

MEMORANDUM

January 21, 2020

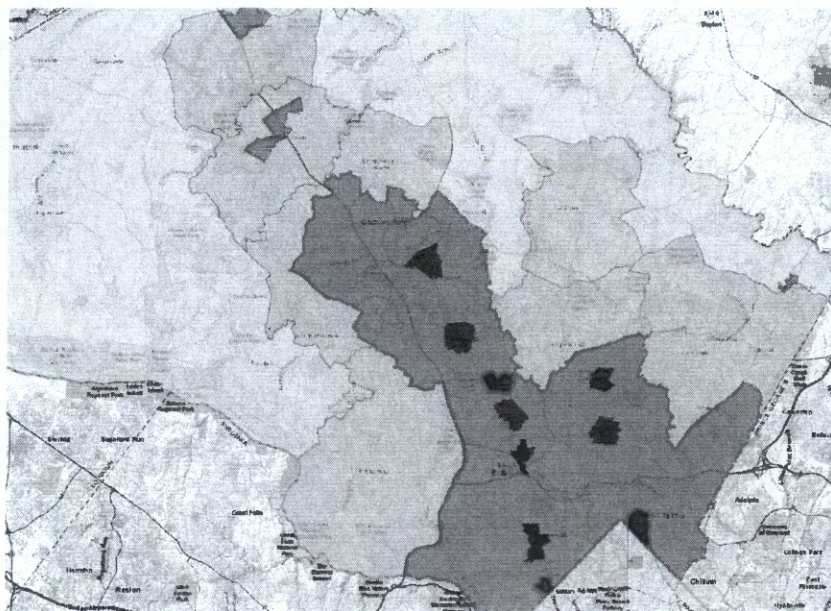
TO: Planning, Housing, and Economic Development Committee
FROM: Jeff Zyontz, Senior Legislative Analyst
SUBJECT: Zoning Text Amendment 19-09, Prohibited Roof Signs – Exemptions
PURPOSE: Worksession – approve recommendations for the Council’s consideration

Expected Participants

Ehsan Motazedi, Chief, Zoning and Site Plan Enforcement, Department of Permitting Services (DPS)
Greg Russ, Planner Coordinator, Planning Department

Summary of ZTA 19-01

The proposed amendment to the Montgomery County Zoning Ordinance would allow roof signs in Red Policy Areas as identified in the most recent Subdivision Staging Policy.



ZTA 19-09 would allow roof signs (that concern on-site activity – an off-site sign is prohibited) in White Flint, Wheaton, Twinbrook, Silver Spring CBD, Shady Grove, Grosvenor, Glenmont, Forest Glen, Friendship Heights, and the Bethesda CBD.

Only the signs approved as part of a sign concept plan for an optional method development project would be allowed. Any such sign would be subject to Sign Review Board approval and the height limits of the underlying zone.

Why was ZTA 19-09 proposed?

Some buildings in high-density areas are constructed with glass walls. Signs that block windows are impractical. On buildings with all glass walls, the Zoning Ordinance effectively prohibits high wall signs and prohibits roof signs.

Currently, roof signs are prohibited except in urban renewal areas (Silver Spring Triangle, Lyttonsville, Scotland, Emory Grove, and Rockville).¹ For all practical purposes, the allowance for roof signs only affects part of the Silver Spring CBD.

Testimony

The Planning Board and Planning staff have no objection to ZTA 19-09 given that any such roof sign would be allowed with conditions. A representative of the American Society of Health Systems Pharmacists (ASHP) spoke in favor of ZTA 19-07 as introduced.

Issue: Does the Council favor roof signs under certain circumstances in highly urbanized areas?

As allowed by ZTA 19-09, a roof sign must be part of a design concept plan approved as part of an optional method development (lines 12-13) and could not exceed the height of the zone (lines 27-28). The Sign Review Board must approve a Sign Concept Plan (Lines 26-27).

Staff Comment: These limitations should be enough to protect the interests of neighboring properties.

ZTA 19-09 was advertised as being limited to rooftop signs. Urban renewal areas are addressed in other references to signs and open space. Silver Spring is the only urbanized urban renewal area. It is a red policy area and is also an Arts and Entertainment District. At some point, the Council may wish to consider removing references to “urban renewal areas” (which no one can identify) from the code.

