

**NOTICE OF PUBLIC HEARING
TO AMEND THE THURMONT ZONING ORDINANCE AND THURMONT
SUBDIVISION REGULATIONS**

The Thurmont Planning & Zoning Commission will hold a public hearing on Thursday, July 27, 2017 at 6:30 p.m. in the Thurmont Municipal Office, 615 East Main Street, Thurmont, Maryland to receive comments on the proposed amendments to the Thurmont Zoning Ordinance and Subdivision Regulations. The first proposed amendment will add a new Section to Article 5: Dimension Requirements regarding Residential Clustering to the Zoning Ordinance and a new section to the Thurmont Subdivision Regulations. The second is to amend Section 6.8 of the Zoning Ordinance – Signs.

The public will be given an opportunity to be heard at this public hearing. Written comments must be received on or before July 27, 2017 and can either be mailed to the Town of Thurmont, 615 East Main Street, PO Box 17, Thurmont, Maryland 21788, ATTN: Public Hearing – Residential Clustering / Signs or emailed to: jhumerick@thurmontstaff.com.

Copies of the proposed new sections are available for review at the Thurmont Municipal Office.

Thurmont Planning & Zoning Commission
Jim Humerick, CAO/Zoning Administrator

**TOWN OF THURMONT
PLANNING AND ZONING COMMISSION RESOLUTION**

RECOMMENDING AND TRANSMITTING
TO THE MAYOR AND BOARD OF TOWN COMMISSIONERS

AMENDMENTS TO THE TOWN OF THURMONT SUBDIVISION REGULATIONS
AND THE ZONING ORDINANCE
ON THE SUBJECT OF RESIDENTIAL CLUSTERING

WHEREAS, The Planning and Zoning Commission has considered the use of clustering as a technique for designing new residential developments and believes it would allow for more efficient and cost-effective provision of municipal services and infrastructure, especially as an alternative to large lot subdivisions, and for the preservation of open space and protection of natural areas; and

WHEREAS, The Planning and Zoning Commission conducted work sessions on the topic at its February 23, 2017 and March 23, 2017 meetings; and

WHEREAS, The Planning and Zoning Commission held a public hearing on proposed ordinance amendments on the subject of residential clustering on April 27, 2017, although such amendments were then drafted and presented as amendments to the Zoning Ordinance;

WHEREAS, Article X, Section 11A of the Thurmont Subdivision Regulations and Section 2.2.3 of the Zoning Ordinance both provide that the Planning and Zoning Commission shall hold a public hearing before recommending amendments to these respective ordinances; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing on the attached combined amendments to the Thurmont Subdivision Regulations and Zoning Ordinance _____, 2017; and

NOW, THEREFORE LET IT BE RESOLVED, that the Planning and Zoning Commission hereby transmits the following amendments to the Mayor and Board of Town Commissioners recommending their adoption.

New language -- ALL CAPS

Removed language -- ~~strike through~~

The following would amend Article IX, of the Subdivision Regulations by deleting the first paragraph of Section 9.1 B and adding a new Section 9.2 as follows:

~~B. If a subdivider chooses to provide open space, with the Board of Commissioners' approval he can reduce lot sizes for single family dwellings by thirty percent; provided that at least twenty percent of the net residential area is devoted to open space, recreation, or like purposes.~~

§9.2 ~~Exception for~~ Residential Clustering

Lots created through residential clustering, which adhere to the provisions of this section, may vary in area, width, and dimension from the standards otherwise established ~~by this ordinance and in the Thurmont Zoning Ordinance. subdivision regulations.~~

§9.2.1 Purpose

The purpose of this section is to promote flexibility in residential neighborhood design by allowing dwelling units to be grouped or clustered together on smaller lots than would otherwise be allowed in order that:

- A. Subdivision ~~lot~~ design, and land development generally, may conform more closely to the land's natural features, topography, and surroundings.
- B. Larger areas of useable open space may be assembled, which can minimize environmental harm and provide environmental and/or recreational benefits to the Town and the residents of the development.
- C. Pubic facilities and utilities may be provided more efficiently and thereby reduce the public and private costs of constructing and maintaining infrastructure and utilities including water, sewerage, streets, sidewalks, street lights, utilities, etc.

§9.2.2 Applicability

- A. A residential clustering subdivision is a permitted development technique in the A-1, R-1, R-2, and R-3 districts.
- B. Like a standard subdivision, a residential clustering subdivision is subject to Planning and Zoning Commission review and approval. ~~according to the Thurmont subdivision regulations as may be amended from time to time.~~
- C. To be eligible for a residential clustering subdivision, the gross acreage of the development tract must be at least 5 acres which may consist of a single parcel or multiple **contiguous** parcels under ownership or control of the developer.

§9.2.3 Provisions

The following provisions shall govern the layout and development of a residential clustering subdivision and shall supersede any conflicting provisions elsewhere stated in ~~this~~ **the Zoning Ordinance** ~~or the subdivision regulations.~~

- A. ~~The allowable uses in a residential clustering subdivision shall be limited to those uses allowed in the R-2 district except that where approved by the planning and zoning commission, public parks and recreational facilities may be located on lands preserved therein as open space.~~ **When a single tract contains more than one parcel, the maximum number of lots permitted shall be based upon the tract's buildable area as provided for in §9.2.3C and the dwellings units may be distributed over the tract as though it were one parcel.**
- B. The maximum number of lots permitted shall be the quotient resulting from dividing the tract's buildable area by the minimum lot size for the zoning district where located as set forth in §5.1C, Table 3 of ~~this~~ **the Zoning Ordinance**, plus any lots preserved as open space.

