

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 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 inventory conducted as part of this study is web-based and is stored on the City's GIS database.
- The current zoning ordinance allows digital billboards in any location where billboards are permitted.
- 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.
- 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.A. have not been made since the 1980s.
- 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*, within the zoning ordinance 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 to 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 display types. 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
- Many of the newer digital billboards are oriented toward elevated expressways including state highways and Interstate 10. Many existing billboards were issued permits in the last decade to convert existing displays to LED displays. These permits were issued in the last decade.
- 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 by the courts.
- 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).

- There are 130 existing billboards in a Local Historic District and 149 in a National Historic District. Many of these 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 existing billboards 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.
- Only 7 percent of existing billboards are located within a permitted zoning district, and *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.
- In other cities, there usually is an additional distance requirement 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.
- 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 within a 2:1 to 3:1 range. 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

At its April 23, 2019, meeting, the City Planning Commission will take public comment on the Billboard Study. On this day, the Commission may choose to accept the Billboard Study and forward to the City Council for its consideration. The CPC may also choose to defer action either for the benefit of further public consideration or to ask the staff to analyze some additional aspects of billboard regulations. The CPC can forward the Study to the City Council with or without modifications. The CPC may choose to endorse one of the three options outlined in the Study’s recommendations, or perhaps a hybrid option. The study has no mandated timeline.

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 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 procedures with multiple 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 permitting 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.



Figure 6. Example of a "poster" billboard.



Figure 7. Example of a "bulletin" billboard.



Figure 8. Example of a "super bulletin" billboard.

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 couple 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 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 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 those that were enacted along the federal highways. 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. With the advent of the American Superhighway and the Interstate Highway system in the early 1960s, Lady Bird Johnson's Highway beautification act impacted New Orleans relatively little. It addressed the issues associated with billboards along federally funded roadways.

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

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

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 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 (CPC) to conduct a study of the outdoor general advertising signs issue and to recommend appropriate solutions. 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 CPC'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. They 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 the benefit of the general welfare and public safety. Members of the City Council were in favor of an outright ban on billboards, and Senior 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 After

⁸ Ordinance 11,611 M.C.S.

⁹ Outdoor General Advertising Signs Study Executive Summary

¹⁰ Ordinance No. 18,296 M.C.S.

that, new signs were erected only rarely. Additionally, design vistas were excluded from the trade system, with the intention that no new billboards ever be erected within those boundaries. Despite this, interpretation and implementation by the Department of Safety and Permits allowed for several variances to be granted between the late 1990s and the early 2000s.

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.

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 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 on 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

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 stricter 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 outlined 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 indicates all of the prohibited locations pursuant to *Section 24.14.B.2* of the CZO.




Parcels

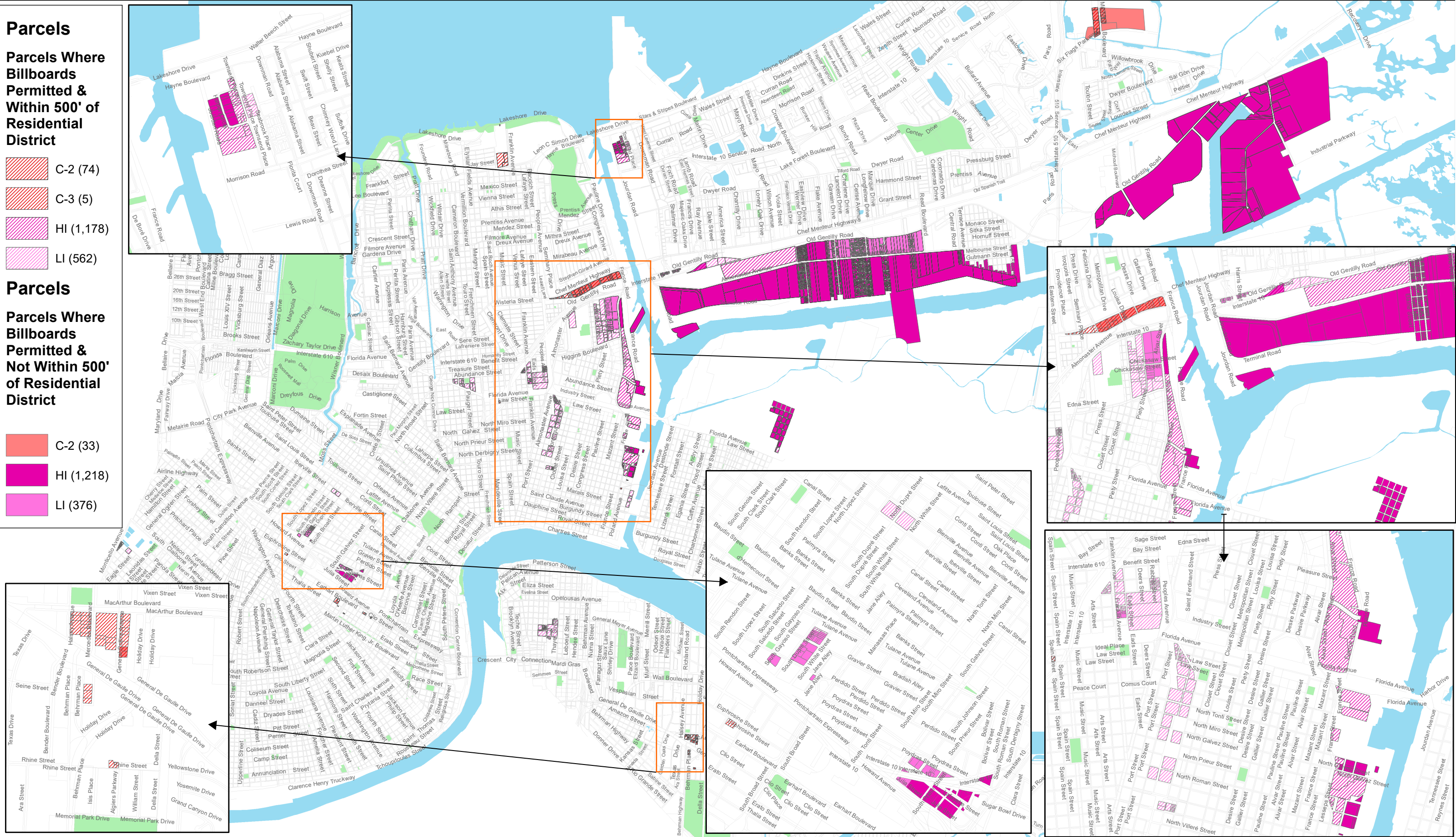
Parcels Where Billboards Permitted & Within 500' of Residential District

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

Parcels

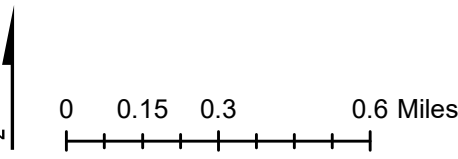
Parcels Where Billboards Permitted & Not Within 500' of Residential District

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




Map 1. Parcels Where Billboards Are Permitted

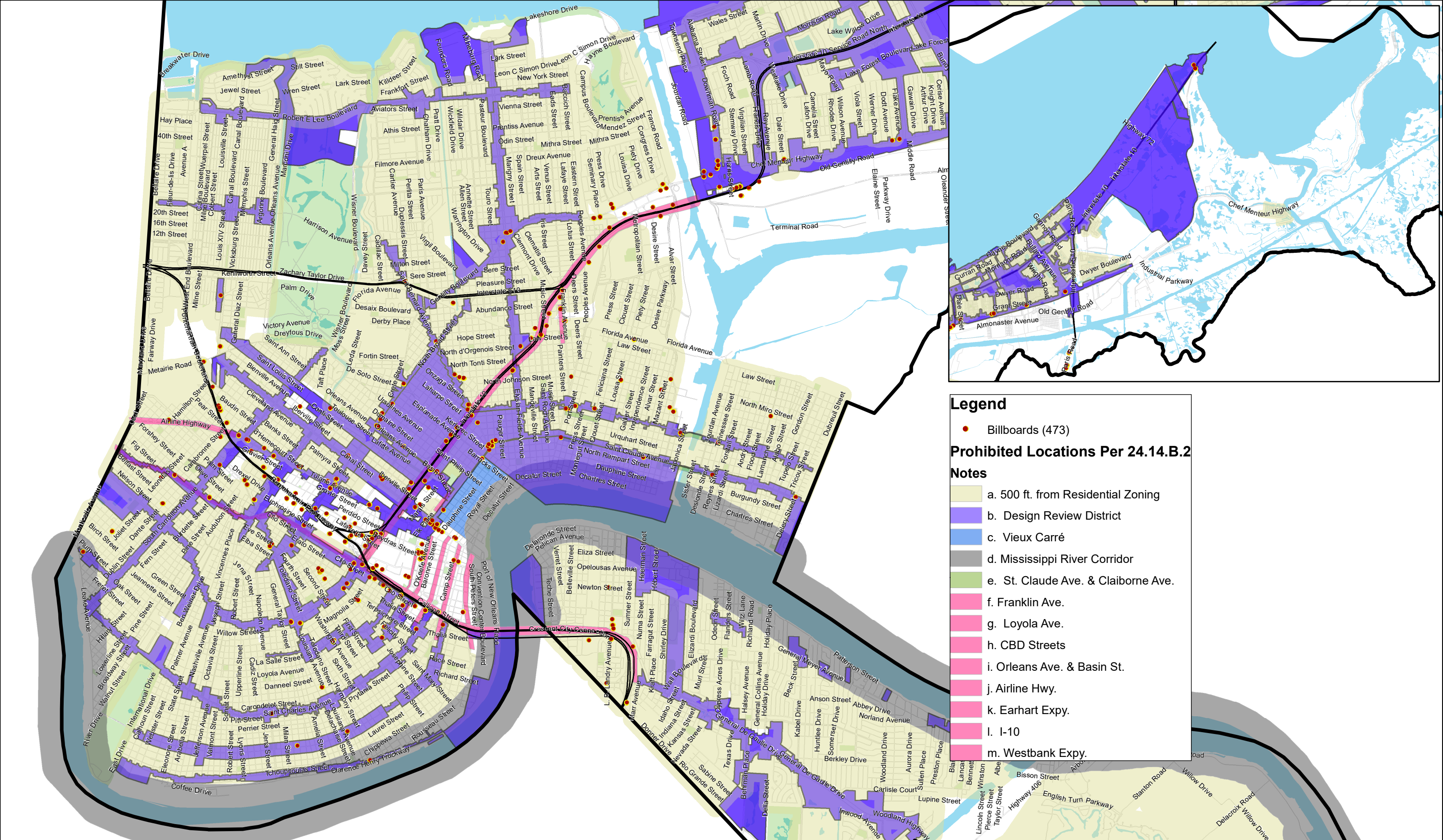
DISCLAIMER: This map was created by The City of New Orleans; City Planning Commission from The City of New Orleans Enterprise Geodatabase and was compiled from the most authentic information available. This product is for informational purposes and may not have been prepared for, or be suitable for legal,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



0 0.15 0.3 0.6 Miles



City Planning Commission
City of New Orleans



Legend

- Billboards (473)

Prohibited Locations Per 24.14.B.2

Notes

- a. 500 ft. from Residential Zoning
- b. Design Review District
- c. Vieux Carré
- d. Mississippi River Corridor
- e. St. Claude Ave. & Claiborne Ave.
- f. Franklin Ave.
- g. Loyola Ave.
- h. CBD Streets
- i. Orleans Ave. & Basin St.
- j. Airline Hwy.
- k. Earhart Expy.
- l. I-10
- m. Westbank Expy.

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 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

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. The presence of geographical restrictions within these two documents makes an undue burden 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. In addition to the above noted restrictions, the City Code also prohibits billboards on specific streets 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*

Section 134-166 of the City code also restricts billboards from being attached to fences, houses or awning posts. In addition to the prohibition of billboards as noted above, billboards are also prohibited from being located within 200 feet of any grade separation. Chapter 134 Article V of the City Code also further restricts billboards from being located within 660 feet of the nearest edge of the right-of-way from the main-traveled way of the interstate or primary highways. In addition to billboards proximity to the right-of-way, Article 5 of the City Code also outlines the spacing requirement for billboards. The spacing requirements are listed below.

