

ORDINANCE NO. 594

INTRODUCED BY: Councilman Clendaniel

AN ORDINANCE OF THE TOWN OF DENTON AMENDING THE ZONING ORDINANCE PROVISIONS CONTAINED IN CHAPTER 128 OF THE DENTON TOWN CODE WITH RESPECT TO SIGNS

WHEREAS, the Town of Denton is authorized by the Maryland Annotated Code Article 66B, § 4.01 to enact a comprehensive zoning ordinance; and

WHEREAS, the Town of Denton has enacted such a Zoning Ordinance which is Chapter 128 of the Denton Town Code; and

WHEREAS, the Town of Denton wishes to modify the provisions regarding signs; and

WHEREAS, the Planning Commission, Historic and Architectural Review Commission, Main Street Manager, and the Town Council have reviewed the proposed changes and given numerous opportunities for public input, in particular by the shop owners and property owners in the Central Business Commercial District.

NOW THEREFORE, the Denton Town Council hereby ordains as follows:

Section 1: The Denton Zoning Ordinance, Article II, § 128-8 is amended to read as follows:

~~BANNER—Any sign of lightweight fabric or similar material. All such signs must be securely fastened to a solid flat surface except if displayed as special event signs by nonprofit organizations. National, state, or municipal flags shall not be considered banners.~~

~~SIGN ARCH—That arch within a line including the outer extremities of all letters, figures, characters, and delineations or within a line including the outer extremities of all letters, figures, characters and whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building or part thereof shall not be included in the sign area.~~

~~SIGN, BANNER, FLAG, PENNANT OR BALLOON— Any cloth, bunting, plastic, paper or similar material *and captive/tethered balloon or inflatable sign* used for advertising purposes attached to or pinned on or from any structure, staff, pole, line, framing, or vehicle. ~~including captive balloons and inflatable signs but not including official flags of the United States, the State of Maryland, and other states of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organization.~~ *All such signs must be securely fastened to a solid flat surface except if displayed as special event signs by nonprofit organizations. National, state, or municipal flags shall not be considered banners.*~~

~~BILLBOARD (See “sign.”)~~—**SIGN, BILLBOARD** – *A structure designed, intended or used for advertising a produce, property, business, entertainment, service, amusement or the like, and not located where the matter advertised is available or occurs. A structure on which is portrayed information which directs attention to a business commodity, service or entertainment not necessarily related to the other uses permitted on the premises upon which the structure is located, not including painted walls.*

SIGN, BULLETIN BOARD – *A board or wall area on which bulletins, notices, announcements or displays are posted.*

SIGN, COMBINATION – *A freestanding sign that has a permanent component advertising a business and also has a message board component.*

SIGN, DECORATIVE FLAG – *A specific type of flag which is distinguished from the general definition of “flag” in that it does not relate to any national, state or local government entity. Such a flag shall contain no generally recognized commercial symbol or written message.*

SIGN, FLAG – *Any cloth, bunting or similar material containing distinctive colors, patterns, or symbols, used as a symbol of national, state or local government.*

~~MARQUEE SIGN, MARQUEE~~ – *A roof-like structure of a permanent nature which projects from the wall of a building or its supports and may overhang the public way.*

SIGN, MESSAGE BOARD – *A freestanding sign that can be either permanent or movable with movable and interchangeable letters and numbers.*

~~PENNANT SIGN, PENNANT~~ – *Any lightweight cloth, bunting, plastic, fabric, paper, or other similar material, whether or not it contains a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.*

SIGN, STOREFRONT WINDOW – *Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. This definition shall not include the display of merchandise provided that such display does not contain any advertising.*

Section 2: The Sign Regulations contained in Sections 128-126 through 128-142 of Article XV of the Denton Zoning Ordinance are hereby amended to read as follows:

§ 128-126. Purpose.

The purpose of this Article is to prescribe standards for the location, design, color, illumination, height and size of all signs within the Town of Denton in order to protect the unique natural beauty and small town character of the Town. This section also intends to promote the following:

- A. *To encourage the effective use of signs as a means of communication for the convenience of the public by preventing their over-concentration, improper placement and excessive size;*
- B. *To maintain and enhance the aesthetic environment while promoting creativity and the Town's ability to attract sources of economic development and growth;*
- C. *To minimize the possible adverse effect of signs on nearby public and private property;*
- D. *To protect and enhance the small town character of Denton by requiring new and replacement signage which is:*
 - (1) *Creative and distinctive;*
 - (2) *Compatible with its surroundings;*
 - (3) *An integral component of the style and character of the building to which it relates;*
 - (4) *Appropriate to the type of activity to which it pertains;*
 - (5) *Expressive of the identity of individual proprietors or of the community as a whole; and*
 - (6) *Appropriately sized for its context.*
- E. *To enable the fair and consistent enforcement of these sign restrictions; and*
- F. *To preserve and protect the public health, safety and general welfare.*

§ 128-127. Applicability–Effect.

A sign may only be erected, placed, established, painted, created, or maintained in the Town in conformance with the standards, procedures, exemptions, and other requirements of this Section.

The effect of this Section as more specifically set forth herein, is:

- A. *To establish a permit system to allow a variety of types of signs in commercial and industrial zones and a limited variety of signs in other zones, subject to the standards and the permit procedures of this Section;*

- B. To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located subject to the substantive requirements of this Section, but without a requirements for permits;**
- C. To prohibit all signs not expressly permitted by this Section;**
- D. To provide for the enforcement of the provisions of this Section; and**
- E. To require all signs to ultimately comply with the provisions of these Regulations.**

§ 128-128. Administration.

