

Neighborhoods  
In Favor of  
Proposal 187, 2003  
Billboard Moratorium

## The Sign Ordinance Needs to be Reviewed Because:

Sign clutter is increasing

Billboards have been erected through numerous Variances of the current codes

Billboards have been erected through loopholes in Indianapolis' Sign Ordinance

## Sign Clutter

Everyone has their 'favorite' location that demonstrates the ever increasing sign clutter in Marion County.



View looking east from 6780 W. Washington Street



View looking east from 10102 E. Washington Street

## Billboards Erected Through Loopholes in Indianapolis' Sign Ordinance



Kentucky Avenue and I-465

Erected on railroad right of way, on a Sunday - closer to the freeway, taller, closer to an interchange, and closer to other billboards than allowed by Indianapolis' sign ordinance. It is oriented toward the freeway in violation of its State permit.



350 South Franklin Road

Building constructed around the billboard because the lease could not be broken.

## Loopholes, continued



7525 East Washington Street

The trailer court is zoned for commercial use, so it is not showing up as a protected district and the billboard is allowed.

## Loopholes, continued

Billboards are currently slated to be built at the following additional locations due to loopholes in Indianapolis' Sign Ordinance:

13th & Yandes Street

752 Market Street

1350 Van Buren Street

1121 Beecher Street

920 Ohio Street

1425 Harding Street

1425 Raymond Street

4321 Morris Street

4202 Minnesota Street

3790 Guion Road

I-65 & Guion Road

2550 Boyd Avenue

3798 Guion Road

I-69 & Castleton Road

6451 E 26th Street

## We Request Councillors Vote FOR Proposal 187, 2003 Because:

The Community supports the moratorium

Billboards are permanent

Frees up neighborhood leaders and city staff to participate in ordinance review process

A moratorium while reviewing a sign ordinance is usual

A moratorium would protect the integrity of the process of ordinance review

# The Community Supports the Moratorium

The following organizations are in favor of the 6 month billboard moratorium:

Far East Side Neighborhood Association (FENA)

Greater Allisonville Community Council (GACC)

Pike Township Residents Association (PTRA)

Decatur Township Civic Council

Franklin Township Civic League

Warren Township Development Association

Maywood Manor Neighborhood Association

Nora Northside Community Council

Castleton East Civic Organization

Community Alliance of the Far Eastside (CAFÉ)

Indiana Council on Outdoor Lighting Education (ICOLE)

Lamar Advertising Company (a subsidiary of Viacom)

Wicker – Lake Road Residents Organization

Sargent Road Association

Farley Neighborhood Association

Town of Cumberland

Decatur Township Neighborhood Coalition

## The Community Supports the Moratorium, continued

Crooked Creek Community Council

Southeast Civic Association

Eastgate Neighborhood Association

Maple Creek Home Owners Association

Cumberland Cove Home Owners Association

Autumn Glen Home Owners Association

Protect Our Rivers Now

Maple Creek Commons Home Owners Association

Cumberland Gap Neighborhood Association

Greater Garden City Civic Association

Autumn Glen Assisted Living Community

Warren Lakes Home Owners Association

Marion County Alliance of Neighborhood Associations

## Community Values Component of the Comprehensive Plan

The Metropolitan Development Commission adopted the Community Values Component of the Comprehensive Plan on February 20, 2002. Eight Issue Committees had been assembled and each was comprised of a wide range of public and private stakeholders. The Issue Committees centered around the following topics: Cultural, Social, and Education / Economic Development / Environment, Parks, and Open Space / Land Use Standards / Neighborhoods and Housing / Redevelopment / Regionalism / Transportation and Infrastructure. Strikingly, as diverse the topics they discussed, all eight Issue Committees identified billboards, specifically, and sign proliferation, generally, as a significant impediment to improving the quality of life in Indianapolis.

### Billboards are Permanent

Even the Indianapolis International Airport could not break its leases with billboard companies. In order to move forward with the multi-million dollar improvements to I-70 that will allow the multi-million dollar mid-field terminal project, the airport had to pay to relocate billboards. Clear Channel alone was paid \$232,000 to relocate 3 billboards from I-70 to I-465.

Said Michael Wells, former President of the Indianapolis Airport Authority Board, "I never wanted those damn billboards in the first place. We could end up worse off than if we had never taken them."

## Frees Up Neighborhood Leaders City Staff to Participate in Review

You can speak to any neighborhood association and you will find that they have had to remonstrate against a Variance request for a billboard in their area.

