

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL  
2016 Legislative Session**

Bill No. CB-84-2016

Chapter No. 54

Proposed and Presented by Council Members Harrison, Franklin, Turner

Introduced by Council Members Harrison, Franklin, Turner and Davis

Co-Sponsors \_\_\_\_\_

Date of Introduction October 18, 2016

**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  
8 27-606,

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

11 SUBTITLE 27. ZONING.

12 The Prince George's County Code  
13 (2015 Edition).

14 BY adding:

15 Section 27-630.03,

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

18 SUBTITLE 27. ZONING.

19 The Prince George's County Code

20 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
21 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional

District in Prince George's County, Maryland, that Sections 27-107.01, 27-242, 27-244, 27-592, 27-593 and 27-606 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Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments: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 2. GENERAL.**

**DIVISION 1. DEFINITIONS.**

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

\* \* \* \* \*

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

\* \* \* \* \*

**SUBTITLE 27. ZONING.**

**PART 3. ADMINISTRATION.**

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

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

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

\* \* \* \* \*

**(b) Exceptions.**

\* \* \* \* \*

1                   (14) Digital Billboard

2                   (A) The relocation, alteration, reconstruction, enlargement, or extension of a  
3 billboard in order to convert it into a digital billboard does not require a special exception,  
4 provided that it meets the requirements of Section 27-630.03.

5                   \*           \*           \*           \*           \*           \*           \*           \*           \*

6                   **Sec. 27-244. Certification.**

7                   \*           \*           \*           \*           \*           \*           \*           \*           \*

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

9                   \*           \*           \*           \*           \*           \*           \*           \*

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

12                   (E) In the case of outdoor advertising signs, the requirements of Section  
13 27-244(b) (2) (B) are not applicable. Documentary evidence, including, but not limited to deeds,  
14 tax records, business records, approved plats or development plans, permits, public utility  
15 installation or payment records, photographs, and sworn affidavits, showing that the outdoor  
16 advertising sign was constructed prior to and has operated continuously since January 1, 2002.

17                   \*           \*           \*           \*           \*           \*           \*           \*           \*

18                   **(d) Administrative review.**

19                   (1) Except for outdoor advertising signs, [I] if a copy of a valid use and occupancy  
20 permit is submitted with the application, where applicable a request is not submitted for the  
21 Planning Board to conduct a public hearing, and, based on the documentary evidence presented,  
22 the Planning Board's authorized representative is satisfied as to the commencing date and  
23 continuity of the nonconforming use, the representative shall recommend certification of the use  
24 as nonconforming for the purpose of issuing a new use and occupancy permit identifying the use  
25 as nonconforming. This recommendation shall not be made prior to the specified date on which  
26 written comments and/or requests for public hearing are accepted.

27                   (2) For outdoor advertising signs, if satisfactory documentary evidence described in  
28 Section 27-244(b)(2)(E) is received, the Planning Board's authorized representative shall  
29 recommend certification of the use as nonconforming for the purpose of issuing applicable  
30 permits and certifying the use as nonconforming. This recommendation shall not be made prior  
31 to the specified date on which written comments and/or requests for public hearing are accepted.

32                   [(2)] (3) Following a recommendation of certification of the use as nonconforming, the

1 Planning Board's authorized representative shall notify the District Council of the  
2 recommendation.

3 [(3)] (4) If the District Council does not elect to review the recommendation within  
4 thirty (30) days of receipt of the recommendation as authorized by Subsection (e), below, the  
5 representative shall certify the use as nonconforming.

6 [(4)] (5) Subsections [(2)] (3) and [(3)] (4) , above, and Subsection (e), below, shall not  
7 apply to uses that, with the exception of parking in accordance with Section 27-549, occur solely  
8 within an enclosed building.

9 \* \* \* \* \*

10 **SUBTITLE 27. ZONING.**

11 **PART 12. SIGNS.**

12 **DIVISION 1. GENERAL**

13 **Sec. 27-592. Illumination.**

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

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

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

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

22 (e) Notwithstanding the requirements of this Section, Digital Billboards shall be subject to  
23 the illumination standards in Section 27-630.03, below.

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

25 (a) The following signs are prohibited:

26 \* \* \* \* \*

27 (13) Outdoor advertising signs (billboards) [.] , except those nonconforming outdoor  
28 advertising signs certified pursuant to Section 27-244(b) (E).

