

THE BOARD OF GARRETT COUNTY COMMISSIONERS

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Board of Commissioners

Paul C. Edwards
James C. Hinebaugh, Jr
S. Larry Tichnell

County Administrator

Kevin G. Null

County Attorney

Gorman E. Getty III

RESOLUTION 2019 – 8

WHEREAS, the Land Use Article of the Code of Public General Laws of Maryland empowers the County to prepare, enact, amend, and provide for the administration and enforcement of a Zoning Ordinance within it territorial limits; and

WHEREAS, The Garrett County Planning Commission, acting with the advice and assistance of the citizens of the County has caused to be prepared a “Deep Creek Watershed Zoning Ordinance” which The Board of County Commissioners formally adopted and became effective on June 1, 1997; and

WHEREAS, said Zoning Ordinance may be amended from time to time to ensure that the intended standards are relevant to the changing physical and economic environment of Garrett County; and

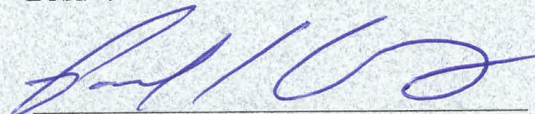
WHEREAS, The Board of Garrett County Commissioners acting with the advice and assistance of the Planning Commission and citizens of the County has considered certain amendments to the Deep Creek Watershed Zoning Ordinance as proposed by the Garrett County Planning Commission; and

WHEREAS, said Ordinance amendments have been subject to public review and to public hearings pursuant to the Land Use Article.

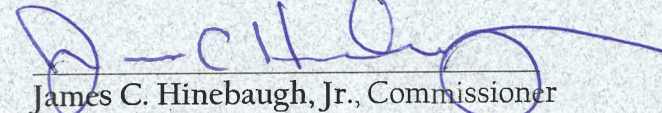
NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Garrett County does hereby enact the following text amendments to the Deep Creek Watershed Zoning Ordinance as set forth on Exhibit A of this Resolution. Said Amendments were duly adopted by vote of the Board of County Commissioners of Garrett County, Maryland this 19th day of November 2019.

BE IT FURTHER RESOLVED that the Garrett County Planning Commission shall cause said amendments to be filed with the Clerk of the Circuit Court of Garrett County.

DULY ADOPTED BY VOTE OF THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY MARYLAND THIS 19th DAY OF NOVEMBER 2019.



Paul C. Edwards, Chairman



James C. Hinebaugh, Jr., Commissioner

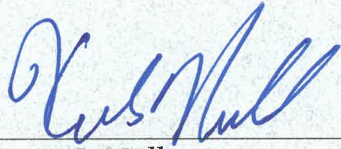


S. Larry Tichnell, Commissioner

CLERK OF GARRETT CO., MD
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I certify that the foregoing resolution was duly passed and adopted by the Board of County Commissioners at a regular meeting held November 19, 2019; I further certify that this is the original resolution; that I am the County Administrator for the said County Commissioners charged with the responsibility of keeping and recording all minutes, records and acts of the said County Commissioners; and I further certify Paul C. Edwards, James C. Hinebaugh, Jr., and S. Larry Tichnell to be the appropriate officials to sign the said resolution.



Kevin G. Null
County Administrator



CHAPTER 157. ZONING

The purpose of this act is to modify the existing provisions of Chapter 157 of the Code of Public Local Laws of Garrett County, Maryland, the same being Article 11 of the Code of Public Local Laws of the State of Maryland (the "County Code") by repealing and replacing the Code provisions relating to sign regulation, as follows:

- (1) By repealing the provisions of Article 2 of Chapter 157.007B.(64) "Sign" and replacing it with the following:
 - (a) For the purpose of this Ordinance and specifically Article 8, "Sign Regulations" shall have the following defined terms:
 1. Banner – Any device made of flexible flowing material visible from a public place that displays messages by means of graphic presentation of alphabetic or pictorial symbols or representations.
 2. Banner/Blade/Flag Sign – A temporary sign affixed to a pole or building.
 3. Blade – Any device made of flexible flowing material visible from a public place that displays messages by means of graphic presentation of alphabetic or pictorial symbols or representations.
 4. Centerline of Roadway Elevation – The average elevation at the centerline of a road measured one hundred (100) feet in each direction from a point opposite a proposed Onsite Sign.
 5. Electronic Message Center (EMC) Sign – An electronically activated changeable sign and display whose variable message capability can be electronically programmed. An Electronic Message Center Sign may have patterned illusionary movement whereby illuminations of the sign or portions of the sign are characterized by simulated movement through alternated or sequential activation of various illuminated elements.
 6. Flag – Any device made of flexible flowing material visible from a public place that displays messages by means of graphic presentation of alphabetic or pictorial symbols or representations.
 7. Free-standing Sign – Any sign in contact with, sitting on, or planted in ground.
 8. Free-standing Yard Sign – A free-standing temporary sign.

