

**ORDINANCE NO. 2026-O-6**

AN ORDINANCE OF THE CITY COUNCIL OF POCOMOKE CITY, MARYLAND TO AMEND CHAPTER 230 ZONING OF THE CITY'S CODE OF ORDINANCES AND TO ADOPT AS PART OF ARTICLE XII: URBAN DESIGN GUIDELINES BY ADDING SECTION 230.83 SIGN STANDARDS AS APPLIED TO MURALS AND SIGNAGE WITHIN THE CITY OF POCOMOKE CITY

**WHEREAS**, pursuant to Md. Code Ann., Local Gov't § 5-202 and \_\_\_\_\_ Charter of the City of Pocomoke City, the City Council of Pocomoke City is authorized and empowered to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as they may deem necessary for the good government of the City of Pocomoke City (the "City"); for the protection and preservation of the City's property, rights, and privileges; for the preservation of peace and good order; to secure persons and property from danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the City and visitors thereto and sojourners therein; and

**WHEREAS**, presently there are very few guidelines and standards for signage within Chapter 230-Zoning Code of the City's code of ordinances; and there is the need to adopt a new article of the zoning code to include various design standards to improve the aesthetic and beauty of the City;

**WHEREAS**, there has recently been a resurgence in the artistic expression of wall art, or murals throughout the City and presently there are no guidelines to evaluate and permit murals within the City; and

**WHEREAS**, the City Council of Pocomoke City are desirous of encouraging artistic expression by differentiating between murals and signage, while providing guidance regarding the theme, location, design, materials, and procedures therefor which will not stifle such expression or otherwise infringe upon the artist's First Amendment rights; and

**WHEREAS**, the City of Pocomoke City's Planning Commission (the "Planning Commission") and Staff have developed mural design guidelines as reflected in Article XII Urban Design Standards, which are attached hereto and incorporated herein by reference:

**WHEREAS**, If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the City Council of Pocomoke City that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Pocomoke City, that a new Article XII Urban Design Standards, Section 283 Sign Standards, is hereby created as follows:

## Article XII Urban Design Standards

### 230.83 Sign Standards

#### A. Murals-Signage.

(1) Introduction: Murals are an artistic expression representing a community's history, values and regional context and establishes the community's desire for superior aesthetics. Murals are a method of revitalizing neighborhoods, mitigating blight, promoting a community's sense of pride, recalling historic context and creating a sense of place and individuality. The main difference between a mural and a sign is content. These Design Guidelines to clarify the difference between signs and artwork, thereby promoting public art within the City.

(2) Purpose: The purpose of these Design Guidelines is to ensure the aesthetic integrity of a mural's design, the compatibility of a mural's location with the surrounding context and to avoid visual clutter. These Design Guidelines are intended to ensure high quality, visually compatible artwork that represents the community's values. By establishing a process for review of murals with regards to location, theme and design, the City will be assured that murals will be an enhancement to the community. While these considerations will have weight in the review process, there must be respect of the art to ensure minimal imposition into the artist's creative expression. Murals shall be reviewed as stand-alone projects and reviewed on a case-by-case basis with area context considered

#### (3). Definitions:

(a). Mural-A use of land constituting a non-commercial work of art or graphic depiction of any kind which is painted, inscribed, inlaid or otherwise placed on, affixed to, or formed as an element of the design of an exterior wall, roof, fence or structure intended to be visible to the public. The definition of a mural shall not include graffiti.

(b) Graffiti means any unauthorized inscription, word, figure, design, paint, writing, drawing or carving that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed on a component of any building, structure, or other facility by any graffiti implement, visible from a public property, the public right-of-way, or from any private property other than the property on which it exists. There shall be a rebuttable presumption that such inscription, word, figure, painting, or other defacement is unauthorized. This article does not apply to easily removable chalk markings on public sidewalks and streets

(c) Sign-is a structure or device, in whole or in part, which uses symbolic representations, to direct attention to, identify or advertise any activity person, group of people or thing. Signs advertise a business, product, political message or service through graphics or text. A sign is an "expression related solely to economic interests of the speaker and its audience", a mural is a work of art that is promoting a community and its values.

#### (4) Theme:

(a) The theme of the design should be respectful of the greater community, including historic, regional and socio-economic factors.

(b) The content of a mural is protected under the First Amendment of the Constitution as an expression of freedom of speech; provided, however, that the City shall not approve any proposed mural that would violate Title 11 (Indecency and Obscenity) of the Criminal Law Article of the Annotated Code of Maryland.

(5) Location:

(a) The location of the mural should complement and enhance the building and be architecturally integrated into the building design.

(b) The mural should improve and compliment the neighborhood.

(c) The mural should be located in such a way as to not cause undue distraction to drivers.

(d) Murals should be reviewed within the context of the area and not be located in such a way that causes visual clutter. When making this evaluation, the size and proximity to other murals shall be considered

(6) Design:

(a) The scale of the mural should take into consideration the neighborhood context and be sized appropriately.

(b) The design should be appropriate and compatible with the neighborhood context.

(c) The sponsor and artist's name may be incorporate into the design, but not be more than five percent (5%) of the overall mural. The names should be located in a way as not to detract from the mural's design.

(d) The design shall not include subject matter that could be construed as advertising, copy, symbols or refences directly promoting any product, business, brand, organization, service, cause or political message or otherwise constitute a "sign".

(7) Materials:

(a) Paint should not be reflective, neon or florescent.

(b) Paint should be of high quality and weatherproof.

(c) The mural shall be constructed with materials that provide resistance to vandalism.

(d) Other materials may be incorporated in the design to enhance the artwork.

(8) Process:

(a) The property owner and the artist shall meet with City staff and discuss the project prior to finalizing the drawings to get input.

(b) After the initial meeting, the applicant shall fill out and submit a Mural Permit application with the Planning and Zoning Department's Zoning Official or authorized person. The application shall include a small version of the mural for the City to retain for its records and a letter from the property owner permitting the mural, if other than the artist.

(c) The Zoning Official shall review the application and determine if it will be a Staff review or referred to the Planning Commission.

(d) If a Staff review, the permit shall be issued in a timely manner.

e) If the application is referred to the Planning Commission, it shall be heard at the next available date.

(9) Preservation and Maintenance: Building owners are responsible for the upkeep of the murals. Applications shall specify the expected duration of a mural's display and outline the maintenance requirements to preserve the artwork's condition. Failure to maintain the sign shall be a violation and subject to fines and penalties.

(10) Enforcement:

(a) A mural that has not received City approval shall be considered graffiti and shall be removed by the property owner at the property owner's expense.

(b) The Zoning Official shall determine whether a proposal is a mural or a sign under the City's Zoning Ordinance. An applicant may appeal the Zoning Official's determination and pursue an appeal to the Board of Appeals according to the provisions of Article XVI § 230-106. Appeals regarding appeals of decisions of the Zoning Official.

BE IT FURTHER ENACTED, by the City Council of Pocomoke City that this Act shall take effect on the 15<sup>th</sup> day of September, 2025

ATTEST:

8-4-2025

Date Introduced

9-15-2025

Date Passed

Jane Rowney  
Council Vice-President

Approved by Mayor on This 24<sup>th</sup> Day Of September, 2025

[Signature]

City Clerk

[Signature]

Todd J Nock, Mayor