



Legislation Details (With Text)

**File #:** 20-0570      **Version:** 0      **Name:** Zoning - Railroad Rights-of-Way - Billboards  
**Type:** Ordinance      **Status:** Failed  
**File created:** 7/27/2020      **In control:** Land Use Committee  
**On agenda:**      **Final action:** 12/3/2020  
**Enactment date:**      **Enactment #:**

**Title:** Zoning - Railroad Rights-of-Way - Billboards  
 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.

**Sponsors:** Mayor Brandon M. Scott

**Indexes:** Billboards, Right-of-Way, Zoning

**Code sections:**

**Attachments:** 1. 20-0570~1st Reader, 2. Law 20-0570, 3. Newspaper Affidavits - 20-0570 - Daily Record, 4. BMZA 20-0570, 5. Planning 20-0570, 6. DHCD 20-0570

Date	Ver.	Action By	Action	Result
12/3/2020	0	City Council	Failed	
9/25/2020	0	Land Use Committee	Advertising	
9/21/2020	0	Land Use Committee	Scheduled for a Public Hearing	
7/30/2020	0	The City Council	Refer to Board of Municipal and Zoning Appeals	
7/30/2020	0	The City Council	Refer to Planning Commission	
7/30/2020	0	The City Council	Refer to Dept. of Transportation	
7/30/2020	0	The City Council	Refer to Dept. of Housing and Community Development	
7/30/2020	0	The City Council	Refer to City Solicitor	
7/27/2020	0	City Council	Assigned	
7/27/2020	0	City Council	Introduced	

**INTRODUCTORY\***

**CITY OF BALTIMORE COUNCIL BILL**

Introduced by: President Scott

A BILL ENTITLED

AN ORDINANCE concerning

**Zoning - Railroad Rights-of-Way - Billboards**

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.

By repealing and reordaining, with amendments Article 32 -  
Zoning  
Section(s) 17-406 Baltimore  
City Code (Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
Laws of Baltimore City read as follows:

**Baltimore City Code Article 32.**

**Zoning**

**Title 17. Signs**

**§ 17-406. Billboards.**

*(a) General prohibitions.*

- (1) Except as otherwise specifically provided in this Code, the erection, conversion, placement, or construction of new billboards, static or digital, is prohibited.
- (2) No billboard may have audio speakers or any audio component.

*(b) Digital billboard defined.*

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.

**\* WARNING:** THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.  
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

dfr20-1222(6)-intro/22Jul20

*(c) New billboards.*

*(1) IN GENERAL.*

New billboards are only allowed:

- (I) [in] WITHIN an Area of Special Signage Control, SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (2) OF THIS SUBSECTION; OR
- (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.

*(2) SPECIAL SIGNAGE CONTROL.*

[In addition] EXCEPT FOR BILLBOARDS COMPLYING WITH PARAGRAPHS (1)(II) AND (3) OF THIS SUBSECTION:

(i) new non-digital billboards:

(A) may only be located in a C-1, C-1-E, C-1-VC, C-5-DC, or PC Zoning District[,];  
and

(B) may not exceed 50 square feet; and

(ii) new digital billboards are subject to the following requirements:

(A) they may only be located in a C-2, C-3, C-4, C-5, TOD-4, or PC Zoning District[,];

(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

(C) all digital billboards must have ambient light monitors that automatically adjust the brightness level of the billboard based on ambient light conditions.

(3) *RAILROAD RIGHTS-OF-WAY, ETC.*

(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:

(A) THE NEW BILLBOARD MAY ONLY BE LOCATED:

1. WITHIN A RAILROAD RIGHT-OF-WAY AT A LOCATION THAT IMMEDIATELY ADJOINS AN I-2 OR MI ZONING DISTRICT; OR
2. WITHIN AN ADJOINING RAILROAD FACILITY THAT IS ITSELF IN AN I-2 OR MI ZONING DISTRICT;

(B) THE NEW BILLBOARD MUST FACE AND BE INTENDED FOR VIEWING FROM AN ADJACENT INTERSTATE HIGHWAY;

(A) (C) NO BILLBOARD IS PERMITTED WITHIN 500 FEET OF ANOTHER BILLBOARD ON THE SAME SIDE OF THE ADJACENT INTERSTATE HIGHWAY, AS MEASURED FROM THE STRUCTURAL POLE OF THAT OTHER BILLBOARD;

(D) THE HEIGHT OF THE BILLBOARD, AS MEASURED FROM THE GRADE OF THE ADJACENT INTERSTATE HIGHWAY THAT THE BILLBOARD IS FACING, MAY NOT EXCEED 50 FEET;

(E) NO SIGN FACE MAY EXCEED 672 SQUARE FEET IN AREA;

(F) NO SIGN FACE MAY EXCEED 48 FEET IN WIDTH OR 14 FEET IN HEIGHT;

(G) DIGITAL ANIMATION, STREAMING VIDEO, OR IMAGES THAT MOVE OR GIVE THE APPEARANCE OF MOVEMENT ARE ONLY ALLOWED AS DESCRIBED IN THE RULES AND REGULATIONS OF THE PLANNING DEPARTMENT; AND

(H) ALL DIGITAL BILLBOARDS MUST HAVE AMBIENT LIGHT MONITORS THAT AUTOMATICALLY ADJUST THE BRIGHTNESS LEVEL OF THE BILLBOARD BASED ON AMBIENT LIGHT CONDITIONS.

(II) NEITHER SUBSECTIONS (D) THROUGH (F) OF THIS SECTION NOR *TABLE 17-201: SIGN REGULATIONS* OR *TABLE 17-306: MAXIMUM CUMULATIVE AREA OF SIGNS* APPLY TO NEW RAILROAD-RELATED BILLBOARDS THAT COMPLY WITH THE REQUIREMENTS OF PARAGRAPH (I) OF THIS SUBSECTION (C)(3).

(d) *Conversion of existing non-digital billboards.*

(1) *In general.*

An existing non-digital billboard may be converted to a digital billboard only if:

- (i) it is accompanied by documentation that at least 3 existing billboard faces in the City have been removed for each new digital billboard face to be placed or erected;
- (ii) each message or image displayed on the digital billboard must be static or follow standards for electronic signs;
- (iii) digital animation, streaming video, or images that move or give the appearance of movement are prohibited;
- (iv) the digital billboard has ambient light monitors that automatically adjust the brightness level of the billboard based on ambient light conditions;
- (v) the billboard does not have audio speakers or any audio component;
- (vi) the new digital billboard is not relocated by more than 15 feet in any direction from its original location;
- (vii) each billboard being removed is a minimum of 100 square feet; and
- (viii) the applicant submits proof of current billboard tax payment at the time of application for conversion.

(i) (2) *Printed billboard removal credit.*

- (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.
- (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.
- (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.

(e) *Exclusions.*

An existing billboard may not be converted to a digital billboard if:

- (1) it is attached to a building that is 35 feet or less in height;
- (2) it is a pole mounted billboard that is 35 feet or less in height; or
- (3) it is located in or within 250 feet of a residential district.

(F) [(c)(3)] *INTEGRATION INTO OTHER SIGN TYPES.*

Billboards may only be integrated into any other sign type listed in *Table 17-201: Sign Regulations* for that zoning district.

**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.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day after the date it is enacted.