

**MEMORANDUM**

September 7, 2022

TO: Planning, Housing, and Economic Development Committee

FROM: Khandikile Mvunga Sokoni, Legislative Attorney  
Livhu Ndou, Legislative Attorney

SUBJECT: Zoning Text Amendment (ZTA) 22-05, Signs

PURPOSE: Worksession #1

**Expected Attendees**

- Casey Anderson, Chair, Planning Board
- Jason Sartori, Chief, Countywide Planning & Policy, Planning Department
- Ehsan Motazedi, Deputy Director, Department of Permitting Services (DPS)
- Patricia Wolford, Section Manager of Zoning Review, DPS
- Roger Waterstreet, Plan Reviewer, DPS
- Elaine Bonner-Tompkins, Senior Legislative Analyst, Office of Legislative Oversight (OLO)
- Elsabett Tesfaye, Performance Management and Data Analyst, OLO

**Background**

Zoning Text Amendment (ZTA) 22-05 was introduced by Council President Alborno on behalf of the County Executive and Department of Permitting Services (DPS). It makes significant changes to the Signs section of the Zoning Ordinance. These changes include removing certain definitions; removing the prohibition on off-site signs; adding provisions for signs in the public-right-of way; adding provisions for temporary signs; and other revisions meant to streamline this section of the Zoning Ordinance.

DPS and the Department of Transportation worked with private industry to develop this ZTA. The intent of this rewrite is to streamline business development and growth in the County consistent with the Speed-to-Market Initiative; preserve the value of property and strengthen community ambiance and character; to promote the compatibility of signs with the surrounding land uses and to protect the health safety, and welfare of the community.

The Economic Advisory Group (EAG), which is composed of elected officials, business representatives and residents, convened in late 2020 to create an action plan, that would identify short- and long-term strategies to address COVID-related and long-term historic barriers to sustained, diverse economic prosperity countywide.<sup>1</sup> Another effort at regulatory reform has started with the County Commerce Cabinet, a 14-member interagency coordination body that will provide additional initiatives to assist with the County’s recovery effort.

Some specific issues particular to businesses included things like:

- A drive-thru lane associated with the business have freestanding signs that are incidental to the drive-thru. The current sign ordinance does not allow these signs by right, they require a variance from the Sign Review Board, creating added cost and time for businesses. The proposed ZTA will alleviate this issue, allowing freestanding signs associated with a drive-thru lane by right. Thus, saving time and added costs for businesses.
- LED signs currently can only change once in a 24-hour time period. Businesses have had to go to the Sign Review Board to allow more frequent changes. The proposed ZTA will allow LED signs to change once every 30 seconds creating greater opportunities for businesses to get more information into their signage.

In February 2021, Montgomery County issued a press release announcing the “Speed to Market” Initiative to ease the regulatory burdens for business development in the County.<sup>2</sup> The initiative was inspired by the immediate desire to assist businesses that had suffered economic losses due to the COVID-19 pandemic. The long-term impact of the initiative is to ease many of the regulatory burdens for development in the County. The EAG recommended that a comprehensive review and revamping of the County Sign Ordinance be conducted with the goal of updating it to reflect development and urbanization patterns of the past 30 years.

This all culminated into the introduction of this ZTA 22-05 by Council President Alborno on behalf of the County Executive and Department of Permitting Services (DPS) at a Council Legislative Session on June 14, 2022.

### **Public Hearing**

A public hearing was held on July 26, 2022. No speakers appeared to testify at the public hearing.

The Council received one letter from Selzer Gurvitch Rabin Wertheimer & Polott, P.C, attorneys for Washington Property Company (WPC) a developer with multi-family and commercial mixed-use developments in the County.<sup>3</sup> Although WPC feels that this ZTA is a policy change in the right direction it asks for the ability to place the allowed sign at a location other than the direct customer entrance without the need for a variance. This would allow developers especially in urban settings abutting a major highway, arterial or business district streets to place their sign

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<sup>1</sup> See © 39

<sup>2</sup> See © 53

<sup>3</sup> See © 56

facing these high traffic areas instead of the less visible customer entrance without having to seek a variance.

### **Planning Board Recommendation**

The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission (Planning Board) reviewed ZTA 22-05 at its regular meeting on July 14, 2022. The Planning Board unanimously (5-0) recommended approval of ZTA 2205. However, the Planning Board resolved to request the Council consider some minor amendments to the proposed ZTA as recommend by Planning staff:

- (1) The Planning Board recommends removing from the definition of “Ground Signs” the requirement that the sign’s bottom edge be within 12 inches of the ground, which it found to be potentially at odds with landscaping and other visual considerations. The Planning Board recommends instead that the only restriction be a maximum height requirement.
- (2) The Planning Board also noted that after the merging of Limited Duration Signs and Temporary Signs, there is no provision to allow Temporary Signs to remain for more than 30 days.

### **RESJ Impact Statement**

A Racial Equity and Social Justice (RESJ) impact statement dated June 29, 2022, was submitted to Council by the Office of Legislative Oversight (OLO). OLO is of the opinion that if ZTA 22-05 works as intended, streamlined signage opportunities for property and business owners could spur economic development in the County. However, OLO anticipates that the magnitude of increased economic development associated with this ZTA would at best be extremely limited. As such, OLO finds that ZTA 22-05 will have little to no impact on RESJ in Montgomery County.

### **Historical Background**

ZTA 22-05 was introduced on June 14, 2022, by Council President Alborno on behalf of the County Executive and DPS. This ZTA is an almost complete rewrite of Division 6.7 Signs, as this section was not comprehensively looked at during the 2014 code rewrite and was an identified priority to be addressed by the County’s Speed to Market initiative. A multi-agency and multi-discipline committee was formed in late 2020 and met through spring of 2021 to comprehensively review Division 6.7. and this ZTA is the result of that committee’s recommendations.

The revisions include:

- (a) Adding a new provision that would allow entrance signs to subdivisions approved by the Planning Board to not require a sign variance provided that the details of the sign location, height and area are shown on the site plan. (Sec. 6.7.11). [Lines 518 to 528 and 537-541.](#)
- (b) Merging limited duration and temporary signs into a single “Temporary Sign” category. (See the new sec. 6.7.7(B) replacing sec. 6.7.11). [Lines 4, 19, 635-704.](#)

- (c) Making it clear that public signs are exempt regulation under Division 6.7. (See sec. 6.7.3). [Lines 169-190 and](#)
- (d) Moving signs in the public Right-of-Way from the list prohibited signs (sec. 6.7.4(F) to a separate section (sec.6.7.7) and creating provisions to allow them subject to review by the County. [Lines 169-190 and](#)
- (e) Creating a new subsection for the Sign Concept Plan and Sign Variance provisions (sec. 6.7.5) and relocating provisions for roof signs (from sec. 6.7.4(B) to sec. 6.7.5(A)(1)) as well as signs moved by wind (from sec. 6.7.4(E) to 6.7.5(A)(2)). [Lines 213-240.](#)
- (f) Allowing canopy signs in commercial areas to be modified by DPS without the need to seek amendments to the site plans. [Lines 576-579.](#)
- (g) Amendments to the provisions governing DPS’s role in issuing permits for a sign erected on a historic resource or in a historic district. (Sec. 6.7.9(G)). [Lines 468-492.](#)
- (h) Specifically addressing signs associated with drive-throughs and service windows. [Lines 497-501.](#)
- (i) Deleting the provisions regarding “Urban Renewal Areas”. (Sec. 6.7.10). [Lines 48; 623-634.](#)

Because this ZTA is a comprehensive re-write of the Zoning Ordinance, some of the revisions are a matter of renumbering or ensuring internal harmony among remaining revisions because of the deletion or merging of some sections. There is also an element of updating certain language. For instance, updating the term “national holidays” with the term “federal holidays”.

### **Amendments Recommended by Staff Since Introduction**

- In Section 6.7.4 ([see lines 200-201](#)) we recommend revising the provision on Abandonment to make it clear that the regulation is concerned with enforcement only in cases where a sign is in disrepair and not in a case where the sign is just no longer in use. This is in order to avoid the risk of content-based regulation of signs. Therefore, instead of considering a sign abandoned if it is either “not maintained” OR “no longer in use”, we recommend saying it is considered abandoned if it is not maintained AND no longer in use. If PHED accepts this recommendation, then section 6.7.4(E) would read:

***[H.]E. Abandoned Sign***

*A [permanent sign ]permanent sign, including the structural supports and electrical connections, that [was legally erected as a location sign, but the building has not been used for 6 months or more, is*



*considered abandoned. A sign for a seasonal use is considered abandoned only if the site remains unused for 12 months is not maintained ~~or~~ and no longer in use is prohibited.*

- For consistency we recommend replacing all references to “national holidays” with “federal holidays”.
- We have considered the two recommendations of the Planning Board referenced above and discussed them with DPS and the County Attorney’s Office.
- (i) Regarding the Planning Board’s recommendation that the only restriction for ground signs be a maximum height requirement as opposed to restricting how high above the ground the sign placement can begin, we recommend revising the definition as follows:

***“Section 1.4.2. Specific Terms and Phrases Defined.***

***“Sign, Freestanding:*** Any sign that is not attached in whole or in part to a building. There are 2 types of freestanding signs:

1. *Sign, Ground:* A sign erected on the ground [or with its bottom edge within 12 inches of the ground,] that has its support structure as an integral part of the sign, and [where the dimension closest to the ground is greater than the] that has a maximum height of 24 feet.
2. *Sign, Supported:* A sign that is attached to a structure like a pole, column, frame, or brace, as its sole means of support, and is not a ground sign.”

- (ii) Regarding the Planning Board’s observation that after the merging of Limited Duration Signs and Temporary Signs, there is no provision to allow temporary signs to remain for more than 30 days we recommend changing the number of days from 30 days to 90 days as follows in the definition section:

***“Section 1.4.2. Specific Terms and Phrases Defined.***

***Sign, Temporary:*** A sign that is displayed on private property for less than [30]90 days and usually made of a non-permanent material like canvas, cardboard, paper, or wood.”

- We reviewed with DPS and the County Attorney’s Office the proposal from WPC that for businesses in urban settings abutting a major highway, arterial or business district streets the ZTA must all for additional signs facing these high traffic areas as well as the less visible customer entrance(s) without having to seek a variance.

The exact language provided by WPC’s attorneys reads:

“One sign is allowed for each customer entrance. A customer entrance includes, but is not limited to, a direct outside entrance to a shop or store, and a direct outside entrance to an enclosed mall or shopping center. Where a building includes a customer entrance along a public or private alley, the allowable wall sign for such a customer entrance is permitted to be placed on a non-customer entrance frontage to enhance wayfinding, provided that such frontage abuts a major highway, arterial or business district road.”

We recommend accommodating this request by adding a provision in Section 6.7.12(A)(2)(a) as follows (at line 502):

**Section [6.7.9]6.7.12. Commercial/Residential, Employment, and Industrial Zones**

**A. Base Sign Area**

\* \* \*

“2. a. One sign is allowed for each customer entrance. A customer entrance includes, but is not limited to, a direct outside entrance to a shop or store, and a direct outside entrance to an enclosed mall or shopping center. Where a building includes a customer entrance abutting a public or private alley, the one allowable wall sign for such a customer entrance may be placed on a non-customer entrance that abuts a major highway, arterial or business district road.”

**Council Staff Recommendation.**

It is our recommendation that ZTA-22-05 be adopted with the revisions noted above.

