



Committee: PHED

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

Purpose: Final action – vote expected

Keywords: #Signs, #SignOrdinance

AGENDA ITEM #7B

September 20, 2022

Worksession/Action

SUBJECT

ZTA 22-05, Sign Ordinance

Lead sponsor: Council President at the request of the County Executive

EXPECTED ATTENDEES

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

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

On September 12, 2022, the Planning, Housing, and Economic Development (PHED) Committee unanimously recommended approval of ZTA 22-05 with amendments.

DESCRIPTION/ISSUE

ZTA 22-05 is a complete rewrite that would make significant changes to the Signs section of the Zoning Ordinance. These changes include but are not limited to removing or updating 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 to make things less burdensome for businesses.

SUMMARY OF KEY DISCUSSION POINTS

In February 2021, Montgomery County issued a press release announcing the “Speed to Market” Initiative to ease the regulatory burdens for business development in the County.¹ The initiative was inspired by the immediate desire to assist businesses that had suffered economic losses due to the COVID-19 pandemic. The long-term impact of the initiative is to ease many of the regulatory burdens for development in the County. The Economic Advisory Group (EAG) recommended that a comprehensive review and revamping of the County Sign Ordinance be conducted with the goal of updating it to reflect development and urbanization patterns of the past 30 years.

Some specific revisions are:

¹ See © 53

- (a) Adding a new provision that would allow entrance signs to subdivisions approved by the Planning Board to not require a sign variance provided that the details of the sign location, height and area are shown on the site plan. (Sec. 6.7.11). [Lines 456-484.](#)
- (b) Merging limited duration and temporary signs into a single “Temporary Sign” category. (See the new sec. 6.7.7(B) replacing sec. 6.7.11). [Lines 10-13, 31, 282-345, 648-683.](#)
- (c) Making it clear that public signs are exempt from regulation under Division 6.7. (See sec. 6.7.3). [Lines 80-82.](#)
- (d) Moving signs in the public Right-of-Way from the list prohibited signs (sec. 6.7.4(F) to a separate section (sec.6.7.7) and creating provisions to allow them subject to review by the County. [Lines 159-180.](#)
- (e) Creating a new subsection for the Sign Concept Plan and Sign Variance provisions (sec. 6.7.5) and relocating provisions for roof signs (from sec. 6.7.4(B) to sec. 6.7.5(A)(1)) as well as signs moved by wind (from sec. 6.7.4(E) to 6.7.5(A)(2)). [Lines 200-226.](#)
- (f) Allowing canopy signs in commercial areas to be modified by DPS without the need to seek amendments to the site plans. [Lines 514-524.](#)
- (g) Amendments to the provisions governing DPS’s role in issuing permits for a sign erected on a historic resource or in a historic district. (Sec. 6.7.9(G)). [Lines 416-439.](#)
- (h) Specifically addressing signs associated with drive-throughs and service windows. [Lines 444-448.](#)
- (i) Deleting the provisions regarding “Urban Renewal Areas”. (Sec. 6.7.10). [Lines 54, 566-577.](#)
- (j) Increasing the frequency allowed for messages to change on LED signs from once every 24 hours to once every 30 seconds. [Lines 399-415.](#)

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M E M O R A N D U M

September 14, 2022

TO: Council

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

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

PURPOSE: Action

Expected Attendees

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

Background

On September 12, 2022, the Planning Housing and Economic Development (PHED) Committee unanimously recommended adoption of Zoning Text Amendment (ZTA) 22-05 with amendments. ZTA 22-05 was introduced by Council President Alborno on behalf of the County Executive and Department of Permitting Services (DPS). It makes significant changes to the Signs section of the Zoning Ordinance. These changes include removing or updating certain definitions; removing the prohibition on off-site signs; adding provisions for signs in the public-right-of way; adding provisions for temporary signs; and other revisions meant to streamline this section of the Zoning Ordinance.

DPS and the Department of Transportation worked with private industry to develop this ZTA. The intent of this rewrite is to streamline business development and growth in the County consistent with the Speed-to-Market Initiative; preserve the value of property and strengthen community

ambiance and character; to promote the compatibility of signs with the surrounding land uses and to protect the health safety, and welfare of the community.

