

# **THURMONT PLANNING AND ZONING COMMISSION MEETING**

**10/27/16 AT 7:00 PM**

**Thurmont Town Office, Meeting Room**

## **Agenda Topics**

- 1.) APPROVAL OF 9/22/16 MEETING MINUTES
- 2.) ZONING INSPECTORS REPORT
- 3.) CONCEPT PLAN REVISION – PARK PLACE
- 4.) SIGNAGE DISCUSSION

# **Minutes from October 27, 2016 Planning and Zoning Commission Meeting**

A meeting of the Thurmont Planning & Zoning Commission was held on Thursday, October 27, 2016 at 7:00 p.m. Present were: Chairman, Randy Cubbedge; Planning Commission Members, Sabrina Massett, Bryant Despeaux and Jim Wilkins; CAO, Jim Humerick; Sr. Administrative Assistant, Becky Long; Zoning and Utilities Inspector, Kelly Duty; Town Planner, Commissioner Liaison, Wes Hamrick; Chris Jakubiak; Dick Lee and Mr. & Mrs. Ambrose. Commission Member, Randy Waesche joined the meeting in an official capacity when the signage discussion began and Alternate Member, Viktor Kraenbring arrived at 8:37.

## **Approval of 9/22/16 Meeting Minutes**

**Motion** – Commission member Despeaux said “I move that we approve the 9/22 meeting minutes as presented.” Commission member Massett seconded the motion. Vote – 4-0-0, motion carried.

## **Zoning Inspectors Report**

Kelly Duty went over her Zoning Inspector’s Report from 9/22/16 – 10/27/16 (see attached).

## **Concept Plan Revision – Park Place**

Chris Jakubiak stated that the Park Place plan was approved previously and is before then as a revision. The project previously included garages in each townhouse with a driveway and the garage and driveway counted as two onsite parking spaces. The developer has submitted a revision that would remove the garage and add a wider parking pad behind each of the units. As a result of that the floor area or footprint of each unit would be smaller, because there wouldn’t be a garage in the back any longer. Ms. Duty said I did a little bit of the math for you in my report and that is essentially what my comments revolved around was just the footprint, whether it was more increasing in impervious surface or decreasing in impervious surface (see attached Staff Comments). What the applicant is proposing is removal of essentially 8’ x 22’ building footprint area, which equates to removal of the garage area and then he is substituting an 8’ x 20’ driveway addition. So, really when you calculate all of that out, the wash or it comes out that we will gain 48sf of pervious area. But, take another step back, which my Staff Comments do not reflect. This is due to the fact that I emailed my comments to the applicant and they came back and said that there was actually an incorrect reflection on their concept revision and the driveway surfaces are supposed to note on there that instead of concrete driveway, it should state just like the collective rear driveway accessing those individual unit driveways, it says pervious pavement. And it is the applicant’s intension to make all of those driveways pervious pavement as well. So, hydraulically I don’t know how all of that works, that really comes down to storm water. But just doing the numbers, whether that were to be pervious driveway pavement or concrete driveway, we’re still to the better as far as pervious area is concerned. So, with pervious paving for the driveways that will make it even better with the water having the opportunity to go back into the ground. So, I don’t see any real issues with this alteration of the plan and the only thing that I have asked the applicant to do, would be to kind of give us numerically a small little chart on this plan somewhere, just showing us numerically what those numbers are. The change in the pervious versus the impervious surface and the removal of the building footprint. Commission member Wilkins asked will this decrease the size of the

permanent structure townhouse and it would also increase their parking ability, thus taking parking off of the street. Ms. Duty said yes to the decrease of the size of the structure, but the parking would not change. When we were calculating the number of parking spaces, each residential unit is required to have two parking spaces and for every fifth unit you have to add an additional parking space. The initial plan, the one that we've already approved had a driveway and it had a garage, so we were counting the garage as one parking space and then the driveway as the second parking space. For the additional added space due to that extra five, they are out there in that common area to the rear of the units. But, in this case to compensate for the removal of the garage, they have added essentially a double driveway. An 18' wide driveway that would allow two cars to park side by side. Mr. Wilkins said so, they are actually deleting the garage. Ms. Duty said that is correct, yes. Commission member Despeaux said just for the record there is no street parking there anyway, right? Ms. Duty said that is correct, not on Park Lane. Mr. Despeaux said this plan is so small, what is the length of the driveway behind each unit? Ms. Duty said 20' in length. Mr. Despeaux went on to say, I remember when we approved the first plan or concept, we talked so much about the in and out behind those townhouses and I'm just a little concerned about like that last unit or that first unit, unit one or two, being able to turn around and get out of that spot? Ms. Duty stated in the original plan, the one that we have approved already, has that little bump out turn around and that is being carried over to this plan as well. Commission member Massett said that bump out is just on unit one right, unit two is still tight? Ms. Duty replied that is correct. Chairman Cubbedge asked is all of the driveway, in other words from Park Lane down the width of the townhouse to the back, he's referring to be impervious? Ms. Duty replied yes, all of that is to be pervious, minus the actual concrete driveway access that is currently installed, that's not pervious. But, the actual driveway that's going to wrap around from just behind the sidewalk all the way back around behind the units, all of that is going to be pervious paving. The Chairman asked if they were going to maintain the curbing all the way around. Ms. Duty said that is my understanding, yes. Mr. Wilkins asked the run-off would be different wouldn't it when they do this, the amount of run-off versus before, the absorption, would it be different? Ms. Duty stated I am not a storm water engineer, but just from commonsense wise if you are just looking at the numbers, I would say that since we are gaining 48sf of I would assume be grassy area, that we would be to the better. And the applicant has also stated that they are going to do pervious paving on the driveways, which was not proposed before, so that gives the water even more opportunity to be reabsorbed into the ground. Ms. Massett said I'm a little confused, if you're taking out the garage and just replacing it with a driveway, you're not gaining any more pervious. The pervious comes, that he is going to use pervious..... Ms. Duty said they are removing 8' x 22' of the building and to replace that they're adding 8' x 20' of driveway addition, so if you multiply that out you would come out to 48sf of uncovered. Ms. Massett stated except that the driveway is typically covered by concrete or blacktop, I guess that's my point. It's not like the front yard is getting any bigger. I know what you are saying I just wanted to get kind of a fine point, but just because there's not a garage there still would be concrete or blacktop there. But, they're helping that I guess by making it that pervious type. Is that like the grids that they are going to plant? Do we know what it's going to look like? Ms. Duty said I do not know, the plan just calls for pervious paving. The applicant would be able to provide more information as to exactly what they are proposing, but it has to be some kind of pervious paving. The can do like Criswell has done, the blacktop that is a pervious type of pavement and people can use pavers, there are a bunch of options out there. Chairman Cubbedge stated I would kind of like to know what they are looking at and what that pervious nature is going to be and I think that should be put on the plan in some aspect. You said they're 9' width driveways, is that correct? Ms. Duty said what