9. Grandfathered Sign – Any sign existing before 1975 and any sign issued a license prior to the effective date of this Ordinance.
10. Illegal Sign – Any sign not licensed in accordance with the provisions of this Ordinance.
11. Licensed Location – A sign located on property licensed or permitted in accordance with the provisions of this Ordinance.
12. Lot Line – as defined in Section 157.007.
13. Non-Conforming Sign – Any sign legally existing as of the date of the adoption of these sign regulations that does not conform to the table of regulations.
14. Off-Premise Directional Sign – A free-standing sign located within twenty (20) feet of a road entrance and more than fifty (50) feet from a licensed property location.
15. On-Premise Building Sign – A sign attached to a building located on property owned or leased for a licensed location.
16. On-Premise Directional Sign – A free-standing sign located within twenty (20) feet of a road entrance and on land owned or leased for a licensed location.
17. On-Premise Sign – A free-standing sign situated on property owned or leased for a licensed location.
18. Outdoor Advertising Sign a/k/a Billboard – Any offsite sign that is NOT located on property owned or leased for a licensed location.
19. Pole – Any vertical pole, post, or mast.
20. Pole Sign – A temporary sign affixed to a pole.
21. Residential Subdivision Sign – A free-standing sign located on property owned or maintained as a common element by an association of property owners or homeowners identifying and located within one hundred (100) feet of the entrance to a residential subdivision.
22. Sidewalk Sign – A temporary A-Frame or T-Frame unlighted sign located within twenty (20) feet of a licensed business entrance.
23. Sign – Any device visible from a public place that displays messages by means of graphic presentation of alphabetic or pictorial symbols or representations.
24. Site Distance – A sign shall not be located as to obstruct or impair site distance at the intersection of any roadways. Sign placement shall

allow for an unobstructed view of the intersections, traffic control devices, and a sufficient distance along intersecting roadways to permit drivers to anticipate and avoid potential collisions. (Reference: AASHTO Green Book). Signs shall also comply with Section 157.065 Traffic Visibility at Corners.

25. Temporary – A period of time not to exceed the time limit specified in the Sign Chart – Table of Requirements and Regulations.
 26. Visible Sign – A sign is visible when it can be seen from any public place.
- (b) In accordance with the provisions of Section B of this Section 157.007, the definitions set forth above shall apply to the provisions of this chapter.
- (2) By repealing the provisions of Article 8, Chapter 157.105 through 157.124, and replacing them with the following:

§ 157.105 PURPOSE.

In Maryland, local legislative bodies are authorized to regulate signs in an effort to promote public health, safety and welfare. (Land Use Article, Annotated Code of Maryland, §4-102). Sign regulations in this Ordinance are intended to promote public health, safety and welfare and enhance the character of the local community.

§ 157.106 APPLICABILITY AND EXEMPTIONS.

- A. No sign shall be erected, hung, placed or painted in any Zoning District except as provided in this chapter.
- B. For the purpose of this chapter, any of the following words relating to signs are intended to include any tense or to read with the prefix “re-”: affix, alter, attach, display, erect, hang, move, paint, paper, paste, place, post or repair.
- C. No sign erected before the enactment of these regulations shall be altered in any respect or moved, except in compliance with the provisions of this chapter, and except that any sign may be removed completely.
- D. Nothing in this chapter shall prevent the proper erection and maintenance of official signs by federal, state, county or municipal agencies for traffic control, directional or informational purposes, or by a private person or agency solely for the protection of the public health, safety and welfare.

§ 157.107 PERMIT REQUIREMENTS.

