



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

MCPB
Item #
11/29/07

DATE: November 15, 2005
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief, Development Review
 Ralph Wilson, Acting Zoning Supervisor
FROM: Greg Russ, Zoning Coordinator
REVIEW TYPE: Zoning Text Amendment
PURPOSE: To allow permit fees to be waived or reduced for non-profit organizations on the Planning Board's list of civic and homeowner organizations; and to remove references to the content of any sign that may have waived or reduced sign permit fees.

TEXT AMENDMENT: No. 07-15
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance
INTRODUCED BY: Council President Praisner and Councilmembers Ervin and Floreen
INTRODUCED DATE: October 30, 2007
PLANNING BOARD REVIEW: November 29, 2007
PUBLIC HEARING: December 4, 2007; 1:30pm

STAFF RECOMMENDATION: APPROVAL

PURPOSE OF THE TEXT AMENDMENT

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

BACKGROUND/ANALYSIS

Currently, the Director of the Department of Permitting Services (DPS) may waive or reduce all required sign permit fees for a non-profit organization that: 1) is exempt from federal income taxes; 2) shows 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); 3) will use the sign only for its own activities; and 4) will limit the proposed sign to a size

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

The Zoning Text Amendment (ZTA) would allow the Director to waive or reduce the required sign permit fees for non-profit organizations on the Planning Board's list of civic and homeowner organizations. Currently, there are approximately 1,250 organizations included on this listing. Staff has no objection to the proposed waiver provision since most civic and homeowner organizations operate in a "not for profit" status. The only potential issue could be an increase in the number of waiver requests being processed by DPS.

The ZTA would also remove references to the *content of any sign* that may have waived or reduced sign permit fees (Section 59-F-9.1(b)(3)). A sign user has the constitutional right (First Amendment-free speech) to expect that while a sign regulation may regulate the time of display, the place where a sign may be displayed and the manner or types of signs that may be used to convey a message, **it must do so without reference to the viewpoint of the speaker or the content of the sign**. Staff recommends approval of the ZTA proposal to remove any reference to the content of any sign.

RECOMMENDATION

The staff supports the proposed text amendment to allow permit fees to be waived or reduced for non-profit organizations on the Planning Board's list of civic and homeowner organizations; and to remove references to the content of any sign that may have waived or reduced sign permit fees. The proposed text amendment language is included as Attachment 1.

GR

Attachments

1. Proposed Text Amendment 07-15

ATTACHMENT 1

Zoning Text Amendment No: 07-15
Concerning: Signs – Permits Fees
Draft No. & Date: 1 – 10/23/07
Introduced: 10/30/07
Public Hearing: 12/4/07
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, 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.*

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 waive or reduce all
20 required fees if:

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

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

24 (B) by law is exempt from federal income taxes [;(2) the
25 organization shows that] and demonstrates that its annual
26 revenue during its most recent fiscal year was less than

27 an amount set by a regulation adopted by the Director
28 under method (2);

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

31 [(4)](2) the size of the proposed sign is smaller than a maximum
32 size set by a regulation adopted by the Director under
33 method (2).

34 * * *

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

37 This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council