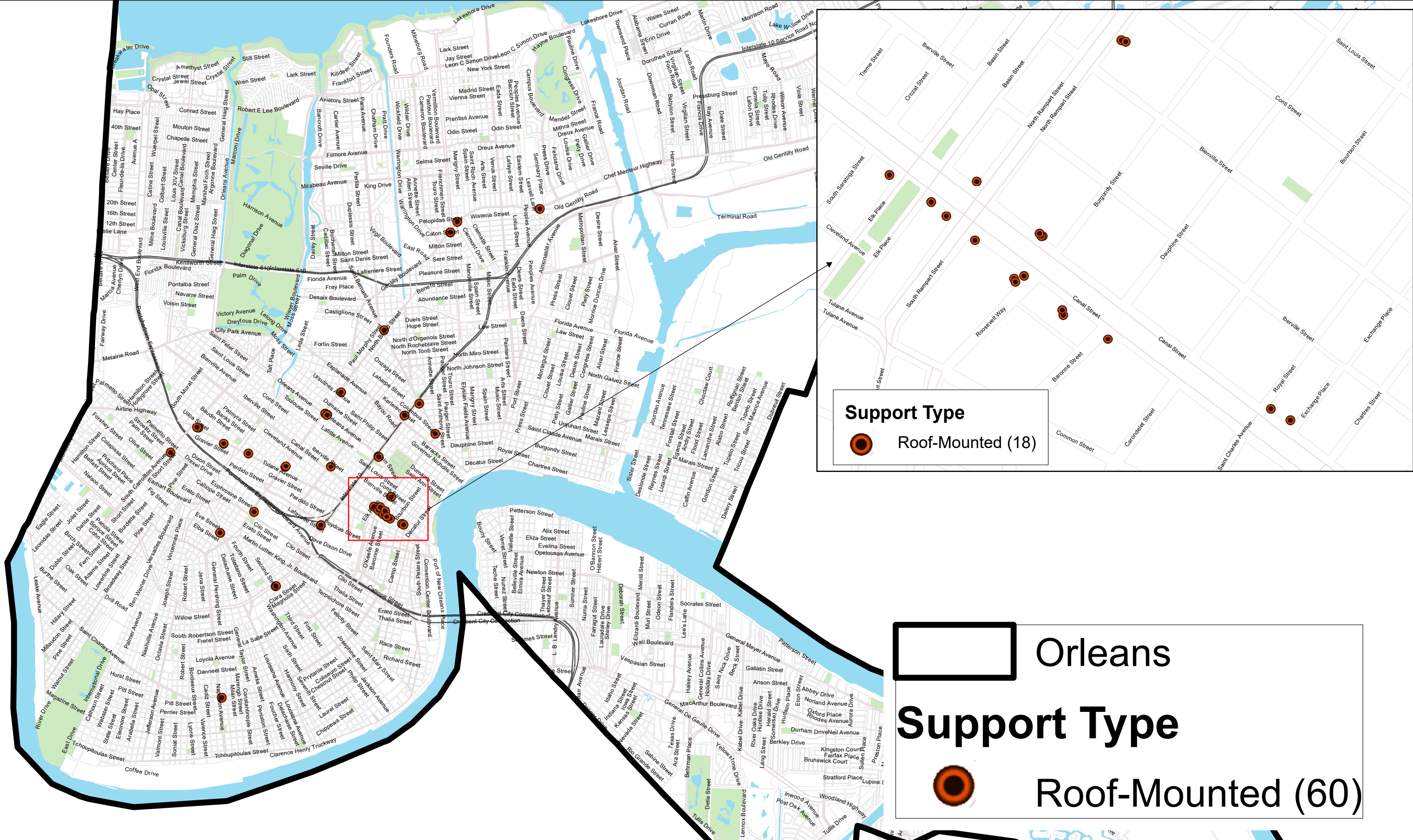


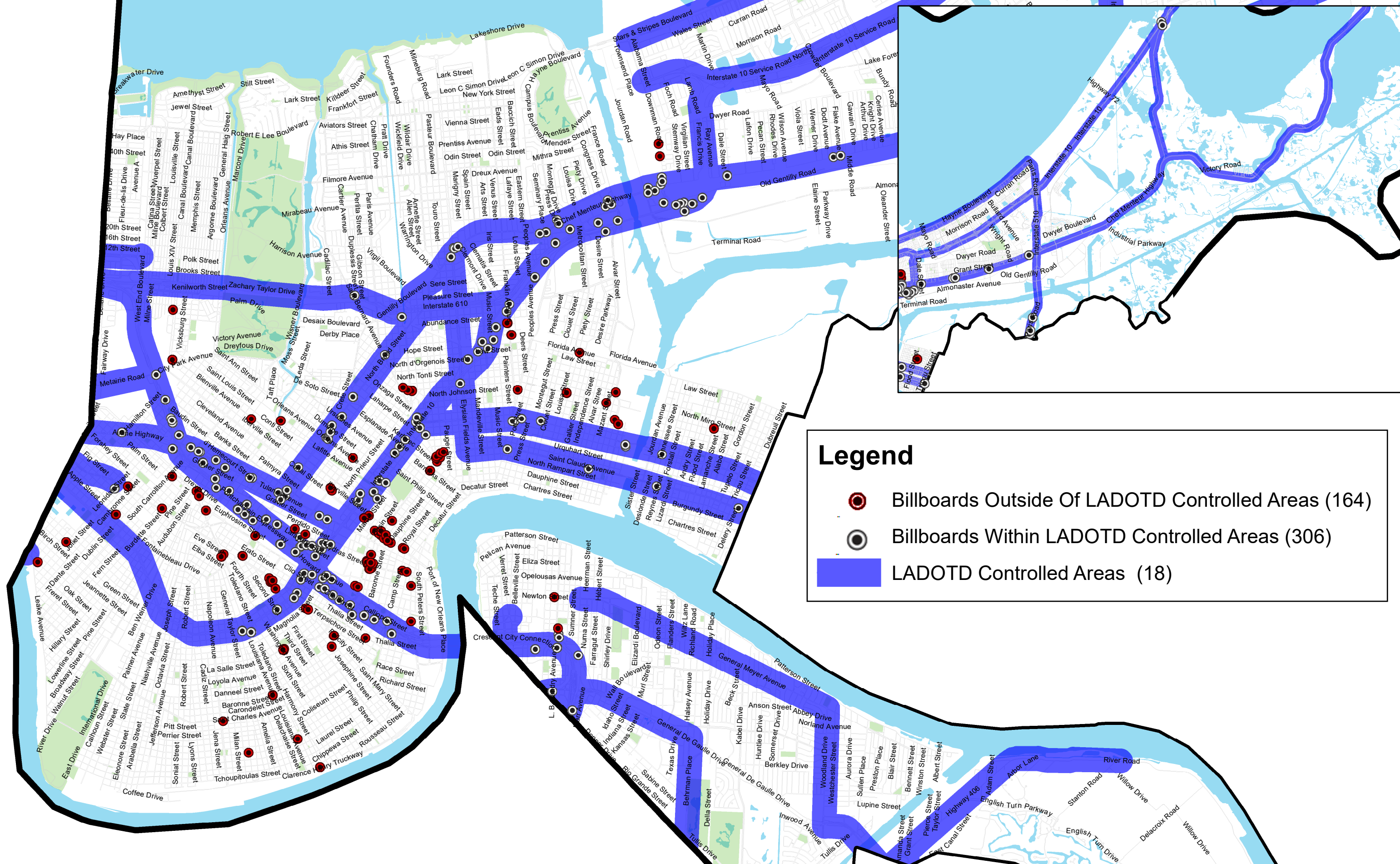
Figure 30. Roof-mounted billboard on S. Carrollton Avenue.



Billboards within boundaries of Federal Aid Roads

Billboards within 660 feet of those rights-of-way within the Interstate or Federal-Aid Primary (FAP) systems are also subject to Louisiana State regulations pursuant to the 1972 agreement adopted between the State of Louisiana and the United States government in compliance with the Highway Beautification Act. As mentioned in the assessment of current regulations in Part 3 of this study, the removal of any nonconforming billboard within the State's jurisdiction requires cash compensation, pursuant to State law, for "the taking from the owner of such sign, display, or device of all right, title, lease and interest in such sign, display, or device; and the taking from the owner of the land on which the sign, display, and device is located of the right to erect and maintain such signs, displays, and devices thereon." While the Highway Beautification Act stipulates that the federal government shall contribute 75 percent toward the payment for the removal of nonconforming signs, the United States has not budgeted or provided states with this allocation in many years. Thus, the removal of nonconforming billboards along the interstates and state highways has halted, and allowed these billboards to remain for quite some time. Map 12 shows the billboards under the Louisiana Department of Transportation and Development's (LADOTD) control, and the locations of billboards along these routes. A total of 309 billboards, or approximately 65 percent of the total inventory, are within the State's jurisdiction and would require cash compensation if they were to be removed. The trading of the removal of nonconforming billboards in these areas for the conversion of other nonconforming billboards to digital display technology could be beneficial to the City of New Orleans in that it would allow the City to avoid the costs of compensation if the owner and or operator of the billboard willingly removes the nonconforming billboards.

The LADOTD controlled areas include the I-10, the I-510, and I-610 corridors. It also includes US 90 which runs along South Claiborne Avenue, Broad Street, Gentilly Boulevard, and Chef Menteur Highway, US 61 which runs along Airline Avenue and Tulane Avenue, LA 39 which runs along N. Claiborne Avenue and North Robertson Street, LA 46 which runs along St. Claude Avenue, a portion of Elysian Fields Avenue, a portion of Earhart Boulevard, a portion of Metairie Road, and LA 428 which covers General De Gaulle Drive and General Meyer Avenue on the West Bank.



City Planning Commission
City of New Orleans

Map 12. Billboards Within LADOTD Controlled Areas

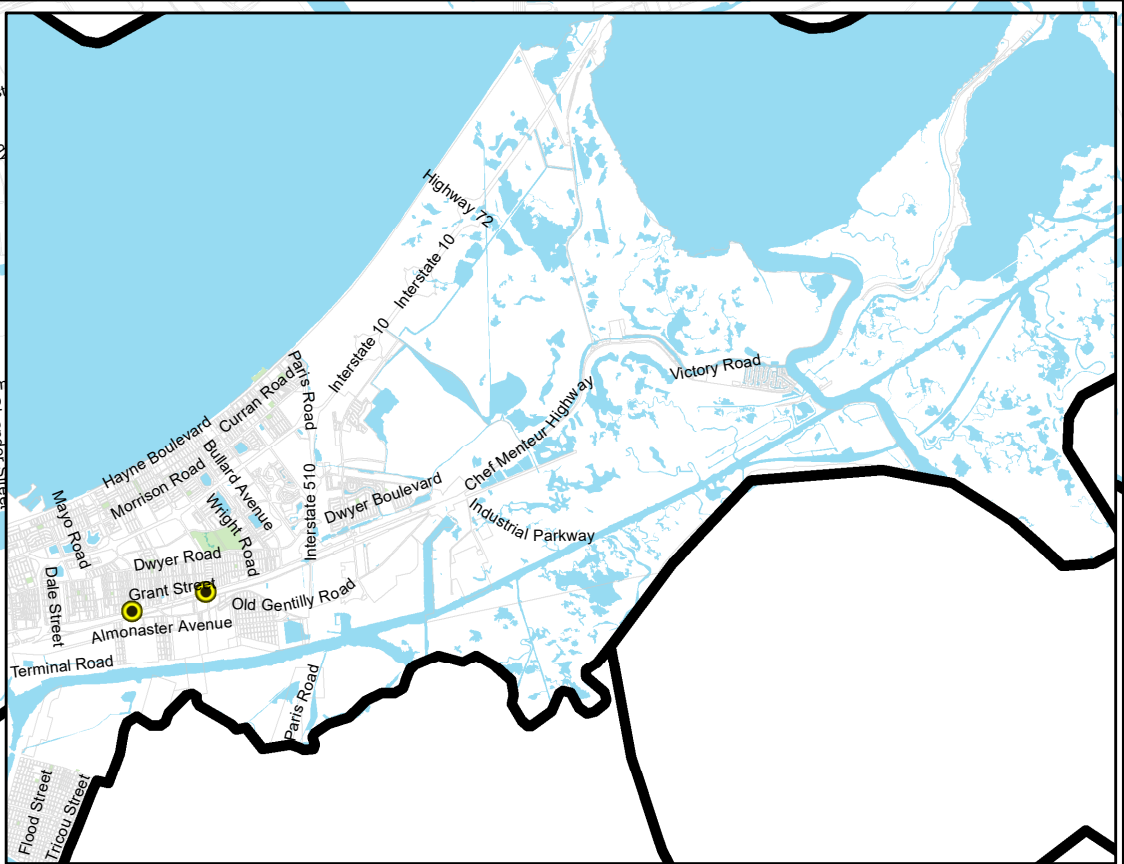
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Date: 3/21/2019

Billboards on City-Owned Property

The City of New Orleans currently maintains leases with four different billboard operators and has an inventory of 29 billboards on City-owned properties.¹⁰⁴ Map 13 shows the locations of these billboards and their respective operators. Eight of these billboards include digital displays and the remaining 21 include static sign faces. About half of these billboards measure 12 feet by 25 feet (300 square feet) and are operated by Outfront Media. The other half measure 14 feet by 48 feet (672 square feet) and are mostly operated by Lamar Advertising, but two are operated by Creative LA. Lamar also operates two 20 feet by 60 feet (1200 square feet) billboards on City property. There are two recently constructed digital billboards operated by Marco Advertising off City Park Avenue near I-10. The majority of the billboards on City properties are located within the rail corridor along the I-10 overpass. There is also one roof-mounted billboard on top of the Saenger Theater on Canal Street, and a couple of billboards on North Galvez Street, on Chef Menteur Highway in New Orleans East, and at the bottom lake side of the Franklin Avenue overpass. The City Planning Commission staff found that the lease revenues collected by these outdoor advertising signs are minimal compared to other leases of real property, to the point that they should not influence a policy to retain such billboards.

¹⁰⁴ The New Orleans Department of Property Management and the New Orleans Building Corporation (NOBC) manage these leases with the billboard operators.



Legend



Creative LA (2)



Lamar (10)



Outfront (15)



Marco (2)



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City of New Orleans

Map 13. City Owned Billboard Locations by Operator

0 0.5 1 2 Miles

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Date: 3/20/2019

Billboards and Property Values

A 2011 study by urban planner, Jonathan Snyder, entitled “Beyond Aesthetics: How Billboards Affect Economic Prosperity,” analyzed the impact of billboards on surrounding area property values using Philadelphia as a case study. The study found a correlation between billboard density and home values, and that billboards negatively impact home values. Snyder reports that “for each additional billboard in a census tract, there is a \$947 decrease in home value.”¹⁰⁵ The study also found that residential real estate within 500 feet of a billboard was \$30,826 less valuable at the time of sale than those properties further away from billboards. Using the 2018 Market Value Analysis for New Orleans, which is a tool to help local governments to identify weak and strong real estate markets through the classification of areas with a grade from “A” to “I” reflecting the level of strength of the real estate market, CPC staff looked at the location of billboards relative to the market value analysis score to see if there were any trends.¹⁰⁶

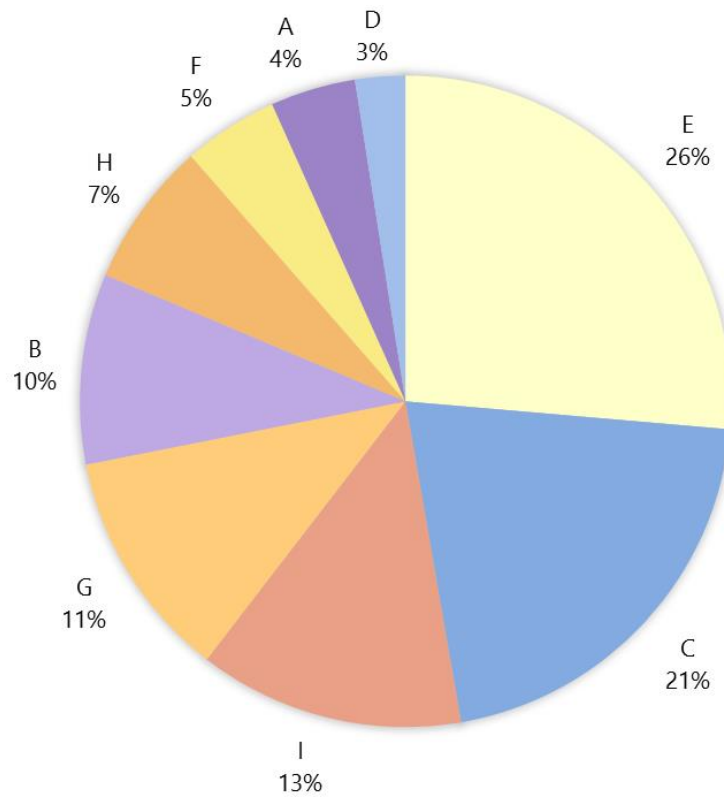
The largest proportion of billboards (roughly 25 percent and a total of 106 billboards) were found to be within the “E” category where in 2016-2027 the median sales price was \$131,708, the share of vacant land was 10.6 percent, and where the share of homeowners was 26.8 percent. The next largest proportion of billboards (roughly 20 percent and a total of 106 billboards) were found to be within the “C” category where in 2016-2027 the median sales price was \$215,278, the share of vacant land was 4.5 percent, and where the share of homeowners was 31.8 percent. Finally, roughly 25 percent of billboards were found within the “G” and the “I” categories (a total of 53 billboards in the “I” category and a total of 46 billboards in the “G” category). The median sales price was for “I” was \$26,626 and for “G” was \$75,830, the share of vacant land was 20.4 percent for “I” and 18.6 percent for “G”, and the share of homeowners was 46.5 percent for “I” and 42.3 percent for “G.” The other market indicators for each category is displayed on the following page.

¹⁰⁵ Beyond Aesthetics: How Billboards Affect Economic Prosperity, pg. 5, Jonathan Snyder, December 2001, Scenic America, (accessed [online](#)).

¹⁰⁶ The Market Value Analysis scores of “A” through “I” are based on *property values* including median price sales, new construction and rehab permits, *blight and vacancy statistics* including number of vacant housing units, foreclosures, blight violations, and *housing characteristics* such as owner-occupied households, subsidies rental housing units, and sales of vacant land parcels, and number of short term rental licenses.

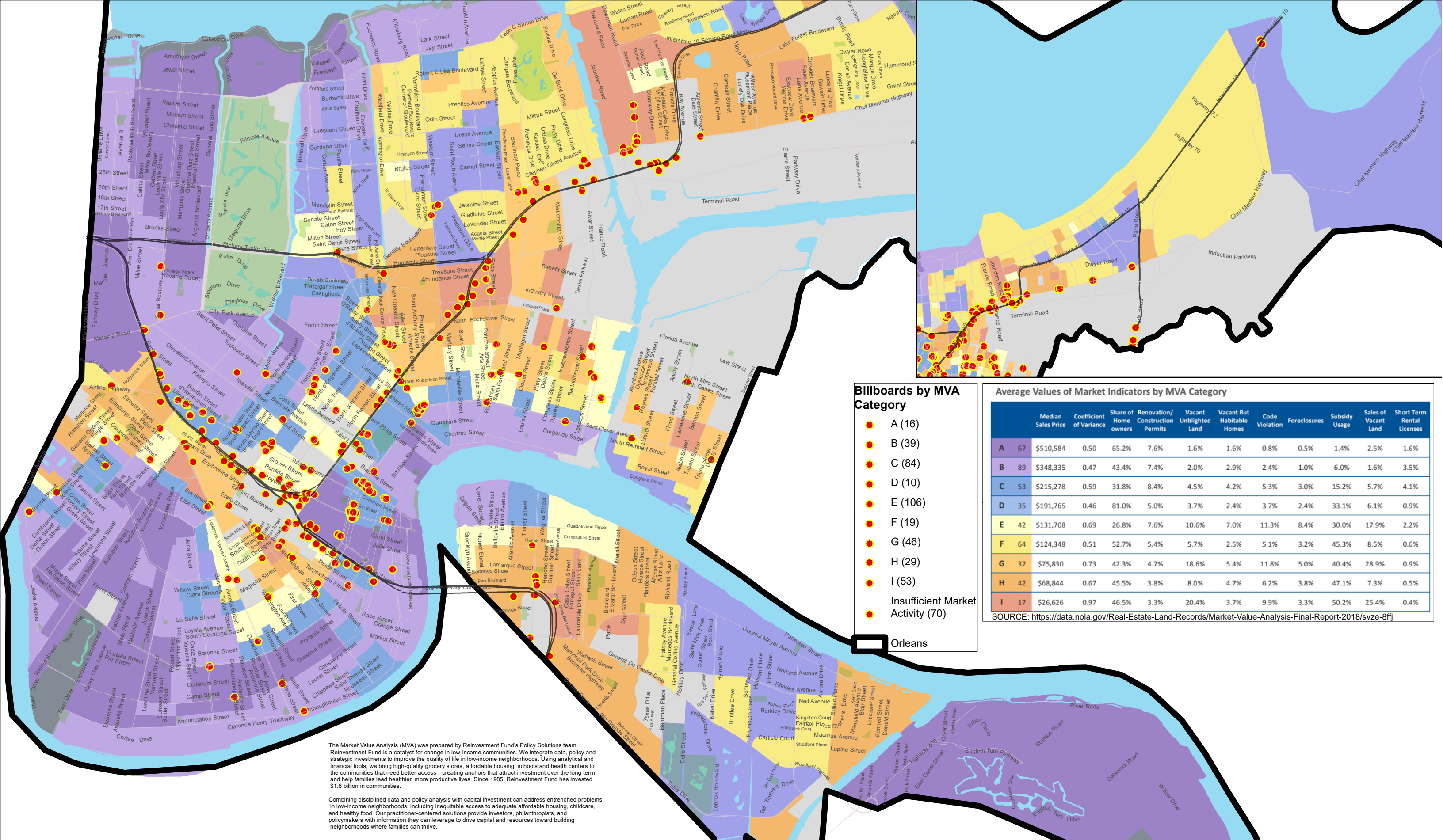
Percentage of Billboards per MVA Category

Figure 31. Percentage of Billboards per MVA Category



Average Values of Market Indicators by MVA Category

		Median Sales Price	Coefficient of Variance	Share of Home owners	Renovation/ Construction Permits	Vacant Unblighted Land	Vacant But Habitable Homes	Code Violation	Foreclosures	Subsidy Usage	Sales of Vacant Land	Short Term Rental Licenses
A	67	\$510,584	0.50	65.2%	7.6%	1.6%	1.6%	0.8%	0.5%	1.4%	2.5%	1.6%
B	89	\$348,335	0.47	43.4%	7.4%	2.0%	2.9%	2.4%	1.0%	6.0%	1.6%	3.5%
C	53	\$215,278	0.59	31.8%	8.4%	4.5%	4.2%	5.3%	3.0%	15.2%	5.7%	4.1%
D	35	\$191,765	0.46	81.0%	5.0%	3.7%	2.4%	3.7%	2.4%	33.1%	6.1%	0.9%
E	42	\$131,708	0.69	26.8%	7.6%	10.6%	7.0%	11.3%	8.4%	30.0%	17.9%	2.2%
F	64	\$124,348	0.51	52.7%	5.4%	5.7%	2.5%	5.1%	3.2%	45.3%	8.5%	0.6%
G	37	\$75,830	0.73	42.3%	4.7%	18.6%	5.4%	11.8%	5.0%	40.4%	28.9%	0.9%
H	42	\$68,844	0.67	45.5%	3.8%	8.0%	4.7%	6.2%	3.8%	47.1%	7.3%	0.5%
I	17	\$26,626	0.97	46.5%	3.3%	20.4%	3.7%	9.9%	3.3%	50.2%	25.4%	0.4%



Billboards by MVA Category

- A (16)
- B (39)
- C (84)
- D (10)
- E (106)
- F (19)
- G (46)
- H (29)
- I (53)
- Insufficient Market Activity (70)

Orleans

Average Values of Market Indicators by MVA Category

		Median Sales Price	Coefficient of Variance	Share of Home owners	Renovation/ Construction Permits	Vacant Unblighted Land	Vacant But Habitable Homes	Code Violation	Foreclosures	Subsidy Usage	Sales of Vacant Land	Short Term Rental Licenses
A	67	\$510,584	0.50	65.2%	7.6%	1.6%	1.6%	0.8%	0.5%	1.4%	2.5%	1.6%
B	89	\$348,335	0.47	43.4%	7.4%	2.0%	2.9%	2.4%	1.0%	6.0%	1.6%	3.5%
C	53	\$215,278	0.59	31.8%	8.4%	4.5%	4.2%	5.3%	3.0%	15.2%	5.7%	4.1%
D	35	\$191,765	0.46	81.0%	5.0%	3.7%	2.4%	3.7%	2.4%	33.1%	6.1%	0.9%
E	42	\$131,708	0.69	26.8%	7.6%	10.6%	7.0%	11.3%	8.4%	30.0%	17.9%	2.2%
F	64	\$124,348	0.51	52.7%	5.4%	5.7%	2.5%	5.1%	3.2%	45.3%	8.5%	0.6%
G	37	\$75,830	0.73	42.3%	4.7%	18.6%	5.4%	11.8%	5.0%	40.4%	28.9%	0.9%
H	42	\$68,844	0.67	45.5%	3.8%	8.0%	4.7%	6.2%	3.8%	47.1%	7.3%	0.5%
I	17	\$26,626	0.97	46.5%	3.3%	20.4%	3.7%	9.9%	3.3%	50.2%	25.4%	0.4%

SOURCE: <https://data.nola.gov/Real-Estate-Land-Records/Market-Value-Analysis-Final-Report-2018/svze-8ff>

The Market Value Analysis (MVA) was prepared by Reinvestment Fund's Policy Solutions team. Reinvestment Fund is a catalyst for change in low-income communities. We integrate data, policy and strategic investments to improve the quality of life in low-income neighborhoods. Using analytical and financial tools, we bring high-quality grocery stores, affordable housing, schools and health centers to the communities that need better access—creating anchors that attract investment over the long term and help families lead healthier, more productive lives. Since 1985, Reinvestment Fund has invested \$1.6 billion in communities.

Combining disciplined data and policy analysis with capital investment can address entrenched problems in low-income neighborhoods, including inequitable access to adequate affordable housing, childcare, and healthy food. Our practitioner-centered solutions provide investors, philanthropists, and policymakers with information they can leverage to drive capital and resources toward building neighborhoods where families can thrive.



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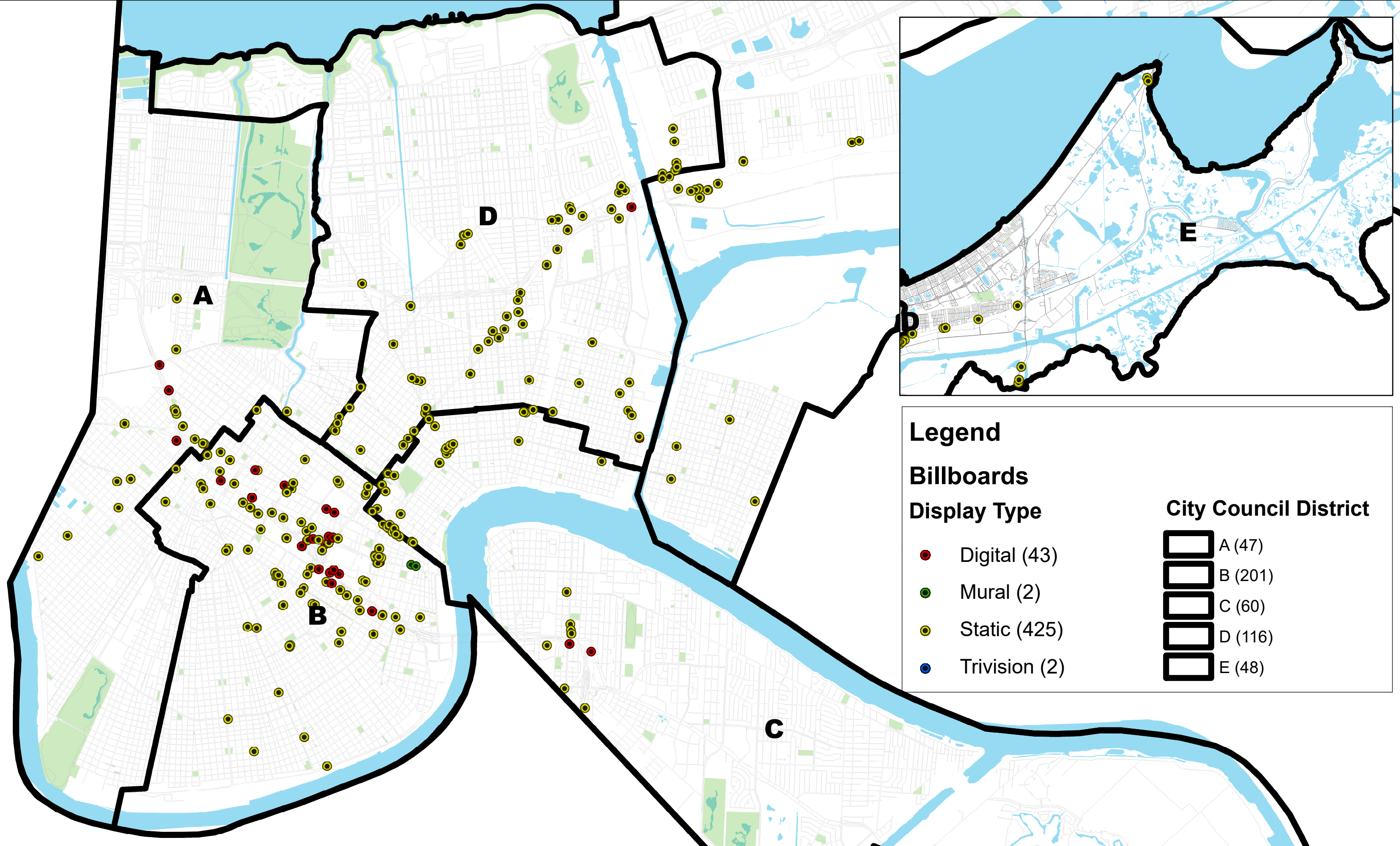
Market Value Analysis (2018) & Billboards

0 0.5 1 2 Miles

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Date: 7/22/2019

Billboards per Council District

Map 15 shows the distribution of billboards by Council District boundary. The most billboards, almost half of the total inventory are located in Council District B. Council District B covers a large span of the Pontchartrain Expressway and Interstate 10. Council District D also contains a large proportion of billboards, especially along the N. Claiborne Avenue and Interstate 10 corridors.



Map 15. Billboards by Council District and Display Type

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AESTHETICS & COMPATIBILITY

The issues of aesthetics and compatibility are central to the purpose of the municipal regulation of billboards in New Orleans. Billboards are by definition “attention getting” devices “for commercial purposes” and the existing regulations seek to prohibit these visual elements in areas where they would be incompatible with surrounding land uses, or where they would be visually obtrusive and impair the aesthetic character of certain areas. Currently, billboards are only permitted in 4 of New Orleans’ 67 zoning districts, the C-2 Auto-Oriented Commercial, C-3 Heavy Commercial, LI Light Industrial, and HI Heavy Industrial Districts, where they would be less impactful to the surrounding uses. With the 2015 CZO updates, the adjustment from former light industrial to mixed-use made existing properly licensed billboards legally non-conforming in these areas. Especially in historic neighborhoods, billboard advertising can detract from the unique architectural qualities that contribute to the character of city of New Orleans.

Removal of Advertising in Favor of Architecture

During the inventory process, the City Planning Commission staff observed that many of the 8 sheet billboards which were previously mounted on corner commercial properties within mixed-use areas have been gradually disappearing as properties are being renovated. Many properties that have been recently renovated have forgone their nonconforming advertising displays in order to improve the aesthetics of the building on which they were mounted. Instead of advertising, these properties have enhanced their architectural features with the inclusion of windows, decorative parapets, etc. This trend may indicate the obvious incompatibility of typical billboard advertising in the city’s historic districts. Figures 32 and 33 below illustrate areas observed during this study that demonstrate the incompatibility of billboards within their surrounding area.



Figure 32. Property located at the corner of Dominican and Adams Streets within an HU-RD2 Historic Urban Two-Family Residential District in the Black Pearl neighborhood. 2011 photo with wall-mounted 8-sheet billboards.



Figure 33. Same property in 2019 shows renovated structure with restored storefront façade. The renovation of this mixed-use structure removed the billboards and added storefront windows that increase transparency.



Figure 34. 2015 Google Streetview image showing wall-mounted 8-sheet billboards on the side.



Figure 35. 2019 photo of renovated structure showing removal of billboards and other excessive signage and façade improvements.

