



City of
Rockville
Get Into It

Planning Commission Staff Report: Zoning Text Amendment TXT2014-00236

MEETING DATE: November 13, 2013

REPORT DATE: November 6, 2013

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

APPLICATION DESCRIPTION: Amend the code to make corrective
and clarifying revisions

APPLICANT: Mayor and Council of Rockville

FILING DATE: September 17, 2013

RECOMMENDATION: Approval of the Proposed Text Amendment

EXECUTIVE SUMMARY: The proposed revisions are primarily technical in nature, including correction of typographic errors, as well as clarifications and other technical changes throughout the ordinance. There are no substantive policy changes proposed by this text amendment

*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
February 11, 2013

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RECOMMENDATION

Approval of the proposed text amendment.

Previous Related Actions

- When the revised Zoning Ordinance became effective in March, 2009, it was expected that as the city gained working experience with the code that some revisions and clarifications might be necessary.
- The last comprehensive revision to the code, TXT2011-00230, was adopted by the Mayor and Council in June, 2011.

Proposal

This text amendment proposes to make revisions, corrections and clarifications throughout the code. There are no substantive policy changes proposed. This text amendment was authorized for filing by the Mayor and Council at its meeting on September 9, 2013. Since the initial authorization, a few additional corrections have been added that are within the scope of being corrective or clarifying changes.

PROJECT ANALYSIS

- During the 2013 legislative session the State made a substantial change to the State Code regarding the planning and zoning statute. Under the previous law, this was termed Article 66B. With the recodification, this provision is now Chapter 426 of the State Code, and is referred to as "the Land Use Article". Therefore, any reference to Article 66B that appears in the current code is proposed to be revised to use the new term.

Article 1 – General Information

- Sec. 25.01.03 – Authority:
 - The word "alter" has been inserted to make it clear that the code requirements apply to both new development and to modifications to existing development.

Article 3 - Definitions

- Sec. 25.03.02 - Definitions:
 - Amend the definition of "Hotel" to make it clear that meeting rooms and restaurants are allowed as accessory uses to a hotel.
 - Under the Ownership Lot definition, it is clarified that the division of the lots may be for financing reasons and not just for different ownerships.

- The word "undersized" has been added to both the definition of "Lot" and to the specific definition of "Lot, Qualifying" to make it clear that these lots do not meet the current minimum lot size or width standards. This term relates to the provisions in the subdivision regulations (Article 21) that address development on lots recorded under prior ordinances where the minimum lot size was smaller than the current code allows.
- The definition of "Structure" has been clarified to indicate that a structure is intended for permanent attachment to the ground and includes those assemblies that are designed to be a permanent part of the structure. Items that may be temporarily attached to the permanent structure, such as cell phone antennae, are not a part of the permanent structure.
- The term "Twinbrook Performance District" is revised to read "Twinbrook Metro Performance District" to be consistent with the terminology in the Master Plan and the zoning map.
- A new definition of "Principal Use" has been added, to clarify the use of this term elsewhere in the code, especially with regard to accessory uses and structures.

Article 5 – Applications and Notification

- Sec. 25.05.07 - Amendments to Approved Development:
 - Under the minor amendments provision, language has been added that exempts installation or relocation of minor appurtenances such as bike racks, seating benches, and pergolas from the Minor Site Plan Amendment process. The language is intended to guide but not require review. The text provides direction on the location of such items, which will be regulated on an enforcement basis rather than requiring the time and expense associated with the submission and review of a site plan amendment.
 - In subsection 25.05.07.c.1(b) and (c), two typos are corrected.

Article 7 – Procedures for Site Plan Review, Project Plan Review, etc.