This packet contains:

ZTA 22-05	© 1
County Executive memorandum	© 29
Planning staff memorandum	© 30
Planning Board memorandum with recommendations	© 35
RESJ impact statement	© 37
EAG Roadmap, November 2020	© 39
<i>Speed to Market</i> Press Release	© 53
Letter from WPC’s attorneys	© 56

Ordinance No.:  
Zoning Text Amendment No.: 22-05  
Concerning: Signs  
Draft No. & Date: 2 – 09/07/2022  
Introduced: June 14, 2022  
Public Hearing: July 26, 2022  
Adopted:  
Effective:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: Council President Alborno at the request of the County Executive

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- regulate the size, location, height, and construction of all signs placed for public view; and
- generally amend the provisions regulating signs.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 1.4	“Defined Terms”
Section 1.4.2	“Specific Terms and Phrases Defined”
Division 6.7	“Signs”
Section 6.7.1	“Intent”
Section 6.7.2	“Applicability”
Section 6.7.3	“Exempt Signs”
Section 6.7.4	“Prohibited Signs”
Section 6.7.5	“Measurements”
Section 6.7.6	“Permanent Signs, General”
Section 6.7.7	“Agricultural and Rural Residential Zones”
Section 6.7.8	“Residential Zones”
Section 6.7.9	“Commercial/Residential, Employment, and Industrial Zones”
Section 6.7.10	“Urban Renewal Areas”
Section 6.7.11	“Limited Duration Signs”
Section 6.7.12	“Temporary Signs”

**EXPLANATION:** **Boldface** indicates a Heading or a defined term.  
Underlining indicates text that is added to existing law by the original text amendment.  
**[Single boldface brackets]** indicate text that is deleted from existing law by original text amendment.  
Double underlining indicates text that is added to the text amendment by amendment.  
**[[Double boldface brackets]]** indicate text that is deleted from the text amendment by amendment.  
\* \* \* indicates existing law unaffected by the text amendment.

ORDINANCE

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

1           **Sec. 1. Division 59-1.4 is amended as follows:**

2   **Section 1.4.2 Specific Terms and Phrases Defined**

3   \*   \*   \*

4   **[Sign, Limited Duration:** A non-permanent sign that is:

- 5           1.     displayed on private property for more than 30 days, but not intended
- 6                   to be displayed for an indefinite period; or
- 7           2.     within the public right-of-way.]

8   **[Sign, Location:** A sign which portrays a logo, symbol, name, or address to  
9 identify the location of the building or use.]

10 **[Sign, Off-site:** A sign that identifies a location, person, entity, product, business,  
11 message, or activity that is not connected with a use that is lawfully occurring on  
12 the property where the sign is located.]

13 **Sign[s], Permanent:** A sign, requiring a permit from DPS, that is constructed in a  
14 manner and of materials that will withstand long-term display and is intended to be  
15 displayed for an indefinite period of time.

16 **Sign, Portable:** A sign installed on a support or structure that permits removal or  
17 relocation of the sign by pulling, carrying, rolling, or driving, such as a sign with  
18 wheels; a menu or sandwich board sign; an inflatable sign; an umbrella, but not a  
19 canopy sign, may be a temporary sign[ or a limited duration sign,] but not a  
20 permanent sign. A portable sign includes a sign attached or painted on a vehicle  
21 parked and visible from the public right-of-way[,] unless it is a currently licensed  
22 and registered vehicle used in the daily operation of the business. A portable sign  
23 does not include a sign on any light or heavy commercial vehicle[,] which is  
24 operated within the public right-of-way.

25   \*   \*   \*

26           **Sec. 2. Division 59-6.7 is amended as follows:**

27 **Section 6.7.1. Intent**

28 Division 6.7 regulates the size, location, height, and construction of all signs  
29 placed for public view. The requirements are intended to [preserve the value of  
30 property; to preserve and strengthen community ambiance and character; and,  
31 where applicable, to implement the recommendations of an urban renewal plan  
32 adopted under Chapter 56. It is the intent of Division 6.7 to ]protect the health  
33 safety, and welfare of the community through the following objectives:

- 34 A. encourage the effective use of signs;
- 35 B. maintain and enhance the aesthetic environment of the County[ while  
36 avoiding visual clutter];
- 37 C. promote the use of signs to identify buildings and geographic areas;
- 38 D. improve pedestrian, [and ]vehicle, and bicycle traffic safety;
- 39 E. promote the compatibility of signs with the surrounding land uses;
- 40 F. promote the economic development and marketing of businesses  
41 [located within an approved urban renewal area];
- 42 G. provide increased flexibility in the number, size, location, design, and  
43 operating characteristics of signs[ for optional method development in  
44 an approved urban renewal area]; and
- 45 H. implement the recommendations of [an ]approved [urban renewal  
46 plan ]master plans and design guidelines.

47 **Section 6.7.2. Applicability**

48 A. A property owner must obtain a permit under Division 6.7 before a  
49 sign is constructed, erected, moved, enlarged, illuminated, or  
50 substantially altered, except for signs covered by Section 6.7.3,  
51 Exempt Signs[, Section 6.7.11, Limited Duration signs, and  
52 Section 6.7.12, Temporary Signs].

53 \* \* \*

54 **Section 6.7.3. Exempt Signs**

55 The following signs are exempt from Division 6.7:

56 **A. Small Private Signs**

57 [A.]A sign on private property does not require a permit when the area of the  
58 sign is 2 square feet or less, and:

- 59 1. the sign is on private property customarily associated with
- 60 residential living or decoration[.]; or
- 61 2. the sign is part of a mailbox or newspaper tube and satisfies
- 62 government regulations.
- 63 [3. the sign is a warning to the public about trespass, danger, or
- 64 safety considerations.]

65 [B. A sign does not require a permit when it is legally affixed to a bus  
66 shelter or transit center information kiosk and is either:

- 67 1. under an approved franchise agreement or a license agreement
- 68 with the County; or
- 69 2. located in a public parking structure and not visible beyond the
- 70 property line.]

71 **B. Public Signs**

72 Signs installed or authorized by the County, a municipality, a public  
73 utility, or a public agency.

74 [C. The following signs do not require a permit and are exempt from the  
75 size, placement, and number requirements of Division 6.7, but must  
76 satisfy the prohibitions in Section 6.7.4, Prohibited Signs:]

77 **C. Other Signs**

78 Any of the following signs unless prohibited under Section 6.7.4,  
79 Prohibited Signs:

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- 1. [A]a sign that is not visible beyond the property lines of the property where the sign is located[.];
- [2]. A sign erected by, or on the order of, a public officer or utility official and used by a government agency or utility company in the performance of its official duties such as controlling traffic, identifying streets, warning of danger or providing information.]
- [3]2. [A]a sign required to be displayed by law or regulation[.];
- [4]3. [A]a flag that is displayed on a flagpole[.];
- [5]4. [A]a sign that is cut into the masonry surface or constructed of bronze or other durable material and made an integral part of the structure such as a cornerstone, memorial, plaque, or historical marker[.]; or
- [6]5. [A]a sign that is an integral part of a dispensing mechanism, such as a beverage machine, newspaper rack, or gasoline pump.
- [7. An adornment or seasonal decoration.]

[D. A sign or inflatable device that is located in an urban renewal area that is located in an arts and entertainment district; promotes an entertainment event conducted by an entity located within the urban renewal area of an arts and entertainment district; is erected for a maximum of 30 days; and includes more than 1,500 square feet of surface area, is exempt from the following:

- 1. The prohibition on animal forms in Section 6.7.4, Prohibited Signs;
- 2. The size, height and area limitations in Division 6.7;
- 3. The prohibition on roof signs in Section 6.7.4, Prohibited Signs; and



107 4. The prohibition on signs in the public right-of-way in  
108 Section 6.7.4, Prohibited Signs, if constructed 20 feet or more  
109 above the public right-of-way.]

110 **Section 6.7.4. Prohibited Signs**

111 A sign not authorized in Division 6.7 is prohibited.[ Except for a sign that is not  
112 visible beyond the property lines of the property where the sign is located, the ]The  
113 following signs are specifically prohibited and must not be erected or retained[.],  
114 and [The ]the Sign Review Board must not grant a variance permitting their  
115 erection, installation, or maintenance. A prohibited sign must be removed within  
116 24 hours after notification by DPS that the sign must be removed.

117 **A. Obscene Sign**

118 A sign containing [obscene ]statements, words, or depictions that [are  
119 construed to ]offend public morals or decency and are unprotected by  
120 the First Amendment to the United States Constitution is prohibited.

121 **[B. Roof Sign**

122 Unless approved as part of a sign concept plan for an optional method  
123 development project located in an urban renewal area or in a red  
124 policy area as identified by the most recent Subdivision Staging  
125 Policy, a sign painted on the roof of a building or supported by poles,  
126 uprights, or braces extending from or attached to the roof of a  
127 building, or projected above the roof of a building, is prohibited. A  
128 wall sign is not a roof sign, and for the purposes of Division 6.7 a roof  
129 surface constructed at an angle of within 15 degrees of vertical is  
130 regarded as wall space. Screening that encloses equipment such as a  
131 heating, ventilating and air conditioning unit, an elevator shaft, and  
132 stairs located on a roof also are considered wall space.]

133 **[C.]B. Obstructive Sign**

134 A sign placed in a location that obstructs the view of traffic signs,  
135 traffic signals, oncoming traffic, pedestrians, or in any way interferes  
136 with the placement or function of any traffic control device as  
137 determined by the appropriate transportation jurisdiction is prohibited.

138 **[D.]C. Unsafe Sign**

139 A sign [determined by DPS to create ]creating a safety hazard due to  
140 structural or electrical conditions, or by reason of inadequate  
141 maintenance, must be repaired to meet safety requirements or  
142 removed within 30 days after notice of the unsafe condition.

143 **[E. Moved by the Wind**

144 Unless approved as part of a sign concept plan for an optional method  
145 development project located in an urban renewal area, placing a sign  
146 in the form of a banner, pennant, streamer, ribbon, spinner, balloon,  
147 string of lights, or other device that will move in the wind or be  
148 moved manually on a lot or parcel is prohibited, unless the sign  
149 satisfies Section 6.7.3, Exempt Signs.]

150 **[F. Sign in the Public Right-of-Way**

151 A sign in the right-of-way is prohibited, except for the following:

- 152 1. A sign erected by a government agency or utility company in
- 153 the performance of its public duties.
- 154 2. A sign erected by the appropriate transportation jurisdiction in
- 155 its right-of-way.
- 156 3. A permanent sign allowed to be located in the public right-of-
- 157 way in Division 6.7, if:
  - 158 a. the sign is approved by the Sign Review Board; and
  - 159 b. the appropriate transportation jurisdiction issues a permit
  - 160 after approving the structural adequacy, physical

161 location, sight distance, pedestrian access, and other  
162 safety characteristics of the sign.

- 163 4. A limited duration sign that satisfies Division 6.7.
- 164 5. A sign approved as part of a sign concept plan for an optional  
165 method development project located in an urban renewal area.  
166 Section 6.7.4.F does not affect the authority of the appropriate  
167 transportation jurisdiction to regulate signs in its right-of-way or the  
168 authority of the Department of Transportation to otherwise regulate  
169 the right-of-way. The appropriate transportation jurisdiction or DPS  
170 may remove any sign in the public right-of-way that is prohibited  
171 under Section 6.7.4.F.]

172 **[G.]D. Sign Attached to the Property of Others**

173 A sign attached to a structure or property such as a fence, wall,  
174 antenna, other sign, tree or other vegetation, or to any public structure  
175 such as a utility pole, without permission of the owner is prohibited.

176 **[H.]E. Abandoned Sign**

177 A permanent sign, including the structural supports and electrical  
178 connections, that [was legally erected as a location sign, but the  
179 building has not been used for 6 months or more, is considered  
180 abandoned. A sign for a seasonal use is considered abandoned only if  
181 the site remains unused for 12 months is not maintained or no longer  
182 in use is prohibited.

