

## 📖 **Article 59-F. Signs.** [\[Note\]](#)

### **Division 59-F-1. Purpose, Intent, and Applicability.**

#### 📖 **Sec. 59-F-1.1. Purpose.**

The purpose of this Article is to regulate the size, location, height and construction of all signs placed for public view. The regulations are intended to protect the public safety, health, morals, comfort and welfare; to preserve the value of property; to preserve and strengthen the ambiance and character of the various communities; and, where applicable, to implement the recommendations of an urban renewal plan adopted under Chapter 56.

(Legislative History: Ord. No. 13-76, § 1; Ord. No. 14-10, § 4.)

#### 📖 **Sec. 59-F-1.2. Intent.**

It is the intent of this Article to:

- (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 traffic safety; and
- (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.
- (h) implement the recommendations of an approved urban renewal plan.

(Legislative History: Ord. No. 13-76, § 1; Ord. No. 14-10, § 4.)

#### 📖 **Sec. 59-F-1.3. General.**

- (a) A sign must have a permit issued by the department in conformance with Section [59-F-5.1](#) or Section [59-F-9.1](#)., except for signs covered by division 59-F-6, “Temporary Signs,” division 59-F-5, “Limited Duration Signs,” and division 59-F-8, “Exempt Signs.”
- (b) To provide flexibility in the approval of sign permits, the Department of Permitting Services may approve a variance from any provision of this Article except division 59-F-7, “Prohibited Signs.”
- (c) A sign must be maintained in good repair, and in a safe condition.
- (d) Any sign not authorized by the Zoning Ordinance is prohibited.

(Legislative History: [Ord. No. 15-52](#), § 1; [Ord. No. 15-59](#), § 1; [Ord. No. 16-02](#), § 1.)

## **Division 59-F-2. Definitions.**

The following words and phrases, as used in this Article, have the meaning indicated. Words and phrases defined for the zoning ordinance but not defined in this Section, have the meaning indicated in Section 59-A-2. All other words and phrases have their common, ordinary meaning unless the context clearly indicates otherwise.

**Frontage, Building:** The side of a building that abuts, parallels, or is nearest to parallel with, a street, a parking area, or other circulation area open to the general public and that has either a main window display or a public entrance to the building.

**Inflatable device:** A sign that is cold air inflated made of flexible fabric, resting on the ground or attached to a structure and equipped with a portable blower motor that provides a constant flow of air into the device. Inflatable devices may be restrained, attached, or held in place by a cord, rope, cable or similar method. An inflatable device is not an object that contains helium, hot air or lighter-than-air substance.

**Management control plan:** A legally binding agreement, recorded in the land records of Montgomery County, which binds the owner of a lot or parcel that is part of a commercial or industrial development to control the signage as approved by the management authority under the agreement.

**Off-site sign:** A sign that identifies or refers to 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.

**Place of assembly:** Any place of worship, school, library, museum, or hospital. Any other publicly owned facility is also a place of assembly.

**Property:** One or more parcels of land that:

- (a) includes buildings under common control, operation, or ownership; or
- (b) are subject to a project plan, site plan, sign concept plan, or combined urban renewal project plan.

**Sign Area:** The surface measurement of a sign as set forth in Section 59-F-3.

**Sign, canopy:** A sign which forms an integral part of a permanent or semi-permanent shelter for sidewalks, driveways, windows, doors, seating areas, or other customer convenience areas, like awnings or umbrellas.

**Sign concept plan:** A plan required before the Director can issue a permit, (i) for certain commercial or industrial zoned sites where the total area of signs is greater than 800 square feet; or (ii) for more than one commercial or industrial zoned site developed under a Management Control Plan, if the total area of signs on one or more of the sites is greater than 800 square feet, or (iii) for optional method development projects within an approved urban renewal area. The plan consists of scale drawings of the site delineating the location, dimensions, colors, shape, and architectural characteristics of all signs.

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

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

**Ground sign:** A sign erected on the ground or with its bottom edge within 12 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 Installer:** A business or person engaged in a sign related activity, such as installation, maintenance, alteration, and modification of a sign intended for use by a person other than the business or person.

**Sign, limited duration:** A non-permanent sign that is displayed:

(1) on private property for more than 30 days. However, until January 1, 1999, a limited duration sign is a sign that is displayed on private property for more than 90 days. A limited duration sign is 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, permanent:** A sign 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. A permit must be obtained from the Director for a permanent sign.

**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 sign attached or painted on a vehicle parked and visible from the public right-of-way is also bound by this division unless it is a currently licensed and registered vehicle used in the daily operation of the business. This does not include a sign on a commercial vehicle as defined in 59-A-2.1. which is operated within the public right-of-way.

**Sign related activity:** An activity such as installation, maintenance, alteration, repair, or modification of a sign intended for use by others. A person or organization, may engage in these activities without a license, however, a review by the Director must be performed for signs requiring permits to ensure that the sign conforms with all aspects of this Article.

**Sign, temporary:** A sign that is displayed on private property for less than 30 days. However, until January 1, 1999, a temporary sign is a sign that is displayed on private property for less than 90 days. A temporary sign is usually made of a non-permanent material like canvas, cardboard, paper, or wood.

**Sign, wall:** Any sign that is attached to the wall of a building. There are two types of wall signs:

**Flat wall sign:** A sign that is parallel to the wall of a building to which it is attached, but does not extend more than 12 inches from the building face.

**Projecting wall sign:** A sign that is attached to a wall of a building and extends more than 12 inches from the building face.

**Sign, window:** A sign that is attached to a window, or which is visible through a window. A show window or three-dimensional display is not a window sign.

(Legislative History: Ord. No. 13-76, § 1; Ord. No. 13-102, § 1; Ord. No. 14-10, § 5; [Ord. No. 15-88](#), § 1; [Ord. No. 16-02](#), § 2.)

### **Division 59-F-3. Sign Area Measurement.**

The following standards are used to measure the area of a sign regulated by this Article.

#### **📖 Sec. 59-F-3.1. Generally.**

The sign area is the entire portion of the sign that can be enclosed within a single, continuous 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. (See Figure 1.)

(Legislative History: Ord. No. 13-76, §1.)

**Editor's note**-Figures can be found on pages 59F-38 through 59F-47.

#### **📖 Sec. 59-F-3.2. Supports.**

The structure which supports a sign is not included in measuring the sign area unless the structure is designated and used as an integral part of the display. A support having a perimeter larger than 4 feet at the widest point, is an integral part of the display.

(Legislative History: Ord. No. 13-76, §1.)

#### **📖 Sec. 59-F-3.3. Multiple Sections.**

The area of a sign which consists of more than one Section, includes the space between the Sections plus the measurement of the Sections of the sign. (See Figure 2.)

(Legislative History: Ord. No. 13-76, §1.)

**Editor's note**-Figures can be found on pages 59F-38 through 59F-47.

#### **📖 Sec. 59-F-3.4. Multiple Planes.**

The area of a sign with more than one face or plane, including a three dimensional sign, is measured as follows:

- (a) **Generally.** All sides of a sign that can be seen at any one time from one vantage point outside the property line of the site where the sign is located, are included in the computation of sign area. (See Figure 3.)
- (b) **Parallel faces.** Only the larger of two sides is measured if the sides are double faced or back to back. The 2 planes must be parallel and less than 2 feet apart. For parallel signs 2 feet or greater apart, the sum of all the planes or sides will be used in the computation of the sign area. (See Figure 4.)
- (c) **"V" Shaped.** The area of a 2 sided sign constructed in the form of a "V" is calculated by the same method as parallel faces if the angle of the "V" is less than 30 degrees and the distance between the sides does not exceed 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 will be used in the computation of the sign area unless the

applicant demonstrates that only one side of the sign will be visible from any single vantage point. (See Figure 5.)

(d) **Three Dimensional.** Where three dimensional signs are used, the area of the sign is the total surface area of the sides that can be seen from a single vantage point outside the property lines of the site where the sign is located. (See Figure 6.)

(Legislative History: Ord. No. 13-76, §1.)

**Editor's note**-Figures can be found on pages 59F-38 through 59F-47.

#### **Division 59-F-4. Permanent Sign - Design Elements and Limitations.**

Permanent signs are those which are intended to remain posted indefinitely. A permanent sign must obtain a permit under Section [59-F-9.1](#) and may require a building permit or electrical permit due to its physical characteristics. Any sign not listed in this Article or which does not conform to the requirements in this Article must obtain a variance from the Department of Permitting Services.

(Legislative History: Ord. No. 13-76, § 1; Ord. No. 14-10, § 6; [Ord. No. 15-52](#), § 1.)

##### **Sec. 59-F-4.1. Generally.**

(a) **Sign area.** Unless otherwise provided in this Article, the total sign area of all permanent signs on any lot or parcel must not exceed the maximum sign area for the zone in which the sign is located.

(b) **Sign Placement.** Setbacks are measured from the portion of the sign nearest to the property line; height is measured from the portion of the sign which is vertically the farthest from the ground. Unless otherwise provided in this Article no portion of a sign must:

(1) 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 in conformance with Section [59-F-4.2\(b\)\(4\)\(A\)](#); and,

(2) extend outside the property upon which it is erected except for properties with no building setback; or as provided in Section [59-F-4.2\(b\)\(3\)\(C\)](#) for canopy signs; and,

(3) obstruct any building aperture, such as a window, door, ventilation opening, or fire prevention device.

(c) **Building and Electrical Permits.** A permanent sign erected under this ordinance must comply with the building and construction requirements of Chapter 8 of this Code and the electrical requirements of Chapter 17 of this Code.

(d) **Color.**

(1) **Interference with Traffic Safety.** A sign must not use color combinations that may be confused with a traffic sign or signal.

