INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA

TUESDAY, November 16, 2010 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. **CALL TO ORDER**

2. **APPROVAL OF PLANNING COMMISSION MINUTES FOR November 3, 2010**

3. **APPLICANT REQUESTS AND PUBLIC HEARINGS**

   3.01 **CITY OF INVER GROVE HEIGHTS – CASE NO. 10-36ZA**
   Consider an **Ordinance Amendment** that would establish standards regulating electronic or dynamic display billboards and also the possibility of a prohibition of electronic or dynamic display billboards in the City.

   Planning Commission Action _____

4. **OTHER BUSINESS**

5. **ADJOURN**

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, November 3, 2010 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

Chair Bartholomew called the Planning Commission meeting to order at 7:00 p.m.

Commissioners Present:	Tom Bartholomew Pat Simon Dennis Wippermann Mike Schaeffer Tony Scales
Commissioners Absent:	Paul Hark (excused) Christine Koch (excused) Damon Roth Harold Gooch
Others Present:	Tom Link, Community Development Director Allan Hunting, City Planner Heather Botten, Associate Planner

APPROVAL OF MINUTES

The minutes from the October 19, 2010 meeting were approved as submitted.

CASTAWAYS MARINA INC. - CASE NO. 10-34WAV

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a waiver of plat for a lot split and a rezoning of the property from I-1, Limited Industry to P, Public/Institutional, for the property located at 6140 Doffing Avenue. 1 notice was mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the City Council approved a transfer of .36 acres of property from Castaways Marina to the City which would be part of the future Heritage Village Park. Prior to the conveyance of the transfer of property a waiver of plat and a rezoning should take place. The waiver of plat consists of dividing a 3.74 acre parcel into two parcels. The .36 acre parcel would be combined with the City-owned parcel to the west. To be consistent with the future land use, the .36 acre parcel should be rezoned from I-1, Limited Industry to P, Public/Institutional. Staff recommends approval of the request.

Commissioner Simon asked where the proposed 6' chain link fence would be located, to which Ms. Botten replied along the northern edge of the pond.

Commissioner Wippermann asked how the .36 parcel would benefit the City, to which Ms. Botten replied it would gain them access to water and additional land for the future Heritage Village Park.

Opening of Public Hearing

John Remington, President and COO of Castaways Marina, 6140 Doffing Avenue, advised he was available to answer any questions.

Commissioner Simon asked what the rationale was for acquiring the property.

Mr. Remington replied that the land was essentially wetland and would give the City access to the pond. He stated this specific site was selected because with the proposed fence in place, it would prevent the public from entering Castaways Marina from the park with a minimal amount of fencing.

Commissioner Wippermann asked what the cost of the fence would be, to which Mr. Remington replied he believed around $600.

Planning Commission Discussion
Commissioner Wippermann asked if the Park and Recreation Commission recommended approval of the request, to which Mr. Hunting replied in the affirmative, adding that the City Council had approved the acquisition of the parcel as well.

Planning Commission Recommendation
Motion by Commissioner Schaeffer, second by Commissioner Scales, to approve the request for a waiver of plat for a lot split, and a rezoning of the property from I-1, Limited Industry to P, Public/Institutional, for the property located at 6140 Doffing Avenue.

Motion carried (5/0). This item goes to the City Council on November 22, 2010.

GERTENS GREENHOUSES – CASE NO. 10-32PUD

Reading of Notice
Commissioner Simon read the public hearing notice to consider the request for an ordinance amending Ordinance #946 to rezone additional land to Commercial Planned Unit Development District and to change the site plan and allowed uses for the greenhouse expansion, and a PUD Amendment to change Resolution No. 98-210 to allow for the greenhouse expansion, for property located at 5500 Blaine Avenue. 32 notices were mailed.

Presentation of Request
Allan Hunting, City Planner, explained the request as detailed in the report. He advised that Gertens is proposing to amend their existing PUD approval and request a rezoning to allow the construction of a phased project which includes combining the existing greenhouses with additions to fill in gaps and to construct an additional 250,000 square foot greenhouse over existing growing fields on the south side of the property toward Upper 55th Street, east of Blaine. The applicants have requested to rezone Tract F from Commercial PUD to PUD. Staff, however, recommends rezoning only the northern portion of Tract F in order to retain future commercial or office use on the Upper 55th Street frontage. Mr. Hunting advised that it is his understanding that the applicant has recently agreed to rezone only the northern portion of Tract F to the Bishop Heights PUD with the southern portion retaining the existing Commercial PUD designation. He advised that the dividing line would be approximately 50 feet south of the proposed full expansion of the greenhouse. Mr. Hunting advised that the applicants are proposing to provide landscape screening along the east boundary line from the proposed greenhouse to Upper 55th Street and then along Upper 55th Street in front of the proposed stormwater pond. He advised that there is an existing wetland located along the eastern boundary where the greenhouse is proposed. The applicant has indicated that they plan on filling the wetland to provide for the greenhouse. Because the wetland is governed under the Wetland Conservation Act, a wetland replacement plan would be required to be submitted and reviewed by the Environmental Commission and approved by the City Council. Mr. Hunting advised that the City Engineering Department and the applicant are currently working on a solution to the storm drainage volume control issue which may

have an impact on the ultimate maximum size of the greenhouse. Engineering has recommended that a condition be put in place that the ultimate size of the greenhouse allowed be based on further studies of the storm water system. Mr. Hunting advised that the site is not in compliance with Condition 9 of Resolution 98-210 as the greenhouses in Tract B are set back 8 feet from the property line whereas 30 feet is required. The applicant is requesting flexibility to allow the greenhouses to remain in their current location. Staff recommends approval of Alternative B which rezones only the northern half of Tract F.

