

ORDINANCE NO. 4706

AN ORDINANCE AMENDING CHAPTER 126, ARTICLE III, DIVISION 3, OF THE BOSSIER PARISH CODE OF ORDINANCES "ZONING", TO ADD SECTION 126-888 "OFF-PREMISE ADVERTISING DEVICES FOR SIGNS" TO CREATE COMPREHENSIVE REGULATIONS FOR THE APPROVAL PROCESS AND LOCATION REQUIREMENTS FOR OUTDOOR GENERAL ADVERTISING STRUCTURES (OFF-PREMISE SIGNS) WITHIN THE FIVE-MILE JURISDICTION OF THE BENTON-PARISH METROPOLITAN PLANNING COMMISSION, TO ADD CERTAIN SECTIONS AND SUBSECTIONS

BE IT ORDAINED by the Bossier Parish Police Jury in regular and legal session on this 19<sup>th</sup> day of December, 2018, that Chapter 126, Article III, Division 3, of the Bossier Parish Code of Ordinances "Zoning", be amended to add Section 126-888, as follows:

**Section 126-888      Off-Premise Advertising Devices or Signs**

**(a)      Intent**

- (1)      The purpose of this Article is to establish standards and regulations to insure the orderly and effective display of off-premise advertising and to define those structures that are not in compliance. This will effectuate the intent of the U.S. Congress and the Louisiana State Legislature in adopting the Highway Beautification Act and the state version of that law, who, in so acting, have declared that it is in the public interest to regulate and restrict the erection and maintenance of outdoor advertising devices along the Interstate and Primary Highway Systems, to promote the safety of public travel, and to enhance the beauty and attractiveness of the city to its residents and visitors for residential and commercial growth in an orderly plan.
- (2)      These regulations, when properly enforced, will control the locations, size, spacing, illumination and maintenance of all off-premise advertising devices thereby resulting in the overall enhancement of the safety, health and welfare of the citizens residing in the planning limits of the Benton Parish Metropolitan Planning Commission.

**(b)      Applicability**

This Ordinance shall apply to "off-premise advertising devices," as herein defined as any outdoor sign, display, figure, painting, drawing, message, plaque, poster, billboard, flag, or any other thing which is not located within the public right of way, and part of which advertising or information content is visible from any place on the public or private streets of the Town of Benton or of Bossier Parish. Signs with subject matter relating to the premises (business signs) or signs of a non-commercial nature placed on the premises by the owner or occupant thereof shall not be considered off-premise advertising devices for any purpose of the ordinance. All signs located in the public right-of-way are expressly prohibited.

**(c)      Permits Required**

- (1)      No off-premise sign shall be erected, altered, or relocated without first securing a Sign Location Permit from the Benton Metropolitan Planning Commission and any applicable permits from the Town of Benton or Bossier Parish permitting agency. The sign location permit shall contain the location of the sign structure, the name and address of the sign owner, the sign erector, a drawing showing the type, size, location and zoning and such other pertinent information as the MPC may require to ensure compliance with this ordinance and all ordinances affecting the subject property.

- (2) The application approval shall be as a “Planning Approval” and any approval by the MPC must be affirmed by majority vote of the Benton Town Council.

**(d) Off-Premise Signs Allowed Without a Permit**

The following off-premise signs shall be allowed and shall not require a permit, although they may otherwise be subject to this ordinance:

- (1) A traffic control sign on private property, such as “Stop,” “Yield” and similar signs, the face of which meet Traffic Engineering standards and which contain no commercial message of any sort;
- (2) Flags of the United States, state flags, municipal flags, flags of foreign nations and any other flag representing a governmental agency. These flags shall not be associated with any commercial message whatsoever.
- (3) A sign of not more than 35 square feet containing no commercial message except information indicating that the property on which it is located is available for sale or lease and that no two such signs shall be located within 1000 feet of each other on the same property;