(2) **Non-display Sides of Signs.** In order for the sign back or non-display side of a sign to be excluded from consideration as sign area it must be a single neutral color if the back or non-display side is visible from outside the property lines of the property where the sign is located.

(e) **Illumination.** When illumination of a sign is permitted it must comply with the following restrictions:

(1) **Electrical Permit.** An electrical permit must be obtained in accordance with Chapter 17 of this Code.

(2) **Prevention of Glare.** Sign illumination must use an enclosed lamp design or indirect lighting from a shielded source in a manner that prevents glare from beyond the property line. Glare is a direct or reflected light source creating a harsh brilliance that causes the observer to squint, shield or avert the eyes.

(3) **Interference with Traffic Safety.** A sign must not be illuminated in a pattern or lighting combination that resembles a traffic signal.

(4) **Flashing.** A sign must not contain or be illuminated by flashing, revolving, or intermittent lights, or lights of changing intensity.

(5) **Near a Residence.** Any sign on a lot or parcel within 150 feet of a residential use must not exceed a sign area of 100 square feet and 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 residence.

(f) **Structural Limitations.** A sign must comply with the following structural requirements:

(1) **Interference with Traffic Safety.** A sign must not be shaped like a traffic sign or traffic signal, or use wording similar to traffic signals, or interfere with traffic safety.

(2) **Shaped like Humans or Animals.** A sign must not be shaped to resemble any human or animal form, but must conform to a geometric shape.

(3) **Wind Activated.** A sign must not be wind activated.

(4) **Moving.** A sign must not have moving parts.

(5) **Message Replacement.** Signs that have characters which are changed manually or electronically must not be changed more than once each day. This includes a sign that gives the appearance or illusion of movement for a written or printed message.

(g) **Historic Preservation Area.** A sign erected in an historic preservation area must comply with the following criteria:

(1) **Designation.** The Director must verify that the historic site or area is designated in the Montgomery County Master Plan for Historic Preservation.

(2) **Historic Preservation Commission Approval.** Before considering a sign permit application, the Director must verify that the applicant has received a historic area work permit under the provisions of Chapter 24A of the code.

(3) **Aspects of sign.** The Director must consider the following information in issuing a sign permit:

(A) size, shape, color, lettering, and location of the sign;

(B) compatibility of the sign with the surrounding property, other signs in the area, and the historic nature of the area; and,

(C) the approval of the Historic Preservation Commission. No sign permit may be issued unless the applicant has received a historic area work permit from the Historic Preservation Commission.

(Legislative History: Ord. No. 13-76, §1.)

**Sec. 59-F-4.2. By zone.**

In addition to the general design elements and limitations, the following requirements apply in the zones specified. Any permanent sign not listed in this Section or which does not conform to the requirements listed in this Section must obtain a variance from the Department of Permitting Services.

(a) **Residential Zone.** The total area of all permanent signs on a lot or parcel in a residential zone must not exceed 2 square feet, unless additional area is permitted pursuant to this ordinance.

(1) **Freestanding Sign.**

(A) **Number.** One is allowed.

(B) **Area.** The sign area must not exceed 2 square feet per sign.

(C) **Placement.**

1. **Location.** The sign must be set back at least 5 feet from the property line.

2. **Height.** A sign must not exceed 5 feet in height.

(D) **Illumination.** No illumination is allowed.

(2) **Wall sign.**

(A) **Number.** One is allowed.

(B) **Area.** The sign area must not exceed 2 square feet per sign.

(C) **Placement.** A sign must not be placed more than 5 feet above the ground.

(D) **Illumination.** No illumination is allowed.

(3) **Entrance Signs.**

(A) **Subdivision and Multi-Family Development Location Sign.**

Additional sign area is allowed for a permanent location sign erected at any entrance to a subdivision or multi-family development provided that the sign is a ground sign or wall sign located at an entrance to identify the location of the subdivision or building.

1. **Number.** Two signs are allowed for each entrance.

2. **Area.** The sign area must not exceed 40 square feet per sign.

3. **Placement.**

(i) **Location.** 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 in accordance with Section [59-F-7.1\(g\)](#) must be obtained to erect the sign.

(ii) **Height.** The sign must not exceed 26 feet in height.

4. **Illumination.** The sign may be illuminated in accordance with the requirements in Section [59-F-4.1\(e\)](#).

(B) **Place of Assembly Location Sign.** Additional sign area is permitted for a permanent location sign for any place of assembly. The sign must be a ground sign or a wall sign located at an entrance to the building or driveway to identify the location of the building for a user of the facility.

1. **Number.** Two signs are allowed at each entrance.

2. **Area.** The sign area must not exceed 40 square feet.

3. **Placement.**

(i) **Location.** The sign must be set back at least 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 in accordance with Section [59-F-7.1\(g\)](#) must be obtained to erect the sign.

(ii) **Height.** The sign must not exceed 26 feet in height.

4. **Illumination.** The sign may be illuminated in accordance with the requirements of Section [59-F-4.1\(e\)](#).

(b) **Commercial or Industrial Zone.** The total area of all permanent signs on a lot or parcel in a commercial or industrial zone must not exceed 800 square feet, excluding the additional area permitted by other provisions of this ordinance, without submitting a sign concept plan to the Director. The maximum sign area for an individual sign in these zones is 200 square feet.

(1) **Freestanding Sign.**

(A) **Number.** One sign is permitted at each customer entrance to the building or driveway.

(B) **Area.** The maximum sign area for a lot or parcel is 2 square feet for each linear foot of frontage.

1. **Multiple Frontage.** If a lot or parcel has frontage on more than one street:

(i) signs may be erected facing each street; the total area of all signs oriented to each street is 2 square feet per linear foot of frontage along that street; or



(ii) one sign may be erected at a location which allows it to be seen along each street on which the site has frontage; the total area of the sign is 2 square feet per linear foot of the sum of all frontages. (See Figure 7).

2. **Minimal Frontage.** For a lot that has less than 50 feet of frontage, such as a pipestem, flag, or wedge shaped lot, the sign area is based on the length of the lot line closest to the street toward which the sign is to be oriented. The applicant is restricted to using only one street and the property line closest to that street. However, the choice of that street is determined by the applicant. (See Figure 8, lot #1).

(C) **Placement.**

1. **Location.** A sign must be set back at least 1/4 of the distance required for the building restriction setback as determined by the Zoning ordinance for the zone.

2. **Height.** The sign must not exceed the height of the tallest building on the same premises as a the sign, and must not exceed 26 feet from the ground.

(D) **Illumination.** The sign may be illuminated in accordance with the requirements of Section [59-F-4.1\(e\)](#).

(2) **Wall Sign.**

(A) **Number.** 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.

(B) **Area.** The maximum sign area is 2 square feet for each linear foot of building frontage. A shop or store with an outside entrance is considered to have its own building frontage, which is the front width of the portion of the building occupied for that use. (See Figures 8, 9, and 10). A dimension must not be counted more than once as a building frontage.

(C) **Placement.**

1. **Location.**

(i) No sign or supporting structure of a flat wall sign must extend more than 12 inches from the wall.

(ii) A projecting wall sign may project 42 inches from the building, but not closer than 8 feet to a curb line.

(iii) The sign must not project over a public right-of-way except where there is no building setback.

2. **Height.** The sign must not exceed 26 feet in height.

(i) The sign must not extend above any portion of the roof or be placed upon any roof surface. (See Roof Sign, subsection [59-F-7.1.\(b\)](#).)

(ii) A sign that projects over a public right-of-way or public ingress or egress must have a minimum clearance above the ground of: 10 feet for a sign that projects over a pedestrian walkway; and 18 feet for a sign that projects over a street or driveway.

(D) **Illumination.** The sign may be illuminated in accordance with the requirements of Section [59-F-4.1\(e\)](#).

(3) **Canopy Sign.**

(A) **Number.** The number of signs is not limited.

(B) **Area.** The maximum sign area is 2 square feet for each linear foot of building frontage not to exceed 200 square feet for each category. A dimension must not be counted more than once in the determination of building frontage. The sign area of an illuminated canopy sign is calculated as the total illuminated surface area that can be seen at any one time from one vantage point outside the property lines of the property where the sign is located. This does not include lighting, internal to the canopy, which has the sole purpose of lighting the customer area for service or safety.

(C) **Placement.**

(1) **Location.** The location of a canopy sign is determined by the building permit requirements for the canopy. If no building permit is required, the location requirements are the same as that of a freestanding sign.

(2) **Height.** The height of the sign is determined by the building permit requirements for the canopy and must not exceed 26 feet in height. If no building permit is required, the height limits are the same as those of a projecting wall sign.

(D) **Illumination.** The sign may be illuminated in accordance with the requirements of Section [59-F-4.1\(e\)](#).

(4) **Entrance Signs.**

(A) **Location Sign.** Additional sign area is allowed for a permanent location sign erected at an entrance to a building or a development provided that the sign is a ground sign or flat wall sign located at the entrance to identify the location of the building or development. The sign must meet the following requirements:

1. **Number.** A sign may be placed on each face of the building that has building frontage and at each customer entrance to the building and parking area.

2. **Area.** The sign area must not exceed 100 square feet for each sign.

3. **Placement.**

(i) **Location.** 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 meet the setback restrictions for a freestanding sign, and a location sign erected as a wall sign must comply with the requirements for a wall sign.

(ii) **Height.** The sign may be placed on a wall more than 26 feet from the ground provided that it is at least 10 feet below the eave or parapet and at least 10 feet from the corner of the building.

(iii) **Spacing.** An entrance sign that is a freestanding location sign must not be placed within 100 feet of another freestanding sign. A wall location sign at an entrance must not be placed within 30 feet of another wall sign.

4. **Illumination.** The sign may be illuminated in accordance with the requirements of Section [59-F-4.1\(e\)](#).