- C. **When a single tract is divided into two or more of the zoning districts eligible for clustering per §9.2.2A so that portions of the tract lie within different districts, the number of permitted lots derived from the buildable area in each district may be summed and distributed over the tract without regard to zoning boundaries. However, the dimensional requirements that govern development per §9.2.3E shall depend on the zoning district wherein the lots are placed.**
- D. The computation of buildable area shall exclude non-tidal wetlands regulated by the Maryland Department of the Environment, the area contained within the ~~boundaries~~ **100-year floodplains indicated on the Town's officially adopted FEMA Flood Insurance Rate Maps (FIRM), the ordinary high water mark of perennial streams designated by the United States Geological Survey;** and areas protected by forest or other land conservation easement.
- E. Within a residential clustering subdivision, the minimum lot area, lot width and yard standards required by §5.1C, Table 3 **of the Zoning Ordinance** for single-family detached residences only may be reduced as follows:
1. In the A-1 district:
 - a. The minimum lot area shall be 8,400 square feet.
 - b. The minimum lot width and yard requirements shall be as set forth for the R-2 District in §5.1C, Table 3.
 2. In the R-1 district:
 - a. The minimum lot area shall be 8,400 square feet.
 - b. The minimum lot width and yard requirements shall be as set forth for the R-2 District in §5.1C, Table 3.
 3. In the R-2 and R-3 districts:
 - a. The minimum lot area shall be 5,600 square feet.
 - b. The following dimensional requirements shall apply:
 - i. Minimum lot width: 50 feet
 - ii. Minimum front yard: 15 feet
 - iii. Minimum side yard: 8 feet
 - iv. Minimum rear yard: 30 feet
- F. For any clustering subdivision, the area that each lot is reduced by from the minimum size required for that ~~in the zoning district per section 5.1c, table 3,~~ shall be summed and that total area shall become the base minimum area to be devoted to common open space.
- G. Nothing in this section shall preclude the Planning and Zoning Commission from exercising its authority under the subdivision regulations to determine for a subdivision the amount of land suitable for common open space, **including** parks, playgrounds and **land set aside** for other recreational or environmental purposes, which may be greater **than** but not less than the base minimum provided for in §9.2.3D above.
- H. **The Improvements Plan required by Section 4.4 of these regulations shall include an open space plan, sufficient to show the location, type, grade, elevation, proposed use and improvements, plantings and other significant enhancements and characteristics. A developer**

~~shall submit and the Planning and Zoning Commission shall review and approve an open space plan with any preliminary subdivision plat that uses residential clustering.~~

1. **As provided for in these Regulations, all protective covenants and deeds of conveyance for all open spaces not otherwise dedicated to the Town of Thurmont, shall be part of and recorded with the approved final plat and any such covenants, restrictions, or conveyances shall be binding upon the owner and its successors.** ~~For any open space or part thereof that is not to be dedicated to and accepted by the Town of Thurmont, the open space plan shall run with and be binding upon the owner and its successors being part of and recorded with the final subdivision plat.~~
2. **The Improvements Plan** ~~open space plan~~ shall include a declaration of covenants, **deeds of conveyance** and/or other Town approved instrument(s) stipulating ownership, use, and maintenance responsibilities. **As specifically provided for in Section 9.1B of these Regulations, the By-Laws of any Home Owners' Association, for which ownership in open space is to be conveyed, shall be approved by the Mayor and Commissioners.**
3. **No plat shall be recorded which is not accompanied by an approved Improvements Plan addressing the configuration, use, ownership and maintenance of all open spaces.** ~~No such plat shall be recorded which is not accompanied by an open space plan approved by the town.~~
4. **The use of residential clustering shall not relieve the subdivider of complying with the standards in these Regulations governing reserving, dedicating, and providing open spaces and other improvements.** ~~In all other respects, the Thurmont Subdivision Regulations shall govern the methods for reserving, dedicating, and providing open spaces and any other improvements in a residential clustering subdivision.~~

The following would amend §7.3, terms and definitions: Article II, Section 2.2 Specific Definitions

~~Cluster development: a subdivision using varying lot sizes to group houses while maintaining the density of a specific zoning district.~~

~~Residential Clustering Subdivision: A residential development created through the Thurmont Subdivision Regulations in which lots may be smaller than the minimum sizes required by **the Zoning Ordinance**, provided the area otherwise devoted to lots is preserved as open space and the overall density of the tract is no greater than would otherwise be allowed in the district where the development is located.~~

The following would amend §7.3 of the Zoning Ordinance, Terms and Definitions:

~~CLUSTER DEVELOPMENT: A subdivision using varying lot sizes to group houses while maintaining the density of a specific zoning district.~~

Residential Clustering Subdivision: A residential development created through the Thurmont Subdivision Regulations in which lots may be smaller than the minimum sizes required by the Zoning Ordinance, provided the area otherwise devoted to lots is preserved as open space and the overall density of the tract is no greater than would otherwise be allowed in the district where the development is located.

§6.8 Signs

§6.8.1 Purpose

This section is intended to regulate the placement, type, size, and number of signs allowed within the Town and to require the proper maintenance of signs. The purpose is to:

- A. Ensure that signs safely attract and direct persons to various destinations;
- B. Protect public and private property values and public safety;
- C. Protect motorists and pedestrians from hazards which may result from excessive, confusing, and distracting signs, and
- D. Preserve the aesthetic, scenic, and historic qualities of the Town including the historic town center.