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

Some specific issues particular to businesses included things like:

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

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

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

Public Hearing

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

The Council received one letter from Selzer Gurvitch Rabin Wertheimer & Polott, P.C, attorneys for Washington Property Company (WPC) a developer with multi-family and commercial mixed-use developments in the County.³ Although WPC feels that this ZTA is a policy change in the

¹ See © 41

² See © 55

³ See © 58

right direction it asks for the ability to place the allowed sign at a location other than the direct customer entrance without the need for a variance. This would allow developers especially in urban settings abutting a major highway, arterial or business district streets to place their sign facing these high traffic areas instead of the less visible customer entrance without having to seek a variance.

Planning Board Recommendation

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

- (1) The Planning Board recommends removing from the definition of “Ground Signs” the requirement that the sign’s bottom edge be within 12 inches of the ground, which it found to be potentially at odds with landscaping and other visual considerations. The Planning Board recommends instead that the restriction be adjusted to either increase the 12-inch restriction to 24 inches or to simply set a maximum height requirement without regard to distance from the ground to the bottom edge.
- (2) The Planning Board also noted that after the merging of Limited Duration Signs and Temporary Signs, there is no provision to allow Temporary Signs to remain for more than 30 days.

At a working session held on September 12, 2022, the PHED Committee unanimously approved these amendments recommended by the Planning Board.

RESJ Impact Statement

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

Historical Background

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

The revisions include:

- (a) Adding a new provision that would allow entrance signs to subdivisions approved by the Planning Board to not require a sign variance provided that the details of the sign location, height and area are shown on the site plan. (Sec. 6.7.11). [Lines 456-484](#).
- (b) Merging limited duration and temporary signs into a single “Temporary Sign” category. (See the new sec. 6.7.7(B) replacing sec. 6.7.11). [Lines 10-13, 31, 282-345, 648-683](#)
- (c) Making it clear that public signs are exempt regulation under Division 6.7. (See sec. 6.7.3). [80-82](#)
- (d) Moving signs in the public Right-of-Way from the list prohibited signs (sec. 6.7.4(F) to a separate section (sec.6.7.7) and creating provisions to allow them subject to review by the County. [Lines 159-180](#)
- (e) Creating a new subsection for the Sign Concept Plan and Sign Variance provisions (sec. 6.7.5) and relocating provisions for roof signs (from sec. 6.7.4(B) to sec. 6.7.5(A)(1)) as well as signs moved by wind (from sec. 6.7.4(E) to 6.7.5(A)(2)). [Lines 200-226](#).
- (f) Allowing canopy signs in commercial areas to be modified by DPS without the need to seek amendments to the site plans. [Lines 514-524](#).
- (g) Amendments to the provisions governing DPS’s role in issuing permits for a sign erected on a historic resource or in a historic district. (Sec. 6.7.9(G)). [Lines 416-439](#).
- (h) Specifically addressing signs associated with drive-throughs and service windows. [Lines 444-448](#).
- (i) Deleting the provisions regarding “Urban Renewal Areas”. (Sec. 6.7.10). [Lines 54,566-577](#).
- (j) Increasing the frequency allowed for messages to change on LED signs from once every 24 hours to once every 30 seconds. [Line 399-415](#).

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

Amendments Approved by the PHED Committee Since Introduction

- The PHED Committee approved a staff recommendation to amend Section 6.7.4 (see [lines 189-191](#)) on Abandonment to make it clear that the regulation is concerned with enforcement only in

cases where a sign is in disrepair and not in a case where the sign is just no longer in use. This is in order to avoid the risk of content-based regulation of signs. Therefore, instead of considering a sign abandoned if it is either “not maintained” OR “no longer in use”, but only if it is “not maintained” AND “no longer in use”. As amended that section would now read:

[H.]E. Abandoned Sign

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

- The PHED Committee approved an amendment recommended by staff to replace all references to “national holidays” with “federal holidays” for consistency with the rest of the Zoning Ordinance.
- The PHED Committee also approved the two recommendations of the Planning Board referenced above:
 - (i) That the only restriction for ground signs be either an overall maximum height requirement or to increase the requirement for how high above the ground the bottom edge of the sign can begin from 12 inches to 24 inches to accommodate landscaping needs. The proposed amendment drafted by staff to address this request from the Planning Board reads as follows:

“Section 1.4.2. Specific Terms and Phrases Defined.