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

(B) **Freestanding Sign for Sites Larger than 5 Acres.** Additional sign area is allowed for a freestanding sign erected at any driveway entrance to an industrial or commercial center that is larger than five acres, in order to identify the location of the industrial or commercial center. The sign must meet the following requirements:

1. **Number.** Two signs per customer entrance are allowed.

2. **Area.** The sign area must not exceed 200 square feet per sign.

3. **Placement.**

(i) **Location.** A sign must be set back at least 1/4 of the distance required for the building restriction setback as determined by the Zoning ordinance for the zone.

(ii) **Height.** A sign must not exceed 26 feet in height.

(iii) **Spacing.** Each sign or pair of signs must be placed at least 200 feet from another sign or pair of signs.

4. **Illumination.** The sign may be illuminated in accordance with the requirements of Section [59-F-4.1\(e\)](#).

(c) **Mixed Use Zones.** In any zone which provides for a combination of residential uses with commercial or industrial uses, such as the Central Business District, Planned Unit Development, Residential Mixed Use Development, and Transit Station zones, the erection of a sign is permitted as follows:

(1) **Residential Uses.** A sign erected on property developed for a residential use must comply with the standards of this Article for a sign in a residential zone.

(2) **Commercial or Industrial Uses.** A sign erected on property developed for a commercial or industrial use sign must comply with the standards of this Article for a sign in a commercial or industrial zone, except that:

(A) a freestanding sign is allowed only if:

1. the use is on a lot or parcel of two acres or larger; or,

2. the sign has multiple businesses listed that:

(i) have no individual external customer entrances, and,

(ii) have no other sign related to the business visible from outside the property.

(B) a wall sign is allowed for a use that does not have a separate customer entrance only if no other sign for the use is visible from outside the property.

(3) **Agricultural Uses.** A sign erected on property used for agriculture must comply with the standards of this Article for a sign in a rural or agricultural zone.

(d) **Rural or Agricultural Zone.** The total area of all permanent signs in the rural or agricultural zone must not exceed 200 square feet excluding the additional area allowed by other provisions of this ordinance. Any sign not listed below or which does not conform to the requirements listed in this subsection must obtain a variance from the Sign Review Board.

(1) **Freestanding Sign.**

(A) **Number.** One sign may be erected at each building and driveway entrance.

(B) **Area.** The sign area must not exceed 40 square feet for each sign.

(C) **Placement.**

1. **Location.** A sign must be set back at least 10 feet from the property line.

2. **Height.** A sign must not exceed 10 feet in height.

(D) **Illumination.** No illumination is allowed.

(2) **Wall sign.**

(A) **Number.** One sign is allowed.

(B) **Area.** The sign area must not exceed 40 square feet for each wall sign.

(C) **Placement.** The sign must not be placed more than 26 feet above the ground.

(D) **Illumination.** No illumination is allowed.

(3) **Entrance Sign.** In addition to the 200 square feet for the total sign area, an additional location sign is allowed for a lot or parcel larger than five acres. The location sign must meet the following requirements:

(A) **Number.** One sign is allowed at each entrance to the lot or parcel.

(B) **Area.** The sign area must not exceed 40 square feet for each sign.

(C) **Placement.**

1. **Location.** Each sign must be set back at least 10 feet from the property line.

2. **Height.** Each sign must not exceed 26 feet in height.

(D) **Illumination.** The sign may be illuminated in accordance with the requirements of Section [59-F-4.1\(e\)](#).

(Legislative History: Ord. No. 13-76, §1; [Ord. No. 15-52](#), § 1; [Ord. No. 15-88](#), § 2.)

**Editor's note**-Figures can be found on pages 59F-38 through 59F-47.

Section [59-F-4.2](#) was cited in *Eller Media Co. v. Montgomery County*, 143 Md. App. 562, 795 A.2d 728 (2002).

#### **Sec. 59-F-4.3. Urban renewal areas.**

Any permanent sign located in an approved urban renewal area as part of an optional method development project need not conform to the Design Elements and Limitations of this Article if the Sign Review Board approves the sign as part of a sign concept plan under Section [59-F-10.2\(b\)\(1\)\(F\)](#). Before approving any sign concept plan under this Section, the Sign Review Board must hold a public hearing on the plan in the Urban Renewal Area, after giving 30 days notice and verifying that the applicant has complied with all applicable variance notice requirements.

(Legislative History: [Ord. No. 15-52](#), § 1.)

### **Division 59-F-5. Limited Duration Signs.**

#### **Sec. 59-F-5.1. Generally.**

(a) **Requirements.** A permit is not required for a limited duration sign on private property. A limited duration sign is subject to the following provisions:

(1) The sign must not be constructed in a manner that requires a building or electrical permit.

(2) Each sign approved by the permit must display and have affixed to the sign information in a format as required by the Director, including the date of expiration of the permit.

(3) A permit is issued for one year and may be renewed annually.

(4) A limited duration sign is allowed in any zone.

(5) A limited duration sign may be relocated upon approval by the Director.

(b) **Application.** An application for a limitation duration sign permit must include:

(1) a description of the sign indicating:

(A) the number, size, shape, dimensions, and colors of the signs; and

(B) the time and day of the week during which the sign will be displayed.

(2) 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; and

(3) other information required by the Director to insure compliance with this Article and other Sections of the Code.

(Legislative History: Ord. No. 13-76, § 1; Ord. No. 13-102, § 2; [Ord. No. 15-59](#), § 1.)

**Sec. 59-F-5.2. General Requirements for Limited Duration Signs on Private Property.**

(a) **Number Allowed.** The number of signs allowed is the same as for a temporary sign in the zone in which the sign is erected.

(b) **Area.** The area requirements are the same as those for temporary signs in the zone in which the sign is erected. However, in residential zones, the total sign area of limited duration signs must not exceed 10 square feet.

(c) **Placement.** The placement restrictions are the same as those for temporary signs in the zone in which the sign is erected.

(d) **Location.** Any sign erected on private property must have the written permission of the property owner.

(Legislative History: Ord. No. 13-76, § 1; [Ord. No. 15-88](#), § 4.)

**Sec. 59-F-5.3. Requirements for Limited Duration Sign in the Public Right-of-Way.**

(a) **Permit.** A permit application must be filed for each sign to be placed in the public right-of-way.

(b) **Number Allowed.** One sign per permit up to a maximum of four per applicant. The Director 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 must 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.

(c) **Area.** The sign area for each sign must not exceed 5 square feet.

(d) **Placement.**

(1) The 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.

(2) The sign must be placed at least 50 feet from any driveway, entrance, traffic control sign, and traffic control signal, and at least 5 feet from any other limited duration sign within the public right-of-way.

(3) The sign must be placed at least 100 feet from a street intersection.

(4) The nearest edge of a sign must be set back 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.

(5) The sign must not be placed on a median strip or highway divider. If the Director determines that a previously approved location could be a safety risk, the Director must provide assistance in finding a replacement site.

(6) The maximum height of the sign is 30 inches above the ground.

(7) The sign must have its own means of support which is affixed to the ground. The sign installer or permit holder is responsible for complying with utility restrictions for excavating or driving a support into the ground.

(e) **Display Periods.** The signs must be erected either only on (1) weekends and National Holidays; or (2) for fourteen consecutive days during any six-month period.

(Legislative History: Ord. No. 13-76, §1.)

## **Division 59-F-6. Temporary Signs.**

### **📖 Sec. 59-F-6.1. Generally.**

A permit is not required for a temporary sign. There is no limit on the number of temporary signs that may be displayed.

(a) **Area Limited by Zone.** The sign area of a temporary sign is determined by the zone in which the sign is placed as indicated in Section [59-F-6.2.](#), below and is in addition to the area permitted for a permanent sign or a limited duration sign. All other aspects of the sign, such as location and height, must conform to the standards for a permanent sign in the zone.

(b) **Date of Installation Affixed.** The date of erection of a temporary sign must be written in indelible ink on the lower right corner of the sign. The absence of this information makes the sign a permanent or limited duration sign and subject to the provisions of division 59-F-4 or 59-F-5, respectively.

(Legislative History: Ord. No. 13-76, §1; Ord. No. 13-102, §3.)

### **📖 Sec. 59-F-6.2. Requirements by Zone.**

The following requirements apply in the zones specified:

#### **(a) Residential Zone.**

(1) The number of signs is not limited.

(2) Total sign area must not exceed 10 square feet. However, the total sign area at any place of assembly must not exceed 50 square feet.

#### **(b) Commercial or Industrial Zone.**

(1) The number of signs is not limited.

(2) The maximum sign area of each sign must not exceed 50 square feet.

(3) Total sign area must not exceed 100 square feet.

(4) Temporary window signs are subject to the following additional requirements:

(A) The total area of temporary window signs must not exceed 20% of the window glass area for each side of the building, minus the area of any permanent window signs.

(B) Signs may be placed in any window provided they are in conformance with the general rules of sign placement stated in 59-F-4.1.

(C) The sign may be illuminated.

(c) **Rural or Agricultural Zone.**

(1) The number of signs are not limited.

(2) The area of each sign must not exceed 40 square feet.

(3) Total sign area must not exceed 100 square feet.

(Legislative History: Ord. No. 13-76, § 1; [Ord. No. 15-88](#), § 4.)

## **Division 59-F-7. Prohibited Signs.**

### **📖 Sec. 59-F-7.1. Unlawful to erect or retain.**

The following signs are not permitted and cannot be erected or retained. The Sign Review Board must not grant a variance permitting their erection, installation, or maintenance. A prohibited sign erected after December 8, 1997, must be removed within 24 hours of notification by the Director that the sign must be removed. Such notification may be appealed to the Board of Appeals pursuant to Section [59-F-10.1](#)(d) of this Article.

(a) **Obscene sign.** A sign must not contain obscene statements, words, or depictions that are construed to offend public morals or decency.