- *No two structures allowed under subsection (a)(4) of this section 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 allowed under subsection (a)(4) of this section 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 required in subsections (c)(1) and (c)(2) of this section 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 section of Safety and Permits. 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 as long as the billboard remains installed.

The 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), *Naegle 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 non-conforming 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” billboards have proposed 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 having a small billboard inventory to relinquish.

Spacing Requirements

Some billboard company representatives promoted relaxing regulations, by reducing the one thousand (1,000) feet distance requirement between billboards on the same side of the street (CZO Section 24.14.C.3) as well as a 1,000 feet distance requirement between electronic billboards along either side of the same street (CZO Section 24.14.C.5.b). The billboard company representative suggested to instead use a five hundred (500) feet distance requirement, similar to State regulations for state routes.

Prohibited Locations

In addition to spacing requirements, there are prohibited locations enumerated in Section 24.14.B.2 that include certain road segments, design review corridors identified in CZO Article 18, and within five hundred (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 twenty-five (25) feet above the roadbed toward where the advertising is directed (CZO 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. 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

⁴⁷ Zoning Docket # 11/19

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.

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

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

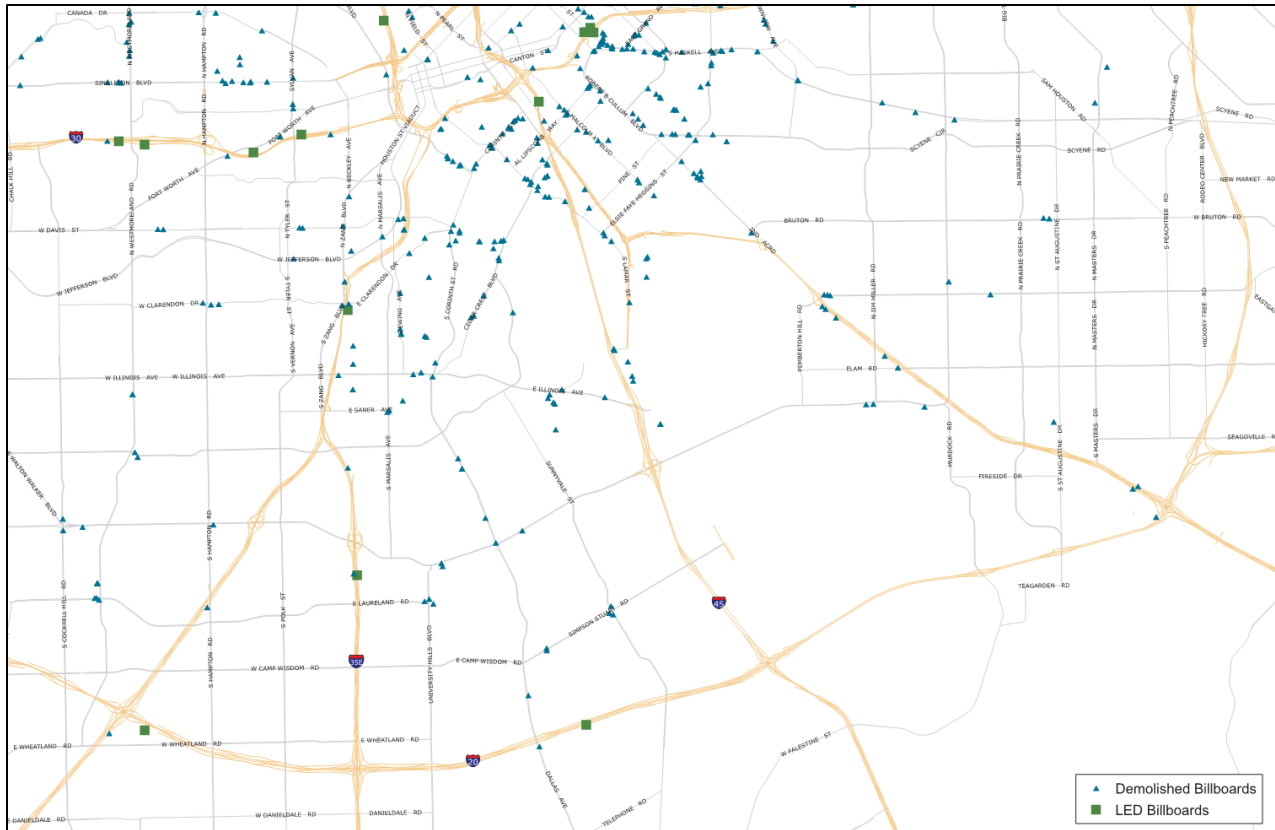


Figure 13. Locations of some of the demolished and converted digital billboards in Dallas, TX after the 2011 amendment to Dallas’s sign ordinance. (Image Source: [Dallas Morning News](#))

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.

⁶³Digital 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.

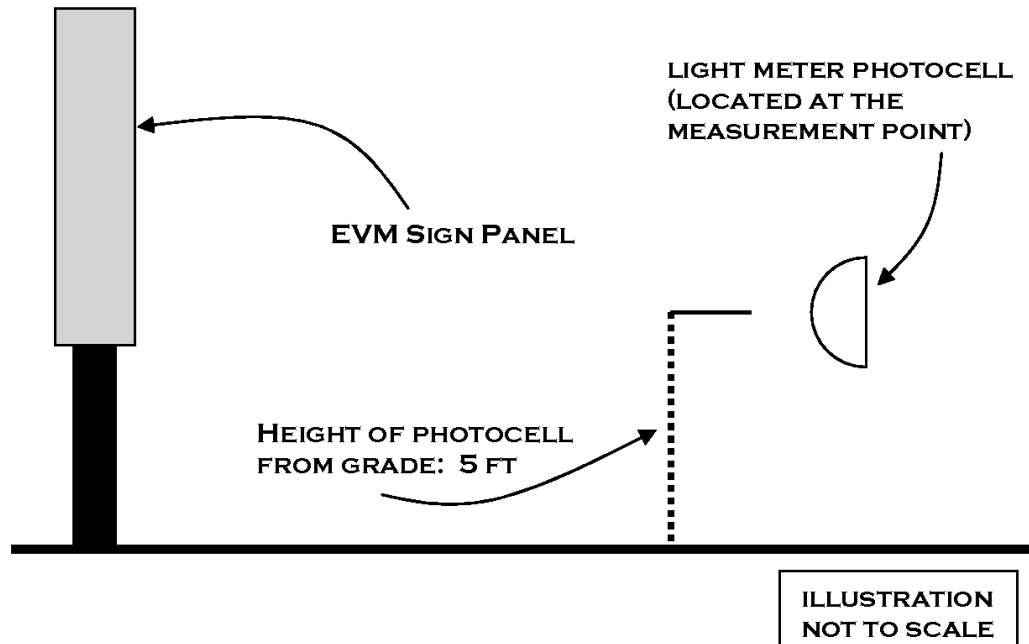


Figure 14. Example of illuminance measurement procedure (Jefferson Parish Figure 40.681.1)

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 static⁷⁶ 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-18-08845Cl.

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 Musee 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.	-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	-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	-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	-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.	-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	-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 as well as maintain and updating the “New Orleans Billboard Report,” as is required by the CZO.

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 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

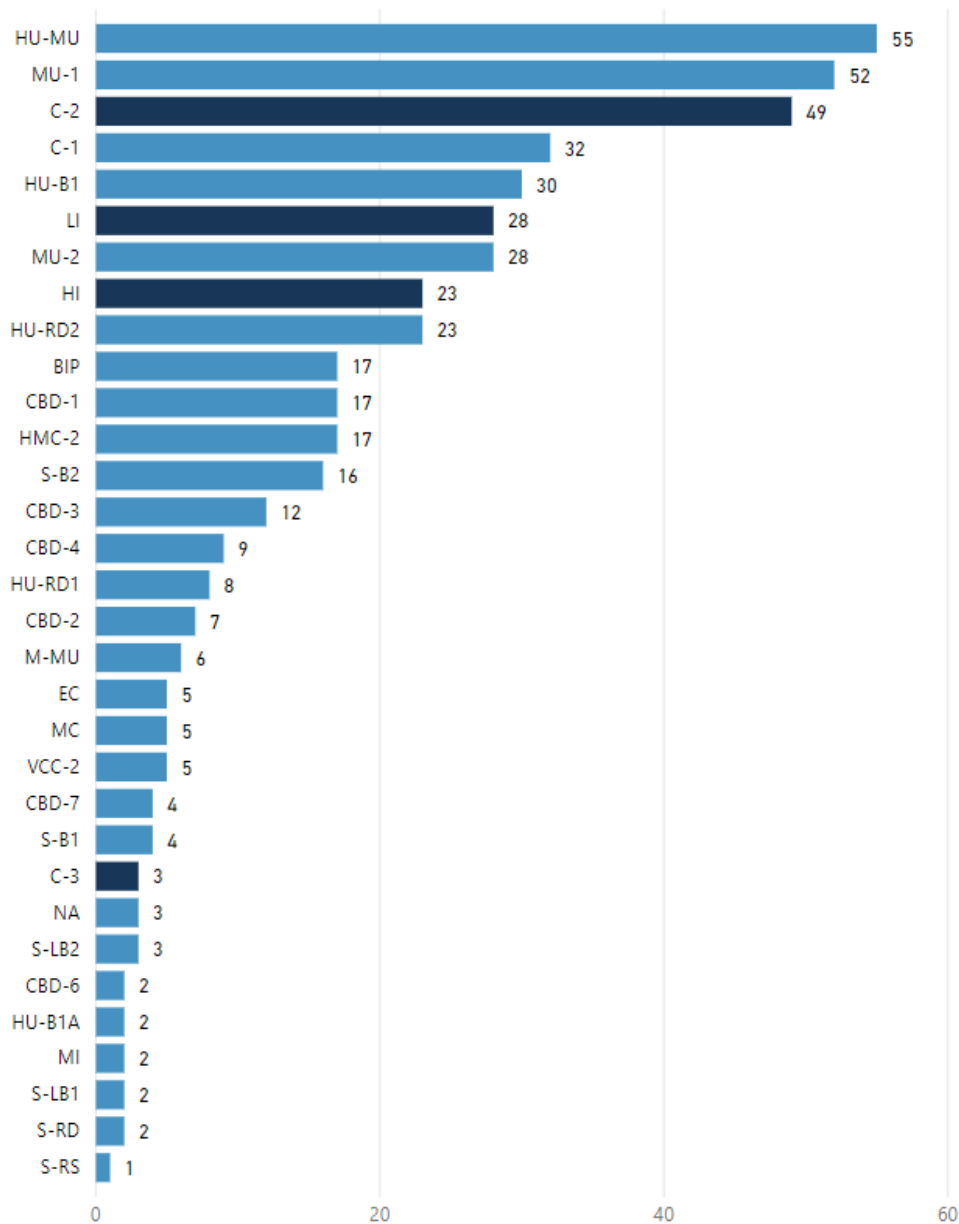
¹⁰¹ The inventory total includes all identified billboards assessed by City Planning Commission staff. The staff did not assess or seek a determination, from the Department of Safety and Permits, of the legal status of any non-conforming billboard. Therefore, nothing presented herein should be interpreted 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.

