

January 8, 2024

Nick Johnson, Senior Planner
City of Bloomington

RE: Clear Channel Outdoor Sign ordinance comments

Dear Mr. Johnson

Clear Channel Outdoor, LLC (CCO) currently owns and operates four legal nonconforming billboard structures in the City of Bloomington, MN with eight (8), 14'x48' (bulletin) printed faces. The billboards are located off Interstate I-494 and I-35W in commercial/industrial corridors. CCO MSP currently operates 82 digital LED billboard displays in 21 Twin Cities communities outside of Bloomington, MN. CCO is interested in upgrading its Bloomington billboard structures with digital LED displays.

CCO has the following Bloomington Sign Ordinance comments (redlined comments to draft sign ordinance attached):

The Bloomington City Code currently allows the conversion of printed/static billboards to electronic/digital billboards (electronic changeable graphic displays) with 20-minute dwell times.

The main sign ordinance amendment request would be changing the dwell time for billboards that are utilizing electronic display techniques from 20 minutes to 8 seconds.

The draft sign ordinance currently is recommending 10-minute dwell times for electronic/digital billboards. 22 Twin Cities communities currently permit 8 second dwell times for digital billboards including the following communities around Bloomington.

- The City of Burnsville dwell time for digital billboards is 8 seconds
- The City of Minneapolis dwell time for digital billboards is 8 seconds
- The City of Eagan dwell time for digital billboards is 8 seconds
- The City of Richfield dwell time for digital billboards is 8 seconds.
- The Metropolitan Airport Commission (MAC) dwell time for digital billboards is 8 seconds

The City of Bloomington currently permits Electronic changeable copy signs (text information only) with 8 second dwell times .

- HOM Furniture sign

The nationwide digital billboard industry standard is 8 second dwell times. Both the Federal government (FHWA) and the State of MN permit 8 second dwell times based

on Federal Highway Administration (FHWA) safety research. CCO has been safely operating digital billboards in the Twin Cities since 2006. Safe operation of our digital billboards is a top priority for us. There are several redundant systems in place to make sure the digital billboards are safely operated.

CCO offers Cities up to 20 hours of public service announcements (PSA)/digital face/month for City and Community Events. CCO can provide no cost access to our creative team to help produce City messages.

In addition to City PSA, Clear Channel Outdoor provides the following PSA

- Amber alerts
- FBI Alerts
- Severe Weather Warnings (Hennepin and Ramsey County)
- County Sheriff messaging
- Emergency Management Requests

CCO is requesting sign ordinance amendments to upgrade its legal nonconforming 14 x 48 printed billboard structures with 14 x 48 electronic/digital LED faces.

- Modern Updated Digital Displays
- Public Service Announcements
- Community and Emergency Messaging
- Great Locations along Interstates in Commercial Corridors
- Expanded advertising opportunities for local businesses
- No new billboards

Please let me know if you have any questions on our sign ordinance amendment comments. CCO has a legal department dedicated to assisting communities with sign ordinance amendments and have assisted communities all over the country in this process.

| Thank you,



Matthew Weiland

Vice President of Real Estate and Public Affairs

Minneapolis/St. Paul Division

Office: [REDACTED] / Mobile: [REDACTED] / Email: [REDACTED]

(4) *College campus signs.* Building signs are allowed on all elevations of buildings associated with a college campus with a maximum number of eight signs per building elevation. Total signage area must not exceed one square-foot per linear foot of building frontage.

(5) *Signs on parking structures.* Building signs may be installed on associated parking structures that are three stories or taller, with the following limitations:

(A) *Building elevation limitations.* Building signs installed on parking structures are limited to building elevations that face public or private streets only.

(B) *Number of signs.* The maximum number of signs allowed on an elevation of a parking structure is one sign.

(C) *Sign size.* The total area of building signage allowed on a single building elevation is 150 square feet.

§ 21.304.18 ELECTRONIC SIGNS.

(a) *Findings and purpose.* Studies show a positive correlation between electronic signs that display changing messages or graphics and driver distraction. Distracted driving can result in increased traffic crashes or other hazardous events. The standards within this section are intended to minimize potential driver distraction, hazards to public safety, and related nuisance characteristics associated with electronic signs.

~~(b)~~ *Size.* An electronic sign may not exceed 150 square feet, except for billboards utilizing electronic display techniques.

~~(c)~~~~(b)~~ *Setback from residential.* The leading edge of an electronic sign must be located at least 100 feet from any parcel that is both residentially zoned and residentially used.

~~(d)~~~~(c)~~ *Operational requirements.* Electronic signs are subject to the following operational requirements:

(1) *Dwell time.*

(A) Electronic changeable copy signs must have a static display for a minimum of eight seconds.

