

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, 301-495-4644

Jason Sartori, Chief, Countywide Planning and Policy
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



Committee: PHED
Committee Review: At a future date
Staff: Livhu Ndou, Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #Signs

AGENDA ITEM #14D
June 14, 2022
Introduction

SUBJECT

Zoning Text Amendment (ZTA) 22-05, Signs

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

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

N/A

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; and promote the compatibility of signs with the surrounding land uses.
- A public hearing is tentatively scheduled for July 26, 2022.

This report contains:

ZTA 22-05
County Executive transmittal

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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:
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:

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 **Signs, 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] Temporary Sign or a limited duration
20 sign,] but not a Permanent Sign. A portable sign includes a sign attached or painted
21 on a vehicle parked and visible from the public right-of-way[,] unless it is a
22 currently licensed and registered vehicle used in the daily operation of the
23 business. A portable sign does not include a sign on any light or heavy commercial
24 vehicle[,] which is 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~~]Encourage the effective use of signs;
- 35 B. [~~maintain~~]Maintain and enhance the aesthetic environment of the
36 County[while avoiding visual clutter];
- 37 C. [~~promote~~]Promote the use of signs to identify buildings and
38 geographic areas;
- 39 D. [~~improve~~]Improve pedestrian, [and]vehicle, and bicycle traffic safety;
- 40 E. [~~promote~~]Promote the compatibility of signs with the surrounding
41 land uses;
- 42 F. [~~promote~~]Promote the economic development and marketing of
43 businesses [located within an approved urban renewal area];
- 44 G. [~~provide~~]Provide increased flexibility in the number, size, location,
45 design, and operating characteristics of signs[for optional method
46 development in an approved urban renewal area]; and
- 47 H. [~~implement~~]Implement the recommendations of [an]approved [urban
48 renewal plan]master plans and design guidelines.

49 **Section 6.7.2. Applicability**

50 A. A property owner must obtain a permit under Division 6.7 before a
51 sign is constructed, erected, moved, enlarged, illuminated, or
52 substantially altered, except for signs covered by Section 6.7.3,

53 Exempt Signs[, Section 6.7.11, Limited Duration signs, and
54 Section 6.7.12, Temporary Signs].

55 * * *

56 **Section 6.7.3. Exempt Signs**

57 The following signs are exempt from Division 6.7:

58 **A. Small Private Signs**

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

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

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

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

73 **B. Public Signs**

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

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

79 **C. Other Signs**

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Any of the following signs unless prohibited under Section 6.7.4,

Prohibited Signs:

- 1. 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] A sign required to be displayed by law or regulation[.];
- [4] A flag that is displayed on a flagpole[.];
- [5] 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] 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;

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

112 **Section 6.7.4. Prohibited Signs**

113 A sign not authorized in Division 6.7 is prohibited.[Except for a sign that is not
114 visible beyond the property lines of the property where the sign is located, the]The
115 following signs are specifically prohibited and must not be erected or retained[.],
116 and [The]the Sign Review Board must not grant a variance permitting their
117 erection, installation, or maintenance. A prohibited sign must be removed within
118 24 hours after notification by DPS that the sign must be removed.

119 **A. Obscene Sign**

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

123 **[B. Roof Sign**

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

133 heating, ventilating and air conditioning unit, an elevator shaft, and
134 stairs located on a roof also are considered wall space.]

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

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

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

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

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

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

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

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

- 154 1. A sign erected by a government agency or utility company in
155 the performance of its public duties.
- 156 2. A sign erected by the appropriate transportation jurisdiction in
157 its right-of-way.
- 158 3. A permanent sign allowed to be located in the public right-of-
159 way in Division 6.7, if:

- 160 a. the sign is approved by the Sign Review Board; and
- 161 b. the appropriate transportation jurisdiction issues a permit
- 162 after approving the structural adequacy, physical
- 163 location, sight distance, pedestrian access, and other
- 164 safety characteristics of the sign.

165 4. A limited duration sign that satisfies Division 6.7.

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

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

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

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

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

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

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

186 An off-site sign is prohibited.]

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F. Traffic Safety

- 1. A sign illuminated in a pattern or lighting combination that resembles a traffic signal; or
- 2. A sign shaped like a traffic sign or traffic signal, or that uses wording similar to traffic signals, or interferes with traffic safety.

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

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

216 **B. Variances**

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

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

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

223 **A. [Generally]Area**

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



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231 **B. Height**

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

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[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

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[D]E. Multiple Planes

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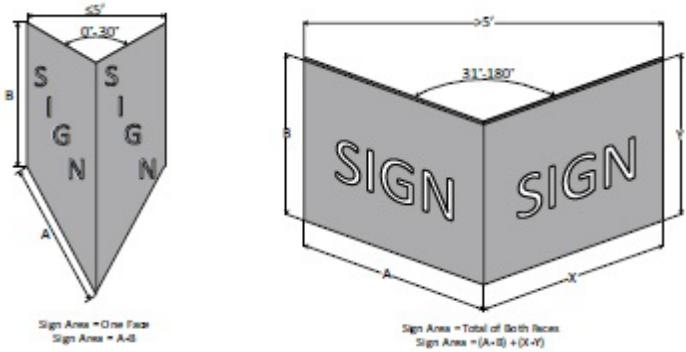
2. Parallel[Faces], Back-to-Back, and Double-Faced

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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).

Figure 5



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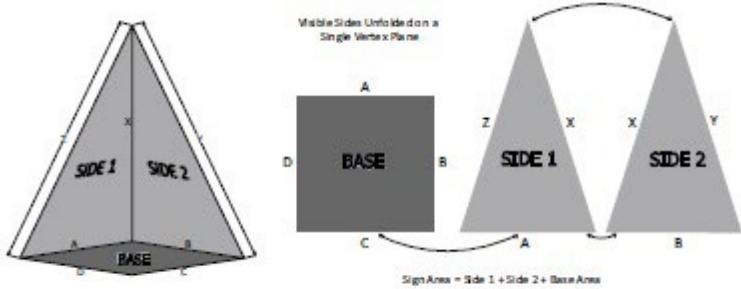
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4. **3 Dimensional**

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



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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

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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

302 National Holiday during which the Temporary Sign was
303 installed.

304 12. The maximum number of Temporary Signs allowed is 4 per
305 site.

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

307 **A. Generally**

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

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

314 2. The date of erection of a Temporary Sign must be written in the
315 indelible ink on the lower right corner of the sign. A sign
316 without this information is a permanent sign under Division 6.7.

317 **B. Requirements by Zone**

318 The following requirements apply in the zones specified:

319 1. **Agricultural and Rural Residential Zones**

320 The maximum total sign area of each Temporary Sign is 40
321 square feet and the total sign area is 100 square feet.

322 2. **Residential Zones**

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

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

- 328 a. The maximum sign area of each sign is 50 square feet
- 329 and the maximum total sign area is 100 square feet.
- 330 b. Temporary Signs placed in a window must satisfy the
- 331 following additional requirements:
- 332 i. The maximum total area of temporary window
- 333 signs is 20% of the window glass area for each
- 334 side of the building, minus the area of any
- 335 permanent window signs.
- 336 ii. Signs may be placed in any window if they satisfy
- 337 the general rules of sign placement under Section
- 338 6.7.6.B.
- 339 iii. The sign may be illuminated if it satisfies Section
- 340 6.7.9.E.

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

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

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347 **B. Sign Placement**

- 348 1. A [setback is measured from the portion of the sign nearest to
- 349 the property line.]sign must comply with the setback and height
- 350 standards of the applicable zone under Sections 6.7.9-6.7.11.
- 351 [2. Height is measured from the portion of the sign which is
- 352 vertically the farthest from the ground.]
- 353 [3. Unless otherwise provided in Division 6.7, no portion of a sign
- 354 may:

355 a. be erected in a manner that places the top of the sign
356 more than 26 feet above the ground, except for a location
357 sign erected that satisfies Section 6.7.3.D;]

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

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

365 * * *

366 **D. Color**

367 1. [A sign that contains any color combination]Color
368 combinations that may be confused with a traffic sign or signal
369 [is prohibited] are prohibited.

370 2. A sign back or non-display side of a sign must be a single
371 [neutral]color where visible from outside the property lines of
372 the site[or DPS must include the sign back or non-display side
373 of the sign as sign area]; otherwise, the sign will be considered
374 double-sided or 3-dimensional.

