

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

Legislative Session _____ 1991 _____

Bill No. _____ CB-24-1991 _____

Chapter No. _____ 61 _____

Proposed and Presented by _____ Council Member Casula _____

Introduced by _____ Council Members Casula, Del Giudice, _____

_____ Fletcher, Bell and MacKinnon _____

Co-Sponsors _____

Date of Introduction _____ October 1, 1991 _____

ZONING BILL

AN ORDINANCE concerning

Outdoor Advertising Signs

FOR the purpose of prohibiting the erection of new outdoor advertising signs (billboards) within the County.

BY repealing and reenacting with amendments:

- Sections 27-384,
- 27-461,
- 27-473,
- 27-593,
- 27-596,
- 27-598, and
- 27-613,

BY repealing:

Sections 27-389,
27-597.1, and
27-621,

The Zoning Ordinance of Prince George's County, Maryland,
being also

SUBTITLE 27. ZONING.

The Prince George's County Code
(1987 Edition, 1990 Supplement,
as amended by CB-59-1991).

SECTION 1. BE IT ENACTED by the 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, that Sections 27-384, 27-461, 27-473, 27-593, 27-596, 27-598, and 27-613 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 4. SPECIAL EXCEPTIONS.

**DIVISION 3. ADDITIONAL REQUIREMENTS FOR SPECIFIC
SPECIAL EXCEPTIONS.**

**Sec. 27-384. Nonconforming buildings, structures, and uses;
alteration, enlargement, extension, or
reconstruction.**

(a) The alteration, enlargement, extension, or reconstruction of any nonconforming building or structure, or certified

nonconforming use (except those certified nonconforming uses not involving buildings [and], those within Chesapeake Bay Critical Area Overlay Zones, unless otherwise provided, and except for outdoor advertising signs), may be permitted subject to the following:

* * * * *

PART 6. COMMERCIAL ZONES.

DIVISION 3. USES PERMITTED.

Sec. 27-461. Uses permitted.

* * * * *

(b) TABLE OF USES I

				ZONE					
	USE			C-O	C-A	C-S-C	C-W	C-M	C-R-C
*	*	*	*		*		*		*

(3) MISCELLANEOUS:

* * * * *

Sign, in accordance with Part 12:

(A)	Outdoor advertising (billboard)			X	X	[SE]X	X	[SE]X	X
(B)	All others			P	P	P	P	P	P

* * * * *

PART 7. INDUSTRIAL ZONES.

DIVISION 3. PERMITTED USES.

Sec. 27-473. Uses permitted.

* * * * *

(b) TABLE OF USES

				ZONE			
	USE			I-1	I-2	I-3	I-4

* * * * *

(4) MISCELLANEOUS:

* * * * *

Signs, in accordance with Part 12:

(A) Outdoor advertising

ZONE

USE	I-1	I-2	I-3	I-4
-----	-----	-----	-----	-----

sign (billboard), [in accordance with Part 12, Division 2]

[P] <u>X</u>	[P] <u>X</u>	X	[P] <u>X</u>
P	P	P	P

(B) All others

* * * * *

PART 12. SIGNS.

DIVISION 1. GENERAL.

Sec. 27-593. Prohibited signs.

(a) The following signs are prohibited:

* * * * *

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

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

(13) Outdoor advertising signs (billboards).

DIVISION 2. ADMINISTRATION.

Subdivision 1. Permits.

Sec. 27-596. Application.

* * * * *

(d) For freestanding signs [and billboards], architectural drawings and design criteria shall be provided.

Sec. 27-598. Issuance.

* * * * *

[(c) The Department of Environmental Resources shall not issue any permit for an outdoor advertising sign (billboard) to be located on land zoned I-1, I-2, or I-4 until after expiration of the applicable time period described in Section 27-597.1.]

[(d)](c) No sign permit shall be issued by the Department of Environmental Resources until after the expiration of the specified appeal period from a Planning Board decision concerning the subject property of the permit, unless the right of appeal has been waived; nor shall any permit be issued during the pendency of any appeal to, or review by, the District Council.

Subdivision 4. Departures from Design Standards.

Sec. 27-613. Authorization.

