



Agenda Item #:	A
Meeting Date:	April 10, 2019
Responsible Staff:	Deane Mellander

SUBJECT:

Review and Recommendation on Zoning Text Amendment
TXT2019-00250 - Comprehensive Sign Code Revisions;
Mayor and Council of Rockville, Applicants

RECOMMENDATION

(Include change in law or Policy if appropriate in this section):

Review the proposed text amendment and provide a recommendation to the Mayor and Council.



Overview

- Case:** TXT2019-00250 – Comprehensive Revisions to the Sign Regulations (Article 18 of the Zoning Ordinance)
- Location:** City-Wide
- Staff:** Deane Mellander
Zoning Administrator
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- Applicant:** Mayor and Council of Rockville
- Filing Date:** October 16, 2018
- Exhibits:** 1. Proposed Text Amendment
2. Illustrative Sign Samples

Background

Zoning Text Amendment TXT2019-00250 was authorized for filing by the Mayor and Council on October 15, 2018 (see Attachment A). This text amendment proposes major revisions to the regulation of signs within the City. Recent court decisions have limited the government's ability to regulate signs. Content-based sign regulations have been found to violate First Amendment protections on free speech. In order to address these issues the City hired outside counsel to review the current code and recommended revisions to bring the code into compliance with court decisions.

In addition to the content-based revisions, the proposed amendment also contains revisions recommended by staff to address a number of concerns revealed from the implementation of

the current regulations since the effective date of the revised Zoning Ordinance in 2009. These revisions include new or revised definitions, revisions to the regulations of signs in the mixed-use zones for better consistency, clarification on the need for comprehensive sign plans for multi-tenant developments, more flexibility in the regulation of signs in the Planned Development zones, and an optional sign package intended for large comprehensive developments. Unless otherwise noted, the revisions are intended to implement the content-neutral policy.

The Planning Commission received a briefing on the Text Amendment at the March 27th meeting. At that meeting, the Commission discussed various types of signs, including pole signs, directory signs, off-premises signs in Planned Developments, and the optional sign package, and requested that images of these types of signs be incorporated into the next staff report. These images are provided at Attachment B. The Commission also asked for examples of the modifications requested from the Sign Review Board, and what code changes have been proposed to address these issues. The Commission expressed concerns about making existing pole signs nonconforming and amortizing them over eight years, and whether some incentive could be provided to assist property owners with these signs. This report attempts to respond to some of these items. Staff's presentation on April 10th will also provide additional information to address the Commission's questions.

Analysis

Following is an overview of the revisions proposed in the text amendment.

1. In Article 3, several definitions have been deleted, revised, or added.
 - “Banner” has been revised to be more specific in its material and application.
 - A definition for a “Billboard Vehicle” is added. These are trucks that have a large permanent sign mounted on the vehicle, used principally as mobile billboards.
 - “Election sign” has been deleted.
 - “Flag” has been revised to clarify its meaning.
 - “Flag, ornamental” has been deleted.
 - The definition for “Lot, ownership” has been revised for better clarity.
 - “Monument sign”, “Occupant identification sign”, and “Ornamental flag” have been deleted.
 - A definition for a “Pole-mounted sign” has been added for purposes of further regulation in Article 18.
 - A definition for “Premises” has been added since the term is used in Article 18.
 - A definition for a “Sight Distance Triangle” has been added. This relates to new language in Article 18 regarding safe placement of signs near intersections.
 - The definition of “Sign” has been revised for better clarity.
 - The various subset definitions for signs includes revisions for both clarity and technical changes.
 - A definition of “Sign Face” is added for clarity.

2. In line with the broader provisions for sign regulation proposed in Article 18, the consultant has recommended that the Board of Appeals is the most appropriate body to review any variances requested for signs. The consultant, with staff concurrence, proposes that the Sign Review Board be eliminated. The reasoning behind this is two-fold. First, in the current ordinance there are no standards of review for the modifications to the sign regulations granted by the Sign Review Board. Therefore, decisions by the Sign Review Board are discretionary in nature and could increase the likelihood for legal challenges for the City. Second, the greater flexibility for sign approvals resulting from the proposal in the amendment should significantly reduce the need for sign variances. In addition, variances are quasi-judicial in nature and should be handled by the Board of Appeals.

Modifications to the language in Article 4 for the Board of Appeals have been made to delete the reference to the Sign Review Board, and the entirety of Section 25.04.05 is proposed to be deleted. Under Section 25.04.06, references to the Chief of Planning are changed to Chief of Zoning in accordance with a change in title that occurred several years ago. Appeals from the Chief of Zoning's decisions regarding signs will now go to the Board of Appeals. References to the Sign Review Board in Article 5 are proposed to be deleted. Under the Variances subsection, the implementation period for sign installation is added.

3. In Article 17, the references to Building Restriction Lines is modified to include Build-to Lines. This is in reference to provisions in the Rockville Pike and Town Center master plans that establish build-to lines along Rockville Pike and Hungerford Drive, respectively. Signs in these corridors are regulated as to size, height, and placement by these provisions as shown in Exhibits A and B. The revisions in this section are essentially clarifications. The underlying requirements for setbacks versus heights in these corridors have been in effect for over 20 years.
4. Article 18 comprises the bulk of the sign regulations and is often referred to as the "sign code". Section 25.18.03, which refers to the Sign Review Board, is modified to make reference to the Board of Appeals, and the rest of the section is deleted.
5. The revisions in Section 25.18.04 and .05 are essentially technical and/or clarifying, with one exception. In the list of Prohibited Signs, pole-mounted signs have been added to the list.
6. In Section 25.18.06 the provision for Trademarks and Logos is deleted. This is in line with the content-neutral policy, wherein signs can be regulated for size and location, but not for the design or content of the sign itself. A number of past modification cases reviewed by the Sign Review Board have involved modifications to the logo limitation.
7. In Section 25.18.08, a new subsection is added to require submission of a sign plan to the Chief of Zoning for developments that include multiple tenants. Staff has required such a plan as an interpretation of the provisions of existing subsection c (to become d).

The new language is intended to make this requirement clear. The intent is to maintain a generally consistent character of the signs in a multi-tenant project. As tenants come and go, the sign plan helps tenants by giving direction on the design and installation of new signs.

8. Section 25.18.09 provides for the regulation of nonconforming signs. The current code language allows nonconforming signs to remain as long as they are not structurally altered, removed or destroyed. If and when any one of those events occurs, the sign must be brought into conformance with current requirements. As noted earlier, the text amendment proposes to disallow pole signs, thereby not allowing new pole signs to be erected and making existing pole signs nonconforming. Pole signs are viewed as an older style of sign that contributes to the visual clutter along a roadway, and many jurisdictions that desire an improved aesthetic character do not permit them.

Staff therefore recommends that nonconforming signs be subject to an amortization period, whereby the offending signs must be brought into conformance. This would in fact leave the ordinance requirements intact as they are today. Subsection c (see below) requires the City to enforce the removal of any nonconforming signs within 8 years of the effective date of the Code, which is March 16, 2017. Under the current code, there are a few nonconforming signs but in the absence of any complaints there has been no enforcement action. With the prospect of making pole signs nonconforming, there will be many signs affected, and enforcement will become a priority. In order to implement this revised recommendation, staff recommends that the language in this section be revised to read as follows:

25.18.09 – Nonconforming Signs

Whenever an existing *nonconforming* sign is *structurally altered, abandoned, destroyed, replaced, or substantially damaged*, it must be modified to bring it into conformance with this ~~Chapter~~ Article 18. Repairs and maintenance of nonconforming signs, such as repainting, electrical repairs, and sign face replacement shall be permitted, and provided further that no repairs will be permitted where the cost of the repairs exceeds \$1,000.00.

- a. *Whenever an existing business/tenant erects a new or additional sign, all signs on the premises pertaining to that business/tenant must be modified to bring them into conformance with this ~~Chapter~~ Article 18.*
- b. *Any sign lawfully existing immediately prior to ~~the effective date of this Chapter~~ [date of Ordinance adoption] or any application amendment thereof, but which does not conform to the requirements as now constituted or as it may hereafter be amended from time to time, must be removed within eight (8) years from ~~the date that the sign became nonconforming~~ [date of Ordinance adoption].*

- c. *In all other respects, nonconforming signs must comply with the applicable requirements of Article 8, Transitional Provisions, Nonconformities, Nonconforming Alteration Approval.*
9. Under Section 25.18.11, the provisions for signs in the residential zones have some technical changes proposed. The provision for “Identification Signs” is recommended for deletion because they are equivalent to the signs that are exempt from regulation if they are one square foot or less in size. In Section 25.18.12, references to places of worship are proposed for deletion since these uses are permitted nonresidential uses in the residential zones. Other permitted nonresidential uses are treated in a similar manner.
 10. When the Zoning Ordinance was comprehensively revised in 2008 certain sections of the previous version were carried over essentially intact. This was the case with the sign regulations. The general policy at that time was to treat the new mixed-use zones in a similar manner as the zones they replaced. In the case of the MXC zone, it replaced the C-1 (Local Commercial) zone. In the prior ordinance, the sign regulations for the C-1, C-2, RPC, I-1, I-2 and I-4 zones were all regulated together. The new ordinance deleted all of these zones. The C-1 Zone was replaced with the MXC Zone, but the sign regulations remained in the same section as the two industrial zones, I-L and I-H. The C-2 and the RPC zones were replaced with the MXCD (Mixed-Use Corridor District) zone, and the I-3 (Industrial Park) Zone was replaced by the MXE (Mixed-Use Employment) zone.
 11. In the proposed amendment, Section 25.18.13 is revised to delete the regulations for the Mixed-Use Commercial (MXC) Zone and relocate them into Section 25.18.14 with the other mixed-use zone regulations. The proposed revisions also include allowing tenants in the industrial zones to have an additional 25 square feet of signage by right. The regulations for free-standing signs are also clarified. The staff also recommends that subsection a.3 related to directory signs be deleted since the expansion of allowable sign area makes this section unnecessary.
 12. Section 25.18.14 regulates signs in the mixed-use zones. As indicated above, the MXC Zone is added to the regulatory framework of this section and signs would be regulated in the same manner as signs in the MXT (Mixed-Use Transition) Zone. Staff also recommends adding the MXCT (Mixed-Use Corridor Transition) Zone to this section. The MXCT Zone was a new zone created as a result of the text amendment implementing the Rockville Pike Neighborhood Plan. The text amendment that created that zone neglected to add the zone to the Sign Code. This will correct the oversight, and signs in the MXCT Zone will be regulated in the same manner as in the MXTD, MXCD, MSNC, MXB, and MXE zones.

Staff also recommends that the method pertaining to how permanent building sign area is calculated be amended in a similar manner to what is proposed in the industrial zones. The total amount of building signage allowed for permanent building signs for

each business/tenant in the MXTD, MXCD, MXCT, MXE, and MXNC Zones would be expanded by 25 square feet. This additional allowance will have the effect of reducing the number of potential sign modifications. With respect to freestanding signs, staff recommends that the freestanding sign regulations be revised to clarify what is allowed. Other minor changes are proposed throughout this section.

13. Staff also recommends that subsection b.1.(c), which grants the authority for an applicant to apply for an “optional comprehensive sign package,” be deleted. Rather than have this as a subsection within the mixed-use zone section, staff is proposing that the Mayor and Council enact a separate section that regulates optional sign packages. The discussion on optional sign packages is discussed below in Section 25.18.19.
14. Section 25.18.15 specifically regulates election signs. Staff recommends that any references or regulations only applicable to “election signs” be deleted from the Sign Code under the content-neutral policy. Election signs would be regulated as temporary signs rather than a special classification of signs.
15. Section 25.18.16 sets forth the regulations that apply to signs on public property and the public right-of-way. In subsection (a), staff recommends that the provision allowing the City Manager to authorize or otherwise allow signs to be placed in the rights-of-way be deleted. Rather than giving the City Manager the sole discretion to allow signs in the rights-of-way, staff recommends that signs in the rights-of-way be prohibited unless specifically authorized or required by the Sign Code. Subsection (b) is revised to clarify the exceptions to the general prohibition.
16. In Section 25.18.17, there is only one technical change.
17. Section 25.18.18 sets forth the sign regulations applicable to Planned Development Zones. In addition to the clarifying amendments in subsection (b), staff recommends that subsection (c), entitled “*Optional Comprehensive Sign Package*,” be deleted. In its place, staff recommends alternative regulations applicable to Planned Development Zones that have a mixed-use or commercial component. Under the alternative regulations, a limited number of off-premises signs would be allowed in these zones. Any commercial messages on the off-premises signs would be required to refer to a tenant or tenants located within the planned development. Staff believes that such limited off-premises signs would not have a negative impact on traffic safety or aesthetics and would directly further the Sign Code’s purpose set forth in Section 25.18.01.b.
18. In Section 25.18.19 staff recommends that a new section be enacted that would allow large contiguous developments not deemed Planned Developments to be eligible to apply for an optional sign package. Under the optional sign package provision, property owners of large contiguous areas – which are defined as (i) five (5) or more acres in the MXTD, MXCD, or MXNC Zones or (ii) 10 or more acres in the MXE Zone – would have the

ability to apply for an optional sign package. The purpose of this section is to allow for large-scale projects and larger areas to provide signage that can be designed to meet the unique needs of the project or area, which would also further the purpose of the Sign Code. The alternative standards contained in this section would further the purpose of the Sign Code by enhancing the aesthetic qualities and enhancing vehicular, bicycle, and pedestrian safety.

Eligible properties would be able to submit an application to the city and would be allowed to utilize the alternative standards set forth in Section 25.18.19. The alternative standards include more total signage allowed (subsection c.1.) and flexibility on the location of building and freestanding signs (subsection c.2). As part of the flexibility, off-premises signs would be allowed within the project area subject to an optional sign package application. However, similar to the proposed amendment for planned developments, any off-premises sign must refer to a tenant or tenants within the area subject to an optional sign package application.

In addition to the alternative standards, this section details what an applicant needs to submit as part of an application and how the city approves an optional sign package.

Issues Raised at Public Forums

The staff held four public forums to gather comments on the proposed text amendment that were well publicized. Although only a handful of people attended, staff received some useful comments which are summarized below.

The first item concerns signs hanging over public sidewalks. In high-density urban settings merchants often wish to hang signs perpendicular to the wall, which may then be hanging over the public sidewalk. The staff referred this issue to the Department of Public Works for response, and the following reply was received:

“Signs or any other encroachment in the right of way are not allowed, whether they be in the ground of the right-of-way or “overhanging” the right-of-way. In most cases where exceptions are made, a license and maintenance agreement is entered into which are reviewed and approved by the Mayor and Council. In some limited cases, where the encroaching sign is a private traffic control sign, a license and maintenance agreement might not be required, just a permit, but those are extremely rare. The thinking here on the license and maintenance agreement is that no private property owner should be able to use the right-of-way for private purposes, i.e., a business sign for their private business, without justification and approval. Chapter 21 regulates the right-of-way, including “air rights,” and requires permits. We also screen for private improvements at time of permit application to determine if a license and maintenance agreement is also required, in addition to the permit. Therefore, we do not think any additional policy, regulation or ordinance is needed.