Figures 34 and 35 above show a property located at the corner of Chef Menteur Highway and Dodt Avenue within a C-1 General Commercial District and the CT Corridor Transformation Design Overlay District in the Plum Orchard neighborhood. Properties that do not undergo substantial renovations are allowed to maintain grandfathered conditions. In field observations, the City Planning Commission noted several properties which have removed illegal signage and billboard advertising in the process of renovating and updating the property. The staff also observed some underutilized 8 sheet billboards which may because of their nonuse, may have lost legal nonconforming status. The orderly regulation of signage, minimizes sign clutter and results in a more attractive business and economic climate, minimizes visual clutter, and eases wayfinding.

Signage in Historic Districts

Figures 36 and 37 show a property on Canal Street in the CBD which recently went through a façade rehabilitation program through the Downtown Development District. The property is located at the corner of Canal and S. Rampart Streets within a CBD-3 Cultural Arts District and EC Enhancement Corridor Design Overlay District in the Central Business District neighborhood. The removal of the legal nonconforming billboards uncovered architectural features creating a more attractive business and economic climate. The result is a reduction in visual clutter which would detract from the built environment.

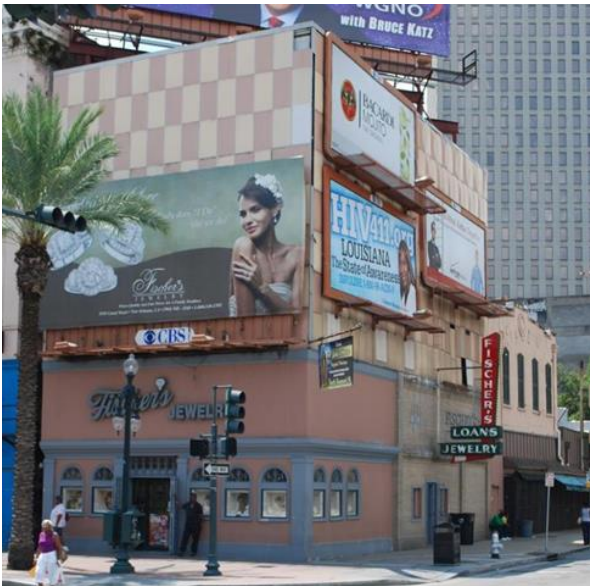


Figure 36. Previous façade of Canal Street building with advertising.



Figure 37. 2019 photo of renovated structure provided by Downtown Development District from their façade restoration program.



Figure 38. 1958 photograph of the 900 Block of Canal Street showing historic signage.

While Canal Street certainly contains a large proportion of outdoor advertising, particularly roof-mounted billboards, it also has a history of large and vibrant, sometimes chaotic, signage development. In doing research of other cities, the staff noted that “special signage districts” were created to allow appropriate and compatible signage development in certain corridors. The historical photo in Figure 38 shows some of the outdoor advertising precedents to the current roof-mounted billboards which exist along Canal Street. Representatives of the Downtown Development District, in their meeting with

the City Planning Commission staff, noted some of their previous studies and programs to incentives creative neon signage along Canal Street. Most of these signs are on-premises signs. This type of advertising could potentially contribute to certain areas such as the Canal Street entertainment district. The topic of advertising neighborhood amenities was also discussed in the conversation about billboards. The staff noted that other cities specifically prohibit billboards except for those which aid in visitor services by instead only permitting certain types of signs that identify community attractions. This type of wayfinding signage would not effectively be housed within billboard regulations as municipalities may restrict only the location of off-premise advertising, not its content.

Design Overlay Districts

The CZO further prohibits billboards within design overlay districts such as the CT Corridor Transformation Design Overlay District along the I-10 Service Road in New Orleans East. Figure 39 below is a rendering illustrating a pedestrian-oriented design with streetscape elements that create a pedestrian realm with multi-modal transportation access. The CT Corridor Transformation Design Overlay District imposes additional design standards such that development should “promote pedestrian-friendly and bicycle-friendly environments,” “promote a well-designed and functional public realm with publicly accessible amenities at major intersections,” and auto-centric design elements “should not be the dominant visual element of the site.” Since billboards may be up to 25 feet tall and up to 672 square feet in size, this may disrupt the scale of the pedestrian environment that is experienced near eye-level.



Figure 39. Master Plan rendering of an opportunity site along the I-10 Service Road that is included with a CT Design Overlay District that prohibits billboards in favor of a pedestrian-oriented streetscape.

IMPACTS OF ELECTRONIC BILLBOARDS

As the use of digital technology in outdoor advertising has become increasingly popular, and in light of the Federal Highway Administration's 2007 interpretation that digital billboard displays are deemed consistent with the requirements of the federal Highway Beautification Act, several studies have been conducted to assess their safety and health impacts. Notable impacts of digital billboards, as suggested via the findings of these studies, are summarized below.

Safety Considerations

Research and data regarding driver distraction from digital LED billboards is conflicting. Scenic America cites that, "billboards are designed to distract motorists' attention from the road."

The Traffic Injury Prevention Journal published a study of 41 drivers in Sweden that found that "the visual behavior data showed that drivers had a significantly longer dwell time, a greater number of fixations and longer maximum fixation duration when driving past an electronic billboard compared to other signs on the same road stretches." No differences were found for the factors of day versus night, and no effect was found for the driving behavior data. That said, they were not able to draw any causal conclusions.

A 2013 study by the Federal Highway Administration concluded digital billboards were not distracting. The assessment said the longest recorded glance at an electronic billboard was 1.34 seconds. But research conducted by the Transportation Research Board of the National Academies of Sciences and funded by the federal government, on the impact of 18 digital billboards along high-speed roadways in Alabama and Florida found crash rates 25 percent to 28 percent higher near the signs than at control sites down the road. Many of the crashes near digital displays involved rear-end collisions or sideswipes that are "typical of driver distraction."

Health Considerations

The American Medical Association just released new recommendations that people limit their exposure to LED lights. The brightness, along with the blue undertones in the lights can interrupt natural sleep patterns and interfere with circadian rhythm. Further, the LED lights have caused more problematic glare on the streets during the night. For this reason, the AMA is asserting that these high intensity lights, like those found in billboards, are negatively impactful on sleep cycles and subsequently, health. The National Collaborating Centre for Environmental Health expanded on some health concerns including light-induced epilepsy and retinal damage. The study, conducted in 2011, concluded that a screen's maximum luminance should be less than 10,000 candelas per square meter to avoid retinal damage. Given that the screen is operating at less than full capacity at all times, it seems unlikely to exceed the 10,000 candelas per square meter threshold. If the luminance of the screen exceeds this limit, a more detailed exposure assessment is required. Although the possibility of retinal damage seems limited, no research has been done specifically on large LED screen exposure and retinal damage, which would include billboards.

Residential Disturbances and Obtrusiveness

Further, The National Collaborating Centre for Environmental Health says that, "bright light source from which the residents have no control, the LED screen may promote annoyance and stress to residents living nearby. The LED technology should eliminate perceptible flicker, which has itself been

associated with annoyance." The president of Scenic America, the organization leading a lawsuit against Washington, D.C. for overturning the Federal Highway Administration ruling, stated that "we receive distress calls from people all over the country who find these TVs-on-a-stick lining our highways to be distracting eyesores, and in some instances the signs even shine into the windows of nearby homes." "These billboards devalue private property, distract drivers, tarnish the beauty of our natural and built landscapes and negatively impact the quality of life for many people. FHWA has been totally unresponsive, and we can no longer stand by and watch this agency ignore Lady Bird's Highway Beautification Act."

MURAL-LIKE BILLBOARDS VS. TRADITIONAL/DIGITAL BILLBOARDS

In studying the billboard regulations, the CPC staff was approached by representatives of a company that specializes in mural-like billboards. The City is considering a new definition of a mural as: "A work of art painted or otherwise applied to or affixed to an exterior surface that does not include any on- or off-premise commercial advertising or does not otherwise meet the definition of a sign as set forth in Article 26 of the Comprehensive Zoning Ordinance." The representatives described a mural-like billboard as a work of art painted or otherwise applied to or affixed to an exterior surface that contains minimal advertising, such as less than 20% of the mural. A mural-like billboard would not meet the definition of a mural because of the commercial content.

Under the old Comprehensive Zoning Ordinance which was replaced in 2015, the definition of a mural included up to 20% commercial text. Up to ten murals were allowed in the city, subject to the approval of the "Board of Murals," which was made up of the seven City Councilmembers. The City Planning Commission or the Historic District Landmarks Commission, as appropriate, provided review of a proposed mural's aesthetic quality. Several can still be found in the Central Business District. It is important to note that since that time, jurisprudence has developed that would restrict the City from regulating the content of the mural-like billboard, except for calculations limiting the percentage of text. Therefore, the City cannot curate the quality of the art. If the City would like to once again entertain the allowance of mural-like billboards, the CPC staff can recommend locations that may be considered appropriate, such as the upper levels of a parking garage, or blank elevations without windows or doors of non-historic buildings.

Permitting & Licensing Issues

Permit Review Process Limitations

In review of the procedures for obtaining permits, many issues were noted ranging from permits being issued in error to permits being released without enough information to determine compliance with the Comprehensive Zoning Ordinance and the City Code. In an attempt to avoid this from occurring in the future, the staff of the City Planning Commission has identified areas of improvement that could be better addressed in the future to augment the permitting process.

The staff of the City Planning Commission identified permits that were issued in error. The City could reduce the number of permits issued in error with additional training and supervision. Historically, billboard applications were reviewed as an "over the counter" permit and given a cursory examination

that allowed some billboard permits to be issued in error¹⁰⁷. Given the complicated nature of the regulations, the staff of the City Planning Commission believes it would be best to always require a zoning review on billboard permit applications.

In addition to billboard permits being issued over the counter in error, the CPC staff noticed that little information is requested on the permit application to confirm conformance to City regulations. This gap in information makes reviewing permit applications challenging. Streamlining the process would save a significant amount of time and reduce the overall burden imposed on the permit analyst and plan reviewer. Many of the requirements of the CZO can be more clearly illustrated on the application.

As noted earlier in the report, the current language in the City Code is vague and the fee associated with junior billboards and large billboards are not proportionate to their impact and value. This inconsistency has created an unclear and oftentimes inaccurate fee schedule applied to billboard companies.

Enforcement Limitations

Currently, the Department of Safety and Permits lacks the proper tools to track and enforce the billboard regulations. Creating a better tracking system is integral to enforcement and should be addressed to ensure compliance with the City Code and CZO. One of the more common issues impacting the enforcement of the billboard regulations is the Department of Safety and Permits ability to enforce and monitor digital billboards specifically. City building inspectors are limited in determining compliance with the zoning regulations given the absence of access to light meters to determine brightness of digital billboards. The current language of the CZO states that electronic billboards shall not exceed a maximum illumination of 6,000 nits during the daylight and 500 nits between dusk and dawn.¹⁰⁸ The staff of the City Planning Commission recommends that the Department of Safety and Permits purchase a light meter and train staff on its use to ensure conformity to the Comprehensive Zoning Ordinance. Static billboards are much easier to perform a visual inspection to verify compliance, while digital billboards require the use of light meters to verify compliance. Currently, zoning inspectors rely upon the billboard companies to self-report any issues with light levels, which compromises enforcement abilities.

In reviewing the procedures of the Department of Safety and Permits, it was noted that annual billboard sweeps are not performed. As part of this report, the CPC staff performed an inventory and noted that numerous billboard locations had deficiencies that could possibly jeopardize legal non-conforming status. The staff noted several billboards with vacant sign faces which may not have been in use for quite some time. The staff also found several billboards in the field with no operator name listed, and which may therefore be operating without a proper permit or license. More often than not, billboard permits are issued with little if any follow-up and this creates a challenging situation when trying to determine compliance with City's regulations.

Currently, billboard permit applications are given permit numbers that end in "SBIL" and while that typically remains true, there are billboard permits that have been applied for as an "Attached Sign"

¹⁰⁷ See permit # 13-28767-SBIL & 10SIG-00115 Both permits were issued in error and allowed to non-conforming general advertising signs to be upgraded to LED

¹⁰⁸ Article 24, Section 24.14.C Billboard Standards

permit.¹⁰⁹ This permit classification makes searching for permits more cumbersome than necessary. While the land use permitting system, LAMA, and the functionality related to Global Positioning Systems (GPS) has been greatly enhanced, there are still gaps in information that prohibit easily accessing and searching for data associated with billboards. Minor improvements to LAMA should be looked into to allow better data access and management.

Billboard companies are required to submit an annual inventory of all billboards within their portfolio and the submitted inventory dictates the annual registration fee associated with billboards. Since the inventory is currently submitted on an honor system, an inaccurate inventory was noticed as the City Planning Commission's staff performed an inventory for this study. At numerous sites, the staff noted inconsistencies between the billboard inventory submitted by billboard companies and the staff field verification. The staff believes with these minor procedural changes, enforcing billboard regulations will become less challenging over time.

Master Plan Analysis

Chapter 13 of the *Plan for the 21st Century: New Orleans 2030*, also referred to as of the Master Plan, calls for "a comprehensive review and study of all signage and billboard issues for the City of New Orleans," citing the importance of creating and strengthening the city's public realm and urban design character.¹¹⁰ As is stated, the results of this study should be utilized to inform revisions to the CZO to *reduce visual intrusions to the urban landscape* and to *ensure design compatibility*.

This study specifically carries out the intention of reviewing billboard signage issues and offers some potential options related to reducing visual intrusions and ensuring compatibility. In assessing the current regulations, which were first introduced in 1992 through a text amendment adopted by the City Council and later slightly modified with the 2015 adoption of the new CZO, the CPC staff found that the regulatory provisions generally aim to permit billboards in limited locations where they do not interfere with incompatible land uses such as residential districts. They also aim to preserve scenic views of the urban landscape by limiting billboards within certain view sheds of the CBD and French Quarter along major roads. The staff found two major factors which stand in the way of the City achieving the above mentioned land use policy goals. These are inconsistent enforcement of the billboard regulations and a pre-2015 history of the repeated granting of variances or appeals of the prohibitions by the City Council.

The Master Plan also calls for promoting walkable, mixed use environments and prioritizing transit oriented development.¹¹¹ As mentioned in the previous section on the billboard inventory findings, the majority of the existing nonconforming billboards are found in areas designated for mixed use development per the Master Plan. The Future Land Use Map (FLUM) categories of most of the properties containing nonconforming billboards include the DMU Downtown Mixed-Use, the MU-HC Mixed-Use Historic Core, the MUL Mixed-Use Low Density, the MUM Mixed-Use Medium Density, and the MUH Mixed-Use High Density category. All of these FLUM descriptions call for the encouragement of walkable neighborhoods. Many of these areas are located along historic mixed-use corridors such

¹⁰⁹ See Permit # 10SIG-00115 Attached Sign

¹¹⁰ Goal 3, Strategy E in Chapter 13 Land Use Plan of *The Plan for the 21st Century: New Orleans 2030*

¹¹¹ Goal 1, Strategy B in Chapter 13 Land Use Plan of *The Plan for the 21st Century: New Orleans 2030*

as St. Claude Avenue or Broad Street, or historic main streets such as Newton Street or Oak Street, while others consist of large underutilized industrial tracts where there are plans for future mixed-use neighborhood centers. The inherent auto-centricity associated with traditional billboards conflicts with the goals outlined in the Master Plan which relate to creating walkable communities with development at a pedestrian scale. As mentioned in the previous findings, most of the existing billboards are within zoning districts where they are prohibited. Only 22 percent of the existing inventory is located within zoning districts where they are permitted uses; thus, at least 78 percent of the existing inventory is nonconforming. In addition, many of the nonconforming billboards are situated on vacant lots in mixed-use areas, and because they provide steady rental income for the land owner, they may hinder the development of more compatible uses for the land which could also generate more tax revenue for the City.

The Master Plan also calls out, as an urban design principle, the need for “establishing appropriate transitions in scale between appropriate transitions between high-impact, medium-impact, and low-impact development.”¹¹² The staff believes that the current regulations in the CZO aim to meet these objectives by limiting the construction of billboards to only certain industrial districts and to the auto-oriented commercial or heavy commercial areas where they are most compatible, and prohibiting their development in areas where residential land uses are allowed and where design requirements call for a certain scale and for certain features which promote walkable environments. The problem, however, is in the application of these regulations and the fact that the majority of existing billboards within the city are nonconforming because they are located in a zoning district where they are prohibited. It appears that the billboard industry’s primary market is alongside the I-10 Interstate as well as the Pontchartrain Expressway. However, these corridors are only covered with heavy commercial or industrial zoning districts in certain areas.

The billboard industry’s desire for expanding the coverage of digital billboards presents a new challenge in terms of ensuring design compatibility, but offers opportunities in the way of leveraging the industry’s expansion interests in exchange for certain community benefits such as removing existing nonconforming billboards where they are most incompatible, like near residential neighborhoods, in historic districts, on the rooftops of historic or “contributing” historical buildings, and in areas where future mixed-use developments are planned. Additionally, the Master Plan emphasizes intentional, attractive development, and this study considers that there are occasions in which billboard advertising, including digital billboards can be utilized in unique manners to maximize attractive development, such as integrated into the facades of new buildings, or applied as a type of painted mural on blank building walls. This study offers a few recommendations related to striking a balance between the outdoor advertising industry’s desires to modernize their portfolio and the community’s interest to promote attractive and walkable environments. This is consistent with the zoning principle outlined in Chapter 13 of the Master Plan to “reinforce the physical character of New Orleans while striking a balance between the need to preserve and the need to innovate and grow.”

¹¹² Goal 1, Strategy A, Action 9 in Chapter 13 Land Use Plan of The Plan for the 21st Century: New Orleans 2030

Part 7. Recommendations

Policy Recommendations

The City Council Motion which directed this Billboard Study did not set forth a specific policy goal, but rather requested a broad examination of the current billboard regulatory environment as well as analysis of current billboard development in New Orleans and potential land use impacts. Without a clear directive in terms of a policy approach, the study offers three “policy options” which generally run from a more restrictive approach to a more permissive approach in terms of billboard control and outdoor advertising regulation. Depending on the City Council’s or City’s ultimate objectives for the future of billboard development within the City of New Orleans, these three options provide a rationale and a path forward for future regulatory decisions based on each objective. These options could also be combined and different parts of each could be implemented alongside each other in different areas of the city. The City Planning Commission staff does not endorse any particular policy option over another, but finds that the development of billboards, when considered as a land use, can be at odds with other development objectives. For this reason, it is important that when policy changes are ultimately put in place that they are preceded with thoughtful analysis of future development impacts. While the City Planning Commission staff presents the most restrictive billboard policy in *Option 1*, which is to maintain existing restrictions, it notes that both insufficient enforcement, and a lack of funding for billboard removal, will likely not result in a reduction of nonconforming billboards for quite some time.

As shown in the studies of other communities, even cities that adopted bans decades ago still maintain a large number of nonconforming billboards within their city limits. Acknowledging this, the staff recommends a policy as described in *Option 2* which outlines a basis for a trade system for digital billboards in exchange for the removal of other nonconforming billboards. Such trade policies have proved successful in other communities in terms of reducing nonconforming outdoor advertising signs; however, many of these communities are now lamenting not bargaining for a bigger return for their community. If the City is to pursue a policy similar to that in *Option 2*, again, the City Planning Commission recommends that such regulations be preceded with targeted analyses to ensure that the City receives the maximum benefit in return for granting digital permissions to the outdoor advertising industry. Finally, recognizing the changing outdoor advertising industry, in terms of the utilization of digital technology as well as other innovations which may lead to future public-private collaborations, the City Planning Commission presents an *Option 3* which provides some guidance into where such outdoor advertising innovations could be incorporated into specific areas with minimal land use conflict.

These numbered policy options are followed by additional recommendations for minor modifications to the Comprehensive Zoning Ordinance and City Code, to add clarity, improve enforcement, and aid in the reduction of nonconforming billboards. The additional recommendations can be implemented regardless of which policy approach is chosen. Based on policy decisions to be made by the City Council, the City Planning Commission can further explore specific language to be incorporated into the Comprehensive Zoning Ordinance and City Code which would promote the particular policy objectives.

OPTION 1: MAINTAIN EXISTING RESTRICTIONS ON BILLBOARDS

The existing regulations for billboards, including restrictions on size, height, spacing, illumination, as well as restrictions on location in terms of permitted zoning districts and protected areas, are carried over from a regulatory regime adopted by the City of New Orleans in the early 1990s. The context in which these regulations were originally established stemmed from a period of unmitigated illegal billboard development in the 1980s. The primary intent was to remove illegal billboards (especially those advertising alcohol and tobacco products in low-income neighborhoods) and to protect scenic views of the downtown area. Since then, although several new billboards were permitted via design review appeals and zoning changes approved by the City Council, there has been a substantial reduction in the number of billboards citywide, from over 1000 existing billboards in 1990 to just under 500 billboards today. Considering this reduction, it would seem that the existing regulations are achieving their intent.

The CPC also found that 8 sheets make up only a small proportion of the actual billboard inventory, and will likely be removed soon on their own based solely on the market, and without any regulatory intervention. Alternatively, City could eliminate many of these low-value 8 sheet billboards through an amortization process. Based on the study's fieldwork, there appears to be primarily one business using 8-sheets for advertising (Melba's), which could be an indication of its low demand as a medium of advertising. The 2015 CZO adoption changed some former light industrial districts to mixed-use districts. This change caused some billboards to become non-conforming, because they no longer fell within one of the four currently permitted districts. Such billboards, now in mixed-use districts, that maintain their legal nonconforming status are permitted to remain, but not intensify. These nonconforming uses are gradually disappearing as properties are renovated and as contemporary forms of advertising emerge. As observed, the intent for legal nonconforming uses to go away is being accomplished.

The substantial decrease in the number of billboards since more the restrictive policies were adopted in the 1990s may indicate that the status quo regulations are generally achieving the objectives of reducing visual clutter caused by outdoor advertising. If the City is satisfied with the outcome of the current regulations, then the CPC recommends *Option 1* to uphold the current regulations. Some changes to the CZO listed in the following section could improve the enforceability of the current regulations and further the intents and purposes of this policy. These minor amendments and process improvements are further elaborated in following sections; some include clarifying the text in the CZO with regard to the prohibited view sheds so that they may be easier identified and enforced by the Department of Safety and Permits and developing tools using GIS and the City's land management software and permitting database to better maintain the billboard inventory and track the status of existing nonconforming billboards.

The City could also adopt more restrictive control measures to further reduce billboard development, static or digital. Several cities and states across the country have instituted bans on billboard advertising in an effort to improve environments, both natural and urban. As discussed in the best practices part of this report, seven of the nine other cities researched allow billboards in limited districts and two do not allow billboards. In addition to these seven cities, the staff noted that there are four billboard-free states. Of the cities that allow billboards in limited districts, four of them do not allow digital billboards, and one city only allows digital billboards that are converted through a trade policy.

OPTION 2: PROVIDE “TRADE” INCENTIVES ALLOWING NONCONFORMING BILLBOARDS TO DIGITIZE IN EXCHANGE FOR REMOVAL

As a second policy option, the City could adopt a “trade policy” which would incentivize billboard operators to remove nonconforming billboards in certain areas in exchange for the ability to digitize nonconforming billboards in other specified areas. The CPC found examples of other communities in the US who have recently adopted similar policies and have realized public benefits in terms of the reduction in the net number of non-conforming billboards, the rehabilitation of older billboards, and the ability to advertise more public services and public events on the newer digital billboards. Some cities adopted the trade policy by amending their city code with specific parameters for the trade. The City of Gainesville, however, entered into a direct trade agreement with a specific billboard operator, and the agreement outlined the exact locations of which billboards were to be removed and which were to be digitized. The City would need to adopt a process for the approval of a trade incentive, as well as procedures to ensure proper administration of the policy (i.e., ensuring that nonconforming billboards to be removed are taken down prior to the conversion of a nonconforming billboard to digital technology). The CPC recommends that the process mimic either the Conditional Use process or Design Review process which are outlined in Article 4 of the CZO, but the City could conceive of entirely different process if deemed appropriate.

If the City of New Orleans were to adopt a type of trade policy, the CPC recommends the institution of several policy parameters in order to ensure that a trade results in the digitization of a nonconforming billboard with the least land use compatibility issues, and that the trade maximizes a public benefit with regard to the quantity and locations of nonconforming billboards that are removed. If the policy is to be codified within the CZO, the CPC recommends that these parameters be outlined under *Article 25, Section 25.6 – Legal Nonconforming Signs*. The new subsection could be titled something such as “Electronic Conversion Incentives for Nonconforming Billboards.” The adopted policy could also incorporate a cap on the total number of billboards allowed to be converted to digital technology, or alternatively, a sunset date on the policy which would allow the City to assess or reevaluate the effectiveness of the trade policy post-implementation.

Based on the findings of the study’s billboard inventory, the CPC outlines the following potential areas in which non-conforming billboards could be digitized, which can be termed “receiving areas,” and conversely where those existing non-conforming billboards should be targeted for removal termed as “sending areas.”

“Receiving” Locations

Based on the CPC’s field inventory and analysis, there are sites where existing non-conforming static billboards could be converted to digital with minimal impact on surrounding properties or land uses. These potential “receiving” locations include the following general characteristics:

- Billboards with little or no visibility from residential districts or residential uses due to their orientation, though they may still be within 500 feet of residential districts, thus making them non-conforming with the current regulations
- Higher billboards targeting raised roadbeds – primarily the Expressway or Interstates - which have less impact on low buildings

- Generally, billboards that are not in historic districts
- Billboards operated by companies with no outstanding code violations

The staff, looking along the major expressway routes in the City where most digital billboards are located, found examples of some of existing nonconforming static billboard sites along the northeastern side of the Pontchartrain Expressway which meet some of the above- mentioned criteria. Many of these sites may be zoned mixed-use or may be located within 500 feet of a residential zoning district; however, the study's fieldwork indicated that there are no visible residential land uses in the vicinity. The areas were generally industrial in nature. The sites were also located outside of the existing prohibited locations per *Section 24.14.B.2* of the CZO along the Pontchartrain Expressway. Another potential receiving area could be the existing nonconforming billboard sites along Interstate 10 in New Orleans East on the southern side of I-10 between it and Almonaster Avenue. These sites are also located in primarily industrial areas, not within the vicinity of residential land uses, and also outside of a prohibited area. There are also several billboards at the corner of Chef Menteur Highway and Downman Road which could be potential receiving areas as well.

Other Considerations

The City could also adopt other standards for converted billboards in receiving locations. For example, the City of Gainesville placed a limitation on the size of the converted digital panel to 300 square feet and required the converted billboard to be updated with a masonry support structure which was more aesthetically pleasing and more consistent with surrounding architectural materials. If a trade system is adopted, the City of New Orleans could adopt similar standards related to the design and configuration of the digital billboard and its component parts. The City could also establish energy efficiency standards or renewable energy requirements for new digital billboards which would be consistent with the City's resilience and sustainability strategies.



Figure 40. Architect Lorcan O'Herlihy was commissioned to redesign a billboard in the City of West Hollywood, and he decided to focus on making the armature more interesting Source: www.wired.com



Figure 41. Electronic billboard over the Queensborough Bridge in New Westminster, British Columbia incorporates unique stylized steel support structure. Source: Tricity News

Conversions in the Canal Street Entertainment District

One additional area considered by staff as a possible receiving location is the Canal Street entertainment district, where the Saenger, Joy, and Orpheum Theaters, as well as the former Loews State Palace Theater, are situated. This area is within the Canal Street Local Historic District and is a highly prominent location. In its history, as shown in a photo earlier in the Study, Canal Street building rooftops have been integrated with elaborate neon signage – the type of “classic signs” allowed currently in *Section 24.15* of the CZO. Given the historic and attractive signage of the Saenger and Joy Theaters, allowing the existing rooftop billboards to convert to digital may further contribute to a special entertainment-oriented environment.

The digital conversion in this Theater District could be permitted with additional special design standards that require unique physical characteristics using atypical configuration, color, texture, etc. Or, the conversion could be to a more typical digital display, which may be particularly desirable if the digital displays included advertisements for upcoming shows. The Canal Street entertainment district is located on the 1100 block (both sides), 1200 block (upriver side) and possibly 1036 Canal Street. Figure 3 shows an aerial image of the historic theaters in this approximately two-block district. This node along Canal Street is currently zoned CBD-3 Cultural Arts District.

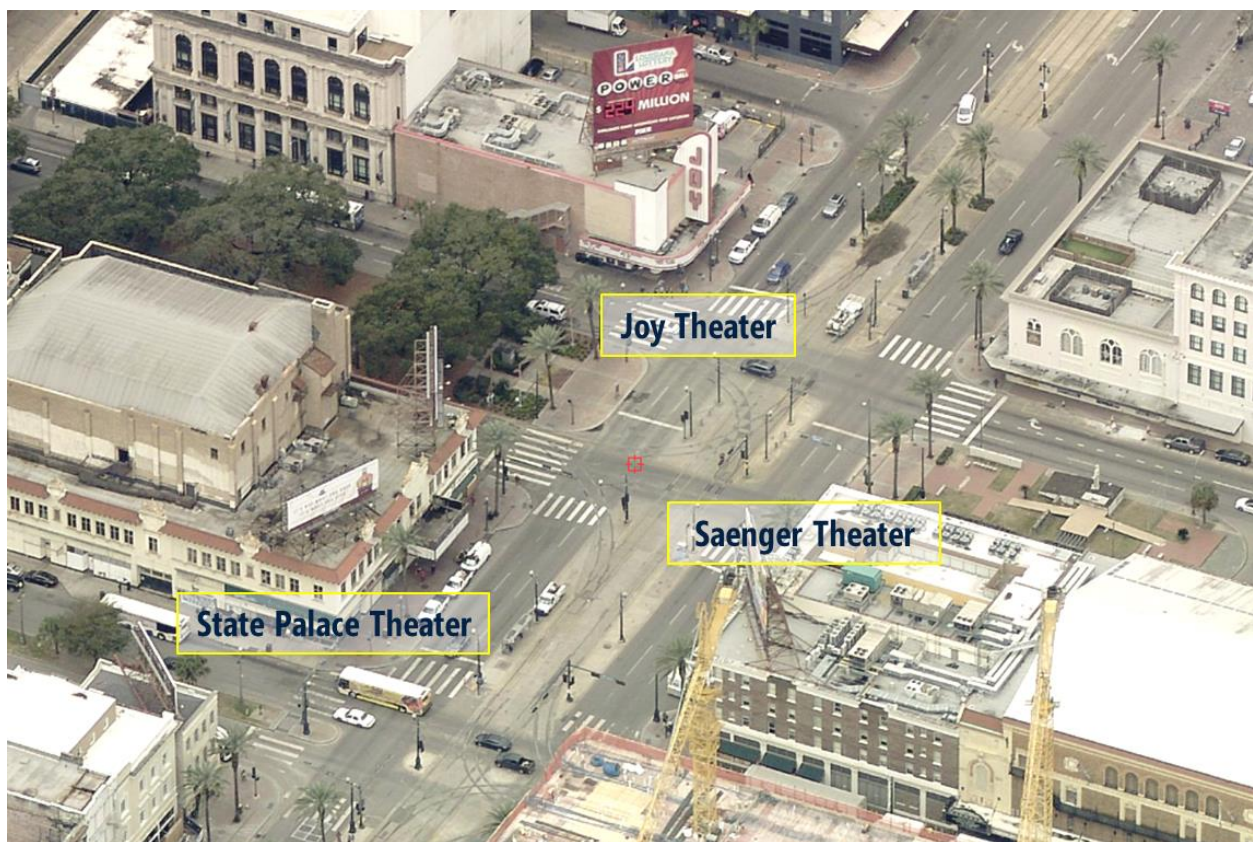
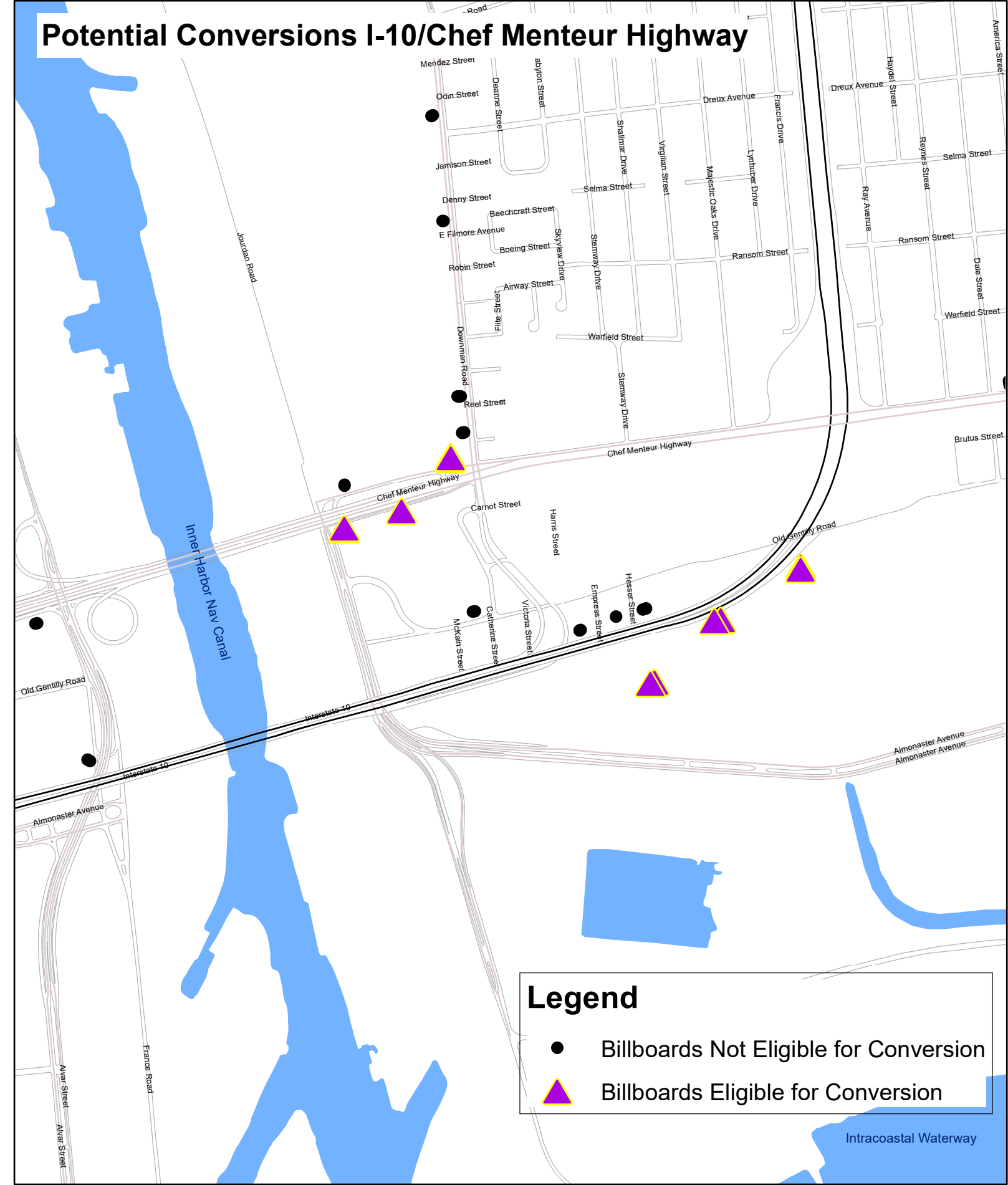


Figure 42. Aerial views of the Saenger, Joy, and the Loews State Palace Theaters on Canal Street.



