

First Reading _____

Second Reading _____

ORDINANCE 2024 - _____

AN ORDINANCE TO AMEND CHAPTER 110, ENTITLED ZONING OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY THAT CHAPTER 110, ENTITLED ZONING, ARTICLE IV, ENTITLED DISTRICTS, DIVISION 23, ENTITLED DOWNTOWN DESIGN OVERLAY ZONE DISTRICT, SECTION 110-831.27, ENTITLED SIGNS; AND DIVISION 26, ENTITLED UPPER DOWNTOWN DESIGN OVERLAY ZONE DISTRICT, SECTION 110-865.25, ENTITLED SIGNS, BE AND IT IS HEREBY AMENDED AS FOLLOWS:

CHAPTER 110 - ZONING

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ARTICLE IV. DISTRICTS

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DIVISION 23. DOWNTOWN DESIGN OVERLAY ZONE DISTRICT

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Sec. 110-831.27. Signs.

- (a) *Purpose.* The purpose of these regulations is to regulate signs in a fair and comprehensive manner in order to protect the public health, safety, and welfare and to enhance the visual appearance of downtown Ocean City while assuring the efficient transfer of information. It shall be illegal for a sign to be placed or maintained in any downtown district except as provided for in this chapter. The regulation of signs in the downtown district is necessary and in the public interest for the following reasons:
 - (1) To protect the general public from damage or injury caused or partially attributable to signs, which, by reason of their size, location, construction, or manner of display, confuse, mislead, or obstruct the vision necessary for traffic safety.
 - (2) To provide a pleasing, uncluttered overall environmental setting and community appearance which is deemed vital to tourism and the continued economic attractiveness of the downtown area.
 - (3) To protect property values within the downtown district.

- (4) To improve the legibility and effectiveness of commercial and governmental signs.
 - (5) To permit signs appropriate to the stated and planned character of the downtown district.
- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Sign means any device, structure, fixture or placard using graphics, symbols, characters, or letters which advertises or identifies any business, organization, institution, person, product, service, event or location. Types of signs include the following:

Awning sign means a sign that is part of or attached to an awning, canopy, or other protective cover over a door, window or entrance.

Banner means a sign intended to be hung with or without frames, possessing characters, letters, illustrations or ornamentation applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivision, and other such flags shall not be considered banners.

Bulletin board means a changeable copy sign, which identifies and announces schedules for churches, schools, or other noncommercial uses or activities.

Construction sign means a sign which is located on a construction site during construction denoting the architect, engineer, contractor, sub-contractor, builder, lending institution, etc., affiliated with the construction.

Directional sign means a sign, located on the premises, directing traffic movement onto or within the premises.

Freestanding sign means a self-supporting sign resting on or supported by means of poles, standards or any other type of base on the ground.

Government sign. See *Public/Government Sign.*

Hanging sign means a sign which hangs from the underside of the roof of a porch or covered walkway.

Incidental sign means a sign whose main purpose is to direct or inform the reader, but not to identify or advertise the primary business, organization, institution, product or service located on the premises. Examples include signs indicating hours of business, entrance, exit, vacancy, office, menus, carry-out window, open house, no trespassing, no dumping, garage sale, yard sale.

Monument sign means a freestanding sign which rests directly on the ground and not on a pole.

Off-premises sign means a sign advertising an establishment, product, service, or activity which is not sold, produced, or provided on the specific property on which the sign is located (e.g., billboards).

Off-premises parking sign means a sign indicating that parking on a parcel or site is restricted to a designated business not located on such parcel or site.

Parking lot control sign means a sign located within a private or public parking lot, which provides information regarding the users, hours of operation, towing procedures, etc., of the lot.

Political campaign sign means any temporary sign intended to identify a political party, group or candidate, or to advertise an election, referendum, meeting or similar local, state, or national political activity.

Portable sign means any sign whose design and/or construction is of a portable nature, whether anchored, carried, left freestanding, towed, self-propelled or attached to a vehicle or trailer.

Projecting sign means a sign, other than a wall sign, which projects from a structure or building face, including, but not limited to, signs on awnings and marquees.

Public/government sign means a sign erected by a city, county, state, or federal government agency in furtherance of its governmental responsibilities.

Real estate sign means a sign advertising the sale, lease or future use of real estate, placed upon the property so advertised.