375 **E. Illumination**

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

378 [1. An electrical permit must be obtained under Chapter 17;]

379 [2]1. Sign illumination must[use an enclosed lamp design or indirect
380 lighting] be from a shielded source and be 0.5 foot candles or
381 less at the property line if the subject property abuts a property

382 that is improved with a residential use on the ground floor in
383 any zone or is vacant in [a]an Agricultural, Rural Residential, or
384 Residential zone; and

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

387 [4]2. [A sign illuminated]Sign illumination [by]may not be flashing,
388 revolving, [or]intermittent [lights], or [lights]of changing
389 intensity. [is prohibited; and]

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

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

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

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

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

403 3. A sign activated by wind is prohibited.

404 4. A sign with moving parts is prohibited.

405 5.]A sign that has characters that are changed manually or
406 electronically must not be changed more than once [each day.]every
407 30 seconds. This change must be an entire sign change and not fade or
408 pixelate in and out. This includes a sign that gives the appearance or

409 illusion of movement for a written or printed message. A sign that
410 displays the number of available parking spaces is exempt from this
411 requirement.

412 **G. Historic Preservation Area**

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

- 416 1. DPS must verify that the historic site or area is designated in
417 the Montgomery County Master Plan for Historic Preservation.
- 418 2. DPS must verify that the applicant has received an historic area
419 work permit under the provisions of Chapter 24A before
420 considering a sign permit application for a sign located on an
421 historic resource.

- 422 3. DPS must consider the following information in issuing a sign
423 permit:

 - 424 a. Size, shape, color, lettering, and location of the sign; and
 - 425 b. Compatibility of the sign with the surrounding property,
426 other signs in the area, and the historic nature of the
427 area.]

428 1. The applicant for a sign erected on a historic resource or in a
429 historic district must receive a historic area work permit under
430 the provisions of Chapter 24A before issuance of a sign permit
431 by DPS. DPS must verify that the historic resource or district is
432 designated in the Montgomery County Master Plan for Historic
433 Preservation.

434 2. A variance may also be required if the sign does not satisfy the
435 standards of this Division.

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

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

440 **H. Service Windows**

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

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

446 * * *

447 **B. Additional Sign Area**

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

451 * * *

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

453 * * *

454 **B. Additional Sign Area**

- 455 1. **Subdivision and Multi-Unit Development [Location]Sign**
- 456 Additional sign area is allowed for a [permanent location sign]
- 457 Permanent Sign erected at any entrance to a subdivision or
- 458 [Multi-Unit]multi-unit development if the sign is a ground sign
- 459 or wall sign[located at an entrance to the subdivision or
- 460 building].

- 461 a. 2 signs are allowed for each entrance. More signs may
- 462 be allowed by the Planning Board in an approved Site
- 463 Plan for residential uses under Section 7.3.4.
- 464 b. The maximum sign area is 40 square feet per sign.
- 465 Additional sign area may be allowed by the Planning
- 466 Board in an approved Site Plan for residential uses under
- 467 Section 7.3.4.
- 468 c. If the driveway entrance to the subdivision or
- 469 development is located in the right-of-way, a revocable
- 470 permit issued [jointly]by the [Sign Review Board and
- 471 the appropriate transportation jurisdiction]County must
- 472 be obtained to erect the sign.
- 473 d. The maximum height of a wall sign is 26 feet.
- 474 e. The sign may be illuminated [(see Section 6.7.6.E)] if it
- 475 satisfies 6.7.9.E.
- 476 f. Signs approved by the Planning Board and shown on a
- 477 certified site plan do not require approval of a sign
- 478 variance application under Section 7.4.2. The sign details
- 479 must be shown on the certified site plan including
- 480 location, height, and area.

2. Place of Assembly [Location]Sign

482 Additional sign area is allowed for a [permanent location sign]

483 Permanent Sign erected at any entrance to or on a building for

484 any place of worship, school, library, museum, or hospital[, or

485 any other publicly owned facility. The]if the sign is[must be] a

486 ground sign or a wall sign[located at an entrance to the

487 building or driveway].

- 488 a. 2 signs are allowed at each entrance.
- 489 b. The maximum sign area is 40 square feet total, not per
- 490 sign.
- 491 c. The minimum setback for a sign is 5 feet from the
- 492 property line, or, if the driveway entrance to the
- 493 subdivision is located in the right-of-way, a revocable
- 494 permit issued [jointly]by [the Sign Review Board and]
- 495 the appropriate transportation jurisdiction must be
- 496 obtained to erect the sign.
- 497 d. The maximum height of a sign is 26 feet.
- 498 e. The sign may be illuminated [(see Section 6.7.6.E)] if it
- 499 satisfies 6.7.9.E.

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

502 **A. Base Sign Area**

503 * * *

504 **3. Canopy Sign**

505 * * *

506 [d. A canopy sign that includes only the name of the
 507 business, the address or the official logo of the occupant
 508 is a location sign.]

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

511 e. Canopy signs may be modified and approved by DPS on
 512 properties subject to a certified site plan without the need
 513 for a site plan amendment and are subject to the
 514 provisions of this Division.

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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

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

- 546 a. 2 signs per customer entrance are allowed[.];
- 547 [b. The maximum sign area is 200 square feet per sign.]
- 548 [c]b. A sign must be set back at least ¼ of the distance
549 required for the building setback for the zone[.];
- 550 [d]c. The maximum height of a sign is 26 feet[.];
- 551 [e]d. Each sign or pair of signs must be placed a minimum of
552 200 feet from another sign or pair of signs[.]; and
- 553 [f]e. The sign may be illuminated [(see Section 6.7.6.E)] if it
554 satisfies 6.7.9.E.

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

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

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

- 568 A. **Permit Requirements**

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

B. Permit Applications

- 584
- 585 1. One sign is allowed per permit. An applicant may request up to
- 586 a maximum of 4 permits. DPS may consider each business
- 587 location as a separate applicant; however the sign placement
- 588 must not create a proliferation of signs in that right-of-way, and
- 589 the applicant may not have the ability to use a permanent sign
- 590 in lieu of a limited duration sign. Multiple signs that are similar
- 591 will not receive a permit for the same location within the right-
- 592 of-way.
- 593 2. An application for a limited duration sign permit must include:

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

604 **C. General Requirements for Limited Duration Signs on Private**
 605 **Property.**

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

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

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

- 621 5 feet from any other limited duration sign within the public
- 622 right-of-way.
- 623 4. A sign must be placed a minimum of 100 feet from a street
- 624 intersection.
- 625 5. The nearest edge of a sign must be a minimum of 2 feet from a
- 626 curb or, if no curb exists, a minimum of 6 feet from the edge of
- 627 the roadway or street.
- 628 6. A sign must not be placed on a median strip or highway divider.
- 629 7. The maximum height of the sign is 30 inches above the ground.
- 630 8. A sign must have its own means of support which is affixed to
- 631 the ground. The sign installer or permit holder is responsible for
- 632 satisfying utility restrictions for excavating or driving a support
- 633 into the ground.
- 634 9. A sign must be erected either only on weekends and National
- 635 Holidays; or for a maximum of 14 consecutive days during any
- 636 6-month period.]

637 **[Section 6.7.12. Temporary Signs**

638 **A. Generally**

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

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

648 without this information is a permanent or limited duration sign
649 under Division 6.7.

650 **B. Requirements by Zone**

651 The following requirements apply in the zones specified:

652 **1. Agricultural and Rural Residential Zones**

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

655 **2. Residential Zones**

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

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

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

663 b. Temporary window signs must satisfy the following
664 additional requirements:

665 i. The maximum total area of temporary window
666 signs is 20% of the window glass area for each
667 side of the building, minus the area of any
668 permanent window signs.

669 ii. Signs may be placed in any window if they satisfy
670 the general rules of sign placement under
671 Section 6.7.6.B.

672 iii. The sign may be illuminated.]

673 * * *

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

676

677



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

CLEAN COPY

Attachment B

Ordinance No.:
Zoning Text Amendment No.: 21-xx
Concerning: Signs
Draft No. & Date:
Introduced:
Public Hearing:
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 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;
- preserve the value of property and strengthen community ambiance and character; and
- promote the compatibility of signs with the surrounding land uses.

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 1.4, Section 1.4.2 and Division 6.7, Sections 6.7.1, 6.7.2,**
2 **6.7.3, 6.7.4, 6.7.5, 6.7.6, 6.7.7, 6.7.8, 6.7.9, 6.7.10, 6.7.11, and 6.7.12 are**
3 **amended as follows:**

4 * * *

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

14 * * *

15 **Section 6.7.1. Intent**

16 Division 6.7 regulates the size, location, height, and construction of all signs
17 placed for public view. The requirements are intended to protect the health safety,
18 and welfare of the community through several objectives:

19 * * *

20 B. maintain and enhance the aesthetic environment of the County;

21 * * *

22 D. improve pedestrian, vehicle, and bicycle traffic safety;

23 * * *

24 F. promote the economic development and marketing of businesses;

25 G. provide increased flexibility in the number, size, location, design, and
26 operating characteristics of signs; and

27 H. implement the recommendations of approved master plans and design
28 guidelines.

29 **Section 6.7.2. Applicability**

30 A. A property owner must obtain a permit under Division 6.7 before a
31 sign is constructed, erected, moved, enlarged, illuminated, or
32 substantially altered, except for signs covered by Section 6.7.3,
33 Exempt Signs.