- Sec. 25.07.02, 07.06 and 07.07 - Site Plan Review:
 - Historic Review: For those applications that require a Natural Resources Inventory (NRI), this revision clarifies the process for review of any structure that may be proposed for demolition as part of a development application. Under the current review process, an applicant must perform a Natural Resources Inventory (NRI) and Forest Stand Delineation (FSD) before filing a development application. The NRI must include all improvements on the site as well as the other resources. If any structures on a site outside a designated historic district are to be demolished, the

Chief of Planning will review the proposal to make an initial determination as to whether the structures have potential significance under the historic evaluation criteria. If found to be significant, the applicant must apply to the Historic District Commission for evaluation. Also, if at any time during the review phase it is determined that the structure(s) has significance, the review process will be suspended pending review by the HDC.

- Under Site Plan Implementation Period (Sec. 25.07.06) and Project Plan Review (Sec. 25.07.07), two typos are corrected.

Article 8 - Nonconformities

- Sec. 25.08.06 - Nonconformity Through Public Taking:
 - This subsection of the code is intended to "grandfather" existing developments that may have been adversely affected by a public acquisition that would otherwise render the development nonconforming. It is revised to change the word "taking" to "acquisition" in the cases of public acquisition of private property since the term "taking" has a specific legal meaning. Language has also been added to make it clear that the dedication of land for a public street or park also keeps the property from being considered a development standards nonconformity resulting from the land transfer.
- Sec. 25.08.08 – Nonconforming Alteration Approval:
 - Subsections e and f should be d and e to maintain alphabetical order.
 - In subsection 25.08.08.c.1(b).ii, the reference should be to 25.08.08.c.2(b)(i) –(vi).

Article 9 – Accessory Uses, etc.

- Sec. 25.09.01 and 09.02 - Accessory uses:
 - The General Requirements section has been revised so that the provisions of the article better separate the provisions for accessory uses versus structures. The existing language among these two sections has been relocated to make a better distinction between an accessory use and an accessory structure. A use is the activity that is allowed to occur on a property consistent with the permitted uses of the zone. An accessory structure is a building or other physical installation that may enclose or accommodate the use.
 - Subsection 25.09.02.2 is proposed to be modified to give some greater flexibility in the location of accessory uses and structures. This revision is the result of a request from the City's Environmental Management division, which has been evaluating a

possible electric solar power collector system that would be installed above existing parking areas in City parks. Because the collectors would be installed and controlled by a private party, they don't comply with the current language requiring the accessory to be "operated and/or maintained under the same ownership as the principal use". The proposed revision makes such uses on City property fully consistent with the zoning ordinance.

- Sec. 25.09.03 - Accessory Buildings:
 - The introductory sentence to subsection 2 is revised to clarify that residential accessory buildings are limited to one story. This is a carry-over from the prior ordinance and, along with the floor area limitation, is intended prevent an accessory building from becoming overly large and susceptible to becoming an illegal second dwelling.
 - The provision for buildings on corner lots in subsection 2(f) is clarified to require that the choice of that portion of the lot which is to be the rear yard must meet the minimum rear yard setback in the applicable zone. Technically, corner lots in residential zones do not have a rear yard. However, a house is normally located on a corner lot such that it meets the minimum setback from the street and the minimum side yard setback on one side. The area alongside the house behind the front building line is deemed the rear yard for the purpose of locating accessory buildings and structures. However, in order to allow this, the area between the house and lot line must meet the rear yard setback requirements. The proposed language is intended to clarify this requirement.
- Sec. 25.09.05 - Setback Encroachments:
 - In Subsection 1(a), emergency generators have been added to the provision allowing air conditioners and heat pumps to encroach into the side or rear yards. This provision is for permanent installations, not portable generators. Language has also been added to require Chief of Planning approval of the location and screening for any such equipment located on a designated historic site. Please note that noise from these units is regulated through the County, not the City.
 - Subsection 1(b) is revised to make the terminology consistent with the definition ("Renewable Energy Generation Equipment" instead of "Systems").
 - The language in Sec. 25.09.05.2.v has been revised to make it clear that this provision for taller fences applies only to Planned Developments approved prior to January 1, 1975. This language was originally inserted to address over-height fences within a Planned Development that were installed at the time of initial development. This initially came to light in New Mark Commons where a number of excess height fences were installed throughout the project. These fences are at the

end of their useful life and need to be replaced. This provision allows these developments approved under the code in effect prior to 1975 to continue to allow the replacement of such fences and also allow installation when approved by the relevant homeowner's association.