(b) **Roof sign.** Except if approved pursuant to Section [59-F-10.2](#)(b)(1)(H) as part of a sign concept plan for an optional method development project within an approved urban renewal area, a sign must not be 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 project above the roof of a building. A wall sign is not a roof sign, and for the purposes of this Section, a roof surface constructed at an angle of within 15 degrees of vertical is regarded as wall space. Screening that encloses equipment like heating, ventilating and air conditioning units, elevator shafts, and stairs located on a roof also are considered wall space.

(c) **Obstructive sign.** A sign must not be 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.

(d) **Unsafe sign.** Any sign determined by the Director to create a safety hazard due to structural or electrical conditions, or by reason of inadequate maintenance, must not be erected or retained. A sign that has become unsafe after erection must be repaired to meet safety requirements or removed within 30 days of notice of the unsafe condition.

(e) **Moved by the wind.** Except if approved pursuant to Section [59-F-10.2](#)(c)(1)(H) as part of a sign concept plan for an optional method development project within an urban renewal area, a sign in the form of a banner, pennant, streamer, ribbon, spinner, balloon, string of lights, or other device which will move in the wind



or moved manually must not be placed on a lot or parcel, except as provided in subsections [59-F-8.1\(b\)\(5\)](#). and [59-F-8.1\(b\)\(8\)](#).

(f) **Sign in the Public Right-of-way.** A sign must not be placed in the public right-of- way, except:

(1) a sign erected by a government agency or utility company in the performance of its public duties;

(2) an additional square footage sign for a subdivision or multi-family development, public facility, place of assembly, an industrial or commercial center under subsections [59-F-4.2\(a\)\(3\)](#) and [59-F-4.2\(b\)\(4\)\(B\)](#), or a commercial or industrial use, 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;

(3) a limited duration sign which satisfies the requirements of this Chapter; or

(4) a sign approved under Section [59-F-10.2\(b\)\(1\)\(H\)](#) as part of a sign concept plan for an optional method development in an urban renewal area.

Nothing in this Section affects 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 the Director of Permitting Services may remove any sign in the public right-of-way that is not allowed under this subsection.

(g) **Attached to the property of others.** A sign must not be attached or affixed to a structure or property such as a fence, wall, antennas, other signs, trees or other vegetation, or to any public structure such as a utility pole without permission of the owner.

(h) **Abandoned or obsolete sign.** A permanent sign, including the structural supports and electrical connections, which was legally erected as a location sign, but the building has not been used for 6 months or more, is abandoned. A sign at a seasonal site is abandoned or obsolete only if the site remains unused for 12 months.

(i) **Off-site sign.** Off-site signs are prohibited

(Legislative History: Ord. No. 13-76, § 1; Ord. No. 14-10, § 7; [Ord. No. 15-25](#), § 1; [Ord. No. 16-02](#), § 3; [Ord. No. 16-15](#), § 1.)

**Editor's note**—Section [59-F-7.1](#) was quoted in *Eller Media Co. v. Montgomery County*, 143 Md. App. 562, 795 A.2d 728 (2002). Former § 59-F-1.65 is quoted in *Montgomery County v. Revere*, 341 Md. 366, 671 A.2d 1 (1996).

## **Division 59-F-8. Exempt Signs. [\[Note\]](#)**

### **Sec. 59-F-8.1. Exempt.**

The following signs are exempt from the requirements of this Article:

(a) **When Two Square Feet or Less.** The following signs on private property do not require a permit and are exempt from the requirements of this ordinance when the area of the sign is 2 square feet or less:

(1) **Residential Living Sign.** A sign on private property, customarily associated with residential living or decoration.

(2) **Newspaper and Mailbox.** A sign that is part of a mailbox or newspaper tube and conforms with government regulations.

(3) **Warning Signs.** A sign warning the public about trespass, danger, or safety considerations.

(b) A sign legally affixed to a bus shelter or transit center information kiosk pursuant to an approved franchise agreement.

(c) **Regardless of Size.** The following signs do not require a permit and are exempt from the size, placement and number requirements of this ordinance, but must comply with the prohibitions contained in Section 59-F-7:

(1) **Not Visible Outside the Property.** A sign which is not visible beyond the property lines of the property where the sign is located.

(2) **Official Duties of Government or Utilities.** A sign used by a government agency or utility company erected by, or on the order of, a public officer or utility official in the performance of its official duties, such as controlling traffic, identifying streets, warning of danger, providing information.

(3) **Required by Law.** Any sign required to be displayed by law or regulation.

(4) **Certain Flags.** A flag which is displayed on a flagpole.

(5) **Commemorative Sign.** A sign that is cut into the masonry surface or constructed of bronze or other material and made an integral part of the structure like a cornerstone, memorial, plaque or historical marker.

(6) **Part of a Dispenser.** A sign that is an integral part of a dispensing mechanism, like a beverage machine, newspaper rack, or gasoline pump.

(7) **Adornments and Decorations.** Any adornments or seasonal decorations.

(Legislative History: Ord. No. 13-76, §1; [Ord. No. 15-25](#), § 2; [Ord. No. 16-02](#), § 4.)

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

### **📖 Sec. 59-F-9.1. Permit.**

(a) **When Required.**

(1) Except as otherwise provided in divisions 59-F-8 and 59-F-6, a permit must be obtained under this Article when a sign is constructed, erected, moved, enlarged, illuminated, or substantially altered.

(2) Routine maintenance does not require a permit. Routine maintenance includes painting, cleaning, changing copy where permitted, or changing copy in compliance with a sign concept plan.

(b) **Application.** The property owner and the sign installer must file a joint application for the sign permit on forms provided by the Director. If the property owner has an agent or lessee, the agent and the lessee must also sign each permit form. The application must be accompanied by all required documents and fees. The Director must waive all required fees for any organization that satisfies subsection (1)(A) and may waive or reduce all required fees for any organization that satisfies subsection (1)(B) if:

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

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

(B) by law is exempt from federal income taxes and demonstrates that its annual revenue during its most recent fiscal year was less than an amount set by a regulation adopted by the Director under method (2); and

(2) the size of the proposed sign is smaller than a maximum size set by a regulation adopted by the Director under method (2).

(c) **Required Application Documents.** An application for a sign permit must be accompanied by:

(1) a scale drawing of the sign showing all dimensions and visual characteristics, including structural and architectural supports;

(2) a scale drawing of the site showing:

(A) the proposed location of the sign, including setbacks,

(B) the location and size of all other signs on the property,

(C) the location, dimensions, and distance from property lines of all buildings on the site,

(D) the location, and name of all streets which abut the property,

(E) the frontage dimensions of the site along each street which abuts the property; and

(F) the existing elevation and grade of the site and the proposed contour lines.

(3) a valid electrical permit or a completed application for an electrical permit pursuant to Chapter 17 of this Code, if the application is for an illuminated sign;

(4) a completed building permit application pursuant to Chapter 8 of this Code for a sign requiring structural support;

(5) payment of the sign permit fee as adopted under Council Resolution,

(6) other information that may be required by the Director to insure compliance with this Article or other Sections of the Code, and

(7) (A) a sign concept plan,

(i) for any lot or parcel in a commercial or industrial zone that is requesting more than 800 square feet of total sign area, or

(ii) for a development of more than one lot or parcel in a commercial or industrial zone developed under a management control plan where one or more individual lots or parcels is requesting more than 800 square feet of total sign area. When used for such development, a sign concept plan may include one or more individual sites or parcels whose total sign area does not exceed 800 square feet, or

(iii) for optional method development within an urban renewal area.

(d) **Issuance.** A sign permit must be issued by the Director as follows:

(1) upon review of the application, the Director determines that the proposed sign or sign concept plan meets the requirements of this Article; or,

(2) upon submission of the application packet and a written certification by a licensed sign installer that the proposed sign meets the requirements of this Article.

(e) **Display of a Sign Permit.** The sign permit must be displayed in a location on or near the sign that permits a person to read the permit while standing on the ground, including on the sign itself, on its supporting structure, or other reasonable and visible location.

(f) **Invalidation of a Sign Permit.** A sign permit becomes invalid when:

(1) the sign for which the permit was issued is not erected within 6 months from the date of issuance,

(2) the sign for which the permit was issued is moved or substantially altered,

(3) the Director revokes the permit for failure to comply with an order issued by the department stipulating corrective action for improper maintenance,

(4) the application for a sign permit contained inaccurate information, or

(5) the terms of the permit have not been satisfied.

(g) **Maintenance.** A sign must be maintained in good repair, and in a safe, neat and clean condition.

(Legislative History: Ord. No. 13-76, § 1; Ord. No. 14-10, § 8; [Ord. No. 15-55](#), § 1; [Ord. No. 16-13](#), § 1.)

#### **Sec. 59-F-9.2. Sign Installer License.**

(a) **General.**

(1) A person or organization, may engage in these activities without a license, but in this case, a review by the Director must be performed to ensure that the sign conforms with all aspects of this Article.

(2) The licensing provisions of this Section apply only to a business which chooses to provide certification that sign related activity is in conformance with this Article.

(3) A license must be issued jointly to the business and to a person who is principally employed by the business and responsible for supervising the sign related activity. A business may obtain licenses for multiple employees.

(4) A license is not transferable. If the person and the business holding a license terminate their association, the license becomes invalid and a new license must be obtained.

(5) A license is issued based upon the information submitted at the time of application. Any changes in the information must be submitted to the Director promptly.

(b) **Application for License.** An application for a sign installer license must include the following:

(1) The joint applicants for a license must submit a complete application on a form approved by the Director, indicating:

(A) the complete business identification including the address and telephone number of the business, the names of the principals, partners, and officers, and any affiliates of the business;

(B) a statement of the experience, education, and training of the principal employee in the sign related activity;

(C) other information which the Director may require.