Usually, several variance requests are bundled into one petition. Requests for deviation from the Indianapolis/Marion County Sign Ordinance for location, size, height, distance from a protected district, distance from an existing sign, number of signs within a half mile radius, number of signs along a freeway, distance from the freeway and distance from an interchange are all commonly proposed variances. If neighborhoods want to protect their area from billboard blight, they have to prepare a case and appear as remonstrators at the Variance hearing. This is very time consuming.

City Staff, too, spend a considerable amount of time on billboards – enforcement, permitting and planning personnel to name a few.

The Neighborhood Associations of Marion County have been seeking a comprehensive review of the Sign Ordinance for years. They will participate in that review, as will City Staff. We can all better utilize the time now spend on erecting billboards by spending it on a comprehensive review of the Sign Ordinance.

## A Moratorium While Reviewing a Sign Ordinance is Usual

The following localities are just some of the cities and counties that have used a temporary billboard moratorium while a review of their sign ordinance was undertaken:

Baltimore, Maryland

Gurnee, Illinois

Sagle, Idaho (Bonner County)

Rockford, Illinois

West Seneca, New York (Buffalo area)

Nassau County, Florida

St. Tammany Parish, Louisiana

Sandoval County, New Mexico (Albuquerque)

Salt Lake County, Utah

Baton Rouge, Louisiana

Tampa – Pasco County, Florida

Indianapolis, Indiana

## A Moratorium Would Protect the Integrity of the Process of Ordinance Review

The sign ordinance will be reviewed using a public process. Representatives of all points of view will be included. Representatives of Neighborhood Organizations, City Departments, Billboard Industry, the Chamber of Commerce, the Metropolitan Development Commission, the Board of Zoning Appeals, and the City-County Council will serve on the committee that will review the Sign Ordinance.

Locations that the sign ordinance review might protect in the future remain vulnerable without a moratorium. As Maury Plambeck, Director of the Department of Metropolitan Development for the City of Indianapolis, said at the April 21st hearing: We do not want permits issued in accordance to the current policy as we expect that policy to change.

Space is leased for billboards with very long term contracts – 10, 15, or 20 years at a stretch. Six months of restraint now, can prevent decades of negative impact in the future.

# A Permanent Ban on New Billboard Construction is Common Across the United States

Brown County, IN, does not allow billboards

The states of Maine, Vermont, Alaska, Rhode Island and Hawaii do not allow billboards. Oregon limits the total number of billboards allowed along its highways and freeways.

At least 26 other states contain jurisdictions that ban billboards. Some of these are: Monterey, Palm Springs and San Jose in California. Aspen, Telluride, and Denver in Colorado. Daytona Beach, Miami Beach, and Tampa are among over 200 cities and towns in Florida. Santa Fe and Taos in New Mexico. And, Dallas, Fort Worth, Houston, and Austin, Texas have a permanent ban on billboards.

Appendix B shows the list of American Cities and Towns that have a permanent ban on new billboard construction. This list was compiled by Scenic America.

## Questions We Need to Think About

Do you favor more billboards in Indianapolis, Marion County?

How many more?

Where do you draw the line?

When is it too late?

Why not a ban on "new construction" of billboards now?

BEFORE IT IS TOO LATE!!!

## Q & A

Is a moratorium an infringement of the billboard industry's freedom of speech?

Can we just enforce the current regulations and avoid a moratorium?

Will this moratorium affect just billboards or all outdoor signs?

What about all of the free advertising space billboard companies provide to not for profit groups? Will a moratorium negatively impact this community benefit?

Will the billboard companies go broke while the moratorium is in place?

What will happen if a billboard company has applied for either a Variance or an Improvement Location Permit prior to the date the full Council enacts the 6-month moratorium?

Will people lose their jobs because of a temporary moratorium?

Is a moratorium an issue of property rights?

What is the effect of billboards on property values?

Aren't you confusing billboards with all signs in general?

Don't billboards provide important information to travelers?

Why a moratorium on billboards alone?

How much did it cost the Indianapolis International Airport to remove and relocate billboards along I-70 recently?

## Q & A

Q: Is a moratorium an infringement of the billboard industry's freedom of speech?

A: Not at all. There are thousands of billboards in Indianapolis with tens of thousands of messages on them every year. The 6-month moratorium will not change that. It will not do anything to limit what can be said through the already existing medium. The Courts have long held that cities may regulate placement, size, etc., of billboards, without it being deemed an infringement on freedom of speech. They may even impose an outright ban on new construction of billboards due to the aesthetic degradation caused to communities.

Q: Can we just enforce the current regulations and avoid a moratorium?

