

**TOWN OF PRINCESS ANNE, MARYLAND
LEGISLATIVE SESSION
ORDINANCE NO. 2013 - 05**

AN ORDINANCE to amend Chapter 163, entitled "Zoning" of the Code of the Town of Princess Anne, Article XIV, entitled "Sign Regulations" by repealing and re-enacting Article XIV "Sign Regulations" to adopt revisions to definitions and sign standards and requirements.

WHEREAS, the Town Manager and Planning Director have recommended to the Town Commissioners that the health and safety of residents of the Town of Princess Anne will be enhanced by changes to Chapter 163 entitled "Zoning," Article XIV entitled "Sign Regulations" by repealing and re-enacting the Sections of Article XIV.

SECTION I. NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE TOWN COMMISSIONERS OF THE TOWN OF PRINCESS ANNE, MARYLAND, IN LEGISLATIVE SESSION, that Chapter 163 entitled "Zoning," Article XIV entitled "Sign Regulations" of the Code of the Town of Princess Anne, shall be repealed and re-enacted to read as follows:

**CHAPTER 163
ZONING**

ARTICLE XIV – SIGN REGULATIONS

§ 163-77. Purpose.

The purpose of this article is to establish ~~minimum~~ standards for signage within the Town of Princess Anne that will ~~foster a healthy balance between the needs and desires of all members of the community~~ balance the rights of property owners or commercial tenants to communicate their message with the public's right to be free of unreasonable distractions. The reasonable display of signs is necessary to the conduct of commerce and industry and necessary to further the cause of public safety and promote the overall quality of life, health and welfare of the citizens of the Town of Princess Anne, enhance the architectural and historical character of the Town and reflect the moral and social integrity of the community.

§ 163-78. Definitions.

As used in this article, the following terms shall have the meanings indicated:

A. General definitions.

SIGN

Any structure, display or device that is arranged, intended, designed or used as an advertisement, announcement, identification, description, instruction or direction to

attract the attention of persons not on the premises on which the sign is located, including interior signs legible from the exterior of a building constituting an element of the exterior appearance of a building.

SIGN AREA MEASURE

The area of a sign shall be computed as including the area within a regular geometric form or forms comprising all of the display area of the sign face. The structural elements of the sign shall not be included unless they are an integral part of the message.

SIGN FACE

The surface of a sign upon, against or through which the message is displayed or illustrated on the sign.

SIGN SETBACK MEASUREMENT

Setback for signs measured from the prevailing edge of any part of a sign, structural or otherwise.

STREET FRONTAGE

For the purpose of determining total sign area permitted on a lot, "street frontage" shall mean the length of a building measured at grade that faces on a public thoroughfare. In the case of a building that has more than one frontage, each frontage shall be addressed independently.

B. Location definitions.

CENTRAL BUSINESS DISTRICT

Properties fronting on both sides of Main Street (Somerset Avenue) from Broad Street to Antioch Avenue.

GROUND SIGN

A detached sign, which shall include any sign supported by uprights, pylons or braces, placed upon or in the ground, supported by the ground and not attached to any building.

MARQUEE OR SOFFIT SIGN

A sign affixed to, hung from or in a marquee or soffit which may or may not have movable letters. A sign on or attached to any awning or canopy shall be considered a marquee sign.

PROJECTING SIGN

Any sign attached to and supported by a building and extending more than 15 inches beyond the prevailing edge of any component of a building, structural or nonstructural.

ROOF SIGN

- (1) Any sign erected and constructed wholly on or over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
- (2) Any sign erected or constructed as an integral part of a roof structure of any design, whether projecting above the highest portion of the roof or not.
- (3) Any sign which is erected, constructed or maintained above the lowest prevailing edge of any roof.

WALL SIGN

Any sign attached parallel to, painted upon, erected against or incorporated in the outside wall of any building supported by such wall and displaying only one sign surface.

C. Type definitions.

BULLETIN BOARD SIGN

A sign of permanent character with movable letters, words, numbers or figures indicating persons, events, services or products associated with, conducted on or offered on the premises on which the sign is maintained.

BUSINESS SIGN

A sign attracting attention to a business, commodity, service or entertainment conducted, sold or offered on the same premises where the sign is located.

