

Deep Creek Watershed Sign Committee Minutes

February 13, 2019

I. Call to order

II. Attendance

The following members were present: Rob Michael, Jonathan Kessler, Jim Lascaris, Karen Myers, Karen Petrie, Nicole Christian, Robin Douglas (towns) and Bill Ingram.

The following subject matter experts were present: Mike Getty (law)

The following staff from the Garrett County Department of Planning & Land Management were present: Deborah Carpenter and Bruce Metz

III. New Business

Sign Types

Kessler explained the link between the table and the list of definitions. Any term within a definition that he feels needed clarification got added to the definition list. He noted that we still need to discuss enforcement and the creation of a guidebook. The purpose of the guidebook is to make a more understandable graphic version of the regulations.

Kessler asked if the group felt ready to approve the first column of the chart – sign types. A motion and second was placed on the floor. During discussion Myers stated that she felt the on-premise sign definition was too wordy. Concerns were also broached about business vs residential standards within commercial and residential districts. Getty suggested condensing some of these definitions – leaving out the words land and business.

Christian was concerned that all the sign types that exist be represented by the list of sign types recommended. The group believed it did, but decided that in depth discussion of the details are likely to reveal anything missing.

It was decided that the list would be approved pending Getty's review and edits.

Sign Terminology

Kessler stated that most definitions on the Sign Terminology sheet also exists on the chart, which the group had just approved pending Getty's edits. Therefore the group only discussed items not on the chart.

Illegal sign – Getty expressed some hesitancy about the definition. Christian asked if it was necessary to have at all. Getty stated that ordinarily it would be defined as “any sign not in conformance with this ordinance”.

Illegal Off-Premise Sign – Getty said it’s illegal regardless of whether it is off or on premise. We could delete this definition. The group agreed.

Grandfathered Sign – Getty suggested changing it to “Any sign existing prior to 1975 and any sign issued a permit prior to the effective date of this sign ordinance”. The group voted to accept it.

Centerline of Roadway Elevation – Carpenter asked for clarification on who determines the elevation of centerline of roadway. A licensed surveyor is needed to determine that, so are we asking the applicant to get a survey in order to get a sign permit? The answer is yes. Kessler stated that it is not a hard measurement. Getty suggested a couple edits.

Banner/Blade/Flag – Getty suggested eliminating the word brand and replacing it with messages. Discussion ensued about whether a flag, banner or blade that is nothing more than a color that matches a brand would still be considered a sign. Kessler explained that he listed banner, blade and flag separately in the definition section because, although the definitions will be the same, the standards are likely to be different.

Pole - Getty suggested including the term post within the definition and suggested a minor change to that effect. Suggested language: “Any vertical pole, post or mast owned by the applicant.”

Freestanding sign - The definition specifically highlights the fact that if the sign is attached to the earth it is a sign and subject to regulation. For example, if someone puts a sign on a registered trailer, it is a registered, movable vehicle and not regulated. However, if the trailer has outriggers to attach it to the ground it becomes a free standing sign.

Outdoor Advertising Sign - The group decided to use the first of the three options for this definition, however Getty will need to edit to ensure consistent terms are used throughout.

Off Premise Directional Sign - Getty questioned that statement in the definition that specified “farther than 50 feet”. Metz stated it was to accommodate businesses that did not have road frontage. Getty suggested changing it to “more than 50 feet”.

Device Visible from a Public Place - The purpose behind this definition is to not regulate signs whose purpose is solely directional within the property and not visible from a public right of way or neighboring property. Christian questioned whether using a term like “readable” would violate the terms of Reed v. Town of Gilbert. Carpenter suggested that it may be able to be placed in General Regulations as signs that are not regulated by this ordinance. Getty said “visibility” is linked to whether or not it can be seen. Kessler said it would be nice to have written standard for that and a recourse if a business owner does not think the sign is visible but someone else does. Getty suggested that it should be said that “a sign is visible when it can be seen from a public place.” The definition of sign mandates that it conveys a message.

Principle Location of a Permitted Public Place - The purpose of this definition is to convey that not just businesses would be allowed signs but that places like churches and other organization would also be included. Carpenter requested clarification on whether residential owners would be allowed to have signs under this definition. If the definition refers to licensed businesses, then by omission are residential signs prohibited? Getty asked if there could be a sign in a residential area not of a commercial nature under the proposed definitions (ie. a John 3:16 sign). By omission it would seem that it would not be allowed. It was decided that some provision would need to be made for that type of signage. The discussion was tabled for a future meeting.

Roadway Entrance - Getty questioned using the word applicant. He suggested “any access point inviting vehicular traffic from a public road to access property for a commercial use.”

Sign Standards

On Premise in Commercial Zones - Current height allowed is 20 feet and setback is either 10 feet or 0 if you are in the Town Center district. Kessler proposes a new height of 10 feet higher than the centerline of the roadway elevation as a bonus height. Current sign area is at 100 square feet but 125 square feet if it is a non-backlit wooden sign. Kessler believes there are a lot of businesses breaking that rule, and therefore it is in need of adjustment. He suggests 125 square feet with a bonus to 150 square feet. The bonus could take into account lighting of the sign, whether by front or back lighting or LED.

Maximum signs per parcel: 1 per 1000 feet of road frontage. Kessler suggests allowing illumination for these types of signs. Kessler would like to see the group consider not tying number of signs to road frontage as it limits commercial developments with multiple tenants. Discussion also ensued about the possibility of raising the maximum sign height from 20 feet to 25 feet. Getty suggested getting advice from Mike Kenney on industry standards. Illumination is suggested to be permitted for On Premise signs in Commercial Zones.

On Premise in Residential Zones - Carpenter explained that there is a diversity of sign area regulations for this category currently. 20 square feet is allowed for advertising of agricultural products, 12 square feet for churches, schools or hospitals, 10 square feet for an identification sign for an agricultural use and 2 square feet for everything else. It was suggested that the size of signs in a residential area could be based on the size of the land. In that way, agricultural ventures that have more land will be able to have larger signs. Kessler asked that by the next meeting staff ensure the existing sign standards are clearly designated within the chart.

On Premise Building Signs - Petrie requested that if a building is granted a variance to be taller, an on premise building sign placed on the roof shouldn't be allowed to extend 3 feet higher as is currently allowed. Kessler would like to eliminate the 10% of building face area calculation and establish a square footage allowed. Carpenter suggested keeping the 10% rule but eliminating the maximum area of 100 square feet. Kessler wondered if perhaps the roof should be considered

within the calculation for building face. Metz noted that if you eliminate the maximum adding the roof will be less important.

Getty noted that he would work on a definition for the term 'temporary' for the next meeting.

IV. Next Meeting – February 25, 2019

V. Adjournment

Minutes respectfully submitted by: Deborah Carpenter