§6.8.2 Definitions

The following terms in this Chapter shall have the meaning here set forth. Any word or term not defined in this section shall have the ordinarily accepted definition set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged.

- A. Sign: is any structure, or devise, in whole or in part, which uses symbolic representations to direct attention, to identify or advertise any activity, person, group of people or thing.
 - 1. Awning Sign: is a sign that is either affixed to, attached, painted on, or otherwise applied to an awning.
 - 2. Banner Sign: is a temporary sign which is constructed of material which can be easily folded or rolled (such as canvas, fabric, or other light-weight material) but not including paper or cardboard, that is mounted with no enclosing framework.
 - 3. Billboard Sign: is a sign intended for display in public places such as along roadsides or on buildings situated on that portion of a property used for the purpose communicating to passersby content generally unaffiliated with the use of the property itself.
 - 4. Freestanding Sign: is a self-supporting sign resting on or supported by two or more supporting elements or any other type of base on the ground.
 - 5. Ground Mount Sign: is a freestanding sign suspended by or supported by two or more uprights or braces anchored in the ground with no more than 30 inches' clearance from the bottom of the sign face to the ground below.
 - 6. Hanging sign: a sign parallel to the building facade that hangs from the underside of the roof of a porch or covered walkway.

7. Illegal sign: is any of the following: (1) a sign placed in public view without first obtaining a permit and complying with all regulations in effect at time of its placement, construction or use; (2) a sign legally placed or constructed on a property the specific use of which has ceased or a sign that is not being used by the sign owner for a period of 90 days; (3) a nonconforming sign, the amortization period if any, provided by ordinance, for rendering the sign conforming has expired without conformance being accomplished; (4) a sign that was legally placed or constructed which later became nonconforming and then was damaged for any reason to the extent of 50 percent or more of its current replacement value; (5) a sign which is a danger to the public or is unsafe; or (6) a sign which is a traffic hazard not created by the relocation of streets or by acts of the Town; or (7) a sign that pertains to a specific event and five days have elapsed since the occurrence of the event.
 8. Monument Sign: is freestanding sign with a continuous solid base on the ground that is at least as wide as the horizontal width of the sign face it supports and is designed as an architecturally integrated element of the sign.
 9. Pole Sign: is a freestanding sign that is mounted on a pole or poles or like support with clearance from the bottom edge of the sign face to grade exceeding 30 inches.
 10. Portable Sign: is an unlit sign that is not permanently affixed to a structure or to the ground, or permanently attached to any fixed location being primarily intended to be moved by carrying or by mechanical towing or hauling regardless of modifications that may limit its movability.
 11. Projecting Sign: is a sign attached to a building and projecting out from the wall or part of the building generally at right angles to the building.
 12. Temporary Sign: is a display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or that like material that appears to be intended to be or is determined by the Zoning Administrator to be displayed for a limited period of time. A banner sign is a temporary sign unless enclosed completely in a solid frame.
 13. Wall-mounted Sign: is a sign affixed to (including painted or engraved) and mounted parallel to the building facade or wall in such a manner that the facade or wall becomes the supporting structure for the sign.
- B. Sign Area: is the amount of signage computed in square feet as provided for in §6.8.7A1(a).
- C. Sign Face: is the display surface of a sign. The frame or structural members may be considered part of the sign face if designed to look like the sign face or to be used for display. Calculation of the area of a sign face shall be as provided for in §6.8.7A1(a).
- D. Sign Owner: is the permittee with respect to any sign for which a sign permit has been issued or with respect to a sign for which no permit is required or has been obtained

"sign owner" means the person entitled to possession of such sign or the owner, occupant, or agent of the property where the sign is located.

§6.8.3 Applicability

- A. Any sign erected, placed, attached, altered, reconstructed, or modified shall conform to this Chapter.
- B. Existing signs shall not be altered or moved unless in compliance with this Chapter.

§6.8.4 Administration

- A. Unless a sign is expressly allowed without permit by this Chapter, no sign shall be installed, constructed, or altered unless a sign permit, or where applicable, a sign program approval, is first obtained.
- B. After approval of a sign permit and/or sign program, each sign installed and maintained on the subject site shall comply with the permit and program.
- C. Sign Permit Application: An application for a sign permit shall be filed with the Zoning Administrator.

1. For any development projects requiring Category 1 site plan review, the approval authority shall rest with the Planning and Zoning Commission and the Zoning Administrator shall issue a sign permit if approved by the Planning Commission. Where Category 1 site plan review is not indicated, the approval authority shall rest with the Zoning Administrator. Either approval authority may place conditions on its approval that are reasonably necessary to achieve the purposes of this Chapter.

2. Application Contents: The application shall include required application fees, architectural elevations and plans of all proposed signs drawn to scale, with all dimensions noted, and include illustrations of copy, colors, materials, and samples of the proposed colors and materials. The plans submitted shall also show the location of each sign on buildings and the site.

- D. Sign Programs. A sign program shall be submitted with a Category 1 site plan for any multiple occupancy commercial, professional, industrial, residential, or institutional site; or separately identifiable building group, such as a medical complex or shopping center; or any individual site of at least one acre in size or with a proposed development exceeding 10,000 square feet in total building floor area.

