



Committee: PHED

Committee Review: At a future date

Staff: Khandikile Sokoni, Legislative Attorney
Livhu Ndou, Legislative Attorney

Purpose: To receive testimony – no vote expected

Keywords: #Signs

AGENDA ITEM #12

July 26, 2022

Public Hearing

SUBJECT

Zoning Text Amendment (ZTA) 22-05, Signs

Lead Sponsor: Councilmember Albornoz at the request of the County Executive

EXPECTED ATTENDEES

Members of the public

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

N/A; to receive testimony

DESCRIPTION/ISSUE

ZTA 22-05 is a rewrite of the sign provisions of the Zoning Ordinance.

SUMMARY OF KEY DISCUSSION POINTS

- ZTA 22-05 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.
- 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.
- A Planning, Housing, and Economic Development Committee Worksession is tentatively scheduled for September 12, 2022

This report contains:

ZTA 22-05

© 1

County Executive transmittal

© 30

RESJ Impact Statement

© 31

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Ordinance No.:
Zoning Text Amendment No.: 22-05
Concerning: Signs
Draft No. & Date: 1 – 5/31/2022
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**

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

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:

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

Section 1.4.2 Specific Terms and Phrases Defined

* * *

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

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

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

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

Signs, Permanent: A sign, requiring a permit from DPS, that is constructed in a manner and of materials that will withstand long-term display and is intended to be displayed for an indefinite period of time.

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

* * *

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

Section 6.7.1. Intent

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

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

Section 6.7.2. Applicability

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

* * *

Section 6.7.3. Exempt Signs

The following signs are exempt from Division 6.7:

A. Small Private Signs

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

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

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

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

B. Public Signs

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

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

C. Other Signs

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

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

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

Section 6.7.4. Prohibited Signs

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

A. Obscene Sign

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

[B. Roof Sign

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

[C.]B. Obstructive Sign

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

[D.]C. Unsafe Sign

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

[E. Moved by the Wind

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

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

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

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

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

4. A limited duration sign that satisfies Division 6.7.

5. A sign approved as part of a sign concept plan for an optional method development project located in an urban renewal area.

Section 6.7.4.F does not affect the authority of the appropriate transportation jurisdiction to regulate signs in its right-of-way or the authority of the Department of Transportation to otherwise regulate the right-of-way. The appropriate transportation jurisdiction or DPS may remove any sign in the public right-of-way that is prohibited under Section 6.7.4.F.]

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

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

[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 no longer in use is prohibited.

[I. Off-Site Sign

An off-site sign is prohibited.]