DIRECTIONAL SIGN

A sign not used for advertising but giving directions only for accommodations, services, traffic routing, industries, schools, churches, parks, historic buildings or features.

ELECTRONIC OR DIGITAL SIGN

Any sign, display or device that changes its message or copy by programmable electronic or digital processes and displays text by illumination elements in the sign face. (Amended August 20, 2012, by Ord. 2013-01)

FLASHING SIGN

- (1) Any sign on which artificial or reflected light is not maintained stationary and constant in intensity and color.
- (2) Any sign which revolves or moves.

IDENTIFICATION SIGN

A sign identifying a permanent development or subdivision limited to two faces.

ILLUMINATED SIGN

Any sign designed to give forth artificial light from within the sign, including signs with exposed bulbs or fluorescent or neon tubes.

INDIRECTLY ILLUMINATED SIGN

A sign that is illuminated from an external source, which source is so arranged that no direct rays of light are projected into an adjoining property or a public way and the source of the indirect lighting is not visible.

INSTRUCTIONAL SIGN

A sign conveying instructions with respect to the premises on which the sign is located, such as entrance, exit, no trespassing, danger and similar signs.

OUTDOOR ADVERTISING STRUCTURE SIGN

Any structure which contains a sign, poster, panel, billboard, painted bulletin or any other surface, device or display which advertises a business, profession, commodity, service, entertainment or event conducted, sold or offered elsewhere than the premises where the advertising structure is located.

POLITICAL SIGN

A sign which is designed to influence voters to promote candidates for office.

SUSPENDED SIGN

A sign that is suspended from the underside of a horizontal plane and is supported by that plane.

TEMPORARY SIGN

Any sign ~~not permanently mounted, intended to be portable,~~ erected for a specific period of time and/or not permanently structurally attached to the ground or a building.

WINDOW SIGN

Any sign, pictures, symbols, graphics or combination thereof placed, painted or etched inside a window or upon the window panes or glass and which is legible from the exterior of the building.

§ 163-79. General provisions.

- A. No sign, ~~unless excepted by these regulations,~~ may be erected, constructed, posted, altered or relocated unless a permit has been issued by the town. Signs permitted by §163-81 do not require a permit. Before any permit is issued, an application provided by the Town shall be filed with drawings and specifications as necessary to fully describe the location, construction, materials, color, type of illumination, number of signs applied for and the wording or advertisement to be carried on the sign. All permitted signs shall be erected within 90 days of the date of issuance of the permit or the permit shall become void. Fees for sign permits shall be in accordance with the fee schedule described in Chapter 52, Building Construction, § 52-9 of this Code.
- B. Illuminated signs in the Central Business District ~~exceeding three square feet~~ shall not exceed a maximum height of 18 inches and a maximum width of 18 inches when utilizing neon. ~~shall require a special exception from the Board of Appeals.~~
- ~~C. Political signs shall be placed no sooner than 30 days prior to an event or issue that the sign pertains to and shall be removed within 10 days following the event.~~
- ~~D. C.~~ Existing nonconforming signs in all districts advertising businesses, services or events that are no longer operating or being conducted or offered shall be removed within 60 days of the discontinuation of such activity.
- ~~E. D.~~ A nonconforming sign may not be changed, moved or replaced except for maintenance or repair or to bring such into compliance with this chapter. Movable letters or characters on signs so designed to accommodate periodic changes of messages are not subject to this requirement. For maintenance, repair or periodic message changes, no permit shall be required.

F.E. Any sign used and located entirely within a building and not visible from the exterior of the building and not intended to be a component of the exterior appearance of the building is exempt from the standards of this chapter.

G.F. Where setbacks are specified as measured from the curbline and no curb is present, then the setback shall be measured from the property line.

J.G. Where separate letters or characters comprising part of a message are placed on a wall, the spaces between the characters shall be included in the area computation.

H.H. Only one face of a sign shall be used to calculate area, provided that the faces are placed back to back, parallel, supported integrally internally and are of the same dimensions.

H.I. Any appeal of the requirements of this article or of a decision of the Code Enforcement Officer shall be made in accordance with Article XII of this chapter.

J. A violation of the Article shall be declared a municipal infraction and shall be subject to a penalty as provided in Chapter 1, General Provisions Sections 1-8 of this Code.