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

1. Sign, Ground: A sign erected on the ground or with its bottom edge within ~~[[12]]~~ 24 inches⁴ of the ground, that has its support structure as an integral part of the sign, and where the dimension closest to the ground is greater than the height.”

⁴ Although the PHED Committee agreed with the concept of the Planning Board recommendation, the staff packet at PHED inadvertently phrased this provision as allowing this kind of sign to be a maximum height of 24 feet from the ground (instead of saying the bottom edge should be no higher than 24 inches from the ground). The draft before Council corrects this to reflect what the Planning Board intended.

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

“Section 1.4.2. Specific Terms and Phrases Defined.

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

- The PHED Committee approved the request from WPC that for businesses in urban settings abutting a major highway, arterial or business district streets the business can locate its sign at a more visible location other than a direct customer entrance.

The exact language provided by WPC’s attorneys reads:

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

The amendment approved by the PHED Committee (see line 508-513) would read as follows:

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

A. Base Sign Area

* * *

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

Council Staff Recommendation.

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

This packet contains:

Staff memorandum	Pages 1-7
ZTA 22-05 (with amendments)	© 1
County Executive memorandum	© 31
Planning staff memorandum	© 32
Planning Board memorandum with recommendations	© 37
RESJ impact statement	© 39
EAG Roadmap, November 2020	© 41
<i>Speed to Market</i> Press Release	© 55
Letter from WPC's attorneys	© 58

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

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

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

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

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

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

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

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * * indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment (ZTA) 22-05 was introduced by Council President Albornozy on behalf of the County Executive and Department of Permitting Services (DPS) at a Council Legislative Session on June 14, 2022. It is a rewrite of the Signs Section of the Zoning Ordinance, making changes that include removing or updating certain definitions; removing the prohibition on off-site signs; adding provisions for signs in the public-right-of way; adding provisions for temporary signs; and other revisions meant to streamline this section of the Zoning Ordinance.

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

A public hearing was held on July 26, 2022. No speakers appeared to testify at the public hearing. One written submission was received requesting changes to placement of the customer sign for businesses abutting a major highway, arterial or business district.

At a working session on September 12, 2022, the Planning Housing and Economic Development (PHED) Committee unanimously recommended adoption of Zoning Text Amendment (ZTA) 22-05 with amendments. At the recommendation of Planning and Council staff, the PHED Committee recommended amendments to: 1) allow temporary signs to stay up for 90 (instead of 30) days; 2) adjusting the requirement that free-standing ground signs must start no higher than 12 inches from the ground level in order to accommodate landscaping needs; 3) allow businesses abutting a major highway, arterial or business district road to place their own customer sign at a more visible location than the direct entrance without a variance; and 4) clarifying that abandoned signs as ones that are both no longer in use and in disrepair.

At a District Council session on September 20, 2022, the Council agreed with the recommendations of the PHED Committee.

Because ZTA 22-05 is expected to ease the regulatory burdens for business development in the County in accordance with the goals of the Speed-to-Market this ZTA will be approved as amended.

ORDINANCE

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

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

Section 1.4.2 Specific Terms and Phrases Defined

* * *

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

There are 2 types of freestanding signs:

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

* * *

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

Sign, Portable: A sign installed on a support or structure that permits removal or
relocation of the sign by pulling, carrying, rolling, or driving, such as a sign with
wheels; a menu or sandwich board sign; an inflatable sign; an umbrella, but not a
canopy sign, may be a temporary sign[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.