(B) Electronic graphic display signs must have a static display for a minimum of ten minutes.

(2) *Transition.* The change sequence of any electronic sign must be accomplished by means of instantaneous repixelization. Fading, dissolving, scrolling, traveling, or any transition that creates the illusion of movement is prohibited.

(3) *Brightness.* Electronic signs must not exceed maximum luminance specified in § 21.301.07 as measured from the sign's face at maximum brightness.

(4) *Dimmer control.* Electronic signs must have an automatic dimmer control to produce a distinct lumination change from a higher lumination level to a lower level for the time period between one-half hour before sunset and one-half hour after sunrise.

(5) *Audio or pyrotechnics.* Audio or any form of pyrotechnics are prohibited in association with an electronic sign.

(6) *Nighttime use.* When located within 150 feet of a site that is both residentially zoned and residentially used, an electronic sign must be static or turned off between the hours of 9:00 p.m. and 7:00 a.m.. The following sign types are exempt from the nighttime use limitation:

(A) Price signs designed to change infrequently; and

- (B) Electronic signs that are oriented so that no portion of the sign face is visible from a permitted principal structure on a site that is both residentially zoned and residentially used.

§ 21.304.18 VIDEO SIGNS.

- (a) *Findings and purpose.* Studies show a positive correlation between video signs and driver distraction. Distracted driving can result in increased traffic crashes or other hazardous events. The following standards are intended to minimize potential driver distraction, hazards to public safety, and related nuisance characteristics associated with video signs.
- (b) *Orientation.* In all sign districts, the video sign must be placed, illuminated, and oriented in a manner that meets traffic safety standards and so that no portion of the sign face is visible from:
- (1) an existing or permitted principal structure on any residential lot; or
 - (2) any traveled highway, street, trail, or bikeway.
- (c) *Size.* Video signs must not exceed 50 square feet.
- (d) *Operational requirements.* Video signs are subject to the following operational requirements:
- (1) *Brightness.* Video signs must not exceed maximum illumination levels specified in § 21.301.07(c)(5), measured from the sign's face at maximum brightness.
 - (2) *Dimmer control.* Video signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one-half hour before sunset and one-half hour after sunrise.
 - (3) *Audio or pyrotechnics.* Audio or any form of pyrotechnics are prohibited as part of a video sign.

§ 21.304.20 BILLBOARDS.

- (a) *Purpose, intent, and findings.* The City Council finds that large, off-premise^s advertising signs known commonly and in this city code as billboards create an immediate safety risk to the public by diverting the attention of persons operating vehicles from the surrounding travelways. The City Council further finds that billboards create visual obstructions that have undesirable effects to adjacent property owners and businesses and harm the overall aesthetics of the community's physical environment. This section promotes the general health, safety, and welfare and directly advances the City's substantial government interests by prohibiting the construction of new billboards in the city and confirming the legal nonconforming status of preexisting billboards in the city. Furthermore, this section imposes reasonable regulations on legally nonconforming billboards to abate nuisance characteristics associated with billboards and to promote the public health, safety, and welfare by requiring proper construction and maintenance, prohibiting features most likely to cause distraction amongst persons operating vehicles, and reducing obstructions and visual clutter that harms the overall physical environment and aesthetics of the community.
- (b) *Billboard prohibition.* Billboards are prohibited in all sign districts, unless expressly permitted by this sign code.
- (c) *Billboards in existence on August 6, 2009.* Billboards legally in existence on August 6, 2009, shall have the status and rights of a legally established nonconforming sign pursuant to § 21.304.23 and M.S. § 462.357, subd. 1e, as it may be amended from time to time. Legally

established nonconforming billboards may be converted to billboard utilizing electronic display techniques provided that the requirements of this section are met. To protect the public health, welfare, and safety, and to prevent and abate nuisances, pursuant to Minn. Stat. § 462.357 subd. 1e(b), all billboards, including legally established nonconforming billboards, are subject to the following regulations:

- (1) *Mounting.* Billboards must be erected on single poles and maintained as required by § 21.304.21.
- (2) *Signs per face.* No billboard structure may contain more than two signs per face.
- (3) *Animation.* No animation is permitted on billboards.
- (4) *Maximum length.* The length of any billboard, including trim and extensions, must not exceed 50 feet.
- (5) *Maximum copy area.* The copy area for each billboard face is limited to 14 feet by 48 feet with no copy, projection, or extension to the top, sides, or bottom.
- (6) *Maximum height.* No portion of any billboard, including the face, trim, or extensions, may exceed 40 feet above grade.
- (7) *Roof-mounting.* No billboard shall be erected on or above the roof of any building.
- (8) *Rotation.* No billboard or portion thereof may turn on an axis, rotate, revolve, or otherwise physically move.
- (9) *Maximum depth.* The maximum depth of each sign face, measured from the outside, back to front, of each display panel surface, must not exceed two feet.
- (10) *Electronic display techniques.* Any billboard utilizing electronic display techniques in whole or in part must meet the following operational regulations:
 - (A) *Dwell time.* The full billboard image or any portion thereof must have a static display with a minimum duration of ~~10 minutes~~ 8 seconds.
 - (B) *Transition.* Where the full billboard image or any portion thereof changes, the change sequence must be accomplished by means of instantaneous re-pixelization.
 - ~~(C)~~ (C) *Brightness.* The billboard must not exceed maximum illumination levels 6,500 nits (candelas per square meter) from dawn to dusk and shall not exceed 500 nits (candelas per square meter) from dusk to dawn as measured from the face of the sign. The light level shall not exceed 0.3 foot candelas above ambient light as measured from a pre-set distance depending on sign size. Measuring distance shall be determined using the following equation: the square root of the message center sign area multiplied by 100. Example: 12 square foot sign $\sqrt{(12 \times 100)} = 34.6$ feet measuring distance specified in § 21.301.07(c)(5), measured from the billboard's face at maximum brightness.
 - (D) *Dimmer control.* The billboard must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one-half hour before sunset and one-half hour after sunrise.
 - (E) *Audio or pyrotechnics.* Audio or any form of pyrotechnics are prohibited as part of a billboard.
 - (F) *Flashing.* No portion of any billboard may display the characteristics of a flashing sign.

§ 21.304.23 NONCONFORMING SIGNS.

- (a) Pursuant to M.S. § 462.357, subd. 1e, as it may be amended from time to time, a legally established nonconforming permanent sign may continue, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, only in compliance with the provisions of this section.
- (b) *Expansion.* For purposes of this sign code, expansion means:
 - (1) An increase to the sign area that that increases the level of nonconformity;
 - (2) An increase to the height of the sign that increases the level of nonconformity;
 - (3) An increase to the dimensions of the sign cabinet or increase in the depth of the sign except for legal established nonconforming billboards utilizing electronic display techniques; or
 - (4) Removal of the sign and installation of the sign at a new location.
- (c) A legally established nonconforming sign may not be expanded except to bring the sign into compliance with this sign code, unless a sign variance, master sign plan or planned development flexibility is approved that allows the proposed level of nonconformity.
- (d) A legally established nonconforming sign must not resume if:
 - (1) The sign is an abandoned sign; or
 - (2) The sign or is destroyed by fire or other peril to the extent of greater than 50% of its market value, as indicated in the records of the city assessor at the time of damage, and no sign permit has been applied for within 180 days of the when the sign was damaged. In this case, the city may impose reasonable conditions on the sign permit in order to mitigate any newly created impact on adjacent property.

§ 21.304.24 SIGN VARIANCES.

- (a) *Purpose.* Sign variances provide a means to approve deviation from the sign code or other city code requirements related to sign size, sign height, sign location, or number of signs, where practical difficulties exist because of conditions or circumstances unique to an individual property. The purpose of this section is to establish the procedures for requesting a sign variance and the requirements for issuing a sign variance.
- (b) *Authority.* The City Council shall serve as the board of appeals and adjustments pursuant to the provisions of Minnesota Statutes, §§ 462.354, subd. 2; 462.357, subd. 6; and 462.359, subd. 4, as they may be amended from time to time.
- (c) *Where authorized.* Sign variances may be granted for the following:
 - (1) Sign size or height;
 - (2) Sign location;
 - (3) Number of signs; or
 - (4) Other dimensional feature.
- (d) *Where required.* Prior to any city approval of a sign permit application that does not meet the standards of the city code, the City Council must approve a sign variance unless the city code provides an alternate means of deviation.
- (e) *Initiation.* A sign variance application must be initiated by the owner of land upon which a variance is proposed or by the issuing authority. If originally denied, a sign variance application for the same item may not be resubmitted until one year after the original denial.

Twin Cities Digital Billboard Ordinances

1. Eagan , MN– City Code Link:

https://library.municode.com/mn/eagan/codes/code_of_ordinances?nodeId=CICOEAMI

Chapter 11 – Land Use Regulations (Zoning) Sec. 11.70. - Performance Standards. Subd. 28
Placement, erection and maintenance of signs.

K. Dynamic display signs.

(b) If the applicant complies with the permit requirements noted above, the city will issue an enhanced dynamic display sign permit for the designated off-premises sign. This permit will allow a dynamic display to occupy 100 percent of the potential copy and graphic area and to change no more frequently than once every eight seconds. The designated sign must meet all other requirements of this ordinance.

