

	Uses	Zones		Conditional requirements or related regulations
		Light Industrial I-L	Heavy Industrial I-H	
a. Residential uses				
	Live/work unit	P	N	Includes dwelling unit for caretaker in connection with a self-storage warehouse.
	Personal living quarters	S	N	See Sec. 25.15.02.l
b. Institutional uses	Adult day care	P	N	
	Charitable or philanthropic institution	P	N	
	Child care center	P	N	
	Educational institution, private	P	N	
	Places of worship	P	N	
c. Medical services	Ambulance service	C	N	Conditional use must not adjoin residential uses
	Hospital	S	N	Sec 25.15.02.i
	Veterinary office and animal hospital	P	N	
[e] d. Temporary uses	Christmas tree sales	C	C	Conditional use subject to the requirements of Sec. 25.09.04
	Garden produce	C	N	
	Temporary building or yard for construction materials or equipment	C	C	Conditional use subject to the requirements of Sec. 25.09.04
	Temporary carnival, flea market, or festival	C	C	
	Temporary office or model home	C	C	
	Mobile uses	C	N	
	Portable Storage Units	C	C	
[f] e. Commercial, office, and industrial uses	Alcoholic beverages for consumption on the premises of any restaurant	P	N	
	Auctioneer and commercial gallery	P	N	
	Boats and marine supplies	P	N	
	Garden supplies	P	N	
	Home improvement service	P	P	
	Home maintenance services	P	P	
	[Business equipment sales and service]	[N]	[N]	
	Pawnbroker	S	N	See Section 25.15.02.m
	Public transportation station	C	C	Conditional use must comply with any Plan recommendation
	Repair of household appliances, inc'l home electronic equipment	P	N	
	Taxicab service	P	N	
	Wearing apparel and related accessories	P	N	

	Uses	Zones		Conditional requirements or related regulations
		Light Industrial I-L	Heavy Industrial I-H	
	Wearing apparel services	P	N	
Commercial, office, and industrial uses (con't)	Caterer, no seating	P	N	
	Carry-out	P	N	
	Restaurant	S	N	See Sec. 25.15.02.o
	Duplicating service	P	N	
	Office	C	N	Conditional use limited to 25% of the gross floor area of a building
	Medical or dental laboratory	P	N	
	Automobile filling station (Class I and II)	S	S	See Sec. 25.15.02.c
	Automobile fluid maintenance station	P	N	
	Automotive repair garage	P	N	
	Mechanical car wash	P	N	
	Motor vehicle and trailer sales, including new and reconditioned parts and accessories and service incidental thereto	P	N	
	Motor vehicle towing service, without storage on the premises	P	N	
	Tires, batteries, and accessory sales, including service incidental thereto	P	N	
f. Assembly and entertainment	Adult oriented establishment	S	N	See Sec. 25.15.02.b
	Health and fitness establishment	P	N	
	Kennel	P	P	
	Outdoor recreational establishment, commercial, except shooting gallery [or range]	S	N	
	Private club	P	N	
	Public utility building and structure	P	P	
	Publicly-owned or publicly-operated building and use, excluding sanitary landfill	P	P	
	Recreational establishment, indoor, commercial, except shooting gallery [or range]	C	N	Conditional use cannot occupy more than 50% of any building.
	Shooting gallery [or range]	S	S	

Uses	Zones							Conditional requirements or related regulations
	Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	
Wearing apparel and related accessories	P	P	P	P	[C] P	C	C	Conditional uses limited to 2,500 sq. ft. of gross floor area for each tenant
* * *								
Food Services:								
Ancillary Restaurant	P	P	P	N	N	N	N	Use cannot exceed 5% of the total gross floor area of the building. No drive-through or walk-up service is permitted. The bar patron area cannot exceed 10% of the total patron use area.
* * *								
Office Uses:								
Archival Record Storage	N	N	P	P	[N] C	N	N	Conditional use allowed if located in a basement or cellar
* * *								
Duplicating service	P	P	P	P	[C] P	C	C	Conditional uses limited to 2,500 sq. ft. of gross floor area
* * *								
Medical or dental laboratory	P	P	P	P	[N] C	N	N	Conditional use allowed if located in a basement or cellar
Motor vehicle services:								
Automobile parts sales; no installation or service	N	P	P	P	[N] P	N	N	
* * *								
Parking facilities:								
Commercial parking facility	C	C	C	C	N	N	N	Conditional use subject to the requirements of Sec. 25.13.04.[e] d