Article 14 - Special Zones:

- Sec. 25.14.01 - Language has been added to Sec. 25.14.01.d.1 requiring notice to the property owner and the Rockville Historic District Commission of a nomination for potential historic designation which is filed by someone other than the property owner.
- Sec. 25.14.01.4 - This modification clarifies that that historic designations are achieved through the sectional map amendment process by providing the cross-reference.
- Sec. 25.14.02.c.1, the reference should be subsection c.3.e.
- Sec. 25.14.02.08.b.1, correct the term "Center" to "Commercial" and the zone term to MXNC.
- Sec. 25.14.19 - Typo correction for New Mark Commons
- Sec. 25.14.26 - Typo correction for Upper Rock

Article 16 - Parking and Loading:

- Sec. 25.16.02 - Parking Standards: Parking in residential zones is amended to exclude large semi-trailers, except when allowed as a temporary use under Sec. 25.09.04.d.
- The parking table (25.16.03) is modified to allow fast food restaurants in a multi-tenant building to use the same requirements as those for a full service restaurant. This returns the provision to the former ordinance requirement.
- Under the Maximum Parking Limits (25.16.03.f), language is proposed to explain the reasoning for this provision to make it easier to interpret the intent and to administer project reviews.

Article 18 - Signs

- Sec. 25.18. 14 - Reference to the MXNC zone for regulating signs was inadvertently omitted and will be restored.

Article 21 - Subdivision:

- Sec. 25.21.01 - Plats: Language has been restored from the prior ordinance requiring structures to be erected on record lots and that only one single unit detached dwelling can be placed on a record lot.
- 25.21.13 – Ownership Plats: The provision for Ownership Plats is proposed to be modified to delete the requirement for “findings” in subsection 4. The findings allowing the approval of the subdivision were made at the time the final plat was approved. The creation of ownership plats is not a resubdivision, and there is no need for new findings. The creation of ownership plats does not affect the underlying approval of the original record lot.

The public hearing before the Mayor and Council is tentatively scheduled for December 9, 2013.


ATTACHMENTS

- 1. Text Amendment Application**
- 2. Proposed Text Amendment**

September 24, 2013

MEMORANDUM

TO: Deane Mellander, Principal Planner

FROM: Brenda Bean, Deputy City Clerk 

RE: TXT2014-00236
Mayor and Council of Rockville

Attached is a date-stamped copy of the above-referenced application filed by you on September 17, 2013.

I have listed this on the Mayor and Council agenda for a public hearing on December 16. Please let me know if you think that date is sufficient time for this to work its way through the processes.

Thank you.



Application for

Text Amendment

TXT

2/09

RECEIVED
CITY CLERK'S OFFICE

2013 SEP 17 AM 10:33

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 # _____

Please Print Clearly or Type

Property Address information N/A

Project Description Technical and clarifying revisions to the ordinance

Applicant Information:

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

Applicant Mayor and Council of Rockville - 111 Maryland Ave., Rockville, MD 29850

Property Owner N/A

Architect N/A

Engineer N/A

Attorney N/A

STAFF USE ONLY

Application Acceptance:

Application # TXT:2014-00286

Date Accepted September 17, 2013

Staff Contact Deane McLander

Application Intake:

Date Received _____

Reviewed by _____

Date of Checklist Review _____

Deemed Complete: Yes No

November 6, 2013

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 1, “General Information”, as follows:

* * *

25.01.03 – Authority

The provisions of this Chapter are adopted in accordance with the zoning and planning authority enumerated in the City Charter, the Land Use Article [66B] of the Annotated Code of Maryland, as amended, and other applicable State enabling authority.

* * *

25.01.06 – Compliance

A person cannot use, [or] develop or alter any land or structure within the City without complying with the applicable provisions of this Chapter.

