

TOWN OF LAYTONSVILLE, MARYLAND

**Adopted November 4, 1980
Re-adopted with amendments January 7, 1986
Re-adopted with amendments September 5, 2006**

Sign Ordinance

Section 128. SIGNS

Sec. 128.01 Statement of Purpose

The purpose of this ordinance is to create the legal framework for a comprehensive and balanced system of street signs that will preserve the right of free speech and expression, provide an easy and pleasant communication between people and their environment, and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. With these purposes in mind, it is the intent of this ordinance to authorize the use of signs that are:

1. Compatible with their surroundings;
2. Appropriate to the activity that displays them;
3. Expressive of the identity of individual activities and the community as a whole;
and
4. Legible in the circumstances in which they are seen.

Sec. 128.02 Definitions.

- (a) *Above-roof sign:* A street sign displayed over the peak or parapet of a building.
- (b) *Area:* The “area” of a sign shall include the entire face of the sign including the frame or border thereof, but not the frame or border if the frame or border is completely plain, is not lit, and does not depict or display any figure, lettering, or any part of the message of the sign. Each face of a sign which meets the aforesaid definition of a “sign” in this ordinance shall be considered a separate sign for the purpose of computing allowable area.
- (c) *Banner:* A sign composed of a logo or design on a lightweight material either enclosed or not enclosed in a rigid frame and secured or mounted to allow motion caused by the atmosphere.
- (d) *Building:* A structure having a roof supported by columns or walls.
- (e) *Directional sign:* A street sign at the exit or entrance of premises that has two or more driveways.
- (f) *Facade:* The side of a building below the eaves.
- (g) *Freestanding Sign:* A sign attached to the ground and not to a building.
- (h) *Height:* The vertical distance measured from grade at the base of the sign to the highest point of the sign or its enclosed frame.
- (i) *Monument sign:* A ground sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole.
- (j) *Nonconforming sign:* A sign that was lawfully constructed or installed prior to the adoption or amendment of this ordinance and was in compliance with all of the provisions of this ordinance then in effect, but which does not presently comply with the ordinance.
- (k) *Premises:* Includes buildings and structures and the property where such are located.
- (l) *Projecting sign:* A street sign attached to and projecting from the wall of a building and not in the same plane as the wall.
- (m) *Real estate sign:* A sign advertising the sale or lease of real property or improvements thereon.
- (n) *Roof sign:* A sign painted on or attached to the roof of a structure.
- (o) *Sign:* Any outdoor advertising sign, light, display, device, figure, painting, drawing, message, lettering, placard, poster, billboard, or other device visible from the outdoors which is designed, intended, or used to inform or advertise. Vending machines advertising a product are considered signs within this definition. Temporary labels and tags, affixed to a product with the intent to identify the type of product or price of the product, are not considered a “sign”.
- (p) *Sign Area:* The surface measurement of a sign. If the sign has two faces that are parallel (not more than two (2) feet apart), each face shall be considered a separate sign area unless expressed otherwise in these regulations.
- (q) *Structure:* Anything built that requires a permanent location. This term includes a building.

- (r) *Temporary Sign:* A sign displayed or normally intended to be displayed for a limited period of time.
- (s) *Temporary real estate signs:* Directional signs on approach routes to a premises advertising the sale or lease of the premises.
- (t) *Traffic sign/signal:* A sign/signal under the control of the town, county or state which regulates the conduct of vehicles, bicycles or pedestrians.
- (u) *Town:* Town of Laytonsville, Maryland.
- (v) *Wall sign:* A sign painted on or attached to a wall of a structure and in the same plane as the wall.
- (w) *Window sign:* A street sign applied, painted or affixed to or in the window of a building. A window sign may be temporary or permanent.
- (x) *Zone:* The word “zone” refers to the zones existing, from time to time, under the Zoning Ordinance of the Town of Laytonsville.