34 * * *

35 **Section 6.7.3. Exempt Signs**

36 The following signs are exempt from Division 6.7:

37 **A. Small Private Signs**

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

- 40 1. the sign is on private property customarily associated with
- 41 residential living or decoration; or
- 42 2. the sign is part of a mailbox or newspaper tube and satisfies
- 43 government regulations.

44 * * *

45 **B. Public Signs**

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

48 **C. Other Signs**

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

- 51 1. a sign that is not visible beyond the property lines of the
- 52 property where the sign is located;
- 53 2. a sign required to be displayed by law or regulation;

- 54 3. a flag that is displayed on a flagpole;
- 55 4. a sign that is cut into the masonry surface or constructed of
- 56 bronze or other durable material and made an integral part of
- 57 the structure such as a cornerstone, memorial, plaque, or
- 58 historical marker; or
- 59 5. a sign that is an integral part of a dispensing mechanism, such
- 60 as a beverage machine, newspaper rack, or gasoline pump.

61 **Section 6.7.4. Prohibited Signs**

62 A sign not authorized in Division 6.7 is prohibited. The following signs are
63 specifically prohibited and must not be erected or retained, and the Sign Review
64 Board must not grant a variance permitting their erection, installation, or
65 maintenance. A prohibited sign must be removed within 24 hours after notification
66 by DPS that the sign must be removed.

67 **A. Obscene Sign**

68 A sign containing statements, words, or depictions that offend public
69 morals or decency and are unprotected by the First Amendment to the
70 United States Constitution is prohibited.

71 **B. Obstructive Sign**

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

76 **C. Unsafe Sign**

77 A sign creating a safety hazard due to structural or electrical
78 conditions, or by reason of inadequate maintenance, must be repaired
79 to meet safety requirements or removed within 30 days after notice of
80 the unsafe condition.

81 **D. Sign Attached to the Property of Others**

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

85 **E. Abandoned Sign**

86 A Permanent Sign, including the structural supports and electrical
87 connections, that is not maintained or no longer in use.

88 **F. Traffic Safety**

- 89 1. A sign illuminated in a pattern or lighting combination that
90 resembles a traffic signal; or
91 2. A sign shaped like a traffic sign or traffic signal, or that uses
92 wording similar to traffic signals, or interferes with traffic
93 safety.

94 **Section 6.7.5 Sign Concept Plans and Variances**

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

102 1. **Roof Sign**

103 A sign painted on the roof of a building or supported by poles,
104 uprights, or braces extending from or attached to the roof of a
105 building or projected above the roof of a building. A wall sign
106 is not a roof sign, and for the purposes of Division 6.7 a roof
107 surface constructed at an angle of within 15 degrees of vertical

108 is regarded as wall space. Screening that encloses equipment
109 such as heating, ventilating and air conditioning unit, an
110 elevator shaft, and stairs located on a roof also are considered
111 wall space.

112 2. Moved by the Wind

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

116 **B. Variances**

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

120 **Section 6.7.6. Measurements**

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

123 **A. Area**

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

130 **B. Height**

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

133 **C. Supports**

134 The structure that supports a sign is excluded from the measurement
135 of sign area unless the structure is used as an integral part of the
136 display and the support has a perimeter larger than 4 feet at the widest
137 point. A support having a perimeter larger than 4 feet at the widest
138 point is included in the height and area measurements of the sign.

139 **D. Multiple Sections**

140 * * *

141 **E. Multiple Planes**

142 * * *

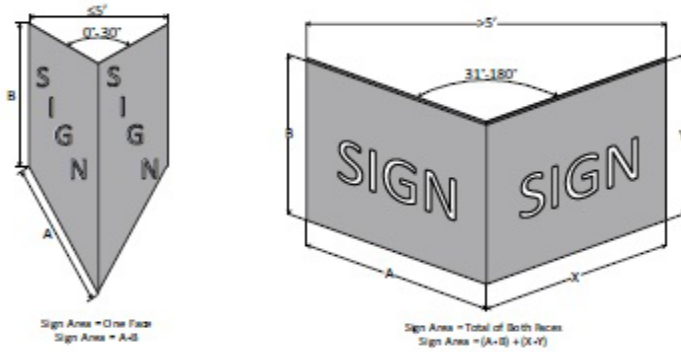
143 **2. Parallel, Back-to-Back, and Double-Faced**

144 * * *

145 **3. “V” Shaped**

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

155 **Figure 5**

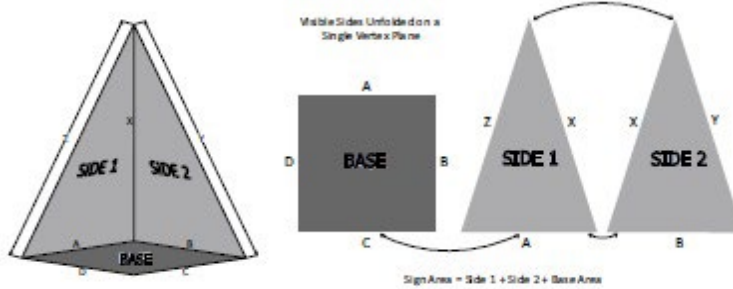


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4. 3 Dimensional

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



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

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- 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 either only on weekends or National Holidays.

- 198 11. The installer and the sign owner are both responsible for
- 199 removing the sign within 24 hours of the same weekend or
- 200 National Holiday the Temporary Sign is installed.
- 201 12. The maximum number of Temporary Signs allowed is 4 per
- 202 site.

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

204 **A. Generally**

205 A permit is not required for a Temporary Sign on private property and

206 the number of Temporary Signs that may be displayed is not limited.

- 207 1. The sign area of a Temporary Sign is determined by the zone in
- 208 which the sign is placed, and is in addition to the area allowed
- 209 for a Permanent Sign. The sign must otherwise satisfy the
- 210 standards for a Permanent Sign in the zone.
- 211 2. The date of erection of a Temporary Sign must be written in the
- 212 indelible ink on the lower right corner of the sign. A sign
- 213 without this information is a permanent sign under Division 6.7.

214 **B. Requirements by Zone**

215 The following requirements apply in the zones specified:

216 1. **Agricultural and Rural Residential Zones**

217 The maximum total sign area of each Temporary Sign is 40

218 square feet and the total sign area is 100 square feet.

219 2. **Residential Zones**

220 The maximum total sign area is 10 square feet, however, the

221 maximum total sign area at any place of assembly is 50 square

222 feet.

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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.
 - iii. The sign may be illuminated if it satisfies Section 6.7.9.E.

Section 6.7.9. Permanent Signs, In General

A Permanent Sign is intended to remain posted indefinitely.

* * *

B. Sign Placement

- 1. A sign must comply with the setback and height standards of the applicable zone under Sections 6.7.9-6.7.11.
- 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 6.7.11.A.3 for canopy signs.

247 3. A sign must not obstruct any building aperture, such as an
248 operable window, door, ventilation opening, or fire prevention
249 device.

250 * * *

251 **D. Color**

- 252 1. Color combinations that may be confused with a traffic sign or
253 signal are prohibited.
- 254 2. A sign back or non-display side of a sign must be a single color
255 where visible from outside the property lines of the site;
256 otherwise, the sign will be considered double-sided or 3-
257 dimensional.

258 **E. Illumination**

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

- 261 1. sign illumination must be from a shielded source and be 0.5
262 foot candles or less at the property line if the subject property
263 abuts a property that is improved with a residential use on the
264 ground floor in any zone or is vacant in an Agricultural, Rural
265 Residential, or Residential zone; and
- 266 2. sign illumination may not be flashing, revolving, intermittent,
267 or of changing intensity.

268 **F. Changeable Content**

269 A sign that has characters that are changed manually or electronically
270 must not be changed more than once each 30 seconds. This change
271 must be an entire sign change and not fade or pixelate in and out.
272 This includes a sign that gives the appearance or illusion of movement

273 for a written or printed message. A sign that displays the number of
274 available parking spaces is exempt from this requirement.