Legend

- Billboards Not Eligible for Conversion
- ▲ Billboards Eligible for Conversion

00.10.20.4 M

City Planning Commission
City of New Orleans

**Map 16. Recommended Billboards
for Digital Conversion**

DISCLAIMER: This map was created by The City of New Orleans; City Planning Commission from The City of New Orleans Enterprise Geodatabase and was compiled from the most authentic information available. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. The City is not responsible for any errors or omissions contained herein.

Date: 7/2/2019

“Sending” Locations

Based on a field inventory and analysis, the CPC staff concludes there are many locations where non-digital billboards are a detriment to the aesthetics and desired pedestrian-orientation of an area. In these areas, the CPC would strongly support billboard removal in the interest of a clear public benefit. Generally, the CPC recommends the prioritization of the removal of billboards in the following types of locations:

- Billboards within historic districts
- Rooftop billboards mounted on a contributing historic structure (e.g., historic structures on Canal Street, North Rampart Street, and Claiborne Avenue) or wall-mounted billboards covering contributing architectural features
- Billboards with mixed-use zoning districts such as the HU-MU District

Billboards in HU-MU District Corridors

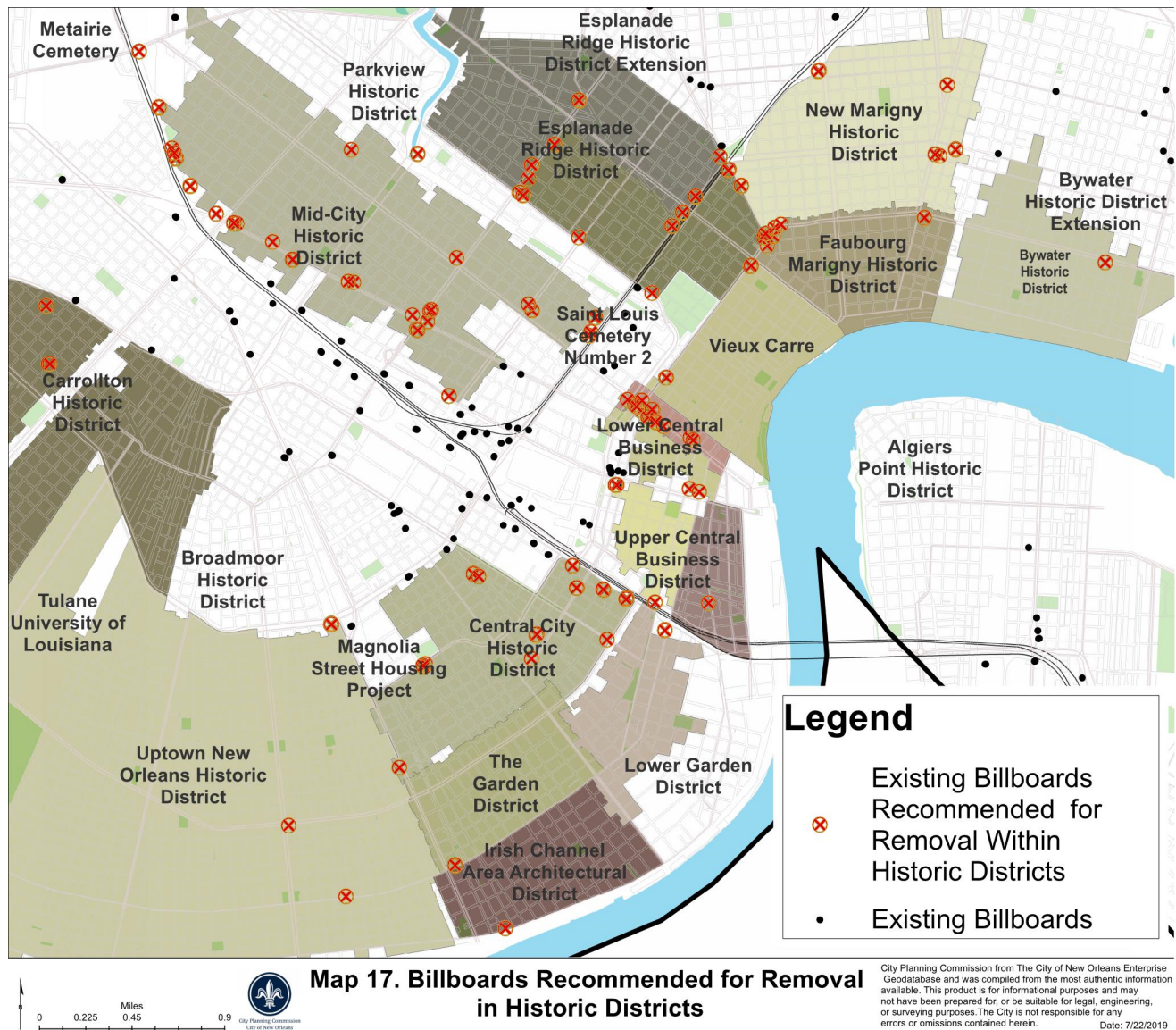
Specific billboard locations which meet many of the above listed criteria include several HU-MU District properties which span certain corridors such as Tulane Avenue and Broad Street in Mid-City, St. Charles Avenue and Oretha Castle Haley Boulevard in Central City, Louisiana Avenue, Tchoupitoulas Street, Oak Street and Earhart Boulevard in the Uptown neighborhoods, St. Claude Avenue and Caffin Avenue in the Lower Ninth Ward, and Newton Street and LB Landry Avenue on the Westbank. The following maps indicate some of the existing nonconforming billboards which the CPC recommends be targeted for removal. Several of these corridors are also located within historic districts. Many of the existing non-conforming billboards on these corridors are the poster size (12' x 25') billboards supported by I-beams. The existence of billboards in these areas presents certain land use conflicts, especially since these areas are now intended for denser residential development and pedestrian friendly environments where retail and service outlets are in proximity to residential areas. The nature and scale of the billboards – whose intended audience is automobile drivers – is at odds with intents and purposes of mixed-use zoning districts which are intended to encourage development at a more pedestrian scale to encourage walking trips.

Historic Districts

Many of the existing nonconforming billboards in historic districts, both local and national, are located in the Marigny, Tremé, Bywater, and Central City neighborhoods. There are also a concentration of nonconforming roof-mounted billboards in the French Quarter, and along Canal Street.

Residential Districts

There are a total of 34 nonconforming billboards in residential districts, including the HU-RD1, HU-RD2, S-RD, and S-RS Districts. The CPC recommends that the City expedite the removal of these billboards either through the amortization process which is outlined in the proceeding pages, or through a digital conversion incentive. About half of these billboards in residential districts are 8 sheet junior posters, primarily located in the Central City area. The others include poster and bulletin size billboards on Elysian Fields Avenue, along the Westbank Expressway, and on N. Claiborne Avenue. The CPC staff found some residentially-zoned billboards near Xavier University's campus which appeared to be located on the public right-of-way, but did not include lease agreements with the City of New Orleans.



Example Point System for Removals and Conversions

Other cities researched in this study who have adopted similar billboard trade policies established a trade ratio based on square footage. For example, the City of Dallas required the removal of three (3) square feet of a billboard panel areas for the digitization of one (1) square foot of a nonconforming billboard panel. Existing billboard locations each have multiple characteristics that may contribute to their value for removal. As opposed to a flat square footage trade ratio, the City could create a weighted system using points which would take multiple characteristics into consideration. To be considered in this system, the billboards to be removed must be nonconforming, making it legally impossible to reestablish at the same location once removed. The matrix below presents a possible points system weighted by the size of the billboard as well as its location. The sizes listed in the matrix below are the most common billboard sizes.

Potential Points System for Billboard Conversion ¹¹³				
Size to be Removed	In a Residential Dist.	In a Mixed Use District	In a Historic Dist.	On a Lot with a Contributing Historic Structure
6' x 12' Billboard	1 point	1 point	2 points	2 points
12' x 25' Billboard	10 points	10 points	15 points	15 points
14' x 48' Billboard	15 points	15 points	20 points	20 points

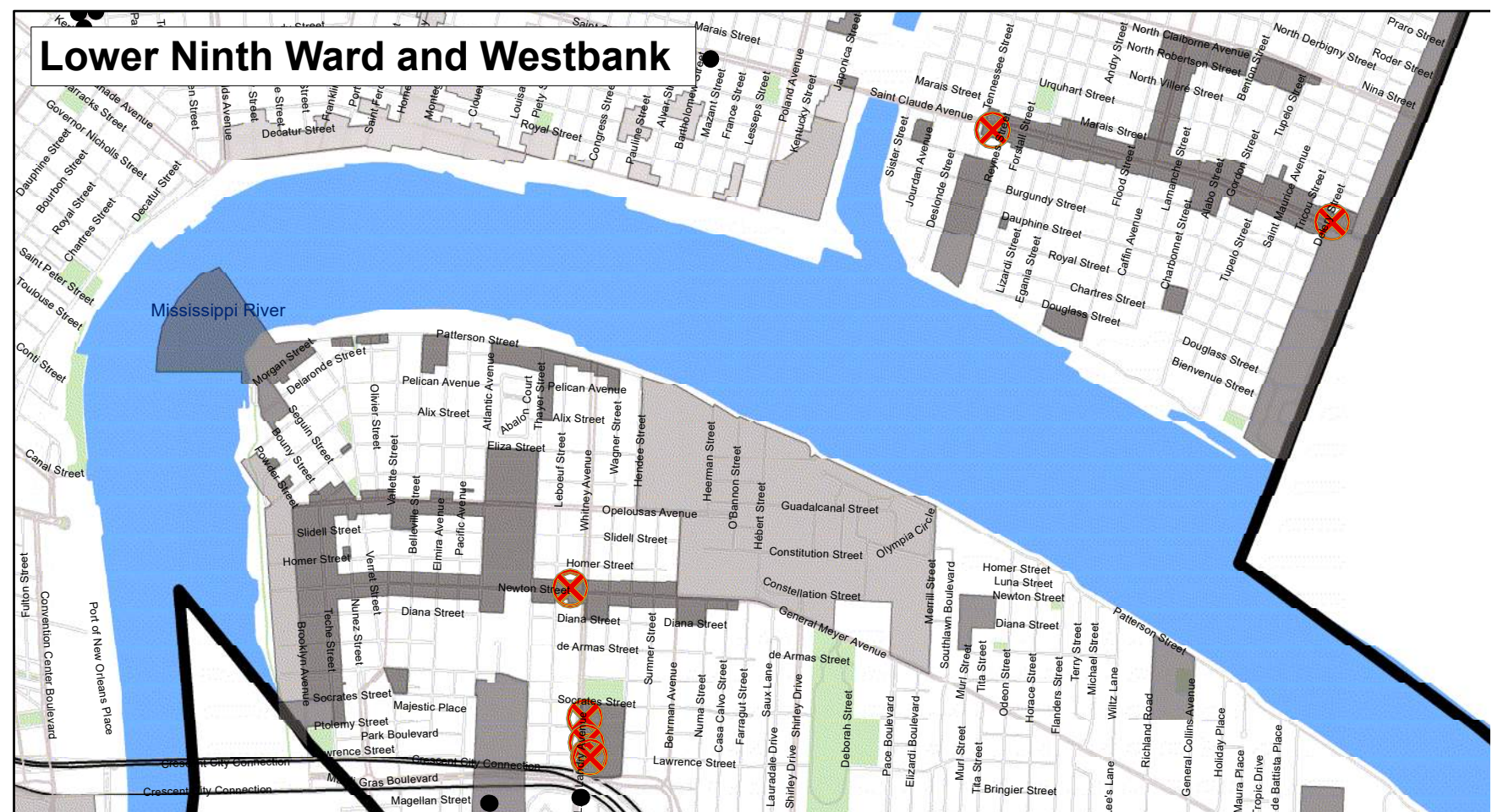
This system proposes that **60 points** be required to convert any non-conforming billboard to digital. It may be advisable for this system to only apply to billboards within the State's federal aid jurisdiction that cannot be amortized. Ultimately, the City should reserve the ability to induce conversion of billboards that have the most impact on the aesthetics and desired pedestrian-orientation of an area. The staff does not give much value to removal of the 6' x 12' (8 sheet) billboards, of which the billboard companies seem most willing to divest. These small billboards have tended to disappear on their own as their wall-mounted locations have been redeveloped. The values given in the chart are subjective and can be changed based on additional input from stakeholders, the public and decision-makers. With this option, the City should believe that small companies' lack of an extensive inventory to trade is not a good reason to avoid a trading system.

Flexibility to Relocate

In some cases an existing nonconforming billboard may have become obscured; this could occur through tree growth, sound walls, utilities installation, or building development. The CPC staff believes there should be some flexibility to relocate a billboard within a site or nearby which may also be nonconforming, so long as the new site is less nonconforming than the original site. These criteria could be:

- The original billboard has become obscured.
- The new location is no closer to a residential zoning districts on the same side of the street.
- The new location has a farther distance from another billboard.
- The new location is no farther than 500 feet from the original location.
- The new billboard's support is less obtrusive than the original.
- The new billboard is no larger than the original.
- The new billboard is not a conversion from static to digital or variable message.
- All billboards and structural support must be completely removed from the original location.

¹¹³ This points system has not been evaluated to determine potential outcomes in terms of projected billboard removal and projected billboard digitization. If the City wishes to adopt a trade policy, then a points system should be adopted only after analysis of its potential impact.



**Map 18. Billboards Recommended for Removal
in Mixed-Use Districts**

DISCLAIMER: This map was created by The City of New Orleans; City Planning Commission from The City of New Orleans Enterprise Geodatabase and was compiled from the most authentic information available. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. The City is not responsible for any errors or omissions contained herein.

Date: 7/2/2019

OPTION 3: LOOSEN RESTRICTIONS BY EXPANDING PERMITTED LOCATIONS WHERE BILLBOARDS ARE COMPATIBLE WITH SURROUNDING LAND USES

If the Council desires, there may be some locations within New Orleans where billboards are currently prohibited, but where their development, including digital billboards, could be compatible with surrounding land uses as well as protect views of the New Orleans skyline, including the CBD and the French Quarter. In addition, if the City Council desires, there are other, more innovative approaches to expand opportunities for the outdoor advertising industry. The CPC provides the following potential recommendations to expand permitted locations for billboards, if this is a policy objective of the City Council. The CPC also provides recommendations where the City may wish to explore more innovative approaches to outdoor advertising, where outdoor advertising could leverage other certain public amenities or general aesthetic benefits.

Zones Where Billboard Permissions May Be Compatible

Much of the billboard industry's stock is concentrated along the I-10 Interstate and the elevated portions of US 90, including the Westbank Expressway and the Pontchartrain Expressway. Logically, these areas likely the most marketable as these thoroughfares are the most trafficked in the region. Currently there are only a few parcels along these routes where billboards are currently permitted. The CPC staff examined areas along these routes to see if there were any other areas where billboards could be permitted without posing any compatibility issues with surrounding properties. The staff found very few because the areas were not zoned industrial or commercial, or the locations were within the view shed of the New Orleans skyline. The CPC discourages any type of permitted expansion of billboards which would contradict the preservation of the existing protected vistas currently outlined in the CZO. The CPC believes that the aesthetic value of the city's most visited and iconic areas, including the Central Business District and French Quarter is an important public asset to protect.

The CPC noted two areas, however, on the upriver side of the Pontchartrain Expressway which are zoned BIP Business Industrial Park and which are buffered from any mixed-use or residential district by a large C-3 Heavy Commercial District. If billboards were located within these two areas, they would also be located outside of the view shed of the downtown. The Future Land Use Map designation of these properties is BC Business Center which calls for professional office and light industrial parks, but no residential land-uses. Because these two areas are buffered from residential districts and are outside of any prohibited location, allowing billboard development in these locations may not pose any substantial land use conflicts. There are also a few LI and HI Districts along the Pontchartrain Expressway, located in Institutional FLUM districts where new billboards in these locations, if wall mounted so as to not obstruct views within specified vistas, and if not adjacent to any residential land uses, may also comprise a compatible location.

At the Orleans Parish/Jefferson Parish boundary on the Westbank is another potential site where future billboard development may be compatible with the surroundings. This location is the former Hendee Street incinerator site, which was used from the early 1940s until 1976. It is a brownfield site which has been identified for future commercial re-use per the Master Plan. It is currently zoned as residential; however, the site's FLUM designation is GC General Commercial. A future rezoning of this site to C-2 or C-3 District would be consistent with the Master Plan.

There are only a couple of billboards along the I-10 corridor in New Orleans East, and these are located right at the edge of I-10 where it abuts Lake Pontchartrain. While many areas along the New Orleans East portion of the I-10 Corridor are zoned C-2 Auto-Oriented Commercial District or C-3 Heavy Commercial District, where billboards are a permitted use, this corridor is also zoned CT Corridor Transformation Design Overlay District, which encompasses one of the prohibited locations for billboards. While assessing these areas, the staff noted that many of the commercial uses in these areas are oriented toward the interstate and are meant to be seen from the interstate. Many of the businesses include freestanding pole signs to catch the attention of motorists. The CPC discourages allowing the expansion of billboards in these areas as it could create visual clutter in combination with the other existing freestanding pole signs, and could potentially block motorists' views of these businesses.

The staff noted that after the Little Woods Exit and I-510 interchange the area along I-10 does not have any commercial or residential development, and the development of billboards may not cause any conflicts as mentioned above. However, these areas are also located within the CT Design Overlay District and are zoned either NA Natural Areas, GPD General Planned Development District, or C-1 General Commercial District where billboards are not a permitted use. Allowing billboards in these areas would necessitate approval of a zoning map amendment and approval of a text amendment to remove these areas from the CT Design Overlay District boundaries.

More Creative and Innovative Approaches to Permitting Outdoor Advertising

Besides contemplating the expansion of billboard development in its traditional sense with large pole-mounted rectangular panels, policy *Option 3* could also include possible creative approaches in opening up new locations for outdoor advertising. As mentioned previously in this report, many cities across the globe are launching public-private partnerships with outdoor advertising businesses in order to leverage investments in certain public amenities such as "smart-cities" technology systems. Below are a few recommendations related to expanding opportunities for more creative outdoor advertising products.

Advertising Murals & Temporary Building Wraps

The CPC recommends one approach to allowing more alternative styles of outdoor advertising that is similar to the advertisement "murals" which were allowed under the previous Comprehensive Zoning Ordinance. As explained earlier, an artistic mural is no longer deemed a mural, per the current definition of the CZO, if it contains commercial content. However, a class of billboards could be created which are limited in commercial content to 20 percent of the display. The City would have no ability to curate the quality of the art on the remaining 80 percent, so there should naturally be some trepidation with this approach. However, appropriate and very limited locations could be designated for such mural-like billboards, such as the upper levels of parking garages in the Central Business Districts, Life Sciences, Educational Campus, and Medical Campus Districts. Blank elevations without windows or doors of non-historic buildings could also be appropriate locations. Allowing painted mural-like billboards on blank building facades could have the benefit of discouraging graffiti. Depending on the location, new mural-like billboards could be restricted from nighttime illumination. A risk of this approach is that such billboards could occupy the same locations where true artistic murals could be installed. If such a policy were to be adopted, the City Council may want to consider placing standards for the size of such mural-type billboard which ensure that the scale and size of the mural is appropriate for the scale of the building. Wall-mounted building wraps could also be employed temporarily in order to cover buildings under construction.



Figure 43. Panel on Chicago building Source: Outfront Media



Figure 44. Innovative, non-standard wall mounted advertising

Pedestrian-Scale Advertising

Another alternative style of billboard advertising that may be considered in the future includes pedestrian oriented, street-level billboards that are smaller in size. Many major cities worldwide, in an effort to integrate "smart cities" technologies within their communities, have recently installed a network of digital kiosks which contain digital screens for advertisements as well as a number of technological functions. Some of the benefits realized by these kiosks include:

- the ability for governments to post real-time information or public advisories (e.g., weather alerts, traffic or transit system information, occupancy of on-street or public parking garage occupancies, or public health alerts such as pollen counts or air quality information),
- providing more access to neighborhood services (e.g., ability to purchase bus or bike share passes, pay utility bills, obtain info on community events, directions, and maps),
- providing a platform for local artists to display their work,
- helping to bridge the digital divide through provision of phone charges, video call capabilities, and Wi-Fi hotspots,
- the ability to collect data which may advise public policies through integration of sensors such as noise level sensors, gunshot triangulation sensors, pedestrian counts with smartphone recognition,
- providing public safety benefits through integration with security cameras or facial recognition technologies,
- and providing a new source of revenue to the municipalities who earn a proportion of the advertising sales profits.



Figure 45. Digital LinkPHL kiosk in Philadelphia posting regional rail schedule. Source: [Philly Voice](#)

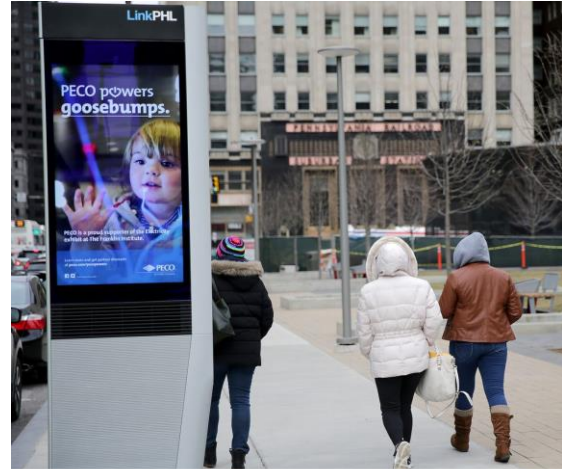


Figure 46. Digital LinkPHL kiosk in Philadelphia posting advertisement. Source: [Philadelphia Inquirer](#)

Much like how the City of New Orleans already has an agreement with an advertising agency for the installation of transit shelters, many cities are also partnering with the outdoor advertising industry to install digital advertising screens throughout their network of transit stop shelters. These agreements serve the dual benefit of providing comfortable street furniture, but also integrate more smart cities technologies which can improve the efficiency of transit services by providing riders with real-time arrival and departure information and electronic fare payment options, as well as expanding data collection capabilities which can inform operations. The smart technologies include the collection of boarding data, traffic and congestion mapping, and the collection of energy and fuel usage data. Besides technological benefits, the insertion of more pedestrian level advertising could also leverage the development of more basic street furniture improvements such as seating and ADA improvements.



Figure 47. Modern bus shelter in Chicago. Source: [JCDecaux North America](#)



Figure 48. Digital kiosk in Spain with public service message on child abuse. Source: [Huffington Post](#)



Figure 49. Outdoor advertisement installed as ramp. Source: IBM



Figure 50. Outdoor advertisement installed as bench seating. Source: IBM

The CPC highly recommends that the City look into how it can leverage the development of smart cities technologies in partnership with the outdoor advertising industry. This approach requires further study, in terms of the feasibility of developing this new infrastructure as well as the appropriate placement of kiosks and new advertising. The CPC believes that such products would be most appropriately developed in the Central Business District where there is more concentrated pedestrian activity. They should also be considered along major transit routes or along denser mixed-use corridors. They could also be placed underneath the Claiborne Expressway near the downtown and the Pontchartrain Expressway in Central City and the Lower Garden District in coordination with other revitalization efforts. The CPC also recommends that the City evaluate which smart cities technologies would be of most benefit to the community and to municipal services. The CPC believes that smart transit technologies, such as those outlined in the recently adopted Strategic Mobility Plan, should be prioritized, as well as smart waste management technologies which would enhance the City's Clean-Up Nola initiative. Smart waste management technologies could include sensors on public litter and recycling cans to calculate they need to be emptied.

Other Creative Uses of LED Technology and Outdoor Advertising

Technological advances in digital display technologies are allowing for more creative construction techniques with screens of all scales and sizes. Outdoor advertising is no longer necessarily limited to the general rectangular panel billboard format. Digital displays are now being incorporated into modern buildings in unique ways which enhance the modern architectural aesthetic. These building-incorporated digital displays can include temporary advertising as well as artistic visual effects. Examples include the NYC Port Authority Building and the Pier 17 Building also in New York. In New Orleans, recent proposals for a new ferry terminal building and the site of the new Four Seasons Hotel at the foot of Canal Street.

The CBD-4 Exposition District which is intended for large destination uses and related services which generate high volumes of visitor traffic, and currently covers the areas around the Superdome, the Arena, and the Convention Center may be another appropriate zoning district in which to incorporate more modern and innovative approaches to outdoor advertising. The Mayor of Sao Paulo in Brazil, recently contemplated an outdoor advertising deal which would allow the construction of digital billboards at the base of certain bridges in exchange for investments into rehabilitation of these bridges. The City of New Orleans could potentially leverage digital outdoor advertising to secure investments in its major pumping stations which may be in need of upgrades and energy retrofits. In

a similar vein, such partnerships could be leveraged to construct more public restrooms in critical areas or in parks. The CPC recommends that the City look into how it can leverage digital displays and outdoor advertising to construct city buildings and facilities, as well as infrastructure.

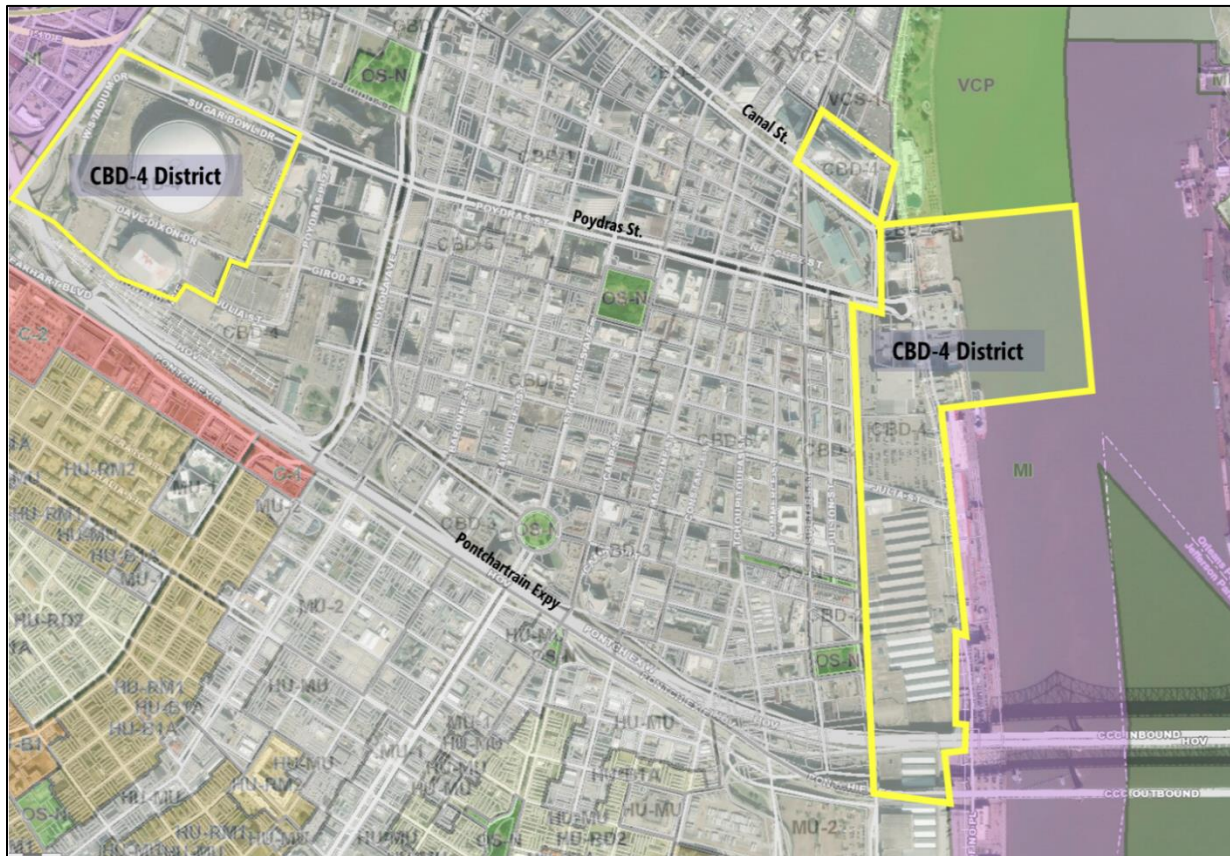


Figure 51. CBD-4 Exposition Districts



Figure 52. NYC Pier 17 Building with temporary digital advertising on façade.



Figure 53. Solar-powered billboard. Source: [Live Science](https://www.livescience.com/61818-solar-billboard.html)

Amortization of Nonconforming Billboards

No matter the policy approach desired by the City Council, whether to maintain current restrictions, to allow for certain LED conversions in exchange for other billboard removals, or to expand outdoor advertising opportunities by permitting certain innovative approaches to advertising, the City Council should consider amortization as an approach to eliminating billboard nonconformities. Amortization, which includes the adoption of a specific period of time, or “amortization schedule,” in which a nonconforming sign may remain to allow billboard owners to recoup their investments until compliance is required. This approach has been used by multiple cities, with varying amortization periods from one to 10 years. In a report conducted by the U.S. Government Accountability Office in 2004, it was found that courts consistently upheld the constitutionality of the use of amortization as a practice in billboard regulation. In fact, the City Council previously adopted an amortization period of three years in which nonconforming billboards and nonconforming signage were required to be removed or comply with the regulations of the UC Urban Corridor Overlay District. The City Council could use the amortization approach only for billboards outside of the Interstate and Federal Aid Primary Systems, since State law, in accordance with the Highway Beautification Act, prohibits amortization as a method of compensation for nonconforming billboards within their jurisdiction.

The CPC counted 163 billboards of the total inventory that were outside of the State’s jurisdiction. Many of these billboards are in unpermitted areas such as within the CBD, in historic districts, on the rooftops of historic buildings on Canal Street. Instead of leveraging the removal of these billboards in an exchange with billboard companies for LED conversions, the City could simply use their authority to require removal of nonconforming billboards outright. However, if an amortization schedule were to be adopted for nonconforming billboards within the City’s jurisdiction, it is important that the City maintain an up-to-date inventory of all existing billboards with catalogued information regarding billboard nonconformities, and that the City dedicate enough personnel so that the schedule is adequately enforced .