Residential personal identification sign means a sign bearing only street or property numbers or names of occupants of premises.

Roof sign means a sign located or erected on or attached to a roof and which extends above the ridge or peak of the roof. Also included is any sign which receives partial or total support from roof by means of girders, wires, etc., attached to, located or erected on a roof.

Subdivision project, or multifamily development identification sign (permanent) means a sign intended to identify a single-family or multifamily residential development.

Temporary means a temporary sign intended to announce a future development of a project under development.

Temporary business sign means a sign advertising or announcing the initial opening of a business. This is not meant to pertain to a seasonal opening.

Vehicle sign means a sign or advertising device, but not a bumper sticker, which is painted, mounted, affixed or otherwise attached to a vehicle or trailer, which is used for the purpose of providing advertisement of projects and services or directing people to business, service or other activity.

Vending machine sign means a sign which is part of a vending machine and advertises a product available from the machine on which it is located.

Wall sign means a sign painted on or affixed to and mounted parallel to a building facade or wall in such manner that the facade or wall becomes the supporting structure for the sign.

Window sign means a sign installed on the inside or outside of a window, which is visible from the sidewalk or street.

- (c) *General provisions.* Only signs specifically permitted in this chapter are allowed, and all signs must comply with the provisions of this chapter. All permitted signs shall be subject to the following regulations:
- (1) No sign may be placed or erected without first having obtained the appropriate permit or approvals, unless a permit is not required by these regulations. Permit applications may be reviewed by the Ocean City Development Corporation.
 - (2) A sign may be illuminated, unless otherwise prohibited, if illumination is confined to the surface of the sign. The sign and illumination shall be located and arranged to avoid excessive glare or reflection onto any public street or sidewalk, into the path of oncoming vehicles, or onto any adjacent property. Illumination shall not exceed 0.5 footcandles.
 - (3) Other than permitted temporary signs, all signs must be permanently attached to a structure or anchored to the ground.
 - (4) All signs shall be constructed or placed in accordance with the pertinent requirements of the adopted building code of Ocean City.
 - (5) Calculation of sign area. The sign area is the area of the smallest geometric shape or combination of shapes which enclose the extreme points or edges of the sign. This area does not include supporting structures unless they include graphics, characters, or letters which advertise or identify any business, organization, institution, person, product, service, event or location.
 - a. On a multi-faced sign, the total size of all faces shall not exceed two times the maximum permitted square feet, and no single face shall exceed the maximum permitted square feet.
 - b. The area of a sign comprised of individual letters or figures shall be the area of the smallest geometric shape that encompasses each of the letters or figures, but not including the space between the individual letters or figures.
 - c. The area of a sign painted upon or applied to a building shall include all lettering, wording, designs and symbols together with any background of a different color or material than the building.
 - (6) Nothing in this chapter shall restrict the erection or placement of governmental or other public signs.
 - (7) Amusement places and recreational areas. Signs within these areas, which do not identify or advertise the area as an entity, are exempt from the regulations of this article.
 - (8) The message displayed by an existing electronic or computer controlled sign or similar sign not located in an amusement park, may not change more often than one time each five seconds.
 - (9) Signs in the public right-of-way that block water vistas are not permitted unless approved by agreement by the Mayor and City Council of Ocean City, with input from the Ocean City Development Corporation.
 - (10) Signs shall not cover significant architectural detail.