	Uses	Zones							Conditional requirements or related regulations
		Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	
i. Assembly and entertainment		* * *							
	Health and fitness establishment	P	P	P	P	C	C	C	Conditional use limited to 4,000 gross square feet of floor area. <u>No floor area limit if located in a basement or cellar</u>
	Hotel	P	P	P	P	S	N	N	
	Indoor entertainment establishment, commercial except shooting gallery [or range]	P	P	P	P	C	N	N	Conditional use subject to a Level 2 Site Plan Review
	Outdoor recreational establishment, commercial except shooting gallery [or range]	S	S	S	N	S	N	N	
	Sports facility, multi-purpose, indoor commercial	P	P	P	P	[S] C	N	N	<u>Conditional use allowed if located in a basement or cellar</u>
	Recreational establishment, indoor, commercial, except shooting gallery [or range]	N	P	P	P	[S] C	N	N	<u>Conditional use allowed if located in a basement or cellar</u>
	Rental hall for meetings and social occasions	P	P	P	P	C	N	N	Conditional uses limited to a maximum of 4,000 square feet of gross floor area. <u>No floor area limit if located in a basement or cellar</u>
	Shooting gallery [or range]	N	N	S	N	N	N	N	

	Uses	Zones							Conditional requirements or related regulations
		Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	
	Theater, including dinner theater	P	P	P	P	[N] P	N	N	

* * *

Sec. 25.13.04 – Special Regulations for Conditional Uses

[(a)] a. Residential – Where residential uses are permitted as conditional uses in a Mixed-Use Zone, other than the MXC Zone, they are only allowed in those areas of the zone recommended for such use in the Plan. The Planning Commission in approving such conditional uses shall establish such development standards as deemed necessary to render such uses suitable and compatible with the surrounding uses and in accordance with the intent of the Plan. In the Mixed-Use Commercial (MXC) Zone, multiple-unit dwellings are not permitted at the ground floor level.

[(b)] b. Drug Store with Drive-Through Service Window – In the MXTD Zone, the drive-through must be incorporated and enclosed within a building or structure. In the other zones where allowed, the drive-through must be arranged so as to not obstruct traffic circulation within the site. Sufficient reservoir spaces must be provided and must be located so as not to obstruct vehicle or pedestrian circulation or parking within the site or accessing the site.

[(c)] c. Banks and Financial Institutions with Drive-Through – In the MXTD Zone, the drive-through must be incorporated and enclosed within a building or structure. In the other zones where allowed, the drive-through must be arranged so as to not obstruct traffic circulation within the site. Sufficient reservoir spaces must be provided and must be located so as not to obstruct vehicle or pedestrian circulation or parking within the site or accessing the site.

[(d)] d. Commercial Parking Facility – A commercial Parking Facility is only permitted in the form of a parking structure. At least 75 [%] percent of the ground level floor street frontage must be devoted to commercial uses.

Sec. 25.13.05 – Development Standards

a. Build-To Lines – Where a build-to line established in the Plan is required, at least 70 [%] percent of the length of the building wall facing that line must be set at the build-to line. Development must also comply with the building restriction line provisions set forth in Sec. 25.17.08.

b. *Development Standards*

1. The following table sets forth the development standards for each of the Mixed-Use Zones:

Zone	Maximum Height (in feet) ²	Public Use Space (min. %)	Setbacks					Special Regulations
			Public Right-of-way Abutting	Side		Rear		
				Residential Land Abutting	Non-residential Land Abutting ¹	Residential Land Abutting	Non-residential Land Abutting	
MXTD	120	20	None	25' or height of building, whichever is greater	None. 10' min. if provided	25' or height of building, whichever is greater	None. 10' min. if provided	See Secs. 25.13.05.b.2(a) and 25.13.05.b.2(d)
MXCD	75	20	None	25' or height of building, whichever is greater	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	See Secs. 25.13.05.b.2(b) and 25.13.05.b.2(d)
MXE	120	20	None required. 10' min. if provided	25' or ½ height of building, whichever is greater	None required. 10' min. if provided	25' or ½ height of building, whichever is greater	None required. 10' min. if provided	See Sec. 25.13.05.b.2(d)
MXB	55	20	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	25' or ½ height of building, whichever is greater	None required. 10' min. if provided	
MXNC	45	20	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	See Sec. 25.13.05.b.2(d)
MXC	30	20	10'	15'	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	
MXT	35	20	10'	10'	None	20'	None required. 10' min. if provided	