A. Permits.

- (1) Except as otherwise provided *herein* in ~~§ 128-134, Signs excluded from regulation, and § 128-135, Temporary signs,~~ no sign may be constructed, erected, *displayed*, moved, enlarged, illuminated, or substantially altered *until an application has been filed, and until a permit for such action has been issued* except in accordance with the provisions of this section. *Except in the Historic ~~District Floating~~ Overlay Zone, where Historic and Architectural Review Commission review and approval is required,* mere repainting and changing the message of a sign shall not, in and of itself, be considered a substantial alteration. *At a minimum, all applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, colors, support systems, and location on land or buildings, with all relevant measurements.*
- (2) *Permits shall be issued only if the Zoning Administrator determines the sign complies or will comply with all applicable provisions of this Ordinance and the Town Building Code. Such application may be filed by the owner of the land or building, or any person who has the authority to erect a sign on the premises, except that* in the case of a lot occupied or intended to be occupied by multiple business enterprises (e.g., a shopping center), sign permits shall be issued in the name of the lot owner or his agent rather than in the name of the individual business enterprise requesting a particular sign. The ~~city~~ *Town* may assist the owner by suggesting a formula whereby the maximum square footage of sign area allowed on the lot may be allocated equitably among all tenants, but the ~~city~~ *Town* shall be responsible for enforcing only the provisions of this chapter and not the provisions of any allocation formula, lease, or other private restriction.
- (3) *The Zoning Administrator shall act within thirty (30) days of receipt of such application together with the required fee. The Zoning*

Administrator's action or failure to act may be appealed to the Board of Appeals under the provision of § 128-163 of this Ordinance.

- (4) If plans submitted for a zoning permit, or special exception permit include sign plans in sufficient detail that the permit-issuing authority can determine whether the proposed sign or signs comply with the provisions referenced in this **Article**, ~~Subsection A may be constructed, erected, moved, enlarged, illuminated or substantially altered only in accordance with a sign permit issued by the Zoning Administrator~~ the permit-issuing authority can approve the sign plans and direct the Zoning Administrator to issue the respective permit. ~~Signs not approved as provided in Subsection B or exempted under the provisions referenced in Subsection A may be constructed, erected, moved, enlarged, illuminated or substantially altered only in accordance with a sign permit issued by the Zoning Administrator.~~
- (5) Sign permit applications and sign permits shall be governed by the same provisions of this chapter applicable to zoning permits.

B. Enforcement. The Zoning Administrator is hereby authorized to enforce this Ordinance. The Zoning Administrator is authorized to order the repair or removal of any sign and its supporting structure which is judged dangerous, or in disrepair, or which is erected or maintained contrary to this Ordinance.

C. Maintenance/Removal of Signs.

- (1) All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair (visual and functional). With respect to freestanding sign, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.
- (2) If a sign other than a billboard advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is ~~not~~ **no** longer operating and **the sign** shall, within 30 days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign.
- (3) If the message portion of a sign is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign, shall within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This

subsection shall not be construed to alter the effect of § 128-133C, which prohibits the replacement of a nonconforming sign. Nor shall this subsection be construed to prevent the changing of the message of a sign.

- (4) The area within 10 feet in all directions of any part of a freestanding sign shall be kept clear of all debris and all undergrowth more than five inches in height.
- (5) *Upon written notice from the Zoning Administrator that a sign is unsafe, damaged, deteriorated, or abandoned, the owner of the site and/or the owner of the sign shall repair or remove the sign. Immediate action is required for the repair or the removal of unsafe signs. If repair or removal is not achieved within the time period specified in the written notice from the Zoning Administrator, the sign shall be repaired or removed by the Town. Any sign or sign structure removed by the Town shall be held not less than thirty (30) days by the Town during which period it may be recovered by the owner upon payment to the Town for cost of removal and storage and any fine imposed. If not recovered within the thirty (30) day period, the sign or sign structure is hereby declared abandoned and title thereto shall be vested in the Town for disposal in any manner permitted by law.*

D. *Variances for Signs. The Board of Appeals may hear and decide applications for a variance from these Sign Regulations in accordance with the provisions of § 128-163 of this Ordinance. However, as ample provision for premises identification have been made herein and whereas design issues area central theme of the Denton Comprehensive Plan, the Board of Appeals shall examine all options when hearing applications for Variances, in order to provide adequate identification, yet be sensitive to design considerations. (For example, this may mean granting an extra building sign, rather than granting a height variance for a freestanding sign). For Variances from the Sign Regulations, there is no presumption of an entitlement to any particular type of signage.*

[Editor's Note: This is former §§ 128-133 and 128-139.]

§ 128-129. General regulations.

Any sign erected, placed, attached, altered, reconstructed or modified after the adoption or amendment of this chapter shall conform to the following regulations. (See Appendix II for sign illustrations) Editor's note: Appendix III is included at the end of this chapter.

- A. No flashing or rotating signs, or tethered inflatable signs, such as soda cans, merchandise logos, etc., shall be permitted in any district *except as allowed in Subparagraph I.*

B. No sign shall be fastened to, and supported by, or on the roof of a building, and no projecting sign shall extend over or above the roof or a parapet wall of a building.

