

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2014 Legislative Session**

Bill No. CB-73-2014

Chapter No. _____

Proposed and Presented by Council Member Harrison

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Outdoor Advertising Signs

3 For the purpose of amending the definition of Outdoor Advertising Sign (Billboard) to include
4 Digital Billboard, generally amending regulations for Outdoor Advertising Signs, and providing
5 additional standards for Digital Billboards.

6 BY repealing and reenacting with amendments:

7 Sections 27-107.01, 27-242, 27-244, 27-592, 27-593 and 27-606,

8 The Zoning Ordinance of Prince George's County, Maryland,

9 being also

10 SUBTITLE 27. ZONING.

11 The Prince George's County Code

12 (2011 Edition; 2013 Supplement).

13 BY adding:

14 Section 27-630.02,

15 The Zoning Ordinance of Prince George's County, Maryland,

16 being also

17 SUBTITLE 27. ZONING.

18 The Prince George's County Code

19 (2011 Edition; 2013 Supplement).

20

1 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
2 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
3 District in Prince George's County, Maryland, that Sections 27-107.01, 27-242, 27-244, 27-592,
4 27-593 and 27-606 of the Zoning Ordinance of Prince George's County, Maryland, being also
5 Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and
6 reenacted with the following amendments:

7 **SUBTITLE 27. ZONING.**

8 **PART 2. GENERAL.**

9 **DIVISION 1. DEFINITIONS.**

10 **Sec. 27-107.01. Definitions.**

11 * * * * *

12 (213) **Sign, Outdoor Advertising (Billboard):** A "Sign" (including "Painted Bulletin",
13 [and]"Poster Panel", and "Digital Billboard") which directs attention to a business, commodity,
14 service, entertainment, event, or other activity conducted, sold, or offered elsewhere than upon
15 the property on which the "Sign" is located. The term also means a permanent "Sign"
16 advertising the sale, lease, rental, or designation of real estate located elsewhere than on the
17 property upon which the "Sign" is located. A "Painted Bulletin" is an "Outdoor Advertising
18 Sign" having an area greater than three hundred (300) square feet. A "Poster Panel" is an
19 "Outdoor Advertising Sign" which generally has panels of poster paper attached to it, and an area
20 not greater than three hundred (300) square feet. (See Figure 25.) A Digital Billboard is an
21 "Outdoor Advertising Sign" utilizing digital message technology, capable of changing the static
22 message or copy on the sign electronically. A Digital Billboard may be internally or externally
23 illuminated. Digital Billboards shall contain static messages only, and shall not have animation,
24 movement, or the appearance or optical illusion of movement, of any part of the sign structure.
25 Each static message shall not include flashing or the varying of light intensity.

26 * * * * *

27 **SUBTITLE 27. ZONING.**

28 **PART 3. ADMINISTRATION.**

29 **DIVISION 6. NON CONFORMING BUILDING, STRUCTURES, AND USES.**

30 **SUBDIVISION 1. GENERAL REQUIREMENTS AND PROCEDURES.**

1 **Sec. 27-242. Alteration, extension, or enlargement.**

2 (a) **In general.**

3 (1) A nonconforming building or structure, or a certified nonconforming use, except
4 as provided for in this Section) may be altered, enlarged, or extended, provided that:

5 (A) The alteration, enlargement, or extension conforms to the building line
6 setback, yard, and height regulations of the zone in which the use is located; and

7 (B) A special exception has been approved by the District Council, in
8 accordance with Part 4 of this Subtitle.

9 (b) **Exceptions.**

10 * * * * *

11 (13) Outdoor advertising signs

12 (A) An Outdoor Advertising Sign may be altered, enlarged or extended without a
13 special exception, provided that:

14 (1) The alteration, enlargement, or extension conforms to the design
15 standards in Part 12, and

16 (2) The alteration, enlargement, or extension of a certified Outdoor
17 Advertising Sign is needed to convert the sign to a Digital Billboard.

18
19 **Sec. 27-244. Certification.**

20 (a) **In general.**

21 (1) A nonconforming use, including Outdoor Advertising Signs, may only
22 continue, if a use and occupancy permit identifying the use as nonconforming is issued after the
23 Planning Board (or its authorized representative) or the District Council certifies that the use is
24 nonconforming and not illegal (except as provided for in Section 27-246 and Subdivision 2 of
25 this Division).

26 (b) **Application for use and occupancy permit.**

27 (1) The applicant shall file for a use and occupancy permit in accordance with
28 Division 7 of this Part.