275 **G. Historic Preservation Area**

- 276 1. The applicant for a sign erected on a historic resource or in a
277 historic district must receive a historic area work permit under
278 the provisions of Chapter 24A before issuance of a sign permit
279 by DPS. DPS must verify that the historic resource or district is
280 designated in the Montgomery County Master Plan for Historic
281 Preservation.
- 282 2. A variance may also be required if the sign does not satisfy the
283 standards of this Division.

284 **H. Service Windows**

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

289 **Section 6.7.10. Agricultural and Rural Residential Zones**

290 * * *

291 **B. Additional Sign Area**

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

295 * * *

296 **Section 6.7.11. Residential Zones**

297 * * *

298 **B. Additional Sign Area**

299 **1. Subdivision and Multi-Unit Development Sign**

300 Additional sign area is allowed for a Permanent Sign erected at
301 any entrance to a subdivision or Multi-Unit development if the
302 sign is a ground sign or wall sign.

- 303 a. 2 signs are allowed for each entrance. More signs may
304 be allowed by the Planning Board in an approved Site
305 Plan for residential uses under Section 7.3.4.
- 306 b. The maximum sign area is 40 square feet per sign.
307 Additional sign area may be allowed by the Planning
308 Board in an approved Site Plan for residential uses under
309 Section 7.3.4.
- 310 c. If the driveway entrance to the subdivision or
311 development is located in the right-of-way, a revocable
312 permit issued by the County must be obtained to erect the
313 sign.
- 314 d. The maximum height of a wall sign is 26 feet.
- 315 e. The sign may be illuminated if it satisfies 6.7.9.E.
- 316 f. Signs approved by the Planning Board and shown on a
317 certified site plan do not require approval of a sign
318 variance application under Section 7.4.2. The sign details
319 must be shown on the certified site plan including
320 location, height, and area.

321 **2. Place of Assembly Sign**

322 Additional sign area is allowed for a Permanent Sign erected at
323 any entrance to or on a building for any place of worship,
324 school, library, museum, or hospital if the sign is a ground sign
325 or a wall sign.

326 * * *

327 b. The maximum sign area is 40 square feet total, not per
328 sign.

329 c. The minimum setback for a sign is 5 feet from the
330 property line, or, if the driveway entrance to the
331 subdivision is located in the right-of-way, a revocable
332 permit issued by the appropriate transportation
333 jurisdiction must be obtained to erect the sign.

334 * * *

335 e. The sign may be illuminated (see Section 6.7.9.E).

336 **Section 6.7.12. Commercial/Residential, Employment, and Industrial Zones**

337 **A. Base Sign Area**

338 * * *

339 **3. Canopy Sign**

340 * * *

341 d. The sign may be illuminated if it satisfies 6.7.9.E.

342 e. Canopy signs may be modified and approved by DPS on
343 properties subject to a Certified Site Plan without the
344 need for a Site Plan Amendment and are subject to the
345 provisions of this Division.

346 **B. Additional Sign Area**

347 **1. Ground or Wall Sign**

348 Additional sign area is allowed for a Permanent Sign if the sign
349 is a ground sign or flat wall sign. Each sign must meet the
350 following requirements:

351 a. One sign may be placed on each face of the building.
352 When a building has 4 or more building faces, a

- 353 maximum of 4 signs may be installed or constructed on
 354 the building.
- 355 b. The maximum sign area is 100 square feet for each sign.
- 356 c. The location is the same as provided generally for the
 357 zone based on the type of sign. A sign erected as a
 358 ground sign must satisfy the setback restrictions for a
 359 freestanding sign, and a sign erected as a wall sign must
 360 satisfy the requirements for a wall sign.
- 361 d. A sign may be placed on each face of a building that is 5
 362 stories or greater and more than 26 feet from the ground
 363 if it is located below the eave or parapet and at least 10
 364 feet from the corner of the building.
- 365 e. A sign at an entrance that is a freestanding sign must be
 366 placed at least 100 feet from another freestanding sign. A
 367 wall [location] sign at an entrance must be placed at least
 368 30 feet from another wall sign.
- 369 f. The sign may be illuminated (see Section [6.7.6.E](#)).

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

371 Additional sign area is allowed up to a maximum sign area of
 372 200 square feet per sign for a freestanding sign erected at any
 373 driveway entrance to an industrial or commercial center that is
 374 larger than 5 acres. The sign must meet the following
 375 requirements:

- 376 a. 2 signs per customer entrance are allowed;
- 377 b. a sign must be set back at least $\frac{1}{4}$ of the distance required
 378 for the building setback for the zone;
- 379 c. the maximum height of a sign is 26 feet;

- 380 d. each sign or pair of signs must be placed a minimum of
- 381 200 feet from another sign or pair of signs; and
- 382 e. the sign may be illuminated (see Section 6.7.9.E).

383 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
384 date of Council adoption.

385

386 This is a correct copy of Council action.

387

388

389 _____
390 Selena M. Singleton, Esq.
391 Clerk of the Council

391

392 **APPROVED AS TO FORM AND LEGALITY**

393

394 

395 **OFFICE OF COUNTY ATTORNEY**

395

396 

397 **DATE**

MARK UP COPY

Ordinance No.:
Zoning Text Amendment No.: 21-xx
Concerning: Signs
Draft No. & Date:
Introduced:
Public Hearing:
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 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;
- preserve the value of property and strengthen community ambiance and character; and
- promote the compatibility of signs with the surrounding land uses.

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 1.4, Section 1.4.2 and Division 6.7, Sections 6.7.1, 6.7.2, 6.7.3, 6.7.4, 6.7.5, 6.7.6, 6.7.7, 6.7.8, 6.7.9, 6.7.10, 6.7.11, and 6.7.12 are amended as follows:

* * *

[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.]

* * *

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. 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.

* * *

Section 6.7.1. Intent

Division 6.7 regulates the size, location, height, and construction of all signs

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

33 * * *

34 B. maintain and enhance the aesthetic environment of the County [while
35 avoiding visual clutter];

36 * * *

37 D. improve pedestrian, [and] vehicle, and bicycle traffic safety;

38 * * *

39 F. promote the economic development and marketing of businesses
40 [located within an approved urban renewal area];

41 G. provide increased flexibility in the number, size, location, design, and
42 operating characteristics of signs [for optional method development in
43 an approved urban renewal area]; and

44 H. implement the recommendations of [an] approved [urban renewal
45 plan] master plans and design guidelines.

46 **Section 6.7.2. Applicability**

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

52 * * *

53 **Section 6.7.3. Exempt Signs**

54 The following signs are exempt from Division 6.7:

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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[.];

82 [2. A sign erected by, or on the order of, a public officer or utility
83 official and used by a government agency or utility company in
84 the performance of its official duties such as controlling traffic,
85 identifying streets, warning of danger or providing
86 information.]

87 [3]2. [A] a sign required to be displayed by law or regulation[.] ;

88 [4]3. [A] a flag that is displayed on a flagpole[.] ;

89 [5]4. [A] a sign that is cut into the masonry surface or constructed of
90 bronze or other durable material and made an integral part of
91 the structure such as a cornerstone, memorial, plaque, or
92 historical marker[.] ; or

93 [6]5. [A] a sign that is an integral part of a dispensing mechanism,
94 such as a beverage machine, newspaper rack, or gasoline pump.

95 [7. An adornment or seasonal decoration.]

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

102 1. The prohibition on animal forms in Section 6.7.4, Prohibited
103 Signs;

104 2. The size, height and area limitations in Division 6.7;

105 3. The prohibition on roof signs in Section 6.7.4, Prohibited Signs;
106 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 * * *

111 **Section 6.7.4. Prohibited Signs**

112 A sign not authorized in Division 6.7 is prohibited. [Except for a sign that is not
113 visible beyond the property lines of the property where the sign is located, the] The
114 following signs are specifically prohibited and must not be erected or retained[.],
115 and [The] the Sign Review Board must not grant a variance permitting their
116 erection, installation, or maintenance. A prohibited sign must be removed within
117 24 hours after notification by DPS that the sign must be removed.

118 **A. Obscene Sign**

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

122 **[B. Roof Sign**

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

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

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

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

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

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

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

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

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

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

160 b. the appropriate transportation jurisdiction issues a permit
161 after approving the structural adequacy, physical
162 location, sight distance, pedestrian access, and other
163 safety characteristics of the sign.

164 4. A limited duration sign that satisfies Division 6.7.

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

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

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

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

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

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

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

185 An off-site sign is prohibited.]

186 **F. Traffic Safety**

1. A sign illuminated in a pattern or lighting combination that resembles a traffic signal; or
2. A sign shaped like a traffic sign or traffic signal, or that uses wording similar to traffic signals, or interferes with traffic safety.