they are proposing is 18'. The Chairman went on, that is 9' per car, so we're looking at basically 18' of impervious type of whatever type of surface and 4' of grass in their back yards? Mr. Jakubiak corrected the Chairman saying it is 18' of pervious surface. The Chairman said 4' of grass basically, so in an aspect you're still looking at an increase of a heat source. Ms. Duty said yes. Mr. Jakubiak said the applicant would have to get this approved through Frederick County. He'll have to obtain a grading permit and I don't know if they have obtained any approvals yet in terms of storm water management, but anything that they have obtained will have to be revised, because it's the County that has jurisdiction over storm water management. So, this will go back to the County and you can certainly make it part of your motion, if you want to approve this, that they in fact do that, but certainly the County will review this and it applies the standards for storm water management. Mr. Wilkins said I know it's not our issue, but the taxes, this will change the tax structure of the previous building since it had an enclosed covered garage verses less square footage without the garage. It has nothing to do with us, but it will all be taking place and when they submit for what type of pervious thing they are going to have that will be approved at the County, so it will come back to our table again probably with whatever they are going to do. Mr. Jakubiak said I don't think it will come back to the Planning Commission. The value of the improvement on the lot may be less, all other things being equal, if there's less building on the property and if that's in fact the case then the tax assessment would be lower. So, yes your tax receipts would be smaller. That end lot, the last lot, its accessibility has always troubled me even with the first plan and I've thought thru a little bit and in reality this is really no more difficult than the first plan. Under the first plan with all the lots, with all the townhouses you had a double stacking. You had one in the garage and one behind, so you'd have to move the one in the driveway to get the one out of the garage. And we also know that garages often become storage and not actual parking spaces, so on balance this actually creates two parking spots and 18' is like two parking spots side by side. If you look at any of the parking spots on this site they are 9' wide and so there's adequate space horizontally. On that last lot, unit 1, I think you get both cars in there side by side, but you only move one out at a time and it's only the one that's to the right and I think that one gets backed out and it could use that little "L" shaped bump out and only I think when that's free do you back this other one out and I think that one gets really tight in there and does a three point turn situation and the buyer will have an opportunity to consider that in evaluating the price on that particular lot. But it meets the standard in the sense that there's space there for two off street parking spots. Chairman Cubbedge asked and that corner of that bump out meets the setback requirement? If you look at the lot line... Ms. Duty said there is no setback for the driveway distance. The Chairman said question for clarification, I know we have approved this before underneath the other plan and they are asking for a complete new acceptance of a brand new plan, is that wha.... When you type revised and you are doing this much, this is not a revision, this is an entirely new site plan. You are taking away a garage, you're taking away square footage, so this is my question. A revision to me is okay we're going to go from a pervious to an impervious or a back and forth surface of 20 some odd feet. This is a full project, you went from a garage and argumentation of how you were going to load people in and out and this is my question, is this a revision or is this an entirely brand new site plan? Ms. Duty said this is not a new site plan this is a revision with the removal of the garage space substituting driveway space for that extra car, nothing else on the plan has changed. Mr. Despeaux said according to the agenda it's a concept plan. Chairman Cubbedge said yeah, we had a concept, so we're just basically talking about this tonight. Ms. Duty said that is correct, yes. Mr. Wilkins said the only thing I say about it is, they are actually changing the structure from one plan to the other, so that doesn't have to be reviewed as to what you have or square footage of the structure their going

to have under this revision? Chairman Cubbedge stated all this basically is, truthfully is a discussion for the developer, because this is not a formal, in other words he has presented multiple plans to the Commission to discuss to try and get an opinion of what he believes will be a viable plan and a votable plan for him to build upon. So, we have not actually voted on a site plan yet, this has all been conceptual discussion and requests by him, so what you guys are doing tonight basically is we're giving him an opinion of what we think, if we're in agreement to what he's changing and I will defer that to Kelly and Chris to make sure that's correct. Am I correct in that? Ms. Duty replied yes, that is correct.

Chairman Cubbedge asked if there was any public comment.

### **Public Comment -**

Randy Waesche, 105 Woodland Ave., as I expressed last year I think when this first came up, we're not opposed to the concept at all. Recently I did pick up on something that I didn't pick up on before. By the way, one of the family properties is directly east of this site and it includes directly east of it is what's now known as S. Carroll Street, which is a private road at this time. If you look on your plan there and the reason I think I missed it the first time is that it is a very busy plan and it's hard to discern what the different points are probably because of the scale, but there's three points on that eastern boundary. If you look at it closely it forms a very narrow triangle. None of the surveys that we have ever had done and none of the deeds that go back a hundred years has the middle point in it, it describes a straight line 360' from the lower right point clear up to E. Main St. and it's the same minutes and seconds and length. So, it doesn't suggest a break. Now the reason..... Chairman Cubbedge asked Randy to come up and mark that for him. While showing the commission members this on the plan Mr. Waesche continued saying at this small scale it's very hard to see, but if you would put that on a normal sized plat, that makes a difference of could be up to 7' that this point extends into what we believe is our property. And the reason that we're even concerned about that, it's not that 7' is any big deal under any other circumstance, but many of you that have been on the Board a while know, S. Carroll St. has been an issue and besides the LeeKyler project/River Run and Park Place, there are other properties down there that are also zoned R-5 and at some point we would like to develop that, whether it's us or somebody else, but it's zoned for R-5 and at some point we envision S. Carroll St. becoming a one-way ingress or regress to help with the traffic in there. So we don't have the one-way in and out and for that reason we think it's important from the Towns perspective that S. Carroll St. is a straight road. From the Towns perspective I think it would be easier to maintain a straight road than one that's got a curve in it and on our side of it, if we are going to develop on the east side of that, anything that's done on the west side that pushes the property line and 20 more feet for S. Carroll St., it's going to give us setback problems potentially and we might lose a townhouse potentially because of that. So, that's the only reason we're concerned about it. Again, conceptually we have no problem with what the applicant wants to do over there, but we would just ask that if there is a motion that it contain some kind of caveat and we are going to pay for a survey, we are not going to let it drag out. We are going to pay for another survey on our own and if it matches what the applicant says there's no issue, if it doesn't we'll have to take it from there. But, we would like to bring it to your attention now, if there is a motion we would like that condition put on it and that's the only reason I'm here. Chairman Cubbedge said just so I get it clear, if it continues moving down, you're looking for a motion to state that the independent survey matches the design plan presented by the applicant, is that what you're.... Mr. Waesche said or just make note that conditional on resolution of the issue of the property line. It doesn't need to get into anything further. And again, I apologize to the applicant, I just picked up on it last week. I was up there trying to do

something about that barricade and trying to figure out how much space I had to get a fence company in there and then I thought oh here look at this.

Mr. Despeaux said frankly we get these plans and I always assume that surveys are done and some official body is checking against the titles and deeds, am I making wrong assumptions? Ms. Duty said traditionally when a surveyor goes out and surveys a piece of property they are going to survey all the outside property lines and if it involves interior property lines or the creation of a new lot they'll go out and survey those. So, yes traditionally that is where they start from and then they go from there. Mr. Jakubiak stated that now town has a town surveyor that checks meets and bounds, but that's why we insist on a professional surveyor stamping and certifying with his stamp that it is accurate and truthful, but these issues do arise from time to time, they're typically civil issues between neighbors and fortunately you don't have to necessarily make a motion tonight, because it's a concept, but we can certainly deliver that message to Ron Thompson, the surveying company that did this with the request that he resolve this issue to the extent that he can. Mr. Despeaux asked if Town Staff can make that inquiry. Mr. Jakubiak said, sure. Chairman Cubbedge said with the exception of asking the Town Staff to contact the surveyor for clarification in regards to Mr. Waesche and also I'd like for somebody to come back and let us know what this impervious factoring is going to be and we can start thinking about it down the road, again are we talking an inch an hour, are talking 4" an hour, what are we talking about in a pervious surface being in regard to that. Outside of that, anybody else have any suggestions or requests for the Town Staff to pass on to the developer. Mr. Wilkins said I think we should give him the benefit of the doubt for his survey, when do you think you are going to get your survey done? Mr. Waesche said he didn't know how busy the company was. The Chairman said unless it's resolved, I don't think legally or ethically it would be moved forward upon anyhow. We have a public request here for a clarification, until that clarification is completed by whoever does it and however, to let all parties know, I would not want to move forward at that point in time. I think legally we shouldn't.