**(e) Location of Off-Premise Signs**

- (1) Approved off-premise outdoor advertising displays, signs or billboards may be constructed, erected and maintained in the commercial and industrial zoned areas listed in this sub-section and as further defined by the Zoning Ordinances of the Town and Parish and the respective official zoning maps. Off-premise signs shall be permitted only in the following zoning districts and not in any others: B-1, B-2, B-3, I-1 and 1-2 Districts.
- (2) No property shall be rezoned to one of the specified zoning districts for the sole purpose of allowing the erection of an off-premise advertising device unless the property proposed for rezoning:
  - A. At least 25 percent of the perimeter of the property proposed for rezoning abuts land zoned for industrial or business use and has actually been developed for one or more industrial or business uses other than outdoor advertising devices; and
  - B. Has contiguous access to a public street and is otherwise suitable for industrial or business use, although it is not essential that sewer and water service be immediately available.
- (3) Off-premise advertising devices shall be separated from one another and from other specified uses as set forth in Table e3. Measurements between off-premise signs shall be performed without regard to which side of the street or highway the sign is on.
- (4) V-type or back-to-back sign surfaces on the same device shall be considered one sign.

<b>Table e3</b>			
<b>9.5.6 Separation Requirements</b>			
<b>for Off-Premise Advertising Signs (feet)</b>			
<b>OAD Size</b>	<b>&lt; 72 sq.ft.</b>	<b>72-390 sq.ft.</b>	<b>390-672 sq.ft.</b>
<b>Separation from OAD facing same flow of traffic, along major streets</b>			
OAD <72 sq.ft.,	200	300	500
OAD 72-390 sq.ft.	300	500	720
OAD 390-672 sq.ft.	500	720	1000
<b>Separation from OAD not facing same flow of traffic, along major streets</b>			
OAD <72 sq.ft.,	100	150	250

<b>Table e3 9.5.6 Separation Requirements for Off-Premise Advertising Signs (feet)</b>			
<b>OAD Size</b>	<b>&lt; 72 sq.ft.</b>	<b>72-390 sq.ft.</b>	<b>390-672 sq.ft.</b>
OAD 72-390 sq.ft.	150	300	500
OAD 390-672 sq.ft.	250	500	600
<b>Separation of OAD from property zoned for residential use (not including mixed use) or from property used for school or park purposes as measured from property line of residential to sign base</b>			
Residential Property Line	100	200	400

- (5) Off-premise advertising devices shall be setback from the front property lines on the properties on which they are located by the distances set forth in this paragraph. Set-backs shall be measured from the sign surface. Minimum front yard set-backs shall comply with the requirements of Table e5.

<b>Table e5 Required Setbacks for Off-Premise Advertising Devices from Front Property Lines (in feet)</b>			
<b>District</b>	<b>Sign Size</b>		
	<b>&lt;72 sq.ft.</b>	<b>72-390 sq.ft.</b>	<b>390-672 sq.ft.</b>
Any B District	30	30	30
Industrial District and A-1	10	15	15

- (6) Side and rear minimum setbacks shall be 5 feet.
- (7) Where Table 9.5.6 requires a separation from another sign or another use and that separation requirement is greater than the setback requirement under this paragraph, the greater separation requirement shall apply.
- (8) No off-premise sign shall be located on or project over a building.
- (9) No off-premise sign shall be located in such a manner as to obscure, obstruct, or otherwise physically interfere with the clear or unobstructed view of an official traffic sign, signal, or device, or obstruct or physically interfere with the driver's view of approaching merging or intersecting traffic.
- (10) No off-premise outdoor advertising device shall be located within 1,000 feet of Black Bayou or Cypress Lake. Measurement is to be taken in a radius around the water's edge.
- (11) No off-premise advertising sign larger than 72 square feet, except temporary signs may be built on wooden poles; all other off-premise signs must be constructed on steel beams, metal pipes, or similar material and painted with a neutral or subdued color.

**(f) Off-Premise Sign Height Limitations**

No off-premise advertising device shall exceed the most restrictive height applicable to it under Table f, subject to the further specific conditions set forth in this section:

<b>Table f Height Limits for Off-Premise Advertising Devices (in feet)</b>			
<b>OAD Size</b>	<b>≤ 72 sq.ft.</b>	<b>72 – 390 sq.ft.</b>	<b>390-672 sq.ft.</b>
B-1 District	15	Not Permitted	Not Permitted
B-2 District	15	50 (Up to 300 sq.ft.)	Not Permitted
B-3, & Industrial Districts	15	60	60
Within 199 feet of residential property	15	Not Permitted	Not Permitted
200 - 599 feet from residential property	20	1 foot additional height above 20 feet for every 10 feet in additional distance separation beyond 200 feet	Not Permitted
600 feet or more from residential property	20	Same as above	60
Oriented toward raised expressway and at least 600 feet from residential	Height allowed by other cells on table or 25 feet above centerline of expressway, whichever is taller		
Note: The maximum height of any signs shall be measured as the vertical distance between the highest part of the sign and either the ground level at its supports or the nearest shoulder of the adjacent Interstate highway right-of-way or public street right-of-way, whichever is higher in elevation.			