(2) A certificate of current general liability insurance, from an insurance company qualified to do business in the State of Maryland, of at least \$500,000 single limit for bodily injury and property damage per occurrence including contractual liability, personal injury and independent contractors must accompany the application form.

(3) A check in the amount of the application fee, examination fee, and license fee.

(c) **Examination.**

(1) The applicant must establish and the Director may verify the minimum eligibility requirements of an applicant to be examined for a license as follows:

(A) the applicant must have been regularly and principally employed in sign related activity for 2 years immediately preceding the application. The Director may credit the 2 years of experience upon certification of relevant education at a trade school or other educational institution which the Director deems to be comparable. One year (30 semester hours or Continuing Education Units) of relevant education may be considered as one year of experience. The Director may credit up to the maximum of 2 years of experience with education.

(B) the applicant must be of good character. The Director may ascertain the character of the applicant from the references provided by the applicant and from independent sources, including the office of consumer affairs, the State of Maryland Office of the Attorney General, and the records of the department.

(2) Upon the applicants satisfying the minimum requirements and filing a complete application for a license, the Director must provide the applicant with access to the sign ordinance and other related regulations and must schedule the applicant for an examination.

(3) The applicant must receive a passing grade on an examination based upon the standards of this Article and administered by the Director.

(4) The Director must grade the examination within 20 days of the examination date and notify the applicant, in writing, within 10 days of determining the results of the examination.

(5) An applicant who fails to pass the examination is entitled to one reexamination, without resubmitting the license application. An applicant who fails to pass the reexamination must submit a new application for a license.

(d) **Renewals.**

(1) A license is valid for one year from the date of issuance, and may be renewed by applying in person at the department.

(2) Applicants for renewal must provide to the Director:

- (A) certification that the insurance requirements of Section [59-F-9.2\(b\)\(2\)](#) remain in compliance;
- (B) a check in the amount of the renewal fee; and
- (C) other information which the Director may require.

(e) **Denial, Suspension or Revocation.**

(1) The Director may suspend, revoke, refuse to issue, or deny renewal of a license if the applicant or licensee:

- (A) has secured the license through misrepresentation;
- (B) has failed to correct without additional charge, violations of any provisions of this Article;
- (C) has been found by a court or the Board of Appeals to have violated the same provision of this Article more than 2 times;
- (D) has been found guilty of deceptive business practices;
- (E) has committed an act of gross negligence; or
- (F) has failed to notify the Director of changes to the information required on the license application.

(2) The Director must provide written notice to the applicant or licensee of any action taken under paragraph (1) above. The notice must:

- (A) contain a statement of:
  - 1. the reasons for the action taken; and
  - 2. the right of appeal to the Board of Appeals; and
- (B) be delivered:
  - 1. personally to the applicant, licensee, or authorized business representative; or
  - 2. sent by certified mail to the local address in the license application.

(3) A license may be suspended for up to 120 days upon a finding by the Director that a violation of paragraph (1) has occurred.

(4) Following a revocation or refusal to renew, a licensee may request reinstatement after one year has elapsed.

(5) The suspension, revocation, denial or refusal to issue or renew a sign installer's license may be appealed to the Board of Appeals in accordance with Section [59-F-10.3](#).

(Legislative History: Ord. No. 13-76, §1.)

## **Division 59-F-10. Authority.**

### **📖 Sec. 59-F-10.1. Director of the Department of Permitting Services.**

#### **(a) Enforcement.**

(1) **Inspections.** The Director must enforce all provisions of this Article. Upon identification and presentation of proper credentials, the Director may enter a site during normal business hours to inspect a sign displayed on a building, structure, lot or parcel in the County to determine compliance with this Article.

(2) **Assignment of Responsibility.** The responsibility for compliance with the terms of this Article is upon the joint applicants for a sign permit, including the property owner or agent of the property where the sign is erected, along with the lessee, if any, and the sign installer. The Director may initiate enforcement proceedings against one or all of these individuals, jointly or severally.

(3) **Removal of Signs.** The Director may order the removal of any sign that violates this Article, or interferes with traffic or public safety. The removal must be performed at the expense of the responsible party.

(4) **Enforcement of Variances.** The Director must enforce the conditions and terms of a variance issued by the Department of Permitting Services.

(5) **Revocation and Suspension.** The Director may revoke, suspend, refuse to issue, or refuse to reissue any permit or license in accordance with this Article.

#### **(b) Permits and Licenses.**

(1) **Permits.** The Director may issue a permit required by this Article when the applicant complies with Section [59-F-9.1](#). A permit may be issued:

(A) for each sign on an individual basis; or

(B) for each sign on a collective basis after a sign concept plan is approved under subsection [59-F-9.1\(c\)\(7\)](#). Except for optional method development in an urban renewal area, when a sign concept plan exceeds the maximum allowable sign area for the site, the applicant must seek a variance from the Department of Permitting Services in conformance with subsection [59-F-10.2\(c\)\(2\)](#).

(2) **Licenses.** The Director may issue a license required by this Article upon compliance by the applicant with the requirements of Section [59-F-9.1](#).

(3) **Fees.** The Director must establish a schedule of fees for licenses and permits which reflect the cost of administration and enforcement of this Article. The schedule of fees must be approved by Council Resolution.

(c) **Interpretation.** The Director has the authority to resolve any dispute or to interpret any ambiguity in this Article.

(d) **Relief from an Action of the Director.**

(1) **Variance from the Sign Review Board.** An applicant may file a request for a variance with the Department of Permitting Services if the Director denies a sign permit because the proposed sign does not comply with this Article.

(2) **Appeal to the Board of Appeals.** The following may be appealed to the Board of Appeals:

(A) any action or decision of the Director as expressed in a final action by staff or a final action of the Sign Review Board, in conformance with the appeal requirements of 59-F-10.3; or

(B) a revocation, suspension, or refusal to issue or to renew a sign installer license.

(Legislative History: Ord. No. 13-76, § 1; Ord. No. 13-112, § 1; Ord. No. 14-10, § 9; Ord. No. 14-36, § 1; Ord. No. 14-49, § 1; [Ord. No. 15-52](#), § 1.)

#### **Sec. 59-F-10.2. Sign Review Board.**

(a) **Composition.** The Sign Review Board consists of 5 members:

(1) appointed by the County Executive and confirmed by the Council, and subject to Section 2-148;

(2) who are residents of the County;

(3) one of whom must operate a business in the County; and

(4) one of whom must be an architect licensed in Maryland. The Executive must request from the Potomac Valley Chapter of Maryland, American Institute of Architects, recommendations of architects who are qualified to serve on the Board, but the Executive is not limited to the Chapter's recommendation.

One member must be designated as chair by the Executive, subject to confirmation by the Council.

Each member serves a 3-year term, except that an appointment to fill a vacancy occurring before a term expires is for the remainder of the unexpired term.

(b) **Powers and Duties.**

(1) **Duties.** The Sign Review Board must:

(A) meet at least once a month at the call of the chair.

(B) exercise its powers and duties only when a quorum is present. A quorum is not less than 3 members.



(C) exercise its powers and duties according to the procedures adopted by Council Resolution. These procedures must include:

1. the keeping of records of meetings and hearings;
2. the establishment of requirements for hearing notification;
3. the orientation and training of new members;
4. the issuance of an annual report of activities and accomplishments;
5. standards of conduct regarding conflict of interest;
6. standards of ethics; and
7. the procedure for admission of evidence and testimony.

(D) provide written decisions and actions of the Board within 10 days of the decision or action in a format as required by the Director.

(E) approve the examination for the sign installer license administered by the Director under subsection [59-F-9.2\(c\)](#).

(F) Sign Concept Plan in an approved Urban Renewal Area

1. Review and approve each sign concept plan submitted for permanent signs that are part of an optional method development project within an approved urban renewal area and recommend approval of each sign permit application that is consistent with the approved sign concept plan if it finds that:

- a. the sign concept plan is consistent with the relevant urban renewal plan; and
- b. approval of the sign concept plan will not substantially impair the purposes and intent of this Article; and
- c. because of the location, size, intensity, design and operational characteristics of the proposed signs, approval of the sign concept plan would not be detrimental to existing or potential surrounding development.

2. In reviewing a sign concept plan for an optional method development project within an urban renewal area, the Sign Review Board must consider:

- a. the recommendations of an urban renewal plan adopted under Chapter 56;
- b. the size, scope and nature of the optional method development;
- c. the size, height, arrangement and design of structures;
- d. the location, size, intensity, design and operational characteristics of the proposed signs;

and

e. surrounding existing and proposed development. A sign concept plan must not be approved, unless a determination is made by the Sign Review Board that the concept plan is compatible with surrounding existing and proposed development.

3. All sign concept plans and modifications must be reviewed by the Planning Board or the Board's designee, and comments provided to the Sign Review Board. A sign concept plan that includes a roof sign or off-site sign, may be approved by the Sign Review Board only if the signage is consistent with the recommendations of an approved urban renewal plan, or with the concurrence of the Planning Board. An off-site sign for purposes of the Urban Renewal Area is a sign outside the project plan boundary.

(2) **Powers.** The Sign Review Board may:

(A) advise the Director whether an application for a permit complies with this Article or needs a variance;

(B) order the appearance of a person or evidence at a hearing before them; and

(C) approve a right-of-way sign as stipulated in subsection [59-F-7.1](#).(f)(2) after receiving a recommendation from the appropriate transportation jurisdiction.

(c) **Staff Support.**

(1) The Director must provide staff to enable the Sign Review Board to conduct its business in a timely and efficient manner.

(2) The Director must supply resources which enable the Sign Review Board to perform its functions in an autonomous setting.

(3) The County Attorney must serve as counsel to the Sign Review Board.

(d) **Appeal of Sign Review Board Action.** Any final decision by the Sign Review Board may be appealed by any aggrieved party to the Board of Appeals within 30 days of the decision.