We have several of these and are approving more in mixed use areas where buildings are right up against the public sidewalk. The most common example is window awnings that overhang the sidewalk right-of-way. We review and take them to the M&C for approval. If the awning is not high enough we require them be removable or retractable so that equipment can get in the right-of-way to effect repairs.”

The second issue involves differentiating between a sign and a work of art. The traditional staff interpretation is that if the graphic contains words or images that have a direct connection to the nature of the business, it considered a sign. For instance, a mural depicting toy trains, planes, and automobiles on a building housing a hobby shop would be considered a sign. We expect to maintain that determination.

A question was raised as to how the height of signs is regulated. The height of a free-standing sign is measured from the street grade in cases where the ground level is below the grade. If the site of the sign is higher than the street grade, the height is then measured from the ground level at the base of the sign (see Fig. 18.5). The maximum height of free-standing signs is set forth for each category of use and/or in each zone. There are special height regulations for signs along Rockville Pike and Hungerford Drive set forth in Section 25.17.08. These regulations have been in effect for many years.

A request has been made to allow for the use of temporary “Open House” real estate signs, especially during weekends. The general policy both today and under the proposed revisions is to prohibit private signs in the public rights-of-way. Regulating these signs specifically would go against the policy of being content-neutral, so a change to allow this would have to be carefully crafted.

There has been interest in allowing for some types of directional signs to major activity centers in the City within the rights-of-way. Under both the current and proposed codes, the City has the right to erect signs within the right-of-way (Sec. 25.18.05, Exemptions). These signs should be generic in character, not advertising a specific business.

Community Outreach

The staff held four public forums to gather public input. In addition, presentations were made to the Rockville Chamber of Commerce and to Rockville Economic Development, Inc. (REDI), with the expectation that they would pass the word along to their members. Notice was also sent to the civic and homeowner’s associations listserv. Limited responses were obtained and are summarized in the report above.

Board of Appeals

A presentation on the sign code revisions was made to the Board of Appeals on March 7. In the course of the discussion, members of the Board raised several issues that should be considered during the review of this proposal.

The first issue was whether or not a sign modification could meet the variance tests, i.e., approval would not be contrary to the public interest; the request is the result of conditions peculiar to the property and not caused by the application; literal application would result in practical difficulty; and granting the variance would not be inconsistent with the purposes of the Code.

Staff agrees with the Board of Appeals; it should be challenging to meet a variance to the sign code like it is for all other zoning regulations. Staff has also provided a significant amount of flexibility within the proposed amendments and has addressed a number of the modifications that have been granted by the Sign Review Board. The key is to have a sign ordinance that is consistently implemented by staff and provides adequate signage for businesses and other developments.

Along with this concern, the Board questioned whether a sign appeal should be a form of administrative appeal under Section 25.04.06.b.2. Denial of a sign permit by the Chief of Zoning is subject to appeal to the Board of Appeals under this provision and does not need to meet the variance standards under Section 25.06.03.e. However, staff notes that an administrative appeal does not allow for different standards to apply to the review of signs, but rather is an appeal of the administrative decision made by staff.

The second item was a suggestion that the term “estate sale” be added in the definition of “Sign, Yard Sale” in Section 25.03.02.

With regard to the proposal to eliminate the opportunity for any new pole signs and provide for an amortization period of eight years, the Board asked whether making such signs nonconforming amounts to a taking of property. In that context, could allowing a larger replacement sign be considered compensation for the lost sign?

Staff has found other localities that have provide for amortization of pole signs and have been successful without legal challenges. Staff does not believe that allowing larger signs that permitted by the sign ordinance would not provide equal treatment.

Sign Review Board

The Sign Review Board has not taken a formal position on the proposal. In a meeting with the former Board Chair Ruth Hanessian, she indicated general support for the proposed revisions, including the dissolution of the Sign Review Board. Staff has attempted to arrange a meeting for the Sign Review Board to meet and discuss the proposed changes, but have been unable to schedule a meeting to date due to a lack of quorum.

Recommendation

Following the Commission’s discussion and potential modifications, staff recommends approval of the proposed text amendment, with the revision requiring an amortization period for nonconforming signs in Section 25.18.09.

Attachments

Attachment 1.A.a: Authorized Text Amendment 10-15-18 (PDF)

Attachment 1.A.b: Sign Samples for Illustration (PDF)

Jim Wasilak
Jim Wasilak, Chief of Zoning 4/3/2019

ATTACHMENT TO APPLICATION
TO THE CITY OF ROCKVILLE FOR A
TEXT AMENDMENT TO THE ZONING ORDINANCE

Applicant: Mayor and Council of Rockville

The applicant proposes to amend the zoning ordinance adopted on December 15, 2008, and with an effective date of March 16, 2009, by inserting and replacing the following text (underlining indicates text to be added; ~~strikethroughs~~ indicate text to be deleted; * * * indicates text not affected by the proposed amendment). Further amendments may be made following citizen input, Planning Commission review and Mayor and Council review.

Amend Article 3, “Definitions; Terms of Measurements and Calculations”, as follows:

25.03.02 – Words and Terms Defined

Abandoned sign. See “Sign, abandoned.”

* * *

~~Banner - Any sign or string of one (1) or more signs, usually made of cloth or other lightweight material, which is used to attract attention, whether or not imprinted with words or characters, including but not limited to balloons and pennants.~~ means any type of fabric containing distinctive colors, patterns or symbols and that is intended to be secured to a building or structure.

* * *

Billboard Vehicle means a vehicle constructed or designed primarily to accommodate a sign, the face or faces of which display commercial messages

* * *

~~Election sign:~~ See “Sign, election”

* * *

~~Flag~~ means any fabric, containing distinctive colors, patterns or symbols ~~used as an ornamental flag or as a symbol of a government, political subdivision, or other entity~~ secured along one edge to a pole that is (i) intended to be permanently affixed to the ground; or (ii) attached to a building.

~~Flag, ornamental~~ means any fabric or similar material designed to be flown as a flag and continuing patterns, drawings, or symbols used for decorative purposes and is noncommercial in nature.

Attachment 1.A.a: Authorized Text Amendment 10-15-18 (2594 : TXT2019-00250 - Sign Code Revisions)

* * *

Lot means a parcel or quantity of land. Lots include the following:

* * *

- 4. *Lot, ownership* means land designated as a separate and distinct parcel of land for purposes of ownership or financing on a legally recorded ownership plat filed among the land records of the County. Any land so designated shall does not constitute a lot or plan of subdivision.

* * *

~~*Monument Sign.* See “Sign, monument.”~~

* * *

~~*Occupant identification sign.* See “Sign, occupant identification.”~~

* * *

~~*Ornamental flag.* See “Flag, ornamental.”~~

* * *

~~*Pole-mounted sign.* See “Sign, pole-mounted.”~~

* * *

~~*Portable sign.* See “Sign, portable.”~~

* * *

Premises means a lot, a building , or part of a building, including any appurtenances.

* * *

Sight Distance Triangle means an area that provides the driver of a vehicle approaching an intersection an unobstructed view of any opposing vehicle or pedestrian movements. These triangular areas must be large enough that drivers can see approaching vehicles and pedestrians in sufficient time to slow or stop and avoid an accident.

* * *

Sign means any structure, or part thereof, which requires a permanent or temporary location, that has a visual display readable from a public right-of-way and is designed to identify, announce, direct, or inform or device attached thereto or painted or represented thereon or any material or thing, illuminated or otherwise, which displays or included any numeral, letter, words, model, banner, pennant, emblem, insignia, device, trademark , logo, graphic, or other representation, in any manner whatsoever, so as to convey information or attract attention. Sign does not include the flag, emblem, insignia, poster, or other display of a nation, state, political subdivision.

1. *Abandoned sign, abandoned* means a sign which identifies a business, lessor, service, owner, product, or activity that is no longer located on the premises, or a sign for which no legal owner can be found. "Abandoned sign" also includes any permanent sign not properly maintained or operated for a period of six (6) months or longer, any temporary sign that has deteriorated, and any sign structure that no longer supports the sign for which it was designed. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property, building, or space remains vacant for a period of six (6) months or more.
2. *Sign, building* means any sign mounted on a wall, window, marquee, fascia, mansard, canopy, or parapet of a building.
3. *Sign, commercial* means a sign ~~that references or directs the attention of the public to a business, commodity, product, service, offer, sale or sales event, or other commercial activity of a private business. Commercial sign, does not include election signs, temporary signs pertaining to fundraising activities for non profit organizations, or temporary yard sale signs that directly or indirectly names, advertises, or calls attention to a product, commodity, service, sale, sales event, activity, entertainment, or other commercial activity.~~
4. *Sign, directional* means a ~~noncommercial sign that contains only information assisting the flow of vehicular or pedestrian traffic or control of parking sign reasonably necessary for the safe and efficient circulation of pedestrian or vehicular traffic within a given parcel or among a number of parcels, which may be freestanding or attached to a building.~~
5. *Sign, election* means any temporary noncommercial sign that advocates the candidacy of any person for an elected position or an issue that is to be voted on in a Federal, State, County or City election process. Election sign does not include a campaign headquarters sign or other permanent sign.
6. *Sign, freestanding* means ~~any sign which carries only the name and/or logo or trademark of one (1) business, place, organization, building, or person it identifies a sign, not including a flag, supported from the ground and not attached to any building.~~
7. ~~*Sign, monument* means a freestanding sign mounted directly and permanently to the ground without a separate supporting structure.~~
- 8.6. *Sign, noncommercial* means a sign that is not a commercial sign.
- 9.7. *Sign, nonconforming* means any sign that does not conform to the provisions of this chapter, but was placed or constructed in accordance with City ordinances existing at the time of its placement or construction.
10. ~~*Sign, Occupant Identification* A sign indicating the name and/or profession or address of a person or persons or entity residing on the premises or legally occupying the premises.~~
- 11.8. *Sign, off-premises* means a sign that directs attention to a building, product, business, organization, service, entertainment, commodity, accommodations, activity, or institution that is not located, conducted, sold, rented, produced, manufactured, and/or furnished on the same lot as the sign.

- (a) Off-premises signs include, but are not limited to, signs commonly referred to as "billboards."
- (b) Off-premises sign does not include ~~election signs or~~ noncommercial signs that comply with all other requirements of this chapter.

~~12-9.~~ *Sign, permanent* means 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.

10. *Sign, pole-mounted* means a permanent sign, other than a directional sign or a flag, which is supported from the ground by means of one or more support poles that are narrower in width or depth than the sign the pole or poles support.

11. *Sign, portable* means any sign not permanently attached to the ground.

~~13-12.~~ *Sign, real estate* means a temporary sign advertising displayed during the time the real property on which the sign is located is offered the for sale, rental, or lease of the real estate upon which the sign is located.

~~14-13.~~ *Sign, temporary* means a non-permanent sign constructed of durable, semi-durable, or non-durable material not intended to be displayed for an indefinite period.

14. *Sign, vehicular* means a commercial sign which is attached to, mounted, pasted, painted, or drawn on a vehicle and covers more than four (4) square feet on any side of the vehicle.

~~15.~~ *Sign, Traffic Control* ~~Any sign located on public or private property that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administration as the national standard. A traffic control sign includes those signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information.).~~

~~16-15.~~ *Sign, Yard Sale* means any onsite temporary sign displayed on a lot during the time period in which a ~~pertaining to the sale of personal property in, at, or upon any residential property or residentially zoned property, whether such sale be designated as a yard sale, garage sale, lawn sale, home sale, attic sale, moving sale, rummage sale, or any other type of similar sale designation~~ occurs on the lot.

Sign Face means the entire surface area of a sign upon, against or through which copy is placed, and does not include a sign's supporting elements or structure.

* * *

Temporary Sign. See "Sign, temporary."

* * *

~~Traffic control sign.~~ See “Sign, traffic control.”

* * *

Vehicular Sign. See “Sign, vehicular.”

* * *

Amend Article 4, “Approving Authorities”, as follows:

25.04.03– Board of Appeals

* * *

b. *Powers and Duties*

- 1. *Generally* – The Board has all those powers and duties conferred and imposed upon it by this Chapter and the provisions of State law, including but not limited to:
 - (a) Reviewing and acting upon applications for special exceptions and variances; and
 - (b) Reviewing and acting upon appeals from administrative decisions; ~~and~~
 - (c) ~~Reviewing and acting upon appeals from decisions of the Sign Review Board.~~

* * *

25.04.05 –~~Sign Review Board~~ Reserved.

~~a. *Established* – There is established a Sign Review Board of the City of Rockville.~~

~~b. *Powers and Duties*~~

- ~~1. *Generally* – The Sign Review Board has all those powers and duties conferred and imposed upon it by this Chapter including but not limited to:

 - (a) Hear and decide applications for sign permit review to determine if the proposed sign is in compliance with the requirements of this Chapter;
 - (b) Hear and decide applications for modifications from the sign regulations contained in Article 18 of this Chapter, excluding prohibited signs; and
 - (c) Hear and decide applications for waiver of sign restrictions within a building restriction line.~~
- ~~2. *Responsibility where Approval is Required* – Where Sign Review Board approval is required under this Chapter, the Board must:~~

- ~~(a) Consider and act upon any request for approval;~~
- ~~(b) Consider such request with regard to matters and facts pertinent and applicable thereto; and~~
- ~~(c) Render its decision in accordance with the requirements, purpose, and intent of Article 18 and other applicable provisions of this Chapter.~~

~~c. *Membership*~~

~~1. *Number*—The Sign Review Board consists of three (3) members and one (1) alternate who are appointed by the Mayor, subject to the confirmation of the Council.~~

~~2. *Term*~~

~~(a) *Length of Term*—The term of each member is three (3) years, or until a successor takes office. Appointment to fill an unexpired term is the remaining length of the initial term.~~

~~(b) *Staggered Terms*—The respective terms of the three (3) members must be staggered.~~

~~3. *Chairperson*~~

~~(a) *Appointment*—A Chair is elected by and from the appointed members of the Sign Review Board.~~

~~(b) *Term*—The Chair serves a term of one (1) year and is eligible for reelection.~~

~~4. *Qualification*—There will be three (3) members and one (1) alternate member designated to the Sign Review Board. Two (2) members must be businesspersons operating or associated with businesses in the City. Two (2) members must be residents of the City who have no vested interest in either any business in the City or in the sign industry. The alternate member will first be a resident of the City; thereafter the alternate position will rotate between a resident appointee and a business appointee.~~

~~5. *Clerk of Sign Review Board*—The Chief of Planning serves as the Clerk of the sign Review Board and will:~~

~~(a) Attend all meetings of the Sign Review Board;~~

~~(b) Keep a full and accurate account of the proceedings of the Sign Review Board, including but not limited to the official record of all matters filed with the Board;~~

~~(c) Accept and transmit all relevant applications to the Sign Review Board; and~~

~~(d) Keep such other records and perform such other duties as may be required by this Chapter or by the Sign Review Board.~~

~~d. *Rules of Procedure*—In exercising its powers and complying with its duties hereunder, the Sign Review Board must adopt reasonable rules for the conduct of their business.~~

~~e. *Meetings and Hearings*~~

~~1. Meetings must be held when necessary to conduct business or at intervals as may be mandated by this Chapter or the adopted Rules of Procedure of the Sign Review Board.~~

~~2. A hearing must be held on a timely filed application at the Board's next scheduled meeting, provided that a different hearing date may be set with the consent of the party filing the application.~~

~~f. *Decision on Application from the Sign Review Board*—Decisions of the Board shall be made within ten (10) business days from completion of the hearing on the application.~~

~~g. *Appeals*—Any decision by the Sign Review Board, or the failure of the Sign Review Board to act within the time frames set forth in Article 18 of this Chapter, may be appealed by any person aggrieved to the Board of Appeals within ten (10) business days after the decision is rendered.~~

25.04.06 – Chief of Planning Zoning

a. *Powers and Duties*

1. *Generally* – The Chief of Planning Zoning has all those powers and duties conferred and imposed upon the Chief of Planning Zoning by this Chapter including but not limited to:

* * *

2. *Responsibility Where Approval Is Required* – Where Chief of Planning Zoning approval is required under this Chapter, the Chief of Planning Zoning must:

(a) Consider and act upon any request for approval;

(b) Consider such request with regard to matters and facts pertinent and applicable thereto; and

(c) Render a decision in accordance with the requirements, purpose and intent of this Chapter.

b. *Appeals*

1. Any person aggrieved by any final decision of the Chief of Planning Zoning on a site plan application, a nonconforming alteration application, or on an interpretation of an approval of the Planning Commission or other Approving Authority may appeal the same to the Planning Commission or such other Approving Authority.
 - (a) Such appeal must be filed within 30 days of the date on the official letter of notification of the decision; and
 - (b) Upon receipt of such appeal, the matter must be scheduled for consideration by the Planning Commission in a timely manner.