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

* * *

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

Section 6.7.1. Intent

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

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

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

Section 6.7.2. Applicability

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

* * *

Section 6.7.3. Exempt Signs

The following signs are exempt from Division 6.7:

A. Small Private Signs

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

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

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

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

B. Public Signs

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

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

C. Other Signs

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

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

- [D. A sign or inflatable device that is located in an urban renewal area that is located in an arts and entertainment district; promotes an entertainment event conducted by an entity located within the urban

renewal area of an arts and entertainment district; is erected for a maximum of 30 days; and includes more than 1,500 square feet of surface area, is exempt from the following:

1. The prohibition on animal forms in Section 6.7.4, Prohibited Signs;
2. The size, height and area limitations in Division 6.7;
3. The prohibition on roof signs in Section 6.7.4, Prohibited Signs; and
4. The prohibition on signs in the public right-of-way in Section 6.7.4, Prohibited Signs, if constructed 20 feet or more above the public right-of-way.]

Section 6.7.4. Prohibited Signs

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

A. Obscene Sign

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

[B. Roof Sign

Unless approved as part of a sign concept plan for an optional method development project located in an urban renewal area or in a red policy area as identified by the most recent Subdivision Staging Policy, a sign painted on the roof of a building or supported by poles,

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

[C.]B. Obstructive Sign

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

[D.]C. Unsafe Sign

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

[E. Moved by the Wind

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

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

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

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

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

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

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

[H.]E. Abandoned Sign

A permanent sign, including the structural supports and electrical connections, that [was legally erected as a location sign, but the

building has not been used for 6 months or more, is considered abandoned. A sign for a seasonal use is considered abandoned only if the site remains unused for 12 months is not maintained [[or]] and no longer in use is prohibited.

[I. Off-Site Sign

An off-site sign is prohibited.]

F. Traffic Safety

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

Section 6.7.5. Sign Concept Plans and Variances

A. Generally

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

1. Roof Sign

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

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

2. Moved by the Wind

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

B. Variances

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

Section [6.7.5]6.7.6. Measurements

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

A. [Generally]Area

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



B. Height

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

[B]C. Supports

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

[C]D. Multiple Sections

* * *

[D]E. Multiple Planes

* * *

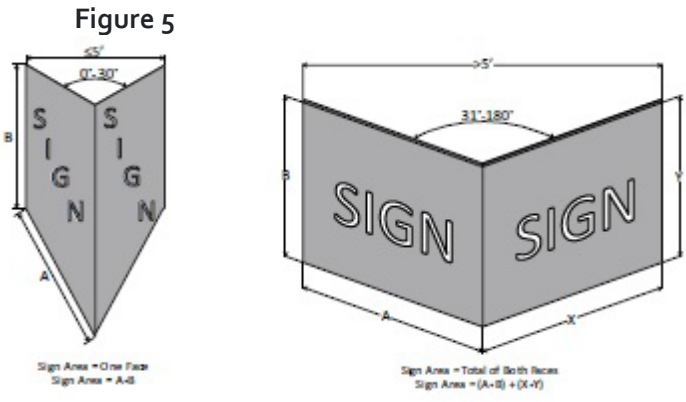
2. Parallel[Faces], Back-to-Back, and Double-Faced

* * *

3. “V” Shaped

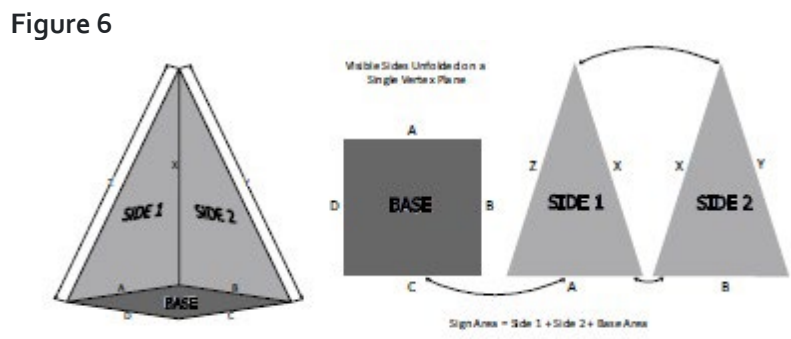
The area of a [2 sided]2-sided sign constructed in the form of a “V” is calculated by the same method as back-to-back[parallel] faces if the angle of the “V” is less than 30 degrees and the

maximum distance between the sides is 5 feet at any point. If the angle is equal to or greater than 30 degrees or the distance between the sides is greater than 5 feet, the sum of all the planes are used to determine the sign area unless the applicant demonstrates that only one side of the sign is visible from any single vantage point outside the property line of the site (Figure 5).