Section 6.7.5 Sign Concept Plans and Variances

A. 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 also are 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.

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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

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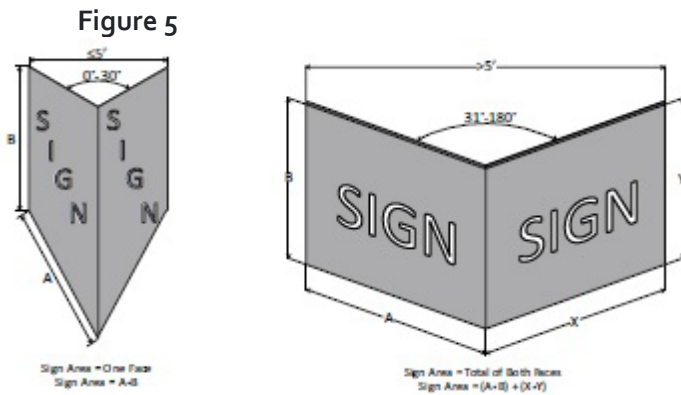
* * *

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

* * *

3. **“V” Shaped**

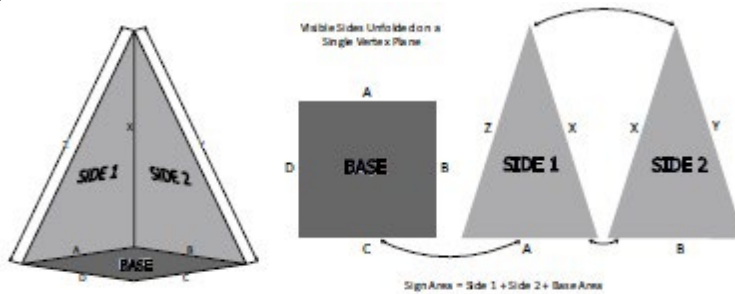
The area of a 2-sided sign constructed in the form of a “V” is calculated by the same method as back-to-back [parallel] faces if the angle of the “V” is less than 30 degrees and the maximum distance between the sides is 5 feet at any point. If the angle is equal to or greater than 30 degrees or the distance 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).

263 Figure 6



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

266 **A. Permanent Signs**

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

271 **B. Temporary Signs**

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

- 274 1. The sign must be constructed in a manner that does not require
 275 a building or electrical permit.
- 276 2. The maximum sign area for each sign is 5 square feet.
- 277 3. A sign must not be placed on a paved section of the right-of-
 278 way, such as a sidewalk, bikeway, driveway apron, emergency
 279 lane, or any part of the roadway.
- 280 4. A sign must be placed a minimum of 25 feet from any
 281 driveway, entrance, or traffic control signal, and a minimum of
 282 5 feet from any other limited duration sign within the public
 283 right-of-way.
- 284 5. A sign must be placed a minimum of 25 feet from a street
 285 intersection.

- 286 6. The nearest edge of a sign must be a minimum of 2 feet from a
287 curb or, if no curb exists, a minimum of 6 feet from the
288 pavement edge of the roadway or street.
- 289 7. A sign must not be placed on a median strip or highway divider.
- 290 8. The maximum height of the sign is 30 inches above the ground.
- 291 9. A sign must have its own means of support affixed to the
292 ground. The sign installer or permit holder is responsible for
293 satisfying utility restrictions for excavating or driving a support
294 in the ground.
- 295 10. A sign must be erected only on weekends or National Holidays.
- 296 11. The installer and the sign owner are both responsible for
297 removing the sign within 24 hours of the same weekend or
298 National Holiday during which the Temporary Sign was
299 installed.
- 300 12. The maximum number of Temporary Signs allowed is 4 per
301 site.

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

303 **A. Generally**

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

- 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.

313 **B. Requirements by Zone**

314 The following requirements apply in the zones specified:

315 1. **Agricultural and Rural Residential Zones**

316 The maximum total sign area of each Temporary Sign is 40
317 square feet and the total sign area is 100 square feet.

318 2. **Residential Zones**

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

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

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

326 b. Temporary Signs placed in a window must satisfy the
327 following additional requirements:

328 i. The maximum total area of temporary window
329 signs is 20% of the window glass area for each
330 side of the building, minus the area of any
331 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.

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

342 * * *

343 **B. Sign Placement**

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

* * *

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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] 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] 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

389 public business, unless the applicant demonstrates that the sign
390 is located so that no adverse impact will affect the residential
391 use.]

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

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

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

409 **G. Historic Preservation Area**

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

- 413 1. DPS must verify that the historic site or area is designated in
414 the Montgomery County Master Plan for Historic Preservation.

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

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

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

437 **H. Service Windows**

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

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

443 * * *

444 **B. Additional Sign Area**

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

448 * * *

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

450 * * *

451 **B. Additional Sign Area**

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

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

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

460 b. The maximum sign area is 40 square feet per sign.
461 Additional sign area may be allowed by the Planning
462 Board in an approved Site Plan for residential uses under
463 Section 7.3.4.

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

- 469 d. The maximum height of a wall sign is 26 feet.
- 470 e. The sign may be illuminated [(see Section 6.7.6.E)] if it
- 471 satisfies 6.7.9.E.
- 472 f. Signs approved by the Planning Board and shown on a
- 473 certified site plan do not require approval of a sign
- 474 variance application under Section 7.4.2. The sign details
- 475 must be shown on the certified site plan including
- 476 location, height, and area.

2. Place of Assembly [Location] Sign

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

484 * * *

- 485 b. The maximum sign area is 40 square feet total, not per
- 486 sign.
- 487 c. The minimum setback for a sign is 5 feet from the
- 488 property line, or, if the driveway entrance to the
- 489 subdivision is located in the right-of-way, a revocable
- 490 permit issued [jointly] by [the Sign Review Board and]
- 491 the appropriate transportation jurisdiction must be
- 492 obtained to erect the sign.

493 * * *

- 494 e. The sign may be illuminated (see Section [6.7.6.E]
- 495 6.7.9.E).

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

498 **A. Base Sign Area**

499 * * *

500 **3. Canopy Sign**

501 * * *

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

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

507 e. Canopy signs may be modified and approved by DPS on
508 properties subject to a Certified Site Plan without the
509 need for a Site Plan Amendment and are subject to the
510 provisions of this Division.

511 **B. Additional Sign Area**

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

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

516 a. One sign may be placed on each face of the building. When a
517 building has 4 or more building faces, a maximum of 4 [location]
518 signs may be installed or 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 zone based
521 on the type of sign. A [location] sign erected as a ground sign must
522 satisfy the setback restrictions for a freestanding sign, and a [location]

523 sign erected as a wall sign must satisfy the requirements for a wall
524 sign.

525 d. A sign may be placed on each face of a building that is 5 stories or
526 greater and more than 26 feet from the ground if it is located below
527 the eave or parapet and at least 10 feet from the corner of the building.

528 e. [An entrance] A sign at an entrance that is a freestanding
529 [location] sign must be placed at least 100 feet from another
530 freestanding sign. A wall [location] sign at an entrance must be placed
531 at least 30 feet from another wall sign.

532 f. The sign may be illuminated (see Section [6.7.6.E](#)).

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

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

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

539 [b. The maximum sign area is 200 square feet per sign.]

540 [c]b. [A] a sign must be set back at least $\frac{1}{4}$ of the distance
541 required for the building setback for the zone[.];

542 [d]c. [The] the maximum height of a sign is 26 feet[.];

543 [e]d. [Each] each sign or pair of signs must be placed a
544 minimum of 200 feet from another sign or pair of
545 signs[.]; and

546 [f]e. [The] the sign may be illuminated (see Section [6.7.6.E]
547 [6.7.9.E](#)).

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

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

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

561 **A. Permit Requirements**

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

575 e. A limited duration sign may be relocated upon approval
576 by the DPS.

577 **B. Permit Applications**

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

586 2. An application for a limited duration sign permit must include:
587 a. A description of the sign indicating the, size, shape,
588 dimensions, and colors of the sign, and the time and day
589 of the week during which the sign will be displayed;
590 b. A drawing of the site or a schematic of the area showing
591 the proposed location of the sign in relation to nearby
592 buildings and streets;
593 c. The number of signs on the site; and
594 d. Other information required by DPS to confirm the
595 limited duration sign satisfies Division 6.7 and other
596 Sections of the Chapter.