* * * * *

(a) Departures from the design standards of Subdivisions 1, 2, and 3 of Division 3, below, may be permitted by the Planning Board, in accordance with the provisions of Section 27-239.1.

[(b) No departures from the design standards for outdoor advertising signs shall be approved if the departure would violate a state or federal regulation.]

[(c)](b) No departures from Design Standards shall be permitted for any sign erected in violation of this Subtitle, and for which a sign permit was not obtained at the time the sign was

erected.

SECTION 2. BE IT ENACTED by the 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, that Sections 27-389, 27-597.1, and 27-621 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed:

SUBTITLE 27. ZONING.

PART 4. SPECIAL EXCEPTIONS.

DIVISION 3. ADDITIONAL REQUIREMENTS FOR SPECIFIC SPECIAL EXCEPTIONS.

Sec. 27-389. [Outdoor advertising sign.] Reserved.

[(a) In the C-M Zone, an outdoor advertising sign may be permitted, subject to the following:

(1) The sign shall be in accordance with Part 12;

(2) The Special Exception application shall include the location, height, and square footage of the sign, and shall show how the sign complies with all applicable State and Federal laws and regulations governing outdoor advertising signs; and

(3) The District Council shall find that:

(A) The sign will not unduly divert the attention of motorists;

(B) The sign will not obstruct any of the following:

(i) The view of persons using the street along

which it is located;

- (ii) The view from residential properties;
- (iii) The view of other commercial or industrial properties which depend on visibility for identification; and
- (iv) Air or light from reaching residential properties;

(C) The sign will not unduly restrict the availability of land, or upset the balance of land uses, in the area for other commercial uses.

(b) In the C-S-C Zone, an outdoor advertising sign may be permitted, subject to the following:

- (1) The sign shall be in accordance with Part 12;
- (2) The sign shall comply with Subsections (a)(2) and (3)(A), (B), and (C), above.

(3) The District Council may limit the proposed outdoor advertising sign to either a poster panel, painted bulletin, or billboard. When imposing this limitation, the Council shall consider:

(A) The compatibility of the sign with the existing structures and uses in the neighborhood;

(B) The size of the lot on which the proposed sign will be located; and

(C) Whether the sign will adversely affect other uses in the neighborhood;

(4) The sign shall be permitted only on an undeveloped lot; and

(5) Any permit to construct an outdoor advertising sign shall be valid for not more than five (5) years (from the date of issuance of the permit by the Department of Environmental Resources) or until development of the property, whichever occurs first.]

PART 12. SIGNS.

DIVISION 2. ADMINISTRATION.

Subdivision 1. Permits.

[Sec. 27-597.1. Outdoor advertising sign (billboard) applications.

(a) For applications for outdoor advertising sign (billboard) permits that involve land zoned I-1, I-2, or I-4, the Planning Board (or its authorized representative) shall notify the District Council of a recommendation for approval. The District Council may, on its own motion, vote to review the sign permit application in order to make a determination under Subsection (a) of this Section, within thirty (30) days after the Clerk notifies the Council of receipt of the recommendation.

(b) If the Council does not elect to review the recommendation, the Planning Board (or its authorized representative) shall transmit its recommendations to the Department of Environmental Resources upon expiration of the thirty (30) day period provided above.

(c) The Clerk of the Council shall notify the Planning Board (or its authorized representative) of the Council's decision to review the application. Within seven (7) calendar days after receiving this notice, the Planning Board (or its authorized representative) shall transmit to the Council all materials submitted to it in connection with the permit application.

(d) The District Council shall schedule a public hearing on the application. The Clerk of the Council shall give at least fourteen (14) calendar days' notice of the hearing in the newspapers of record.

(e) The District Council shall hear testimony and make its decision recommending approval of the application only if it finds that erection of the sign will not contribute to a proliferation of outdoor advertising signs (billboards) in any particular geographic region or transportation corridor, taking into account the number, size, height, and location of other outdoor advertising signs (billboards) in the area.

(f) Within forty-five (45) days after the close of the Council's hearing, the Council shall decide whether to direct the issuance or denial of the permit. Failure of the Council to take action within forty-five (45) days of the close of the hearing shall constitute a direction to issue the permit.]

