

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 Chapter 286, Title - Signs of the *Code of St. Mary's County, Maryland*, is hereby repealed.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

- x. 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. Agricultural Property: A parcel of record or non-parcel of record, or that part thereof, assessed as "Agricultural" by the State Department of Assessments and Taxation.
- 03. Area, Sign face: Sign face area is the space enclosed within the extreme edges of one side of the sign, not including a supporting framework, bracing, decorative fences or walls. The sign face area of three-dimensional signs, such as balloons, is determined from a two-dimensional, scaled photograph or drawing. Only one face of a double-faced sign is measured and counted towards the maximum sign face area if the sign faces are of the same dimensions and are an identical copy except for minor differences necessary for directional purposes.
- 04. Awning or canopy: A shelter that projects from the exterior wall of a building for the purpose of shielding a doorway or window from the elements and composed of nonrigid materials except for the supporting framework.
- 05. Ballfield Sign: A nonpermanent banner sign attached to a fence erected around a recreation area or a fence erected around a field for amateur sports. The sign face of a ballfield banner sign is intended to be viewed by spectators of the event.
- 06. Balloon Sign: A nonpermanent sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached, or held in place by a cord, rope, cable or similar method. As distinguished from air-activated sign.
- 07. Banner Sign: A nonpermanent sign made of plastic, cardboard, plywood, metal, canvas, fabric or similar lightweight material that can be mounted to a structure with cord, rope, cable, ties or a similar method. If a banner sign is supported by stakes, poles, or posts in the ground, it is a yard sign.
- 08. Billboard: An existing off-premise, permanent sign for which a permit is required and has been issued under Subtitle 7 of Title 8 of the Transportation Article of the Annotated Code of Maryland.
- 09. Commercial Center: A nonresidential property, or nonresidential properties under single ownership or control or under common covenants, with two or more nonresidential buildings or one building with two or more nonresidential units which share an entrance and / or parking area and / or are accessed from the same internal public or private road network.

10. Commercial Property: An improved property that does not have single or two-family residences. In the case of Mixed-use properties, Multi-residential properties, agricultural properties with one or more dwelling units, the residential housing units are residential property. Commercial property also includes unimproved lots of record that can be developed for commercial purposes.
11. Commercial Sign: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
12. Construction Sign: A type of nonpermanent, yard sign placed on a property where construction is taking place that identifies the construction company or contractor doing the work. A construction sign may also describe future development.
13. Dilapidated or Deteriorated Condition: The condition of a sign where:
 - a. any portion of the finished material, surface or message of the sign is visibly faded, flaked, broken off, missing, cracked, splintered, defective, or is otherwise visibly deteriorated or in a state of disrepair so as not to substantially appear as it was intended or designed to appear when originally constructed; or
 - b. whose structural support or frame members are visibly bent, broken, dented, torn, twisted, leaning, or at angles other than those at which it was originally erected.
14. Double-faced Sign: A sign with two sign faces that are placed back to back so that both faces cannot be viewed from any one point at the same time. To be a double-faced sign, the sign faces on a single sign structure may not be more than thirty-six inches apart.
15. Electronic Message Display: An electronic sign, typically comprising a liquid crystal diode (LCD), light-emitting diode (LED), plasma, or other digital illuminated display that contains one or more messages. The display on the face of an electronic message sign can be electronically changed by remote or automatic means. An electronic message sign is different from an illuminated sign in that the illumination of the display creates the message, rather than an internal or external light source illuminating the message.
16. Event Sign: A nonpermanent sign that includes notice of a single lawful event, including the date and place of the event and may include directions to the location of the event.
17. Freestanding Sign: A sign that is not affixed to or painted on a building. Freestanding signs may be either permanent or nonpermanent.
18. Ground Sign: A type of permanent, freestanding sign which extends from the ground, or has support which places the bottom of the sign less than two (2) feet from the ground.