This report contains:

ZTA 19-09

Planning Staff Report

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¹ Within designated renewal areas, the County is allowed to purchase or take private property and then sell that property to selected developers. The developers then devote that property to other uses. Urban renewal areas are noted in the zoning code in sections of code concerning open space - 59.6.3.3 - and in multiple provisions concerning signs - 59.6.7.1, 59.6.7.4, 59.6.7.10, 59.7.4.1. Urban renewal areas are the atomic bomb of planning, although their use is not controlled by any international treaty. The last urban renewal area created by the County was the Silver Spring CBD, created in 1992. No one who worked on urban renewal areas is still employed by the Department of Housing and Community Affairs (DHCA). DHCA could not locate maps of urban renewal areas other than the Silver Spring CBD.

Zoning Text Amendment No.: 19-09
Concerning: Prohibited Roof Signs –
Exemptions
Draft No. & Date: 3 – 11/19/19
Introduced: November 26, 2019
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**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: Councilmember Friedson

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- Allow roof signs in red policy areas under certain circumstances; and
- Generally amend the provisions for roof signs.

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

Division 6.7. “Signs”
Section 6.7.4. “Prohibited Signs”
Section 6.7.10. “Urban Renewal Areas”

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

ORDINANCE

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

1 **Sec. 1. Division 6.7. Signs**

2 * * *

3 **Section 6.7.4. Prohibited Signs**

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

10 * * *

11 B. Roof Sign

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

22 * * *

23 **Section 6.7.10. Urban Renewal or Red Policy Areas**

24 A. A permanent sign located in an approved urban renewal or red policy area as
25 part of an optional method development project need not satisfy the Design
26 Elements and Limitations of Division 6.7 where the Sign Review Board

27 approves the sign as part of a sign concept plan; however, any roof sign in a
28 red policy area must not exceed the height limits of the property's zone.

29 B. Before approving any sign concept plan under Section 6.7.10, the Sign
30 Review Board must hold a public hearing on the sign concept plan in the
31 urban renewal or red policy area[,] after giving 30 ~~[[days]]~~ days' notice and
32 verifying that the applicant has satisfied all applicable variance notice
33 requirements.

34 * * *

35 **Sec. 2. Effective date.** This ordinance becomes effective immediately upon the
36 Council's adoption.

37

38 This is a correct copy of Council action.

39

40

41 Selena Mendy Singleton, Esq.
42 Clerk of the Council



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIR

January 13, 2020

TO: The County Council for Montgomery County, Maryland, sitting as the District Council for the Maryland-Washington Regional District in Montgomery County, Maryland

FROM: Montgomery County Planning Board

SUBJECT: Zoning Text Amendment No. 19-09

BOARD RECOMMENDATION

The Montgomery County Planning Board of The Maryland–National Capital Park and Planning Commission reviewed Zoning Text Amendment No. 19-09 (ZTA 19-09) at its regular meeting on January 9, 2020. By a vote of 5:0, the Planning Board recommends approval, as introduced, of ZTA 19-09 to allow roof signs in Red Policy Areas as part of a sign concept plan for an optional method development project given that: approval of the sign concept plan could occur only after the Sign Review Board holds a public hearing on the proposal; and, the height of any roof sign could not exceed the height limit of the underlying zone.

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 currently prohibited unless approved as part of a sign concept plan for an optional method development project located in an urban renewal area. The existing urban renewal areas in Montgomery County include: Silver Spring Triangle, Lyttonsville, Scotland, Emory Grove and Rockville.

The proposed amendment to the Montgomery County Zoning Ordinance would allow roof signs pertaining to on-site activities (a sign concerning an off-site activity is prohibited) in a Red Policy Area, as identified in the most recent Subdivision Staging Policy. As currently is the case for a roof sign in an urban renewal area, only a sign approved as part of a sign concept plan for an optional method development project would be allowed on or above a roof. In addition, any roof sign proposed above the roof would be permitted only if the sign does not extend above the maximum height limit of the underlying zone.

Some buildings in high density areas are constructed with glass walls. Signs that block windows are undesirable and impractical. In these cases, allowing roof signs with Sign Review Board approval can provide more practical options.

The Board also believes that the submission requirements for a sign concept plan application (scale drawings of the site delineating the location, dimensions, colors, shape, and architectural characteristics of all signs) provide adequate details for review by the Sign Review Board.

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 Silver Spring, Maryland, on Thursday, January 9, 2020.



Casey Anderson
Chair

CA:GR:aj