DIVISION 3. DESIGN STANDARDS.

[Subdivision 3. Outdoor Advertising Signs (Billboards).]

Sec. 27-621. [Outdoor advertising signs.] Reserved.

[(a) Area

(1) The main area of the sign shall be not more than six hundred seventy-five (675) square feet. An additional area of up to twenty percent (20%) of the main sign area or one hundred twenty-five (125) square feet (whichever is less) may be used for embellishments or extensions. These embellishments or extensions are any cutouts or additional portions of the advertising message

which project away from the main sign.

(2) The sign area may be allocated to more than one panel.

(b) **Location**

(1) No sign shall be erected within two hundred (200) feet of any residence or church located on property in a Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan).

(2) Notwithstanding any other provisions of this Subtitle addressing setbacks and yards, outdoor advertising signs need only be located ten (10) feet behind the street line.

(3) No sign shall be erected within three hundred (300) feet of an existing outdoor advertising sign located in the same block (as block is defined in State Highway Administration regulations).

(4) No sign shall be located where it prevents a motorist from having an unobstructed view of official traffic signs or controls, and approaching or merging traffic.

(c) **Illumination**

(1) The signs may be illuminated, provided that no flashing, intermittent, or red illumination is used. Illumination shall be confined to the area of the sign, and shall not glare into the path of oncoming vehicles.

(d) **Height**

(1) The height of the sign shall be not more than forty-

five (45) feet above the finished grade at the base of the sign. However, signs which are oriented toward an abutting elevated street may have a maximum height of not more than forty-five (45) feet above the pavement of that street. (See Figure 65.)

(2) If the sign (for which the Department of Environmental Resources has approved a permit) becomes obstructed from view on the abutting street it is oriented toward, the permit may be revised by applying to that Department. If the Department finds that the sign is obstructed from view, the height limit may be raised to fifty-five (55) feet above the finished grade at the base of the sign, or to fifty (50) feet above the pavement of the abutting elevated street. (See Figure 65.)

(3) If, at the time of application for the sign permit, a building permit has been issued for construction which would cause an obstruction of the proposed billboard, the height of the billboard may be increased, with the permission of the Department of Environmental Resources, not to exceed the applicable increased height limit specified in Paragraph (2), above.

(e) State and Federal regulations

(1) Outdoor advertising signs shall also conform to all applicable State and Federal regulations.

(f) Landscaping and screening

(1) The landscaping and screening provisions of Parts 6 and 7 shall not apply to a lot solely occupied by an outdoor advertising sign. Landscaping shall be provided around the base of the sign in accordance with the provisions of Sections 27-123 and

27-124.

(g) **Refacing**

(1) If an outdoor advertising sign is repainted or repapered, the supporting structure shall not be altered unless a new permit is issued.]

SECTION 3. BE IT FURTHER ENACTED that no Special Exception shall be applied for, processed, or issued after the effective date of this legislation.

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

SECTION 5. BE IT FURTHER ENACTED that the provisions of this Ordinance are necessary:

a. To stop the proliferation of Outdoor Advertising Signs in the County, and particularly in certain corridors of the county, which are intended to divert a motorist's attention from the roadway;

b. To eliminate the hazards to pedestrians and motorists brought about by distracting Outdoor Advertising Sign displays;

c. To preserve and improve the appearance of the County, and ensure that it is an attractive place to live and work;

d. To enhance the effectiveness of signs that are necessary to direct the public;

e. To satisfy the stated purposes, findings, and urban design objectives as reflected in the adopted and approved General and Area Master Plans and Sectional Map Amendments;

f. To further the purposes of the Sign Regulations as stated in Part 12, Division 1, of Subtitle 27;

g. To improve the quality of the environment and the quality of life in Prince George's County.

h. To promote orderly development and protect the property values of the citizens of Prince George's County.

SECTION 6. BE IT FURTHER ENACTED that this Ordinance shall take effect on December 31, 1991.

Adopted this 5th day of November, 1991.

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: _____
Richard J. Castaldi
Chairman

ATTEST:

Maurene W. Epps
Acting 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.