* * *

c. *Other Standards and Requirements for New Development or Redevelopment*

* * *

6. Floor Area Limitation – Retail commercial uses by a single tenant cannot occupy more than 65,000 square feet of floor area at the ground level. This limit only applies to the ground area footprint, and does not limit additional floors devoted to the single tenant so long as each of the additional floors does not exceed 65,000 square feet.

Sec. 25.13.06 – Additional Design Guidelines

* * *

b. Aesthetic and Visual Characteristics for All Zones**1. Facades and Exterior Walls Including Sides and Backs -**

* * *

- (a) Along any public street frontage building, design should include windows, arcades, awnings or other acceptable features along at least 60 [%] percent of the building length. Arcades and other weather protection features must be of sufficient depth and height to provide a light-filled and open space along the building frontage. Architectural treatment, similar to that provided to the front facade must be provided to the sides and rear of the building to mitigate any negative view from any location off-site and any public area (e.g. parking lots, walkways, etc.) on site.

* * *

Sec. 25.13.07 – Special Design Regulations for Individual Mixed-Use Zones**a. Mixed-Use Transit District Zone (MXTD)**

* * *

3. *Facade* – The façade design must be consistent with the [guidelines] standards set forth in Section 25.13.05.b.2(a). Where the façade height exceeds 35 feet, the façade should include an expression line above the first floor level and a defined cornice line at the top of the façade wall.

* * *

b. Mixed-Use Corridor District Zone (MXCD)

* * *

3. *Facades* – The façade design must be consistent with the [guidelines] standards set forth in Section 25.13.05.b.2(b). Where the façade height exceeds 35 feet, the façade should include an expression line above the first floor level and a defined cornice line at the top of the façade wall.

* * *

c. *Mixed-Use Employment Zone (MXE)*

* * *

6. *Special Regulations for Residential Development in the MXE Zone*

* * *

(b) Residential uses are permitted in buildings containing principally office uses, but are limited to no more than 20 [%] percent of the gross floor area.

* * *

SECTION 14. That Article 14, "Special Zones" be amended as follows:

Sec. 25.14.01 – Historic District Zones

* * *

d. *Designation of Properties*

1. *Initiation of Process*

* * *

(d) The filing of a Natural Resources Inventory identifying a potentially significant historic resource on the property.

* * *

6. *Restrictions on Property During Interim Historic Review Period* – No exterior change may be made to any property identified in the Historic Building Catalog, as revised, that is the subject of an application for nomination, historic evaluation, or a demolition permit under this Section 25.14.01 until the designation process is complete, unless the property owner first obtains a Certificate of Approval from the Historic District Commission in accordance with the provision of Section 25.07.1[3]4. The restriction of this subsection will not apply for more than 210 days from the date of the filing of the application that initiated the historic designation review period.

* * *

Sec. 25.14.07 – Planned Development Zones

* * *

b. *Uses*

* * *

3. An ancillary restaurant is permitted and need not be separately listed as a use for a particular parcel in the approved Planned Development Governing Documents, so long as the principal office use is listed for that parcel. Signs will be governed by the Governing Documents, including any comprehensive signage plan. This use cannot exceed 5 percent of the total gross floor area of the building. No drive-through or walk-up service is permitted. The bar patron area cannot exceed 10 percent of the total patron use area.

* * *

d. *Development Standards*

* * *

3. *Equivalent Zone Development Standards*

(a) Except as provided in Section 25.14.07.d.4, the development standards of the equivalent zone designation for a Planned Development Zone apply:

* * *

4. *Waiver of Equivalent Zone Standards*

* * *

(a) Whether the development standard of the equivalent zone is compatible with the completed portions of the [project] Planned Development;

* * *

e. *Amendment of a Planned Development*

1. *Required, General*

* * *

(c) Addition of new [types of] uses not approved in the Planned Development Governing Documents;

* * *

SECTION 15. That Article 15, "Special Exceptions" be amended as follows:

* * *

Sec. 25.15.02 – Additional Requirements for Certain Special Exceptions

* * *

h. Home-Based Business Enterprise (Major)

* * *

2. *Major Home-Based Business Enterprises* – Except as provided in subsection 25.09.07.c.2, [M] major home-based business enterprises are subject to the following provisions:

* * *

[(a)] *(b) Application Procedures* – As part of the special exception application, the applicant must provide of the following information plus such additional information required for special exceptions:

* * *

3. *Additional Restriction*

* * *

(a) The owner / applicant [~~sells~~] vacates the property; or

* * *

j. Housing for Senior Adults and Persons with Disabilities

* * *

3. *Special Development and Use Requirements*

* * *

(d) *Maximum Lot Coverage* - Notwithstanding the provisions of Sections 25.10.05.a and 25.10.05.b, in the R-400 and R-200 Zones, the maximum lot coverage is limited to 30 [%] percent; provided that the development of the facility does not exceed one (1) story and also does not exceed 20 feet in height, except as provided in subsection (e) below.

* * *

k. *Life Care Facility*

* * *

3. *Special Development and Use Requirements*

* * *

- (d) *Lot Coverage in R-400 and R-200 Zones* - Notwithstanding the provisions of Sections 25.10.05.a and 25.10.05.b, in the R-400 and R-200 Zones, the maximum lot coverage is limited to 30 [%] percent.

* * *

o. *Restaurants in the I-L Zone*

The establishment of a restaurant in the I-L Zone:

1. Must be accessory to the main use of any lot;
2. Must be located within the main building; and
3. Must not occupy more than 25 [%] percent of the gross floor area of the building.

* * *

SECTION 16. That Article 16, "Parking and Loading" be amended as follows:

* * *

Section 25.16.02 – General Requirements

a. *General Provisions.*

1. No land can be used or occupied, no structure can be designed, erected, attached, used, or occupied, and no use can be operated unless the required parking and loading facilities are provided:
 - (a) In the minimum or maximum amounts set forth in this Article;
 - (b) In accordance with the design standards set forth in this Article; and

(c) In accordance with this Article and may not be rearranged or altered without approval [of the Approving Authority] in accordance with the provisions of Section 25.05:07.b.

* * *

Section 25.16.03 – Number of Spaces Required

d. *Table of Space Requirements* - The number of parking spaces for both vehicles and bicycles required for each class of land use are as shown in the following table:

* * *

Use Category	Use	Auto Parking Spaces		Bicycle Parking Spaces			Additional Requirements
		Unit Measure	Base Number Required	Unit Measure	Short Term Space	Long Term Space	
Institutional	* * *						
	Hospital or nursing home	Per each 1,000 SF of gross floor area	1 and	Square feet of gross floor area	2 per 40,000 SF	1 per 70,000 SF	Planning Commission may require additional bicycle parking
		Per each participating doctor	1 and				
		Per every 2 employees	1				
	Housing for senior adults and persons with disabilities	Per every 3 dwelling units -- all spaces to be located within 150 feet of the building served	1	Dwelling unit	1 per 100 dwelling units	1 per 50 dwelling units	Planning Commission to determine additional vehicle parking spaces required based on operational factors
<u>Life Care Facility</u>	<u>Per each free-standing independent living unit (up to 4 attached units)</u>	<u>1</u>	<u>Dwelling unit</u>	<u>1 per 100 dwelling units</u>	<u>1 per 50 dwelling units</u>	<u>Planning Commission to determine additional vehicle parking</u>	

Use Category	Use	Auto Parking Spaces		Bicycle Parking Spaces			Additional Requirements	
		Unit Measure	Base Number Required	Unit Measure	Short Term Space	Long Term Space		
		<u>Per each independent dwelling unit within a multiple-unit dwelling</u>	<u>See requirements for multiple-unit dwelling as set forth above</u>				<u>spaces required based on operational factors</u>	
		<u>Per each 4 beds for assisted living or nursing care</u>	<u>1</u>					
		<u>Per each employee on the major shift</u>	<u>1</u>					
	Funeral home	<u>Per each 50 SF of assembly area</u>	<u>1 and</u>	Square feet of gross floor area	1 per 40,000 SF	2 per 40,000 SF		
		<u>Per employee</u>	<u>1 and</u>					
		<u>Per each vehicle used in the business</u>	<u>1</u>					
	<u>Nursing Home</u>	<u>Per each 4 beds for assisted living or nursing care</u>	<u>1</u>	<u>Square feet of gross floor area</u>	<u>2 per 40,000 SF</u>	<u>1 per 70,000 SF</u>	<u>Planning Commission may require additional bicycle parking</u>	
		<u>Per each employee on the major shift</u>	<u>1</u>					
	Commercial	<u>Ancillary Restaurant</u>	<u>Per 300 SF</u>	<u>1 and</u>	<u>Square feet of gross floor area</u>	<u>2 per 5,000 SF</u>	<u>2 per 12,000 SF</u>	
			<u>Per 2 employees</u>	<u>1</u>				