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

25.03.02 – Word and Terms Defined

* * *

Hotel (including motel) - Any building containing rooms or suites of rooms designed and intended for the temporary lodging of guests, and which are available to the general public

for compensation. A hotel may also include related accessory uses such as meeting rooms and restaurants.

* * *

Lot - A parcel or quantity of land. Lots include the following:

* * *

4. *Lot, Ownership* - 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 not constitute a record lot or plan of subdivision.

* * *

6. *Lot, Qualifying Undersized* - A lot with a net area of less than 6,000 square feet but at least 5,000 square feet, or with a width at the front building line of less than 60 feet but at least 50 feet shown on a plat or deed recorded prior to October 1, 1957.

* * *

Qualifying Undersized Lot – See “Lot, Qualifying Undersized.”

* * *

Structure - A combination or assembly of materials designed for [which requires] permanent location on the ground and intended for occupancy or use, [or attachment to something having permanent location on the ground] but not including appurtenances attached to the combination or assembly of materials. This definition includes, but is not limited to, items such as buildings, arenas, tents intended for public assembly, towers for electric power transmission towers and antennae for telecommunications, bridges, water tanks, fences, signs, and utility poles.

* * *

Twinbrook Metro Performance District - That area delineated as the Twinbrook Metro Performance District on the Zoning Map.

* * *

Use, Principal – The principal purpose for which a lot or the main building on the lot is designed, arranged, or intended and for which it may be used, occupied, or maintained as a permitted, conditional, or special exception use.

Amend Article 5, "Application and Notification, Generally", as follows:

* * *

25.05.07 – Amendments to Approved Development

* * *

b. Minor Amendments to Approved Development

1. Any application for an amendment which does not significantly deviate from the terms and conditions of the original approval and would effectively carry out the intent of the Approving Authority's original approval may be considered and acted upon by the Chief of Planning under the provisions for a Level 1 site plan as set forth in Sec. 25.07.04.
 - (a) Such application may be approved if it results in a minimal effect on the overall design, layout, quality, or intent of the plan and is limited to minor adjustments to site engineering, parking or loading areas, landscaping, sidewalks, recreational facilities, recreational areas, public use space, or open area in a manner that does not alter basic elements of the site plan. Landscaping maintenance does not require an amendment application under this section. The addition or relocation of minor appurtenances such as, but not limited to, bicycle racks, seating benches, and pergolas does not require an amendment application, but must not alter the basic elements of the site plan nor cause a safety hazard.

* * *

c. Major Amendments to Approved Development

1. Where the Chief of Planning determines that a requested change is too significant to be a minor change but is not so substantial as to require an entirely new application for approval, the requested change must be reviewed and approved by the original Approving Authority as an amendment to the original development approval. Major amendments may include:
 - (a) an increase in the height of any building,
 - (b) an increase in the floor area of any non-residential portion of a building,
 - (c) an increase in the number of dwelling units, or

* * *

Amend Article 7, "Procedures for Site Plans and Project Plans, Special Exceptions and Other Permits", as follows:

* * *

25.07.02 – Application Procedure for Site Plans, Project Plans, and Special Exceptions

* * *

- a. *Application* – Applications for site plans and Project Plans must be submitted in accordance with the provisions of Section 25.05.02 and the following pre-application requirements:

* * *

4. *Historic Review* –

- (a) If a Natural Resources Inventory (NRI) is required in conjunction with an application that proposes demolition of a building or structure outside a Historic District, the building or structure will be evaluated by the Chief of Planning using the Historic District Criteria adopted by the Historic District Commission for potential eligibility for historic designation prior to acceptance of the application for site plan, Project Plan, or special exception approval.
- (b) If through the NRI the Chief of Planning identifies any site, building, or structure as having potential historic significance under the Historic District Criteria adopted by the Historic District Commission the applicant must apply to the Historic District Commission for an evaluation of the subject property for eligibility for historic designation.
- (c) After the NRI, and [N]notwithstanding the foregoing, if at any time during the review of a site plan, Project Plan or special exception application the Chief of Planning determines that a site, building or structure has potential historic significance, the application review process will be suspended and the Historic District Commission will evaluate the subject property for eligibility for historic designation under the provisions of Section 25.14.01.d.

