

Bel Air Board of Town Commissioners
Agenda
October 7, 2024

Ordinance No. 834-24
Chapter 165, Part 3, Article XV

RECOMMENDED MOTION: "...that Ordinance No. 834-24, revising Town Code, Chapter 165, Article XV, related to Signs be received by the Bel Air Board of Town Commissioners."

1. BACKGROUND

The regulation of signage is enabled through code text found in the Town of Bel Air development regulations, Chapter 165, Part 3, Article XV. Section 165-107 entitled Temporary Signs currently provides requirements for properties under construction and Section 165-109 entitled Exemptions provides exclusions from the code for specific signs.

2. PRIMARY ISSUES

Properties under construction contain various images, lettering and graphics that require analysis regarding whether they are regulated under Part 3 of the code. Issues regarding construction materials, barriers for safety and screens for security become entangled in the development regulations that complicates both the interpretation by staff and adherence to code by developers and contractors. Section 165-107, which currently restricts signs on properties under construction is proposed to be amended to remove limits on construction related signs on commercially zoned properties only. Residentially zoned properties would retain the existing restrictions. Section 165-109 would add commercial properties under construction to be designated as exempt from regulation.

3. DISCUSSION/EXPLANATION

Any property under construction may place a sign without permit and without regard to size, number or height provided it is directly related to the approved construction activity including safety materials and security measures. Any sign which creates a hazard to the public or is not properly maintained would be subject to action by the Town. Signs not related to construction would fall under the temporary sign section for underlying zone.

4. RECOMMENDATION

The staff recommends Ordinance No. 834-24, amending Section 165-107, Temporary signs, and Section 165-109, Exemptions, be received by the Bel Air Board of Town Commissioners.

Ordinance No. 834-24

An Ordinance Amending Part 3, Article XV of the Development Regulations
in Chapter 165 of the Bel Air Town Code

WHEREAS, the Board of Town Commissioners is required, under the Land Use Article of the Annotated Code of Maryland, to maintain consistency between the Development Regulations and the Town of Bel Air Comprehensive Plan; and

WHEREAS, the Land Use Article of the Annotated Code of Maryland provides the authority for the Board of Town Commissioners to adopt planning and zoning controls; and

WHEREAS, the Bel Air Board of Town Commissioners wish to update the Development Regulations to address signs related to construction sites; and

WHEREAS, the Board of Town Commissioners has reviewed the limitation of temporary signs related to construction in the Town and wishes to exempt this provision of the code in commercial zoning districts; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Town Commissioners that amendments to the Town of Bel Air Development Regulations, Chapter 165, Ordinance No. 834-24, provided for below is hereby adopted.

§ 165-107. Signs permitted in all zoning districts. [Amended 4-3-2017 by Ord. No. 780-17; 4-2-2018 by Ord. No. 783-18]

Subject to the other conditions of this Part 3, the following signs shall be permitted anywhere within the Town:

- A. Temporary signs.
 - (1) One temporary residential subdivision identification sign not exceeding 32 square feet in area and located on the property shall be permitted for no more than six months without approval by the Zoning Administrator.
 - (2) Any property for sale, **or** for lease **or under construction** may place one additional sign not to exceed a total of 24 square feet in a commercial district **or eight square feet in a residential district** provided the signs are located 10 feet from right-of-way and the height is limited to 10 feet. **Any residentially zoned property for sale, for lease, or under construction is allowed an eight square foot sign to be located a minimum of 10 feet from the right-of-way and no more than six-foot height. [Amended 6-5-2023 by Ord. No. 812-23]**
 - (3) Street banners. Temporary street banners may be erected in compliance with standards established by the Town, in approved locations in accordance with the Town banner policy. **[Amended 6-5-2023 by Ord. No. 812-23]**

- (4) Decorative banners. Temporary decorative banners may be erected on streetlights in the public right-of-way in accordance with the Town banner policy and with the approval of the Director of Public Works to enhance the appearance of commercial districts, celebrate holidays and special events. **[Amended 6-5-2023 by Ord. No. 812-23]**
- (5) Promotional banners. Temporary banners may be located on public buildings or other Town-approved locations in accordance with the Town banner policy. No commercial advertisement shall be included on the face of the banner. **[Amended 6-5-2023 by Ord. No. 812-23]**
- (6) Signs associated with a temporary use permit are regulated by § 165-71. **[Added 6-5-2023 by Ord. No. 812-23]**
- (7) Institutional uses in all districts may place a temporary sign, not exceeding 36 square feet, for no more than 120 consecutive days. Signs shall not exceed six feet in height and must be set back 10 feet from all property lines. No more than one temporary sign is permitted on a property at any given time. A permit is required from the Zoning Administrator. **[Added 6-5-2023 by Ord. No. 812-23]**

§ 165-109. Exemptions. [Amended 4-3-2017 by Ord. No. 780-17]

The following types of signs are exempted from all the provisions of this Part 3, except for construction and safety regulations and the following standards. Submission of a sign permit is not required.

- A. Public signs. Signs of a noncommercial nature and in the furtherance of a governmental or public interest, such as directional signs, regulatory signs, warning signs, and informational signs. Public signs shall not exceed five square feet in area for each sign unless a waiver is approved by the Zoning Administrator. Horizontal directional signs on and flush with paved areas are exempt from this size restriction. All traffic-related signs must meet Maryland Uniform Traffic Control Devices (MUTCD) Specifications. **[Amended 4-2-2018 by Ord. No. 783-18; 6-5-2023 by Ord. No. 812-23]**
- B. Integral signs. Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type of construction and made an integral part of the structure.
- C. Homeowner's identification signs. Signs identifying the name and address of residents shall not exceed one square foot. Such signs shall be allowed on mailboxes, but shall otherwise be mounted on the building. **[Amended 4-2-2018 by Ord. No. 783-18]**
- D. Window signs. Temporary signs shall be allowed inside of a window or interior display of merchandise. The total area of all window signs shall not exceed 20% of all the window glass area. **[Amended 6-5-2023 by Ord. No. 812-23]**

- E. Murals. An artistic representation, sculpture or painting. Any commercial image, message or advertisement shall be included as part of the sign square footage. [Amended 4-2-2018 by Ord. No. 783-18]
- F. **Signs directly related to a Town approved construction activity of any business zoned property provided the sign material is maintained in good condition and free of any vandalism.**

BE IT ORDAINED If any provision of this Ordinance shall be held violative of any applicable law or unenforceable for any reason or *ultra vires*, the invalidity or unenforceability of any such provision shall not invalidate or render unenforceable any other provision hereof, which shall remain in full force and effect. For the purpose of this section, construction activity is defined as the period between issuance of a building permit and use & occupancy permit.

BE IT FURTHER ORDAINED that this Ordinance shall not be applicable to any project which has obtained Open Space Fee in Lieu approval from the Planning Commission prior to the effective date of this Ordinance.

BE IT FURTHER ORDAINED that this Ordinance shall become effective on the twenty-first (21st) day after passage unless petitioned to referendum.

INTRODUCTION:

PUBLIC HEARING:

ENACTMENT:

EFFECTIVE:

AYES:

NAYS:

ABSENT:

Paula Etting, Chair
Board of Town Commissioners

Michael L. Krantz, Town Clerk