1. Purpose of Sign Program. The purpose shall be to establish unified signing for all tenants and users of a complex, center or development site and facilitate compliance with and administration of this Chapter.

2. An approved sign program shall prescribe the standards for all signs within the area covered by the program including the size, number and types of signs.

3. Sign Program Review Authority. A sign program will be reviewed and approved by the Planning Commission concurrent with site plan approval.
 4. Program Conformance with Chapter. A sign program shall comply with all provisions of this Chapter and is not intended to provide special or additional signing.
- E. Findings for Approval. The approval of a sign permit or sign program shall require that the approving authority first make the following findings:
1. The proposed sign(s) do not exceed the standards of this chapter and as applicable, are of the minimum size and height necessary to enable motorists and pedestrians to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site; and
 2. The proposed signs are in substantial conformance with any design criteria that may be adopted and maintained by the Zoning Administrator provided for in paragraph "G" of this section.
- F. Expiration of Sign Permits and Sign Program: A sign permit shall expire one year from the date of its issuance, unless it is approved as part of a Category 1 site plan in which case the expiration would coincide with the expiration of the site plan. An approved sign program would expire on the date the site plan, to which it belongs, should expire.
- G. Sign Design Guidelines: The Zoning Administrator is authorized to prepare and maintain guidelines for applicants regarding the placement, appearance, design, and construction materials for signs within the various districts of the Town and the Administrator should use such guidelines to assist applicants in complying with the purpose and provisions of this chapter.
- H. The dimension requirements provided in this Chapter represent the maximum size or area or distance allowed. Nothing in this Chapter shall be deemed to imply that these regulations confer a right to the maximum.
- I. References to "residential districts" means the R-1, R-2, R-3, R-4, R-5 and A-1 districts; to "mixed-use districts" means MXV-1 and MXV-2; and to "non-residential districts" means the TB, GB, I, and OC districts.

§6.8.5 Prohibited Signs and Signing

- A. No signs shall be attached to utility poles, traffic signal poles, traffic control posts/signs, rocks, fences, or trees visible from the public right-of-way whether on public or private property.
- B. No sign shall be painted directly on a wall or roof of a building or fence.
- C. Except as provided in Sections §6.8.6B6(b) and §6.8.10F and for official governmental signs, no sign shall be placed within or overhang any public right-of-way or publicly held access easement within the Town.

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- D. Except for official traffic signs, no sign shall be displayed, visible from the public right-of-way, which uses the words "stop" or "danger" or that implies a need for or requirement of stopping or the existence of danger.
- E. Except as provided in §6.8.7C no sign shall project intermittent or flashing illumination excluding official public road or street signs intended to promote traffic safety. No sign shall be erected or maintained which by use of lights or illumination creates a distracting or hazardous condition to a motorist, pedestrian, or the public.
- F. No signs shall be attached to or project above any element of a roof structure including the eaves, soffit, or fascia or the entablature of colonnaded structure or interfere with architectural expression of such elements or the roofline.
- G. Pennants, feather signs, streamers, moving, flashing, windblown and all other fluttering, spinning, or similar type signs which includes sign balloons or other inflated objects are prohibited.
- H. No flashing or rotating sign shall be permitted except that a portion of a sign may indicate a changing time, temperature, or date.
- I. No sign shall be located which will interfere with vehicular and pedestrian visibility along a public right-of-way or along any private driveway existing or entering a site or on any slope or drainage easement of a street.
- J. Signs that are obscene, illegal, hazardous to traffic, imitative of official government signs (i.e., Stop, Danger, Caution, etc.) or obstructive to public visibility so as to create a hazard to the public are prohibited.
- K. When a sign structure does not include a legal sign for a period of 90 consecutive days, such sign structure shall be deemed a violation and shall be removed.
- L. No sign shall be permitted which becomes unsafe or endangers the safety of a building, premise, or person. The Zoning Inspector is authorized to order such sign to be made safe or be removed and such order shall be complied with within seven days of the receipt of such order.
- M. No sign shall be permitted which through damage, disrepair or lack of maintenance has become impaired in its functionality or blighted in its appearance.
 - 1. The Zoning Inspector is authorized to order such sign to be repaired, replaced, or removed and such order shall be complied with within 45-days of the receipt of such order.
 - 2. Failure to comply with the Zoning Inspector's order shall result in the loss of any legal non-conforming status that may exist for the sign and require the sign to be removed and/or to come into compliance with this Chapter.

§6.8.6 Signs Permitted Without Zoning Permit

The following signs only are permitted without obtaining a Sign Permit or Sign Program approval subject to conditions set forth below:

- A. Official traffic, parking, way finding, and public notification signs and Town ornamental or decorative signs provided they are erected by a governmental agency.
- B. Temporary signs, provided the following conditions are adhered to:
 - 1. A property owner may place one temporary sign on the property at any time if the sign is no greater than 3 square feet in area, 4 feet in height, and is not a pennant, feather, or streamer sign or any other moving, windblown, fluttering spinning or similar type of sign. These standards shall apply to any temporary sign allowed by this section.
 - 2. In addition to the sign allowed by §6.8.6B1, one other temporary sign may be located on the owner's property when that property is being offered for sale or lease for a period of 15 days following the date on which a contract of sale or lease has been executed by a person purchasing or leasing the property.
 - 3. A person exercising the right to place a temporary sign on a property as described in this section shall limit the number of temporary signs on the property to two signs except as provided for in §6.8.6B4.
 - 4. One temporary sign per 10 feet of public road frontage up to a maximum of five temporary signs per property may be located on the owner's property for a period of 30 days prior to an election involving candidates for a federal, state, or local office that represents the district in which the property is located.
 - 5. No temporary sign shall be attached or secured to a building, fence, porch, railing, or any other object or structure.
 - 6. No temporary sign shall be located within any required yard setback for the zoning district where located or within 2 feet of a property line in the TB district.
- C. Within mixed-use and non-residential districts one A-frame sign (easel-type and sandwich-board signs) provided the following conditions are met:
 - a. The sign shall not exceed 6 square feet or 4.5 feet in height and 2 feet in width.
 - b. The sign shall not impede pedestrian traffic or motor vehicle visibility, be located such that no less than 5 feet of clearance is reserved for pedestrians on a public sidewalk, and shall be removed before nightfall.
- D. Signs accessory to parking lots and parking garages provided the following conditions are adhered to:

1. Signs designating entrances and exits shall be limited to one sign per entrance and one per exit and neither sign shall exceed 2 square feet.
 2. One additional sign limited to a maximum area of 9 square feet is permitted which may be used to set forth conditions of use or identity the ownership of the parking area.
 3. No such sign shall exceed 7 feet in height.
- D. Commemorative plaques. Signs commemorating an historical building name register and/or erection date, when cut into or affixed to a permanent surface and not exceeding 4 square feet per building.
- E. Interior signs. Signs located more than 5 feet inside of exterior windows, walls or doors of any building when such signing is intended for interior viewing.
- J. Street number, address, and/or name. Two such signs for each principal building, not exceeding 1 square foot each in residential and mixed use districts, and 3 square feet each in all other zoning districts.
- K. In non-residential districts, on-site directional signs and notices and other types of incidental signs showing for example the location of entrances or hazards and the public facilities on a site such as restrooms and underground utilities. Such signs are not counted against the maximum allowable sign area permitted on a site.
- L. In non-residential districts, umbrella signs and content applied through the manufacturing process (such as letters or logos applied on fabrics) to incidental and portable site furniture including umbrellas and outdoor seating. Such signs are not counted against the maximum allowable sign area permitted on a site.
- L. Within non-residential districts window displays and signs erected or suspended in the interior of a structure to be viewed from the outside provided the following conditions are adhered to:
1. No more than 33 percent of the window area is covered in signing.
 2. The area of window signing shall be included in the count of maximum allowable sign area for the site.

§6.8.7 Permits for Certain Temporary Signs

- A. A temporary sign that exceeds the quantitative standards set in §6.8.4B1 may be allowed only by permit under the following conditions:
1. It complies with all other sign standards and requirements of this Chapter for the district where located and the land use as regulated.

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2. A temporary sign permit will allow the property owner to display a sign only at the specific location(s) on the site and/or building noted.
 3. The temporary permit will entitle the owner to interchange one temporary sign with any other temporary sign with the same dimensions.
 4. Under the permit, the display of the temporary sign(s) shall be limited to 90 days during the 365-day period the permit is valid.
 5. Failure to obtain a permit for any temporary sign not otherwise expressly allowed without permit by §6.8.4B, or to comply with the conditions of this section, subjects the sign and/or property owner to the enforcement provisions of this Chapter.
- B. A temporary sign permit shall automatically expire one year after its issuance or after the 90th day of the display of the sign except as provide in subsection C below.
- C. One temporary sign associated with the opening of a development or subdivision may be allowed by permit provided the following requirements are met:
1. It is no greater than 32 square feet in size for development tracts less than ½ acre or 50 square feet for tracts larger than ½ acre.
 2. It is not greater than 8 feet in height.
 3. It is removed within 90 days of its installation except that for developments involving the dedication of public streets, the sign may remain in place until the dedication of associated public streets and/or utilities or for a complete and uninterrupted one-year period.

§6.8.7 General Standards

- A. Computations of Area and Height.
1. Area.
 - a. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or wall when such wall otherwise meets the zoning regulations in this title and is clearly incidental to the display itself.
 - b. Only one face of a double-faced sign shall be computed for sign area provided the two faces are no more than one foot apart.

2. Height. The height of a sign shall be computed as the distance from the base of the sign structure at normal grade to the top of the highest attached component of the sign or sign structure. Normal grade shall be construed to be the lower of: (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoning lot, whichever is lower.

B. Sight Visibility

1. No sign shall obstruct a clear view to and from traffic along any street right-of-way, or block visibility of a site entrance or exit or a building entrance or exit.
2. At roadway intersections, a sight visibility triangle shall be kept free of obstructions to vision between the heights of two and one-half feet and twelve feet above the street.

C. Where Electronic/Digital Message Board Signs are allowed by this chapter, they shall meet the following minimum standards:

1. The sign displays only static messages that remain constant in illumination intensity and does not have movements or the appearance of or an optical illusion of movement.
2. The sign does not operate at an intensity level of more than ___ foot-candles over ambient light as measured 150 feet away.
3. The sign is equipped with a fully operational light sensor that automatically adjusts the intensity of the screen in accordance to the amount of ambient light.
4. The sign does not change from one message to another more frequently than once every 12 seconds and the actual change process is accomplished in 2 seconds or less.
5. The sign shall be designed to either freeze the display in one static position, display a full black screen or turn off in the event of a malfunction.
6. The sign may only be a freestanding monument type of sign and shall not be hung in a window or attached to a building.