**(g) Off-Premise Sign Size Limitations**

(1) Table g1 below specifies the maximum permitted sizes for off-premise advertising devices by zoning district.

<b>Table g1 Size Limits on Off-Premise Advertising Devices, by Zoning District (sizes in square feet)</b>			
	<b>Zoning District</b>		
	<b>Industrial, B-3</b>	<b>B-2</b>	<b>B-1</b>
<b>Maximum area of total sign surface per side (sq. ft.)</b>			
Major Streets	390	300	72

(2) The maximum area, heights of surface, and length of surface dimensions in the above table are exclusive of any border or trim, the base or supports, and other structural members. For signs in I-1, I-2, and B-3 District, cut-outs or extensions up to 50 square feet of additional area may be allowed without MPC approval and cut-out from 51 to 150 square feet may be permitted with MPC staff approval.

(3) When 2 off-premise sign surfaces are placed back-to-back or V-type on the same device with an angle between them of not more than 60 degrees, each side shall conform to the maximum size limitations. No more than 2 sign surfaces are allowed on one device. Two-sided signs must have the same surface area one each side.

- (4) Signs and sign faces shall not be stacked; only one sign face is allowed on each side.
- (5) The maximum area, heights of surface, and length of surface dimensions in the above table are exclusive of any border or trim, the base or supports, and other structural members.
- (6) For purposes of measurement, Trivision technology, or comparable electronic video or animation technology, faces shall be considered to be one face.

**(h) Distancing Bonus for Landscaping of Off-Premise Signs**

A 5 percent distancing reduction shall be available as a bonus to applicants who choose to landscape Off-Premise sign location sites. To be eligible for the distancing reduction, the required landscaping shall be shown on the site plan, and maintenance of such landscaping shall be required as a continuing condition of the permit for the sign. The landscaping shall meet at least the following standards:

**(1) Area to be Landscaped**

An 8-foot radius around the base of the sign.

**(2) Required Plant Materials, Type, Quality and Quantity**

Acceptable plant materials include shrubs, grasses, ground covers, and other plants. Note: Landscaped boards accepted under the distance bonus program shall be considered conforming locations.

**(i) Lighting of Off-Premise Signs**

Signs may be illuminated, subject to the following restrictions:

- (1) No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any sign. Flashing devices shall not be permitted upon a sign except illuminated signs which indicate such customary public service information such as time, date, temperature or other similar information. No flashing sign shall be allowed within 1,000 feet of residential property.
- (2) No animated signs, including message center or video boards, shall be allowed within 720 feet of property zoned for residential use from which the sign face can be seen; no animated signs, including message center or video boards, shall be allowed under any circumstances within 500 feet of property zoned for residential use. LED or similar electronic static face signs shall not be closer than 200' from residential property as defined in table 9.5.6. Measurement shall be taken from the sign face to the nearest point of the residential property.
- (3) External lighting, such as flood lights, thin line and goose neck reflectors are permitted provided the light source is directed on the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed or reflected onto any portion of a public street. Lighting may be located below the sign face and directed upward at the sign. All external lighting shall be located above the sign and directed downward at the sign face.
- (4) Neon signage and back-lit signage is permitted subject to the same guidelines as external lighting.

**(j) Temporary Off-Premise Signs without Commercial Message**

Temporary signs containing no commercial message and related to an election or other event or matter of public interest may be erected in any zoning district of the Town or Parish but not within the public right-of-way.