183 **[I. Off-Site Sign**

184 An off-site sign is prohibited.]

185 **F. Traffic Safety**

- 186 1. A sign illuminated in a pattern or lighting combination that  
187 resembles a traffic signal is prohibited.

188                   2.     A sign shaped like a traffic sign or traffic signal, or that uses  
189                             wording similar to traffic signals, or interferes with traffic  
190                             safety is prohibited.

191     **Section 6.7.5. Sign Concept Plans and Variances**

192             **A.     Generally**

193             If not exempt under Section 6.7.3, Exempt Signs, the following signs are  
194             allowed only when approved as part of a sign concept plan for an optional  
195             method development project approved by the Sign Review Board. Before  
196             approving any sign concept plan the Sign Review Board must hold a public  
197             hearing on the sign concept plan after giving the public 30 days’ notice and  
198             verifying that the applicant has satisfied all applicable variance notice  
199             requirements.

200                   1.     Roof Sign

201                             A sign painted on the roof of a building or supported by poles,  
202                             uprights, or braces extending from or attached to the roof of a  
203                             building or projected above the roof of a building. A wall sign  
204                             is not a roof sign, and for the purposes of Division 6.7 a roof  
205                             surface constructed at an angle of within 15 degrees of vertical  
206                             is regarded as wall space. Screening that encloses equipment  
207                             such as heating, ventilating and air conditioning unit, an  
208                             elevator shaft, and stairs located on a roof are also considered  
209                             wall space.

210                   2.     Moved by the Wind

211                             A sign in the form of a banner, pennant, streamer, ribbon,  
212                             spinner, balloon, string of lights, or other device that will move  
213                             in the wind or be moved manually on a lot or parcel.

214             **B.     Variances**

215 Except for signs that are prohibited under Section 6.7.4, a permanent  
216 sign not listed as allowed in a specific zone or that does not satisfy  
217 this Division must obtain a variance from the Sign Review Board.

218 **Section [6.7.5]6.7.6. Measurements**

219 The following standards are used to measure the area of a sign regulated by  
220 Division 6.7.

221 **A. [Generally]Area**

222 The sign area is the entire portion of the sign that can be enclosed  
223 within a rectangle. The area includes the extreme limits of the letters,  
224 figures, designs, and illumination, together with any material or color  
225 forming an integral part of the background of the display or used to  
226 differentiate the sign from the backdrop or structure against which it is  
227 placed (Figure 1).



228

229 **B. Height**

230 Unless otherwise defined in this Division, height is measured from  
231 grade to the top of the sign.

232 **[B]C. Supports**

233 The structure that supports a sign is excluded from the measurement  
234 of sign area unless the structure is used as an integral part of the  
235 display[. ]and the [A ]support [having ]has a perimeter larger than 4

236 feet at the widest point, is an integral part of the display. A support  
237 having a perimeter larger than 4 feet at the widest point is included in  
238 the height and area measurements of the sign.

239 **[C]D. Multiple Sections**

240 \* \* \*

241 **[D]E. Multiple Planes**

242 \* \* \*

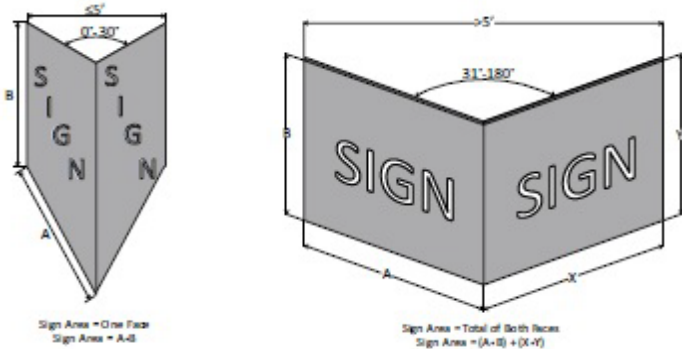
243 **2. Parallel Faces, Back-to-Back, and Double-Faced**

244 \* \* \*

245 **3. “V” Shaped**

246 The area of a [2 sided] 2-sided sign constructed in the form of a  
247 “V” is calculated by the same method as back-to-back [parallel]  
248 faces if the angle of the “V” is less than 30 degrees and the  
249 maximum distance between the sides is 5 feet at any point. If  
250 the angle is equal to or greater than 30 degrees or the distance  
251 between the sides is greater than 5 feet, the sum of all the planes  
252 are used to determine the sign area unless the applicant  
253 demonstrates that only one side of the sign is visible from any  
254 single vantage point outside the property line of the site (Figure  
255 5).

256 **Figure 5**



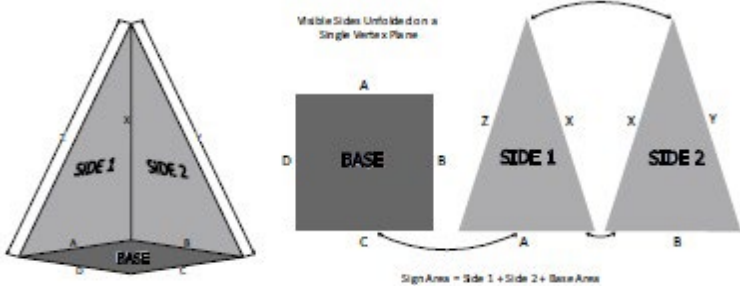
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**4. 3 Dimensional**

Where 3 dimensional signs are used, the area of the sign is the total surface area of the sides that are integral to the sign's information that can be seen from a single vantage point outside the property lines of the site where the sign is located (Figure 6).

Figure 6



266

**Section 6.7.7. Signs in the Public Right-of-Way**

268

**A. Permanent Signs**

269

A permanent sign in the public right-of-way must be approved and permitted by the County after reviewing the structural adequacy, physical location, sight distance, pedestrian access and other safety characteristics of the sign.

270

271

272

273

**B. Temporary Signs**

274

A permit is not required for a temporary sign placed in the public right-of-way subject to the following.

275

276

1. The sign must be constructed in a manner that does not require a building or electrical permit.

277

278

2. The maximum sign area for each sign is 5 square feet.

- 279           3.     A sign must not be placed on a paved section of the right-of-  
 280                     way, such as a sidewalk, bikeway, driveway apron, emergency  
 281                     lane, or any part of the roadway.
- 282           4.     A sign must be placed a minimum of 25 feet from any  
 283                     driveway, entrance, or traffic control signal, and a minimum of  
 284                     5 feet from any other limited duration sign within the public  
 285                     right-of-way.
- 286           5.     A sign must be placed a minimum of 25 feet from a street  
 287                     intersection.
- 288           6.     The nearest edge of a sign must be a minimum of 2 feet from a  
 289                     curb or, if no curb exists, a minimum of 6 feet from the  
 290                     pavement edge of the roadway or street.
- 291           7.     A sign must not be placed on a median strip or highway divider.
- 292           8.     The maximum height of the sign is 30 inches above the ground.
- 293           9.     A sign must have its own means of support affixed to the  
 294                     ground. The sign installer or permit holder is responsible for  
 295                     satisfying utility restrictions for excavating or driving a support  
 296                     in the ground.
- 297           10.    A sign must be erected only on weekends or National Holidays.
- 298           11.    The installer and the sign owner are both responsible for  
 299                     removing the sign within 24 hours of the same weekend or  
 300                     Federal Holiday during which the temporary sign was installed.
- 301           12.    The maximum number of temporary signs allowed is 4 per site.

**Section 6.7.8. Temporary Signs on Private Property**

**A. Generally**

303           A permit is not required for a temporary sign on private property and  
304                     the number of temporary signs that may be displayed is not limited.  
305



- 306 1. The sign area of a temporary Sign is determined by the zone in
- 307 which the sign is placed and is in addition to the area allowed
- 308 for a permanent sign. The sign must otherwise satisfy the
- 309 standards for a permanent sign in the zone.
- 310 2. The date of erection of a temporary sign must be written in the
- 311 indelible ink on the lower right corner of the sign. A sign
- 312 without this information is a permanent sign under Division 6.7.

**B. Requirements by Zone**

The following requirements apply in the zones specified:

**1. Agricultural and Rural Residential Zones**

The maximum total sign area of each temporary sign is 40  
square feet and the total sign area is 100 square feet.

**2. Residential Zones**

The maximum total sign area is 10 square feet, however, the  
maximum total sign area at any place of assembly is 50 square  
feet.

**3. Commercial/Residential, Employment, and Industrial**  
**Zones**

a. The maximum sign area of each sign is 50 square feet  
and the maximum total sign area is 100 square feet.

b. Temporary signs placed in a window must satisfy the  
following additional requirements:

i. the maximum total area of temporary window  
signs is 20% of the window glass area for each  
side of the building, minus the area of any  
permanent window signs;

- 332                   ii.    signs may be placed in any window if they satisfy
- 333                               the general rules of sign placement under Section
- 334                               6.7.6.B; and
- 335                   iii.    the sign may be illuminated if it satisfies Section
- 336                               6.7.9.E.

337 **Section [6.7.6 ]6.7.9. Permanent Signs, In General**

338 A permanent sign is [one that is ]intended to remain posted indefinitely. [A permit  
339 is required to construct a permanent sign and a building permit or electrical permit  
340 may be required due to the sign's physical characteristics.]

341 \* \* \*

342 **B. Sign Placement**

- 343                   1.    A [setback is measured from the portion of the sign nearest to
- 344                               the property line.]sign must comply with the setback and height
- 345                               standards of the applicable zone under Sections 6.7.9-6.7.11.
- 346                   [2.    Height is measured from the portion of the sign which is
- 347                               vertically the farthest from the ground.]
- 348                   [3.    Unless otherwise provided in Division 6.7, no portion of a sign
- 349                               may:
- 350                               a.    be erected in a manner that places the top of the sign
- 351                                       more than 26 feet above the ground, except for a location
- 352                                       sign erected that satisfies Section 6.7.3.D;]
- 353                   [b]2. A sign must not extend outside the property upon which it is
- 354                               erected, except for properties with no building setback, or
- 355                               satisfying the standards in Section [6.7.9.A.3]6.7.11.A.3 for
- 356                               canopy signs[; and].

357 [c]3. A sign must not obstruct any building aperture, such as [a]an  
358 operable window, door, ventilation opening, or fire prevention  
359 device.

360 \* \* \*

361 **D. Color**

- 362 1. [A sign that contains any color combination]Color  
363 combinations that may be confused with a traffic sign or signal  
364 [is prohibited] are prohibited.
- 365 2. A sign back or non-display side of a sign must be a single  
366 [neutral]color where visible from outside the property lines of  
367 the site[or DPS must include the sign back or non-display side  
368 of the sign as sign area]; otherwise, the sign will be considered  
369 double-sided or 3-dimensional.

370 **E. Illumination**

371 When illumination of a sign with an exterior lighting fixture is  
372 permitted, the applicant must satisfy the following requirements:

- 373 [1. An electrical permit must be obtained under Chapter 17;]  
374 [2]1. sign illumination must[use an enclosed lamp design or indirect  
375 lighting] be from a shielded source and be 0.5 foot candles or  
376 less at the property line if the subject property abuts a property  
377 that is improved with a residential use on the ground floor in  
378 any zone or is vacant in [a]an Agricultural, Rural Residential, or  
379 Residential zone; and
- 380 [3. A sign illuminated in a pattern or lighting combination that  
381 resembles a traffic signal is prohibited;]

382 [4]2. [A sign illuminated]sign illumination [by]may not be flashing,  
383 revolving, [or ]intermittent [lights], or [lights ]of changing  
384 intensity. [is prohibited; and]

385 [5. A sign on a lot or parcel within 150 feet of a residential use  
386 must be illuminated only during the hours the entity is open for  
387 public business, unless the applicant demonstrates that the sign  
388 is located so that no adverse impact will affect the residential  
389 use.]