§6.8.8 Standards Specific to the Residential and Mixed-Use Districts

Except for signs allowed without permit, signs permitted in the residential districts shall be limited to the following as here qualified:

- A. For any open space or park or multi-family use, any legally non-conforming commercial use, and the permitted uses in the residential districts enumerated in Table 1 (§4.2.4 of this Ordinance) under the Institutional and Miscellaneous headings:

1. One freestanding sign is permitted meeting the following standards:
 - a. Maximum sign area shall be 24 square feet for lots one acre in size or larger or 12 feet for lots smaller than one acre.
 - b. Maximum sign height shall be 6 feet.
 - c. Maximum distance from any lot line shall be 8 feet except that any lighted sign shall be set back 20 feet from any side lot line.
 - d. The sign shall not be in a parking lot.
 - e. On lots with an institutional and governmental use permitted by right or special exception on a lot of at least two acres in size and on a collector street, one electronic/digital message board sign is permitted provided it is set back from its front lot line(s) at least 10 feet.
 - f. An approved sign program may provide for an additional freestanding sign of up to 12 square feet in size when a lot exceeds one acre or has two public street frontages provided the added sign is placed on the second frontage.
2. One wall-mounted sign is permitted meeting the following standards:
 - a. If illuminated it shall be lit only by fixture(s) external to the sign face.
 - b. It shall be located no higher than the second-floor windowsills.
 - c. Maximum sign area shall be 24 square feet.
 - d. Maximum letter / content height shall be 18 inches.

- B. For bed and breakfasts, home occupations, and all the uses permitted in the Mixed-Use Districts in Table 1 (§4.2.4 of this Ordinance), one sign is permitted meeting the following standards:

1. If a freestanding sign, the sign shall meet the following standards:
 - a) Maximum sign area shall be 3 square feet
 - b) Maximum sign height shall be 4 feet
 - c) Minimum distance from a front lot line shall be 8 feet
 - d) Minimum distance from a side lot shall be 4 feet
 - e) If illuminated, it shall be lit by indirect means only.
2. If a hanging sign, the sign shall meet the following standards:

- a) Its area shall not exceed 3 square feet
 - b) If illuminated, it shall be lit by indirect means only, unless by indirect means.
- B. Subdivision or Community Entrance Signs: One freestanding sign not exceeding 12 square feet in area and 6 feet in height may be located at each street entrance. If illuminated the sign shall be lit only by fixture(s) external to the sign face and be set back at least 8 feet from the front lot line.

§6.8.10 Standards Specific to Non-Residential Districts

This section sets forth the standards and requirements on the placement of signs including the allowable location, type, area, number, and size of signs specific to the Town Business, General Business, Industrial, and Office Commercial zoning districts, except as may be qualified under §6.8.11.

A. Freestanding Signs

1. One freestanding sign is permitted per site. An approved Sign Program may provide for an additional freestanding sign when a lot exceeds two acres in size or has two public street frontages.
2. Freestanding signs shall not be located within parking lots.
3. The area of a freestanding sign shall not exceed 32 square feet.
4. Freestanding signs shall not exceed a maximum height of 6 feet in the TB district and 10 feet elsewhere.
5. There shall be a distance of at least 10 feet from any part of a freestanding sign to a public right-of-way.
6. A freestanding sign shall be either a monument or a ground-mounted sign, except as may be required under the provisions of §6.8.11 .

B. Projecting signs

Projecting signs shall not project more than 30 inches from the face of a building or structure and any such sign projecting over a public sidewalk or other walkway, or a building entrance or exit shall have a minimum clearance of eight feet above the ground.

C. Windows Signs

Window signs are permitted provided no more than 33 percent of any single window is covered in sign area. Window sign area shall be included in the count of maximum allowable sign area for the site.

D. Banner signs. Unless a banner sign is structurally framed, enclosed in framework, and such framework is affixed to a wall in a permanent fashion its display on a building wall shall be limited to 30 days in the sign owner's legal occupancy of the building or site.

E. Marquee. A marquee sign shall require site plan review by the Planning Commission and may be permitted provided the sign area for the site with the marquee does not exceed the maximum allowable sign area in that district.

F. Wall Mounted Signs

1. The area of a wall mounted sign shall be limited as follows:

- a. In the TB district, no single wall mounted sign shall exceed 30 square feet in area.
- b. In the GB district, no single wall mounted signs shall exceed 50 square feet in area unless approved as part of a Sign Program where the proportion and scale of the sign will be evaluated.
- c. Notwithstanding the above standards, in no district shall one wall-mounted sign exceed 7 percent of the total area of the face of the building to which it is attached inclusive of windows and door openings.

2. Wall mounted signs, shall be no higher than the second-floor windowsill on a building or 15 feet from the ground for buildings or structures where the second story is not articulated with windows.

G. Vehicle Mounted Signs. Signs mounted to a parked motor vehicle or trailer, visible from a public right-of-way, used for signage exceeding 12 square feet in area or six feet in height are not permitted. One such sign, 12 square feet or less in area and 6 feet or less in height, is allowed with a permit under the following conditions:

1. The vehicle is a registered, tagged, and operable vehicle and is parked in an approved designated parking space associated with the physical address of the sign owner provided the parking spaces available on the site meet the minimum requirements for the current use.
2. The area of the sign attached to a motor vehicle shall count against the allowable sign area and/or total number of signs for the site on which the vehicle is legally parked.
3. No such sign shall be displayed more than 60 days in a year.