- (d) *Prohibited signs.* The following signs are prohibited in the downtown district, and if in existence as of the date of enactment of the ordinance from which this article is derived, shall be removed or brought into conformity as per the sign amortization schedule.
- (1) Signs containing statements, words, or pictures of an obscene, indecent, or immoral character.
 - (2) Signs which imitate an official traffic sign or signal or which contain words such as "stop," "go slow," "caution," "danger," "warning" or similar words.
 - (3) Signs which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device, or which hide from view any traffic or street sign or signal, or which obstruct the view in any direction at a street intersection in accordance with section 66-10.
 - (4) Signs which are placed or erected within or project into or over any public right-of-way or easement, unless otherwise approved by the Mayor and City Council of Ocean City, with review by the Ocean City Development Corporation.
 - (5) Signs that are attached to utility poles, trees, fences, benches or other signs.
 - (6) Off-premises signs of a commercial nature.
 - (7) Portable signs and banners unless otherwise permitted.
 - (8) Vehicle signs, as defined and regulated by chapter 66.
 - (9) Balloons, kites or other unattended flying device, which are signs, as defined in this article and which are meant to advertise or identify a specific business, project, or event.
 - (10) Signs which contain or consist of flashing, blinking, revolving, or rotating lights, unless the sign is giving public service information such as time, date, temperature, weather or similar information. However, these signs are permitted within amusement parks, as defined in this chapter, and on properties with commercial zoning which face the boardwalk (Atlantic Avenue). In such instances, these signs may face the boardwalk (Atlantic Avenue) only. Signs containing flashing, blinking, revolving, or rotating lights which existed prior to the enactment of this article are to be brought into conformity with this article as specified in subsection (f) of this section regarding nonconforming signs.
 - (11) Roof signs.
- (e) *Permitted signs.*
- (1) The following signs are permitted and do not require a permit:
 - a. One residential personal identification sign not exceeding four square feet in size.
 - b. Temporary real estate signs (such as "for sale") located on the premises and subject to the following conditions:
 1. Signs may not be illuminated.

2. The number of signs is limited to one per street on which the premises faces, and only one sign may face each street. Signs identifying a unit for sale in a multiple-family development may be placed either on the premises of the unit for sale or in front of the building containing the unit.
 3. The size of signs shall not exceed 16 square feet.
 4. The signs may not exceed 12 feet in height.
 5. Signs must be removed after the sale of the property.
- c. Public or governmental signs.
 - d. Temporary political campaign signs placed or erected prior to a federal, state or local election. Such signs must be removed within one week after the election.
 - e. Parking lot control signs.
 - f. Incidental signs, subject to the following conditions:
 1. No individual sign may be larger than four square feet.
 2. The aggregate of all incidental signs on a property may not exceed 24 square feet.
 3. Signs may not exceed 36 inches in height.
 - g. Vending machine signs not exceeding the limits of the machine on which they are located.
 - h. Signs located under areas covered by canopies or awnings and within porch areas, and visible primarily to viewers within these areas, with the following conditions:
 1. No sign may be larger than four square feet.
 2. The aggregate of all such signs on a property may not exceed eight square feet.
 - i. One A-frame sign per business not to exceed eight square feet in size and four feet in height from grade, on private property (except for city approved in public right-of-way), and may only be out during business hours. A-frame signs may be double sided.
 - j. Temporary banners for city permitted special events permitted two days before the event and removed within two days after the event. A maximum of two banners allowed along the building streetside on the face of the building. Each banner may be up to 12 square feet in size.
- (2) The following signs are permitted and require a sign permit:
- a. One sign identifying an approved home occupation not exceeding four square feet.
 - b. One bulletin board for a permitted church, school or other noncommercial use or activity, provided it does not exceed 20 square feet and seven feet in height.

- c. Construction signs, provided that such signs shall be limited to one for each firm, each not to exceed six square feet in size and 36 inches in height. All such signs must be removed prior to the issuance of a certificate of occupancy.
- d. Subdivision, project or multifamily development identification signs (temporary). One sign on each street frontage, each sign not exceeding 32 square feet in size and 12 feet in height. These signs may not be erected prior to site plan approval of the projects, and must be removed prior to the issuance of a certificate of occupancy for the development.
- e. Any three of the signs described in subsections (e)(2)e(i) through (iv) of this section.
 - (i) *Wall signs.* A structure may have wall signs with an aggregate size of no more than 1½ square feet for each lineal foot of the length of a wall facing a street or a body of water, but in no case measuring an aggregate of more than 75 square feet. Structures abutting more than one street or body of water may have wall signs, with an aggregate size as described above, for each wall facing a street or body of water. The signs may be distributed on any exterior walls of the structure, and may not be placed so as to exceed the limits of the wall on which they are placed. Hanging signs shall be considered to be wall signs for the purposes of this section and are permitted as part of the aggregate size for wall signs.
 - (ii) *Projecting signs.* One projecting sign per business, no larger than 14 square feet. Buildings on corner lots may have one projecting sign facing each street. No such sign may project more than four feet from any wall. Projecting signs must be a minimum of eight feet above grade, and the maximum height of any projecting sign may not exceed the height of the building to which it is attached or 20 feet above grade, whichever is lower. The Mayor and City Council of Ocean City may approve signs that project over or into public way as regulated by section 66-14 of the Code, after input by the OCDC.
 - (iii) *Freestanding signs.*
 - 1. One freestanding sign per lot facing each major street that the lot fronts upon (major streets defined in this article as Baltimore Avenue, Philadelphia Avenue, St. Louis Avenue, North Division Street between Philadelphia and Baltimore Avenues, and South First Street between Philadelphia and Baltimore Avenues). Such signs may be no larger than 100 square feet. The maximum height of a freestanding sign may not exceed 20 feet above grade. Lots in the I-1 inlet and DM downtown marine districts which front on the bay may also have one freestanding sign.