Chair Bartholomew asked if staff felt that the remaining southern portion of Tract F would be large enough for a future commercial/office development and associated parking, to which Mr. Hunting replied in the affirmative.

Commissioner Wippermann asked if Alternative B (approval in part) included the 21 conditions listed in the report, to which Mr. Hunting replied in the affirmative.

Commissioner Wippermann asked if staff received any feedback from the applicant regarding the 21 conditions, to which Mr. Hunting replied he was not aware of any issues raised by the applicants regarding the conditions.

Commissioner Wippermann asked if staff's understanding was that the applicant was agreeable with Alternative B which rezones only the northern half, to which Mr. Hunting replied in the affirmative.

Commissioner Wippermann referred to an email received from Terry Mcnellis, one of the owners of the abutting Blackberry Pointe Apartment complex, and asked if the requests by Mcnellis were satisfied by the proposed landscaping plan.

Mr. Hunting replied in the affirmative, stating he was not completely clear, however, on the part regarding fencing.

Commissioner Wippermann asked if the submitted landscape plan showed the fencing to be toward the Gerten property so the trees and bushes would screen the fence from the neighboring apartment complex.

Mr. Hunting replied he could not see all the detail in the plan, but advised that the Commission could add that requirement as a condition.

Opening of Public Hearing

The applicant, Lewis Gerten, 5910 South Robert Trail, stated they contacted representatives from the Blackberry Pointe Apartment complex and believe they are comfortable with what is being proposed.

Chair Bartholomew asked if the applicant was in agreement with Alternative B, to which Mr. Gerten replied in the affirmative. He added that the request is a long-term plan for Gertens.

Peter Coyle, Larkin Hoffman, the applicant's legal counsel, stated they will resolve the outstanding technical issues to facilitate the City in meeting its future development objectives for Upper 55th Street. He advised that although their original request was for Alternative A, they have formally notified City staff that they are modifying their request to the proposed Alternative B, subject to the conditions listed in the report. Mr. Coyle advised that he was not able to review the report until yesterday and therefore had comments on several conditions. Mr. Coyle requested that Condition 1 be modified to allow a maximum greenhouse height of 30 feet rather than 22 feet as 30 feet is allowed by code. He requested that Condition 6 be removed as they have been using buildings P

and Q for many years as seasonal outbuildings and they would like to keep them in place. Mr. Coyle requested that Condition 12 be removed as they felt it was no longer necessary. He stated if at some point in time the City decided to put a collector street through that area they could acquire the ROW at that time. In reference to Condition 13 regarding trip allocation, Mr. Coyle suggested that in planning jointly for the future development of the properties adjoining Upper 55th Street, they should be thinking how best to allocate trips to those parcels to ensure something is put in that can be supported by traffic counts. Mr. Coyle requested the verbiage in Condition 17 be modified to make it clearer that they oculd pursue the entire greenhouse project, albeit in phases, subject to Council approval and resolution of the drainage issues.

Chair Bartholomew asked if staff was agreeable with modifying the verbiage in Condition 17 as requested by Mr. Coyle.

Mr. Hunting stated the intent was not to allow only one phase; therefore, staff would work with the applicant to modify that condition prior to it going to City Council.

Chair Bartholomew asked if staff could accommodate the other requests by Mr. Coyle on the aforementioned conditions, such as requesting that they be allowed a greenhouse height of 30 feet rather than 22 feet as listed in Condition 1.

Mr. Hunting replied he would be agreeable with the comments made on Condition 1. In regards to Condition 6, Mr. Hunting stated he believed the intent was for the public not to be allowed in buildings P and Q.

Commissioner Simon advised that Gertens does allow public in buildings P and Q.

Mr. Hunting stated he could not speak to that condition as it predated his history.

Mr. Gerten stated the historic buildings are used seasonally by the public, and he had no recollection as to why that condition was created.

Chair Bartholomew asked if allowing the public in buildings P and Q would violate any code standards.

Mr. Hunting replied that he would check with the Chief Building Official as to any possible code violations, but stated much of the history of that condition was gone as the City Planner and Building Official who originally worked on this project were no longer with the City.

Chair Bartholomew stated his only concern regarding that condition was if there was a public safety issue.

Mr. Coyle stated it was acceptable to the applicant to continue the conversation regarding Condition 6.

Chair Bartholomew asked if staff had a comment on Mr. Coyle's request to strike Condition 12 regarding the removal of certain buildings due to the construction of a future collector street.

Tom Link, Community Development Director, stated he was hesitant to strike Condition 12 as his recollection was that there was rationale for it. He believed it was either that the City objected to the buildings in question unless there was the ability to remove them at a later date, or perhaps some of the buildings were in City right-of-way. He stated he believed the condition was to accommodate Gertens for the time being while at the same time leaving the City's options open for the development of the roadway system in the area.