4. 3 Dimensional

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



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

A. Permanent Signs

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

B. Temporary Signs

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

1. The sign must be constructed in a manner that does not require a building or electrical permit.
2. The maximum sign area for each sign is 5 square feet.
3. A sign must not be placed on a paved section of the right-of-way, such as a sidewalk, bikeway, driveway apron, emergency lane, or any part of the roadway.
4. A sign must be placed a minimum of 25 feet from any driveway, entrance, or traffic control signal, and a minimum of 5 feet from any other [[limited duration]] temporary 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 Federal Holidays.
11. The installer and the sign owner are both responsible for removing the sign within 24 hours of the same weekend or Federal Holiday during which the temporary sign was installed.
12. The maximum number of temporary signs allowed is 4 per site.

Section 6.7.8. Temporary Signs on Private Property

A. Generally

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

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

B. Requirements by Zone

The following requirements apply in the zones specified:

1. Agricultural and Rural Residential Zones

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

2. Residential Zones

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

3. Commercial/Residential, Employment, and Industrial Zones

- a. The maximum sign area of each sign is 50 square feet and the maximum total sign area is 100 square feet.
- b. Temporary signs placed in a window must satisfy the following additional requirements:
 - i. the maximum total area of temporary window signs is 20% of the window glass area for each side of the building, minus the area of any permanent window signs;
 - ii. signs may be placed in any window if they satisfy the general rules of sign placement under Section 6.7.6.B; and
 - iii. the sign may be illuminated if it satisfies Section 6.7.9.E.

Section [6.7.6]6.7.9. Permanent Signs, In General

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

* * *

B. Sign Placement

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

* * *

D. Color

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

E. Illumination

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

- [1. An electrical permit must be obtained under Chapter 17;]
- [2]1. sign illumination must[use an enclosed lamp design or indirect lighting] be from a shielded source and be 0.5 foot candles or less at the property line if the subject property abuts a property that is improved with a residential use on the ground floor in any zone or is vacant in [a]an Agricultural, Rural Residential, or Residential zone; and
- [3. A sign illuminated in a pattern or lighting combination that resembles a traffic signal is prohibited;]
- [4]2. [A sign illuminated]sign illumination [by]may not be flashing, revolving, [or]intermittent [lights], or [lights]of changing intensity. [is prohibited; and]
- [5. A sign on a lot or parcel within 150 feet of a residential use must be illuminated only during the hours the entity is open for public business, unless the applicant demonstrates that the sign is located so that no adverse impact will affect the residential use.]

F. [Structural Limitations]Changeable Content

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

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

2. A sign must be a geometric shape; a sign shaped to resemble any human or animal form is prohibited.
3. A sign activated by wind is prohibited.
4. A sign with moving parts is prohibited.
- 5.]A sign that has characters that are changed manually or electronically must not be changed more than once [each day.]every 30 seconds. This change must be an entire sign change and not fade or pixelate in and out. This includes a sign that gives the appearance or illusion of movement for a written or printed message. A sign that displays the number of available parking spaces is exempt from this requirement.

G. Historic Preservation Area

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

1. DPS must verify that the historic site or area is designated in the Montgomery County Master Plan for Historic Preservation.
2. DPS must verify that the applicant has received an historic area work permit under the provisions of Chapter 24A before considering a sign permit application for a sign located on an historic resource.
3. DPS must consider the following information in issuing a sign permit:
 - a. Size, shape, color, lettering, and location of the sign; and
 - b. Compatibility of the sign with the surrounding property, other signs in the area, and the historic nature of the area.]