19. Height, Sign: The distance between the highest point of the sign face and the ground surface directly below the sign face is the sign height. The height of balloon and banner signs shall be measured from the highest point of the sign to the ground surface directly below the sign. The sign height of a sign located on a berm, mound, or other elevated ground surface includes the height of the berm or elevated ground surface. The height of a sign may be increased when the increased height can be justified because the elevation of the land where the proposed sign is to be located is below the grade of the road from which the sign is to be viewed.
20. Home Occupation: An accessory use as a personal service or profession or use customarily conducted within a dwelling carried on by a member of those residing in the dwelling, which does not change the residential character of the dwelling, provided that the use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by the occupants.
21. Human Sign: A person who wears advertising as clothing, wears a sign, or carries a sign; may also be called human billboard, human directional signs, sign walkers, sign wavers, or sign twirlers. Human signs commonly shake, twirl, or toss and catch the sign they are carrying. Human signs may also move their bodies in conjunction with the movement of the sign.
22. Illumination: Lighting which illuminates a sign.
23. Marquee: Any permanent roofed structure projecting over an entrance. A marquee structure is commonly associated with a movie theater, hotel, or arena. A distinguishing feature between a marquee and a canopy is that a marquee is made of permanent materials and a canopy is made of nonpermanent materials, for example, plastic or canvas.
24. Marquee Sign: A permanent sign most commonly found over the entrance to a movie theater, hotel, or arena. Marquee signs usually contain lighting. The copy on a marquee sign is usually changeable; the copy on a marquee sign for a theater is always changeable to advertise the currently playing or upcoming movie or show.
25. Mixed-use Property: A property that contains a building with two or more units some, but not all, of which may be occupied as a residence. Units which are occupied as a residence are residential property. Units which are not occupied as a residence are nonresidential property.
26. Multi-residential Property: A building that is designed to house several different families in separate housing units. For the purpose of signage, a multi-residential property in which the individual housing units are sold is a residential property. A multi-residential property in which the housing units are rented is a nonresidential property.

27. Nonconforming Sign: A sign which does not conform to the provisions of this Chapter but which was in compliance with the applicable regulations at the time that the sign was constructed, erected, affixed, or maintained.
28. Nonpermanent Sign: Any sign which is movable, not permanently attached to the ground, a wall, a structure or other sign, designed or constructed in such a manner that it can be removed, moved or relocated without involving any structural or support changes.
29. Nonresidential Property: Property improved with one or more Agricultural, Public or Semi-Public, Commercial, Industrial, Transportation, Communication, Utility, or Marine Use as identified in the Use Classification Group in the Comprehensive Zoning Ordinance. In the case of Mixed-use properties, Multi-residential properties, or agricultural properties with one or more dwelling units, residential housing units are residential property. Nonresidential property also includes unimproved lots of record that can be developed for a public or commercial purpose.
30. Off-Premise Sign: A sign that is not part of a Master Sign Plan, a Commercial Center, or part of Planned Unit Development (PUD) and that displays a business name or advertises products or services that are located, sold, produced, or otherwise furnished elsewhere than on the premises on which the sign is located.
31. On-Premise Sign: A sign that directs attention to a business, profession, commodity, attraction, service, or entertainment conducted, offered, sold, manufactured, existing, or provided at a location on the premises where the sign is located. This includes permanent and nonpermanent signs.
32. Pennant: A triangular, rectangular, square, or irregular-shaped piece of plastic or other material, with or without a message, commonly connected together to form a line or string, intended to flap in the wind.
33. Permanent Sign: A sign permitted by this Chapter to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure, wall, or the ground.
34. Portable Sign: A type of non-permanent, readily movable sign that is not attached to a structure or the ground, includes: A-Frame or T-Frame signs, portable reader-boards, and similar signs. Signs must remain portable and cannot be attached to the ground, trees, light or utility poles, sign poles, parking meters, street furniture, etc.
35. Projecting sign: A commercial sign attached to and projecting from the face of a wall or building, where the horizontal sign face is not parallel to the building wall. A projecting sign does not project above the parapet or eave line of the building.