* * *

g. *Determination of Requirements for Multiple Uses*

1. Except as provided in paragraph 3 of this subsection and in subsections h.5 and h.6 below; when any land or building is used for two (2) or more purposes, the number of parking spaces required must be the sum of the requirements for the various individual uses, computed separately in accordance with this article. Parking facilities for one (1) use cannot be considered as providing the required parking facilities for any other use, except as otherwise provided.

* * *

- h. *Flexible Parking Standards* – The Approving Authority may permit reductions in the number of parking spaces required, if certain standards and requirements are met as set forth below.

1. *Mayor and Council and Planning Commission Reductions*

The Mayor and Council, in the approval of a Project Plan, or the Planning Commission in the approval of a site plan within the MXTD, MXCD, [and] MXE, MXNC, and PD Zones, have the authority to reduce the required number of parking spaces for uses in the building or buildings to be constructed provided that:

* * *

i. *Deferral for Providing Spaces*

1. The Approving Authority, in considering a Project Plan or site plan, may approve a deferral of providing the number of parking spaces required where it can be demonstrated that the use served does not need the number of spaces otherwise required by this Section 25.16.03 due to one (1) or more of the following:

* * *

- (c) Proximity to a transit station. [; and/or]

* * *

Sec. 25.16.04 – Location of Parking and Loading Facilities

* * *

- c. All garages or other space allocated for parking of vehicles within buildings or in basements or open spaces on the roofs of buildings are considered part of the required off-street parking facilities and may be included as such in computing the [area] requirements outlined in this article.

* * *

Sec. 25.16.06 – Parking Design Standards

* * *

b. *Parking Spaces*

* * *

6. No off-street surface parking [area] facility can contain more than 150 spaces. If a greater number of spaces is required by this article, separate parking areas of not more than 150 spaces must be provided and must be separated by a landscaped area at least ten (10) feet in width.

* * *

e. Internal Landscaping of Surface Parking [Areas] Facilities -

* * *

SECTION 17. That Article 17, "Public Use Space, Landscaping and Screening, Utility Placement and Screening, Lighting, Sidewalks, and Shadows" be amended as follows:

* * *

Sec. 25.17.02 – Landscaping and Screening

* * *

- d. *Screening of Mechanical Equipment Required in All Zones Other Than Single Dwelling Unit Residential Zones* – In all zones other than the Single Dwelling Unit Residential Zones, all air conditioning equipment, transformers, emergency generators, elevator equipment, and similar mechanical equipment on any roof, ground, or building must be screened from public view at ground level from the edge of the property. Such screening must be done in such a manner and with such materials as may be reasonably required. Mechanical equipment on roofs should be limited to the extent possible, and in no case can it exceed the coverage provisions of Section 25.09.06.b.

* * *

Sec. 25.17.03 – Underground Installation of Utility Lines Required; Screening or Underground Installation of Transformers[;] and Equipment Lockers Required

* * *

- b. *Placement of Utility Equipment* – Except as otherwise provided, all electrical equipment (including transformers and equipment cabinets, but excluding emergency generators), telecommunications equipment, and television equipment (including cable television) must be located as follows:

25.17.08 - Building Restriction 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 lines and the centerline of the particular street or highway referred to in establishing the building line. This section does not apply to underground parking facilities.

b. Building lines established.

1. Building restrictions lines along Rockville Pike

(a) Northeast side. Beginning for the same at a point on the southeasterly boundary of the City 135 feet northeasterly from the point of intersection of the centerline of Rockville Pike with the southeasterly boundary of the City and running thence northwesterly and parallel to the centerline of Rockville Pike and 135 feet therefrom to the southeasterly line of Dodge Street.