2. Any person aggrieved by any other final decision of the Chief of Planning Zoning may appeal the same to the Board of Appeals.
 - (a) Such appeal must be filed within 30 days of the date on the official letter of notification of the decision; and
 - (b) Upon receipt of such appeal, the matter must be scheduled for consideration by the Board of Appeals in a timely manner.

3. Any person aggrieved by a decision of the Chief of Planning Zoning pertaining to signs may appeal said decision to the Sign Review Board of Appeals in accordance with the provisions of Article 18 of this Chapter.

Amend Article 5, “Application and Notification Generally” as follows:

25.05.01 – Applicability

* * *

5. Sign Permits as provided in Section 25.18.08, ~~but not including sign approvals by the Sign Review Board;~~

* * *

25.05.04 – Modification of Pending Application

* * *

- b. Notwithstanding the provisions of subsection a, above, if the application requires action by the Mayor and Council, Planning Commission, Board of Appeals, or Historic District Commission, ~~or Sign Review Board~~, no modification to the application can be offered by the applicant after the staff report has been issued, but in no event later than seven (7) days prior to the meeting at which the application will be considered by the Approving Authority. Nothing herein prevents the amendment of an application after the meeting of the Approving Authority.

Amend Article 6, “Procedures for Map and Zoning Text Amendments, Variances, and Administrative Actions”, as follows:

Attachment 1.A.a: Authorized Text Amendment 10-15-18 (2594 : TXT2019-00250 - Sign Code Revisions)

* * *

25.06.03 – Variances

* * *

- h. *Implementation Period* - A variance or special exception approval expires under the following circumstances:

* * *

4. Signs – Any sign or signs must be installed within six (6) months of the date of the approval of the variance.

Amend Article 17, “Public Use Space, Landscaping and Screening, Utility Placement and Screening, Lighting, Sidewalks, and Shadows,” as follows:

25.17.08. Building Restriction Lines and Build-To Lines

- a. Subject to the exceptions provided herein, no building permit can be issued and no building or part thereof nor any fence, wall, sign or structure can be erected or structurally changed within the area between the building restriction lines or build-to lines and the centerline of the particular street or highway referred to in establishing the building restriction or build-to line. This section does not apply to underground parking facilities.
- b. Building restriction lines and build-to lines established.
1. Building restriction lines along Hungerford Drive.
 - (a) East side. Beginning for the same at a point on the northerly line of A Street 85 feet easterly from the point of intersection of the centerline of Hungerford Drive with the northerly line of A Street and running thence northerly and parallel to the centerline of Hungerford Drive and 85 feet therefrom to the northerly line of Gude Drive.
 - (b) West side. Beginning for the same at a point on the westerly line of North Washington Street 85 feet westerly from the point of intersection of the centerline of Hungerford Drive with the westerly line of North Washington Street and running thence northerly and parallel to the centerline of Hungerford Drive and 85 feet therefrom to the southerly line of College Parkway; thence still northerly and parallel with the centerline of Frederick Road and 95 feet westerly therefrom to the northerly line of Gude Drive.
 2. Build-to lines along Rockville Pike. Within the Rockville Pike Neighborhood Plan area, the build-to lines are as established in Section 25.13.05.

3. Exceptions.

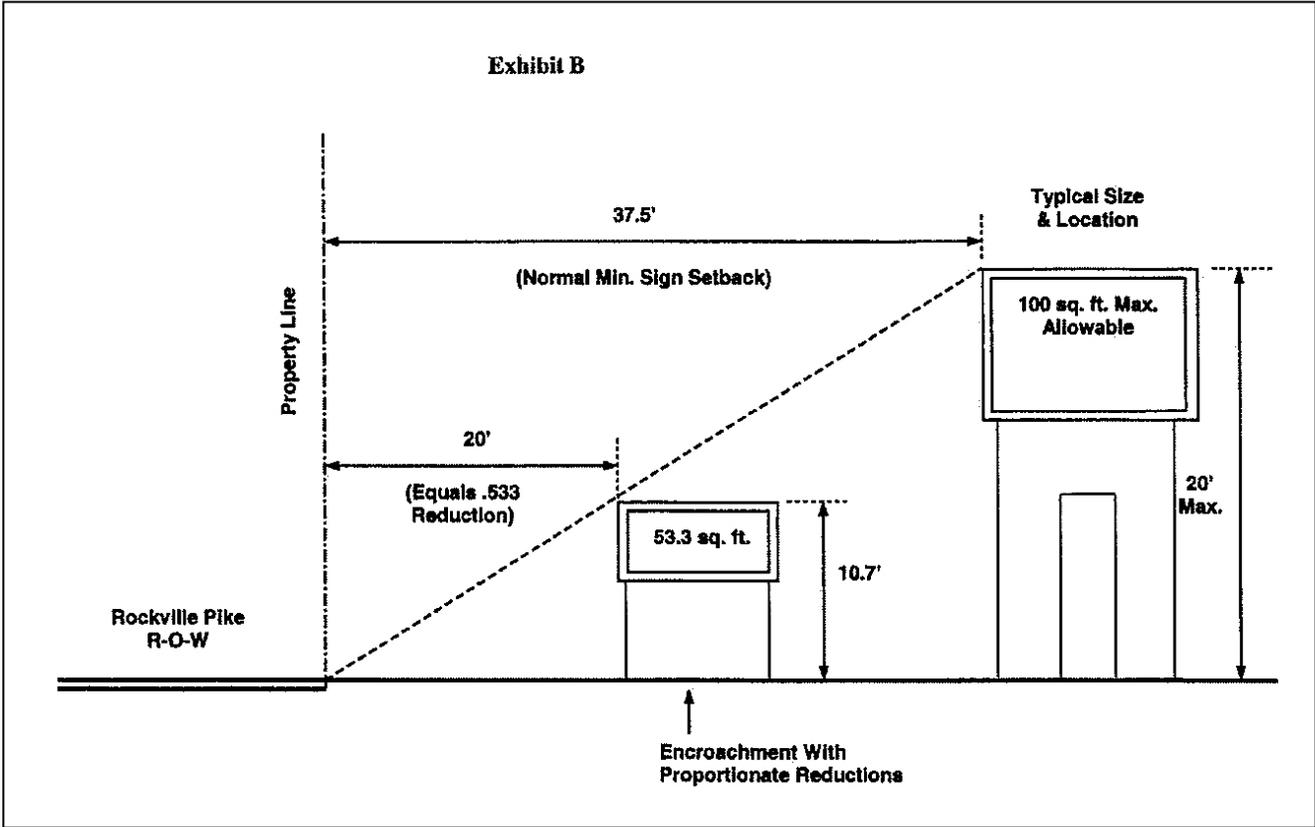
(a) Where the building restriction lines established by subsections a. and b.1. above reduces the buildable depth of any lot or parcel of land bounded by the W.M.A.T.A. right-of-way, to less than 300 feet, then such line will be adjusted by establishing same at a point three-quarters of the distance from the W.M.A.T.A. right-of-way and the rights-of-way of Hungerford Drive Rockville Pike but, in no event, can such building restriction line be less than 85 feet from the centerline of Hungerford Drive Rockville Pike.

(b) Where the applicable master plan recommends a greater or lesser building restriction line than set forth herein, the plan recommendation takes precedence over the requirements set forth in subsections a and b above. Where there is no master plan recommendation, the Approving Authority may waive building restriction line requirements if the waiver will result in a better form of development consistent with the intent of the master plan and the development standards for mixed-use zones set forth in Article 13.

c. Signs. Notwithstanding any other provisions of this Chapter, one (1) sign ~~which designates or identifies a use located on the same record lot~~ may be erected and maintained within the building restriction lines or build-to lines set forth in this section and the front line of the ~~record~~ lot provided that the sign area size and sign height of any such sign must be reduced in direct proportion to the distance of the sign from Hungerford Drive or Rockville Pike. Expressed in terms of mathematical formulas, the sign area size and sign height reductions applicable to signs ~~with~~ within the building restriction lines of Hungerford Drive and the build-to lines of Rockville Pike would be as shown in Exhibit A and are further illustrated in the graphic described in Exhibit B below:

Exhibit A			
Distance of sign From Rockville Pike <u>or Hungerford Drive</u>			Allowable
_____	x 20'	=	height of sign
37.5			
Distance of sign From Rockville Pike <u>or Hungerford Drive</u>			Allowable
_____	x 100'	=	size of sign <u>area</u>
37.5			

NOTE – The following graphic is proposed to replace the current Exhibit B of Section 25.17.08.



Attachment 1.A.a: Authorized Text Amendment 10-15-18 (2594 : TXT2019-00250 - Sign Code Revisions)

Amend Article 18, “Signs,” as follows:

25.18.01 – Legislative Findings; Purposes

- a. *Legislative Findings* – The Mayor and Council finds that signs provide an important medium through which individuals and entities may convey a variety of commercial and noncommercial messages. However, left completely unregulated, signs can become a threat to public safety as a hazard to property, persons, and the motoring public, and a detriment to property values and the overall public welfare as a an unattractive nuisance.
- b. *Purposes* – In addition to the purposes of this Chapter established in Section 25.01.02, the purposes of this Article are:
 1. To enable the public to locate goods, services, facilities, and geographic areas without difficulty, danger, or confusion;
 2. To reduce traffic and pedestrian hazards and prevent interference with the effectiveness of traffic regulation;
 3. To promote the compatibility of signs with the surrounding land uses;
 4. To protect the public investment in the roadways in the City;
 5. To promote and preserve the economic well-being and vitality of the community;
 6. To enhance and improve the environment of the City and to protect property values by preventing visual clutter and blight;
 7. To preserve the residential character of the City’s residential neighborhoods; and
 8. To provide effective opportunities for the expression of commercial and noncommercial communication while protecting the public and the community against adverse effects from the unrestricted proliferation of signs.

25.18.02 – Severability

- a. Without diminishing or limiting in any way the declaration of severability in Section 25.01.08 it is the express intent of this Section that if any provision (including any section, sentence, clause, or phrase) of this Article 18 or any other provision of this Chapter pertaining to signs, including but not limited to provisions pertaining to sign permits, is declared by a court of competent jurisdiction to be unconstitutional and void, such declaration of unconstitutionality does not affect any other provision of this Article 18 or other provision of this Chapter, including, but not limited to, the prohibition of certain signs, and the requirements pertaining to the size, height, location, numbers, illumination, maintenance, construction, and removal of signs.

- b. In particular, and without limitation, in the event any provision of this Article 18 or other provision of this Chapter is declared invalid as applied to noncommercial signs, this Article 18 or any surviving portions thereof, remain in full force and effect as applied to commercial signs.
- c. Without diminishing or limiting in any way the foregoing declaration of severability, it is the express intent of this Section, 25.18.02, that if any provision (including any section, sentence, clause, or phrase) of this Article 18 or any other provision of this Chapter pertaining to signs is declared by a court of competent jurisdiction to be unconstitutional and void, such declaration of unconstitutionality does not affect any other provision of this Article 18 or other provision of this Chapter even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to the provision of this Chapter or otherwise.

~~25.18.03 - Special Application Requirements for the Sign Review Board~~ Variations

Variations may be granted by the Board of Appeals from the strict application of standards set forth in this Article 18. Applications for variations must be submitted and reviewed in accordance with the variance procedures identified in section 25.06.03.