(Legislative History: Ord. No. 13-76, § 1; Ord. No. 14-10, § 9; [Ord. No. 15-26](#), § 4; [Ord. No. 15-52](#), § 1.)

**Editor's note**—Ord. No. 15-52, § 2, states: Transition. Of the 2 members added to the Sign Review Board under Section [59-F-10.2](#), as amended by Section 1, the County Executive must appoint one for an initial term of one year and one for an initial term of 2 years.

See County Attorney Opinion dated [7/8/02](#) describing the extent to which quasi-judicial officials may engage in political activities.

### **Sec. 59-F-10.3. Board of Appeals.**

(a) **Powers.** The Board of Appeals, in addition to the powers provided in division 59-A-4. of this Chapter, may hear:

(1) an appeal of any final action of the Director related to permits and licenses within 30 days of the action;

(2) an appeal of any final action of the Director with respect to Sign Review Board recommendations within 30 days of the action; and

(3) an appeal of any final decision of the Sign Review Board.

(b) **De Novo Hearings.** The Board of Appeals must hear and decide an appeal de novo.

(c) **Time for Appeal.** An appeal must be filed in writing on the form required by the Board of Appeals within 30 days of the date of the action or decision appealed.

(Legislative History: Ord. No. 13-76, §1.)

## **Division 59-F-11. Nonconforming Signs.**

### **Sec. 59-F-11.1. Generally.**

Except as provided in Section [59-F-7.1](#). of this Article, signs that were lawful on December 8, 1997, may be continued as nonconforming structures in accordance with Section [59-G-4.1](#).

(Legislative History: Ord. No. 13-76, § 1.)

### **Sec. 59-F-11.2. Variances are not Nonconforming.**

A sign erected in compliance with a variance granted by the Sign Review Board, pursuant to the Sign Ordinance in effect at the time of the variance is a conforming sign and may continue in accordance with the conditions of the variance granted by the Sign Review Board.

(Legislative History: Ord. No. 13-76, §1.)

## **DIVISION 59-F-12. SIGN VARIANCES.**

### **Sec. 59-F-12.1. Generally.\***

(a) The Director of Permitting Services, or the Director's designee, may:

(1) after a hearing, approve an application for a variance from the sign requirements of this Article if:

(A) the strict application of those requirements would result in a particular or unusual practical difficulty, exceptional or undue hardship, or significant economic burden on an applicant;

(B) the variance is the minimum reasonably necessary to overcome any exceptional conditions; and

(C) the variance can be granted without substantial impairment of the purpose of this Article;

(2) approve a variance for a sign on property subject to a special exception issued by the Board of Appeals if:

(A) the elements of subparagraph (a)(1)(A) have been satisfied; and

(B) the Board of Appeals has approved the sign. Nothing in this paragraph precludes the Director or designee from imposing more restrictive conditions than the Board of Appeals, but the Director or designee must not approve a variance which is less restrictive than any condition set by the Board of Appeals; and

(3) after hearing, revoke a previously granted sign variance if:

(A) the applicant supplied inaccurate information, or

(B) the terms of a variance have not been met.

(b) In each variance decision the Director or designee must consider:

(1) the sign's size, shape, color, design elements, location, or cost;

(2) compatibility of the proposed sign with the surrounding property, the proximity of other signs, and the characteristics of the area; and

(3) any recommendation of the Planning Board or its technical staff.

(c) The Director or designee may impose conditions and terms when approving a variance.

(d) The Director or designee must not approve a variance for any sign prohibited under Division 59-F-7, or vary any requirement of Section [59-F-9.2](#).

(e) The Director or designee must verify that each applicant for a sign variance has:

(1) submitted with the application for a variance a list of all persons and organizations who must be notified of the hearing; and

(2) notified each person and organization on the list at least 15 days before the hearing.

(f) Those persons and organizations entitled to notice of the hearing are:

(1) the owner and all residents of each property that is contiguous or opposite to the proposed location of the sign. A condominium's council of unit owners may be notified instead of the owner and residents of each individual condominium;

(2) the head officer of any citizens association on file with the Planning Board that represents the area where the sign would be located;

(3) any municipality or special taxing district in which the proposed sign would be located;

(4) the technical staff of the Planning Board if the sign would be located on property subject to a site plan agreement; and

(5) any other person or organization that expressed an interest in writing to the Department or the applicant before the notice is sent.

(g) The Director may approve a variance under subsection (a)(1) without holding a hearing if:

(1) after receiving notice under subsection (f), no person has expressed an intention by a specified deadline to oppose the application or otherwise appear at the hearing; and

(2) the Director concludes that approval of a variance would not create any negative impact on the area where the sign is or would be located.

(h) The Director or designee must notify each party of record of the variance decision when it is issued. Any party may appeal the Director's decision to the Board of Appeals under Section [59-F-10.3](#).

(Legislative History: [Ord. No. 15-52](#), § 1.)

## **DIVISION 59-F-13. REGULATIONS FOR SIGNS IN URBAN RENEWAL AREAS THAT ARE WITHIN AN ARTS AND ENTERTAINMENT DISTRICT.**

### **Sec. 59-F-13.1. Regulations.**

A sign or inflatable device that:

- (a) is located in an urban renewal area that is within an arts and entertainment district;
- (b) promotes an entertainment event conducted by an entity located within the urban renewal area of an arts and entertainment district;
- (c) is erected for no longer than thirty (30) days; and
- (d) includes more than 1,500 square feet of surface area, is exempt from the following:
  - 1) the prohibition on animal forms in Section [59-F-4.1\(f\)\(2\)](#);
  - 2) the size, height, and area limitations in [Article 59-F](#);
  - 3) the prohibition on roof signs in Section [59-F-7.1\(b\)](#); and
  - 4) the prohibition on signs in the public right of way in Section [59-F-7.1\(f\)](#) if constructed 20 feet or more above the public right of way.

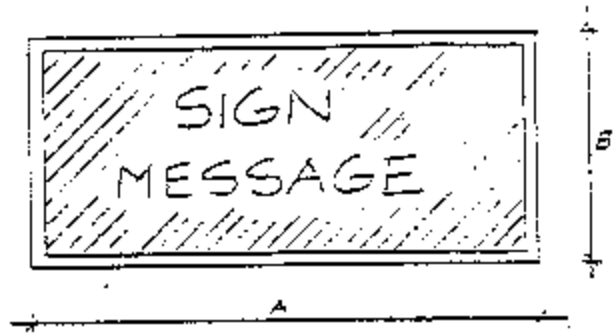
(Legislative History: [Ord. No. 16-02](#), § 5.)

**Editor's note**—Ord. No. 16-02, § 6, states: Amortization. Signs or structures that were lawful on July 28, 1986 or were lawfully constructed, structurally altered, or relocated after July 28, 1986 may be continued for a period of 5 years from July 13, 1992. At the end of this amortization period, the signs or structures must be removed within 90 days at the owner's expense.

## **Sign Figures**

### **Figure 1**

# SIGN MEASUREMENTS



C = AREA OF SIGN  
 $C = A \times B$

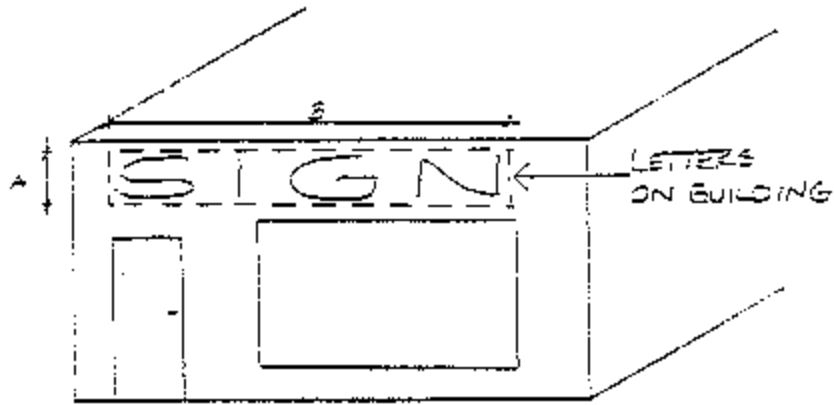
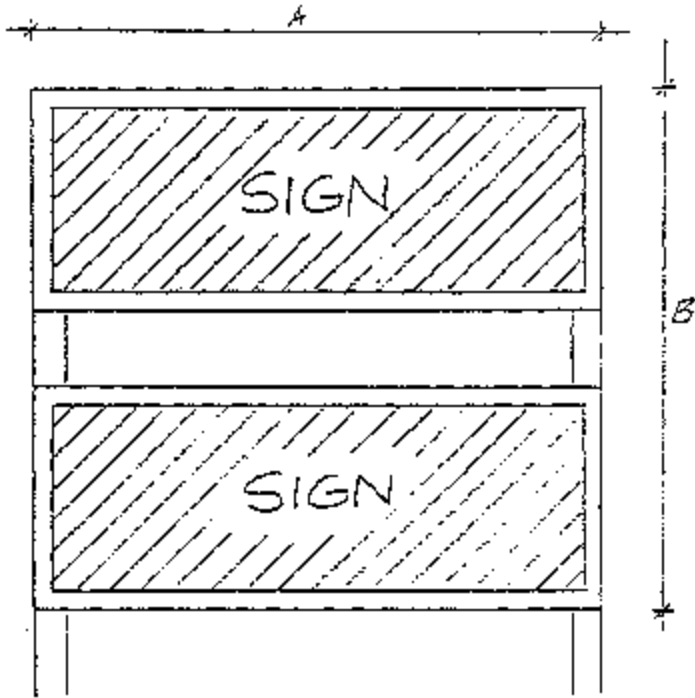