390 **F. [Structural Limitations]Changeable Content**

391 [The applicant for a sign must construct and maintain the sign in a  
392 manner that satisfies the following structural requirements:

- 393 1. A sign shaped like a traffic sign or traffic signal, or that uses  
394 wording similar to traffic signals, or interferes with traffic  
395 safety is prohibited.
- 396 2. A sign must be a geometric shape; a sign shaped to resemble  
397 any human or animal form is prohibited.
- 398 3. A sign activated by wind is prohibited.
- 399 4. A sign with moving parts is prohibited.
- 400 5.]A sign that has characters that are changed manually or  
401 electronically must not be changed more than once [each day.]every  
402 30 seconds. This change must be an entire sign change and not fade or  
403 pixelate in and out. This includes a sign that gives the appearance or  
404 illusion of movement for a written or printed message. A sign that  
405 displays the number of available parking spaces is exempt from this  
406 requirement.

407 **G. Historic Preservation Area**

408 [The applicant for a sign erected in an historic preservation area must  
409 construct and maintain the sign in a manner that satisfies the following  
410 criteria:

- 411 1. DPS must verify that the historic site or area is designated in
- 412 the Montgomery County Master Plan for Historic Preservation.
- 413 2. DPS must verify that the applicant has received an historic area
- 414 work permit under the provisions of Chapter 24A before
- 415 considering a sign permit application for a sign located on an
- 416 historic resource.
- 417 3. DPS must consider the following information in issuing a sign
- 418 permit:

  - 419 a. Size, shape, color, lettering, and location of the sign; and
  - 420 b. Compatibility of the sign with the surrounding property,
  - 421 other signs in the area, and the historic nature of the
  - 422 area.]

- 423 1. The applicant for a sign erected on a historic resource or in a
- 424 historic district must receive a historic area work permit under
- 425 the provisions of Chapter 24A before issuance of a sign permit
- 426 by DPS. DPS must verify that the historic resource or district is
- 427 designated in the Montgomery County Master Plan for Historic
- 428 Preservation.
- 429 2. A variance may also be required if the sign does not satisfy the
- 430 standards of this Division.

431 **[H. Permanent Sign Standards By Zone**

432 The applicant for a permanent sign not listed as allowed in a specific  
433 zone or that does not satisfy Section 6.7.6 or the applicable zone must  
434 obtain a variance from the Sign Review Board.]

435 **H. Service Windows**

- 436 1. An establishment with a ticket, drive-through, or ordering
- 437 window may have no more than two signs per drive-aisle.
- 438 2. The area of each sign may not exceed 32 square feet.
- 439 3. The height of a freestanding sign may not exceed 6 feet.

440 **Section [6.7.7]6.7.10. Agricultural and Rural Residential Zones**

441 \* \* \*

442 **B. Additional Sign Area**

443 In addition to the 200 square feet of total sign area, an additional  
444 [location ]sign is allowed for a lot or parcel larger than 5 acres, if it  
445 meets the following requirements:

446 \* \* \*

447 **Section [6.7.8]6.7.11. Residential Zones**

448 \* \* \*

449 **B. Additional Sign Area**

450 **1. Subdivision and Multi-Unit Development [Location ]Sign**

451 Additional sign area is allowed for a [permanent location sign]  
452 permanent sign erected at any entrance to a subdivision or  
453 [Multi-Unit]multi-unit development if the sign is a ground sign  
454 or wall sign[ located at an entrance to the subdivision or  
455 building].

456 a. 2 signs are allowed for each entrance. More signs may  
457 be allowed by the Planning Board in an approved site  
458 plan for residential uses under Section 7.3.4.

459 b. The maximum sign area is 40 square feet per sign.  
460 Additional sign area may be allowed by the Planning

461 Board in an approved site plan for residential uses under  
462 Section 7.3.4.

463 c. If the driveway entrance to the subdivision or  
464 development is located in the right-of-way, a revocable  
465 permit issued [jointly ]by the [Sign Review Board and  
466 the appropriate transportation jurisdiction]County must  
467 be obtained to erect the sign.

468 d. The maximum height of a wall sign is 26 feet.

469 e. The sign may be illuminated [(see Section 6.7.6.E)] if it  
470 satisfies 6.7.9.E.

471 f. Signs approved by the Planning Board and shown on a  
472 certified site plan do not require approval of a sign  
473 variance application under Section 7.4.2. The sign details  
474 must be shown on the certified site plan including  
475 location, height, and area.

476 **2. Place of Assembly [Location ]Sign**

477 Additional sign area is allowed for a [permanent location sign]  
478 permanent sign erected at any entrance to or on a building for  
479 any place of worship, school, library, museum, or hospital], or  
480 any other publicly owned facility. The]if the sign is[must be] a  
481 ground sign or a wall sign[ located at an entrance to the  
482 building or driveway].

483 a. 2 signs are allowed at each entrance.

484 b. The maximum sign area is 40 square feet total, not per  
485 sign.

486 c. The minimum setback for a sign is 5 feet from the  
487 property line, or, if the driveway entrance to the

488 subdivision is located in the right-of-way, a revocable  
489 permit issued [jointly ]by [the Sign Review Board and]  
490 the appropriate transportation jurisdiction must be  
491 obtained to erect the sign.

492 d. The maximum height of a sign is 26 feet.

493 e. The sign may be illuminated [(see Section 6.7.6.E)] if it  
494 satisfies 6.7.9.E.

495 **Section [6.7.9]6.7.12. Commercial/Residential, Employment, and Industrial**  
496 **Zones**

497 **A. Base Sign Area**

498 \* \* \*

499 **3. Canopy Sign**

500 \* \* \*

501 [d. A canopy sign that includes only the name of the  
502 business, the address or the official logo of the occupant  
503 is a location sign.]

504 [e] d. The sign may be illuminated [(see Section 6.7.6.E)] if it  
505 satisfies 6.7.9.E.

506 e. Canopy signs may be modified and approved by DPS on  
507 properties subject to a certified site plan without the need  
508 for a site plan amendment and are subject to the  
509 provisions of this Division.

510 **B. Additional Sign Area**

511 **1. [Location]Ground or Wall Sign**

512 Additional sign area is allowed for a [permanent location sign]  
513 permanent sign if the sign is a ground sign or flat wall sign. Each sign  
514 must meet the following requirements:



- 515 a. One sign may be placed on each face of the building.
- 516 When a building has 4 or more building faces, a
- 517 maximum of 4 [location ]signs may be installed or
- 518 constructed on the building.
- 519 b. The maximum sign area is 100 square feet for each sign.
- 520 c. The location is the same as provided generally for the
- 521 zone based on the type of sign. A [location ]sign erected
- 522 as a ground sign must satisfy the setback restrictions for a
- 523 freestanding sign, and a [location ]sign erected as a wall
- 524 sign must satisfy the requirements for a wall sign.
- 525 d. A sign may be placed on each face of a building that is 5
- 526 stories or greater and more than 26 feet from the ground
- 527 if it is located below the eave or parapet and at least 10
- 528 feet from the corner of the building.
- 529 e. [An entrance]A sign at an entrance that is a freestanding
- 530 [location ]sign must be placed at least 100 feet from
- 531 another freestanding sign. A wall [location ]sign at an
- 532 entrance must be placed at least 30 feet from another wall
- 533 sign.
- 534 f. The sign may be illuminated [(see Section 6.7.6.E)] if it
- 535 satisfies 6.7.9.E.

**2. Freestanding Sign for Sites Larger than 5 Acres**

Additional sign area is allowed up to a maximum sign area of 200 square feet per sign for a freestanding sign erected at any driveway entrance to an industrial or commercial center that is larger than 5 acres. The sign must meet the following requirements:

- 541 a. 2 signs per customer entrance are allowed[.];

- 542 [b. The maximum sign area is 200 square feet per sign.]
- 543 [c]b. [A]a sign must be set back at least ¼ of the distance
- 544 required for the building setback for the zone[.];
- 545 [d]c. [The]the maximum height of a sign is 26 feet[.];
- 546 [e]d. [Each]each sign or pair of signs must be placed a
- 547 minimum of 200 feet from another sign or pair of
- 548 signs[.]; and
- 549 [f]e. [The]the sign may be illuminated [(see Section 6.7.6.E)]
- 550 if it satisfies 6.7.9.E.

551 **[Section 6.7.10. Urban Renewal Areas**

- 552 A. A permanent sign located in an approved urban renewal or red policy
- 553 area as part of an optional method development project need not
- 554 satisfy the Design Elements and Limitations of Division 6.7 where the
- 555 Sign Review Board approves the sign as part of a sign concept plan;
- 556 however, any roof sign in a red policy area must not exceed the height
- 557 limits of the property's zone.
- 558 B. Before approving any sign concept plan under Section 6.7.10, the
- 559 Sign Review Board must hold a public hearing on the sign concept
- 560 plan in the urban renewal or red policy area after giving 30 days'
- 561 notice and verifying that the applicant has satisfied all applicable
- 562 variance notice requirements.]

563 **[Section 6.7.11. Limited Duration Signs**

- 564 A. **Permit Requirements**
- 565 1. A permit is not required for a limited duration sign on private
- 566 property. A permit application must be approved for each sign
- 567 to be placed in the public right-of-way.

- 568 2. When a permit is required, a limited duration sign must satisfy
- 569 the following provisions:
- 570 a. The sign must be constructed in a manner that does not
- 571 require a building or electrical permit.
- 572 b. Each sign approved by a permit must display and have
- 573 affixed to the sign information in a format as required by
- 574 DPS, including the date of expiration of the permit.
- 575 c. A permit is issued for one year and may be renewed
- 576 annually.
- 577 d. A limited duration sign is allowed in any zone.
- 578 e. A limited duration sign may be relocated upon approval
- 579 by the DPS.

**B. Permit Applications**

- 581 1. One sign is allowed per permit. An applicant may request up to
- 582 a maximum of 4 permits. DPS may consider each business
- 583 location as a separate applicant; however the sign placement
- 584 must not create a proliferation of signs in that right-of-way, and
- 585 the applicant may not have the ability to use a permanent sign
- 586 in lieu of a limited duration sign. Multiple signs that are similar
- 587 will not receive a permit for the same location within the right-
- 588 of-way.
- 589 2. An application for a limited duration sign permit must include:
- 590 a. A description of the sign indicating the, size, shape,
- 591 dimensions, and colors of the sign, and the time and day
- 592 of the week during which the sign will be displayed;

- 593                    b.     A drawing of the site or a schematic of the area showing
- 594                                 the proposed location of the sign in relation to nearby
- 595                                 buildings and streets;
- 596                    c.     The number of signs on the site; and
- 597                    d.     Other information required by DPS to confirm the
- 598                                 limited duration sign satisfies Division 6.7 and other
- 599                                 Sections of the Chapter.

600            **C.     General Requirements for Limited Duration Signs on Private**

601            **Property.**

- 602                    1.     The number of signs, area and placement restrictions allowed
- 603                                 are the same as for a temporary sign in the zone in which the
- 604                                 sign is erected; however, in Residential zones, the maximum
- 605                                 sign area of all limited duration signs on a lot or parcel is 10
- 606                                 square feet.
- 607                    2.     A sign erected on private property must have the written
- 608                                 permission of the property owner.