Minor CZO Changes

In accordance with the Master Plan which states that “the CZO should be maintained as predictable, understandable and enforceable,” this study also recommends minor language changes to the CZO, which would not encompass a major policy shift or change in direction, but would provide consistency between other sets of rules, including other sections of the CZO, the City Code, and with State law. In its analysis of existing regulations, the staff found a few inconsistencies within the CZO, and areas where further clarification would be helpful in terms of administering the standards. The minor amendments are summarized below:

- Amend *Article 24, Section 24.14.B.1 (Table 24-3 Permitted Locations)* relative to “Spacing along freeways and interstate highways” and “Spacing along non-freeway roadways” so that the spacing standards are the same as the standard in *Article 24, Section 24.14.C.3*.
- Amend *Article 24, Section 24.14.C.3* with language explaining how spacing is measured – similar to the manner provided in Title 70 of the Louisiana Administrative Code.

- Amend *Article 24, Section 24.14.D.3* to remove the requirement for “three (3) paper sets of drawings.”
- Amend the language outlined in *Article 24, Section 24.14.B.2(c)* through *Section 24.14.B.2(m)* so that they can be more easily interpreted, by establishing an adequate buffer distance, such as “within 660 feet from the side of the roadway,” or such as “within a mile” of the French Quarter or Mississippi River, so that the prohibited areas can be easily mapped and identified by developers and City staff alike. Ensure that the new language meets the intents as outlined in the former CZO and the 1989 Billboard Study which were to prevent obstructions of views of the French Quarter and the downtown skyline.
- Amend *Article 24, Section 24.14.A* to require applications for billboard permits include view shed analyses which confirm that the proposal does not obstruct any of the protected vistas.
- Amend *Article 24, Section 24.14.B.2(e)* to change North Robertson Street to Claiborne Avenue, as North Robertson Street is only one-way in the eastbound direction.
- Amend *Article 24, Section 24.14.A* to require applications for digital billboard permits specifications as to the luminance of the panels in conformance with the standards outlined in *Article 24, Section 24.14.C.5(e)*.

Advocacy Recommendations

In examining existing billboard regulations at both state and local level, the CPC found several inconsistencies among regulations. The CPC also identified some opportunities to enhance certain processes and practices related to permitting in order to aid in the enforcement of billboard regulations as well as provide more effective control. The CPC advocates for the following changes to the City Code, as well as changes in the permitting and enforcement practices by multiple governmental stakeholders.

City Code Amendments

- Amend Sections 134-166 through 168 which notate prohibited billboard locations, and ensure that the prohibited locations mirror those within the CZO.
- Remove existing billboard regulations within the City Code which are no longer relevant.

Permitting Recommendations

- Require survey with permit applications.
- Require submission of valid executed lease agreement with permit application.
- Promote consistent coordination between the LADOTD by better integrating the State’s application process into the City’s permit process, and by sharing annual inventory data.
- Train Permit Intake Analysts so that they are more familiar with regulations as well as processes for plan review.
- Change the application to clearly request applicants to identify compliance with applicable laws.

Enforcement Recommendations

- Purchase equipment for Building Inspectors to allow regulations to be monitored.
- Enhance LAMA functionality for tracking billboard locations.
- Develop a map layer for LAMA which outlines “prohibited locations” so that staff may determine if a parcel is located within a prohibited location at the click of a mouse.
- Perform an annual billboard sweep with Safety and Permits to verify City Code & CZO compliance.
- Building off of the web-based billboard inventory developed for this study, develop an inventory protocol for the “New Orleans Billboard Report” implementing some of the guidelines of the Federal Highway Administration’s “An Outdoor Advertising Control Language Guide” including adding data fields which could assist in enforcement such as:
 - Date of last inspection
 - Date of sign construction
 - General physical condition of structure
 - Land lease or license termination provisions, if any
 - Landowner - name, address, phone number and email address
 - Next inspection date
 - Permit expiration date
 - Permit number

Next Steps

Once the City Council receives the Study, they may take as long as needed to read and consider their options. The Council is under no legal requirement to act upon the Study. They may choose to consider the recommendations in a Committee meeting or they may pass a motion directing the City Planning Commission to consider zoning text changes based on the Study. Since different options are discussed in the Study, the Council would need to specify which policy options, or which components of the options, they would like to consider as zoning text amendments. Certain other recommendations of the Study would need to be implemented through the City Code or through administrative directions.

If the City Council passes a motion to consider implementation of Study recommendations through text changes to the Comprehensive Zoning Ordinance, an additional round of public hearings would be triggered. The City Planning Commission would docket the proposal, write a staff report recommending specific zoning text changes, and hold a public hearing before making recommendations to the City Council. The Council must also hold their own public hearing before adopting amendments to the Comprehensive Zoning Ordinance.

Part 8. Meeting Minutes

City Planning Commission Meeting (April 23, 2019)

The staff gave a summary of the Billboard Study's findings and recommendations. Five people spoke regarding the study. The speaker cards are attached to this report, and video of all public testimony, deliberation, and votes by the City Planning Commission can be found on the CPC's website and at the following link:

http://cityofno.granicus.com/MediaPlayer.php?view_id=2&clip_id=3294

Commissioner Wedberg commented that the concept of allowing temporary billboards on scaffolding to help fund historic renovations seemed appealing because it would both expand advertising rights in areas where it is otherwise prohibited, but there would be a finite period for this allowance. He believes that this should be something the City looks into. Commissioner Lunn commented that having billboard location data available online to the public would be beneficial. Commissioner Lunn also noted that because of the breadth and complexity of the Billboard Study, and because there is no deadline for submission to City Council, that it may present an opportunity for the Commissioners to utilize their Special Projects Committee to take a deeper dive into the study and get more public input. Commissioner Lunn recommended convening this committee within the next month and made a motion to refer the Billboard Study to the CPC Planning and Special Projects Committee. The motion was seconded by Commissioner Wedberg and adopted.

Motion

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT THE BILLBOARD STUDY IS HEREBY MOVED TO BE CONSIDERED BY THE CITY PLANNING COMMISSION SPECIAL PROJECTS COMMITTEE.

YEAS: Brown, Hughes, Lunn, Stewart, Wedberg, Witry
NAYS: None
RECUSED: Steeg
ABSENT: Flick, Isaacson

City Planning Commission Special Projects Committee Meeting (May 14, 2019)

Commissioners Attending

Kathleen Lunn (Chair)
Jason Hughes (Committee Member)
Walter Isaacson (Committee Member)
Jonathan Stewart
Kelly Brown

Presenters/Guests

Paul Cramer, CPC
Noa Elliot, CPC
Nicolette Jones, CPC

Wheeler Manouchehri, CPC
Haley Delery, CPC
Larry Massey, CPC
Leslie Alley, CPC
Robert Rivers, CPC
Melissa Quigley, Law Department
Richard Cortizas, Jones Walker
Dominic Orlando, Outfront Media
Bob Lanaux, Lamar Advertising
David Halpern, Kean Miller
David Easterling, Lamar Advertising
John Jackson, Pelican Outdoor Advertising
Michael Duplantier

The Senior City Planner presented a summary of the recommendations from the Billboard Study which had been previously presented at the April 23, 2019 City Planning Commission meeting.

Motion: A motion for a Suspension of Rules to extend speaking times during the public comment period was made by Commissioner Brown, and seconded by Commissioner Hughes.

YEAS: Brown, Hughes, Isaacson, Lunn, Stewart
NAYS: None

Motion: A motion to Adopt Public Hearing Rules to extend speaking times to up to five minutes each with a total time allotted of 45 minutes was made by Commissioner Hughes, and seconded by Commissioner Brown.

YEAS: Brown, Hughes, Isaacson, Lunn, Stewart
NAYS: None

Speakers

There were seven speakers from the public of whose comments are summarized below.

Richard Cortizas, representing Outfront Media, spoke in support of the recommendations outlined in the study. RC thinks that recommendations offer innovative ideas for billboard industry to grow. Option 1 is the status quo, but a combination of all three Options makes sense if the goal is to get rid of the small billboards.

Bob Lanaux, from Lamar Advertising, spoke in support of study and appreciates opportunity to convene with other companies to ways for industry to grow.

David Halpern, representing Lamar Advertising, spoke in support of study. DH notes that Lamar Advertising will not be able to opine until more specific legislation is presented. DH does not promote use of amortization as a policy because of challenges to valuation which may or may not include

landlord's rental income. DH prefers status quo outlined in Option 1 of the Billboard Study until more specific options are presented.

Michael Duplantier, a resident of New Orleans, spoke against billboard development because they are inherently distracting and dangerous. MD notes that billboards are an archaic technology which were saved by digital revolution - if not for that, industry moving in a very different direction. MD supports exploration of pedestrian level advertising and embracing smart cities technology. MD also notes that there has been some natural reduction in number of billboards, but letting nature takes its course is not enough. In favor of an active amortization policy and encourages City to do it. MD has concerns with trade incentives because it would not be a fair trade to community to trade four or five small unprofitable billboards for one giant intrusive billboards. MD notes that digital billboards are offensive at night and studies have shown that they are distracting. MD is in support of clarifying the language in the ordinance regarding prohibited locations; however, these prohibited locations should not be able to be waived by the City Council. MD stated that the City Council, after of the adoption of regulations in the early 1990s, granted waiver after waiver of the regulations for political purposes.

John Jackson, from Pelican Outdoor Advertising, stated that advertisers have different preferences on types of billboards but digital billboards have a specific purpose and are convenient for organizations that need quick and cheap advertising, such as for charities or events. The lumens of digital billboards are, by law, lower than on-premise signs, so they're not intrusive, they're informative. JJ is not in favor of automatic conversions or trade system which would not include a process for neighbors and neighborhood organizations to come to the table to discuss. The incorporation of more LED billboards will bump-stock the supply and will have lower the demand for advertising. The only company that can afford a trade is Outfront because they have a low value inventory. The small 8-sheet billboards will go away on their own.

Discussion

Commissioner Lunn thanked the staff for preparing the document and stated that the process pointed to the need for additional funding in the future to meet the capital needs of the city.

Leslie Alley (LA), Deputy Director of CPC, noted that the appeals process for billboards was changed with the adoption of the new CZO in 2015. The City Council no longer maintains the authority to grant appeals of the billboard regulations. Instead, the Board of Zoning Adjustments is now the authority who presides over the decisions to grant variances of the billboard regulations. LA commented that the Board of Zoning Adjustments recently heard an appeal regarding the interpretation of a "prohibited location" as outlined in the CZO and upheld the decision of the Director of the Department of Safety and Permits. LA states that the design vistas, or prohibited location language, are nebulous enough to make it difficult to interpret where these areas are, which happens to be a recommendation in the Billboard Study - to clarify this language and map these locations so that the ordinance can be enforced correctly. In the recent case, there was a discussion about the language of the CZO which indicated the direction of how one is driving, and the interpretation was questioned of whether the standard applied to both sides of a double-faced sign. LA, in response to a question about the CEA between the City and the State, mentions that the CEA has functioned well in the past depending how focused both the State and City governmental entities are focused on enforcement, leadership, and pressure from the public or the billboard industry. The State has a law that one cannot purposefully

change the zoning of a property in order to allow the development of a billboard, but this has not been enforced in the past. There has been a recent change in leadership in the department at the State which oversees the control of outdoor advertising. The CPC staff met with these individuals during the study to get information. The State is required to coordinate with the Department of Safety and Permits during the permitting process, but how closely they work depends upon priorities and capacity of each department.

Commissioner Isaacson commented that one of the big questions we must answer is: can a digital billboard provide vibrancy and enhance a place, or is it a nuisance or distraction? Which specific parts of the City could digital billboards enhance, where would their placement be neutral, or where specifically would their presence cause issues? Are electronic billboards simply a problem to mitigate, or are can they be beneficial to a community and where has this worked?

Robert Rivers (RR), Executive Director of CPC, stated the answer to that question is a policy decision with passionate opinions on both sides. Therefore, the answer is not crystal clear. The way the staff addressed the question in the Billboard Study was to evaluate whether there were areas where billboards are less problematic than other areas. The Billboard Study considers place-based factors where a billboard may detract from certain environments such as mixed-use zoning districts (pedestrian-oriented), historic districts, and residential areas. The study doesn't exclusively look at the removal or reduction of 8-sheet billboards, but the removal of nonconforming billboards as a whole. The study looks at how we get billboards out of these areas, either through an amortization or expropriation effort the City, or do we develop a trade system. Are there areas where the digitization would be less intrusive, and where are these zoning districts? These areas may include former industrial districts which were changed to mixed-use districts in the 2015 adoption of the new CZO. Potentially allowing billboards in these areas may be neutral or not problematic. RR also stated that the Billboard Study presents "Option 3" which explores the allowance of non-traditional outdoor advertising and potential areas where this could be appropriate such as the Theatre District on Canal Street or other entertainment and tourist-heavy areas such as the areas around the Superdome and the Convention Center. RR also mentioned the issues with many areas along the Interstate where there nearby residential land uses and the question of whether these areas should lean toward being more expansive in allowing billboards there or being more restrictive because of the proximity of residential land uses. In looking at whether to allow more billboard development, the City should ask what benefits could be brought in return.

RR addressed Commissioner Isaacson's question as to whether the digital advertising aesthetic can create a place. RR noted that the Times Square advertising signs don't function the same way as a traditional billboard on a highway, but they do function to create a place (like it or hate it). RR believes something like that could be replicated in New Orleans. There are some places in NO where there are opportunities to do that, but the judgement on whether it is good or bad is very much based on personal perspective.

LA commented that billboards are only one type of outdoor advertising, but there is more diversification within the industry such as kiosks, integrating wayfinding signs, and integrated into buildings such as the Port Authority Building in NYC or such as the recently proposed RTA ferry connection across the river which included an animated design. Such types should be evaluated case by case; there is no one size fits all approach.

Commissioner Lunn noted concern over a trade system which would not include public participation, such as with public notice or NPP meetings. The public should be aware of the boundaries where billboards could be converted. The CEA between the State and the City of New Orleans is indication that the City is unique and should have special rules for outdoor advertising. The City should make policies that protect the qualities of New Orleans which make it iconic.

RR noted staff's concurrence with processes which are transparent and predictable, which is the current approach of our CZO. Notes that the trade system would not be negotiated behind closed doors, but rather would be put in place after a lengthy public process that includes debate on entirety of process and the metrics to be used in the trade system. If it is desired, the City could use the conditional use process for digital conversions which would require public notice and an NPP.

Commissioner Brown commented that it is important whatever policy is ultimately adopted is that it is decided upon with a place-based and transparent approach which guided the development of the CZO and the Master Plan.

Commissioner Isaacson suggested that the study include a recommendation on specific places where the City could benefit from digital billboards, like the foot of Canal or Upper Canal, and specific examples of types of benefits or enticements which could be achieved with trades, such as free Wi-Fi or public restrooms. Commissioner Isaacson made motion to request staff to edit the study to include more specific information in the Recommendations Section of the study on where digital billboards could enhance parts of the city and what specific benefits could be leveraged.

Motion: A motion to request an Amendment to the Recommendations Section of the Billboard Study made by Commissioner Isaacson, and seconded by Commissioner Hughes.

YEAS: Brown, Hughes, Isaacson, Lunn, Stewart

NAYS: None

Commissioner Lunn suggested that the amendments be considered in a second Special Projects Committee in June. Commissioner Lunn also mentioned that it would be nice to request a meeting with representatives from Safety and Permits to understand what resources they would need to properly enforce current billboard regulations or future trade system requirements.

Commissioner Hughes requested that staff coordinate with public participants in today's committee meeting to find a time that works well for them to attend the next committee meeting in June.

Motion: A motion to reconvene Consideration of the Billboard Study to another Special Projects Committee Meeting in June was made by Commissioner Isaacson, and seconded by Commissioner Hughes.

YEAS: Brown, Hughes, Isaacson, Lunn, Stewart

NAYS: None

Motion: A motion to Adjourn was made by Commissioner Isaacson, and seconded by Commissioner Brown.

YEAS: Brown, Hughes, Isaacson, Lunn, Stewart

NAYS: None

Meeting Adjourned

City Planning Commission Special Projects Committee Meeting (June 11, 2019)

Commissioners Attending

Kathleen Lunn (Chair)

Jason Hughes (Committee Member)

Walter Isaacson (Committee Member)

Presenters/Guests

Paul Cramer, CPC

Nicolette Jones, CPC

Haley Delery, CPC

Leslie Alley, CPC

Robert Rivers, CPC

Ashley Becnel, Department of Safety and Permits

Melissa Quigley, Law Department

Richard Cortizas, Jones Walker

Dominic Orlando, Outfront Media

Bob Lanaux, Lamar Advertising

David Halpern, Kean Miller

David Easterling, Lamar Advertising

John Jackson, Pelican Outdoor Advertising

Calvin Lopez

The Senior City Planner presented recent amendments to the Recommendations Section of the Billboard Study.

The committee members then addressed questions for the representative of the Department of Safety and Permits.

Commissioner Lunn asked the representative of the Department of Safety and Permits about how the Department is tracking existing nonconforming billboards and whether or not the Department is prepared to enforce existing regulations or if additional staffing would be needed to both enforce current regulations as well as implementation of any additional policies mentioned in the Billboard Study.

Ashley Becnel (AB), Chief Zoning Official of the Department of Safety and Permits, noted that the Department of Safety and Permits has not kept up with tracking existing billboards, but that the Billboard Study would be a great jumping-off point from which to start. AB notes that the Department

could always use more people. The creation of a new position to enforce billboard regulations would be dependent on the description of duties per Civil Service classifications and what amount of funding toward the position the City Council would be willing to appropriate. With more detail regarding ultimate billboard policies to be adopted, the Department could better understand their future needs for more staff. AB also noted how the Department's enforcement powers work: generally, with zoning violations, if someone is found to be operating an illegal use (which in the case of billboards would be where a billboard is constructed where it is not a permitted use), they will be brought to adjudication where the maximum zoning fee is \$500.00 per violation. For some companies, these fees are not a deterrent. However, the City could consider other penalties such as daily fines. AB concluded that once the City agreed upon a final policy decision after the Billboard Study, the Department could establish the appropriate enforcement mechanisms.

Commissioner Lunn asked if it was within the City's power to require that nonconforming billboards be removed within a certain amount of time.

Robert Rivers (RR), Executive Director of CPC, stated that the answer would be no, that a nonconformity is usually a legal status that enables a nonconforming billboard a right to continue operating as long as that legal status has not been lost.

Melissa Quigley (MQ), Law Department, added that other cities have used amortization where they will pass a law recognizing the existence of nonconforming billboards and outlining an amortization period where nonconforming billboards would have to be removed within a certain amount of time.

Commissioner Lunn asked if an amortization law would require compensation.

Nicolette Jones (NJ), Senior Planner of CPC, answered that compensation would depend on whether or not the billboard is within 660 feet of a state or federal highway which that received federal funds. The Highway Beautification Act states that any agency which requires removal of billboards on state or federal highways receiving federal funds must provide just compensation to the owner. State law uses the term "cash compensation," which essentially limits municipalities from using amortization as a means of compensation for the required removal of billboards.

Robert Rivers (RR), Executive Director of CPC, stated that the concept of amortization is where you enable the continued use of a nonconforming use during a certain period of time and the continued use pays the value of that use. Therefore, the required removal of the use would not be considered a taking. There are circumstances, as just mentioned, where amortization cannot be used as a method to provide compensation, but there are circumstances where it can be used. Then, you get into the question of what is the value of the billboard, which would likely need to be determined case by case where you determine what is the value of that billboard and what is the timing in which that value would be obtained. Some jurisdictions have utilized amortization, many haven't. Valuation is very complex, and the study does not scratch the surface of this aspect of an amortization issue. If the Council wishes to proceed with such a policy, they would need to consult with the Law Department and the issue is beyond the capabilities of the CPC staff.

Commissioner Lunn commented that urban aesthetics are essential to the city capturing tourist dollars and limiting billboard development in certain view sheds is important. The recent Board of Zoning

Adjustments appeals related to the interpretation of view sheds may also highlight need for clarification within the CZO. Can the City amend the CZO to provide more clarification on prohibited view sheds so that there is no debate on what is and what is not a prohibited view shed?

NJ answered that the study recommends broadly that a text amendment be adopted which provides both clearer text and a map outlining the exact locations of billboard prohibited areas including the view sheds or vistas of specific locations/neighborhoods. The process would likely start with a motion from the City Council directing the CPC to make a recommendation on changes to the CZO text regarding prohibited locations. The Billboard Study currently recommends that this would be a "minor" text amendment and should be acted upon by the City Council regardless of any future policy option to be pursued.

AB noted that an amendment to the text clarifying the prohibited locations would help the Department of Safety and Permits as it interprets the ordinance. The recent Board of Zoning Adjustments appeal indicated that the current language presents an area where reasonable minds to disagree. The Department of Safety and Permits has the authority to interpret the text of the zoning ordinance, but can always benefit from additional guidance.

Commissioner Lunn commented that the study indicates that the 8 sheet billboards are being found to be taken down through natural attrition. If this is the case, why does the Billboard Study recommend that the removal of an 8 sheet should be counted toward points for digitization of a billboard? Commissioner Lunn also asked which City agency would be responsible for managing the trade policy.

NJ answered that the study recommends a low value point for the removal of 8 sheets precisely because of the trend observed where 8 sheets are gradually being removed on their own. The staff could amend the study to remove 8 sheets from being applicable in qualifying a billboard operator to digitize a billboard. With regard to overseeing a potential trade policy, NJ notes that the Billboard Study recommends that a procedure be adopted - the procedure could potentially mirror the current Design Review process or the Conditional Use process which would involve review by the Executive Director of the CPC or review by the City Council. Upon permitting, the plans would also be reviewed by the Zoning Division of the Department of Safety and Permits.

AB added that an inspector of the Department of Safety and Permits could also verify that a billboard is removed prior to issuance of the digitization or conversion permit.

Commissioner Lunn asked the Executive Director if there were any nonconforming billboards on City-owned property.

RR answered that the City is subject to the same rules and regulations as those applied to private property. There are billboards on City-owned property, some of which are nonconforming. Also, the City would not have the ability to digitize an existing nonconforming billboard under current regulations, similarly as applied to the private sector.

Commissioner Lunn commented that the City should target particular places in the city for billboard removal as opposed to zoning districts. These places should include Canal Street where there are existing nonconforming billboards on rooftops.

Motion: A motion for a Suspension of Rules to extend speaking times during the public comment period was made by Commissioner Hughes, and seconded by Commissioner Isaacson.

YEAS: Hughes, Isaacson, Lunn

NAYS: None

Motion: A motion to Adopt Public Hearing Rules to extend speaking times to up to five minutes each with a total time allotted of 45 minutes was made by Commissioner Hughes, and seconded by Commissioner Isaacson.

YEAS: Hughes, Isaacson, Lunn

NAYS: None

Speakers

There were four speakers from the public of whose comments are summarized below.

John Jackson (JJ), from Pelican Outdoor Advertising, stated that billboard reductions are already occurring (by about 17 billboard per year) and this is occurring because the market, supply and demand. JJ does not find it fair that only one company (Outfront Media) can benefit from a trade policy. Most other companies have not spent the time to build up their inventories. JJ believes that the companies should get credit for removing 8 sheet billboards. JJ recommends a cap of two billboard digital conversions, two locations totals. That way, the city would not have a bump stock in digital billboards. JJ also recommends raising the points required to convert because, in reality, many of the locations are no longer viable and will come down already. Companies should get credit for taking down billboards in these less marketable areas, but the City should give more points for the taking down of billboards in more important areas such as rooftop billboards in historic areas. By limiting the number of billboard conversions to two total would keep supply and demand in check and advertising rate integrity. JJ states that he only has seven billboards in New Orleans and it wouldn't make financial sense for him to remove these locations for a conversion. The trade policy only makes sense for those billboard companies who are removing low value billboards for a conversion of a high value billboard. JJ recommended that billboard companies proposing to convert should be required to obtain a larger number of points than the 60 points suggested in the study.

Richard Cortizas (RC), representing Outfront Media, stated that the impetus for the Billboard Study stemmed from discussions around the removal of 8 sheets. The CPC should maintain the current recommendation to incentivize the removal of 8 sheets, which are nuisance 8 sheets. RC thinks that a cap on the number of conversions would nullify a point system.

David Halpern (DH), representing Lamar Advertising, explains an issue with Option 2 of the Billboard Study recommendations. Noting that the study states that some cities in the US have lamented over not getting as many removals as desired, DH states that the recommended point system formula in the study, with 60 points needed for a conversion, is set too low. Lamar believes that 8 sheets should qualify for points, but the 60 points are too low for the City to realize the intended reduction. The point system doesn't also consider or distinguish some billboard structures that might have three or four

panels or faces on them. If the City were to give points for each face of a four-panel structure, then the points could be obtained rather quickly. DH suggests a sizable multiple 60 points. DH suggests that City develop a better thought out mechanism so that the City gets more bang for their buck, so that there is more of a surrender in order to digitize. DH recognizes that Outfront Media is the company that could most benefit from a trade policy, and that Lamar would not want this company to be granted a large number of digital billboards, which would give this company an unfair advantage and disrupt the marketplace.

Calvin Lopes (CL), a resident of New Orleans, spoke against the proliferation of digital signage in general. CL does not believe in incentives for the conversion of digital billboards. CL states that any digital conversion of a billboard should go through a conditional use process. CL notes that he is impacted in his neighborhood by the tall billboards and by the brightness and flashing of signs. CL believes that the digital sign on the Smoothie King Arena is disruptive and should not be permitted.

RC stated that City should work with the Billboard Industry to develop a point system based on the market.

Commissioner Lunn commented that the billboard industry's motive is profit while the CPC's objective is to make good policy, and that it would be great if they were in sync. It would be good for the industry to submit their comments to the City to inform what the City ultimately adopts, but the City's decision will be based on what benefits the public.

Discussion

Commissioner Lunn commented that the additional consideration by the Special Projects Committee was important to go over the breadth of topics, but believes that the study is ready to be considered by entire Commission. She also thanked the representative of the Department of Safety and Permits for answering questions.

Commissioner Isaacson commented that it was important for the City as we move forward to adopt more innovative policies and measures with regard to digital signage.

Commissioner Hughes commented that he appreciated that Commissioner Lunn took leadership in the Committee to examine this study. He also suggested that the CPC Rules Committee consider allowing committee chairs the opportunity to make motions during committee meetings in case of any quorum issues.

Meeting Adjourned

City Planning Commission Meeting (July 9, 2019)

The staff gave a summary of the Billboard Study's amended recommendations and updates from the results of the Special Projects Committee. Three people spoke regarding the study. The speaker cards are attached to this report, and video of all public testimony, deliberation, and votes by the City Planning Commission can be found on the CPC's website and at the following link:

http://cityofno.granicus.com/MediaPlayer.php?view_id=2&clip_id=3366

Commissioner Stewart made a motion to accept the Billboard Study and send it to the City Council, which was seconded by Commissioner Brown and adopted.

Motion

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT THE BILLBOARD STUDY IS HEREBY ACCEPTED. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO FORWARD THE STUDY TO THE CITY COUNCIL.

YEAS: Brown, Flick, Hughes, Lunn, Stewart, Witry

NAYS: None

RECUSED: Steeg

ABSENT: Isaacson, Wedberg

City Planning Commission Speaker Card

Date: 7-9-19

I would like to speak regarding CPC Docket: Billboard Study

BILLBOARD STUDY

Name: Bob Lanoux

Address: 629 S. Claiborne Ave

☐ I am the applicant for this docket

☐ I'd like to cede my time to: _____

Remarks: _____

City Planning Commission Speaker Card

Date: 7-09-19

I would like to speak regarding CPC Docket: _____

BILLBOARD STUDY

Name: Michael Duplontier

Address: 820 Baronne St

☐ I am the applicant for this docket

☐ I'd like to cede my time to: _____

Remarks: _____

City Planning Commission Speaker Card

Date: 7/9/19

I would like to speak regarding CPC Docket: Billboard Study

BILLBOARD STUDY

Name: David Easterling

Address: 629 S Claiborne Ave New Orleans

☐ I am the applicant for this docket

☒ I'd like to cede my time to: Bob Lanoux

Remarks: _____

City Planning Commission Speaker Card

Date : 7/9

I would like to speak regarding CPC Docket : M-18-319

IN SUPPORT

Name: Richard Cortizas

Address: 201 St. Charles Ave NOLA

☐ I am the applicant for this docket

☐ I'd like to cede my time to: _____

Remarks: _____

City Planning Commission Speaker Card

Date : 7-9-19

I would like to speak regarding CPC Docket : M-18-315

IN SUPPORT

Name: Dominic Orlando H

Address: 8001 Townsend Place

☐ I am the applicant for this docket

☒ I'd like to cede my time to: Richard Cortizas

Remarks: _____

City Planning Commission Speaker Card

Date : 7/9/19

I would like to speak regarding CPC Docket : _____

IN SUPPORT

Name: Brian Cuyler

Address: 8001 Townsend Pl. N.O. 70126

☐ I am the applicant for this docket

☒ I'd like to cede my time to: Richard Cortizas

Remarks: _____

City Planning Commission Speaker Card

Date : 7/9/19

I would like to speak regarding CPC Docket : M-18-319

IN SUPPORT

Name: Jeff Hudson

Address: 8001 Townsend Place

☐ I am the applicant for this docket

☒ I'd like to cede my time to: Richard Cortizas

Remarks: _____

City Planning Commission Speaker Card

Date: 7-09-19

I would like to speak regarding CPC Docket: 064-19

IN OPPOSITION

Name: Michael Duplantier

Address: 820 Baronne St

☐ I'd like to cede my time to: _____

Remarks: _____

City Planning Commission Speaker Card

Date: JULY 9, 2019

I would like to speak regarding CPC Docket: 064/19

IN OPPOSITION

Name: JACK STEWART

Address: 630 JULIA ST.

☐ I'd like to cede my time to: _____

Remarks: _____

City Planning Commission
Speaker Card

Date: 4/23/19

I would like to speak regarding CPC Docket: _____

BILLBOARD STUDY

Name: Dominic A. Orkido II

Address: 8001 Townsend Place, 70126

☐ I am the applicant for this docket

☒ I'd like to cede my time to: Richard Cortizas

Remarks: I support the study

City Planning Commission
Speaker Card

Date: 4/23/19

I would like to speak regarding CPC Docket: _____

BILLBOARD STUDY

Name: David Harper N

Address: 909 Poydras, Suite 3600

☐ I am the applicant for this docket

☐ I'd like to cede my time to: _____

Remarks: _____

Pg 6 #10

City Planning Commission
Speaker Card

Date: Tues April 23, 2019

I would like to speak regarding CPC Docket: M 18/319 Mar 12 51

BILLBOARD STUDY

Name: Calvin A Lopez

Address: 7450 Mayo Blvd, New Orleans, LA 70126-2044

N/A ☐ I am the applicant for this docket

N/A ☐ I'd like to cede my time to: _____

Remarks: Reduce density; Regulate Spacing
Eliminate adverse impact of electronic signs
NO conversion to electronic without an applicant
and public hearing

City Planning Commission
Speaker Card

Date: 4/23/19

I would like to speak regarding CPC Docket: #10

BILLBOARD STUDY

Name: John D. Jackson III

Address: 201 East Avenue, Metairie LA 70001

☐ I am the applicant for this docket

☐ I'd like to cede my time to: _____

Remarks: Happy Day (D)

City Planning Commission
Speaker Card

Date: 4/23/19
I would like to speak regarding CPC Docket: Billboard Study

BILLBOARD STUDY

Name: Brian Cuyler
Address: 8001 Townsend Pl. N.O. 70126
☐ I am the applicant for this docket
☒ I'd like to cede my time to: Richard Cortizas
Remarks: _____

City Planning Commission
Speaker Card

Date: 4/23
I would like to speak regarding CPC Docket: _____

BILLBOARD STUDY

Name: RICHARD Cortizas
Address: _____
☐ I am the applicant for this docket
☐ I'd like to cede my time to: _____
Remarks: In Support.

City Planning Commission
Speaker Card

Date: 4/23/19
I would like to speak regarding CPC Docket: _____

BILLBOARD STUDY

Name: PATRICK CRESSON
Address: _____
☐ I am the applicant for this docket
☒ I'd like to cede my time to: RICHARD CORTIZAS
Remarks: _____

City Planning Commission
Speaker Card

Date: 4-23
I would like to speak regarding CPC Docket: 2

BILLBOARD STUDY

Name: Michael Duplantier
Address: 820 Baronne St
☐ I am the applicant for this docket
☐ I'd like to cede my time to: _____
Remarks: _____

Appendix A. New Orleans Comprehensive Zoning Ordinance
Article 24, Section 24.14
Billboards

24.14 BILLBOARDS

All billboards shall comply with the following requirements.

24.14.A BILLBOARD PERMIT

Requests for permits for the construction or erection of new billboards or for any alteration to existing billboards are subject to the following requirements.