A: There are thousands of billboards in Indianapolis. Enforcement of the codes is indeed an area that can be improved. And the Department of Metropolitan Development is trying to beef up enforcement of the sign ordinance. But, none of this has anything to do with a moratorium. The sign ordinance needs to be reviewed and updated. The growing problem of sign clutter and the existence of loopholes in the current laws are just two of the examples of the great need for sign ordinance review. The moratorium on new billboards during that time is to ensure the integrity of the public process that is involved and to allow interested parties to focus on the sign regulation review.

Q: Will this moratorium affect just billboards or all outdoor signs?

A: Just billboards. There has been much confusion about this point. The Sign Ordinance calls a billboard either an 'Advertising Sign' or an 'Outdoor Advertising Sign'. Council Proposal number 187, 2003, calls for a 6-month moratorium on "erection of outdoor advertising signs". The Sign Ordinance defines 'Advertising Sign' as: "Any off-premise sign which directs attention to any business, profession, product, activity, commodity, or service, that is offered, sold, or manufactured on property or premises other than that upon which the sign is located. Also known as an outdoor advertising sign." The moratorium is for billboards only.

## Q & A, continued

Q: What about all of the free advertising space billboard companies provide to not for profit groups? Will a moratorium negatively impact this community benefit?

A: We certainly consider the donation of otherwise empty billboard space to not for profit groups to be a charitable and valuable action by the billboard companies. We would hope that the companies could find it in their hearts and company policies to continuing these good works during a temporary moratorium.

Q: Will the billboard companies go broke while the moratorium is in place?

A: There are thousands of billboards in Indianapolis – generating tens, if not hundreds, of millions of dollars each year. That revenue will continue to stream in during a moratorium. Clear Channel, for instance, has 1559 billboard faces in Indianapolis, according to recent SEC filings. According to the prices posted on their website, these create revenue of between \$30 million and \$100 million a year. These billboards, as well as hundreds more, will remain in place during the six-month moratorium.

Q: What will happen if a billboard company has applied for either a Variance or an Improvement Location Permit prior to the date the full Council enacts the 6-month moratorium?

A: Any process begun before Council Proposal 187, 2003, is passed by the full Council will follow through to completion. If a Variance request is filed before the full Council votes on this proposal, the Variance will go to the Board of Zoning Appeals for a hearing and may be granted, even if the temporary moratorium is in place. The same holds for a Permit request to erect a billboard. If filed prior to the full Council vote, it will go through the permit process as if there were no moratorium.

## Q & A, continued

Q: Will people lose their jobs because of a temporary moratorium?

A: There are thousands of billboards in Indianapolis. Ads will continue to be sold, fabricated, and placed on these billboards. Construction companies, besides doing their normal range of other construction work, will continue to be in demand as the billboard companies do maintenance, make repairs, and replace aging billboards. At the April 21<sup>st</sup> hearing before the Metropolitan Development Committee of the City-County Council, Vince Bruning of Lamar Advertising Company, spoke in favor of the moratorium. He said he did not expect that Lamar would have to lay off employees because of this ordinance. He said that the industry is seeing moratoriums happening in market after market. It is something they need to be prepared for.

Q: Is a moratorium an issue of property rights?

A: Once a billboard is erected, it is virtually a permanent fixture in that location. The public owns the roads and freeways that are necessary for the billboard industry to make a profit in Indianapolis every year. Indianapolis' city streets belong to all of us. No one has ever had the constitutional right to do whatever they wanted with their land. Since the 1920's both state and federal courts have held that states may zone land in the best interests of the community, as long as the zoning does not remove all of the land's economic value. The community has the right – the obligation, in fact -- to ensure private property is used in ways that benefit the long-term public interest. The locations that the sign ordinance review might protect in the future remain vulnerable without a moratorium. The public has a right to claim its property rights and the community's best interest by instituting a moratorium while the ordinance review is undertaken.

## Q & A, continued

Q: What is the effect of billboards on property values?

A: That very question was posed to Warren Zinn, IFA; an Indiana Certified General Appraiser. His letter to Councillor Langsford is copied in Appendix A. In brief, Mr. Zinn suggests that in areas of high sign clutter, the impact of an additional billboard may be neutral. But, in areas of less clutter, the impact is negative for both residential and commercial property values. This is in keeping with the policy banning billboards in commercial/industrial parks such as AmeriPlex on the City's southwest side. Chris Wilkes, Senior Vice-President of Holladay Properties says "We are no fans of billboards." In a recent letter opposing a Variance request to erect a billboard across Kentucky Avenue / SR 67 from AmeriPlex, Mr. Wilkes explains: "As developer of the AmeriPlex commercial office and industrial park, we have worked very hard to develop AmeriPlex with the highest level of architectural, landscaping, and overall development standards and covenants. We have done so in order to preserve the values of our land and building owners as well as the individual tenants in our park. Thus, we feel compelled to protest this variance that lies at the front door of our park on State Road 67."

