CITY OF BALTIMORE COUNCIL BILL 20-0570 (First Reader)

Introduced by: President Scott Introduced and read first time: July 27, 2020 Assigned to: Land Use Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Transportation, Department of Housing and Community Development

A BILL ENTITLED

1	AN ORDINANCE concerning
2	Zoning – Railroad Rights-of-Way – Billboards
3 4 5	FOR the purpose of authorizing, subject to limitations and requirements, the erection of new billboards within a railroad right-of-way or within a railroad facility that adjoins a railroad right-of-way; and correcting, conforming, and clarifying related language.
6 7 8 9 10	By repealing and reordaining, with amendments Article 32 - Zoning Section(s) 17-406 Baltimore City Code (Edition 2000)
11 12	SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE , That the Laws of Baltimore City read as follows:
13	Baltimore City Code
14	Article 32. Zoning
15	Title 17. Signs
16	§ 17-406. Billboards.
17	(a) General prohibitions.
18 19	(1) Except as otherwise specifically provided in this Code, the erection, conversion, placement, or construction of new billboards, static or digital, is prohibited.
20	(2) No billboard may have audio speakers or any audio component.
21	(b) Digital billboard defined.
22	In this section, "digital billboard" means any billboard that is also an electronic sign.

EXPLANATION: CAPITALS indicate matter added to existing law. [Brackets] indicate matter deleted from existing law.

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1	(c) New billboards.
2	(1) IN GENERAL.
3	New billboards are only allowed:
4 5	(I) [in] WITHIN an Area of Special Signage Control, SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (2) OF THIS SUBSECTION; OR
6 7 8	(II) WITHIN A RAILROAD RIGHT-OF-WAY OR WITHIN A RAILROAD FACILITY THAT ADJOINS A RAILROAD RIGHT-OF-WAY, SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (3) OF THIS SUBSECTION.
9	(2) SPECIAL SIGNAGE CONTROL.
10 11	[In addition] EXCEPT FOR BILLBOARDS COMPLYING WITH PARAGRAPHS (1)(II) AND (3) OF THIS SUBSECTION:
12	(i) new non-digital billboards:
13 14	(A) may only be located in a C-1, C-1-E, C-1-VC, C-5-DC, or PC Zoning District[,]; and
15	(B) may not exceed 50 square feet; and
16	(ii) new digital billboards are subject to the following requirements:
17 18	(A) they may only be located in a C-2, C-3, C-4, C-5, TOD-4, or PC Zoning District[,];
19 20 21	(B) digital animation, streaming video, or images that move or give the appearance of movement are only allowed as described in [the] AN approved Signage Plan; and
22 23 24	(C) all digital billboards must have ambient light monitors that automatically adjust the brightness level of the billboard based on ambient light conditions.
25	(3) RAILROAD RIGHTS-OF-WAY, ETC.
26 27 28	(I) A NEW BILLBOARD (DIGITAL OR NON-DIGITAL) IS PERMITTED WITHIN A RAILROAD RIGHT-OF-WAY OR WITHIN A RAILROAD FACILITY THAT ADJOINS A RAILROAD RIGHT-OF-WAY, SUBJECT TO THE FOLLOWING REQUIREMENTS:
29	(A) THE NEW BILLBOARD MAY ONLY BE LOCATED:
30 31	1. WITHIN A RAILROAD RIGHT-OF-WAY AT A LOCATION THAT IMMEDIATELY ADJOINS AN I-2 OR MI ZONING DISTRICT; OR