36. Property: A piece of land as shown on the current, recorded plat; or a piece of land identified through a survey signed and sealed by a Maryland licensed surveyor provided the survey is more recent than the current plat, or a non-surveyed, deeded parcel.
37. Real Estate Sign: A nonpermanent sign advertising the sale, exchange, lease, rental, or availability of land, buildings, condominium and similar units, or apartments. Such signs may include building name and address, price and amenities, identity of seller or broker, and similar information. Real Estate Sign includes Open House signs.
38. Residential Property: A parcel of record improved by a one- or two-family structure occupied as a residence. Residential property also includes housing units in a mixed-use development and the housing units in a multi-family development. Residential property also includes unimproved lots of record that cannot be developed for a commercial purpose.
39. Roof Sign: Any sign erected upon or above a roof or parapet wall of a building or placed above the apparent flat roof or eaves of a building.
40. Sign Structure: Any structure that supports a sign.
41. Three-dimensional Signs: This category includes but is not limited to balloon signs.
42. Wall Sign: A building-mounted, permanent sign attached directly to, displayed, or painted on an exterior wall in a manner parallel with the wall surface, which projects from that surface less than twelve inches at all points. A wall sign may not extend above the lowest portion of the roof of the building.
43. Window Sign: A nonpermanent commercial sign viewable through or affixed in any manner to a window or glass door such that it is intended to be viewable from the exterior of a building. Types of window signs include, but are not limited to, paper or plastic signs affixed to windows, and signs located inside a building but visible primarily from the outside of the building. This does not include merchandise and other displays located in a window, or messages intended to only be viewable from the interior of a building.
44. Yard Sign: A nonpermanent sign, placed on the ground or attached to a supporting structure, posts or poles. A yard sign is not attached to any building. Three-dimensional, air-activated, and wind flag signs are not yard signs.

65.3 Residential Property: Signs Allowed

01. Residential Subdivision identification signs
 - a. A residential subdivision may have one permanent, on-premise, ground sign on each side of a vehicle entrance.

- b. The maximum sign face area is in the chart below.
- c. If the sign will have illumination of any type, it must be low ambient lighting that minimizes light pollution.
- d. Digital signs are not allowed.

Maximum Sign Face Area of Residential Subdivision Identification Signs

Maximum Speed Limit	Number of Traffic Lanes	Maximum Square Foot Area
< 30 mph	< 3	32 square feet
> 35 mph	< 3	40 square feet
< 30 mph	4 +	50 square feet
> 35 mph	4 +	72 square feet

- 02. Standards for nonpermanent signs on residential property.
 - a. Nonpermanent signs on residential property may not have a commercial message.
 - b. The types of nonpermanent signs allowed on residential property are:
 - i. Banner signs
 - ii. Home occupation
 - iii. Real estate signs located on the property for sale or lease
 - iv. Yard
 - c. Sign face area for nonpermanent signs on residential property:
 - i. Total sign face area for all nonpermanent signs on residential property is 42 square feet.
 - ii. The maximum sign face area of any one nonpermanent sign is 9 square feet except event signs which may be a maximum of 30 square feet.
 - iii. A home occupation may have one sign with a maximum sign face area of 6 square feet to identify the home occupation.
 - iv. A real estate sign located on the property for sale or lease may have one sign with a maximum sign face area of 9 square feet.
 - d. The maximum height of a nonpermanent sign on residential property is 6 feet.
 - e. Nonpermanent signs on residential property may not be illuminated, except if a home occupation is for a use conducted after sundown, the home occupation sign may be illuminated during the hours of operation.
 - f. Nonpermanent signs on residential property may not be digital signs.
 - g. Except for residential subdivision identification signs, permanent signs are not allowed on residential property.

65.4 Nonresidential Property: Signs Allowed

- 01. Standards for Permanent On-premise Signs for Nonresidential Property.
 - a. Sign Face Area:
 - i. The maximum sign face area allowed for a permanent, freestanding, on-premise sign on nonresidential property is determined by the public road or roads from which driveway access is provided to the property according to the following chart:

Maximum Sign Face Area of Permanent, On-premise, Freestanding Signs on Nonresidential Property – Does Not Apply to Digital Signs or to Entrance Signs for Commercial Centers

Maximum Speed Limit	Number of Traffic Lanes	Maximum Square Foot Area
< 30 mph	< 3	32 square feet
> 35 mph	< 3	40 square feet
< 30 mph	4 +	50 square feet
> 35 mph	4 +	72 square feet