### **Signage Discussion**

Mr. Jakubiak stated that before us tonight what I would term a Preliminary Working Draft (see attached). This is something I put together, I left blanks in it where a lot of the discussion of dimensions or area or height, because I didn't want to prejudge that and don't want to get into the details now, but I wanted to summarize the flow and structure of this document with you first and leave you with it to review it in more detail. And I think having reviewed it at the next meeting when we actually go and look at some pictures you will have some context to put that dimensional type of discussion in, a regulatory content. So, I would just like to review with you the main headings and there are some highlights I want to bring to your attention and certain points. This would change the current section 6.8 in the Zoning Ordinance and what I propose that we add is a Purpose Statement, right now we don't have that and I think that is very important when you're regulating any type of development, particularly when you get into a sub area of like Signs, to state what the purpose is of the sign regulations are. The 6.8.3 talks about administration, we provide clarity about what and how the signs are administered and this proposed language is structured administratively in two ways, we have a sign permit and a sign program. I'm suggesting that the sign permit is handled by the Zoning Administrator when someone wants a sign, a business wants to change a sign or the new business wants to add a new sign, they obtain a sign permit just like they do today. But, when a larger business or a larger development comes in and it's reviewed by the Planning Commission and it's a shopping center or a mixed use project of some scale and size, they get a sign program approved by you and if you approve

that sign program, then the Zoning Administrator would issue a sign permit for it. The sign program is part and parcel of the site plan, you'll review it at the same time you review the site plan. The program establishes the plan for signage on the lot, once it's approved it runs with the development until someone wants to change it or redevelop the site and then they come back thru the process. You deal with signs at the Category 1 site plan approval process, if a new business moves into an existing building and they want a whole new sign idea, then that's just approved administratively, that matter wouldn't come to you the Zoning Administrator would follow the guidance in the Code. On page 3 of 13, there is a list of Prohibited Signs and Signing, these are pretty much as set forth in your current Code. The one thing that is not in this list is electronic board signs, currently they are prohibited even though there are a few in Town. I would actually suggest to maybe put a note that the Town allowed those under certain circumstances and certain locations in Thurmont. Those are the digital board signs or the message board signs that change like at Catoclin High School. There are at least a couple of them in Town that are presently not allowed by the Code. I actually think that some of that signage is in fact the way that towns are going. With the amount of money that businesses invest in a sign is really quite high and they are going to this technique of being able to change their message over time. On page 4, I added a section, Signs Permitted Without Zoning Permit, not every sign ought to require a permit. Official traffic and parking signs never obtain permits for example. Every property has the ability to have one sign up without any permit, but it counts against your allowable sign area and it counts against your allowable number of signs, and it has to comply with the regulations. On page 7, there is a section that really gives the Staff the standards they need in applying things, like how to compute area and height, what exactly do you measure when you measure the area of a sign..... Make a note on page 8, item C, where Electronic/Digital Message Board Signs are allowed, please take the time to read that and think about that a little bit. Those are the standards, the five points that are showing up in a lot of Codes now that are allowing electronic message board signs and my suggestion would be that these only be allowed in the General Business District or on Institutions of a certain size like at the school for instance. It may not be appropriate in a Residential District, if it's just a house, it might also be distracting in the historic quality of the Towns Business District as well. The next couple sections apply to the standards specific to Residential Districts, specific to the Mixed Use Districts and I didn't write anything in there yet because there are standards already in the Code and then to the Non-Residential Districts, which would be Town Business, General Business and Industrial Districts and the Open Space Zone. This where you say what types of signs are allowed in each of the districts and by virtue of that what types are not allowed in those districts. On page 10 the Non-Conforming Signs, the Zoning Inspector shall order the removal of any sign erected or maintained in violation of the law as it existed prior to the date of the adoption of this Zoning Code. Now that's a pretty stern statement, you may not want to have that in there, but you may want to. I put it in there and I'm calling it out to your attention to see what you think, because that basically says we have to enforce the Code. B says if a sign was authorized and it obtained a permit lawfully, it may not be allowed now, but it still can continue, it's grandfathered, it's a non-conforming sign and it can continue. I want to call your attention to page 11, the second item at the top number 2, what this says is that when a site redevelops and tears the building down and builds a new building and changes its access, comes in for a site plan, the signs come into compliance with the new code as well. In practice what often happens is a fast food restaurant will eventually find out that it needs a new floorplan and a new model and they want to revitalize the lot, they take the whole thing down and they come in with a whole new site plan and redevelop the site, but they leave that 50' pole sign up there and that is always very difficult for communities to accept, because they've always thought that one day

we're gonna get a new McDonald's and that sign is going to be fitting with the theme of our community and with our standards and yet it's not. And what that developer will say is that that sign is permitted separately, it's not part of the site, I have an inherent right to continue that sign in perpetuity and I'd like to end that practice and when a site redevelops everything comes into compliance, everything that's under the site plan review, like signs comes into compliance. That doesn't mean that there's not signage anymore, it's just the signage is different, it's in a different format and it looks more like the development that is more recently happening in the Town. The next section is Administrative Adjustments, remember you approved a section in the new Code that granted the Zoning Administrator the ability to administratively adjust setbacks and building heights within a certain threshold and this says the same thing but for signs. It sets forth some standards that would allow the Zoning Administrator to have the flexibility to deal with site conditions. You may find that you don't want the Mayor and Council to give the Town that flexibility, but I put it here as a proposal to you to consider. I think it's a good idea and I've seen in practice that sometimes things benefit from a little flexibility, particularly when the tolerance will never be noticeable in practice. So, please think on that if you could. Then the last section is Violations and presently you don't have a section about sign violations, so this is all new and one thing I wanted to mention here is that it says that the Zoning Inspector has the authority to take down signs, temporary signs that don't comply or signs that can be move can be removed and that the Town can store those signs for 15 days, because you don't necessarily want to take them and throw them in the dumpster, they are someone's property. But, you could take them and store them for 15 days and send notification to the owner to say your sign is here, come pick it up and don't do it again. So, you are giving some due process to the offender and there's a \$50 fee for releasing the signs to cover the Town's cost of going out and pulling up the signs. This is an approach that the City of Annapolis has used, I was involved in drafting this for the City, this violations stuff. The reason I dwell on this a little bit is that currently the Zoning Ordinance says real estate signs can be located in the public right of way throughout the Town and it doesn't say any other type of message is allowed. You can't put political signs in the ROW apparently or you can't put save the whales signs or anything else or you can't advertise your business, but you can do real estate signs. That's a clear issue in terms of content so, right now the Code is written that no signs are allowed in the public ROW, but inevitably people will do it and the Zoning Inspector can collect those signs and send a notice to the location where she thinks the sign belongs and after 15 days throw the signs out.