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1 2	2. WITHIN AN ADJOINING RAILROAD FACILITY THAT IS ITSELF IN AN I-2 OR MI ZONING DISTRICT;
3	(B) THE NEW BILLBOARD MUST FACE AND BE INTENDED FOR VIEWING FROM
4	AN ADJACENT INTERSTATE HIGHWAY;
5	(C) NO BILLBOARD IS PERMITTED WITHIN 500 FEET OF ANOTHER
6	BILLBOARD ON THE SAME SIDE OF THE ADJACENT INTERSTATE HIGHWAY,
7	AS MEASURED FROM THE STRUCTURAL POLE OF THAT OTHER BILLBOARD;
8	(D) THE HEIGHT OF THE BILLBOARD, AS MEASURED FROM THE GRADE OF THE
9	ADJACENT INTERSTATE HIGHWAY THAT THE BILLBOARD IS FACING, MAY
10	NOT EXCEED 50 FEET;
11	(E) NO SIGN FACE MAY EXCEED 672 SQUARE FEET IN AREA;
12	(F) NO SIGN FACE MAY EXCEED 48 FEET IN WIDTH OR 14 FEET IN HEIGHT;
13	(G) DIGITAL ANIMATION, STREAMING VIDEO, OR IMAGES THAT MOVE OR GIVE
14	THE APPEARANCE OF MOVEMENT ARE ONLY ALLOWED AS DESCRIBED IN
15	THE RULES AND REGULATIONS OF THE PLANNING DEPARTMENT; AND
16	(H) ALL DIGITAL BILLBOARDS MUST HAVE AMBIENT LIGHT MONITORS THAT
17	AUTOMATICALLY ADJUST THE BRIGHTNESS LEVEL OF THE BILLBOARD
18	BASED ON AMBIENT LIGHT CONDITIONS.
19	(II) NEITHER SUBSECTIONS (D) THROUGH (F) OF THIS SECTION NOR TABLE 17-201: SIGN
20	REGULATIONS OR TABLE 17-306: MAXIMUM CUMULATIVE AREA OF SIGNS APPLY TO
21	NEW RAILROAD-RELATED BILLBOARDS THAT COMPLY WITH THE REQUIREMENTS OF
22	PARAGRAPH (I) OF THIS SUBSECTION (C)(3).
23	(d) Conversion of existing non-digital billboards.
24	(1) In general.
25	An existing non-digital billboard may be converted to a digital billboard only if:
26	 (i) it is accompanied by documentation that at least 3 existing billboard faces in
27	the City have been removed for each new digital billboard face to be placed or
28	erected;
29	 (ii) each message or image displayed on the digital billboard must be static or
30	follow standards for electronic signs;
31 32	(iii) digital animation, streaming video, or images that move or give the appearance of movement are prohibited;
33 34	(iv) the digital billboard has ambient light monitors that automatically adjust the brightness level of the billboard based on ambient light conditions;

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1	(v) the billboard does not have audio speakers or any audio component;
2 3	(vi) the new digital billboard is not relocated by more than 15 feet in any direction from its original location;
4	(vii) each billboard being removed is a minimum of 100 square feet; and
5 6	(viii) the applicant submits proof of current billboard tax payment at the time of application for conversion.
7	(2) Printed billboard removal credit.
8 9 10	 (i) The Zoning Administrator shall maintain an account of removals of existing printed billboards and shall credit the account of the owner of a printed billboard for each printed billboard that is removed.
11 12 13	(ii) In order to document the removal of a printed billboard, the owner shall submit to the Zoning Administrator a copy of the conversion permit for the removal of the billboard and photographs documenting the removal.
14 15	(iii) A printed billboard removal credit may be reserved and used by the original owner of the credit within 5 years after the removal of the printed billboard.
16	(e) Exclusions.
17	An existing billboard may not be converted to a digital billboard if:
18	(1) it is attached to a building that is 35 feet or less in height;
19	(2) it is a pole mounted billboard that is 35 feet or less in height; or
20	(3) it is located in or within 250 feet of a residential district.
21 22	(F) [(c)(3)] INTEGRATION INTO OTHER SIGN TYPES.
23 24	Billboards may only be integrated into any other sign type listed in <i>Table 17-201: Sign Regulations</i> for that zoning district.
25 26 27	SECTION 2. AND BE IT FURTHER ORDAINED , That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.
28	SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30 th day