* * *

25.07.06 – Site Plan Implementation Period

* * *

- b. *Extensions* – Except [of] as set forth in Section 25.07.15, the Planning Commission or the Chief of Planning may, for good cause shown, grant no more than two (2) extensions of not more than six (6) months each for any prior approval subject to the provisions of Section 25.05.08, "Extension of Implementation Period". The Planning Commission may require as a condition of approval of an extension that the applicant submit periodic progress reports to the Chief of Planning detailing efforts undertaken to implement the site plan approval.

* * *

25.07.07. – Project Plan Review

* * *

18. *Project Plan Implementation Period– A Project Plan approval expires if:*

* * *

- (b) Except [of] as set forth in Section 25.07.15, construction on all phases of the approved Project Plan has not commenced within the time period set forth in the Project Plan approval, except that the approval does not terminate with respect to those phases of the Project Plan for which construction has commenced.

25.07.13 – Certificate of Approval in Historic Districts

* * *

- g. *Incorporation of Maryland Law* – All other provisions and subsequent modifications of the Land Use Article of the Annotated Code of Maryland [Law, 66B, Chapter 8] are incorporated into this Article by reference.

Amend Article 8, “Transitional Provisions, Nonconformities, Nonconforming Alteration Approval”, as follows:

* * *

25.08.06 – Development Standards Nonconformities

* * *

- d. *Nonconformity through Public [Taking] Acquisition*
 1. An existing building, structure, or site improvement is not a development standards nonconformity if it is located on [an otherwise lawful] a lot and the lot was reduced in area by [a taking] acquisition under eminent domain, or by other government [acquisition] action in lieu of eminent domain that would otherwise render the building, structure, or site improvement nonconforming because a dimension or location of the building, structure, or site improvement is deficient due to the public acquisition. For the purpose of this section, the dedication of land for a public park or for the right-of-way for a public street proposed in the Plan is considered a public acquisition. The building, structure, or site improvement may be repaired, altered, or reconstructed, if it is an otherwise lawful use, only to the extent of original development existing on the date of the [governmental] public acquisition.

Amend Article 9, “Accessory Uses; Accessory Buildings and Structures; Encroachments; Temporary Uses; Home-Based Business Enterprises; Wireless Communication Facilities” as follows:

25.09.01 –[General Requirements] Accessory Uses

a. Accessory uses [and structures] must:

1. Be customarily associated with and clearly incidental and subordinate to a legally established principal use [or structure] in accordance with all requirements of this Chapter;
2. Except in conjunction with a publicly-owned or publicly-operated use, [B]be operated and/or maintained under or on behalf of the same ownership as the principal use [or structure];
3. Be operated on the same lot as the principal use [or structure], unless otherwise provided in this chapter; and
4. Not create a nuisance or hazard to surrounding properties or passing vehicles or pedestrians.
5. Not include retail sales in any residential dwelling.

b. If operated partially or entirely within the structure containing the principal use, the gross floor area within such structure utilized by accessory uses (except garages and off-street loading facilities) must not be greater than:

(a) In a dwelling unit, twenty percent of the gross floor area not to exceed 300 square feet, or

(b) In a structure other than a dwelling unit, ten percent of the gross floor area of a structure containing any principal use.

25.09.02 – Accessory [Uses] Structures

[General] Requirements – [In addition to the general requirements for accessory uses in Section 25.09.01, above, a] Accessory [uses] structures must[:] be customarily associated with and clearly incidental and subordinate to a legally established principal [use or] structure. Such structures cannot be attached to the main building by any part of a common wall or common roof. Uses within accessory structures must comply with the applicable provisions of Section 25.09.01, above.

- [1. Not include residential occupancy in any zone; and
2. Not include retail sales in any residential dwelling.

