

**ORDINANCE NO. 1935**

**TEXT AMENDMENT NO. 249**

**AN ORDINANCE TO AMEND THE LAUREL UNIFIED LAND DEVELOPMENT CODE; CHAPTER 20 LAND DEVELOPMENT AND SUBDIVISION, ARTICLE I ZONING, DIVISION 7 SIGNS AND ADVERTISING STRUCTURES, SECTION 20-17.2, SECTION 20-17.3, SECTION 20-17.5, SECTION 20-18.2 AND SECTION 20-18.3 OF THE CITY’S ZONING CODE TO ALLOW FOR EXISTING BILLBOARDS TO BE CONVERTED TO DIGITAL BILLBOARDS; AND PROVIDING AN EFFECTIVE DATE.**

*Sponsored by the President at the request of the Administration.*

**WHEREAS**, the Mayor and City Council of Laurel adopted City Ordinance Number 1702, Text Amendment Number 223, on March 28, 2011 approving a Unified Land Development Code for all zoning regulations within the City; and

**WHEREAS**, the City’s Unified Land Development (Code) establishes signage and outdoor advertising requirements for the City; and

**WHEREAS**, City staff recommends that the Code be amended to allow for existing billboards to be converted to digital billboards, as set forth herein.

**NOW THEREFORE BE IT ENACTED AND ORDAINED**, by the Mayor and City Council that Chapter 20, Article I, Division 7, Section 20-17.2, Section 20-17.3, Section 20-17.5, Section 20-18.2 and Section 20-18.3., of the Code is amended as follows:

**Chapter 20**

**LAND DEVELOPMENT AND SUBDIVISION**

**ARTICLE I.  
ZONING**

**DIVISION 7  
SIGNS AND ADVERTISING STRUCTURES**

\* \* \* \*

**SECTION 20-17.2- DEFINITIONS.**

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*Digital billboard.* Digital billboard means an off-site 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, on any part of the sign structure, design, or pictorial segment of the sign. Each static message shall not include flashing lighting or the varying of light intensity.

\* \* \* \*

**SECTION 20-17.3. - GENERAL PROVISIONS.**

\* \* \* \*

(b)

\* \* \* \*

(15) Changeable lettering or message signs, unless containing a message that does not change in increments of less than fifteen (15) seconds. Such fixed message area may be electronic or manually changed. This shall not apply to digital billboards.

(16) All signs which blink, flash, glimmer, change intensity, color or other non-fixed message, or moves, flutters, within increments of less than fifteen (15) seconds. Signs or other devices which flutter by any means, or activated by wind are prohibited at all times. Digital billboards, when operated in accordance with Section 20-18.2(d), shall be deemed not to violate this provision.

\* \* \* \*

(g) *Lighting.* Unless otherwise prohibited by this division, all signs may be illuminated. When illumination of a sign is permitted, it must satisfy the following requirements:

(2) Sign illumination must use an enclosed lamp design or indirect lighting from a shielded source in a manner that prevents glare from beyond the property line. This is not applicable to Digital Billboards as defined in Section Sec. 20-17.2, and operated pursuant to Section 20-18.2(d).

(3) The illumination or glare from a sign shall not shine directly onto a street so as to constitute a hazard to motorist.

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**SECTION 20-17.5. -LEGAL NONCONFORMITY; MAINTENANCE AND REPAIR.**

\* \* \* \*

(b) A legal nonconforming sign other than a legal nonconforming sign that is converted to a digital billboard shall lose this designation if:

(1) The sign is relocated or replaced, unless said relocation or replacement is required in the event that any such sign is downed or destroyed through natural causes, and not through an intentional act. If said sign is unintentionally downed or destroyed, the sign may be replaced at the same location and at the same height as it was prior to the destruction or downing of the original sign, but if said sign is relocated, or is replaced with a sign that is higher than the previous sign, the relocated or replaced sign shall have the height and locational limitations as set forth in Section 20-18.2, "Nonconforming Billboards," Subsection (d)(vii).

(2) The structure or size of the sign is altered in any way, including change of copy in the existing message, except for repairs or maintenance to the existing copy, and excluding changeable copy signs. This shall not apply to digital billboards operated pursuant to Section 20-18.2(d).

- (3) There is a change in the name, trade name or, nature of the business identified by the sign or a change in the principal use of the premises identified by the sign. This shall not apply to digital billboards operated pursuant to Section 20-18.2(d).
- (4) If said nonconforming sign is intentionally destroyed, it may only be replaced by a digital billboard if said digital billboard is fully erected no later than thirty (30) days after the date of destruction.

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**SECTION. 20-18.2 - NONCONFORMING BILLBOARDS.**

\* \* \* \*

(b) Other billboards existing on January 1, 1992 and not conforming to this article, but which did conform to previous laws, shall be regarded as nonconforming billboards which may be continued if properly repaired, and maintained as provided in this article and if in conformance with all other applicable laws and regulations of the City. Subject to subsection (c) below, [N]nonconforming billboards which are relocated, replaced or structurally altered, unless such alterations are necessary to maintain the structural integrity of the billboard and are approved by the Director of the Department of [Community Planning and Business Services] Economic and Community Development, shall be removed immediately.