Mr. Humerick asked that if they were going to put this in writing that they not talk about tickets or fines, things like that, we're not police officers, he would suggest they call it a Zoning Infraction Fee, because that's what we can enforce. It's a fee for not following the directions. We've had discussion on this at Staff level and also we really strongly encourage you to consider restrictions on temporary signs. That is a big problem right now and I think that most temporary signs should require a permit, because if you don't we're going to continue to have what we have right now.

There were discussions throughout and after Mr. Jakubiak's review of the Draft. There were questions and suggestions on things they thought might be appropriate. Mr. Jakubiak said if anybody wants to send comments to me and the Staff once you reviewed it, please just copy all three of us on it, then we'll be able to respond to it at the next meeting.

**Public Comment:** Dick Lee, 13 Jermae, on the signage you may want to think about downtown and keeping it historic, but if you're dealing with a strip, that's a total different thing with your umbrellas and your awnings, I think. And I think you could designate a certain blockage to control that if you wanted



to. I agree with Bryant, I think for temporaries you should have a certain amount a year, a certain length of time and a certain number of them. I was going to say that, but you've really agreed on that already. The only question I have is on the survey, do we have a legal way if Randy comes up with his surveyor and if it doesn't agree with the development surveyor and that doesn't agree with the Town's surveyor, do we have a way to come up with a final survey that is official? Ms. Duty said that would be a civil issue. Chairman Cubbedge said the two parties would have to go to court themselves, that's their issue. It's not involving the Town, so they would have to go and present theirs and the court would render an opinion. Mr. Lee said what disturbs me about that is, our plot evidently has it one way, the Town, if our plots have it one way and somebody comes in with a survey that is different, then the Town is involved in it and it seems to me Randy didn't you mention that the Town has property lines on that? I know out in our development they've got all the plats and everything else in there and if somebody came up with a different survey and it was different property lines, somebody's got to take a stand to either back the Town or the new survey or not. I'm just curious as to how that would be resolved. Mr. Waesche said I don't think the Town has the surveys, it's the property owners that have the survey and we know it's a civil issue. We certainly hope it doesn't get that way, we just wanted to bring it to the attention... Mr. Lee said I agree with that, but like out at Jermae, you guys have agreed on that plat and everything and that survey is part of the agreement of where those property lines are. And if somebody comes in and says they're not that way, then we would have to, if we want it to stay that way we would have to go on what the Town has, so that would be evidence that we would have to get. Chairman Cubbedge said I think the difference in yours is, to Kelly, you have a sign sealed and delivered site plan that the Town or basically representation of the Town has signed off on, stating that everything is agreed by the survey, the structures, everything. If there is a question at that point in time, then that's when the individual party goes and has and then that party would dispute the Town, because there's a site plan. Right now there is nothing, we're just talking back and forth between what we'd like to see. It's still truthfully two individual parties, because the plot doesn't belong to the Town yet, we have not approved anything on the Town yet. This is what we see, this is what we envision, this is what we've had surveyed out. If there is a secondary question, say another homeowner or property owner, then the Town is not involved yet, it's still between the two of them. The Town has yet to endorse anything yet, so it's up to the two parties to determine, if at that point once we did that the Town signed off on it, then I can see your point, but right now it's the two individual entities, the Town is not involved yet at all because the Town has not had a site plan to approve yet. Mr. Lee said so it sounds like it would still go, the Town would then end up in a civil court case too if that's what it came to. The Chairman said I don't think so, because the way we have it and discuss it tonight, it has to be rectified civilly before this party would even come close to discussing a site plan. Ms. Duty said it depends on where that dispute is coming from, if I'm disputing my property with my neighbor's property, then the dispute is between the two property owners and is a civil issue. If I'm disputing with the Town of Thurmont, because I believe the property line between my property and the Town's Park or roadway, then that is when the Town would get involved, however it always comes back to the surveyor. The surveyor is a licensed surveyor, they are certifying that the survey is correct, so that is why the Town doesn't have its own surveyor, because the surveyor is licensed, they are certifying that their survey is accurate and correct. Mr. Waesche said really I just discovered this a week ago, I don't like the words dispute, there's no dispute yet. I just wanted to bring it to your attention that we were getting our own survey done to see if the lines matched up. Now I don't want to present this as being some big adversarial dispute with the applicant

and with... it's not that, I just wanted to put the issue out there. Chairman Cubbedge said you're looking for clarification, you're just looking to clear the fog.

Chairman Cubbedge asked Becky what they had for next month and what day next month. Becky said I don't think we have anything right now. The Chairman said we'll pass on that right now for a finalization, because we're going to get caught between Thanksgiving and Christmas and I do think we do need to meet at least once. I don't want to see the signage and some other things, so if the Board would stay flexible if we find an available time with Staff, we might pop something in. Becky said I think last year you kind of did it in the middle, like the first week in December. The Chairman said if nothing more I want to close out the year with what's going on in some aspect of it, so we can address where we are and where we're going forward to. We'll just keep that open and you guys leave your emails open and we'll send out something to you. Again, in regards to the signage, send it over to Chris and he can look at it and review.

**Motion** – Commission member Massett said "I make a motion we adjourn." Commission member Despeaux seconded the motion. Vote – 5-0-0, motion carried.

Without further discussion the meeting adjourned at 8:48 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robin Clem', with a stylized, flowing script.

Robin Clem  
Recording Secretary

TOWN OF THURMONT  
THURMONT PLANNING AND ZONING COMMISSION  
ZONING INSPECTOR'S REPORT  
09/22/2016-10/27/2016

MIT NUMBER	APPLICANT	LOCATION	TYPE AND USE	APPL DATE
116-000085	GARY CLABAUGH	23 MEADOW LANE	RESIDENTIAL ACCESSORIES	09/22/2016
116-000086	JASON BARNES	9 TERBEN COURT	ADDITIONS	09/23/2016
116-000087	LINDA DELLINGER	54 PLEASANT ACRES DRIVE	RESIDENTIAL ACCESSORIES	09/27/2016
116-000088	JAMES & KIMBERL MARTIN	107 ORCHARD DRIVE	RESIDENTIAL ACCESSORIES	09/27/2016
116-000089	GLENN & CHERYL FOGLE	102 MT VIEW PLACE	COMMERCIAL ACCESSORIES	09/29/2016
116-000090	PATRICK & MARY WALDRON	4 EAST MAIN STREET	NO ZONING REQUIRED	10/04/2016
116-000091	DJ & R PROPERTIES LLC	14 PLEASANT ACRES DRIVE	COMMERCIAL ACCESSORIES	10/06/2016
116-000092	RYAN & AMANDA LONG	SQUARE PARK	RESIDENTIAL ACCESSORIES	10/10/2016
116-000093	TOWN OF THURMONT	147 WATER STREET	COMMERCIAL ACCESSORIES	10/10/2016
116-000094	BAKER TREE SERVICES INC	202 EMMITSBURG ROAD	NO ZONING REQUIRED	10/11/2016
116-000095	DAVID VENTURA	620 E MAIN STREET	RESIDENTIAL ACCESSORIES	10/11/2016
116-000096	DAVID H & KELLY BOWMAN		RESIDENTIAL ACCESSORIES	10/12/2016