3. If operated partially or entirely within the structure containing the permitted, conditional, or special exception use, the gross floor area within such structure utilized by accessory uses (except garages and off-street loading facilities) is not greater than:
 - (a) Twenty percent of the gross floor area, but not to exceed 300 square feet of the gross floor area, of a dwelling unit or
 - (b) Ten percent of the gross floor area of a structure containing any permitted, conditional, or special exception use other than a dwelling unit.]

* * *

25.09.03 – Accessory Buildings and Structures

a. Residential Accessory Buildings and Structures

* * *

2. Residential accessory buildings are limited to one story and are subject to the following additional provisions:

* * *

- f. *Accessory Buildings on Corner Lots* – Accessory buildings [may] must be placed in the rear yard of a corner lot. The rear yard of a corner lot must meet [the rear yard setback] the minimum rear yard setback from the lot line to the main building as set forth in the applicable zone.

* * *

25.09.05 – Setback Encroachments

The following setback encroachments apply within all zones, except as otherwise provided herein:

1. *Permanent Encroachments* – The following permanent structures and features are permitted to project into the required yard setbacks in the amount stated for each structure or feature:
 - (a) *Air Conditioners, Emergency Generators and Heat Pumps* – Air conditioners, emergency generators, and heat pumps may project no more than five (5) feet into minimum side and rear setbacks. In the case of properties located in an historic district zone, the location and screening of such equipment is subject to review and approval by the Chief of Planning. The Chief of Planning review will include any conditions set forth in the historic district designation by the Historic District Commission.

(b) *Renewable Energy Generation [Systems] Equipment* - Solar heating panels, solar collectors, or other alternative energy generator equipment may project not more than five (5) feet into the minimum side and rear setbacks.

* * *

2. *Fences*

(a) *Fences – Residential Zones* – Fences are subject to the following limitations in residential zones:

* * *

v. *Fences in Planned Development Zones* – In a Planned Development Zone approved prior to January 1, 1975, fences up to six (6) feet tall [may] will be [approved] allowed: [to]

i. To replace an existing fence; or[, where]

ii. If the location of the fence within such Planned Development is approved by the homeowner’s association.

Amend Article 14, “Special Zones”, as follows:

25.14.01 – Historic District Zones

* * *

d. *Designation of Properties*

1. *Initiation of Process* – The process of evaluating a property for possible historic designation due to its historic, archaeological, or architectural significance begins upon the occurrence of any of the following [:] items in subsection (a) below. If the nomination application is filed by a person other than the property owner, the person making the nomination must provide notice of the nomination by first class mail to the property owner at the time of application. A copy of the notice must also be provided to the Historic District Commission.

* * *

4. *Mayor and Council Authorization* – Upon receipt of the Historic District Commission’s recommendation, the Mayor and Council may authorize the filing of a sectional map amendment (Section 25.06.01.b.2) to place the property in the Historic District Zone.

* * *

25.14.19 – PD-NMC (New Mark Commons)

* * *

25.14.26 – PD-UR (Upper Rock)

* * *

- b. *Designated Equivalent Zones* - Designated equivalent zone: [~~z~~] Mixed-Use Employment Zone (MXE).

Amend Article 16, “Parking and Loading”, as follows:

* * *

25.16.02 – General Requirements

* * *

- b. *Special Provisions for Certain Zones*

1. *R-400, R-200, R-150, R-90, R-75, R-60, and R-40 Zones* - In the R-400, R-200, R-150, R-90, R-75, R-60, and R-40 Zones, off-street parking of motor vehicles is limited to:

- (a) Passenger vehicles;

- (b) Not more than one (1) delivery-type commercial vehicle per dwelling unit not exceeding three-quarter (3/4) ton capacity or one (1) that has been issued a special permit pursuant to Section 23-27 of the City Code; and

- (c) One (1) trailer which cannot be used for dwelling purposes or any accessory use, provided such trailer is parked behind the front building line whenever possible. A semi-trailer for transport by a truck tractor under the Maryland Vehicle Law is not allowed except as a temporary use in accordance with Sec. 25.09.04.d.

