

**AN ORDINANCE TO AMEND CERTAIN PROVISIONS TO THE  
ZONING ORDINANCE FOR WASHINGTON COUNTY, MARYLAND  
AND TO REENACT SAID ORDINANCE WITH CHANGES RELATING  
TO ITS TEXT**

(RZ-04-007)

**RECITALS**

The Board of County Commissioners of Washington County, Maryland (the "Board") adopted the Zoning Ordinance for Washington County, Maryland (the "Ordinance") on January 23, 1973, and it became effective on April 2, 1973.

The Board has requested that amendments be made to the text of the Zoning Ordinance. The amendments relate to Outdoor Advertising Signs, also known as "Billboards."

The Board believes it to be in the best interests of the citizens of Washington County for the amendments to be enacted.

The Board and the Planning Commission held a joint public hearing for the purpose of taking testimony on the proposed amendments on September 20, 2004, pursuant to public notice duly given. The record was left open for the prescribed ten (10) days following the hearing for the submission of additional materials in writing, pursuant to §27.2 of the Ordinance.

Following the hearing, the Board considered the recommendations of the Planning Commission and the Planning Department staff, materials received as part of the public hearing and submitted in the ten (10) days following the hearing. The Board conducted this review in public sessions.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED that certain provisions of the Zoning Ordinance, as amended, be further amended as follows:

**RZ-04-007**

- (1) **ARTICLE 11 - "BL" BUSINESS, LOCAL DISTRICT is amended as follows:**

**Section 11.1(j) is added and shall read as follows:**

Section 11.1 Principal Permitted Uses

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- (j) Signs, Outdoor Advertising, subject to the provisions of Sections 22.24 and 22.25.

- (2) **ARTICLE 12 – "BG" BUSINESS, GENERAL DISTRICT is amended as follows:**

**Section 12.1 is amended as follows:**

Section 12.1 Principal Permitted Uses

- (a) Retail trades, businesses and services, including the following and any use permitted in the BL District, subject to the use regulations specified in that district.

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Signs, Outdoor Advertising, subject to the provisions of Sections 22.24 and 22.25.

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- (3) **ARTICLE 13 – “IR” INDUSTRIAL, RESTRICTED DISTRICT is amended as follows:**

**Section 13.1(e) is added and shall read as follows:**

Section 13.1 Principal Permitted Uses

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- (e) Signs, Outdoor Advertising, subject to the provisions of Sections 22.24 and 22.25.

- (4) **ARTICLE 14 – “IG” INDUSTRIAL, GENERAL DISTRICT is amended as follows:**

**Section 14.1(d) is added and shall read as follows:**

Section 14.1 Principal Permitted Uses

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- (d) Signs, Outdoor Advertising, subject to the provisions of Sections 22.24 and 22.25.

- (5) **ARTICLE 17 – “PB” PLANNED BUSINESS DISTRICT (SHOPPING CENTERS)**

**Section 17.1 is amended and shall read as follows:**

Section 17.1 Principal Permitted Uses

Only uses appropriate to a BL or BG shopping center zone shall be permitted. However, no animal hospitals, veterinary clinics, or kennels shall be permitted. No residential use, heavy commercial or industrial uses, Outdoor Advertising Signs, or any use other than is necessary or desirable to supply goods and services to the surrounding area shall be permitted.

- (6) **ARTICLE 18 – “PI” PLANNED INDUSTRIAL DISTRICT (INDUSTRIAL PARK) is amended as follows:**

**Section 18.1(j) is added and shall read as follows:**

Section 18.1 Principal Permitted Uses

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- (j) Signs, Outdoor Advertising, subject to the provisions of Sections 22.24 and 22.25.

**Section 18.2(g) is amended and shall read as follows:**

Section 18.2 Prohibited Uses

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- (g) Signs, except as authorized herein.

**Section 18.86 is amended as follows:**

Sections 18.86(b) and (d) are deleted in their entirety and the other sections are re-designated accordingly, as follows:

Section 18.86 Signs and Lighting

- (a) The design, lettering, lighting and location of all signs shall be included so far as possible as part of the site plan submitted for approval of the Commission.
- (b) Signs, business, for identifying the use or the occupant shall be a part of the architectural design and be attached to the building. Any signs detached from buildings shall be landscaped.
- (c) All major buildings and parking areas may be lighted with exterior flood or spotlights, provided lights are not directed toward adjacent residential districts or roads or streets.

**(7) ARTICLE 21 – “AP” AIRPORT DISTRICT is amended as follows:**

**Section 21.33(e) is added and shall read as follows:**

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Section 21.33 Prohibited Uses

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- (e) Signs, Outdoor Advertising.

