

## **Anne Arundel County 2025 Sign Code Update Summary Report and Recommendations**

November 2025

### **Background**

The Office of Planning and Zoning with its partner agencies has undertaken an update to the signage regulations in Article 18- Zoning to accomplish these objectives:

- Modernize the Code to address the wide range of signage types currently being used;
- Produce a Signage Code that is based on current best practices in the planning field and the sign industry;
- Provide more signage allowances and flexibility to meet the needs of commercial development;
- Reduce the need for variances related to the size and number of signs; and
- Ensure the County's signage regulations meet the test of constitutionality based on current legal standards.

The proposed sign legislation builds on the initial work of a 2018 Sign Ordinance Work Group, research on best practices and case law precedent, model ordinance language, and the input of local community stakeholders. This report summarizes the input received from the 2025 Sign Code Update Work Group and highlights the proposed changes to the code and reasons for the changes.

### **Recent Case Law on Signage**

In 2015, in *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015), the Supreme Court ruled that sign regulations which describe, classify, and apply different regulations to sign types based on who placed the sign, the sign's purpose or function, or the sign's message or content, are likely an unconstitutional content-based regulation of speech and a violation of equal protection under the law. At its heart, the case reiterated that it is unconstitutional to apply different standards based on a sign's message or content unless the regulation is narrowly tailored and a compelling government interest can be asserted. Given the difficulty in asserting a compelling government interest, the short-hand interpretation of the ruling was that if one must read a sign to determine which regulations apply, it is likely unconstitutional and sign ordinances should contend only with content-neutral time, manner, and place regulations. What the ruling did not do is address or explicitly overturn prior precedent that allowed for greater regulation of commercial signs (e.g. billboards and on-site restrictions). Subsequent cases, including

*City of Austin v. Reagan National Advertising of Austin*, 142 S. Ct. 1464 (2022), have held greater regulation of commercial signs and off-site versus onsite distinctions can withstand constitutional scrutiny.

The *Reed* ruling also did not provide much guidance on how regulators should apply this new standard to complex situations. As a result, *Reed* had broad implications and left many questions unanswered as it upended long-standing and common practices for identifying and regulating different kinds of signage.

In the decade following the Supreme Court's decision, communities have wrestled with updating their sign code regulations to make them content-neutral, while also retaining sufficient nuance so as to achieve community goals and address adverse impacts of uncontrolled sign proliferation. Subsequent challenges to sign ordinances nationwide and the resulting court decisions have provided more context and case law jurisprudence to assist communities in updating their codes. Professional entities such as the American Planning Association (APA) and the United States Sign Council Foundation (USSC) have also updated their best-practice guidance and model codes to reflect this new legal landscape.

### **Work Group Formation and Charge**

The Sign Code Update Work Group was established in Spring, 2025 to provide feedback and recommendations on a proposed update of Anne Arundel's Sign Ordinance. Work Group members consisted of representatives from the Growth Action Network (GAN), the development community and NAIOP, sign design/manufacturing business owners, and County staff from different departments including the Office of Planning & Zoning, Office of Law, Department of Public Works, Department of Inspections & Permits and the County Council's Office. The Work Group was asked to provide feedback and make recommendations to help achieve new regulations that are:

- 1) content-neutral and align with recent and developing case law governing the regulation of signage;
- 2) practical and achieve County policies and goals;
- 3) based on industry and regulatory best practices; and
- 4) clear, easy to understand, and allow for consistent administration.

The Work Group met six times between July and October 2025. The initial meeting provided a legal overview of free speech and content-neutral sign regulations and best practice standards. Over the course of the meetings, Work Group members reviewed two preliminary drafts and a legislative draft of the

proposed Sign Code update and provided feedback through written comments and in-person discussions. Staff considered and, where appropriate, incorporated this input into the final draft of the legislation.

### **Key Changes to the Existing Code**

The proposed Sign Code maintains the regulatory structure and flow of the existing Code. Content-based regulations and descriptive text were either rewritten or removed from the Code. New regulations are proposed to address new sign types and to accommodate changes in the County's underlying zoning paradigm. The following bulleted list summarizes the significant changes that are proposed:

- An expanded definitions section that:
  - defines the different types of signs that are regulated;
  - better explains sign-related terminology; and
  - assists administrators in interpreting and applying the regulations.
- Incorporation of a purpose and intent section is a strongly recommended best practice that assists in defending the Code against court challenges and serves as a touchstone to remind regulators and administrators of the desired outcome these regulations are intended to achieve.
- Increases in allowable sign area and greater flexibility in locating signs on a property were incorporated based on feedback received from Work Group members and an assessment by the Office of Planning and Zoning on issues frequently raised by both the business community and residential communities.
- Changes to the sign area calculation methodology were made to accommodate more unique signage and to better align with common best practices.
- Regulations that allowed only certain sign messages or signs associated with favored land uses to be located in the County right-of-way were made content-neutral or removed from the Sign Ordinance subtitle. Authority to regulate permanent directional signs in County rights-of-way was instead incorporated into Article 13.