29 **SUBTITLE 27. ZONING.**

30 **PART 12. SIGNS.**

31 **DIVISION 2. ADMINISTRATION.**

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

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

(a) Applicability.

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

SECTION 2. BE IT FURTHER 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 Section 27-630.03 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 is hereby added:

**SUBTITLE 27. ZONING.**

**PART 12. SIGNS.**

**DIVISION 3. DESIGN STANDARDS.**

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

**Sec. 27-630.03. Digital Billboards.**

(a) Digital Billboards are not allowed in Residential or Mixed Use Zones, but may be permitted in other zones, subject to the following requirements:

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

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

(3) Pre-set distances to measure the impact of foot candles vary by size and viewing distance. Measurement distance criteria:

<u>Display Size</u>	<u>Measurement</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>

(4) Each display must have a light sensing device to adjust the brightness as ambient light conditions change.

(b) The technology currently used for digital billboards is LED (light emitting diode), but

1 alternate, preferred and superior technology may be available in the future. Any other technology  
2 that operates under the maximum brightness stated in (2) above may be permitted upon review  
3 and approval by the Building Official.

4 (c) The main display area of the sign shall be not more than six hundred seventy-five (675)  
5 square feet, excluding cabinetry or trim.

6 (d) Notwithstanding any other provisions of this Subtitle, Digital Billboards shall have a  
7 minimum front setback of ten (10) feet from the property line, a minimum side setback of five  
8 (5) feet from the property line and be located within fifteen (15) feet of the previous billboard's  
9 location.

10 (e) No Digital Billboard shall be located within five hundred (500) feet of an existing  
11 outdoor advertising sign or within one thousand (1,000) feet of another Digital Billboard located  
12 on and facing the same roadway.

13 (f) All Digital Billboards shall be located on a roadway with a transportation functional  
14 classification of collector or higher.

15 (g) No Digital Billboard shall be located where it prevents a motorist from having an  
16 unobstructed view of official traffic signs or controls, and approaching or merging traffic.

17 (h) The height of the Digital Billboard shall be not more than forty-five (45) feet above the  
18 finished grade at the base of the sign, or with respect to signs oriented toward an abutting  
19 elevated street, not more than forty-five (45) feet above the pavement of that street, whichever is  
20 greater.

21 (i) If the Digital Billboard becomes obstructed from view on the abutting street it is oriented  
22 toward, the permit may be revised by applying to the Department of Permitting, Inspections, and  
23 Enforcement (DPIE). If DPIE finds that the existing outdoor advertising sign is higher than  
24 forty-five (45) feet or that the Digital Billboard is obstructed from view, the height limit may be  
25 raised to fifty-five (55) feet above the finished grade at the base of the sign, or to fifty (50) feet  
26 above the pavement of the abutting elevated street, whichever is greater.

27 (j) If, at the time of application for the sign permit, a building permit has been issued for an  
28 adjacent property which would cause an obstruction of the proposed Digital Billboard, the height  
29 of the Digital Billboard may be increased, with the permission of DPIE, not to exceed the  
30 applicable increased height limit specified in Paragraph (g), above.

31 (k) Digital Billboards shall also conform to all applicable State and Federal regulations.

32 (l) The landscaping and screening provisions of Parts 6 and 7 shall not apply to a lot or

1 parcel solely occupied by a Digital Billboard. Landscaping shall be provided around the base of  
 2 the sign in accordance with the provisions of the Landscape Manual.

3 (m) Owners of Digital Billboards may remove the digital units from the billboard's  
 4 supporting structure. During the temporary (not exceeding one (1) year) periods where there are  
 5 no digital units, the sign owner shall be permitted to operate the sign faces as traditional, static  
 6 type.

7 SECTION 3. BE IT FURTHER ENACTED that applications for the certification of  
 8 outdoor advertising signs in existence as of January 1, 2002 shall be filed no later than  
 9 December 31, 2021.

10 SECTION 4. BE IT FURTHER ENACTED that the County Council takes legislative  
 11 notice of the Outdoor Advertising Association of America's ("OAAA") industry advertising  
 12 standards, such as establishing exclusionary zones that prohibit stationary advertisements of  
 13 products illegal for the sale to minors that are intended to be read from at least 500 feet of  
 14 elementary and secondary schools, public playgrounds, and established places of worship.

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

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

Adopted this 15th day of November, 2016.

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: \_\_\_\_\_  
Derrick Leon Davis  
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.