597 **C. General Requirements for Limited Duration Signs on Private**
598 **Property.**

599 1. The number of signs, area and placement restrictions allowed
600 are the same as for a temporary sign in the zone in which the
601 sign is erected; however, in Residential zones, the maximum

602 sign area of all limited duration signs on a lot or parcel is 10
603 square feet.

604 2. A sign erected on private property must have the written
605 permission of the property owner.

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

608 1. The maximum sign area for each sign is 5 square feet.

609 2. A sign must not be placed on a paved section of the right-of-
610 way, such as a sidewalk, bikeway, driveway apron, emergency
611 lane, or any part of the roadway.

612 3. A sign must be placed a minimum of 50 feet from any
613 driveway, entrance, or traffic control signal, and a minimum of
614 5 feet from any other limited duration sign within the public
615 right-of-way.

616 4. A sign must be placed a minimum of 100 feet from a street
617 intersection.

618 5. The nearest edge of a sign must be a minimum of 2 feet from a
619 curb or, if no curb exists, a minimum of 6 feet from the edge of
620 the roadway or street.

621 6. A sign must not be placed on a median strip or highway divider.

622 7. The maximum height of the sign is 30 inches above the ground.

623 8. A sign must have its own means of support which is affixed to
624 the ground. The sign installer or permit holder is responsible for
625 satisfying utility restrictions for excavating or driving a support
626 into the ground.

627 9. A sign must be erected either only on weekends and National
628 Holidays; or for a maximum of 14 consecutive days during any
629 6-month period.]

630 **[Section 6.7.12. Temporary Signs**

631 **A. Generally**

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

634 1. The sign area of a temporary sign is determined by the zone in
635 which the sign is placed, and is in addition to the area allowed
636 for a permanent sign or a limited duration sign. All other
637 aspects of the sign, such as location and height, must satisfy the
638 standards for a permanent sign in the zone.

639 2. The date of erection of a temporary sign must be written in
640 indelible ink on the lower right corner of the sign. A sign
641 without this information is a permanent or limited duration sign
642 under Division 6.7.

643 **B. Requirements by Zone**

644 The following requirements apply in the zones specified:

645 **1. Agricultural and Rural Residential Zones**

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

648 **2. Residential Zones**

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

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

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

666 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
 667 date of Council adoption.

668
 669 This is a correct copy of Council action.

670
 671
 672 _____
 673 Selena M. Singleton, Esq.
 674 Clerk of the Council

675
 676 **APPROVED AS TO FORM AND LEGALITY**

677 
 678 _____
 679 **OFFICE OF COUNTY ATTORNEY**

680 3/2/22
 681 _____
 682 **DATE**

Attachment C

Ordinance No.:
Zoning Text Amendment No.: 22-05
Concerning: Signs
Draft No. & Date: 1 – 5/31/2022
Introduced: June 14, 2022
Public Hearing:
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:

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

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

3 * * *

4 **Sign, Freestanding:** Any sign that is not attached in whole or in part to a building.

5 There are 2 types of freestanding signs:

6 1. **Sign, Ground:** A sign erected on the ground or with its bottom edge
7 within ~~[[12]]~~ 24 inches of the ground, that has its support structure as
8 an integral part of the sign, and where the dimension closest to the
9 ground is greater than the height.

10 2. **Sign, Supported:** A sign that is attached to a structure like a pole,
11 column, frame, or brace, as its sole means of support, and is not a
12 ground sign.

13 * * *

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

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

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

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

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

26 **Sign, Portable:** A sign installed on a support or structure that permits removal or
27 relocation of the sign by pulling, carrying, rolling, or driving, such as a sign with

28 wheels; a menu or sandwich board sign; an inflatable sign; an umbrella, but not a
29 canopy sign, may be a [temporary sign] Temporary Sign[or a limited duration
30 sign,] but not a Permanent Sign. A portable sign includes a sign attached or painted
31 on a vehicle parked and visible from the public right-of-way[,] unless it is a
32 currently licensed and registered vehicle used in the daily operation of the
33 business. A portable sign does not include a sign on any light or heavy commercial
34 vehicle[,] which is operated within the public right-of-way.

35 * * *

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

37 **Section 6.7.1. Intent**

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

- 44 A. [encourage]Encourage the effective use of signs;
- 45 B. [maintain]Maintain and enhance the aesthetic environment of the
46 County[while avoiding visual clutter];
- 47 C. [promote]Promote the use of signs to identify buildings and
48 geographic areas;
- 49 D. [improve]Improve pedestrian, [and]vehicle, and bicycle traffic safety;
- 50 E. [promote]Promote the compatibility of signs with the surrounding
51 land uses;
- 52 F. [promote]Promote the economic development and marketing of
53 businesses [located within an approved urban renewal area];

54 G. ~~[provide]~~Provide increased flexibility in the number, size, location,
55 design, and operating characteristics of signs~~[for optional method~~
56 development in an approved urban renewal area]; and

57 H. ~~[implement]~~Implement the recommendations of ~~[an]~~approved ~~[urban~~
58 renewal plan ~~]~~master plans and design guidelines.

59 **Section 6.7.2. Applicability**

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

65 * * *

66 **Section 6.7.3. Exempt Signs**

67 The following signs are exempt from Division 6.7:

68 **A. Small Private Signs**

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

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

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

- 79 1. under an approved franchise agreement or a license agreement
- 80 with the County; or

81 2. located in a public parking structure and not visible beyond the
82 property line.]

83 **B. Public Signs**

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

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

89 **C. Other Signs**

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

- 92 1. A sign that is not visible beyond the property lines of the
93 property where the sign is located[.];
- 94 [2. A sign erected by, or on the order of, a public officer or utility
95 official and used by a government agency or utility company in
96 the performance of its official duties such as controlling traffic,
97 identifying streets, warning of danger or providing
98 information.]
- 99 [3]2. A sign required to be displayed by law or regulation[.];
- 100 [4]3. A flag that is displayed on a flagpole[.];
- 101 [5]4. A sign that is cut into the masonry surface or constructed of
102 bronze or other durable material and made an integral part of
103 the structure such as a cornerstone, memorial, plaque, or
104 historical marker[.]; or
- 105 [6]5. A sign that is an integral part of a dispensing mechanism, such
106 as a beverage machine, newspaper rack, or gasoline pump.
- 107 [7. An adornment or seasonal decoration.]

- 108 [D. A sign or inflatable device that is located in an urban renewal area that
- 109 is located in an arts and entertainment district; promotes an
- 110 entertainment event conducted by an entity located within the urban
- 111 renewal area of an arts and entertainment district; is erected for a
- 112 maximum of 30 days; and includes more than 1,500 square feet of
- 113 surface area, is exempt from the following:
- 114 1. The prohibition on animal forms in Section 6.7.4, Prohibited
- 115 Signs;
- 116 2. The size, height and area limitations in Division 6.7;
- 117 3. The prohibition on roof signs in Section 6.7.4, Prohibited Signs;
- 118 and
- 119 4. The prohibition on signs in the public right-of-way in
- 120 Section 6.7.4, Prohibited Signs, if constructed 20 feet or more
- 121 above the public right-of-way.]

122 **Section 6.7.4. Prohibited Signs**

123 A sign not authorized in Division 6.7 is prohibited.[Except for a sign that is not
124 visible beyond the property lines of the property where the sign is located, the]The
125 following signs are specifically prohibited and must not be erected or retained[.],
126 and [The]the Sign Review Board must not grant a variance permitting their
127 erection, installation, or maintenance. A prohibited sign must be removed within
128 24 hours after notification by DPS that the sign must be removed.

129 **A. Obscene Sign**

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

133 **[B. Roof Sign**

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

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

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

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

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

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

156 Unless approved as part of a sign concept plan for an optional method
157 development project located in an urban renewal area, placing a sign
158 in the form of a banner, pennant, streamer, ribbon, spinner, balloon,
159 string of lights, or other device that will move in the wind or be

160 moved manually on a lot or parcel is prohibited, unless the sign
161 satisfies Section 6.7.3, Exempt Signs.]

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

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

- 164 1. A sign erected by a government agency or utility company in
- 165 the performance of its public duties.
- 166 2. A sign erected by the appropriate transportation jurisdiction in
- 167 its right-of-way.
- 168 3. A permanent sign allowed to be located in the public right-of-
- 169 way in Division 6.7, if:
 - 170 a. the sign is approved by the Sign Review Board; and
 - 171 b. the appropriate transportation jurisdiction issues a permit
 - 172 after approving the structural adequacy, physical
 - 173 location, sight distance, pedestrian access, and other
 - 174 safety characteristics of the sign.
- 175 4. A limited duration sign that satisfies Division 6.7.
- 176 5. A sign approved as part of a sign concept plan for an optional
- 177 method development project located in an urban renewal area.