(b) Southwest side. Beginning for the same at a point on the southeasterly boundary of the City 135 feet southwesterly from the point of intersection of the centerline of Rockville Pike with the southeasterly boundary of the City and running thence northwesterly and parallel to the centerline of Rockville Pike and 135 feet therefrom to the southeasterly line of Richard Montgomery Drive.

2. 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.

3. Exceptions.

(a) Where the building restriction lines established by subsections a and b 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 must 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 right-of-way of Rockville Pike but, in no event, can such building restriction line be less than 85 feet from the centerline of 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.

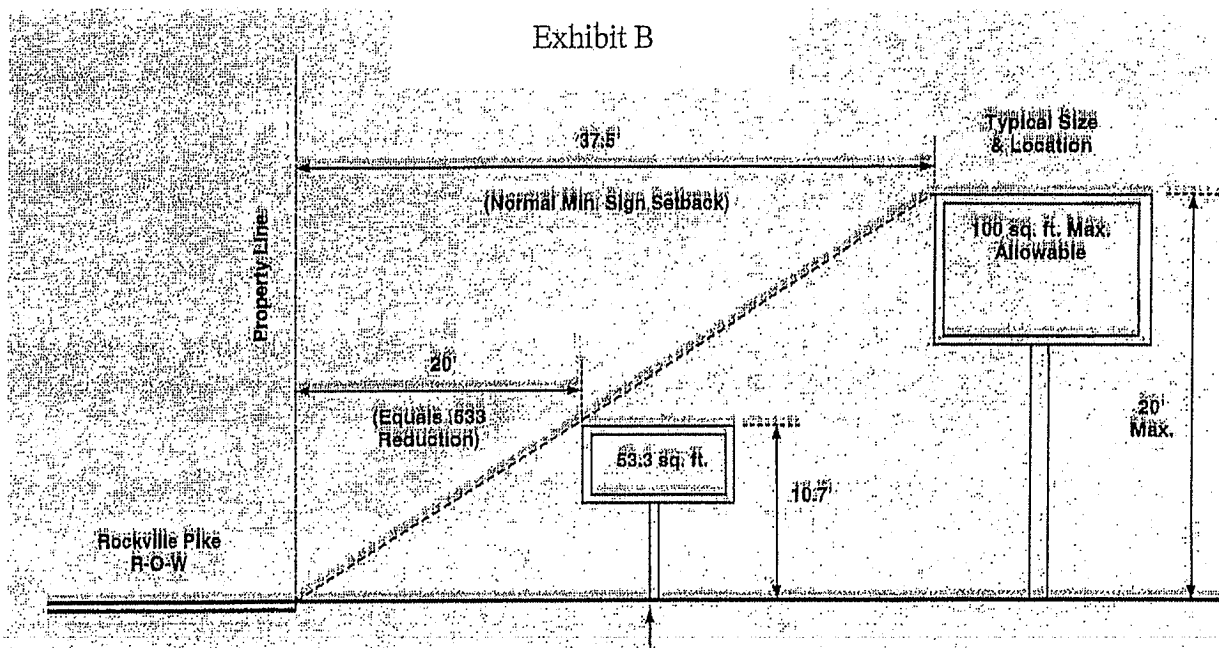
c. Signs. Notwithstanding any other provisions of this Chapter, one (1) sign which designates or identifies a use located on the same record lot may be erected and maintained within the building lines set forth in this section and the front line of the record lot provided that the size and height of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

(Insert Exhibits A and B as shown below)

Exhibit A

<u>Distance of sign from Rockville Pike</u> 37.5	x 20' =	Allowable height of sign
<u>Distance of sign from Rockville Pike</u> 37.5	x 100' =	Allowable height of sign

Exhibit B



* * *

SECTION 18. That Article 18, "Signs" be amended as follows:

* * *

25.18.08 – Sign Permits; Appeals

- a. Except as expressly exempted or otherwise provided in this Article, 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. Applications shall be submitted to the Chief of [Inspection Services] Planning.
- c. Each application shall be submitted on forms provided therefore by the Chief of [Inspection Services] Planning, and be accompanied by such fee as is established by resolution of the Council. The applicant shall furnish as part of the application the following information:

* * *

9. Such other information pertaining to the requirements of this Article as may reasonably be required by the Chief of [Inspection Services] Planning.
- d. The Chief of [Inspection Services] Planning 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 if the Chief of [Inspection Services] Planning finds that the sign proposed in the application complies with the requirements of this Article.
 2. If the permit is denied, the denial must be in writing and must specify 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 [Inspection Services] Planning must advise the applicant in writing as to the information needed to complete the application.
 4. Failure of the Chief of [Inspection Services] Planning to take action on an application within the time frame set forth above is appealable to the Sign Review Board in the same manner as an appeal from a denial of a permit.