**(8) ARTICLE 22 – SPECIAL PROVISIONS, DIVISION II – SIGNS is amended as follows:**

**Section 22.24 is amended and shall read as follows:**

## Section 22.24 Outdoor Advertising Signs

The design and location of outdoor advertising shall conform to all federal, state, and county laws and regulations and specifically the following:

- (a) Outdoor Advertising Signs not in existence or for which applications for permits or site plans were not accepted prior to November 16, 2004 are prohibited, except as provided in Section 22.24(c).
- (b) Outdoor Advertising Signs in existence or for which applications for permits or site plans were accepted prior to November 16, 2004 shall be considered nonconforming uses. Any rehabilitation, alteration (excluding change of advertisements) or replacement (excluding relocation) of nonconforming signs shall be subject to the following regulations:
  - 1. No increase in the size or height of an existing Outdoor Advertising Sign shall be permitted. An existing Outdoor Advertising Sign may be abandoned and relocated in favor of a new sign pursuant to Section 22.24(c).
  - 2. All Outdoor Advertising Signs must be static. Any movement including but not limited to flashing, scrolling, rotating, changing in light intensity or color, or image projection is prohibited. Tri-vision and other mechanical signs are also prohibited.
  - 3. A site plan must be submitted for all Outdoor Advertising Signs in accordance with the procedures and requirements set forth in Section 4.11. In addition to the information required in Section 4.11, the following shall be submitted:
    - i. Location of all existing signage within 1,000 feet of the proposed location of the Outdoor Advertising Sign.
    - ii. Plan and profile views of the sign indicating height, size, number of panels, dimensions of panels, and type of mounting (flag mount, center mount, etc.)
    - iii. Color photographs of existing conditions with the location of the sign superimposed to illustrate the change in the visual landscape.
- (c) A new Outdoor Advertising Sign may be erected, subject to the following regulations:
  - 1. A new Outdoor Advertising Sign shall not be erected until after the removal of one that was lawfully erected.
  - 2. An Outdoor Advertising Sign may not be erected in the following locations:

- i. Outside of the urban or town growth area boundaries as established in the Comprehensive Plan for Washington County as amended from time to time.
  - ii. Within 1,000 feet, measured from the centerline of the road, of the following corridors:
    - a. U.S. Route 40 and MD 144 (National Pike) from the incorporated limits of the City of Hagerstown, west to the Allegany County border, excluding the portions of the roads within the incorporated limits of the Towns of Clear Spring and Hancock.
    - b. U.S. Alternate Route 40 (Old National Pike) from the incorporated limits of the Town of Funkstown south to the Frederick County border, excluding the portion of the road within the incorporated limits of the Town of Boonsboro.
    - c. Maryland Route 65 (Sharpsburg Pike) from Interstate 70 south to Maryland Route 34, excluding the portion of the road within the incorporated limits of the Town of Sharpsburg.
    - d. Maryland Route 34 (Shepherdstown Pike) from Monroe Road west to the West Virginia state border, excluding the portions of the road within the incorporated limits of the Towns of Boonsboro, Keedysville and Sharpsburg.
    - e. Maryland Route 63 (Greencastle Pike) from the Pennsylvania state border south to the incorporate limits of the Town of Williamsport, excluding the portion of road from U.S. 40, traveling south to Interstate 70.
    - f. U.S. Route 340 from the West Virginia state border to the Frederick County border.
    - g. Maryland Route 60 (Leitersburg Pike) from Marsh Pike to the Pennsylvania state border.
    - h. Maryland Route 67 (Rohrersville Road) from U.S. Alternate Route 40 to U.S. Route 340.
    - i. Maryland Route 68 (Lappans Road) from I-81 southeast to U.S. Alternate Route 40.
  - iii. In residential zoned areas including RR, RS, RU, RM, HI-2 and PUD.
3. Priority areas for removal of existing Outdoor Advertising Signs shall coincide with the corridors outlined in Section 22.24(c)2.

4. No Outdoor Advertising Sign face shall exceed 300 square feet. Cumulative sign area shall not exceed 600 square feet.
5. No Outdoor Advertising Sign shall have more than two (2) faces. All Outdoor Advertising signs with two (2) faces shall have the two (2) faces placed back to back in a parallel arrangement with one another. A modification of the arrangement may be approved by the Planning Commission up to forty-five (45) degrees.
6. No Outdoor Advertising Sign shall be greater than thirty (30) feet in height. Height shall be the greatest measured distance from lowest road grade at centerline of the closest road at right angles to the base of the sign, then perpendicular to the top of the overall structure. If the base of the sign is located at an intersection where it is equidistant from either road, the lowest of the two road grades shall be used.
7. No Outdoor Advertising Sign shall be located within 500 feet of an adjacent property that is zoned for or contains dwellings, hospitals, nursing homes, schools, or other residential institutions for human care. If illuminated, the sign shall not be located within 1,000 feet of an adjacent property that is zoned for, or contains, dwellings, hospitals, nursing homes, schools, or other residential institutions for human care.
8. No Outdoor Advertising Sign shall be visible to the degree of being readable or intended to be read at any time from or on a property containing a structure deemed historic as recognized by the National Register of Historic Places, the Maryland Historical Trust, or properties that have a Historic Preservation Overlay zoning designation.
9. No Outdoor Advertising Sign shall be located within 500 feet of another Outdoor Advertising Sign. In the case of existing dual lane highways, each side of such dual lane highway shall be considered separately in determining such spacing requirement. In the case of non-dual lane highways, spacing shall be determined and measured between signs regardless of the side of the highway on which they are located or proposed.
10. Outdoor Advertising Signs shall be permitted in the BL, BG, HI-1, PI, IR and IG zoning districts provided all other criteria stated in this section are met.
11. Placement of an Outdoor Advertising Sign on an object other than a structure as defined in this Ordinance is prohibited (e.g., placement on trailers, utility poles, fences, etc.)
12. All new Outdoor Advertising Signs shall also conform to the regulations outlined in Section 22.24(b).