Sec. 128.03 Prohibitions. The following signs are prohibited and not permitted in any zone:

- (a) Pennants, pinwheels, hot air balloons and air propelled devices which advertise a product or service, and similar circus or carnival type attractors.
- (b) Any device which resembles by color, shape or wording an official traffic sign, traffic signal or device, or which may confuse or mislead pedestrians or vehicle operators or obstruct the view in any direction at the intersection of a street with another street or driveway.
- (c) Any flashing, blinking, moving, or intermittent lighting of a sign is prohibited.
- (d) Lights with excessive glare and lights which glare on other premises, property or public roads is prohibited
- (e) Any sign which obstructs or interferes with a motorist’s or a pedestrian’s view of approaching, merging, or intersecting traffic.
- (f) Any sign which obstructs or interferes with a motorist’s or pedestrian’s view of a traffic sign, directional sign, or traffic signal.
- (g) No sign shall be permitted on a utility pole, tree, rock, or any natural feature.
- (h) Signs in the shape or form of any person, animal, vegetable, commodity, product, or a portion of any of the fore-going, are prohibited.
- (i) No sign shall obstruct or interfere with any door, fire escape, stairway, driveway, or any other means of ingress or egress to any property or building.
- (j) Except for street banners specifically approved by the Mayor and two Council members as provided in sec. 128.04e hereof, signs not attached to a building shall not exceed 15 feet in height measured from the finished grade of the property at the base of the sign.
- (k) The lowest point of any sign above an area of pedestrian traffic shall be not less than 8 feet above the finished grade below the sign. The lowest point of any sign

which extends over an area intended for vehicular use shall not be less than fourteen (14) feet above the finished grades below the sign. No sign, except for street banners specially approved by the Mayor and two Council members as provided in sec. 128.04e hereof, shall be erected or maintained above the area of vehicular traffic.

- (l) No sign shall be permitted within a public right-of-way, except signs erected by a public agency, utility company or except as otherwise specifically permitted herein.
- (m) No sign shall advertise or refer to a business, service, commodity, or thing other than one sold, provided or available on the premises on which the sign is located, except as otherwise specifically permitted herein.
- (n) No sign shall advertise the sale or lease of premises other than the premises on which the sign is located, except as otherwise specifically permitted herein.
- (o) No sign shall advertise or refer to any business, business establishment, institution or organization, other than that located or provided on the premises on which the sign is located, except as otherwise specifically permitted herein.
- (p) Signs advertising or promoting a business, business establishment, organization, or property for sale or lease which is not located within the Town of Laytonsville is prohibited unless otherwise specifically permitted in this Ordinance.
- (q) Flexible signs are prohibited, except for banners specifically approved by the Mayor and Town Council members as provided in Sec. 128.04e hereof: provided that nothing in this Ordinance shall prohibit display of the flag of the United States, or any of its agencies, the flag of Maryland or any of its subdivisions, the flag of any other government, or the flag of any charitable, religious, civic, or service organization. Banners shall be composed of fabric or plastic material, shall be safely secured and shall be temporary in nature. No more than one banner may be hung from a single building or structure at any time and may be hung a maximum of twice per calendar year for a maximum of a thirty (30) day period.
- (r) No sign shall contain statements, words, or pictures of an obscene, indecent, or immoral character such as will offend public morals or decency.
- (s) A sign placed on any motor vehicle or trailer or other movable device that reasonably indicates intent to make the principle use of such vehicle, trailer or device as a sign is prohibited.
- (t) Portable or moveable signs which are not firmly attached to a structure are prohibited.
- (u) Any and all signs which are not expressly permitted by one or more provisions of this Ordinance are prohibited.

Sec. 128.04 Signs Permitted in all zones The following signs shall be permitted in any and all zones. The following signs are not restricted by size and number limitations imposed in other sections of this Ordinance.

(a) Real estate signs.

1. One temporary real estate sign advertising sales or leasing information not exceeding twenty four (24) square feet in area and located on the property to which it relates shall be allowed for each tract two (2) acres or more in area. If the tract has frontage on more than one improved public street, one additional sign not exceeding twenty four (24) square feet in area shall be allowed on the property to be placed facing the additional frontage. Under no circumstances shall more than two (2) such signs be permitted on the property. Any such sign shall be removed within seven (7) days of the completion of the sale of leasing of the building or property.

2. One temporary real estate sign not exceeding twelve (12) square feet and located on the property to which it relates shall be allowed for each tract less than two (2) acres in area. For individual lots, one temporary real estate sign, not to exceed six (6) square feet, shall be allowed and must be placed on the property to which it relates. Any such sign shall be removed within (7) days of the completion of the sale or leasing of the property.

