



To: Westminster Sign Ordinance Review Committee

From: Andrew R. Gray, Comprehensive Planner

cc: Mark A. Depo, Director of Community Planning and Development

Meeting Date: January 4, 2022

Subject: Sign Code Re-Write: Sections 164-117 to 164-120 Review

BACKGROUND

According to sign industry literature, the formation of a sign committee is a common component of local government efforts in updating or drafting a new sign ordinance. As such, the Department of Community Planning and Development (DCPD) chose to form a Westminster Sign Ordinance Committee that would include a broad group of community stakeholders with a diverse background to provide insight and recommendations during the City's efforts to update the sign section of the Zoning Ordinance.

At its July 21, 2021 meeting, the Economic and Community Development Committee of the Mayor and Common Council endorsed the formation of the Committee.

The Committee was formed with the purpose to provide input and guidance in the formation of an updated City Sign Code and the expectation to provide valuable insight to City staff since each Committee member has their own local diverse knowledge of the City and diverse knowledge from their respective fields. The Committee held its introductory (first) meeting on September 14, 2021. [Attachment 1] The following outlines the Sign Code Re-Write Timeline, as well as the September 14, 2021 meeting.

Sign Code Re-Write Timeline (Subject to Change)

July, 2021 – August, 2021 (Complete)

- Establish the Sign Committee

September, 2021 (Complete)

- Hold initial Sign Committee meeting
 - Member introductions
 - Review and background of the current City Sign Ordinance
 - Review of Reed vs. Town of Gilbert (SCOTUS)
 - Discuss next Steps

October, 2021 – December, 2021 (In Process)

- Research sign ordinances
- Begin work on draft sign ordinance

January, 2022 – June, 2022

- Continue to meet with Committee
- Finalize draft sign Code
- Introduce draft sign Code to the Mayor and Common Council

Review:

DCPD Staff has completed an extensive literature review of both industry literature and local government sign ordinances that were adopted post Reed vs. Town of Gilbert, AZ. To help facilitate an easier review process, DCPD Staff has provided current City Sign Code Sections 164-117 to 164-120 and the draft text intended to replace these City Sign Code Sections. [Attachment 2]

Recommendation:

The Committee review and provide input on the draft text for Sign Code Sections 164-117 to 164-120.

ATTACHMENT

1. September 14, 2021 Committee Meeting Summary
2. Existing/Proposed City Sign Code Section 164-117 to 164-120



SIGN ORDINANCE REVIEW COMMITTEE MEETING SUMMARY

**Tuesday, September 14, 2021, at 6:00 PM
City Administrative Offices, 45 West Main Street
Community Meeting Room**

A meeting of the Westminster Sign Ordinance Review Committee was held in the Community Meeting Room, at the City Administrative Offices, on September 14, 2021, at 6 PM.

Committee Members Teresa Pickett, Mike McMullin, Dana Rogers, Patrick D'Anthony, Tyler Codd, Dean Camlin, and Christine Ameduri were present. City staff member Andrew Gray was also present.

The following members of the public were present: None

Mr. Gray opened the meeting at 6:00 PM.

Item A: Committee Member Introductions - Mr. Gray asked all Committee Members to provide a brief background about themselves.

Item B: Review of the Current City Sign Ordinance (Article XVII Signs) - Mr. Gray reviewed, in detail, the current City Sign Ordinance and what parts of the Ordinance are reviewed for applications in applicable zoning districts. He explained the Standards for Renovation Westminster and how they only apply to sign review in the Central Business Zone. He mentioned the current Application for Sign or Awning and answered questions from Committee Members. He also mentioned how he is proposing to incorporate diagrams into the new Code, so it is easier for people to understand.

Committee member Ameduri mentioned that the Committee should look at the City of Frederick, Columbia, and Ellicott City sign ordinances for examples. It was noted that the Committee should also look at regulating and enforcing flashing signs, bright signs, and the sign code in general.

Committee member Rogers inquired about how it appears the Sign Ordinance has been modified over the years and how new things have been added without looking at the Ordinance as a whole.