§ 163-80. Signs prohibited in all districts.

The following signs are prohibited in all districts:

- A. Any sign which obstructs motorists' vision of intersections, traffic control signals, traffic signs or traffic movement.
- B. Signs attached to trees or utility poles.
- C. Signs attached to any vehicle parked temporarily or permanently for the sole purpose of advertising.
- D. Flashing signs (except as provided in 163-79B).
- E. Outdoor advertising structure signs.

§ 163-81. Signs permitted in all districts.

The following signs are permitted in all districts:

- A. Signs erected by, on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs and traffic, directional or regulatory or instructional signs. No permit shall be required.

- B. Political signs on existing outdoor advertising structures and on private property in compliance with § 163-79C. No permit shall be required.
- C. Temporary signs, including banners, announcing or celebrating social or cultural events or holidays, with permission from ~~and time limit specified by the Commissioners~~ Town Manager and Code Compliance Director. The temporary sign must be removed within five (5) days after the event.
- D. One temporary sign per business announcing business events, such as special sales or offerings of goods or services on the premises where the sign is located. The temporary sign must be removed within five (5) days after the event. No permit shall be required.

[Amended 8-1-2003 by Ord. No. 2003-3]

E. All signs must be professionally constructed and maintained in good repair.

§ 163-82. Signs permitted in specific districts.

A. Signs permitted in the R-1 Zoning District shall be as follows:

- (1) One bulletin board not exceeding 24 square feet in area for churches, schools or other public institutions. It may be indirectly illuminated or illuminated, a maximum of five feet above grade and set back 15 feet from the curbline.
- (2) Two temporary real estate signs, not more than eight square feet in area each, advertising for sale or rent the premises on which the signs are located.
- (3) One non-illuminated or indirectly illuminated sign identifying a home occupation as specified in the definition of "home occupation."

[Amended 2-13-2006 by Ord. No. 2006-1]

- (4) One identification sign for a development or subdivision at each entrance to the development, a maximum of five feet above grade, not exceeding 20 square feet in area per face, limited to two faces and set back 15 feet from the curb. It may be non-illuminated or indirectly illuminated.

B. Signs permitted in the R-2 Zoning District shall be as follows: all signs listed for the R-1 District.

C. Signs permitted in the MH Zoning District shall be as follows: all signs listed for the R-1 District.

D. Signs permitted in the Central Business District shall be as follows:

- (1) Any sign permitted in the R-1 District, which shall be included in the total area measure for business signs.
- (2) Business signs with a total maximum area of one square foot for every two linear feet of street frontage. Permitted locations are ground, wall and marquee as follows:
 - (a) One ground sign, non-illuminated, illuminated or indirectly illuminated, not exceeding 20 feet in height, 20 square feet in total sign surface area and set back 10 feet from the curb line.
 - (b) One wall sign per building entrance, non-illuminated, illuminated or indirectly illuminated, not exceeding 15 square feet in area per building face for each business on the premises.

[Amended 8-1-2003 by Ord. No. 2003-3]
 - (c) One marquee sign per building face, non-illuminated or indirectly illuminated, not to exceed six square feet in surface area, not projecting beyond the prevailing edge of any part of the building, awning or canopy.

E. Signs permitted in the C-1 District shall be as follows:

- (1) All signs permitted in the R-1 District, which shall be included in the total area measure for business signs.
- (2) Business signs ~~per Subsection D~~ permitted in the Central Business District, with the exception that total area shall not exceed one square foot for each linear foot of street frontage.
- (3) Electronic or digital signs are permitted for public service announcements by public or quasi-public entities, subject to the following limitations, standards and requirements:
 - (a) The sign shall be set back at least fourteen feet (14') from the curbline of a street.
 - (b) The top of the sign face shall be located at a maximum height of ten feet six inches(10'6").
 - (c) The sign face shall have a height no greater than four feet (4') and a width of no greater than eight feet (8')
 - (d) The sign shall be programmed so that a message or image on the sign changes no more than once every ten (10) seconds.