3. Temporary real estate directional signs not exceeding (3) square feet in area and a maximum of four (4) in number showing a directional arrow and placed back of the front property line shall be permitted on approach routes to a house which is for sale and open for inspection. The height of such signs shall not exceed three (3) feet. Such directional signs announcing such an open house may be placed in the public right-of-way on weekends between the hours of noon Saturday and sundown on the following Monday; provided that where, in the opinion of a police officer, signs so placed constitute a hazard to traffic, the police officer or other authorized personnel of the town may remove such signs. Such signs may be located in a public right-of-way but shall not impede nor be a danger to public safety. Such signs shall not be placed in median strips. The removal of these signs shall be the responsibility of the owner thereof, which shall be presumed to be the company or person identified on the sign. The town may seek recovery of costs for removal of such signs and any court of competent jurisdiction may award reasonable costs to the Town.

4. One temporary residential subdivision identification sign for each development of ten (10) lots or more and one temporary identification sign announcing the opening of any commercial, industrial or multifamily residential project, not exceeding thirty (30) square feet in area and located on the property which contains the project, shall be allowed and shall be removed within thirty (30) days of the sale or lease of the last unit in the project.

(b) Temporary signs.

1. Temporary signs, excluding street banners, announcing any special event or function not exceeding thirty (30) consecutive days for each event to be sponsored by a public, charitable, civic, educational or religious organization may be located on the lot or parcel on which the event or function is to take place, and must be set back no less than (10) feet from the property line and placed so as not to impair safe sight distance. Such a sign shall be erected no more than fourteen (14) days prior to the event or function and must be removed within seven (7) days after the end of the event or function. The height of all such signs shall not exceed ten (10) feet and twenty-four (24) square feet in area.

2. All other temporary signs (excluding street banners regulated pursuant to Section 128.03 & 128.04 announcing any special event or function not exceeding twice per calendar year for all such events and functions and not exceeding thirty (30) consecutive days on each occasion, sponsored by any commercial or industrial organization located in the Town), may be located on the property where the event is to take place. Such a sign shall be erected no more than fourteen (14) days prior to the event and must be removed within seven (7) days after the event. The height of all such signs shall not exceed ten (10) feet and twenty-four (24) square feet in area.

(c) Public signs. Signs of a noncommercial nature and in the public interest such as directional signs, regulatory signs, warning signs and informational signs may be erected by or on the order of, the Mayor or the Mayor's designee.

(d) Permanent identification signs. On site signs of a permanent nature, setting forth the name of a church, school, community, development, community center or other like projects, shall be permitted. Such signs may be freestanding or may be attached to a building wall or a decorative wall; provided, however, where such sign is a part of a decorative wall, only the message area shall be calculated toward the total signage permitted. Any such sign shall not impair sight distance to safe egress from the property and shall not exceed twenty-four (24) square feet in area; provided, however, that the Town Planning Commission may approve such an identification sign in excess of twenty-four (24) square feet in area upon a finding that the proposed sign, by nature of its purpose and location, and the nature of the project it identifies justifies such larger area, and that such larger sign will not affect the health, safety and welfare of the general public, nor be a hazard to traffic, vehicular or pedestrian, or adversely affect visual compatibility in the immediate environments. All permanent identification signs shall be compatible in appearance and design with the surrounding landscape or buildings to which they may be affixed.

(e) Street banners. Street banners advertising an event or entertainment to which the public is invited may be displayed for 14 days prior to, during, and 7 days after the event, if they are specifically approved by the Mayor and two Council members and then only in locations designated by the Mayor and two Council members.

(f) Governmental, religious, charitable, civic, and, service organizations may maintain signs on property other than their own property, provided that the sign of such organization shall not exceed 6 square feet; provided further, that no such organization shall maintain signs (on property other than their own) in more than four separate locations in the Town. All such signs at any one location shall be consolidated and confined to within a single frame, and no part of such sign which is free-standing shall exceed a height of 8 feet.

(g) A community bulletin board may be maintained on property other than the sponsor's provided that the bulletin board is of an informative nature with messages changed periodically. It may be free-standing or attached to a building. The bulletin board or sign may have one face or two faces, but not more than 24 square feet of area for each face.

(h) Integral part of structure. Names of buildings, dates of erection, monumental citations, commemorative tablets and the like shall be permitted, if carved into stone, concrete, or similar material, or they are made of bronze, aluminum or other durable metal and are an integral part of the structure.

