

<b>FROM</b>	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #20-0623 / ZONING - SIGNS – CONVERSION OF EXISTING NON-DIGITAL BILLBOARDS		

**TO**

The Honorable President and  
Members of the City Council  
City Hall, Room 400  
100 North Holliday Street

DATE: October 9, 2020

At its regular meeting of October 8, 2020, the Planning Commission considered City Council Bill #20-0623, for the purpose of amending the provisions concerning the conversion of non-digital billboards.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended disapproval of City Council Bill #20-0623, considered testimony and adopted the following resolution; nine members being present (eight in favor, one opposed):

RESOLVED, That the Planning Commission does not concur with the recommendation of its departmental staff as outlined in its staff report, with consideration for testimony and facts presented in the meeting, instead recommends that City Council Bill #20-0623 not be approved as drafted by the City Council. Instead, the Planning Commission recommends that there should only be one amendment to Article 32 - Zoning §17-406.d.1.i adding an exemption from the required 3:1 reduction *only for those applicants that own seven or fewer billboards*, and to retain that requirement for all other owners. The Planning Commission requested Planning staff to offer more specific language to achieve this effect in our formal report to City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

cc: Mr. Nicholas Blendy, Mayor's Office  
Mr. Matthew Stegman, Mayor's Office  
Ms. Nina Themelis, Mayor's Office  
The Honorable Edward Reisinger, Council Rep. to Planning Commission  
Mr. Colin Tarbert, BDC  
Ms. Livhu Ndou, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Ms. Stephanie Murdock, DHCD  
Ms. Elena DiPietro, Law Dept.  
Mr. Francis Burnszynski, PABC  
Mr. Liam Davis, DOT  
Ms. Natawna Austin, Council Services  
Mr. Dominic McAlily, Council Services



Bernard C. "Jack" Young  
Mayor

## PLANNING COMMISSION

Sean D. Davis, Chairman

### STAFF REPORT



Chris Ryer  
Director

October 8, 2020

**REQUEST:** City Council Bill #20-0623/ Zoning – Signs – Conversion of Existing Non-Digital Billboards:

For the purpose of amending the provisions concerning the conversion of non-digital billboards.

**RECOMMENDATION:** Disapproval

**STAFF:** Eric Tiso

**INTRODUCED BY:** Councilmember Reisinger

#### SITE/GENERAL AREA

This bill impacts nonconforming billboards throughout the City, and affects potentially new billboards where they may be allowed in specific zoning districts through the creation of an Areas of Special Signage Control (ASSC).

#### HISTORY

Under our old Zoning Code (1971-2017)

- Ord. #00-1, dated March 27, 2000 prohibited general advertising signs citywide.
- Ord. #01-230, dated August 13, 2001, authorized the placement of advertising signs on bus and transit passenger shelters, subject to certain conditions.
- Ord. #03-514, dated April 9, 2003, general advertising signs were allowed in the B-5 district, on publicly-owned stadiums and arenas as a conditional use that requires approval by ordinance.
- Ord. #12-67, dated November 26, 2012, authorized advertising signs on bike-sharing stations.

Under the current Article 32 - *Zoning* (effective June 5, 2017)

- Ord. #16-581, dated December 5, 2016 enacted a comprehensive rewrite of the zoning code which significantly changed how signage was handled.
- Ord. #18-216, dated December 12, 2018, repealed and replaced Title 17 of Article 32 – *Zoning*, which governs signs. New billboards are only permitted in an Area of Special Signage Control (ASSC). Among the changes to this title was the establishment of a minimum size of billboard for use in conversion of standard billboards to digital billboards (§17-406.d).
- City Council Bill #20-0570, was reviewed by the Planning Commission on October 1, 2020, and is now pending City Council review. This bill will authorize new billboards in certain industrial districts when in a rail right-of-way, or when on a railroad property that is adjacent to a rail right-of-way.

