



**Committee:** PHED  
**Staff:** Livhu Ndou, Legislative Attorney  
**Purpose:** To receive testimony – no vote expected  
**Keywords:** #BusShelter, #SignOrdinance, #Advertising

AGENDA ITEM 12  
April 6, 2021  
**Public Hearing**

## **SUBJECT**

ZTA 21-01, Sign Ordinance – Bus Shelter Advertising

## **EXPECTED ATTENDEES**

N/A

## **COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION**

N/A

## **DESCRIPTION/ISSUE**

ZTA 21-01 would exempt from the sign ordinance bus shelter advertising that is licensed by the County.

## **SUMMARY OF KEY DISCUSSION POINTS**

- Currently, a bus shelter sign under an approved franchise agreement does not require a permit.
- Until 2019, the County was a party to a franchise agreement with a private firm that provided bus shelter advertising as well as bus shelter maintenance in exchange for a share of the advertising revenue.
- This franchise agreement has since lapsed and the County Executive finds it would be in the best interest of the County to enter into a licensing arrangement with a vendor for the advertising space while the County contracts out the maintenance under a separate agreement.
- ZTA 21-01 would allow a bus shelter sign under a licensing agreement with the County to be exempt from the required permit.

### **This report contains:**

ZTA 21-01  
Planning Board and Planning Staff memoranda

### **Pages**

© 1-3  
© 4-8

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Zoning Text Amendment No.: 21-01  
Concerning: Sign Ordinance – Bus  
Shelter Advertising  
Draft No. & Date: 1 – 2/16/21  
Introduced:  
Public Hearing:  
Adopted:  
Effective:  
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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Sponsor: Council President at the request of the County Executive

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- Exempt from the sign ordinance bus shelter advertising installed under a license with the County

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

Division 6.7. Signs  
Section 6.7.3. Exempt Signs

**EXPLANATION:** ***Boldface** indicates a Heading or a defined term.*  
*Underlining indicates text that is added to existing law by the original text amendment.*  
*[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.*  
*Double underlining indicates text that is added to the text amendment by amendment.*  
*[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.*  
*\* \* \* indicates existing law unaffected by the text amendment.*

*ORDINANCE*

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

1           **Sec. 1. Division 6.7 is amended as follows:**

2           **Division 6.7. Signs**

3           \*    \*    \*

4           **Section 6.7.3. Exempt Signs**

5           The following signs are exempt from Division 6.7:

6           A.     A sign on private property does not require a permit when the area of the  
7                 sign is 2 square feet or less, and:

8                 1.     the sign is on private property customarily associated with residential  
9                     living or decoration.

10                2.     the sign is part of a mailbox or newspaper tube and satisfies  
11                     government regulations.

12                3.     the sign is a warning to the public about trespass, danger, or safety  
13                     considerations.

14           B.     A sign legally affixed to a bus shelter or transit center information kiosk  
15                 under an approved franchise agreement[,] or a license agreement with the  
16                 County, or located in a public parking structure and not visible beyond the  
17                 property line, does not require a permit.

18           \*    \*    \*

19           **Sec. 3. Effective date.** This ordinance becomes effective immediately upon  
20           Council adoption.

21  
22           This is a correct copy of Council action.

23  
24           \_\_\_\_\_  
25           Selena Mendy Singleton, Esq.  
26           Clerk of the Council



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**OFFICE OF THE CHAIR**

March 26, 2021

**TO:** The County Council for Montgomery County, Maryland, sitting as the District Council for the Maryland-Washington Regional District in Montgomery County, Maryland

**FROM:** Montgomery County Planning Board

**SUBJECT:** Zoning Text Amendment No. 21-01

**BOARD RECOMMENDATION**

The Montgomery County Planning Board of The Maryland–National Capital Park and Planning Commission reviewed Zoning Text Amendment No. 21-01 (ZTA 21-01) at its regular meeting on March 25, 2021. By a vote of 4:0 (Commissioner Verma absent), the Planning Board recommends approval of the ZTA with the following comments. The Board is supportive of the ZTA to amend the types of signs exempt from Division 6.7. The changed text is technical in nature and does not appear to have any tangible impact to the intent of the exemptions already allowed.

Specifically, ZTA 21-01 amends Section 6.7.3 Exempt Signs, subsection B which exempts signs on bus shelters or transit center information kiosks under a franchise agreement with the County. In the letter the Montgomery County Department of Transportation attached to the ZTA’s introduction it states this amendment is necessary because the county is now engaging in license agreements rather than franchise agreements for the maintenance of the signs on these exempt structures. The text change is necessary to remain compliant with otherwise existing practices. The Planning Board takes no issue with this necessary change and offers its full support.