- ii. The maximum sign face area allowed for a permanent sign at each entrance of a commercial center is 144 square feet.
- iii. Digital Signs:
 - (1) The sign face area for a digital sign may be the greater of 32 square feet or 75% of the sign face area allowed for a non-digital, permanent, on premise, freestanding sign shown in the chart above.
 - (2) The maximum sign face area for digital signage in a permanent sign at the entrance of a commercial center is 50% of the sign face area for that sign.
 - (3) Each face of a double-sided sign may be a digital sign.
- iv. Permanent wall signs:
 - (1) The maximum sign face area of a permanent wall sign is thirty-five percent (35%) of the exterior surface of the wall below the roof line upon which the wall sign is located, or a maximum square footage of 300 square feet whichever is less.
 - (2) Sign face area may not be transferred from one wall to a different wall.
- v. Awning, canopy, and marquee signs:
 - (1) The sign face area of awning, canopy, and marquee signs must be included in the square footage for wall signage.
- vi. Projecting signs:
 - (1) The maximum sign face area of a projecting sign is 16 square feet.
 - (2) The sign face area for a projecting sign must be included in the square footage for wall signage.
- vii. Ground signs: The maximum sign face area of a ground sign is as shown in the chart above on maximum sign face area.
- b. Height of permanent, freestanding on-premise signs on nonresidential property
 - i. The maximum height of any permanent, freestanding, sign, except for ground signs, on nonresidential property is 20 feet.
 - (1) The height of a permanent, freestanding on-premise sign may be increased when the increased height can be justified because the elevation of the land where the proposed sign is to be located is below the grade of the road from which the sign is to be viewed.
 - (2) The height of a permanent, freestanding, on-premise sign may be increased through a conditional use approved by the Board of Appeals.

- ii. A wall sign may not extend above the top of a parapet wall or a roofline at the wall, whichever is higher.
- iii. The maximum height of any permanent ground sign on nonresidential property is 6 feet.
- c. Number of permanent freestanding on-premise signs allowed on nonresidential property
 - i. Every nonresidential property:
 - (1) Is allowed at least one permanent, freestanding, sign per parcel.
 - (2) The maximum number of freestanding signs allowed on a developed nonresidential property is three.
 - (a) There must be a minimum separation of 200 feet between two freestanding signs, unless the two signs are at driveway connections that are closer than 200 feet apart.
 - d. Standards for billboards
 - i. New billboards are prohibited.
 - ii. No existing billboard may be modified to a digital billboard.
 - e. Permanent Freestanding On-premise Signs on Nonresidential Property with Frontage on a State Highway with a Posted Speed Limit of 50 Miles Per Hour or More:
 - i. Conditional use approval by the Board of Appeals is needed to:
 - (1) Increase the maximum sign face area of a sign on nonresidential property with frontage on a state highway with a posted speed limit of 50 miles per hour or more over the maximum allowed in Section 65.4.01.i.1 or 65.4.01.i.2 to a maximum sign face area of 172 square feet; or
 - (2) Increase the maximum height to a maximum of 30 feet. The maximum height may be increased when the increased height can be justified because the elevation of the land where the proposed sign is to be located is below the grade of the road from which the sign is to be viewed.
 - f. Roof signs are not allowed.
 - g. Permanent digital signs may only be on-premise signs.

65.5 Standards for Nonpermanent Signs on Nonresidential Property

- 01. Standards for nonpermanent signs on nonresidential property that do not have a commercial message are in Subsection 65.5.06.
- 02. Types of nonpermanent on-premise, commercial signs allowed on nonresidential property:
 - a. Ballfield
 - i. The face of ballfield banner signs must be intended to be viewed by players or spectators.
 - b. Balloon
 - i. The sign face area of any nonpermanent three-dimensional sign, such as balloon signs, is determined from a two-dimensional, scaled photograph or drawing.
 - c. Banner
 - d. Construction