Committee member McMullin had questions about blade signs on Main Street.

Committee member D'Anthony had questions on how sign area is determined.

Committee member Camlin inquired about adding the Standards for Renovation Westminster sign

regulations into the ordinance, so everything is in one place and easier to understand. He also agreed that adding diagrams would be helpful.

Item C: Review of Reed vs. Town of Gilbert, 576 U.S. 155. (SCOTUS) – Mr. Gray provided a brief review of the United State Supreme Court Case of Reed vs. Town of Gilbert, AZ. He explained how this case requires all sign codes in the United State to be content neutral.

Mr. Gray mentioned that he would provide the Committee with a draft sign Code for review and discussion at their next meeting. He also mentioned that he would send the Committee the Calvert County, Maryland sign regulations that were adopted post Reed.

The meeting adjourned at 7:20 PM.

Update of the City Sign Code (Sections 164-117 to 164-120)

Current Ordinance	New Code
<p>164-117 - Purpose and Intent</p> <p>In addition to the purposes set forth in § 164-2 of this chapter, the purpose of the requirements set forth in this article which regulate the location, size, placement and certain features of signs is to enable the public to locate goods, services and facilities without difficulty, danger or confusion, to prevent wasteful use of natural resources in competition among businesses for attention, to prevent hazards to life and property and to assure the continued attractiveness of the City and the protection of property values.</p>	<p>164-117 Purpose and Intent</p> <p>A. The purpose and intent of the City of Westminster Sign Code (hereinafter referred to as the Sign Code) is to:</p> <ol style="list-style-type: none">(1) Balance the need to protect the public health, safety, and general welfare, with the need for a well maintained and attractive community while also providing for adequate identification, communication, and advertising.(2) Enabling the fair and consistent enforcement of the sign regulations contained within this Code without regulating the content of any sign.(3) Promote pedestrian and vehicular (public) safety by allowing the public to reasonably locate goods, services, facilities, and geographic areas without difficulty, danger, confusion, or harm;(4) Enhance the unique character of the city by maintaining and complementing the aesthetic, built, and natural environments;(5) Protect property values by preventing damage from signs, avoiding visual clutter, and ensuring compatibility with the surrounding land uses;(6) Preventing signs from becoming a public nuisance, create blight, or pose a hazard through unregulated construction, placement, and display;(7) Create an attractive business climate that fosters economic vitality and sustainability;

	<p>(8) If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this code is declared invalid, such invalidly shall not affect the validity or enforceability of the remaining portions of the code.</p>
<p>164-118 Compliance Required</p> <p>No sign may be erected in any zone, nor a permit issued therefor, unless such sign is specifically permitted by this article and complies with all of the requirements of this chapter.</p>	<p>164-118 Compliance Required</p> <p>Any sign which is structurally altered, relocated, replaced shall be brought immediately into compliance with all provisions of this Code.</p>
<p>164-119 General Regulations</p> <p>In furtherance of the purpose and intent of this article as set forth in § 164-117, the following general requirements shall be applicable to all signs except those erected by a governmental agency:</p> <p>A. No sign shall be erected which obstructs any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any building or structure or which otherwise endangers the safety of a building, premises or person.</p> <p>B. No sign shall be erected which, by reason of its position, size, shape or color, may interfere with, obstruct the view of or be confused with any traffic sign, signal or device or railroad sign or signal or which makes use of any word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.</p> <p>C. No sign which uses the word "stop" or "danger" or which presents or implies the need or requirement of stopping or the existence of danger shall be displayed.</p>	<p>164-119 General Regulations</p> <p>A. No sign shall be erected which obstructs any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress, or egress for any building or structure or which otherwise endangers the safety of a building, premises, or person.</p> <p>B. Materials employed for construction of signs shall be durable and weather resistant, and all signs shall be maintained in good repair.</p> <p>C. No sign shall be the same size, location, movement, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hides from view any traffic, street sign, or signal;</p> <p>D. No lighting of signs shall be permitted which is of flashing, blinking, fluctuating, intermittent, rotating, or other animated type, or which would tend to blind or distract motorists, or which would shine directly onto any residential dwelling, except electric signs as permitted pursuant to this Code;</p>

D. No sign shall be erected which utilizes rotating, blinking, flashing or fluttering illumination or illumination which varies in color or intensity.