13. New Outdoor Advertising Signs shall not be located so as to limit or prohibit the ability to view another on-premise or Outdoor Advertising Sign.

- (d) Mobile Outdoor Advertising Signs are prohibited.

**Section 22.25 is amended to read as follows:**

**Section 22.25 Approval of Location and Maintenance of Signs Requiring Zoning Permits**

The following regulations shall, without exception, be observed with respect to the approval of location and maintenance of signs enumerated in Section 22.22.

- (a) No sign shall be permitted that imitates or resembles an official traffic control device, railroad sign or signal, or hides from view or interferes with the effectiveness of an official traffic control device, railroad sign or signal, or traffic sight lines. Illuminated signs shall be so constructed as to avoid glare or reflection on any portion of an adjacent highway or residential buildings.
- (b) No sign which implies the need or requirement of stopping or the existence of danger shall be displayed.
- (c) No Outdoor Advertising Sign shall be placed closer than three hundred (300) feet to an intersection on a dual or proposed dual highway or within one hundred (100) feet of any other intersection; provided, however, that such signs may be affixed to or located adjacent to a building at such intersections in such a manner as not to materially cause any greater obstruction of vision than caused by the building itself. No business sign shall be so located to obstruct the vision of traffic using entrance ways, driveways, or any public road intersection.
- (d) All Outdoor Advertising Signs shall comply with setback provisions in the districts in which they are permitted.
- (e) No sign shall be located on the right-of-way of any road or on any slope or drainage easement for such road.
- (f) No sign shall be permitted which contains statements, words, or pictures of an obscene, indecent or immoral character, or such as will offend public morals or decency.
- (g) No sign shall be placed on rocks, trees or on poles maintained by public utilities.
- (h) No sign shall be permitted which becomes unsafe or endangers the safety of a building, premises or persons and unless

maintained in a good general condition and in a reasonable state of repair.

- (i) Where a sign structure does not include advertising information or is in a deteriorated condition for a period of one hundred twenty (120) days, such sign structure shall be repaired and repainted or repapered to include advertising information. If this requirement is not fulfilled, the sign structure shall be removed no later than sixty (60) days from the notice of violation.

**(9) ARTICLE 28 – DEFINITIONS is amended as follows:**

**Section 28.111 is added and shall read as follows:**

28.111 Billboard – see Sign, Outdoor Advertising.

**Section 28.61 is amended and shall read as follows:**

Signs: A name, identification, description, display, illustration or device which is affixed or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, person, institution, or business.

- (a) Sign, Business: A sign that directs attention to a business or profession or to a commodity, service, or entertainment sold or offered upon the premises upon which the sign is located.
- (b) Sign, Freestanding: A sign supported by a permanent structure, other than a building, that is affixed to the earth and placed on the same parcel of land on which the business or service advertised by the sign is located. Outdoor Advertising Signs shall not be considered freestanding signs.
- (c) Sign, Mobile Outdoor Advertising: A sign positioned on a vehicle or other mode of transportation where advertising of off-premises businesses, commodities, services, entertainment or goods is the sole purpose of said vehicle.
- (d) Sign, Outdoor Advertising: A sign, billboard, or structure that includes at least one message that advertises or directs attention to a business, commodity, service, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located.
- (e) Permanent Residential Identification Signs: Signs of a permanent nature setting forth the name of a residential subdivision or development. All such signs must be located on the premises of the development. All such signs must be located on the premises of the development so identified.
- (f) Sign Area: The cumulative area of all faces of a sign, including the advertising surface and any framing, trim, or molding; but not including the supporting structure.



- (g) Sign Face: The area or display surface of any sign upon, against, or through which the message is displayed or illustrated on said sign.

Adopted and effective this 16<sup>th</sup> day of November, 2004.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF WASHINGTON COUNTY, MARYLAND

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Joni L. Bittner, Clerk

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Gregory I. Snook, President

Approved as to legal  
sufficiency:

\_\_\_\_\_  
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