- A. A permit shall be required to erect, affix, hang, or otherwise display, alter or repair any sign in all Commercial Zoning Districts: TC, C, CR1, CR2, TR.
- B. All signs of any size shall comply with all the regulations contained herein, regardless of whether a permit is required.
- C. No permit shall be required for the repainting or repapering of a sign which conforms to the provisions of this chapter. Signs accessory to theaters advertising changes in program shall not require permits except for the initial installation thereof.

§ 157.108 MEASURING SIGN AREA.

- A. The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing incidental to the display itself.
- B. The area of a sign painted upon or applied to a building shall be construed to include all lettering, wording and accompanying designs or symbols together with any backing associated with the sign.
- C. Where the sign consists of individual letters or symbols attached to or painted on a surface, buildings, wall or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.
- D. In computing the permitted sign area of a double-faced sign, only one side shall be considered, provided only one face is readable from any location.

§ 157.109 TABLE OF REGULATIONS.

- A. All signs erected, attached, or repaired from and after the effective date of this provision shall comply with the Table of Requirements and Regulations as set forth in the following Table of Requirements and Regulations (the "Table of Regulations").

Deep Creek Watershed Sign Chart - Table of Requirements and Regulations

Sign Type	Description	Height off Ground*	Minimum setback from edge of pavement	Rectified area of signage	Bonus area of signage	Maximum Signs per parcel	Illumination Permitted	Time sign is allowed	Permitted In									
									TC	C	CR1	CR2	TR	RR	AR	LR1	LR2	
On-Premise Sign	A free-standing sign situated on property owned or leased for a permitted location.	20' ¹	Property Line	22.5 sq ft	1.50 if no EMC or 4 or more businesses	1 for every 1 - 1000' road frontage	Yes	Perm.	X	X	X	X						
On-Premise Sign	A free-standing sign situated on property owned or leased for a permitted location.	10'	10'	15 sq ft			External	Perm.					X	X	X			
On-Premise Building Sign	A sign attached to a building located on property owned or leased for a permitted location.	Roof ³		10% of building face	15% of bldg. face if no EMC		Yes	Perm.	X	X	X	X						
On-Premise Building Sign	A sign attached as part of a building located on property owned or leased for a permitted location.	Roof		1.5 sq ft			external	Perm.					X	X	X			
Development Complex Sign	A free-standing sign within 100 feet of a property owners association common area.	20'	Property Line	3.5 sq ft	40 ft no EMC	1 (must be 500' from any other Dev. Complex sign)	Yes	Perm.	X	X	X	X						
Development Complex Sign	A free-standing sign within 100 feet of a property owners association common area.	15'	Property Line or 15' ²	3.5 sq ft			external	Perm.					X	X	X			
On-Premise Directional Sign	A free-standing sign located within 20 feet of the roadway entrance and on land owned or leased for a permitted location.	4'	6'	4 sq ft		4 per road front	yes	Perm.	X	X	X	X						
On-Premise Directional Sign	A free-standing sign located within 20 feet of a roadway entrance and on land owned or leased for a permitted location.	3'	8'	4 sq ft			external	Perm.					X	X	X			
Outdoor Advertising Sign	Any offsite sign that is NOT licensed on property owned or leased for a permitted location.																	
Off-Premise Directional Sign	A free-standing sign within 20 feet of a road entrance and more than 50 feet from a permitted location.	3'	8'	4 sq ft		1	external	Perm.	X	X	X	X						
Off-Premise Directional Sign	A free-standing sign within 20 feet of a road entrance and more than 50 feet from a permitted location.	3'	8'	4 sq ft			external	Perm.					X	X	X			
Temporary Signs ³						3. Maximum regardless of type												
Freestanding Yard Signs	A free-standing temporary sign.	6'	Property Line	4		3	No	1 Year	X	X	X	X						
Freestanding Yard Signs	A free-standing temporary sign.	6'	Property Line	4			No	1 Year					X	X	X			
Flag/Banner/Blade Signs	A temporary sign affixed to a pole or building.	12'	Property Line	304		3	No	90 Days	X	X	X	X						
Flag/Banner/Blade Signs	A temporary sign affixed to a pole or building.	8'	10'	164			No	30 Days					X	X	X			
Pole Signs	A temporary sign affixed to a pole.	12'		8		1 per pole	No	1 Year	X	X	X	X						
Pole Signs	A temporary sign affixed to a pole.	12'		8			No	6 Months					X	X	X			
Sidewalk Signs	A temporary A-Frame or T-Frame unlighted sign located within 20 feet of a licensed business entrance. Cannot impede any traffic.	3'	within 20' of business doorway	6		1	No	12 Hours	X	X	X	X	X	X	X			

¹ If the centerline of the abutting roadway is higher than the sign site, the applicant may have a bonus height equivalent to the difference up to 5'. Maximum sign height with bonus is 25'.

