

Subject: Land Use - To adopt Chapter 286 of the *Code of St. Mary's County, Maryland*, Establishing Land Use Regulations Regarding Signs

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ORDINANCE

TO ADOPT CHAPTER 286 OF THE CODE OF ST. MARY'S COUNTY, MARYLAND, ESTABLISHING LAND USE REGULATIONS REGARDING SIGNS

WHEREAS, pursuant to §4-102 of the *Land Use Article* of the *Annotated Code of Maryland*, the Commissioners of St. Mary's County are authorized to regulate the location and use of buildings, signs, structures, and land; and

WHEREAS, a notice of a public hearing was advertised on June 1, 2016 and June 8, 2016 in *The Enterprise*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on June 21, 2016 to receive public comment and consider the adoption of Chapter 286 of the *Code of St. Mary's County, Maryland*, establishing land use regulations regarding signs; and

WHEREAS, the Commissioners of St. Mary's County find that it is in the best interest of the health, safety and welfare of the citizens of St. Mary's County to adopt Chapter 286 of the *Code of St. Mary's County, Maryland*, establishing land use regulations regarding signs,

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of St. Mary's County, pursuant to §4-102 of the *Land Use Article* of the *Annotated Code of Maryland*, that:

SECTION I. Chapter 286 of the *Code of St. Mary's County, Maryland*, is adopted to read as follows:

Title – Signs

01. Purpose; interpretation; construction.

01. The intent of this Title is to:

- a. allow adequate communication through signs while encouraging aesthetic quality in the design, location, size and purpose of all signs;
- b. establish requirements for a sign placed on land or on a building for the purpose of identification, protection or the directing of persons to a use conducted therein in order to ensure that the sign is appropriate to the land, building or use to which it is appurtenant and adequate for its intended purpose while balancing individual and community interests;
- c. insure public safety;
- d. adhere to a policy of content neutrality; and
- e. better assure equal protection of legal rights of owners of real property.

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02. The provisions of this Title shall be interpreted in a manner consistent with rights under the First Amendment and decisions by the Supreme Court of the United States including *Reed v. Town of Gilbert*, 576 U.S. ____ (2015).
03. In the event any portion of this Title is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Commissioners of St. Mary's County to sever only the invalid portion or provision, and that the remainder of the Title shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the Title, or unless deletion of the invalid portion would produce a result inconsistent with the purpose and intent of the Commissioners of St. Mary's County in adopting this Title.

02. Definitions.

01. **“Sign”** is a name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building or other freestanding outdoor surface which directs attention to, or is designed or intended to direct attention to, the sign face or to an object, product, place, activity, person, institution, organization or business. **“Sign”** does not include:
 - a. a hand-painted work of visual art that is either affixed to or painted directly on the exterior wall of a structure. An original art display does not include: mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display; or
 - b. a sign that is not visible from any public street, sidewalk, or pedestrian way; or
 - c. a sign affixed to, painted or represented directly or indirectly upon a building that is not less than two hundred (200) feet from any public street, sidewalk, or pedestrian way; or
 - d. a sign attached to or displayed on (a) a currently registered motor vehicle on a public street or highway, or (b) a currently registered motor vehicle used in off-site business activities on a daily basis when parked on private property; or
 - e. a sign erected or maintained by the Commissioners of St. Mary's County, the State of Maryland, or the United States;
 - f. a sign used to identify a historical monument or location that is listed in the Maryland Inventory of Historic Properties maintained by the Maryland Historical Trust; or
 - g. a sign used to identify an Ag-Tourism Facility that is recognized by the Maryland State Highway Administration and the Maryland Department of Agriculture as an Ag-Tourism Facility and meets all the criteria of the Ag-Tourism Signing Program.
02. **“Sign area”** is the space enclosed within the extreme edges of one side of the sign, not including a supporting structure.
03. **“Commercial sign”** is a sign that includes information concerning the availability or quality of a product or service that is lawfully sold, leased or held for investment.
04. **“Event sign”** is a sign that includes only notice of a single lawful event, including the date and place of the event, or direction to the location of the event.

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05. **"Freestanding sign"** is a sign that is not affixed to, painted or represented directly or indirectly upon a building.
06. **"Functional sign"** is a sign that includes only the following:
 - a. name of the occupant, business or community;
 - b. 911 address;
 - c. name of a business conducted on-site pursuant to a valid home-occupation permit;
 - d. protection of the property by a security service;
 - e. availability of the property for sale or lease;
 - f. prohibition of trespassing, soliciting, or other activities without the permission of the owner or occupant; or
 - g. Direction of vehicular and pedestrian traffic within a parking area.
07. **"Nonconforming sign"** is a sign lawfully in existence on April 5, 2016, which does not conform to the provisions of this Title but which was in compliance with the applicable regulations at the time that the sign was constructed, erected, affixed or maintained.
08. **"Agricultural Property"** is a parcel of record, or that part thereof, assessed as "Agricultural" by the State Department of Assessments and Taxation.
09. **"Commercial Center"** is a non-residential property improved by six (6) or more commercial units which share an entrance and a parking area.
10. **"Mixed-use Property"** is a parcel of record improved by a structure consisting of two or more units some, but not all, of which are occupied as a residence. Units which are occupied as a residence are residential property. Units which are not occupied as a residence are non-residential property.
11. **"Multi-residential Property"** is (1) a recorded subdivision consisting of residential lots and common areas, or (2) a parcel of record improved by a structure consisting of more than two units all of which (except one office for management of the property) are occupied as a residence.
12. **"Non-residential Property"** is a parcel of record that is not Agricultural, Multi-residential, Mixed-Use or Residential Property.
13. **"Residential Property"** is a parcel of record improved by one- or two-family structure occupied as a residence. "Residential Property" does not include "Agricultural Property."
14. **"Property"** is a parcel of record.
15. **"Illumination"** is lighting separated from a sign which illuminates the sign. "Illumination" does not include an electronic display within the sign.