- (e) The sign image shall not show movement, blinking, animation, scrolling, flashing, or similar effects.
- (f) Changes of image shall occur within one (1) second and shall not use blinking, fading, rolling, shading or similar affects as part of the change.
- (g) Animation and sound shall be prohibited.
- (h) The signs shall use automatic light level controls at night and under cloudy and other darkened conditions, in accordance with the following:
 - (i) All electronic or digital displays shall have installed ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the sign based on ambient light conditions.
 - (ii) Maximum brightness levels for electronic or digital signs shall not exceed 5,000 nits when measured from the sign face at its maximum brightness during daylight hours.
 - (iii) Maximum brightness levels for electronic or digital sign shall exceed 500 nits when measured from the sign face at its maximum brightness between sunset and sunrise.
 - (iv) Electronic or digital signs shall contain a default design which will freeze the message in one position with no more than a maximum illumination of 500 nits if a malfunction occurs.
 - (v) Electronic or digital signs shall be separated by a minimum of One Thousand feet (1,000').

[Amended 9-10-2012 by Ord. No. 2013-01]

F. Signs permitted in the C-2 District shall be as follows:

- (1) All signs listed for the R-1 District.
- (2) Business signs ~~per Subsection D~~ permitted in the Central Business District, with the exception that total area not exceed ~~one square foot~~ two square feet for each linear foot of street frontage.
- (3) Electronic or digital signs are permitted, subject to the following limitations, standards and requirements.

- (a) The sign shall be set back at least ten feet (10') from the curb line of a street.
- (b) A sign frame may extend to a maximum height of twenty feet (20').
- (c) The sign face shall have a height no greater than four feet (4') and a width of no greater than eight feet (8').
- (d) The sign shall be programmed so that a message or image on the sign changes no more than once every ten (10) seconds.
- (e) The sign image shall not show movement, blinking, animation, scrolling, flashing, or similar effects.
- (f) Changes of image shall occur within one (1) second and shall not use blinking, fading, rolling, shading or similar affects as part of the change.
- (g) Animation and sound shall be prohibited.
- (h) The signs shall use automatic light level controls at night and under cloudy and other darkened conditions, in accordance with the following:
 - (i) All electronic or digital displays shall have installed ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the sign based on ambient light conditions.
 - (ii) Maximum brightness levels for electronic or digital signs shall not exceed 5,000 nits when measured from the sign face at its maximum brightness during daylight hours.
 - (iii) Maximum brightness levels for electronic or digital signs shall not exceed 500 nits when measured from the sign face at its maximum brightness between sunset and sunrise.
 - (iv) Electronic or digital signs shall contain a default design which will freeze the message in one position with no more than a maximum illumination of 500 nits if a malfunction occurs.
 - (v) Electronic or digital signs shall be separated by 250 feet from the nearest residential use property line.

G. Signs permitted in the I-1 District shall be as follows: all signs listed as permitted in the R-2 and C-2 Districts.

SECTION II. SEVERABILITY. Should any provision, section, paragraph or subparagraph of this Article, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having competent jurisdiction, the same shall not affect the validity, legality, or enforceability of any other provision, sections, paragraph or subparagraph hereof, including any code or text adopted hereby. Each such provision, section, paragraph or subparagraph is expressly declared to be and is deemed severable.

SECTION III. ADDITION TO CODE. It is the intention of the Commissioners, and it is hereby ordained, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, and the Sections of this ordinance may be renumbered to accomplish such intention.

SECTION IV. EFFECTIVE DATE. This Ordinance shall take effect at the expiration of twenty (20) calendar days from the date of final passage.

THIS ORDINANCE was introduced and read at a meeting of the Town Commissioners of the Town of Princess Anne, Maryland, held on the 7th day of January, 2013, and, passed for Second Reading. Thereafter, the Ordinance was finally passed by the Town Commissioners on the 4th day of February, 2013. In accordance with Section 410 of the Charter of Princess Anne, Maryland, a statement of the substance of the Ordinance has been published at least twice in a newspaper or newspapers having general circulation in the Town of Princess Anne and posted as required by law.

TOWN OF PRINCESS ANNE, MARYLAND

By: Garland R. Hayward
Garland R. Hayward, President

By: Winslow H. Parker
Winslow H. Parker, Vice President

By: Joseph Gardner
Joseph Gardner, Commissioner

By: Michael N. Hall
Michael N. Hall, Commissioner

Brenda S. Benton
Brenda S. Benton, Town Manager