~~In addition to the general provisions pertaining to the Sign Review Board found in 25.04.05 and general provisions for applications in Article 5, applications authorized in this Article 18 must:~~

- ~~1. Be submitted in writing to the Sign Review Board at least ten (10) calendar days prior to the meeting at which it is to be considered;~~
- ~~2. Be submitted on forms provided by the Sign Review Board and be accompanied by such fee as is determined by resolution of the Mayor and Council; and~~
- ~~3. Include as part of the application such information as may reasonably be required by the Sign Review Board including:

 - ~~(a) The street address of the property upon which the sign is to be located and a plat map of the property showing the proposed location of the sign and identifying any adjacent residential property;~~
 - ~~(b) The aggregate area for all tenant / business signs erected by or on behalf of the applicant and/or the aggregate area for all signs on the premises;~~
 - ~~(c) The name(s) and address(es) of the owner(s) of the premises upon which the subject sign is to be located;~~
 - ~~(d) Consent of the owner(s), or the owner's agent, granting permission for the placement or maintenance of the sign;~~~~

- ~~(e) The name, address, phone number, and business license number of the sign contractor;~~
- ~~(f) Plans indicating the location of the sign on the property or building wall, including the road frontage and/or building elevation; and~~
- ~~(g) Plans indicating the dimensions, height, and shape of the sign, and materials, and mounting details.~~

~~4. Expiration of Sign Review Board's Approval.~~

- ~~(a) Installation of Sign – A sign must be installed within six (6) months of the Sign Review Board's decision authorizing such sign, unless another time frame is provided within this Chapter or the decision of the Sign Review Board, or the approval shall expire.~~
- ~~(b) Extension – The Sign Review Board may, for good cause shown, grant no more than two (2) extensions of not more than six (6) months each for any prior grant of approval subject to the provisions for an extension of Section 25.05.08, "Extension of Implementation Period".~~

25.18.04 – Only Permitted Allowed Signs Lawful; Signs Specifically Prohibited

- a. No sign ~~shall~~ may be erected, installed, substantially altered, or illuminated unless in compliance with all of the requirements of this ~~Chapter~~ Article 18.
- b. The following signs are specifically prohibited in the City:
 1. Signs that impede the operation of any window, door, fire escape, stairway, ladder, or opening required to provide light, air, ingress, or egress for any building or structure;
 2. Signs which, by reason of position, size, shape, or color, may interfere with, obstruct the view of, or be confused with any traffic sign, signal, or device, or which make use of any word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic;
 3. Off-premises signs, except as set forth in Sections 25.18.18 and 25.18.19;
 4. ~~Freestanding signs in the shape or form of any person, animal, vegetable, product, or animation of any of the foregoing;~~
 5. Any sign placed or erected on property without the permission of the property owner;
 - 6.5. Signs which move or have any moving part, or which give the illusion of motion;

- ~~7.6.~~ Signs which use blinking, flashing, or fluttering illumination or illumination which varies in color or intensity or which create the appearance or illusion of writing or printing, including, but not limited to, strobe, rotating beacon, chasing, or zip lights;
- ~~8.7.~~ Signs erected by any person on any public property or right-of-way except ~~for signs as may be directed by the City Manager as provided for in this Article 18;~~
- ~~9.8.~~ Signs erected in such a location as to interfere with pedestrian or vehicular circulation onto or off of the property on which it is located;
- ~~10.9.~~ Portable signs, except noncommercial signs displayed by hand or as may be allowed in Section 25.18.14.b.1.a.(v) Sections 25.18.14.a.5 and b.7.;
- ~~11.10.~~ Signs displayed on mounted, attached, or painted on trailers, boats, or motor vehicles when used as additional identification or advertising signs on or near the premises billboard vehicles;
- ~~12.11.~~ Signs with changeable copy, except as provided for herein;
- ~~13.12.~~ Signs extending above the roof of any building in excess of one (1) percent of the building height, except as allowed by Section 25.18.19;
- ~~14.13.~~ Flags, banners, pennants, spinners, ribbon, streamers, balloons, and similar devices visible from a public right-of-way, except as expressly permitted by this Article;
- ~~15.14.~~ Signs projecting more than 36 inches from a building wall; ~~and~~
15. Temporary signs, except as provided for herein;
16. Any sign with words, scenes, or graphics of an obscene, indecent, or prurient character which offend public morals or decency;
17. Any sign not expressly allowed or permitted by this Article 18;
18. Vehicular signs when the vehicle is parked such that the sign is visible from a right-of-way within 50 feet of the vehicle, except when there is no reasonable alternative location on the site to park the vehicle; and
19. Pole-mounted signs.
- ~~e. Owner/Leasing Agent signs.~~

~~Signs identifying the owner or leasing agent and contact information for a property may be permitted under the following conditions: _____~~

- ~~1. No more than two such signs are permitted for any one property;~~
- ~~2. Each sign is limited to three (3) square feet in area if free standing, or five (5) square feet if attached to an existing sign or to a building;~~
- ~~3. If free standing, the sign(s) must not be more than three (3) feet tall, and must be set back a minimum of two (2) feet from the property line.~~
- ~~4. The area of these signs does not count towards the total sign area permitted in connection with the development on the property.~~

25.18.05 – Exemptions

This Article 18 does not apply to the following signs, and no permit for such signs is required:

- ~~1. Any sign erected inside of any building and not visible from the exterior thereof;~~
- ~~2. Any sign erected inside of any building and visible outside of such building through a window, provided such sign is set back at least ten (10) feet from the nearest window;~~
- ~~3. Signs inside a building within ten (10) feet of any window not exceeding 20 percent of the area of a window unit. Such signs may be illuminated, but must not flash, blink, or be otherwise animated;~~
- ~~4. Traffic control signs and speed indicator signs;~~
- ~~5. Any sign erected by or at the direction of, any governmental body having jurisdiction over the property or the right of way on which the sign is located;~~
- 6.1. Any sign or portion thereof required to be posted or displayed by this Chapter or other applicable Federal, State, or local law or regulation;
2. Signs and other visual displays erected by, or at the direction of, federal, state, or local governmental or quasi-governmental agencies;
3. Any sign not readable from any right-of-way or abutting property, except as set forth in Section 25.18.04.b.13 above;
4. Any unilluminated sign smaller than one (1) square foot in area;
5. Up to two (2) noncommercial flags not exceeding 100 square feet per face in area on nonresidential parcels and not exceeding 25 square feet per face in area on residential parcels;
6. Signs conforming to or required by the Manual of Uniform Traffic Control Devices as published by the Federal Highway Administration from time to time under 23 Code of Federal Regulations, Part 655, Subpart F

7. ~~One (1) private flag when displayed with the flag of the United States and the State or political subdivision, provided such private flag must not be larger than the other flags displayed;~~
 8. ~~Signs located on public or private recreational facilities on parcels of five (5) acres or more, provided that such signs are not intended to be readable from a public way;~~
 9. ~~Any ornamental flag or stationary structure, device, material, or thing of a noncommercial decorative nature extending from a wall or pole located on residential property or around parking or pedestrian areas in the interior of non-residential property and not designed to attract the attention of those traveling on a public way; or.~~
10. 7. Numerals not exceeding 18 inches in height identifying an address on a lot. the address of a dwelling unit or building. It is hereby expressly found and determined that such numerals are necessary to serve life safety purposes in the evening emergency services personnel are required to locate and access a particular property.

25.18.06 – Construction, Design, Illumination, and Maintenance of Signs

a. *Permanent Signs*

1. *Construction* – Permanent signs must be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
 - (a) Signs attached to masonry, concrete, or steel must be safely and securely fastened by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to safely support the loads applied.
 - (b) Where wood anchors or supports are embedded in the soil, the wood must be pressure treated with an approved preservative.
2. *Design* – Permanent signs must be designed and constructed to withstand wind pressure as provided for in the current edition of the International Building Code, as amended, or in such other code adopted as the Building Code for the City.
3. ~~*Trademarks and Logos* – Up to 20 percent of the area of a sign may be occupied by a multi-color corporate trademark or other logo, and must be approved by the owner or leasing agent of the property. Any accent colors for the balance of the sign lettering must use the colors contained within the trademark or logo.~~
4. *Illumination* – When illumination of a sign is ~~permitted~~ proposed, it must satisfy the following requirements:

- (a) A sign must be illuminated only with electric lighting, and electrical devices and wiring must be installed in accordance with the requirements of Chapter 5, Article VII of the City Code.
 - (b) 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.
 - (c) Sign illumination must not cause traffic interference.
- b. *Temporary Signs*
- 1. *Construction* – Temporary signs must:
 - (a) Not be constructed in a manner that requires a building or electrical permit; and
 - (b) Be securely anchored to the structure or land in which it is located.
 - 2. *Design* – Temporary signs must not have changeable copy.
 - 3. *Illumination* – Temporary signs must not be illuminated in any manner.
- c. *Maintenance*
- 1. All signs and sign support structures, together with their supports, braces, guys, and anchors, must be maintained in good structural condition, in compliance with all applicable building and electrical codes, and in conformance with this Article at all times.
 - 2. The display surfaces of all signs must be kept neatly painted or posted at all times.

25.18.07 – Measurement of Sign Area and Height

- a. *Sign Area*
- 1. Sign area includes the total areas of all ~~permitted~~ allowed signs, except as otherwise provided for herein.
 - 2. Sign areas are measured as follows:
 - (a) For sign copy mounted or painted on a background panel or area distinctively painted, textured, lighted, or constructed as background for the sign copy, sign area is measured as that area contained within the outside dimensions of the background panel or surface.

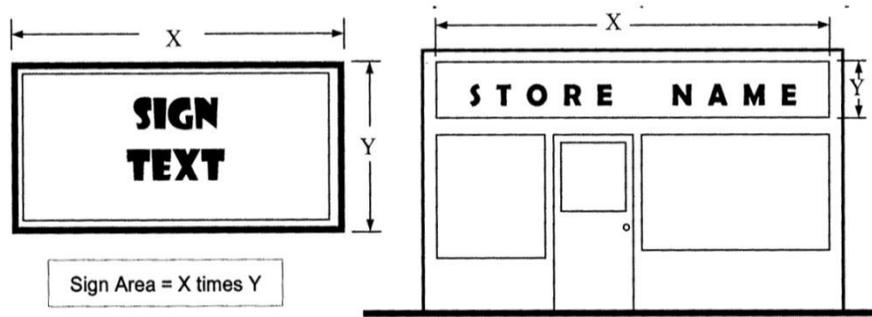
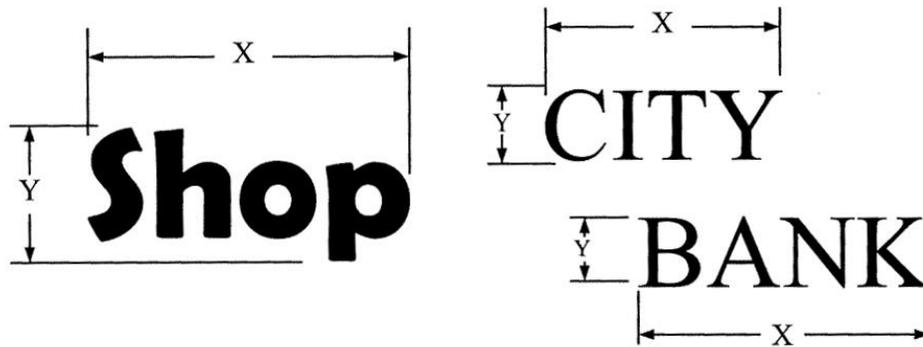


Figure 18.1

- (b) For sign copy mounted as individual letters and/or graphics on an area of a building that has not been painted, textured, lighted, or otherwise altered to provide a distinctive background for the sign copy, sign area is measured as the area or the sum of the areas enclosed by the smallest rectangle that will enclose each word and graphic.



Sign Area = X times Y

Figure 18.2

- (c) For freestanding signs or projecting signs not more than two (2) sign faces shall be allowed. If the interior angle between the two (2) sign faces is 90 degrees or less, the area of only one (1) face will be the sign area. If the angle between the two (2) faces is greater than 90 degrees, the sign area will be the sum of the areas of the two (2) faces.

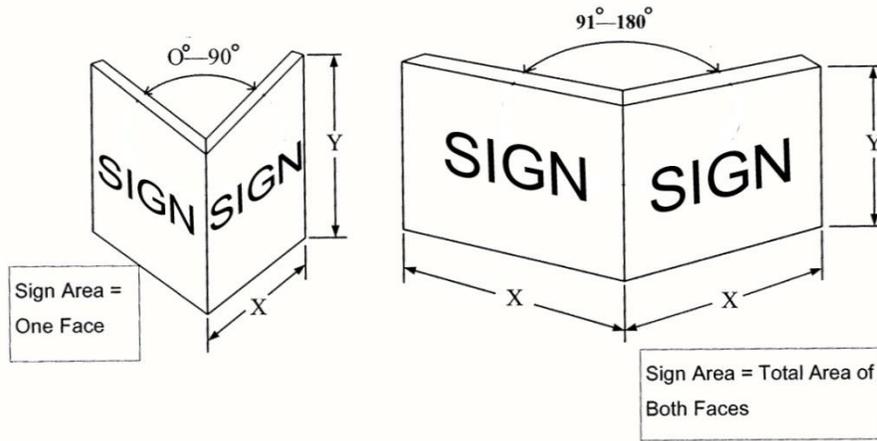


Figure 18.3

- (d) For a freestanding sign, the sign area will be the area that will encompass all components of the sign excluding the supporting structure that does not form part of the sign proper.

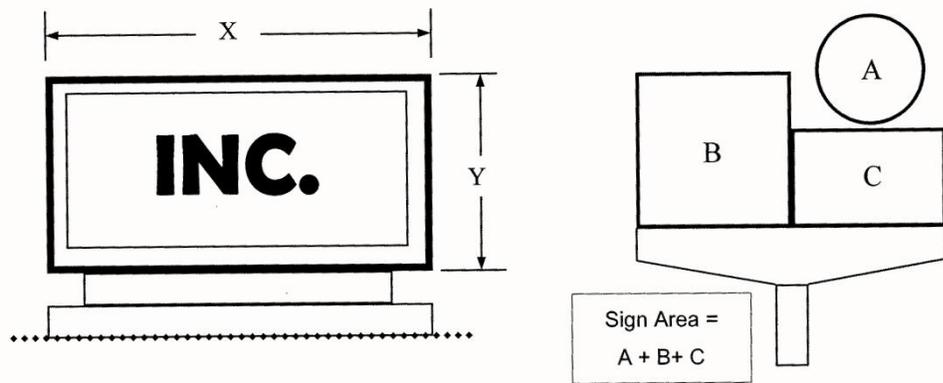


Figure 18.4

- b. *Sign Height* – Sign height is measured from the distance at the top of the sign structure to the level of the street upon which the sign faces or to the level of the lot on which the sign is erected, whichever is higher.

NOTE – The following graphic is proposed to replace the current Figure 18.5.

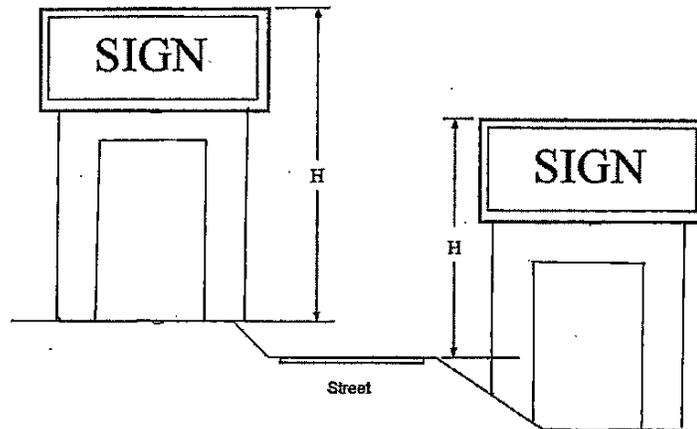


Figure 18.5

25.18.08– Sign Plans; Sign Permits; Appeals

- a. Sign Plans – For a lot occupied by more than one (1) business/tenant and where more than one (1) permanent building sign will be installed, a sign plan indicating the size, location, shape, materials, and mounting details of all permanent building signs must be approved. A sign plan must be approved by the Chief of Zoning prior to the issuance of the first sign permit for a lot where more than one permanent building sign will be installed. The sign plan will serve as the basis for all sign permit applications for permanent building signs on the lot subject to the sign plan. A revised sign plan must be approved if a sign to be installed deviates from the size, location, shape, materials, or mounting details of an approved sign plan.
- ~~a-b.~~ Sign Permits – Except as expressly exempted or otherwise provided in this Article 18, a sign permit must be obtained prior to the installation, erection, enlargement, illumination, or substantial alteration of any permanent or temporary sign allowed under this Article. The changing of the sign face is a substantial alteration requiring a new sign permit.
- ~~b-c.~~ Applications for a sign plan or sign permit ~~shall~~ must be submitted to the Chief of Planning Zoning.
- ~~e-d.~~ Each application ~~shall~~ must be submitted on forms provided therefore by the Chief of Planning Zoning, and be accompanied by such fee as is established by resolution of the

Council. The applicant ~~shall~~ must furnish as part of the application the following information:

1. The street address of the property upon which the sign is to be located and a plat map of the property showing the proposed location of the sign and identifying any adjacent residential property;
2. The aggregate area for all tenant/business signs erected by or on behalf of the applicant and/or the aggregate area for all signs on the premises;
3. The name(s) and address(es) of the owner(s) of the premises upon which the subject sign is to be located;
4. Consent of the owner(s), or the owner's(') agent, granting permission for the placement or maintenance of the sign;
5. The name, address, phone number, and business license number of the sign contractor;
6. Plans indicating the location of the sign on the property or building wall, including the road frontage or building elevation;
7. Plans indicating the dimensions, height, and shape of the sign, and materials, and mounting details;
8. The size and type of any vegetation required to be moved for sign installation or visibility; and
9. Such other information ~~pertaining to the requirements of this Article as may reasonably be required by the Chief of Planning~~ as determined by the Chief of Zoning to be necessary to assess whether the sign complies with the provisions of this Article.