2. The maximum size of freestanding signs may be increased by 50 percent if a monument sign is used. The maximum height of monument signs is six feet above grade.
 - (iv) *Awnings signs.* One awning sign, the size of which shall not exceed 25 percent of the area of the awning. The location of the sign shall not exceed the limits of the awning, and the sign shall only be located on a valance which may be no taller than one foot.
- f. Window signs, which do not cumulatively exceed 25 percent of the aggregate glazed area of the window on which they are placed on the first floor and ten percent on all floors above the first floor.
- g. Shopping centers, as defined in section 110-2, may have one freestanding sign as regulated by subsection (e)(iii)e of this section, and one wall sign or projecting sign for each business as regulated by subsections (e)(i)e and (e)(ii)e of this section.
- h. Hotels and motels are permitted one additional wall sign (in addition to signs permitted elsewhere in this article) to identify accessory uses within the hotel. Accessory uses in this subsection include uses such as restaurants, bars, lounges, shops, meeting and convention facilities. The additional sign may be no larger than 50 percent of the maximum size of a primary wall sign that could be located on the property.
- i. Side street facade signage on building corners located at the boardwalk (Atlantic Avenue) and 3rd Street, south, including 3rd Street, subject to subsections (e)(2)(i) through (v) of this section. Such building corners should be consistent with the boardwalk facades in terms of signage and color, and subject to review under the Downtown Design Guidelines.
 - (i) The facade area may include a maximum of the distance of one-half of the side street right of way. The sign area may only be permitted for first floor walls and roofs directly above the first floor.
 - (ii) Wall signs, awning signs, and roof signs shall be consistent with the boardwalk facade signage, but shall not exceed five feet per each lineal foot of side street facade length. Such signage may not be higher than 15 feet above floor grade. Roof signs and lettering signs may not be taller than five feet. Such signage cannot block architectural details.
 - (iii) Projecting signs shall be consistent with projecting signage facing the boardwalk, especially on corner buildings, but may not be higher than 15 feet above grade.
 - (iv) Electronic signs shall not be permitted on side streets.
 - (v) Color designs that are consistent with the boardwalk facade may be permitted within these side street wall distances, subject to review under the Downtown Design Guidelines.
- (f) *Nonconforming signs.*

- (1) Signs which were legally in existence prior to the adoption of the ordinance from which this article is derived, and which do not conform to the provisions of this article, are declared to be nonconforming signs. It is the intent of this section to encourage the eventual elimination of nonconforming signs, since they are of concern with regard to the public health, safety, welfare and community appearance, as are new signs. It is also the intent that any elimination of nonconforming signs be effected so as to avoid unreasonable denial of established property rights.
- (2) All existing signs which are identified in subsection (d) of this section as prohibited signs shall be removed within ninety (90) days of the effective date of the ordinance from which this article is derived or within ninety (90) days from a written notice of violation.
- (3) Any nonconforming sign except those identified in subsection (f)(2) as prohibited signs of this section as exceptions, and window signs shall be removed, replaced, or made to conform to the requirements of this ~~article~~ division when it is:
 - a. Changed or replaced with another sign; however, the face or copy of a nonconforming sign may be changed without bringing the sign into conformity, providing such changes are nonstructural in nature.
 - b. Structurally altered so as to extend its useful life.
 - c. Expanded or enlarged.
 - d. Relocated.
 - e. Repaired or re-established after damage by more than 50 percent of its value at the time of the damage or destruction.
 - f. Modified in any way that would increase the degree of nonconformity.