Commissioner Simon questioned whether perhaps it was more of a ghost platting.

Mr. Link stated he recalled that at one point Gertens had requested that some of the unused street right-of-way be vacated. The City denied that application because they wanted to preserve their options in that area.

Chair Bartholomew asked if they could leave that condition in with the knowledge that there will be some discussion with the applicant as to the rationale.

Mr. Link recommended that both Conditions 6 and 12 remain with the understanding that the request has been made and will be reviewed by City staff.

Chair Bartholomew asked staff to comment on Mr. Coyle's request to revisit the trip count in Condition 13.

Mr. Link gave a brief background of the traffic studies done in the Southeast Quadrant in the 1990's, stating there is concern of the traffic constraints in that area, including the close proximity of Blaine Avenue to the freeway ramps. He advised that the studies they have done indicate there are enough trips remaining for the vacant property in the Southeast Quadrant, however, staff is considering doing another traffic study to review the current conditions and how they relate to the existing and future traffic system.

Chair Bartholomew asked if staff could review Condition 13 prior to it going to City Council.

Mr. Link stated that 208 trips would cause no issues with the current proposal. He stated the long-range question is what they want to see for commercial development along the Upper 55th frontage and whether there is enough traffic capacity to handle it.

Mr. Gerten stated originally he advised that this project would not generate additional jobs, however, he has since determined that it would likely generate additional hours from his current part-time employees.

Planning Commission Discussion

Chair Bartholomew clarified the discussion regarding the conditions addressed by Mr. Coyle, including the modification of Condition 1, to continue conversation regarding Condition 6, for staff to do further research regarding right-of-way as it relates to Condition 12, and the modification of Condition 17 to clarify that the entire greenhouse project would be approved, pending Council approval, not just Phase 1.

Commissioner Schaeffer questioned whether the Commission should add a requirement regarding the configuration of the fencing and landscaping plan to satisfy the email received from the Blackberry Pointe Apartments.

Chair Bartholomew stated he saw no issue with adding Condition 22 to ensure that the fence was installed on the Gerten side with the vegetation being planted closer to Upper 55th Street and Blackberry Trail so as to screen the fence from the neighboring property. He stated he supported the request.

Planning Commission Recommendation

Motion by Commissioner Simon, second by Commissioner Wippermann, to approve the request for an Ordinance amending Ordinance #946 to rezone additional land to Commercial Planned Unit Development District and to change the site plan and allowed uses for the greenhouse expansion,

and a PUD Amendment to change Resolution No. 98-210 to allow for the greenhouse expansion, with the conditions listed in the report, and the added verbiage and comments to the conditions as discussed, with the modification to Condition 1 to allow a greenhouse height up to 30 feet rather than 22, to continue conversation regarding Condition 6, for staff to do further research regarding right-of-way as it relates to Condition 12, the modification of Condition 17 to clarify that the entire greenhouse project would be approved pending Council approval rather than just Phase 1, and the addition of Condition 22 requiring that the proposed fencing be planted along the Gerten property in such a way that the vegetation would help screen the fence from the neighboring properties.

Motion carried (5/0). This item goes to the City Council on November 22, 2010.

ADJOURNMENT

Chair Bartholomew adjourned the meeting at 7:58 PM.

Respectfully submitted,

Kim Fox
Recording Secretary

PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

REPORT DATE: November 10, 2010 **CASE NO:** 10-36ZA

APPLICANT: City of Inver Grove Heights

PROPERTY OWNER: N/A

REQUEST: Zoning Ordinance Amendment relating to Dynamic Display Billboards

HEARING DATE: November 16, 2010

LOCATION: N/A

COMPREHENSIVE PLAN: N/A

ZONING: N/A

REVIEWING DIVISIONS: Planning **PREPARED BY:** Allan Hunting
City Planner

BACKGROUND

The City Council directed staff to hold a public hearing to discuss rules regulating dynamic display electronic billboards.

In July, the Council adopted a Billboard Moratorium in order to provide time for staff to review and prepare an ordinance amendment that would provide some regulations on dynamic display electronic billboards.

Staff did some initial research back in 2007 when this whole issue first arose. After the moratorium, staff followed up with more review and research this fall. A number of cities were contacted a number of ordinances were reviewed to determine how this has been addressed in other cities. Per the Moratorium Ordinance, staff has also conducted an inventory of existing billboards and a review of current billboard regulations.

Other cities that have addressed this issue either are currently banning all billboard types and banning dynamic display, or are allowing with conditions relating to illumination, rate of change limitation, location, and distance between such signs. Inver Grove Heights does not have any billboards with a full dynamic display sign face. There is one sign on south bound Hwy 52 that has a portion of the sign with dynamic display.

Staff presented the report information to the City Council at a work session on October 25 and Council directed staff to hold a public hearing with the Planning Commission on possible options for regulating dynamic display billboards.

EVALUATION OF THE REQUEST

I have inserted the study that was prepared and presented to City Council into this report. The following is the study in its entirety.