~~C. All real estate signs advertising property for sale shall be removed within 30 days following the sale of the property.~~

C. ~~Public service, civic organization and political signs shall be permitted, provided:~~

~~(1) The signs are unlighted or indirectly lighted;~~

~~(2) The sign area is less than 15 square feet;~~

~~(3) The signs meet all applicable state and federal regulations;~~

~~(4) Political signs shall be removed not later than 15 days following the election. No political signs shall exceed 16 square feet of surface area.~~

Temporary sale signs are permitted in commercial and industrial zones without obtaining a permit if the business does not exceed the overall maximum sign area allowed for the property under this chapter. If the property owner seeks to exceed the maximum allowable signage, then the Denton Planning Commission *and/or the Director of Planning and Codes, depending on who has the authority*, may grant a temporary permit for such use. The sign must be removed 15 days after the event, *circumstance or situation*. If the sign is not removed after 15 days, the Town shall send a notice of violation of the provisions of this subsection to the property owner. If, after 24 hour after the service of notice, the sign has not been removed, *the Town may remove the sign as provided in § 128-128.C(5) and* the property owner shall be liable for penalty under this chapter.

D. *Clearance from Electrical Conductors. Signs shall not be located with less than five feet six inches (5'6") horizontal or ten feet (10') vertical clearance from overhead electric conductors which are energized under seven hundred fifty (750) volts. Signs shall not be located with less than eight feet six inches (8'6") horizontal or eleven feet vertical clearance from overhead electrical conductors which are energized in excess of seven hundred fifty (750) volts.*

E. *Signs indicating the current time and/or temperature are permitted provided they meet all other provisions of this Ordinance.*

F. *No sign, except for traffic, regulatory, or informational signs, shall use the words "stop," "caution," or "danger," or shall incorporate red, amber or green lights resembling traffic signals, or shall resemble "stop" or "yield" signs in shape and color.*

G. *No person may erect, maintain, or allow to remain a sign which:*

- (1) *is structurally unsafe;*
 - (2) *constitutes a hazard to public safety and health by reason of inadequate maintenance, dilapidation, or abandonment;*
 - (3) *obstructs free entrance or exit from a required door, window, or fire escape;*
 - (4) *obstructs light or air or interferes with a proper functioning of the building; or*
 - (5) *is capable of causing electrical shock.*
- H. No off-premises signs may be located in any district except as provided for in §§ 128-135 and § 128-138.
- I. Signs that *illuminate*, revolve or are animated or that utilize movement or apparent movement to attract the attention of the public are prohibited, *except that in the overlapping area of the Central Business Commercial (CC) District and the Historic Overlay Zone, such signs may be permitted if they are a historic replica and they are approved by the Historic and Architectural Review Commission.* Without limiting the foregoing, banners, streamers, animated display boards, pennants, and propellers are prohibited, but signs that only move occasionally because of wind are not prohibited if their movement is not a primary design feature of the sign, and is not intended to attract attention to the sign. The restriction of this subsection shall not apply to signs specified in § 128-132 or to signs indicating the time, date, or weather conditions.
- J. No sign may be erected so that by its location, color, size, shape, nature, or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.
- K. Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may be removed by the wind or other forces of nature and cause injury to persons or property.
- L. *No sign may be posted on or attached to utility poles or government owned posts, pillars, light poles, etc.*
- M. *Except as provided in § 128-137.B, message board and combination signs are prohibited.*

[Editor's Note: This is former §§ 128-126 A-D and 128-138.]

§ 128-130. **Location, size and height requirements.**

A. **Measurement of Sign Area.**

- (1) *Sign measurements shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the actual sign surface.*
- (2) *For a sign consisting of individual letter or symbols attached to a surface, building, wall, or window, the area shall be considered to be that of the smallest rectangle, square, triangle, trapezoid, circle or any combination of these shapes which encompasses all of the letters and symbols.*
- (3) *The area of supporting framework (for example brackets, posts, etc.) shall not be included in the area if such framework is incidental to the display.*
- (4) *When a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than two (2) feet from each other. In this case, the sign area shall be taken as either face, and if the faces are unequal, the larger shall determine the area.*

B. **Measurement of Sign Height (1)**—*The height of any sign shall be measured from the surface of the road up to the highest point of the sign.*

C. **Maximum Height.** ~~No part of a freestanding sign may exceed a height, measured from ground level, of 25 feet in the GC, HC, LI and HI Districts and 15 feet in all other districts.~~ *A freestanding sign shall not exceed a height as provided in § 128-137 for the GC and CM zones, § 128-138 for the CC zone, § 128-139 for HC zone, § 128-140 for the LI and HI zones, and the § 128-141 for the PN zone.*

D. **Setback.** Except in the LI and HI Districts, freestanding signs shall be set back from streets by at least ½ the distance required for building setbacks set forth in Article XIII. In the LI and HI Districts, freestanding signs ~~may~~ **shall** be set back 10 feet from the property line or street.

E. **Location.**

- (1) No sign may extend above any parapet or be placed upon any roof surface, except that for purposes of this section, roof surfaces constructed at an angle of 75° or more from horizontal shall be regarded as wall space. This subsection shall not apply to displays, including lighting, erected **on the roofs of residential structures** in connection with the observation of holidays ~~on the roofs of residential structures.~~

- (2) No sign or supporting structure may be located in or over the traveled portion of any public right-of-way unless the sign is attached to a structural element of a building and an encroachment permit has been obtained from the Town.
- (3) No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.

[Editor's Note: This is former §128-137.]

§ 128-131. Development Standards.