03. Residential Property.

01. A sign may not exceed five (5) feet in height.
02. A sign area may not exceed nine (9) square feet.
03. Commercial and electronic signs are prohibited.

04. Multi-residential Property.

01. A Multi-residential Property may be improved by:
 - a. one (1) sign;
 - b. one (1) functional sign at each entrance to the property; and
 - c. event signs.
02. Commercial signs are prohibited.
03. A sign may not exceed twenty (20) feet in height.
04. A sign area may not exceed sixty-four (64) square feet.

05. Agricultural Property.

01. An Agricultural Property may be improved by:
 - a. one (1) sign;
 - b. functional signs; and
 - c. event signs.
02. In a growth area a sign may not exceed twenty (20) feet in height, measured from the ground area and the sign area may not exceed sixty-four (64) square feet.
03. Except as provided in section 05.02 above, a sign may not exceed sixteen (16) feet in height, measured from the ground area and the sign area may not exceed thirty-two (32) square feet.

06. Non-residential Property.

01. A Non-residential Property may be improved by:
 - a. one (1) sign;
 - b. functional signs; and
 - c. event signs.

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02. In a growth area a sign may not exceed twenty (20) feet in height, measured from the ground area and the sign area may not exceed sixty-four (64) square feet.
03. Except as provided in section 06.02 above, a sign may not exceed sixteen (16) feet in height, measured from the ground area and the sign area may not exceed thirty-two (32) square feet.

07. Commercial Center.

01. A Commercial Center may be improved by:
 - a. one (1) sign;
 - b. one (1) sign at each entrance to the property;
 - c. functional signs; and
 - d. event signs.
02. In a growth area a sign may not exceed twenty (20) feet in height, measured from the ground area and the sign area may not exceed sixty-four (64) square feet.
03. Except as provided in section 07.02 above, a sign may not exceed sixteen (16) feet in height, measured from the ground area and the sign area may not exceed thirty-two (32) square feet.

08. Nonconforming signs.

01. A nonconforming sign may be continued for a period not to exceed five (5) years from the effective date of this Title, but shall thereafter be removed.
02. A non-conforming sign which is altered, relocated, or replaced must be brought immediately into compliance with all provisions of this Title. Maintenance of a sign in its original size, format and location is not an alteration, relocation or replacement.
03. The owner of property on which a nonconforming sign is being maintained has the burden of proof by clear and convincing evidence the sign meets the legal definition of a nonconforming sign.

09. General Provisions. Any other provision of this Title notwithstanding, the following provisions are applicable to all signs:

01. **Illumination.** Any illumination must be directed only toward the sign face.
02. **Wall and Roof signs.** A wall sign may not extend above the top of a parapet wall or a roofline at the wall, whichever is higher. No sign may be placed on a roof.

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03. **Event signs.** An event sign must be removed within forty-eight (48) hours after the conclusion of the event.
04. **Location.** No sign may be located:
- a. within two hundred and fifty (250) linear feet of the property line of a residential property if the sign includes an electronic display; or
 - b. within the right of way of any State or County street or highway.
05. **Public safety.** Signs or lights are prohibited which:
- a. may be construed as a traffic or street sign or signal;
 - b. may impede the ability to observe any traffic or street sign or signal;
 - c. is or contains a device which may move or swing as a result of wind pressure; or
 - d. creates a hazardous condition for a motorist, pedestrian or the general public.
06. **Substitution of Copy.** Commercial or non-commercial copy may be substituted for other commercial or non-commercial copy on any commercial sign which is allowed by this Title.

10. **Enforcement**

01. No person or entity shall create, erect, or maintain a sign not authorized by this Ordinance.
02. A violation of this ordinance, as amended from time to time, is a civil infraction and shall be prosecuted in the same manner and to the same extent as provided for a municipal infraction under Title 6 of the *Local Government Article* of the *Annotated Code of Maryland*.
03. A sign not authorized by this Ordinance is contraband and may be removed.

SECTION II. Section 58.2 and Chapter 65 of Chapter 285 of the *Code of St. Mary's County, Maryland*, are hereby repealed.

SECTION III. This Ordinance shall be effective upon the date written below.

Those voting Aye: 3

Those voting Nay: 0


Those Abstaining: L

Date of Adoption: 8/30/14

Effective Date: 9/13/14

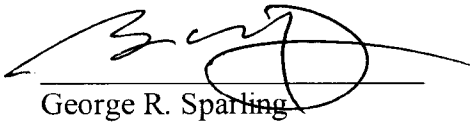
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ATTEST:



Rebecca B. Bridgett
County Administrator

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



George R. Sparling
County Attorney

COMMISSIONERS OF ST. MARY'S COUNTY



James R. Guy, Commissioner President

Abstain

Michael L. Hewitt, Commissioner



Tom Jarboe, Commissioner



Todd B. Morgan, Commissioner

Absent

John E. O'Connor, Commissioner