FIGURE 1

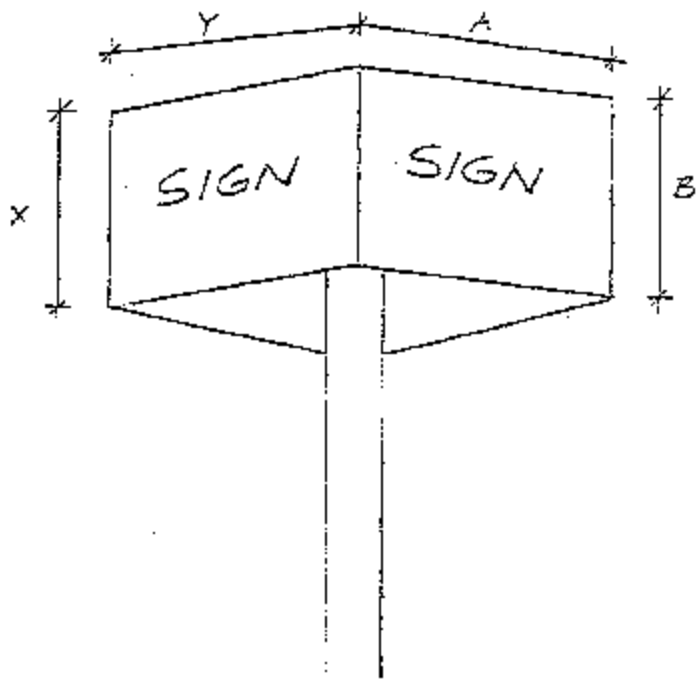
Figure 2



C = AREA OF SIGN  
 $C = A \times B$

FIGURE 2

Figure 3

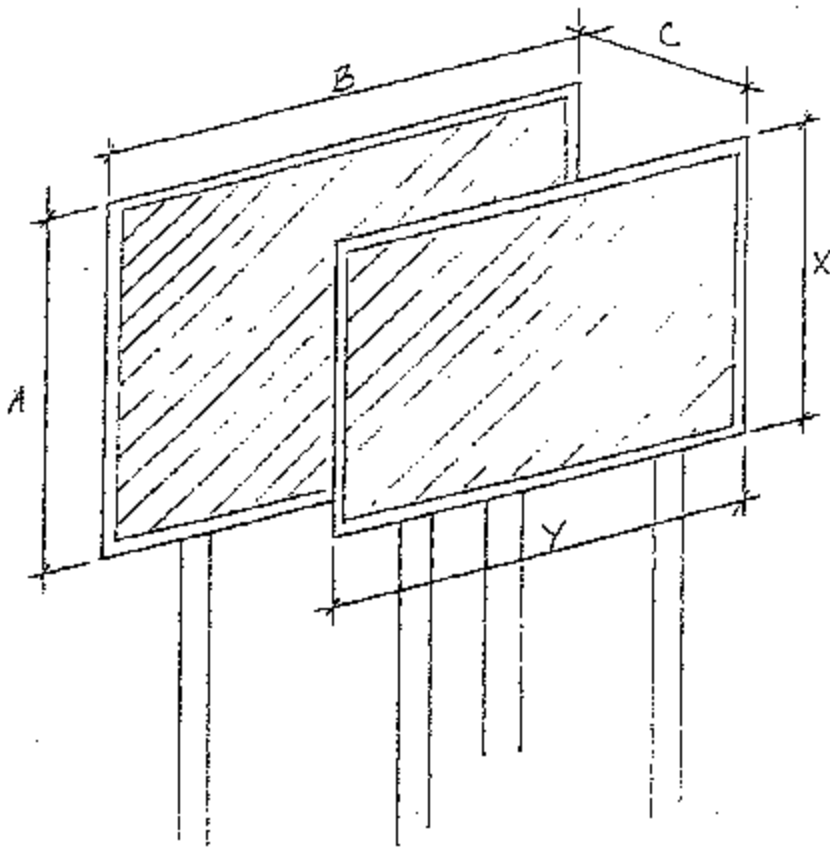


$$\text{SIGN AREA} = X \cdot Y + A \cdot B$$

FIGURE 3

Figure 4

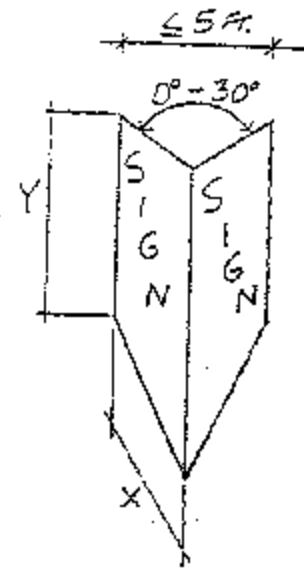




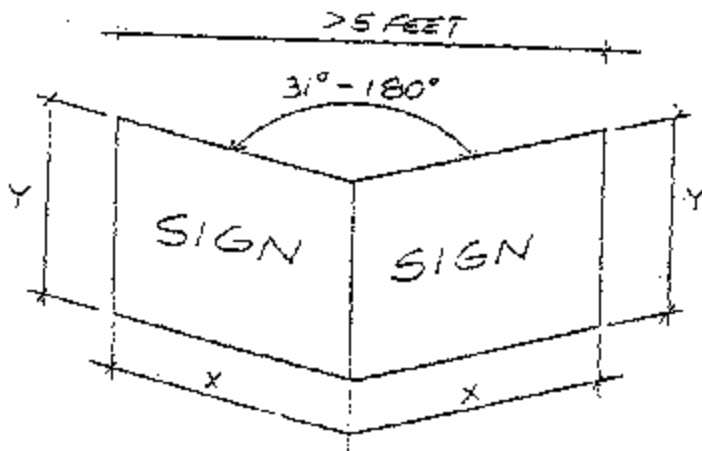
SIGN AREA =  $A \cdot B$  if  $C < 2$  FEET  
SIGN AREA =  $A \cdot B - X \cdot Y$  if  $C \geq 2$  FEET

FIGURE 4

Figure 5



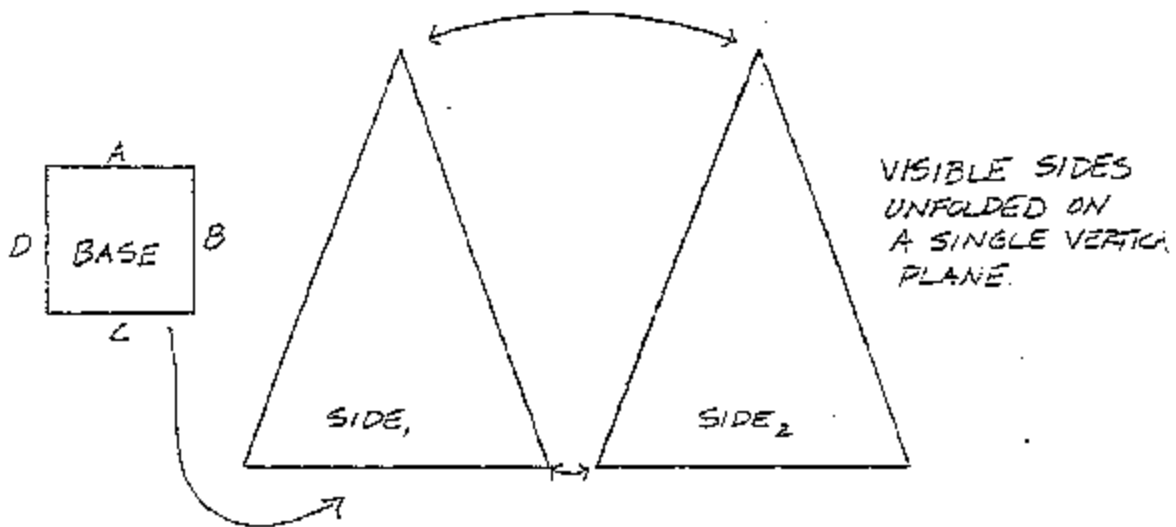
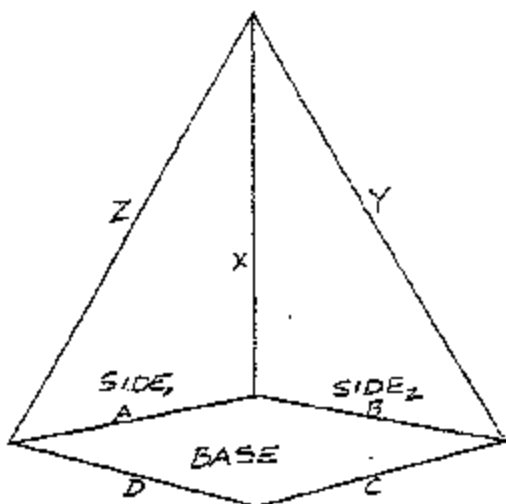
SIGN AREA = ONE FACE



SIGN AREA = TOTAL OF BOTH FACES

FIGURE 5

Figure 6

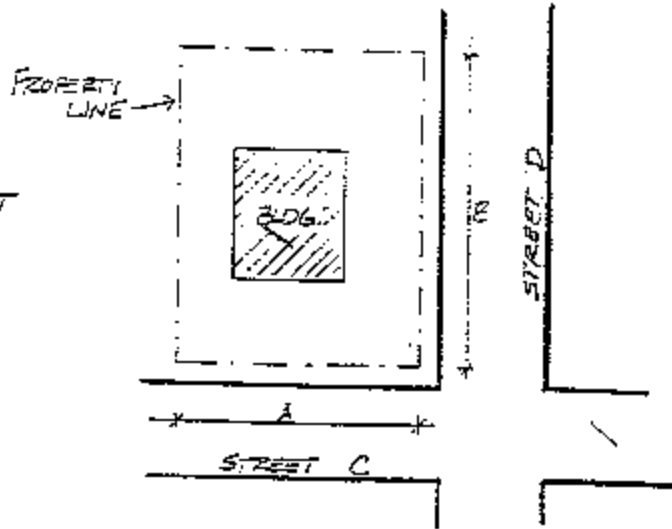


SIGN AREA = SUM OF SIDE<sub>1</sub> + SIDE<sub>2</sub> + BASE AREAS

FIGURE 6

Figure 7

MAXIMUM LOT STREET  
FRONTAGE = A + B



MAXIMUM AREA OF  
FREESTANDING SIGN  
FACING STREET C = A · 2 SQ. FT.