1. A billboard permit application provided by the Director of the Department of Safety and Permits shall be submitted, together with:
 - a. Three (3) paper sets of drawings (one (1) to be returned to the applicant), and one (1) electronic submission in a format to be determined by the Director of the Department of Safety and Permits.
 - b. A portfolio of photographs of the site and its environs including all site elevations in both print and electronic format.
 - c. Specifications (one (1) set to be returned to the applicant) as may be necessary to fully advise and acquaint the Director of the Department of Safety and Permits with the location, manner of construction, materials, manner of support, manner of illumination (if any), the number of sign faces, and the proposed alteration.
2. All billboards that are electrically illuminated by any means require a separate electrical permit and inspection.
3. Each billboard shall be clearly and permanently marked with the correct permit number and name of the person(s), firm(s) or owner(s) of the sign(s). Each sign face is required to display a nameplate and a sign permit identification plate.
4. Notwithstanding all other provisions of these regulations, the person(s), firm(s) or owner(s) of the sign(s) shall annually submit an inventory of all current billboards to the Director of the Department of Safety and Permits along with all requirements of the billboard permit, in order to maintain control over such signs in New Orleans. Inventory shall include GPS coordinates of all current billboards.

24.14.B BILLBOARD LOCATIONS

24.14.B.1 ALLOWED LOCATIONS

Billboards are permitted in the districts indicated in Table 24-3 Permitted Billboard Locations. However, if any of these locations are within those areas identified as prohibited billboard locations in Paragraph 2 below, billboards are prohibited.

Table 24-3: Permitted Billboard Locations

DISTRICT	BILLBOARD PERMITTED	SPACING ALONG FREEWAYS & INTERSTATE HIGHWAYS	SPACING ALONG NON-FREEWAY ROADWAYS
OPEN SPACE DISTRICTS			
ALL DISTRICTS	No		
RURAL RESIDENTIAL DISTRICTS			
ALL DISTRICTS	No		
HISTORIC CORE NEIGHBORHOOD			
ALL DISTRICTS	No		
HISTORIC URBAN NEIGHBORHOOD			
ALL DISTRICTS	No		
SUBURBAN NEIGHBORHOOD			
ALL DISTRICTS	No		
COMMERICAL CENTER & INSTITUTIONAL CAMPUS DISTRICTS			
C-1	No		
C-2	Yes	1 billboard every 1,000 linear feet on either one side of the roadway or the other, but not both sides	1 billboard every 500 linear feet on either one side of the roadway or the other, but not both sides
C-3	Yes	1 billboard every 1,000 linear feet on either one side of the roadway or the other, but not both sides	1 billboard every 500 linear feet on either one side of the roadway or the other, but not both sides
MU-1	No		
MU-2	No		
EC	No		
MC	No		
MS	No		
LS	No		
CENTER FOR INDUSTRY			

LI	Yes	1 billboard every 1,000 linear feet on either one side of the roadway or the other, but not both sides	1 billboard every 1,000 linear feet on either one side of the roadway or the other, but not both sides
HI	Yes	1 billboard every 1,000 linear feet on either one side of the roadway or the other, but not both sides	1 billboard every 1,000 linear feet on either one side of the roadway or the other, but not both sides
MI	No		
BIP	No		
CENTRAL BUSINESS DISTRICTS			
CBD-1	No		
CBD-2	No		
CBD-3	No		
CBD-4	No		
CBD-5	No		
CBD-6	No		

24.14.B.2 PROHIBITED LOCATIONS

No billboard may be erected, constructed, altered, maintained, or relocated within the following area:

- a. Within five-hundred (500) front feet of any residential zoning district on the same side of the street.
- b. Within any design review corridor identified in Article 18.
- c. Within all views of the Vieux Carré and St. Louis Cathedral from both sides of the Mississippi River.
- d. Within the Mississippi River corridor, interpreted as views from any point on the river.
- e. St. Claude Avenue and North Robertson Street westbound, from Deslonde Street to Poland Avenue, and Clouet Street to Franklin Avenue (all views along riverside of roadway).
- f. Franklin Avenue southbound, at all grade separations (all views along southwestern side of roadway).
- g. Loyola Avenue traveling downtown between Simon Bolivar and Poydras Street.
- h. Tchoupitoulas Street, Camp Street, Carondelet Street, Oretha Castle Haley Boulevard/O'Keefe Avenue traveling downtown between Martin Luther King, Jr. Boulevard/Melpomene.
- i. Orleans Avenue/Basin Street traveling uptown between Claiborne Avenue and Canal Street.
- j. The eastbound Airline Highway/Tulane Avenue approach from the Jefferson Parish line to Carrollton Avenue.
- k. The eastbound Earhart Expressway approach between the Jefferson Parish line and the CBD.
- l. The eastbound I-10 approach between the high-rise bridge and the Pontchartrain Expressway interchange.
- m. The westbank approach to the Crescent City Connection and the Pontchartrain Expressway from the DeGaulle entrance ramp to the Claiborne Avenue/I-10 interchange.

24.14.C BILLBOARD STANDARDS

1. The height of billboards is limited to twenty-five (25) feet above the roadbed toward where the advertising is directed. Billboards adjacent to grade separated/elevated roadways are permitted to measure the twenty-five (25) foot height from the roadbed crown to the tallest projection of the structure. This measurement is taken at a perpendicular angle between the grade separated/elevated roadway and the sign location.
2. The area of billboards is limited to six hundred seventy-two (672) square feet of advertising surface on one side.
3. Billboards shall be separated from other billboards along either side of the same street by a minimum distance of one thousand (1,000) feet.
4. Billboards shall be setback from all property lines a minimum of five (5) feet.
5. Electronic billboards are permitted subject to the following:
 - a. Only one (1) electronic billboard is permitted per lot.
 - b. Electronic billboards shall be separated from other electronic billboards along either side of the same street a minimum distance of one thousand (1,000) feet.
 - c. Each message or image displayed on a electronic billboard shall be static or depicted for a minimum of eight (8) seconds. Animation, streaming video, and images that move or give the appearance of movement are prohibited.
 - d. No illumination from any electronic billboard may glare into any residential premises or interfere with the safe movement of motor vehicles on public thoroughfares.
 - e. An electronic billboard shall not exceed a maximum illumination of six-thousand (6,000) nits during daylight hours, and a maximum illumination of five-hundred (500) nits between dusk and dawn, as measured from the

sign's face at maximum brightness. All electronic billboards shall have ambient light monitors, which automatically adjust the brightness level of the digital sign based on ambient light conditions.

f. No nonconforming billboard may be converted to an electronic billboard.

6. No billboard may have audio speakers or any audio component.

24.14.D VARIANCE OF BILLBOARD STANDARDS

Applications for any variance to the requirements of this section shall be accompanied by the following:

1. A development plan.
2. A portfolio of photographs of the site and its environs, including all site elevations in both print and electronic format.
3. Specifications and (3) paper sets of drawings and one (1) electronic submission of the proposed billboard.
4. Any other information, either written or graphic, as required by the Board of Zoning Adjustments to aid in their decision process.

24.14.E NEW ORLEANS BILLBOARD REPORT

The person(s), firm(s) or owner(s) of all billboards within the City of New Orleans shall annually submit an inventory, including a site plan showing the location of the billboard with GPS coordinates, a photograph of the billboard, a description of the size and type of billboard, and all contact information for the owner of such billboard, along with all requirements of the billboard permit to the Director of the Department of Safety and Permits in order to maintain control over such signs in New Orleans.

Appendix B. New Orleans City Code
Chapter 134, Article IV
Billboards and Other Advertising Structures

ARTICLE IV. - BILLBOARDS AND OTHER ADVERTISING STRUCTURES^[4]

Footnotes:

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State Law reference— Outdoor advertising, R.S. 48:461, et seq.

Sec. 134-166. - Billboards on fences, houses or awning-posts prohibited.

Boards for advertising purposes shall not be permitted to stand against or be attached to fences or houses or be attached to awning-posts on the banquettes so as to obstruct or disfigure the sidewalks after the person in charge of any such board has been notified by the director of the department of streets or any police officer of the city to remove such obstruction within the period designated in such notification.

(Code 1956, § 3-2)

Sec. 134-167. - Billboards—Prohibited near grade separations.

Except as permitted by this section and sections 134-168 through 134-171, no firm, person, corporation, association or individual may construct, cause to be constructed, use or maintain any billboard, signboard, or any other advertising structure, advertising display or advertising medium of any nature whatsoever, or any part thereof, within 200 feet from any portion of any grade separation, including the approaches thereto, constructed or to be constructed in conjunction with the grade separation plan of the Union Passenger Terminal Program of the city, it being understood that by approaches to grade separations is meant the entire area between the end of such grade separation structure and the place where the street approach rises from or descends from the normal street grade adjacent to the separation. It is the intent of this section that no sign, billboard, or display sign shall be constructed, maintained or used within 200 feet from any grade separation, including its approaches, unless otherwise specified in this chapter.

(Code 1956, § 3-8)

Sec. 134-168. - Same—Along certain expressways.

No person may construct, use or maintain any billboard, signboard, or any other advertising structure, advertising display, or advertising medium of any nature whatsoever, or any part thereof, within 200 feet from any and all portions of the following avenues and expressways now in existence or under construction: Basin Street from the Municipal Auditorium to Iberville Street; Loyola Avenue from Tulane Avenue to Earhart Boulevard; Earhart Boulevard from the Union Passenger Terminal Station to Carrollton Avenue; Simon Bolivar Avenue from Earhart Boulevard to Louisiana Avenue; and Pontchartrain Expressway from the Union Passenger Terminal Station to the Airline Highway, unless otherwise specified in this chapter.

(Code 1956, § 3-9)

Sec. 134-169. - Exceptions, ten year's exception for existing structures.

It shall be lawful for any person to construct, use or maintain any billboard, signboard, display sign or any other advertising display of any nature whatsoever within the areas described in sections 134-167

and 134-168 when such billboard, signboard, display sign or other advertising display falls within one of the following specified categories.

- (1) One sign not exceeding 15 square feet in overall measurements shall be permitted on any lot offering such lot for lease or sale;
- (2) Wherever any advertising structure had actually been constructed and was in existence prior to October 16, 1953, such billboards, signboards, display signs or any other advertising structure may be used and maintained only for a period of ten years from October 16, 1953 and at the expiration of this ten-year period all such billboards, signboards, display signs or any other advertising display must be completely removed from their locations; it being understood, however, that the owner or operator of any such billboards, signboards, display signs or any other advertising displays that were in existence prior to October 16, 1953, may continue to repair or remodel, illuminate, redesign and relocate such billboards, signboards, display signs or any other advertising displays provided that such changes shall not enlarge the overall square foot area of the advertising copy and shall in no wise be deemed to affect the ten-year amortization period set out herein.
- (3) One or more signs may be constructed and maintained solely for the purpose of setting forth the name and/or ownership of the establishment and/or identifying the nature of the business or businesses actually conducted on such parcel of ground, and the products sold thereon provided that not more than 50 percent of each sign is used for the purposes of advertising the products sold and provided such sign or signs comply with the following requirements:
 - a. The total area of all signs, measured in square feet, shall not be greater than an area computed by multiplying four feet by the linear frontage of the lot along the street on which the sign or signs are to be erected.
 - b. The maximum height of any sign shall be as follows: In all cases involving proximity to grade separations, expressways, and the avenues as specified in sections 134-167 and 134-168, the height of any allowable sign shall not exceed eight feet above the height of the building proper, excluding water towers, stage towers, cooling towers, radio or television antennas, chimneys, smoke stacks, elevator bulkheads, and oil derricks; however, in no case shall this regulation be so interpreted as to reduce the maximum allowable height of a sign to less than 25 feet above the curb grade.
- (4) Wherever advertising copy on billboards, signboards, display signs, or any other advertising structure does not substantially show to the overpasses, underpasses, avenues, and expressways above described.

(Code 1956, § 3-10)

Sec. 134-170. - Appeals to board of standards and appeals.

Any person aggrieved by any decision of the director of the division of regulatory inspections in the enforcement of this article shall be entitled within 30 days from the date of such decision to appeal to the board of standards and appeals under the same procedure described for appeals in the city building code, Ordinance No. 11,625 M.C.S., and if aggrieved by the decision of the board of standards and appeals above provided shall be entitled within 30 days from the date of such decision of the board of standards and appeals to appeal to the council for a hearing on such decision to determine if such decision appealed from is justified in the exercise of reasonable and sound discretion.

(Code 1956, § 3-11)

Sec. 134-171. - Permitted signs to comply with other applicable laws.

When this article conflicts with either the provisions of the city building code, Ordinance No. 11,625 M.C.S., as amended, or with the provision of the comprehensive zoning ordinance, Ordinance No. 4,264 M.C.S., as amended, the more restrictive provisions in any case shall control.

(Code 1956, § 3-12)

Sec. 134-172. - Penalty.

Any person found guilty of violating the provisions of this article shall be fined in a sum not less than \$50.00 or more than \$100.00, or shall be imprisoned for a term not to exceed 90 days, or both, at the discretion of the court. Each day a violation continues shall be considered a separate violation.

(Code 1956, § 3-13)

Secs. 134-173—134-200. - Reserved.

Appendix C. Louisiana Administrative Code
Title 70, Part III, Chapter 1, Subchapter C
Regulations for the Control of Outdoor Advertising

C. The application for permit with request form shall be sent to the right-of-way permits unit in Baton Rouge for further handling and in sequence as per the following:

1. headquarters traffic and planning section for verification, location and legal status;
2. right-of-way permits unit for transmittal to and review by the district administrator;
3. review by roadside development specialist:
 - a. to determine if area affected in a designated landscaped portion of the right-of-way or under vegetation management by maintenance forces;
 - b. protect the aesthetic value of right-of-way vegetation and determine what the permittee intends to do;
4. transmittal to headquarters right-of-way permits unit by district administrator for final processing.

D. The traffic operations engineer will verify the location of the display and will forward the request to the right-of-way permits unit with information about the display's legal status.

E. Legal status will include any available and pertinent information that should be considered by the district administrator. Legal information could include:

1. Is this display under active citation?
2. Is the display subject to imminent removal?
3. Is the sign illegally placed?
4. Is the display nonconforming to state beautification criteria?

F. The traffic operations engineer will determine whether or not the display is currently under contract with the state to be removed or is required to be removed within one year.

G. The cost of all work to be performed will be borne by the applicant and the necessary trimming, relocation, removal or replacement will be performed by a bona fide, bonded tree care service. The department will then, through the right-of-way permits unit, review the permit, and if satisfactory, issue same to the service for it to enter upon the highway right-of-way and do the work in accordance with the preapproved plan.

H. Prior to issuance of the permit, the tree care service shall furnish bond or deposit in the amount of \$2,500 as security.

I. The permit shall contain:

1. language requiring the permittee to have said permit in its possession at all times at the work site;
2. a "hold-harmless" clause wherein the permittee agrees to hold the department harmless for any damage to person or property arising out of its operation under the permit.

J. In the following situations, visibility improvement will not be undertaken:

1. the request will involve highway landscaping in a designated landscape section of the highway;
2. the display is illegally placed;
3. the display is currently under contract with the state to be removed;
4. the display is required to be removed within one year;
5. the display is on state property;
6. a right-of-way take is imminent within one year;
7. the trees or shrubs to be trimmed, relocated or removed are over 500 feet measured along the highway from the display or business;
8. the trimming, relocation or removal will affect the purpose of the plantings;
9. the trimming, relocation or removal will result in permanent damage to the structure or character of the plant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:274.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 7:269 (May 1981).

§123. Other Issuances Affected

A. This directive supersedes EDSM Number IV.2.1.6 issued September 26, 1980. All directives, memorandums or instructions issued heretofore in conflict with this directive are hereby rescinded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:274.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 7:270 (May 1981).

§125. Implementation

A. This directive will become effective immediately upon receipt.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:274.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 7:270 (May 1981).

Subchapter C. Regulations for Control of Outdoor Advertising

§127. Definitions

Centerline of Highway—a line of equal distance from the edges of the median separating the main-traveled ways of a divided Interstate Highway, or the centerline of the main-traveled way of a non-divided interstate highway or the centerline of each of the main-traveled ways of a divided highway separated by more than the normal median width or constructed on independent alignment.

Controlled Areas—within urban areas, the applicable control area distance is 660 feet measured horizontally from the edges of the right-of-way along a line perpendicular to the centerline of the Interstate and/or Federal Aid Primary Systems or National Highway System. Outside urban areas, the control area extends beyond 660 feet to include any sign within visibility of the Interstate and/or Federal Aid Primary System or National Highway System.

Day Care Facility—for purposes of outdoor advertising, a day care facility is considered a school when it includes a comprehensive child development program such as Early Headstart and Headstart.

Destroyed Sign—that 50 percent or more of the upright supports of a sign structure are physically damaged so that normal repair practices would require:

1. In the case of wooden sign structures, replacement of the broken supports, or,
2. In case of metal sign structures, replacement of a least thirty percent of the length above ground of each broken, bent or twisted support.

Erect—to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

Grandfathered Non-Conforming Sign—an outdoor advertising sign in place at the time that a roadway became part of the National Highway System or Federal Aid Primary Highway System, subject to control of outdoor advertising rules, which could not obtain a permit due to regulations in effect at the time that the roadway became subject to outdoor advertising control.

Illegal Sign—one which was erected and/or maintained in violation of state law or local law or ordinance.

Inventory of 1966—the record of the survey of outdoor advertising signs in existence along Interstate and Federal-Aid Primary Highways as of the date of the inventory compiled by the State Highway Department (now Department of Transportation and Development) pursuant to FHWA Instructional Memorandum No. 50-1-66 dated January 7, 1966.

Landscaped Area—landscaped areas of the commercial and industrial activity shall be areas within 50 feet of the commercial or industrial building/structure(s) that are planted and maintained in good health with commercially available ornamental and/or natural vegetation for the beautification of the commercial or industrial activity.

Lease—an agreement, license, permit or easement, oral or in writing, by which permission or use of land or interest therein is given for a special purpose and which is a valid contract under the laws of Louisiana.

Legal Non-Conforming Sign—an outdoor advertising sign which when permitted by the department met all legal requirements, but does not meet current requirements of law.

Main-Traveled Way—the traveled way of a highway on which through traffic is carried. In the case of a divided

highway, the traveled way of each of the separate roadways for traffic in opposing directions is a main-traveled way. The main-traveled way does not include such facilities as frontage roads, turning roadways, or parking areas.

Maintenance—to allow to exist. The dimensions of the existing sign are not to be altered nor shall any additions be made to it except for a change in message content. When the damage to the upright supports of a sign is 50 percent or more (see definition of destroyed sign), it shall be considered new construction and shall be subject to all requirements pertaining to new construction.

Safety Rest Area—an area or site established and maintained within or adjacent to the highway right-of-way by or under public supervision or control for the convenience of the traveling public.

Sign—any outdoor sign, light, display, figure, painting, drawing, message, placard, poster, billboard or other device which is designed, intended or used to advertise or inform, and any part of the advertising or informative content which is visible from any place on the main-traveled way of the Interstate or Federal Aid Primary Highway System, whether the same be a permanent or portable installation.

Traveled Way—the portion of a roadway designed for the movement of vehicles, exclusive of shoulders.

Turning Roadway—a connecting roadway for traffic turning between two intersecting portions of an interchange.

Unzoned—for purposes of R.S. 48:461 et seq., that no land-use zoning is in effect. The term does not include any land area which has a rural zoning classification, or which has land uses established by zoning variance, nonconforming rights recognition or special exception.

Urban Area—an urbanized area or an urban place as designated by the Bureau of Census having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by responsible state and local officials in cooperation with each other, subject to approval by the United States Secretary of Transportation. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of Census.

Visible—for purposes of R.S. 48:461 et seq., capable of being seen, whether or not readable, without visual aid by a person of normal visual acuity.

Zoned Commercial or Industrial Areas—those areas which are zoned for business, industry, commerce or trade pursuant to a state or local zoning ordinance or regulation. A zone in which limited commercial or industrial activities are permitted as an incidental to other primary land uses is not considered to be a commercial or industrial zone for outdoor advertising purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 2:187 (June 1976), amended by the Department of Transportation and Development, Office of Highways/Engineering, LR 28:872 (April

2002), LR 31:944 (April 2005), LR 33:530 (March 2007), LR 37:916 (March 2011).

§129. Purpose Test

A. Any sign meeting the following criteria shall be presumed to have been erected with the purpose of being read from the main traveled way of a controlled highway. Where a sign is read from the main traveled way of two or more highways, one or more of which is controlled, the more stringent of applicable control requirements will apply.

B. Signs erected in such a manner as to be visible from either direction of travel on subject controlled highway.

C. Signs whose lettering is 1 inch or more in height or width for each 50 feet in distance from the sign to the main traveled way of the subject controlled highway.

D. Signs which can be readily viewed for a time of five seconds or more from the main traveled way of the subject controlled highway while traveling at the posted speed limit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 2:187 (June 1976).

§131. Landmark Signs

A. In accordance with Title 23, United States Code and in accordance with R.S. 48:461.20 (1975 Supp.), those signs lawfully erected and maintained prior to October 22, 1965, which are determined by the Louisiana Department of Highways, subject to the approval of the United States Secretary of Transportation to be landmark signs, and which would otherwise be subject to removal shall be allowed to remain. Such include signs, displays, and devices on form structures or natural surfaces which are of historic or artistic significance, the preservation of which is consistent with the Louisiana and Federal Highway Beautification Acts. The Louisiana Department of Highways will submit a one-time list of such landmark signs to the Federal Highway Administration for approval. Such signs may have reasonable maintenance, repair and restoration; however, a substantial change in size, lighting, or message content will terminate the exempt or permitted status of such sign. Permits shall be required for each such landmark sign and will be issued by the Louisiana Department of Highways upon appropriate application by the owner thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 2:188 (June 1976).

§132. Off-Premise Changeable Message Signs

A. *Changeable Message Sign*—any outdoor advertising sign which displays a series of advertisements, regardless of technology used, including, but not limited to, the following:

1. rotating slats;
2. changing placards;

3. rotating cubes;
4. changes in light configuration or light colors;
5. LED (light emitting diodes)/video displays.

B. Qualifying Criteria

1. Message changes must be accomplished within four seconds and the message must remain stationary for a minimum of eight seconds.

2. The message change must be accomplished in such a manner that there is no appearance of movement of the message or copy during the change. This rule is not intended to prohibit movement of the structure in sequence in order to effect a change in message.

3. The sign may not contain flashing, intermittent or moving lights.

4. The use of such technology is limited to conforming signs only. Application of such technology to nonconforming signs is prohibited.

5. Any such sign shall contain a default design that will freeze the sign in one position if a malfunction occurs.

6. Such signs shall not use animated, scrolling or full motion video displays.

7. A changeable message sign which meets these criteria shall be considered an outdoor advertising sign.

8. On stacked sign structures, changeable message signs shall be allowed one per side.

9. Changeable message signs shall not exceed 672 square feet.

C. This rule is not applicable to on-premise outdoor advertising signs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of the General Counsel, LR 25:2463 (December 1999), LR 37:916 (March 2011).

§133. New Signs

A. Any structure or device which has never displayed advertising or informative message content is subject to control or removal when any advertising content or message visible from the main traveled way of a controlled highway is added thereto. When such message or informative content is added, a new outdoor advertising sign has been erected which must comply with state law and all regulations in effect on such occasion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 2:188 (June 1976).

§134. Spacing of Signs

A. Interstate, Federal-Aid Primary Highways and National Highway System signs may not be located in such

a manner as to obscure or otherwise physically interfere with the effectiveness of an official traffic sign, signal or device, or obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic.

B. Interstate Highways and Freeways on the Federal-Aid Primary System and National Highway System (Control of Access Routes)

1. No two structures shall be spaced less than 1000 feet apart.

2. Outside of incorporated villages, towns and cities, no structure may be located adjacent to or within 500 feet of an interchange, intersection at grade, or safety rest area.

C. Freeways on the Federal-Aid Primary System or National Highway System (Control of Access Routes)

1. Outside of incorporated villages, towns and cities, no two structures shall be spaced less than 500 feet apart.

2. Outside of incorporated villages, towns and cities, no structure may be located adjacent to or within 500 feet of an interchange, intersection, intersection at grade or safety rest area.

D. Non-Freeway Federal-Aid Primary highways or National Highway System

1. Outside of incorporated villages, towns and cities, no two structures shall be spaced less than 300 feet apart.

2. Within incorporated villages, towns and cities, no two structures shall be less than 100 feet apart.

E. The above provisions applying to the spacing between structures do not apply to structures separated by buildings or other obstructions in such a manner that only one sign facing located within the above spacing distance is visible from the highway at any one time. This exception does not apply to vegetation.

F. Official and "on-premise" signs, as defined in §139, and structures that are not lawfully maintained shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 28:872 (April 2002), amended LR 33:530 (March 2007), LR 37:916 (March 2011).

§135. Measurements for Spacing

A. Distance from the edge of the right-of-way to a subject sign for control purposes is measured horizontally along a line perpendicular to the centerline of the said highway.

B. Centerline of the highway means a line of equal distance from the edges of the median separating the main traveled ways of a divided highway or the centerline of the main traveled way of a non-divided highway.

C. The minimum distance between structures shall be measured horizontally along a line perpendicular to the edge of the main traveled way between points directly opposite the center of the signs along each side of the highway and shall apply only to structures located on the same side of the highway.

D. For continuous ramps which start at one entrance and end at the next exit, the allowable spacing shall be measured from the intersection of the edge of the mainline shoulder and the edge of the ramp shoulder; or in the case of bridges, the measurement would be taken where the mainline and the ramp bridge rails meet. This provision shall apply to §134.B.1 and 2 and §134.C.1 and 2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 2:188 (June 1976), amended by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:945 (April 2005), LR 33:530 (March 2007), LR 37:917 (March 2011).

§136. Erection and Maintenance of Outdoor Advertising in Unzoned Commercial and Industrial Areas

A. Definitions

Unzoned Commercial or Industrial Areas—those areas which are not zoned by state or local law, regulation, ordinance and on which there are located one or more permanent structures within which a commercial or industrial business is actively conducted, and where the area along the highway extends outward 800 feet from and beyond the edge of the activity.

B. Qualifying Criteria

1. Primary Use Test

a. The business must be equipped with all customary utilities and must be open to the public regularly or be regularly used by employees of the business as their principal work stations.

b. The primary use or activity conducted in the area must be of a type customarily and generally required by local comprehensive zoning authorities in this state to be restricted as a primary use to areas which are zoned industrial or commercial.

c. The fact that an activity may be conducted for profit in the area is not determinative of whether or not an area is an *unzoned or commercial area*. Activities incidental to the primary use of the area, such as a kennel or a repair shop in a building or on land which is used primarily as a residence, school, church or assisted/extended living facilities do not constitute commercial or industrial activities for the purpose of determining the primary use of an *unzoned* area even though income is derived from the activity.

d. If, however, the activity is primary and local comprehensive zoning authorities in this state would customarily and generally require the use to be restricted to a

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commercial or industrial area, then the activity constitutes a commercial or industrial activity for purposes of determining the primary use of an area, even though the owner or occupant of the land may also live on the property.

e. The actual land use at the sign site cannot be agricultural or farming.

2. Visibility and Measurement Test

a. The area along the highway extending outward 800 feet from and beyond the edge of such activity shall also be included in the defined area.

b. The purported commercial or industrial activity must be visible from the main-traveled way within the boundaries of that unzoned commercial or industrial area by a motorist of normal visual acuity traveling at a maximum posted speed limit on the main traveled way of the highway. Visibility will be determined at the time of the field inspection by the department's authorized representative.

c. Each side of the highway will be considered separately. All measurements shall be from the outer edge of the regularly used buildings, parking lots, storage, processing, or landscaped areas of the commercial or industrial activity and shall not be made from the property lines of the activities. The measurement shall be along or parallel to the edge of the pavement of the highway.

3. Structures and Grounds Requirements

a. Area. Any structure to be used as a business or office must have an enclosed area of 600 square feet or more.

b. Foundation. Any structure to be used as a business or office must be affixed on a slab, piers or foundation.

c. Access. Any structure to be used as a business or office must have unimpeded access from a roadway to an adequate customer parking lot adjacent to business building.

d. Utilities. Any structure to be used as a business or office must have normal utilities. Minimum utility service shall include business telephones, electricity, water service and waste water disposal, all in compliance with appropriate local, state and parish rules. Should a state, parish or local rule not exist, compliance with minimum utility service shall be determined at the time of field inspection by the department's authorized representative.

e. Identification. The purported enterprise must be identified as a commercial or industrial activity which may be accomplished by on-premise signing or outside visible display of product.

f. Use. Any structure to be used as a business or office must be used exclusively for the purported commercial or industrial activity.

g. Limits. Limits of business activity shall be in accordance with the definition of *Unzoned* commercial or industrial areas as stated in §136.B.2.

h. Activity requirements. In order to be considered a commercial or industrial activity for the purpose of outdoor advertising regulation, the following conditions shall be taken into consideration by the department. The department shall make a determination based upon a totality of the circumstances.

i. The purported activity enterprise is open for business and actively operated and staffed with personnel on the premises a minimum of eight hours each day and a minimum of five days each week. However, some businesses may not require staffing, such as a laundry mat, car wash, etc. The department has the discretion to determine whether the business requires staff to operate the business.

ii. The purported activity or enterprise maintains all necessary business licenses, occupancy permits, sales tax and other records as may be required by applicable state, parish or local law or ordinance.

iii. A sufficient inventory or products is maintained for immediate sale or delivery to the consumer. If the product is a service, it ~~is~~ must be available for purchase on the premises.

iv. The purported activity or enterprise is in active operation a minimum of six months at its current location prior to the issuance of any outdoor advertising permit.

C. Where a mobile home, manufactured building, or a recreational vehicle is used as a business or office, the following conditions and requirements also apply.

1. Self-propelled vehicles will not qualify for use as a business or office for the purpose of these rules.

2. All wheels, axles, and springs must be removed.

3. The vehicle must be permanently secured on piers, pad or foundation.

4. The vehicle must be tied down in accordance with minimum code requirements. If no code, the vehicle must be affixed to piers, pad or foundation.

D. Non-Qualifying Activities

1. Outdoor advertising structures;

2. agriculture, forestry, ranching, grazing, farming and related activities, including but not limited to, wayside fresh produce stands;

3. transient or temporary activities;

4. activities more than 660 feet from the nearest edge of the right-of-way;

5. activities conducted in a building principally used as a residence, school, church or assisted/extending living facility.

6. railroad tracks and minor sidings;

7. residential trailer parks, apartments, rental housing and related housing establishments intended for long term residential uses;

8. oil and mineral extraction activities;
9. junkyards;
10. schools, churches or cemeteries;
11. recreational facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 25:880 (May 1999), amended by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:945 (April 2005), repromulgated LR 32:117 (January 2006), amended LR 37:917 (March 2011).

§137. Nonconforming Signs

A. In addition to all other laws, regulations and rules, the following conditions and requirements apply to continue and maintain a nonconforming sign.

1. The sign must remain substantially the same as it existed on the effective date of the state law, regulation, rule or local ordinance which caused said sign to be nonconforming.

2. Reasonable repair and maintenance of the sign includes a change of advertising message, repainting of the structure, sign face, or trim, and replacing electrical components after failure. Reasonable maintenance also includes replacement of stringers, platforms and worker supports. The type of sign face may not be changed, except that a wood or steel face may be wrapped with a vinyl wrap containing the message or the face may be replaced with a panel free frame for hurricane protection. Lighting cannot be added to the sign structure or placed on the ground with the intention of illuminating a previously unilluminated nonconforming sign. Replacement of 50 percent or more of the upright supports is prohibited. (See definitions of "Destroyed Sign" in §127).

3. A substantial change in the subject sign which will terminate the status of legal but nonconforming usage occurs when:

- a. there has been an addition of 25 percent or more of the square footage of the sign (excluding trim);
- b. there has been a any change in the material composition of the sign super-structure or sign facing. The cost of which exceeds the cost of replacement or repair of the original materials. other than reasonable maintenance as defined in Section 137.2 (wooden poles must be replaced by wooden poles. I-beams, pipe or other metal poles must be replaced or repaired with the same materials.)

4. When and if nonconforming use rights in and to a sign structure are acquired by the Louisiana Department of Transportation and Development through the exercise of eminent domain, just compensation will be based upon the original size and material of the sign when it became a nonconforming structure and not upon any enlarged size, improvement or betterment to the sign.

5. When any sign which loses its nonconforming use status by reason of any substantial change, including those

changes prohibited above, the subject sign will be considered a new advertising device and subject to all current regulations and prohibitions as of the time of the change.