**(k) Off-Premise Signs Not Allowed**

The following signs or sign components shall not be permitted to remain or be erected as a part of an off-premise sign:

- (1) Any sign that copies or imitates an official sign or purports to have official status;
- (2) Beacons;
- (3) Windblown devices;
- (4) Pennants;
- (5) Portable signs, including any sign that is not securely fixed on a substantial structure, securely connected to the ground in such a way that it cannot easily be moved from one location to another, including skid mounted or trailer mounted signs;
- (6) Any sign attached to an accessory structure, except an incidental sign, if such sign is legible from the public right-of-way or from other property;
- (7) Any other attention-attracting device, except for those conforming to the dimensional, design, lighting and other standards applicable to a sign in the same location;
- (8) Any sign which is obsolete or abandoned, including any sign which does not have 100 percent of the sign surface fully covered with a promotional panel for a continuous period of 6 months;
- (9) Any sign which is illegal under State laws or regulations;
- (10) Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features;
- (11) Signs located on public property, unless placed thereon under lease arrangements or otherwise permitted by legal authority;
- (12) Signs which contain statements, words, or pictures of an obscene nature as defined by law;
- (13) Signs which contain as part of the message mirror-like surfaces; (Note: 1” reflective discs that do not cover more than 5 percent of the sign surface and produce no traffic impeding glare will be permitted.)
- (14) Signs which are constructed so as to periodically change the direction toward which any place containing the sign surface area is oriented; and
- (15) Signs which emit smoke, vapor, particles, or odor.

**(l) Design, Construction and Maintenance Standards for Off-Premise Signs**

**(1) Construction Standards**

All off-premise signs shall be designed, constructed and maintained in accordance with the following standards:

- A. All signs shall comply with applicable provisions of the Town or Parish building code.
- B. All wiring to new signs and existing signs that are being upgraded shall be placed underground. Electric signs that have internal wiring or lighting equipment, and external lighting equipment that directs lights on signs, shall not be erected or installed until and electrical permit has been obtained from the appropriate building official. Signs and their installation shall conform to applicable construction and electrical codes. All wiring to electric signs or to freestanding equipment that lights a sign shall be installed underground, unless a hardship variance is approved by the Metropolitan Planning Commission. All electric signs shall have a power disconnect switch located either on the exterior of the sign or accessible through an operable cover, and shall be labeled with a sticker or other notice on the exterior of the sign to indicate the voltage and amperage of electrical circuits connected to the sign.
- C. Except for permitted banners, flags, temporary signs and window signs conforming in all respects with the requirements of this Article, all signs shall be constructed of permanent materials and shall be attached to the ground, a building or another structure by direct attachment to a wall, frame or structure.

**(2) Backs of Signs**

Visible backs of signs shall be suitably painted or otherwise covered to present a neat and clean appearance.

**(3) Maintenance Standards**

All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Code. Specifically:

- A. A sign shall have no more than 20 percent of its surface area covered with disfigured, cracked, ripped or peeling paint, poster paper or other material for a period of more than 30 successive days.
- B. A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than 15 degrees from vertical for a period of more than ten successive days.
- C. A sign shall not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign from the public right-of-way from which it is to be viewed, for a period of more than 30 successive days.
- D. An internally illuminated sign shall be allowed to stand with only partial illumination for a period of no more than 30 successive days.
- E. Electronic signs, such as LED illuminated, with a static face shall have a minimum display time of 8 seconds and transition time between
- F. All internally illuminated signs shall meet the following brightness standards:
  - 1. No sign shall be brighter than .3 footcandles over ambient lighting conditions and shall have automatic dimming capability. An automatic light sensing device (such as

photocell or similar technology) shall be utilized for automatically adjusting the digital billboard's brightness. Brightness measurement shall be taken with a footcandle meter, perpendicular to the sign face from a distance of 200' for signs less than 390 square feet in size and 250' for all others.

2. No sign shall be of such intensity or brilliance as to impair the vision of a motor vehicle driver or to otherwise interfere with the driver's operation of a motor vehicle.
3. No sign shall be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.

**(m) Nonconforming Off-Premise Signs**

All Off-Premise signs legally in existence on the effective date of this ordinance, but not meeting the provisions of this ordinance shall be classified "nonconforming" and permitted to remain with reasonable repair and maintenance. Any nonconforming sign damaged beyond 60 percent of replacement cost of the structure (as determined by an independent appraiser engaged by the Metropolitan Planning Commission with costs payable by the current sign

The ordinance was offered by Mr. Cochran, seconded by Mr. Plummer. Upon unanimous vote, it was duly adopted on this 19<sup>th</sup> day of December, 2018.

RACHEL D. HAUSER  
PARISH SECRETARY

GLENN BENTON, PRESIDENT  
BOSSIER PARISH POLICE JURY