~~d.e.~~ The Chief of ~~Planning~~ Zoning must review the application within 15 business days from the date of submission of the application and required fee and either approve or deny the application or return the application to the applicant if the application is incomplete as follows:

1. A sign permit must be issued or a sign plan approved if the Chief of ~~Planning~~ Zoning finds that the sign or sign plan proposed in the application complies with the requirements of this Article 18 and, if applicable, any approved sign plan for a building or lot.
2. If the permit or sign plan is denied, the denial must be in writing and must identify the specific section or sections of this Article or other applicable law with which the proposed sign(s) is inconsistent.

3. If the application is returned due to incompleteness, the Chief of Planning Zoning must advise the applicant in writing as to the information needed to complete the application.
 4. Failure of the Chief of Planning Zoning to take action on an application within the time frame set forth above is appealable to the Sign Review Board of Appeals in the same manner as an appeal from a denial of a permit.
- e.f. An applicant may appeal the denial of a sign permit or sign plan by filing a sign permit review application with the Sign Review Board ~~within ten (10) business days of Appeals in accordance with the decision of the Chief of Planning~~ procedure identified in section 25.04.06.b.2.
- f.g. No permit for a sign issued hereunder ~~shall~~ will be deemed to constitute permission or authorization to erect or maintain an unlawful sign, nor ~~shall~~ will any permit issued hereunder constitute a defense in any action to remove an unlawful sign.

25.18.09 – Nonconforming Signs

- a. Any nonconforming sign may remain erected, installed, or in use subject to the requirements of this section.
- a.b. Whenever an existing nonconforming sign is structurally altered, abandoned, destroyed, replaced, or substantially damaged, it must be modified to bring it into conformance with this Chapter Article 18. Repairs and maintenance of nonconforming signs, such as repainting and electrical repairs, shall be permitted, provided that repainting does not include a change of copy or color, and provided further that no repairs will be permitted where the cost of the repairs exceeds \$1,000.00 or 50 percent of the replacement cost of the sign.
- b.c. Whenever an existing business/tenant erects a new or additional sign, all signs on the premises pertaining to that business/tenant must be modified to bring them into conformance with this ~~Chapter~~ Article 18.
- e. ~~Any sign lawfully existing immediately prior to the effective date of this Chapter, or any application amendment thereof, but which does not conform to the requirements as now constituted or as it may hereafter be amended from time to time, must be removed within eight (8) years from the date that the sign became nonconforming.~~
- d. In all other respects, nonconforming signs must comply with the applicable requirements of Article 8, Transitional Provisions, Nonconformities, Nonconforming Alteration Approval.

25.18.10 – Removal of Signs

- a. *Prohibited Signs on Public Property / Rights of Way* – Any prohibited sign found on any public property or right-of-way within the City will be removed and disposed of by the Chief of Inspection Services or designee in the same manner as trash. Nothing herein prohibits the imposition of a fine or initiation of any other enforcement action against any person or entity found to have installed a prohibited sign on any public property or right-of-way within the City.
- b. *Unlawful Sign* – Any sign unlawfully existing immediately prior to the effective date of this Chapter, or any applicable amendment thereof, and which does not conform to the requirements of this Article, as now constituted or as it may be amended from time to time, must be removed by the owner after notice from the City to do so.
- c. ~~*Elections and Other Event Signs*—Any sign that pertains to an election, event, activity, or purpose of a limited time or duration must be removed within seven (7) days of the conclusion of the event, activity, or purpose to which it pertains. Nothing herein prohibits the maintenance of signs with a political or other noncommercial message in accordance with the provisions of the Article 18 pertaining to temporary noncommercial signs.~~
- d. *Abandoned Signs*
 - 1. An abandoned sign must be removed within 30 days from the time the activity on the premises ceases and/or the business owner vacates the premises by:
 - (a) The sign’s owner;
 - (b) The owner of the property on which the sign is located; or
 - (c) Any other persons otherwise responsible for the sign.
 - 2. Removal consists of the ~~removal~~ disassembly of the portion of the conforming sign identifying the business, tenant, entity, service, owner, product, or activity that is no longer located on the premises of the sign face and installation of temporary replacement face where applicable. Nonconforming signs are subject to the provisions of Section 25.18.09.

25.18.11 – Signs ~~Permitted~~ Allowed for Residential Uses in All Zones

The following signs are ~~permitted~~ allowed for residential uses in all zones:

- 1. ~~*Identification Signs*—Each dwelling unit may have permanent occupant identification signs, including a single sign for a valid home-based business enterprise or child care center located on a lot less than 20,000 square feet, in accordance with the following:~~
 - (a) ~~The total aggregate of all such signs must not exceed 150 square inches;~~

- (b) ~~The signs may be a building sign or freestanding;~~
- (c) ~~If freestanding, the signs must not be illuminated in any manner; and~~
- (d) ~~No sign permit is required.~~
2. *Entrance Signs* – ~~A~~ Permanent entrance signs for principally residential developments or a subdivisions, or multi-family dwellings containing ten (10) or more dwelling units in accordance with the following:
- (a) One (1) sign not exceeding 24 square feet in area with a maximum height of five (5) feet located at or near the entrance to the development ~~or subdivision~~ and within the boundaries of such development or subdivision;
- (b) Where the dwelling units are separately owned, such sign must be located in an easement or tract of land to be owned and/or maintained by the Home Owners Association, civic association, or similar entity;
- (c) Final location of such sign must be approved by the Director of the Department of Public Works or designee, to ensure that the sign does not obstruct the ~~visibility of motorists~~ sight distance triangle; and
- (d) Such sign must be located in a landscaped area of at least two (2) square feet per each square foot of sign area except that for multi-family dwellings such sign may be a building sign.
- 3.2. *Directional Signs* – Directional signs for principally residential developments or a, subdivisions or multi-family dwelling developments of any size is are permitted allowed in accordance with the following:
- (a) Such signs must not exceed three (3) square feet in area; and
- (b) If freestanding, such signs must not exceed six (6) feet in height.
- 4.3. *Temporary Signs* – ~~The following temporary signs:~~ Temporary signs are allowed as follows:
- (a) *Real Estate Signs for Individual Residential Lots or Dwelling Units*
- i. One (1) building or freestanding sign per street frontage not exceeding six (6) square feet in area and, if free standing, not exceeding five (5) feet in height, provided that any sign installed within ten (10) feet from the property line must not exceed 42 inches in height;
- ii. Such signs must not be illuminated; and

iii. No sign permit is required.

(b) *Real Estate Signs for Recorded Subdivision* – For recorded subdivisions containing ten (10) or more lots, signs must comply with the following:

- i. One (1) sign per subdivision not exceeding 48 square feet in area and, if freestanding, not exceeding 12 feet in height located within the subdivision;
- ii. Such signs must not be illuminated;
- iii. Such signs may be maintained for a period of two (2) years, or until all the lots in the subdivision are sold, whichever occurs first; and
- iv. Sign permits are required and are renewable for such signs.

(c) *Real Estate Signs for New or Renovated Multi-Unit Dwelling Developments*

- i. For developments containing up to ten (10) dwelling units, signs must comply with the following:
 - A. One (1) sign per street frontage not exceeding 12 feet in height located on the property;
 - B. Such signs must not be illuminated; and
 - C. No sign permit is required for such signs.
- ii. For developments containing more than ten (10) dwelling units, signs must comply with the following:
 - A. One (1) sign per street frontage not exceeding 48 square feet in area and, if freestanding, not exceeding 12 feet in height located on the property;
 - B. Such signs must not be illuminated;
 - C. Such signs may be maintained for a period of two (2) years, or until all the units in the development are rented, sold, or leased whichever occurs first; and
 - D. Sign permits are required and are renewable for such signs.

(d) *Temporary Noncommercial Signs*

~~i. General Provisions for Temporary Noncommercial Signs~~

A ~~i.~~ Such signs must not exceed five (5) square feet in area.

~~B~~ ii. If freestanding, such signs must not exceed five (5) feet in height, provided that any sign installed within ten (10) feet from the property line must not exceed 42 inches in height;

~~C~~ iii. Such signs must not be illuminated; and

~~D~~ iv. No sign permit is required for such signs.

~~ii.(c)~~ Yard Sale Signs – ~~In addition to the general provisions for temporary noncommercial signs provided in Subsection 4.(d)(i), above, property owners holding a yard sale are permitted to erect signs on their own property in accordance with the following: One (1) yard sale sign per lot is allowed in accordance with the following:~~

~~A~~ i. ~~Signs must not be displayed for a period longer than two (2) days during any calendar month; and~~ Signs may be displayed for a period no longer than two (2) days during any calendar month in which the yard sale occurs, and such signs must not exceed five (5) square feet in area.

~~B~~ ii. ~~Signs must be removed upon the conclusion of the sale.~~ Such signs must not be illuminated.

~~C~~ iii. No sign permit is required for such signs.

~~D~~ iv. Signs must be removed upon the conclusion of the sale.

25.18.12 – Signs ~~Permitted~~ Allowed for Nonresidential Uses in Residential Zones

a. *Signs for Permitted Uses in Residential Zones* – ~~Except for child care homes and child care centers located on lots under 20,000 square feet, the following signs for a church, synagogue or other place of worship, and other permitted nonresidential uses are permitted~~ allowed as follows:

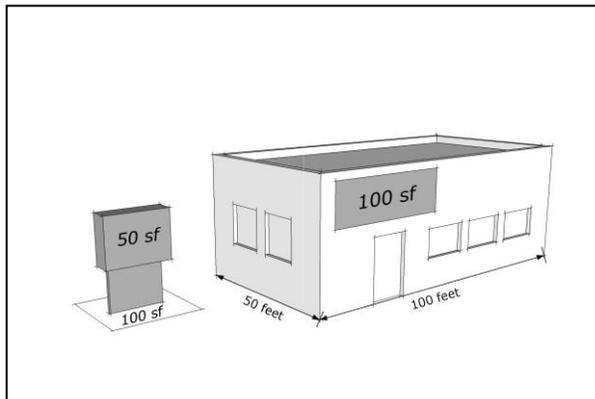
1. One (1) permanent sign, not exceeding 24 square feet in area for each street frontage
 - (a) If freestanding, it must not be located less than ten (10) feet from any lot line; and
 - (b) The sign may contain changeable copy.
2. Directional signs, provided that:
 - (a) Such signs do not exceed three (3) square feet in area; and
 - (b) If freestanding, such signs must not exceed six (6) feet in height.

- b. *Signs for Special Exceptions* – For non-residential special exception uses in residential zones:
1. All signs ~~shall~~ must be as ~~permitted~~ authorized by the Board of Appeals in its approval of the special exception application, except that the Board of Appeals may not ~~permit~~ authorize any sign prohibited under Section 25.18.04.
 2. ~~Residential~~ Special exceptions valid on December 31, 1983 have the following options:
 - (a) One (1) sign not exceeding 20 square feet in area is allowed. It may be a building sign or freestanding. If freestanding, the sign must not exceed five (5) feet in height; or
 - (b) A qualified applicant may apply to the Board of Appeals for an amendment to existing sign conditions in compliance with Section 25.15.01.b.
- c. *Temporary Real Estate Signs* – Temporary real estate signs are ~~permitted~~ allowed for all nonresidential uses in residential zones in accordance with the provisions of Section ~~25.18.11.4. (a) 25.18.11.3~~ and will be allowed in addition to any other temporary sign allowed under this Article 18.
- d. *Temporary Noncommercial Signs* – Temporary noncommercial signs are ~~permitted~~ allowed in accordance with the provisions of Section ~~25.18.11.4.(d) 25.18.11.3.(d).~~

25.18.13 – Signs ~~Permitted~~ Allowed in MXC and the Industrial Zones

- a. *Permanent Building Signs* – Permanent building signs are permitted in the ~~Mixed-Use Commercial (MXC) and~~ Industrial (I-L and I-H) Zones in accordance with the following:
1. *Total Aggregate Area*
 - (a) The total aggregate area of all signs on the premises allowed for each business/tenant must not exceed:
 - i. Two (2) square feet for each linear foot of exterior building wall enclosing the business/tenant space ~~up to a maximum of~~ for the first 50 linear square feet.
 - ii. If such building wall or portion thereof measures more than 50 linear feet, then the aggregate area of all signs on the premises for that business/tenant may be increased in area at the rate of one (1) square foot for each additional linear foot of exterior building wall ~~in excess of 50 linear feet.~~

NOTE – The following graphics are proposed to replace the current Figure 18.6 and Figure 18.7.



Total Aggregate Area for Each Business/Tenant

Figure 18.6

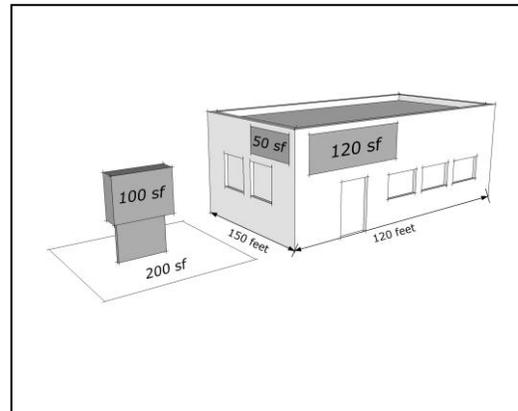


Figure 18.7

- (b) For business/tenant space with multiple exterior building walls, each exterior wall may be so measured. All signs must be placed on the exterior building wall or portion thereof used for measurement.

