

ORDINANCE

TO REPEAL CHAPTER 286, TITLE – SIGNS OF THE *CODE OF ST. MARY'S COUNTY, MARYLAND* AND REESTABLISHING CHAPTER 65 - SIGNS OF CHAPTER 285 OF THE *CODE OF ST. MARY'S, MARYLAND*

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, on August 30, 2016, the Commissioners of St. Mary's County adopted Ordinance No. 2016-27, with an effective date of September 13, 2016, regulating signs; and

WHEREAS, a notice of a public hearing was advertised on June 28, 2019, and July 5, 2019, in *The Enterprise*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on July 16, 2019 to receive public comment and consider the repeal of Chapter 286 of the *Code of St. Mary's County, Maryland*, and reestablishing Chapter 65 – Signs of Chapter 285 of the *Code of St. Mary's County, Maryland* regarding Land Use regulations for 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 repeal Chapter 286 of the *Code of St. Mary's County, Maryland*, and reestablishing Chapter 65 – Signs of Chapter 285 of the *Code of St. Mary's County, Maryland* regarding Land Use regulations for 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. The above recitals are incorporated as if fully set forth herein.

SECTION II. Chapter 286, Title - Signs of the *Code of St. Mary's County, Maryland*, is hereby repealed.

SECTION III. Chapter 65 of the St. Mary's County Comprehensive Zoning Ordinance is hereby reestablished and enacted to read as follows:

CHAPTER 65 – SIGNS

Sections:

- 65.1 Purpose; interpretation; construction
- 65.2 Definitions

- 65.3 Residential Property: Signs Allowed
- 65.4 Nonresidential Property: Signs Allowed
- 65.5 Standards for Nonpermanent Signs on Nonresidential Property
- 65.6 Standards for signs on property used for animal husbandry, crop production and horticulture, or silviculture
- 65.7 Master Sign Plans
- 65.8 Nonconforming Signs
- 65.9 General Provisions
- 65.10 Enforcement
- 65.11 Permits

65.1 Purpose; interpretation; construction.

- 01. The intent of this Chapter is to:
 - a. allow adequate communication through signs while providing lawful limitations on the location, types, number, sign face area, and height of signs;
 - b. establish requirements for a sign placed on land or on a building for the purpose of identification, protection, communicating ideas, providing civic information and notice of civic events, election campaigns and ballot initiatives, promoting commerce, 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. assure equal protection of legal rights of owners of real property.
- 02. The provisions of this Chapter 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).
 - a. In the event any portion of this Chapter 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 Chapter shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the Chapter, 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 Chapter.

65.2 Definitions.

01. Sign: Any object, device, display, or structure or part thereof situated outdoors, or indoors when attached to a window or door that allows a message to be read by a person outside the building, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination, or projected images.
- a. Sign does not include:
- i. 911 address; or
 - ii. 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
 - iii. a sign that is not visible from any public street, sidewalk, or pedestrian way, or waterway; or
 - iv. see through window graphics, perforated window film, perforated window decals, or similar, applied on windows on nonresidential property provided these transparent window coverings do not contain a commercial message; or
 - v. signs placed in driveways or parking areas of nonresidential properties that:
 - (1) direct motorists in the parking area to a particular business and may have the business name and logo on the sign; or
 - (2) are directional signs that assist motorists in maneuvering into parking spaces; or
 - (3) are signs identifying parking spaces in compliance with the Americans with Disabilities Act; or
 - vi. pennants; or
 - vii. 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 by a religious, civic, or non-profit organization; private school; or similar organization; or a business on a regular basis when parked on the property of the organization or business whose advertising is on the vehicle; or
 - viii. a sign erected or maintained or required by the Commissioners of St. Mary's County, the State of Maryland, or the United States, or by a board, commission or agency thereof; or
 - ix. a sign used to identify a historical monument or location that is listed in the Maryland Inventory of Historic Properties on the list that is maintained by the Maryland Historical Trust; or