The following restrictions apply to permitted signs:

- A. **Architectural compatibility.** *A sign (including its supporting structure and components, if any) shall be designed as an integral design element of a building's architecture, and shall be architecturally compatible, including color, with any building to which the sign is to identify and with surrounding structures as determined by the Director of Planning and Codes and/or the Planning Commission. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.*
- B. **Scale and Proportion.** Every sign shall have good scale and proportion in its design and its visual relationship to buildings and surroundings.
- C. **Colors, materials and lighting.** The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
- D. **Graphic elements.** The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the sign face.
- E. **Compatibility.** Each sign shall be compatible with the signs on adjoining premises and shall not compete for attention.
- F. **Identification signs.** Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.
- G. **Sign materials.** *Sign materials shall be similar to or compatible with the structure they identify.*

H. Component Painting. *All light fixtures, conduit and shielding shall be painted to match either the building or the supporting structure that serves as the background of the sign.*

I. Sign illumination and signs containing light.

- (1) Unless otherwise prohibited by this chapter, signs may be illuminated if such illumination is in accordance with this section.
- (2) No sign within 150 feet of a residential zone may be illuminated between the hours of ~~12:00 midnight~~ 10:00 p.m. and 6:00 a.m., unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential.
- (3) Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right of way or residential premises.
- (4) Except as herein provided, internally illuminated signs are not permissible in the SR, TR, *and* MR, ~~and CC Zoning Districts~~, and where permissible, internally illuminated freestanding signs may not be illuminated during hours that the business or enterprise advertised by such sign is not open for business or operation. ***For the CC zoning district, signs shall comply with Section 128-129 I.*** This subsection shall not apply to the following types of signs:
 - (a) Signs that constitute an integral part of a vending machine, telephone booth, device that indicates the time, date or weather conditions, or similar device whose principal function is not to convey an advertising message.
 - (b) Signs that do not exceed two square feet in area and that convey the message that a business enterprise is open or closed or that a place of lodging does or does not have a vacancy.
- (5) Subject to Subsection (7), illuminated tubings or strings of lights that outline property lines, ~~sales areas~~, rooflines, ***exterior components or areas of*** doors, windows, or similar areas are prohibited.
- (6) Subject to Subsection (7), no sign may contain or be illuminated by flashing or intermittent light or lights of changing degrees of intensity, except signs indicating the time, date or weather conditions.

- (7) Subsections (5) and (6) do not apply to temporary signs erected in connection with the observance of holidays.

[Editor's Note: This is former §§ 128-126 E-J and 128-136.]

§ 128-132. Signs permitted without permits ~~excluded from regulation. Temporary signs.~~

The following signs are permitted without a zoning approval, special use exception, conditional use, or sign permit ~~are exempt from regulation under the Chapter except for those stated in Subsection 9-13 (2) through (3).~~ However, such signs shall conform to the requirements set forth below as well as all other applicable requirements of this chapter.

- A. Signs not exceeding four square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as signs giving property identification names or numbers or names of occupants, signs on mailboxes or newspaper tubes, and signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.
- B. Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs *or bulletin boards*, and traffic, directional, or regulatory signs.
- C. Official signs of a noncommercial nature erected by public utilities.
- D. Flags, pennants, or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.
- E. Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts ~~or lights~~ *and which are not lighted.*
- F. Signs directing and guiding traffic on private property that do not exceed four square feet each and that bear no advertising matter.
- G. Church bulletin boards, church identification signs, and church directional signs that do not exceed one per abutting street and 16 square feet in area and that are not ~~internally~~ illuminated.
- H. Signs painted on, ~~or magnetically,~~ *or* otherwise permanently attached to currently licensed motor vehicles *used in the normal day to day operations of the business advertised and* that are not primarily used as freestanding signs. ~~For sedans and SUVs, such signs shall be limited to the size of the vehicle's door. For vans, such size shall be limited to the side of the vehicle. Such signs shall be limited to the~~

surface area of the vehicle and shall not project past the surface area of the vehicle, except that a sign on the roof of a vehicle may project upwards up to eight inches.

- I. Signs proclaiming religious, political, or other noncommercial messages ~~[other than those regulated by Subdivision 273(5)]~~ that do not exceed one per abutting street and 16 square feet in area and that are not internally illuminated.
- J. Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner or agent. Such signs may not exceed size specification for each district and shall be removed ~~immediately~~ within 30 days after sale, lease or rental. One such sign per street frontage shall be permitted. For lots of five acres or more in area and having a street frontage in excess of 400 feet, a second sign may be erected.
- K. Construction site identification signs. Such signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractors, funding sources, and may contain related information including but limited to sale or leasing information. Not more than one such sign may be erected per site, and it may not exceed 32 square feet in area. Such signs shall not be erected prior to the issuance of a building *or grading* permit and shall be removed within 10 days after the issuance of the final occupancy permit. ~~A~~ *The* maximum size ~~of~~ *is* 20 square feet for signs in residential districts.
- L. Signs attached temporarily to the interior of a building window or glass door. Such signs, individually or collectively, may not cover more than ~~75%~~ *20%* of the surface area of the transparent portion of the window or door to which they are attached. Such signs shall be removed within 90 days after placement.
- M. *Exterior* Displays, including lighting, erected in connection with the observance of the holidays. Such ~~signs~~ *displays* shall be removed within 10 days following the holidays.
- N. *Public service, civic organization and political signs provided:*
 - (1) *The signs are unlighted or indirectly lighted;*
 - (2) *The sign area is less than ~~1516~~ square feet;*
 - (3) *The signs meet all applicable state and federal regulations;*

~~Signs erected in connection with elections or political campaigns. Such signs shall be removed within 15 days following the election or conclusion of the campaign. No such sign may exceed 16 square feet in surface area.~~

- O. *One (1) temporary sign advertising a real estate development, commercial development or subdivision. Said sign shall not exceed thirty-two (32) square feet in area and shall be located on the property to be developed or subdivided. Such sign shall be removed when 90 percent of the initially available property has been sold. A permanent development or subdivision sign is not permitted.*

[Editor's Note: This is former §§ 128-134 and 128-135.]

§ 128-133. Nonconforming signs.