F. Traffic Safety

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

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

Section 6.7.5. Sign Concept Plans and Variances

A. Generally

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

1. Roof Sign

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

2. Moved by the Wind

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

B. Variances

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

Section [6.7.5]6.7.6. Measurements

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

A. [Generally]Area

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



B. Height

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

[B]C. Supports

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

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

[C]D. Multiple Sections

* * *

[D]E. Multiple Planes

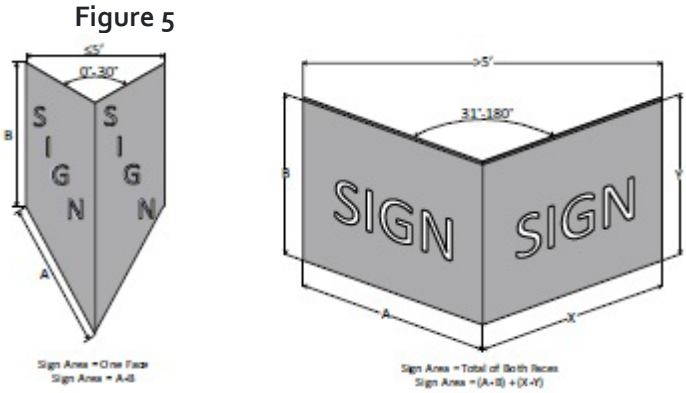
* * *

2. Parallel~~]~~ Faces~~],~~ Back-to-Back, and Double-Faced

* * *

3. “V” Shaped

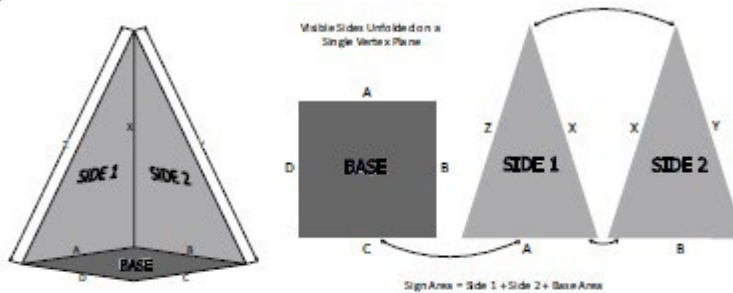
The area of a [2 sided]2-sided sign constructed in the form of a “V” is calculated by the same method as back-to-back~~[parallel]~~ faces if the angle of the “V” is less than 30 degrees and the maximum distance between the sides is 5 feet at any point. If the angle is equal to or greater than 30 degrees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



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



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

A. Permanent Signs

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.

B. Temporary Signs

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

1. The sign must be constructed in a manner that does not require a building or electrical permit.
2. The maximum sign area for each sign is 5 square feet.

3. A sign must not be placed on a paved section of the right-of-way, such as a sidewalk, bikeway, driveway apron, emergency lane, or any part of the roadway.
4. A sign must be placed a minimum of 25 feet from any driveway, entrance, or traffic control signal, and a minimum of 5 feet from any other limited duration sign within the public right-of-way.
5. A sign must be placed a minimum of 25 feet from a street intersection.
6. The nearest edge of a sign must be a minimum of 2 feet from a curb or, if no curb exists, a minimum of 6 feet from the pavement edge of the roadway or street.
7. A sign must not be placed on a median strip or highway divider.
8. The maximum height of the sign is 30 inches above the ground.
9. A sign must have its own means of support affixed to the ground. The sign installer or permit holder is responsible for satisfying utility restrictions for excavating or driving a support in the ground.
10. A sign must be erected only on weekends or National Holidays.
11. The installer and the sign owner are both responsible for removing the sign within 24 hours of the same weekend or National Holiday during which the Temporary Sign was installed.
12. The maximum number of Temporary Signs allowed is 4 per site.

Section 6.7.8. Temporary Signs on Private Property

A. Generally

A permit is not required for a Temporary Sign on private property and the number of Temporary Signs that may be displayed is not limited.

1. The sign area of a Temporary Sign is determined by the zone in which the sign is placed and is in addition to the area allowed for a Permanent Sign. The sign must otherwise satisfy the standards for a Permanent Sign in the zone.

2. The date of erection of a Temporary Sign must be written in the indelible ink on the lower right corner of the sign. A sign 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;
- ii. signs may be placed in any window if they satisfy the general rules of sign placement under Section 6.7.6.B; and
- iii. the sign may be illuminated if it satisfies Section 6.7.9.E.

Section [6.7.6]6.7.9. Permanent Signs, In General

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

* * *

B. Sign Placement

1. A [setback is measured from the portion of the sign nearest to the property line.]sign must comply with the setback and height standards of the applicable zone under Sections 6.7.9-6.7.11.
- [2. Height is measured from the portion of the sign which is vertically the farthest from the ground.]
- [3. Unless otherwise provided in Division 6.7, no portion of a sign may:
 - a. be erected in a manner that places the top of the sign more than 26 feet above the ground, except for a location sign erected that satisfies Section 6.7.3.D;]

[b]2. A sign must not extend outside the property upon which it is erected, except for properties with no building setback, or satisfying the standards in Section [6.7.9.A.3]6.7.11.A.3 for canopy signs[; and].

