


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 3600 Clipper Mill Road		

TO

Mr. David Tanner, Executive Director  
Board of Municipal and Zoning Appeals  
417 East Fayette Street, 14<sup>th</sup> Floor

DATE:

April 4, 2014

**REQUEST**

The Department of Planning has received Nate Pretl's amended Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Eutaw Property Enterprise LLC, to rebuild and reface one side of an existing double-faced general advertising sign located in the south portion of the property with electronic changeable digital screens (sign dimensions to remain the same; no change of location). The Zoning Administrator has determined that this is a nonconforming use sign in a M-2 District, and that Board approval is needed for this application. We understand that this appeal is scheduled for hearing on April 8, 2014.

**SITE**

3600 Clipper Mill Road is located on the west side of the street, between Union Avenue and a bend in the Jones Falls. This property measures approximately 900' along its western boundary formed by a railroad right-of-way by 283' along its northern boundary formed by Union Avenue and contains approximately 6.438 acres, and is currently improved with a large multi-story commercial-industrial building. This site is zoned M-2-1.

**ANALYSIS**

Use: In this zoning district, general advertising signs are not listed as a permitted or conditional use (§7-306 to §7-309), and so are not allowed except as a nonconforming use (§11-206). In this case, the property was last authorized for use as warehousing, which is a permitted use in this M-2 Industrial District.

Required conditions: The Board must find, and require as conditions of approval, that: (1) the sign conforms to its original approvals as granted by the Board; (2) neither the height nor size of the sign may be increased; and (3) the sign may not be relocated by more than 10 feet from its approved location (§11-506.b).

Prohibited changes: The Board may not authorize: (1) internally illuminated box signs; (2) neon signs; (3) trivision signs; or (4) fluctuating signs, other than for time or temperature (§11-506.c).

Change in structure: The Board may approve a change in structure (§11-506.d). "Structure" includes any building, fence, wall, sign, or tower (§1-193.b). The proposed digital sign would replace a standard externally-illuminated panel sign with a light-emitting diode (LED) light source controlled by a remote computer-activated system that allows changes in advertising copy (text, images, or both). Because of this capability of the system the outdoor (general) advertising sign can display several images of advertising copy within a relatively short period of time. For this reason, Board approval of a change in the general advertising sign structure must be conditioned upon certain limitations intended to minimize distraction of passing motorists and protect any residences in the vicinity from excessive glare.

TransForm Baltimore: This property would become part of a TOD-2 (Transit-Oriented Development) District (Proposed Zoning Map Area 2-D) in which billboards would be prohibited uses (Table 12-402), and thus this sign would remain a nonconforming use. “Billboard” includes signs now classified as general advertising signs in the current Zoning Code (§1-303 (G)).

#### **RECOMMENDATION**

The Department of Planning recommends approval of the appeal, only with the following conditions:

- That there will be no increase in the height or the size of the sign;
- That the entire face of the existing south-facing billboard (general advertising sign) is approved for alteration to a digital screen, and that this alteration may be installed in incremental steps at the appellant’s option, without the need for further land use approval, so long as the billboard adheres to the operational limits or other conditions that may be imposed by the Board;
- That the performance of the digital screen billboard conform to all of the requirements of §11-502 by having a minimum dwell time of ten seconds; that it will not increase the area of the existing billboard, that it will not increase the degree of illumination, and that it will not have any flashing, blinking, fluctuating, or otherwise animated light;
- That the digital screen billboard will not have animations, movie clips and/or sound elements;
- That the digital screen will default to black entirely in the event of a failure of the remote control system or an interruption of advertising copy (text, images, or both); and
- That the digital sign will have automatic brightness controls so that the sign will not constitute a hazard to passing motorists at night, or during inclement weather.

TJS/wya/mf

cc: Nate Pretl, Appellant