² Property Line or 15' from edge of pavement, whichever is greater

³ Permits are not needed for temporary signs; however, enforcement will be pursued upon confirmation of a verified violation.

⁴ These sign areas may be treated as an aggregate, allowing for up to 3 signs with a combined square footage of 30'

NOT PERMITTED

- B. **Condition of Signs.** All signs shall be constructed of durable materials kept in good condition and repair. Whenever, in the opinion of the Zoning Administrator, a sign becomes structurally unsafe or endangers the safety of a property or persons, the Zoning Administrator shall order that such sign be made safe or removed. Such order shall be complied with within 5 days of receipt thereof by the person, firm or corporation owning or using the sign or the owner of the building or premises on which such unsafe sign is affixed or erected.
- C. **Lighting of Signs.** Lighting devices shall be shielded so that they do not create a nuisance or impair site distance.
- D. **Setback from Road.** Setback from road shall be as set forth in the Table of Regulations.
- E. **Special Provisions for Electronic Message Center Signs.**
- (1) Electronic Message Center (“EMC”) signs shall be permitted for accessory on-premise uses in the TC, C and CR1 districts pursuant to the Sign Chart [Table # to be determined]. EMC signs shall be permitted in CR2 and TR districts on parcels with permitted institutional uses only. On-premise EMCs shall be subject to the following additional standards and limitations:
- a. Intervals for messages require a minimum of 5 - 15 seconds between changes of message and graphics shall be no longer than 15 seconds.
 - b. Animated changes in the display shall be limited to blur, fade or wipe and the transition time shall be limited to a maximum of 2 seconds.
 - c. Scrolling and flashing is prohibited.
 - d. Maximum brightness is allowed to be no more than 10,000 nits during daylight and 700 nits at night (or rough equivalent in foot candles or lumens) and automatic brightness control shall be linked to an ambient light level sensor.
 - e. The display shall go dark automatically in the event of a major failure or malfunction.
 - f. All EMCs placed within 150 feet of a residential structure located on a commercially zoned parcel (TC, C, CR1, CR2, TR) are to be oriented perpendicular to residential frontages and will be operational no sooner than 7 a.m. and no later than 10 p.m.
 - g. All applicants for EMCs shall provide:

- i. A form executed by the owner/end user agreeing that license issuance is conditional and based upon the use of the agreed upon display settings.
- ii. Proof of UL48 (or ETL equivalent) listing and a valid copy of the FCC Manufacturers Testing Certificate.

§ 157.110 PROHIBITED FEATURES.

- A. No sign shall constitute a nuisance, a public safety or traffic hazard by obstructing traffic signals, traffic signs, road warning signs, road name signs or the full view of the traffic in all directions at driveways, entranceways or any other public road intersection.
- B. Only traffic control devices shall be located within the right-of-way of any road or on any slope or drainage easement for a road.
- C. No sign shall be permitted which is an imitation of or which resembles an official traffic control device.
- D. Signs shall not obstruct any door, fire escape, stairway or other opening intended to provide ingress or egress for any building or structure.

§ 157.111 NONCONFORMING SIGNS.

- A. Nonconforming signs, once removed, shall be replaced only by conforming signs; however, nonconforming signs may be repaired or repainted, provided that such repainted or repaired sign does not exceed the dimensions of the existing sign, and provided no change is made in the general content of the sign.
- B. Every sign and other outdoor advertising medium lawfully erected in the County prior to November 19, 2019, may continue to be maintained despite lack of conformity with all of the provisions of this chapter, provided that such sign or medium is not changed in a manner that would increase its nonconformity with this chapter.

§ 157.112 – 157.124 RESERVED.