H. Awning signs

1. Any portion of an awning containing copy or communicative content shall be included in the overall calculation for allowable sign area for the site.
2. Signs attached to an awning shall not project above the awning.
3. One awning sign is permitted, the size of which shall not exceed 25 percent of the area of the awning.

I. Maximum Sign Area:

1. The maximum allowable sign area for all signs on a site shall be 1.5 square feet per foot of linear building frontage on the public street. On lots, where a building fronts a second public street, additional sign area is allowed at 0.5 square feet of sign area per linear foot of building frontage. This added sign area may only be used on the second frontage.
2. The following signs are not counted in computing total allowable sign area on a site: temporary signs, on-site directional signs, menu boards, those parts of a fuel service station's signage setting forth fuel prices, incidental signs and other signs which are both specifically allowed without permit and exempted from total allowable sign area by §6.8.6.

§6.8.11 Special Sign Allowance Area

This section grants extra sign allowances for properties in the General Business district which are in proximity to U.S. Route 15. Under the conditions set forth here the number, height, and area of signs may exceed the standards set forth in §6.8.9.

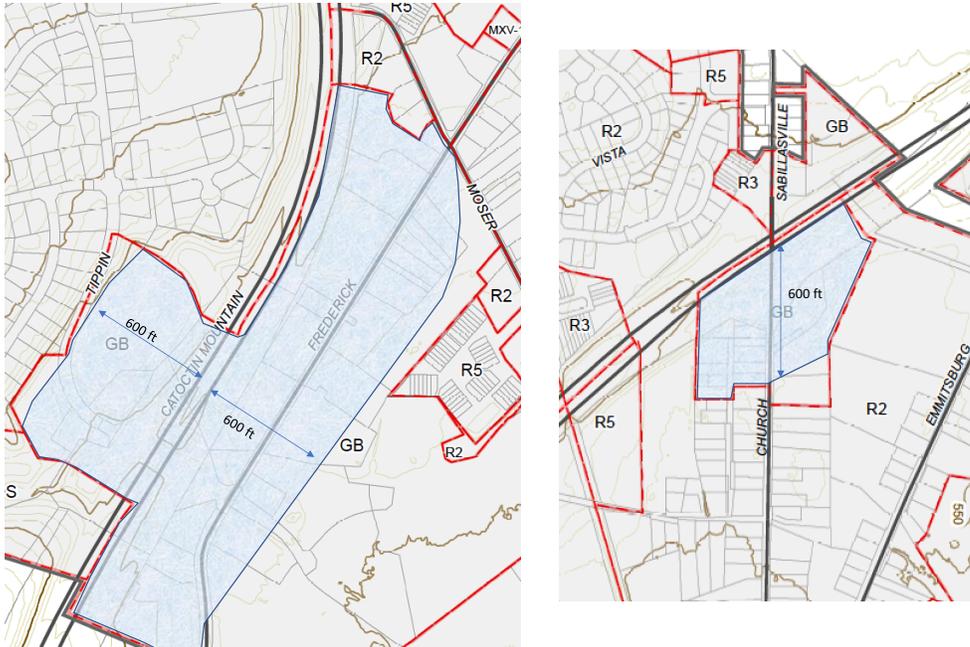
A. Purpose

1. To allow properties zoned General Business located in proximity to U.S. Route 15 to capitalize on their unique proximity to the highway with signage that safely directs the traveling public.
2. To ensure that taller signs and greater sign area are accommodated without causing unnecessary visual clutter, motorist distraction, the interference of views, and light pollution.
3. To ensure that taller signs and greater sign area do not encroach or visually disrupt the streetscape or limit opportunities to enhance the aesthetics and functionality of the street within areas designated as gateway districts in the Thurmont Master Plan.

B. Applicability

These provisions apply only to those portions of the properties zoned GB that are located within 600 feet of U.S. Route 15, shown on the Exhibit below.

Exhibit __



C. Approval Procedure:

The allowances provided by this section may only be approved by the Planning Commission as part of a Sign Program accompanying a site plan for site development or redevelopment, provided that at the time of redevelopment, all signs on the site are brought into conformance with this Ordinance.

D. Standards

1. On lots greater than one acre in size, the height of one freestanding sign may exceed 10 feet as follows: The highest portion of a freestanding sign may be as high as 20 feet above the closest point on the top of the finished grade on mainline U.S. Route 15 or a total of 45 feet, whichever is less.

2. The maximum size of one freestanding sign may exceed 32 square feet as follows: on lots greater than one acre in size, the maximum area shall be 64 feet square feet and on lots greater than two acres in size, the maximum area of a freestanding sign shall be 75 square feet.
3. While a lot that exceeds two acres in size may have two freestanding signs as provided for in this Section, only one sign is eligible for the height and area allowances provided by this section.
4. The maximum allowable area for all signs on a site shall be 1.25 square feet per linear foot of lot frontage on the public street. On lots, with building frontage on a second public street, additional sign area is allowed up to 0.5 square feet of sign area per linear foot of building frontage on that side provided the added area is used on that side.
5. On a lot's street frontage facing a residentially zoned property, all signs along and facing that street frontage shall adhere to the standards set forth in §6.8.8.
6. A freestanding sign exceeding 20 feet in height must be located at least 200 feet from the closest residentially zoned property.
7. A freestanding sign exceeding 10 feet in height must be setback at least 35 from the front lot line and placed within a planted landscaped area, other than lawn, which shall be greater than the area of the sign face plus 4 square feet for every foot of sign height.
8. A freestanding sign more than 10 feet in height shall not be located within 230 feet of another freestanding sign on the same side of the street sign above 10 feet in height, unless the Planning Commission finds that adherence to his requirement is precluded considering the length of the lot's frontage and the placement of the existing sign. In such a case, the greatest separation practicable should be achieved.
9. No sign shall be closer than 40 feet to the right-of-way of U.S. Route 15.