## **ANALYSIS**

Background: Our zoning code (Article 32 – *Zoning*) controls billboards under §17-406, where they are generally prohibited everywhere in the City, except where they may be authorized in an Area of Special Signage Control (ASSC), with certain other requirements, including: 1) that new non-digital billboards may only be located in a C-1, C-1-E, C-1-VC, C-5-DC, or PC Zoning District and may not exceed 50 square feet; and 2) new digital billboards may only be located in a C-2, C-3, C-4, C-5, TOD-4, or PC Zoning District.

The conversion of existing non-digital billboards to digital billboards was allowed under §17-406(d), subject to certain requirements, notably that it had to be accompanied by documentation that at least 3 existing billboard faces (minimum of 100 sqft each) in the City have been removed for each new digital billboard face to be placed or erected.

Effect of this Bill: This bill proposes several changes. The most significant of these is the removal of the 3:1 removal requirement. If that happens, the rest are no longer particularly significant. The list of effects is as follows:

- 1) Deletes the 3:1 removal requirement for conversions to digital billboards;
- 2) Deletes the limitation that a converted digital billboard may not be relocated by more than 15 feet in any direction from the non-digital billboard's original location;
- 3) Deletes the minimum area of 100 sqft for existing billboards to be removed for conversion to a digital billboard;
- 4) Deletes the printed billboard removal credit that will be no longer needed if the removal is no longer required;
- 5) Deletes the exclusion from eligibility of billboards attached to a building that is 35 feet or less in height (section of §17-406.e); and
- 6) Deletes the exclusion from eligibility of a pole mounted billboard that is 35 feet or less in height (section of §17-406.e).

Staff is strongly opposed to this bill. One of the significant policy shifts in the zoning code that was adopted in 2017 was that the general prohibitions on billboards was removed. Billboards may be allowed in limited locations, through the establishment of an ASSC. Digital conversions of regular billboards were even authorized, though in exchange for the privilege, it requires an overall reduction in billboard density around the City by the removal of at least three billboards of 100 sqft or more. Additional flexibility was provided in the form of removal credits. In the event that a billboard needed to be removed by an owner, perhaps due to end of a lease, or in order to avoid replacement at the end of its functional life, the banking of credits for these signs was authorized for up to five years. The primary impacts of this bill are further detailed below.

Removal requirement: We understand that the applicants do not like this policy, since they do not own many billboards within the City, and so do not appear to have any eligible for removal in order to convert to a digital billboard. While staff sympathizes with their position, the Zoning Code does not consider owners of property or the identity of applicants, and treats all billboard conversion requests the same. Staff does not see a reason to depart from the established Citywide policy just to accommodate individual owners.

Relocation: The intent behind not allowing the relocation of billboards is a carry-over from the previous zoning code, where all billboards were nonconforming uses. Without this requirement, it would be possible to move a billboard from one side of a building to another, or from one end of a property to another. The text, as amended, leaves it potentially up to interpretation whether the lack of a distance standard and the lack of any reference to “within the same property” or something similar might them make it possible to move the billboard to another property. This change is poorly considered, and will allow for significant impacts upon relocation that are made worse if those signs are then converted to digital billboards.

Minimum Size for Removal: Deletion of the 100 sqft minimum size would potentially allow for the removal of a wall-poster sized billboards in exchange for a full-sized billboard. The conversion to digital billboards, which allow for many more impressions in advertising is a valuable privilege. The minimum size requirement was chosen, since that aligns with the minimum size of sign that is subject to the billboard tax. For that reason, signs smaller than 100 sqft should not count in trade. The removal requirement also shouldn’t allow for more square footage of billboard in the end when the goal is overall reduction.

Minimum Height Requirement: By removing this exception, existing billboards of any height, attached to any building, or on a pole of any height would become eligible for conversion to a digital billboard. The intent behind this requirement was to remove the eligibility of billboards that are in residential areas, that are low to the ground, so that the cast light from these billboards would not allow glare into properties within sight-line of the sign. We should not allow the creation of a nuisance from light trespass, since that’s directly opposed to the idea that there should be a reduction of overall visual impact from billboards.

Notification: Notice of this meeting has been sent to nearly 20,000 unique subscribers via the GovDelivery system.



**Chris Ryer**  
**Director**