29 (2) Along with the application and accompanying plans, the applicant shall provide
30 the following:

1 (A) Documentary evidence, such as tax records, business records, public utility
 2 installation or payment records, and sworn affidavits, showing the commencing date and
 3 continuous existence of the nonconforming use;

4 (B) Evidence that the nonconforming use has not ceased to operate for more than
 5 one hundred eighty (180) consecutive calendar days between the time the use became
 6 nonconforming and the date when the application is submitted, or that conditions of
 7 nonoperation for more than one hundred eighty (180) consecutive calendar days were beyond the
 8 applicant's and/or owner's control, were for the purpose of correcting Code violations, or were
 9 due to the seasonal nature of the use;

10 (C) Specific data showing:

11 (i) The exact nature, size, and location of the building, structure, and use;

12 (ii) A legal description of the property; and

13 (iii) The precise location and limits of the use on the property and within
 14 any building it occupies;

15 (D) A copy of a valid use and occupancy permit issued for the use prior to the
 16 date upon which it became a nonconforming use, if the applicant possesses one.

17 (c) **Notice.**

18 (1) The following notice provisions shall not apply to uses that, with the exception of
 19 parking in accordance with Section 27-549, occur solely within an enclosed building.

20 (2) The Planning Board shall post the property with a durable sign(s) within ten (10)
 21 days of acceptance of the application and accompanying documentation. The sign(s) shall
 22 provide notice of the application; the nature of the nonconforming use for which the permit is
 23 sought; a date, at least twenty (20) days after posting, by which written comments and/or
 24 supporting documentary evidence relating to the commencing date and continuity of such use,
 25 and/or a request for public hearing from a party of interest will be received; and instructions for
 26 obtaining additional information. Requirements regarding posting fees, the number, and the
 27 location of signs shall conform to the requirements set forth in Subsection (f), below.

28 (d) **Administrative review.**

29 (1) If a copy of a valid use and occupancy permit is submitted with the application,
 30 where applicable a request is not submitted for the Planning Board to conduct a public hearing,
 31 and, based on the documentary evidence presented, the Planning Board's authorized

1 representative is satisfied as to the commencing date and continuity of the nonconforming use,
2 the representative shall recommend certification of the use as nonconforming for the purpose of
3 issuing a new use and occupancy permit identifying the use as nonconforming. This
4 recommendation shall not be made prior to the specified date on which written comments and/or
5 requests for public hearing are accepted.

6 (2) Following a recommendation of certification of the use as nonconforming, the
7 Planning Board's authorized representative shall notify the District Council of the
8 recommendation.

9 (3) If the District Council does not elect to review the recommendation within thirty
10 (30) days of receipt of the recommendation as authorized by Subsection (e), below, the
11 representative shall certify the use as nonconforming.

12 (4) Subsections (2) and (3), above, and Subsection (e), below, shall not apply to uses
13 that, with the exception of parking in accordance with Section 27-549, occur solely within an
14 enclosed building.

15 (e) **District Council review.**

16 (1) The District Council may, on its own motion, vote to review the Planning Board
17 representative's recommendation, for the purpose of determining whether the use should be
18 certified as nonconforming, within thirty (30) days of receipt of the recommendation.

19 (2) If the District Council decides to review the proposed certification, the Clerk of
20 the Council shall notify the Planning Board of the Council's decision. Within seven (7) calendar
21 days after receiving this notice, the Planning Board shall transmit to the Council all materials
22 submitted to it in connection with the application.

23 (3) The Zoning Hearing Examiner shall conduct a public hearing on the application.

24 (4) The Zoning Hearing Examiner shall file a written recommendation with the
25 District Council within thirty (30) days after the close of the hearing record.

26 (5) Any person of record may appeal the recommendation of the Zoning Hearing
27 Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner's
28 recommendation with the District Council. If appealed, all persons of record may testify before
29 the District Council.

30 (6) Persons arguing shall adhere to the District Council's Rules of Procedure, and
31 argument shall be limited to thirty (30) minutes for each side, and to the record of the hearing.

1 (7) The District Council shall affirm the certification only if it finds that a
2 nonconforming use exists and has continuously operated.

3 (8) The District Council shall make its decision within forty-five (45) days from the
4 filing of the Zoning Hearing Examiner's recommendation. Failure of the Council to take action
5 within this time shall constitute a decision to certify the use.

6 (f) **Planning Board review.**

7 (1) Required hearing.

8 (A) If a copy of a valid use and occupancy permit is not submitted with the
9 application, if the documentary evidence submitted is not satisfactory to the Planning Board's
10 authorized representative to prove the commencing date or continuity of the use, or if a public
11 hearing has been requested by any party of interest challenging the commencing date and/or
12 continuity of the use, the Planning Board shall conduct a public hearing on the application for the
13 purpose of determining whether the use should be certified as nonconforming.

14 (2) Application for certification.

