



CITY OF DALLAS

## Memorandum

Date: April 1, 2011

To: Members of the Economic Development Committee:  
Ron Natinsky (Chair), Tennell Atkins (Vice Chair), Jerry R. Allen, Dwaine Caraway, Sheffie Kadane, Linda Koop, Ann Margolin, Steve Salazar

Subject: Digital Billboard Code Amendment Update

On Monday, April 4, you will be presented a status update on an amendment to billboard regulations. A copy of the briefing is attached for your review.

If you need further information, please call Theresa O'Donnell at 214-670-4127.

  
A.C. Gonzalez  
Assistant City Manager

c: The Honorable Mayor and Members of the City Council  
Mary K. Suhm, City Manager  
Thomas Perkins, City Attorney  
Deborah Watkins, City Secretary  
Craig Kinton, City Auditor  
Judge C. Victor Lander, Judiciary  
Ryan S. Evans, First Assistant City Manager  
Forest Turner, Assistant City Manager  
Jill A. Jordan, P.E., Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
Jack Ireland, Director, Office of Financial Services  
Theresa O'Donnell, Director of Sustainable Development and Construction  
Karl Zavitkovsky, Director, Office of Economic Development  
Hammond Perot, Assistant Director, Office of Economic Development  
Helena Stevens-Thompson, Assistant to the City Manager

# Digital Billboard Code Amendment Update

City Council  
Economic Development Committee  
April 4, 2011



# Background

- On April 14, 2010, Clear Channel Outdoor submitted a request to amend the City of Dallas Code, Section 51A, Article VII, sign regulations, to allow digital billboards.
- Section 51A-7.306 prohibits the installation or maintenance of a detached non-premise sign in the City of Dallas.
- The proposed amendment would allow the replacement of a traditional billboard with a billboard utilizing digital technology; therefore, no new billboard structures will be installed.

# Background

- The Special Sign District Advisory Committee (SSDAC) considered this issue at two public meetings in June and July of 2010 and again on January 11, 2011 at the request of the City Plan Commission (CPC). The meetings were attended by billboard industry representatives and interested citizens.
- CPC considered the proposed amendments on December 16, 2010 and on January 2011, and has recommended approval of the amendments.

# Background

- On February 7, 2011 the City Council Economic Development Committee was briefed on the issue and requested additional information.

# CPC Recommendation

1. Allow digital billboards to replace existing billboards along existing expressways only.
2. For every one square foot of digital billboard sign face, a minimum of 3 square feet of traditional billboard sign face must be removed, except that each sign company is allowed one 1 square foot for 1 square foot replacement.
3. Reconstructed digital signs shall not increase the number of faces of the original billboard.
4. Reconstructed digital signs must upgrade supports to monopole structures that meet current building codes.
5. Reconstructed digital signs may not increase the height above the height of the sign it is replacing.

# CPC Recommendation

6. Digital billboards must be spaced a minimum of 1500 ft from another digital billboard oriented to the same traffic direction (TXDOT rule).
7. Digital billboards must be spaced a minimum of 300 ft from a residential zoning district
8. Messages on digital billboards must be static, with no moving or flashing images.
9. Digital billboards must not change the message face more than once every 8 seconds.
10. Digital billboards must be equipped with light sensors, which dim the billboards based on ambient light conditions

# Issues and Questions Raised in Previous Briefing



# Other Cities Exchange Ratios

- Orlando, FL – 4:1
- Tampa, FL – 10:1
- Gulfport, MS – 6:1
- Cheyenne, WY – 3:1
- Grand Prairie, TX – 2:1
- Irving, TX – 1:1 (Council Approval Required)
- Arlington, TX – 1:1
- San Antonio, TX – 2:1 to 3:1\* (Max of 15)

\*incentive to reduce smaller boards

# Viability of Exchange Ratio Based on Value of Boards

- Large, publicly traded, sign companies have stated they are limited in what they can disclose
- Industry has stated value of signs is dependent on many variables including terms of individual leases
- Would pose difficulties in managing