6. Destruction. Nonconforming signs are considered destroyed when 50 percent or more of the upright supports of a sign structure are physically damaged such that normal repair practices would call for:

- a. in the case of wooden sign structures, replacement of the broken supports; or
- b. in case of metal sign structures, replacement of at least thirty percent of the length above ground of each broken, bent or twisted support; or
- c. any signs so damaged by intentional, criminal conduct may be re-erected within 180 days from the date of destruction to retain nonconforming status; however such re-erection must occur at the identical location and the size, lighting and spacing must be identical to the prior circumstances;

d. nonconforming signs cannot be modified or repaired unless the requirements of this Section are met. Prior to repair or modification, authorized district personnel must review the damages and approve the repairs. If the sign is repaired prior to approval by the department's authorized personnel, the sign shall become illegal and the permit shall be revoked. The request and documentation of what is to be repaired must be made to the outdoor advertising program manager by certified mail. The department shall respond to the request within 14 business days of receipt of the certified letter. The department's failure to respond within 14 business days of receiving the repair request will allow the owner to repair the sign without the department's approval.

8. Abandonment

a. If an existing, nonconforming sign ceases to display a bona fide advertising message for a period of 12 months or more, then, the sign shall be considered abandoned and its nonconforming use rights are thereby terminated.

b. The said 12 month period may be interrupted for the period of time during which the controlled highway relative to such sign is closed for repairs adjacent to said sign or the sign owner is able to demonstrate that the sign has been the subject of an administrative or legal proceeding preventing the owner from displaying copy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 2:188 (June 1976), amended by the Department of Transportation and Development, Office of Highways/Engineering, LR 29:2855 (December 2003), LR 37:917 (March 2011).

§138. Erection and Maintenance of Outdoor Advertising in Areas Zoned Commercial and Industrial

A. *Areas Zoned Commercial or Zoned Industrial*—those areas in a comprehensively zoned political subdivision set aside for commercial or industrial use pursuant to the state or local zoning regulations, but shall not include areas which reflect strip zoning, spot zoning or variances granted by the local political subdivisions strictly for outdoor advertising.

B. To determine whether a zoning action, past or present, is an attempt to circumvent outdoor advertising laws and/or rules, the following factors shall be taken into consideration:

1. expressed reason for zoning change;
2. zoning for the surrounding area;
3. actual land use;
4. existence of plans for commercial or industrial development;
5. availability of utilities (water, electricity, sewage) in the newly zoned area;
6. existence of access roads or dedicated access to the newly zoned area; and
7. documentation that property has been assessed in accordance with zoning.

C. If a combination of the factors set forth in Subsection B demonstrate that the zoning action is taken primarily to allow outdoor advertising devices (billboards) in areas that have none of the attributes of a commercial or industrial area, the department may deny a permit for the erection of outdoor advertising devices.

D. If outdoor advertising permits have been issued for existing devices in zoned areas which do not meet the requirements of Subsections B and C, such outdoor advertising devices will be considered "legal non-conforming."

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:1610 (July 2005).

§139. Determination of On-Premise Exemptions

A. Section 131(c) of Title 23, United States Code and R.S. 48:461.2, specifically exempt "signs, displays and devices advertising activities conducted on the property upon which they are located" and "signs, displays and devices advertising the sale or lease of property upon which they are located." Such signs are hereinafter referred to as "on-premise" signs. The regulations hereinafter following set forth the rules by which the Louisiana Department of Highways shall determine whether or not an advertising sign, display or device comes within the exempt categories set forth by R.S. 48:461.2. It is the purpose of the following rules to prevent abuses or obvious attempts to erect and

maintain illegal outdoor advertising in the guise of on-premise advertising.

B. Criteria. A sign, display or device will be considered to be an on-premise sign and exempt from controls, if it conforms to the following standards.

1. Premises. The sign must be situated on the same premises, as the principal or accessory activities, products, or services offered, or upon the property or land area advertised to be for sale or for lease. The structure or office housing the principal or accessory activities, products or services must meet the following requirements.

a. Area. Any structure to be used as a business must have an enclosed area of 600 square feet or more. For any structure containing multiple offices, each office may have an on-premise sign if the individual office has an enclosed area of 120 square feet or more.

b. Foundation. Any structure to be used as a business or office must be affixed on a slab, piers, or foundation.

c. Access. Any structure to be used as a business or office must have unimpeded access from a roadway to an adequate customer parking lot adjacent to the business building.

d. Utilities. Any structure to be used as a business or office must have normal utilities. Minimum utility service shall include business telephones, electricity, water service disposal, all in compliance with appropriate local, state and parish rules. Should a state, parish or local rule not exist, compliance with minimum utility service shall be determined at the time of field inspection by the department's authorized representative.

e. Identification. The name of the business must be displayed on premises.

2. Activity Requirements

a. The purported activity enterprise is open for business and actively operated and staffed with personnel on the premises a minimum of eight hours each day and a minimum of five days a week. However, some businesses may not require staffing, such as a laundry mat, carwash, etc. The department has the discretion to determine if staffing is required in order to operate the business.

b. The purported activity or enterprise must maintain and display all necessary business licenses, occupancy permits, and other records as may be required by applicable state, parish or local law or ordinance.

c. A sufficient inventory of products is maintained for immediate sale or delivery to the consumer. If the product is a service, it must be available for purchase on the premises.

3. Purposes. The sign must have as its purpose:

a. the identification of the principal or accessory activities, products or services offered; or

b. the sale or lease of the property on which the sign is located, rather than the purpose of general advertising.

4. Premises Test. For purposes of determining whether outdoor advertising is exempt from control as on-premise advertising, the following definitions of property or premises shall apply.

a. The property or land upon which an activity is conducted is determined by physical facts rather than boundaries of ownership. Generally, premises are defined as the land area occupied by the buildings or other physical uses that are necessary or customarily incident to the activity, including such open spaces as are arranged and designated to be used in connection with such buildings or uses.

b. The following will not be considered to be a part of the premises on which the activity is conducted, and any signs located on such land areas will not be "on-premise" signs which are exempt from control.

i. Any land which is not used as an integral part of the principal activity. Such would include, but is not limited to, land which is separated from the activity by a public roadway or other obstruction and not used by the activity, and extensive undeveloped highway frontage contiguous to the land which is actually used by the commercial or industrial facility, even though such undeveloped land is commonly owned with the land area comprising the premises of the activity.

ii. Any land which is used for or devoted to a separate purpose unrelated to the advertised activity. For example:

(a). land adjacent to or adjoining an automobile service station, but which is devoted to raising of crops;

(b). residential use;

(c). farm stead uses; or

(d). another commercial or industrial use having no relationship to the service station activity would not be part of the premises of the said service station even though under common ownership or lease.

iii. Any land which is:

(a). developed or used only in the area of the sign site, or between the sign site and the principal activity; and

(b). occupied solely by structures or uses which are only incidental to the principal activity, and would serve no reasonable or integrated purpose related to the activity other than to attempt to qualify the land for advertising purposes. For example:

(i). such inexpensive facilities as a picnic, playground, or camping area;

(ii). dog kennels;

(iii). golf driving ranges;

(iv). common or private roadways or easements;

(v). walking paths;

(vi). fences; and

(vii). sign maintenance sheds.

(c). Narrow Strips. Where the sign site is located at or near the end of a narrow strip contiguous to the advertised activity, the sign site shall not be considered part of the premises on which the activity being advertised is conducted. A narrow strip shall include any configuration of land which is such that it cannot be put to any reasonable use related to the activity other than for signing purposes. In no event shall a sign site be considered part of the premises on which the advertised activity is conducted if it is located upon a narrow strip of land which is: nonbuildable land, such as a swampland or wetland; or which is a common or private roadway; or held by easement or other lesser interest than the premises where the advertised activity is located.

c. Purposes Test. For purposes of determining whether an advertising sign display or device shall be exempted from control as an "on-premise" advertising, the following standards shall be used for determining whether a sign, display or device has as its purpose:

i. the identification of the activity conducted on the premises where the sign is situated or the products or services sold on said premises; or

ii. the sale or lease of the land or property on which the subject sign, display or device is situated, rather than the business of outdoor advertising:

(a). any sign, display or device which consists exclusively of the name of the activity conducted on the premises is an on-premise sign;

(b). any sign which exclusively identifies the principal or accessory products or services offered on the premises is an on-premise sign. An example of an accessory product would be a brand of tires offered for sale at a service station, but would not include products merely incidental such as cigarettes or beverages;

(c). when a sign brings rental income to the landowner or other occupant of the land; consists of brand name or trade name advertising, and the product or service advertised is only incidental to the principal activity, it shall be considered the business of outdoor advertising, and such signs shall be subject to control;

(d). a sign, display or device which does not exclusively advertise activities conducted upon the premises or services and principal and accessory products offered on the premises or exclusively advertise sale or lease of the premises or land whereon situated shall not be considered on-premise advertising which is exempt from control; but, rather, shall be considered and shall be outdoor advertising subject to control and regulation.

C. Public Facility Sign Restrictions

1. Signs on the premises of a public facility, including but not limited to the following: schools, civic centers, coliseums, sports arenas, parks, governmental buildings and amusement parks, that do not generate rental income to the owner of the public facility may advertise:

a. the name of the facility, including sponsors of the public sign; and

b. principal or accessory products or services offered on the property and activities conducted on the property as permitted by 23 CFR 750, 709, including:

i. events being conducted in the facility or upon the premises, including the sponsor of the current event; and

ii. products or services sold at the facility and activities conducted on the property that produce significant income to the operation of the facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 2:189 (June 1976), amended by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:945 (April 2005), repromulgated LR 32:117 (January 2006), amended LR 33:531 (March 2007), LR 37:918 (March 2011).

§141. Destruction of Trees and Violations of Control of Access

A. The Louisiana Department of Transportation and Development shall not issue a permit for any sign which cannot be erected or maintained from private property without violating control of access boundaries. A permitted sign shall not be serviced, repaired or replaced from highway right-of-way.

B. The Louisiana Department of Transportation and Development shall not issue permits for any signs, the visibility of which will be obscured by existing vegetation, trees or landscaping on the highway from which subject sign is intended to be read.

AUTHORITY NOTE: Promulgated in accordance with R.S.48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 2:191 (June 1976), amended by Department of Transportation and Development, Office of Highways/Engineering, LR 33:532 (March 2007).

§143. Procedure and Policy for Issuing Permits for Controlled Outdoor Advertising

A. Applications shall be made by the person who is the contemplated owner of the subject sign to be permitted.

B. Applicants for a permit shall execute an application form furnished by the Louisiana Department of Transportation and Development and shall forward such application form properly and completely executed as to all information requested to the district office of the Louisiana Department of Transportation and Development situated within the highway district where said sign is to be located.

C. All permits for the erection of outdoor advertising shall be conditioned upon compliance with state law, and any action by or on behalf of the permit holder or sign owner contrary to state law and regulations shall be grounds for voiding any subject permit heretofore or hereafter issued.

D. The department shall void the permit for the sign wherein the violation took place and the department shall not issue future permits within the district where the violation occurred to the permit holder and/or sign owner and/or landowner until the illegal sign is removed.

E. The department must be notified in writing by the original permittee upon any change or transfer of ownership of the permitted installation. Such notification may be done by submittal of the sales agreement.

F. An original signature of the landowner or a copy of the current lease agreement shall be submitted with each application.

G. Every applicant who seeks to situate a controlled advertising structure in a commercial or an industrial zone shall furnish evidence of the restrictive zoning of the subject land on the department's zoning supplement form which shall be completed by the appropriate state or local authority.

H. Permit applications which are properly completed and executed and which are accompanied by all other required documentation shall be thereafter submitted by the district office to the appropriate permit office in Baton Rouge, Louisiana, for review. Permits applications which are not in proper form or which are not complete or not accompanied by required documentation or do not meet the requirements of state law at the time of the submittal of the application shall be returned to the applicant by the district office with reasons for its return. Applications may be resubmitted at any time.

I. The appropriate permit-issuing officer designated by the department shall review all permit applications. Thereafter, permits shall be issued or the application rejected and returned to the applicant with reasons for denial of the permit.

J. ...

K. Each permit shall specify a time delay of 12 months within which to erect the subject advertising device. The district office shall determine whether or not the device has been erected within the specified time delay.

L. If a sign has not been erected within the delay provided by the subject permit, the permit may be voided by the department and the applicant or permittee so notified. On the day following the posting of notice to any such applicant or permittee of the voiding of the permit to the last known address as furnished by the applicant, the subject sign location shall be available to any other applicant.

M. If a sign has been erected within the delays allowed by the permit, but the subject sign does not conform to the specifications of the permit, the Louisiana Department of Transportation and Development shall notify the applicant or permittee in writing to cause the sign to conform to the

permit. The applicant or permittee shall have 30 days to cause the sign to conform to the permit. The time delay begins on the day following the posting of written notice to said applicant or permittee at the last known address as furnished by the applicant or permittee. Extensions of time within which the applicant or permittee may bring the sign into legal conformity may be granted by the department when the department determines that good cause has been demonstrated. The department will void any permit when the permittee fails to conform the sign within the time delay or extensions provided. Thereafter the sign must be removed at the sign owner's expense. The sign owner may prevent such removal only by securing a new permit for the subject sign, which did not conform to the previous permit. A new permit may be obtained upon appropriate application including payment of all fees in connection therewith. Nevertheless, once a permit has been voided the sign location is available to any applicant.

N. If a sign is erected without first obtaining a permit from the department and the department notifies the owner that the sign is illegal, the owner of the sign will have a period of 30 days from the date of receipt of the department's letter to bring the sign into legal compliance and make proper application for the permit. Extensions of time within which the applicant or permittee may bring the sign into conformity may be granted by the department when the department determines that good cause has been demonstrated.

O. When a permitted outdoor advertising sign or device is knocked down or destroyed, or modified, the sign or device cannot be reinstalled or rebuilt without first obtaining a new outdoor advertising permit pursuant to the procedures established in this part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 2:191 (June 1976), amended by the Department of Transportation and Development, Office of Highways/Engineering, LR 29:2856 (December 2003), LR 31:945 (April 2005), LR 33:532 (March 2007), LR 37:918 (March 2011).

§144. Penalties for Illegal Outdoor Advertising Signs

A. An outdoor advertising sign is deemed to be illegal for the purpose of issuing penalties if:

1. the owner has received a certified letter from the department under the provisions of R.S. 48:461.7 and has failed to respond within the time allotted; or
2. the owner has received a certified letter from the department provided for in R.S. 48:461.7; received a permit review as provided for hereafter, with a ruling of illegality by the permit review committee; and failed to appeal to a court of competent jurisdiction;
3. the owner replied to the certified letter provided for in R.S. 48:461.7; received a permit review as provided for hereafter; received a ruling of illegality by the permit review committee; appealed said ruling to a court of competent

jurisdiction and a final ruling of illegality was rendered by the court.

B. Penalties

1. If the owner fails to reply to the notice within 30 days, as set forth in §144.A.1, then the owner shall be assessed a penalty of \$100 per day for each day that the violation continues to occur, said fine to begin on the date specified in said notice.

2. If the owner requests and receives a permit hearing as provided for in §144.D, and the hearing results in a finding that the owner's device is illegal, and he fails to appeal said finding to a court of competent jurisdiction, the owner shall be assessed a penalty of \$100 per day for each day that the violation occurred and continues to occur following the 30-day written notice of the ruling of the permit hearing.

3. If the owner receives and appeals the ruling of the permit hearing to a court of competent jurisdiction and receives a final ruling of illegality rendered by a court of competent jurisdiction, then the owner shall be assessed a penalty of \$100 per day for each day that the violation occurred and continues to occur. Said penalty shall be retroactive to the date 30 days after written notice of the ruling of the permit hearing.

C. An applicant who requests an outdoor advertising permit for a sign erected without a permit (even though permissible) shall be assessed a surcharge in addition to the permit fee in a sum equal to three times the permit fee.

D. There is hereby created within the Department of Transportation and Development a permit review process which is available to permit applicants who have received notification that the department intends to remove their outdoor advertising signs or deny future permits.

1. Composition of the Permit Review Committee. The permit review committee shall be composed of representatives of the following divisions within the Department of Transportation and Development:

- a. Traffic Services and/or Maintenance Division;
- b. Legal Division;
- c. Office of District Traffic Operation Engineer (office of particular district in which the sign is located) (nonvoting);
- d. Traffic Engineering or their designated representative.

2. Authority of the Permit Review Committee. The committee, pursuant to a majority vote, may arbitrate and resolve disputes which arise during the permit process and grant or deny relief to petitioning permittees.

3. The permittee shall bring his complaint before the permit review committee no later than 30 days after notification to remove the illegal sign, or no later than 30 days after receipt of a permit denial, whichever is applicable, in order to receive a permit review.

4. Duties of the Permit Review Committee. The permit review committee must meet in a timely fashion to review all protests filed by permittees. The permit review committee must give each protester due notice of meeting time and place. The permit review committee must notify the permittee of its action with 14 working days of its meeting.

5. Rights of the Protesting Permittee. The permittee shall submit, in writing, his protest and all pertinent exhibits. Such submittal must be received five days before the review committee meeting. The committee, in its discretion, may waive these requirements in particular circumstances in order to provide a fair hearing. The permittee may appear before the permit review committee to offer a brief explanation of his grievance.

6. Permittee's failure to submit an appeal in a timely manner shall constitute a waiver of the permit review process.

E. Section 144 shall apply to any illegal sign installed prior or subsequent to its promulgation as a final rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 24:960 (May 1998), amended by the Department of Transportation and Development, Office of Highways/Engineering, LR 29:2856 (December 2003), LR 37:919 (March 2011).

§145. Directional Signs

A. *Directional signs* are those containing directional information about public places owned or operated by federal, state or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational and religious sites; and areas of natural scenic beauty or areas naturally suited for outdoor recreation.

B. Standards for Directional Signs

1. The following criteria apply only to directional signs.

a. General. The following signs are prohibited:

i. signs advertising activities which are illegal under federal or state laws or regulations in effect at the location of those signs or at the location of those advertised activities;

ii. signs located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or obstruct or interfere with the driver's view of approaching, merging or intersecting traffic;

iii. signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features;

iv. obsolete signs;

v. signs which are structurally unsafe or in disrepair;

vi. signs which move or have any animated or moving parts;

vii. signs located in rest areas, on park land or in scenic areas.

b. Size. No sign shall exceed the following limits:

i. maximum area—150 square feet;

ii. maximum height—20 feet;

iii. maximum length—20 feet;

iv. All dimensions include border and trim, but exclude supports.

c. Lighting. Signs may be illuminated, subject to the following provisions:

i. signs which contain, include or are illuminated by any flashing, intermittent or moving light or lights are prohibited;

ii. signs which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of an Interstate or primary highway or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited;

iii. no sign may be so illuminated as to interfere with the effectiveness of or obscure an official traffic sign, device, or signal.

d. Spacing

i. Each location of a directional sign must be approved by the department.

ii. No directional sign may be located within 2000 feet of an interchange or intersection at grade along the Interstate system or other freeways (measured along the Interstate or freeway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way.)

iii. No directional sign may be located within 2000 feet of a safety rest area, parkland or scenic area.

iv. No two directional signs facing the same direction of travel shall be spaced less than one mile apart.

v. Not more than three directional signs pertaining to the same activity and facing in the same direction of travel may be erected along a single route approaching the activity.

vi. Signs located adjacent to the Interstate system shall be within 75 air miles of the activity.

vii. Signs located adjacent to the primary system shall be within 50 air miles of the activity.

e. Message Content

i. The message on the directional signs shall be limited to the identification of the attraction or activity and

directional information useful to the traveler in locating the attraction, such as mileage, route numbers or exit numbers.

ii. Descriptive words or phrases and pictorial or photographic representations of the activity or its environs are prohibited.

f. Selection Method and Criteria

i. Privately owned activities or attractions eligible for directional signing are limited to the following:

- (a). natural phenomena;
- (b). scenic attractions;
- (c). historic, educational, cultural, scientific and religious sites; and
- (d). outdoor recreational area.

ii. Privately owned attractions or activities must be nationally or regionally known and of outstanding interest to the traveling public, as determined by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 2:192 (June 1976), amended LR 37:919 (March 2011).

§147. General

A. The foregoing regulations are considered supplementary and not exclusionary except to the extent that the provision of such newer regulation is in conflict with a prior regulation by its purposes and intent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 2:192 (June 1976).

Subchapter D. Outdoor Advertising Fee Schedule

§148. Issuance of Outdoor Advertising Permits for Grandfathered Nonconforming Signs

A. Applications shall be made by the person who is the owner of the sign which is the subject of the permit.

B. Applicants for a permit shall execute an application form furnished by the department and shall forward the properly and completely executed application form to the appropriate district office of the department. The "appropriate district office" shall be the district office where the sign to be permitted is located.

C. The appropriate permit issuing officer designated by the department shall review all permit applications. Thereafter, permits shall be issued and a copy of the permit shall be sent to the applicant.

D. Copies of all permits shall be transmitted to the district where the sign is located for subsequent surveillance by the district office.

E. The department must be notified in writing by the original permittee upon any change or transfer of ownership of the permit. Such notification shall be by submittal of the sales agreement.

F. An original signature of the landowner or a copy of the current lease agreement shall be submitted with each permit.

G. The request and documentation of what is to be repaired must be made to the outdoor advertising program manager by certified mail. The department shall respond to the request within 14 business days of receipt of the certified letter. The department's failure to respond within 14 business days of receiving the repair request will allow the owner to repair the sign without the department's approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:920 (March 2011).

§149. Permit Fee

A. The following permit fee schedule is applicable to new and replacement outdoor advertising signs beginning on the effective date of this rule change:

- a. one to 100 square feet—\$75 (per sign face) for a 12 month period until installation. Annual renewal fee after erection is \$7.50 (per sign face);
- b. 101 to 300 square feet—\$125 (per sign face) for a 12 month period until installation. Annual renewal fee after erection is 12.50 (per sign face);
- c. 301 square feet and up—\$250 (per sign face) for a 12 month period until installation. Annual renewal fee after erection is \$25 (per sign face).

B. Annual Renewal Due Dates and Extensions

1. Annual renewal fees are due by July 1 of each year. The department shall provide notice of the amount due for each permit no later than April 30 of each year.

2. A permit shall expire and the sign structure will become illegal if the annual renewal fees are not paid by July 31 of each year. This applies to all permits, including but not limited to legal, nonconforming and grandfathered signs.

3. Extensions may be granted for 30 days provided that a request is made prior to July 1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:274.1, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 12:602 (September 1986), amended by the Department of Transportation and Development, Office of Highways/Engineering, LR 29:2857 (December 2003), LR 37:920 (March 2011).

§150. Removal of Unlawful Advertising

A. If the owner of any sign erected in violation of this Part fails to comply with the provisions listed herein within 30 days of receipt of notice issued by the Louisiana

Department of Transportation and Development, as provided in R.S. 48:461.7, that sign shall be removed by the department or its agent at the expense of the owner, except if said sign is within highway right-of-way, in which case the provisions of R.S. 48:347 shall apply.

B. Upon removal of the device by the department, the sign owner, landowner or other person responsible for erecting the sign shall pay the cost of removal to the department. The department shall store the sign for 30 days immediately following removal, during which time the sign may be claimed upon payment of the cost of removal and any costs associated with the removal and storage of the sign and collection of the cost of removal.

C. A sign which is not claimed within 30 days after removal shall be deemed the property of the department and may be disposed of by the department.

D. Any money received from the disposal of the device will be credited first to the cost of removal and storage of the device. Revenue in excess of such costs will be deposited by the secretary of the department in the state treasury.

E. If the revenue generated from disposal of the device does not meet or exceed the cost of removal and storage of the device, then the owner of the device, the landowner or other person responsible for erecting the device shall pay the remaining costs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:946 (April 2005).

Subchapter E. Seasonal Agriculture Product Outdoor Advertising Devices

§151. Definitions

Federal Aid Primary System—that portion of connected main highways, as officially designated, or as may hereafter be so designated, by the Department of Transportation and Development, and approved pursuant to the provisions of Title 23, United States Code.

In Season—that period of time that an agricultural product produced in this state is commonly harvested and sold here.

Right-of-Way—that area dedicated for use as a highway.

Seasonal Agricultural Signs—outdoor signs of a temporary nature, erected for the purpose of notifying the public of the sale of agricultural products which are in season at the time the sign is displayed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461.2(A)(7).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 20:795 (July 1994).

§153. General Requirements

A. This Subchapter pertains only to signs placed within 660 feet of the nearest edge of the right-of-way of federal aid

primary system highways. To qualify under the provisions of this Subchapter, signs shall meet the following requirements:

1. signs shall not be larger than 32 square feet in surface area;

2. signs shall advertise only the sale of seasonal agricultural products grown by the person who erects and maintains said signs, or the person who directs that the signs be erected;

3. the grower of the agricultural product advertised shall be responsible for maintenance and removal of the sign, even if the grower contracted to have the sign erected by a third party;

4. seasonal agricultural products advertised on the signs shall be offered for sale at the location where they are grown;

5. signs shall be erected only during the period of time that the products advertised are in season and shall be removed by the owner of the sign within seven days of the end of that time;

6. signs shall be placed on private property only with the permission of the landowner and shall not be placed in the highway right-of-way;

7. signs shall not be placed closer than 500 feet to an intersection;

8. all signs must be erected within a 60-mile radius of the location where the agricultural product advertised is grown; and

9. no more than one sign in each direction shall be placed within 500 feet of the interchange leading from the highway to the place where the products advertised are to be sold.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461.2(A)(7).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 20:795 (July 1994).

Chapter 3. Policy, Procedure and Control of Junkyards along Interstate and Primary Systems

§301. General

A. The rules and regulations contained in this manual shall apply to all junkyards located within 1,000 feet of the nearest edge of the right-of-way on all interstate and federal aid primary highways in Louisiana. These rules do not apply to junkyards in zoned industrial areas, zoned by an authorized zoning commission or those which exist in an unzoned industrial area as defined by the Louisiana Department of Highways and which was approved by the Federal Highway Administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461-48:461.15.

Appendix D. Outdoor Advertising Permit Application
State of Louisiana
Department of Transportation and Development

FOR DOTD USE ONLY	
PERMIT NO _____	
CONTROL _____	SECTION _____
LOG MILE _____	DIRECTION _____
ON LEFT SIDE	ON RIGHT SIDE

Revised September 1, 2011

The following information must be provided:

1. **Width** of sign face _____ **Height** of sign face _____ **Overall height** of sign structure _____.
2. **Type of sign:** ☐ single face ☐ side-by-side ☐ back to back ☐ v-type ☐ stacked ☐ Other _____.
3. **Type of Construction:** ☐ Wood ☐ Steel ☐ Monopole ☐ I- Beams ☐ Other _____.
4. **Changeable Message Sign** - ☐ LED _____ 1 or 2 sides ☐ Tri-vision _____ 1 or 2 sides Other _____.
Sq ft (circle one) Sq ft (circle one)
- SPECIAL NOTE: Only one changeable message sign allowed per side.**
5. **Power Source** - ☐ Solar Panels ☐ Wind Turbine ☐ Electricity
6. **Distance from highway right-of-way to sign** _____ feet. 7. **Number of faces** (1) _____ (2) _____.
8. **Distance from this sign location to nearest existing permitted sign location** _____.
9. **Permit number of the nearest existing permitted sign location** _____.

NOTE: Location of proposed sign must be adequately marked in the field (i.e. staked, flagged, paint on shoulder).
Use the space below to sketch the location of the proposed outdoor advertising sign.

N
↑

The sketch must show the location of the nearest permitted sign. If in an unzoned commercial or industrial area, show the name the qualifying business and the distance from the proposed outdoor advertising sign.

CHECK ONE

- ☐ This will be a new outdoor advertising device.
- ☐ This is an existing outdoor advertising device which was erected on _____ Date _____.
- ☐ This is a replacement of original permit number _____ and current permit number _____.

I hereby certify that I am the OWNER of the immovable property on which the sign described in this permit application will be located and that I have entered into a lease with the permit applicant for the purpose of erecting and/or maintaining a sign structure on said property.

LANDOWNER'S SIGNATURE

DATE

An original landowner's signature or a copy of a current lease agreement must be submitted with each application.

Appendix E. Sign Permit Application
City of New Orleans
One-Stop Permits and Licenses



Date _____

Tracking Number _____

SIGN PERMIT APPLICATION

SUPPLEMENT H

Applicant Name _____

Permit Address _____

Is the permit address or requested sign location in Vieux Carre,? Yes No

Is the permit address or requested sign location in a Local Historic District (subject to HDLC approval)? Yes No

Is the proposed work in response to a violation notice? If yes, check here. Yes No

SIGN INFORMATION

Type of Sign: Detached Flat Projecting Canopy Banner General Adv. Other _____

Dimensions: Width _____ Height _____ Thickness _____

Sign material: Single faced Double faced

Choose method of display: Hang from _____

Paint on _____

Attach to building (location) _____

Color/letters sizes _____

Type of illumination _____

Text of Proposed Sign:

(Graphic representations of proposed signs and text are acceptable.)

Description of Proposed Work

Value of Proposed Work _____ Related Permit(s) _____

Existing Sign Area (square feet) _____ Proposed Sign Area _____

If this sign is for a business, provide business/shop Frontage (Width) _____ ft. First floor height _____ ft.

FOR FREE STANDING SIGNS (IN VIEUX CARRE ONLY)

Please list requested locations for signs _____

Please explain the need for placing sign at requested locations. (You must demonstrate need.)

Sign material _____ Post material _____

For banners (only): Display period: _____



Construction/Development
Related Permit



Date	_____
Tracking Number	_____

SIGN PERMIT APPLICATION

SUPPLEMENT H

SIGN CONTRACTOR INFORMATION

(All sign contractors must be registered with the City of New Orleans as Registered Sign Contractors)

Contractor Name _____

Contractor Address _____

City _____ State _____ Zip _____

Email _____

State Number _____ City License Number _____ Expiration Date _____

ACKNOWLEDGMENTS

I certify that the above information is true and correct to the best of my knowledge. I understand that the City of New Orleans is authorized to suspend or revoke a permit or license issued under the provisions of its Municipal Code wherever a permit or license is issued in error or on the basis of incorrect, inaccurate or any false statement or misrepresentation, or in violation of any ordinance or regulation or any of the provisions of the City of New Orleans Municipal Code, the Comprehensive Zoning Ordinance, the International Construction Code or International Fire Code as adopted by the City of New Orleans. Fines and penalties for misrepresentation of material facts will be assessed in accordance with City of New Orleans ordinances and State of Louisiana Revised Statutes.

I certify that I have the authority of the current property owner(s) to apply for the work proposed.

Applicant Signature _____ Date _____

Appendix F. United States Code
Title 23, Chapter 1, Section 131
Control of Outdoor Advertising

23 USC 131: Control of outdoor advertising

Text contains those laws in effect on March 13, 2019

From Title 23-HIGHWAYS

CHAPTER 1-FEDERAL-AID HIGHWAYS

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[Effective Date](#)

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[Regulations](#)

§131. Control of outdoor advertising

(a) The Congress hereby finds and declares that the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.

(b) Federal-aid highway funds apportioned on or after January 1, 1968, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of outdoor advertising signs, displays, and devices which are within six hundred and sixty feet of the nearest edge of the right-of-way and visible from the main traveled way of the system, and Federal-aid highway funds apportioned on or after January 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than six hundred and sixty feet off the nearest edge of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, shall be reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such State under section 104 of this title, until such time as such State shall provide for such effective control. Any amount which is withheld from apportionment to any State hereunder shall be reapportioned to the other States. Whenever he determines it to be in the public interest, the Secretary may suspend, for such periods as he deems necessary, the application of this subsection to a State.

(c) Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, shall, pursuant to this section, be limited to (1) directional and official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section, (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, (3) signs, displays, and devices, including those which may be changed at reasonable intervals by electronic process or by remote control, advertising activities conducted on the property on which they are located, (4) signs lawfully in existence on October 22, 1965, determined by the State, subject to the approval of the Secretary, to be landmark signs, including signs on farm structures or natural surfaces, or historic or artistic significance the preservation of which would be consistent with the purposes of this section, and (5) signs, displays, and devices advertising the distribution by nonprofit organizations of free coffee to individuals traveling on the Interstate System or the primary system. For the purposes of this subsection, the term "free coffee" shall include coffee for which a donation may be made, but is not required.

(d) In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within six hundred and sixty feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary. The States shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes, and the actions of the States in this regard will be accepted for the purposes of this Act. Whenever a bona fide State, county, or local zoning authority has made a determination of customary use, such determination will be accepted in lieu of controls by agreement in the zoned commercial and industrial areas within the geographical jurisdiction of such

authority. Nothing in this subsection shall apply to signs, displays, and devices referred to in clauses (2) and (3) of subsection (c) of this section.

(e) Any sign, display, or device lawfully in existence along the Interstate System or the Federal-aid primary system on September 1, 1965, which does not conform to this section shall not be required to be removed until July 1, 1970. Any other sign, display, or device lawfully erected which does not conform to this section shall not be required to be removed until the end of the fifth year after it becomes nonconforming.

(f) The Secretary shall, in consultation with the States, provide within the rights-of-way for areas at appropriate distances from interchanges on the Interstate System, on which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained. The Secretary may also, in consultation with the States, provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained. Such signs shall conform to national standards to be promulgated by the Secretary.