15 (A) Whenever the Planning Board will hold a hearing on a certification of the
16 use as nonconforming, the applicant shall complete the appropriate form provided by the
17 Planning Board.

18 (3) At least seven (7) calendar days prior to the public hearing, the Planning Board
19 shall send written notice of the date, time, and place of the hearing to the applicant and to all
20 persons of record.

21 (4) Planning Board action.

22 (A) The Planning Board may decide to either grant or deny certification of the
23 use as nonconforming. If it decides to certify that a nonconforming use actually exists and has
24 continuously operated, the Planning Board shall find that the conclusion it reaches is supported
25 by a preponderance of evidence.

26 (B) The decision of the Planning Board shall be in the form of a resolution
27 adopted at a regularly scheduled public meeting. The resolution shall set forth findings of fact
28 and conclusions of law in support of the Planning Board's decision.

29 (C) The Planning Board shall send a copy of the resolution to all persons of
30 record.

31 (5) Appeal of Planning Board's decision.

1 (A) The decision of the Planning Board may be appealed by any person of
2 record to the District Council by filing an appeal with the Clerk of the Council.

3 (B) The appeal shall be filed within thirty (30) calendar days after the resolution
4 of the Planning Board was mailed.

5 (C) Before the District Council makes a decision on the appeal, it shall hold a
6 public hearing.

7 (D) The Council may decide to affirm, reverse, or modify the decision of the
8 Planning Board. The decision of the Council shall be based on the record made before the
9 Planning Board. No new evidence shall be entered into the record of the case unless it is
10 remanded to the Planning Board and a rehearing is ordered.

11 (g) **Applicability.**

12 (1) This Section shall not apply to nonconforming buildings or structures occupied by
13 conforming uses. (See Section 27-243.03.)

14 **SUBTITLE 27. ZONING.**

15 **PART 12. SIGNS.**

16 **DIVISION 1. GENERAL**

17 **Sec. 27-592. Illumination.**

18 (a) The light from any illuminated sign shall be shaded, shielded, or directed so that the
19 light intensity does not adversely affect surrounding areas.

20 (b) Signs which flash or blink, or which have varying intensity of illumination on less than
21 a five (5) second cycle, are prohibited.

22 (c) The illumination or glare from a sign shall not shine directly onto a street so as to
23 constitute a hazard to motorists.

24 (d) In the I-3 Zone, the exterior spotlighting of signs is allowed, provided the lighting is
25 directed only to the sign.

26 (e) The provisions above shall apply to all signs except Digital Billboards, which shall be
27 subject to the illumination standards in Section 27-630.02 below.

28 **Sec. 27-593. Prohibited signs.**

29 (a) The following signs are prohibited:

30 (1) Any sign not expressly permitted in this Subtitle;

1 (2) Any sign no longer advertising a business on the premises, or advertising products
2 no longer stocked or sold, except as otherwise permitted within Section 27-624.02. These signs
3 shall be removed within thirty (30) days of the date the business or sale of the products ceases;

4 (3) Pennants, pinwheels, and similar circus- or carnival-type attractors which are
5 visible from a street or from residential property;

6 (4) Signs which obstruct any opening intended to provide ingress or egress for any
7 building or structure;

8 (5) Signs which obstruct the view of traffic control devices;

9 (6) Signs which, because of their shape, color, or wording, may be confused with any
10 traffic control device (placed by a public authority), or which may mislead motorists;

11 (7) Signs which are not clean, legible, or in a state of good repair;

12 (8) Signs or sign structures that are no longer in use, effaced, or otherwise obsolete;

13 (9) Signs which are illegal under State or Federal regulations;

14 (10) Signs which are not consistent with the provisions of this Subtitle;

15 (11) Signs which are placed on a municipal, County, or State street right-of-way,
16 except those of, or authorized by, public authorities or agencies, unless specifically authorized
17 elsewhere in this Part;

18 (12) Signs projecting from the structural housing of a gasoline pump, service
19 appliance, or vending machine; and

20 (13) Outdoor advertising signs (billboards), other than existing certified
21 nonconforming Outdoor Advertising Signs and Digital Billboards that have been authorized in
22 accordance with Part 3, Division 6.

23 **SUBTITLE 27. ZONING.**

24 **PART 12. SIGNS.**

25 **DIVISION 2. ADMINISTRATION**

26 **SUBDIVISION 2. NONCONFORMING USE SIGNS AND NONCONFORMING SIGNS**

27 **Sec. 27-606. Alteration.**

28 (a) Applicability.

29 (1) The nonconforming signs identified in Section 27-608(b) as being covered by the
30 amortization procedures may only be altered, replaced, or relocated in conformance with this

1 Section. Other provisions of this Subtitle relating to nonconforming buildings, structures, and
 2 uses (Part 3, Division 6) do not apply to these nonconforming signs.