~~Notwithstanding the above, the nonconforming sign shall be made to conform no later than November 18, 2023.~~

- (4) Nonconforming window signs which exceed the aggregate window coverage stipulated in subsection (e)(2)f of this section shall be made to conform to the requirements of this section within one year after adoption of the ordinance from which this article is derived, or within ninety (90) days from a written notice of violation.
- (5) Nothing in this section shall prevent ordinary maintenance performed on a nonconforming sign or sign structure.
- (6) All existing unpermitted signs, not otherwise determined to be an existing permitted non-conforming sign, shall be removed, or made to conform with the requirements of this division within ninety (90) days from a written notice of violation.
- ~~(g) *Variance to sign regulations.* The board of zoning appeals shall have the power to grant variances to the sign regulations contained in the downtown design overlay zone only. Variances to this section shall be guided by and follow the procedures for variances in section 110-95.~~

(Code 1999, § 110-831.27; Ord. No. 2002-28, 11-18-2002; Ord. No. 2004-6, 5-3-2004; Ord. No. 2005-23, 8-15-2005; Ord. No. 2014-20, 6-16-2014; Ord. No. 2020-11, 10-5-2020; Ord. No. 2022-24 , 11-7-2022)

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DIVISION 26. UPPER DOWNTOWN DESIGN OVERLAY ZONE DISTRICT

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Sec. 110-865.25. Signage.

The purpose of these regulations is to regulate signs in a fair and comprehensive manner in order to protect the public health, safety, and welfare and to enhance the visual appearance of the district while ensuring the efficient transfer of information. It shall be illegal for a sign to be placed or maintained in this district except as provided for in this chapter.

- (1) *In general.* The regulation of signs in the neighborhoods is necessary and in the public interest for the following reasons:
 - a. To protect the general public from damage or injury caused or partially attributable to signs, which, by reason of their size, location, construction, or manner of display, confuse, mislead, or obstruct the vision necessary for traffic safety.
 - b. To provide a pleasing, uncluttered overall environmental setting and community appearance which is deemed vital to tourism and the continued economic attractiveness of this area.
 - c. To protect property values within the neighborhood.
 - d. To improve the legibility and effectiveness of commercial and governmental signs.
 - e. To permit signs appropriate to the stated and planned character of this area.
- (2) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Awning sign means a sign that is part of or attached to an awning, canopy, or other protective cover over a door, window or entrance.

Banner means a sign intended to be hung with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivision, and other such flags shall not be considered banners.

Bulletin board means a changeable copy sign, which identifies and announces schedules for churches, schools, or other noncommercial use or activities.

Construction sign means a sign, which is located on a construction site during construction denoting the architect, engineer, contractor, subcontractor, builder, lending institution, etc., affiliated with the construction.

Directional sign means a sign, located on-premises, directing traffic movement onto or within the premises.

Freestanding sign means a self-supporting sign resting on or supported by means of poles, standards or any other type of base on the ground.

Government sign. See *Public/government sign.*

Hanging sign means a sign that hangs from the underside of the roof of a porch or covered walkway.

Incidental sign means a sign whose main purpose is to direct or inform the reader, but not to identify or advertise the primary business, organization, institution, product or service located on the premises. Examples include signs indicating hours of business, entrance, exit, vacancy, office, menus, carryout window, open house, no trespassing, no dumping, garage sale, and yard sale.

Monument sign means a freestanding sign which rests directly on the ground and not on a pole.

Off-premises parking sign means a sign indicating that parking on a parcel or site is restricted to a designated business not located on such parcel or site.

Off-premises sign means a sign advertising an establishment, product, service, or activity, which is not sold, produced, or provided on the specific property on which the sign is located (e.g., billboards).

Parking lot control sign means a sign located within a private or public parking lot, which provides information regarding the users, hours of operation, towing procedures, etc., of the lot.

Political campaign sign means any temporary sign intended to identify a political party, group or candidate or to advertise an election, referendum, meeting or similar local, state, or national political activity.

Portable sign means any sign whose design and/or construction is intended to be of a portable nature, whether anchored, carried, left freestanding, towed, self-propelled or attached to a vehicle or trailer.

Projecting sign means a sign, other than a wall sign, which projects from a structure or building face, including, but not limited to, signs on awnings and marquees.

Public/government sign means a sign erected by a city, county, state, or federal government agency in furtherance of their governmental responsibilities.

Real estate sign means a sign advertising the sale, lease or future use of real estate, placed upon the property so advertised.

Residential personal identification sign means a sign bearing only street or property numbers or names of occupants of premises.