[Amended 9-28-2015 by Ord. No. 860^[1]]

^[1]*Editor's Note: This ordinance provided that it would be effective retroactively to 2-23-2012, except to the extent that it would impair a vested right of a property owner.*

E. Variable electronic message signs (VEMS) are allowed as permitted under § [164-121](#).

^[2]

Editor's Note: This ordinance also provided for the redesignation of former Subsections E through I as Subsections F through J, respectively, and further provided that it would be effective retroactively to 2-23-2012, except to the extent that it would impair a vested right of a property owner.

F. No sign shall be erected by or placed by any person on any public property or right-of-way, including sidewalks.

G. No sign shall be erected in such a location as to interfere with pedestrian or vehicular circulation onto or off of the property on which it is located.

H. No motor vehicle shall be parked in any zone under circumstances reasonably indicating an intent to make principal use of such motor vehicle as a sign for any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise or industry.

I. No sign shall be permitted which contains statements, words or pictures of an obscene, indecent or immoral character or such as will offend public morals or decency.

E. No sign shall contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices or signs which may move or swing as a result of wind pressure. These devices when not part of any sign are similarly prohibited, unless they are permitted specifically by other legislation;

F. No sign shall be erected by or placed by any person on any public property or right-of-way, including sidewalks, unless permitted.

G. No sign shall be erected in such a location as to interfere with pedestrian or vehicular circulation onto or off of the property on which it is located including blocking the clear site triangle as defined in the most up-to-date *Intersection Safety: A Manual to Local Rural Road Owners, Section 3.3.1 Sight Distance*. (Federal Highway Administration)

H. No motor vehicle shall be parked in any zone under circumstances reasonably indicating an intent to make principal use of such motor vehicle as a sign for anyone or anything.

I. No sign shall be placed on rocks, trees, or on poles maintained by public utilities or on any public property unless specifically granted by the governing body.

J. No sign may be located in a public easement

K. No such sign shall project over or into any street right-of-way or project above the parapet wall or roofline.

L. Signs shall be maintained in good condition. The Zoning Administrator may order the removal of any sign, sign

<p><u>J.</u> No sign shall be placed on rocks, trees or on poles maintained by public utilities.</p>	<p>structure, or awning that is not maintained in accordance with this Code.</p> <p>M. No sign shall be permitted which becomes unsafe or endangers the safety of a building, premises or person. The Zoning Administrator (or their representative) is authorized to order such signs to be made safe or be removed. Such order shall be complied with within five business days of the receipt of such order.</p> <p>N. Signs shall not cover any architectural details such as, but not limited to, arches, sills, moldings, cornices, and transom windows.</p> <p>O. A sign must not overlap, block, nor interfere with the ability to see any other permitted sign.</p> <p>P. All lighting and electrical elements such as wires, conduit, junction boxes, transformers, ballasts, switches, and panel boxes shall be concealed from view.</p> <p>Q. Where a lot fronts on more than one street, only the square footage computed for each street frontage shall face that street.</p> <p>A. Temporary A and T Frame signs must receive a permit from the City Department of Public Works (DPW) and must follow DPW regulations for such signs.</p>
<p>164-120 Signs not requiring permits</p> <p>The following signs are permitted without a permit in any zone, provided that the following conditions are adhered to:</p>	<p>164-120 Signs Not Requiring Permits</p> <p>A. Traffic control devices on private or public property that must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in the State of</p>

A. Signs indicating the name and/or premises or accessory use of a home for a home occupation, its residents or professional purposes, not exceeding one square foot in area.

B. Signs, not exceeding 30 square feet, on a farm advertising farm products primarily grown on the premises, provided that they are located off the highway right-of-way and do not interfere with traffic visibility.

C. Any directional or informational or historic marker of a public or quasi-public nature, such as those containing the meeting date of a community or civic club, the advertising of an event of public interest or noncommercial information for the convenience of the traveling public.