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

* * *

D. Color

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

E. Illumination

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

- [1. An electrical permit must be obtained under Chapter 17;]
- [2]1. sign illumination must[use an enclosed lamp design or indirect lighting] be from a shielded source and be 0.5 foot candles or less at the property line if the subject property abuts a property that is improved with a residential use on the ground floor in any zone or is vacant in [a]an Agricultural, Rural Residential, or Residential zone; and

[3. A sign illuminated in a pattern or lighting combination that resembles a traffic signal is prohibited;]

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

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

F. [Structural Limitations]Changeable Content

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

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

2. A sign must be a geometric shape; a sign shaped to resemble any human or animal form is prohibited.

3. A sign activated by wind is prohibited.

4. A sign with moving parts is prohibited.

5.]A sign that has characters that are changed manually or electronically must not be changed more than once [each day.]every 30 seconds. This change must be an entire sign change and not fade or pixelate in and out. This includes a sign that gives the appearance or illusion of movement for a written or printed message. A sign that displays the number of available parking spaces is exempt from this requirement.

G. Historic Preservation Area

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

1. DPS must verify that the historic site or area is designated in the Montgomery County Master Plan for Historic Preservation.
2. DPS must verify that the applicant has received an historic area work permit under the provisions of Chapter 24A before considering a sign permit application for a sign located on an historic resource.
3. DPS must consider the following information in issuing a sign permit:
 - a. Size, shape, color, lettering, and location of the sign; and
 - b. Compatibility of the sign with the surrounding property, other signs in the area, and the historic nature of the area.]
1. The applicant for a sign erected on a historic resource or in a historic district must receive a historic area work permit under the provisions of Chapter 24A before issuance of a sign permit by DPS. DPS must verify that the historic resource or district is designated in the Montgomery County Master Plan for Historic Preservation.
2. A variance may also be required if the sign does not satisfy the standards of this Division.

[H. Permanent Sign Standards By Zone

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

H. Service Windows

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

Section [6.7.7]6.7.10. Agricultural and Rural Residential Zones

* * *

B. Additional Sign Area

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

* * *

Section [6.7.8]6.7.11. Residential Zones

* * *

B. Additional Sign Area

1. **Subdivision and Multi-Unit Development [Location]Sign**
Additional sign area is allowed for a [permanent location sign] Permanent Sign erected at any entrance to a subdivision or [Multi-Unit]multi-unit development if the sign is a ground sign or wall sign[located at an entrance to the subdivision or building].
 - a. 2 signs are allowed for each entrance. More signs may be allowed by the Planning Board in an approved site plan for residential uses under Section 7.3.4.

- b. The maximum sign area is 40 square feet per sign.
Additional sign area may be allowed by the Planning Board in an approved site plan for residential uses under Section 7.3.4.
- c. If the driveway entrance to the subdivision or development is located in the right-of-way, a revocable permit issued [jointly]by the [Sign Review Board and the appropriate transportation jurisdiction]County must be obtained to erect the sign.
- d. The maximum height of a wall sign is 26 feet.
- e. The sign may be illuminated [(see Section 6.7.6.E)] if it satisfies 6.7.9.E.
- f. Signs approved by the Planning Board and shown on a certified site plan do not require approval of a sign variance application under Section 7.4.2. The sign details must be shown on the certified site plan including location, height, and area.

2. Place of Assembly [Location]Sign

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

- a. 2 signs are allowed at each entrance.
- b. The maximum sign area is 40 square feet total, not per sign.

- c. The minimum setback for a sign is 5 feet from the property line, or, if the driveway entrance to the subdivision is located in the right-of-way, a revocable permit issued [jointly]by [the Sign Review Board and] the appropriate transportation jurisdiction must be obtained to erect the sign.
- d. The maximum height of a sign is 26 feet.
- e. The sign may be illuminated [(see Section 6.7.6.E)] if it satisfies 6.7.9.E.

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

A. Base Sign Area

* * *

3. Canopy Sign

* * *

- [d. A canopy sign that includes only the name of the business, the address or the official logo of the occupant is a location sign.]
- [e] d. The sign may be illuminated [(see Section 6.7.6.E)] if it satisfies 6.7.9.E.
- e. Canopy signs may be modified and approved by DPS on properties subject to a certified site plan without the need for a site plan amendment and are subject to the provisions of this Division.