CUMULATIVE ACTIVITY: 09/22/2016-10/27/2016 10/27/2016 10/27/2015

RESIDENTIAL ACCESSORIES

BARN	0	0	0
CARPORT	0	0	1
DECK	0	7	8
FENCE	3	22	15
GARAGE	0	0	2
GAZEBO	0	0	0
GREENHOUSE	0	0	0
HANDIRAMP	0	3	0
HOTTUB	0	0	0
LEANTO	0	0	0
PATIOCON	0	0	0
PAVILLION	0	0	0
POLEBLDG	0	0	1
POOLAG	1	4	1
POOLIG	1	1	0
PORCH	0	0	0
ROOFCANOPY	0	0	0
SHED	1	15	12
SHEDRELOC	0	0	0
SOLAR PANE	0	2	3
STAIRWAY	0	0	0
STORAGEBLD	0	0	0
WOODSHOP	0	0	0
WORKSHOP	0	0	0

RESIDENTIAL ACCESSO TOTAL:	6	54	43
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ADDITIONS

COMMERCIAL	0	0	0
RESIDENT	1	7	7

ADDITIONS	TOTAL:	1	7	7
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COMMERCIAL ACCESSORIES

CONCESSSTA	0	0	0
CONSTRAIL	0	0	0
DUGOUT ADD	0	0	0
ENR UPGRAD	0	0	0
EQUIPSHED	0	0	0
FENCE	0	1	0
GAZEBO	1	2	0
GUARDOFFIC	0	0	0
LEANTO	0	0	0
MINORUTIL	1	1	1
MONOPOLE	0	0	0
MOTELROOM	0	0	0
POLEBLDG	0	0	0
PORTCLASS	0	0	0

CUMULATIVE ACTIVITY: 09/22/2016-10/27/2016 10/27/2016 10/27/2015

COMMERCIAL ACCESSORIES

RAMP	0	0	0
RETAINING	0	0	0
ROOFCAN	1	1	0
SALESTRAIL	0	0	0
SHED	0	0	1
STAIRWAY	0	0	0
STORAGEBLD	0	0	0
STRIPTOWR	0	0	0
TEMPSELTE	0	1	0
TEMTRAIL	0	0	1
TICKET BOO	0	0	0
TOILETTR	0	0	0
TRAILTEMP	0	0	0

COMMERCIAL ACCESSORI TOTAL:	3	6	3
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NEW COMMERCIAL

BANK	0	0	0
CAR DEALER	0	0	1
CARWASH	0	0	0
CHURCH	0	0	0
COM	0	0	0
FIRE DEPT	0	0	0
FUELTANKS	0	2	1
LIBRARY	0	0	0
OFFICEBLDG	0	1	0
POLICE BLD	0	0	0
RESTAURANT	0	0	0
RETAILBLDG	0	0	0
SCHOOL	0	0	0
TRUSSBLDG	0	0	0
VET CLINIC	0	0	0

NEW COMMERCIAL TOTAL:	0	3	2
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NEW RESIDENTIAL

APART7	0	0	0
CONDO12	0	0	0
REPLACE	0	0	0
SINGLE	0	1	0
TOWNH4	0	0	0
TOWNH5	0	0	0
TOWNH6	0	0	0
TOWNH8	0	0	0
TOWNHC10	0	0	0

NEW RESIDENTIAL TOTAL:	0	1	0
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CUMULATIVE ACTIVITY: 09/22/2016-10/27/2016 10/27/2016 10/27/2015

NO ZONING REQUIRED

OTHER	2	25	20
NO ZONING REQUIRED TOTAL:	2	25	20
TOTAL PERMITS ISSUED:	12	96	75

\* End of Report: TOWN OF THURMONT \*



## THE COMMISSIONERS OF THURMONT

615 East Main Street  
P.O. Box 17  
Thurmont, Maryland 21788  
P: 301-271-7313  
F: 301-271-2155

# Memo

**To:** Planning and Zoning Commission  
**From:** Kelly Duty, Zoning & Utility Inspector  
**cc:** Jim Humerick, CAO  
**Date:** October 20, 2016  
**Re:** Staff Comments – Park Place Plan Revision

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### Review Comments:

Based upon the information provided by the applicant, he is proposing a plan revision to the approved Park Place Plan. This revision is proposed to include the removal of the garage, which would also mean the loss of one of the required parking spaces per unit. The applicant has resolved this loss of parking space by proposing the substitution of a double driveway. The proposed plan revision would result in the removal of an 8'x22' building foot print area (garage) and the substitution of 8'x 20' driveway addition (22' for the townhouses with the front bump out). To put this into perspective, overall the applicant proposes to remove 1056sf of impervious surface that consists of building area and replace it with 1008sf of impervious surface that consists of a driveway. There would be a gain of 48sf of pervious area.

**Staff** recommends approval of the submitted Plan Revision, with the request that the applicant show this revision both graphically as well as numerically via a chart or a note on the Plan detailing the numbers discussed above.

## **§6.8 Signs**

### **§6.8.1 Purpose**

These regulations are intended to limit the placement, type, size, and number of signs allowed within the Town and to require the proper maintenance of signs. The purposes of these limitations and requirements are to:

- A. Ensure that signs safely attract and direct persons to various destinations;
- B. Protect public and private property values;
- C. Reduce hazards to motorists and pedestrians which result from excessive, confusing, and distracting signs; and
- D. Preserve and enhance the aesthetic and historic quality of the community.

### **§6.8.2 Applicability**

- A. Any sign erected, placed, attached, altered, reconstructed, or modified shall conform to this chapter.
- B. Existing signs shall not be altered or moved unless in compliance with this chapter.

### **§6.8.3 Administration**

- A. No sign shall be installed, constructed, or altered unless a Sign Permit, or where applicable, Sign Program approval, is first obtained in compliance with this section, or the sign is allowed without Sign Permit approval (see Section \_\_\_\_\_ below).
- B. After approval of a Sign Permit and/or Sign Program, each sign installed and maintained on the subject site shall comply with the Permit and Program.
- C. Sign Permit Application: An application for a Sign Permit shall be prepared, filed with the Zoning Administrator and processed, in compliance with Section \_\_\_\_\_ of this Ordinance.

1. For any development projects requiring Category 1 site plan review, approval authority shall rest with the Planning Commission and the Zoning Administrator shall issue a sign permit if approved by the Planning Commission. Where Category 1 site plan review is not indicated, approval authority shall rest with the Zoning Administrator. The approval authority may place conditions on its approval that are reasonably necessary to achieve the purposes of this chapter.



2. Application Contents: The application shall include required application fees, architectural elevations and plans of all proposed signs drawn to scale, with all dimensions noted, and include illustrations of copy, colors, materials, and samples of the proposed colors and materials. The plans submitted shall also show the location of each sign on buildings and the site.

D. Sign Programs. A Sign Program shall be submitted with a Category 1 Site plan for any multiple occupancy commercial, professional, industrial, residential, or institutional site; or separately identifiable building group, such as a medical complex or shopping center; or any individual site of at least one acre in size or with a proposed development exceeding 10,000 square feet in total building floor area.

1. Purpose of Sign Program. The purpose shall be to establish signing for all tenants and users of a complex, center or development site. An approved Sign Program shall prescribe the standards for all signs within the area covered by the program including size, number, and types of signing permitted.
2. Sign Program Review Authority. A Sign Program shall be reviewed and approved by the Planning Commission at time of site plan review
3. Program Conformance with Chapter. A Sign Program shall comply with all provisions of this Chapter and is not intended to provide special or additional signing.

E. Findings for Approval. The approval of a Sign Permit or Sign Program shall require that the review authority first make the following findings:

1. The proposed sign(s) do not exceed the standards of Sections\_\_\_\_, and as applicable, are of the minimum size and height necessary to enable motorists and pedestrians to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site;
2. The proposed signs are in substantial conformance with any design criteria that may be adopted and maintained by the Zoning Administrator provided for in paragraph G of this section.