(g) Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law and not permitted under subsection (c) of this section, whether or not removed pursuant to or because of this section. The Federal share of such compensation shall be 75 per centum. Such compensation shall be paid for the following:

(A) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

(B) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

(h) All public lands or reservations of the United States which are adjacent to any portion of the Interstate System and the primary system shall be controlled in accordance with the provisions of this section and the national standards promulgated by the Secretary.

(i) In order to provide information in the specific interest of the traveling public, the State transportation departments are authorized to maintain maps and to permit information directories and advertising pamphlets to be made available at safety rest areas. Subject to the approval of the Secretary, a State may also establish information centers at safety rest areas and other travel information systems within the rights-of-way for the purpose of informing the public of places of interest within the State and providing such other information as a State may consider desirable. The Federal share of the cost of establishing such an information center or travel information system shall be that which is provided in section 120 for a highway project on that Federal-aid system to be served by such center or system. A State may permit the installation of signs that acknowledge the sponsorship of rest areas within such rest areas or along the main traveled way of the system, provided that such signs shall not affect the safe and efficient utilization of the Interstate System and the primary system. The Secretary shall establish criteria for the installation of such signs on the main traveled way, including criteria pertaining to the placement of rest area sponsorship acknowledgment signs in relation to the placement of advance guide signs for rest areas.

(j) Any State transportation department which has, under this section as in effect on June 30, 1965, entered into an agreement with the Secretary to control the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System shall be entitled to receive the bonus payments as set forth in the agreement, but no such State transportation department shall be entitled to such payments unless the State maintains the control required under such agreement: *Provided*, That permission by a State to erect and maintain information displays which may be changed at reasonable intervals by electronic process or remote control and which provide public service information or advertise activities conducted on the property on which they are located shall not be considered a breach of such agreement or the control required thereunder. Such payments shall be paid only from appropriations made to carry out this section. The provisions of this subsection shall not be construed to exempt any State from controlling outdoor advertising as otherwise provided in this section.

(k) Subject to compliance with subsection (g) of this section for the payment of just compensation, nothing in this section shall prohibit a State from establishing standards imposing stricter limitations with respect to signs, displays, and devices on the Federal-aid highway systems than those established under this section.

(l) Not less than sixty days before making a final determination to withhold funds from a State under subsection (b) of this section, or to do so under subsection (b) of section 136, or with respect to failing to agree as to the size, lighting, and spacing of signs, displays, and devices or as to unzoned commercial or industrial areas in which signs, displays, and devices may be erected and maintained under subsection (d) of this section, or with respect to failure to approve under subsection (g) of section 136, the Secretary shall give written notice to the State of his proposed determination and a statement of the reasons therefor, and during such period shall give the State an opportunity for a hearing on such determination. Following such hearing the Secretary shall issue a written order setting forth his final determination and shall furnish a copy of such order to the State. Within forty-five days of receipt of such order, the State may appeal such order to any United States district court for such State, and upon the filing of such appeal such order shall be stayed until final judgment has been entered on such appeal. Summons may be served at any place in the United States. The court shall have jurisdiction to affirm the determination of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the United States court of appeals for the circuit in which the State is located and to the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254. If any part of an apportionment to a State is withheld by the Secretary under subsection (b) of this section or subsection (b) of section 136, the amount so withheld shall not be reapportioned to the other States as long as a suit brought by such State under this subsection is pending. Such amount shall remain

available for apportionment in accordance with the final judgment and this subsection. Funds withheld from apportionment and subsequently apportioned or reapportioned under this section shall be available for expenditure for three full fiscal years after the date of such apportionment or reapportionment as the case may be.

(m) There is authorized to be appropriated to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed \$20,000,000 for the fiscal year ending June 30, 1966, not to exceed \$20,000,000 for the fiscal year ending June 30, 1967, not to exceed \$2,000,000 for the fiscal year ending June 30, 1970, not to exceed \$27,000,000 for the fiscal year ending June 30, 1971, not to exceed \$20,500,000 for the fiscal year ending June 30, 1972, and not to exceed \$50,000,000 for the fiscal year ending June 30, 1973. The provisions of this chapter relating to the obligation, period of availability and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967. A State may use any funds apportioned to it under section 104 of this title for removal of any sign, display, or device lawfully erected which does not conform to this section.

(n) No sign, display, or device shall be required to be removed under this section if the Federal share of the just compensation to be paid upon removal of such sign, display, or device is not available to make such payment. Funds apportioned to a State under section 104 of this title shall not be treated for purposes of the preceding sentence as being available to the State for making such a payment except to the extent that the State, in its discretion, expends such funds for such a payment.

(o) The Secretary may approve the request of a State to permit retention in specific areas defined by such State of directional signs, displays, and devices lawfully erected under State law in force at the time of their erection which do not conform to the requirements of subsection (c), where such signs, displays, and devices are in existence on the date of enactment of this subsection and where the State demonstrates that such signs, displays, and devices (1) provide directional information about goods and services in the interest of the traveling public, and (2) are such that removal would work a substantial economic hardship in such defined area.

(p) In the case of any sign, display, or device required to be removed under this section prior to the date of enactment of the Federal-Aid Highway Act of 1974, which sign, display, or device was after its removal lawfully relocated and which as a result of the amendments made to this section by such Act is required to be removed, the United States shall pay 100 per centum of the just compensation for such removal (including all relocation costs).

(q)(1) During the implementation of State laws enacted to comply with this section, the Secretary shall encourage and assist the States to develop sign controls and programs which will assure that necessary directional information about facilities providing goods and services in the interest of the traveling public will continue to be available to motorists. To this end the Secretary shall restudy and revise as appropriate existing standards for directional signs authorized under subsections 131(c)(1) and 131(f) to develop signs which are functional and esthetically compatible with their surroundings. He shall employ the resources of other Federal departments and agencies, including the National Endowment for the Arts, and employ maximum participation of private industry in the development of standards and systems of signs developed for those purposes.

(2) Among other things the Secretary shall encourage States to adopt programs to assure that removal of signs providing necessary directional information, which also were providing directional information on June 1, 1972, about facilities in the interest of the traveling public, be deferred until all other nonconforming signs are removed.

(r) REMOVAL OF ILLEGAL SIGNS.-

(1) BY OWNERS.-Any sign, display, or device along the Interstate System or the Federal-aid primary system which was not lawfully erected, shall be removed by the owner of such sign, display, or device not later than the 90th day following the effective date of this subsection.

(2) BY STATES.-If any owner does not remove a sign, display, or device in accordance with paragraph (1), the State within the borders of which the sign, display, or device is located shall remove the sign, display, or device. The owner of the removed sign, display, or device shall be liable to the State for the costs of such removal. Effective control under this section includes compliance with the first sentence of this paragraph.

(s) SCENIC BYWAY PROHIBITION.-If a State has a scenic byway program, the State may not allow the erection along any highway on the Interstate System or Federal-aid primary system which before, on, or after the effective date of this subsection, is designated as a scenic byway under such program of any sign, display, or device which is not in conformance with subsection (c) of this section. Control of any sign, display, or device on such a highway shall be in accordance with this section. In designating a scenic byway for purposes of this section and section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991, a State may exclude from such designation any segment of a highway that is inconsistent with the State's criteria for designating State scenic byways. Nothing in the preceding sentence shall preclude a State from signing any such excluded segment, including such segment on a map, or carrying out similar activities, solely for purposes of system continuity.

(t) PRIMARY SYSTEM DEFINED.-For purposes of this section, the terms "primary system" and "Federal-aid primary system" mean the Federal-aid primary system in existence on June 1, 1991, and any highway which is not on such system but which is on the National Highway System.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 904 ; Pub. L. 86-342, title I, §106, Sept. 21, 1959, 73 Stat. 612 ; Pub. L. 87-61, title I, §106, June 29, 1961, 75 Stat. 123 ; Pub. L. 88-157, §5, Oct. 24, 1963, 77 Stat. 277 ; Pub. L. 89-285, title I, §101, Oct. 22, 1965, 79 Stat. 1028 ; Pub. L. 89-574, §8(a), Sept. 13, 1966, 80 Stat. 768 ; Pub. L. 90-495, §6(a)-(d), Aug. 23, 1968, 82 Stat. 817 ; Pub. L. 91-605, title I, §122(a), Dec. 31, 1970, 84 Stat. 1726 ; Pub. L. 93-643, §109, Jan. 4, 1975, 88 Stat. 2284 ; Pub. L. 94-280, title I, §122, May 5, 1976, 90 Stat. 438 ; Pub. L. 95-599, title I, §§121, 122,

Nov. 6, 1978, 92 Stat. 2700 , 2701; Pub. L. 96–106, §6, Nov. 9, 1979, 93 Stat. 797 ; Pub. L. 102–240, title I, §1046(a)–(c), Dec. 18, 1991, 105 Stat. 1995 , 1996; Pub. L. 102–302, §104, June 22, 1992, 106 Stat. 253 ; Pub. L. 104–59, title III, §314, Nov. 28, 1995, 109 Stat. 586 ; Pub. L. 105–178, title I, §1212(a)(2)(A), June 9, 1998, 112 Stat. 193 ; Pub. L. 112–141, div. A, title I, §§1519(c)(6), formerly 1519(c)(7), 1539(b), July 6, 2012, 126 Stat. 576 , 587, renumbered §1519(c)(6), Pub. L. 114–94, div. A, title I, §1446(d)(5)(B), Dec. 4, 2015, 129 Stat. 1438 .)

REFERENCES IN TEXT

This Act, referred to in subsec. (d), probably means Pub. L. 89–285, Oct. 22, 1965, 79 Stat. 1028 , as amended, known as the Highway Beautification Act of 1965, which enacted section 136 of this title and provisions set out as notes under sections 131 and 135 of this title and amended sections 131 and 319 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 136 of this title and Tables.

The date of enactment of this subsection, referred to in subsec. (o), means May 5, 1976, the date of approval of Pub. L. 94–280.

The date of enactment of the Federal-Aid Highway Act of 1974, referred to in subsec. (p), means Jan. 3, 1975, the date of approval of Pub. L. 93–643.

For the effective date of this subsection, referred to in subsecs. (r)(1) and (s), see the Effective Date of 1991 Amendment note set out below.

Section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991, referred to in subsec. (s), is section 1047 of Pub. L. 102–240, which is set out as a note under section 101 of this title.

AMENDMENTS

2015-Subsec. (m). Pub. L. 114–94 amended Pub. L. 112–141, §1519(c). See 2012 Amendment note below.

2012-Subsec. (i). Pub. L. 112–141, §1539(b), inserted at end "A State may permit the installation of signs that acknowledge the sponsorship of rest areas within such rest areas or along the main traveled way of the system, provided that such signs shall not affect the safe and efficient utilization of the Interstate System and the primary system. The Secretary shall establish criteria for the installation of such signs on the main traveled way, including criteria pertaining to the placement of rest area sponsorship acknowledgment signs in relation to the placement of advance guide signs for rest areas."

Subsec. (m). Pub. L. 112–141, §1519(c)(6), formerly §1519(c)(7), as renumbered by Pub. L. 114–94, §1446(d)(5)(B), substituted "A State" for "Subject to approval by the Secretary in accordance with the program of projects approval process of section 105, a State".

1998-Subsec. (i). Pub. L. 105–178, §1212(a)(2)(A)(ii), substituted "State transportation departments" for "State highway departments".

Subsec. (j). Pub. L. 105–178, §1212(a)(2)(A)(i), substituted "State transportation department" for "State highway department" in two places.

1995-Subsec. (s). Pub. L. 104–59 inserted at end "In designating a scenic byway for purposes of this section and section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991, a State may exclude from such designation any segment of a highway that is inconsistent with the State's criteria for designating State scenic byways. Nothing in the preceding sentence shall preclude a State from signing any such excluded segment, including such segment on a map, or carrying out similar activities, solely for purposes of system continuity."

1992-Subsec. (n). Pub. L. 102–302 inserted at end "Funds apportioned to a State under section 104 of this title shall not be treated for purposes of the preceding sentence as being available to the State for making such a payment except to the extent that the State, in its discretion, expends such funds for such a payment."

1991-Subsec. (m). Pub. L. 102–240, §1046(a), inserted at end "Subject to approval by the Secretary in accordance with the program of projects approval process of section 105, a State may use any funds apportioned to it under section 104 of this title for removal of any sign, display, or device lawfully erected which does not conform to this section."

Subsecs. (r) to (t). Pub. L. 102–240, §1046(b), (c), added subsecs. (r) to (t).

1979-Subsec. (c)(5). Pub. L. 96–106 substituted "distribution by nonprofit" for "distribution of nonprofit".

1978-Subsec. (c). Pub. L. 95–599 §121, 122(c), inserted "including those which may be changed at reasonable intervals by electronic process or by remote control," after "devices" in cl. (3) and added cl. (5).

Subsec. (g). Pub. L. 95–599, §122(a), inserted provision relating to just compensation for the removal of signs lawfully erected under State law but not permitted under subsec. (c).

Subsec. (j). Pub. L. 95–599, §122(d), inserted provision relating to permission by the State to erect and maintain information displays.

Subsec. (k). Pub. L. 95-599, §122(b), substituted "Subject to compliance with subsection (g) of this section for the payment of just compensation, nothing" for "Nothing".

1976-Subsec. (f). Pub. L. 94-280, §122(a), authorized the Secretary, in consultation with the States, to provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained.

Subsec. (i). Pub. L. 94-280, §122(c), authorized a State to establish travel information systems within the rights-of-way and prescribed as the Federal share of the cost of establishing an information center or travel information system the Federal share which is provided in section 120 of this title for a highway project on that Federal-aid system to be served by such center or system.

Subsecs. (o) to (q). Pub. L. 94-280, §122(b), added subsecs. (o) to (q).

1975-Subsec. (b). Pub. L. 93-643, §109(a), required reduction of Federal-aid highway funds apportioned on or after Jan. 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than 660 feet off the nearest edge of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way.

Subsec. (c). Pub. L. 93-643, §109(b), substituted "Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way," for "Effective control means that after January 1, 1968, such signs, displays, and devices", deleted in cl. (1) "other" before "official signs", and added cl. (4).

Subsec. (g). Pub. L. 93-643, §109(c), substituted first sentence reading "Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law." for prior first sentence which provided for payment of just compensation for removal of outdoor advertising signs, displays, and devices (1) lawfully in existence on Oct. 22, 1965, (2) lawfully on any highway made a part of the interstate or primary system on or after Oct. 22, 1965, and before Jan. 1, 1968, and (3) lawfully erected on or after Jan. 1, 1968.

1970-Subsec. (m). Pub. L. 91-605 authorized to be appropriated not to exceed \$27,000,000, \$20,500,000 and \$50,000,000, for the fiscal years ending June 30, 1971, 1972, and 1973, respectively.

1968-Subsec. (d). Pub. L. 90-495, §6(a), provided that whenever a bona fide State, county, or local zoning authority has made a determination of customary use, such determination will be accepted in lieu of controls by agreement in the zoned commercial and industrial areas within the geographical jurisdiction of such authority.

Subsec. (j). Pub. L. 90-495, §6(b), struck out provision for the imposition of controls on outdoor advertising by the Federal government that are stricter than those imposed by the State highway department.

Subsec. (m). Pub. L. 90-495, §6(c), inserted provision authorizing an appropriation of not to exceed \$2,000,000 for the fiscal year ending June 30, 1970.

Subsec. (n). Pub. L. 90-495, §6(d), added subsec. (n).

1966-Subsec. (m). Pub. L. 89-574 substituted provisions making applicable to the funds authorized to be appropriated to carry out this section after June 30, 1967 the provisions of chapter 1 of this title relating to the obligation, period of availability and expenditure of Federal-aid primary highway funds for provisions prohibiting the use of any part of the Highway Trust Fund in carrying out this section.

1965-Subsec. (a). Pub. L. 89-285 struck out specific reference to the area which lies within six-hundred and sixty feet of the edge of the right-of-way and which is visible from the right-of-way and instead made only general reference to the areas adjacent to the Interstate System and struck out reference to types of permissible signs.

Subsec. (b). Pub. L. 89-285 substituted provisions reducing by 10 per centum the apportioned share, on or after January 1, 1968, of any State not making provision for effective control of erection and maintenance of outdoor advertising signs, displays and devices within six-hundred and sixty feet of the nearest edge of the right of way and visible from the traveled portion, reapportioning withheld funds to other States, and allowing for suspension of such provisions in the discretion of the Secretary, for provisions which authorized the Secretary to enter into agreements with the States to carry out national policy on control of areas adjacent to the Interstate System.

Subsec. (c). Pub. L. 89-285 substituted provisions setting out permissible types of signs as directional and other official signs and notices, signs advertising sale or lease of property on which the sign is located, and signs, displays, and devices advertising activities conducted on the property on which the sign is located, for provisions allowing for an increase in the Federal share payable under the Federal-Aid

Highway Act of 1956, as amended, in the case of States entering into an agreement with the Secretary prior to July 1, 1965.

Subsec. (d). Pub. L. 89–285 substituted provisions allowing for agreements between the Secretary and the several States covering commercial or industrial property, for provisions covering control of the adjacent area when the Interstate System is located on or near public lands or reservations of the United States.

Subsec. (e). Pub. L. 89–285 substituted provisions setting out the timetable for removal of signs, displays, and devices lawfully along Interstate System or Federal-aid primary system highways, for provisions allowing the inclusion of the cost of purchase or condemnation of the right to advertise or control advertising in the area adjacent to Interstate System right-of-way as part of the cost of construction.

Subsecs. (f) to (m). Pub. L. 89–285 added subsecs. (f) to (m).

1963-Subsec. (c). Pub. L. 88–157 substituted "July 1, 1965" for "July 1, 1963".

1961-Subsec. (c). Pub. L. 87–61 substituted "July 1, 1963" for "July 1, 1961".

1959-Subsec. (b). Pub. L. 86–342 substituted "Agreements entered into between the Secretary of Commerce and State highway departments under this section shall not apply to those segments of the Interstate System which traverse commercial or industrial zones within the presently existing boundaries of incorporated municipalities wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use, as of the date of approval of this Act, is clearly established by State law as industrial or commercial" for "Upon application of the State, any such agreement may, within the discretion of the Secretary of Commerce consistent with the national policy, provide for excluding from application of the national standards segments of the Interstate System which traverse incorporated municipalities wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use is clearly established by State law as industrial or commercial."

EFFECTIVE DATE OF 2015 AMENDMENT

Pub. L. 114–94, [div. A, title I, §1446\(d\), Dec. 4, 2015](#), 129 Stat. 1438 , provided that the amendment made by section 1446(d)(5)(B) is effective as of July 6, 2012, and as if included in Pub. L. 112–141 as enacted.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102–240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102–240, set out as a note under section 104 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–495 effective Aug. 23, 1968, see section 37 of Pub. L. 90–495, set out as a note under section 101 of this title.

SERVICE CLUB, CHARITABLE ASSOCIATION, OR RELIGIOUS SERVICE SIGNS

Pub. L. 114–94, [div. A, title I, §1425, Dec. 4, 2015](#), 129 Stat. 1425 , provided that: "Notwithstanding section 131 of title 23, United States Code, and part 750 of title 23, Code of Federal Regulations (or successor regulations), if a State notifies the Federal Highway Administration, the State may allow the maintenance of a sign of a service club, charitable association, or religious service organization-

"(1) that exists on the date of enactment of this Act [Dec. 4, 2015] (or was removed in the 3-year period ending on such date of enactment); and

"(2) the area of which is less than or equal to 32 square feet."

STUDY OF STATE PRACTICES ON SPECIFIC SERVICE SIGNING

Pub. L. 105–178, [title I, §1213\(g\), June 9, 1998](#), 112 Stat. 202 , provided that:

"(1) **STUDY.**-The Secretary shall conduct a study to determine the practices in the States for specific service food signs described in sections 2G–5.7 and 2G–5.8 of the Manual on Uniform Traffic Control Devices for Streets and Highways. The study shall examine, at a minimum-

"(A) the practices of all States for determining businesses eligible for inclusion on such signs;

"(B) whether States allow businesses to be removed from such signs and the circumstances for such removal;

"(C) the practices of all States for erecting and maintaining such signs, including the time required for erecting such signs; and

"(D) whether States contract out the erection and maintenance of such signs.

"(2) REPORT.-Not later than 1 year after the date of enactment of this Act [June 9, 1998], the Secretary shall transmit to Congress a report on the results of the study, including any recommendations and, if appropriate, modifications to the Manual."

EFFECT OF 1991 AMENDMENT ON STATE COMPLIANCE LAWS OR REGULATIONS

Pub. L. 102-240, [title I, §1046\(d\), Dec. 18, 1991](#), 105 Stat. 1996 , provided that: "The amendments made by this section [amending this section] shall not affect the status or validity of any existing compliance law or regulation adopted by a State pursuant to section 131 of title 23, United States Code."

USE OF TOURIST ORIENTED DIRECTIONAL SIGNS

Pub. L. 102-240, [title I, §1059, Dec. 18, 1991](#), 105 Stat. 2003 , provided that:

"(a) IN GENERAL.-The Secretary shall encourage the States to provide for equitable participation in the use of tourist oriented directional signs or 'logo' signs along the Interstate System and the Federal-aid primary system (as defined under section 131(t) of title 23, United States Code).

"(b) STUDY.-Not later than 1 year after the effective date of this title [Dec. 18, 1991], the Secretary shall conduct a study and report to Congress on the participation in the use of signs referred to in subsection (a) and the practices of the States with respect to the use of such signs."

HIGHWAY BEAUTIFICATION COMMISSION

Pub. L. 91-605, [title I, §123, Dec. 31, 1970](#), 84 Stat. 1727 , as amended by Pub. L. 93-6, [Feb. 16, 1973](#), 87 Stat. 6 , established the Commission on Highway Beautification to (1) study existing statutes and regulations governing control of outdoor advertising and junkyards in areas adjacent to Federal-aid highway system, (2) review policies and practices of Federal and State agencies charged with administrative jurisdiction over such highways insofar as such policies and practices relate to governing control of outdoor advertising and junkyards, (3) compile data necessary to understand and determine the requirements for such control which may now exist or are likely to exist within foreseeable future, (4) study problems relating to control of on-premise outdoor advertising signs, promotional signs, directional signs, and signs providing information that is essential to motoring public, (5) study methods of financing and possible sources of Federal funds, including use of the Highway Trust Fund, to carry out highway beautification program, and (6) recommend such modifications or additions to existing laws, regulations, policies, practices, and demonstration programs as will, in judgment of the Commission, achieve a workable and effective highway beautification program and best serve the public interest and to submit, not later than Dec. 31, 1973, its final report. The Commission terminated six months after submission of said report.

COMPREHENSIVE STUDY ON HIGHWAY BEAUTIFICATION PROGRAMS

Pub. L. 89-285, [title III, §302, Oct. 22, 1965](#), 79 Stat. 1032 , provided that in order to provide the basis for evaluating the continuing programs authorized by Pub. L. 89-285, and to furnish the Congress with the information necessary for authorization of appropriations for fiscal years beginning after June 30, 1967, the Secretary, in cooperation with the State highway departments, shall make a detailed estimate of the cost of carrying out the provisions of Pub. L. 89-285, and a comprehensive study of the economic impact of such programs on affected individuals and commercial and industrial enterprises, the effectiveness of such programs and the public and private benefits realized thereby, and alternate or improved methods of accomplishing the objectives of Pub. L. 89-285. The Secretary was required to submit such detailed estimate and a report concerning such comprehensive study to the Congress not later than Jan. 10, 1967.

STANDARDS, CRITERIA, RULES AND REGULATIONS

Pub. L. 89-285, [title III, §303, Oct. 22, 1965](#), 79 Stat. 1033 , mandated the holding of public hearings by the Secretary of Commerce prior to the promulgation of standards, criteria and rules and regulations necessary to carry out this section and section 136 of this title, such standards, criteria, etc., to be reported to Congress not later than Jan. 10, 1967.

ACQUISITION OF DWELLINGS

Pub. L. 89–285, [title III, §305, Oct. 22, 1965](#), 79 Stat. 1033 , provided that: "Nothing in this Act or the amendments made by this Act [amending this section and section 319 of this title and enacting section 136 of this title and provisions set out as notes under this section and sections 135 and 136 of this title] shall be construed to authorize the use of eminent domain to acquire any dwelling (including related buildings)."

TAKING OF PRIVATE PROPERTY WITHOUT JUST COMPENSATION

Pub. L. 89–285, [title IV, §401, Oct. 22, 1965](#), 79 Stat. 1033 , provided that: "Nothing in this Act or the amendments made by this Act [amending this section and section 319 of this title and enacting section 136 of this title and provisions set out as notes under sections 131, 135, and 136 of this title] shall be construed to authorize private property to be taken or the reasonable and existing use restricted by such taking without just compensation as provided in this Act."

AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR ADMINISTRATIVE EXPENSES

Pub. L. 89–285, [title IV, §402, Oct. 22, 1965](#), 79 Stat. 1033 , as amended by Pub. L. 97–449, [§2\(a\), Jan. 12, 1983](#), 96 Stat. 2439 , provided that: "In addition to any other amounts authorized by this Act and the amendments made by this Act [amending this section and section 319 of this title and enacting section 136 of this title and provisions set out as notes under this section and sections 135 and 136 of this title], there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary not to exceed \$5,000,000 for administrative expenses in carrying out this Act (including amendments made by this Act)."

Appendix G. Louisiana State-Federal Agreement
1972

A G R E E M E N T

STATE OF LOUISIANA
DEPARTMENT OF HIGHWAYS

FOR CARRYING OUT NATIONAL POLICY RELATIVE TO CONTROL OF OUTDOOR ADVERTISING
IN AREAS ADJACENT TO THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS
AND THE FEDERAL-AID PRIMARY SYSTEM.

THIS AGREEMENT made and entered into this 31st day of
January, 1972, by and between the United States of America
represented by the Secretary of Transportation acting by and through the
Federal Highway Administrator, hereinafter referred to as the "Administrator,"
and the Louisiana Department of Highways acting by and through its Director,
hereinafter referred to as the "Department." Witnesseth:

WHEREAS, Congress has declared that Outdoor Advertising in areas
adjacent to the Interstate and Federal-aid primary systems should be con-
trolled in order to protect the public investment in such highways, to pro-
mote the safety and recreational value of public travel and to preserve
natural beauty; and

WHEREAS, Section 131(d) of Title 23, United States Code, authorizes
the Secretary of Transportation to enter into agreements with the several
states to determine the size, lighting, and spacing of signs, displays, and
devices, consistent with customary use, which may be erected and maintained
within 660 feet of the nearest edge of the right-of-way within areas adjacent
to the Interstate and Federal-aid Primary Systems which are zoned industrial
or commercial under authority of State law or in unzoned commercial or indus-
trial areas, also to be determined by agreement; and

WHEREAS, the purpose of said agreement is to promote the reasonable,
orderly, and effective display of outdoor advertising while remaining con-
sistent with the national policy to protect the public investment in the
Interstate and Federal-aid primary highways, to promote the safety and recrea-
tional value of public travel and to preserve natural beauty; and

WHEREAS, Section 131(b) of Title 23, United States Code, provides
that Federal-aid highway funds apportioned on or after January 1, 1968, to
any State which the Secretary determines has not made provision for effective
control of the erection and maintenance along the Interstate System and the
primary system of outdoor advertising signs, displays, and devices which are
within six hundred and sixty (660) feet of the nearest edge of the right-of-way

-2-

and visible from the main traveled way of the system, shall be reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such State under Section 104 of Title 23, United States Code, until such time as such State shall provide for such effective control; and

WHEREAS, the Department desires to implement and carry out the provisions of Section 131 of Title 23, United States Code, and the national policy in order to remain eligible to receive the full amount of all Federal-aid highway funds to be apportioned to such State on or after January 1, 1968, under Section 104 of Title 23, United States Code; and

WHEREAS, LRS 48:461.15 authorizes the Louisiana Department of Highways to enter into an agreement with the Federal Government with respect to the control of Outdoor Advertising;

NOW THEREFORE, the parties hereto do mutually agree as follows:

Section I. Definitions

A. Act means Section 131 of Title 23, United States Code (1965) commonly referred to as Title I of the Highway Beautification Act of 1965.

B. Commercial or industrial activities for purposes of unzoned commercial or industrial areas mean those activities generally recognized as commercial or industrial by zoning authorities in this State, except that none of the following activities shall be considered commercial or industrial:

1. Outdoor advertising structures.
2. Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands.
3. Transient or temporary activities.
4. Activities not visible from the main traveled way.
5. Activities more than 660 feet from the nearest edge of the right-of-way.
6. Activities conducted in a building principally used as a residence.
7. Railroad tracks and minor sidings.

C. Zoned commercial or industrial areas mean those areas which are zoned for business, industry, commerce, or trade pursuant to a State or local zoning ordinance or regulation.

D. Unzoned commercial or industrial areas mean those areas which are not zoned by State or local law, regulation, or ordinance, and on which there is located one or more permanent structures devoted to a commercial or industrial activity or on which a commercial or industrial activity is actually conducted, whether or not a permanent structure is located thereon, and the area along the highway extending outward 800 feet from and beyond the edge of such activity. Each side of the highway will be considered separately in applying this definition.

All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing, and landscaped areas of the commercial or industrial activities, not from the property lines of the activities, and shall be along or parallel to the edge of pavement of the highway.

E. National System of Interstate and Defense Highways and Interstate System means the system presently defined in and designated pursuant to subsection (d) of Section 103 of Title 23, United States Code.

F. Federal-aid primary highway means any highway within that portion of the State highway system as designated, or as may hereafter be so designated by the State, which has been approved by the Secretary of Transportation pursuant to subsection (b) of Section 103 of Title 23, United States Code.

G. Traveled way means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

H. Main-traveled way means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.

I. Sign means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard or other thing which is designed, intended, or used to advertise or inform, any part of the advertising or information contents of which is visible from any place on the main-traveled way of the Interstate or Federal-aid Primary Highway Systems.

J. Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or normal maintenance or repair of a sign structure.

K. Maintain means to allow to exist.

L. Safety rest area means an area or site established and maintained within or adjacent to the highway right-of-way by or under public supervision or control, for the convenience of the traveling public.

M. Visible means that the advertising copy or informative contents are capable of being seen without visual aid by a person of normal visual acuity.

Section II. Scope of Agreement

This agreement shall apply to the following areas:

A. All zoned and unzoned commercial and industrial areas within 660 feet of the nearest edge of the right-of-way of all portions of the Interstate and Primary Systems within the State of Louisiana in which outdoor advertising signs may be visible from the main-traveled way of either or both of said systems.

Section III. Department Control

The Department hereby agrees that, in all areas within the scope of this agreement, the Department shall effectively control, or cause to be controlled, the erection and maintenance

of outdoor advertising signs, displays, and devices erected subsequent to the effective date of this agreement other than those advertising the sale or lease of the property on which they are located, or activities conducted thereon, in accordance with the following criteria:

A. In zoned commercial and industrial areas, the Department may notify the Administrator as notice of effective control that there has been established within such areas regulations which are enforced with respect to the size, lighting, and spacing of outdoor advertising signs consistent with the intent of the Highway Beautification Act of 1965 and with customary use. In such areas, the size, lighting, and spacing requirements set forth below shall not apply.

B. In all other zoned and unzoned commercial and industrial areas, the criteria set forth below shall apply.

SIZE OF SIGNS

1. The maximum area for any one sign shall be 1,200 square feet with a maximum height of 30 feet and maximum length of 60 feet, inclusive of any border and trim but excluding the base or apron, supports, and other structural members.
2. The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the entire sign.
3. The maximum size limitations shall apply to each side of a sign structure; and signs may be placed back-to-back, side-by-side, or in V-type construction with not more than two displays to each facing, and such sign structure shall be considered as one sign.

SPACING OF SIGNS

1. Interstate and Federal-aid Primary Highways
 - a. Signs may not be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, obstruct or physically interfere with the driver's

view of approaching, merging, or intersecting traffic.

2. Interstate Highways and Freeways on the Federal-aid Primary System

a. No two structures shall be spaced less than 500 feet apart.

b. Outside of incorporated villages, towns and cities, no structure may be located adjacent to or within 500 feet of an interchange, intersection at grade, or safety rest area. Said 500 feet to be measured along the Interstate or Freeway from the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.

3. Non-freeway Federal-aid Primary Highways

a. Outside of incorporated villages, towns and cities - no two structures shall be spaced less than 300 feet apart.

b. Within incorporated villages, towns and cities - no two structures shall be spaced less than 100 feet apart.

4. The above spacing-between-structures provisions do not apply to structures separated by buildings or other obstructions in such a manner that only one sign facing located within the above spacing distances is visible from the highway at any one time.

5. Explanatory Notes

a. Official and "on-premise" signs, as defined in Section 131(c) of Title 23, United States Code, and structures that are not lawfully maintained shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements.

b. The minimum distance between structures shall be measured along the nearest edge of the pavement between points directly opposite

the signs along each side of the highway and shall apply only to structures located on the same side of the highway.