- A. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition nor may illumination be added to any nonconforming sign.
- B. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this chapter.
- C. If a nonconforming sign is destroyed, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this chapter, and the remnants of the former sign structure shall be cleared from the land. For purposes of this section, a nonconforming sign is destroyed if damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value (tax value if listed for tax purposes) of the sign so damaged.
- D. The message of a nonconforming sign may be changed so long as this does not create any new nonconformities (for example, by creating an off-premises sign under circumstances where such a sign would not be allowed).
- E. Subject to the other provisions of this section, nonconforming signs may be repaired and renovated *to the original sign specifications* so long as the cost of such work does not exceed, within any twelve month period, 50% of the value (tax value if listed for tax purposes) of such sign.
- F. *Nothing in this Section shall be deemed to prevent keeping in good repair a nonconforming sign, including sign maintenance, repainting, and replacement of broken or deteriorated party of the sign itself.*

- G. If a nonconforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within 30 days after such abandonment by the sign owner, owner of the property where the sign is located, or other person having control over such sign. ***All components of the sign including electric and hardware are required to be removed with the sign.***
- H. If a nonconforming billboard remains blank for a continuous period of 180 days, that billboard shall be deemed abandoned and shall, within 30 days after such abandonment, be altered to comply with this article or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this section, a sign is blank if:
- (1) It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or
 - (2) The advertising message it displays becomes illegible in whole or substantial part; or
 - (3) The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed ***or the lease period for the sign has expired.***

[Editor's Note: This is former § 128-141.]

§ 128-134. Unlawful cutting of trees or shrubs.

No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs or other vegetation located:

- A. Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the Town, ***County, or State agency owning the right-of-way;***
- B. On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located; ***or***
- C. In any area where such trees or shrubs are required to remain under a permit issued under this chapter, ***including any trees, shrubs or other vegetation that are required as part of the Critical Area regulations.***

[Editor's Note: This is former § 128-140.]

§ 128-135. Banners, pennants and special event signs.

A. Special event signs.

- (1) A carnival, fair, circus, festival or similar event as determined by the Town may locate banners, flags and pennants provided:
 - (a) A permit is obtained containing the *purpose, location and dates* ~~date~~ of the event.
 - (b) These signs may be displayed no more than ~~one~~ four weeks prior to the event and must be removed no more than three days after the event, ~~except nonprofit organizations and government entities may display these signs no more than four weeks prior to the event and must remove them no more than three days after the event.~~
 - (c) These signs must be located on-site.
 - (d) The event occurs no more than once a year.
- (2) A carnival, fair, circus, festival or similar event, as determined by the Town may display off-premises signs provided:
 - (a) Written permission is obtained from the property *owner* where the sign is to be located and is provided to the Town.
 - (b) A permit is obtained stating location, ~~wording~~ *purpose* and ~~date~~ *dates* of *the* event. Sign information must be limited to *the* event name, ~~date~~ *dates*, location and sponsor.
 - (c) No more than four signs per event may be erected.
 - (d) Signs may not exceed 32 square feet in area per sign.
 - (e) They may be erected no more than four weeks prior to the event and must be removed no more than five days after the event.
- (3) Off-site advertising signs for subdivisions, open houses or other real estate events are permitted, provided that the sign does not exceed four square feet in area per sign, and provided that the sign(s) are only displayed between Friday after 12:00 noon, and removed by 8:00 a.m. on Monday morning

after the event. In the event that the Monday is a legal holiday, the sign must be removed by 8:00 a.m. on Tuesday morning. ***In the event that Friday is a legal holiday, the sign may be placed on Thursday after 12:00 noon.***

B. Grand opening signs.

- (1) A grand opening or grand reopening is permitted to use banners, pennants, or flags, provided:
 - (a) They are not displayed more than ~~three~~ **five** days two weeks prior to the event and are removed within three days after the event.
 - (b) A permit must be obtained which would include number, and type of all banners as well as the ~~date~~ **dates** of the event.
 - ~~(c) In the CC District, the grand opening banner may only be one provided by the Town. Pennants and flags are not permitted.~~
- (2) A grand opening or grand reopening is permitted to display two off-premises signs, provided:
 - (a) Written permission is obtained ~~from~~ **from** the owner of the property where the sign is to be located and is provided to the Town.
 - (b) A permit must be obtained stating locations, ~~date~~ **dates** of event and wording on **the** sign.
 - (c) Signs may only indicate grand opening or reopening, name of business, merchandise available, date of event, location of business and owner's name. These signs shall not include prices.
 - (d) Signs are not displayed more than two weeks prior to the event and ~~must be~~ **are** removed no more than one week after the week.
 - (e) Signs shall not exceed 32 square feet in area.

C. Special sales signs

- (1) Banners may be used to advertise a sale, provided:
 - (a) Not more than two banners may be displayed on any lot at any one time.

- (b) It does not exceed 24 square feet in size.
 - (c) They are displayed no more than two weeks at a time and six times in any one year period.
 - (d) A permit shall be required stating size of banners, ~~date~~ *dates* to be displayed, business name and number of banners displayed.
- (2) Commercial centers in HC areas may use banners to advertise a sale, provided:
- (a) Not more than four banners may be displayed on any lot at any one time.
 - (b) It does not exceed 24 square feet in size.
 - (c) They are displayed no more than two weeks at a time and six times in any one-year period.
 - (d) A permit shall be required stating size of banners, ~~date~~ *dates* to be displayed, business name and number of banners displayed.

D. Help wanted signs.

- (1) ~~Banners~~ *A Sign* may be used to advertise help wanted, provided:
- (a) *The size of the* sign shall not exceed ~~36~~ 24 square feet in area in HC Zones and 24 square feet in area in other commercial zones.
 - (b) *The sign* ~~complies~~ with Subsection E below.
 - (c) *The sign* states only “Help wanted.”
 - (d) *The sign* must be located on site.