* * *

25.16.03 – Number of Spaces Required

* * *

Use Category	Use	Auto Parking Spaces		Bicycle Parking Spaces			Additional Requirements
		Unit Measure	Base Number Required	Unit Measure	Short Term Space	Long Term Space	
Commercial (con't.)	Restaurant, full service, including fast food restaurant in a multi-tenant building	Per 50 SF of patron use area (excluding rest rooms)	1 and	Square feet of gross floor area	2 per 5,000 SF	2 per 12,000 SF	See Sec. 25.16.03.f Planning Commission option to review
		Per 80 SF of outdoor patron use area	1 and				
		Per 2 employees	1				
		Per 15 SF of bar patron area where bar patron area exceeds 10% of total patron use area	1				
	Restaurant, fast food	If located in a free-standing [or multi-tenant] building	50 and	Square feet of gross floor area	2 per 5,000 SF	2 per 12,000 SF	See Sec. 25.16.03.f Reservoir spaces cannot impede other traffic in the parking lot. Facilities serving only via drive-through windows must provide the same reservoir spaces as a standard fast food restaurant.
		Reservoir spaces for each pick-up window	10 or				
		Reservoir spaces for windows with separate order and pick-up windows	5 and				
		Per 2 employees	1				

- f. Maximum Parking Limits – In order to limit excessive off-street parking and encourage parking reductions [I] in the MXTD and MXCD zones, the number of parking spaces to be provided is limited to no more than the standard shown in the tables above. Additional parking can only be provided if:

Amend Article 18, “Signs”, as follows:

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, MXNC, MXB, and MXE Zones in accordance with the following:
 - (a) *MXTD*, [and] *MXCD* and MXNC Zones:

Amend Article 21, "Plats and Subdivision Regulations", as follows:

25.21.01 – Plats

- a. There are two (2) types of plats:
 - 1. Final record plats which are either:
 - (a) Subdivision plats (when there is an assemblage or division of land); or
 - (b) Recordation of an existing single unit detached residential lot; and
 - 2. Ownership plats.
- b. *Recordation required for development.*
 - 1. Every structure must be erected and located on a record lot.
 - 2. Except as provided in this chapter, there cannot be more than one (1) single unit detached residential dwelling on one (1) lot.

* * *

25.21.13 – Ownership Plats

- a. *Purpose* – an ownership plat may be approved for the purpose of designating land as separate ownership lots within a single record lot where the requirements of this section are met. Lots shown on the plat must be depicted with metes and bounds descriptions and resemble a Final Record Plat but the lots shown on the ownership plat do not constitute a resubdivision of the original record lot or lots.
- b. [Findings] *Conditions for approval* - Where more than one (1) building or building component exists, or is to be located, on a tract of land, the Planning Commission may approve an ownership plat [if the Commission finds all of the following] where the following conditions exist:

1. The land is located in a zone other than the R-400, R-200, R-150, R-90, R-75, R-60, and R-40 Zones, except that an ownership plat is permitted in the previously mentioned zones if the property contains or is approved for a use other than single-unit detached residential;
2. The ownership plat is reasonably necessary to accommodate the financing, phasing, or separate ownership of a building or group of buildings or building components on [the tract of land] a recorded lot, and/or;
3. The subdivision into individual record lots for each building or building component is not feasible because:
 - (a) Setback, open space or lot size requirements or other development standards of the zone reasonably preclude such subdivision;
 - (b) Amenity features required in the zone or pursuant to an approved use permit or site plan for the tract are designed to serve the various buildings or building components, or other design features of the project are integrated among the buildings or components;
 - (c) Density calculations or bonus densities allowed in the zone and approved in a use permit or site plan are based on the area of the entire tract; or
 - (d) The creation of ownership lines or financing lines is intended principally to accommodate the separate ownership or financing rather than its formal subdivision. [; and
4. The ownership plat:
 - (a) Will not constitute a violation of any provision of this Chapter or other applicable law;
 - (b) Will not violate or adversely affect the Plan;
 - (c) Will not be unsuitable for the type of development, the use contemplated, and available public utilities and services; or
 - (d) Will not adversely affect the health or safety of persons residing or working in the neighborhood.]