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)

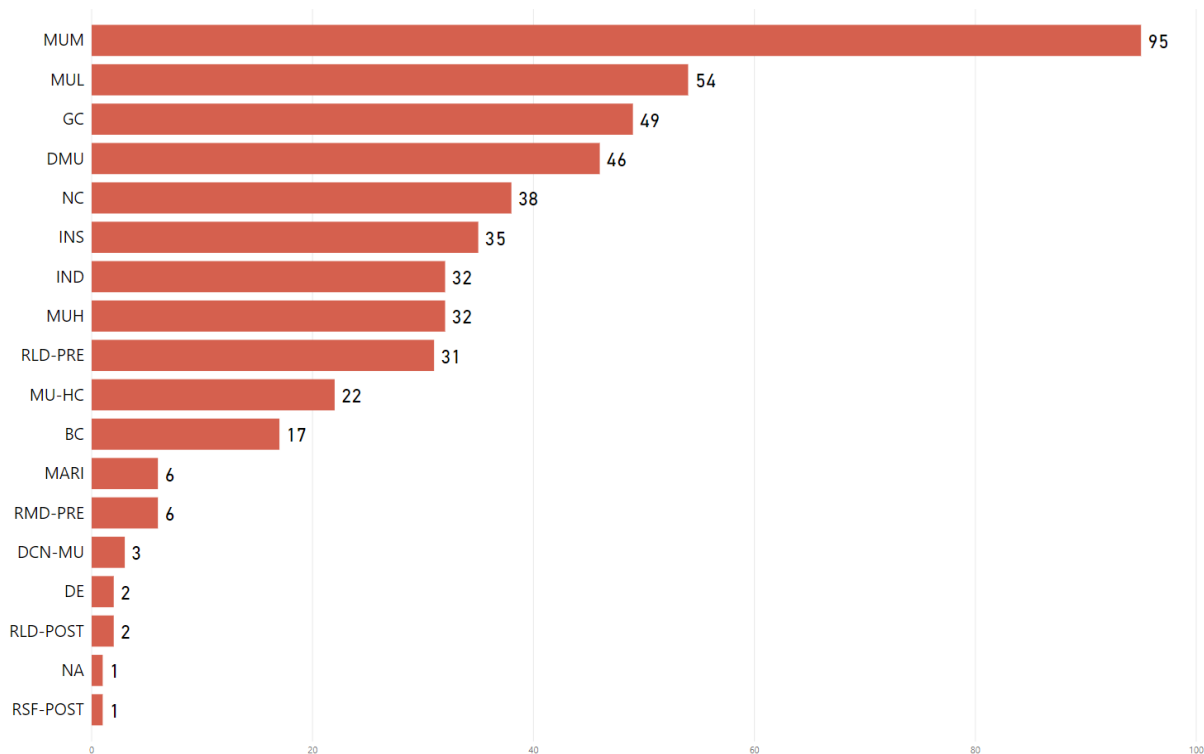


Total Number of Billboards per Future Land Use Map (FLUM) Category

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



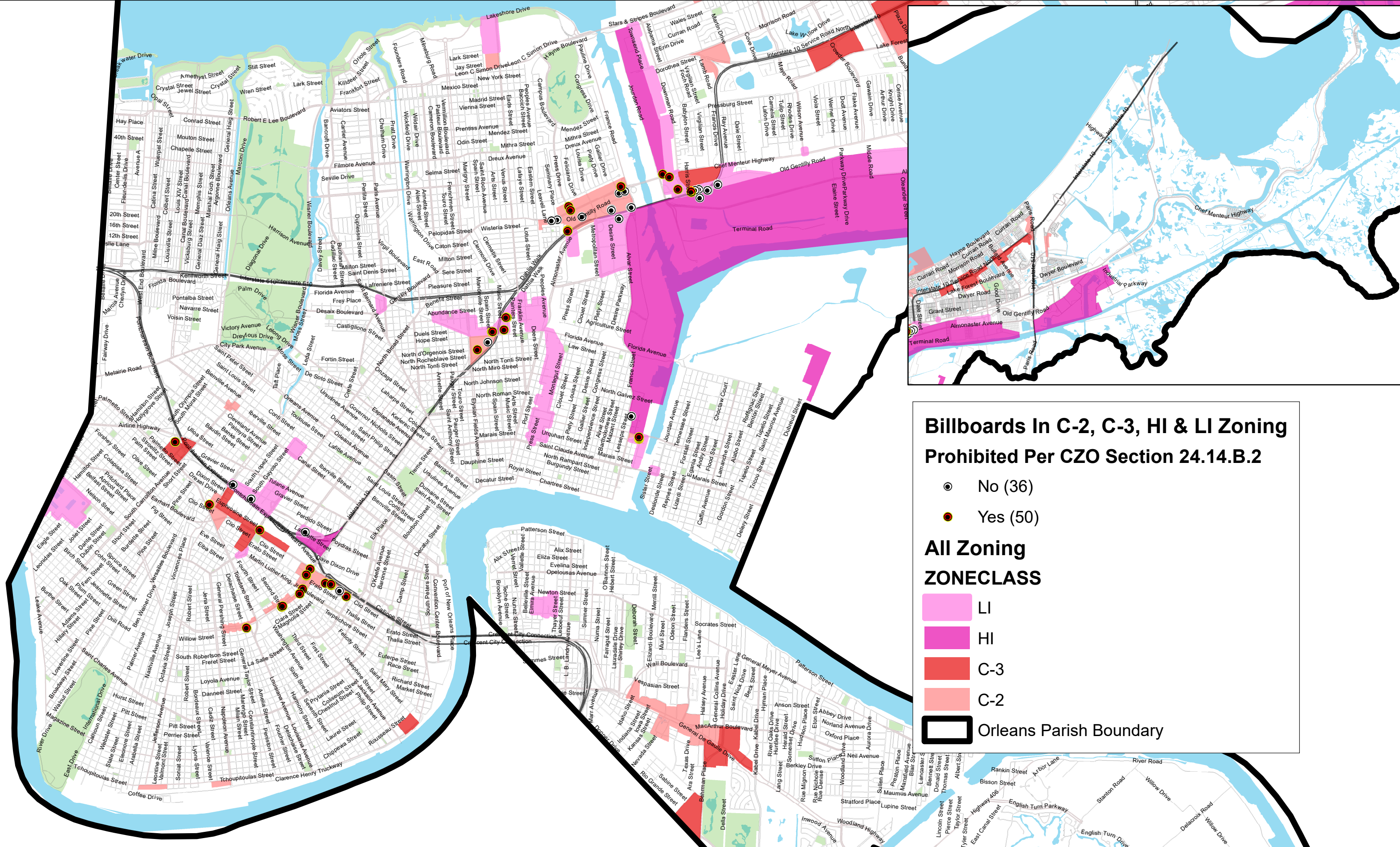
There are also a number of billboards within the GC General Commercial and IND Industrial FLUM designated areas, which are generally within industrial or commercial zoning districts (including the

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

0 0.5 1 2 Miles

City Planning Commission
City of New Orleans

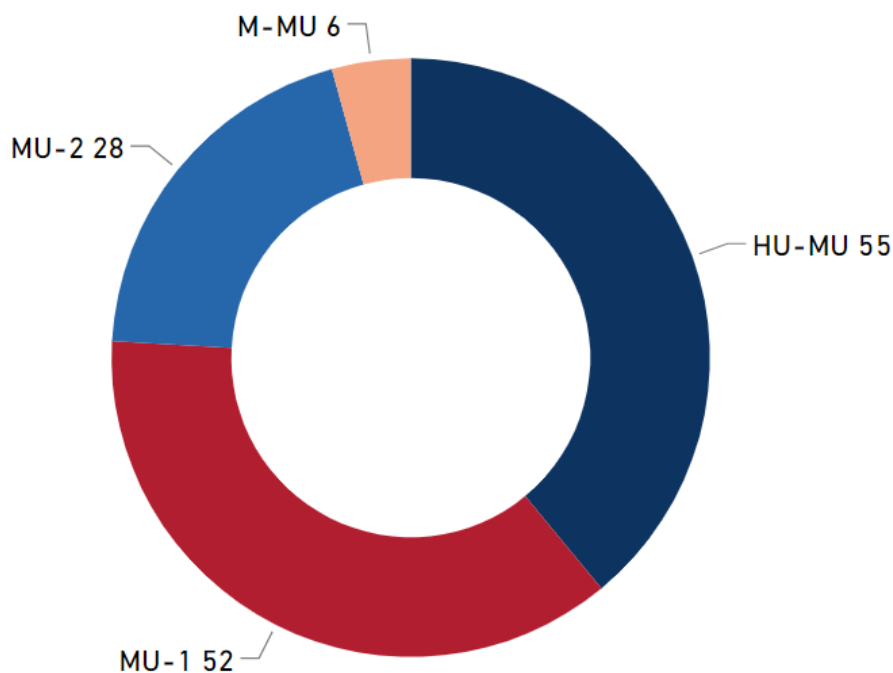
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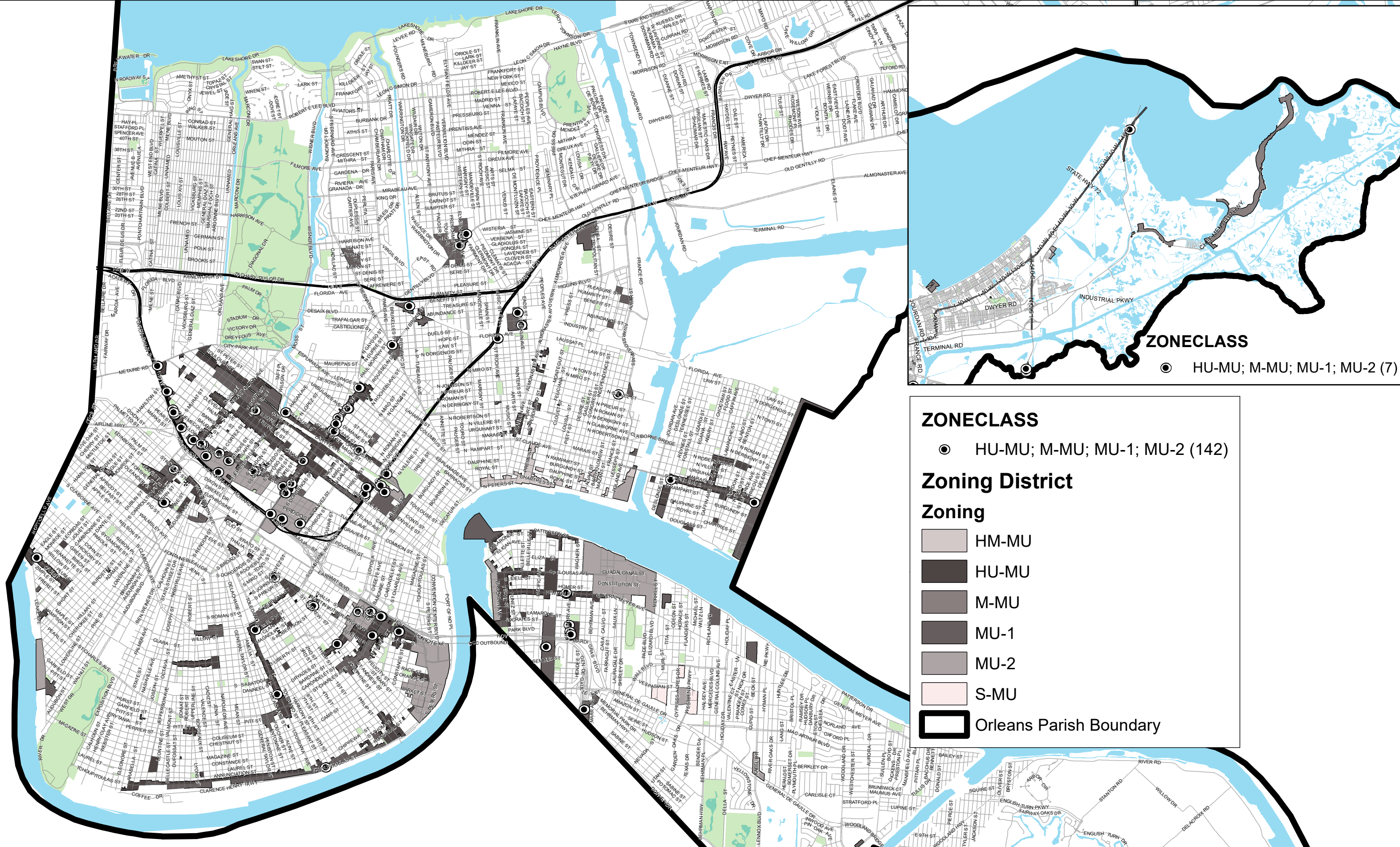
Billboards in Mixed-Use Districts

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 these 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





ZONECLASS

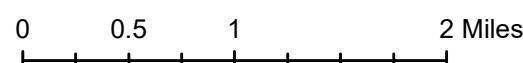
● HU-MU; M-MU; MU-1; MU-2 (142)