609            **D.     Requirements for Limited Duration Sign in the Public Right-of-**

610            **Way**

- 611                    1.     The maximum sign area for each sign is 5 square feet.
- 612                    2.     A sign must not be placed on a paved section of the right-of-
- 613                                 way, such as a sidewalk, bikeway, driveway apron, emergency
- 614                                 lane, or any part of the roadway.
- 615                    3.     A sign must be placed a minimum of 50 feet from any
- 616                                 driveway, entrance, or traffic control signal, and a minimum of
- 617                                 5 feet from any other limited duration sign within the public
- 618                                 right-of-way.

- 619                   4.     A sign must be placed a minimum of 100 feet from a street
- 620                             intersection.
- 621                   5.     The nearest edge of a sign must be a minimum of 2 feet from a
- 622                             curb or, if no curb exists, a minimum of 6 feet from the edge of
- 623                             the roadway or street.
- 624                   6.     A sign must not be placed on a median strip or highway divider.
- 625                   7.     The maximum height of the sign is 30 inches above the ground.
- 626                   8.     A sign must have its own means of support which is affixed to
- 627                             the ground. The sign installer or permit holder is responsible for
- 628                             satisfying utility restrictions for excavating or driving a support
- 629                             into the ground.
- 630                   9.     A sign must be erected either only on weekends and National
- 631                             Holidays; or for a maximum of 14 consecutive days during any
- 632                             6-month period.]

633 **[Section 6.7.12. Temporary Signs**

634         **A.     Generally**

635             A permit is not required for a temporary sign and the number of

636             temporary signs that may be displayed is not limited.

- 637                   1.     The sign area of a temporary sign is determined by the zone in
- 638                             which the sign is placed, and is in addition to the area allowed
- 639                             for a permanent sign or a limited duration sign. All other
- 640                             aspects of the sign, such as location and height, must satisfy the
- 641                             standards for a permanent sign in the zone.
- 642                   2.     The date of erection of a temporary sign must be written in
- 643                             indelible ink on the lower right corner of the sign. A sign
- 644                             without this information is a permanent or limited duration sign
- 645                             under Division 6.7.

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**B. Requirements by Zone**

The following requirements apply in the zones specified:

**1. Agricultural and Rural Residential Zones**

The maximum sign area of each temporary sign is 40 square feet and the total sign area is 100 square feet.

**2. Residential Zones**

The maximum total sign area is 10 square feet; however, the maximum total sign area at any place of assembly is 50 square feet.

**3. Commercial/Residential, Employment, and Industrial Zones**

- a. The maximum sign area of each sign is 50 square feet and the maximum total sign area is 100 square feet.
- b. Temporary window signs must satisfy the following additional requirements:
  - i. The maximum total area of temporary window signs is 20% of the window glass area for each side of the building, minus the area of any permanent window signs.
  - ii. Signs may be placed in any window if they satisfy the general rules of sign placement under Section 6.7.6.B.
  - iii. The sign may be illuminated.]

\* \* \*

**Sec. 3. Effective date.** This ordinance becomes effective 20 days after the date of Council adoption.



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich  
*County Executive*

**MEMORANDUM**

March 21, 2022

TO: Gabe Albornoz, President  
Montgomery County Council

FROM: Marc Elrich, County Executive *Marc Elrich*

SUBJECT: Economic Advisory Group – Speed to Market: Revamping the County Sign Ordinance

In Spring 2021, I convened a public-private working group comprised of the Montgomery County Department of Permitting Services, the Department of Transportation, the Maryland National Capital Park & Planning Commission, and private industry to revamp the County sign ordinance. This undertaking was part of the Economic Advisory Group’s (EAG) “Speed-to-Market” initiative to streamline business development and growth in the County. The goal of updating the sign ordinance is to reflect development and urbanization patterns of the past 30 years.

Under the authority of the County Code §2-42B.(2)(A), the Department of Permitting Services is responsible for the administration and interpretation of zoning law and regulations. The department has proposed a replacement of Chapter 59-6.7 as attached. This is the specific section of the Zoning Ordinance regulating signs.

It is the belief of the Department of Permitting Services and its partners that helped develop the attachment that the revised ordinance serves to benefit the public interest, promotes compatibility with current land use within Montgomery County, and advances economic and business development.

*attachments*



## ZTA 22-05 – SIGNS

### Description

ZTA 22-05 is a rewrite of Division 6.7, which contains the sign provisions within the Zoning Ordinance.

ZTA 22-05

COMPLETED: 7-7-2022

MCPB

Item No. 08

7-14-2022

2425 Reddie Drive

Floor 14

Wheaton, MD 20902





Benjamin Berbert, Planner III, Countywide Planning and Policy  
[Benjamin.Berbert@montgomeryplanning.org](mailto:Benjamin.Berbert@montgomeryplanning.org), 301-495-4644



Jason Sartori, Chief, Countywide Planning and Policy  
[Jason.Sartori@montgomeryplanning.org](mailto:Jason.Sartori@montgomeryplanning.org), 301-495-2172



## Summary

- This ZTA is a rewrite of Division 6.7 Signs.
- Changes include: removing certain definitions; removing the prohibition of off-site signs; adding provisions for signs in the public right-of-way; adding provisions for temporary signs; and other changes meant to streamline the review and implementation of the code.
- These changes are in part a result of the Speed to Market initiative looking to streamline business development in the county.
- A new provision is included that would allow entrance signs to subdivisions approved by the Planning Board with details of the sign location, height, and area shown on the site plan to not require a sign variance.
- A Council Public Hearing is scheduled for July 26, 2022.

### LEAD SPONSORS

Council President Alborno at the request of the County Executive

### INTRODUCTION DATE:

June 14, 2022

### REVIEW BASIS:

Chapter 59

## SECTION ONE

### BACKGROUND

#### Rationale for ZTA 22-05

ZTA 22-05 was introduced by Council President Alborno on behalf of the County Executive and the Department of Permitting Services (DPS). This ZTA is an almost complete rewrite of Division 6.7 Signs, as this section was not comprehensively looked at during the 2014 code rewrite and was an identified priority to be addressed by the county's Speed to Market initiative. A multi-agency and multi-discipline committee was formed in late 2020 and met through spring of 2021 to work through Division 6.7. and this ZTA is the result of that committee's recommendations.

## SECTION TWO

### ANALYSIS

#### ZTA 22-05 as introduced

ZTA 22-05 is a substantial revision to Division 6.7 Signs. The changes contained within the ZTA impact every section of the sign code and including relocating, combining or otherwise fully rewriting certain provisions, adding new terms and provisions, and removing old terms and provisions. Generally, the Planning Board and Planning Staff do not review or otherwise engage with Division 6.7 frequently because sign reviews and permits are a separate function within DPS. Signs shown on site plans have been seen as illustrative placeholders, or specific conditions are put in place requiring plan amendments if they are not followed through with the Sign Review Board. Tracking every single change is impractical, but a summary of the more substantial amendments include:

- Merging limited duration and temporary signs into one category under the temporary sign umbrella
- Adding a new section specific to Temporary Signs
- Clearly defining Public Signs as an exempt type of sign
- Moving Sign in the Public Right-of-Way from the list of prohibited signs to a separate section, and creating provisions to allow them to be approved with review by the county
- Creating a new subsection for the Sign Concept Plan and Sign Variance subsections, and relocating provisions for roof signs and signs moved by the wind from other parts of the section into this subsection
- Specifically addressing signs associated with drive-thrus and service windows
- Allowing canopy signs in commercial areas to be modified by DPS without the need to seek amendment to site plans

- Removing references to urban renewal areas

In addition to these changes, there are also new provisions granting the Planning Board authority to approve additional residential entrance signs and to no longer require applicants to seek variances from Division 6.7 for residential entrance that deviate from the code if the sign location, height, and area is clearly identified on a site plan approved by the Board. These changes are included in new Section 6.7.11.B Residential Zones – Additional Sign Area, on lines 461-463, and 476-480 of the introduced ZTA. Currently, site plans either identify residential entrance signs as illustrative, knowing that the final review authority of those signs falls outside of the site plan process, or they set binding requirements on these signs, which may require applicants to seek a variance with the Sign Review Board. This aims to streamline the process, allowing the Board through site plan review to determine the best design and placement of these monumental entrance signs and no longer requiring applicants to seek variances to these signs.

### **Recommended Amendments to ZTA 22-05**

Planning staff have identified a couple of issues with Division 6.7 that either were discussed by the multi-agency committee but did not appear in this ZTA, or other considerations that are a result of changes proposed by this ZTA.

#### Ground Signs

Ground signs are a sub-category defined under freestanding signs, and as defined are required to start no higher than 12” above grade. Many monumental signs include landscaping around the front of the sign which may block part or all of a sign mounted that low. Staff recommend either increasing 12” to 24” or removing any requirement on where the signs begin and allow the maximum height of the monumental structure to be the limiting dimensions for this type of sign structure.

#### Limited Duration/Temporary Signs

As part of the merging of Limited Duration signs with Temporary Signs, the provision that allowed the limited duration signs to remain up for one year was not included in the ZTA. While most signs that could be covered by this section would meet the temporary standards allowing a maximum of 30 days, there are some signs, most notably banners that include leasing information, which are often on structures for many months at a time which would now have to comply with the 30-day timeframe. The ZTA should include some provision allowing for a longer duration temporary sign for such circumstances.

Also, the term Limited Duration sign was not fully removed from text by the ZTA, as an instance of it appears on line 286 of the ZTA, which should be replaced with Temporary Sign.

#### Permits for Temporary Signs in the Right-of-Way

The ZTA language states permits are not required for Temporary Signs within a ROW subject to provisions. One provision, number 9 on lines 295-298, references the responsibility of a sign installer

or permit holder. The word permit holder should be removed at this location since no permit is required for temporary signs in the right-of-way.

## SECTION THREE

### CONCLUSION

Planning staff supports the changes as introduced for ZTA 22-05, with the few recommended additional changes discussed within this report, and recommends the Board transmit comments in support of the ZTA to the District Council. This ZTA is a much welcome rewrite to Division 6.7 Signs that is cleaner, clearer, and supports the Speed to Market initiative being pursued by the county.

Attachment A – ZTA 22-05 introduction packet – Marked up version

Attachment B – ZTA 22-05 Introduction packet – Clean ZTA

Attachment C – Recommended modifications to ZTA 22-05



**July 22, 2022**

**To:** The Honorable Gabe Alborno  
President, Montgomery County Council  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 501  
Rockville, Maryland 20850

**From:** Montgomery County Planning Board

**Subject:** Zoning Text Amendment No. 22-05

#### **BOARD RECOMMENDATION**

The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission met on July 14, 2022 and by a vote of 5:0 supported Zoning Text Amendment (ZTA) 22-05, with minor technical and policy comments. This ZTA represents a total rewrite of Division 6.7 Signs, as suggested in the Speed to Market Initiative and taken up by a workgroup committee in early 2021. While acknowledging that the Planning Board infrequently is involved in the implementation of Division 6.7, the Board appreciates this effort to modernize and streamline the county's sign code and review process.

The Planning Board has a few small comments to further streamline the sign review process by minimizing further the need for variances, in addition to a technical comment. The first change the Board recommends is to remove from the definition of Ground Signs the requirement that the sign's bottom edge be within 12 inches of the ground. This requirement is frequently at odds with landscaping or other visual considerations leading to many variances or unusually designed signs. The Board believes the maximum height of a ground sign is what should be regulated rather than its height from the ground.

The Board also noted a concern that after the merging of Limited Duration Signs and Temporary Signs, no provision to allow Temporary Signs to remain for more than 30 days was included. Limited Duration signs today may remain for up to one year in some circumstances. There is also an instance in Section 6.7.7.B.4 of the ZTA where Limited Duration Sign is still referenced in error and should be corrected. Lastly, the ZTA in Section 6.7.7.B.9 references a permit holder, however permits are typically not issued for Temporary Signs so the Board recommends removing permit holder from the ZTA.