Roof sign means A sign located or erected on or attached to a roof and which extends above the ridge or peak of the roof. Also included is any sign which

receives partial or total support from a roof by means of girders, wires, etc., attached to, located or erected on a roof.

Sign means any device, structure, fixture or placard using graphics, symbols, characters or letters which advertises or identifies any business, organization, institution, person, product, service, event or location.

Subdivision, project, or multifamily development identification sign.

Permanent means a sign intended to identify a single-family or multifamily residential development.

Temporary means a temporary sign intended to announce a future development of a project under development.

Temporary business sign means a sign advertising or announcing the initial opening of a business. This is not meant to pertain to a seasonal opening.

Vehicle sign means a sign or advertising device, but not a bumper sticker, which is painted, mounted, affixed or otherwise attached to a vehicle or trailer, which is used for the purpose of providing advertisement of projects and services or directing people to a business, service or other activity.

Vending machine sign means a sign that is part of a vending machine and advertises a product available from the machine on which it is located.

Wall sign means a sign painted on or affixed to and mounted parallel to a building facade or wall in such a manner that the facade or wall becomes the supporting structure for the sign.

Window sign means a sign installed on the inside or outside of a window, which is visible from the sidewalk or street.

- (3) *General provisions.* Only signs specifically permitted in this chapter are allowed, and all signs must comply with the provisions of this chapter. All permitted signs shall be subject to the following regulations:
- a. No sign may be placed or erected without first having obtained the appropriate permit or approvals, unless a permit is not required by these regulations, with review opportunity from OCDC.
 - b. A sign may be illuminated, unless otherwise prohibited, if illumination is confined to the surface of the sign. The sign and illumination shall be located and arranged to avoid glare or reflection onto any public street or sidewalk, into the path of oncoming vehicles, or onto any adjacent property.
 - c. Other than permitted temporary signs, all signs must be permanently attached to a structure or anchored to the ground.
 - d. All signs shall be constructed or placed in accordance with the pertinent requirements of the adopted building code of Ocean City.
 - e. Calculation of sign area. The sign area is the area of the smallest geometric shape or combination of shapes, which enclose the extreme points or edges of the sign. This area does not include supporting structures unless they include

graphics, characters or letters, which advertise or identify any business, organization, institution, person, product, event or location.

1. On a multi-faced sign, the total size of all faces shall not exceed two times the maximum permitted square feet, and no single face shall exceed the maximum permitted square feet.
 2. The area of a sign comprised of individual letters or figures shall be the area of the smallest geometric shape that encompasses all of the letters or figures.
 3. The area of a sign painted upon or applied to a building shall include all lettering, wording, designs and symbols together with any background of a different color or material than the building.
- f. Nothing in this chapter shall restrict the erection or placement of governmental or other public signs.
 - g. Amusement places and recreational areas. Signs within these areas, which do not identify or advertise the area as an entity, are exempt from the regulations of this division.
 - h. The message displayed by an electronic or computer controlled sign may not change more often than one time each five seconds.
 - i. Signs that block water vistas in the public rights-of-way are not permitted unless approved by agreement by Town of Ocean City with input from OCDC.
 - j. Signs shall not cover significant architectural detail.
- (4) *Prohibited signs.* The following signs are prohibited in the upper downtown area and, if in existence as of the date of enactment of the ordinance from which this division is derived, shall be removed or brought into conformity as per the sign amortization schedule.
- a. Signs containing statements, words, or pictures of an obscene, indecent, or immoral character.
 - b. Signs which imitate an official traffic sign or signal or which contain the words "stop," "go slow," "caution," "danger," "warning" or similar words.
 - c. Signs which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device, or which hide from view any traffic or street sign or signal, or which obstruct the view in any direction at a street intersection in accordance with section 66-10.
 - d. Signs which are placed or erected within or project into or over any public right-of-way or easement, unless otherwise approved by the Mayor and City Council of Ocean City, with review by OCDC.
 - e. Signs that are attached to utility poles, trees, fences, benches or other signs.
 - f. Off-premises signs of a commercial nature.
 - g. Portable signs and banners unless otherwise permitted.

