

Zoning Text Amendment (ZTA) No. 13-09, Noticing Signs - Local Map Amendments



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Completed: 10/31/13

Description

ZTA No. 13-09 amends the provision for signs required to notice residents of local map amendment applications. Specifically, the ZTA would allow noticing signs for local map amendments to be constructed of any durable material instead of only metal, wood or Masonite (as currently required).

Summary/Analysis

Staff recommends approval of ZTA No. 13-09 as introduced to allow noticing signs for local map amendments to be constructed of any durable material.

Currently, a noticing sign for a local map amendment application must be of metal, wood or masonite, must have a height and width of not less than 2 and 3 feet, respectively, and must bear conspicuous lettering in black on a yellow background. The ZTA would allow more variety in construction materials for noticing signs for local map amendments. Applications for local map amendments are filed with the Office of Zoning and Administrative Hearings (OZAH) and the noticing sign is also furnished by the hearing examiner. OZAH requested ZTA 13-09 based on the following reasons:

1. OZAH staff is unable to safely handle and construct the rezoning and DPA notice signs out of the heavy materials currently required. The use of power tools is also needed (for which the staff is not trained) and it takes too long to get maintenance people to help construct signs which must be posted within 3 days after filing.
2. In the years since the existing sign material language was inserted in the Code, science has invented better and cheaper materials for signs, such as vinyl, plastic and "Coroplast" (the brand name for a durable sign made from corrugated plastic). The Board of Appeals has been using Coroplast for its notice signs for some time. It makes sense to have the flexibility to use any appropriate, durable material.
3. It is currently difficult to acquire some of the materials OZAH needs for constructing signs based on the existing regulations.
4. The requested change is very sensible and appears to have minimal, if any, down-side.

Conclusion

Approval of ZTA No. 13-09 would allow noticing signs for local map amendments to be constructed of any durable material instead of only metal, wood or Masonite (as currently required), consistent with the sign material flexibility afforded the Board of Appeals under Section 59-A-4.43 (“..The sign must be of such material and color or colors as the Board or Department specifies,..”). Staff has no objection to the request as proposed by the hearing examiner.

GR/MD/am

ATTACHMENTS

1. ZTA 13-09 as introduced

ATTACHMENT 1

Zoning Text Amendment No.: 13-09
Concerning: Noticing Signs - Local
Map Amendments
Draft No. & Date: 1 – 9/19/13
Introduced: October 1, 2013
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**

By: Councilmember Floreen

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- generally amend the provision for signs required to notice residents of local map amendment applications

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

Division 59-H-4.

“Public Hearing.”

Section 59-H-4.23.

“Posting of property-Local map amendments.”

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 that text is deleted from existing law by original text amendment.

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

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

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

ORDINANCE

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

1 **Sec. 1. Division 59-H-4 is amended as follows:**

2 **DIVISION 59-H-4. PUBLIC HEARING.**

3 * * *

4 59-H-4.23. Posting of property-Local map amendments.

5 (a) Posting of property generally. The applicant shall erect a sign on the land
6 proposed to be reclassified within 3 days after acceptance for filing of an
7 application for a local map amendment. The contents of the sign shall be as
8 approved by the district council and furnished by the hearing examiner. The
9 sign shall contain information related to the nature of the proceeding, the
10 existing zoning, the requested zoning, the area of the property, and a phone
11 number to call for further information. The bottom of the sign [shall] must
12 be not less than 2 ½ feet from the ground. The sign [shall] must be of [metal,
13 wood or masonite] a durable material, [shall] must have a height and width
14 of not less than 2 and 3 feet, respectively, and [shall] must bear conspicuous
15 lettering in black on a yellow or white background.

16 * * *

17 **Sec. 2. Effective date.** This ordinance takes effect 1 day after the date of
18 Council adoption.

19
20 This is a correct copy of Council action.

21
22 _____
23 Linda M. Lauer, Clerk of the Council