F. Expiration of Sign Permits and Sign Program: A Sign Permit shall expire one year from the date of its issuance, unless it is approved as part of a Category 1 site plan in which case the expiration shall coincide with the expiration of the site plan. An approved Sign Program shall expire on the date the site plan, to which it attaches, expires.

G. Sign Design Guidelines: The Zoning Administrator is authorized to prepare and maintain guidelines for applicants for Sign Permits and Sign Programs regarding the

placement, appearance, design, and construction materials for signs within the various districts of the Town and the Administrator should use such guidelines as a means to assist applicants in complying with the purpose and provisions of this chapter.

- H. The dimension requirements provided in this chapter represent the maximum size or area or distance allowed. Nothing in this chapter shall be deemed to imply that these regulations confer a right to the maximum.

#### **§6.8.4 Prohibited Signs and Signing**

- A. No signs shall be attached to utility poles, traffic signal poles, traffic control posts/signs, rocks, or trees visible from the public right-of-way whether on public or private property.
- B. Except as provided in Section \_\_\_, and for official public way-finding signs and official directional, safety, or traffic signs, no sign shall be placed within any public rights-of-way within the Town.
- C. No signs shall be located on or above any part of a roof structure.
- D. No sign shall project intermittent or flashing illumination except for official public road or street signs intended to promote traffic safety and no sign shall be erected or maintained which by use of lights or illumination creates a distracting or hazardous condition to a motorist, pedestrian or the general public.
- E. Pennants, streamers, moving, flashing, windblown and all other fluttering, spinning, or similar type signs which includes strings of light bulbs, balloons or other inflated objects are prohibited.
- F. No flashing or rotating signs shall be permitted except that a portion of a sign may indicate a changing time, temperature, or date.
- F. No sign shall be located which will interfere with traffic visibility along the right-of-way of any street or alley or along any private driveway existing or entering a site or on any slope or drainage easement of a street.
- G. Except for official traffic signs, no sign shall be displayed, visible from the public right-of-way, which uses the words "stop" or "danger" or that implies a need for or requirement of stopping or the existence of danger.
- H. Signs that are obscene, illegal, hazardous to traffic, imitative of official government signs: (i.e., Stop, Danger, Caution, etc.) or obstructive to public visibility, so as to create a hazard to the public are prohibited.

- H. Signs attached to a parked motor vehicle or trailer exceeding 12 square feet in area or the maximum allowable height for freestanding signs in the zoning district shall be prohibited. Signs attached to a parked motor vehicle that are 12 square feet or less in size are allowed without a permit in non-residential districts under the following conditions:
  - 1. The vehicle is a registered, tagged, and operable vehicle and is parked in an approved parking space associated with the physical address of the sign owner provided the parking spaces available on the site meet the minimum requirements for the current use.
  - 2. The area of the sign attached to a motor vehicle shall count against the allowable sign area and/or total number of signs for the site on which the vehicle is legally parked.
- G. No sign shall be permitted which becomes unsafe or endangers the safety of a building, premise, or person. The Zoning Inspector is authorized to order such signs to be made safe or repaired or removed and such order shall be complied with within seven days of the receipt of such order.
- H. No sign shall be permitted which through damage, disrepair or lack of maintenance has become impaired in its functionality or blighted in its appearance.
  - 1. The Zoning Inspector is authorized to order such sign to be repaired, replaced, or removed and such order shall be complied with within 45-days of the receipt of such order.
  - 2. Failure to comply with the Zoning Inspector's order shall result in the loss of any legal non-conforming status that may exist for the sign and require the sign to be removed and/or to come into compliance with this Code.
- I. When a sign structure does not include a legal sign for a period of 90 consecutive days, such sign structure shall be deemed a violation and shall be removed.
- J. Except for temporary signs, pole signs shall not be permitted in any district; all freestanding signs shall be firmly attached to the ground.
- K. Billboard signs are prohibited.

#### **§6.8.5 Signs Permitted Without Zoning Permit**

The following signs only are permitted without obtaining a Sign Permit or Sign Program approval subject to conditions set forth below:

- A. Official traffic and parking signs provided they are erected by a governmental agency.
- B. Temporary signs provided the following conditions are adhered to:
  - 1. The sign is no larger than 20 square feet in area and 8 feet in height, except that on lots in residential use in residential districts, no temporary sign shall exceed 4 square feet or 5 feet in height.
  - 2. A zoning lot shall not display any temporary sign for more than 60 days in a year, except when a property owner is offering the property for sale or lease provided such sign is removed within 30 days following the date a contract of sale have been executed by the person purchasing the property.
  - 3. In residential districts, no more than two temporary signs shall be permitted at the same time on a given property except on properties displaying at least one legal non-temporary sign. In such a case, the property shall be limited to only one temporary sign.
  - 4. Temporary signs shall not be illuminated.
- C. Portable signs, provided the following conditions are adhered to:
  - 1. Hot air balloons shall not exceed 72 hours in a year and are not permitted in residential districts.
  - 2. Within non-residential districts one placard, easel-type, sandwich-board or A-frame type sign per street frontage provided the following conditions are met:
    - a. The sign shall not to exceed six square feet if one-sided (12 square feet if double-sided), or 4.5 feet in total height and two feet in width.
    - b. The sign shall not impede pedestrian traffic or motor vehicle visibility, shall be removed before nightfall, and if posted along a road with speed limits greater than 35 miles per hour, it shall be placed at least 60 feet from the street right-of-way.
    - c. Sandwich-board signs to be located within TB District shall require the issuance of a Sign Permit, the conditions of which are set forth in provided in Section \_\_\_ of this chapter.
- D. In non-residential districts, one sign associated with the opening of a development provided:
  - 1. It is no greater than 32 square feet in size for lots less than ½ acre or 100 square feet for larger lots and no greater than 8 feet in height.
  - 2. It is removed within 3 months of its installation.

- E. In residential districts, one sign associated with the opening of a development provided:
  - 1. It is no greater than 32 square feet in size and no greater than 8 feet in height.
  - 2. It is removed upon the dedication of associated public streets and/or utilities or within one year of its installation.
  - 3. Reinstatement of the sign following the expiration of the one-year period shall require a Sign Permit.
- E. A property owner may place a sign no larger than 8.5 inches by 11 inches in one window on the property at any time.
- F. One unlit ground mounted sign provided the following conditions are adhered to:
  - 1. It is no greater than four square feet in area and three feet in height.
  - 2. It is not permanently attached or secured to the ground, wall, fence or any other object.
  - 3. It is not located within any required yard set back line for the zoning district where located or within two feet of a property line in the TB district. Any such sign shall be counted against the allowable sign area and allowable number of signs that may be stipulated elsewhere in this chapter.
- G. Signs accessory to parking lots and parking garages provided the following conditions are adhered to:
  - 1. Signs designating entrances and exits shall be limited to one sign per entrance and one per exit and neither sign shall exceed two square feet in area.
  - 2. One additional sign limited to a maximum area of nine square feet is permitted which may be used to set forth conditions of use or identity the ownership of the parking area.
  - 3. No sign shall exceed seven in height.
- H. Commemorative plaques. Signs commemorating an historical building name register and/or erection date, when cut into or affixed to a permanent surface and not exceeding four square feet per building.
- I. Interior signs. Signs located in excess of five feet inside of exterior windows, walls or doors of any building when such signing is intended for interior viewing.
- J. Street number, address, and/or name. Two signs for each building not exceeding one square foot each in residential districts and three square feet each in all other zoning districts are allowed without a Sign Permit.