D. Temporary real estate signs, not exceeding eight square feet and located on and advertising the subject property for sale or lease.

E. Freestanding signs or signs attached to fences no larger than two square feet warning the public against trespassing, dangerous animals or the like.

F. Seasonal displays and decorations not advertising a product, service or entertainment.

G. Building contractors' and professional persons' temporary signs on buildings or subdivisions under construction, limited to a total area for all such signs on said buildings or subdivisions of 150 square feet during the period of construction.

H. Temporary signs, not exceeding 30 square feet in area, announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization. Such signs may not be posted more than one

Maryland and if not adopted by the State of Maryland with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration.

B. Where a federal, state, or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on their property or to safely move vehicles throughout the property. Traffic Control

C. Each property owner must mark their property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street. Such markings must be located on the principal building or the mailbox. However, in cases where the principal building is not located within view of the public street, the identifier shall be located on the mailbox.

D. A flag that has been adopted by any government may be displayed as provided under the law that adopts or regulates its use.

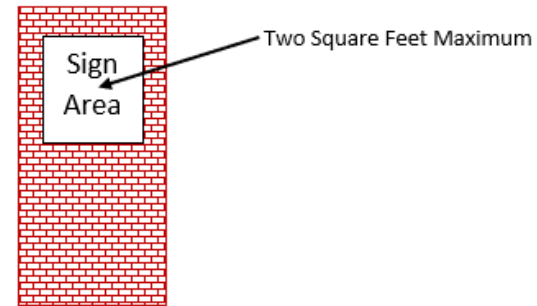
E. If only the advertising (content) of the sign changes.

F. Wording on gravestones, tombs, and other types of internments at a burial ground.

G. Directional devise not exceeding two (2) square feet in area.

month before and may not be displayed beyond seven days after such campaign, drive or event.

I. Political campaign signs. Signs announcing candidates seeking public political office and other data pertinent thereto shall be permitted up to a total area of nine square feet for each premises in a residential zone and 32 square feet in a commercial or industrial zone. The signs shall be confined within private property and shall not be less than 15 feet or the back edge of the sidewalk, whichever is greater, and 100 feet from the nearest curb intersection of any street or road.



H. Temporary Signs provided that:

- (1.) Temporary Sign(s) must be located so that they do not impede the flow of, nor constitute a safety hazard to, motorists, bicyclists, and pedestrians; do not impede nor be a danger to public safety.
- (2.) Temporary Signs can be externally or internally illuminated; however, all light must shine directly on the sign and no light may spillover off the sign face. No internally illuminated sign may produce more than ?? Foot-candles of brightness from ?? feet from the sign. No light can radiate off such internally lit sign and spill over any property line.
- (3.) Each property is allowed one temporary sign no greater than six (6) feet in area located on any public sidewalk. Such temporary sign must obtain a "Sidewalk Use Permit" issued by City DPW.

(4.) Temporary signs shall not be attached, in any way, to any utility poles, utility cabinets, streetlights, fire hydrants, trees, traffic enforcement devices, traffic control devices, and any infrastructure owned by a governmental agency or public utility;

(5.) One temporary sign is allowed on each property not to exceed six (6) square feet.

(6.) One temporary sign not to exceed 32 square feet on property that is being offered for sale given the following:

[1.] Such property is being offered for sale through a licensed real estate agent;

[2.] If not offered for sale through a real estate agent, when that property is offered for sale through advertising in a local newspaper of general circulation; and

[3.] For a period of 15 days following the date on which a contract of sale has been executed by a person purchasing the property.

(7.) One temporary sign, not to exceed 32 square feet, may be located on the owner's property on a day when the property owner is opening the property to the public. Such sign is only permitted ten days per year.

(8.) Ten temporary signs, not to exceed six (6) feet in area, may be located on a property during the 31-day period from December 1 to January 1;

(9.) Five temporary signs, not to exceed six (6) feet in area, may be located on a property during the 10-day period from June 25 to July 5;

(10.) One temporary sign may be located on the owner's property for a period of thirty (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.