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

[H. Permanent Sign Standards By Zone

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

H. Service Windows

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

Section [6.7.7]6.7.10. Agricultural and Rural Residential Zones

* * *

B. Additional Sign Area

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

* * *

Section [6.7.8]6.7.11. Residential Zones

* * *

B. Additional Sign Area

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

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

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

2. Place of Assembly [Location]Sign

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

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

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

A. Base Sign Area

* * *

- 2. a. One sign is allowed for each customer entrance. A customer
entrance includes, but is not limited to, a direct outside entrance to a shop or store,
and a direct outside entrance to an enclosed mall or shopping center. Where a
building includes a customer entrance abutting a public or private alley, the one

allowable wall sign for such a customer entrance may be placed on a non-customer entrance that abuts a major highway, arterial or business district road.

3. Canopy Sign

* * *

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

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

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

B. Additional Sign Area

1. [Location]Ground or Wall Sign

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

- a. One sign may be placed on each face of the building. When a building has 4 or more building faces, a maximum of 4 [location]signs may be installed or constructed on the building.
- b. The maximum sign area is 100 square feet for each sign.
- c. The location is the same as provided generally for the zone based on the type of sign. A [location]sign erected as a ground sign must satisfy the setback restrictions for a

freestanding sign, and a [location]sign erected as a wall sign must satisfy the requirements for a wall sign.

- d. A sign may be placed on each face of a building that is 5 stories or greater and more than 26 feet from the ground if it is located below the eave or parapet and at least 10 feet from the corner of the building.
- e. [An entrance]A sign at an entrance that is a freestanding [location]sign must be placed at least 100 feet from another freestanding sign. A wall [location]sign at an entrance must be placed at least 30 feet from another wall sign.
- f. The sign may be illuminated [(see Section 6.7.6.E)] if it satisfies 6.7.9.E.

2. Freestanding Sign for Sites Larger than 5 Acres

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

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

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

[Section 6.7.10. Urban Renewal Areas

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

[Section 6.7.11. Limited Duration Signs

A. Permit Requirements

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

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

B. Permit Applications

1. One sign is allowed per permit. An applicant may request up to a maximum of 4 permits. DPS may consider each business location as a separate applicant; however the sign placement must not create a proliferation of signs in that right-of-way, and the applicant may not have the ability to use a permanent sign in lieu of a limited duration sign. Multiple signs that are similar will not receive a permit for the same location within the right-of-way.
2. An application for a limited duration sign permit must include:
 - a. A description of the sign indicating the, size, shape, dimensions, and colors of the sign, and the time and day of the week during which the sign will be displayed;
 - b. A drawing of the site or a schematic of the area showing the proposed location of the sign in relation to nearby buildings and streets;
 - c. The number of signs on the site; and
 - d. Other information required by DPS to confirm the limited duration sign satisfies Division 6.7 and other Sections of the Chapter.

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

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

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

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

satisfying utility restrictions for excavating or driving a support into the ground.

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

[Section 6.7.12. Temporary Signs

A. Generally

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

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

B. Requirements by Zone

The following requirements apply in the zones specified:

1. Agricultural and Rural Residential Zones

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

2. Residential Zones

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

3. Commercial/Residential, Employment, and Industrial Zones

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

* * *

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



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

M E M O R A N D U M

March 21, 2022

TO: Gabe Albornoz, President
Montgomery County Council

FROM: Marc Elrich, County Executive *Marc Elrich*

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

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

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

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

attachments

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 Reedie 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



July 22, 2022

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

From: Montgomery County Planning Board

Subject: Zoning Text Amendment No. 22-05

BOARD RECOMMENDATION

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

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

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

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

CERTIFICATION

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



Casey Anderson
Chair

Attachment A: Revised ZTA 22-05

Attachment B: Planning Staff Report Packet

CA:BB:aj

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

Office of Legislative Oversight

ZTA 22-05: SIGNS

SUMMARY

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

PURPOSE OF RESJ IMPACT STATEMENTS

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

PURPOSE OF ZTA 22-05

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

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

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

ANTICIPATED RESJ IMPACTS

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

CAVEATS

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

RESJ Impact Statement

Zoning Text Amendment 22-05

CONTRIBUTIONS

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

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

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

² Ibid.