Zoning District

Zoning

- HM-MU
- HU-MU
- M-MU
- MU-1
- MU-2
- S-MU
- Orleans Parish Boundary

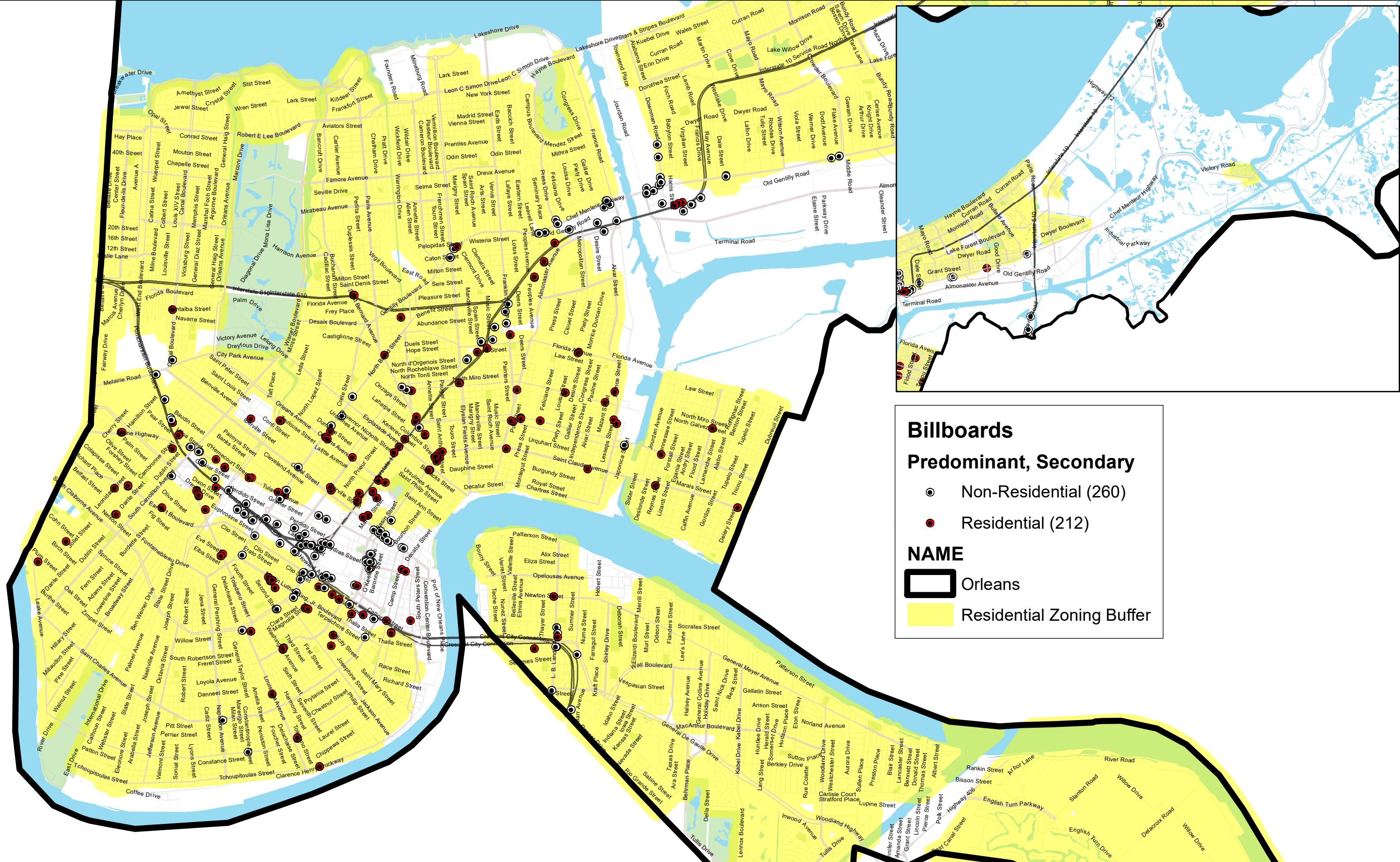
4. Billboards in Mixed Use Districts



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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.



Billboards

Predominant, Secondary

- Non-Residential (260)
- Residential (212)

NAME

- Orleans
- Residential Zoning Buffer

Map 5. Billboards Near Residential Land Uses

0 0.5 1 2 Miles

City Planning Commission
City of New Orleans

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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 281 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.



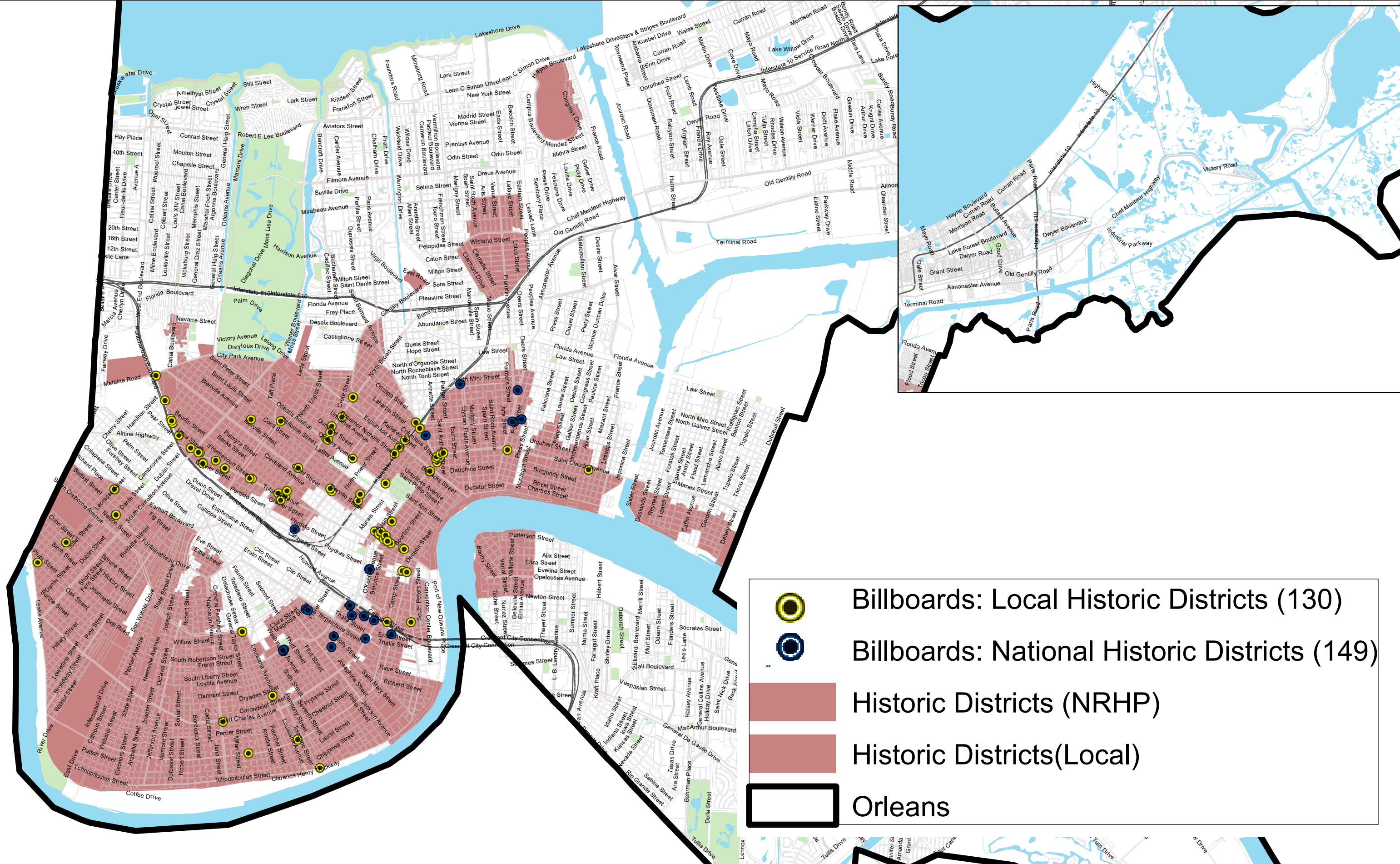
Figure 24. Stacked billboards in Garden District



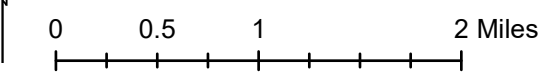
Figure 25. Stacked billboards in Historic Marigny District



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



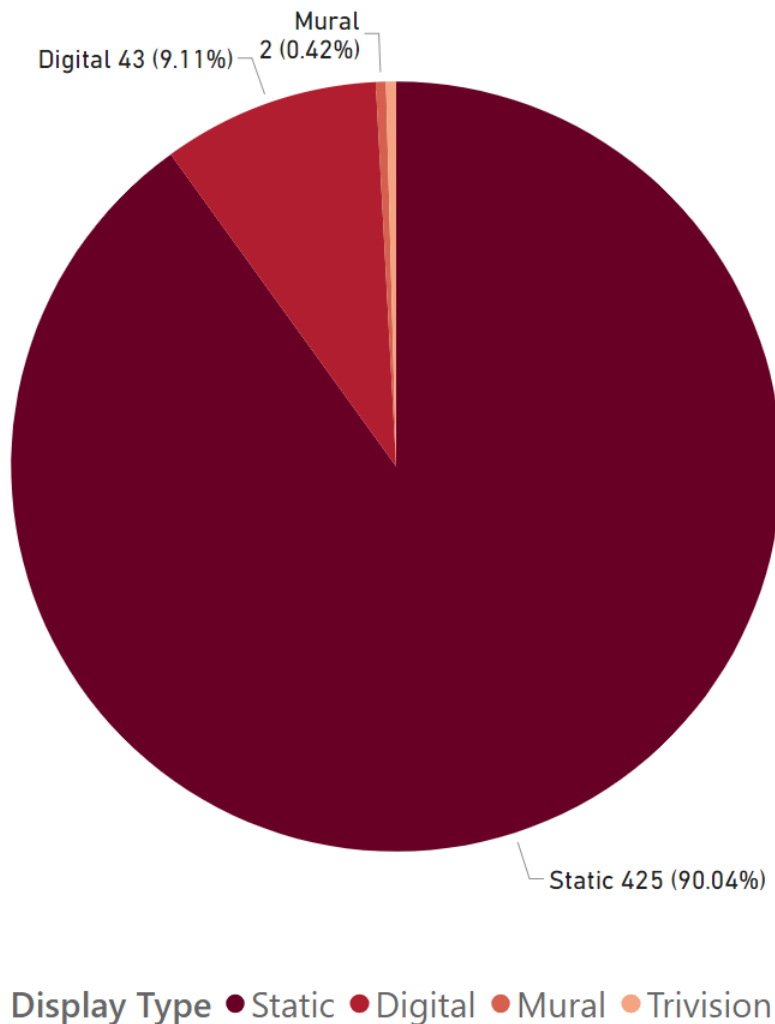
Map 6. Billboards Within Local and National Historic Districts

