

ORDINANCE NO. 614

AN ORDINANCE OF THE TOWN OF EASTON AMENDING THE TOWN OF EASTON ZONING ORDINANCE TO PROVIDE THAT EXISTING ELECTRONIC SIGNS MAY CONTINUE TO OPERATE FOR THE DURATION OF A MORATORIUM ENACTED TO FURTHER REGULATE AND POSSIBLY PROHIBIT ANY NEW SUCH SIGNS AND AMENDING THE HOLD TIME THAT IS APPLICABLE TO THE EXISTING SIGNS AND ESTABLISHING GRANDFATHERING FROM SOME OF THE APPLICABLE PROVISIONS

INTRODUCED BY _____

WHEREAS, the Town of Easton is authorized by Maryland Annotated Code Article 66B §4.01 *et seq.* to enact and administer a zoning ordinance, which ordinance is Chapter 28 of the Easton Town Code (the “Zoning Ordinance”); and

WHEREAS, the Town of Easton is authorized by Maryland Annotated Code Article 66B §§4.04 and 4.05 to amend, supplement, modify or repeal sections of the Zoning Ordinance; and

WHEREAS, the Town Council recognizes the significant planning, zoning, safety, property and secondary effects surrounding or arising from the location and operation of Electronic Signs; and

WHEREAS, the Town is considering adopting Ordinance 613, which would place a moratorium on Electronic Signs; and

WHEREAS, the purpose of the moratorium is to prohibit the issuance of permits for any new Electronic Signs to ensure that the Town has sufficient time to conduct the appropriate study and receive desired public input before establishing effective and enduring textual amendments to the Comprehensive Plan, Zoning Ordinance and/or other regulations of the Town; and

WHEREAS, there are nine (9) signs that either currently exist or have already received a building permit, namely: (1) Easton High School, (2) Easton Volunteer Fire Department at their

Matthewstown Road location, (3) First Mariner Bank, (4) Sparkle Pools, (5) Easton Tire, (6) Wishing Well Liquors, (7) Hardees, (8) Marlboro Plaza Shopping Center, (9) PASCO Batteries (collectively, the “Existing Signs”); and

WHEREAS, the Town Council recently adopted Ordinance 609 which imposes some additional standards on Electronic Signs; and

WHEREAS, in order to ensure that existing legally permitted Electronic Signs as of the effective date of Ordinance 613 are not unduly burdened during or as a result of the Moratorium created via Ordinance 613 the Town Council wishes to amend the Zoning Ordinance to preclude such a possibility during the moratorium period; and

WHEREAS, the Town Council believes the owners of legally permitted Electronic Signs as of the time of the enactment of Ordinance 613 should be entitled, within reasonable limits with regard to aesthetics and safety, to operate said signs more in alignment with the flexibility of their design capability; and

WHEREAS, the Town Council believes that a twelve (12) second hold time is appropriate for any legally permitted Electronic Signs; and

WHEREAS, all other provisions in the Zoning Ordinance regarding Electronic Signs shall be applicable to the Existing Signs, except that the Existing Signs shall be grandfathered with respect to the provisions contained in the following two recitals;

WHEREAS, the Existing Signs shall be grandfathered from complying with Section 1101.4 A (9) of the Zoning Ordinance regarding the percentage of a sign that may be devoted to a reader board (whether electronic or manual) and shall hereinafter be considered a nonconforming structure under the Zoning Ordinance as it pertains to Section 1101.4A(9); and

WHEREAS, if the Existing Signs are able to comply with Sections 1101.6 E (4) and (5)

regarding brightness and an automatic dimming photocell without purchasing additional equipment, then the Existing Signs shall comply with those sections, but if compliance requires purchasing additional equipment, then the Existing Signs shall be grandfathered from complying with those standards and shall hereinafter be considered a nonconforming structure under the Zoning Ordinance as it pertains to Sections 1101.6 E (4) and (5); and

WHEREAS, the Easton Planning and Zoning Commission considered the matter at its _____ meeting and has recommended that the Town Council approve this Ordinance.

NOW, THEREFORE, the Town of Easton hereby ordains that the sections of the Town of Easton Zoning Ordinance set forth below be amended as hereinafter provided (Language to be deleted from the existing Ordinance is indicated in ~~strike through~~ format and language to be added is indicated by **highlighted** text):

Section 1. Subsection 1101.6 E (2) of the Town of Easton Zoning Ordinance shall be amended as follows:

(2) Electronic signs shall not change messages more frequently than once every ~~ten (10) minutes~~ **twelve (12) seconds**.

Section 2. The recitals set forth above are hereby incorporated herein and the grandfathering set forth in the recitals shall apply to the Existing Signs as indicated.

Section 3. In accordance with Article II Section 9 of the Easton Town Charter, this ordinance shall become effective twenty (20) calendar days after approval by the Mayor or passage of this ordinance by the Council over the Mayor's veto.

Malone	-
Leshner	-
Wendowski	-
Cook	-
Ford	-

I hereby certify that the above Ordinance was passed by a ye and nay vote of the Council this _____ day of _____, 2012.

John F. Ford, Town Council President

Delivered to the Mayor by me this _____ day of _____, 2012.

Kathy M. Ruf, Town Clerk

APPROVED:

Date: _____

Robert C. Willey, Mayor

EFFECTIVE DATE: _____, 2012.