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

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

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

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

189 A [permanent sign]Permanent Sign, including the structural supports
190 and electrical connections, that [was legally erected as a location sign,
191 but the building has not been used for 6 months or more, is considered
192 abandoned. A sign for a seasonal use is considered abandoned only if
193 the site remains unused for 12 months]is not maintained or no longer
194 in use is prohibited.

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

196 An off-site sign is prohibited.]

197 **F. Traffic Safety**

- 198 1. A sign illuminated in a pattern or lighting combination that
- 199 resembles a traffic signal; or
- 200 2. A sign shaped like a traffic sign or traffic signal, or that uses
- 201 wording similar to traffic signals, or interferes with traffic
- 202 safety.

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

204 **A. Generally**

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

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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

238 differentiate the sign from the backdrop or structure against which it is
239 placed (Figure 1).



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241 **B. Height**

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

244 **[B]C. Supports**

245 The structure that supports a sign is excluded from the measurement
246 of sign area unless the structure is used as an integral part of the
247 display[.]and the [A]support [having]has a perimeter larger than 4
248 feet at the widest point[, is an integral part of the display]. A support
249 having a perimeter larger than 4 feet at the widest point is included in
250 the height and area measurements of the sign.

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

252 * * *

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

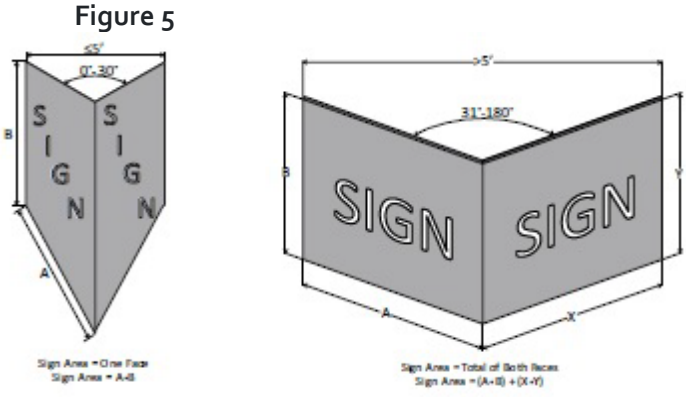
254 * * *

255 **2. Parallel[Faces], Back-to-Back, and Double-Faced**

256 * * *

257 **3. "V" Shaped**

258 The area of a [2 sided]2-sided sign constructed in the form of a
 259 “V” is calculated by the same method as back-to-back[parallel]
 260 faces if the angle of the “V” is less than 30 degrees and the
 261 maximum distance between the sides is 5 feet at any point. If
 262 the angle is equal to or greater than 30 degrees or the distance
 263 between the sides is greater than 5 feet, the sum of all the planes
 264 are used to determine the sign area unless the applicant
 265 demonstrates that only one side of the sign is visible from any
 266 single vantage point outside the property line of the site (Figure
 267 5).

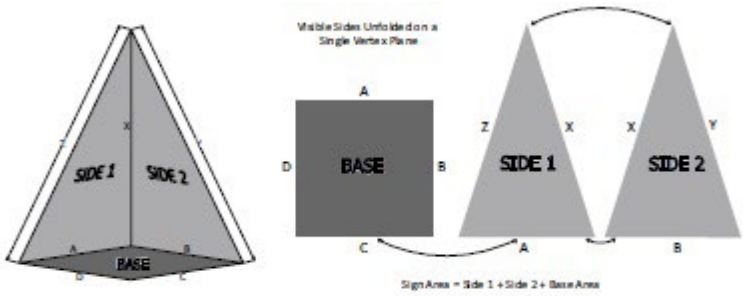


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4. 3 Dimensional

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



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

280 **A. Permanent Signs**

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

285 **B. Temporary Signs**

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

- 288 1. The sign must be constructed in a manner that does not require
- 289 a building or electrical permit.
- 290 2. The maximum sign area for each sign is 5 square feet.
- 291 3. A sign must not be placed on a paved section of the right-of-
- 292 way, such as a sidewalk, bikeway, driveway apron, emergency
- 293 lane, or any part of the roadway.
- 294 4. A sign must be placed a minimum of 25 feet from any
- 295 driveway, entrance, or traffic control signal, and a minimum of
- 296 5 feet from any other [[limited duration]] temporary sign within
- 297 the public right-of-way.
- 298 5. A sign must be placed a minimum of 25 feet from a street
- 299 intersection.

- 300 6. The nearest edge of a sign must be a minimum of 2 feet from a
- 301 curb or, if no curb exists, a minimum of 6 feet from the
- 302 pavement edge of the roadway or street.
- 303 7. A sign must not be placed on a median strip or highway divider.
- 304 8. The maximum height of the sign is 30 inches above the ground.
- 305 9. A sign must have its own means of support affixed to the
- 306 ground. The sign installer [[or permit holder]] is responsible for
- 307 satisfying utility restrictions for excavating or driving a support
- 308 in the ground.
- 309 10. A sign must be erected only on weekends or National Holidays.
- 310 11. The installer and the sign owner are both responsible for
- 311 removing the sign within 24 hours of the same weekend or
- 312 National Holiday during which the Temporary Sign was
- 313 installed.
- 314 12. The maximum number of Temporary Signs allowed is 4 per
- 315 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.

- 320 1. The sign area of a Temporary Sign is determined by the zone in
- 321 which the sign is placed and is in addition to the area allowed
- 322 for a Permanent Sign. The sign must otherwise satisfy the
- 323 standards for a Permanent Sign in the zone.
- 324 2. The date of erection of a Temporary Sign must be written in the
- 325 indelible ink on the lower right corner of the sign. A sign
- 326 without this information is a permanent sign 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 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.

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

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

356 * * *

357 **B. Sign Placement**

358 1. A [setback is measured from the portion of the sign nearest to
359 the property line.]sign must comply with the setback and height
360 standards of the applicable zone under Sections 6.7.9-6.7.11.

361 [2. Height is measured from the portion of the sign which is
362 vertically the farthest from the ground.]

363 [3. Unless otherwise provided in Division 6.7, no portion of a sign
364 may:

365 a. be erected in a manner that places the top of the sign
366 more than 26 feet above the ground, except for a location
367 sign erected that satisfies Section 6.7.3.D;]

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

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

375 * * *

376 **D. Color**

- 377 1. [A sign that contains any color combination]Color
- 378 combinations that may be confused with a traffic sign or signal
- 379 [is prohibited] are prohibited.
- 380 2. A sign back or non-display side of a sign must be a single
- 381 [neutral]color where visible from outside the property lines of
- 382 the site[or DPS must include the sign back or non-display side
- 383 of the sign as sign area]; otherwise, the sign will be considered
- 384 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:

- 388 [1. An electrical permit must be obtained under Chapter 17;]
- 389 [2]1. Sign illumination must[use an enclosed lamp design or indirect
- 390 lighting] be from a shielded source and be 0.5 foot candles or
- 391 less at the property line if the subject property abuts a property
- 392 that is improved with a residential use on the ground floor in
- 393 any zone or is vacant in [a]an Agricultural, Rural Residential, or
- 394 Residential zone; and
- 395 [3. A sign illuminated in a pattern or lighting combination that
- 396 resembles a traffic signal is prohibited;]
- 397 [4]2. [A sign illuminated]Sign illumination [by]may not be flashing,
- 398 revolving, [or]intermittent [lights], or [lights]of changing
- 399 intensity. [is prohibited; and]
- 400 [5. A sign on a lot or parcel within 150 feet of a residential use
- 401 must be illuminated only during the hours the entity is open for
- 402 public business, unless the applicant demonstrates that the sign

403 is located so that no adverse impact will affect the residential
404 use.]

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

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

- 408 1. A sign shaped like a traffic sign or traffic signal, or that uses
- 409 wording similar to traffic signals, or interferes with traffic
- 410 safety is prohibited.
- 411 2. A sign must be a geometric shape; a sign shaped to resemble
- 412 any human or animal form is prohibited.
- 413 3. A sign activated by wind is prohibited.
- 414 4. A sign with moving parts is prohibited.
- 415 5.]A sign that has characters that are changed manually or
- 416 electronically must not be changed more than once [each day.]every
- 417 30 seconds. This change must be an entire sign change and not fade or
- 418 pixelate in and out. This includes a sign that gives the appearance or
- 419 illusion of movement for a written or printed message. A sign that
- 420 displays the number of available parking spaces is exempt from this
- 421 requirement.