- e. Digital
 - i. A digital sign used as a nonpermanent sign must comply with the standards for digital sign face area.
 - f. Event
 - g. Portable
 - i. The sign must be freestanding and shall not be affixed, chained, anchored, or otherwise secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, railing, or other structure.
 - ii. The sign must not obstruct entry or exit doors, parking meters, bicycle racks, or other features legally in the right-of-way or required as part of any building, fire, or other safety code.
 - iii. The sign must not interfere with the opening of car doors in legal parking spaces, or with the operation of wheelchair lifts and ramps, cab stands, loading zones, or bus stops.
 - iv. The sign shall be weighted so that it is stable and windproof.
 - v. The sign must be constructed of durable, weatherproof materials, such as marker board, aluminum, plastic, or plywood. Unfinished plywood is not an acceptable material for the sign.
 - vi. The sign cannot have sharp edges or any protrusions or features that could be a hazard to pedestrians.
 - vii. St. Mary's County Government shall be indemnified and held harmless from any liability resulting from accident or injury caused by erection and maintenance of such signs.
 - h. Real estate
 - i. Yard
 - j. Window
03. Nonpermanent off-premise ballfield banner signs intended to be viewed by players or spectators are allowed on nonresidential property.
04. Number of nonpermanent commercial on-premise signs on nonresidential property:
- a. Each use in a commercial center is considered a single, developed nonresidential property for nonpermanent signage.
 - i. Two of the following types of commercial nonpermanent signs are allowed for every nonresidential property:
 - (1) Balloon
 - (2) Banner
 - (3) Digital
 - (4) Portable
 - (5) Yard
 - b. The following signs are allowed in addition to the two allowed nonpermanent on-premise commercial signs on nonresidential property:
 - i. Ballfield signs
 - (1) The face of ballfield banner signs must be intended to be viewed by players or spectators.

- ii. Construction signs
 - (1) Nonresidential property that is in the process of being developed is deemed to be developed for the purpose of allowing a construction sign when:
 - (a) a plan for development is under review, or
 - (b) there is an approved plan or plat has not expired, or
 - (c) there is a building permit that has not expired, or
 - (d) the development has obtained approval by the Board of Appeals and the approval has not expired.
 - (2) A construction sign may not be illuminated.
 - (3) A construction sign may not be a digital sign.
 - iii. Real estate signs located on the property for sale or lease:
 - (1) A real estate sign may not be illuminated.
 - (2) A real estate sign may not be a digital sign.
 - iv. Window signs
05. Sign face area of nonpermanent on-premise commercial signs on nonresidential property
- a. Every nonresidential property is allowed a sign face area of 32 square feet for two allowed nonpermanent, on-premise, commercial signs.
 - b. Unless otherwise specified, the maximum sign face area for a nonpermanent, on-premise, commercial sign is 16 square feet.
 - c. The maximum sign face area of a real estate sign located on the property for sale or lease is 32 square feet.
 - d. The maximum sign face area of a construction sign is 72 square feet.
 - e. The sign face area of the following signs is not included in the 32 square feet maximum for the two allowed nonpermanent commercial signs:
 - i. Ballfield signs
 - ii. Construction signs
 - iii. Real estate signs located on the property for sale or lease
 - iv. Window signs
 - (1) No more than 25 percent of the square footage of each window or clear door that is visible to the public from a public road, sidewalk, or parking area may have signage. Windows exceeding this amount of nonpermanent window or door signage on the effective date of this Chapter will have 60 days to come into compliance. Check to see if nonpermanent signs were ever legal.
 - (2) A sign that is not attached to a window or door but is visible from the exterior of the building and is intended to be viewed in the same manner as a sign attached to a window or clear door is a sign and its sign face area must be included in the allowed 25 percent.
06. Sign face area for event signs and other signs that do not have a commercial message:
- a. The total sign face area for all nonpermanent signs on a commercial property that do not have a commercial message is 42 square feet.