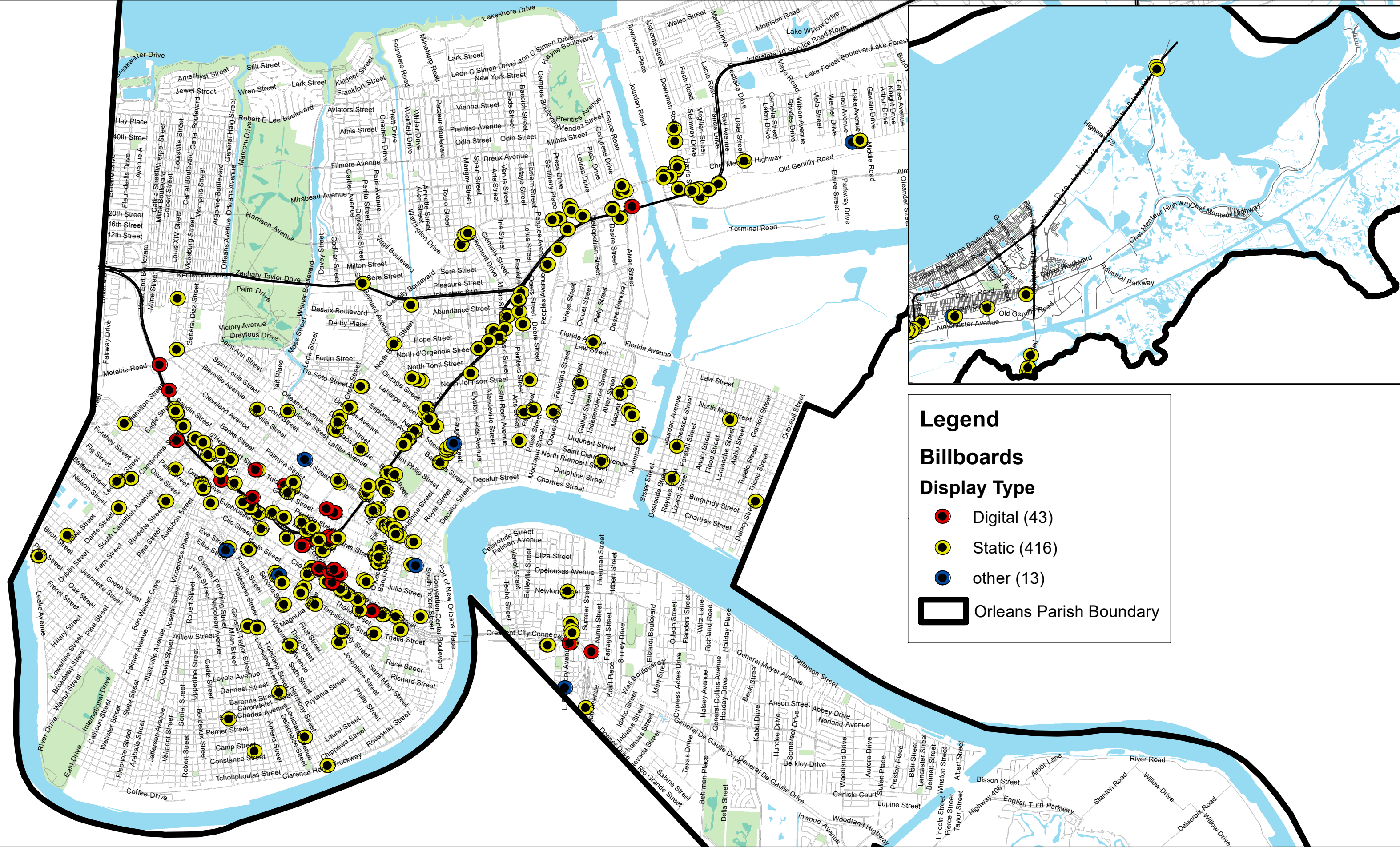


Billboards by Display Type

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.



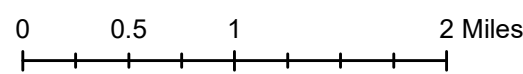


Legend

Billboards

Display Type

- Digital (43)
- Static (416)
- other (13)
- Orleans Parish Boundary



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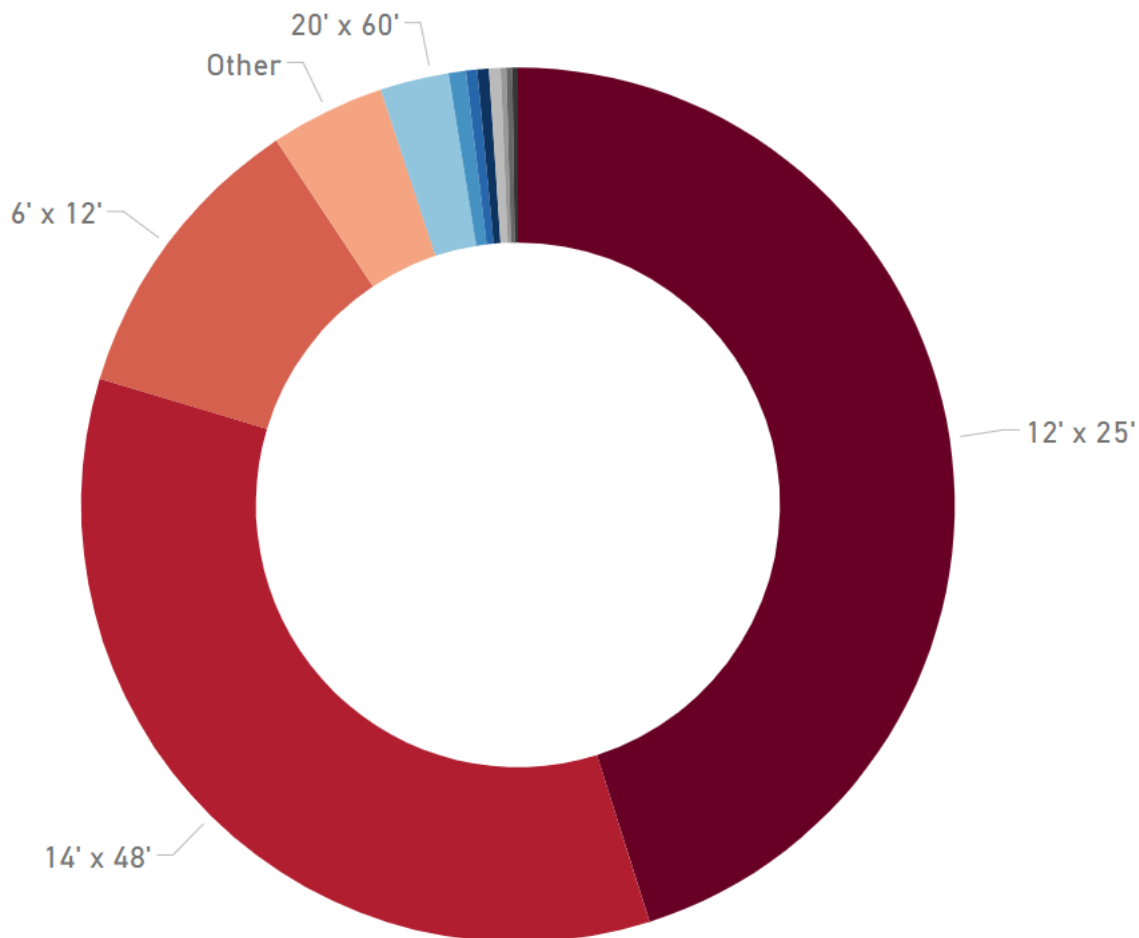
Map 7. Billboards by Display Type

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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



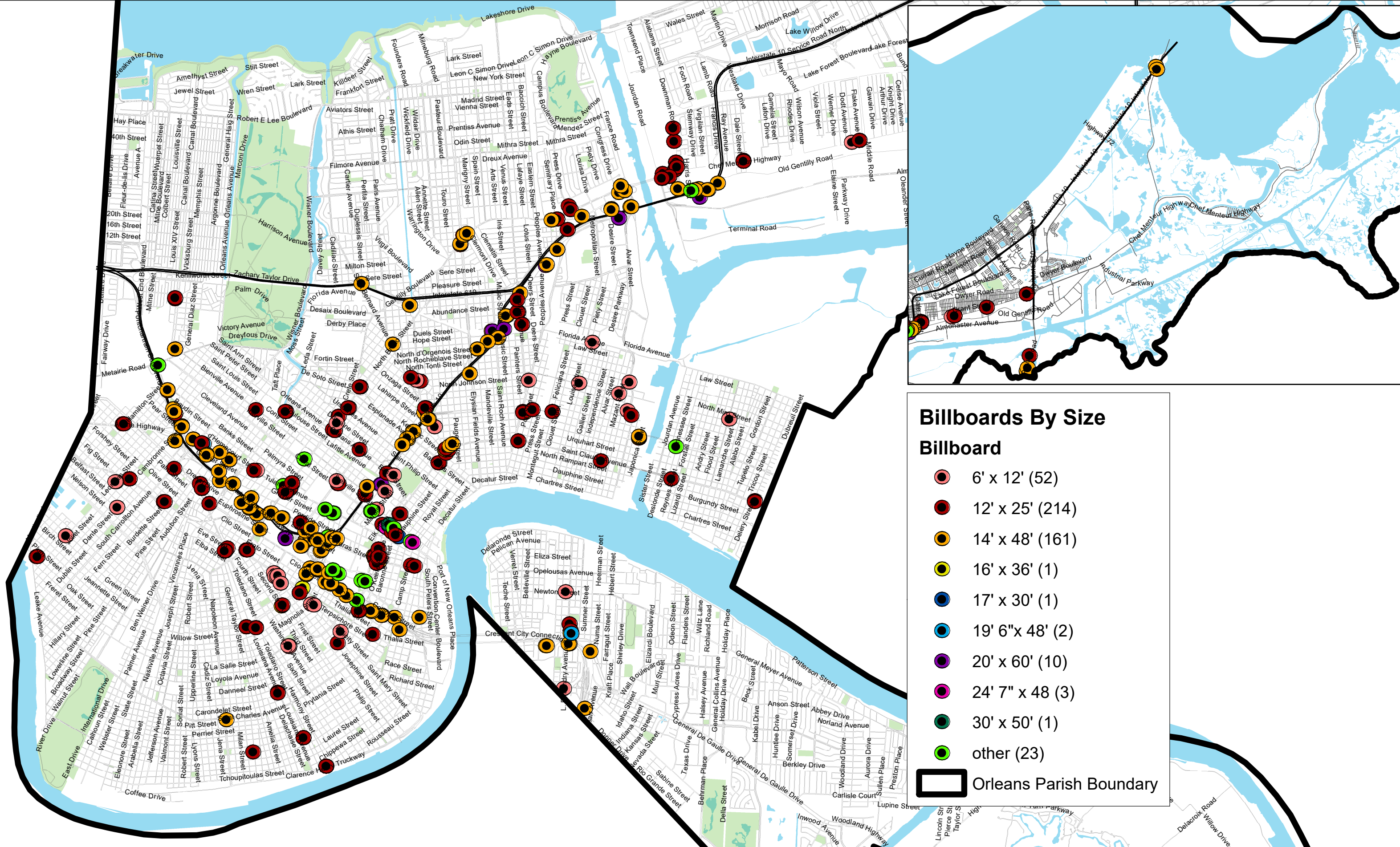
In looking at the dispersion of the different size billboards, as shown in Map 8, it appears that a large number of poster-sized billboards (measuring 12 feet by 25 feet) are located in mixed-use districts. There are 33 in the HU-MU District, 29 in the MU-1 District, and 11 in the MU-2 Districts. When 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
<i># in a Permitted Zoning District</i>		<i># in a Permitted Zoning District</i>		<i># in a Permitted Zoning District</i>	
1		25		66	

*Highlighted fields indicate zoning districts where billboards are permitted.