# Sunset Provisions

- CPC recommendation does not include a sunset provision
- The city has adopted sunset provisions with ordinances permitting supergraphics (5 yr) and Deep Ellum parking ad signs (10 yr)
- Downtown video boards do not have a sunset but required SUPs that include time limits
- Industry is concerned with any sunset provision due to investment required to construct a sign

# Aesthetic Issues/Requirements

- Some cities, such as Irving, have required architecturally enhanced support systems
- Some cities have required signs to be served by underground utilities
- Some cities have included regulations requiring minimum distance from parks and scenic corridors

# Proximity Restrictions Adopted With Relocation Ordinance

- Prohibited within 2000 ft of the Trinity
- Prohibited within 500 ft of an Historic District, park, city owned lake or escarpment zone
- Prohibited within 300 ft of a non-business or residential zoning district
- SUP for the sign could authorize lesser spacing than required above

# Capping Number of Signs

- Advantages
  - Transparency, maximum number of signs that could be constructed is known
  - Allows time to conclude whether additional signs would be desirable
- Issues
  - Industry is concerned they have not been able to identify how many sites are viable given market requirements, location restrictions, and existing leases and contend proposed regulations are limiting enough

# Enforcement of Operational Requirements

- Staff acknowledges enforcement issues with on-premise digital signage
- Industry has indicated they have too much at risk to violate State mandated provisions which proposed ordinance would mirror

# Issues Discussed During CPC/ZOAC Process



# CPC/ZOAC Discussion

- Allowing the replacement of support structures with digital boards extends the life of the billboard
- Is the net reduction of smaller boards along city arterials in exchange for a digital sign face a benefit consistent with the objectives of the sign ordinance
- Difference in lighting/glare impact of digital boards compared to traditional billboards (which has less an impact)

# CPC/ZOAC Discussion

- Should one 1 to 1 square foot replacement be allowed for each billboard company or is there another mechanism to accommodate smaller companies
  - Let market control and have smaller companies work together if they desire to participate
- Is there a mechanism for city to identify preferred corridors to target for billboard reduction
- Should higher energy consumption of digital boards be a consideration

# CPC/ZOAC Discussion

- Are there driver distraction issues to consider given the urban environment and presence of digital on-premise signage
- Would additional studies and conclusions on driver distraction be available prior to any final adoption of an ordinance

# Next Steps

- Receive direction from the Economic Development Committee

# Addendum

## Purpose Statement of Sign Regulations

### **SEC. 51A-7.101. PURPOSE.**

Signs use private land and the sight lines created by the public rights-of-way to inform and persuade the general public by publishing a message.... The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public, and, in part to achieve the following:

- (a) **SAFETY:** To promote the safety of persons and property by providing that signs:
  - (1) do not create a hazard due to collapse, fire, collision, decay or abandonment;
  - (2) do not obstruct fire fighting or police surveillance; and
  - (3) do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to ready traffic signs.

# Addendum

## Purpose Statement of Sign Regulations

(b) COMMUNICATIONS EFFICIENCY: To promote the efficient transfer of information in sign messages by providing that:

- (1) businesses and services may identify themselves;
- (2) customers and other persons may locate a business or service;
- (3) no person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and
- (4) persons exposed to signs are not so overwhelmed by the number of messages presented that they cannot find the information they seek, and are able to observe or ignore messages, according to the observer's purpose.

# Addendum

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(c) LANDSCAPE QUALITY AND PRESERVATION: To protect the public welfare and to enhance the appearance and economic value of the landscape, by providing that signs:

- (1) do not interfere with scenic views;
- (2) do not create a nuisance to persons using the public rights-of-way;
- (3) do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement;
- (4) are not detrimental to land or property values; and
- (5) contribute to the special character of particular areas or districts within the city, helping the observer to understand the city and orient himself with it. (Ord. Nos. 19455; 22061)