- b. The maximum sign face area of any one nonpermanent noncommercial sign is 9 square feet except event signs which may be a maximum of 30 square feet.
 - c. The sign face area of event signs and other signs on a commercial property that do not have a commercial message is in addition to other signage allowed on that property.
07. The maximum height of nonpermanent signs on nonresidential property:

Type of Sign	Maximum Height
Ballfield	No higher than the top of the fence
Balloons	15 feet
Banner	6 feet
Construction	7 feet
Event	6 feet
Portable	4 feet
Real estate	6 feet
Signs that do not have a commercial message	6 feet
Window	Height is determined by the glass
Yard	6 feet

65.6 Standards for signs on property used for animal husbandry, crop production and horticulture, or silviculture

- 01. Property used for animal husbandry, crop production and horticulture, or silviculture may have one permanent on-premise freestanding or ground sign following the standards for height and sign face area of a permanent sign on nonresidential property. The sign may be illuminated.
- 02. Wall signs are allowed following the standards for wall signs on nonresidential property.
- 03. Nonpermanent on-premise signs on nonresidential property used for animal husbandry, crop production and horticulture, or silviculture may not be illuminated.
- 04. Permanent and nonpermanent on-premise signs on nonresidential property used for animal husbandry, crop production, or silviculture may not be a digital sign.
- 05. Except for on-premise real estate signs, nonpermanent signs on nonresidential property used for animal husbandry, crop production and horticulture, or silviculture may not have a sign with a commercial message on frontage that is on a scenic corridor listed in Subsection 62.8.1 of the St. Mary's County Comprehensive Zoning Ordinance.
- 06. Two of the following types of nonpermanent on-premise signs are allowed on property used for animal husbandry, crop production and horticulture, or silviculture:
 - a. Balloon
 - b. Banner
 - c. Portable
 - d. Real estate
 - e. Yard

07. Every nonresidential property used for animal husbandry, crop production and horticulture, or silviculture is allowed a total sign face area of 32 square feet for all nonpermanent on-premise commercial signs.
08. The maximum sign face area for one nonpermanent on-premise commercial sign is 16 square feet, except an on-premise event sign may have a sign face area of 30 square feet.
09. Sign face area for event signs and other signs on property used for animal husbandry, crop production and horticulture, or silviculture that do not have a commercial message:
 - a. The total sign face area for all nonpermanent signs that do not have a commercial message on a property used for animal husbandry, crop production and horticulture, or silviculture is 42 square feet.
 - b. The maximum sign face area of any one nonpermanent sign that does not have a commercial message on property used for animal husbandry, crop production and horticulture, or silviculture is 9 square feet except event signs which may be a maximum of 30 square feet.
 - c. The sign face area of event signs and other signs that do not have a commercial message on a property is in addition to other signage allowed on that property.
 - d. A nonresidential property used for animal husbandry, crop production and horticulture, or silviculture may have an additional 16 square feet of sign face area for signs without a commercial message for each 50 feet of linear frontage on a public road.

65.7 Master Sign Plans.

01. Master sign plans may be submitted to the Planning Director for any residential or non-residential development requiring site plan or subdivision approval.
 - a. Applications for approval of a master sign plan shall be submitted to the Department of Land Use and Growth Management and shall include:
 - i. A master sign plan, drawn to scale, delineating the site proposed to be included within the signing program and the general locations of all signs; and
 - ii. Drawings and / or sketches indicating the dimensions, location, and sign area for freestanding signs and directional signs; and
 - iii. Drawings and / or sketches indicating the exterior surface details for all buildings on the site on which wall signs, directory signs, or projecting signs are proposed; and
 - iv. A statement of the reasons for any requested modifications to the regulations or standards of this Chapter.
 - b. A master sign plan may include more than one freestanding sign per parcel, lot, and / or commercial center or other deviations from the standards of this Chapter. Before approving a master sign plan, the Planning Director must find:
 - i. That the plan's contribution to the design quality of the site and surrounding area will be superior to the quality that would result under the regulations and standards of this Chapter; and
 - ii. That the proposed signs are compatible with the style or character of existing and / or proposed improvements on the site and are well-related to each other.

- c. The Planning Director may impose reasonable conditions to a master sign plan necessary to carry out the intent of this Chapter.
- d. Any person aggrieved by a decision of the Planning Director on a master sign plan may submit an appeal to the Board of Appeals within 30 days of the Planning Director's decision.