- K. On-site directional signs and notices. Signs showing the location of public facilities on a site such as restrooms and underground utilities are allowed without a Sign Permit.
- L. Official on-site legal notice signs required by Town public hearing notification, zoning or other applications for official approval as may be required by Town Code.
- M. Within non-residential district window displays and signs erected or suspended in the interior of a structure to be viewed from the outside provided the following conditions are adhered to:
  - 1. No more than 50 percent of the window area is covered in signing.
  - 2. The area of window signing shall be included in the count of maximum allowable sign area for the site.

#### **§6.8.6 General Standards**

- A. Computations of Area and Height.
  - 1. Area.
    - a. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the zoning regulations in this title and is clearly incidental to the display itself.
    - b. Only one face of a double-faced sign shall be computed for sign area provided the two faces are no more than one foot apart.
  - 2. Height. The height of a sign shall be computed as the distance from the base of the sign structure at normal grade to the top of the highest attached component of the sign or sign structure. Normal grade shall be construed to be the lower of: (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoning lot, whichever is lower.
- B. Sight Visibility
  - 1. No sign shall obstruct a clear view to and from traffic along any street right-of-way, entrance or exit.

2. A sight visibility triangle, shall be kept free of obstructions to vision between the heights of two and one-half feet and twelve feet above the street.
  3. No signs may be painted directly on any wall or roof of a building or a fence.
- C. Where Electronic/Digital Message Board Signs are allowed by this chapter, they shall meet the following minimum standards:
1. The sign displays only static messages that remain constant in illumination intensity and does not have movements or the appearance of or an optical illusion of movement.
  2. The sign does not operate at an intensity level of more than \_\_\_\_ foot-candles over ambient light as measured a distance of 150 feet.
  3. The sign is equipped with a fully operational light sensor that automatically adjusts the intensity of the screen in accordance to the amount of ambient light.
  4. The sign does not change from one message to another more frequently than once every 12 seconds and the actual change process is accomplished in 2 seconds or less.
  5. The sign shall be designed to either freeze the display in one static position, display a full black screen or turn off in the event of a malfunction.

### **§6.8.7 Standards Specific to Residential Districts**

Signs permitted in the Residential districts shall be limited by the following:

- A. Non-residential Uses: Public or semi-public uses, open space uses, institutional uses, public assembly uses, multiple family uses and legally non-conforming commercial uses:
1. One freestanding sign is permitted, per road frontage meeting the following standards.
    - a. Maximum sign area is 32 square feet per sign face.
    - b. Maximum sign height is 6 feet.
    - c. Maximum distance from any other zoning lot: 8 feet
  2. One Wall Mounted Sign is permitted with maximum letter height of 30 inches.
  3. No sign shall project into or over a public right-of-way.
- B. Subdivision or Community Entrance Signs:

1. One sign not exceeding 12 square feet may be located at each street entrance.
  2. The maximum sign height allowed for Subdivision or Community Entrance is six feet.
- D. Where illumination of a sign is permitted in a residential district, it is permitted only by indirect means external to the sign face.

**§6.8.7 Standards Specific to Mixed Use Districts**

**§6.8.9 Standards Specific to Non- Residential Districts**

- A. One freestanding sign is permitted per site. An approved Sign Program may provide for an additional freestanding sign when a lot exceeds two acres in size or has two public street frontages.
- B. Freestanding signs shall not be located within parking lots. The area of freestanding signs shall not exceed 30 square feet. The base of a freestanding sign shall be solid and designed as an architecturally integrated element of the sign.
- C. The base of all freestanding signs shall be set back a minimum of 5 feet from any property line. No part of a freestanding sign shall be located within or overhang into a public or private street right-of-way, sidewalk, or adjoining properties.
- D. Signs attached to a building shall not project more than 30 inches from the face of the building and shall have a minimum clearance of eight feet above the ground.
- E. Windows signs. No more than 50 percent of any single window shall be covered in signs. Window sign area shall be included in the count of maximum allowable sign area for the site.
- F. Maximum height.
  1. Wall Mounted signs shall be no higher than the second floor windowsill on a building.
  2. Freestanding signs shall not exceed a maximum height of 10 feet in the \_\_ and \_\_ districts and \_\_ feet in all other districts.



- G. The maximum allowable area for all signs on a site shall be computed as \_\_\_\_ square feet per linear building frontage up to a maximum allowable area of \_\_\_\_ square feet except as noted below:
  - 1. Buildings in excess of \_\_\_\_ square feet in length may be permitted an additional to 1.0 square foot of sign area for each linear foot of building frontage above 100 square feet.
  - 2. Each additional building frontage facing a street or parking area may have up to 0.5 square foot of sign area per linear foot of road frontage but such additional sign area may only be used on that side of the building frontage.
  - 3. Portable signs, except that which may be attached to an automobile, shall not be counted against a property's maximum allowable sign area.
  - 4. Exit/entrance signs, menu boards fuel station price signs incidental building directories attached to a building are not included in calculating total sign area.
- H. Special standards by sign type.
  - 1. The area of wall mounted signs shall be limited as follows:
    - a. In the GC district, no single wall mounted signs shall exceed \_\_\_\_ square feet in area.
    - b. In the TR district, no single wall mounted signs shall exceed \_\_\_\_ square feet in area.
    - c. Notwithstanding the above standards, in no district shall one wall-mounted sign exceed \_\_\_\_ percent of the total area of the face of the building wall inclusive of windows and door openings.
- I. One marquee sign is permitted per property provided the sign area for the site does not exceed the maximum allowable sign area in that district.
- J. Sandwich board signs – *insert standards from above.*

#### **§6.8.10 Non-Conforming Signs**

- A. The Zoning Inspector shall order the removal of any sign erected or maintained in violation of the law as it existed prior to the date of the adoption of this Zoning Code.
- B. Signs existing at the time of the adoption this Chapter and not conforming to its provisions, but which did conform to previous laws, shall be regarded as nonconforming signs and these may be continued if properly maintained and repaired as provided in this Chapter except as provided below.

1. Modification of nonconforming signs. The structure, sign face, or accessories of a nonconforming sign shall not be altered, modified, changed, reconstructed or moved without bringing the sign in all respects into compliance with this Chapter, provided, however, that nothing herein shall prohibit the normal maintenance or repair of any nonconforming sign.
2. At time of redevelopment. Under this chapter, a sign is inseparable from and intrinsically a part of the land use and activity of the property on which it is located. Therefore, no site plan for any properly shall be approved unless it provides that all nonconforming signs as well as new signs are made to conform to the standards and provisions of this Chapter.

#### **§6.8.11 Administrative Adjustments**

- A. As provided for in Section \_\_\_ of this Ordinance, the Zoning Administrator may, upon application, administratively adjust the limitations for signs in specific instances. An adjustment of up to twenty percent (15%) to the limitation set forth in this Chapter with respect to the following dimension criteria is allowed:
  1. Allowable sign area
  2. Height
  3. Distance of permitted projection
  4. Setback of sign and/or
  5. Distance from other zoning lots
- B. The Zoning Administrator may only approve an administrative adjustment upon establishing the following findings:
  1. The adjustment is needed to resolve a practical difficulty unique to the property.
  2. The adjustment is the smallest necessary to grant relief of the practical difficulty.
  3. The adjustment shall in all other manners comply with the purposes and requirements of this chapter.
- C. Procedures for applying for an administrative adjustment are set forth in Section \_\_\_ of this Ordinance.

