



City of
Rockville
Get Into It

Planning Commission Staff Report: Zoning Text Amendment TXT2012-00234

MEETING DATE: April 25, 2012

REPORT DATE: April 18, 2012

FROM: Deane Mellander, Zoning
Administrator
Planning and Zoning Division
240.314.8224
dmellander@rockvillemd.gov

APPLICATION DESCRIPTION: Amend Article 18 to allow greater flexibility in administering sign permits

APPLICANT: Mayor and Council of Rockville

FILING DATE: April 4, 2012

RECOMMENDATION: Approval of the Proposed Text Amendment except the provision allowing a comprehensive sign package in multi-tenant developments

EXECUTIVE

SUMMARY: This text amendment proposes revisions to the sign regulations (Article 18) to help streamline the sign review process.

*Zoning Ordinance of
The City of Rockville
Adopted December 15, 2008
by Ordinance 19-08*

Being Chapter 25 of the Rockville City Code

Effective Date – March 16, 2009

As Amended to
June 6, 2011

Table of Contents

RECOMMENDATION 3

 Previous Related Actions 3

 Proposal..... 3

PROJECT ANALYSIS..... 3

Attachments 5

RECOMMENDATION

Approval of the proposed text amendment with the exception of the revision involving comprehensive sign packages in existing multi-tenant developments (item 10).

Previous Related Actions

- Zoning Text Amendment TXT2004-00210, adopted by the Mayor and Council August 2, 2004, provided clarification regarding how noncommercial speech is addressed for signage to address Constitutional issues that had been raised. The text amendment also clarified the administration of the sign regulations, amended some of the definitions, added provisions pertaining to election signs and amended the provisions pertaining to the application for sign permits.

Proposal

The proposed text amendment began with the Rockville Chamber of Commerce requesting a meeting with the City to discuss concerns regarding the City's sign regulations. The staff met several times with representatives from the Chamber to review the proposed changes. Many of the decisions that the Sign Review Board routinely approves, and that do not change the intent of the current ordinance were suggested changes from the Chamber. The changes in the proposed text amendment would streamline the sign permit process by allowing more signs to be permitted without requiring Sign Review Board approval, and add more design flexibility.

PROJECT ANALYSIS

Amend Article 18, "Signs," by making the following amendments:

- 1) Section 25.18.01 – Correct typo in subsections b. 8., affects to effects.
- 2) Section 25.18.04 c. - Owner/Leasing Agent signs. This would allow the owner/agent of the property to install a permanent sign with their contact information without the sign area being counted against the total sign area permitted. This change may also reduce the number of temporary leasing signs that are currently permitted with a two year temporary sign permit.
- 3) Section 25.18.05 3. - This would exempt signs mounted inside a business and visible through a window, not exceeding twenty percent of the window area. Many businesses utilize "open" signs that flash or blink. These are usually small signs, which help their customers recognize that the business is open. The sign may be seen from the parking lot or in some cases the street. The current sign ordinance does not permit any signs that flash, blink or give the illusion of movement, and that regulation would remain for all signs erected outside.

- 4) Section 25.18.06 – Allowing a business to use their corporate trademark or any logo, with any colors, not exceeding 20% of the total sign area. This would allow small businesses some individuality and large businesses to use their recognized logos without impairing the overall sign concept design for the shopping center or business complex. This change is one of the most requested modifications that the Sign Review Board routinely hears.
- 5) Section 25.18.06 4 (a) - A technical revision that would clarify that any illuminated sign is subject to the electrical code provisions of Chapter 5 of the City Code.
- 6) Section 25.18.12 a – A technical change to the wording to clarify the intent for regulation of signs in residential zones for nonresidential uses such as churches, synagogues, and other special exception uses.
- 7) In all mixed use zones and the industrial zones – A change that would permit up to two additional accent colors along with the principal sign color of the sign concept plan. This would permit more flexibility for the applicant and shorten the review time. It would also reduce the number of routine modification requests that are currently submitted to the Sign Review Board.
- 8) In all mixed use zones and the industrial zones – Allow a temporary “grand opening” banner sign to be increased from the permitted 32 square feet to 48 square feet if the linear frontage of the business is greater than 50 feet. Installing a 32 square foot banner on a building or store front that is over 50 linear feet tends to reduce the apparent size of the banner. Increasing the size of the banner for large buildings has an acceptable appearance.
- 9) In all mixed use zones – A change permitting one small (six square feet in area) sandwich board sign to be placed directly beside or near the entrance to the business. These signs are commonly used by restaurants to advertise their menus and daily specials. This provision is currently permitted in only the MXCD and MXTD zones. This change will allow businesses to utilize these signs and not be distracting to motorists or give the appearance of a “clutter of signs” next to the road.
- 10) In cases where the owner/leasing agent wishes to propose a comprehensive sign package for a major project, the text is clarified to make it clear that this option can be available to existing multi-tenant projects such as existing shopping centers. The current language limits this option to only new development or comprehensive redevelopment.