E. Additional regulations for all banners, pennants and flags.

- (1) Banners and pennants may be indirectly lit during hours of operation only. *All lighting must be of a downward nature.*
- (2) No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.

- (3) No sign may be erected so that by its location, color, size, shape, nature, or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by government agencies.
- (4) All signs should be securely attached to the support structure to prevent sagging or dropping of the pennants, banners or flags. ~~Banners should be secured as per the definition.~~
- (5) Such signs shall not be used in the calculation of permitted sign area for each use.
- (6) *All banners must be securely fastened to a solid flat surface except if displayed as special event signs by nonprofit organizations.*

[Editor's Note: This is former § 128-142.]

§ 128-136. Permitted signs and standards for the SR, TR, and MR Zones.

Signs permitted in the Residential Zones SR, TR, and MR shall be limited to the following:

- A. ~~An~~ Unlighted real estate sign not exceeding four square feet in area.
- B. One on-site, indirectly illuminated sign not to exceed 15 square feet in area identifying an apartment structure having a minimum of 100 feet of street frontage. The maximum height of the sign shall be six feet.
- C. One on-site indirectly illuminated sign not to exceed 30 square feet in area shall be permitted in conjunction with a building of a public or semipublic nature. The maximum height of the sign shall be six feet.
- D. One sign, not exceeding 15 square feet in area is permitted in conjunction with an approved special exception use except where signage is provided for in other sections of this chapter.
- E. Banners and pennants are prohibited except as provided for in § 128-135A, Special event signs.

[Editor's Note: This is former § 128-127.]

§ 128-137. Permitted signs and standards for the GC and CM Zones.

Signs permitted in the General Commercial Zone (GC) and *Commercial* Medical District Zone (CM) shall be limited to the following:

- A. Unlighted real estate signs not to exceed 15 square feet in area.
- B. One on-site freestanding sign not to exceed one square foot of area for each one linear foot of street frontage; however, such sign shall not exceed 100 square feet in area ~~nor need~~ **or** be smaller than 20 square feet. The maximum height of such sign shall be ~~25~~ 15 feet *measured from ground level. A combination sign can be used as the one freestanding sign permitted.*
- C. A flat sign, not projecting more than nine inches from the side of the building and not exceeding a maximum of 60 square feet of signage. ~~One flat sign is permitted of sign area per wall parallel to street frontage.~~
- D. Projecting signs extending not more than 72 inches from the front of the building. Signs may not be larger than 12 square feet *on one side*, and must be at least seven feet from the ground. The sign shall advertise only the business conducted in the building to which it is attached.

[Editor's Note: This is former § 128-128.]

§ 128-138. Permitted signs and standards for the CC Zone.

In addition to the standard review process, all signs in the Central Commercial Zone (CC) that are also in the Historic Overlay Zone shall be subject to review and approval by the Historic and Architectural Review Commission. Signs permitted in the Central Commercial Zone (CC) shall be limited to the following:

- A. Unlighted real estate signs not to exceed ~~15~~ **10** square feet in area.
- B. ~~One indirectly lit freestanding sign not exceeding nine square feet in area or one directly lit projecting sign extending not more than 72 inches from the front of the building. Signs may not be larger than nine square feet in area and must be at least seven feet from the ground. The sign shall advertise only the business conducted in the building to which it is attached. Corner lots having a minimum of 100 feet of street frontage may install one indirectly lit freestanding sign not exceeding 24 square feet in area in lieu of preceding signage. Additionally, freestanding sign must be set back 10 feet from the property line. Freestanding signs are permitted on improved lots with front yards. One indirectly lit freestanding sign not exceeding 10 square feet per face per building lot may be permitted. Two freestanding signs may be permitted on corner lots. Freestanding signs must be set back 10 feet from the property line and may not exceed 5 feet in height. The sign shall advertise only the business conducted in the building to which it is attached.~~

C. One indirectly lit flat sign, not projecting more than nine inches from the side of a building. The sign area is not to exceed one foot of area per linear foot of street frontage or 60 40 square feet, whichever is less.

D. Multiple Signs.

(1) Combinations of signs are allowed under the following conditions:

- (a) A storefront may have one projecting sign and/or one permanent window sign.**
- (b) A storefront may not have both a projecting sign and a flat sign.**
- (c) A storefront may not have both a flat sign and a permanent window sign.**
- (d) A storefront may not have both a flat sign or a permanent window sign and an awning sign.**
- (e) A storefront may not have both a projecting sign and an awning sign.**
- (f) Temporary window signs are allowed in combination with flat, projecting, awning and storefront signs.**

(2) Limits on Multiple Signs.

- (a) Permanent commercial storefront window signage shall not exceed 50% of the total storefront glass area on which it is attached or displayed.**
- (b) All temporary storefront signs affixed to storefront windows shall not exceed 20% of the glass area on which it is affixed ~~and shall be placed in the lower left or right corner of the window.~~**
- (c) Total permanent and temporary signs on storefront windows and entry doors must be located and designed so to not obscure visibility into the ground floor and shall not exceed a combined total of 50% of the glass area.**
- (d) Storefront window signage (permanent and temporary) shall be reduced in area to reflect the area used for projecting signs ~~and awning signs and A-frame signs.~~ For example, if the storefront window is 100 square feet and the ~~combined total of a projecting sign and an A-frame awning~~ is 15 square feet, the storefront**

window area for calculating coverage is reduced to 85 square feet (100 less 15). The total storefront window signage cannot exceed 50% of 85 square feet.

