

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2021 Legislative Session

Reference No.:	CB-054-2021
Draft No.:	2
Committee:	COMMITTEE OF THE WHOLE
Date:	09/09/2021
Action:	FAV(A)

REPORT:

Committee Vote: Favorable as amended, 8-0 (In favor: Council Members Hawkins, Anderson-Walker, Dernoga, Franklin, Glaros, Harrison, Ivey, and Turner)

The Committee of the Whole convened on September 9, 2021 to consider CB-54-2021. The Planning, Housing, and Economic Development (PHED) Committee Director summarized the purpose of the bill and informed the Committee of written referral comments received. Draft-1 of the bill amends the Zoning Ordinance requirements for a digital billboard to include notice requirements for adjoining properties, municipalities, and all civic associations registered with the commission for the area which includes the property.

Council Member Glaros, the bill's sponsor, informed the Committee that this legislation is intended to ensure applications for digital billboards are subject to the same notice requirements currently found in Section 27-125.01 of the Zoning Ordinance. Ms. Glaros indicated that since the time of presentation, Clear Channel requested an amendment to the legislation to provide an extension of the time, put in place with the adoption of CB-84-2016, for submittal of applications for certification of outdoor advertising signs in existence as of January 1, 2002. The current expiration for application submittal is December 31, 2021.

The Planning Board supports the legislation with an amendment and provided the following analysis by letter dated July 22, 2021 to Council Chair Hawkins:

“The proposed legislation requires an applicant to send by first class mail an informational mailing at least 30 days before The Maryland-National Capital Park and Planning Commission (M-NCPPC) accepts applications for a digital billboard. The informational mailing notification must be sent to all adjoining property owners, owners whose properties lie directly across a street, alley, or stream, every municipality within one mile of the applicant's property, and to all registered civic associations for the geographical area in which the applicant's property is located.

The Planning Board is always in support of providing public notification. We would like to recommend that the word “civic” be deleted from the term “registered civic associations”. The informational mailing list includes all registered associations in the geographic area. The

registered associations include homeowners' associations, citizens, and civic associations. We will provide the applicant with the informational mailing addresses for properties impacted in the geographical area.

The adopted Zoning Ordinance does not require informational mailings for billboards. If this legislation is enacted this change would have to be incorporated in the omnibus clean-up legislation.”

The Zoning Hearing Examiner (ZHE) reviewed CB-54-2021 and offered the following comments in a September 8, 2021 memorandum to the PHED Committee Director:

“As drafted, the requirement has been added to the section pertaining to sign design standards. If the sponsor does not want to add this requirement to Section 27-125.01 of the Zoning Ordinance (the section pertaining to informational mailings, generally) it would be more logical to add this requirement to Section 27-596 (found in “Division 1. General”) than to add it to design standards.

The sponsor may also consider adding the following language found in Section 27-125.01 (or similar language) to ensure that failure to receive the informational mailing will not bar further action on the application:

Before an application is accepted, the Commission shall determine that the applicant has complied with this Section. A municipality, civic association, or other person entitled to an informational mailing may waive the requirement, and an applicant's filing of a signed waiver constitutes its compliance with the requirement, for the person signing. At any time after the Commission accepts an application, a determination that a person entitled did not receive a required informational mailing may not be a basis for invalidating a final action on the application.”

The Office of Law reviewed CB-54-2021 as it was presented on July 13, 2021 and found it to be in proper legislative form. The Office of Law sees no legal impediments to its adoption. Terry Bell, County Executive's Liaison to the County Council, indicated that the County Executive is in support of the legislation with the Planning Board recommended amendment.

The Committee reviewed a Proposed DR-2 prepared at the bill sponsor's request to address Planning Board and ZHE comments as well as the request from Clear Channel. Council Member Dernoga expressed concern regarding the extension for applications. The Committee requested that M-NCPPC provide information on how many applications have been approved and how many are still pending with only a certain number being accepted at one time.

On a motion by Council Member Glaros and second by Council Member Harrison, the Committee voted favorable, 8-0, on Proposed DR-2 with amendments to address Planning Board and ZHE comments as follows:

- Revise purpose clause to include: “, and extending the deadline for the certification of outdoor advertising signs.”
- Page 2. Line 12, strike “civic” before the word “associations”.

- Page 2. In Section 27-630.03, insert new language as follows: (i) At any time after the Commission accepts an application, a determination that a person entitled did not receive a required informational mailing may not be the basis for invalidating a final action on the application.
- Page 2. Insert a new Section 2 as follows: SECTION 2. BE IT FURTHER ENACTED that applications for the certification of outdoor advertising signs in existence as of January 1, 2002 shall be filed no later than December 31, 2023.