2. Design

- (a) For a lot occupied by more than one (1) business/tenant, each building sign must be consistent with any sign plan and be compatible and harmonious (but not necessarily identical) in terms of design, color, shape, size, style, material, and mounting with all other signs on the building or ~~in the center lot~~.
- (b) In addition to the principal sign color, up to two additional accent colors, such as drop shadows or letter outlines may be included in the design. ~~If a trademark or logo is included, the provisions of Section 24.18.06.a.3 also apply.~~
- ~~(c) A proposal for the entire building or center must be submitted by the owner prior to the issuance of the first sign permit after the effective date of this Article for either a new or existing development.~~

- ~~3. Additional Signs for Multiple Tenants – Buildings occupied by four (4) or more businesses/tenants may have one (1) additional building sign with a maximum area of 50 square feet located on an exterior wall.~~

b. *Freestanding Signs*

1. ~~Freestanding signs are permitted in the Mixed Use Commercial (MXC) Zone in accordance with the following:~~
 - ~~(a) One (1) freestanding sign is permitted per record lot;~~
 - ~~(b) Such sign must not exceed a maximum area of 50 square feet and a maximum height of six (6) feet;~~
 - ~~(c) Such sign must not use internal illumination;~~
 - ~~(d) Such sign must not be located within ten (10) feet from any lot line;~~
 - ~~(e) A landscaped area must be provided at the base of the freestanding sign, with the landscaped area to be a minimum area of two (2) square feet of sign area; and~~
 - ~~(f) Freestanding signs that contain the name, logo, or trademark of more than one (1) business, place, organization, building, or person must meet the following requirements in addition to those listed above:~~
 - ~~i. Lettering for the identification of the building/center must not be less than 18 inches in height;~~
 - ~~ii. Lettering for the identification of individual businesses/tenants and other copy must not be less than ten (10) inches in height;~~
 - ~~iii. The design of the sign shall be internally consistent and harmonious in color, size, style, material, and mounting; and~~
 - ~~iv. The design of the sign shall be consistent and harmonious with the sign plan and architecture for the entire building or center.~~

NOTE – The following graphic is proposed to replace the current Figure 18.8.

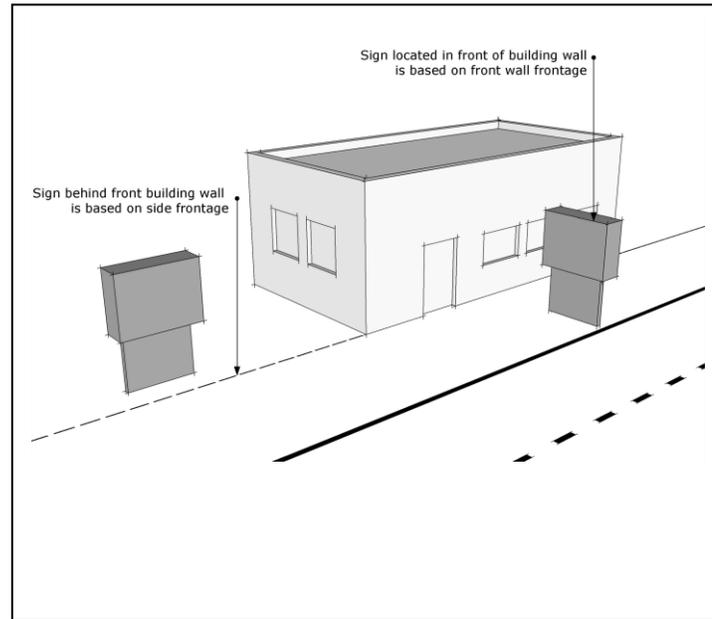


Figure 18.8 - Freestanding Signs

2. Freestanding signs are ~~permitted~~ allowed in the I-L and I-H Zones in accordance with the following:
- (a) ~~Freestanding signs that identify a single business/tenant shall be counted as a portion of the total aggregate sign area allowed for that business/tenant.~~
 - (b) ~~Other freestanding signs, including those that identify a multi-tenant building or center, shall not be counted in the aggregate sign area allowed for any individual business/tenant. Such signs must be in accordance with the following:~~
 - i. ~~There shall~~ may be only one (1) freestanding sign per lot;
 - ii. Such signs must have a maximum area of 50 square feet and a maximum height of ten (10) feet; and
 - iii. ~~The freestanding sign must be counted as a portion of the aggregate sign area of the most proximate exterior building wall;~~
 - iv. Such signs must not be closer than 30 feet to any residential zone; ~~and~~
 - v. ~~Freestanding signs that contain the name, logo, or trademark of more than one (1) business, place, organization, building, or person must, in addition to the requirements above, satisfy the following additional requirements:~~

- A. ~~Lettering for the identification of the building/center must not be less than 18 inches in height;~~
- B. ~~Lettering for the identification of individual businesses/tenants and other copy must not be less than ten (10) inches in height;~~
- C. ~~The design of the sign must be internally consistent and harmonious in color, size, style, material, and mounting; and~~
- D. ~~The design of the sign must be consistent and harmonious with the sign plan and architecture for the entire building or center.~~

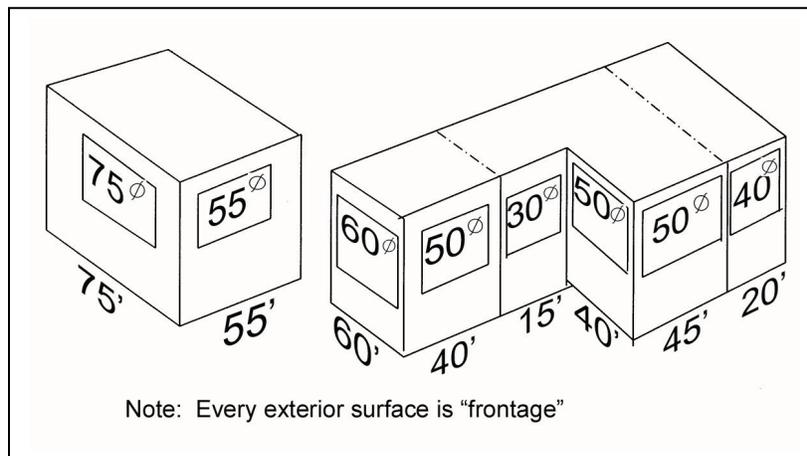


Figure 18.9 - Building Signs (2)

- c. ~~Additional Signs~~ Additional signs are permitted in the Mixed Use Commercial (MXC), and Industrial (I-L and I-H) Zones in accordance with the following:
 - 1. ~~Buildings or centers occupied by four (4) or more businesses/tenants may erect one (1) additional sign, with one (1) entry per business/tenant.~~
 - 2. ~~Letters must be a maximum height of three (3) inches and must be consistent in style.~~
 - 3. ~~Such sign may be erected as a building sign or freestanding sign not intended to be readable from a public way.~~
 - 4. ~~If freestanding, such sign must not exceed a maximum of 50 square feet in area and a maximum height of ten (10) feet.~~
- d. ~~Directional Signs~~ Directional signs in the Mixed Use Commercial (MXC), and Industrial (I-L and I-H) Zones are ~~permitted~~ allowed in accordance with the following:

1. The signs must not exceed three (3) square feet in area; and
2. If freestanding, the signs must not exceed six (6) feet in height.

~~e.d.~~ *Gasoline Price Signs* – In the ~~Mixed-Use Commercial (MXC)~~, and Industrial (I-L and I-H) Zones, gasoline price signs required by State law for automobile filling stations may be freestanding or erected as a building sign. Any such sign or portion thereof that exceeds the minimum requirements of State law must be counted in the number, size, and total aggregate area for the business/tenant.

~~f.e.~~ *Changeable Copy Signs* – Changeable copy signs are ~~permitted~~ allowed in the ~~Mixed-Use Commercial (MXC)~~ and Industrial (I-L and I-H) Zones ~~to announce current and future entertainment productions~~. Such sign may be freestanding and shall be counted in the number, size, and aggregate sign area permitted for the business/tenant.

~~g.f.~~ *Temporary Signs* – Temporary signs are ~~permitted~~ allowed in the ~~Mixed-Use Commercial (MXC)~~ and Industrial (I-L and I-H) Zones in accordance with the following:

1. One (1) real estate sign per lot not exceeding 48 square feet in area, and not more than 12 feet in height if freestanding, or one (1) building sign not exceeding 72 square feet in area if mounted at least 70 feet above adjacent grade, in accordance with the following:
 - (a) Such signs must not be illuminated;
 - (b) Such signs may be maintained for a period of two (2) years or until the building or lot is rented, leased, or sold, whichever occurs first. Signs must be removed within 30 days after sale, lease, or rental. Signs installed for a two (2) year renewal period are limited to a maximum size of 24 square feet; and
 - (c) Such signs must not be located within 30 feet of a residential zone.
2. One (1) sign may be erected during the period of construction with a total maximum sign area of 72 square feet.
3. Upon occupancy of a space by a business or tenant, banners, and displays not exceeding 32 square feet in total area may be erected for up to 60 consecutive days including days before or after actual occupancy date by the business or tenant. If the building has more than 50 feet of linear frontage, the total area of the banner or display may be increased up to 48 square feet.
4. Temporary noncommercial signs are ~~permitted~~ allowed in the ~~Mixed-Use Commercial (MXC)~~ and Industrial (I-L and I-H) zones in accordance with the provisions of Section 25.18.14.a.4.(b).

~~h.g.~~ *Subdivision Entrance Signs* – In the Industrial zones, permanent signs within recorded subdivisions of four (4) or more lots are ~~permitted~~ allowed in accordance with the following:

1. One (1) sign is permitted, not exceeding 50 square feet in area and not exceeding six (6) feet in height.
2. Such sign must be located at or near the entrance to the subdivision within the boundaries of the subdivision.
3. Final location of such sign must be approved by the ~~City Traffic Engineer~~ Director of Public Works to ensure that the sign does not obstruct the ~~visibility of motorists sight distance triangle~~.
4. Such sign must be located in a landscaped area of at least two (2) square feet per each square foot of sign area.
5. Such sign must not use internal illumination.

25.18.14 - Signs ~~Permitted~~ Allowed in Other Mixed-Use Zones – MXTD, MXCD, MXCT, MXNC, MXE, MXB, MXC and MXT

- a. The following signs are ~~permitted~~ allowed in the MXT and MXC Zones:
 1. Permanent building signs in accordance with the following:
 - (a) The total area of all building signs must not exceed 15 square feet on any building;
 - (b) Such signs must not utilize internal illumination; and
 - (c) Such signs must not be placed above the first-story level of any building;
 2. Permanent freestanding signs in accordance with the following:
 - (a) One (1) freestanding sign is ~~permitted~~ allowed for each ~~record~~ lot ~~or project~~ not exceeding eight (8) square feet in area and not exceeding five (5) feet in height;
 - (b) Such sign must not utilize internal illumination; and
 - (c) Such sign must be located not less than ten (10) feet from a lot line of any lot used principally for a residence;
 3. Directional signs in accordance with the following:

- (a) Such signs must not to exceed three (3) square feet in area; and
 - (b) If freestanding, not to exceed six (6) feet in height;
4. Temporary signs in accordance with the following:
- (a) One (1) real estate sign per lot not exceeding 24 square feet in area and eight (8) feet in height, in accordance with the following:
 - i. Such signs must not be illuminated;
 - ii. Such signs may be maintained for a period of two (2) years or until the building or lot is rented, leased, sold, whichever occurs first; and
 - iii. Such signs must not be located within 30 feet of a residential zone.
 - (b) Temporary noncommercial signs are ~~permitted~~ allowed in accordance with the following:
 - i. The total aggregate area of all such signs on a single lot must not exceed 32 square feet;
 - ii. No single sign may exceed 12 square feet in size;
 - iii. If freestanding, such signs must not exceed eight (8) feet in height;
 - iv. In lieu of the signage allowed in subsection (b)(i) and (ii) above, on any ~~reerod~~ lot that abuts a limited access highway noncommercial temporary signs may be attached to the side of a building facing a limited access highway. Such signs must be mounted to the top floor face of the building, must not obstruct windows, and must not exceed an aggregate size of 100 square feet.
 - v. Such signs must not be illuminated;
 - vi. Such signs must not be located within 30 feet of a residential zone;
 - vii. No sign permit is required for such signs.
5. Portable signs. One (1) portable sign may be allowed as follows:
- (a) The sign must be located within ten (10) feet of the front building entrance of the business and must not impede pedestrian movements;
 - (b) Each sign face cannot exceed six (6) square feet in area and be no taller than three (3) feet;

(c) The sign can only be displayed when the business is open to the public.

b. Signs ~~permitted~~ allowed in the MXTD, MXCD, MXNC, MXCT, MXB, and MXE Zones:

1. *Permanent Building Signs* - Permanent building signs are permitted in the MXTD, MXCD, MXNC, MXCT, MXB, and MXE Zones in accordance with the following:

(a) *MXTD, MXCD, MXCT, MXE, and MXNC Zones*

- i. The total aggregate area of all signs on the premises allowed for each business/tenant must not exceed:
 - A. Two (2) square feet for each linear foot of exterior building wall enclosing the business/tenant space ~~up to a maximum of~~ for the first 50 square linear feet.
 - B. If such building wall or portion thereof measures more than 50 linear feet, then the aggregate area of all signs on the premises for that business/tenant may be increased in area at the rate of one (1) square foot for each additional linear foot of exterior building wall ~~in excess of 50 linear feet.~~
- ii. For a lot occupied by more than one (1) business/tenant, each building sign must be consistent and harmonious in terms of design, color, shape, size, style, material, and mounting with other such signs on the building or in the center. ~~A proposal for the entire building or center must be submitted by the owner prior to the issuance of the first sign permit for either a new or existing development.~~
- iii. In addition to the principal sign color, up to two additional accent colors, such as drop shadows or letter outlines may be included in the design. ~~If a trademark or logo is included, the provisions of Section 24.18.06.a.3 also apply.~~
- iv. ~~In the MXTD Zone, signs allowed for an individual business/tenant in a multi-tenant building must be placed only on pedestrian levels of the building.~~
- v. In addition to the above, buildings occupied by two (2) or more businesses/tenants may have building signs with a maximum area of 50 square feet each located on any exterior wall that has frontage on the public right-of-way.

NOTE – The following graphic is proposed to replace the current Figure 18.10.