The Planning Board appreciates the ability to review and comment on ZTA 22-05 and is broadly supportive of the efforts to streamline the sign review process and modernize this section of the Zoning Code.

#### **CERTIFICATION**

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, at its regular meeting held in Wheaton, Maryland, on Thursday, July 14, 2022.



**Casey Anderson**  
Chair

Attachment A: Revised ZTA 22-05

Attachment B: Planning Staff Report Packet

CA:BB:aj

# Racial Equity and Social Justice (RESJ) Zoning Text Amendment Statement

Office of Legislative Oversight

## ZTA 22-05: SIGNS

### SUMMARY

The Office of Legislative Oversight (OLO) anticipates that Zoning Text Amendment 22-05 will have little to no impact on racial equity and social justice (RESJ) in the County.

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### PURPOSE OF RESJ IMPACT STATEMENTS

The purpose of RESJ impact statements for zoning text amendments (ZTAs) is to evaluate the anticipated impact of ZTAs on racial equity and social justice in the County. Racial equity and social justice refer to a process that focuses on centering the needs, leadership, and power of communities of color and low-income communities with a goal of eliminating racial and social inequities.<sup>1</sup> Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.<sup>2</sup>

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### PURPOSE OF ZTA 22-05

The purpose of ZTA 22-05 is to overhaul the County's sign ordinance so it reflects development and urbanization patterns of the past 30 years. It is part of an initiative advanced by the Economic Advisory Group (EAG) to streamline business development and growth in the County.<sup>3</sup>

The Department of Permitting Services is responsible for the administration and interpretation of zoning laws and regulations. The Department has proposed a replacement of the specific section of the Zoning Ordinance regulating signs. The changes proposed in ZTA 22-05 include: removing certain definitions, removing the prohibition on off-site signs, adding provisions for signs in the public-right-of way, adding provisions for temporary signs, and other revisions meant to streamline this section of the Zoning Ordinance.

ZTA 22-05 was introduced to the Council on June 14, 2022.

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### ANTICIPATED RESJ IMPACTS

If ZTA 22-05 works as intended, streamlined signage opportunities for property and business owners could spur economic development in the County. However, OLO anticipates that the magnitude of increased economic development associated with this ZTA would at best be extremely limited. As such, OLO finds that ZTA 22-05 will have little to no impact on RESJ in Montgomery County.

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### CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

# RESJ Impact Statement

## Zoning Text Amendment 22-05

### CONTRIBUTIONS

OLO staffers Elsabett Tesfaye, Performance Management and Data Analyst, and Elaine Bonner-Tompkins, Senior Legislative Analyst, drafted this RESJ impact statement.

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<sup>1</sup> Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools.

<https://www.racialequitytools.org/glossary>

<sup>2</sup> Ibid.

<sup>3</sup> Memorandum from Marc Elrich, County Executive, to Gabe Albornoz, President Montgomery County Council. March 21, 2022





NOVEMBER 2020

PLANNING FOR A  
POST-PANDEMIC ERA

# AN ECONOMIC ROADMAP TO RECOVERY & LONG-TERM SUCCESS

**PREPARED BY:**

MONTGOMERY  
COUNTY ECONOMIC  
ADVISORY GROUP

# NOVEMBER 2020:

## SITUATION ANALYSIS

Montgomery County's leadership position in life and regulatory sciences provides an enormous opportunity to showcase its unique assets in these areas. As the home to a range of companies and federal agencies working on COVID-19 vaccines and other related research and development, the County is exceptionally positioned to be a national asset at a defining moment in history.

To be clear, there are definite opportunities for growth in these sectors, especially as the nation faces a public health crisis. But there is also the ability to leverage this period of rebuilding to address other existing, protracted challenges and to position Montgomery County as an innovation hub with sustainable growth.

Specifically, the County has long faced a tax base issue and slow growth in its business sector. Some of the concerns related to business activity are due to misperception, but there are also some realities that have only been exacerbated

by the pandemic and the economic downturn that accompany it. Recent research indicates that that Montgomery County is less of a destination for the mid-20s to mid-40s demographic. Among those in this key cohort who remain interested in moving here, their income, net worth, home ownership and educational attainment are markedly lower as compared to much of the rest of the region and compared to past trends. COVID-19 has only served to worsen existing economic trends, compounding challenges along socio-economic boundaries.

The Montgomery County Economic Advisory Group (EAG) has focused on identifying short- and long-term actions to address these challenges and realize future opportunities to grow the tax base to support critically important social and educational programs for its citizens, not merely to recover from COVID-related economic damage, but also to set the stage to build a stronger, more resilient and diverse economy than before.

## MONTGOMERY COUNTY ECONOMIC ADVISORY GROUP

**Chair: Doug Firstenberg, Stonebridge**

- Randy Altschuler, Xometry
- Tope Fajingbesi Balogun, Dodo Farm
- Sameer Bhargava, Clark Construction
- Marla Bilonick, Latino Economic Development Center
- Chris Bruch, The Donohoe Companies
- Robert Butz, Windridge Vineyards
- Kenneth Cook, Revere Bank
- Travis Cutler, Marriott
- Thomas Deyo, Montgomery County Green Bank
- Mark Doyle, Holy Cross Hospital
- Mark Drury, Shapiro & Duncan
- Terry Forde, Adventist Healthcare
- Janice Freeman, African American Chamber of Commerce of Montgomery County
- Jeff Galvin, American Gene Technologies
- Angela Graham, Quality Biological
- Jackie Greenbaum, Quarry House
- Peter Henry, HIP Projects
- Cecilia Hodges, M&T Bank
- David Kessler, CohnReznick
- Omar Lazo, Los Chorros
- Haroon Mokhtarzada, Truebill
- James G. Muir, III, Hughes Network Systems
- Markus Larsson, Life Assets
- Ron Piervincenzi, United States Pharmacopeia (USP)
- Adam Roberts, Bethesda Green
- Jigar Shah, Generate Capital
- Michael Shuman, Institute for Global Communications
- Thomas Senker, MedStar Montgomery Medical Center
- Dan Simons, Founding Farmers
- Dipak Thakker, Stellar IT Solutions
- Colin Thorp, CloudBolt
- Greg Wims, Bold Concepts
- Bing Yao, Viela Bio

### Elected Representatives:

- Marc Elrich, Montgomery County Executive
- Sidney Katz, County Council President
- Andrew Friedson, County Council Member

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# THE VISION: AN ACTION PLAN

The EAG will “set the table” for a long-term strategy for Montgomery County’s economic development future by establishing key objectives that demonstrate the County’s commitment to its evolution while delivering immediate value to business through a series of near term action items. These actions will be supported by public-private cooperation, and will be immediately impactful, laying the groundwork for longer-term growth and prosperity.

The County should embrace and expand the competitive advantages offered through its national leadership in the life and regulatory sciences arenas. The presence of National Institutes of Health (NIH), Federal Drug Administration (FDA) and National Institute of Standards and Technology (NIST) in the County, combined

with one of the largest private-sector life sciences concentration, create an unparalleled value proposition for increasing post-pandemic investment and incentivizing new business investment and relocation from outside the County. With the County’s existing assets and building on strong partnerships, it is well positioned to grow its role in the life and regulatory sciences arenas and also be a leader in healthcare technology and the application of artificial intelligence and quantum computing on business operations.

Montgomery County must also fortify its position as the national leader in the hospitality industry. As one of the hardest-hit casualties of the coronavirus pandemic, it is critical that a supportive and talent-rich business environment helps this sector return and expand post-crisis.

## KEY OBJECTIVES

The EAG has focused on four key objectives as the foundation for this long-term strategic effort:

- 📍 **Developing and retaining a skilled talent pipeline** for businesses, including offering retraining opportunities;
- 📍 **Reimagining economic development to compete in the future** through improved governmental processes that support business growth and expansion, development and transportation infrastructure growth and expanding housing at all income levels;
- 📍 Addressing **awareness of, access to and availability of capital** to help existing enterprises succeed and attract new business investment; and
- 📍 **Supporting key industry sectors** that are critical to the County’s economy and quality of life, including restaurants, entertainment and hospitality.





# OBJECTIVE 1

## **REINVENTING AND EXPANDING THE TALENT PIPELINE TO SUPPORT SHIFTING & GROWING INDUSTRIES**

**State of Play:** The County's growth industries - life and regulatory sciences and healthcare - have a tremendous need for more talent at all levels. Montgomery County is home to numerous educational institutions/systems that can serve as incubators for development, offering seamless training in key, targeted business and economic sectors. This starts with County-based institutions—Montgomery County Public Schools, Montgomery College and The Universities at Shady Grove—forming a solid foundation with the strength of University of Maryland College Park, University of Maryland Baltimore County and University of Maryland Baltimore providing nearby post-graduate and research value. Combining these educational assets with organizations like WorkSource Montgomery and the Montgomery County Economic Development Corporation (MCEDC), as well as private industry, will be critical to bridging short-term issues and creating a long-term talent pipeline.

In Maryland, the biotech sector is thriving due to increased demand for development of rapid SARS-CoV-2 testing capabilities as well as therapeutics and vaccines. Cell-based therapies are a core strength of Maryland's biotech community. Companies have increased capacity to perform more PCR-based SARS-CoV-2 tests with some now running 24/7 test processing operations. Other companies are focused on vaccine efforts and will begin to ramp up production for late-phase clinical trials and post-FDA approval distribution.

In addition to these specific life and regulatory sciences, maintaining and growing the County's talent pipeline in the areas of artificial intelligence, quantum computing and both healthcare and hospitality technology are tremendous opportunities for the future of the County.

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## **1/ NEAR-TERM ACTION: REINVENTING & EXPANDING THE TALENT PIPELINE**

Leverage these educational assets to create and fund programs to retrain and retain the employee base impacted by the pandemic and attract additional external talent to meet near-term needs in life and regulatory sciences and health care. It is important to expand the pool of talent as opposed to continuing to have existing workers move between companies. These programs might also serve to retain employees displaced by the COVID-19 pandemic.

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### **RETRAIN TO RETAIN**

Montgomery County companies are seeking talent to fill increasing numbers of positions at various employment levels. They will work in partnership to help define training needs and provide opportunities for course graduates to interview for job openings.

In partnership with Montgomery College and The Universities at Shady Grove, immediate programs will be created to retrain displaced workers and incentivize them to remain in the County. The boot camp format will be 4 hours per day, Monday-Friday.

### **MONTGOMERY COLLEGE BIO BOOTCAMP PILOT PROGRAM**

As part of a strategy to create quick-start retraining opportunities, a pilot four-week “boot camp” module will be offered with engagement from private-sector employers in the bio manufacturing sector to provide successful graduates with new employment. This program is slated for January 2021 and will target workers displaced due to COVID.

### **THE UNIVERSITIES AT SHADY GROVE (USG) PILOT TRAINING PROGRAM**

In partnership with University of Maryland - Baltimore County, USG will offer a pilot four-week boot camp to be held in the lab facilities in the recently opened Biomedical, Sciences and Engineering (BSE) building on the Universities at Shady Grove Campus. This program is slated for the spring semester 2021 and will target displaced workers with a science background who need more job-ready, hands-on training. With the pandemic displacing many workers with transferable skills (IT, finance, accounting, procurement), there is also an opportunity to funnel some of these workers into retraining programs to help fill critical roles as well as attract new skilled talent.

### **MATCHMAKING PLATFORM TO PROMOTE RETRAINING OPPORTUNITIES IN NEW INDUSTRIES**

As part of the ongoing effort to make sure business has the talent it needs, the EAG recommends the expansion of an online platform, in partnership with the private sector, that can act as a matchmaker not just for jobs, but also for retraining opportunities. Work with companies that are furloughing or laying off employees to promote the platform as part of exit interviews and employment pathways.