(c) An existing billboard shall be conclusively certified as legally nonconforming provided that the sign owner can provide evidence that the sign has existed continuously (without a break of more than 180 consecutive days) for five years or longer. Such evidence may include, but is not limited to:

- (i) Permits, including, without limitation, local or State permits, and building or electrical permits;
- (ii) A lease for the sign at its existing location;
- (iii) Utility bills for the sign;
- (iv) Advertising records showing the display history of advertising on the sign face; and
- (v) Affidavits attesting to the continuity of the billboard on the subject property.

(d) Notwithstanding anything to the contrary contained herein, an existing legal nonconforming billboard may be intentionally removed and rebuilt (which may include structural alteration) as a digital billboard, subject to the time limitation set forth in Section 20-17.5(b)(4), provided that it complies with the following requirements:

- (i) Operational Limitations. Such displays shall contain static messages only, and during the static display period, each static message shall not have movement, or the appearance or optical illusion of movement on any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement. No static message shall include flashing, or the varying of light intensity.  
Minimum display time. Each static message on the sign must be displayed for a minimum of (6) six seconds.

- (ii) 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. Brightness levels will vary with the viewing distances of each size sign. Measurement distance criteria shall be as follows:

Distance to

Face Size	be measured from:
Up to 300 square feet -	150'
301-385 square feet -	200'
386-680 square feet -	250'

- (iii) Each display shall have a light sensing device that will adjust the brightness as ambient light conditions change.
- (iv) The technology currently being deployed for digital billboards is LED (light emitting diode), but there may be alternate, preferred and superior technology available in the future. Any other technology shall be reviewed and approved by the City staff to determine that under maximum brightness, it will meet all standards stated in Subsection iii above. Any such new technology shall not require an ordinance change for approval, but shall be permitted only upon the review and approval by the City's Department of the Fire Marshal and Permit Services, and the issuance of all required permits prior to the installation of any such new technology. The City shall make every effort to expedite any required approvals to implement technology that is superior in energy efficiency over previous generations or types.
- (v) The sign face area of more than one existing legal nonconforming sign face, if the faces are located no more than five feet from one another, may be combined and rebuilt as one digital billboard sign face, if the total square footage of the combined face size does not exceed 675 square feet of display area, excluding framing, cabinetry and trim.
- (vi) (a) An existing legal nonconforming sign less than or equal to 45 feet in height may be rebuilt as a digital billboard, but if so, it shall be at a height not to exceed 45 feet, measured from the finished grade at the base of the sign to the top of the sign, and it shall have the following locational limitations: a minimum setback of ten (10) feet from the front property line, a minimum setback of five (5) feet from the side property lines, and within fifteen (15) feet of the center of the previous sign structure.  
 (b) If an existing legal nonconforming sign is greater than 45 feet in height, it may be rebuilt as a digital billboard, but if so, it shall be either: (i) at a height not to exceed its current height at its current location, or if moved, than it shall meet the locational limitations in Subsection (vii)(a) above; or (ii) at a height exceeding its current height, with the locational limitations as set forth in Subsection (vii)(a) above, and with the specific height being subject to the approval of the City's Planning Commission, after a public hearing on the application for that height.
- (vii) The sign owner of a digital billboard shall display emergency messages on the digital billboard in accordance with regional and national protocols, including, but not limited to Amber Alerts or emergency management information. Regional emergency information shall be displayed in accordance with the established protocols of local and state authorities. Emergency communications should travel through established protocols set up by the division of emergency management or first responders. This requirement may be modified through a written agreement between the owner of the billboard and the City.

(e) Owners of digital billboard sign faces have the sole option to remove the digital units from the outdoor advertising structure at any time, for any reason. During all periods where there are no digital units on the sign structure, the sign owner shall be permitted to operate the sign faces as traditional, printed type.

**SECTION. 20-18.3-ILLUMINATION.**

With the exception of digital billboards approved and operating pursuant to Section 20-18.2(d), [B]billboards may be illuminated, provided no flashing, intermittent, or red illumination is used. Illumination of a non-digital billboard shall be confined to the area of the sign, and arranged to avoid

glare or reflection onto any portion of any adjacent highway, or into the path of oncoming vehicles such that it would prevent the drivers of oncoming vehicles from having a clear and unobstructed view of official traffic signs or controls and approaching or merging traffic, or in any manner violates applicable state law or regulation pertaining to billboards.

**SECTION 20-18.3.1 – UNOBSTRUCTED VIEW.**

No digital billboard shall be located where it prevents a motorist from having an unobstructed view of official traffic signs or controls, and approaching or merging traffic.

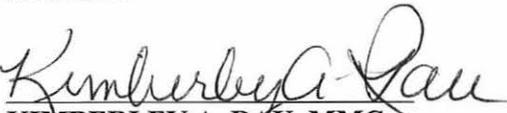
**SECTION 20-18.3.2 – DISTANCE FROM AN EXISTING BILLBOARD.**

No digital billboard shall be located within five hundred feet (500') of an existing non-digital billboard, or within one thousand feet (1,000') of another digital billboard located on and facing the same roadway.

**AND IT BE FURTHER ENACTED AND ORDAINED,** that this Ordinance shall take effect  
on  
the date of its passage.

**PASSED** this 28<sup>th</sup> day of January, 2019.

**ATTEST:**

  
KIMBERLEY A. RAU, MMC  
Clerk to the City Council

  
FREDERICK SMALLS  
President of the City Council

**APPROVED** this 28<sup>th</sup> day of January, 2019.  
  
CRAIG A. MOE  
Mayor