This proposal would not be in agreement with the intent of the sign ordinance which requires all signs on a parcel to be uniform in color, design, etc. except for new developments (including Planned Developments) or comprehensive redevelopments. The staff does not support this proposed revision, since it goes beyond the established policies for multi-tenant developments. This revision should be the subject of a more comprehensive review of the entire sign regulations.

This proposed text amendment will also be reviewed by the Sign Review Board. The public hearing before the Mayor and Council is tentatively scheduled for June 4, 2012.

Attachments

1. Text Amendment Application
2. Letter from Chamber of Commerce
3. Letter to Chamber of February 16, 2012



Application for
Text Amendment

City of Rockville

Department of Community Planning and Development Services

111 Maryland Avenue, Rockville, Maryland 20850

Phone: 240-314-8200 • Fax: 240-314-8210 • E-mail: Cpds@rockvillemd.gov • Web site: www.rockvillemd.gov

Application Information:

Is this an Amendment to Existing Text ? YES NO

Add New Zone Classes: YES NO

Add New Uses: YES NO

Number of new uses: _____

Ordinance # _____

2012 APR -3 AM 10:28
CITY CLERK

Please Print Clearly or Type

Property Address information City-Wide

Project Description Amendment to Article 18 regarding administration of the sign regulations

Applicant Information:

Please supply Name, Address, Phone Number and E-mail Address

Applicant Mayor and Council of Rockville 111 Maryland Avenue, Rockville, MD 20850

Property Owner N/A

Architect N/A

Engineer N/A

Attorney N/A

STAFF USE ONLY

Application Acceptance:

Application # _____

OR

Date Accepted _____

Staff Contact _____

Application Intake:

Date Received _____

Reviewed by _____

Date of Checklist Review _____

Deemed Complete: Yes No

Application is hereby made with the Rockville Mayor and Council for Approval of a change in the text of the Zoning and Planning Ordinance of Rockville, Maryland.

Page _____ Article 18 _____ Section _____

FROM: Which reads as follows See Attachment _____

TO: Reads as follows See Attachment _____

By: _____
(Signature of Applicant)

Subscribed and sworn before this _____ day of _____, 20____

My Commission Expires _____
Notary Public

The following documents are furnished as part of the application:

- A Complete Application
- Filing Fee

Comments on Submittal: (For Staff Use Only)

April 3, 2012

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

Applicant: Mayor and Council of the City 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; [brackets] 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 18, "Signs," by making the following amendments:

25.18.01 – Legislative Findings; Purposes

* * *

- b. *Purposes* – In addition to the purposes of this Chapter established in Section 25.01.02, the purposes of this Article are:

* * *

8. To provide effective opportunities for the expression of commercial and noncommercial communication while protecting the public and the community against adverse [a]effects from the unrestricted proliferation of signs.

* * *

25.18.04 – Only Permitted Signs Lawful; Signs Specifically Prohibited

* * *

- c. 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 does not apply to:

- 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] any such sign cannot exceed 20 percent of the area of a window unit;
- [3. Signs inside a building within ten (10) feet of any window not exceeding 20 percent of the area of a window unit;]
- [4]3. Traffic control signs and speed indicator signs;
- [5]4. 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]5. Any sign or portion thereof required to be posted or displayed by this Chapter or other applicable Federal, State, or local law or regulation;
- [7]6. 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]7. 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]8. 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]9 Numerals not exceeding 18 inches in height identifying the address of a dwelling unit or building.