- h. Vehicle signs, as defined and regulated by chapter 66.
 - i. Balloons, kites or other unattended flying device, which are signs, as defined in this chapter and which are meant to advertise or identify a specific business, product, or event.
 - j. Signs which contain or consist of flashing, blinking, revolving, or rotating lights, (including electronic or computerized signs), unless the sign is giving public service information such as time, date, temperature, weather or similar information. However, these signs are permitted on properties zoned B-2, LC-1 and R-3 as regulated by subsection (5)b.5.iii(c) of this section. Signs containing flashing, blinking, revolving, or rotating lights which existed prior to the enactment of the ordinance from which this division is derived which do not conform to these regulations are to be brought into conformity with this chapter as specified in subsection (6) of this section regarding nonconforming signs.
 - k. Roof signs.
- (5) *Permitted signs.*
- a. The following signs do not require a permit:
 1. One residential personal identification sign not exceeding four square feet in size.
 2. Temporary real estate signs (such as "for sale") located on the premises and subject to the following conditions:
 - i. Signs may not be illuminated.
 - ii. The number of signs is limited to one per street, which the premises faces, and only one sign may face each street. Signs identifying a unit for sale in a multiple-family development may be placed either on the premises of the unit for sale or in front of the building containing the unit.
 - iii. The size of signs shall not exceed 16 square feet and 12 feet in height.
 - iv. Signs must be removed after the sale of the property.
 3. Public or governmental signs.
 4. Temporary political campaign signs placed or erected prior to a federal, state or local election. Such signs must be removed within one week after the election.
 5. Parking lot control signs.
 6. Incidental signs, subject to the following conditions:
 - i. No individual sign may be larger than four square feet.
 - ii. The aggregate of all incidental signs on a property may not exceed 24 square feet.

- iii. Signs may not exceed 36 inches in height.
7. Vending machine signs which may not exceed the limits of the machine on which they are located.
8. Signs located under areas covered by canopies or awnings and within porch areas, and visible primarily to viewers within these areas, with the following conditions:
 - i. No sign may be larger than four square feet.
 - ii. The aggregate of all such signs on a property may not exceed eight square feet.
- b. The following signs require a sign permit.
 1. One sign identifying an approved home occupation not exceeding four square feet.
 2. One bulletin board for a permitted church, school or other noncommercial use or activity, provided it does not exceed 20 square feet and seven feet in height.
 3. Construction signs, provided that such signs shall be limited to one for each firm, each not to exceed six square feet in size and no higher than three feet. All such signs must be removed prior to the issuance of a certificate of occupancy.
 4. Subdivision, project or multifamily development identification signs (temporary). One sign on each street frontage, each sign not exceeding 32 square feet in size and 12 feet in height. These signs may not be erected prior to site plan approval of the project and must be removed prior to the issuance of a certificate of occupancy for the development.
 5. Any three of the signs described in subsections (5)b.5.i through iv of this section.
 - i. *Wall signs.* A structure may have wall signs with an aggregate size of no more than 1½ square feet for each lineal foot of the length of a wall facing a street or body of water, but in no case measuring an aggregate of more than 75 square feet. Structures abutting more than one street or body of water may have wall signs, with an aggregate as described above, for each wall facing a street or body of water. The signs may be distributed on any exterior walls of the structure, and may not be placed so as to exceed the limits of the wall on which they are placed. Hanging signs shall be considered to be wall signs for the purposes of this section and are permitted as part of the aggregate size for wall signs.
 - ii. *Projecting signs.* One projecting sign per business, no larger than six square feet. Buildings on corner lots may have one projecting sign facing each street. No such sign may project

more than three feet from any wall. Projecting signs must be a minimum of eight feet above grade, and the maximum height of any projecting sign may not exceed the height of the building to which it is attached or 15 feet above grade, whichever is lower. The Mayor and City Council of Ocean City must approve signs that project over or into a public way or the boardwalk as regulated by section 66-14.