(i) Election campaign signs. Signs relating to primary and general elections, and the candidates therein, are permitted provided they do not exceed an area of 9 square feet in a residential zone, and 24 square feet in a commercial zone and are located within private property not less than fifteen (15) feet from the edges of any street pavement. All such signs may be displayed thirty (30) days prior to such elections and shall be removed within 7 days after the election to which they relate. Those candidates who won a primary election or who ran unopposed in the primary election may continue to display their signs until seven (7) days after the general election.

(j) Construction signs. One sign shall be permitted for all building contractors, another for all professional firms, and another for all lending institutions involved in the construction, enlargement, reconstruction, or repair of any structure. Each such sign shall not exceed 24 square feet in area, and not more than a total of 3 such signs shall be permitted on any one site. All such signs shall be removed within 14 days after initial occupancy of the structure.

Sec. 128.05 Signs in Commercial, Commercial Historic and Agricultural Zones. The following regulations shall apply to all properties in the C-Commercial Zone, CH-Commercial Historic Zone and Agricultural Zone of the Town:

(a) Signs on Improved Property. The total area of all signs on improved property, whether the same are attached to a building or are free-standing, shall not exceed two square feet for each linear foot, measured horizontally, of the face of the building(s) on the premises, which ratio is hereinafter referred as the "2 to 1 ratio". Signs may be placed on more than one face of the building, except as provided in Section 128.05b below, in which

event said ratio shall apply to each face and be computed separately for each face. Not more than one free-standing sign for each street on which the property abuts shall be allowed and, as provided above, the area of free-standing signs shall be included in the computation of the 2 to 1 ratio.

(b) Free-Standing Signs.

1. Where a building does not cover the entire area of a parcel, signs may be free-standing or ground supported. The area of each sign shall be determined as part of the sign area allowed for building frontage under section 128.05a above. One such sign may be allowed for each road upon which the property fronts. If the sign is free-standing or ground supported and the parcel on which the sign is located has a frontage of less than 125 linear feet, the top of the sign shall not extend more than ten (10) feet in height measured from the finished grade of the property at the base of the sign. If the parcel on which the sign is located has a frontage of 125 linear feet or more, the top of the sign shall not extend more than fifteen (15) feet in height. No part of the sign shall extend beyond the property line.

2. For a single business or multiple businesses on a parcel with frontage of less than 125 linear feet, the total area for all free-standing signs shall not exceed 48 square feet.

3. For a single business or multiple businesses on a parcel with frontage of 125 linear feet or more, but less than 350 linear feet, the total area for all free-standing signs shall not exceed 100 square feet.

4. For a single business or multiple businesses on a parcel with frontage of 350 linear feet or more, the total area for all free-standing signs shall not exceed 200 square feet.

(c) Wall Signs. Signs may be located on any wall of a building except a wall facing and abutting residentially improved property. No sign or any part thereof including its supporting structure shall cover a window or any part of a window.

(d) Projecting Signs. No sign or any part thereof including its supporting structure shall project more than forty-two (42) inches from the wall of the building to which it is attached, nor shall any such sign or any part thereof including its supporting structure be within two (2) feet of the vertical plane of any curb line, or less than ten (10) feet from the ground directly beneath it.

(e) Roof Signs; Above-Roof Signs. No sign shall be erected or maintained on the roof of a building, nor shall any sign or any part thereof including its supporting structure extend above the coping, cornice, or eaves of a building, or above the vertical wall supporting the roof of the building.

(f) Signs on Unimproved Property. Sign(s) on lots or parcels unimproved by buildings or similar structures shall not exceed 24 square feet in area when the tract on which the sign(s) are located exceeds two acres, and shall not exceed an area of 6 square feet when the tract is two acres or less. If the tract has frontage on more than one road, one sign (of 24 square feet or less or 6 square feet or less) may be allowed facing each road.

(g) Window Signs. Signs on the interior or exterior of windows are permitted provided that no sign or signs on a window shall cover more than 25% of the area of each window; provided further that this section shall not apply to window signs advertising events or activities of charitable, civic or religious organizations.

Sec. 128.06 Signs on property in the R1, R2, R3 and RH Zones.

(a) The area of all signs on premises classified in any of these zones advertising a special exception use located on the premises shall not exceed 12 square feet.