65.8 Nonconforming signs.

01. A nonconforming sign which is altered, relocated, or replaced must be brought into compliance with all provisions of this Chapter.
 - a. Maintenance of a nonconforming sign in its original size, format, and location is not an alteration, relocation or replacement.
 - b. Changes in text and graphics on a nonconforming sign are permitted provided the sign is not structurally altered, enlarged, or moved.
02. If a nonconforming sign is destroyed by fire, storm, or other calamity, the sign may be replaced provided that the replacement is completed within two years, appropriate approvals and permits are secured, and the standards of this Chapter are met insofar as possible.
03. Signs approved as part of a Planned Unit Development (PUD), or PUD amendment, are not considered a non-conforming sign and may be maintained, altered, relocated, or replaced in accordance with the governing PUD resolutions, rule and / or other regulations.

65.9 General Provisions. Any other provision of this Chapter 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.
03. Location. No sign may be located within the right-of-way of any State or County street or highway.
04. Increase in the height of a permanent free-standing sign beyond what is justified based on the difference in elevation between the property where the sign is erected and the pavement may be granted by the Board of Appeals as a conditional use.
05. Public safety. A sign or light or air-borne object is 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; or
 - c. creates a hazardous condition for a motorist, pedestrian or the general public.
06. Signs in a dilapidated or deteriorated condition are a violation of this Chapter subject to enforcement as described in Section 65.9. Enforcement.
07. Notwithstanding any provision of this Chapter to the contrary, to the extent that this Chapter allows a sign containing commercial copy, it shall allow a noncommercial sign to the same extent. The noncommercial message may occupy the entire sign area or any portion thereof and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited, and the sign continues to comply with all requirements of this Chapter.

08. All signs placed along any state road must conform to all state and federal standards.

65.10 Enforcement

01. No person or entity shall display, create, erect, or maintain a sign not authorized by this Chapter.
02. This Chapter shall be enforced by the St. Mary's County Department of Land Use and Growth Management.
03. 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* as provided for in Chapter 191 of the *Code of St. Mary's County, Maryland*.
04. A sign that is displayed, created, erected, or maintained after the effective date of this ordinance that is not authorized by this Chapter is a violation of this ordinance:
 - a. First violation: The owner of the property will receive a notice of violation. The notice of violation will be followed by a civil citation if the owner of the property does not bring the property or the sign(s) into compliance.
 - b. Second violation: The owner of the property will be issued a civil citation.
05. Non-permanent sign violations:
 - a. A non-permanent sign that does not display a permit sticker is a violation.
 - b. A non-permanent sign with an expired permit sticker is a violation.
 - c. An event sign that is not removed within 48 hours after the date of the event displayed on the sign is a violation.
06. A sign not authorized by this Chapter is contraband and may be removed.

65.11 Permits

01. A permit from the Department of Land Use and Growth Management is required:
 - a. To erect new permanent signs
 - b. To erect nonpermanent signs, except those listed below:
 - i. Construction
 - ii. Event
 - iii. Home occupation
 - iv. Real estate signs located on the property for sale or lease
 - v. Window
02. A permit for a nonpermanent sign is valid for 60 days.

SECTION IV. That the St. Mary's County Office of Law, in consultation with and subject to the approval of the County Administrator, may make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation included in Chapter 65 – Signs, as finally adopted, that are incorrect or obsolete, with no further action required by the Commissioners of St. Mary's County. All such corrections shall be adequately referenced and described in an editor's note following the section affected.

SECTION V. This Chapter shall be effective upon the date written below.

Those voting Aye: 4

Those voting Nay: 1

Those abstaining: 0

Adopted: October 22, 2019

Effective Date: November 5, 2019

ATTEST:

COMMISSIONERS OF ST. MARY'S COUNTY

Rebecca B. Bridgett
Rebecca B. Bridgett
County Administrator

James R. Guy
James R. Guy, Commissioner President

- NO -
Eric Colvin, Commissioner

Michael L. Hewitt
Michael L. Hewitt, Commissioner

Approved as to form and legal sufficiency:
[Signature]

Todd B. Morgan
Todd B. Morgan, Commissioner

David A. Weiskopf
County Attorney

John E. O'Connor, Commissioner