B. Additional Sign Area

1. [Location]Ground or Wall Sign

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

- a. One sign may be placed on each face of the building.
 When a building has 4 or more building faces, a
 maximum of 4 [location]signs may be installed or
 constructed on the building.
- b. The maximum sign area is 100 square feet for each sign.
- c. The location is the same as provided generally for the
 zone based on the type of sign. A [location]sign erected
 as a ground sign must satisfy the setback restrictions for a
 freestanding sign, and a [location]sign erected as a wall
 sign must satisfy the requirements for a wall sign.
- d. A sign may be placed on each face of a building that is 5
stories or greater and more than 26 feet from the ground
 if it is located below the eave or parapet and at least 10
 feet from the corner of the building.
- e. [An entrance]A sign at an entrance that is a freestanding
 [location]sign must be placed at least 100 feet from
 another freestanding sign. A wall [location]sign at an
 entrance must be placed at least 30 feet from another wall
 sign.
- f. The sign may be illuminated [(see Section 6.7.6.E)] if it
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:

- a. 2 signs per customer entrance are allowed[.];
- [b. The maximum sign area is 200 square feet per sign.]
- [c]b. [A]a sign must be set back at least ¼ of the distance required for the building setback for the zone[.];
- [d]c. [The]the maximum height of a sign is 26 feet[.];
- [e]d. [Each]each sign or pair of signs must be placed a minimum of 200 feet from another sign or pair of signs[.]; and
- [f]e. [The]the sign may be illuminated [(see Section 6.7.6.E)] if it satisfies 6.7.9.E.

[Section 6.7.10. Urban Renewal Areas

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

[Section 6.7.11. Limited Duration Signs

- A. **Permit Requirements**

1. A permit is not required for a limited duration sign on private property. A permit application must be approved for each sign to be placed in the public right-of-way.
2. When a permit is required, a limited duration sign must satisfy the following provisions:
 - a. The sign must be constructed in a manner that does not require a building or electrical permit.
 - b. Each sign approved by a permit must display and have affixed to the sign information in a format as required by DPS, including the date of expiration of the permit.
 - c. A permit is issued for one year and may be renewed annually.
 - d. A limited duration sign is allowed in any zone.
 - e. A limited duration sign may be relocated upon approval by the DPS.

B. Permit Applications

1. One sign is allowed per permit. An applicant may request up to a maximum of 4 permits. DPS may consider each business location as a separate applicant; however the sign placement must not create a proliferation of signs in that right-of-way, and the applicant may not have the ability to use a permanent sign in lieu of a limited duration sign. Multiple signs that are similar will not receive a permit for the same location within the right-of-way.
2. An application for a limited duration sign permit must include:

- a. A description of the sign indicating the, size, shape, dimensions, and colors of the sign, and the time and day of the week during which the sign will be displayed;
- b. A drawing of the site or a schematic of the area showing the proposed location of the sign in relation to nearby buildings and streets;
- c. The number of signs on the site; and
- d. Other information required by DPS to confirm the limited duration sign satisfies Division 6.7 and other Sections of the Chapter.

C. General Requirements for Limited Duration Signs on Private Property.

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

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

1. The maximum sign area for each sign is 5 square feet.
2. A sign must not be placed on a paved section of the right-of-way, such as a sidewalk, bikeway, driveway apron, emergency lane, or any part of the roadway.
3. A sign must be placed a minimum of 50 feet from any driveway, entrance, or traffic control signal, and a minimum of

5 feet from any other limited duration sign within the public right-of-way.

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

[Section 6.7.12. Temporary Signs

A. Generally

A permit is not required for a temporary sign and the number of temporary signs that may be displayed is not limited.

1. The sign area of a temporary sign is determined by the zone in which the sign is placed, and is in addition to the area allowed for a permanent sign or a limited duration sign. All other aspects of the sign, such as location and height, must satisfy the standards for a permanent sign in the zone.
2. The date of erection of a temporary sign must be written in indelible ink on the lower right corner of the sign. A sign

without this information is a permanent or limited duration 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 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.]

* * *

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

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OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

M E M O R A N D U M

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

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.

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.¹ 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.²

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.³

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.

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.

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.

¹ 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>

² Ibid.

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