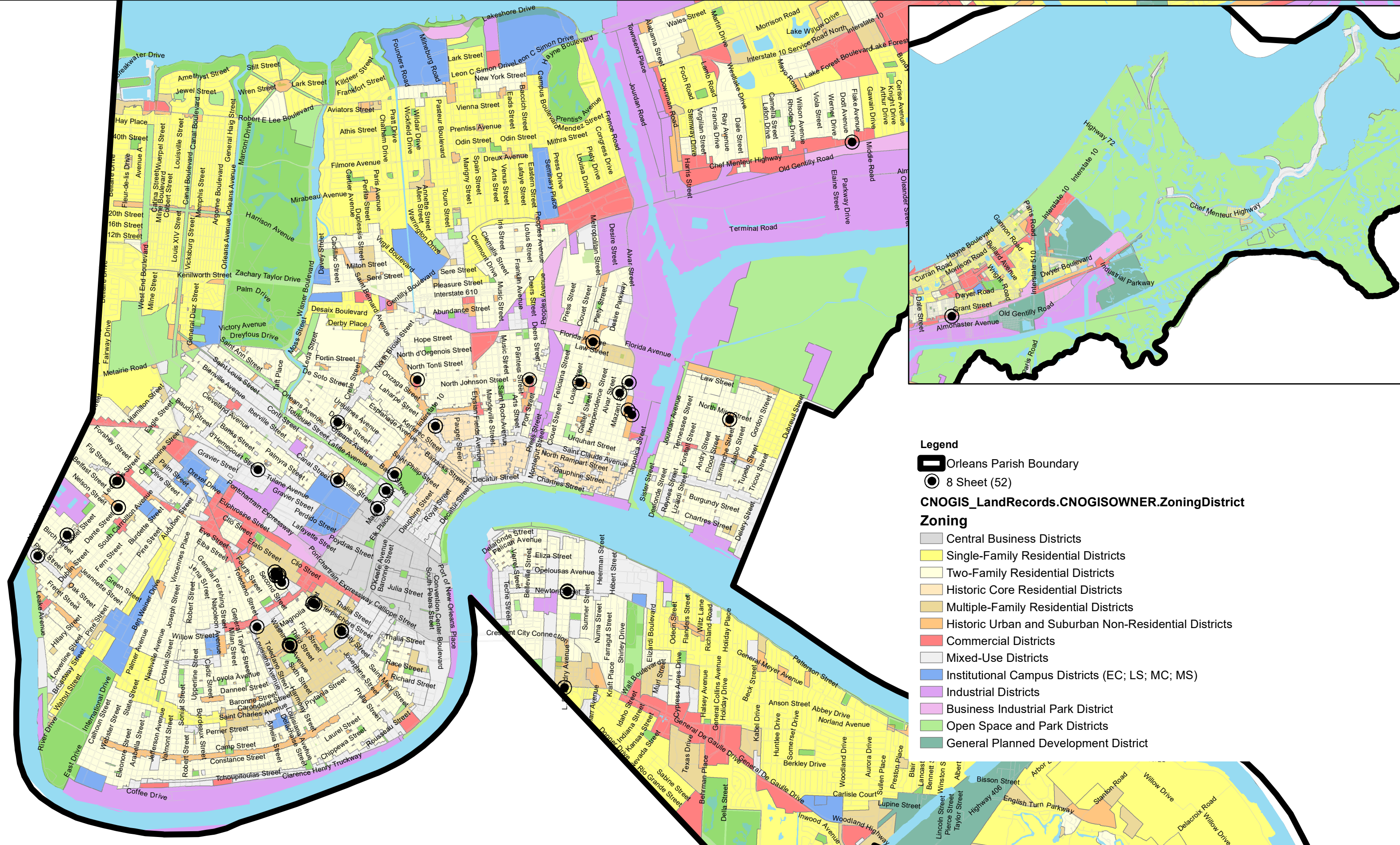


Map 8. Billboards by Size

0 0.5 1 2 Miles

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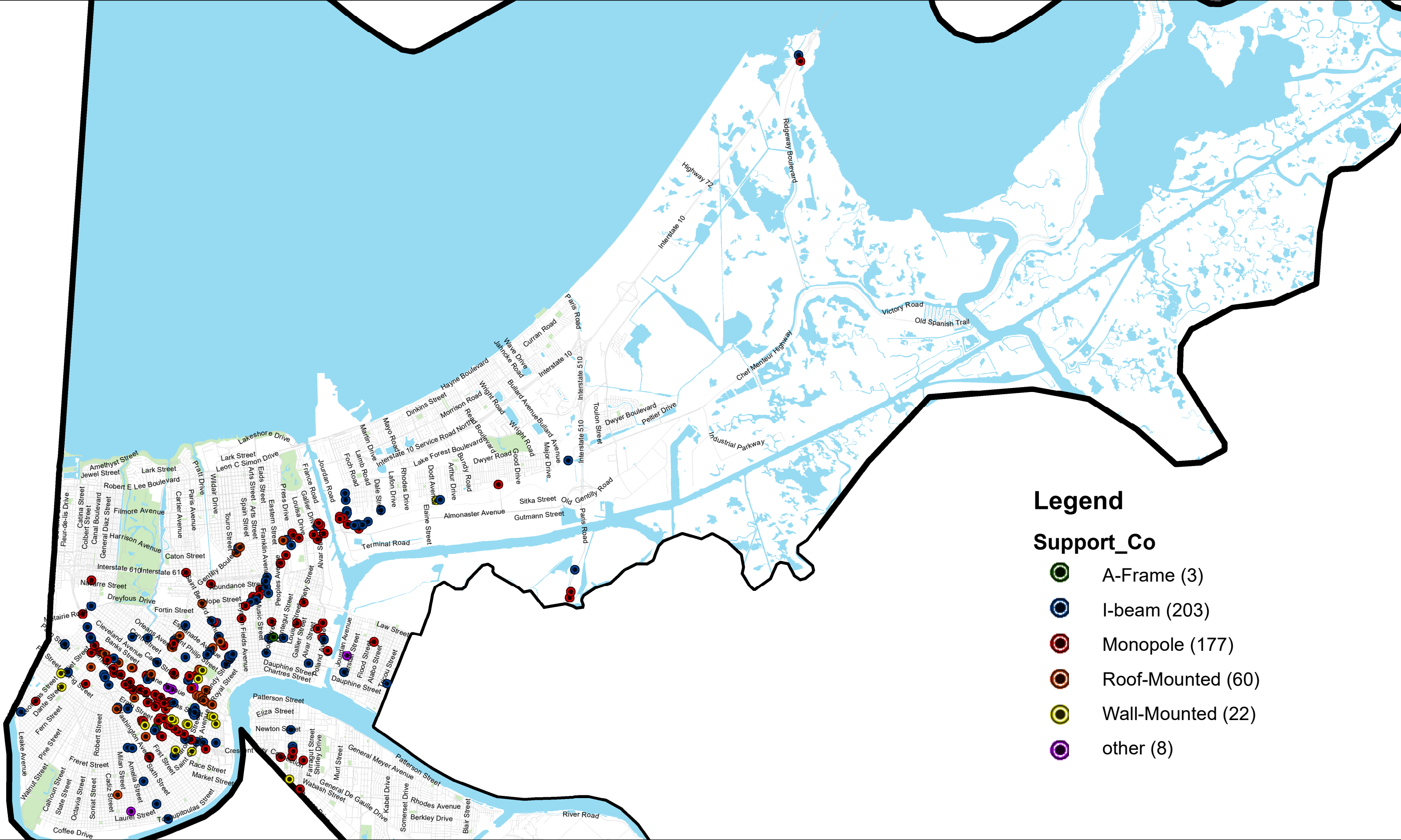
Map 9. Billboard "8 Sheet" Locations

0 0.5 1 2 Miles

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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 billboard 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.



Map 10. Billboards by Mount Type

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0 1 2 4 Miles



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Roof-Mounted Billboards

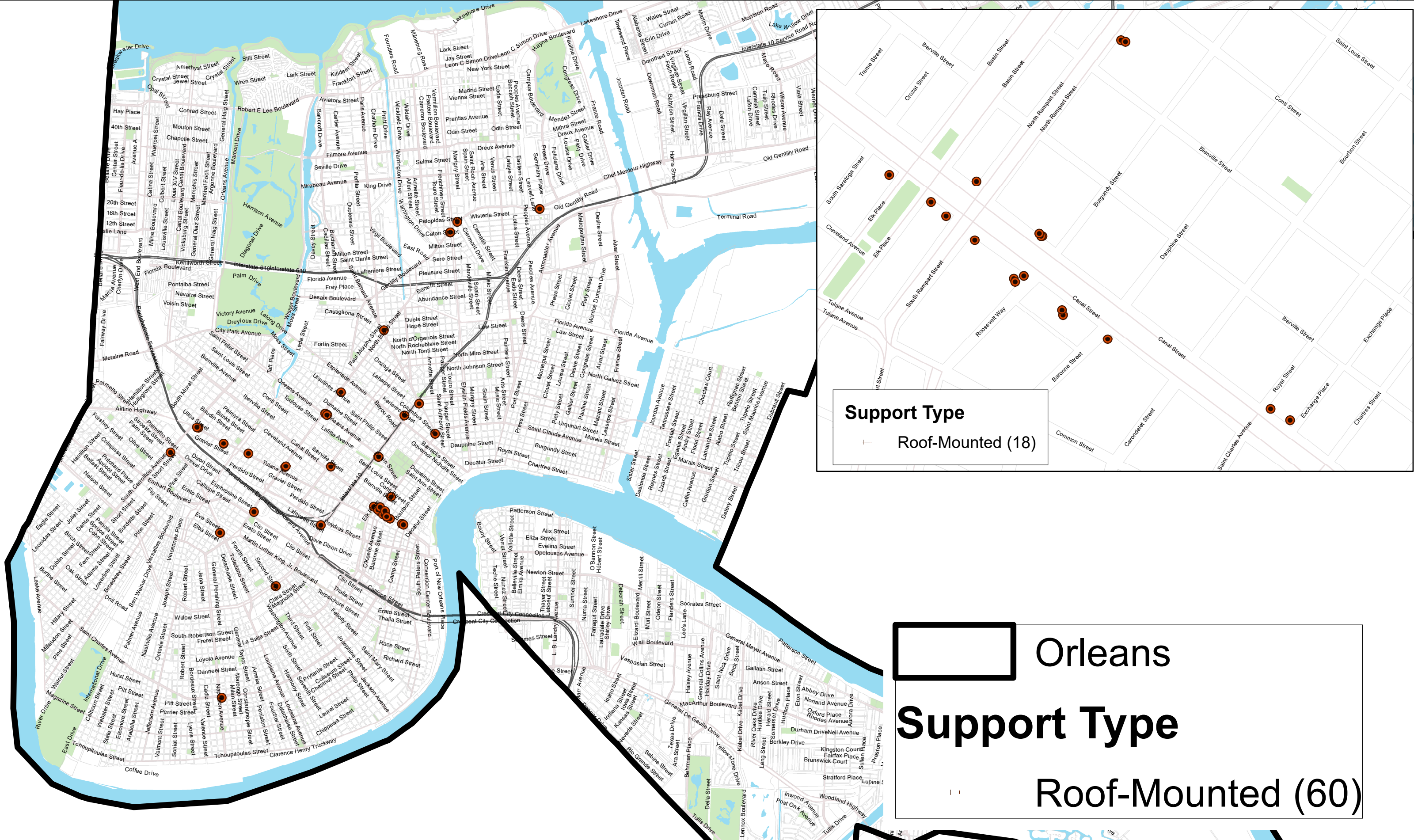
There are 60 existing billboards which are mounted on top of buildings. As mentioned previously in this analysis, the mounted support structures are typically constructed of bulky steel girders in an A-frame design to support the billboard panels. The introduction of the more modern monopole billboard 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.



Map 11. Roof-Mounted Billboard Locations

0 0.5 1 2 Miles

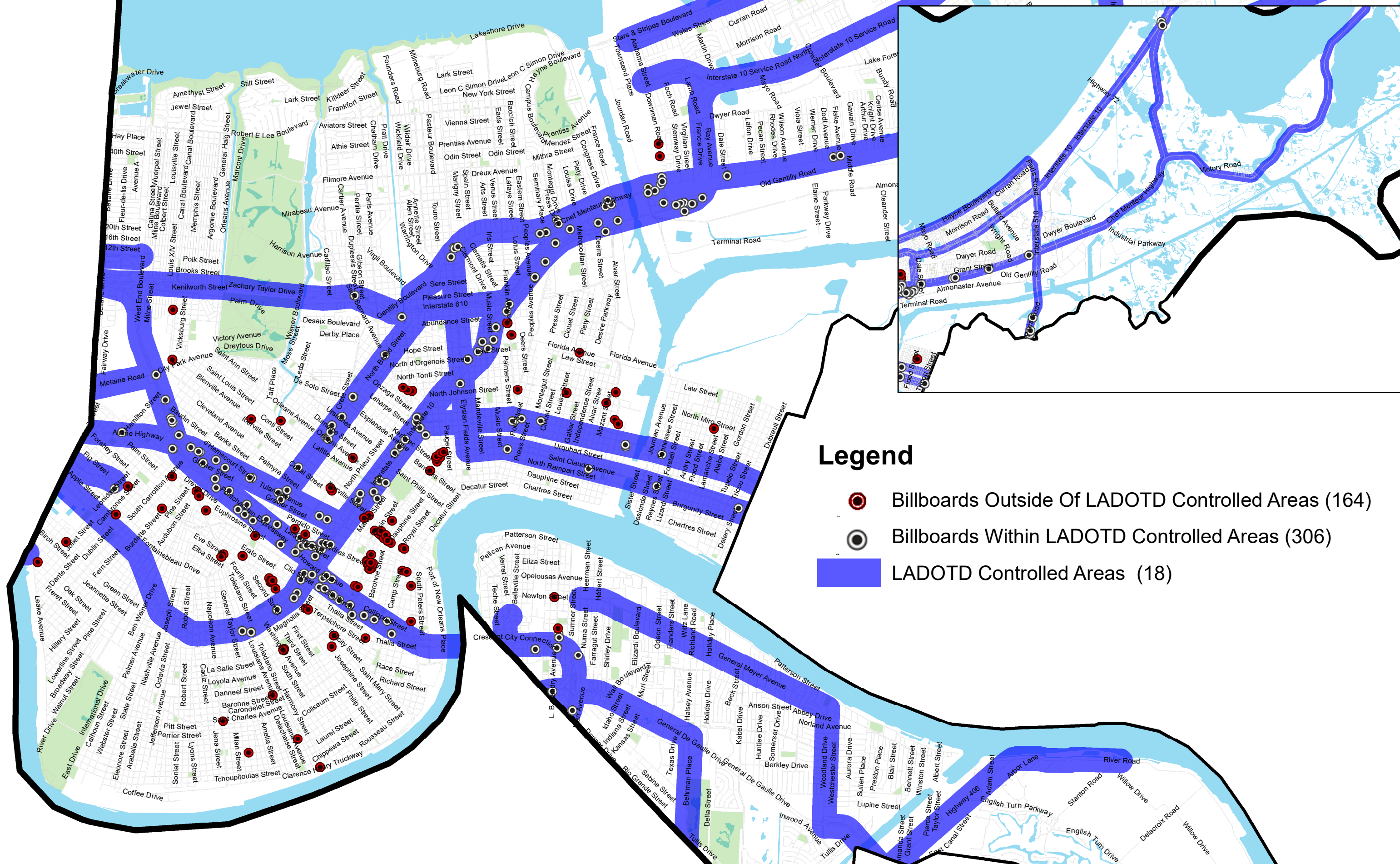


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Billboards within boundaries of Federal Aid Roads

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.