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**1/ LONG-TERM ACTION:  
REINVENTING & EXPANDING THE TALENT PIPELINE**

**RETRAIN TO RETAIN**



**CONSOLIDATION OF EDUCATIONAL  
ADVISORY BOARDS TO STREAMLINE  
PRIVATE SECTOR PARTICIPATION**

Montgomery County’s private sector community is invested in the economic health of the community and has been active in working with governmental and educational institutions, serving on many boards and advisory groups. The EAG proposes that this brain trust be consolidated around the issue of talent recruitment and retention to direct intellectual resources more efficiently, limit overlap and create alignment. This group can be instrumental in bringing industries to the table to scale the pilot programs and other innovative educational programs to meet the needs of business.

**CREATION OF POSTGRADUATE  
RESEARCH CENTER AT WHITE FLINT**

Housing a “Center for Life and Regulatory Science Excellence” to harness the power of the federal agencies in the County—NIH, FDA, NIST and others—to build capacity and provide knowledge-sharing opportunities to bring a truly unique asset to Montgomery County. With the potential for a regulatory science training curriculum, the program could serve as an international beacon in this arena, offering an opportunity to train professionals for both private-sector pharmaceutical and biotech companies, as well as federal agencies in the region. In addition, the center could champion the issue of healthcare disparities, with a focus on diseases that impact minority populations. The combination of Centers for Medicare & Medicaid Services (CMS), FDA and NIH and private industry should create a powerhouse of financial and intellectual resources to substantially improve outcomes in this critical area. Locating this center with the expansion of our educational assets to house postgraduate research in a new state-of-the-art facility at White Flint would provide an anchor to drive life and regulatory sciences investment in this area approved and positioned for substantial growth. Further, this would offer a seamless path of educational opportunity and a talent training pipeline from MCPS to Montgomery College or USC as a feeder pattern to this new program and facility.



## OBJECTIVE 2

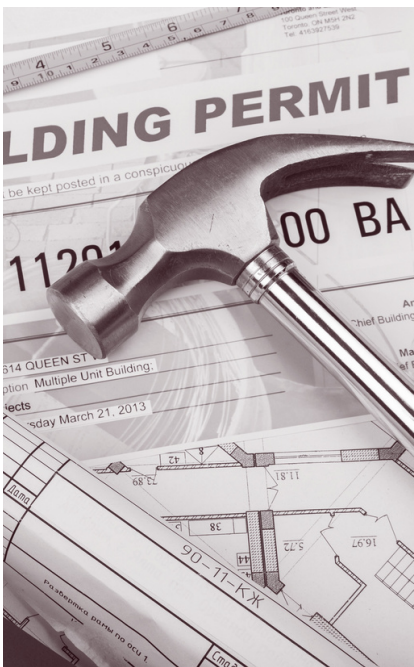
### **SUPPORTING ECONOMIC DEVELOPMENT AND IMPROVING SPEED TO MARKET IN MONTGOMERY COUNTY**

**State of Play:** Montgomery County is perceived to be slow in approving new projects and a place where it is hard to start new businesses. The combination of a unique approval structure for real estate projects including an independent planning function and a separate County permitting process has created inefficiencies and frustration. The EAG recommends short-term solutions that lay the foundation for change and send a message that the County is ready to efficiently meet the demand of economic expansion with minimal red tape. The significant shortening and streamlining of development approvals is necessary and it will be important to promote accomplishments, changes and initiatives to reshape the existing image and breed continued success. In addition, for the County to be competitive in the new economic development world, it must be positioned to ensure that capital investments can and will be made. Ultimately, the County needs to be faster, simpler, and more predictable in getting projects to market—both for private sector and public sector investments.

## 2/ NEAR-TERM ACTION: SUPPORTING ECONOMIC DEVELOPMENT AND IMPROVING SPEED TO MARKET IN MONTGOMERY COUNTY

### STREAMLINING PROCESSES:

Develop a more streamlined process for the approval of development projects that will shorten timelines and create concurrent (rather than sequential) reviews that respect and encourage community participation.



### PLANNING & PERMITTING WORK GROUP

Immediately create a Planning/ Permitting Work Group to identify the technical actions with a corresponding timeline that need to be implemented to reduce the planning/permitting process by one year and deliver more predictability by:

- Providing development project applicants with the option to combine, in some fashion, an amalgamation of sketch, preliminary and site plan applications and reviews;
- Improving inter-agency cooperation to provide an unparalleled level of coordination, first and foremost among County agencies and then branching out to encompass State entities and public utilities. Efforts will range from a new jointly funded Planning/Permitting Project Review Coordinator to additional case management services to single agency condition letters.
- Condensing the post-planning approval process by allowing for simultaneous and joint processing of required technical documents and better use of available technology, among other activities.

### ENACT CHANGES TO THE SUB-DIVISION STAGING POLICY

The new Sub-division Staging Policy should eliminate the housing moratorium.



## 2/ LONG-TERM ACTION: SUPPORTING ECONOMIC DEVELOPMENT AND IMPROVING SPEED TO MARKET IN MONTGOMERY COUNTY

### ATTRACTING INVESTMENT

The world of economic development is changing from incentives to investment. Companies want to know that local jurisdictions will invest to improve their communities and work environments. One of the strongest ways to demonstrate this commitment is to have a dedicated funding source.

Housing inventory for all income levels will also be needed to support, grow, recruit and retain an exceptional talent base.



### CREATION OF A DEDICATED COUNTY INFRASTRUCTURE FUND

This dedicated funding stream with a commitment to transportation and development infrastructure would be created from existing funding with more money being allocated as the County recovers and grows. The focus would be on expanding the County's infrastructure as well as achieving and maintaining a state of good repair.

### CHANGE IMPACT TAXES

The boldest and most productive change would be to replace Impact Taxes (taxes on developers related to new building/construction) with a "development district" concept, which would allow infrastructure investment to be funded by special levies specifically on the districts benefitting from the improvements as opposed to increasing costs for those looking to build, which historically in the County are not dedicated to capital projects in the areas impacted by the construction projects funding the impact taxes. This would provide a revenue source for the County to finance improvements with bonds, leading to the completion of more projects. While the development district concept is being created, we propose a short-term recommendation to defer developer Impact Fee payments from the current time period of issuance of a building permit (six months for residential and 12 months for commercial) until prior to issuance of the occupancy certificates for the project. This would help spur development in this challenging period with little to no impact on the County's budget.

### HOUSING PRODUCTION AT ALL LEVELS

A reinvented talent pipeline to meet workforce demand will require infrastructure, commerce and, in particular, housing. County population increases over the next two decades will require the creation of more than 60,000 new housing units by 2040. According to the recent Montgomery County Housing Needs Assessment, "MoCo is likely producing less housing than what is suggested by the employment-driven housing demand forecasts."



## HOUSING PRODUCTION AT ALL LEVELS (CONT.)

The report goes on to say that over the 2020 to 2040 period, these forecasts suggest that Montgomery County will need to add the following types of housing units to accommodate the forecasted households:

	2020 to 2025	2025 to 2030	2030 to 2035	2035 to 2040	2020 to 2040
Single-Family Owner	13.9%	13.4%	13.5%	13.2%	13.5%
Multifamily Owner	27.5%	27.4%	27.4%	27.2%	27.4%
Single-Family Renter	4.4%	4.4%	4.4%	4.5%	4.4%
Multifamily Renter	54.2%	54.9%	54.8%	55.2%	54.8%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

\*Montgomery County Housing Needs Assessment, July 2020. Montgomery County Planning Department

### *High/low-income trend*

Interestingly, about half of new households are expected to have polar income disparities, with predictions that about 26% of total new households will earn between \$25,000 and \$49,999 and about 24% earning \$125,000 or more. Median household incomes have also been trending up for smaller households, while falling or remaining stagnant for larger households.

These trends and forecasts point to the need for the creation of housing stock at all levels. Further, this growth will increase the need to focus on expanding the County's existing affordable housing programs—from deeply affordable income levels to workforce housing. Additional housing demand will increase the tax base which, in turn, will help support this growth.

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# OBJECTIVE 3

## ADDRESSING ACCESS AND AVAILABILITY OF CAPITAL



**State of Play:** Although economic growth in Montgomery County has been relatively flat, it is still in a strong position to offer support to its business community. There is a need to better define access to capital for County businesses so that small companies, in particular, are able to acquire and use it to help stay afloat during the pandemic and return to profitability in the future. Montgomery County's best calling card for attracting more business is developing a reputation for supporting existing local business.

**MONTGOMERY COUNTY'S  
BEST CALLING CARD FOR  
ATTRACTING NEW BUSINESS  
IS DEVELOPING A  
REPUTATION FOR  
SUPPORTING EXISTING  
LOCAL BUSINESS.**

### 3/ NEAR-TERM ACTION: ADDRESSING ACCESS AND AVAILABILITY OF CAPITAL

## ECONOMIC DEVELOPMENT WORKING GROUP

A working group composed of economic development officials and financial services experts has been convened to lead the creation of initiatives based on the following principles to communicate existing opportunities for access to capital:

**Awareness**-promoting available tools

**Education**-training to access available services

**Connection**-providing technical assistance to those in need

## CREATE A PLATFORM TO HELP BUSINESS NAVIGATE FUNDING OPPORTUNITES

Create a platform staffed by caseworkers to offer businesses hands-on technical assistance and virtual tutorials to help navigate the complex capital raising process. The program's initial phase will include advice from private sector subject matter experts who will consult directly with County-based companies to provide webinars explaining various aspects of capital formation. Initial private sector commitments from EAG members to support this effort include Cohn Reznick, Sandy Spring Bank and M&T Bank. Others are welcome and encouraged to join this team. The experience gained from this near-term effort will support the creation of a long-term sustainable program to help County-based companies access capital to start and/or grow their businesses.

To further enhance capital availability, this new center could work on mobilizing investments - grassroots and institutional - in local businesses. This effort could include creating tools to educate investors about how to invest in local businesses as well as providing connections from investors to the businesses.

### 3/ LONG-TERM ACTION: ADDRESSING ACCESS AND AVAILABILITY OF CAPITAL

## TELLING THE STORY OF A THRIVING COMMUNITY

In addition to near-term proposals, the EAG recognizes the need to for a strategic effort to tell the story of a thriving community ripe for investment. This narrative can be supported through the following tactics:

- Develop new metrics and indicators to show local business success (e.g., the survival rate of new local enterprises).
- Identify, celebrate, and spread success stories of local businesses with high social performance (as measured through, for example, the B-Corp Assessment) which will encourage further investment in County businesses.
- Deploy advanced communications systems to increase ongoing contact between every local business, investors and MCEDC.
- Annually review the capital needs of local and smaller businesses to ensure current issues are addressed and opportunities are realized through the creation of an advisory panel of such businesses and investors.





## OBJECTIVE 4

### **SUPPORTING KEY QUALITY-OF-LIFE INDUSTRY COMPONENTS: RESTAURANTS, ENTERTAINMENT & HOSPITALITY**

**Immediate Tax Relief**-The most supportive way to help keep these cornerstone industries in business is to provide them immediate relief from certain taxes. The EAG recognizes the need to balance tax relief with increasing budget pressures, but we recommend prioritizing assistance to these critically important and impaired industries. There are two tax relief programs that would reduce potentially fatal pressure, especially as the difficult winter arrives:

- Immediate personal property tax relief for targeted small and significantly impacted industries.
- Fiscal Year 2021 real estate tax deferral for the second payment (due by December 31, 2020) for all restaurants, entertainment and hotel properties.