Q: Aren't you confusing billboards with all signs in general?

A: No, we are pretty clear on the variety of signs permitted in Indianapolis. And all signs can contribute to an accumulative effect known as 'sign clutter'. Neighborhood groups across the County have urged a comprehensive review of the Sign Ordinance for that very reason. When all the stakeholders come together, we can craft an Ordinance that contributes to a more pleasant Cityscape and at the same time actually improves the impact of signs by reducing the visual distraction of sign clutter. However, we believe, in recent years, billboards are by far in the majority of those signs for which Variances are sought, thereby bringing the impacts of billboards into specific relief.

## Q & A, continued

Q: Don't billboards provide important information to travelers?

A: In Indiana, as well as most other states, alternate signs are already in place. We are all familiar with these logo signs near upcoming exits from the interstate. They list not only general information, such as gas, food, and lodging, they also are vendor specific with easily understood corporate logos, such as the golden arches informing travelers that a McDonalds is available. These logo signs are comparatively modest in size and display, and yet they often convey far more information at a glance than any number of billboards. They are also of particular superiority to billboards in areas, such as near and within cities, where a driver's attention is needed to navigate traffic congestion.

Q: Why a moratorium on billboards alone?

A: Because they are so permanent. With the normal long-term leases in place, even one poorly placed billboard will be a bane to that neighborhood for a generation. If the review of the billboard section of the Sign Ordinance should extend protection to an area, we want that protection to begin when the City-County Council enacts the revised Ordinance, not 20 years later.

Q: How much did it cost the Indianapolis International Airport to remove and relocate billboards along I-70 recently?

A: When the Airport wanted to begin construction of the new I-70 interchange at Six Points Road that will be the gateway to the new midfield terminal, existing billboards were in the way. In order to alleviate these problems, the Airport negotiated with the separate companies to either take the billboard down, or to relocate it to a spot along I-465 or along airport property on Washington Street.

According to Dennis Rosebrough, the following deals were struck:

Viacom -- was paid \$17,667 for the removal of one wooden sign

Clear Channel -- was paid \$231,769 for the removal of three steel signs, two signs will remain on I-70, 3 signs were moved to I-465, and one sign moved to Washington Street

Lamar Outdoor – was paid \$236,397.73 for the removal of one wooden sign and two steel signs, and the relocation of two steel signs to I-465

Pinnacle – was paid \$0 for the removal of six wooden signs, and the airport entered into a new lease for five other signs they have further west of the I-70 project.

The total price tag was \$485,833.73

This exhibit was created by the  
Marion County Alliance of Neighborhood Associations

If you have any questions or would like more information, please contact:

Cathy Burton (President)	862-1316
Pat Andrews (Vice-President)	856-3341
Norm Pace (Land Use Chair)	894-8820
Nancy Meade (Signage Committee Facilitator)	842-2097

May 2, 2003  
Updated on July 25, 2003

# Appendix A

**W. J. Zinn, Inc  
9480 East Washington Street  
Indianapolis, Indiana 46229**

30 Apr 03

Councilor Lance Laagsford, Chairman  
Metropolitan Development Committee  
City County Council  
200 East Washington Street  
Indianapolis, Indiana 46204

RE: Billboard sign impact on property values and marketability

Dear Mr. Laagsford:

The purpose of this letter is to express my professional opinion regarding the impact of billboard signage on the properties where they are constructed.


My experience has been that the effect on single family residential property is negative. While there is a monthly income derived from the lease of the ground for the billboard, the dollar amount is not great enough to offset the negative reaction of a typical buyer. Therefore, the presence of the sign can cause a lowering of the overall property value. Additionally, the signage can also have a negative effect on the value and marketability of surrounding residential dwellings.

The effect commercial and industrial properties, is neutral to negative. In areas which currently have considerable large signage and/or other highly visible advertising medium, the effect of the billboards may be neutral. In locations where the advertisement usage is less bold, the billboard can have a negative impact. Areas where the billboard blocks parking or overwhelms the property can have a serious negative effect on value and marketability. Once again, the lease return to the property owner is not great enough to offset the overall negative effect.

There currently, is a national trend in many progressive communities to tone down signage in commercial areas to allow for a more natural or visually appealing approach. It would appear that is trend will continue into the foreseeable future.

Should you require any further clarification, please contact me at your convenience.

Respectfully submitted,



Warren J. Zinn, IFA  
Indiana Certified General Appraiser  
CG69100457