2. Burnsville, MN – City Code Link: <https://burnsville.municipalcodeonline.com/>
Title 10 Zoning // Chapter 10-30 Signs

- a. Provided the applicant complies with the permit requirements of this chapter, a dynamic display billboard sign permit for the designated off premises sign will be issued. Said permit will allow a dynamic display billboard to occupy one hundred percent (100%) of the potential copy and graphic area and to change not more frequently than one time for every eight (8) second period. The dynamic display billboard sign shall meet all other requirements of this chapter.

3. Inver Grove Heights, MN– City Code Link:

https://codelibrary.amlegal.com/codes/invergrovehightsmn/latest/invergrovehights_mn/0-0-0-12

Chapter 15 Performance Standards //Section 10-15E- 6 billboards

b. Dynamic display billboards must have minimum display duration of eight (8) seconds. Such display shall contain static messages only; change from one static message to another shall be instantaneous without any special effects, through dissolve or fade transitions, or with the use of another subtle transition technique that does not have the appearance of moving text or images.

4. Minneapolis, MN– City Code Link:

https://library.municode.com/mn/minneapolis/codes/code_of_ordinances

Title 20 Zoning Code // Chapter 544 Off-Premise Advertising Signs and Billboards

544.20. - General provisions.

(13) *Flashing or animated off-premise signs.*

a. *Downtown Entertainment Billboard District.* Flashing, blinking, and/or animated off-premise signs, including but not limited to traveling lights or other means not providing constant illumination, shall be permitted in the downtown entertainment billboard district.

b. *Downtown Entertainment Area.* Flashing off-premise signs shall be permitted in this area provided the messages and/or imagery are displayed in a static manner for a minimum of eight (8) seconds. Animated off-premise signs shall be prohibited in the downtown entertainment area. The area consisting of those properties with frontage along the north side of Hennepin Avenue between Tenth Street and Fifth Street, and those properties with frontage along the south side of Hennepin Avenue between Ninth Street and Sixth Street shall be considered the downtown entertainment area for purposes of this section.

c. *Downtown Opportunity Billboard District.* Flashing and/or blinking off-premise signs shall be permitted in the Downtown Opportunity Billboard District provided that outside the Downtown Entertainment Billboard District and Downtown Entertainment Area flashing signs containing changing written messages shall be limited to the news, weather, time or other public service message with a vertical dimension that shall not exceed two (2) feet.

d. *Limited Access Roadway Opportunity Billboard District.* Flashing off-premise signs shall be permitted in these areas only: on Interstate 94 and on Interstate 35-W north of 31st Street East, provided (i) the messages and/or imagery are displayed in a static manner for a minimum of eight (8) seconds, and (ii) flashing signs shall be a minimum of two thousand five hundred (2,500) feet from any other off-premise flashing sign reading to the same directional traffic. Flashing off-premise signs permitted pursuant to this section shall comply with all applicable provisions of this ordinance, except that existing nonconforming off-premise signs in the areas described in this section shall be allowed to be converted to flashing off-premise signs and shall not be subject to section 531.50, expansion or alteration of nonconforming uses and structures, for the conversion, so long as the dimensions, height and orientation of the sign match the conditions that preceded the conversion, the sign meets the requirements of this section and the applicant complies with the credit requirements of section 544.60(c).

5. Richfield, MN– City Code Link:

https://library.municode.com/mn/richfield/codes/code_of_ordinances

Appendix B Richfield Zoning Code // Section 549 -Sign regulations

549.27. - Nonconforming signs.

b) If the applicant complies with the permit requirements noted above, the city will issue an enhanced dynamic display permit for the designated outdoor advertising sign. This permit will allow a dynamic display to occupy 100 percent of the potential copy and graphic area and to change no more frequently than once every eight (8) seconds. The designated sign must meet all other requirements of this ordinance.

6. Minnetonka, MN– City Code Link:

<https://codelibrary.amlegal.com/codes/minnetonka/latest/overview>

Minnetonka Code of Ordinances SECTION 325. SIGN REGULATIONS.

SECTION 325.05 GENERAL REGULATIONS. 10. Dynamic Displays

2) If the applicant complies with the permit requirements noted above, the city will issue an enhanced dynamic display permit for the designated outdoor advertising sign.

This permit will allow a dynamic display to occupy 100 percent of the potential copy and graphic area and to change no more frequently than once every eight seconds. The designated sign must meet all other requirements of this ordinance.

7. Plymouth, MN– City Code Link:

https://library.municode.com/mn/plymouth/codes/code_of_ordinances

CHAPTER XXI - ZONING ORDINANCE SECTION 21155. - SIGN REGULATIONS

21155.05. - General Regulations and Restrictions.

Subd. 4. The message or display on dynamic display billboards shall not change more frequently than one time every eight seconds.