

Ordinance No: 16-13
Zoning Text Amendment No: 07-15
Concerning: Signs – Permits Fees
Draft No. & Date: 2– 2/05/08
Introduced: 10/30/07
Public Hearing: 12/4/07
Adopted: 2/12/08
Effective: 3/3/08

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

By: Councilmember Floreen, Council President Praisner, and Councilmember Ervin

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow permit fees to be waived or reduced for non-profit organizations on the Planning Board's list of civic and homeowner organizations;
- remove references to the content of any sign that may have waived or reduced sign permit fees; and
- generally amend the provision related to sign permits.

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

DIVISION 59-F-9 Permits and Licenses
Section 59-F-9.1 Permits

*EXPLANATION: **Boldface** indicates a heading or a defined term.
Underlining indicates text that is added to existing laws
by the original text amendment.
[Single boldface brackets] indicate text that is deleted from
existing law by the 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 No. 07-15 was introduced on October 30, 2007 to allow sign permit fees to be waived or reduced for non-profit organizations on the Planning Board's list of civic and homeowner organizations. ZTA 07-15 would also remove references to the content of any sign that may have waived or reduced sign permit fees.

The Montgomery County Planning Board recommended approval of ZTA 07-15 as introduced.

The County Council held a public hearing on December 4, 2007 to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on January 22, 2007 to review the text amendment. After careful review of the materials of record, the Committee recommended that ZTA 07-15 approval of ZTA 07-15 as introduced. The Committee believed that non-profit homeowner and civic associations on the Planning Board's list should be entitled to waived or reduced fees for sign permits. The Committee found the current qualification requirements for waived or reduced fees to be overly burdensome and that the value of these organizations to strengthen the character of the community outweighs the arguments concerning visual clutter. The Committee also supported removing the provision of the Ordinance concerning the content of any association's signs.

Two Committee members recognized, after the Committee meeting, that their intent to *waive fees for all* non-profit homeowner and civic associations on the Planning Board's list was not clearly expressed in ZTA 07-15. These Committee members recommend an amendment to ZTA 07-15 to express their intent to waive these fees.

The District Council reviewed Zoning Text Amendment No. 07-15 at a worksession held on February 12, 2008. The Council agreed with the Committee recommendation to approve ZTA 07-15 as amended by the Committee.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 07-15 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:

1 **Sec. 1. DIVISION 59-F-9 is amended as follows:**

2 **Division 59-F-9. Permits and Licenses.**

3 **59-F-9.1. Permit.**

4 (a) When Required.

5 (1) Except as otherwise provided in Divisions 59-F-8["Exempt
6 Signs"] and 59-F-6["Temporary Signs"], a permit must be
7 obtained [in accordance with] under this Article when a sign is
8 constructed, erected, moved, enlarged, illuminated, or
9 substantially altered.

10 (2) Routine maintenance does not require a permit. [Such] Routine
11 maintenance includes painting, cleaning, changing copy where
12 permitted, or changing copy in compliance with a sign concept
13 plan.

14 (b) Application. The property owner [or agent, along with the lessee, if
15 any,] and the sign installer[,] must file a joint application for the sign
16 permit on forms [prescribed] provided by the Director. If the property
17 owner has an agent or lessee, the agent and the lessee must also sign
18 each permit form. The application must be accompanied by all
19 required documents and fees. The Director ~~[[may]]~~ must waive ~~[[or~~
20 reduces]] all required fees for any organization that satisfies subsection
21 (1)(A) and may waive or reduce all required fees for any organization
22 that satisfies subsection (1)(B) if:

23 (1) the primary applicant is a non-profit organization that:

24 (A) is on the Planning Board's list of civic and homeowners
25 associations; or

26 (B) by law is exempt from federal income taxes [;(2) the

27 organization shows that] and demonstrates that its annual
28 revenue during its most recent fiscal year was less than
29 an amount set by a regulation adopted by the Director
30 under method (2);

31 [(3) the organization will use the sign only for its own
32 activities;] and

33 [(4)](2) the size of the proposed sign is smaller than a maximum
34 size set by a regulation adopted by the Director under
35 method (2).

36 * * *

37 **Sec. 2. Effective date.** This ordinance takes effect 20 days after the date of
38 Council adoption.

39 This is a correct copy of Council action.

40 *Linda M. Lauer*
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42 Linda M. Lauer, Clerk of the Council