* * *

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

a. *Permanent Signs*

* * *

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.

[3] 4. *Illumination* – When illumination of a sign is permitted, it must satisfy the following requirements:

(a) A sign must [not] be illuminated [by other than electrical means] only with electric lighting, and electrical devices and wiring must be installed in accordance with the requirements of [the National Electrical Code, as amended, or such other code adopted as the Electrical Code for the City] Chapter 5, Article VII of the City Code .

* * *

25.18.12 – Signs Permitted for Nonresidential Uses in Residential Zone

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

* * *

25.18.13 – Signs Permitted in MXC and 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:

* * *

2. *Design*

(a) For a lot occupied by more than one (1) business/tenant, each building sign must 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.

(b) In addition to the principal sign colors, up to two additional accent colors, such as drop shadows or letter outlines may be included in the design.

(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.

* * *

c. *Additional Signs* – Additional signs are permitted in [Mixed-Use Neighborhood Commercial (MXNC),] the Mixed-Use Commercial (MXC), and Industrial (I-L and I-H) Zones in accordance with the following:

* * *

d. *Directional Signs* – Directional signs in the [Mixed-Use Neighborhood Commercial (MXNC),] Mixed-Use Commercial (MXC), and Industrial (I-L and I-H) Zones are permitted in accordance with the following:

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

e. *Gasoline Price Signs* – In the [Mixed-Use Neighborhood Commercial (MXNC),] 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. *Changeable Copy Signs* – Changeable copy signs are permitted in the [Mixed-Use Neighborhood Commercial (MXNC),] 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. *Temporary Signs* – Temporary signs are permitted in the [Mixed-Use Neighborhood Commercial (MXNC),] Mixed-Use Commercial (MXC) and Industrial (I-L and I-H) Zones in accordance with the following:

* * *

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 the banner or display may be increased up to 48 square feet.

* * *

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

* * *

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

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

(a) *MXTD and MXCD Zones*

* * *

iii. In addition to the principal sign colors, up to two additional accent colors, such as drop shadows or letter outlines may be included in the design.

* * *

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.

iv. One (1) small, portable "sandwich board" sign may be allowed as follows:

A. The sign must be located directly in front of the business to which it refers;

B. Each sign face cannot exceed four (4) square feet in area; and

C. The sign 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.]

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

* * *

iii In addition to the principal sign colors, up to two additional accent colors, such as drop shadows or letter outlines may be included in the design.

(c) *Optional Comprehensive Sign Package* – An applicant for new development; [or] comprehensive redevelopment, [of a] 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.

* * *

- 6. *Temporary Signs* – Temporary signs are permitted in the Mixed-Use Transit District Zone (MXTD), Mixed-Use Corridor District (MXCD), Mixed-Use Business District (MXB), Mixed-Use Neighborhood Commercial (MXNC), and Mixed-Use Employment (MXE) Zones in accordance with the following:

* * *

- (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 the banner or display may be increased up to 48 square feet.
- (d) Temporary noncommercial signs are permitted in the MXTD, MXCD, MXNC, 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 must be located directly at the front building entrance of the business to which it refers;
- (b) Each sign face cannot exceed six (6) square feet in area and be no taller than three (3) feet;
- (c) The sign must only be displayed when the business is open to the public; and
- (d) The sign 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.

* * *

25.18.18– Signs in Planned Development Zones

- a. 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. Optional Comprehensive Sign Package – An applicant for new development or comprehensive redevelopment of a project in a Planned Development zone may submit a comprehensive sign program to the Approving Authority that deviates from the requirements of subsection a, above.