- Expanded and more type-specific regulation of temporary signs helps to address the recent proliferation of these sign types throughout the County.
- More nuanced regulations for residential uses in non-residential districts and regulations specifically for mixed-use districts were created to better align with recent changes made in the zoning ordinance.
- Graphics and illustrations will be incorporated into a supplemental User Guide to assist users in understanding the different sign types and to visually represent the regulations. Particular emphasis will be placed on illustrating how sign area measurement methods should be applied.

### **Work Group Topic-Specific Discussions and Recommendations**

The summary chart below highlights some of the major discussion items raised by the Work Group. It notes when consensus was not reached and incorporates some recommendations that fall outside the scope of this project and were therefore not addressed in the legislation.

Topic Overview	Discussion Summary & Final Outcome
Grandfathering and in-kind replacement.	The proposed legislation incorporates provisions for in-kind replacement and grandfathering of signs that legally exist at the time these regulations take effect.
<b>Definitions</b>	
The proposed Code increases the number of defined sign-related terms and differentiates between sign types based on their physical characteristics rather than their communicative content.	<ul style="list-style-type: none"> <li>• There were different opinions on whether the sign-related definitions should be located either in the Sign Code subtitle itself or Article 18 zoning definitions and whether they should be arranged by similar type rather than alphabetical order. For ease of administration, definitions are sorted alphabetically and located in the Sign Code subtitle of the legislation.</li> <li>• Graphics and the visual representation of terms will be incorporated into a User Guide to better communicate sign-related terms.</li> </ul>

Topic Overview	Discussion Summary & Final Outcome
<p>“Frontage” - Changes to sign location and the definition of frontage were made in response to Work Group comments. The current Code defines frontage under Article 17 as “that portion of a lot that adjoins a road <u>and provides access</u> to the lot, except on waterfront lots where it is that portion of a lot abutting the mean high-water line, or abutting platted land owned by a homeowner’s association or the County that abuts the mean high-water line.”</p>	<p>Members of the Work Group asked that a sign-specific definition of frontage be incorporated into Subtitle 3 so that freestanding signage may be placed along properties fronting roadways even when there is no direct access to that roadway. This would allow for greater business visibility but could lead to more sign clutter. Ultimately, staff proposes allowing signage to be located on a property frontage if there is sufficient frontage length to ensure adequate spacing between signs. Overall, the regulations allow greater flexibility for locating freestanding signs while maintaining guardrails on the total amount of signage that is allowed on each lot, preventing distracting clutter and ensuring sign legibility.</p>
Sign Area Calculation Methodology	
<p>The existing sign area calculation methodology is based on a single rectangular shape encompassing all aspects of the sign copy area. This method penalizes non-rectangular sign shapes and sizes and may result in reduced legibility when sign copy is scaled down to fit within the allotted sign area.</p>	<ul style="list-style-type: none"> <li>• Consistent with best practices in model sign codes, minor typographic protrusions are permitted for sign copy without a background panel.</li> <li>• The group considered whether a model code methodology that utilizes a combination of different simple geometric shapes such as triangles, circles, and rectangles would better serve the County and ultimately determined it to be too complex.</li> <li>• A line perimeter method was instead recommended to better accommodate creative and unique sign shapes while maintaining an easier to implement methodology.</li> </ul>

Topic Overview	Discussion Summary & Final Outcome
<p>Permitted amount of sign area and increased height. The proposed Code does not substantially alter the allowable square footage of signage, however, it lessens restrictions on where such signage can be located and provides greater flexibility to property owners for determining the appropriate amount and type of signage that best meets their needs.</p>	<ul style="list-style-type: none"> <li>• Consistent with recent Council action, background area for most sign types is not included in the sign area calculation for certain building signs. The negative space between physically separate elements of a single sign is also not counted against the area limits. As a result, sign copy (letters, numbers, graphics, logos, symbols, etc.) can be substantially larger in order to increase legibility and allow for more dynamic sign design. The Work Group was generally favorable towards this change.</li> <li>• In many circumstances, taller signage is recommended so that signs are not obstructed by vehicles. Except where lower signage more appropriately matches the character of the zoning district, heights have been increased and additional height to accommodate grade changes is introduced.</li> </ul>

Signs in County Rights-of-Way	
<p>The current Code allows for limited placement of permanent offsite directional signs based on a narrow list of uses as well as temporary directional signs. To meet the content-neutral requirements laid out in the <i>Reed v. Gilbert</i> case, the Code can no longer make such content-based distinctions, and the County must decide whether or not to allow signage in its right-of-way regardless of sign content.</p>	<p>The Work Group agreed that community expectation is that small temporary signage should be allowed in the County rights-of-way. The existing Code provisions were made content-neutral in the legislation and applied the existing durational limits (weekends and holidays) to all signs, regardless of content. The proposed limits balance adverse conditions such as litter, visual clutter, and road safety while allowing for community use of the right-of-way. Major issues discussed were the feasibility of enforcement provisions and the different types of signage likely to occur. The proposed legislation restricts the size, height, installation method, placement, and the timing for such signs. This content-neutral time, manner, and place regulation will balance community need while allowing for a manageable and equal enforcement mechanism.</p> <p>As recommended by staff, the proposed legislation removes entirely the section governing placement of permanent directional signage in the County right-of-way. The County still retains the right and ability through its own government speech to install any signage in its right-of-way or on its property that would support its own policy goals or assist the public in navigation. Whether there is a need for permanent directional signage in County rights-of-way for the purposes of safe navigation should be determined and controlled by the Department of Public Works.</p>