MAXIMUM AREA OF  
FREESTANDING SIGN  
FACING STREET D = B · 2 SQ. FT.

OR

! SIGN = A + B · 2 SQ. FT.  
AT CORNER

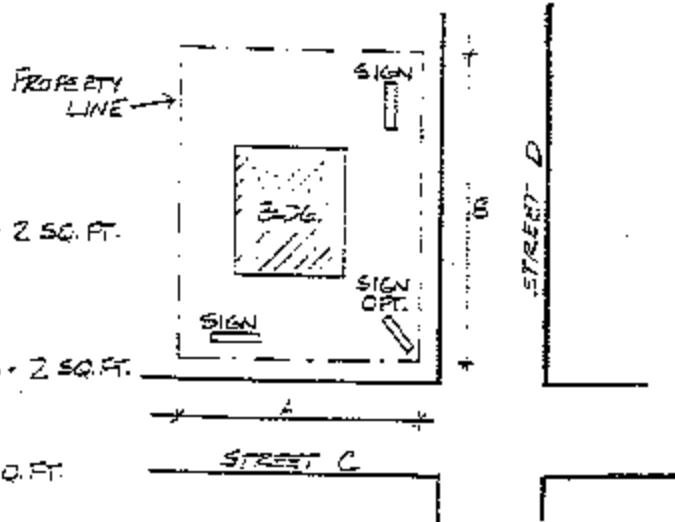


FIGURE 7

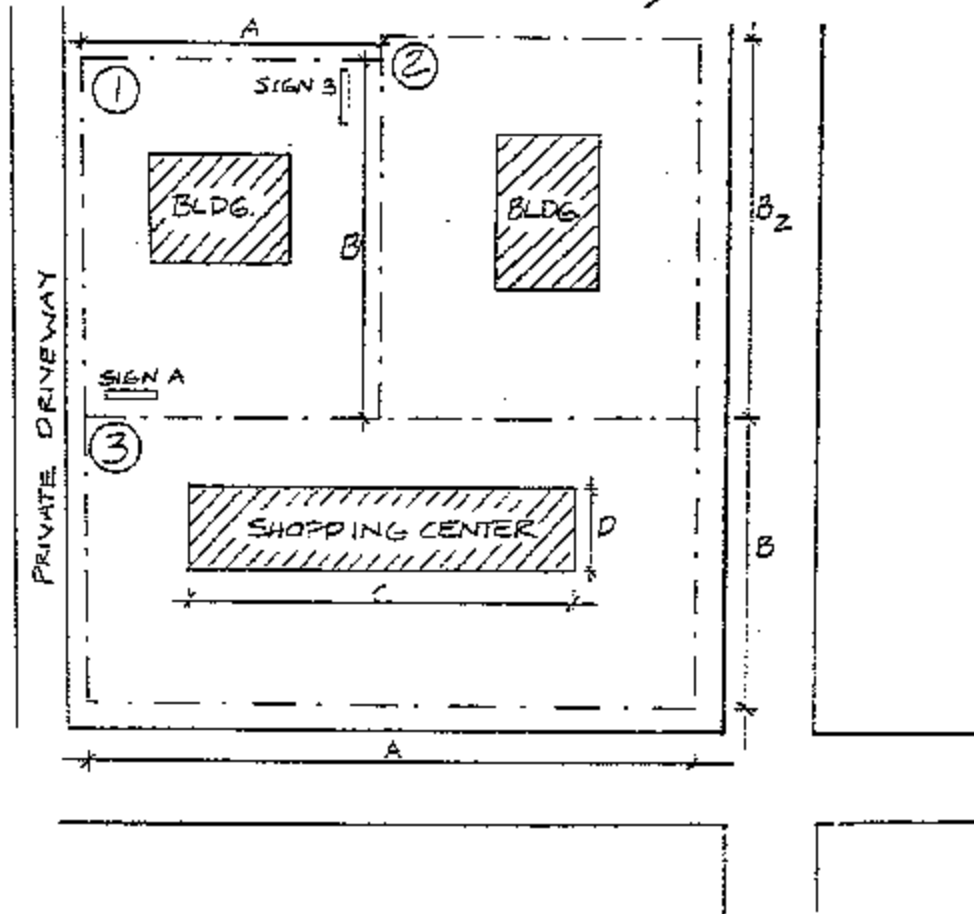
Figure 8

LOT 1

LOT STREET FRONTAGE FOR  
INTERIOR LOT ① IS A OR B,  
BUT NOT BOTH.  
CHOOSE SIGN A OR B.

LOT 2

LOT STREET FRONTAGE  
FOR LOT ② IS  $B_2$



LOT 3

LOT STREET FRONTAGE FOR LOT ③ IS A, B OR A+B

BUILDING FRONTAGE FOR LOT ③ IS C AND D • 2

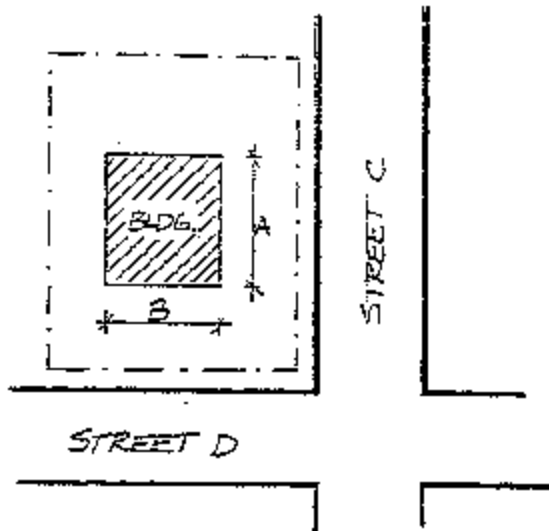
BUT C AND D CANNOT BE COUNTED AGAIN FOR ANY OTHER SIGN.

FIGURE B

Figure 9

A = BUILDING FRONTAGE  
FACING STREET C

B = BUILDING FRONTAGE  
FACING STREET D



MAXIMUM AREA OF BLDG SIGN  
FACING STREET D =  $B \cdot 2$  SQ. FT.

MAXIMUM AREA OF BLDG SIGN  
FACING STREET C =  $A \cdot 2$  SQ. FT.

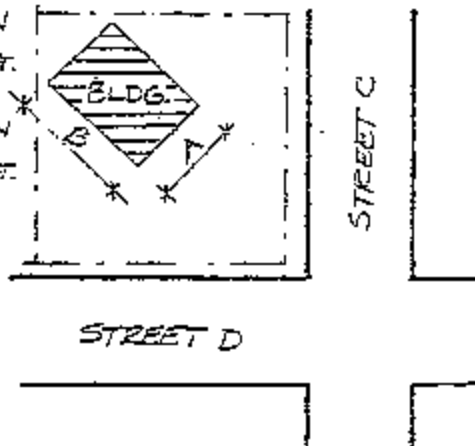
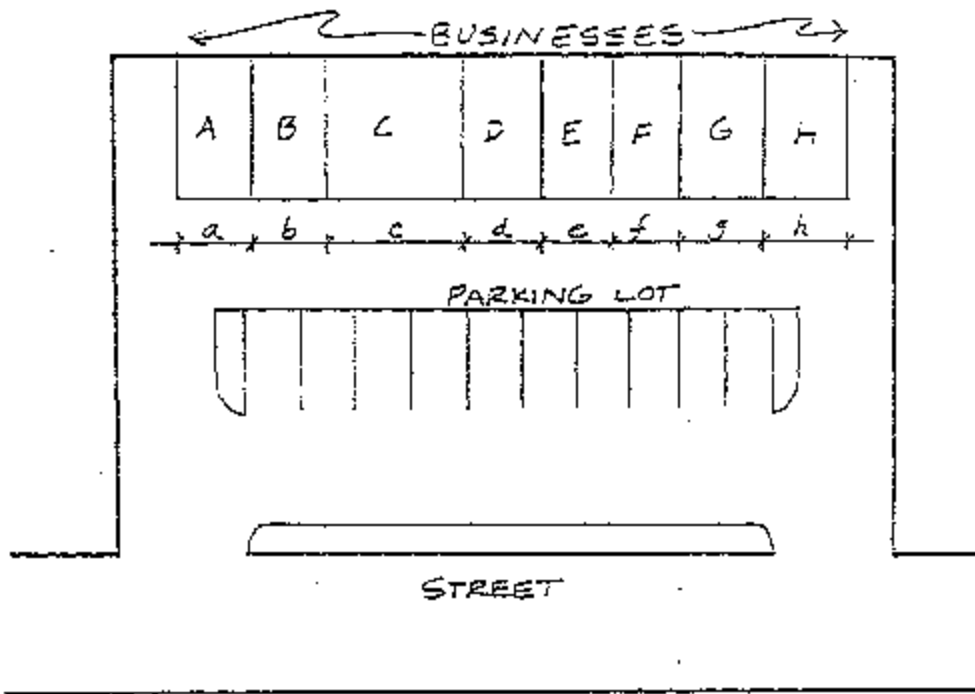


FIGURE 9

Figure 10



a = BLDG. FRONTAGE TO BE USED TO FIGURE BLDG SIGN AREA FOR BUS. A  
 b = " " " " B  
 c = " " " " C  
 d = " " " " D  
 e = " " " " E  
 f = " " " " F  
 g = " " " " G  
 h = " " " " H

FIGURE 10