E. Additional Submittal Requirement

Before a permit shall be granted for any sign over 10 feet in height, the erector of the sign shall submit for building permit review and approval a design and stress diagram or plan containing the necessary information to enable the building official to determine that such sign complies with the regulation of the building code.

§6.8.11 Nonconforming Signs

- A. The Zoning Inspector shall order the removal of any sign erected or maintained in violation of the law as it existed prior to the date of the adoption of this Zoning Code.
- B. Signs existing at the time of the adoption this Chapter and not conforming to its provisions, but which did conform to previous laws, shall be regarded as nonconforming and these may be continued if properly maintained and repaired as provided in this chapter except as provided below.
 - 1. Modification of nonconforming signs. Except for legal projecting signs in TB district in use as of January 1, 2017, the structure, sign face, or accessories of a nonconforming sign shall not be altered, modified, changed, reconstructed or moved without bringing the sign in all respects into conformance with this chapter, provided, however, that nothing herein shall prohibit the normal maintenance or repair of any nonconforming sign.
 - 2. Within the TB district, where alteration, modification, reconstructing or movement of a non-conforming projecting sign is permitted, no such alteration or change shall increase or expand in any way upon its nonconformity with these regulations.
 - 3. Any nonconforming sign damaged to the extent of 50 percent of its current replacement value shall be brought into conformity with this Chapter to the extent practical given existing site conditions which may preclude positioning it in a location that conforms to this Chapter.
 - 4. At time of redevelopment. Under this chapter, a sign is intrinsically a part of the land use and activity of the property on which it is located. Therefore, no site plan for any property shall be approved unless it provides that all nonconforming signs as well as new signs are made to conform to the standards and provisions of this Chapter.

§6.8.12 Administrative Adjustments

- A. As provided for in Section §2.2.4 of this Ordinance, the Zoning Administrator may, upon application, administratively adjust the limitations for signs in specific instances. An adjustment of up to twenty percent (20%) to the limitation set forth in this chapter with respect to the following dimensional criteria is allowed:
 - 1. Height
 - 2. Distance of permitted projection
 - 3. Setback of sign and/or
 - 4. Distance from other zoning lots
- B. The Zoning Administrator may only approve an administrative adjustment upon establishing the following findings:

1. The adjustment is needed to resolve a practical difficulty with signing unique to the property.
 2. The adjustment is the smallest necessary to grant relief of the practical difficulty.
 3. The adjustment shall in all other ways comply with the purposes and requirements of this chapter.
- C. Procedures for applying for an administrative adjustment are set forth in §2.2.4 of this Ordinance.

§6.8.13 Violations

- A. Illegal signs. Any illegal sign, as defined in this chapter, is subject to the enforcement provisions of this Ordinance. No person shall install, place, or maintain an illegal sign and no person shall allow, or permit the installation, placement, or maintenance of an illegal sign in the Town of Thurmont.
- B. Removal of unlawful, temporary or portable signs.
1. The Zoning Inspector shall remove or cause the removal of a temporary or portable sign that is constructed, placed, or maintained on publicly owned property in violation of this chapter or other provisions of Town Code
 2. Upon written notification of a property owner that a temporary or portable sign is in violation of this chapter and failure of the owner to remove said sign or signs within a time specified by the Zoning Inspector, the Zoning Inspector shall remove or cause its removal.
 3. A sign removed by the Zoning Inspector in compliance with subsection B.1 or B.2, shall be stored for a period of 15 days from the date written notice of such storage is given. If not claimed within that period, the sign may be destroyed. Prior to the release of any stored sign, the owner shall pay a fee of \$50.00, or other amount as the Mayor and Town Commissioners, by resolution, may authorize, to defray a portion of the expenses of removing, storing, and handling the unlawful sign. More than one instance of infraction in any one year period will subject to the property owner and/or sign owner to penalties allowed by the enforcement provisions of this Ordinance.
 4. Notice of the storage of a sign to be given in compliance with Subsection B.3 may be given by first class mail or personal delivery to the apparent owner of the sign as ascertained from the sign itself or from other information obtained by the Zoning Inspector.
 - a. The notice shall briefly describe the sign and what is on its face, and shall state the sign has been stored by the Town and that it will be released to the owner, upon satisfactory proof of ownership and the payment of the fee, during a stated 15-day period.

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- b. The notice shall state where the owner may obtain the release of the sign and contain such other information as the Zoning Inspector deems necessary or helpful.
- c. Notice is deemed given on the date the notice, addressed to the apparent owner, with first class postage affixed thereto, is placed in a mail depository of the U.S. Postal Service or personally delivered to the owner or to the owner's office or home. If no apparent owner and/or no address of the apparent owner can be ascertained from the sign or other information obtained by the Zoning Inspector, no notice need be given in compliance with this subsection, but the sign shall be stored for at least 15 days from the date it is placed in storage before it may be destroyed.