During its meeting, the Board did discuss adjusting the text and the structure of Section 6.7.3.B for clarity and for consistency with the formatting in other similar sections of code. The Board recommends the following changes which it believes maintains the intent:

**Division 6.7. Signs**

\* \* \*

**Section 6.7.3. Exempt Signs**

The following signs are exempt from Division 6.7:

\* \* \*

B. A sign does not require a permit when it is legally affixed to a bus shelter or transit center information kiosk and is either:

- 1. under an approved franchise agreement[,] or a license agreement with the County[.];
- or

The Honorable Tom Hucker

March 26, 2021

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2. located in a public parking structure and not visible beyond the property line[[, does not require a permit]].

**CERTIFICATION**

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, at its regular meeting held in Wheaton, Maryland, on Thursday, March 25, 2021.



Casey Anderson  
Chair

CA:BB:aj



**Zoning Text Amendment (ZTA) No. 21-01, Sign Ordinance – Bus Shelter Advertising**

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BB

Benjamin Berbert, Planner Coordinator, CP&P, [Benjamin.berbert@montgomeryplanning.org](mailto:Benjamin.berbert@montgomeryplanning.org), 301-495-4644

JS

Jason Sartori, Chief, CP&P, [jason.sartori@montgomeryplanning.org](mailto:jason.sartori@montgomeryplanning.org), 301-495-2172

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**Completed: 03/18/21**

**Description**

ZTA 21-01 would amend the list of exempt signs from Division 6.7, to include a sign legally affixed to a bus shelter or transit center information kiosk under a license agreement with the county.

**Summary**

Staff recommends the Board transmit comments supporting ZTA 21-01 as introduced. The zoning text amendment (ZTA) was introduced by the Council President at the request of the County Executive, with the backing of the Montgomery County Department of Transportation (MCDOT). The Public Hearing date is set for April 6, 2021.

**Background/Analysis**

Division 6.7 of the Montgomery County Zoning Ordinance regulates the size, location, height and construction of signs within public view. Section 6.7.3, which would be amended by this ZTA, identifies signs that are exempt from the regulations of Division 6.7.

Rationale for ZTA Introduction

This ZTA was introduced at the request of the County Executive in coordination with MCDOT. According to the introduction letter, Montgomery County had a franchise agreement with a private firm that installed and maintained the advertisements on bus shelters and information kiosks. This agreement lapsed and it has been determined that entering into a licensing agreement for future maintenance would be more beneficial to the county. The update proposed by this ZTA is purely technical in nature, since other county endorsed signage on bus shelters and information kiosks are already exempt from Division 6.7 of the Zoning Ordinance.

ZTA 21-01 as introduced

ZTA 21-01 makes only one modification to the Zoning Ordinance, under Division 6.7 Signs, specifically Section 6.7.3 exempt signs. The amendment is as follows:

**Division 6.7. Signs**

\* \* \*

**Section 6.7.3. Exempt Signs**

The following signs are exempt from Division 6.7:

\* \* \*

- B. A sign legally affixed to a bus shelter or transit center information kiosk under an approved franchise agreement[, ] or a license agreement with the County, or located in a public parking structure and not visible beyond the property line, does not require a permit.

This simple text addition allows either a franchise agreement or a license agreement to be executed between the county and the company that does the installation and maintenance of the signs. There is no change to the type, size, location or content of the signs that would be exempt. Staff supports the changes requested by the county.

**Conclusion**

Staff supports the requested text change in ZTA 21-01 allowing a license agreement as the contractual method for the installation and maintenance of bus shelter and information kiosk signs because it has no substantive effect on the actual signage. Staff recommends the Planning Board transmit comments in support of the text change as introduced.

**Attachments**

1. ZTA No. 21-01 – introduction packet.






OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich  
County Executive

MEMORANDUM

February 16, 2021

TO: Tom Hucker, President  
Montgomery County Council

FROM: Marc Elrich, County Executive   
Office of the County Executive

SUBJECT: Proposed Zoning Text Amendment; Article 59, General Development Requirements  
– Exempt Signs

I hereby request that you introduce the attached Zoning Text Amendment. The intent of this proposed amendment is to exempt from the sign ordinance bus shelter advertising that is licensed by the County. This Amendment will add the words “or a license agreement, with the County” to Section 59. 6.7.3.B of the Montgomery County Zoning Ordinance so that it would read as follows:

A sign legally affixed to a bus shelter or transit center information kiosk under an approved franchise agreement, or license agreement, with the County or located in a public parking structure and not visible beyond the property line, does not require a permit.

Until 2019, Montgomery County was a party to a franchise agreement with a private firm that provided bus shelter advertising as well as bus shelter maintenance in exchange for a share of the advertising revenue. This franchise agreement has since lapsed and in the pursuit of a new franchise agreement, it appears that the conditions today compared to twenty years prior when the first franchise agreement was signed have changed and that it would be more beneficial for the County to enter into a licensing arrangement with a vendor for the advertising space on bus shelters while the county contracts out the maintenance under a separate agreement. By amending the Zoning Ordinance as indicated above, the County would be able to enter into such an arrangement without being in violation of the Ordinance.

cc: Marlene Michaelson, Council Executive Director