Studies show that there is a correlation between dynamic displays on signs and the distraction of highway drivers. Distraction can lead to traffic accidents. Drivers can be distracted not only by a changing message, but also by knowing that the sign has a changing message. Drivers may watch a sign waiting for the next change to occur. Drivers are also distracted by messages that do not ell the full story in one look. People have a natural desire to see the end of the story and will continue to look at the sign in order to wait for the end. Additionally, drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Finally, drivers are generally more distracted by messages that are too small to be clearly seen or that contain more than a simple message. Time and temperature signs appear to be an exception to these concerns because the messages are shore, easily absorbed, and become inaccurate without frequent change.

Current Regulations

In the mid 1990's, the City adopted an ordinance which regulated the location of new billboards. New billboards are currently only allowed in the southern portion subject to:

- allowed in within the B-3, B-4, I-1 and I-2 zoning districts along Trunk Hwy 52/55 within Sections 27 and 34, Twp 27;
- must maintain a spacing of 1,500 feet between signs on the same side of highway and 300 feet between signs on opposite sides of highway;
- billboard size limited to maximum 672 square feet;
- shall not exceed 40 feet in height;
- setback minimum of 50 feet from right-of-way and all property lines;
- must be at least 500 feet from a park, rest area or historic site, 1000 feet from schools and churches and 300 feet from properties zoned A, E or R;
- billboards must be removed when property is subject to a subdivision request.

Any other existing billboard is considered non-conforming. The sign ordinance does require that when development/redevelopment of a property on which a billboard exists, that billboard must be removed. The requirement has resulted in the elimination of a couple of billboards along Hwy 494 over the years.

Existing Billboards

Staff has prepared an inventory of the existing billboards in the City. The locations of the billboards are depicted on the attached map.

All existing billboards would be considered legal non-conforming as none of the billboards would meet the location or spacing requirements of the code. Based on the location of existing billboards, there may be the potential for a couple new billboards located very near the southern border of the City. The location of existing buildings and the 117th highway overpass restrict visibility to the extent that these possible areas do not appear to be viable options.

There is one billboard along Hwy 52/55 that a portion of its sign face is a dynamic display.

Other Sign Regulations

In 2008, the Council amended the sign ordinance to limit the size of dynamic display wall signs. In the B-3, B-4, I-1 and I-2 districts, all wall signs greater than 100 square feet must be entirely static (no dynamic display). A wall sign less than 100 square feet could be a dynamic display type. The code does not address dynamic display on free-standing or monument signs. These types of signs have not been a problem in the city and no regulations were suggested by staff or Council.

Other Cities Regulations

Staff has researched six other cities sign regulations that dealt with dynamic display and billboards. A summary of their regulations is attached as an exhibit to this memo. In general, many of the cities do not allow billboards and so most are non-conforming. Some cities allow addition of dynamic display with standards, other allow dynamic display but with the condition that a portion of other existing billboards are removed.

Options for Regulation

This study and research has focused on electronic or dynamic billboard regulations. The Council has already addressed dynamic wall signage and dynamic free-standing, pylon or monument signs have not appeared to of concern.

Staff sees the Council has the following options:

1. Do nothing. If Council is not concerned with dynamic display billboards, the code would not require any changes.
2. Prohibit all forms of dynamic display billboards. This would preclude any billboard being converted to a dynamic display wither it is an existing or new billboard.
3. Amend the ordinance to allow dynamic display with conditions. The most common and most important conditions relate to:
   - Illumination intensity.
   - Duration of the sign image. A time limit on how quickly a sign changes seems to limit driver distraction.
   - A distance requirement between signs is a means to limit the number.

- Some cities have allowed dynamic display but in return require that a sign face or a billboard be removed as a voluntary means for the City to eliminate existing billboards.
- Location. Could be done in two ways. First is to allow dynamic display on any billboard which would allow these on 494, Concord or Hwy 3. The second is to allow only in the area where billboards are now allowed along Hwy 52/55 in the southern portion of the city.

The City Council discussed this issue at their October 25 work session. The discussion generally went along the lines of either prohibiting all types of electronic display on billboards, or allowing them with conditions in certain parts of the city.

Working with this direction, staff has worked with the City Attorney and has prepared two options to be considered:

1. Prohibit all types of dynamic display electronic signage on all billboards.
2. Allow for dynamic display electronic signage on billboards within only the area of the city where billboards are currently allowed with performance standards.

The following summarizes each option.

1. Prohibition. Simply put, one ordinance option would be to state specifically that all dynamic display and electronic signage is prohibited on all billboards in the City. With either a prohibition or regulation option, the City must adopt a definition of dynamic display or electronic billboards. Staff, with help from the City Attorney's office has drafted a definition of electronic dynamic display billboards which identifies all types of electronic message changing signs.

2. Staff recommends that if electronic signage is to be allowed on billboards, then these displays should be limited only to the area currently identified as a permitted area which is along Hwy 52/55 in Sections 27 and 34 in the B-3, B-4, I-1 and I-2 Zoning Districts. This would require a separate dynamic display billboard overlay district so specific standards can be established for dynamic display billboards is certain portions of the City.

   Non-Conforming Billboards located anywhere else in the City would not be able to convert to an electronic display.