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



NOVEMBER 2020

PLANNING FOR A
POST-PANDEMIC ERA

AN ECONOMIC ROADMAP TO RECOVERY & LONG-TERM SUCCESS

PREPARED BY:

MONTGOMERY
COUNTY ECONOMIC
ADVISORY GROUP

NOVEMBER 2020:

SITUATION ANALYSIS

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

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

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

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

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

MONTGOMERY COUNTY ECONOMIC ADVISORY GROUP

Chair: Doug Firstenberg, Stonebridge

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

Elected Representatives:

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

THE VISION: AN ACTION PLAN

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

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

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

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

KEY OBJECTIVES

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

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





OBJECTIVE 1

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

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

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

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

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

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

RETRAIN TO RETAIN

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

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

MONTGOMERY COLLEGE BIO BOOTCAMP PILOT PROGRAM

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

THE UNIVERSITIES AT SHADY GROVE (USG) PILOT TRAINING PROGRAM

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

MATCHMAKING PLATFORM TO PROMOTE RETRAINING OPPORTUNITIES IN NEW INDUSTRIES

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

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

CONSOLIDATION OF EDUCATIONAL ADVISORY BOARDS TO STREAMLINE PRIVATE SECTOR PARTICIPATION

RETRAIN TO RETAIN



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

CREATION OF POSTGRADUATE RESEARCH CENTER AT WHITE FLINT

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



OBJECTIVE 2

SUPPORTING ECONOMIC DEVELOPMENT AND IMPROVING SPEED TO MARKET IN MONTGOMERY COUNTY

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

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

STREAMLINING PROCESSES:

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



PLANNING & PERMITTING WORK GROUP

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

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

ENACT CHANGES TO THE SUB-DIVISION STAGING POLICY

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

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

ATTRACTING INVESTMENT

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

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



CREATION OF A DEDICATED COUNTY INFRASTRUCTURE FUND

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

CHANGE IMPACT TAXES

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

HOUSING PRODUCTION AT ALL LEVELS

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



HOUSING PRODUCTION AT ALL LEVELS (CONT.)

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

Housing Forecasts by Type and Tenure, 2020-2040 (%)					
	2020 to 2025	2025 to 2030	2030 to 2035	2035 to 2040	2020 to 2040
Single-Family Owner	13.9%	13.4%	13.5%	13.2%	13.5%
Multifamily Owner	27.5%	27.4%	27.4%	27.2%	27.4%
Single-Family Renter	4.4%	4.4%	4.4%	4.5%	4.4%
Multifamily Renter	54.2%	54.9%	54.8%	55.2%	54.8%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

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

High/low-income trend

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

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

OBJECTIVE 3

ADDRESSING ACCESS AND AVAILABILITY OF CAPITAL



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

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

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

ECONOMIC DEVELOPMENT WORKING GROUP

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

Awareness-promoting available tools

Education-training to access available services

Connection-providing technical assistance to those in need

CREATE A PLATFORM TO HELP BUSINESS NAVIGATE FUNDING OPPORTUNITES

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

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

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

TELLING THE STORY OF A THRIVING COMMUNITY

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

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



OBJECTIVE 4

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

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

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

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

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

Thought leadership assistance for small businesses-

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

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

CONCLUSION



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

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

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

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

Specifically, the EAG further recommends that:

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

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

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

For Immediate Release: Tuesday, February 16, 2021

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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C. Robert Dalrymple, Esquire
bdalrymple@sgrwlaw.com
Direct Dial: 301-634-3148

Matthew M. Gordon, Esquire
mgordon@sgrwlaw.com
Direct Dial: 301-634-3150

July 25, 2022

Via Email

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

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

Dear Council President Alborno and Councilmembers:

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

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

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Selzer Gurvitch Rabin Wertheimer & Polott, P.C.

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

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

www.selzergurvitch.com

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

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

2. Wall Sign

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

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

Very truly yours,

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

C. Robert Dalrymple

By: _____

C. Robert Dalrymple

Matthew M. Gordon

By:

Matthew M. Gordon

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