#### **§6.8.12 Violations**

- A. Unlawful signs. Any sign placed in public view for which no Sign Permit has been issued, and that is not otherwise exempted from Sign Permit or Sign Program requirements by this chapter, is unlawful. No person shall install, place, or

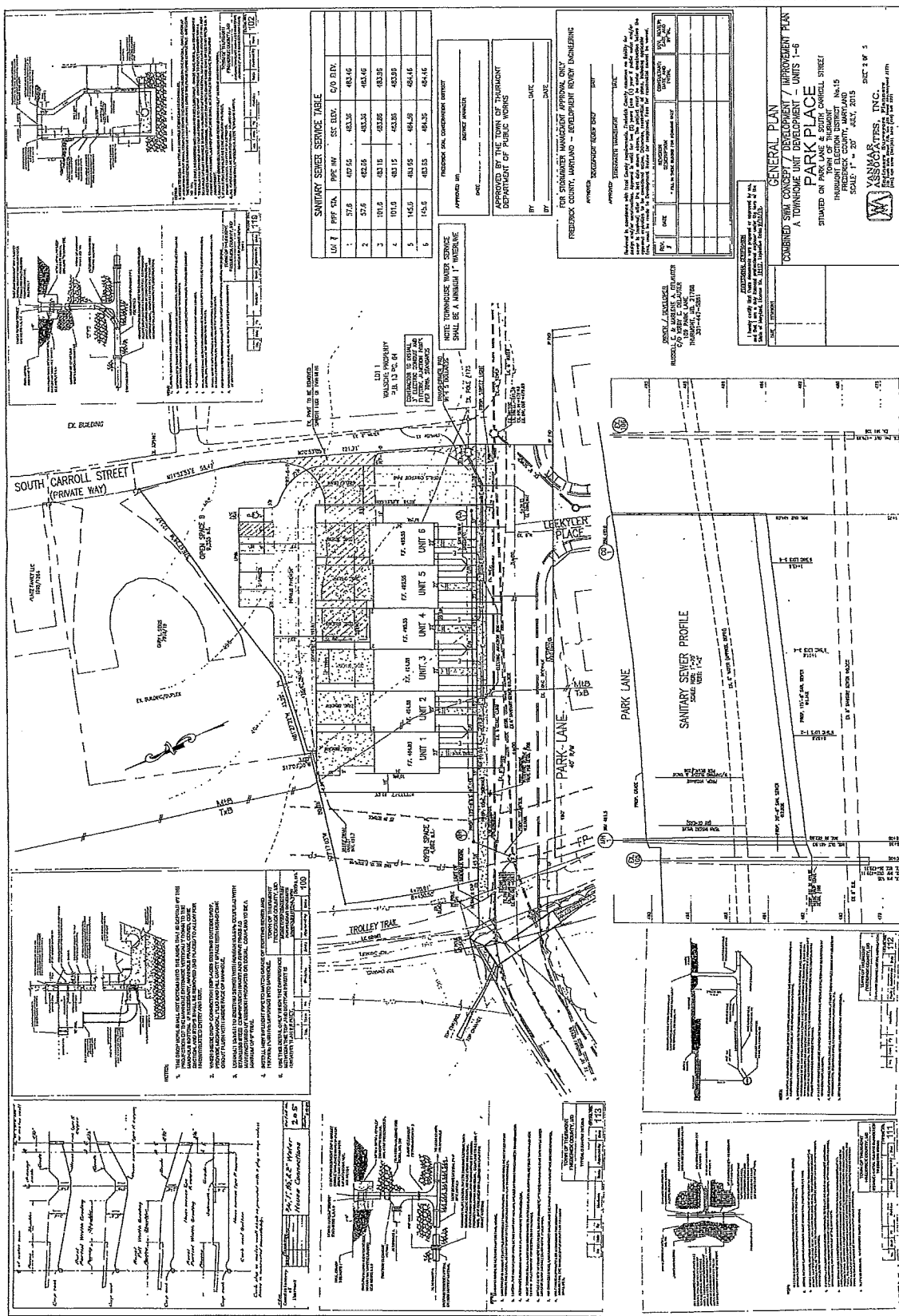
maintain an unlawful sign and no person shall allow, or permit the installation, placement, or maintenance of an unlawful sign on property in the Town of Thurmont.

B. Removal of unlawful, temporary or portable signs.

1. The Zoning Inspector may remove, or cause the removal of a temporary or portable sign that is constructed, placed, or maintained on publicly owned property in violation of this chapter or other provisions of the Town Code
2. The Zoning Inspector may remove, or cause the removal of a temporary or portable sign which is constructed, placed, or maintained on privately owned property in violation of this chapter or other provisions of the Town Code.
3. A sign removed by the Zoning Inspector in compliance with subsection B.1 or B.2, shall be stored for a period of 15 days from the date written notice of such storage is given. If not claimed within that time period, the sign may be destroyed. Prior to the release of any stored sign, the owner shall pay a fee of \$50.00, or other amount as the Mayor and Town Commissioners, by resolution, may authorize, to defray a portion of the expenses of removing, storing, and handling the unlawful sign.
4. Notice of the storage of a sign to be given in compliance with Subsection B.3 may be given by first class mail or personal delivery to the apparent owner of the sign as ascertained from the sign itself or from other information that has been obtained by the Zoning Inspector.
  - a. The notice shall briefly describe the sign and what is on its face, and shall state the sign has been stored by the Town and that it will be released to the owner, upon satisfactory proof of ownership and the payment of the fee, during a stated 15-day period.
  - b. The notice shall state where the owner may obtain the release of the sign and contain such other information as the Zoning Inspector deems necessary or helpful.
  - c. Notice is deemed given on the date the notice, addressed to the apparent owner, with first class postage affixed thereto, is placed in a mail depository of the U.S. Postal Service or personally delivered to the owner or to the owner's office or home. If no apparent owner and/or no address of the apparent owner can be ascertained from the sign or other information obtained by the Zoning Inspector, no notice need be given in compliance

with this subsection, but the sign shall be stored for at least 15 days from the date it is placed in storage before it may be destroyed.

**§6.8.13 Definitions**



SANITARY SEWER SERVICE TABLE				
UNIT #	PPE DIA.	PPE AM.	SSC DIA.	D/O DIA.
1	57.6	487.56	48.36	48.36
2	57.6	487.56	48.36	48.36
3	101.6	831.16	93.26	93.26
4	101.6	831.16	93.26	93.26
5	145.6	1681.56	148.36	148.36
6	145.6	1681.56	148.36	148.36

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

APPROVED BY THE TOWN OF THURMONT  
DEPARTMENT OF PUBLIC WORKS

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

FOR STATIONING MANAGEMENT APPROVING ONLY

APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

GENERAL PLAN	
COMBINED SANITARY SEWER / DEVELOPMENT / IMPROVEMENT PLAN	
A TOWNHOME UNIT DEVELOPMENT - UNITS 1-6	
PARK PLACE	
TOWN OF THURMONT	
FREDERICK COUNTY, MARYLAND	
SCALE: 1" = 20'	
JULY, 2015	
SHEET 2 OF 3	

YANMAR ENGINEERS, INC.  
1012016