NOTE: [Brackets] indicate material deleted
Underlining indicates material added
Asterisks * * * indicate material unchanged by this ordinance



Mr. Deane Mellander, Zoning Administrator
City of Rockville
111 Maryland Avenue
Rockville, MD 20850

Dear Mr. Mellander:

Thank you for your letter of October 3, 2011 with your proposed text amendment to the sign ordinance. While we concur with many items in your proposal, the Rockville Chamber of Commerce has some other changes that we believe need to be made:

- 25.18.04 c.
 - 2. Should read “Each sign is limited to five (5) square feet in area”
 - 3. Eliminate the phrase “and must be set back a minimum of two (2) feet from the property line.”
- 25.18.06 a.4. (a) This is unclear. Can you please explain the intent of the change.
- 25.18.14 b.1.(c) Please change the sentence to read “*Optional Comprehensive Sign Package* - An applicant for a 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

In addition to these specific changes, we have identified several broader issues that we believe need to be addressed. The first is that the rules of procedure of the Sign Review Board should be updated, published for public comment, adopted and then made available on the website. We are not in support of a rule of procedure that would limit resubmission for one year. This puts a tremendous burden on businesses and seems to serve no useful purpose. It should be clarified that amended sign packages can be resubmitted. Perhaps the same exact variance for the same sign cannot be repeatedly requested after denial but the bar for re-filing should be limited and the bar should be a shorter time period.

The next issue we find problematic is the cost of requesting a variance. The fee is a burden for small businesses and puts them at a disadvantage at a time when we are concerned with the trend toward national chain stores and away from local businesses.

The above are all things that we believe can be easily changed. The Chamber will continue to study this issue and will continue to get input from its members. We may bring larger issues with long-term solutions to you in the future. For the time being, however, we are willing to move ahead with the problems which can be easily remedied. Please move forward with requesting the Mayor and Council introduce the revised sign ordinance as soon as possible.

The Rockville Chamber has enjoyed the opportunity to work cooperatively with staff to bring this sign ordinance revision forward.

Sincerely,

Andrea Jolly, Director
Rockville Chamber of Commerce



City of
Rockville
 Get Into It

111 Maryland Avenue | Rockville, Maryland 20850-2364 | 240-314-5000
 www.rockvillemd.gov

Ms. Andrea Jolly, Director, Rockville Chamber of Commerce
 1 Research Court
 Suite 450
 Rockville, MD 20850
 February 16, 2012

Andrea

Ms. Jolly:

This is response to your recent letter to us regarding the proposed revisions to the City's sign regulations in Article 18 of the Zoning Ordinance. In the letter you cite some suggested changes to the proposed text amendment we had transmitted to the Chamber for review and comment. We wish to respond to each as follows:

- Sec. 25.18.04.c: We concur with the proposed change to allow the signs to be five feet square if attached to a building. We do not agree with the change to reduce the setback of the signs from the property line. In the case of signs that front on Rockville Pike, the special provisions for such signs in Article 17 would actually require these signs to be set back six feet from the property/right-of-way line, so the two foot minimum proposed is actually an exception.
- Sec. 25.18.06.a.4(a): I believe this is a case of not being clear about the brackets and underlining. This is the format for text amendments, where the brackets indicate text to be deleted, and the underlining is text proposed to be added. Our proposed change is to make reference to the electrical provisions of the City's building code.
- 25.18.14.b.1(c): We suggest a minor revision to your suggested change, making reference to existing multi-tenant projects.
- Revisions to the Sign Review Board Rules of Procedure: We agree that these need to be revised and updated. We are working with the City Attorney to prepare these revisions so they may be forwarded to the Board for their review and action. We expect to have the draft revisions ready for the Board's review in the next week or so. The Board promulgates its own rules, consistent with the City Code; they are not subject to public review and comment.
- Cost of the variance: The fees for various City applications are set by the Mayor and Council, and were just recently revised.

I am attaching a copy of the proposed text amendment with all of the proposed revisions highlighted in yellow, including the changes resulting from your suggestions. If you would like to meet with us before we prepare to request authorization to file by the Mayor and Council, let me know and we will set up a time.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deane E. Mellander".

Deane E. Mellander
Zoning Administrator

CC: Susan Swift
Jim Wasilak
Tami Dietrich