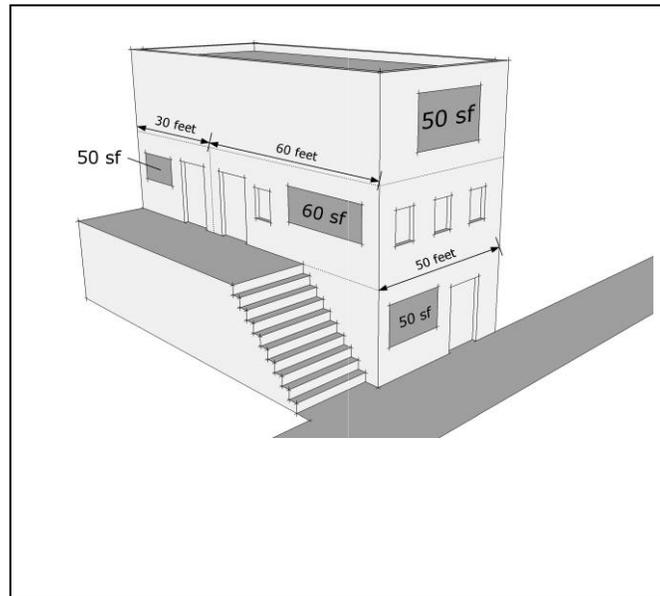


Figure 18.10 - Building Signs (1)

(b) *Total Aggregate Area – ~~MXE and~~ MXB Zones*

- i. The total area of all signs erected on a ~~record~~ lot in the ~~MXE and~~ MXB Zones must not exceed 250 square feet.
- ii. For a lot occupied by more than one (1) business/tenant, each building sign must be consistent and harmonious in terms of design, color, shape, size, style, material, and mounting with other such signs on the building or in the center. ~~A proposal for the entire building or center must be submitted by the owner prior to the issuance of the first sign permit for either a new or existing development.~~
- iii. In addition to the principal sign color, up to two additional accent colors, such as drop shadows or letter outlines may be included in the design. ~~If a trademark or logo is included, the provisions of Section 24.18.06.a.3 also apply.~~

~~(c) *Optional Comprehensive Sign Package* – An applicant for new development, comprehensive redevelopment, or an existing multi-tenant project may submit a comprehensive sign program to the Sign Review Board that deviates from the above requirements of subsection b.1, above.~~

- i. ~~The Sign Review Board may approve such a comprehensive sign package provided that:~~

- ~~A. If the maximum size otherwise allowed for any sign is increased, the total square footage of all signs on the project must not exceed the maximum aggregate total signage area permitted in subsection b.1, above.~~
 - ~~B. Notwithstanding any variation among the signs in design, color, shape, size, style, material, or mounting, the signs must be compatible with each other and with the surrounding properties.~~
- ~~ii. In reviewing a proposed comprehensive sign package, the Sign Review Board must consider:

 - ~~A. The size, shape, color, design elements, and location of the signs;~~
 - ~~B. The compatibility of the proposed signs with the surrounding properties, the proximity of other signs, and the characteristics of the area where the signs are to be located; and~~
 - ~~C. Any recommendations from the Chief of Planning or the Planning Commission.~~~~
 - ~~iii. The Sign Review Board may impose such conditions and terms when approving a comprehensive sign package, that are reasonably necessary to satisfy the purpose and intent of this Article.~~

2. *Freestanding Signs*

- (a) Freestanding signs are ~~permitted~~ allowed in the MXTD Zone in accordance with the following:
 - i. On a lot, ~~One~~ (1) freestanding sign is allowed per record lot for each frontage on a major arterial or business district street;
 - ii. Such sign must not exceed a three (3) feet by eight (8) inches with a maximum height of six (6) feet;
 - iii. Such sign must not use internal illumination;
 - iv. Such sign must not have a separate supporting structure; ~~and~~
 - v. Final location of such sign must be approved by the Director of the Department of Public Works, or their designee, to ensure that the sign does not obstruct the sight distance triangle motorist visibility; ~~and~~
 - vi. Freestanding signs may also be subject to the provisions of Sec. 25.17.08.~~dc~~ for areas along Rockville Pike and Hungerford Drive.
- (b) Freestanding signs are ~~permitted~~ allowed in the MXCD, MXCT, MXB, and MXNC Zones in accordance with the following:

- i. Freestanding signs that identify a single business/tenant must be erected on a lot with a single business/tenant must be counted as a portion of the total aggregate sign area allowed for that business;/tenant. Other freestanding signs, including those that identify a multi-tenant building or center, erected on a lot with more than one business/tenant must not be counted in the aggregate sign area allowed for any individual business/tenant. Such signs must be in accordance with the following:
 - a. One (1) freestanding sign for each record lot. On record lots larger than five (5) acres, one (1) freestanding sign shall be permitted on each public street frontage ~~on a major highway or business district street~~. Where more than one (1) freestanding sign is permitted, they ~~shall~~ must be erected at least 100 feet apart;
 - b. Such signs must not exceed a maximum area of 100 square feet and a maximum height of 20 feet, provided that the area of a freestanding sign must not exceed the aggregate sign area allowed for the premises as measured by the most proximate building wall;
 - c. ~~The freestanding sign shall be counted as a portion of the aggregate sign area of the most proximate exterior building wall;~~
 - d. Such signs must not be closer than 30 feet to any residential zone;

NOTE – The following graphic is proposed to replace the current Figure 18.11.

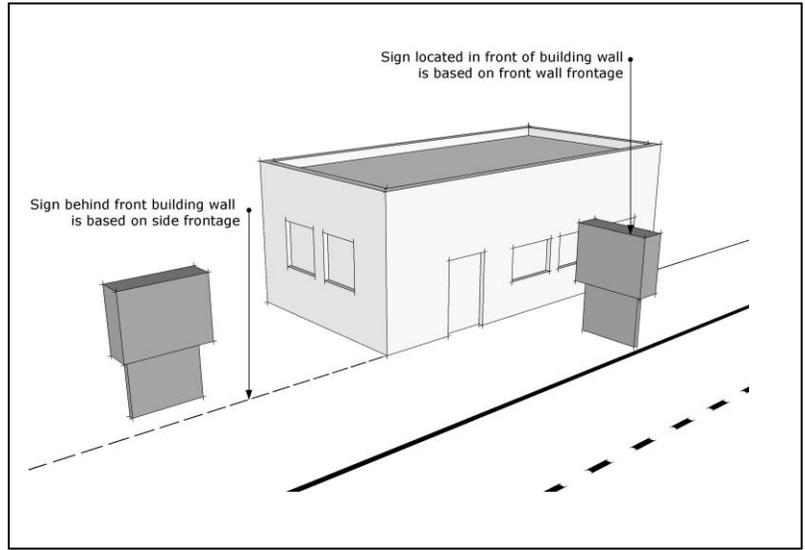


Figure 18.11 - Freestanding Signs

e.d. A landscaped area must be provided at the base of the freestanding sign, with the landscaped area a minimum area of two (2) square feet for each square foot of sign area;

f.e. The design of the sign shall be compatible and harmonious with the sign plan and architecture for the entire building or ~~center~~ lot; and

g.f. Freestanding signs are also subject to the provisions of Section 25.17.08.c for areas along Rockville Pike or Hungerford Drive.

ii. ~~Freestanding signs that contain the name, logo, or trademark of more than one (1) business, place, organization, building, or person must satisfy the requirements set forth in subsections b.2.(b)(i)A. through F. of this Section, 25.18.14, plus the following additional requirements:~~

A. ~~Lettering for the identification of the building/center must not be less than 18 inches in height;~~

B. ~~Lettering for the identification of individual businesses/tenants and other copy must not be less than ten (10) inches in height;~~

C. ~~The design of the sign must be internally consistent and harmonious in color, size, style, material, and mounting; and~~

D. ~~The design of the sign must be consistent and harmonious with the sign plan and architecture for the entire building or center.~~

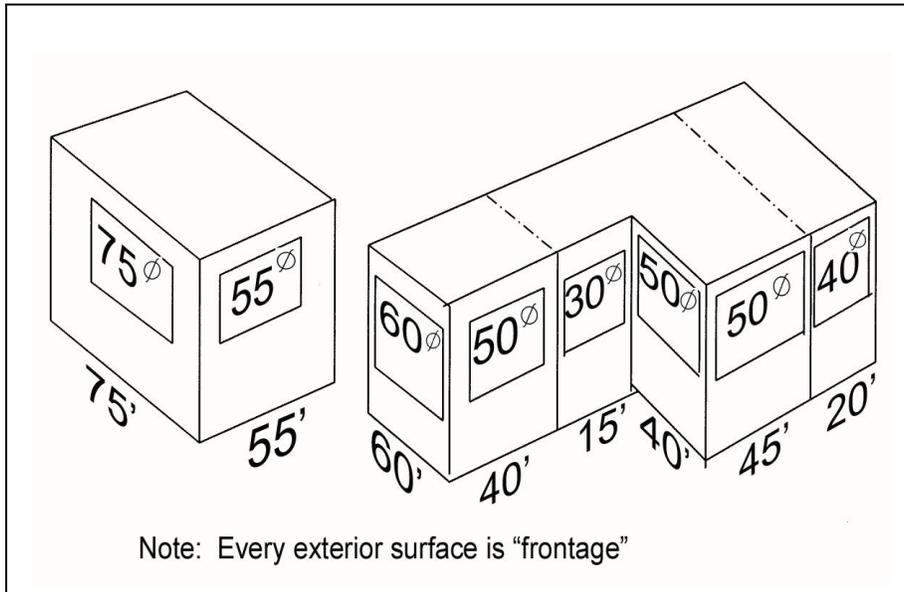


Figure 18.12 - Building Signs

Attachment 1.A.a: Authorized Text Amendment 10-15-18 (2594 : TXT2019-00250 - Sign Code Revisions)

- (c) Freestanding signs are permitted in the MXE Zone in accordance with the following:
- i. Freestanding signs must be counted as a portion of the total aggregate sign area of the lot;
 - ii. One (1) freestanding sign for each ~~reord~~ lot not exceeding 100 square feet in area and not exceeding 20 feet in height is allowed. Such sign must be located not less than 50 feet from any lot line;
 - iii. In addition, ~~reord~~ lots which abut a limited access highway may have one (1) additional freestanding sign not exceeding 50 square feet in area and not exceeding five (5) feet in height to be located at the principal point of ingress to such lot and not less than ten (10) feet from any lot line;
 - iv. A landscaped area must be provided at the base of the freestanding sign. The landscaped area must be a minimum area of two (2) square feet for each square foot of sign area; and
 - v. Letters and graphics on such signs must not exceed six (6) inches in height.

Note – Monument Sign Graphic Deleted

3. *Directional Signs* – Directional signs are ~~permitted~~ allowed in accordance with the following:
 - (a) The sign must not exceed three (3) square feet in area; and
 - (b) If freestanding, the sign must not exceed six (6) feet in height.
4. *Gasoline Price Signs* – Gasoline price signs required by State law for automobile filling stations may be freestanding or erected as a building sign. Any such sign or portion thereof that exceeds the minimum requirements of State law must be counted in the number, size, and total aggregate area for the business/tenant.
5. *Changeable Copy Signs* – Changeable copy signs are permitted ~~to announce current and future entertainment productions~~. Such sign may be freestanding and ~~shall~~ must be counted in the number, size, and aggregate sign area ~~permitted~~ allowed for the business/tenant.
6. *Temporary Signs* – Temporary signs are ~~permitted~~ allowed in the Mixed-Use Transit District Zone (MXTD), Mixed-Use Corridor District (MXCD), Mixed-Use Corridor Transition (MXCT), Mixed-Use Business District (MXB), Mixed-Use Neighborhood Commercial (MXNC), and Mixed-Use Employment (MXE) Zones in accordance with the following:

- (a) One (1) real estate sign is ~~permitted~~ allowed per lot not exceeding 48 square feet in area, and not more than 12 feet in height if freestanding, or one (1) building sign not exceeding 72 square feet in area if mounted at least 70 feet above adjacent grade, in accordance with the following:
- i. Such signs must not be illuminated;
 - ii. Such signs may be maintained for a period of two (2) years or until the building or lot is rented, leased, or sold, whichever occurs first. Signs must be removed within 30 days after sale, lease, or rental. Signs installed for a two (2) year renewal period are limited to a maximum size of 24 square feet; and
 - iii. Such signs must not be located within 30 feet of a residential zone.
- (b) One (1) sign may be erected during the period of construction with a total maximum sign area of 72 square feet.
- (c) Upon occupancy of a space by a business or tenant, banners, and displays not exceeding 32 square feet in total area may be erected for up to 60 consecutive days including days before or after actual occupancy date by the business or tenant. If the building has more than 50 feet of linear frontage, the total area of the banner or display may be increased up to 48 square feet.
- (d) Temporary noncommercial signs are ~~permitted~~ allowed in the MXTD, MXCD, MXNC, ~~MXCT~~, MXB, and MXE Zones in accordance with the provisions of Section 25.18.14.a.4.(b).
7. *Portable signs.* One (1) small, portable "~~sandwich board~~" sign may be allowed as follows:
- (a) The sign ~~shall~~ must be located ~~directly at~~ within ten (10) feet of the front building entrance of the business ~~to which it refers~~ and must not impede pedestrian movements;
 - (b) Each sign face cannot exceed six (6) square feet in area and be no taller than three (3) feet; and
 - (c) The sign ~~must~~ can only be displayed when the business is open to the public; ~~and~~.
 - (d) ~~The sign may be placed in the public right of way but must not be placed where it will impede pedestrian traffic on the sidewalk, nor can it be placed in such a way as to impede vehicle traffic.~~

25.18.15—Election Signs Reserved.

- ~~a. Residential Zones / Residential Property in Other Zones~~ In residential zones and on residential property in all zones, election signs must comply with the size, height, and

location requirements for temporary noncommercial signs contained in Sections 25.18.11.4(d).

1. ~~Such signs are subject to applicable provisions of Section 25.18.04.~~
 2. ~~No sign permit is required.~~
- b. ~~*All Other Zones*—In all other zones, election signs must comply with the requirements of the zone in which it is located pertaining to the size, area, height, duration, and location requirements for temporary noncommercial signs.~~
1. ~~Such signs are subject to applicable provisions of Section 25.18.04.~~
 2. ~~No sign permit is required.~~
- c. ~~*Removal*—Election signs that are no longer needed should be removed within seven (7) days after the election to which they pertain. It shall be the obligation of the candidate to cause all such signs to be removed prior to the expiration of the period.~~
- d. ~~*No Illumination*—Election signs must not be illuminated.~~
- e. ~~*Usage of Permanent Sign*—Nothing herein precludes the usage at any time of permanent signage permitted under this Article to advocate a candidate or issue to be voted on in an election.~~

25.18.16– Signs on Public Property and the Public Right-of-Way

- a. ~~*Signs Prohibited* – No sign is permitted~~ allowed on public property or within the public right-of-way ~~except as directed or authorized by the City Manager unless specifically authorized or required by this Code.~~
- b. ~~*Exceptions* – The City Manager may direct or authorize~~ This section does not prohibit the erection or display of ~~one (1) or more of~~ the following signs on public property or within the public right-of-way:
 1. Any sign required by a valid and applicable federal, state, or local law, ordinance, or regulation.
 2. Signs and other visual displays erected by, or at the direction of, federal, state, or local governmental or quasi-governmental agencies.
 3. Traffic control signs; Signs conforming to or required by the *Manual of Uniform Traffic Control Devices*, as published by the Federal Highway Administration from time to time under 23 Code of Federal Regulations, Part 655, Subpart.
 2. ~~Signs that provide directional or other public service information;~~

- ~~3. Signs pertaining to a governmental or public purpose;~~
- ~~4. Signs pertaining to the use, maintenance, and/or operation of public property or right of way and/or pertaining to any events or activities lawfully conducted on said property or right of way;~~
- ~~5. Signs pertaining to the closure or partial closure of a road or other public right of way; and~~
- ~~6. Such other signs deemed to be in the public interest.~~

~~c. *Community Events and Noncommercial Messages*—The City Manager may designate one (1) or more areas on public property or within the public right of way for the erection of signs pertaining to publicly and/or privately sponsored community events and noncommercial messages. Such signs must be erected and maintained in accordance with such standards, requirements, and conditions as may be established by the City Manager.~~

25.18.17 – Noncommercial Signs in Lieu of Commercial Signs

Notwithstanding any provision of this Article or Chapter to the contrary, any sign ~~permitted~~ allowed by this Article or Chapter to contain a commercial message may, in lieu thereof, contain a noncommercial message unrelated to the business, tenant, or entity located on the premises where the sign is erected, provided that the other criteria and regulations contained in this Article and Chapter have been satisfied, including but not limited to size, height, setback, location, duration, design, maintenance, and construction regulations and criteria.