Directional Signage	
<p>The current Code allows for unlimited directional signage on private property and does not require a permit for such signage if it is less than four square feet in area. The maximum allowable size and height of this signage is categorized and increases commensurate with its associated special character area: open space districts, small business districts, maritime districts, residential districts, business complexes, and commercial &amp; industrial districts.</p>	<p>The proposed legislation retains the current content-based regulatory distinction for on-site directional signage but updates its definition to better define what would or would not constitute such signage. Given the varied mix of uses which may be co-located on any given property and the unique conditions and complexity of navigational needs for these individual sites, there is a compelling government interest in allowing this signage to be placed on an as-necessary basis while maintaining guardrails that:</p> <ul style="list-style-type: none"> <li>• Ensure compatibility between sign size and the intended use of land where it is located.</li> <li>• Retain government oversight and review of larger sign sizes to ensure safe placement and compliance with other regulatory rules.</li> </ul> <p>The Work Group supported the special allowance for unlimited directional signage, however, they did not reach consensus on the size of this signage or at what size permits should be required. Several Work Group members felt that the allowable size of this signage was too small, particularly for commercial uses. Staff believes that the compelling interest in allowing unlimited directional signage exists to serve a limited function of providing navigational direction at decision points within the site and not as a means of increasing the amount of sign area dedicated to advertising or other communicative intent.</p>
Service Windows and Drive-Throughs	
<p>The current Code allowance for drive-through establishments does not meet industry needs as the demand for these establishments and their physical design has evolved following Covid.</p>	<p>The group discussed the changing industry trends around drive-through uses and generally agreed that more flexibility is needed, particularly for signage associated with clearance bars and other freestanding sign structures. The legislation proposes additional signage allowances for this use.</p>



Exempted Signs	
<p>Following the <i>Reed v. Gilbert</i> case, Sign Codes need to define signs without reference to their message or purpose. As a result, the definition of a sign broadens out to describe any device or display designed to communicate. There are a variety of everyday objects that would fall within this definition but are not traditionally regulated as signs. Therefore, they are listed as exempted objects which should not be considered signage.</p>	<ul style="list-style-type: none"> <li>• The Work Group reached consensus that murals and artwork should not be regulated as signs given that it was impractical to determine the portions or extent of such designs that should or should not be counted as signage.</li> <li>• Some Work Group members requested that additional objects not be regulated as signage, however, staff does not support their incorporation into this list, which should remain a narrowly tailored list of objects that can be reasonably defended as traditionally excluded from sign regulations or for which there is a compelling reason to exempt them, such as safety signage.</li> </ul>
<p>Work Group requested exemption – signs not visible from the public right-of-way.</p>	<p>Some of the Work Group members felt strongly that signage in a business park or complex that was not visible from a road should be exempt from the Sign Code regulations. This, however, is contrary to the stated government interests outlined in the purpose and intent section of the legislation to ensure safe transportation environments (regardless of whether such spaces are public or private) and to ensure that too much signage does not degrade the aesthetics of the community. From a practical perspective, such exemption would also be almost impossible for staff to administer. For these reasons, this recommendation was not incorporated.</p>
Interpretation and Administration	
<p>User Guidance. In addition to the proposed legislation, OPZ will prepare and maintain a user guide that provides additional interpretive guidance for the public, businesses, and administrators to use in applying the Code. This will incorporate more visuals and more examples.</p>	<p>The Work Group was very supportive of having a user guide to assist in understanding and applying the Code. There was an additional request that policy interpretations be published and that the user guide be expanded to a more robust training effort.</p>

Prohibited Signs	
<p>On and Off Premise Signage. Regulations that prohibit off-site signage such as outdoor commercial advertising signs (e.g. billboards) have been upheld in court, including a major Supreme Court case in 2022. These types of signs are both very lucrative and disincentivize other productive use of the land. In addition, their large size, design, and frequent copy changes are more distracting and have a greater adverse visual impact than other types of signage.</p>	<p>The proposed legislation maintains the current off-premise commercial sign restriction as a means to best control adverse impacts associated with such signage. Some of the Work Group members believe that some off-site commercial signage should be permitted in the legislation and allowed within proximity to the commercial use.</p> <p>Based on the available legal and best practice research, restriction of on/off premise permanent signage suggests that it would not be legally sound or practical to make such allowances. If there are conditions on roadways which suggest additional off-premise directional signage is needed to assist the public in safely navigating, the County may place such signage as needed without undermining the restriction on off-premise advertising signs.</p>
Topics and Recommendations Outside the Scope of the Legislation	
Incorporation of AI into the review process.	
Development of a training program for the Code enforcement and application process.	
Expanded enforcement of a large number of alleged illegal signs in the County installed without proper permit approval.	