- iii. *Freestanding signs.*
 - (a) One freestanding sign per lot facing each major street that the lot fronts upon (major streets defined in this division as Baltimore Avenue, Philadelphia Avenue and St. Louis Avenue). Such signs may be no larger than 100 square feet. The maximum height of a freestanding sign may not exceed 20 feet above grade.
 - (b) The maximum size of freestanding signs may be increased by 50 percent if a monument sign is used. The maximum height of monument signs is six feet above grade.
 - (c) One electronic or computer sign shall be permitted in commercial and R-3 districts. Their signboards must not exceed 32 square feet. The message displayed by such signs may not change more often than one time each five seconds.
- iv. *Awning signs.* One awning sign, the size of which shall not exceed 25 percent of the area of the awning. The location of the sign shall not exceed the limits of the awning and the sign shall only be located on a valance, which may be no taller than one foot.
- v. *Window signs.* Window signs, which do not cumulatively exceed 25 percent of the area of the window on which they are placed.
- vi. *Shopping centers.* Shopping centers, as defined in section 110-2, may have one freestanding sign as regulated by subsection (5)b.5.iii(c) of this section, and one wall sign or projecting sign for each business as regulated by subsections (5)b.5.iii(a) and (b) of this section and shall provide a uniform signage plan for approval.
- vii. *Hotels and motels.* Hotels and motels are permitted one additional wall sign (in addition to signs permitted elsewhere in this chapter) to identify accessory uses within the hotel.

Accessory uses in this subsection include uses such as restaurants, bars, lounges, shops, meeting and convention facilities. The additional sign may be no larger than 50 percent

of the maximum size of a primary wall sign that could be located on the property.

viii. *Off-premises parking lot signs.* Off-premises parking lot signs shall not exceed ten feet in height when placed behind a fence and the placement of such signs shall be limited to one street frontage.

(6) *Nonconforming signs.*

a. Signs, which were legally in existence prior to the adoption the ordinance from which this division is derived, which do not conform to the provisions of this division are declared nonconforming signs. It is the intent of this section to encourage the eventual elimination of nonconforming signs, since they are of concern with regard to the public health, safety, welfare and community appearance just as are new signs. It is also the intent that any elimination of nonconforming signs be effected so as to avoid unreasonable denial of established property rights.

b.

1. All existing signs, which are identified in subsection (4) of this section as prohibited signs shall be removed within ninety (90) days of the effective date of the ordinance from which this division is derived, or within ninety (90) days from a written notice of violation, with the exception of the signs described in subsection (4)e of this section.
2. Signs which obstruct the view in any direction at a street intersection in accordance with section 66-10 shall be removed within six months of June 20, 2016 or within ninety (90) days from a written notice of violation.
3. Signs described in subsections (4)j and (4)k of this section (i.e., signs containing flashing, blinking, revolving or rotating lights and roof signs), which must be removed within 18 months of June 20, 2016, or within ninety (90) days from a written notice of violation.
4. All existing unpermitted signs, not otherwise determined to be an existing permitted non-conforming sign, shall be removed, or made to conform with the requirements of this division within ninety (90) days from a written notice of violation.

c. Any nonconforming sign except those identified in subsection (6)b ~~of this section~~ as prohibited signs shall be removed, replaced, or made to conform to the requirements of this division when it is:

1. Changed or replaced with another sign; however, the face or copy of a nonconforming sign may be changed without bringing the sign into conformity, providing such changes are nonstructural in nature.
2. Structurally altered so as to extend its useful life.
3. Expanded or enlarged.
4. Relocated.

- 5. Repaired or re-established after damage by more than 50 percent of its value at the time of the damage or destruction.
- 6. Modified in any way that would increase the degree of nonconformity.

~~Notwithstanding the above, the nonconforming sign shall be made to conform no later than November 18, 2023.~~

- d. Nonconforming window signs that exceed the aggregate window coverage stipulated in subsection (5)b.5.v of this section shall be made to conform to the requirements of this section within one year after adoption of the ordinance from which this division is derived, or within ninety (90) days from a written notice of violation.
- e. Nothing in this section shall prevent ordinary maintenance performed on a nonconforming sign or sign structure.
- f. ~~Variances. The board of zoning appeals shall have the power to grant variances to the sign regulations contained in this overlay zone only. Variances to this section shall be guided by and follow the procedures in section 110-95.~~

(Code 1999, § 110-865.25; Ord. No. 2006-19, 6-5-2006; Ord. No. 2016-12 , 7-5-2016; Ord. No. 2022-24 , 11-7-2022)

...

INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on _____.

ADOPTED AND PASSED, by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on _____, 2024.

ATTEST:

DIANA L. CHAVIS, Clerk

RICHARD W. MEEHAN, Mayor

Approved as to form:

MATTHEW M. JAMES, President

HEATHER STANSBURY
Ayres, Jenkins, Gordy & Almand, P.A.
Office of the City Solicitor

ANTHONY J. DELUCA, Secretary