3 (2) Other nonconforming signs (including [o]Outdoor [a]Advertising [s]Signs) may
 4 be maintained, structurally altered, repaired, replaced, or relocated in conformance with Part 3,
 5 Division 6.

6 (3) This Section does not apply to signs for which a departure from Design Standards
 7 (Subdivision 4, below) has been granted; nor to any sign for which the District Council granted a
 8 waiver under prior regulations.

9 (b) Requirements.

10 (1) Nonconforming signs which are covered by the amortization procedures (Section
 11 27-608) may be altered or replaced only in a manner which reduces the degree of nonconformity
 12 with the current provisions of this Part. These signs may be relocated only if the relocation
 13 brings the signs into conformance with the requirements of this Part.

14 (2) Nonconforming signs (except outdoor advertising) which are not covered by the
 15 amortization procedures (Section 27-608) shall be structurally altered, relocated, or expanded
 16 only in compliance with the requirements of this Part which apply to new signs, or in
 17 conformance with Part 3, Division 6.

18 SECTION 2. BE IT FURTHER ENACTED by the County Council of Prince George's
 19 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
 20 Regional District in Prince George's County, Maryland, that Section 27-635 of the Zoning
 21 Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's
 22 County Code, be and the same is hereby added:

23 **SUBTITLE 27. ZONING.**

24 **PART 12. SIGNS.**

25 **DIVISION 3. DESIGN STANDARDS.**

26 **SUBDIVISION 2. SIGNS FOR SPECIFIC USES.**

27 **Sec. 27-630.02. Digital Billboards.**

28 (a) Digital Billboards are permitted by right under certain circumstances:

29 (1) Digital Billboards may be permitted in non-residential zones subject to the
 30 following requirements:

31 (a) Operational limitations. Such displays shall contain static messages only and

1 shall not have movement, or the appearance or optical illusion of movement during the static
2 display period, of any part of the sign structure, including the movement or appearance of
3 movement. Each static message shall not include flashing or the varying of light intensity.

4 (b) Owners of Digital Billboard signs may remove the digital units from the
5 outdoor advertising structure. During all periods where there are no digital units, the sign owner
6 shall be permitted to operate the sign faces as traditional, static type.

7 (c) Minimum display time. Each message on the sign must be displayed a
8 minimum of (6) six seconds.

9 (d) Digital Billboards shall not operate at brightness levels of more than 0.3 foot
10 candles above ambient light, as measured using foot candle meter at a pre-set distance.

11 (e) Pre-set distances to measure the foot candles impact vary with the expected
12 viewing distances of each size sign. Measurement distance criteria:

<u>Nominal</u>	<u>Distance to</u>
<u>Face Size</u>	<u>be measured from:</u>
<u>12' x 25'</u>	<u>150'</u>
<u>10'6" x 36'</u>	<u>200'</u>
<u>14' x 48'</u>	<u>250'</u>

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14
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17
18 (f) Each display must have a light sensing device that will adjust the brightness
19 as ambient light conditions change.

20 (2) The technology currently used for digital billboards is LED (light emitting diode),
21 but there may be alternate, preferred and superior technology available in the future. Any other
22 technology that operates under the maximum brightness stated in (d) above may be permitted
23 upon review and approval by the Building Official.

24 (3) The maximum face size of each billboard sign face shall not exceed 680 (six
25 hundred and eighty) square feet, including framing or trim.

26 SECTION 3. BE IT FURTHER ENACTED that all signs erected without a permit
27 between February 22, 1993 and May 11, 1993 which comply with the provisions of this law shall
28 be permitted uses providing that a sign permit application is filed and a sign permit issued by
29 December 31, 2017.

30

1 SECTION 4. BE IT FURTHER ENACTED that outdoor advertising signs for which
2 permits were issued prior to January 1, 1992, shall be certified as nonconforming by December
3 31, 2017.

4 SECTION 5. BE IT FURTHER ENACTED that the provisions of this Ordinance are
5 hereby declared to be severable; and, in the event that any section, subsection, paragraph,
6 subparagraph, sentence, clause, phrase, or word of this Ordinance is declared invalid or
7 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall
8 not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs,
9 subsections, or sections of this Ordinance, since the same would have been enacted without the
10 incorporation in this Ordinance of any such invalid or unconstitutional word, phrase, clause,
11 sentence, subparagraph, subsection, or section.

12 SECTION 6. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five
13 (45) calendar days after its adoption.

Adopted this ____ day of _____, 2014.

COUNTY COUNCIL OF PRINCE GEORGE’S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE’S COUNTY,
MARYLAND

BY: _____
Mel Franklin
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.