   Proposed performance standards

   1. Duration. Staff is proposing a ten second interval minimum between image changes to minimize the visual distraction on motorists. A study conducted by SRF in 2007 entitled "Dynamic" Signage: Research Related to Driver Distraction and Ordinance Recommendations identified that time duration has many factors including sign

visibility and traffic speed. Allowing a 10 second interval would allow the sign to change approximately two times for cars traveling on Hwy 52/55 with a posted speed limit of 65.

2. Motion. Staff is recommending that these sign display only static images with no motion. Change from one image to another must also be done without effects such as fading, dissolve or motion. Static images with quick change minimize driver distraction.

3. Illumination. Staff recommends language be included that regulates sign illumination to be no brighter than necessary to avoid impairing vision of a driver. Some cities have specific illumination standards based a unit of measure called a Nit which is measured as candelas per square meter. Nit levels can range from 5,000 to 7,000 during the day and 500 during the night. Enforcement requires specific equipment and protocol that staff is not trained for nor do we have the equipment. If there was ever a concern of a violation, a consultant would have to be hired to review. Staff has provided both options in the draft ordinance. In any case, a provision is needed to require a billboard to have a monitoring system to shut the billboard down if there are malfunctions.

4. Separation. Staff has included a provision that requires a separation between billboards to reduce the potential for driver distraction. Staff is recommending a minimum spacing along the same side of the highway of 800 feet. Based on this distance, there is the possibility of 3 dynamic display signs on the east side of the highway and 2 on the west side of the highway. As stated earlier, based on current spacing requirements for standard billboards, the only locations left would be very near the 117th Street interchange, but other factors such as visibility, ownership and existing principle structures may make these locations not viable.

Since there is a very high probability that no new billboards would be erected in the City, the impact of multiple dynamic display could be limited.

ALTERNATIVES

The Planning Commission has the following actions available on the following requests:

A. **Approval.** Approval of one of the three possible options for an Ordinance Amendment:

1. Approval of an Ordinance Amendment that would prohibit any Dynamic Display Billboards in the City.

2. Approval of the Ordinance Amendment which would establish a Dynamic Display Billboard overlay district along Hwy 52/55 in Sections 27 and 34, Township 27, Range 22 and allow dynamic display billboards with performance standards as presented in the attached ordinance.

3. Approval of the Ordinance Amendment which would establish a Dynamic Display Billboard overlay district along Hwy 52/55 in Sections 27 and 34, Township 27, Range 22 and allow dynamic display billboards with performance standards as recommended by the Planning Commission.