Legend

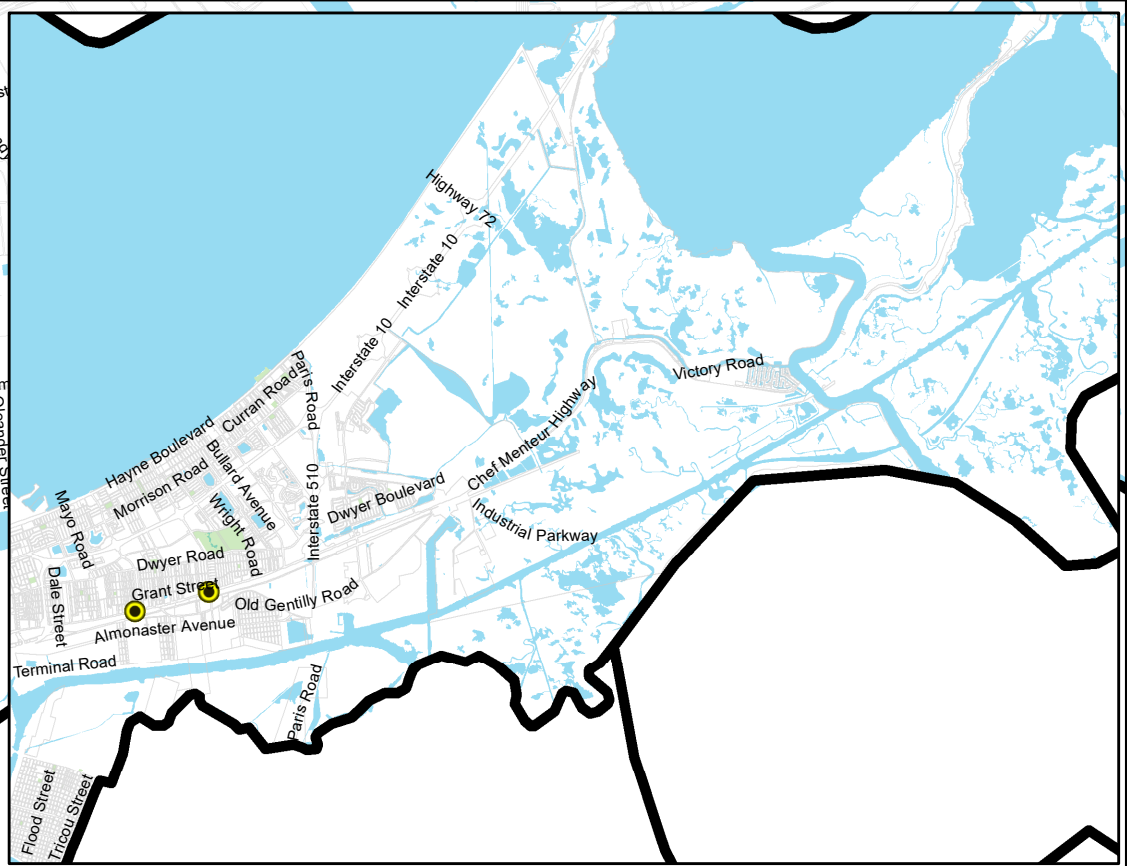
- Billboards Outside Of LADOTD Controlled Areas (164)
- Billboards Within LADOTD Controlled Areas (306)
- LADOTD Controlled Areas (18)

Map 12. Billboards Within LADOTD Controlled Areas

Billboards on City-Owned Property

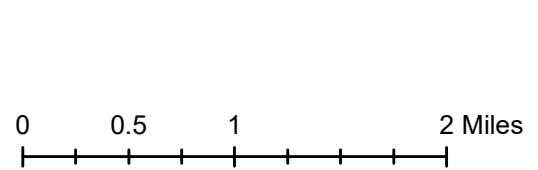
The City of New Orleans currently maintains leases with four different billboard operators and has an inventory of 29 billboards on City-owned properties.¹⁰⁴ Map 13 shows the locations of these billboards and their respective operators. Eight of these billboards include digital displays and the remaining 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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Map 13. City Owned Billboard Locations by Operator

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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

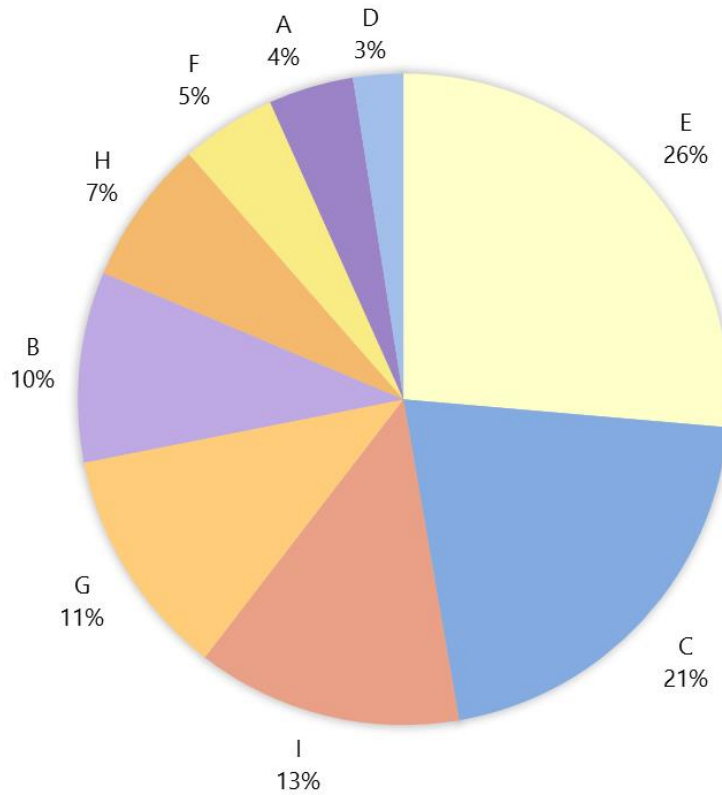
The largest proportion of billboards (roughly 25 percent and a total of 106 billboards) were found to be within the "E" category where in 2016-2027 the median sales price was \$131,708, the share of vacant land was 10.6 percent, and where the share of homeowners was 26.8 percent. The next largest proportion 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.

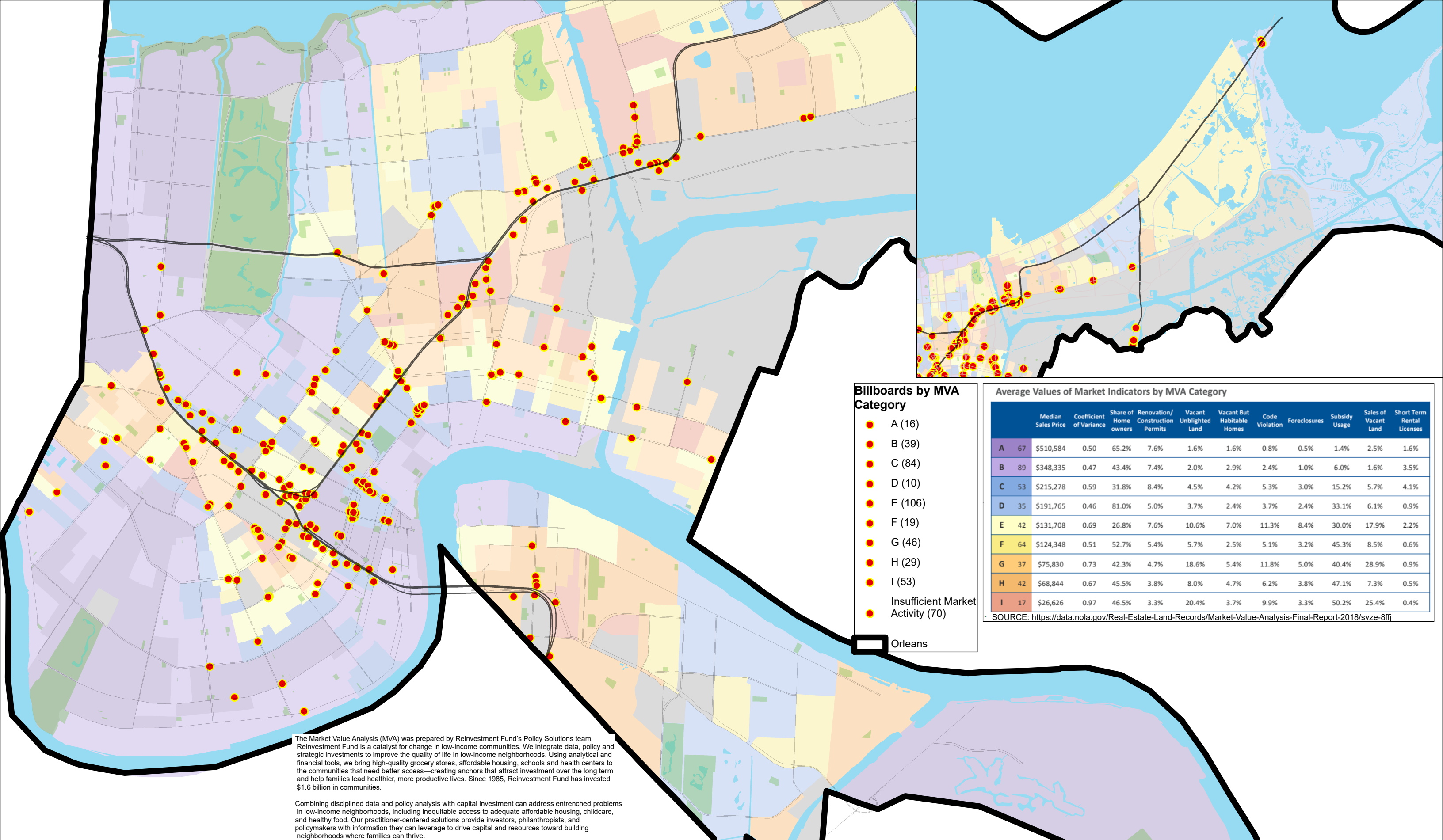
Percentage of Billboards per MVA Category