- e. An applicant may appeal the denial of a sign permit by filing a sign permit review application with the Sign Review Board within ten (10) business days of the decision of the Chief of ~~[Inspection Services]~~ Planning.

* * *

25.18.13. Signs Permitted in ~~[MXNC;]~~ MXC[,] and Industrial Zones

- a. *Permanent Building Signs* – Permanent building 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:

* * *

- b. *Freestanding Signs*

* * *

- [2. Freestanding signs are permitted in the MXNC Zone 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 be only one (1) freestanding sign per record lot;
 - (ii) Such signs must have a maximum area of 50 square feet and maximum height of then (10) feet;
 - (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 on 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 business/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.]

[3]2. Freestanding signs are permitted in the I-L and I-H Zones in accordance with the following:

* * *

g. *Temporary Signs -*

* * *

3. Upon occupancy of a space by a business or tenant, banners, [pennants,] 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.

Sec. 25.18.14 – Signs Permitted in Other Mixed-Use Zones

* * *

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

* * *

2. Freestanding Signs

(a) Freestanding signs are permitted in the MXTD Zone in accordance with the following:

* * *

(vi) Freestanding signs may also be subject to the provisions of Sec. 25.17.08.d for areas along Rockville Pike.

* * *

(b) Freestanding signs are permitted in the MXCD and MXNC Zones in accordance with the following:

* * *

E. 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; and

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

G. Freestanding signs are also subject to the provisions of Sec. 25.17.08.c for areas along Rockville Pike.

* * *

6. *Temporary Signs* -

* * *

(c) Upon occupancy of a space by a business or tenant, banners, [pennants,] 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.

* * *

SECTION 19. That Article 20, "Adequate Public Facilities" be amended as follows:

* * *

Sec. 25.20.03 - Adequate Public Facilities Determination: Validity Period; Extension; Redetermination

* * *

3. *Prior Approvals of Certain Developments [Procedures and Optional Method]* - A determination of adequate public facilities made prior to March 16, 2009 in connection with the approval of the following developments under the zoning regulations in effect at the time[, is timely and] remains valid for [a] such period as may have been determined by the Mayor and Council or the Planning Commission, as applicable, at the time of approval: Comprehensive Planned Development, Variable Lot Size Development, Cluster Development, Residential Townhouse Development, Planned Residential Unit Development, I-3 Optional Method of Development, Preliminary Development Plan, development pursuant to an optional method of development requiring a Preliminary Development Plan.

* * *

b. *Extension*

1. *Extension of Development Implementation Period Is an Extension of Validity Period* - An extension of time granted for the implementation of any development approval or any amendment thereto, other than approval of a preliminary plan of subdivision or approval of any of the developments [Planned Development] identified in [Article 14 of this Chapter procedures] subsection 25.20.03.a.3 above prior to March 16, 2009 automatically extends the validity period for the determination of adequate public facilities.

* * *

SECTION 20. That Article 21, "Plats and Subdivision Regulations" be amended as follows:

* * *

Section 25.21.13 – Ownership Plats

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 [for purposes of ownership identification only]. Lots shown 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* - 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:

* * *

4. The ownership plat [will not]:

- (c) [Constitute] Will not constitute a violation of any provision of this Chapter or other applicable law;
- (d) [Violate] Will not violate or adversely affect the Plan;
- (e) [Be] Will not be unsuitable for the type of development, the use contemplated, and available public utilities and services; or
- (f) [Affect] Will not adversely affect the health or safety of persons residing or working in the neighborhood.

NOTE:

~~[Brackets]~~ indicate material deleted

Underlining indicates material added

Asterisks * * * indicate material unchanged by this ordinance

* * * * *

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at its meeting of October 26, 2009.



Claire F. Funkhouser, CMC, City Clerk