422 **G. Historic Preservation Area**

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

- 426 1. DPS must verify that the historic site or area is designated in
- 427 the Montgomery County Master Plan for Historic Preservation.
- 428 2. DPS must verify that the applicant has received an historic area
- 429 work permit under the provisions of Chapter 24A before

430 considering a sign permit application for a sign located on an
431 historic resource.

432 3. DPS must consider the following information in issuing a sign
433 permit:

- 434 a. Size, shape, color, lettering, and location of the sign; and
- 435 b. Compatibility of the sign with the surrounding property,
- 436 other signs in the area, and the historic nature of the
- 437 area.]

438 1. The applicant for a sign erected on a historic resource or in a
439 historic district must receive a historic area work permit under
440 the provisions of Chapter 24A before issuance of a sign permit
441 by DPS. DPS must verify that the historic resource or district is
442 designated in the Montgomery County Master Plan for Historic
443 Preservation.

444 2. A variance may also be required if the sign does not satisfy the
445 standards of this Division.

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

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

450 **H. Service Windows**

451 1. An establishment with a ticket, drive-through, or ordering
452 window may have no more than two signs per drive-aisle.

453 2. The area of each sign may not exceed 32 square feet.

454 3. The height of a freestanding sign may not exceed 6 feet.

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

456 * * *

457 **B. Additional Sign Area**

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

461 * * *

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

463 * * *

464 **B. Additional Sign Area**

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

466 Additional sign area is allowed for a [permanent location sign]
467 Permanent Sign erected at any entrance to a subdivision or
468 [Multi-Unit]multi-unit development if the sign is a ground sign
469 or wall sign[located at an entrance to the subdivision or
470 building].

471 a. 2 signs are allowed for each entrance. More signs may
472 be allowed by the Planning Board in an approved Site
473 Plan for residential uses under Section 7.3.4.

474 b. The maximum sign area is 40 square feet per sign.
475 Additional sign area may be allowed by the Planning
476 Board in an approved Site Plan for residential uses under
477 Section 7.3.4.

478 c. If the driveway entrance to the subdivision or
479 development is located in the right-of-way, a revocable
480 permit issued [jointly]by the [Sign Review Board and
481 the appropriate transportation jurisdiction]County must
482 be obtained to erect the sign.

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

- 484 e. The sign may be illuminated [(see Section 6.7.6.E)] if it
- 485 satisfies 6.7.9.E.
- 486 f. Signs approved by the Planning Board and shown on a
- 487 certified site plan do not require approval of a sign
- 488 variance application under Section 7.4.2. The sign details
- 489 must be shown on the certified site plan including
- 490 location, height, and area.

2. Place of Assembly [Location]Sign

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

- 498 a. 2 signs are allowed at each entrance.
- 499 b. The maximum sign area is 40 square feet total, not per
- 500 sign.
- 501 c. The minimum setback for a sign is 5 feet from the
- 502 property line, or, if the driveway entrance to the
- 503 subdivision is located in the right-of-way, a revocable
- 504 permit issued [jointly]by [the Sign Review Board and]
- 505 the appropriate transportation jurisdiction must be
- 506 obtained to erect the sign.
- 507 d. The maximum height of a sign is 26 feet.
- 508 e. The sign may be illuminated [(see Section 6.7.6.E)] if it
- 509 satisfies 6.7.9.E.

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

512 A. Base Sign Area

513 * * *

514 3. Canopy Sign

515 * * *

516 [d. A canopy sign that includes only the name of the
517 business, the address or the official logo of the occupant
518 is a location sign.]

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

521 e. Canopy signs may be modified and approved by DPS on
522 properties subject to a certified site plan without the need
523 for a site plan amendment and are subject to the
524 provisions of this Division.

525 B. Additional Sign Area

526 1. ~~[Location]~~Ground or Wall Sign

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

- 530 a. One sign may be placed on each face of the building.
531 When a building has 4 or more building faces, a
532 maximum of 4 [location]signs may be installed or
533 constructed on the building.
- 534 b. The maximum sign area is 100 square feet for each sign.
- 535 c. The location is the same as provided generally for the
536 zone based on the type of sign. A [location]sign erected

537 as a ground sign must satisfy the setback restrictions for a
538 freestanding sign, and a [location]sign erected as a wall
539 sign must satisfy the requirements for a wall sign.

540 d. A sign may be placed on each face of a building that is 5
541 stories or greater and more than 26 feet from the ground
542 if it is located below the eave or parapet and at least 10
543 feet from the corner of the building.

544 e. [An entrance]A sign at an entrance that is a freestanding
545 [location]sign must be placed at least 100 feet from
546 another freestanding sign. A wall [location]sign at an
547 entrance must be placed at least 30 feet from another wall
548 sign.

549 f. The sign may be illuminated [(see Section 6.7.6.E)] if it
550 satisfies 6.7.9.E.

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

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

- 556 a. 2 signs per customer entrance are allowed[.];
- 557 [b. The maximum sign area is 200 square feet per sign.]
- 558 [c]b. A sign must be set back at least ¼ of the distance
559 required for the building setback for the zone[.];
- 560 [d]c. The maximum height of a sign is 26 feet[.];
- 561 [e]d. Each sign or pair of signs must be placed a minimum of
562 200 feet from another sign or pair of signs[.]; and

563 [f]e. The sign may be illuminated [(see Section 6.7.6.E)] if it
564 satisfies 6.7.9.E.

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

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

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

- 578 **A. Permit Requirements**
- 579 1. A permit is not required for a limited duration sign on private
580 property. A permit application must be approved for each sign
581 to be placed in the public right-of-way.
- 582 2. When a permit is required, a limited duration sign must satisfy
583 the following provisions:
 - 584 a. The sign must be constructed in a manner that does not
585 require a building or electrical permit.
 - 586 b. Each sign approved by a permit must display and have
587 affixed to the sign information in a format as required by
588 DPS, including the date of expiration of the permit.

- 589 c. A permit is issued for one year and may be renewed
- 590 annually.
- 591 d. A limited duration sign is allowed in any zone.
- 592 e. A limited duration sign may be relocated upon approval
- 593 by the DPS.

594 **B. Permit Applications**

595 1. One sign is allowed per permit. An applicant may request up to

596 a maximum of 4 permits. DPS may consider each business

597 location as a separate applicant; however the sign placement

598 must not create a proliferation of signs in that right-of-way, and

599 the applicant may not have the ability to use a permanent sign

600 in lieu of a limited duration sign. Multiple signs that are similar

601 will not receive a permit for the same location within the right-

602 of-way.

603 2. An application for a limited duration sign permit must include:

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

614 **C. General Requirements for Limited Duration Signs on Private**
615 **Property.**

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

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

624 **Way**

- 625 1. The maximum sign area for each sign is 5 square feet.
- 626 2. A sign must not be placed on a paved section of the right-of-
- 627 way, such as a sidewalk, bikeway, driveway apron, emergency
- 628 lane, or any part of the roadway.
- 629 3. A sign must be placed a minimum of 50 feet from any
- 630 driveway, entrance, or traffic control signal, and a minimum of
- 631 5 feet from any other limited duration sign within the public
- 632 right-of-way.
- 633 4. A sign must be placed a minimum of 100 feet from a street
- 634 intersection.
- 635 5. The nearest edge of a sign must be a minimum of 2 feet from a
- 636 curb or, if no curb exists, a minimum of 6 feet from the edge of
- 637 the roadway or street.
- 638 6. A sign must not be placed on a median strip or highway divider.
- 639 7. The maximum height of the sign is 30 inches above the ground.
- 640 8. A sign must have its own means of support which is affixed to
- 641 the ground. The sign installer or permit holder is responsible for

642 satisfying utility restrictions for excavating or driving a support
643 into the ground.
644 9. A sign must be erected either only on weekends and National
645 Holidays; or for a maximum of 14 consecutive days during any
646 6-month period.]

647 **[Section 6.7.12. Temporary Signs**

648 **A. Generally**

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

- 651 1. The sign area of a temporary sign is determined by the zone in
652 which the sign is placed, and is in addition to the area allowed
653 for a permanent sign or a limited duration sign. All other
654 aspects of the sign, such as location and height, must satisfy the
655 standards for a permanent sign in the zone.
- 656 2. The date of erection of a temporary sign must be written in
657 indelible ink on the lower right corner of the sign. A sign
658 without this information is a permanent or limited duration sign
659 under Division 6.7.

660 **B. Requirements by Zone**

661 The following requirements apply in the zones specified:

662 **1. Agricultural and Rural Residential Zones**

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

665 **2. Residential Zones**

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

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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.

This is a correct copy of Council action.

Judy Rupp
Clerk of the Council