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>

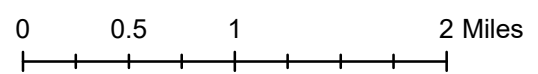
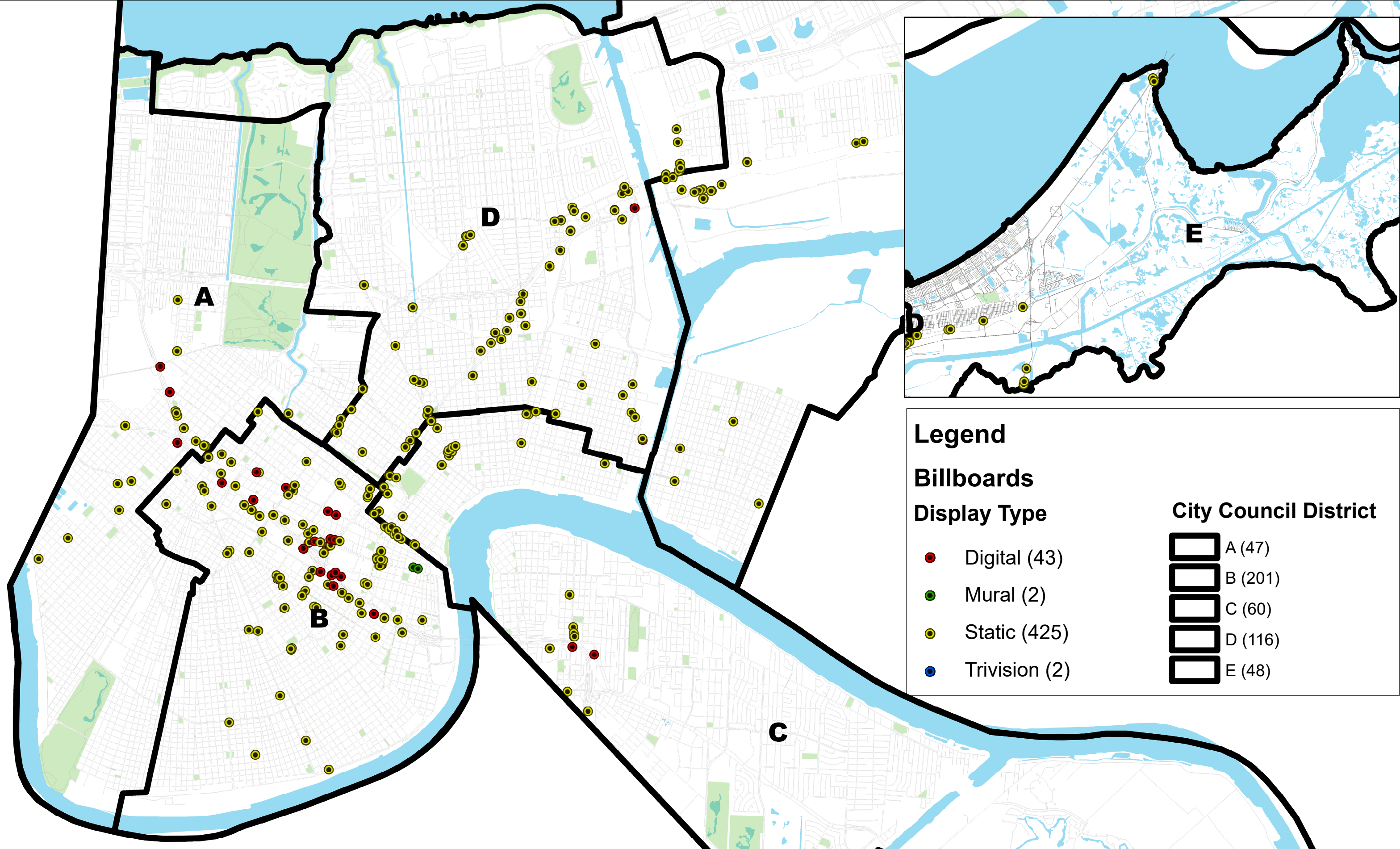
The Market Value Analysis (MVA) was prepared by Reinvestment Fund's Policy Solutions team. Reinvestment Fund is a catalyst for change in low-income communities. We integrate data, policy and strategic investments to improve the quality of life in low-income neighborhoods. Using analytical and financial 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.

Map 14. Billboard Locations by MVA Category

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 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.

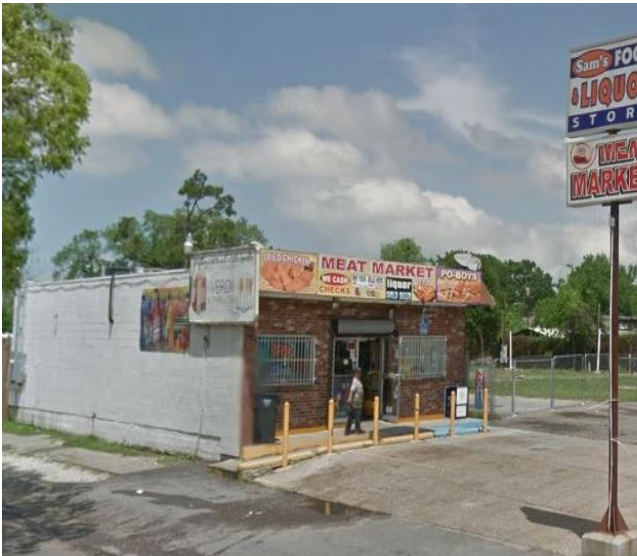


Figure 34. 2015 Google Streetview image showing wall-mounted 8-sheet billboards on the side.



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, ENORC Eastern New Orleans Renaissance Corridor Use Restriction Overlay District and the CT Corridor Transformation Design Overlay District in the Plum Orchard neighborhood. Properties that do not undergo substantial renovations are not required to be brought into compliance with grandfathered conditions. This illustrates how as new construction meets the current standards, there is a gradual move toward walkable, less auto-centric development. The orderly regulation of signage results in a more attractive business and economic climate, minimizes visual clutter, and eases wayfinding.

Signage in Historic Districts

Figures 36 and 37 on the opposite page 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 that detracts 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 to 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 that was replaced in 2015, the definition of a mural included up to 20% commercial text. Up to 10 murals were allowed, 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

During our review of the procedures for obtaining permits, there were many issues 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. It is with additional training and supervision that the releasing of permits in error can possibly be diminished. Historically, billboard applications were reviewed as an “over the counter” permit and given a cursory 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 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 is inconsistent. 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.

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

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" 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. Anecdotally, the staff found that the Department of Safety and Permits does not often verify a billboard's site.

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

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*

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 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 appropriate 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

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

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

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."

Part 7. Recommendations

Policy Recommendations

In developing the following policy recommendations, three numbered options are laid out from more restrictive to more permissive in terms of billboard control. Depending on the 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. 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 reduce the overall number of nonconforming billboards. The recommendations not labeled as an option can be followed regardless of which option 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.

Option 1: Maintain Existing Restrictions on Billboards

Changes to the billboard regulations have been discussed since before the adoption of the new CZO in 2015. The conversation continued in early 2018, when the City Council proposed a text amendment that would allow certain existing billboards to digitize in exchange for the removal of other existing billboards. The text amendment was subsequently withdrawn to allow for a more comprehensive study of the billboard regulations. Based on CPC's analysis of the current regulations, community interests

and goals, best practices in other cities, and a field inventory, the staff finds that maintaining the existing restrictions is one of the best options. Included in this recommendation are ways to make the existing regulations more enforceable. There are and will continue to be new alternatives to outdoor advertising which will morph the industry (transit stops, kiosks, temporary construction sight banners, etc.)

The CPC staff contemplated the public benefit of allowing new digital billboards in exchange for the removal of legal nonconforming billboards. The staff found that 8-sheets make up only a small proportion of the actual billboard inventory, and will likely go away soon on their own based solely on the market, and without any regulatory intervention. Additionally, the City would alternatively be able to eliminate many of these billboards would through the process of amortization.

The 2015 CZO adoption changed some former light industrial districts to HU-MU Neighborhood Mixed-Use Districts and MU-1 Medium Intensity Mixed-Use Districts. This change resulting making the billboards legally 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 have been observed in this study to be gradually disappearing as properties are renovated and contemporary forms of advertising emerge. As observed, the intent for legal nonconforming uses to go away is being accomplished. Based on the study's fieldwork, there appears to be primarily one business using 8-sheets for advertising (Melba's), which could be indication of its low demand as a medium of advertising. The substantial decrease in the number of billboards since more the restrictive policies were adopted in the late 1980s may indicate that the status quo is achieving its objectives in reducing visual clutter caused by outdoor advertising. Several cities and states across the country 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, 7 of the 9 other cities researched allow billboards in limited districts and 2 do not allow billboards.

In addition to these 7 cities, the staff noted that there are 4 billboard free states. Of the 7 cities that allow billboards in limited districts, 4 do not allow digital billboards, 1 only allows digital billboards that are converted, and 2 do allow digital billboards. There are four cities that have implemented conversion programs. One city, that no longer allows any new billboards, implemented a 3:1 conversion ratio with a cap of 50 digital billboards. One city is considering a 3:1 conversion ratio. One city, that only allows converted digital billboards, implemented a 2:1 conversion ratio. Another city allows digital billboards by right in certain areas, while other areas are permitted through a 2.5:1 conversion ratio. While some cities have implemented conversion programs, others have banned any new billboards, and most are in keeping with option 1 – limiting billboards to commercial and industrial areas.

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, but 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.

Option 2: Provide “Trade” Incentives Allowing Nonconforming Billboards to Digitize In Exchange For Removal

The CPC is supportive of such a policy because of its potential benefits in terms of the reduction in the net number of non-conforming billboards, the rehabilitation of older billboards, in addition to many other benefits. If such a policy were to be adopted, the CPC recommends the following parameters be established 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.

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 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 unremediated code violations.

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 signage – the type of “classic signs” allowed in Section 24.15 of the CZO. Given the historic fluctuating, but 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 conversion could be allowed with 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. These specific areas include:

- The Canal Street entertainment district, generally the 1100 block (both sides), 1200 block (upriver side) and possibly 1036 Canal Street.

Sending Billboard 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 staff would strongly support billboard removal in the interest of a clear public benefit. Existing billboard locations each have multiple characteristics that may contribute to their value for removal. In contemplating a system to allow billboard digital conversion in exchange for

non-conforming billboard removal, the following is one potential way of establishing a weighted system that takes multiple characteristics into consideration. To be considered in this system, the existing billboard must be non-conforming, making it legally impossible to re-establish at the same location once removed. It should also be non-conforming because of its location in a zoning district where prohibited or a “prohibited location” as outlined in Section 24.14.B.2 of the CZO. The sizes listed in the matrix below are the most common billboard sizes.

Potential Points System for Conversion				
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, 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. When located on poles, they are not as obnoxious in appearance as the larger billboards with massive support structures. 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 non-conforming 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 non-conforming, so long as the new site is less non-conforming 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.

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 staff provides the following potential recommendations to expand permitted locations for billboards, if this is a policy objective of the City Council.

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. This makes sense 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 staff 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. A few LI and HI Districts are within Institutional FLUM designations. 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 comprise a compatible location. Their Future Land Use Map designations is also 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.

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 Hende 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 Future Land Use Plan of 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

Option 3 also considers possible creative approaches in opening up new locations for billboards. The staff recommends an approach that is similar to the advertisement "murals" that were allowed under the previous Comprehensive Zoning Ordinance. As explained earlier, an artistic mural is no longer a mural if it contains commercial content. However, a class of billboards could be created that limits 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 real 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.

Another alternative style of billboard advertising that may be considered in the future includes pedestrian oriented, street-level billboards that are smaller in size. With a changeable message and perhaps located on City property, such new general advertising could be combined with wayfinding, public service announcements, electronic art, mural-like advertising, and other creative combinations. This approach requires further study, but has the potential to create new "receiving locations" in future trades, or at least to be a mutually-beneficial partnership between the City and the general advertising industry. 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.



Figure 40. Panel on Chicago building Source: Outfront Media



Figure 41. Innovative, non-standard wall mounted advertising



Figure 42. Wall mounted billboards in NYC theatre district



Figure 43. Wall mounted billboard incorporated into facade of new public building



Figure 44. Temporary advertisement projected on building facade for World Cup

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 *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 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 intent as outlined in the former CZO which was 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.
- 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

At its April 23, 2019, meeting, the City Planning Commission will take public comment on the Billboard Study. On this day, the Commission may choose to accept the Study and forward to the City Council for its consideration. The CPC may also choose to defer action either for the benefit of further public consideration or to ask the staff to analyze some additional aspects of billboard regulations. The CPC can forward the Study to the City Council with or without modifications. The CPC may choose to endorse one of the three options outlined in the Study's recommendations, or perhaps a hybrid option. The Study has no mandated timeline.

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 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.