B. **Denial**. The Planning Commission could also recommend to do nothing and not change the ordinance.

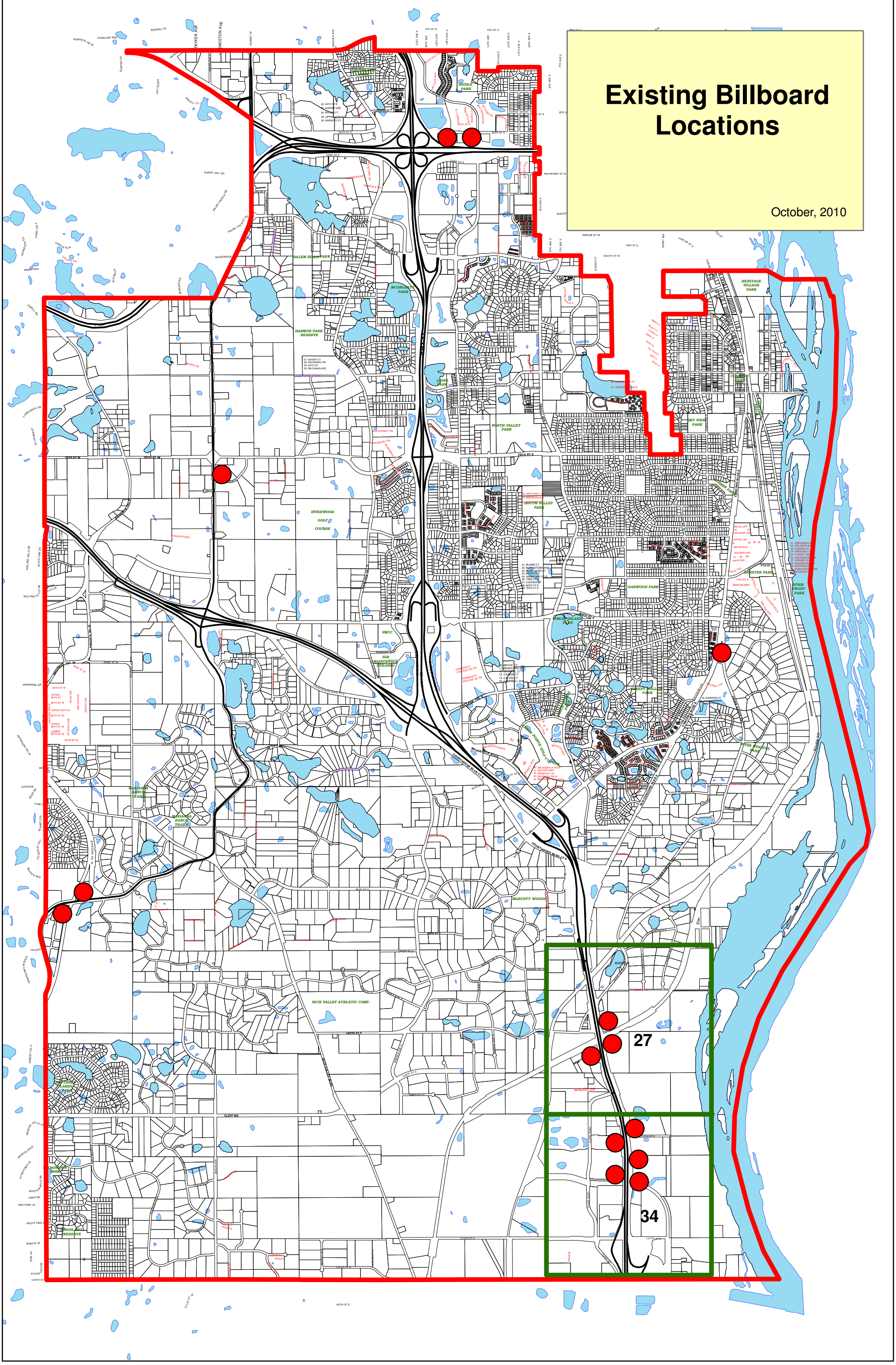
RECOMMENDATION

While studies have found that billboards and dynamic display have an impact of traffic safety, there does appear to be some merit to allowing the dynamic display technology to easily update messages. Since the Zoning Ordinance allows billboards along Hwy 52/55 in Sections 27 and 34, it would seem consistent to allow dynamic display on billboards in this same area. Staff would support an ordinance amendment as option #2 above. The Planning Commission must make a recommendation on which direction to go regarding regulating the light intensity and how to define.

Attachments: Map of Existing Billboards throughout the City
Map of Existing Billboards along Hwy 52/55 in Sections 27 and 34
Matrix of other City Ordinances
Proposed Ordinance Amendment allowing Dynamic Display Billboards with Performance Standards