- (e) *Temporary signs shall be removed within 90 days after placement.*
- (f) *Any signs located in display areas that are not affixed to the storefront window shall not reduce the allowable storefront window signage.*

E. *All signage may include the branding logo for Denton in addition to the store logo.*

DF. No plastic signs, *except false wood/laser engraved signs*, are allowed unless they are being used under the provisions of § 128-135 as a banner or pennant. The Planning Commission may consider alternative materials if recommended by the Historic and Architectural Review Commission.

EG. ~~In addition to the freestanding sign permitted in Subsection B above, one sandwich board or pedestal sign, provided:~~ *In addition to the signage permitted in Subsection B and C above, one A-frame or pedestal sign may be permitted, provided:*

- (1) Only one ~~sandwich board~~ *A-frame* or pedestal sign shall be allowed for any single building; provided, however, that where more than one business occupies a building, each business may have a ~~sandwich board~~ *one A-frame* or pedestal sign;
- (2) Notwithstanding Subsection ~~EG~~(1), a minimum separation of 20 feet shall be maintained between ~~sandwich boards~~ *A-frame* or pedestal signs;
- (3) ~~Sandwich boards~~ *A-frame* or pedestal signs on public or private property shall not exceed 24 inches in width and 36 inches in height; provided, however, that a minimum unobstructed sidewalk width of 42 inches shall be maintained;
- (4) No sign shall be placed in a manner which obstructs the vision clearance at a street intersection; and
- (5) ~~Sandwich boards~~ *A-frame* or pedestal signs located within a public right-of-way which abuts the building containing the business or use, provided an encroachment permit has been secured from the Zoning Administrator.

~~F. A frame signs. A frame signs are permitted for retail businesses that primarily sell perishable goods; or are not visible from a public street and have no options~~

~~available to provide signage visible from a public street. A frame signs shall meet the following requirements:~~

- ~~(1) Each business shall not have more than one A-frame;~~
- ~~(2) A frame signs shall be placed on private property and shall be located on the same parcel as the business which qualifies for said sign;~~
- (36) ***Decorative Flags***, A-frame, and pedestal signs shall be removed during non-business hours. ~~and~~
- ~~(4) The area of an A frame sign shall not exceed 10 square feet.~~

GH. An awning sign may be permitted by the Zoning Administrator under the following conditions:

- (1) No sign shall project from an awning.
- (2) Awning graphics may be painted or affixed flat to the surface of the front or sides and shall indicate only the name and/or address of the enterprise or premises.
- (3) Awning graphics shall be a single line of lettering not exceeding six inches in height, but, if over three inches in height, shall be debited against the permitted wall sign surface area.
- (4) No awning sign shall be internally illuminated.

HI. Projecting signs.

- (1) A wall-mounted sign perpendicular to the building surface.
- (2) If flat, each face shall not exceed 10 square feet.
- (3) ***Multiple occupancy buildings are permitted to have one projecting sign, for each retail storefront, not to exceed 10 square feet per face or one projecting sign listing multiple tenants not to exceed 12 square feet.***
- (34) The total area of a three dimensional sign shall be determined by enclosing the largest cross section of the sign in an easily recognizable geometric shape and computing its area which shall not exceed nine square feet.
- (45) ~~Such sign~~ ***A projecting sign*** shall be hung at right angles to the building and shall not project closer than two feet to the ~~curbline~~ ***curb line***.

- (56) The supporting framework shall be in proportion to the size of such sign.
- (67) Signs which overhang a public way (including sidewalks) shall be covered by a public liability insurance policy which names the Town as an insured party.
- (78) The top of the sign may be suspended in line with one of the following, whichever is the most successful application of scale, linear continuity, and visibility as determined by the Zoning Administrator:
 - (a) Suspended between the bottom sills of the second story windows and the top of the doors and windows of the second floor; or
 - (b) The lowest point of the roof of a one-story building.
- (89) Projecting signs shall have a minimum clearance of eight feet above grade when located adjacent to or projecting over a pedestrian way. If projecting over an alley or driveway, the clearance must be at least 13 feet.

J. Exterior Directory Signs:

- (1) *Exterior Directory signs may be provided to identify individual businesses or occupants of the same building or building complex, in accordance with the following:*
 - (a) *The display board shall be of an integrated and uniform design.*
 - (b) *No more than one sign panel not to exceed two (2) square feet in area is permitted per directory for each tenant business.*
 - (c) *Directory signs shall be placed in one or more groups nearest the pedestrian entrances adjacent to the building complex only, and ~~may~~ shall be wall-mounted.*
 - (d) *The total area of any directory sign shall not exceed ten (10) square feet.*
 - (e) *Directory signs shall not contain advertising copy.*
 - (f) *Interior directory signage is not subject to the regulations herein.*

K. Directional Signage.

- (1) *Permanent directional signage may be placed off-premises and shall not exceed four square feet. Directional signage may only bear business name and be placed in a manner that will not obstruct pedestrian or traffic visibility. No advertising matter or logo (other than Denton Brand logo) may be displayed on directional signage.*
- (2) *One off-premises freestanding sign may be allowed on each gateway access point for the purpose of multiple directional signage. Gateway access points are located at the entrances of Gay Street, Franklin Street, Fifth Street (Avenue) going North, Sixth Street going South, and Market Street. (Each direction on Market Street shall be considered a gateway access point). A landscaped area equivalent to the area of each side of a freestanding sign shall be maintained by the permit holder and this area shall be kept in a neat and clean condition, free of weeds and rubbish. No more than one freestanding off-premises sign may be allowed per gateway ~~location~~ access point.*

[Editor's Note: This is former § 128-129.]