**Red Tape Reduction Strategy**-Provide a single source for code/business regulation modifications to help COVID-19-affected businesses focus on their core competencies with minimal bureaucratic complexity.

**Winterization grant program**-Ensure the continuity of this initiative to help businesses operate through the winter—tents, heat lamps, etc.—and provide e-commerce support.

**Thought leadership assistance for small businesses**- Implement the Business Advancement Center to serve as a best practices clearinghouse to help small businesses address COVID-related operational issues. Seek commitments from retail landlords and others to provide subject-matter experts to assist through the winter.

**Funding stream to support hospitality reopening**-Increase a portion of lodging tax dedicated to VisitMontgomery from 7% to 14% (to be clear this is not an increase in the lodging tax but an increase the share of the existing lodging taxes that would be allocated to VisitMontgomery) with a two-year guaranteed annual floor of \$2MM to facilitate bulk “re-opening” ad spend.

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# CONCLUSION



Central to overcoming the pandemic's immediate impact and then leveraging this effort as a foundation for long-term growth is empowering Montgomery County's existing institutions and industries. It is much more efficient--in terms of cost and timing--to save and fortify current businesses than to create new ones from the ground up. Most important, it is essential to help our existing businesses in these challenging times. Further, the pandemic has had, and continues to have, a disproportionate impact on minorities both medically and economically. The County has a responsibility to address this reality and focus assistance to help those most impacted.

**MONTGOMERY COUNTY WILL CONTRIBUTE TO OVERCOMING AND BUILDING BEYOND THE PANDEMIC ON THE INTELLECTUAL AND ECONOMIC STRENGTH OF OUR HISTORIC INSTITUTIONS AND COMMERCIAL INDUSTRIES.**

Montgomery County will contribute to overcoming and building beyond the pandemic on the intellectual and economic strength of our historic institutions and commercial Industries. As concerning as the current crisis is, it also presents a generational opportunity to capitalize on the County's global leadership position in life sciences and regulatory sciences. The EAG believes this is an opportunity to transform our challenged economic base and slow business growth into an environment that can not only help with the COVID-related carnage, but set the foundation to build a strong, resilient and diverse economic base that will benefit all County residents - both today and for generations to come.

The EAG's goal is to serve as a transformational springboard. The near-term recommended actions should be implemented immediately, and the long-term goals should serve as a foundation to create a transformative economic development strategy to realize the full potential of the County and its assets.

Specifically, the EAG further recommends that:

- The County and its various partners (i.e., M-NCPPC, MCEDC, WorkSource Montgomery, Montgomery College, USG, etc.) continue commitments to this process to help transform the County for recovery and long-term growth and success.
- Development of timelines and checklists for recommended near- and long-term actions, including the assignment of primary responsibility for the achievement of each action. Build on vehicles such as the County Council's Economic Development Platform to gauge impact and progress.
- The MCEDC spearhead the creation of a new, innovative and bold long-term economic development strategy for the County.

The EAG strongly believes that there is an opportunity for the County to build short-term momentum while laying a foundation for long-term prosperity. The group has agreed to continue its work helping the County move forward and will meet again in 90 days to assess progress to ensure the County's path will lead to sustained success.

# Montgomery County ‘Speed-to-Market’ Initiative Will Ease Regulatory Burdens for Business Development

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**For Immediate Release: Tuesday, February 16, 2021**

A public-private working group that included the Montgomery County Department of Permitting Services, its Department of Transportation, Montgomery Planning and private industry is recommending a series of initiatives to streamline business development and growth in the County. The Economic Advisory Group’s (EAG) “Speed-to-Market” Working Group’s initiative would potentially cut entitlement time in half, while ensuring substantive community participation.

The initiative was inspired by the immediate desire to assist businesses that have suffered economic losses due to the COVID-19 health crisis. The long-term impact of the initiative will be to ease many of the regulatory burdens for development in the County.

The EAG, which is composed of elected officials, business representatives and residents, convened in late 2020 to create an action plan that would identify short- and long-term strategies to address COVID-related and long-term historic barriers to sustained, diverse economic prosperity countywide. Another effort at regulatory reform has started with the County Commerce Cabinet, a 14-member interagency coordination body that will provide additional initiatives to assist with the County’s recovery efforts.

Since many regulatory and permitting entities are involved in the initiative, approval and implementation of the working group’s recommendations will come at various stages. EAG’s intent was to have all entities implement changes as soon as possible.

“I am very pleased that we are finding some ways to help economic development during this difficult time without compromising standards,” said Montgomery County Executive Marc Elrich. “We hope to build on the cooperative spirit that has been created among the various public-sector agencies involved in land-use, zoning, planning and approval processes to facilitate a more streamlined process that we believe will have long-lasting benefits and help in our post-COVID economic recovery.”

The major goals of the Speed-to-Market Initiative will be to streamline the approval process for development projects by consolidating the processes of planning and land-use approvals.

**Streamlining/c planning and land-use approval processes:** Montgomery County requires three major approvals for development projects that occur over two sequential hearings by the County Planning Board of the Maryland-National Capital Park and Planning Commission (M-NCPPC). The working group is recommending for certain projects—for example, Strategic Economic Development Projects or projects offering public benefits in excess of standard requirements—one concurrent hearing that would reduce the approval process by as much as one year. This would speed key time to market while respecting community input. Planning staff expects to forward recommendations for the Planning Board’s consideration this month.

**Reinvigorate the Development Review Committee (DRC) process:** The DRC brings together multiple public and private entities that must coordinate on all development projects. Given the diversity of parties involved, the process can be challenging to navigate in an efficient and timely way. The work group supported efforts to add value and efficiency early in the entitlement review process so applicants can easily identify critical issues and better determine project viability. The group recommended immediate improvement to the DRC process and is committed to provide further actions for improvement by April 30.

“Montgomery Planning has long been interested in enhancing efficiencies and ensuring community involvement,” said Gwen Wright, director of the Montgomery County Planning Department. “We started pursuing substantive changes to the DRC last year and look forward to adopting meaningful changes to streamline these processes.”

**Post-approval process integration:** The working group recommended a concurrent review framework for post-review process be established for certification to condense the current arduous sequential, item-by-item review process. Improvement of the DRC process would provide more project certainty and efficiency. Further actions for improvement will be provided by April 30.

**Revamping the County sign ordinance:** EAG recommended that a comprehensive review of the County Sign Ordinance be conducted with the goal of updating it to reflect development and urbanization patterns of the past 30 years. The proposed regulations will be presented to County Executive Elrich and the County Council by May 31.

“There are several ways we can improve and update our existing regulations and ordinances to create an environment that supports efficiency in our planning and permitting processes,” said Mitra Pedoeem, director of the County’s Department of Permitting Services. “I have been charged by the County Executive to develop a plan to streamline our processes and this effort works perfectly with that goal.”

Jim Soltesz, president and CEO of Soltesz and a member of the working group, said the recommended changes could make a major difference for companies looking to develop in the County.



“I firmly believe that making these changes will immediately create more opportunities and offer a more attractive business environment for businesses looking to make Montgomery County home,” he said. “We believe these important improvements will move the County forward and address long-term planning issues that will benefit the County and ultimately all its residents.”

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Media Contact: Daniel Koroma 240-777-2584

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C. Robert Dalrymple, Esquire  
[bdalrymple@sgrwlaw.com](mailto:bdalrymple@sgrwlaw.com)  
Direct Dial: 301-634-3148

Matthew M. Gordon, Esquire  
[mgordon@sgrwlaw.com](mailto:mgordon@sgrwlaw.com)  
Direct Dial: 301-634-3150

July 25, 2022

**Via Email**

Mr. Gabe Alborno, Council President  
And Members of the County Council  
Council Office Building  
100 Maryland Avenue, 4th Floor  
Rockville, MD 20850

Re: July 26, 2022 County Council Public Hearing (Zoning Text Amendment 22-05, Signs – the “ZTA”); Washington Property Company’s Written Comments

Dear Council President Alborno and Councilmembers:

On behalf of Washington Property Company (“WPC”), we offer the following comments in support of the ZTA as it will comprehensively update Division 6.7 of the Zoning Ordinance (the “Sign Ordinance”) to streamline economic development and growth in Montgomery County. WPC is the owner and developer of over 2.5 million square feet of multi-family and commercial development throughout Montgomery County, including a variety of mixed-use projects in the Silver Spring, Bethesda and Wheaton Central Business Districts.

Through its experience delivering mixed-use projects in transit-oriented locations in the County, WPC frequently encounters outdated standards in the Sign Ordinance that constrain its ability to provide compatible and effective wayfinding signage in the Commercial/Residential (“CR”) Zones. More specifically, Section 6.7.9.A.2.a. of the Sign Ordinance currently provides that “[o]ne sign is allowed for each customer entrance. A customer entrance includes, but is not limited to, a direct outside entrance to a shop or store, and a direct outside entrance to an enclosed mall or shopping center.” While it is often most effective to provide signage immediately adjacent to a building’s customer entrance, there are instances in urban settings where it is necessary for effective wayfinding to provide a wall sign in a location that is not immediately adjacent to the customer entrance. In these instances, the property owner must obtain approval of a sign variance from the Sign Review Board to allow for a wall sign on a non-customer entrance frontage, which results in delay and additional cost burdens.

\*00450790;2

**Selzer Gurvitch Rabin Wertheimer & Polott, P.C.**

4416 East West Highway • Fourth Floor • Bethesda, MD 20814-4568 Phone:

(301) 986-9600 • Fax: (301) 986-1301 • Toll Free: (888) 986-9600

[www.selzergurvitch.com](http://www.selzergurvitch.com)

Consistent with the ZTA's stated goal of streamlining business development and growth in the County, WPC requests that proposed Section 6.7.12.A.2.a be revised to create additional flexibility for wall signage to be located on a non-customer entrance elevation in limited instances. By way of example, there are a number of infill redevelopment projects in the urban core of the County that have frontage on public/private alleys and more heavily travelled major highway, arterial and business district streets. In order to create a vibrant mixed-use environment, these projects may have a customer entrance to multi-family, retail or other commercial uses along the building frontage of an alley. However, such buildings typically have stronger street presence and visibility along a major highway, arterial or business district street due to the high volume of pedestrian activity in the County's CBD's. Absent a revision to the current standard for wall signage in the CR Zone (which is proposed to be maintained with the ZTA), property owners are required to decide between: (a) placing the wall sign along a less visible alley frontage adjacent to a customer entrance; or (b) seeking a sign variance to allow for placement of a wall sign along the more heavily traveled frontage of the building that is intended to promote wayfinding, economic development and efficient pedestrian circulation patterns.

Based upon the foregoing, we respectfully request that Section 6.7.12.A.2.a of the ZTA be revised as follows (proposed additions underlined below):

2. Wall Sign

a. One sign is allowed for each customer entrance. A customer entrance includes, but is not limited to, a direct outside entrance to a shop or store, and a direct outside entrance to an enclosed mall or shopping center. Where a building includes a customer entrance along a public or private alley, the allowable wall sign for such customer entrance is permitted to be placed on a non-customer entrance frontage to enhance wayfinding, provided that such frontage abuts a major highway, arterial or business district road.

We believe that this additional revision will further the goals and objectives of the ZTA. We thank you for your time and consideration reviewing these written comments and are encouraged by the ZTA as a positive policy change to streamline and enhance economic development opportunities in the County.

Very truly yours,

**Selzer Gurvitch Rabin Wertheimer  
& Polott, P.C.**

*C. Robert Dalrymple*

By: \_\_\_\_\_

C. Robert Dalrymple

Matthew M. Gordon

By:

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Matthew M. Gordon

cc: Ms. Livhu Ndou  
Ms. Cindy Gibson  
Bobby Akines