Existing Billboard Locations

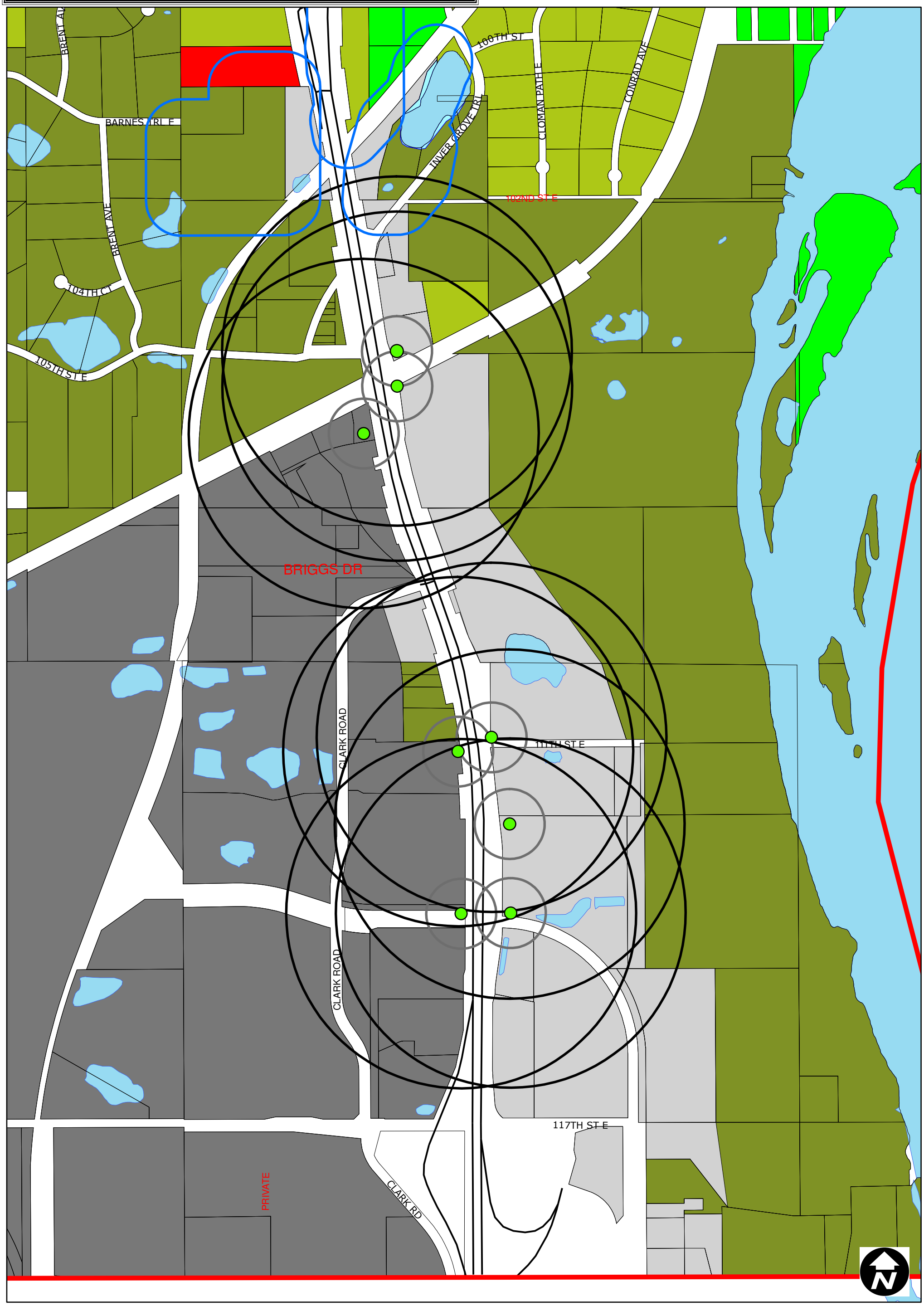
October, 2010



Legend

- 300 feet from A or E-1 Zoned Property
- 300 foot separation signs opposite side of Hwy
- 1500 foot separation between signs same side of Hwy

Billboard Locations in Sections 27 and 34 Showing Separation Requirements



SUMMARY REVIEW OF DYNAMIC DISPLAY BILLBOARD REGULATIONS

	BLOOMINGTON	MINNETONKA	HOPKINS	RICHFIELD	WEST ST. PAUL	OAKDALE		
Type of definition contained in ordinance	Billboard and Electronic Display Techniques	Outdoor Advertising Sign	Changeable Copy Sign and Off Premise Sign	Dynamic Display, Outdoor Advertising and On-Premise Signs	Dynamic Display, Electronic Changeable Copy, Electroninc Graphic Display, Off-Premises, Video Display Sign	Billboard and Electronic Dynamic Business Sign		
Allowed/Prohibited	New billboards prohibited. Electronic display allowed on existing billboards	New billboards or outdoor advertizing signs are prohibited	New changeable copy and off premise signs are prohibited	New Outdoor Advertising Signs (billboards) are prohibited	Dynamic Display, Off-Premises and Changeable Copy signs are Prohibited	New Billboards Allowed as a permitted use with the removal of other existing billboard space. Dynamic signs must be static and change with minimum 60 second interval. No video type allowed.		
Location/Zoning District	New billboards prohibited in all	Prohibited in all districts	Prohibited in all districts	New outdoor advertising prohibited in all districts	Prohibited in all but one industrial district	Allowed in Commercial and Industrial districts along Hwy 94 and 694 only		
Brightness/Intensity regulations	Brightness regulations for daytime and nighttime for non-conforming billboards	General brightness regulations for existing dynamic signs	No specific regulations	General brightness regulations	No specific regulations	Brightnes regulations for daytime and night time		
Duration of display time	20 minute. Must be totally static	20 minute static except for time/temp	No regulations	8 seconds	No regulations	60 seconds		
Non-Conforming (Existing) Billboard Regulations	Allows electronic display. Min duration 20 minutes. Must be static. No moving image.	Allowed on one side if 2 sides of existing billboard is removed	No additional regulations. Not allowed	Outdoor advertising allowed on one side of existing if 2 sides of other existing billboards are removed	Is allowed in I-2 district	Dynamic display allowed with removal of 2 sq ft of existing sign for each 1 sq ft of dynamic display		

SUMMARY REVIEW OF DYNAMIC DISPLAY BILLBOARD REGULATIONS

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

ORDINANCE NO._____

AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE TITLE 10, CHAPTER 2, SECTION 2 AND TITLE 10, CHAPTER 15, ARTICLE E REGARDING DYNAMIC DISPLAY BILLBOARDS

The City Council of Inver Grove Heights does hereby ordain:

Section 1. Amendment. Title 10, Chapter 2, Section 2 of the Inver Grove Heights City Code is hereby amended to add the following definition to Section 2:

Dynamic Display Billboard: A billboard or portion thereof that displays static or dynamic text, images, graphics, or pictures where the message change sequence is accomplished by any method other than physically or mechanically removing and replacing the sign face or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the billboard. 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, but is not limited to, any rotating, revolving, moving, flashing, blinking, projecting, or other animated display and any display that incorporates rotating panels, light bulbs, fiber optics, LED lights manipulated through digital input, "digital ink," or any other method or technology that allows the sign face to present a series of text, images, or displays.

Section 3. Amendment. Title 10, Chapter 15, Article E, Section 6, Subsection I of the Inver Grove Heights City Code is hereby enacted as follows:

10-15E-6: BILLBOARDS:

I. Dynamic Display Billboards:
   1. Findings, Purpose and Intent: The City Council finds it necessary for the promotion and preservation of the health, safety, welfare, and aesthetics of the community that the construction, location, size, conspicuity, brightness, legibility, operational characteristics and maintenance of Dynamic Display Billboards be controlled. Dynamic Display Billboards have a direct and substantial impact on traffic safety, pedestrian safety, community aesthetics and property values. The City Council recognizes that signs provide a guide to the physical environment and as such serve an important function in the community and economy. With respect to Dynamic Display Billboards, including video display billboards, the City Council finds that

they are highly visible from long distances and at very wide viewing angles both day and night and are designed to catch the eye of persons in their vicinity and hold it for extended periods of time. If left uncontrolled, Dynamic Display Billboards, including video display signs, constitute a serious traffic safety threat. Studies such as "Dynamic" Signage: Research Related To Driver Distraction and Ordinance Recommendations by SRF Consulting Group, Inc. June, 7, 2007, reveal that electronic signs are highly distracting to drivers and that driver distraction continues to be a significant underlying cause of traffic accidents. The City Council intends by this subdivision of the City Code to establish a legal framework for Dynamic Display Billboard regulation in the City. The regulations promulgated in this subdivision are intended to facilitate an easy and agreeable communication between people while protecting and promoting the public health, safety, welfare and aesthetics of the community. It is not the purpose or intent of this subdivision of the City Code to prefer or favor commercial messages or speech over non-commercial messages or speech or to discriminate between types of non-commercial speech or the viewpoints represented therein. Rather, the purpose of the Dynamic Display Billboard regulations promulgated in this subdivision is:

a. to eliminate potential hazards to motorists and pedestrians using the public streets, sidewalks, and rights-of-way;

b. to safeguard and enhance property values;

c. to control nuisances;

d. to preserve and improve the appearance of the City through adherence to aesthetic principles, in order to create a community that is attractive to residents and to non-residents who come to live, visit, work, or trade;

e. to eliminate excessive and confusing sign displays;

f. to encourage signs which by their design are integrated with and harmonious to the surrounding environment and the buildings and sites they occupy; and

g. to promote the public health, safety, and general welfare.

2. Location of Dynamic Display Billboards: Notwithstanding anything to the contrary contained within this Code, Dynamic Display Billboards may be located only within the Billboard Overlay District. Dynamic Display Billboards are prohibited in all zoning districts of the City other than the Billboard Overlay District. Dynamic Display Billboards located in the Billboard Overlay District must comply with all Code requirements for permitted Dynamic Display Billboards.

3. Non-Conforming Billboards: Notwithstanding anything to the contrary contained within this Code, a legal non-conforming sign or billboard shall not be converted to a Dynamic Display Billboard. A legal non-conforming sign or billboard may be

continued through repair, replacement, restoration, maintenance, or improvement but shall not be expanded, enlarged, intensified or moved to a new location. Replacement, reconstruction, or restoration means construction that exactly matches pre-existing conditions. Expansion or intensification includes but is not limited to, replacement of a static display with any type of dynamic display, including a display that consists of rotating, revolving, moving, flashing, blinking, or projecting, items, or light bulbs, LED lights, fiber optics, or any other method of technology that allows the sign face to present a series of text, images, or displays.

4. Billboard Overlay District Performance Standards: The Billboard Overlay District is hereby established as a separate zoning district within the City. Within the Billboard Overlay District, Dynamic Display Billboards are permitted subject to the following conditions:

a. No dynamic display billboard shall be erected that, by reason of position, shape, movement or color, interferes with the proper functioning of a traffic signal or which constitutes a traffic hazard.

b. Dynamic display billboards must have minimum display duration of 10 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 other subtle transition that do not have the appearance of moving text or images.

c. Must be rectangular in shape and all messages contained within.

d. All dynamic display billboards shall have installed ambient light monitors and shall, at all times, allow such monitors to automatically adjust the brightness level of the electronic sign based on light conditions.

e. Dynamic display billboards shall meet the following brightness standards;

1. No sign may be brighter than is necessary for clear and adequate visibility;

2. No sign may be if such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.

f. Dynamic display billboards shall not exceed 5,000 Nits (candelas per square meter) between the hours of civil sunrise and civil sunset and shall not exceed 500

Nits (candelas per square meter) between the hours of civil sunset and civil sunrise as measured from the face of the sign.

g. The lamp wattage and luminance level in Nits (candelas per square meter) shall be provided at the time of permit application from the owner or operator of the sign stating that the sign shall at all times be operated in accordance with City Codes and that the owner or operator shall provide proof of such conformance

h. Dynamic display billboards shall have a fully functional monitoring off switch system that automatically shuts the dynamic display signs off when the display deteriorates, any fashion, 5% or greater until the dynamic display sign has been repaired to its fully functional factory specifications.

i. Dynamic display billboards shall maintain a minimum spacing of eight hundred (800) feet between any other dynamic display electronic billboard on the same side of the highway.

Rezoning of Property: Contemporaneous with the enactment of this subdivision, the City has rezoned certain property within the City to the Billboard Overlay District by Ordinance Number _____. The area rezoned to the Billboard Overlay District is the only appropriate area in the city for Dynamic Display Billboards because the City adopted an ordinance in 1993 regulating the location of billboards to an area along Hwy 52/55 in Sections 27 and 34, Township 27, Range 22. Supreme Court decisions and results from numerous safety studies have indicated that Dynamic Display Billboards and other forms of outdoor signage are intended to divert, and do divert, a drivers attention from the roadway. Dynamic Display Billboards have been considered a form of visual pollution that can detract from the positive features of a community.

SECTION 4. Effective Date. This ordinance shall be in force upon its adoption and publication.

Passed this _____ day of _____, 2010.

_____
George Tourville, Mayor

ATTEST:

_____
Melissa Rheaume, Deputy City Clerk