25.18.18 – Signs in Planned Development Zones

- a. Except as otherwise provided in this Article 18, signs in any of the Planned Development zones as set forth in Article 14 will be regulated based on the applicable designated equivalent zones described in each planned development.
- b. ~~Specific regulations for signs in planned development zones where the project was originally approved as a preliminary development plan after January 1, 2000 and included land either owned by the City or purchased from the City:~~

~~1. Notwithstanding the provisions of Article 18, the following is specifically ~~permitted~~ allowed in the PD-TS Zone ~~Planned Development zones~~:~~

(a) Freestanding Signs in accordance with the following: -

- i. One (1) off-premises sign per lot limited to 35 square feet of sign area and 25 feet in height.

- ii. Up to eighteen (18) off-premises signs limited to four (4) square feet of sign area and ten (10) feet in height installed on existing light posts located on lots covered by and subject to a preliminary development plan.
- ~~c. Optional Comprehensive Sign Package—An application for new development or comprehensive redevelopment of a project in a Planned Development zone may submit a comprehensive sign program as part of the application to the Approving Authority that deviates from the requirements of subsection a. above.~~
- c. Notwithstanding the provisions of Article 18, the following are specifically allowed in the Planned Development zones listed in Sections 25.14.07.c.1.(a), 25.14.07.c.2, and 25.14.07.c.3:
- 1. Freestanding Signs in accordance with the following:
 - (a) One freestanding sign facing each public road bordering the project and designated as a major arterial roadway or limited access highway;
 - (b) Each sign is limited to 100 square feet of sign area and 20 feet in height;
 - (c) Each sign must be located within the boundaries of the approved Planned Development;
 - (d) Each sign must be located on a tract of land owned by the homeowner’s association, civic association, or similar entity;
 - (e) Each sign must be compatible and harmonious with the architectural style, character, materials, color, and details of the adjacent buildings and signs;
 - (f) Such signs must not use internal illumination;
 - (g) Except in the PD-TS Zone, a landscaped area must be provided at the base of the sign, with the landscaped area a minimum of two (2) square feet for each square foot of sign area;
 - (h) If the sign is a commercial sign, it must refer only to a tenant or tenants located within the boundaries of the approved Planned Development, it being expressly found and determined that such signs are necessary to identify the goods and services available in the planned development and, as regulated herein, do not create an unattractive nuisance in the manner of general off-premises advertising;
 - (i) In the PD-CB zone, a sign must comply with the provisions contained in Section 25.17.08.c.
 - 2. Directional Signs, in accordance with the following:
 - (a) Signs must not exceed three (3) feet in square area; and
 - (b) If freestanding, signs must not exceed six (6) feet in height.

25.18.19 – Optional Sign Package

- a. Purpose. The preceding requirement of this Article 18 ensure that signs that meet certain minimum standards and are consistent with the character and quality of the built environment in the City of Rockville may be quickly approved and displayed. In some situations, alternative standards may contribute to a project’s aesthetic qualities and enhance vehicular, bicycle, and pedestrian safety. The purpose of this section is to set forth an optional method for signage to be provided within larger-scale projects in certain areas in the City. Approval of an optional sign package pursuant to the standards of this section allows for consistent presentation of signage throughout larger-scale projects, flexibility to provide for unique environments, and more pre-approval of designs and design elements to make subsequent applications for sign permits more efficient.
- b. Applicability. To be eligible to apply for an optional sign package, the property or properties subject to an application must comprise: (i) five (5) or more contiguous acres and be located entirely within one or more of the MXTD, MXCD, or MXNC zones; or (ii) ten (10) or more contiguous acres and be located entirely within the MXE zone.
- c. Total Sign Area and Location of Signs.
 1. Aggregate Sign Area. The total aggregate area of freestanding and building signs that may be provided subject to an optional sign package must not exceed: two (2) square feet for each linear foot of exterior building wall enclosing any building with a non-residential use.
 2. Location: Freestanding or building signs may be erected anywhere within the area subject to an optional sign package, provided that such signs comply with the following:
 - (a) Signs may extend above roof level by no more than 25% of the sign face area;
 - (b) Building signs may project up to 42 inches from the building face;
 - (c) Freestanding signs must not exceed 200 square feet or a height of 20 feet;
 - (d) If the sign is a commercial sign, it must refer only to a tenant or tenants located within the area subject to an optional sign package; it being expressly found and determined that such signs are necessary to identify the goods and services available in the optional sign package area, and, as regulated herein, do not create an unattractive nuisance in the manner of general off-premises advertising
 - (e) No freestanding signs are allowed within 30 feet of any residential zone or residential equivalent zone;
 - (f) Signs along Rockville Pike or Hungerford Drive must comply with Section 25.17.08.c.

- d. Directional Signs. Directional signs are allowed anywhere within an area subject to an application, provided that: (i) such signs must not exceed three (3) square feet in area; and (ii) if freestanding, the signs must not exceed six (6) feet in height. Directional signs do not count toward the aggregate sign limit and do not need to be included as part of an optional sign package application. A permit must be obtained prior to the erection or installation of a directional sign.
- e. Entrance Signs. One (1) permanent entrance sign is allowed for any principally residential building within an area subject to an application. The provisions set forth in Section 25.18.11.1 apply to any such signs. Permanent entrance signs do not count toward the aggregate sign limit and do not need to be included as part of an optional sign package application. A permit must be obtained prior to the erection or installation of a permanent entrance sign.
- f. Submittal Requirements. Any person desiring an optional sign package must submit the following materials to the Chief of Zoning:
1. A completed application on a form provided by the City;
 2. The application fee as determined by resolution of the Mayor and Council;
 3. A scaled drawing showing existing property lines, and existing and approved buildings (including dimensions of building/unit frontage and square footage for each building), lighting, and landscaping;
 4. Location, materials, and maximum area for each sign that each occupant will be allowed to display;
 5. Scaled, color elevations of the proposed signage with appropriate dimensions, including height, width, and depth drawing of the proposed signage;
 6. A calculation of the total amount of sign area for each structure, and for each lot as a whole; and
 7. Any other supplemental material reasonably necessary for the review of the permit request.
- g. Completeness Review. The Chief of Zoning will check each application submittal for its completeness and provide notification to the applicant of any deficiencies in the application within ten (10) days following receipt and review of the application. Upon the Chief of Zoning's determination that the application is complete and receipt of all fees, the application will be reviewed by the Chief of Zoning for conformity with this section.
- h. Criteria for Approval. An optional sign package must meet the following criteria:
1. Safety. The proposed signs will not create a safety or security hazard to pedestrians, drivers, or the public, and not interfere with pedestrian and bicycle movements.
 2. Scale. The proposed signs, both individually and in the aggregate, must be proportional to the building size and massing, relevant to both buildings within the area subject to the optional sign package and the neighborhood context.

3. Architectural Features. The proposed signs must be compatible and harmonious with the architectural style, character, materials, color, and detail of adjacent buildings and signs.
 4. Compliance with Size and Location Requirements. The proposed signs must comply with the requirements set forth in subsection c.
 5. Lighting. The proposed signs must comply with the illumination requirements of Section 25.18.06.a.3.
 6. No Prohibited Signs. The proposed signs must not include any signs prohibited by Section 25.18.04.b., unless otherwise allowed by this section.
- i. Approval. If the Chief of Zoning finds that the proposed optional sign package conforms with the criteria for approval set forth in this section, the Chief of Zoning must approve the optional sign package within 60 days of the date the completed application and applicable fee were received. Any denial of an optional sign package application must be in writing and identify the aspects of the application that do not conform to the criteria for approval set forth in this section.
 - j. Effect of Approval. Notwithstanding any other provision of this Article 18, an approved optional sign package will govern the signage that is located within an area that is subject to an application. Prior to the erection of any signs implementing an optional sign package, an applicant must obtain a permit from the City of Rockville. All signs erected or maintained within the area subject to an optional sign package must conform at all times to the approved optional sign package. Any deviations from an approved optional sign package will be unlawful unless and until the approved optional sign package is revised, amended, and approved in accordance with this section.
 - k. Expiration. An approved optional sign package will expire one (1) year from the date of approval if no permits for allowed signs have been issued.
 - l. Amendment. Revisions or amendments to an approved optional sign package may be requested and approved in accordance with the procedure for new optional sign packages set forth in this section.
 - m. Appeals. Any applicant who is denied an optional sign package may file a written appeal to the Board of Appeals within ten (10) days following receipt of the written copy of the denial.

Sign Samples for Consideration – TXT2019-00250

Pole Signs – Proposed to be made nonconforming

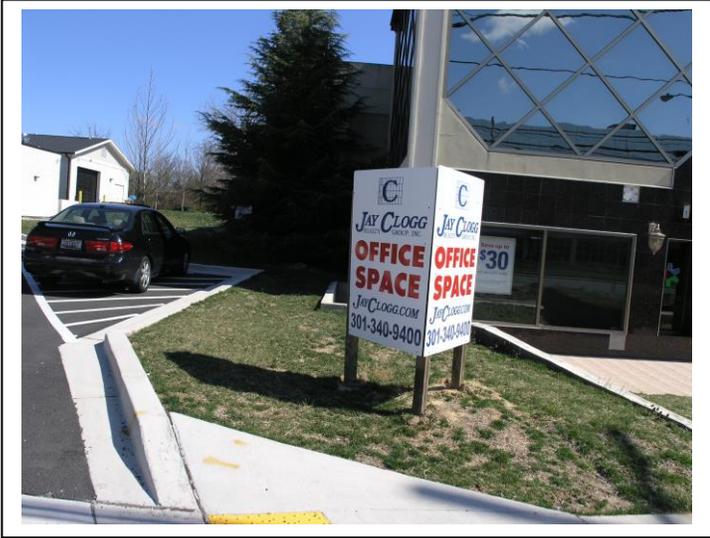


Monument-Style Signs

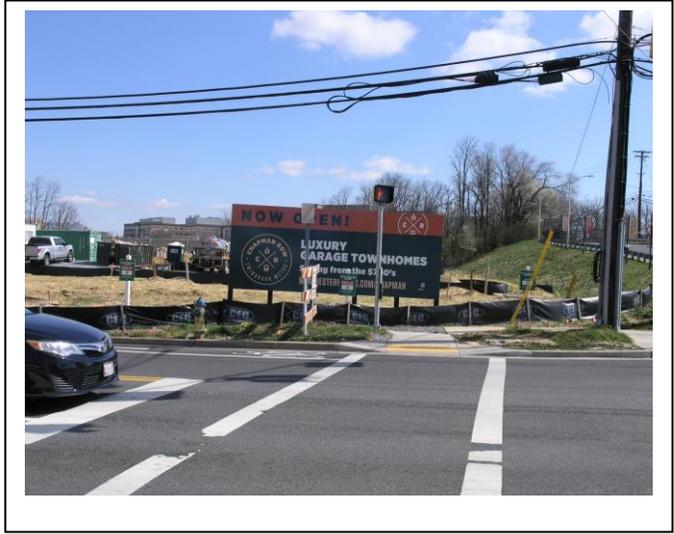


Attachment 1.A.b: Sign Samples for Illustration (2594 : TXT2019-00250 - Sign Code Revisions)

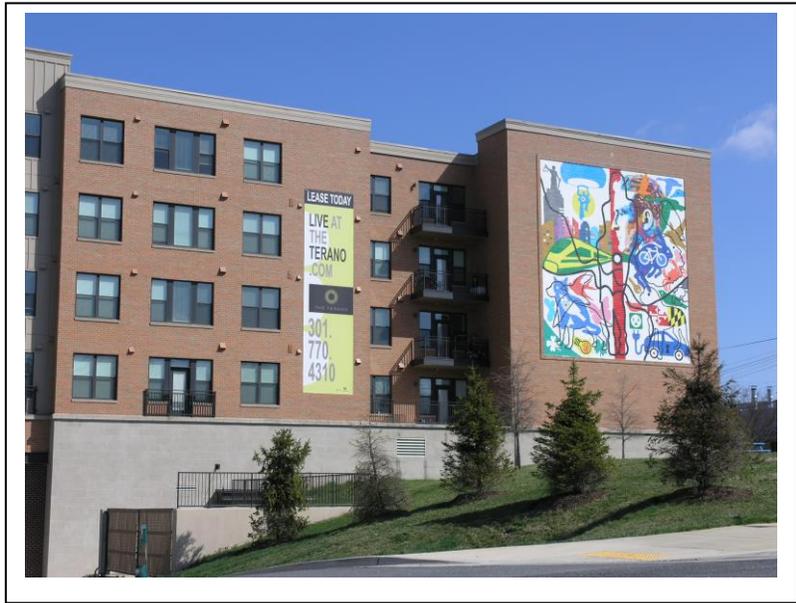
Leasing Signs



Small Leasing Sign – Allowed by Permit



Oversize Leasing Sign – Required Sign Review Board Approval



Oversize Leasing Sign – Required Sign Review Board Approval

Attachment 1.A.b: Sign Samples for Illustration (2594 : TXT2019-00250 - Sign Code Revisions)

Shopping Center Sign Plan – Consistency in Presentation

Congressional Plaza

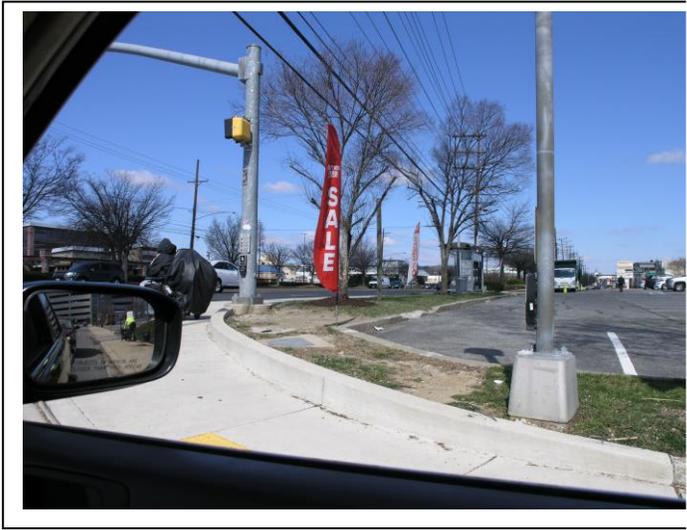


Talbot Center



Attachment 1.A.b: Sign Samples for Illustration (2594 : TXT2019-00250 - Sign Code Revisions)

Prohibited Signs



"Bandit" Signs

Flutter Flags



Billboard Vehicle

Attachment 1.A.b: Sign Samples for Illustration (2594 : TXT2019-00250 - Sign Code Revisions)