§ 128-139. Permitted signs and standards for the HC Zone.

Signs permitted in the Highway Commercial Zone (HC):

- A. Unlighted real estate signs, *with* total sign area not to exceed 40 square feet.
- B. ~~For freestanding/detached signs in the overlay district in the HC Zone, the following standards shall apply:~~

~~[Amended 4-5-2004 by Ord. No. 443, effective 4-12-2004]~~

- ~~(1) No more than one freestanding/detached sign per building lot, not exceeding 100 square feet (per side) in area, the top of which is not more than 10 ~~15~~ feet in height about ground level, and which contains only the name of the owner, trade names, trademark, products sold, and/or describes the business(es) or activity conducted on the premises whereon such sign is located. Such sign shall be set back a minimum of 10 feet from any property line. *No such sign shall be located in any public right of way.*~~
- ~~(2) A landscaped area equivalent to the area of each side of a freestanding sign shall be maintained by the permit holder. This area shall be kept in a neat and clean condition, free of weeds and rubbish.~~
- ~~(3) Each building must incorporate its legally assigned street number into its freestanding sign in such a manner as to provide contrast and visibility in all conditions. The assigned street number must be at least eight inches tall.~~

~~(4) In addition to the above, each gasoline/service station or other business selling automotive fuel is permitted one price sign not to exceed eight square feet in area and eight feet in height and shall be incorporated into the main freestanding sign.~~

~~(a) "Self/full serve" signs not to exceed three square feet in area are permitted on each end of each pump island.~~

~~(b) Signs affixed to the top or sides of an operable fuel dispensing pump shall not exceed three square feet in area, and shall only display instructional or price information, and shall not include advertising copy pertaining to any product, sale or promotion.~~

CB. ~~In those portions of the HC District which are not in an overlay district, The following standards shall apply to freestanding/detached signs: one detached on-site sign not to exceed 15 square feet in area for each 20 linear feet of street frontage; however, such sign shall not exceed 80 square feet in area *and 25 feet in height.*~~

[Amended 4-5-2004 by Ord. No. 443, effective 4-12-2004 Editor's Note: This ordinance also renumbered former Subsections B and C as C and D, respectively.]

DC. Flat signs not to exceed 15 square feet in area for each 20 linear feet of street frontage; however, such sign shall not exceed a maximum of 30 square feet or 20% of the wall on which it is located.

[Editor's Note: This is former § 128-130.]

§ 128-140. Permitted signs and standards for the LI and HI Zones.

Signs permitted in the Light Industrial Zone (LI) and Heavy Industrial Zone (HI) shall be limited to the following:

A. Unlighted real estate signs not to exceed 40 square feet in area.

B. Signage limited to one flat sign or freestanding sign per parcel.

~~B-C.~~ A flat sign not to exceed 15 square feet in area for each 20 linear feet of street frontage; however, such signs shall not exceed a maximum of 100 square feet or 20% of the wall on which it is located.

~~C-D.~~ One on-site, ~~detached~~ **freestanding** sign not to exceed 15 square feet in area for each 20 linear feet of street frontage; however, such signs shall not exceed 100 square feet in area **and 15 feet in height.**

[Editor's Note: This is former § 128-131.]

§ 128-141. Permitted signs and standards for the PN Zone.

Signs permitted in the Planned Neighborhood (PN) Zone shall be limited to the following:

- A. **Residential Properties.** For all properties with a residential use on them, the standards set forth in § 128-136 for the SR, TR, and MR Zones shall be applicable.
- B. **Commercial Properties.** For all properties with a commercial use on them, the standards set forth in § 128-137 for the GC and CM Zones shall be applicable.

§ 128-142. Commercial center and industrial park/center signs.

Signs permitted in a planned commercial and industrial centers in any appropriate zone when, in the judgment of the Planning Commission, the scale and type of commercial or industrial development warrants application of these special standards:

- A. One general identification sign structure, bearing one sign limited to 300 square feet in area if mounted approximately parallel to the right-of-way or two signs limited to 150 square feet in area if mounted back-to-back or angled to be read from opposite directions, **and 25 feet in height** shall be permitted for each frontage of the tract on an arterial street. Such signs shall not be erected within any required landscaped **or forested** area.
- B. Signs on buildings within the **commercial** center may be erected as follows: For each 10 linear feet of buildings fronting on public parking areas and for each 20 linear feet of building not fronting on such areas but adjacent to and visible from them, a minimum of one sign and 10 square feet of sign area shall be permitted per ~~use~~ **storefront**, however, no center shall be restricted to less than 40 square feet of sign. The total maximum building signage, per ~~use~~ **storefront**, shall not exceed 200 square feet.

[Editor's Note. This is former § 128-132.]

Section 3: In accordance with § C3-12 of the Town Charter, this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect seven (7) days from and after the date of its final passage and adoption, except that in accordance with Article 66B, Section 4.04 of the Maryland Annotated Code, this ordinance shall not be effective until at least ten (10) days after a public hearing is held.

ENACTED THIS _____ DAY OF _____, 2010.

THE DENTON TOWN COUNCIL

Conway Gregory, Mayor

Robert Clendaniel, Councilperson

Dennis Porter, Councilperson

Agnes Case, Councilperson

Dean Danielson, Councilperson

ATTEST:

Karen L. Monteith

Approved for legal sufficiency this _____ day of _____, 2010.

Stephen H. Kehoe, Esquire

Date Introduced 11/2/2009

Date Amendments Introduced _____

Date Passed _____

Effective Date _____

Text that is stricken reflects language omitted from the Town Code

Text in **bold** and *italicized* reflects additions to the Town Code