LIGHTING

Signs may be illuminated, subject to the following restrictions:

1. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or similar information.
2. Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the Interstate or Federal-aid primary highway and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.
3. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device or signal.
4. All such lighting shall be subject to any other provisions relating to lighting of signs presently applicable to all highways under the jurisdiction of the State.

At any time that a bona fide parish or local zoning authority adopts regulations which include the size, lighting, and spacing of outdoor advertising, the State may so notify the Administrator and control of outdoor advertising in the commercial or industrial zones within the geographical jurisdiction of said authority will transfer to subsection A of this section.

Section IV. Interpretation

The provisions contained herein shall constitute the standards for effective control of signs, displays, and devices within the scope of this agreement.

The provisions contained herein pertaining to the size, lighting, and spacing of outdoor advertising signs permitted in zoned and unzoned commercial and industrial areas shall apply only to those signs erected subsequent to the effective date of this agreement except for those signs erected within six (6) months after the effective date of this agreement in zoned or unzoned commercial or industrial areas on land leased prior to such effective date, provided that a copy of such lease be filed with the State Highway Department within thirty (30) days following such effective date.

In the event the provisions of the Highway Beautification Act of 1965 are amended by subsequent action of Congress or the State legislation is amended, the parties reserve the right to renegotiate this agreement or to modify it to conform with any amendment.

Section V. Effective Date

This Agreement shall have an effective date of

JAN 31 1972

IN WITNESS WHEREOF the parties hereto have executed this Agreement
as of January 31, 1972.

WITNESSES:

STATE OF LOUISIANA
DEPARTMENT OF HIGHWAYS

Loretta Blanchard BY: W. T. Taylor, Jr.
W. T. Taylor, Jr. W. T. TAYLOR, JR. - DIRECTOR
DATE: 1-12-72

WITNESSES:

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION

Edna S. Williams BY: J. A. Turner
FEDERAL HIGHWAY ADMINISTRATOR
DATE: 1-31-72

APPROVED BY:

A. B. Ratcliff, Jr.
A. B. RATCLIFF, JR.
CHIEF ENGINEER

Appendix H. New Orleans-State Agreement to Control Outdoor Advertising
1977



STATE OF LOUISIANA
DEPARTMENT OF HIGHWAYS
INTRADPARTMENTAL CORRESPONDENCE

REFERRED TO

IN REPLY PLEASE REFER TO
FILE NO.

12-1
#4

January 25, 1977

REFERRED FOR ACTION
ANSWER FOR MY SIGNATURE
FOR FILE
FOR YOUR INFORMATION
FOR SIGNATURE
RETURN TO ME
PLEASE SEE ME
PLEASE TELEPHONE ME
FOR APPROVAL
PLEASE ADVISE ME

M E M O R A N D U M T O:

MR. FRANCIS BECNEL
BEAUTIFICATION & PERMITS ENGINEER

BY _____ DATE _____
BY _____ DATE _____
BY _____ DATE _____
BY _____ DATE _____

RE: NEW ORLEANS-STATE AGREEMENT
TO CONTROL OUTDOOR ADVERTISING

Attached hereto is a duplicate original of the agreement between the City of New Orleans and the State of Louisiana to control advertising in zoned commercial and industrial areas. This document should be preserved along with the State-Federal Agreement.

By copy of this memorandum, a duplicate original is being forwarded to the Mayor of New Orleans for his files.

A photocopy of the agreement is being furnished to Blaise Carriere, Department of Streets and M. C. Reinhardt, F.H.W.A. A duplicate original is being retained in legal file 12-1, #4.

Sincerely,

JONATHAN C. HARRIS
ASSISTANT GENERAL COUNSEL
TELEPHONE: 389-6925

ЖСН: бр

cc: Hon. Moon Landrieu, Mayor
Blaise Carriere, Dept. of Streets
M. C. Rinehardt, Div. Administrator, (F.H.W.A.) [2]
Project Control (Federal Aid)

RECOMMENDED FOR APPROVAL	DATE
RECOMMENDED FOR APPROVAL	DATE
RECOMMENDED FOR APPROVAL	DATE
APPROVED BY/FOR DIRECTOR	DATE

LOUISIANA DEPARTMENT OF HIGHWAYS

AGREEMENT TO CONTROL
OUTDOOR ADVERTISING

AND

CITY OF NEW ORLEANS

BE IT REMEMBERED that on the date below indicated the Louisiana Department of Highways has made the hereinafter stated agreement with the City of New Orleans each party acting pursuant to due authority.

WHEREAS the City of New Orleans has adopted a comprehensive zoning ordinance which effectively regulates and controls the erection and maintenance of outdoor advertising with respect to size, lighting, and spacing on Interstate and Federal Aid Primary Highways and which is deemed by the Louisiana Department of Highways and the Federal Highway Administration to be consistent with the intent of the Federal Highway Beautification Act of 1965 and with customary use; and

WHEREAS the Louisiana Department of Highways is authorized to notify the Federal Highway Administrator that effective control of outdoor advertising has been established in New Orleans; and

WHEREAS the parties hereto desire that the City of New Orleans assume control of outdoor advertising in the city limits to enforce the Federal Highway Beautification Act of 1965 (23 U.S.C. 101 et seq.); and

WHEREAS the Federal Highway Administration and the Louisiana Department of Highways have agreed previously that the standards for size, lighting, and spacing adopted by the Louisiana Department of Highways need not apply to zoned commercial and industrial areas where effective control has been

established locally, if approved by the Louisiana Department of Highways;

IT IS AGREED that effective on the date indicated below, the control of outdoor advertising in the jurisdictional limits of the City of New Orleans shall be vested in the City Council of New Orleans and such agencies thereof as the Council shall designate from time to time. The City of New Orleans shall henceforth regulate and control the erection and maintenance of outdoor advertising within its jurisdictional limits in conformance with its ordinances and regulations.

Should the Louisiana Department of Highways determine that the City is not maintaining effective control of outdoor advertising along Interstate and Federal Aid Primary Highways within its territorial jurisdiction consistent with applicable Federal and Louisiana Standards, and should the Department so notify the City in writing of that determination, the City of New Orleans shall take such action as may be required and appropriate, including adoption of ordinances, to regain effective control to the satisfaction of the Louisiana Department of Highways. In default of the City's regaining effective control after demand as determined by the Louisiana Department of Highways, the City's control hereunder may be terminated by the Louisiana Department of Highways upon written notice by the Director of Highways in his advised discretion.

THUS AGREED AND EXECUTED as indicated hereinbelow on the date and at the place shown to be effective as of the day of the last signature affixed hereto as shown below.

WITNESSETH:

CITY OF NEW ORLEANS

By: Moon Landrieu
Moon Landrieu, Mayor

December 3, 1976
Date

Joseph V. Di Rosa
President of the Council

December 10, 1976
date

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT, SUCCESSOR TO
LOUISIANA DEPARTMENT OF HIGHWAYS

BY W. T. Taylor, Jr.
W. T. Taylor, Jr., Assistant Secretary

January 1, 1977
date

George A. Fischer
George A. Fischer, Secretary

January 1, 1977
date

ACKNOWLEDGMENTS:

Before me, the undersigned authority personally appeared Moon Landrieu, Mayor of New Orleans, to me known who declared under oath by me given that he signed the foregoing Act of his own free will in his official capacity. This 3rd day of December, 1976, New Orleans, Louisiana.

Eduardo Angel
NOTARY PUBLIC

Before me, the undersigned authority personally appeared Joseph V. Di Rosa, who, as President of the Council, to me known who declared under oath by me given that he signed the foregoing Act of his own free will in his official capacity. This 10th day of December, 1976, New Orleans, Louisiana.

Eduardo Angel
NOTARY PUBLIC

Before me, the undersigned authority personally appeared W. T. Taylor, Jr., Director of the Louisiana Department of Highways, to me known who declared under oath by me given that he signed the foregoing Act of his own free will in his official capacity. This 21st day of January, 1977, Baton Rouge, Louisiana.

James P. ...
NOTARY PUBLIC

Appendix I. Ordinance No. 18,296 M.C.S
1992



STATE OF LOUISIANA
DEPARTMENT OF HIGHWAYS
INTRADPARTMENTAL CORRESPONDENCE

REFERRED TO

IN REPLY PLEASE REFER TO
FILE NO.

12-1
#4

January 25, 1977

☐ REFERRED FOR ACTION
☐ ANSWER FOR MY SIGNATURE
☐ FOR FILE
☐ FOR YOUR INFORMATION
☐ FOR SIGNATURE
☐ RETURN TO ME
☐ PLEASE SEE ME
☐ PLEASE TELEPHONE ME
☐ FOR APPROVAL
☐ PLEASE ADVISE ME

MEMORANDUM TO:
MR. FRANCIS BECNEL
BEAUTIFICATION & PERMITS ENGINEER

BY _____ DATE _____
BY _____ DATE _____
BY _____ DATE _____
BY _____ DATE _____

RE: NEW ORLEANS-STATE AGREEMENT
TO CONTROL OUTDOOR ADVERTISING

Attached hereto is a duplicate original of the agreement between the City of New Orleans and the State of Louisiana to control advertising in zoned commercial and industrial areas. This document should be preserved along with the State-Federal Agreement.

By copy of this memorandum, a duplicate original is being forwarded to the Mayor of New Orleans for his files.

A photocopy of the agreement is being furnished to Blaise Carriere, Department of Streets and M. C. Reinhardt, F.H.W.A. A duplicate original is being retained in legal file 12-1, #4.

Sincerely,

JONATHAN C. HARRIS
ASSISTANT GENERAL COUNSEL
TELEPHONE: 389-6925

ЖСН: бр

cc: Hon. Moon Landrieu, Mayor
Blaise Carriere, Dept. of Streets
M. C. Rinehardt, Div. Administrator, (F.H.W.A.) [2]
Project Control (Federal Aid)

RECOMMENDED FOR APPROVAL	DATE
RECOMMENDED FOR APPROVAL	DATE
RECOMMENDED FOR APPROVAL	DATE
APPROVED BY/FOR DIRECTOR	DATE

ORDINANCE
AS AMENDED
CITY OF NEW ORLEANS

CITY HALL: December 1, 1992

CALENDAR NO: 18,296

NO. 15638 MAYOR COUNCIL SERIES

BY: COUNCILMEMBERS TAYLOR, JACKSON, BOISSIERE, CLARKSON,
GIARRUSSO, SINGLETON AND WILSON

AN ORDINANCE to amend Ordinance No. 4264, M.C.S., as amended,
the Comprehensive Zoning Law of the City of New Orleans, by
amending Articles 5, 6, and 14 thereof relative to providing for
the definition and regulation of Outdoor General Advertising Signs
throughout the City; and otherwise to provide with respect thereto.

WHEREAS, Zoning Docket Number 90/92 was initiated by City
Council Motion and referred to the City Planning Commission; and

WHEREAS, the City Planning Commission held a public hearing on
this zoning petition and recommended modified approval herein in
its report dated November 11, 1992 to the City Council on the text
amendment presented in Zoning Docket No. 90/92; and

WHEREAS, the recommendation of the City Planning Commission
was upheld and the changes were deemed to be advisable and
necessary and in the best interest of the City and were given
modified approved by Motion M-92-___ by the Council of the City of
New Orleans on December 1, 1992.

1 SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY
2 ORDAINS, That Article 6, Ordinance No. 4264, M.C.S., as
3 amended; the Comprehensive Zoning Law of the City of New
4 Orleans, be and the same is hereby amended and reordained to
5 read as follows:

6 "ARTICLE 6. GENERAL SIGN REGULATIONS

7 * * *

8 SECTION 1. SIGN DEFINITIONS

9 * * *

0 6. Sign Face. That particular area of the sign structure
1 upon which a message, copy, or advertisement is displayed
2 for viewing.

9. **Outdoor General Advertising Sign**, hereinafter otherwise occasionally referred to as billboard. Any type of sign that is freestanding and is either affixed to the ground or to another structure, or that is placed or painted on a vertical surface, and is used for the lease of commercial advertising display space which directs the attention of the general public to a commercial activity conducted, a service rendered, or a commodity or product sold or produced which is not the primary activity, service, commodity or product provided on the premises on which the sign is located.
- 9.1 **Historic Sign** An Outdoor General Advertising sign that is considered to have merit either by age, location, unique design, construction technique, or association with a notable craftsman or company and has been nominated for, or is eligible for local or national landmark designation.
- * * *
- 11.1 **Landmark Sign.** An Outdoor General Advertising sign that has been designated as a local or national landmark.
- * * *
- 12.1 **Nameplate.** That portion of the sign's face that identifies the individual or company who currently owns it.
- * * *
16. **Sign Permit Identification Plate.** That portion of the sign's face that identifies the Permit Number(s) assigned to it by the City, and where applicable, the State.
- * * *

Section 3. Outdoor General Advertising Sign Regulations

The following regulations apply generally to all outdoor general advertising signs (billboards) and are in addition to the regulations contained elsewhere in this Ordinance.

1. Requests for permits for construction or erection of new outdoor advertising signs or for any alteration to existing, outdoor general advertising signs shall be subject to the following requirements:
 - a. Before any permit is issued, an application, especially provided by the Director of the

11 Department of Safety and Permits shall be submitted, together
12 with
13
14

- 15 (1) three sets of drawings (one to be returned to
16 the applicant),
17 (2) a portfolio of black & white photographs of
18 the site and its environs and
19 (3) specifications (one set to be returned to the
20 applicant) as may be necessary to fully advise
21 and acquaint the Director of Safety and
22 Permits with the location, manner of
23 construction, materials, manner of support,
24 manner of illumination (if any), the number of
25 sign facts and the proposed alteration.
26
27 b. All outdoor general advertising signs which are
28 electrically illuminated by any means shall require
29 a separate electrical permit and inspection.
30
31 c. Each outdoor general advertising sign shall be
32 clearly and permanently marked with the correct
33 permit number and name of the person(s), firm(s) or
34 owner(s) of the sign(s). Each sign face shall be
35 required to display a Nameplate and a Sign Permit
36 Identification Plate as described in Section 1,
37 Definitions, Paragraphs 12.2 and 16, above.
38
39 d. All outdoor general advertising signs shall be
40 erected on or before the expiration of six (6)
41 months from the date of issuance of the permit;
42 otherwise the permit shall expire and a new permit
43 shall be required.

- 44 * * *
- 45 2. Signs of permitted types, and within total permitted
46 signs, areas, excluding outdoor general advertising
47 signs, may be placed on wall(s) of buildings other than
48 front except on side or rear walls facing and within 100
feet on the same side of the street of any Residential
Zoning District.
3. The owner or lessee of any sign that is determined to be
in violation of, or in conflict with any regulation
stated herein, in the City Code or in the current New

49 Orleans Building Code, shall be officially notified of
50 such determination by the Director of the Department of
51 Safety & Permits.

- 52 a. Such signs, or those that constitute any public
53 hazard or nuisance, shall be corrected or removed
54 by their owner(s) after such official notification
55 pursuant to the notice provisions of the applicable
56 regulation that has been violated.
- 57 b. Those signs in violation that have not been
58 corrected or removed within 30 days of such
59 official notification, may be removed or caused to
60 be removed by the Director of the Department of
61 Safety and Permits.
- 62 c. The Director of the Department of Safety and
63 Permits may immediately remove or cause to be
64 removed any sign which in his/her opinion
65 constitutes a public hazard. Removal of a sign by
66 the Director shall not affect any proceedings
67 instituted prior to such removal by the Director.
- 68 d. Any and all costs associated with sign removal as
69 provided for in Paragraph B. above, shall be
70 assessed by the Department of Safety and Permits
71 and charged to the sign's owner(s). The sign
72 owner(s) may be subjected to fines in furtherance
73 of court proceedings, and a lien shall be placed
74 upon the property where the sign was located if he
75 or any other violator fails to remit the costs of
76 the sign removal incurred by the City within 14
77 days of official notification by the Department of
78 Safety and Permits, or after expiration of all
79 delays through enforcement of administrative
80 remedies.
- 81 e. If for any reason, any sign owner does not comply
82 with the provisions as specified herein, whose
83 sign(s) is/are determined to be in violation of any
84 regulations and does not correct the violation(s)
85 or remove the sign(s) as specified, or if the owner
86 owes fees, fines or penalties relating to sign

regulation violations, he shall not be issued permits relative to alteration of any other sign(s) by the City until said sign(s) are made to comply with the applicable regulations and all fees, fines and penalties are paid.

4. Notwithstanding all other provisions of these regulations, outdoor general advertising signs shall be inventoried, and monitored by the Department of Safety and Permits, in order to maintain control over such signs in New Orleans.
5. Operating permits for outdoor general advertising signs shall be effective for a period of 1 (one) calendar year, renewable yearly according to the provisions of Chapter 3A of the City Code, as amended.
6. If an existing unpermitted billboard meets the requirements of Article 6, as amended, an application may be submitted for issuance of a permit.
7. Outdoor general advertising signs shall conform to the following support criteria:
 - a. Billboards shall be mounted on single support poles. The furthest horizontal extension of the sign support, structure or face shall be no closer than 3 (three) feet to any other building, structure, fence or property boundary.
 - b. Sign faces on billboards shall be attached to support structures that are designed and engineered exclusively for those sign faces, and none other.
8. All outdoor general advertising sign structures shall conform to the following sign face format criteria:
 - a. there shall be a maximum of 3 (three) separate sign faces per support structure,
 - b. each singular structure shall conform to the following permitted sign face placement formats:
 - (1) Side-by-side
 - (2) Back-to-Back
 - (3) V-plan, where a maximum of 30 (thirty) degree angle shall be permitted between the backs of the two (2) faces.

- (4) Where two (2) smaller faces in a side-by-side arrangement could be placed against the back of a larger sign face without extending beyond the larger sign face's edges, they may be permitted.
9. All outdoor general advertising signs shall conform to the following sign face area criteria:
- a. Have no less than a minimum sign face area of 55 (fifty-five) square feet, nor more than a maximum sign face area of 672 (six-hundred seventy-two) square feet.
 - b. Be formatted to a horizontal orientation.
 - c. Be permitted to have Temporary Cut-Out Extensions as follows:
 - (1) Temporary Cut-Out Extensions are permitted to project 5 (five) feet beyond the original sign face edge or frame for a maximum total aggregate of 150 (one-hundred fifty) square feet surface area per sign face.
 - (2) Three-Dimensional Extensions are permitted to extend a maximum of 5 (five) feet beyond the front of the sign face but not into any public right-of-way, nor behind the sign face. Three-Dimensional sign face elements are permitted to cover a maximum 30% (thirty percent) of the total sign face area.
 - (4) Temporary Cut-Out Extensions shall not exceed the overall height limits required for the subject billboards.
10. All outdoor general advertising signs shall conform to the following height criteria:
- a. On-Grade Roadways: outdoor general advertising signs adjacent to on-grade roadways shall be permitted to extend vertically upward to 50 feet in height. Billboard height shall be measured from the original undisturbed ground level at the base of the proposed support pylon to the tallest projection of the entire billboard structure

including the pylon, sign face and cut-out extensions.

- b. Grade Separation Roadways: outdoor general advertising signs adjacent to grade separation (elevated) roadways shall be permitted to extend vertically upward to 25 (twenty-five) feet in height, measured from the roadbed crown to the tallest projection of the structure or face, cut-out extensions included. The measurement shall be taken at a perpendicular angle between the grade separation roadway and the sign location.

11. Neither outdoor general advertising signs, nor any other signs exceeding 200 (two-hundred) square feet in face area shall be erected, constructed, altered, maintained or relocated within the following areas:

- a. Within 200 (two-hundred) feet of the right-of way lines of any limited access highway, including expressways and freeways, as established by the officially adopted Major Street Plan for the City.
- b. Within 200 (two-hundred) feet of any portion of any grade separation including the approaches thereto, constructed or to be constructed in conjunction with the grade separation plan of the Union Passenger Terminal Program of the City. Approaches to grade separations shall mean the entire area between the end of the grade separation structure and the place where the street approach rises from or descends from the normal street grade adjacent to the separation.
- c. Any location within 200 feet of the right-of-way lines of, and any location east of Paris Road.
- d. Within 1000 feet of Aesthetically Sensitive Areas or Design Vistas as described respectively in Article 14, Section 2, Paragraphs 3.1 & 35.1, Definitions, below.
- e. Spacing along Freeways and Interstate Highways
 - (1) One billboard structure shall be permitted every 1000 linear feet on either one side of

sides. but not on both

- (2) A 1000 linear foot separation distance is required between the nearest projections of existing billboards. In the case of an existing billboard situated to advertise toward a freeway and one situated to advertise toward a street which intersects with such freeway, measurement of the separation distance shall be taken along the closest curblane(s) or paving edge(s) of the two streets that the signs are adjacent to.

f. Spacing along Non-Freeway Roadways

- (1) One billboard structure shall be permitted every 500 linear feet on either one side of the roadway or the other, but not both sides.
- (2) A 500 linear foot separation distance is required between the nearest projections of existing billboards. In the case of an existing billboard situated to advertise toward one street and one situated to advertise toward another street which intersects with it, the measurement of the separation distance shall be taken along the closet curblane(s) or paving edge(s) of the two streets that the signs area adjacent to.

g. Specific Siting of Billboard Structures

Billboard structures or pylons shall not be placed or encroach into:

- (1) legally required parking spaces,
(2) service drives or lanes,
(3) refuse storage areas.

12. CAP AND REPLACEMENT TRADE-OFF SYSTEM:

- a. A cap shall be placed on the number of billboard structures and billboard faces which may be permitted to exist hereafter in the City of New Orleans, Parish of

(1) The maximum total number of permitted billboard structures allowed to exist in the City/Parish shall never be more than 582. (This is the total number existing as of November 19, 1992, according to the Board of Fiscal Review Inventory completed in August 1992.)

(2) The maximum total number of permitted billboard faces allowed to exist in the City/Parish shall never be more than 985. (This is the total number existing as of November 19, 1992 according to the Board of Fiscal Review Inventory completed in August 1992.)

(3) The maximum total number of permitted billboard structures and permitted billboard faces allowed to exist in the City/Parish shall be a reducing quantity based upon the total number of non-conforming billboards removed as follows:

The maximum total number of billboard structures and the total number of billboard faces permitted shall each reduce by 1 for every 4 non-conforming billboard structures and billboard faces that are removed.

(4) Should any Court decision affect the total number of billboard structures or billboard faces as a result of pending litigation involving the City, the maximum total number of permitted billboard structures and billboard faces allowed to exist as designated in subsections (1) and (2) above shall be adjusted accordingly.

b. Trade-off requirements shall be established in order to permit new billboards in Orleans Parish after existing non-conforming ones are removed.

(1) 2 non-conforming billboard structures shall be

7 removed before 1 new billboard structure shall
8 be permitted. For the purposes of this
9 requirement, a single wall with more than 1
0 billboard face mounted on it shall be counted
1 as a single billboard structure for those
2 faces; however, several billboard faces each
3 mounted on separate walls of the same building
4 shall be counted as separate faces on separate
5 billboard structures.

- 6 (2) A demolition permit must be obtained by the
7 billboard owner before any billboard structure
8 or billboard face removal can occur and such
9 demolition shall be so noted on the official
0 billboard inventory being maintained by the
1 City.
- 2 (3) The area of the billboard faces that are
3 removed from existing billboard structures
4 shall be the maximum billboard face area
5 credited for installation on any new billboard
6 structure. Individual billboard face area
7 shall be expressed in Square Footage (Sq Ft).
- 8 (4) A maximum of 3 faces shall be permitted on any
9 single new billboard structure in accordance
0 with the provisions set forth herein.
- 1 (5) The lowest of the faces on the billboard
2 structure(s) proposed to be removed shall be
3 the maximum height permitted for the relocated
4 billboard face(s) which replace them.
- 5 (a) The height of pole-mounted billboard
6 faces removed shall be documented on the
7 individual billboard credit and on the
8 official billboard inventory being
9 maintained by the City.
- 0 (b) The height of existing wall-mounted
1 billboard faces which are removed shall
2 not be considered in determining the
3 height of the new billboard which
4 replaces them, but the method of

attachment to the structure shall be documented on the individual billboard credit and on the official billboard inventory being maintained by the City.

(c) Billboard face height shall be determined as the distance from undisturbed ground level at the sign structure base to the topmost projection of each individual face.

(d) This height restriction (shortest of the two faces) shall not apply to new billboards proposed for relocation along expressways, freeways or other grade separations if they meet all other requirements set forth in this section.

(e) In the case of the wall-mounted billboard face and a pole-mounted billboard face which are proposed as removals to be replaced by a new billboard, the height of the pole-mounted face shall be the limit on the height of such proposed new billboard face(s).

(6) In the case of Variance Request (beyond the maximum standards permitted in this ordinance) that are granted, the following shall apply:

(a) Height variances shall require use of 30 Sq Ft of face area credit for each 1 foot in height above the 50' limit.

(b) Face area variance shall require 2 Sq Ft of face area credit for each 1 Sq Ft increase in face above the 672 Sq Ft limit.

13. Design Vistas and Aesthetically Sensitive Areas, where outdoor general advertising signs are prohibited, shall within ninety days of the effective date of this ordinance be initially designated and adopted by motion of the City Council and maintained on the Official Maps of the City by the City Planning Commission. No permits

for new billboard structures shall be issued under the provisions of Section 13 until such initial designation and adoption of Design Vista and Aesthetically Sensitive Areas has been completed. Designation and adoption of additional Design Vistas and Aesthetically Sensitive Areas may be made by the City Council at any time.

- a. The Central Business District Skyline and Louisiana Superdome as seen from all grade separation roadways with vistas toward the Central Business District as well as:
- (1) the eastbound Earhart Expressway approach between the Jefferson Parish line and the CBD.
 - (2) the eastbound I-10 approach between the high-rise bridge and the Pontchartrain Expressway interchange.
 - (3) the westbank approach to the Crescent City Connection and the Pontchartrain Expressway from the DeGaulle entrance ramp to the Claiborne Avenue/I-10 interchange.
 - (4) the eastbound Airline Highway/Tulane Avenue approach from the Jefferson Parish line and the Central Business District.
 - (5) Decatur Street and Rampart Street, traveling uptown between Elysian Fields Avenue and Canal Street.
 - (6) Orleans Avenue/Basin Street traveling uptown between Claiborne Avenue and Canal Street.
 - (7) Tchoupitoulas Street, Camp Street, St. Charles Avenue, Carondelet Street, Oretha Castle Haley Boulevard/O'Keefe Avenue traveling downtown between Martin Luther King, Jr. Boulevard/Melpomene and Poydras Street.
 - (8) Loyola Avenue traveling downtown between Simon Bolivar and Poydras Street.
 - (9) Franklin Avenue southbound, at all grade separations (all views along southwestern side of roadway)
 - (10) St. Claude Avenue and North Robertson Street westbound, from Deslonde Street to Poland Avenue, and Clouet Street to Franklin Avenue (all views

along riverside of roadway).

(11) South Claiborne Avenue eastbound, from Louisiana Avenue to the Pontchartrain Expressway.

(12) Highway 407 bridge, westbound, entire grade separation, south-west side.

b. Views of the Vieux Carre and St. Louis Cathedral from both sides of the Mississippi River.

c. Views of all city elements from the Mississippi River corridor (views from any point on the River).

d. All views along Carrollton Avenue, between St. Charles Avenue and City Park Avenue.

e. All views along all public roadways, railroads, waterways and rights-of-way east of and within 200 feet of the right-of-way lines of Paris Road between I-10 and the St. Bernard Parish line.

14. In order to maintain effective control of the Billboard industry within the City, the City Planning Commission, with the assistance of the Department of Safety and Permits, the Finance Department and the Board of Assessors of New Orleans, a representative of the Billboard industry and a representative of New Orleans neighborhoods shall review and report to the Select Council Committee on Billboards on the status of compliance with all regulations, monitoring and enforcement of outdoor general advertising signs, as well as equitable taxation relative to such signs, their owner(s) and the owner(s) of the property where the billboard(s) stand(s) as such compliance relates to the intent of these regulations.

a. This report known as The New Orleans Billboard Report and recommendations shall be required (six) months after the first and every subsequent (five) year anniversary of the effective date of this amendment.

b. The New Orleans Billboard Report as provided above

shall recommend changes, if deemed necessary, to the City Code and Comprehensive Zoning Ordinance to correct any problems that may have arisen during the previous time period as established above.

- c. The City Council shall take appropriate action, based upon the recommendations, as may be necessary to maintain effective regulation of the billboard industry in New Orleans.

15. Applications for any variance or waiver of the requirements set forth in this Section regarding outdoor general advertising signs shall be submitted to the City Planning Commission for hearing and action in accordance with the provisions of Article 15, Section 2.6.

- a. The application shall be accompanied by

- (1) site plans,
- (2) black and white photographs of the site and its environs,
- (3) drawings, and
- (4) any other data, either written or graphic, as required by the City Planning Commission and City Council to aid in their decision process.

- b. For the purpose of considering a request for a variance from these regulations the City Planning Commission and City Council shall consider the following criteria:

- (1) The granting of the variance is consistent with the general provisions, intent and design requirements set forth herein.
- (2) Harmony and compatibility with adjacent land uses or views will not be adversely affected.
- (3) Special conditions and circumstances exist which are peculiar to the land, structures, buildings or views and which are not applicable to other land, structures, buildings or views in the same district.

- c. The City Planning Commission, within forty-five (45) days from receipt of a request for a variance or waiver, shall forward its recommendations to the

City Council for a decision.

- d. The City Council shall advertise the request for the variation or waiver and shall allow discussion on the variation or waiver prior to making a decision.
- e. The City Council shall approve or deny the request within 45 (forty-five) days from the date its was received by the City Planning Commission.
- f. Approval or denial can be accomplished by City Council Motion, but failure of the City Council to act within the 45 (forty-five) day period shall be deemed a denial of the variance or waiver request."

SECTION 2. That Article 5, Section 23.5 of Ordinance No. 4264, M.C.S., as amended, the Comprehensive Zoning Law of the City of New Orleans, be and the same is hereby amended and reordained to read as follows:

"ARTICLE 5. SECTION 1 THROUGH 36

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SECTION 23. NU NON-URBAN DISTRICT

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SECTION 23.5 PERMITTED SIGNS

Subject to the general sign regulations of Article 6, and consisting of illuminated or non-illuminated signs as follows:

1. Accessory signs according to the sign regulations for the most restrictive zoning classification within which the applicable use or development would first be permitted shall apply."

SECTION 3. That Article 14, Section 2.3.1 and 2.35.1 of Ordinance No. 4264, M.C.S., as amended, the Comprehensive Zoning Law of the City of New Orleans, be and the same is hereby ordained to read as follows:

"ARTICLE 14. DEFINITIONS

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*

*

SECTION 2. DEFINITIONS

Section 2.3.1 Aesthetically Sensitive Area. Any geographical area, either publicly or privately owned, in the City of New Orleans which contains or displays

11 distinctive, unusual or historic visual elements
12 exemplary of, and/or peculiar to New Orleans. The
13 aesthetics of such an area could be adversely affected if
14 views of it were obscured, obstructed or altered in an
15 adverse manner by the visual elements of a use, activity,
16 building or structure being constructed, placed or
17 positioned near it.

18 Such aesthetically sensitive areas include but are not
19 limited to the following: Churches, Cemeteries,
20 Convents, Schools, Parks, Nature Preserves, Wildlife
21 Refuges, Lakes, Bayous, National and Local Historic
22 Districts or Landmarks, Design Review Districts, Urban
23 Corridor Districts and Design Vistas. Such visual
24 elements which could adversely affect an Aesthetically
25 Sensitive Area include but are not limited to the
26 following:

27 Outdoor General Advertising Signs and their support
28 structures.

29 *

30 *

31 *

32 **Section 2.35.1 Design Vista.** A scenic corridor, vista or
33 scene which follows or extends from any publicly traveled
34 pedestrian or vehicular transportation corridor, either
35 publicly or privately owned, where it is possible to view
36 certain elements or scenes such as buildings, trees,
37 bodies of water and bridges, or groupings thereof that
38 are easily recognizable and generally known as scenic
locations within the City of New Orleans, and have been
so designated and adopted by the City Council of New

39 Orleans and maintained on the official maps of the City
40 by the City Planning Commission."

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS Dec. 23, 1992

Dorothy Mae Taylor
PRESIDENT OF COUNCIL

DELIVERED TO THE MAYOR ON December 23, 1992

APPROVED:

DISAPPROVED: December 28, 1992

Sidney J. Barthelemy
MAYOR

RETURNED BY THE MAYOR ON Dec. 28, 1992 AT 3:00 P.M.

Emma J. Williams
CLERK OF COUNCIL

YEAS: Boissiere, Clarkson, Giarrusso, Jackson, Taylor,
Wilson - 6

NAYS: 0

ABSENT: Singleton (Out of town, Official City Business) - 1

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY

Emma J. Williams

CLERK OF COUNCIL