(b) Signs on the property of a governmental agency or on property of a religious, charitable, civic, or service organization may be free-standing or attached to the building, provided that not more than two signs, or two faces of one sign, shall be allowed, and each sign or face thereof shall not exceed 24 square feet in area.

Sec. 128.07 Nonconforming signs. All signs lawfully erected and in existence on the adoption of this Ordinance and not conforming to the terms and provisions hereof shall be removed, modified, or altered to comply with this Ordinance no later than three (3) years from the date on which it becomes nonconforming, and if not removed, modified, or altered, shall thereafter be deemed to be in violation of this Ordinance.

Sec. 128.08 Permits; authorization; removal; abandonment and maintenance.

(a) The Mayor and Town Council may adopt by resolution any requirements and procedures for the issuance of permits for any class of signs or signage which shall be enforceable by the penalties and proceedings stated elsewhere in this ordinance for violations generally. The denial, suspension, or revocation of any permit, or a violation notice, may be subject to appeal to the Town Board of Appeals if noted within thirty (30) days of the date of said action and thereafter to the Circuit Court for Montgomery County and the Appellate Courts of Maryland.

(b) No sign may be erected without the consent of the owner or his authorized representative of the property upon which such sign has been or is to be erected.

(c) All signs may only be erected and maintained which conform to applicable building and other relevant codes of the Town and in conformance with the Zoning Ordinance of the Town.

(d) Signs shall be deemed abandoned and subject to an order to remove the sign directed to the sign permittee or owner of the sign by the Mayor or his designee if:

1. Maintained on the property in excess of thirty (30) days after expiration of any time period stated in the Ordinance for removal of such sign; or
2. Where the condition of the sign due to breakage, discoloration or lack of material components evidences abandonment; or
3. The content or sign message of an on-site sign bears no relation to the business or activity conducted on-site.

The mayor or his designee is authorized to remove said sign if there is noncompliance with an order to remove and the permittee or owner of the sign shall be liable to the Town for all costs of removal.

(e) All signs and components thereof shall be maintained in good appearance, repair and condition by the owner of the sign or the owner of the property on which the sign is located against breakage, material discoloration and defects in or omission of material components. Signs may be declared unsafe by the Mayor or his designee and subject to removal as provided in subsection (d) of this section if, due to structural or component defects, location or operation, they constitute a danger to the health, safety and welfare of the general public or occupants or visitors to the property upon which said sign is located.

Sec. 128.09 Violations; Enforcement. Violations of this Ordinance shall be enforced consistent with the provisions of Sections 132 and 133 of the Town Zoning Ordinance. In addition, when enforcement is sought through Section 133 of the Zoning Ordinance, the Mayor and Council of Laytonsville may request a court of competent jurisdiction to issue injunctions, restraining orders or other appropriate forms of relief and such court shall have the authority and jurisdiction to grant such relief.

Sec. 128.10 Enforcement Proceedings. Proceedings to enforce the provisions of this Ordinance or to prevent or terminate violations thereof may be instituted against any one or more of the following: The owner of the sign, the party who installed or erected the sign, the person who maintains the sign, or the owner or occupant of the premises on which the sign is located.

Sec. 128.11 Exceptions. This Ordinance shall not apply to any sign erected or maintained by a federal, state, county, or town government. Nor shall it apply to any sign required by federal, state, county, or town law or any ordinance, rule, or regulation enacted pursuant thereto.

Sec. 128.12 Sign variances. The Town Board of Appeals is authorized to grant variances to the height and location requirements of the sign regulations contained in this section when the strict application of these regulations would result in peculiar and unusual practical difficulties to, or exceptional or undue hardships upon, the owner of the property or owner of such sign; provided, that such variance can be granted without substantial impairment of the intent, purpose and integrity of the regulations of this Ordinance and of the adopted and approved Town master plan. This provision shall not permit the board to grant a variance allowing any prohibited sign or to grant a variance to the height of a sign which would exceed fifteen (15) feet in height above the grade at the base of the sign.

Sec. 128.13 Severability. The invalidation of any section, subsection, clause, or phrase of this Ordinance by any court of competent jurisdiction shall not affect the validity of the remaining portions of the Ordinance.

Adopted November 4, 1980

Re-adopted with amendments January 7, 1986

Re-Adopted with amendments September 5, 2006